

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 28 MAY 2024

PRESENT: Mayor, Councillor El-Hayek
Councillors Abouraad, Akter, Asfour, Cahill, Coorey, Downey, Harika, Nguyen,
Raffan, Saleh OAM, Walsh

APOLOGIES Councillors Ishac, Waiba and Zakhia

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.33 PM.

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

(753)

CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that the minutes of the Ordinary Council Meeting held on 30 April 2024 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(754)

CLR. DOWNEY:/CLR. RAFFAN

RESOLVED that Leave of Absence be granted to Clrs Ishac, Waiba and Zakhia due to personal reasons.

- CARRIED

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

Nil

CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 6.35 PM.

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SECTION 4: MAYORAL MINUTES

CLR SALEH ARRIVED AT THE MEETING AT 6.36 PM

CLR RAFFAN RETURNED TO THE CHAMBER AT 6.36 PM.

ITEM 4.1 FAREWELL COMMANDER ADAM JOHNSON
(755) CLR. EL-HAYEK

RESOLVED that Council hold a morning tea and award Commander Adam Johnson with a Mayoral Certificate of Recognition.

- CARRIED

ITEM 4.2 WHERE INTERESTING HAPPENS LAUNCH
(756) CLR. EL-HAYEK

RESOLVED that the Mayoral Minute be noted.

- CARRIED

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

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 6.43 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

ITEM 4.3 MULTI FAITH MEETING
(757) CLR. EL-HAYEK

RESOLVED that Council convene a meeting to thank religious and spiritual leaders for their ongoing support, and to discuss how Council can work together with them to ensure our community remains united and living in harmony.

- CARRIED

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ITEM 4.4 **LOCAL COMMUNITY BASED DONATIONS**
(758) **CLR. EL-HAYEK**

RESOLVED that

1. Council supports a fee waiver of \$500.00 to the Gangchil Musical Association Inc. towards the Bengali New Years Eve Event.
2. Council supports a donation of \$500.00 to the Bankstown City Choir 50 Year Anniversary event.
3. Council supports a donation of \$750.00 to the Australian Jieh Community Club Sports Day.
4. Council supports a fee waiver of \$500.00 to the Western Districts Joggers and Harriers Fun Run event.
5. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

SECTION 5: **PLANNING MATTERS**

ITEM 5.1 **REPORT ON COUNCIL'S PERFORMANCE IN THE ASSESSMENT OF DEVELOPMENT APPLICATIONS FOR THE THIRD QUARTER OF THE 2023/24 FINANCIAL YEAR, CLAUSE 4.6 VARIATIONS APPROVED FOR THE THIRD QUARTER OF THE 2023/24 FINANCIAL YEAR, PLANNING RELATED LEGAL APPEALS, AND THE STATUS OF CURRENT PLANNING PROPOSALS**

(759) **CLR. DOWNEY:/CLR. ABOURAAD**

RESOLVED that the report be noted.

- CARRIED

ITEM 5.2 **DRAFT PLANNING AGREEMENT - 44 KITCHENER PARADE, BANKSTOWN**
(760) **CLR. ABOURAAD:/CLR. ASFOUR**

RESOLVED that

1. Council exhibit the Draft Planning Agreement at Attachment A.

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2. The matter be reported to Council following the exhibition.

- CARRIED

For:- Clrs Abouraad, Akter, Asfour, Cahill, Downey, El-Hayek, Harika, Saleh OAM, Nguyen, Raffan and Walsh

Against:- Clr Coorey

ITEM 5.3 DRAFT HOUSEKEEPING AMENDMENTS TO CANTERBURY-BANKSTOWN DCP 2023 AND COMMUNITY PARTICIPATION PLAN

(761) CLR. ABOURAAD:/CLR. RAFFAN

RESOLVED that

1. Council exhibit the draft housekeeping amendments to the Canterbury-Bankstown Development Control Plan 2023, as provided in Attachment A.
2. Council exhibit the draft housekeeping amendments to the Community Participation Plan, as provided in Attachment B.
3. The matter be reported to Council following the exhibition period.

