

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 23 AUGUST 2022**

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

**APOLOGIES** Councillors Abouraad, Raffan and Zakhia.

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**HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.33 P.M.**

**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**

**(169)**

**CLR. CAHILL:/CLR. DOWNEY**

RESOLVED that the minutes of the Ordinary Council Meeting held on 26 July 2022 be adopted.

- CARRIED

**SECTION 2: LEAVE OF ABSENCE**

**(170)**

**CLR. WALSH:/CLR. ISHAC**

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

- CARRIED

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

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Mayor Clr Asfour declared a pecuniary conflict of interest given that Community Minds Incorporated, of which a relative is a Board Member, are an applicant for a community grant.

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In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor El-Hayek declared a significant non-pecuniary conflict of interest due to his association, given the community work he undertakes, with a number of the applicants for community grants.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Harika declared a pecuniary conflict of interest given that the Greyhound Social Club, of which she is a Board Member, are an applicant for community grants.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Ishac declared a significant non-pecuniary conflict of interest due to his association with St Charbel's Church, who is an applicant for a grant under the Program.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Saleh declared a pecuniary conflict of interest given that the Riverwood Community Centre of which he is a Board Member, are an applicant for community grants.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Waiba declared a pecuniary conflict given that the Riverwood Community Centre of which she is a Board Member, are an applicant for community grants.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Cahill declared a non-significant non-pecuniary conflict of interest given that Creative Links, of which he was a former employee, are an applicant for community grants. His previous relationship with this entity will not affect his consideration of this matter and he will remain in the Chamber.

CLR COOREY TEMPORARILY VACATED THE CHAMBER AT 6.34 PM AND RETURNED TO THE CHAMBER AT 6.37 PM.

**SECTION 4: MAYORAL MINUTES**

**ITEM 4.1 HOSPITAL PASSES**  
**(171) CLR. ASFOUR**

RESOLVED that Council propose to extend the parking passes by a further 12 months until 31 August 2023, write to the CEOs of both hospitals advising them of Council's decision and thank staff for their continued efforts and tireless work in the community.

- CARRIED

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**ITEM 4.2                      RIVERWOOD HOUSING**

**(172)                      CLR. ASFOUR**

RESOLVED that Council encourage the community to have their say on this proposal and to lodge a submission on the impact it will have on their lives for what appears to be very little community benefit.

- CARRIED

**ITEM 4.3                      THANKS TO LOCAL SPORTING ORGANISATIONS**

**(173)                      CLR. ASFOUR**

RESOLVED that Council acknowledge and recognise the leaders of sporting organisations within the City by presenting them with a certificate of thanks on behalf of Council and the entire community.

- CARRIED

**ITEM 4.4                      FIXING RFS ACCOUNTING**

**(174)                      CLR. ASFOUR**

RESOLVED that Council support the LGNSW and councils with RFS assets by implementing the action plan outlined in the Mayoral Minute.

- CARRIED

**ITEM 4.5                      LOCAL COMMUNITY BASED DONATIONS**

**(175)                      CLR. ASFOUR**

RESOLVED that;

1. Council support a fee waiver of \$500 for the CRPH Support Group Australia.
2. Council support a fee waiver of \$1700 for the Northern Beaches Committee for Palestine.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

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**SECTION 5: PLANNING MATTERS**

CLR EL-HAYEK TEMPORARILY VACATED THE CHAMBER AT 6.54 PM AND RETURNED TO THE CHAMBER AT 6.55 PM.

**ITEM 5.1 REPORT ON COUNCIL'S PERFORMANCE IN THE ASSESSMENT OF DEVELOPMENT APPLICATIONS FOR THE 2021/22 FINANCIAL YEAR, CLAUSE 4.6 VARIATIONS APPROVED FOR THE FOURTH QUARTER OF THE 2021/22 FINANCIAL YEAR AND PLANNING RELATED LEGAL APPEALS**

**(176) CLR. ISHAC:/CLR. NGUYEN**

RESOLVED that the contents of the report be noted.

- CARRIED

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

CLR SALEH TEMPORARILY VACATED THE CHAMBER AT 7.01 PM.

**ITEM 5.2 EXHIBITION OF PLANNING PROPOSAL - 30 TREVENAR STREET, ASHBURY**

**(177) CLR. WALSH:/CLR. ISHAC**

RESOLVED that;

1. Council endorse the Planning Proposal for 30 Trevenar Street, Ashbury and progress the Proposal to the Department of Planning and Environment for finalisation, subject to the NSW Government providing funding for the land and nominating a relevant State agency as the acquisition authority.
2. Council note the unplanned and significant financial implications arising from the acquisition of the land to satisfy Local Planning Direction, *5.2 Reserving Land for Public Purposes* as noted in the Gateway determination.

