

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 OCTOBER 2019

PRESENT: His Worship the Mayor, Councillor Asfour,
Councillors Kuskoff, El-Hayek, Ishac, Raffan, Zakhia, Waud, Downey, Eisler,
Zaman, Saleh, Madirazza, Harika, Tuntevski

APOLOGIES: Clr Huda

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.04 PM

ACKNOWLEDGEMENT OF COUNTRY

THE MAYOR, ACKNOWLEDGED THE TRADITIONAL OWNERS OF THE LAND WHERE WE ARE MEETING TODAY THE DARUG (DARAG, DHARUG, DARUK AND DHARUK) AND THE EORA PEOPLES, AND PAID RESPECT TO THEIR ANCIENT CULTURE AND THEIR ELDERS PAST AND PRESENT.

REF: CONFIRMATION OF MINUTES

(733) CLR. MADIRAZZA:/CLR. TUNTEVSKI

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 September 2019 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(734) CLR. EL-HAYEK:/CLR. HARIKA

RESOLVED that Leave of Absence be granted to Clr Huda due to personal reasons.

- CARRIED

SECTION 3: DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST

In respect of Item 4.4 - Local Community Based Donations, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest due to her working association with the organisers of the "No Excuse for Abuse" march and indicated she would vacate the Chamber taking no part in debate.

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In respect of Item 4.4 - Local Community Based Donations, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest due to his working association with the organisers of the "No Excuse for Abuse" march and indicated he would vacate the Chamber taking no part in debate.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 TELSTRA

(735) CLR. ASFOUR

RESOLVED that Council supports the legal proceedings commenced by the Cities of Melbourne, Sydney and Brisbane against Telstra with respect to their disregard for Council planning controls.

- CARRIED

ITEM 4.2 DRUG TESTING BILL

(736) CLR. ASFOUR

RESOLVED that Council write to the Federal Government strongly objecting to their proposal to drug test welfare recipients and urge the Federal Government to put in place a proper, evidence based plan to lift the capability of the drug rehabilitation and supporting services sector and to invest in job creation programs.

- CARRIED

ITEM 4.3 FATHER CHARBEL ABOUD – ST CHARBEL’S MONASTERY PUNCHBOWL

(737) CLR. ASFOUR

RESOLVED that Council organise a mayoral reception to welcome Father Charbel Abboud as the newly appointed Father Superior at St Charbel’s Monastery, Punchbowl.

- CARRIED

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ITEM 4.4 LOCAL COMMUNITY BASED DONATIONS

IN RESPECT OF ITEM 4.4 - LOCAL COMMUNITY BASED DONATIONS, CLR SALEH DECLARED A SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST DUE TO HER WORKING ASSOCIATION WITH THE ORGANISERS OF THE "NO EXCUSE FOR ABUSE" MARCH AND INDICATED SHE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

IN RESPECT OF ITEM 4.4 - LOCAL COMMUNITY BASED DONATIONS, CLR EL-HAYEK DECLARED A SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST DUE TO HIS WORKING ASSOCIATION WITH THE ORGANISERS OF THE "NO EXCUSE FOR ABUSE" MARCH AND INDICATED HE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

CLRS. SALEH AND EL-HAYEK TEMPORARILY RETIRED FROM THE MEETING AT 6.18 PM.

1. Council support the request from the University of the Third Age and waive the hire fees for their seniors' classes in the amount of \$967.60.
2. Council support the request from John Grinsell for Padstow Community Care and donate \$200 towards their fundraising event.
3. Council support the request for the No Excuse for Abuse march and remove four telegraph poles and reinstate them after the event in the amount of \$3,500 and this be funded from the relevant operational budget. Council also support the request from the organisation to waive the park hire and provision of waste bin fees in the amount of \$590 associated with the march, and these funds be made available from the Community Grants and Events Sponsorship budget.
4. Council support the request from the Pakistani Youth Council who will be holding a theatrical drama on 15 November 2019 in the Bryan Brown Theatre and donate \$500 towards the room hire fee.
5. Council support the request from the Zonta Club of Sydney West for their 2020 Citizenship Awards and sponsor an award to the value of \$250.
6. In respect of items 1, 2, 4 and 5 these funds be made available from Council's Community Grants and Events Sponsorship budget.

