MINUTES OF THE

ORDINARY MEETING OF COUNCIL

HELD IN COUNCIL CHAMBERS

ON 25 AUGUST 2020

PRESENT: His Worship the Mayor, Councillor Asfour

Councillors El-Hayek, Ishac, Zakhia, Waud, Downey, Saleh, Madirazza, Harika,

Tuntevski

PRESENT BY AUDIO

VISUAL LINK: Councillors Kuskoff, Huda, Raffan, Eisler

APOLOGIES: Nil

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.05 P.M.

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

(1030) CLR. DOWNEY:/CLR. ZAKHIA

RESOLVED that the minutes of the Ordinary Council Meeting held on 28 July 2020

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 4.3 – Local Community Based Donations, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest due to his working association with Human Appeal Australia and he would vacate the Chamber taking no part

in debate.

In respect of Item 6.1 – Community Gardens and Nature Strip Gardens Policy, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest due to her working association with Riverwood Community Centre who operate a community garden and she would vacate the Chamber taking no part in debate.

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In respect of Item 11.5 – Voyager Point Footbridge, Clr Tuntevski indicated that should the item be considered following a resolution of urgency he would declare a significant, Non Pecuniary Conflict of Interest due to his employment with Liverpool City Council and he would vacate the Chamber taking no part in debate.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 CONDOLENCES TO LEBANON

(1031) CLR. ASFOUR

RESOLVED that Council write to the Lebanese Ambassador in Australia, on behalf of our community, and offer our condolences and support to the people of Lebanon who like the symbolic Cedar Tree have shown strength and resilience through yet another tragic chapter in their history.

- CARRIED

COUNCIL OBSERVED A MINUTES SILENCE IN MEMORY OF THE VICTIMS OF THE LEBANON DISASTER.

ITEM 4.2 PUBLIC ACCOUNTABILITY

(1032) CLR. ASFOUR

RESOLVED that I

- 1. Council note the submission forwarded to the chairperson of the public accountability committee.
- 2. Council support the Mayors request to appear on behalf of council at the Inquiry into the Integrity, Efficacy and Value for Money of NSW Government Grant Programs.

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ITEM 4.3 LOCAL COMMUNITY BASED DONATIONS

In respect of item 4.3 – Local Community Based Donations, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest due to his working association with Human Appeal Australia and he would vacate the Chamber taking no part in debate.

CLR EL HAYEK TEMPORARILY LEFT THE MEETING AT 6.16PM AND RETURNED AT 6.17PM.

(1033) CLR. ASFOUR

- 1. RESOLVED that Council support Human Appeal Australia's Lebanon Emergency Appeal through a \$2,000 donation.
- 2. Council support the National Breast Cancer Foundation and the efforts of Councillor George Zakhia through a \$2,000 donation.
- 3. Council support the request from the VCA with the installation of a plaque through a \$2,000 donation.
- 4. These funds to be made available from Council's Community Grants and Events Sponsorship budget.

- CARRIED

SECTION 5: PLANNING MATTERS

ITEM 5.1 APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 167 HUME HIGHWAY, GREENACRE

(1034) CLR. MADIRAZZA:/CLR. WAUD

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) Permit a minimum floor space ratio of up to 0.3:1 for non–residential purposes within a maximum FSR for the whole site of up to 1.3:1.
 - (b) Permit a maximum building height of 20 metres (six storeys), 17 metres (five storeys), and 11 metres (three storeys).
 - (c) Rezone part of 167 Hume Highway, Greenacre from Zone B6 Enterprise Corridor to Zone RE1 Public Recreation.

