

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 AUGUST 2024

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

APOLOGIES Councillor Akter

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.34 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

(863)

CLR. ZAKHIA:/CLR. CAHILL

RESOLVED that the minutes of the Ordinary Council Meeting held on 23 July 2024 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(864)

CLR. ABOURAAD:/CLR. ISHAC

RESOLVED that Leave of Absence be granted to Clr Akter due to personal reasons.

- CARRIED

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

In respect to Item 5.2 – Council's Draft Submission to the Bankstown Accelerated Transport Orientated Development (TOD) Precinct Proposal, Mayor El-Hayek declared a significant non pecuniary conflict of interest given a reportable donation was made to his election campaign and the donor as well as his employer have property that is within the precinct proposal area and as such he will vacate the chamber, taking no part in debate or the decision on the matter.

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In respect to Item 5.2 – Council’s Draft Submission to the Bankstown Accelerated Transport Orientated Development (TOD) Precinct Proposal, Councillor Asfour declared a significant non pecuniary conflict of interest given his role on the Board of Bankstown RSL and a reportable donation was made to his election campaign where both the Bankstown RSL and the donor have property that is within the precinct proposal area and as such he will vacate the chamber, taking no part in debate or the decision on the matter.

In respect to Item 11.1 - EOI 03-24 Women’s Rest Centre in Campsie and Lakemba, Mayor El-Hayek declared a significant non pecuniary conflict of interest due to his association with the Lebanese Muslim Association and as such he will vacate the chamber, taking no part in debate or the decision on the matter.

In respect to Item 11.1 - EOI 03-24 Women’s Rest Centre in Campsie and Lakemba, Councillor Asfour declared a pecuniary conflict of interest due to his working relationship with the Lebanese Muslim Association and as such he will vacate the chamber, taking no part in debate or the decision on the matter.

In respect to Item 11.1 - EOI 03-24 Women’s Rest Centre in Campsie and Lakemba, Councillor Saleh declared a significant non pecuniary conflict of interest due to his association with the Lebanese Muslim Association and as such he will vacate the chamber, taking no part in debate or the decision on the matter.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 REMEMBERING LALZAWAMI FRANKCOM

(865) CLR. EL-HAYEK

RESOLVED that

1. Council set aside an agreed location at Leslie Muir Reserve, Canterbury to plant a tree and install a plaque as a memorial tribute to honour and recognise her selfless humanitarian work.
2. The funds for acquiring the tree and plaque be accommodated from within Council’s operational budget.

- CARRIED

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CLR NGUYEN ARRIVED IN THE CHAMBER AT 6.43 PM.

ITEM 4.2 **THANK YOU TO OUTGOING COUNCILLORS**
(866) **CLR. EL-HAYEK**

RESOLVED that the Mayoral Minute be noted.

- CARRIED

ITEM 4.3 **MINISTERS' AWARDS FOR WOMEN IN LOCAL GOVERNMENT**
(867) **CLR. EL-HAYEK**

RESOLVED that Council acknowledges Clr Downey's accomplishment by hosting a morning tea in our boardroom.

- CARRIED

CLR COOREY TEMPORARILY VACATED THE CHAMBER AT 6.53 PM.

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

RESOLVED that

1. Council support a fee waiver of \$750.00 towards the hire of Padstow Senior Citizen Hall, as outlined in the report.
2. Council support a donation of \$500 to AMUST towards its event to celebrate its tenth anniversary.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

ITEM 4.5 **CLOSURE OF THE TORCH**
(869) **CLR. EL-HAYEK**

RESOLVED that the Mayoral Minute be noted.

- CARRIED

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CLR COOREY RETURNED TO THE CHAMBER AT 6.57 PM.

SECTION 5: PLANNING MATTERS

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

(870) CLR. WALSH:/CLR. ISHAC

RESOLVED that the report be noted.