- CARRIED

For:- Clrs Abouraad, Akter, Asfour, Cahill, Downey, El-Hayek, Harika, Saleh OAM, Nguyen, Raffan and Walsh

Against:- Clr Coorey

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 CASH AND INVESTMENT REPORT AS AT 30 APRIL 2024

(762) CLR. ABOURAAD:/CLR. DOWNEY

RESOLVED that

1. The Cash and Investment Report as at 30 April 2024 be received and noted.

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THE AMENDMENT WAS LOST.

(764)

CLR. ASFOUR:/CLR. RAFFAN

RESOLVED that

1. Council agree to granting a new three-year lease to Belmore Bowling and Recreation Club Ltd located at 1A Leyland Parade, Belmore, 1B and 1C Edison Lane, Belmore.
2. The Mayor and Chief Executive Officer be delegated authority to sign all documentation under the Common Seal of Council, as required.

- CARRIED

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 7.10 PM TO COUNCILLOR ASFOUR FOR AN ACT OF DISORDER.

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A SECOND WARNING AT 7.10 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

ITEM 8.2

UPDATE ON WESTERN SYDNEY INFRASTRUCTURE GRANTS PROGRAM (FORMERLY WESTINVEST)

(765)

CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that the WSIG Project Update be received and noted.

- CARRIED

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

ITEM 8.3

CAMPSIE HUB

(766)

CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that Council proceed with concept planning for the new Campsie Hub based on Option 2 for the reasons outlined in the report.

- CARRIED

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

ITEM 8.4 ADOPTION OF COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

(767) CLR. ABOURAAD:/CLR. CAHILL

RESOLVED that Council adopt the draft Community Infrastructure Strategic Plan 2050 (Attachment A).

- CARRIED

ITEM 8.5 PROPERTY MATTER - PROPOSED ACQUISITION OF LAND ADJACENT TO THE INTERSECTION OF MILLER ROAD AND MUNDAMATTA STREET, VILLAWOOD

(768) CLR. CAHILL:/CLR. ABOURAAD

RESOLVED that

1. The proposed compulsory acquisition of two separate pieces of land (parts of 976 Hume Highway Villawood - Lot H DP36603) owned by TfNSW be approved.

2. The proposed approach, as set out in the report be endorsed.

- CARRIED

SECTION 9: COMMITTEE REPORTS

(769) CLR. SALEH OAM:/CLR. WALSH

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

- CARRIED

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ITEM 9.1 **MINUTES OF THE FIRST PEOPLES ADVISORY COMMITTEE MEETING HELD ON 22 APRIL 2024**

(770) **CLR. SALEH OAM:/CLR. WALSH**

RESOLVED that the minutes of the First Peoples Advisory Committee meeting held on 22 April 2024 be endorsed.

- CARRIED

ITEM 9.2 **MINUTES OF THE ENVIRONMENT ADVISORY COMMITTEE MEETING HELD ON 1 MAY 2024**

(771) **CLR. SALEH OAM:/CLR. WALSH**

RESOLVED that the minutes of the Environment Advisory Committee meeting held on 1 May 2024 be endorsed.

- CARRIED

ITEM 9.3 **MINUTES OF THE COMMUNITY SAFETY ADVISORY COMMITTEE MEETING HELD ON 9 MAY 2024**

(772) **CLR. SALEH OAM:/CLR. WALSH**

RESOLVED that

1. Council support the addition of a representative from the Canterbury Bankstown Inclusive Communities Network to the Community Safety Advisory Committee's Charter.
2. The minutes of the Community Safety Advisory Committee meeting held on 9 May 2024 be endorsed.

- CARRIED

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ITEM 9.4 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 14 MAY 2024**
(773) **CLR. SALEH OAM:/CLR. WALSH**

RESOLVED that the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 14 May 2024, be adopted.

- CARRIED

SECTION 10: **NOTICE OF MOTIONS & QUESTIONS WITH NOTICE**

(774) **CLR. SALEH OAM:/CLR. RAFFAN**

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Notice of Motion and Questions with Notice with the exception of Items 10.1, 10.2, 10.5, 10.6, 10.8, 10.12 and 10.13.

