CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 MAY 2020

PRESENT IN COUNCIL CHAMBERS:
His Worship the Mayor, Councillor Asfour
Councillors El-Hayek, Ishac, Waud, Downey, Saleh, Madirazza, Harika, Tuntevski

PRESENT BY AUDIO VISUAL LINK:
Councillors Raffan, Zakhia, Eisler, Huda, Kuskoff

APOLOGIES
Nil

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.02 PM.

At THIS STAGE HIS WORSHIP THE MAYOR ACKNOWLEDGED THE 40 YEAR ANNIVERSARY OF THE PROCLAMATION OF THE MUNICIPALITY OF BANKSTOWN AS A CITY BY HER MAJESTY THE QUEEN.

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

REF: CONFIRMATION OF MINUTES
CLR. DOWNEY:/CLR. RAFFAN
RESOLVED that the minutes of the Ordinary Council Meeting held on 28 April 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 5.2 – Planning Proposal for 20-21 Boorea Avenue, Lakemba, Cllr El-Hayek declared a significant, Non Pecuniary Conflict of Interest with respect to his sport coaching activities and indicated he would vacate the Chamber taking no part in debate.
SECTION 4:  MAYORAL MINUTES

ITEM 4.1  STRONGER COMMUNITIES FUND: RORTED
CLR RAFFAN TEMPORARILY RETIRED FROM THE MEETING AT 6.12 PM AND RETURNED AT 6.14 PM.

(930) CLR. ASFOUR

RESOLVED that

1. Council note that Canterbury Bankstown Council received no funding in the second round of Stronger Communities Grant funding.

2. Council promotes and strongly urges our residents to sign a petition to be forwarded to the Premier for New South Wales requesting that Canterbury Bankstown Council as the biggest LGA in NSW receives its fair share of the Stronger Communities Grant funding.

- CARRIED

ITEM 4.2  THANK U CAMPAIGN
CLR RAFFRAN TEMPORARILY RETIRED FROM THE MEETING AT 6.33 PM.

(931) CLR. ASFOUR

RESOLVED that Council endorse the “FROM ME TO YOU” campaign which says THANK YOU to residents for keeping the number of Covid-19 cases low through their diligence and the sacrifices they are making every day and are continuing to make.

- CARRIED

ITEM 4.3  SUPPORT FOR SPORTING ORGANISATIONS
CLR RAFFAN RETURNED TO THE MEETING AT 6.35 PM.

(932) CLR. ASFOUR

RESOLVED that Council write to the Premier of NSW and the relevant Ministers to provide additional funding to support grassroots sporting associations and sporting clubs.

- CARRIED
ITEM 4.4  REZONING CANTERBURY BOWLING CLUB BACK TO OPEN SPACE  
(933)  
CLR. ASFOUR  
RESOLVED that Council  
1. Immediately commence the preparation of and submit a planning proposal to rezone 15 Close St Canterbury to RE1 Public Recreation, remove the height of building control, remove the floor space ratio control, and delete the site specific clause which applies to the land to align the planning controls with other land zoned for open space throughout the city.  
2. The General Manager also review the work undertaken as part of the comprehensive LEP to determine whether there is any avenue to have 15 Close St Canterbury rezoned now as part of the current city wide planning proposal.  
- CARRIED  

ITEM 4.5  LOCAL COMMUNITY BASED DONATIONS  
(934)  
CLR. ASFOUR  
RESOLVED that  
1. Council support the request from Canterbury Earlwood Caring Association and waive the fee of $42 for the use of Earlwood Senior Citizens Centre for their fundraiser to Support Bushfire Victims.  
2. These funds to be made available from Council’s Community Grants and Events Sponsorship budget.  
- CARRIED  

SECTION 5: PLANNING MATTERS  

ITEM 5.1  DRAFT AMENDMENTS TO THE PLANNING AGREEMENT FOR THE FORMER RIVERLANDS GOLF COURSE SITE IN MILPERRA  
(935)  
CLR. WAUD:/CLR. ISHAC  
RESOLVED that  
1. Council exhibit the draft Deed of Variation and the Explanatory Note to the Planning Agreement for the former Riverlands Golf Course site (56 Prescott Parade, Milperra) as shown in Attachment A.
2. The matter be reported to Council following the exhibition including a submissions report addressing any submissions received during the exhibition period.