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- (d) Reduce the depth of the 11 metre building height control along the Hume Highway for residential purposes from 20 metres to 12 metres.
- (e) For consistency, the change recommended in (d) also be applied to the adjoining sites at 165 and 185 Hume Highway, Greenacre.
- 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 address the conditions and exhibit the planning proposal, and the matter be reported to Council following the exhibition.
- 4. Council prepare and exhibit DCP amendments to support the planning proposal and the matter be reported to Council following the exhibition.
- A planning agreement be prepared and exhibited concurrently with the planning proposal, noting that development contributions for any future development of this site will be payable in addition to the planning agreement offer.
- 6. The planning agreement be reported to Council with the planning proposal following the exhibition.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan,

Tuntevski, Waud and Zakhia

Against:- Clrs El-Hayek and Saleh

ITEM 5.2 REPORT ON COUNCIL'S PERFORMANCE IN THE ASSESSMENT OF DEVELOPMENT

APPLICATIONS FOR THE 2019/20 FINANCIAL YEAR, CLAUSE 4.6 VARIATIONS APPROVED FOR THE FOURTH QUARTER OF THE 2019/20 FINANCIAL YEAR, AND

PLANNING RELATED LEGAL APPEALS

(1035) CLR. ISHAC:/CLR. TUNTEVSKI

RESOLVED that the report be noted.

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SECTION 6: POLICY MATTERS

ITEM 6.1 COMMUNITY GARDENS AND NATURE STRIP GARDENS POLICY

In respect of Item 6.1 – Community Gardens and Nature Strip Gardens Policy, CIr Saleh declared a significant, Non Pecuniary Conflict of Interest due to her working association with Riverwood Community Centre who operate a community garden and she would vacate the Chamber taking no part in debate.

CLR SALEH TEMPORARILY LEFT THE MEETING AT 6.20PM AND RETURNED AT 6.22PM

(1036) CLR. EISLER:/CLR. HARIKA

RESOLVED that

- 1. Council endorse the Nature Strip Gardens Policy and Community Gardens Policy and both policies to be placed on public exhibition.
- 2. A further report be submitted Council following public exhibition.

- CARRIED

ITEM 6.2 REVOCATION OF COUNCIL POLICIES

(1037) CLR. MADIRAZZA:/CLR. ISHAC

RESOLVED that Council revokes the former Council policies as outlined in the report.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 REVIEW OF THE 2019/20 OPERATIONAL PLAN, DELIVERY PROGRAM AND

BUDGET TO 30 JUNE 2020

(1038) CLR. MADIRAZZA:/CLR. WAUD

RESOLVED that

1. The quarterly review of the 2019/20 Operational Plan and six-monthly review of the Delivery Program to 30 June 2020 be noted, and the June 2020 Quarterly Budget Review Budget as outlined in this report be adopted.

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- Subject to the Federal Government approving Council's submission for the Local Roads and Community Infrastructure Program, Council's 2020/21 Budget be adjusted to reflect the proposed changes, as outlined in the report.
- 3. Council authorise the carryover of \$41.6M of funding to complete certain capital and operating projects commenced throughout the 2019/20 financial year, as outlined in the report.
- 4. Council apply all rates and charges written off during the year to its rating databases in satisfying its obligation under the Local Government Act 1993 and Local Government (General) Regulation 2005, as outlined in the report.
- 5. Council endorse the write-off of sundry debts for the 2019/20 financial year, as outlined in the report.

- CARRIED

ITEM 7.2 CODE OF CONDUCT AMENDMENTS

(1039) CLR. ZAKHIA:/CLR. DOWNEY

RESOLVED that

- 1. Council note the amendments to the Model Code of Conduct, Model Code of Meeting Practice and the Procedures for Administering the Code.
- 2. Council adopt the required amendments to its Code of Conduct and Code of Meeting Practice, as attached.

- CARRIED

ITEM 7.3 NAMING REQUEST FOR A RESERVE - CORNER HUME HIGHWAY AND MILLER ROAD, BASS HILL

(1040) CLR. HARIKA:/CLR. KUSKOFF

RESOLVED that

1. Council endorse the commencement of community consultation for the proposal to name the reserve on the corner of Miller Road and Hume Highway, Bass Hill, 'Dick Payten Park'.

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2. A further report be provided to Council following on the outcomes of the community consultation process.

