

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 6 DECEMBER 2022

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

APOLOGIES: Councillor Zakhia

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.32 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

(301)

CLR. CAHILL:/CLR. DOWNEY

RESOLVED that the minutes of the Ordinary Council Meeting held on 22 November 2022 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(302)

CLR. ISHAC:/CLR. ABOURAAD

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

- CARRIED

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

In respect of Item 4.3 – Local Community Based Donations, Clr Downey declared a Non Pecuniary, Non-significant Conflict of Interest in relation to the donation to the Sydney Lithuanian Club given she is a recently elected board member of the Revesby Workers Club, she will vacate the chamber taking no part in debate.

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In respect of Item 11.4 – Legal Matter, Clr Asfour declared whilst he doesn't have any Pecuniary or Non-Pecuniary Conflicts of Interest, given the nature of the matter and as a pre-caution, he will vacate the chamber taking no part in debate.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 CHRISTMAS MESSAGE

(303) CLR. ASFOUR

RESOLVED that

1. A warm and holy joyous Christmas is wished to all Councillors, their families and to the Executive and staff at Council.
2. A safe and loving Christmas, and prosperous New Year wishes to the residents of this great City.

- CARRIED

ITEM 4.2 WHERE IS OUR HOSPITAL?

(304) CLR. ASFOUR

RESOLVED that Councillors keep advocating and using whatever means possible to put pressure on this Liberal Government to honour its promise made some four years ago and to announce the site of the new hospital here in our CBD.

- CARRIED

AT THIS STAGE OF THE MEETING (6.56 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.

AT THIS STAGE OF THE MEETING (6.56 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.

CLR COOREY TEMPORARILY VACATED THE CHAMBER AT 7.02 PM AND RETURNED TO THE CHAMBER AT 7.03 PM.

CLR DOWNEY VACATED THE CHAMBER AT 7.03 PM AND RETURNED AT 7.07 PM.

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AT THIS STAGE OF THE MEETING (7.04 PM), IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A THIRD AND FINAL WARNING TO CLR COOREY FOR AN ACT OF DISORDER AND REQUESTED HER TO LEAVE THE CHAMBER.

CLR COOREY REFUSED TO LEAVE THE CHAMBER.

THE MEETING WAS ADJOURNED AT 7.07 PM AND RESUMED AT 7.19 PM.

HIS WORSHIP THE MAYOR, INFORMED THE MEETING THAT THE THIRD WARNING ISSUED TO CLR COOREY, HAD BEEN WITHDRAWN ON THE PROVISION THAT COUNCIL HAS ORDERLY CONDUCT.

CLR AKTER VACATED THE CHAMBER AND RETIRED FROM THE MEETING AT 7.19 PM.

ITEM 4.3

LOCAL COMMUNITY BASED DONATIONS

In respect of Item 4.3 – Local Community Based Donations, Clr Downey declared a Non Pecuniary, Non-significant Conflict of Interest in relation to the donation to the Sydney Lithuanian Club given she is a recently elected board member of the Revesby Workers Club, she vacated the chamber taking no part in debate.

CLR DOWNEY VACATED THE CHAMBER AT 7.19 PM.

(305)

CLR. ASFOUR

RESOLVED that

1. Council support a donation of \$1,000.00 towards St John The Beloved Melkite Catholic Parish 2022 Christmas Carols and Fete.
2. Council support a donation of \$1,000.00 towards the 31st Australian Lithuanian Days Festival.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

CLR DOWNEY RETURNED TO THE CHAMBER AT 7.20 PM.

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SECTION 5: PLANNING MATTERS

ITEM 5.1 DRAFT PLANNING AGREEMENT - 599-603 CANTERBURY ROAD, BELMORE
(306) CLR. DOWNEY:/CLR. CAHILL

RESOLVED that

1. Council exhibit the draft Planning Agreement and Explanatory Note provided in Attachment A.
2. The matter be reported to Council following the exhibition period.

- CARRIED

SECTION 6: POLICY MATTERS

ITEM 6.1 COUNCIL POLICIES
(307) CLR. ABOURAAD:/CLR. DOWNEY

RESOLVED that

1. Council endorse the Council-related Development Application Policy, Hoardings and Scaffolding Policy and Guideline, Child Safe Complaints Handling Policy, and the Memorials Policy and the policies be placed on public exhibition.
2. In principle, Council endorse the introduction of the following new fees for memorial trees:
 - Memorial Tree Administration Fee for initial assessment - \$106 (excl. GST)
 - Tree planting, 6 months maintenance and Memorial Tree Certificate - \$1210 (excl. GST)
 - Additional out-of-hours planting request (Weekend and Public Holidays) - \$220 (excl. GST)
3. In accordance with Section 610F of the *Local Government Act 1993*, Council exhibit the proposed fees as required.
4. A further report be brought back to Council, following public exhibition.