- CARRIED

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

Against:- Clr Tuntevski

ITEM 5.2 PLANNING PROPOSAL FOR 20-21 BOOREA AVENUE, LAKEMBA

IN RESPECT OF ITEM 5.2 – PLANNING PROPOSAL FOR 20-21 BOOREA AVENUE, LAKEMBA, CLR EL-HAYEK DECLARED A SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST WITH RESPECT TO HIS SPORT COACHING ACTIVITIES AND VACATED THE CHAMBER TAKING NO PART IN DEBATE.

CLR EL-HAYEK TEMPORARILY RETIRED FROM THE MEETING AT 6.50 PM.

(936) CLR. SALEH:/CLR. MADIRAZZA

RESOLVED that

1. Council adopt the planning proposal as shown in Attachment A and that it be referred to the NSW Department of Planning, Infrastructure and Environment for finalisation.

2. Council prepare an amendment to Bankstown Development Control Plan 2015 to apply appropriate site-specific controls on the subject site.

3. The draft DCP is placed on public exhibition for a minimum of 28 days.

4. Council receive and consider a further report on the outcomes of the DCP exhibition.

- CARRIED

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

Against:- Nil
CLR EL-HAYEK RETURNED TO THE MEETING AT 6.51 PM.

ITEM 5.3  APPLICATION TO AMEND THE CANTERBURY LOCAL ENVIRONMENT PLAN 2012: 165-169 HOLDEN STREET, ASHURY (ASHFIELD RESERVOIR) (937) CLR. DOWNEY:/CLR. EISLER

RESOLVED that

1. Council prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination with a reduced area and no lot size control as outlined in this report.

2. Additional studies be undertaken following a Gateway Determination and prior to exhibition including a draft site specific Development Control Plan (DCP), Statement of Suitability of Proposed Uses and Planning Agreement for the accessway and Affordable Housing contribution as outlined in this report.

3. Council seek authority from the Department of Planning, Industry and Environment to exercise delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.

4. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal.

5. Council prepare and concurrently exhibit DCP Amendments to support the planning proposal, and the matter be reported to Council following the exhibition.

- CARRIED

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

Against:- Clr Raffan
ITEM 5.4 REPORT ON COUNCIL’S PERFORMANCE IN THE ASSESSMENT OF DEVELOPMENT APPLICATIONS, CLAUSE 4.6 VARIATIONS APPROVED IN THE THIRD QUARTER OF THE 2019/20 FINANCIAL YEAR, AND PLANNING RELATED LEGAL APPEALS

(938) CLR. ZAKHIA:/CLR. ISHAC
RESOLVED that the report be noted.
- CARRIED

SECTION 6: POLICY MATTERS
Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS
PUBLIC ADDRESS

(939) CLR. DOWNEY:/CLR. HARIKA
RESOLVED that permission be granted to those people who have made the necessary application to address Council for five minutes.
- CARRIED

ITEM 7.1 PROPERTY MATTER - 15 CLOSE STREET, CANTERBURY

MS BARBARA COOREY (RESIDENT) ADDRESSED COUNCIL.

(940) CLR. DOWNEY:/CLR. HARIKA
RESOLVED that an extension of two minutes be given to Ms Coorey to address Council.
- CARRIED

MS JANE HUNTER (RESIDENT) ADDRESSED COUNCIL.

(941) CLR. MADIRAZZA:/CLR. ISHAC
RESOLVED that an extension of two minutes be given to Ms Hunter to address Council.
- CARRIED
(942) CLR. RAFFAN:/CLR. EISLER

RESOLVED that

1. Council note the compulsory acquisition of 15 Close Street by Sydney Metro.

2. Council agrees for the General Manager to negotiate the final terms of the Agreement and work with the Theatre Guild to relocate them to a new facility.

3. The General Manager not enter into the Agreement until a further report is submitted outlining Sydney Metro's use of the site, options to minimise impacts on surrounding residents such as traffic, noise and lighting spill, their proposed community consultation, and other site options considered, including industrial land.

- CARRIED

ITEM 7.2 CASH AND INVESTMENT REPORT AS AT 30 APRIL 2020

(943) CLR. MADIRAZZA:/CLR. DOWNEY

RESOLVED that

1. The Cash and Investment Report as at 30 April 2020 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

ITEM 8.1 REVESBY COMMUTER CARPARK

CLRS HUDA AND EISLER TEMPORARILY RETIRED FROM THE MEETING AT 7.33 PM AND RETURNED AT 7.35 PM.

(944) CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that Council proceed with negotiations with Transport for NSW and the matter be reported back to Council for consideration.