CLRS. SALEH AND EL-HAYEK RETURNED TO THE MEETING AT 6.19 PM.

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PUBLIC ADDRESS

(738) CLR. TUNTEVSKI:/CLR. WAUD

RESOLVED that permission be granted to Mr Bill Parasiris to address Council for five minutes in respect of Item 5.1 – Application to amend Bankstown Local Environmental Plan 2015: 74 Rickard Road and Part 375 Chapel Road, Bankstown.

- CARRIED

SECTION 5: PLANNING MATTERS

ITEM 5.1 APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 74 RICKARD ROAD AND PART 375 CHAPEL ROAD, BANKSTOWN

MR BILL PARASIRIS (ON BEHALF OF THE APPLICANT) ADDRESSED COUNCIL.

(739) CLR. WAUD:/CLR. EL-HAYEK

RESOLVED that an extension of two minutes be given to Mr Parasiris to address Council.

- CARRIED

MOTION CLR. DOWNEY:/CLR. KUSKOFF

That the matter be deferred to the next Ordinary Meeting of Council for further consideration.

- LOST

(740) CLR. EL-HAYEK:/CLR. ISHAC

RESOLVED that

1. The application to amend Bankstown Local Environmental Plan 2015 for the site at 74 Rickard Road and part 375 Chapel Road, Bankstown proceed to Gateway subject to the following:
 - (a) Permit a maximum 83 metre building height, subject to consultation with Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.
 - (b) Permit a maximum 8:1 FSR, subject to the proposal satisfying the following solar access and wind impact requirements prior to the exhibition of the planning proposal:
 - (i) Council to amend the LEP with the following solar access control: Development must allow for 4 hours of continuous solar access to a consolidated area of Paul Keating Park between 10am and 3pm on 21 June (inclusive of existing shadow). The size of the consolidated area must be a minimum 50% of the area of Paul

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Keating Park (not including the footprint of the Council Chambers).

- (ii) The applicant to undertake further analysis to demonstrate how the proposal would comply with the solar access control, and minimise wind impacts, noting that the proposed 8:1 FSR may need to be reduced to adequately address these issues.
2. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.
 3. Council request the applicant to provide a detailed response and/or justification for Council's consideration on the following issues and these supplementary studies be incorporated into the DCP as appropriate:
 - (a) how the proposal may address the need for public domain works at The Appian Way (between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road, to improve pedestrian connections to public transport and shops (the public domain works would be consistent with the Draft Bankstown Complete Streets Transport and Place Plan);
 - (b) how the proposal may address the bike parking requirement and associated end-of-trip facilities on the site;
 - (c) an updated SIDRA traffic model to address the identified gaps for the purposes of consultation with the Roads and Maritime Services;
 - (d) how the proposal may address the car parking requirements for students, staff and visitors (if the applicant is unable to meet these requirements, Council's Planning Agreements Policy may be applied to address the shortfalls);
 - (e) how the proposal may address the on-site loading space requirements; and
 - (f) require active street frontages at The Appian Way, Rickard Road and Paul Keating Park.
 4. A draft site specific DCP Amendment be prepared and exhibited, and the matter be reported to Council following the exhibition. The DCP would address the relevant site specific planning matters referred to in the Report to the Panel, the Panel minutes and any necessary outcomes from Council's consideration of the above mentioned (item 3) reports and information to be submitted by the applicant.
 5. The applicant to contribute to an additional culvert at North Terrace. This infrastructure improvement is required to support the proposal.