- CARRIED

**For:-** Clrs Akter, Asfour, Cahill, Coorey, Downey, El-Hayek, Harika, Ishac, Nguyen, Waiba and Walsh

**Against:-** Nil

CLR SALEH RETURNED TO THE CHAMBER AT 7.09 PM.

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**ITEM 5.3**                      **PLANNING PROPOSAL FOR WSU MILPERRA SITE AT 2 AND 2A BULLECOURT AVENUE, MILPERRA (RZ-3/2020)**

**(178)**                      **CLR. EL-HAYEK:/CLR. CAHILL**

RESOLVED that;

1. Council note that the Gateway Determination to amend the Bankstown Local Environmental Plan 2015 at 2 and 2A Bullecourt Avenue, Milperra has been issued by the NSW Government, despite Council's resolution to not proceed (Attachment B).
2. Council authorise the General Manager to finalise a draft Planning Agreement consistent with Section 3 of this report and request the Department of Planning and Environment to exhibit the draft Planning Agreement concurrently with the Planning Proposal.
3. Council prepare a site specific DCP to address all relevant planning matters identified in the Gateway Determination and that it be exhibited by the Department of Planning and Environment concurrently with the draft Planning Agreement and Planning Proposal.
4. The draft DCP and Planning Agreement be reported to Council following the exhibition.

- CARRIED

**For:-**                      Clrs Akter, Asfour, Cahill, Downey, El-Hayek, Harika, Ishac, Saleh, Nguyen, Waiba and Walsh

**Against:-**              Clr Coorey

**SECTION 6:              POLICY MATTERS**

Nil

**SECTION 7:              GOVERNANCE AND ADMINISTRATION MATTERS**

**ITEM 7.1**                      **LOCAL GOVERNMENT NSW - ANNUAL CONFERENCE AND CONSIDERATION OF MOTIONS**

**(179)**                      **CLR. EL-HAYEK:/CLR. SALEH**

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

- CARRIED

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**ITEM 7.2**                      **QUARTERLY PROGRESS REPORT OF THE 2021/22 OPERATIONAL PLAN, DELIVERY PROGRAM AND BUDGET TO JUNE 2022**

**(180)**                      **CLR. HARIKA:/CLR. DOWNEY**

RESOLVED that

1. Council note the quarterly review of the 2021/22 Operational Plan and six-monthly review of the Delivery Program to 30 June 2022.
2. Council adopt the June 2022 Quarterly Budget Review as outlined in this report.
3. Council authorise the carryover of budgets to complete certain capital and operating projects commenced throughout the 2021/22 financial year, as outlined in the report.
4. 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.
5. Council authorise the write-off of sundry debts for the 2021/22 financial year, as outlined in the report.
6. Council allocate Ward Funds as outlined in the report.

- CARRIED

**ITEM 7.3**                      **2022 - 2023 COMMUNITY GRANTS AND EVENTS SPONSORSHIP PROGRAM**

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Mayor Clr Asfour declared a pecuniary conflict of interest given that Community Minds Incorporated, of which a relative is a Board Member, are an applicant for a community grant.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor El-Hayek declared a significant non-pecuniary conflict of interest due to his association, given the community work he undertakes, with a number of the applicants for community grants.

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In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Harika declared a pecuniary conflict of interest given that the Greyhound Social Club, of which she is a Board Member, are an applicant for a community grant.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Ishac declared a significant non-pecuniary conflict of interest due to his association with St Charbel's Church, who is an applicant for a grant under the Program.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Saleh declared a pecuniary conflict of interest given that the Riverwood Community Centre of which he is a Board Member, are an applicant for community grants.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Waiba declared a pecuniary conflict given that the Riverwood Community Centre of which she is a Board Member, are an applicant for community grants.

In respect of Item 7.3 – Community Grants and Event Sponsorship Program Councillor Cahill declared a non-significant non-pecuniary conflict of interest given that Creative Links, of which he was a former employee, are an applicant for community grants. His previous relationship with this entity will not affect his consideration of this matter and he will remain in the Chamber.

**(181)**

**CLR. ASFOUR:/CLR. EL-HAYEK**

RESOLVED that given the lack of a quorum, in accordance with Section 4.34 and 5.12 of Council's Code of Conduct, Council agree to delegate the consideration and determination of the allocation of Council's 2022/23 Community Grants and Events Sponsorship Program to the General Manager.

