

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 23 JULY 2019

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

APOLOGIES: There were no apologies.

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.03 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

(627) CLR. TUNTEVSKI:/CLR. ZAKHIA

RESOLVED that the minutes of the Ordinary Council Meeting held on 25 June 2019 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

Nil

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

In respect of Item 4.4 – First Migration Conference – Zahle, the Bride of the Beqaa, Clr Harika declared a Non Pecuniary, Non-Significant Conflict of Interest. Councillor Harika stated that given the conference is within her family's home town in Lebanon it may be perceived that she may have a conflict of interest, therefore she would vacate the Chamber taking no part in debate.

In respect of Item 4.5 – Local Community Based Donations, Clr El-Hayek declared a Non Pecuniary, Significant Conflict of Interest due to his working relationship with Campsie Local Area Command and indicated he would vacate the Chamber taking no part in debate.

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In respect of Item 4.5 – Local Community Based Donations, Clr Waud declared a Non Pecuniary, Significant Conflict of Interest due to his association as a member of the East Hills Charity Car Show organising committee and indicated he would vacate the Chamber taking no part in debate.

In respect of Item 4.5 – Local Community Based Donations, Clr Saleh declared a Non Pecuniary, Significant Conflict of Interest due to her working association with the Campsie Police Area Command (although was not present for the Harmony Family Fun Day event) and indicated she would vacate the Chamber taking no part in debate.

In respect of Item 8.3 – Western Sydney Leadership Dialogue, Mayor Asfour declared a Non Pecuniary, Non-Significant Conflict of Interest. Given the nature of the report and as a precaution, Mayor Asfour said he would not participate in the matter so as to remove any doubt and address any perceived conflict of interest. Mayor Asfour indicated he would vacate the Chair and Chamber taking no part in debate.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 STATE OF THE CITY - DELIVERING FOR OUR COMMUNITY

(628) CLR. ASFOUR

RESOLVED that

1. Council facilitate an Assembly of key community stakeholders, whereby the Mayor will deliver Council's inaugural State of the City address.
2. The cost of the Assembly be funded from Council's Community Engagement budget.

- CARRIED

ITEM 4.2 AN OPEN DATA FUTURE

(629) CLR. ASFOUR

RESOLVED that Council develop a Roadmap to Open Data to complement Council's Smart CBCity Roadmap.

- CARRIED

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ITEM 4.3 **REFOCUSING ON DOMESTIC VIOLENCE**
(630) **CLR. ASFOUR**

RESOLVED that Council delegate authority to the General Manager to negotiate a new Memorandum of Understanding with the NSW Police for use of and re-branding of a vehicle in aid of Domestic Violence Prevention.

- CARRIED

ITEM 4.4 **FIRST MIGRATION CONFERENCE - ZAHLE, THE BRIDE OF THE BEQAA**

IN RESPECT OF ITEM 4.4 – FIRST MIGRATION CONFERENCE – ZAHLE, THE BRIDE OF THE BEQAA, CLR HARIKA DECLARED A NON PECUNIARY, NON-SIGNIFICANT CONFLICT OF INTEREST. COUNCILLOR HARIKA STATED THAT GIVEN THE CONFERENCE IS WITHIN HER FAMILY’S HOME TOWN IN LEBANON IT MAY BE PERCEIVED THAT SHE MAY HAVE A CONFLICT OF INTEREST, THEREFORE SHE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

CLR HARIKA VACATED THE CHAMBER AT 6.20 PM.

(631) **CLR. ASFOUR**

RESOLVED

1. That Councillor Harika represent Council at the First Migration Conference – Zahle, The Bride of the BEQAA.
2. That Council fund a small gift (valued up to \$500) as a gesture of gratitude on behalf of our community in commemorating their inaugural conference.

- CARRIED

CLR HARIKA RETURNED TO THE CHAMBER AT 6.21 PM.