- CARRIED

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For:- Clrs Asfour, Eisler, El-Hayek, Harika, Ishac, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Clrs Downey and Kuskoff

ITEM 5.2 DRAFT HOUSEKEEPING AMENDMENTS TO BANKSTOWN DCP 2015 AND CANTERBURY DCP 2012

(741) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that

1. Council exhibit the draft amendments to Bankstown Development Control Plan 2015 and Canterbury Development Control Plan as provided in Attachment A.
2. The matter be reported to Council following the exhibition period.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Nil

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 DISCLOSURE OF INTEREST RETURNS 2018/19

(742) CLR. EISLER:/CLR. ZAKHIA

RESOLVED that the tabling of the Disclosure of interest Returns for 2018/19 be noted.

- CARRIED

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ITEM 7.2 CODE OF MEETING PRACTICE - 2020 SCHEDULE OF MEETINGS

CLR TUNTEVSKI TEMPORARILY RETIRED FROM THE MEETING AT 6.57 PM.

(743) CLR. MADIRAZZA:/CLR. KUSKOFF

RESOLVED that the 2020 Schedule of Council Meetings be adopted.

- CARRIED

ITEM 7.3 UPDATE TO COUNCIL'S INSTRUMENT OF DELEGATION

(744) CLR. ZAKHIA:/CLR. ZAMAN

RESOLVED that the Instrument of Delegation be amended as detailed in the report.

- CARRIED

ITEM 7.4 UNAUDITED 2018/19 ANNUAL FINANCIAL REPORT

(745) CLR. MADIRAZZA:/CLR. HARIKA

RESOLVED that

1. Council resolves that the attached 2018/19 Unaudited Annual Financial Reports, for the financial year ended 30 June 2019 have been prepared in accordance with the relevant sections and parts of the Local Government Act and Regulations, and are submitted to Council for its consideration.
2. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer duly sign the Statement of Council's Unaudited Annual Financial Reports on behalf of the Council.
3. Subject to Item 1 and 2, the Statement and the 2018/19 Unaudited Annual Financial Report be referred to Council's Auditor in finalising the year-end audit process.
4. The General Manager be authorised to set the date for the public meeting and give notice in accordance with the Local Government Act 1993.

- CARRIED

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ITEM 7.5 **CASH AND INVESTMENT REPORT AS AT 30 SEPTEMBER 2019**
(746) **CLR. MADIRAZZA:/CLR. ZAMAN**

RESOLVED that

1. The Cash and Investment Report as at September 2019 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

SECTION 8: **SERVICE AND OPERATIONAL MATTERS**

CLR TUNTEVSKI RETURNED TO THE MEETING AT 6.59 PM.

ITEM 8.1 **BANKSTOWN COMPLETE STREETS TRANSPORT AND PLACE PLAN**
(747) **CLR. EL-HAYEK:/CLR. ISHAC**

RESOLVED that

1. Council adopt the *Bankstown Complete Streets Transport and Place Plan* (Attachment A) as the basis for future transport and public realm planning in Bankstown CBD.
2. Council notes that some elements of the Plan may need review or refinement following the outcomes of the TfNSW review of bus routes and layover.
3. Council commence the following priority actions during 2019-2021:
 - a. Detailed design for The Appian Way streetscape transformation (from Rickard Road to North Terrace);
 - b. Master plans for Marion Street Carpark and Griffith Park/ Brandon Avenue Carpark;
 - c. Public Domain and Streetscape Design Manual;
 - d. The use of Smart Parking technology in Council's carparks; and
 - e. Support TfNSW upcoming Integrated Transport Plan, including designs of intersection and peak hour clearway improvements to the Ring Road;
 - f. Support TfNSW with implementing an active travel program with an education provider.