- CARRIED

**ITEM 7.4**

**CASH AND INVESTMENT REPORT AS AT 31 JULY 2022**

**(182)**

**CLR. HARIKA:/CLR. ISHAC**

RESOLVED that

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

- CARRIED

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**ITEM 7.5**                      **SYDNEY METRO CITY AND SOUTHWEST - PROPOSED COMPULSORY ACQUISITION OF EASEMENT FOR ELECTRICITY SUPPLY PURPOSES FOR LAND AT EARLWOOD/CANTERBURY**

**(183)**                      **CLR. WALSH:/CLR. HARIKA**

RESOLVED that

1.     The General Manager be authorised to negotiate and determine any compensation payable to Council in accordance with a valuation provided by a registered valuer.
2.     The Mayor and General Manager be delegated authority to sign all documentation under the Common Seal of Council, as required.

- CARRIED

**ITEM 7.6**                      **MALAYSIAN FESTIVAL**

**(184)**                      **CLR. EL-HAYEK:/CLR. HARIKA**

RESOLVED that Council support the Malaysian Cultural Festival 2022 to be held Saturday 19 November 2022, 9am– 6pm, at Anzac Mall and Beamish Street, Campsie as set out in this report.

- CARRIED

**ITEM 7.7**                      **PROPERTY MATTER - LEIGH PLACE AGED CARE, 12-18 LEIGH AVENUE, RIVERWOOD**

**(185)**                      **CLR. DOWNEY:/CLR. SALEH**

RESOLVED that Council agree to the proposed approach in addressing the matter, as outlined in the report.

- CARRIED



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**SECTION 8: SERVICE AND OPERATIONAL MATTERS**

**ITEM 8.1 WOMEN'S REST CENTRES**

**CLR. HARIKA:/CLR. NGUYEN**

**MOTION** That

1. Council re-open the Campsie and Lakemba Women's Rest Centres in accordance with their former hours, days and level of service for a trial period of six months commencing in late September 2022 so that usage data can be collected.
2. The outcomes of the trial are to be reported back to Council.

**AMENDMENT CLR COOREY / CLR SALEH**

That Council re-open the Campsie and Lakemba Women's Rest Centres in accordance with their former hours, days and level of service.

- LOST

**(186) CLR. HARIKA:/CLR. NGUYEN**

RESOLVED that

1. Council re-open the Campsie and Lakemba Women's Rest Centres in accordance with their former hours, days and level of service for a trial period of six months commencing in late September 2022 so that usage data can be collected.
2. The outcomes of the trial are to be reported back to Council.

- CARRIED

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

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 AND SECOND WARNING TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

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**SECTION 9: COMMITTEE REPORTS**

**ITEM 9.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 9 AUGUST 2022**

**(187) CLR. HARIKA:/CLR. ISHAC**

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 9 August 2022, be adopted.

- CARRIED

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

**(188) CLR. ISHAC:/CLR. AKTER**

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 10.2, 10.3, 10.4 and 10.5

- CARRIED

**ITEM 10.1 STATUS OF PREVIOUS NOTICES OF MOTION**

**(189) CLR. ISHAC:/CLR. AKTER**

RESOLVED that the information be noted.

- CARRIED

**ITEM 10.2 WELCOME FATHER SUPERIOR, ASSAAD LAHOUD**

**(190) CLR. HARIKA:/ CLR ISHAC**

RESOLVED that Council

1. Acknowledge the recent appointment of Father Superior, Assaad Lahoud, of St Charbel's Monastery at Punchbowl, and to thank the outgoing Father Charbel Abboud for his leadership and tireless work in our City.
2. Hold a Mayoral Civic reception in honour of both men to show our appreciation and support on behalf of the Maronite people and the entire community.

- CARRIED

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**ITEM 10.3**  
**(191)**

**REVESBY POLICE**

**CLR. DOWNEY:/CLR WALSH**

RESOLVED that Council writes to the NSW Minister for Police, The Hon. Paul Toole MP, calling on him to rebuild the Revesby Police station and properly resource it to give the community surety and confidence in our Police Force. We further call on the Minister to restore and increase the police on the beat in and around our town centres.

- CARRIED

**ITEM 10.4**  
**(192)**

**SUEZ RECYCLING AND RECOVERY FACILITY - VIOLET STREET, REVESBY**

**CLR. DOWNEY:/CLR WALSH**

RESOLVED that Council writes to the NSW Minister for Environment and Heritage, The Hon. James Griffin MP, calling on him to take urgent action to address the stench and distress to local residents caused by the Suez/Veolia Biosecurity Treatment Plant facility at Revesby.

I further propose Council write to the Environment Protection Authority calling on them to conduct a full investigation at the facility on their emissions and practices and issue heavy fines, or shutdown orders for any breaches.

- CARRIED

**ITEM 10.5**  
**(193)**

**MENTAL HEALTH AWARENESS AND TREATMENT**

**CLR. EL-HAYEK:/ISHAC**

RESOLVED that Council remembers and honours the life of legendary Rugby league coach and player Paul Green by dedicating a page on its social and digital media platforms toward the promotion of mental health awareness and treatment. I further propose this tribute coincides with his private and public memorial which will be held on 30 August 2022.