- CARRIED

ITEM 5.2 COUNCIL'S DRAFT SUBMISSION TO THE BANKSTOWN ACCELERATED TRANSPORT ORIENTED DEVELOPMENT (TOD) PRECINCT PROPOSAL

In respect to Item 5.2 – Council's Draft Submission to the Bankstown Accelerated Transport Orientated Development (TOD) Precinct Proposal, Mayor El-Hayek declared a significant non pecuniary conflict of interest given a reportable donation was made to his election campaign and the donor as well as his employer have property that is within the precinct proposal area and as such he would vacate the chamber, taking no part in debate or the decision on the matter.

In respect to Item 5.2 – Council's Draft Submission to the Bankstown Accelerated Transport Orientated Development (TOD) Precinct Proposal, Councillor Asfour declared a significant non pecuniary conflict of interest given his role on the Board of Bankstown RSL and a reportable donation was made to his election campaign where both the Bankstown RSL and the donor have property that is within the precinct proposal area and as such he would vacate the chamber, taking no part in debate or the decision on the matter.

HIS WORSHIP THE MAYOR CLR EL-HAYEK AND CLR ASFOUR TEMPORARILY VACATED THE CHAMBER AT 7.23 PM.

THE DEPUTY MAYOR CLR HARIKA ASSUMED THE CHAIR.

(871) CLR. RAFFAN:/CLR. CAHILL

RESOLVED that

1. Council endorse the draft Submission to the Bankstown Rezoning Package EIE and the proposed pathway changes to support TOD Precincts EIE.

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2. The CEO have delegation to make final drafting and administrative updates to the submission.

- CARRIED

For:- Clrs Abouraad, Cahill, Downey, Harika, Ishac, Nguyen, Raffan, Waiba, Walsh and Zakhia

Against:- Clr Coorey

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 7.23 PM AND RETURNED AT 7.25 PM.

CLR SALEH RETIRED FROM THE MEETING AT 7.25 PM.

HIS WORSHIP THE MAYOR CLR EL-HAYEK RETURNED TO THE CHAMBER AT 7.40 PM AND RESUMED THE CHAIR.

CLR ASFOUR RETURNED TO THE CHAMBER AT 7.40 PM.

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 QUARTERLY PROGRESS REPORT OF THE 2023/24 OPERATIONAL PLAN, DELIVERY PROGRAM AND BUDGET TO JUNE 2024

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 7.45 PM TO COUNCILLORS COOREY AND RAFFAN FOR AN ACT OF DISORDER.

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A SECOND WARNING AT 7.46 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

(872) CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that

1. Council note the quarterly review of the 2023/24 Operational Plan and 2022-25 Delivery Program to 30 June 2024.
2. Council adopt the June 2024 Quarterly Budget Review as outlined in this report.

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3. Council authorise the budget variations for the June 2024 Quarter – as outlined in Attachment C – Annexure A.
4. Council authorise the carryover of budgets to complete certain capital and operating projects - including capital grant income - commenced throughout the 2023/24 financial year – as outlined in report.
5. Council adopt the budget adjustment’s for grants awarded to Council during this quarter - as outlined in the report - and that the variations be reflected in the September 2024 Quarterly Budget Review for 2024/25, accordingly.
6. 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 2021*, as outlined in the report.
7. Council note the write-off of sundry debts for the 2023/24 financial year, as outlined in the report.
8. Council notes the attached report on the provision of expenses and facilities to the Mayor and Councillors, for the period 1 January 2024 to 30 June 2024.

- CARRIED

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

ITEM 7.2 CASH AND INVESTMENT REPORT AS AT 31 JULY 2024

(873) CLR. ABOURAAD:/CLR. CAHILL

RESOLVED that

1. The Cash and Investment Report as at 31 July 2024 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

ITEM 7.3 CREATION OF EASEMENTS FOR DRAINAGE AT 24 CLAPHAM ROAD AND 23 MARY STREET, REGENTS PARK

(874) CLR. HARIKA:/CLR. DOWNEY

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RESOLVED that

1. Council authorise the creation of the relevant easements, as outlined in the report.
2. The Chief Executive Officer be given authority to finalise and execute any necessary documentation, in accordance with the parameters set out in the report.