- CARRIED

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ITEM 8.2 **CHILD-FRIENDLY CB CITY ACTION PLAN**
(748) **CLR. EISLER:/CLR. SALEH**

RESOLVED that

1. Council endorses the draft Child-Friendly CB City Action Plan including actions, responsibilities and time frames.
2. The draft Child-Friendly CB City Action Plan be placed on public exhibition for a period of 28 days.
3. At close of exhibition a further report be prepared to consider any submissions received.

- CARRIED

ITEM 8.3 **ABOLISHMENT OF LIBRARY OVERDUE FEES**
(749) **CLR. EL-HAYEK:/CLR. ISHAC**

RESOLVED that

1. Council exhibit the amendment to the fees and charges regarding the abolishment of library overdue fees in accordance with the Local Government Act 1993.
2. The matter be reported back to Council at the end of the exhibition period.

- CARRIED

SECTION 9: COMMITTEE REPORTS

ITEM 9.1 **MINUTES OF THE TRAFFIC COMMITTEE MEETING**
(750) **HELD ON 8 OCTOBER 2019**
CLR. HARIKA:/CLR. EL-HAYEK

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 8 October 2019, be adopted.

- CARRIED

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SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

ITEM 10.1 NOTICES OF MOTION

(751) CLR. KUSKOFF:/CLR. MADIRAZZA

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 IMPACTS OF RETURN AND EARN

(752) CLR. KUSKOFF:/CLR. HARIKA

RESOLVED that Canterbury Bankstown Council provide a report on the issues and impacts to council recycled waste collection as a result of the Return and Earn, NSW container deposit scheme.

- CARRIED

ITEM 10.3 AUSLAN ASSISTANCE AT COUNCIL MEETINGS

CLR MADIRAZZA TEMPORARILY RETIRED FROM THE MEETING AT 7.05 PM.

(753) CLR. EL-HAYEK:/CLR. TUNTEVSKI

RESOLVED that Council investigate the provision of Auslan interpretive services for members of the community wishing to address Council Meetings and that the outcome of this investigation be considered in the next update of the Code of Meeting Practice.

- CARRIED

ITEM 10.4 STREET SIGNS

CLR MADIRAZZA RETURNED TO THE MEETING AT 7.07 PM.

(754) CLR. TUNTEVSKI:/CLR. EISLER

RESOLVED that Council investigate providing for sale, street name signs that have been decommissioned and are excess to Council's needs.

- CARRIED

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ITEM 10.5
(755)

ENHANCING OSPREY HABITAT

CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that Council:

1. Investigates the current availability of nesting habitat for Ospreys and other raptors within Canterbury-Bankstown LGA;
2. Uses this information to work with neighbouring councils to help inform the development of Georges River and Cooks River Coastal Management Programs, to consider a regional approach to provision and enhancement of raptor habitat.

- CARRIED

ITEM 10.6
(756)

WOMEN ONLY SWIMMING

CLR. SALEH:/CLR. EL-HAYEK

RESOLVED that Council examines the feasibility of trialling additional women-only swimming times at its aquatic centres.

- CARRIED

ITEM 10.7
(757)

MOVEMBER

CLR. TUNTEVSKI:/CLR. WAUD

RESOLVED that Council:

1. Supports Movember during the month of November to raise awareness of men's health issues, such as prostate cancer, testicular cancer, mental health and suicide prevention, including a \$100 donation on behalf of each Councillor and \$50 donation on behalf of each staff member growing a 'mo' for Movember; and
2. Increase awareness and broader community participation by holding a Canterbury Bankstown Council on-line Movember competition with the winner of the best 'mo' to be crowned Canterbury Bankstown's "Mr Mo Bro" of the year.

- CARRIED

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ITEM 10.8 BAN ON SINGLE-USE PLASTIC BAGS

(758) CLR. EL-HAYEK:/CLR. HARIKA

RESOLVED that Council writes to the NSW Government urging the Government to ban single-use plastic bags in NSW.

