

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 24 OCTOBER 2023

PRESENT: Mayor, Councillor El-Hayek
Councillors Abouraad, Akter, Asfour, Cahill, Coorey, Downey, Ishac, Saleh OAM,
Waiba and Walsh

APOLOGIES Councillors Harika, Nguyen, Raffan and Zakhia

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.30 P.M.

ACKNOWLEDGEMENT OF COUNTRY

THE MAYOR ACKNOWLEDGED THE TRADITIONAL CUSTODIANS OF THE LAND, WATER AND SKIES OF WHERE WE ARE MEETING TODAY THE DARUG (DARAG, DHARUG, DARUK AND DHARUK) PEOPLE AND PAID RESPECT TO DARUG CULTURAL HERITAGE, BELIEFS AND RELATIONSHIP WITH THE LAND. THE MAYOR ALSO ACKNOWLEDGED FIRST PEOPLES' CONTINUING IMPORTANCE TO OUR COMMUNITY.

SECTION 1: CONFIRMATION OF MINUTES

(574)

CLR. ABOURAAD:/CLR. DOWNEY

RESOLVED that the minutes of the Extraordinary Meeting of Council held on 11 September 2023 and the Ordinary Council Meeting held on 12 September 2023 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(575)

CLR. DOWNEY:/CLR. CAHILL

RESOLVED that Leave of Absence be granted to Clr Harika, Nguyen, Raffan and Zakhia due to personal reasons.

- CARRIED

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

In respect of Item 9.3 Minutes of the Traffic Committee Meeting held on 10 October 2023, Clr Ishac declared a Non-Significant, Non Pecuniary, Conflict of Interest on Item 17 of the Traffic Committee minutes. The technical approval is for a road closure for a Christmas event that he is assisting with on the organising committee, and as such, he will vacate the chamber taking no part in debate.

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SUSPENSION OF STANDING ORDERS

(576)

CLR. SALEH OAM:/CLR. DOWNEY

RESOLVED that

1. Standing Orders be suspended and Items 4.6 and 10.2 be dealt with now.
2. Standing Orders then be resumed.

- CARRIED

ITEM 4.6
(577)

GAZA IN CRISIS

CLR. EL-HAYEK

RESOLVED that

1. Council write to the Prime Minister Anthony Albanese, and the Opposition Leader Peter Dutton, not only on behalf of the people in our City, but for more than 1 million Australians with cultural links to the region, that they make a definitive statement, as they did with Israel, and declare that they also stand with the innocent people of Gaza.
2. Council further call on both leaders to call for an immediate ceasefire to allow for innocent people to return to their homes and support a long-term peaceful resolution.

- CARRIED

ITEM 10.2

SUPPORTING PEACE IN GAZA AND PALESTINE

COUNCIL OBSERVED ONE MINUTE'S SILENCE.

(578)

CLR. SALEH OAM:/CLR. WAIBA

RESOLVED That Council:

1. Raise the Palestinian flag in support of the Palestinian people at both Bankstown's Paul Keating Park and Campsie Administration building until a cease fire is declared in the current humanitarian disaster unfolding in Gaza;
2. Call immediate cease fire in Gaza;

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3. Dedicate a space near Paul Keating Park for all the community to lay wreaths and flowers for innocent lives lost;
4. Protects and supports the democratic rights of the community to gather peacefully in Council public parks to demonstrate their views in support of the Palestinian people;
5. Call on the Australian Government to work quickly with the international community to call for an end to the humanitarian disaster unfolding in Gaza and its nearly one million Palestinian children and to restore access to food, electricity, water, fuel and medicine for around 2.3 million Palestinian civilians living in Gaza.

- CARRIED

HIS WORSHIP THE MAYOR ADJOURNED THE MEETING AT 7.08 PM.

STANDING ORDERS WERE RESUMED AT 7.12 PM.

WHEN THE MEETING RESUMED, CLR SALEH OAM WAS NOT PRESENT IN THE CHAMBER.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 HOSPITAL BUDGET ANNOUNCEMENT
(579) CLR. EL-HAYEK

RESOLVED that Council write to the NSW Health Minister Ryan Park and thank his government for their commitment and reinforce our preferred location for the new hospital in the Bankstown CBD.

- CARRIED

CLR COOREY REQUESTED THAT HER NAME BE RECORDED AS VOTING AGAINST THIS RESOLUTION.

