

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 NOVEMBER 2022

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

APOLOGIES: Councillor Akter

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.30 PM.

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.

SECTION 1: CONFIRMATION OF MINUTES

(265)

CLR. DOWNEY:/CLR. ZAKHIA

RESOLVED that the minutes of the Ordinary Council Meeting held on 18 October 2022 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(266)

CLR. DOWNEY:/CLR. ABOURAAD

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 of Item 6.1 – Community Facilities: Policy Principles, Clr Saleh OAM declared a significant, non-pecuniary conflict of interest as the Community Facilities Policy relates to leases of Council facilities, of which the Riverwood Community Centre is one and as he is the chair of the board he will vacate the chamber taking no part in debate.

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In respect of Item 6.1 – Community Facilities: Policy Principles, Clr Waiba declared a significant, non-pecuniary conflict of interest as the Community Facilities Policy relates to leases of Council facilities, of which the Riverwood Community Centre is one and as she is a board member she will vacate the chamber taking no part in debate.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 INVITATION TO COUNCILLORS - MUD CRABS CHRISTMAS GATHERING
(267) CLR. ASFOUR

RESOLVED that Council write to the Mudcrabs and acknowledge the work they do in our community, and further encourage all Councillors to take up their Christmas invitation.

- CARRIED

ITEM 4.2 CANTERBURY HOSPITAL - THANKS TO CHRIS MINNS MP
(268) CLR. ASFOUR

RESOLVED that Council write to the NSW Opposition Leader, the Hon. Chris Minns MP and thank him for supporting our community and breathing new life into the Canterbury Hospital.

- CARRIED

ITEM 4.3 SUPPORTING AGED CARE
(269) CLR. ASFOUR

RESOLVED that

1. Council arrange for a Bronze Package Sponsorship Package at their upcoming fundraising dinner, the funds to go towards fitting out the newly built facility.
2. The Bronze Package is valued at \$5,000 and it is proposed that the funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

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ITEM 4.4 **VALE ALISON MEGARRITY**

(270) **CLR. ASFOUR**

RESOLVED that the Mayoral Minute be noted.

- CARRIED

COUNCIL OBSERVED A MINUTE'S SILENCE IN MEMORY OF ALISON MEGARRITY

ITEM 4.5 **LOCAL COMMUNITY BASED DONATIONS**

CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 6.47 PM AND RETURNED TO THE CHAMBER AT 6.48 PM.

(271) **CLR. ASFOUR**

RESOLVED that

1. Council support a donation of \$500.00 towards Help for Hirschsprung Disease.
2. Council support a fee waiver for Bankstown Community Resource Centre Group of \$535.00 towards the booking of the C.A.R.E.S Trebartha Street, Bass Hill.
3. Council support a fee waiver for Bankstown Community Resource Centre Group of \$162.00 towards the waste costs associated with the hire of the C.A.R.E.S Trebartha Street, Bass Hill.
4. Council support a fee waiver of \$129.90 for Indonesian Community Council towards the hire of Yagoona Community Centre.
5. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

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SECTION 5: PLANNING MATTERS

ITEM 5.1 **REPORT ON COUNCIL'S PERFORMANCE IN THE ASSESSMENT OF DEVELOPMENT APPLICATIONS FOR THE FIRST QUARTER OF THE 2022/23 FINANCIAL YEAR, CLAUSE 4.6 VARIATIONS APPROVED FOR THE FIRST QUARTER OF THE 2022/23 FINANCIAL YEAR AND PLANNING RELATED LEGAL APPEALS**

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

RESOLVED that the report be noted.

- CARRIED

ITEM 5.2 **REMOVAL OF CAVEAT - 297-299 CANTERBURY ROAD, CANTERBURY**

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

RESOLVED that

1. Council consent to the removal of the caveat placed on 297-299 Canterbury Road, Canterbury from the single lot and any subdivided lot titles.
2. The Mayor and Chief Executive Officer be given delegated authority to sign all documentation under the Common Seal of Council, as required.

- CARRIED

ITEM 5.3 **WSU MILPERRA PLANNING PROPOSAL SUBMISSION**

(274) **CLR. WALSH:/CLR. RAFFAN**

RESOLVED that

1. Council endorses the draft submission at Attachment A and the submission is made to the Department of Planning and Environment.
2. Council include in the submission, its concern in terms of the loss of the university as an educational facility and that there is no plans or intention to provide any form of educational facility for the local community at this point in time.

- CARRIED

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SECTION 6: POLICY MATTERS

ITEM 6.1 COMMUNITY FACILITIES: POLICY PRINCIPLES

In respect of Item 6.1 – Community Facilities: Policy Principles, Clr Saleh OAM declared a significant, non-pecuniary conflict of interest as the Community Facilities Policy relates to leases of Council facilities, of which the Riverwood Community Centre is one and as he is the chair of the board he vacated the chamber taking no part in debate.