ITEM 4.5 **LOCAL COMMUNITY BASED DONATIONS**

IN RESPECT OF ITEM 4.5 – LOCAL COMMUNITY BASED DONATIONS, CLR EL-HAYEK DECLARED A NON PECUNIARY, SIGNIFICANT CONFLICT OF INTEREST DUE TO HIS WORKING RELATIONSHIP WITH CAMPSIE LOCAL AREA COMMAND AND INDICATED HE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

IN RESPECT OF ITEM 4.5 – LOCAL COMMUNITY BASED DONATIONS, CLR WAUD DECLARED A NON PECUNIARY, SIGNIFICANT CONFLICT OF INTEREST DUE TO HIS ASSOCIATION AS A MEMBER OF THE EAST HILLS CHARITY CAR SHOW ORGANISING COMMITTEE AND INDICATED HE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

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IN RESPECT OF ITEM 4.5 – LOCAL COMMUNITY BASED DONATIONS, CLR SALEH DECLARED A NON PECUNIARY, SIGNIFICANT CONFLICT OF INTEREST DUE TO HER WORKING ASSOCIATION WITH THE CAMPSIE POLICE AREA COMMAND (ALTHOUGH WAS NOT PRESENT FOR THE HARMONY FAMILY FUN DAY EVENT) AND INDICATED SHE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

CLRS EL-HAYEK, WAUD AND SALEH VACATED THE CHAMBER AT 6.22 PM.

(632)

CLR. ASFOUR

RESOLVED that

1. Council support the request from Hirschsprung Disease for their annual fundraiser at Canterbury Leagues Club on Friday, 6 September 2019 and donate \$1,000.
2. Council support the request from Campsie Police Area Command who held their annual Harmony Family Fun Day on 9 July 2019 at Parry Park and waive the park hire fee in the amount of \$146.
3. Council support the request from Beautiful Minds who held their annual fundraising night on Saturday, 13 July 2019 and donate \$500.
4. Council support the request from East Hills Charity Car Show, to be held on Sunday, 28 July 2019 at Kelso Oval, Panania and waive the park hire fee and set-up costs in the amount of \$943.
5. These funds be made available from Council's Community Grants and Events Sponsorship Budget

- CARRIED

CLRS EL-HAYEK, WAUD AND SALEH RETURNED TO THE CHAMBER AT 6.23 PM.

SECTION 5: PLANNING MATTERS

ITEM 5.1 HERITAGE GRANT FUND 2018-2019 FUNDING ROUND

(633) CLR. DOWNEY:/CLR. EISLER

RESOLVED that

1. Council endorse the recommendations made by the Heritage Reference Group and grants be allocated in accordance with the Heritage Incentives Policy.
2. All owners who submitted an application be advised of Council's decision.

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3. Council note that a further Heritage Grant Funding round will be implemented for the 2019-2020 Financial Year.

- CARRIED

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

Against:- Nil

ITEM 5.2 DRAFT BANKSTOWN LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN AND AMENDMENTS TO CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN 2013

(634) CLR. ISHAC:/CLR. TUNTEVSKI

RESOLVED that

1. Council exhibit the Draft Bankstown Local Infrastructure Contributions Plan and amendments to Canterbury Development Contributions Plan 2013, as shown in Attachments A and B respectively.
2. Staff establishment be increased by 1 full time equivalent position to adequately implement Council's development contributions framework.
3. The matter be reported back to Council following the exhibition period.

- CARRIED

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

Against:- Nil

ITEM 5.3 PLANNING PROPOSAL: 353-355 WATERLOO ROAD, GREENACRE

MR DAN MAURICI ADDRESSED COUNCIL

MR JOHN ROTH ADDRESSED COUNCIL

CLR KUSKOFF VACATED THE CHAMBER AT 6.24 PM AND RETURNED AT 6.25 PM.

(635) CLR. EL-HAYEK:/CLR. ZAKHIA

RESOLVED that

1. Council prepare and submit a planning proposal to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
 - (a) For the site at 355 Waterloo Road, Greenacre (Chullora Marketplace):