- CARRIED

ITEM 10.1 **STATUS OF PREVIOUS NOTICES OF MOTION - MAY 2024**

(775) **CLR. DOWNEY:/CLR. NGUYEN**

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 **VALE EUNICE ROGAN**

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

RESOLVED that Council pays tribute to the late Eunice Rogan by acknowledging the support and tireless work she did on behalf of our City.

- CARRIED

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ITEM 10.3
(777)

VALE TONY BLEASDALE OAM

CLR. SALEH OAM:/CLR. RAFFAN

RESOLVED that Council notes the passing of former Blacktown City Mayor Tony Bleasdale OAM and recognises his tireless work and love for his local community.

- CARRIED

ITEM 10.4
(778)

HONOURING THE LATE BILL BRACKENBURY

CLR. SALEH OAM:/CLR. RAFFAN

RESOLVED that Council honours the late Bill Brackenbury by naming the Ewen Park Sporting Amenities building at Hurlstone Park after him, as a fitting tribute for his significant accomplishments and contributions to sport within the Canterbury Bankstown community.

- CARRIED

ITEM 10.5
(779)

COOKS RIVER - SHEET METAL REMOVAL

CLR. RAFFAN:/CLR. NGUYEN

RESOLVED that Council write to the Treasurer, Daniel Mookhey, seeking the Government to consider funding a pilot project for sheet metal removal on a section of the Cooks River as part of the next NSW Government budget.

- CARRIED

ITEM 10.6

AUSTRALIA POST TO INFORM OUR COMMUNITY

CLR AKTER TEMPORARILY VACATED THE CHAMBER AT 8.17 PM.

MOTION

CLR. RAFFAN:/CLR ABOURAAD

That Council writes to Australia Post CEO, Paul Graham, acknowledging receipt of his letter outlining the reasons for the closure of the Campsie Post office, and further calls on him to relay those reasons to local residents by mail, media and social media platforms.

AMENDMENT

CLR. ABOURAAD:

That Council writes to:

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1. Australia Post CEO, Paul Graham, acknowledging receipt of his letter outlining the reasons for the closure of the Campsie Post Office, and further calls on him to relay those reasons to local residents by mail, media and social media platforms.
2. The Federal Member for Watson the Hon Tony Burke to bring this matter to his attention and seek his assistance in following up Council's correspondence sent to his colleagues the Hon Ministers Katie Gallagher and Michelle Rowland.

THE AMENDMENT WAS ACCEPTED BY THE MOVER OF THE MOTION.

(780)

CLR. RAFFAN:/CLR. ABOURAAD

RESOLVED that Council writes to:

1. Australia Post CEO, Paul Graham, acknowledging receipt of his letter outlining the reasons for the closure of the Campsie Post Office, and further calls on him to relay those reasons to local residents by mail, media and social media platforms.
2. The Federal Member for Watson the Hon Tony Burke to bring this matter to his attention and seek his assistance in following up Council's correspondence sent to his colleagues the Hon Ministers Katie Gallagher and Michelle Rowland.

- CARRIED

ITEM 10.7

INTERSECTION UPGRADE - INTERSECTION OF HENRY LAWSON DRIVE AND THE HUME HIGHWAY AT LANSDOWNE

(781)

CLR. SALEH OAM:/CLR. RAFFAN

RESOLVED that Council writes to Transport for NSW calling on them to fund an upgrade of a well-known traffic blackspot at the intersection of Henry Lawson Drive and the Hume Highway at Lansdowne.

- CARRIED

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ITEM 10.8 **PLANNING FOR A LIVERPOOL METRO EXTENSION**
(782) **CLR. WALSH:/CLR. ABOURAAD**

RESOLVED that Council, in collaboration with Liverpool City Council, Parramatta City Council and Cumberland City Council, engage with the Minister for Transport and request that the NSW Government identify a suitable corridor, and appropriate station sites, for an extension of the Southwest metro from Bankstown to Liverpool and possible routes to connect Bankstown more directly with Parramatta.

- CARRIED

CLR AKTER RETURNED TO THE CHAMBER AT 8.20 PM

CLR SALEH OAM TEMPORARILY VACATED THE CHAMBER AT 8.29 PM AND RETURNED AT 8.32 PM.