In respect of Item 6.1 – Community Facilities: Policy Principles, Clr Waiba declared a significant, non-pecuniary conflict of interest as the Community Facilities Policy relates to leases of Council facilities, of which the Riverwood Community Centre is one and as she is a board member she vacated the chamber taking no part in debate.

CLR SALEH OAM AND CLR WAIBA TEMPORARILY VACATED THE CHAMBER AT 7.01 PM.

(275) CLR. WALSH:/CLR. ABOURAAD

RESOLVED that

1. Council endorses the Community Facilities Policy general principles outlined in this report.
2. Council note that the principles and a comprehensive consultation process with the community and relevant stakeholders will inform the development of a new Community Facilities Policy.
3. An updated Community Facilities Policy will be brought back to Council prior to formal exhibition.

- CARRIED

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

CLR SALEH OAM AND CLR WAIBA RETURNED TO THE CHAMBER AT 7.17 PM.

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 2021/22 ANNUAL FINANCIAL REPORTS

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CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 7.34 PM AND RETURNED TO THE CHAMBER AT 7.39 PM.

MS KAREN TAYLOR OF AUDIT NSW ADDRESSED COUNCIL.

(276)

CLR. ABOURAAD:/CLR. ISHAC

RESOLVED that

1. Council note the 2021/22 Annual Financial Reports and Auditor Reports.
2. Any submissions received and proposed actions relating to those submissions will be reported back to Council at the next Ordinary Meeting, if required.
3. Copies of all submissions received will be referred to Council's External Auditor.

- CARRIED

ITEM 7.2

CODE OF CONDUCT COMPLAINTS REPORT

(277)

CLR. DOWNEY:/CLR. RAFFAN

RESOLVED that the information be noted.

- CARRIED

ITEM 7.3

INTEGRATED PLANNING AND REPORTING UPDATE - 2021/22 ANNUAL REPORT AND QUARTERLY REVIEW OF THE 2022/23 OPERATIONAL PLAN AND BUDGET TO 30 SEPTEMBER 2022

DURING DEBATE ON THIS ITEM, CLR COOREY ASKED QUESTIONS WITHOUT NOTICE REGARDING THE MAYOR'S PROFESSIONAL DEVELOPMENT EXPENSES. AT THAT POINT THE MAYOR DECLARED A NON SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST AND TEMPORARILY VACATED THE CHAMBER AT 7.50 PM.

THE DEPUTY MAYOR CLR RAFFAN ASSUMED THE CHAIR.

CLR EL-HAYEK TEMPORARILY VACATED THE CHAMBER AT 8.07 PM.

CLR WAIBA TEMPORARILY VACATED THE CHAMBER AT 8.10 PM.

(278)

CLR. DOWNEY:/CLR. RAFFAN

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RESOLVED that

1. The 2021/22 Annual Report be endorsed.
2. The quarterly progress report of the 2022/23 Operational Plan to 30 September 2022 be noted.
3. The quarterly review of the 2022/23 Budget to 30 September 2022 as outlined in this report be adopted.
4. Council allocate Ward Funds as outlined in the report.

- CARRIED

HIS WORSHIP THE MAYOR CLR ASFOUR RETURNED TO THE CHAMBER AT 8.11 PM
AND ASSUMED THE CHAIR.

CLR EL-HAYEKE RETURNED TO THE CHAMBER AT 8.11 PM.

CLR WAIBA RETURNED TO THE CHAMBER AT 8.12 PM.

ITEM 7.4
(279)

CASH AND INVESTMENT REPORT AS AT 31 OCTOBER 2022

CLR. ABOURAAD:/CLR. CAHILL

RESOLVED that

1. The Cash and Investment Report as at 31 October 2022 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

ITEM 7.5
(280)

ORGANISATIONAL STRUCTURE

CLR. DOWNEY:/CLR. ISHAC

RESOLVED that in accordance with Section 333 of the NSW *Local Government Act 1993*, Council re-determines its organisational structure (Senior Staff), as contained in this report.

- CARRIED

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SECTION 8: SERVICE AND OPERATIONAL MATTERS

Nil

SECTION 9: COMMITTEE REPORTS

**ITEM 9.1 MINUTES OF THE COMMUNITY & INCLUSION ADVISORY COMMITTEE MEETING
HELD ON 10 OCTOBER 2022**

(281) CLR. SALEH OAM:/CLR. HARIKA

RESOLVED that

1. The minutes of the Community & Inclusion Advisory Committee meeting held on 10 October 2022 be endorsed.
2. Council increase the number of community representatives on the Community & Inclusion Advisory Committee from ten to twelve.