- CARRIED

CLR COOREY TEMPORARILY VACATED THE CHAMBER AT 8.10 PM.

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**ITEM 10.6**                      **ROHINGYA REFUGEES IN CANTERBURY BANKSTOWN LGA**  
**(194)**                              **CLR. ISHAC:/CLR AKTER**

RESOLVED that Council writes to the UN High Commissioner for Human Rights, Michelle Bachelet, on behalf of the Rohingya refugees in our City, and congratulate her on just completing the first official visit by a UN Human Rights chief to Myanmar, a region under siege.

- CARRIED

CLR COOREY RETURNED TO THE CHAMBER AT 8.13 PM

**SECTION 11:**                      **CONFIDENTIAL SESSION**

**(195)**                              **CLR. EL-HAYEK:/CLR. CAHILL**

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, 11.3, and 11.4 in confidential session for the reasons indicated:

Item 11.1 Canterbury Leisure and Aquatic Centre EOI Principal Contractor

*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.*

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 T63-22 Brighton Avenue, Croydon Park and Fifth Avenue, Campsie Bridge Rehabilitation Tender

*This report is considered to be confidential in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, as it relates*

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*to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.*

Item 11.4 General Manager's 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 8.12 PM AND REVERTED BACK TO OPEN COUNCIL AT 8.36 PM.**

CLR HARIKA VACATED THE CHAMBER AT 8.23PM.

CLR AKTER VACATED THE CHAMBER AT 8.24PM.

**ITEM 11.1**  
**(196)**

**CANTERBURY LEISURE AND AQUATIC CENTRE EOI PRINCIPAL CONTRACTOR**  
**CLR. DOWNEY:/CLR. EL-HAYEK**

RESOLVED that

1. In accordance with section 168(4)(a) of the Local Government (General) Regulation 2021, Council invites the shortlisted entities below to tender for the construction services for the Canterbury Leisure and Aquatic Centre.
  - FDC Construction Pty Ltd
  - Kane Construction Pty Ltd
  - Lipman Pty Ltd
  - ADCO Group
2. Council notifies the unsuccessful respondents in writing and thank them for their submissions.
3. A further report to be provided to Council to determine the successful tenderer.

- CARRIED

CLR HARIKA RETURNED TO THE CHAMBER AT 8.25PM.

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

**(197)**                              **CLR. WALSH:/CLR. COOREY**

RESOLVED that

1. Council agree in-principle to granting a new five-year lease to Heartbreak Ridge Paint Ball Pty Limited (HRPB).
2. The General Manager be authorised to negotiate the terms of the lease as outlined in the report.
3. Council publicly exhibit the proposed lease in accordance with the requirements of the Local Government Act 1993.
4. At the conclusion of the public exhibition period, the matter be reported back to Council.

- CARRIED

**ITEM 11.3**                      **T63-22 BRIGHTON AVENUE, CROYDON PARK AND FIFTH AVENUE, CAMPSIE BRIDGE REHABILITATION TENDER**

**(198)**                              **CLR. SALEH:/CLR. WAIBA**

RESOLVED that

1. In accordance with Section 178(1)(b) of the Local Government (General) Regulation 2021 (the Regulation), Council declines to accept any of the tenders received for T63-22 Brighton Avenue, Croydon Park and Fifth Avenue, Campsie Bridge Rehabilitation, for the reasons as outlined in the report.
2. Pursuant to Section 178(3)(a) of the Regulation, Council cancels the proposal for the contract.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

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**ITEM 11.4**  
**(199)**

**GENERAL MANAGER'S PERFORMANCE REVIEW**

**CLR. DOWNEY:/CLR. EL-HAYEK**

RESOLVED that

1. Council receive and note the General Manager Performance Review Panel's Report.
2. Council notes the General Manager's performance for the review period as determined by the panel was either 'highly effective' or 'exceptional' in all 14 Strategic Outcome/Topic criteria.
3. The General Manager be offered on the existing terms of employment and remuneration, a new Contract of Employment consistent with the Standard Contract of Employment for General Managers issued by the Office of Local Government, for a period of five years effective from 01 September 2022.
4. A clause be included in the schedule attached to the General Manager's contract to reflect Council's support in the General Manager undertaking formal leadership development; learning and development short courses; study tours; and/or engage in professional development activities. This will be prepared in consultation with the Mayor and funded under Council's training budget.
5. The title of General Manager be changed to Chief Executive Officer (CEO) and all relevant documentation and policies be amended as required.
6. The Mayor be delegated the authority to finalise and sign all documentation, and affix the seal of Council, as required.

- CARRIED

**THE MEETING CLOSED AT 8.37 PM**

Minutes confirmed 29 SEPTEMBER 2022

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Mayor