ITEM 4.2 VOICE REFERENDUM
(580) CLR. EL-HAYEK

RESOLVED that Council to continue advocating for better outcomes in education, health and social housing issues for all First Nations People.

- CARRIED

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CLR SALEH OAM RETURNED TO THE CHAMBER AT 7.25 PM

ITEM 4.3
(581)

SILICA BAN

CLR. EL-HAYEK

RESOLVED that Council investigates and prepares a report, investigating the banning of silica-based products from all new developments in our city.

- CARRIED

ITEM 4.4
(582)

CB EVOLVE

CLR. EL-HAYEK

RESOLVED that Council congratulate staff for encouraging and promoting investment in our city and urge all to get behind and support the CB EVOLVE event on November 8 and where possible “sell it” in the wider community.

- CARRIED

ITEM 4.5
(583)

LOCAL COMMUNITY BASED DONATIONS

CLR. EL-HAYEK

RESOLVED that

1. Council support a fee waiver of \$387 the for Bankstown Community Resource Centre Group towards the hire of Yagoona Community Centre and \$168 towards the waste costs.
2. Council support a donation of \$500 to Bankstown Theatre Company towards the hire of the Bryan Brown Theatre for their production of “Into the Woods”.
3. Council support a donation of \$500 to Najm Anoujoum towards the hire of the Bryan Brown Theatre for the “Star of the Stars” Talent Show.
4. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

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ITEM 4.6 GAZA IN CRISIS

THIS MATTER WAS DEALT WITH PREVIOUSLY. SEE RESOLUTION NO. 577 ON PAGE TWO OF THESE MINUTES.

SECTION 5: PLANNING MATTERS

**ITEM 5.1 DRAFT ADMINISTRATIVE AMENDMENTS TO THE CANTERBURY-BANKSTOWN
LOCAL ENVIRONMENTAL PLAN 2023**

(584) CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that

1. Council prepare and submit a planning proposal(s) to the Department of Planning and Environment to seek a Gateway determination for the proposed amendments to the Canterbury-Bankstown Local Environmental Plan 2023 as outlined in this report.
2. Council does not refer the planning proposal(s) to the Local Planning Panel for advice in accordance with clause 1 of the Minister's Direction (Local Planning Panels Direction – Planning Proposals), given these matters have already been considered and supported by the Panel.
3. Council seek authority from the Department of Planning 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 to be the plan-making authority.
4. Council require landowners to pay for any relevant studies or reports required by the Department of Planning and Environment to support the site-specific rezoning changes and additional permitted uses.
5. Council exhibit draft amendments to the Generic Plan of Management for Community Land and Crown Land as outlined in this report.
6. The matter be reported to Council following the exhibition period.

- CARRIED

For:- Ctrs Abouraad, Akter, Asfour, Cahill, Coorey, Downey, El-Hayek, Ishac, Saleh
OAM, Waiba and Walsh

Against:- Nil

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ITEM 5.2 **POST EXHIBITION - WSU MILPERRA - DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT PLANNING AGREEMENT**

(585) **CLR. DOWNEY:/CLR. WALSH**

RESOLVED that

1. Council endorse the draft site specific Development Control Plan as shown in Attachment B and that it be brought into effect once the LEP amendment is finalised and published on the NSW Legislation website.
2. Council endorses the draft Planning Agreement as provided in Attachment C and authorises the Chief Executive Officer to execute the agreement on behalf of Council, including any other administrative changes that does not alter the intent.
3. Once executed, Council write to the Department of Planning and Environment to advise that Council nominates itself as the relevant public acquisition authority for the RE1 and SP2 zoned land to be dedicated under the Planning Agreement.
4. Council provides a copy of all submissions received during the public exhibition periods for the draft site specific DCP and draft Planning Agreement to the Department of Planning and Environment.

- CARRIED

For:- Clrs Abouraad, Akter, Asfour, Cahill, Downey, El-Hayek, Ishac, Saleh OAM, Waiba and Walsh

Against:- Clr Coorey

SECTION 6: **POLICY MATTERS**

ITEM 6.1 **COUNCILLOR EXPENSES AND FACILITIES POLICY**

(586) **CLR. ABOURAAD:/CLR. CAHILL**

RESOLVED that

1. Council note the public submissions received and administrative changes/updates to Council's Draft Councillor Expenses and Facilities Policy, as outlined in the report.