- CARRIED

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SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

Nil

SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 CLEAN CITY STRATEGIC PLAN AND ACTION PLAN

(308) CLR. EL-HAYEK:/CLR. DOWNEY

RESOLVED that

1. Council endorses the draft Clean City Strategic Plan and Action Plan for public exhibition.
2. A further report be prepared following the close of the exhibition period to consider any submissions received.

- CARRIED

ITEM 8.2 MANAGING ILLEGAL DUMPING

(309) CLR. DOWNEY:/CLR. EL-HAYEK

RESOLVED that

1. Council continue to focus on priority projects as outlined in the report to curb illegal dumping across the City.
2. Council write to the EPA seeking clarification on future funding and that a portion of the Waste Levy paid each year be paid directly to Councils to focus on Illegal Dumping (as per the previous Better Waste and Recycling Fund).

- CARRIED

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SECTION 9: COMMITTEE REPORTS

(310) CLR. HARIKA:/CLR. ABOURAAD

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Committee Reports 9.1, 9.2, 9.3 and 9.4.

- CARRIED

ITEM 9.1 MINUTES OF THE ARTS & CULTURE ADVISORY COMMITTEE

(311) CLR. HARIKA:/CLR. ABOURAAD

RESOLVED that the minutes of the Arts & Culture Advisory Committee meeting held on 16 November 2022 be endorsed.

- CARRIED

ITEM 9.2 MINUTES OF THE COMMUNITY SAFETY ADVISORY COMMITTEE

(312) CLR. HARIKA:/CLR. ABOURAAD

RESOLVED that the minutes of the Community Safety Advisory Committee meeting held on 17 November 2022 be endorsed.

- CARRIED

ITEM 9.3 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 22 NOVEMBER 2022

(313) CLR. HARIKA:/CLR. ABOURAAD

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 22 November 2022, be adopted.

- CARRIED

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ITEM 9.4 **MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD
29 NOVEMBER 2022**

(314) **CLR. HARIKA:/CLR. ABOURAAD**

RESOLVED that the recommendations contained within the minutes of the Audit Risk and Improvement Committee meeting held on 29 November 2022, be adopted.

- CARRIED

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

ITEM 10.1 **STATUS OF PREVIOUS NOTICES OF MOTION - DECEMBER 2022**

(315) **CLR. ISHAC:/CLR. DOWNEY**

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 **IMPROVEMENT WORKS - HALDON STREET, LAKEMBA**

(316) **CLR. SALEH OAM:/CLR. WAIBA**

RESOLVED that

1. Council writes to the Federal Member for Watson, The Hon. Tony Burke MP, and thanking him, and his Government, for the \$1 million commitment in October's Federal budget for upgrades to Haldon Street Lakemba.
2. Acknowledgement also be made to the role the State Member for Lakemba, Mr Jihad Dib MP, played in securing the \$1 million funding.

- CARRIED

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ITEM 10.3 **ANDREW MOLLOY PICNIC POINT PUBLICATION**
(317) **CLR. DOWNEY:/CLR. WALSH**

RESOLVED that

1. Council purchases nine copies of local historian Andrew Molloy's latest tome: *'The History of Picnic Point'* and make them available in libraries and knowledge centres across our City.
2. Council donate Andrew Tierney's book: *'Finding Bunny'* to our library.

- CARRIED

ITEM 10.4 **FINANCIAL PERFORMANCE INDICATORS FOR NSW LOCAL COUNCILS**
(318) **CLR. DOWNEY:/CLR. ABOURAAD**

RESOLVED that in light of the NSW Audit Office's recommendation that the Office of Local Government (OLG) progress work on the development of a Performance Measurement Framework, and associated performance indicators, that can be used by councils and the NSW Government in sector-wide performance reporting, Council writes to the NSW Minister for Local Government, The Hon. Wendy Tuckerman MP, seeking her support for the OLG to complete this important work, in consultation with NSW councils.

- CARRIED

ITEM 10.5 **VALE LENORE NELSON - SES CANTERBURY UNIT CONTROLLER**
(319) **CLR. EL-HAYEK:/CLR. COOREY**

RESOLVED that

1. Council liaises with the SES Unit at Canterbury to agree on an appropriate plaque to honour the distinguished service of Unit controller Lenore Nelson, who passed away recently.
2. Council propose this tribute to be affixed to the building where she worked over many years.

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ITEM 10.6
(320)

ELECTION COUNTBACK

CLR. WALSH:/CLR. DOWNEY

RESOLVED that Local Government NSW calls on the NSW Government to:

1. Eliminate the 18-month time limit on replacement by countback.
2. Make countback the only method of filling casual vacancies in multi-member wards.