- CARRIED

1TEM 7.4 PROPOSED LICENCE AGREEMENT WITH THE WESTERN SUBURBS MAGPIES JUNIOR AUSTRALIAN FOOTBALL CLUB

(1041) CLR. RAFFAN:/CLR. MADIRAZZA

RESOLVED that

- In principle Council agrees to enter into a five year Licence agreement, with a five year option, with the Western Suburbs Magpies Junior Australian Football Club subject to the outcome of the public exhibition process.
- 2. Following the public exhibition process, a report will be presented to Council before agreeing to proceed to enter into a Licence Agreement with WSMJAFL.
- 3. A clause be included into the Licence agreement that the current annual rental fee of \$1200 P/A will be applied until the updated Community Facilities Policy is adopted. Any changes to the rental amount will be applied to the agreement as per the provisions of the updated Community Facilities Policy.

- CARRIED

ITEM 7.5 CASH AND INVESTMENT REPORT AS AT 31 JULY 2020

(1042) CLR. MADIRAZZA:/CLR. DOWNEY

RESOLVED that

- 1. The Cash and Investment Report as at 31 July 2020 be received and noted.
- 2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

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SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 PAUL KEATING PARK 2020-2040 MASTERPLAN

(1043) CLR. RAFFAN:/CLR. EL-HAYEK

RESOLVED that

- Council endorse the Paul Keating Park 2020-2040 Draft Masterplan for public exhibition, with a further report back to Council following exhibition.
- Council submit an application under the Public Spaces Legacy Program to enable the delivery of Stage 1 of the Paul Keating Park Masterplan, the significant city-shaping unique playspace for Bankstown Central Business District.
- 3. Council write to the Honourable Paul Keating, seeking his feedback on the Masterplan and support for our vision for Paul Keating Park.

- CARRIED

ITEM 8.2 MOTION

REVIEW OF STREET TREE REMOVAL - 172 NORTHAM AVENUE, BANKSTOWN

CLR. EL-HAYEK:/CLR. HARIKA

Having considered the matter Council agrees to the removal of the *Lophostemon conertus* (Brush Box tree) outside 172 Northam Avenue Bankstown.

AMENDMENT

CLR. EISLER:/CLR. ZAKHIA

That the matter be deferred so Council Officers can consider the possibility of directional pruning and what effect that will have on the tree species, if any, and provide a further report to Council.

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION.

(1044) CLR. EISLER:/CLR. ZAKHIA

RESOLVED that the matter be deferred so Council Officers can consider the possibility of directional pruning and what effect that will have on the tree species, if any, and provide a further report to Council.

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SECTION 9: COMMITTEE REPORTS

ITEM 9.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 11 AUGUST 2020

(1045) CLR. HARIKA:/CLR. TUNTEVSKI

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 11 August 2020, be adopted.

- CARRIED

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

(1046) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Notice of Motions and Questions with

Notice with the exception of Items 10.8.

- CARRIED

ITEM 10.1 NOTICE OF MOTIONS

(1047) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 COMMEMORATIVE CEDAR TREES

(1048) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that Council plants a pair of Cedar trees in two appropriate locations across the City, in memoriam to those who were killed, and the many hundreds of thousands impacted by the explosion in Beirut.

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ITEM 10.3 SUPPORTING BEIRUT

(1049) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that Council:

- 1. Writes to the Prime Minister and NSW Premier, thanking their respective Governments for the contribution of aid, support and empathy toward Lebanese people both in Lebanon and here in Australia, and
- 2. In writing to the Prime Minister, requests that the Federal Government, on behalf of the largest Arabic-speaking community in Australia, establishes a national fundraising appeal "Aussies for Lebanon" to raise money for food, clothing, shelter and emergency relief, and in doing so, make the necessary arrangements so donations are tax deductible.

- CARRIED

ITEM 10.4 FACE MASKS

(1050) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that Council encourage the wearing of face masks during the COVID-19 pandemic in accordance with the NSW Chief Medical Officer's advice, as an additional safety measure to keep our community safe and protect local jobs and our economy by making the City of Canterbury-Bankstown a Covid Safe City.

- CARRIED

ITEM 10.5 BANKSTOWN BUNKER

(1051) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that Council writes to the NSW and Federal Governments, seeking the restoration and promotion of the former Air Defence Head Quarters site, known as the Bankstown Bunker, as a site of State and National significance.