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2. In accordance with Section 252 and 253 of the Local Government Act 1993, Council adopts the Draft Councillor Expenses and Facilities Policy (Attachment A), as outlined in the report.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 UPDATE ON REQUEST TO RENAME THE CHESTER HILL COMMUNITY CENTRE

(587) CLR. CAHILL:/CLR. ISHAC

RESOLVED that

1. Council endorse the renaming of the Chester Hill Community Centre to the 'Helen Westwood Chester Hill Community Centre' acknowledging Helen's contribution to the local community.
2. Appropriate signage be placed on the community centre in line with Council's Naming Policy.

- CARRIED

ITEM 7.2 DISCLOSURE OF INTEREST RETURNS 2022-23

(588) CLR. DOWNEY:/CLR. CAHILL

RESOLVED that the tabling of the Disclosure of Interest Returns for 2022-23 be noted.

- CARRIED

ITEM 7.3 CASH AND INVESTMENT REPORT AS AT 30 SEPTEMBER 2023 AND 31 AUGUST 2023

(589) CLR. ASFOUR:/CLR. ABOURAAD

RESOLVED that

1. The Cash and Investment Report as at 30 September 2023 be received and noted.

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2. The Cash and Investment Report as at 31 August 2023 be received and noted.
3. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

ITEM 7.4 RESILIENT SYDNEY PROGRAM UPDATE AND RESILIENT SYDNEY STRATEGY 2025-2030

(590) CLR. ASFOUR:/CLR. ABOURAAD

RESOLVED that Council continues to be an active participant in the Resilient Sydney Project and contribute to the development of the Resilient Sydney Strategy 2025-2030 as outlined in this report.

- CARRIED

ITEM 7.5 CODE OF MEETING PRACTICE - 2024 SCHEDULE OF MEETINGS

(591) CLR. DOWNEY:/CLR. ISHAC

RESOLVED that the 2024 Schedule of Council Meetings be adopted.

- CARRIED

ITEM 7.6 NEW MODEL OF ENGAGEMENT WITH NSW EPA ABOUT WASTE ISSUES

(592) CLR. WALSH:/CLR. ABOURAAD

RESOLVED that

1. Council endorses the CEO a seat at the Greater Sydney Waste Leadership Forum.
2. Council endorses the list of priority issues for the CEO to raise at the Forum.

- CARRIED

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ITEM 7.7 **UNAUDITED 2022/23 ANNUAL FINANCIAL REPORT**
(593) **CLR. ABOURAAD:/CLR. ASFOUR**

RESOLVED that

1. Council resolves that the attached 2022/23 Unaudited Annual Financial Reports, for the financial year ended 30 June 2023 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, Chief Executive Officer and Responsible Accounting Officer duly sign the Statement of Council's Unaudited Annual Financial Reports on behalf of the Council.
3. Subject to Items 1 and 2, the Statement and the 2022/23 Unaudited Annual Financial Report be referred to Council's Auditor in finalising the year-end audit process.
4. The Chief Executive Officer be authorised to set the date for the public meeting and give notice in accordance with the Local Government Act 1993.

- CARRIED

AT THIS STAGE OF THE MEETING (8.26 PM), IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING TO CLR COOREY FOR AN ACT OF DISORDER.

SECTION 8: **SERVICE AND OPERATIONAL MATTERS**

ITEM 8.1 **CALENDAR OF CITY EVENTS AND ACTIVATIONS 2024**
(594) **CLR. ISHAC:/CLR. DOWNEY**

RESOLVED that Council endorses the proposed calendar of City Events and Activations 2024 as outlined in this report.

- CARRIED

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ITEM 8.2 **RELEASE OF DRAINAGE EASEMENT AT 1 CLAPHAM ROAD, REGENTS PARK**
(595) **CLR. ISHAC:/CLR. CAHILL**

RESOLVED that

1. Council consents to the extinguishment of the drainage easement located at 1 Clapham Road, Regents Park on the terms outlined in the report.

2. The Mayor and Chief Executive Officer be authorised to sign all necessary documentation for LTD-17/2023 relating to the release of the existing drainage easement under the common seal of Council.

- CARRIED

SECTION 9: **COMMITTEE REPORTS**

(596) **CLR. COOREY:/CLR. DOWNEY**

RESOLVED that in accordance with Council's Code of Meeting practice, Council adopts all the recommendations of the Committee Reports.