- CARRIED

SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 RAMADAN NIGHTS LAKEMBA REVIEW 2024
(875) CLR. HARIKA:/CLR. CAHILL

RESOLVED that

1. Subject to funding, Council endorse the running of the event to continue every night during Ramadan (except one night to be given over to public prayers and a street-based Iftar Dinner).
2. Council investigates feasibility and costs associated with the placement of all event stalls on the road within a defined geographical precinct as proposed in Attachment A.
3. Council continues to seek NSW Government funding to secure the long-term future for the event.
4. A further report be presented to the new Council once Government funding is confirmed, addressing matters set out in the report.

- CARRIED

SECTION 9: COMMITTEE REPORTS

(876) CLR. DOWNEY:/CLR. ZAKHIA

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 23 JULY 2024**

(877) **CLR. DOWNEY:/CLR. ZAKHIA**

RESOLVED that the minutes of the First Peoples Advisory Committee meeting held on 23 July 2024 be endorsed.

- CARRIED

ITEM 9.2 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 13 AUGUST 2024**

(878) **CLR. DOWNEY:/CLR. ZAKHIA**

RESOLVED that the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 13 August 2024, be adopted.

- CARRIED

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

(879) **CLR. CAHILL:/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 10.1, 10.2, 10.3, 10.4, 10.7, 10.8, 10.9, 10.10, 10.11 and 10.12.

- CARRIED

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

(880) **CLR. DOWNEY:/CLR. ZAKHIA**

RESOLVED that the information be noted.

- CARRIED

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ITEM 10.2 **INCREASED PENALTIES AND MEASURES FOR UNAUTHORISED REMOVAL OF TREES ON PUBLIC LAND**

CLR HARIKA TEMPORARILY VACATED THE CHAMBER AT 8.24 PM AND RETURNED AT 8.26 PM.

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

RESOLVED that Council

1. Recognises the significant environmental, aesthetic, and community value of trees on public land.
2. Acknowledges the successful prosecution of offenders within the current statutory framework, and advocates for increasing the value of fines using a well-established tree valuation method known as the Burnley Method.
3. Formally write to the Minister for Planning and Public Spaces to introduce and enforce tougher penalties for the vandalism and unauthorised removal of trees on public land, including the adoption of the Burnley Method to calculate fines based on the economic value of trees. This method calculates a tree's value based on its height, girth, canopy spread, and overall condition, ensuring fines reflect the true value of the tree.
4. Council reviews its approach to unauthorised removal of trees as outlined in this motion.

- CARRIED

ITEM 10.3 **PRIVATE CERTIFIERS**

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

RESOLVED that Council

1. Recognises the critical role that private certifiers play in ensuring the safety, compliance, and quality of building work in New South Wales (NSW).
2. Acknowledges the increasing concerns and complaints from residents, builders, and developers regarding poor certification practices by private certifiers, which have led to non-compliant and defective building work.
3. Formally write to the Minister for Planning and Public Spaces to raise Council's concerns outlined in this motion.

- CARRIED

CLR WAIBA TEMPORARILY VACATED THE CHAMBER AT 8.29 PM AND RETURNED AT 8.31 PM.

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ITEM 10.4 **BRINGING BACK THE EARLWOOD FESTIVAL**
(883) **CLR. RAFFAN:/CLR. NGUYEN**

RESOLVED that Council write to the NSW Government seeking their support and financial contribution to the community and local businesses for them to bring back the Earlwood Village Festival.

- CARRIED

ITEM 10.5 **GRAFF PARK PARKING IMPROVEMENTS**
(884) **CLR. CAHILL:/CLR. ISHAC**

RESOLVED that Council reviews parking arrangements for the carpark at the northern entry to Graff Park as outlined in the motion.

