

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 15 MARCH 2022

PRESENT: Mayor, Councillor Asfour
Councillors Coorey, Waiba, El-Hayek, Abouraad, Ishac, Cahill, Walsh, Zakhia,
Nguyen, Saleh, Downey, Harika, Akter

PRESENT BY AUDIO
VISUAL LINK: Councillor Raffan

APOLOGIES Nil

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.01PM

COUNCILLORS ATTENDING REMOTELY

(42)

CLR. EL-HAYEK:/CLR. DOWNEY

RESOLVED that permission be granted to Councillor Raffan to attend the meeting remotely by zoom.

- CARRIED

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

(43)

CLR. ZAKHIA:/CLR. DOWNEY

RESOLVED that the minutes of the Ordinary Council Meeting held on 22 February 2022 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

Nil

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

Nil

SECTION 4: MAYORAL MINUTES

ITEM 4.1 BLUETT AWARD
(44) CLR. ASFOUR

RESOLVED that

1. Council publicly thank Council's hard-working staff and all current and past Councillors who are very much a part of the 'Council' team.
2. Council propose an appropriate luncheon for the presentation of the Award by the AR Bluett trustees when they present our plaque in April.
3. The celebratory luncheon be funded from within Council's existing operational budget.

- CARRIED

ITEM 4.2 GREEK INDEPENDENCE DAY
(45) CLR. ASFOUR

RESOLVED that

1. Council's events team coordinate a celebration ceremony in recognition of Greek Independence Day to be held in front of the Anzac Monument in Homer St at Earlwood.
2. Council provide free coffee "tickets" up to value of \$500 which can be used at participating local coffee outlets.
3. The celebration and free coffee tickets will be funded from within Council's existing events budget.

- CARRIED

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ITEM 4.3 **WESTINVEST FUNDING**
(46) **CLR. ASFOUR**

RESOLVED that Council compiles a report detailing the projects that may be suitable for funding under the WestInvest program. This report should include the community's input through the Have your Say website and be available for discussion at Council's next ordinary meeting in April.

- CARRIED

ITEM 4.4 **CDSFA CENTENARY**
(47) **CLR. ASFOUR**

RESOLVED that

1. Council take out a corporate silver sponsorship package to the value of \$5000 at the CDSFA Gala Dinner to be held on 28 May 2022.
2. The funding to be provided from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

ITEM 4.5 **ALGA SUPPORT**
(48) **CLR. ASFOUR**

RESOLVED that

1. Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs;
2. Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, and all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
 - a. express support for ALGA's funding priorities;

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- b. identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
- c. seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

- CARRIED

ITEM 4.6
(49)

SES FLOODS

CLR. ASFOUR

RESOLVED that

1. Council staff compile a report of the damage caused by the flooding, to our roads, facilities and infrastructure, and any recovery building initiatives, with the view of applying for a \$1million funding grant under the Federal Governments Disaster Recovery assistance program.
2. Council write to the NSW Minister for Local Government, Ms Wendy Tuckerman, for any other additional funding.
3. Council write to our SES heroes thanking them once again for their support and help during this crisis.

- CARRIED

ITEM 4.7
(50)

UKRAINE SUPPORT

CLR. ASFOUR

RESOLVED that Council write to the Prime Minister calling on him to “shirtfront” the Russian Ambassador, Dr Aleksey Pavlovsky, by showing him the door and expelling him immediately.

- CARRIED

COUNCIL OBSERVED A MINUTES SILENCE IN MEMORY OF THE INNOCENT LIVES LOST.

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ITEM 4.8 100 YEARS OF ROTARY

(51) CLR. ASFOUR

RESOLVED that

1. Council works with Padstow Rotary in planting 100 trees at Amour Park and that the funds be made available through the Greening Our Cities Tree Grant program.
2. A small dedication ceremony be arranged at the project completion to mark this Centenary celebration.

- CARRIED

ITEM 4.9 LOCAL COMMUNITY BASED DONATIONS

(52) CLR. ASFOUR

RESOLVED that

1. Council support fee waiver of \$285 for the Gaza Children's Fund event held at Paul Keating Park on Saturday 5 March.
2. Council support the fee waiver of \$1219.50 for the Rotary International's event being held at Bryan Brown Theatre and Function Centre on Thursday 31 March.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

SECTION 5: PLANNING MATTERS

SUSPENSION OF STANDING ORDERS

(53) CLR. DOWNEY:/CLR. EL-HAYEK

RESOLVED that

1. Permission be granted to the persons who have made the necessary application to address Council for five minutes.
 2. Standing Orders be suspended and Item 5.3 be dealt with now.
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3. Standing Orders then be resumed.