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ITEM 10.6 MANAGING FOOTPATHS

(1052) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that Council investigate and provide a briefing on pedestrian accidents that have occurred over the last 18 months on both local street and shopping village footpaths, with the briefing to indicate the number of those incidents reported, their causes and the action taken by Council to help ensure that these accidents are less likely to occur again.

- CARRIED

ITEM 10.7 NATIONAL BREAST CANCER FOUNDATION

(1053) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that Council promotes the National Breast Cancer Foundation and their Road to 2030: zero deaths from breast cancer by 2030.

- CARRIED

ITEM 10.8 MOTION

1 DONOVAN STREET REVESBY HEIGHTS

CLR. ZAKHIA:/CLR. ISHAC

That Council write to the NSW Government, requesting the Sydney Region Development Fund acquire 1 Donovan Street Revesby Heights for the purpose of creating more open space in the City.

AMENDMENT CLR. TUNTEVSKI:/CLR. DOWNEY

That Council once again write to the NSW Government, requesting the Sydney Region Development Fund acquire 1 Donovan Street Revesby Heights for the purpose of creating more open space in the City.

CLR ZAKHIA:/ CLR ISHAC ACCEPTED THE AMENDMENT AS THE MOTION.

(1054) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that Council once again write to the NSW Government, requesting the Sydney Region Development Fund acquire 1 Donovan Street Revesby Heights for the purpose of creating more open space in the City.

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SECTION 11: CONFIDENTIAL SESSION

(1055) MATTER OF URGENCY

CLR. EISLER:/CLR. ISHAC

RESOLVED that urgency be permitted and Item 11.5 be considered in confidential session.

- CARRIED

(1056) CLR. ISHAC:/CLR. ZAKHIA

RESOLVED that

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, 11.3, 11.4 and 11.5 in confidential session for the reasons indicated:

Item 11.1 Revesby Commuter Carpark

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.

Item 11.2 Property Matter - 17 Wangee Road, 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 on a person with whom the Council is conducting (or proposes to conduct) business.

Item 11.3 T75-20 Canterbury Town Centre Stage 2 - Intersection Upgrade and Underpass Construction

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.

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Item 11.4 Organisational Structure

This report is considered to be confidential in accordance with Section 10A(2)(a) of the Local Government Act, 1993, as it relates to personnel matters concerning particular individuals.

Item 11.5 Voyager Point Footbridge

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 6.53 PM AND REVERTED BACK TO OPEN COUNCIL AT 7.02 PM.

ITEM 11.1 REVESBY COMMUTER CARPARK

(1057) CLR. MADIRAZZA:/CLR. ISHAC

RESOLVED that the General Manager be delegated to finalise negotiations of the matter as outlined in this report.

- CARRIED

ITEM 11.2 PROPERTY MATTER - 17 WANGEE ROAD, LAKEMBA

(1058) CLR. EL-HAYEK:/CLR. MADIRAZZA

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

- CARRIED

ITEM 11.3 T75-20 CANTERBURY TOWN CENTRE STAGE 2 - INTERSECTION UPGRADE AND UNDERPASS CONSTRUCTION

(1059) CLR. RAFFAN:/CLR. EISLER

RESOLVED that

- 1. Council accepts the tender received from Abergeldie Contractors Pty Ltd for an amount of \$8,960,906.20 (excluding GST) for T75-20 Canterbury Town Centre Stage 2.
- 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

ITEM 11.4 ORGANISATIONAL STRUCTURE

(1060) CLR. ZAKHIA:/CLR. EL-HAYEK

RESOLVED that the information be noted.

- CARRIED

ITEM 11.5 VOYAGER POINT FOOTBRIDGE

In respect of Item 11.5 – Voyager Point Footbridge, Clr Tuntevski declared a significant, Non Pecuniary Conflict of Interest due to his employment with Liverpool City Council and he would vacate the Chamber taking no part in debate.

CLR TUNTEVSKI TEMPORARILY LEFT THE MEETING AT 6.55PM AND RETURNED AT 7.02PM.

(1061) CLR. ZAKHIA:/CLR. ISHAC

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

- CARRIED

THE MEETING CLOSED AT 7.03 P.M

Minutes confirmed 22 SEPTEMBER 2020

Mayor