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

ITEM 10.9 **NSW GOVERNMENT NEEDS TO OPEN UP ABOUT ASBESTOS**
(783) **CLR. SALEH OAM:/CLR. RAFFAN**

RESOLVED that

1. Council writes to Transport for NSW and the EPA calling on them to come clean and advise the community of all asbestos found in our LGA during its recent mulch supply chain investigations.
2. Council call on them to provide detailed reports of what they found and what action was taken and what risks, if any, the community has been exposed to.

- CARRIED

ITEM 10.10 **OPEN SPACE AND PLAYGROUND INVESTIGATIONS**
(784) **CLR. SALEH OAM:/CLR. RAFFAN**

RESOLVED that Council investigate the potential for open space and playground upgrades of the following locations as part of its 2024/25 Operational Plan:

- A playground at Knox Street Reserve, Belmore; and
- Seating, turf and a public bin at St Jude Crescent Reserve, Belmore

- CARRIED

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ITEM 10.11 **TRAFFIC INVESTIGATION - RYDGE STREET, BELMORE**
(785) **CLR. SALEH OAM:/CLR. RAFFAN**

RESOLVED that Council investigate the potential for a pedestrian crossing at Rydge and Sharp Streets, Belmore.

- CARRIED

ITEM 10.12 **HOLDING OF A POLL AT THE SEPTEMBER 2024 LOCAL GOVERNMENT ELECTIONS**
REGARDING COMMUNITY SUPPORT FOR A COUNCIL DE-AMALGAMATION
MOTION **CLR. COOREY:/CLR ABOURAAD**

That Council:

1. Hold a poll concurrently with the 14 September 2024 Local Government elections asking the question: "Do you support the de-amalgamation of Canterbury Bankstown Council to reinstate Canterbury and Bankstown Councils?"
2. Complete a desktop business case internally for a de-amalgamation of the two former council areas, addressing:
 - a. The financial advantages and disadvantages of a demerger. This should include: consideration of the division and sharing of assets and liabilities; service standards and shared services; rate levels and charges.
 - b. The community of interest and geographic cohesion of the existing LGA compared to the former council areas.
 - c. The historical and traditional values of the former LGAs and the impact on them of the amalgamation into CBC.
 - d. The impact of a demerger on democratic representation for residents in each of the former council areas.
 - e. The impact of a demerger on the employment of current staff and possibility of redeployment to the demerged former council areas.
3. Prepare a report, including the desktop business case and de-amalgamation costings, to be presented to a Council Meeting no later than June 25. The report should include:
 - a. The data and analysis as outlined in point 2.(a) - (e), without any recommendations.
 - b. Detail the process and basis for any information which will be provided to residents about the poll.

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4. By August 1, develop a page on its website, social media and other means, all providing access to the desktop report, to advertise that a demerger poll will take place.

AMENDMENT

CLR. WALSH:

That the matter be deferred to the next Ordinary Meeting of Council.

THE AMENDMENT WAS ACCEPTED BY THE MOVER OF THE MOTION.

(786)

CLR. COOREY:/CLR. ABOURAAD

RESOLVED that the matter be deferred to the next Ordinary Meeting of Council.

- CARRIED

ITEM 10.13

COUNCILLOR QUESTIONS

(787)

CLR. COOREY

RESOLVED that

1. Has loan funding been finalised for the construction of the Canterbury Aquatic Centre, and if not why not?

Comment from CEO

This matter was subject to a confidential report to Council at the 27 February 2024 Ordinary Meeting and is subject to a further report on tonight's agenda recommending finalization of the loan.

2. Have contracts been finalised with the successful tenderer for the construction of the Canterbury Aquatic Centre, and if not why not?

Comment from CEO

This matter was subject to a confidential report to Council at the 7 December 2023 Ordinary Meeting and the contract was entered into.

3. What discussions have taken place between the previous owner of the Campsie Centre in relation to Council vacating the building, and what compensation would be paid to Council in relation to the vacating of such site?

Comment from CEO

Council has strata ownership within the Campsie Centre and has not had any discussions regarding it vacating the building or any sale or compensation associated with vacation or sale.