- CARRIED

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

(282) CLR. ZAKHIA:/CLR. NGUYEN

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts the recommendations of the following Notice of Motions and Questions with Notice with the exception of Items 10.1, 10.6, 10.8, 10.9, 10.10, 10.12, 10.13 and 10.14.

- CARRIED

ITEM 10.1 STATUS OF PREVIOUS NOTICES OF MOTION - NOVEMBER 2022

(283) CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that the information be noted.

- CARRIED

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ITEM 10.2 **DEFIBRILLATORS - COMMUNITY BUILDINGS AND SPORTING FACILITIES**
(284) **CLR. ZAKHIA:/CLR. NGUYEN**

RESOLVED that Council investigates the possibility of expanding the number of defibrillators across its community buildings and sporting facilities. This should also consider broader issues such as volunteer training/education, costs associated with the maintenance and ongoing services.

- CARRIED

ITEM 10.3 **AGED CARE FUNDING - THANKS TO THE FEDERAL MINISTER FOR HEALTH AND AGED CARE**
(285) **CLR. ZAKHIA:/CLR. NGUYEN**

RESOLVED that

1. Council writes to the Federal Minister for Health and Aged Care, The Hon. Mark Butler MP, applauding him on his Government's commitment to older Australians in care, in particular the recent budget announcement which sets aside a \$3.9 billion package of reforms for the aged-care sector.
2. The Minister writes to the operators of aged care facilities in our City detailing the package of reforms and the increased support available to them.

- CARRIED

ITEM 10.4 **LIBRARY SERVICES - 1,000 BOOKS BEFORE SCHOOL CHALLENGE**
(286) **CLR. ZAKHIA:/CLR. NGUYEN**

RESOLVED that Council trials a revolutionary learning initiative "1,000 Books Before School" Program in the Canterbury Bankstown Council libraries in an attempt to curb the alarming decline in literacy levels, not only in our City, but across the country.

- CARRIED

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ITEM 10.5 POTHoles - CALL FOR ADDITIONAL FUNDING

(287) CLR. ZAKHIA:/CLR. NGUYEN

RESOLVED that

1. Council writes to the Minister for Local Government of NSW, The Hon. Wendy Tuckerman MP, calling on her Government to support Councils affected by extreme weather conditions by shovelling more cash into funding for pothole and road repairs.
2. Call on the Minister to review the roads grants made available to Councils, with the view of increasing them, given the very real warnings about climate change.

- CARRIED

ITEM 10.6 GREENING OF UNWIN STREET, EARLWOOD

(288) CLR. RAFFAN:/CLR. ABOURAAD

RESOLVED that

1. Council investigates options of transforming Unwin Street, Earlwood into a 'green street' creating a sustainable, environmental corridor linking Wolli Creek Regional Park and Waterworth Park.
2. Call on Council to voice their opposition to any proposed sale of vacant Sate Government land in Unwin Street, and support it being handed over to the National Parks and Wildlife service.

- CARRIED

ITEM 10.7 ESTABLISHMENT OF AN ANNUAL MAYORAL CHRISTMAS TOY AND HAMPER DRIVE

(289) CLR. ZAKHIA:/CLR. NGUYEN

RESOLVED that

1. Council establishes an annual Mayor's Christmas Toys and Hamper Drive and supports local charitable and not-for profit organisations, and the Canterbury Bankstown Chamber of Commerce, to make this Christmas special for many needy children and their families in our City.

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2. Council to promote and encourage community participation through the media and on all its social and digital media platforms.

- CARRIED

ITEM 10.8
(290)

SWIMMING IN THE GEORGES RIVER

CLR. DOWNEY:/CLR. EL-HAYEK

RESOLVED that

1. Council work with the Georges Riverkeeper to identify suitable swimming locations on the river, and where appropriate apply for grant funding, under Sydney Water's Urban Plunge Program.
2. Council staff to participate in the upcoming Urban Plunge Tech Summit on 25 November 2022, showcasing techniques and innovations that can make swimming and aquatic recreation in our waterways easier, cheaper and safer to deliver.

- CARRIED

ITEM 10.9
(291)

PROPOSED TELECOMMUNICATIONS TOWER - HOLDEN STREET, ASHBURY

CLR. COOREY:/CLR. NGUYEN

RESOLVED that Council

1. Writes urgently to the Minister for Customer Service and Digital Government, Minister for Small Business, Minister for Fair Trading Mr Victor Dominello and Minister for Planning Mr Anthony Roberts seeking urgent representations from residents in relation to the proposed network site at 165-169 Holden Street Ashbury by the NSW Telco Authority.
2. Writes urgently to the NSW Telco Authority seeking no action on this installation until information in relation to the proposed network site at the site known as 165-169 Holden Street Ashbury is provided to Councillors and residents.
3. Seeks an undertaking from the NSW Telco Authority that no works are to be carried out on the subject land until further notice.