- CARRIED

ITEM 10.9 SPEED REDUCTION IN NARROW STREETS

MOTION CLR. WAUD:/CLR. ZAKHIA

That Council writes to the NSW Roads and Maritime Services, requesting that they pilot a 40km/h urban speed limit in selected narrow roads and streets within the Canterbury-Bankstown LGA.

- LOST

CLRS. TUNTEVSKI AND EL-HAYEK STOOD FOR A DIVISION.

For:- Clrs Eisler, Ishac, Madirazza, Waud, Zakhia and Zaman

Against:- Clrs Asfour, Downey, El-Hayek, Harika, Kuskoff, Raffan, Saleh and Tuntevski

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST.

ITEM 10.10 MEMORIALS

(759) CLR. MADIRAZZA:/CLR. EISLER

RESOLVED that Council investigate appropriate sites and required works to allow for the relocation and re-installation of memorials currently located at Belmore RSL.

- CARRIED

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ITEM 10.11 **BIDDING FOR COUNCIL WORK - TRAINING AND EDUCATION FOR BUSINESSES**
(760) **CLR. ZAKHIA:/CLR. ZAMAN**

RESOLVED that Council's Economic Development Strategy incorporate a relevant training program/short-course associated with providing interested businesses the opportunity to gain an understanding of the regulatory framework and required information when bidding for Council work.

- CARRIED

SECTION 11: **CONFIDENTIAL SESSION**

(761) **CLR. EL-HAYEK:/CLR. DOWNEY**

RESOLVED that, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 11.1, 11.2 in confidential session for the reasons indicated:

Item 11.1 T17-20 Kelso Park South Playing Surface Upgrade

This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

Item 11.2 T34-19 Lease of Council Premises, Kiosk, Gough Whitlam Park, Earlwood

This report is considered to be confidential in accordance with Section 10A(2)(c) of the Local Government Act, 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 7.35 PM AND REVERTED BACK TO OPEN COUNCIL AT 7.44 PM.

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ITEM 11.1 **T17-20 KELSO PARK SOUTH PLAYING SURFACE UPGRADE**
(762) **CLR. TUNTEVSKI:/CLR. DOWNEY**

RESOLVED that

1. Council accepts the tender received from R & N Paddison Pty Ltd T/A Turf Drain Australia for the lump sum amount of \$1,096,067.07 (excluding GST) for the Kelso Park playing surface upgrade.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

ITEM 11.2 **T34-19 LEASE OF COUNCIL PREMISES, KIOSK, GOUGH WHITLAM PARK,**
(763) **EARLWOOD**
CLR. RAFFAN:/CLR. MADIRAZZA

RESOLVED that

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council declines to accept any of the tenders received offering to lease the Gough Whitlam Park kiosk.
2. In accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005, Council enters into negotiations with two tenderers that submitted tenders to lease the Gough Whitlam Park kiosk, being Ms Nadine Almahayni and NP Catering Pty Limited, as outlined in the report.
3. Pursuant to Clause 178(4) of the Regulation, Council declines to invite fresh tenders and determines to enter into negotiations with the two tenderers on the basis that:
 - a) Having regard to all the circumstances, neither submission was assessed as satisfying all of the objectives/requirements in the Request for Tender,
 - b) The two tenderers demonstrated that they have the potential to meet Council's objectives and requirements under the Request for Tender, and

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- c) Given the advanced nature of this procurement process and the details provided in each submission, it is considered that Council can achieve the desired outcome for the lease through negotiations.
- 4. The General Manager be authorised to negotiate and administer the matter, including entering into a contract and sign all documentation, as required.
- 5. Council notifies the unsuccessful tenderers in writing and thanks them for tendering.
- 6. Subject to agreeing terms for a new lease, the General Manager be authorised to exhibit the proposed lease in accordance with the provisions of the Local Government Act 1993.

- CARRIED

THE MEETING CLOSED AT 7.45 PM

Minutes confirmed 26 NOVEMBER 2019

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Mayor