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4. What were the circumstances behind the UWS prepaying approximately \$12 million in monies to Council re the lease payments relating to a 99 year lease occupancy of the lands owned by Council?

Comment from CEO

The circumstances are subject to confidential reports to council in December 2016, December 2017, July 2017 and June 2018.

5. What is the role of each person engaged in Executive Services and what is the yearly budget for such a department?

Comment from CEO

The staffing within Executive Services is resolved by Council in its Councillor Expenses and Facilities Policy, and Councillors were provided information on 7 September 2023 and 16 January 2024 in regards to the previous structure and restructure process for Executive Services. Following this Councillors were provided information on 27 March and 16 May updating Councillors on the process and outcome of the restructure. The budget is the salary of those Executive services staff listed in my email on 16 May and staff salary information is of a personal nature.

6. How many persons are engaged in photography and or media for Canterbury Bankstown Council for the period 1 January 2022 to current date?

Comment from CEO

3 Media staff and 1 multimedia staff member.

7. How many media personnel are engaged by Canterbury Bankstown Council and what is the budget (and role for each person) for such services for the period 1 January 2022 to current date?

Comment from CEO

3 persons (2 media officers and their team leader) with the budget for each person being their salary and staff salary information is of a personal nature.

- CARRIED

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SECTION 11: CONFIDENTIAL SESSION

(788) CLR. DOWNEY:/CLR. RAFFAN

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 Code of Conduct Investigation Report

This report is considered to be confidential in accordance with Section 10A(2)(i) of the Local Government Act, 1993, as it relates to alleged contraventions of any code of conduct requirements applicable under section 440.

Item 11.2 Loan Borrowing - Canterbury Leisure and Aquatics Centre

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 Contract Extension for T79-18 (General Waste Receipt and Processing 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.

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 8.48 PM AND REVERTED BACK TO OPEN COUNCIL AT 9.22 PM.

IN ACCORDANCE WITH CLAUSE 7.49 OF THE PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT, COUNCILLOR COOREY MADE A SUBMISSION ON THE CODE OF CONDUCT REVIEWERS RECOMMENDATION. COUNCILLOR COOREY THEN TEMPORARILY RETIRED FROM THE MEETING AT 9.00 PM.

IN RESPECT TO ITEM 11.1 – CODE OF CONDUCT REPORT THE COMPLAINANT COUNCILLOR VACATED THE CHAMBER TAKING NO PART IN DEBATE AT 9.00 PM.

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ITEM 11.1 **CODE OF CONDUCT INVESTIGATION REPORT**
(789) **CLR. RAFFAN:/CLR. AKTER**

RESOLVED that

1. For the reasons outlined in the report by the Code of Conduct Reviewer, Council formally censures Councillor Coorey under section 440G of the Local Government Act 1993 for breaches of Part 3 (General Conduct Obligations), Part 7 (Relationship between Council Officials), and Part 8 (Access to Information and Council Resources) of Council's Code of Conduct.
2. The matter be referred to the Office of Local Government for further action under the misconduct provisions of the Local Government Act 1993.

- CARRIED

ITEM 11.2 **LOAN BORROWING - CANTERBURY LEISURE AND AQUATICS CENTRE**
(790) **CLR. ABOURAAD:/CLR. RAFFAN**

RESOLVED that Council accepts the NSW TCorp's proposed loan facility, as outlined in this report.

- CARRIED

CLR COOREY AND THE COMPLAINANT COUNCILLOR RETURNED TO THE CHAMBER AT 9.09 PM.

ITEM 11.3 **CONTRACT EXTENSION FOR T79-18 (GENERAL WASTE RECEIPT AND PROCESSING SERVICES)**
(791) **CLR. WALSH:/CLR. ABOURAAD**

RESOLVED that

1. Council agrees to the five-year extension of its waste disposal contract with Veolia Environmental Services (Australia) Pty Ltd, as outlined in the report.
2. The Chief Executive Officer be authorised to sign the five-year extension of the contract and sign all documentation in accordance with Council's resolution.

- CARRIED

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THE MEETING CLOSED AT 9.23 PM.

Minutes confirmed 25 JUNE 2024

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Mayor