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- (i) Apply a maximum 0.65:1 FSR for the purposes of residential development, while retaining the existing 1:1 FSR for the site.
- (ii) Permit a maximum building height of 11 metres (three storeys) along the southern boundary, 14 metres (four storeys) along the eastern and western boundaries, and 20 metres (six storeys) for the remainder of the site, as shown in Attachment A.
- (b) For the site at 353 Waterloo Road, Greenacre (house site):
 - (i) Rezone the site to Zone B2 Local Centre.
 - (ii) Permit a maximum 1:1 FSR for the site. Within the 1:1 FSR envelope, apply a maximum 0.65:1 FSR for the purposes of residential development.
 - (iii) Permit a maximum building height of 14 metres (four storeys).
- 2. Council seek authority to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
- 3. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.
- 4. Council prepare and concurrently exhibit DCP amendments to support the planning proposal and the matter be reported to Council following the exhibition.
- 5. A planning agreement be prepared and exhibited concurrently with the planning proposal.
- 6. Council's contributions plan be payable in addition to the planning agreement items.
- 7. The planning agreement be reported to Council following the exhibition.
- 8. The planning agreement should have the proponent to contribute to a district level recreation facility and district level community facility in the Greenacre locality, in addition to the infrastructure works outlined in the Council report.
- 9. Subject to receipt of a Gateway determination, the proponent is to hold multiple open public forums (including advertising in Council's column, local papers and ethnic media, at a time and location agreed by Council staff) to inform the community about the proposal and seek feedback.

- CARRIED

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

Against:- Nil

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ITEM 5.4 PLANNING PROPOSAL: 89-95 KARNE STREET NORTH, NARWEE

CLR TUNTEVSKI VACATED THE CHAMBER AT 6.53 PM.

(636) CLR. ZAKHIA:/CLR. MADIRAZZA

RESOLVED that

1. Council adopt the planning proposal as shown in Attachment A.
2. Council exercise its delegation provided by the Department of Planning Industry and Environment (DPIE) to finalise the plan.

- CARRIED

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

Against:- Nil

ITEM 5.5 RECOMMENDED APPOINTMENT OF SOUTH DISTRICT COMMISSIONER

(637) CLR. EISLER:/CLR. ISHAC

RESOLVED that Council write to the NSW Premier advising of its support for the appointment of Mr Peter Poulet as District Commissioner of the South District and acknowledging the contributions of Commissioner Morris Iemma while he was in the role.

- CARRIED

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

CLR TUNTEVSKI RETURNED TO THE CHAMBER AT 6.57 PM.

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ITEM 7.1 CASH AND INVESTMENT REPORT AS AT 30 JUNE 2019

(638) CLR. MADIRAZZA:/CLR. KUSKOFF

RESOLVED that

1. The Cash and Investment Report as at 30 June 2019 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

ITEM 7.2 WARD BOUNDARIES

(639) CLR. HARIKA:/CLR. ZAKHIA

RESOLVED that

1. Council proceed with the ward boundary alteration proposal as detailed in the report.
2. A further comprehensive review of all ward boundaries be undertaken and a briefing session be provided to Councillors.
3. A report be provided to Council following the Councillor briefing.

- CARRIED

ITEM 7.3 PROMOTION OF LOCAL CHARITIES INITIATIVE

(640) CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that relevant Council policies and the Instrument of Delegation be amended to reflect the changes, as outlined in the report.

- CARRIED

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ITEM 7.4 LOCAL GOVERNMENT NSW - ANNUAL CONFERENCE AND CONSIDERATION OF MOTIONS

(641) CLR. EISLER:/CLR. EL-HAYEK

RESOLVED that

1. Council endorse the draft motions as detailed in the report.
2. The Mayor be delegated authority to nominate voting delegates for the 2019 LGNSW Conference.

- CARRIED

SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 ECONOMIC DEVELOPMENT STRATEGIC PLAN AND SUPPORTING PLAN 2020-2025

(642) CLR. WAUD:/CLR. ISHAC

RESOLVED that

1. Council endorse the Draft Economic Development Strategic Plan and Supporting Plan Document 2020-2025, as attached to this report.
2. Subject to the above, the Draft documents be placed on public exhibition.
3. Following the public exhibition period, the matter be brought back to Council for its consideration.

- CARRIED

ITEM 8.2 COUNCIL BOOKED CLEAN UP SERVICE REVIEW

CLR EISLER VACATED THE CHAMBER AT 7.02 PM AND RETURNED AT 7.03 PM.