- CARRIED

ITEM 5.3 PLANNING PROPOSAL FOR 445-459 CANTERBURY ROAD, CAMPSIE

MR DENNIS MARKOU ADDRESSED COUNCIL.

MR IAN CADY OF MECONE ADDRESSED COUNCIL.

(54) CLR. EL-HAYEK:/CLR. CAHILL

RESOLVED that

1. The application to amend the draft Canterbury Bankstown Local Environmental Plan proceed to Gateway subject to:

(a) Inclusion of a site-specific LEP clause in Part 6 'Additional Local Provisions' that permits the following:

- a. A maximum building height of 44.1m to Canterbury Road only where the use of the land is a hospital use. The clause will include minimum setbacks for rooftop mechanical plant to maintain solar access to surrounding properties. Due to the site's topography, the clause will also stipulate a maximum building height of 45.5m when measured from the northern side of the site from the future rear lane, inclusive of rooftop mechanical plant
- b. A maximum Floor Space Ratio (FSR) of 5.1:1 to apply for hospital uses only noting that the final wording of the site specific LEP clause be drafted to avoid any conflict with the operation of any other clauses in the LEP about the application and calculation of the mapped or non-mapped FSR for the site.
- c. Stipulate minimum setbacks for the building as measured from the Canterbury Road boundary and other site boundaries to maintain solar access to the surrounding properties.
- d. Include objectives that must be considered in the proposed Local Provision clause as follows:
 - o To encourage the development of a hospital to enhance the delivery of health services to the local community.
 - o To ensure that the development is compatible with surrounding land uses and site constraints and maintains acceptable solar access to future residential development along Canterbury Road.

(b) Prior to public exhibition occurring the following additional information is submitted by the applicant:

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- i. Draft site specific DCP controls that are supported by modelling to protect solar access to future residential apartments on the southern side of Canterbury Road. This is to include controls for minimum building setback and maximum mechanical plant height.
 - ii. A NSW Environment Protection Authority accredited Site Auditor to verify the methodology and conclusions of the draft RAP.
 - iii. Additional traffic modelling and other supporting information to address issues raised by Transport for NSW and Council in relation to the Planning Proposal.
2. Council prepare a site specific DCP Amendment as outlined in Section 4 of this report and exhibit the DCP Amendment concurrently with the Planning Proposal.
3. A draft Planning Agreement be prepared and exhibit alongside the Planning Proposal, subject to the following:
 - i. Agreement being reached by the applicant and Council on an active transport/cycleway contribution, open space contribution, and accurate costing for pedestrian and traffic management measures prior to the matter being considered by Council.
 - ii. Development contributions under s7.11 or s7.12 being payable in full in addition to any public benefit offer, consistent with Council's Planning Agreement Policy.
4. The applicant updating the supporting studies prior to exhibition to reflect the amendments to the Planning Proposal since lodgement (incl. reduced building height from 56m to 44.1m and 45.5m, maximum Floor Space Ratio of 5.1:1).
5. Subject to the issue of a Gateway Determination, Council exhibit the Planning Proposal, draft site specific DCP and draft Planning Agreement and the matter be reported to Council following the exhibition.
6. Council seek authority from the Department of Planning, Infrastructure and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.

- CARRIED

For:- Ctrs Abouraad, Akter, Asfour, Cahill, El-Hayek, Harika, Ishac, Saleh, Nguyen, Raffan, Waiba, Walsh and Zakhia

Against:- Ctrs Coorey and Downey

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ITEM 5.1 **SUBMISSION TO THE DISCUSSION PAPER ‘A NEW APPROACH TO REZONINGS’**
(55) **CLR. SALEH:/CLR. DOWNEY**

RESOLVED that Council endorse the submission to the Department of Planning and Environment’s Discussion Paper ‘*A New Approach to Rezonings*’, as provided in Attachment A.

- CARRIED

CLR COOREY TEMPORARILY RETIRED FROM THE METING AT 7.26PM AND RETURNED TO MEETING AT 7.27PM

ITEM 5.2 **SUBMISSION TO THE DRAFT DESIGN AND PLACE STATE ENVIRONMENTAL**
(56) **PLANNING POLICY**
CLR. CAHILL:/CLR. SALEH

RESOLVED that Council endorse the submission to the Draft Design and Place State Environmental Planning Policy and supporting guides, as provided in Attachment A.

- CARRIED

ITEM 5.3 **PLANNING PROPOSAL FOR 445-459 CANTERBURY ROAD, CAMPSIE**

THIS MATTER WAS DEALT WITH PREVIOUSLY. SEE RESOLUTION NO. 54 ON PAGE SIX OF THESE MINUTES.

SECTION 6: POLICY MATTERS

Nil

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SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 2022 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY - CONSIDERATION OF MOTIONS

(57) CLR. COOREY:/CLR. ZAKHIA

RESOLVED that Council endorse the draft motions as detailed in the report.