- CARRIED

ITEM 10.6 **GLASSOP STREET RESERVE - STOP FEEDING BIRDS**
(885) **CLR. CAHILL:/CLR. ISHAC**

RESOLVED that Council erect 'Do Not Feed The Birds' signs outlining what, if any, penalties apply in the Glassop Street Council Reserve.

- CARRIED

ITEM 10.7 **THANK YOU**

THIS MATTER WAS CONSIDERED LATER IN THE MEETING. SEE RESOLUTION NO. 890 ON PAGE THIRTEEN OF THESE MINUTES.

ITEM 10.8 **SHORT CHANGED FROM THE HOUSING SUPPORT PROGRAM**
(886) **CLR. ISHAC:/CLR. ABOURAAD**

RESOLVED that Council

1. Write to the Prime Minister, the Hon Anthony Albanese MP, the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, and the Hon Clare O'Neil MP, Minister

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for Housing, Homelessness and Small Business, requesting they explain why we were unsuccessful in receiving funding to complete crucial place-based planning for key centres in our LGA under the Federal Government's Housing Support Program.

2. Recognises the significant efforts made by Council in actively participating in the planning for the Accelerated TOD program and the Low to Mid Rise Housing SEPP. This outcome in no way reflects the quality of our work, and we must continue to develop place-based masterplans to ensure our community is not forced into a 'one size fits all' approach.

- CARRIED

ITEM 10.9 **GO THE BULLDOGS**

In respect to Item 10.9 – Go the Bulldogs, Mayor El-Hayek declared a non significant non pecuniary conflict of interest due to his association and community work he does with the GWS Giants and as such he would vacate the chamber, taking no part in debate or the decision on the matter.

HIS WORSHIP THE MAYOR CLR EL-HAYEK TEMPORARILY VACATED THE CHAMBER AT 8.45 PM.

THE DEPUTY MAYOR CLR HARIKA ASSUMED THE CHAIR.

(887) **CLR. ABOURAAD:/CLR. ISHAC**

RESOLVED that Council

1. Installs street banners at available locations in support of the Canterbury Bulldogs and GWS Giants as they enter the NRL and AFL Finals.
2. Investigate options to decorate Burwood Road, Belmore in support of the Bulldogs campaign towards the grand final.

- CARRIED

HIS WORSHIP THE MAYOR CLR EL-HAYEK RETURNED TO THE CHAMBER AT 8.52 PM AND RESUMED THE CHAIR.

CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 8.49 PM AND RETURNED AT 8.51 PM.

ITEM 10.10 **PROUDLY ACKNOWLEDGING OUR OLYMPIANS AND PARALYMPIANS**

(888) **CLR. ZAKHIA:/CLR. ABOURAAD**

RESOLVED that Council acknowledges and commends:

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1. The outstanding performances and sportsmanship by the Australian Olympians at the Paris Olympic Games;
2. The personal sacrifices made by the Australian Olympians, their families and friends who have supported them;
3. The efforts of Managers, Coaches and their support teams in enabling the Australian Olympians to achieve performances which we are all very proud of; and
4. The upcoming efforts of the Australian Paralympic Team as they commence competition in Paris on Wednesday 28 August”

- CARRIED

ITEM 10.11 **JUDY FINLASON MEMORIAL**
(889) **CLR. COOREY:/CLR. ZAKHIA**

RESOLVED that Council reallocate a portion of my Ward funds (\$5,000) towards the memorial for the late Judy Finlason and staff work with the family to deliver an appropriate solution.

- CARRIED

CLR ISHAC TEMPORARLY VACATED THE CHAMBER AT 8.53 PM AND RETURNED AT 8.55 PM.

ITEM 10.12 **COUNCILLOR QUESTIONS**

CLR CAHILL TEMPORARILY VACATED THE CHAMBER AT 8.59 PM AND RETURNED AT 9.02 PM.