(643) CLR. EL-HAYEK:/CLR. KUSKOFF

RESOLVED that

1. The new standard collection size commencing in 2021 is 3m³ per single collection allowing 6m³ per year per property.

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2. Unit blocks move to a collective booking system, with an increased number of collections per year for units blocks containing six and more units, as outlined in the report.
3. Customer service is managed by Council, with all residents' having access to the online booking system.

- CARRIED

ITEM 8.3 WESTERN SYDNEY LEADERSHIP DIALOGUE

IN RESPECT OF ITEM 8.3 – WESTERN SYDNEY LEADERSHIP DIALOGUE, MAYOR ASFOUR DECLARED A NON PECUNIARY, NON-SIGNIFICANT CONFLICT OF INTEREST. GIVEN THE NATURE OF THE REPORT AND AS A PRECAUTION, MAYOR ASFOUR SAID HE WOULD NOT PARTICIPATE IN THE MATTER SO AS TO REMOVE ANY DOUBT AND ADDRESS ANY PERCEIVED CONFLICT OF INTEREST. MAYOR ASFOUR INDICATED HE WOULD VACATE THE CHAIR AND CHAMBER TAKING NO PART IN DEBATE.

THE MAYOR CLR ASFOUR VACATED THE CHAMBER AT 7.03 PM.

THE DEPUTY MAYOR CLR RAFFAN ASSUMED THE CHAIR.

(644) CLR. ZAKHIA:/CLR. SALEH

RESOLVED that Council agree to participate in the Western Sydney Dialogues Tour, as outlined in the report

- CARRIED

THE MAYOR CLR ASFOUR RETURNED TO THE CHAMBER AT 7.03 PM AND ASSUMED THE CHAIR.

ITEM 8.4 CREATIVE CITY STRATEGIC PLAN

(645) CLR. EISLER:/CLR. MADIRAZZA

RESOLVED that

1. Council endorse the draft Creative City Strategic Plan.
2. The draft Creative City Strategic Plan be placed on public exhibition for a period of 28 days.
3. A further report be prepared following the close of the exhibition period to consider any submissions received.

- CARRIED

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SECTION 9: COMMITTEE REPORTS

ITEM 9.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 9 JULY 2019
(646) CLR. HARIKA:/CLR. WAUD

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 9 July 2019, be adopted.

- CARRIED

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

CLR HARIKA VACATED THE CHAMBER AT 7.05 PM AND RETURNED AT 7.08 PM

CLR KUSKOFF VACATED THE CHAMBER AT 7.08 PM AND RETURNED AT 7.11 PM

ITEM 10.1 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE
(647) CLR. KUSKOFF:/CLR. ZAMAN

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 NBN ROLLOUT - ASBESTOS CONCERNS
(648) CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that Council write to the appropriate Minister and to NBN Co. requesting the following be undertaken as part of the NBN rollout in Canterbury-Bankstown Council area;

1. That residents be notified when existing asbestos containing telecommunication pits are replaced;
2. Ensure that the removal of asbestos containing telecommunication pits are consistently done so in a safe manner undertaken by suitably trained, experienced and qualified personal so as to limit the potential exposure of airborne asbestos fibres to residents, and
3. Ensure that an occupational hygienist inspects and certifies every Council nature strip and footway after work has been satisfactorily completed to ensure that it is free from asbestos contaminated dust or debris.

- CARRIED

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ITEM 10.3 SOLAR PANELS

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

RESOLVED that Council maximise all opportunities to increase its ability to capture, store and use solar energy, utilising its facilities (*such as halls, depots, libraries, etc*).

- CARRIED

ITEM 10.4 DONATELIFE WEEK 2019

CLRS SALEH AND EL-HAYEK VACATED THE CHAMBER AT 7.21 PM AND RETURNED AT 7.25 PM.

(650) CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that

1. Council promote and raise awareness of organ and tissue donation during DonateLife Week 2019 - Sunday 28 July to Sunday 4 August.
2. Council write to the NSW Premier to request that the option to register as an organ donor on NSW Drivers Licences be reintroduced.

- CARRIED

ITEM 10.5 ACTIVATING OUR INLAND WATERWAYS

(651) CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that as part of the future Masterplan for Deepwater Park, Council give consideration to activating the inland water body and that Council also write to NSW National Parks and Wildlife Services requesting they investigate the activation of Yeramba Lagoon.