- CARRIED

ITEM 9.1 **MINUTES OF THE UNIVERSAL ACCESS ADVISORY COMMITTEE MEETING HELD ON**
(597) **6 SEPTEMBER 2023**

CLR. COOREY:/CLR. DOWNEY

RESOLVED that the minutes of the Universal Access Advisory Committee meeting held on 6 September 2023 be endorsed.

- CARRIED

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ITEM 9.2 **MINUTES OF THE COMMUNITY SAFETY ADVISORY COMMITTEE MEETING HELD ON 14 SEPTEMBER 2023**

(598) **CLR. COOREY:/CLR. DOWNEY**

RESOLVED that the minutes of the Community Safety Advisory Committee meeting held on 14 September 2023 be endorsed.

- CARRIED

ITEM 9.3 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 10 OCTOBER 2023**

In respect of Item 9.3 Minutes of the Traffic Committee Meeting held on 10 October 2023, Clr Ishac declared a Non-Significant, Non Pecuniary, Conflict of Interest on Item 17 of the Traffic Committee minutes. The technical approval is for a road closure for a Christmas event that he is assisting with on the organising committee, and as such, he vacated the chamber taking no part in debate.

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 8.33PM.

(599) **CLR. COOREY:/CLR. DOWNEY**

RESOLVED that the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 10 October 2023, be adopted.

- CARRIED

CLR ISHAC RETURNED TO THE CHAMBER AT 8.34PM.

ITEM 9.4 **MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD 17 OCTOBER 2023**

(600) **CLR. COOREY:/CLR. DOWNEY**

RESOLVED that

1. The recommendations contained within the minutes of the Audit Risk and Improvement Committee meeting held on 17 October 2023, be adopted; and
2. Council approves the Annual Internal Audit Plan for 2023-24.

- CARRIED

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SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 8.34 PM AND RETURNED AT 8.35 PM.

ITEM 10.1 STATUS OF PREVIOUS NOTICES OF MOTION - OCTOBER 2023

(601) CLR. DOWNEY:/CLR. ASFOUR

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 SUPPORTING PEACE IN GAZA AND PALESTINE

THIS MATTER WAS DEALT WITH PREVIOUSLY. SEE RESOLUTION NO. 578 ON PAGE TWO AND THREE OF THESE MINUTES.

ITEM 10.3 RARE DISEASE DAY

(602) CLR. DOWNEY:/CLR. WALSH

RESOLVED that Council supports and highlights Rare Diseases Day on 29th February 2024 through Council's website and social media platforms.

- CARRIED

ITEM 10.4 MAX GARTHE RECOGNITION

(603) CLR. DOWNEY:/CLR. WALSH

RESOLVED that Council acknowledges retiring local jeweller Mr Max Garthe for his outstanding contribution to the community over the last 72 years by awarding him a Mayoral Certificate of Recognition.

- CARRIED

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ITEM 10.5 **NEW LIFE FOR OLD HOSPITAL**

MOTION **CLR HARIKA**

That Council writes to the NSW Health Minister, The Hon Ryan Park MP, urging him to investigate the feasibility of repurposing the existing Bankstown-Lidcombe Hospital and establishing a women's hospital, like the Royal Hospital for Women, along with other specialised health services and research facilities on the site.

THERE BEING NO MOVER THE MOTION LAPSED

AT THIS STAGE OF THE MEETING (8.55 PM), IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A SECOND WARNING TO CLR COOREY FOR AN ACT OF DISORDER.

ITEM 10.6 **UWS MILPERRA SITE**
MOTION

CLR. ABOURAAD:/CLR. COOREY

RESOLVED that Council write to the NSW Education Minister The Hon. Prue Car, seeking that the Minister follow through on her previous support for the development of a future state of the art secondary school on the former UWS Milperra site.

AMENDMENT **CLR. DOWNEY:/CLR WALSH**

As the previous State MP for East Hills, Wendy Lindsay and the NSW Liberal Government ignored the wishes of the Milperra community's need for a local public high school and pushed ahead with the rezoning of the Western Sydney University site, Council writes to the NSW Minister for Education, The Hon. Prue Car, to investigate the feasibility of retaining some of the former Milperra Western Sydney University site for a secondary high school.