CLR. NGUYEN TEMPORARILY VACATED THE CHAMBER AT 9.00 PM AND RETURNED AT 9.02 PM.

In accordance with the requirements of section 3.15 of the Code of Meeting Practice, the Chief Executive Officer provided an oral response to each of the questions from Councillor Coorey.

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ITEM 10.7 **THANK YOU**

CLR COOREY TEMPORARILY RETIRED FROM THE MEETING AT 9.17 PM AND RETURNED AT 9.20 PM.

(890) **CLR. ISHAC:/CLR. ABOURAAD**

RESOLVED that Council receive and note Clr Ishac's expression of gratitude for the friendship and support during his time on Council.

- CARRIED

SECTION 11: **CONFIDENTIAL SESSION**

(891) **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 EOI 03-24 Women's Rest Centre in Campsie and 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 11.2 Proposed Freehold Compulsory Acquisition of Council Land by Transport for NSW

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 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.

- CARRIED

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COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 9.39 PM AND REVERTED BACK TO OPEN COUNCIL AT 9.55 PM.

ITEM 11.1 **EOI 03-24 WOMEN'S REST CENTRE IN CAMPSIE AND LAKEMBA**

In respect to Item 11.1 - EOI 03-24 Women's Rest Centre in Campsie and Lakemba, Mayor El-Hayek declared a significant non pecuniary conflict of interest due to his association with the Lebanese Muslim Association and as such he would vacate the chamber, taking no part in debate or the decision on the matter.

In respect to Item 11.1 - EOI 03-24 Women's Rest Centre in Campsie and Lakemba, Councillor Asfour declared a pecuniary conflict of interest due to his working relationship with the Lebanese Muslim Association and as such he would vacate the chamber, taking no part in debate or the decision on the matter.

HIS WORSHIP THE MAYOR CLR EL-HAYEK AND CLR ASFOUR TEMPORARILY VACATED THE CHAMBER AT 9.44 PM.

THE DEPUTY MAYOR CLR HARIKA ASSUMED THE CHAIR.

(892) **CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that

1. Having considered the submissions received in response to the expression of interest process, Council agrees to invite the following proponents to submit a Tender to operate the Lakemba and Campsie Women's Rest Centres:
 - a) The Chinese Australia Services Society to fulfil the requirements to operate the Campsie Women's Rest Centre for a period of twelve (12) months, as outlined in the report;
 - b) The Islamic Women's Association of Australia and the Lebanese Muslim Association to fulfil the requirements to operate the Lakemba Women's Rest Centre for a period of twelve (12) months, as outlined in the report.
2. A further report be provided to Council to finalise the Selective Tender process.
3. The remaining proponents be thanked for their submission with regards to the matter.

- CARRIED

HIS WORSHIP THE MAYOR CLR EL-HAYEK RETURNED TO THE CHAMBER AT 9.46 PM AND RESUMED THE CHAIR.

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CLR ASFOUR RETURNED TO THE CHAMBER AT 9.47 PM.

**ITEM 11.2 PROPOSED FREEHOLD COMPULSORY ACQUISITION OF COUNCIL LAND BY
TRANSPORT FOR NSW**

(893) CLR. WALSH:/CLR. DOWNEY

RESOLVED that

1. Council acknowledge TfNSW's proposal to compulsorily acquire parts of the subject land, as outlined in the report.
2. Council agree to the Suggested Approach in dealing with the matter, as outlined in the report.

- CARRIED

ITEM 11.3 CODE OF CONDUCT INVESTIGATION REPORT

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 RETIRED FROM THE MEETING AT 9.49 PM.

(894) CLR. RAFFAN:/CLR. ASFOUR

RESOLVED that

1. Councillor Coorey be formally censured for the breach under section 440G of the Local Government Act 1993.
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

THE MEETING CLOSED AT 9.55 PM.

Minutes confirmed 22 OCTOBER 2024

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Mayor