- CARRIED

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ITEM 10.6 PARKING ON FOOTPATHS AND NATURE STRIPS

MOTION CLR. KUSKOFF:/CLR. HARIKA

That Canterbury Bankstown Council investigate launching an education campaign to prevent people parking on footpaths and nature strips.

AT THIS STAGE CLR WAUD REQUESTED THAT THE MOTION BE AMENDED AS FOLLOWS:

1. That Canterbury Bankstown Council investigate launching an education campaign to prevent people parking on footpaths and nature strips.
2. Council to further investigate reasons why people are parking on Council's nature strips and if this illegal parking is occurring at a higher rate on certain streets.

CLR KUSKOFF AND CLR HARIKA ACCEPTED CLR WAUD'S AMENDMENT TO BE INCLUDED IN THE MOTION.

(652) CLR. KUSKOFF:/CLR. HARIKA

RESOLVED that

1. That Canterbury Bankstown Council investigate launching an education campaign to prevent people parking on footpaths and nature strips.
2. Council to further investigate reasons why people are parking on Council's nature strips and if this illegal parking is occurring at a higher rate on certain streets.

- CARRIED

ITEM 10.7 NBN ROLLOUT - WORK QUALITY

MOTION CLR. ZAMAN:/CLR. MADIRAZZA

That Council write to NBN Co. and the Australian Government, requesting that adequate time be afforded to contractors installing the NBN and that NBN Co. are held to account.

AT THIS STAGE CLR EISLER REQUESTED THAT THE MOTION BE AMENDED AS FOLLOWS:

1. That Council write to NBN Co. and the Australian Government, requesting that adequate time be afforded to contractors installing the NBN, that NBN Co. are held to account.

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2. NBN ensures all paths and surrounds are returned to their original condition.

CLR ZAMAN AND CLR MADIRAZZA ACCEPTED CLR EISLER'S AMENDMENT TO BE INCLUDED IN THE MOTION.

(653) CLR. ZAMAN:/CLR. MADIRAZZA

RESOLVED that

1. Council write to NBN Co. and the Australian Government, requesting that adequate time be afforded to contractors installing the NBN, that NBN Co. are held to account.
2. NBN ensures all paths and surrounds are returned to their original condition.

- CARRIED

ITEM 10.8 UPDATE TO TMO APPLICATION FORM

(654) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that

1. Council's TMO Application Form be updated with a note to clarify that the Norfolk Island Pine is not a part of the exempt *Pinus spp* species, and therefore not exempt, and
2. At the next housekeeping update or revised DCP that the DCP is amended to provide clarity regarding the non-exempt status of the Norfolk Island Pine tree.

- CARRIED

SECTION 11: CONFIDENTIAL SESSION

(655) CLR. HARIKA:/CLR. ZAMAN

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 Property Matter - Haldon Street Lakemba

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

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on a person with whom the Council is conducting (or proposes to conduct) business.

Item 11.2 T33-19 Minor Building Works Panel

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, prejudice the commercial position of the person who supplied it.

- CARRIED

COUNCIL RESOLVED TO MOVE INTO CONFIDENTIAL SESSION AT 7.37 PM AND REVERTED BACK INTO OPEN COUNCIL AT 7.45 PM.

ITEM 11.1 PROPERTY MATTER - HALDON STREET LAKEMBA

(656) CLR. MADIRAZZA:/CLR. HUDA

RESOLVED that Council agree to the proposed approach regarding the matter, as outlined in the report.

- CARRIED

ITEM 11.2 T33-19 MINOR BUILDING WORKS PANEL

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

RESOLVED that

1. Council accepts the tenders received from the following four companies to make up the Minor Building Works Panel of contractors, for an initial term of two years with the option to extend the contract for two, one year periods, subject to satisfactory performance of the contractors and approval under delegation of the General Manager:
 - Monument Environments Pty Ltd t/a Monument
 - Level Building Solutions Pty Ltd t/a DBM
 - Sudiro Constructions Pty Ltd
 - Acron Building Services
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.

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3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

THE MEETING CLOSED AT 7.47 PM

Minutes confirmed 27 AUGUST 2019

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Mayor