- CARRIED

ITEM 7.2 CASH AND INVESTMENT REPORT AS AT 28 FEBRUARY 2022

(58) CLR. COOREY:/CLR. ZAKHIA

RESOLVED that

1. The Cash and Investment Report as at 28 February 2022 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

ITEM 7.3 PROPOSED ROAD CLOSURE TERRACE LANE, BANKSTOWN

(59) CLR. COOREY:/CLR. ZAKHIA

RESOLVED that

1. The road closure process be completed as detailed in the report.
2. The Mayor and General Manager be authorised to sign all documentation, under the Common Seal of council if required, to effect the road closure.

- CARRIED

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SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 THE OPERATION OF A TRIAL ENGAGEMENT PROCESS FOR LAKEMBA TOWN CENTRE, ITS REPLICATION AS A MODEL AND ALTERNATIVES

(60) CLR. SALEH:/CLR. ISHAC

RESOLVED that Council

1. Adopts the proposal to introduce a Councillor Community Engagement Allowance of \$5,000 per Councillor as outlined in the report.
2. Develop rules and guidelines, supported by process mapping, so that Councillors understand this process.
3. Procure a panel of external minute takers to support this model.
4. Amend its policy position regarding the use of Councillor Ward Funds as outlined in the report, as part of Council's 2022/23 Operational Plan and that the current budget allocations be made available for this purpose.

- CARRIED

SECTION 9: COMMITTEE REPORTS

ITEM 9.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 8 MARCH 2022

(61) CLR. HARIKA:/CLR. ABOURAAD

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 8 March 2022, be adopted.

- CARRIED

CLR RAFFAN TEMPORARILY RETIRED FROM THE MEETING AT 7.37PM AND RETURNED TO THE MEETING AT 7.38PM

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SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

ITEM 10.1 NOTICE OF MOTIONS

(62) CLR. CAHILL:/CLR. ISHAC

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 LOCAL SES AWARDS AND RECOGNITION

(63) CLR. EL-HAYEK:/CLR. DOWNEY

RESOLVED that Council writes to the newly appointed Minister for Emergency Services and Resilience, Ms Steph Cooke, calling on her to reinstate local awards nights for our SES Canterbury and Bankstown Units and I further call on her to adequately fund these presentation nights, as recognition for the outstanding work they do in keeping our entire community safe.

- CARRIED

CLR WAIBA TEMPORARILY RETIRED FROM THE MEETING AT 7.46PM

ITEM 10.3 SHANE WARNE TRIBUTE

(64) CLR. ZAKHIA:/CLR. ABOURAAD

RESOLVED that

1. Council honours one of this country's greatest cricketers, Shane Warne, by dedicating a tribute page on Council's social and digital media platforms in the week leading up to his State Funeral.
2. Council promotes the upcoming Heart Week to raise awareness about this killer cardio-vascular disease and to empower people to better look after their health.

- CARRIED

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ITEM 10.4 **CLIMATE CHANGE FLOODING**
(65) **CLR. ZAKHIA:/CLR. EL-HAYEK**

RESOLVED that our Council be represented at the upcoming Franc. Sydney 2022 conference which brings together Government leaders and experts to examine issues like stormwater management and climate change.

- CARRIED

CLR WAIBA RETURNED TO THE MEETING AT 7.46PM

SECTION 11: **CONFIDENTIAL SESSION**

PRIOR TO CONSIDERING THE REPORTS IN CONFIDENTIAL SESSION COUNCILLOR RAFFAN WHO WAS ATTENDING THE MEETING BY AUDIO VISUAL LINK DECLARED THERE WERE NO PERSONS WITHIN SIGHT OR HEARING OF HER.

(66) **CLR. RAFFAN:/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 Item 11.1 in confidential session for the reasons indicated:

Item 11.1 T16-22 Greenacre Splash Park - Major Landscaping Package

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 INTO CONFIDENTIAL SESSION AT 7.46PM AND REVERTED
BACK TO OPEN COUNCIL AT 7.52PM**

ITEM 11.1 **T16-22 GREENACRE SPLASH PARK - MAJOR LANDSCAPING PACKAGE**
(67) **CLR. HARIKA:/CLR. ISHAC**

RESOLVED that

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1. Pursuant to Section 178(1)(b) of the Local Government (General) Regulation 2021 (the Regulation), Council declines to accept any of the tenders received for the proposed works.
2. Pursuant to Section 178(3)(b) of the Regulation, Council invites fresh tenders in accordance with Section 167 of the Regulation for the proposed works.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

THE MEETING CLOSED AT 7.52PM

Minutes confirmed 26 APRIL 2022

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Mayor