- CARRIED

ITEM 10.7
(321)

MARION STREET AND EDGAR STREET INTERSECTION - TRAFFIC SIGNAL UPGRADE

CLR. HARIKA:/CLR. CAHILL

RESOLVED that

1. Council writes to Transport for NSW (TfNSW) calling on them to introduce a right turn arrow signal in both directions at the intersection of Marion and Edgar Streets at Bankstown following yet another near fatal collision.
2. The signal phasing be made a priority in the best interests of community safety and saving lives.

- CARRIED

ITEM 10.8
(322)

THE RIVER ROAD AND REVESBY POLICE STATION FUNDING

CLR. DOWNEY:/CLR. EL-HAYEK

RESOLVED that

1. Council commends the Federal and NSW Governments on the \$16.4 million funding which will go towards improving safety at the intersection of Marco Avenue and The River Road, Revesby, and for the revitalisation of the Revesby Police Station at the same location.

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2. Council engage with both the Federal and State bodies responsible for the projects with a view of combining them to ensure the best possible outcome for our community.

- CARRIED

SECTION 11: CONFIDENTIAL SESSION

(323) CLR. DOWNEY:/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 Property Matter - Licence to Panania-East Hills RSL Club Limited and Canterbury Bankstown Tennis Association Incorporated, 26A Childs Street, Panania

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 T19-23 Bransgrove Road Workshop New Pit

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 2024 Local Government Election

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.

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Item 11.4 Legal Matter

This report is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 7.47 PM AND REVERTED BACK TO OPEN COUNCIL AT 8.06 PM.

ITEM 11.1

PROPERTY MATTER - LICENCE TO PANANIA-EAST HILLS RSL CLUB LIMITED AND CANTERBURY BANKSTOWN TENNIS ASSOCIATION INCORPORATED, 26A CHILDS STREET, PANANIA

(324)

CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that

1. Council agree in-principle to granting a new 21-year licence to Panania-East Hills RSL Club Limited for *Area A* - containing the car park, netball court and cricket nets- as outlined in the report.
2. Council agree in-principle to granting a new five-year licence to Panania-East Hills RSL Club Limited for *Area C* – containing the Club’s plant and equipment - as outlined in the report.
3. Council agree in-principle to a new five-year Licence to the Canterbury Bankstown Tennis Association for *Area B* - containing the tennis courts – as outlined in the report.
4. Council publicly exhibit the proposed licences in accordance with the requirements of the Local Government Act 1993.
5. At conclusion of the public exhibition period, a further report be provided to Council for its consideration and decision.

- CARRIED

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ITEM 11.2 **T19-23 BRANSGROVE ROAD WORKSHOP NEW PIT**
(325) **CLR. EL-HAYEK:/CLR. RAFFAN**

RESOLVED that

1. Council notes that no tenders were received for T19-23 Bransgrove Road Workshop New Pit.
2. Pursuant to Section 178(3)(e) of the Local Government (General) Regulation 2021, Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender as outlined in the report.
3. Council authorise the CEO to enter into negotiations and enter into agreement with a preferred contractor determined from said negotiations.

- CARRIED

ITEM 11.3 **2024 LOCAL GOVERNMENT ELECTION**
(326) **CLR. WALSH:/CLR. RAFFAN**

RESOLVED that

1. Pursuant to Section 296(2) and (3) of the Local Government Act 1993 NSW (the Act), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to Section 296(2) and (3) of the Act, as applied and modified by Section 18, that a Council Poll arrangement be entered into by contract for the Electoral Commissioner to administer all Council Polls of the Council.
3. Pursuant to Section 296(2) and (3) of the Act, as applied and modified by Section 18, that a Constitutional Referendum arrangement be entered into by contract for the Electoral Commissioner to administer all Constitutional Referenda of the Council.

- CARRIED

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ITEM 11.4 LEGAL MATTER

In respect of Item 11.4 – Legal Matter, Clr Asfour declared whilst he doesn't have any Pecuniary or Non-Pecuniary Conflicts of Interest, given the nature of the matter and as a pre-caution, he vacated the chamber taking no part in debate.

CLR ASFOUR VACATED THE CHAMBER AND RETIRED FROM THE MEETING AT 8.07 PM.

CLR RAFFAN ASSUMED THE CHAIR AT 8.07 PM.

(327) CLR. DOWNEY:/CLR. WALSH

RESOLVED that Council note and support the required actions as outlined in this report.

- CARRIED

THE MEETING CLOSED AT 8.08 P.M.

Minutes confirmed 31 JANUARY 2023

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Mayor