CLRS ABOURAAD AND ISHAC STOOD FOR A DIVISION

For: Clrs Asfour, Cahill, Downey, El-Hayek, Saleh OAM, Waiba and Walsh

Against: Clrs Abouraad, Akter, Coorey and Ishac

THE AMENDEMENT WAS CARRIED AND BECAME THE MOTION

(604) **CLR. DOWNEY:/CLR WALSH**

As the previous State MP for East Hills, Wendy Lindsay and the NSW Liberal Government ignored the wishes of the Milperra community's need for a local public high school and pushed ahead with the rezoning of the Western Sydney University site, Council writes to the NSW Minister for Education, The Hon. Prue Car, to

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investigate the feasibility of retaining some of the former Milperra Western Sydney University site for a secondary high school.

CARRIED

CLR WAIBA TEMPORARILY VACATED THE CHAMBER AT 9.14 PM AND RETURNED AT 9.16 PM.

ITEM 10.7

CHRISTMAS DECORATIONS

CLR. COOREY:/CLR. ABOURAAD

MOTION that Council:

- a) Place Christmas Trees in Belmore, Campsie, Belfield, Earlwood and Croydon Park shopping centres for the Christmas period 2023.
- b) Supports the shop keepers by placing Christmas decorations in the shopping centres (as indicated in paragraph 1a) above) to support the festive and religious season.

CLR COOREY ADVISED THE CHAIR THAT SHE WAS WITHDRAWING HER NOTICE OF MOTION

- MOTION WITHDRAWN

ITEM 10.8

FACILITATION OF COUNCIL MEETINGS IN CANTERBURY AND ROSELANDS WARD

CLR. COOREY:/CLR. ABOURAAD

MOTION that Council facilitates Council Meetings in local halls throughout each Ward commencing with Canterbury and Roselands Wards for at least five Council meetings commencing in February 2024.

THE MOTION WAS LOST.

CLRS ASFOUR AND COOREY STOOD FOR A DIVISION

For:-

Clr Coorey

Against:-

Clrs Abouraad, Akter, Asfour, Cahill, Downey, El-Hayek, Ishac, Saleh OAM, Waiba and Walsh

- LOST

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AT THIS STAGE OF THE MEETING (9.24 PM), IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING TO CLR ASFOUR FOR AN ACT OF DISORDER.

SECTION 11: CONFIDENTIAL SESSION

(604) CLR. DOWNEY:/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, 11.2, and 11.3 in confidential session for the reasons indicated:

Item 11.1 T69-23 Padstow Park Amenities Building

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 Anchor Organisation for First Nations Cultural Hub and Resource Centre Trial

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 11.3 Chief Executive Officer Performance Review

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.

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 9.29 PM AND
REVERTED BACK TO OPEN COUNCIL AT 10.02 PM.**

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ITEM 11.1 **T69-23 PADSTOW PARK AMENITIES BUILDING**
(605) **CLR. DOWNEY:/CLR. WALSH**

RESOLVED that

1. Council accepts the tender received from Cerak Constructions Pty Ltd for an amount of \$4,506,288.54 (excluding GST) for T69-23 Padstow Park New Amenities Building.
2. Council approves the increase in budget for the project and reflect the adjustment as part of Council's September 2023 Quarterly review process, as outlined in the report.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

ITEM 11.2 **ANCHOR ORGANISATION FOR FIRST NATIONS CULTURAL HUB AND RESOURCE**
(606) **CENTRE TRIAL**
CLR. CAHILL:/CLR. DOWNEY

RESOLVED that Council approves Bankstown Community Resource Group to be the Anchor Organisation for a two-year period to trial the establishment of a First Nations Cultural Hub and Resource Centre, as outlined in the report.

- CARRIED

ITEM 11.3 **CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW**
(607) **CLR. ISHAC:/CLR. DOWNEY**

RESOLVED that

1. Council receive and note the Confidential CEO Performance Review Panel's Report.
2. Council notes the Chief Executive Officer's performance for the review period as determined by the Panel was either 'highly effective' or 'exceptional' in all sixteen (16) Strategic Outcome/Topic criteria.

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3. Given the 'more than satisfactory' performance criteria has been met, the Total Remuneration Package of the CEO increase akin to that applied to all NSW Local Government employees, being 4.5%.
4. The Mayor be delegated the authority to finalise and sign all documentation as required.
5. The Mayor be delegated the authority to finalise the 2023/2024 CEO Performance Agreement.

- CARRIED

AT THIS STAGE OF THE MEETING (9.50 PM), IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A SECOND WARNING TO CLR ASFOUR FOR AN ACT OF DISORDER.

THE MEETING CLOSED AT 10.03 P.M.

Minutes confirmed 28 NOVEMBER 2023

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Mayor