- CARRIED
SECTION 9: COMMITTEE REPORTS

ITEM 9.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 12 MAY 2020

(945) CLR. HARIKA:/CLR. ISHAC

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 12 May 2020, be adopted.

- CARRIED

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

ITEM 10.1 NOTICE OF MOTIONS

(946) CLR. HARIKA:/CLR. ISHAC

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 UWS MILPERRA

CLR MADIRAZZA TEMPORARILY RETIRED FROM THE MEETING AT 7.38 PM AND RETURNED AT 7.40 PM.

(947) CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that Council once again writes to the NSW Education Minister seeking her support for the NSW Government acquiring the UWS Milperra site for educational purposes such as a future state of the art secondary school.

- CARRIED
ITEM 10.3  ILLEGAL ANIMAL PRODUCTS

CLR WAUD TEMPORARILY RETIRED FROM THE MEETING AT 7.41 PM.

(948)  CLR. RAFFAN:/CLR. HARIKA

RESOLVED that Council:

1. Investigate amending event and market application forms and guidelines to prohibit the sale of fur and other exotic animal products on Council property in-line with national conservation and biodiversity protection legislation;

2. Actively enables residents and businesses to report the sale of suspected illegal animal products;

3. Council writes to the Minister for Home Affairs, the Hon. Peter Dutton supporting the call for the introduction of random forensic testing of imported fake fur products to assess how widespread this practice is; and

4. Council writes to the NSW Minister for Better Regulation and Innovation, to support the request for the establishment of a fur task force to assess the size and impact of the practice of illegal fur labelling.

- CARRIED

ITEM 10.4  FLEXIBLE WORKING SPACES

CLR WAUD RETURNED TO THE MEETING AT 7.45 PM.

(949)  CLR. HARIKA:/CLR. MADIRAZZA

RESOLVED that Council investigate how Council’s existing facilities, such as our libraries, community centres and/or the current Canterbury Bankstown Business Advisory space, provide flexible working spaces for public and private sector employees.

- CARRIED
ITEM 10.5 SUPPORT FOR MICRO-BUSINESSES

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

RESOLVED that Council write to the NSW Government, calling for more support for home-based and micro-businesses with annual turnover of less than $75,000, in response to COVID-19.

- CARRIED

ITEM 10.6 DRIVE-IN CINEMA

(951) CLR. TUNTEVSKI:/CLR. MADIRAZZA

RESOLVED that Council investigate establishing a pop-up Drive-in Cinema within the City of Canterbury-Bankstown.

- CARRIED

ITEM 10.7 INSTALLATION OF NEPALESE PLAQUE

(952) CLR. RAFFAN:/CLR. EISLER

RESOLVED that Council support the installation of a plaque/sign in Gough Whitlam Park to recognise the valuable contribution of the Nepalese community in our City.

- CARRIED

ITEM 10.8 CONDOLENCE MOTION - JACK MUNDEY AO

(953) CLR. EISLER:/CLR. ISHAC

RESOLVED that Council, in honour of the life and contribution made by Jack Mundey AO

1. Investigates a suitable park or green space, preferably in or near Croydon Park to be renamed Jack Mundey/Green Bans Park, supported by photo and history signage at the location, and
2. Establish the “Jack Mundey Environment and Heritage Award for Australia Day (for groups and individuals to be eligible).

- CARRIED

ITEM 10.9 HOUSING TARGET UPDATE

MOTION

CLR. WAUD;/CLR. ZAKHIA
That Council receives a briefing on the housing targets for Canterbury Bankstown Council and in particular that briefing address:

a. What are the Greater Sydney Commission’s housing targets set at in the South District Plan?

b. When are they to be achieved by?

c. How much of that target has already been achieved?

d. How we intend to achieve the target set by the Greater Sydney Commission?

e. What is Councils current view on the target set by the Greater Sydney Commission?

f. The breakdown on the types of dwellings that the total number may be made up of eg; duplexes, unit or homes.

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

That Council receives a briefing and a report on the housing targets for Canterbury Bankstown Council and in particular that briefing address:

a. What are the Greater Sydney Commission’s housing targets set at in the South District Plan?

b. When are they to be achieved by?

c. How much of that target has already been achieved?

d. How we intend to achieve the target set by the Greater Sydney Commission?

e. What is Councils current view on the target set by the Greater Sydney Commission?

f. The breakdown on the types of dwellings that the total number may be made up of eg; duplexes, unit or homes.