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4. Requests that the NSW Telco Authority provides Councillors and residents with studies in relation to radio frequency and in particular studies that rebut the following statement made in correspondence dated 13 October 2022 signed by James McIver Senior Planner for Catalyst One Pty Ltd.
5. Notes that based on the preliminary assessment and proposed implementation of safeguards, it is anticipated that the proposal is unlikely to pose a risk to the environment.

- CARRIED

ITEM 10.10
(292)

RAMADAN NIGHTS IN LAKEMBA - THANK YOU TO THE HON. MARK COURE MP
CLR. NGUYEN:/CLR. COOREY

RESOLVED that Council writes to the NSW Minister for Multiculturalism, The Hon. Mark Coure MP to acknowledge his support and say “thank you” for approving \$1 million of grant funding which will go towards hosting our City’s major event, Ramadan Nights Lakemba.

- CARRIED

ITEM 10.11
(293)

CELEBRATING FATHERHOOD
CLR. ZAKHIA:/CLR. NGUYEN

RESOLVED that Council celebrates and supports new mothers by recognising the supportive role new fathers play during this very special family time. I congratulate Council on their initiative, ‘New Fathers’ Meet Up’, and look forward to its launch and promotion early next year.

- CARRIED

ITEM 10.12

ORDINARY COUNCIL MEETINGS AT CAMPSIE

In accordance with Clause 10.3 of Council’s Code of Meeting Practice, Clr Coorey withdrew this Notice of Motion.

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ITEM 10.13

VERGE MOWING

(294)

CLR. COOREY:/CLR. NGUYEN

RESOLVED that Council investigate the costs for reintroducing verge mowing to any verges that were previously maintained by Council for persons without capacity to tend to their own verge.

- CARRIED

ITEM 10.14

GOLDEN HEART CHARITY ORGANISATION - FUNDRAISING EFFORTS

(295)

CLR. NGUYEN:/CLR. COOREY

RESOLVED that

1. Council acknowledges and praises the Golden Heart Charity Organisation, in particular the President of the Vietnamese-Australian Medical Association, Dr Vinh Binh Lieu OAM, for their outstanding fundraising efforts in raising much-needed funds for the Bankstown-Lidcombe Hospital.
2. Council recognises the Golden Heart Charity Organisation, and Dr Vinh Binh Lieu OAM, with a certificate of thanks on behalf of our entire community.

- CARRIED

SECTION 11:

CONFIDENTIAL SESSION

(296)

CLR. ISHAC:/CLR. EL-HAYEK

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 Property Matter - Unsolicited Proposal by Bankstown District Sports Club

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This report is considered to be confidential in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

This report is considered to be confidential in accordance with Section 10A(2)(f) of the Local Government Act, 1993, as it relates to matters affecting the security of the Council, Councillors, Council staff or Council property.

Item 11.2 Property Matter - Heartbreak Ridge Paint Ball, 2 Maxwell Avenue, Milperra

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 T21-23 Croydon Park Precinct Upgrade

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 8.32 PM AND REVERTED BACK TO OPEN COUNCIL AT 8.33 PM.

(297)

CLR. RAFFAN:/CLR. ZAKHIA

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Confidential Session, with the exception of Item 11.3.

- CARRIED

ITEM 11.1

PROPERTY MATTER - UNSOLICITED PROPOSAL BY BANKSTOWN DISTRICT SPORTS CLUB

(298)

CLR. RAFFAN:/CLR. ZAKHIA

RESOLVED that

1. Council agrees to the proposed next steps as outlined in the report.

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2. A further report be provided on the matter, as required.

- CARRIED

ITEM 11.2 **PROPERTY MATTER - HEARTBREAK RIDGE PAINT BALL, 2 MAXWELL AVENUE, MILPERRA**

(299) **CLR. RAFFAN:/CLR. ZAKHIA**

RESOLVED that

1. The submissions received in response to the public exhibition of the proposed lease be noted.
2. A new five-year lease to Heartbreak Ridge Paint Ball Pty Limited (HRPB) be granted.
3. The Chief Executive Officer be authorised to finalise the lease as outlined in the report.

- CARRIED

ITEM 11.3 **T21-23 CROYDON PARK PRECINCT UPGRADE**

(300) **CLR. RAFFAN:/CLR. ZAKHIA**

RESOLVED that

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 T21-23 Croydon Park Precinct Upgrade.
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 at an appropriate time.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

THE MEETING CLOSED AT 8.35 PM

Minutes confirmed 6 DECEMBER 2022

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Mayor