CLR WAUD AND CLR ZAKHIA ACCEPTED CLR TUNTEVSKI’S AMENDMENT BE INCLUDED IN THE MOTION.

(954)

CLR. WAUD;/CLR. ZAKHIA
RESOLVED that Council receives a briefing and a report on the housing targets for Canterbury Bankstown Council and in particular that briefing address:
a. What are the Greater Sydney Commission’s housing targets set at in the South District Plan?
b. When are they to be achieved by?
c. How much of that target has already been achieved?
d. How we intend to achieve the target set by the Greater Sydney Commission?
e. What is Council’s current view on the target set by the Greater Sydney Commission?
f. The breakdown on the types of dwellings that the total number may be made up of eg; duplexes, unit or homes.

- CARRIED

ITEM 10.10 HERO’S HILL

(955) CLR. WAUD:/CLR. ISHAC

RESOLVED that Council investigates the installation of a flag pole, suitable lighting and seating at the Hero’s Hill War Memorial in Cox Reserve, Sandakan Road, Revesby, utilising the Veterans Affairs Community War Memorials Fund.

- CARRIED

ITEM 10.11 DELIVERY RIDERS

CLR HUDA TEMPORARILY RETIRED FROM THE MEETING AT 8.07 PM AND RETURNED AT 8.08 PM.

MOTION CLR. MADIRAZZA:/CLR. WAUD

That Council writes to the NSW Police Commissioner, urging the NSW Police to increase action against the illegal practices employed by delivery riders.

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

That Council writes to the NSW State Government and the NSW Police Commissioner, requesting they investigate the employment practices, in particular Occupational, Health and Safety issues associated with the employment of delivery drivers and also investigate measures to eliminate the illegal practices undertaken by delivery riders.

CLR MADIRAZZA AND CLR WAUD ACCEPTED CLR SALEH’S AMENDMENT BE INCLUDED IN THE MOTION.
CANTERBURY BANKSTOWN
MINUTES OF THE
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(956) CLR. MADIRAZZA:/CLR. WAUD
That Council writes to the NSW State Government and the NSW Police Commissioner, requesting they investigate the employment practices, in particular Occupational, Health and Safety issues associated with the employment of delivery drivers and also investigate measures to eliminate the illegal practices undertaken by delivery riders.

- CARRIED

ITEM 10.12 SUPPORTING BUSINESS THROUGH COVID RECOVERY

MOTION CLR. ZAKHIA:/CLR. ISHAC
That Council liaison officers engage with small businesses and where support is needed, point them to Council programs or appropriate State and Federal government support programs.

AT THIS STAGE CLR EL-HAYEK REQUESTED THAT THE MOTION BE AMENDED AS FOLLOWS:
That
1. Council liaison officers engage with small businesses and where support is needed, point them to Council programs or appropriate State and Federal government support programs.

2. Council write to the State and Federal Governments requesting more financial and other support for Councils to support local business.

CLR ZAKHIA AND CLR ISHAC ACCEPTED CLR EL-HAYEK’S AMENDMENT BE INCLUDED IN THE MOTION.

(957) CLR. ZAKHIA:/CLR. ISHAC
RESOLVED that

1. Council liaison officers engage with small businesses and where support is needed, point them to Council programs or appropriate State and Federal government support programs.

2. Council write to the State and Federal Governments seeking more financial and other support for Councils to support local business.

- CARRIED
SECTION 11: CONFIDENTIAL SESSION

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

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 and 11.2 in confidential session for the reasons indicated:

Item 11.1 T33-20 - Waste Collection Services

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.

Item 11.2 Property Matter - 19 and 21 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.

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 8.15 PM AND REVERTED BACK TO OPEN COUNCIL AT 8.29 PM.

ITEM 11.1 T33-20 - WASTE COLLECTION SERVICES

(959) CLR. DOWNEY:/CLR. EISLER

RESOLVED that

1. Council accepts the tenders received from:

   (a) JJ Richards for garden organics collection services, for a period of seven years and four months, with the option to extend the contract by three years, subject to satisfactory performance of the contractor as determined by the General Manager; and

   (b) SUEZ for bulky waste collection services, for a period of ten years and four months.
2. The General Manager be authorised to enter into all contracts 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 PROPERTY MATTER - 19 AND 21 WANGEE ROAD, LAKE MBA

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

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

- CARRIED

THE MEETING CLOSED AT 8.30 PM.

Minutes confirmed 23 JUNE 2020

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Mayor