

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**EXTRAORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 13 JANUARY 2023**

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**PRESENT:** Mayor, Councillor Asfour  
Councillors Abouraad, Akter, Cahill , Coorey, El-Hayek, Harika, Nguyen, Raffan,  
Waiba, Walsh and Zakhia

**APOLOGIES** Councillors Downey, Ishac and Saleh OAM

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**HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 2.02 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.

**LEAVE OF ABSENCE**

**(328) CLR. EL-HAYEK:/CLR. ABOURAAD**

RESOLVED that Leave of Absence be granted to Clr Downey, Clr Ishac and Clr Saleh OAM due to personal reasons

- CARRIED

**DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST**

In respect of Item 1.2 – Investigation Outcome – Allegations of corrupt conduct made by the Member for Bankstown and the Member for East Hills concerning Council officials, Clr Asfour declared a significant, non-pecuniary conflict of interest given the nature of allegations made against him and will vacate the Chamber taking no part in debate.

**SECTION 1: GOVERNANCE AND ADMINISTRATION MATTERS**

**ITEM 1.1 CODE OF MEETING PRACTICE - 2023 SCHEDULE OF MEETINGS**

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

RESOLVED that Council's scheduled Ordinary Meeting for Tuesday, 31 January 2023, be cancelled.

- CARRIED

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**ITEM 1.2**                    **INVESTIGATION OUTCOME - ALLEGATIONS OF CORRUPT CONDUCT MADE BY THE MEMBER FOR BANKSTOWN AND THE MEMBER FOR EAST HILLS CONCERNING COUNCIL OFFICIALS**

In respect of Item 1.2 – Investigation Outcome – Allegations of corrupt conduct made by the Member for Bankstown and the Member for East Hills concerning Council officials, Clr Asfour declared a significant, non-pecuniary conflict of interest given the nature of allegations made against him and vacated the Chamber taking no part in debate.

HIS WORSHIP THE MAYOR CLR ASFOUR TEMPORARILY VACATED THE CHAMBER AT 2.06 PM.

CLR RAFFAN ASSUMED THE CHAIR AT 2.06 PM.

**(330)**                    **CLR. WALSH:/CLR. ABOURAAD**

RESOLVED that

1. Council receive and note the findings of the independent investigation and review contained in the Reports.
2. Council receive and note, under separate cover, sealed hardcopy of confidential council reports relevant to the investigation.
3. Council note that pursuant to the Order, the Reports have been provided to the Minister for Local Government.
4. Council notes that for transparency purposes, the Reports have been provided to the following:
  - (a) Independent Commission Against Corruption;
  - (b) Department of Planning and Environment; and
  - (c) Chair, Audit and Risk Committee, Canterbury Bankstown Council.

- CARRIED

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

HIS WORSHIP THE MAYOR CLR ASFOUR RETURNED TO THE MEETING AT 2.20 PM AND ASSUMED THE CHAIR.

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**SECTION 2: COMMITTEE REPORTS**

**ITEM 2.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 3 JANUARY 2023**  
**(331) CLR. HARIKA:/CLR. EL-HAYEK**

RESOLVED that the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 3 January 2023, be adopted.

- CARRIED

**SECTION 3: CONFIDENTIAL SESSION**

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

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 Item 3.1 in confidential session for the reasons indicated:

Item 3.1 T29-23 Redevelopment of Canterbury Leisure and Aquatic Centre - Principal Contractor

*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 2.25 PM AND REVERTED BACK TO OPEN COUNCIL AT 2.31 PM.**

**ITEM 3.1 T29-23 REDEVELOPMENT OF CANTERBURY LEISURE AND AQUATIC CENTRE - PRINCIPAL CONTRACTOR**

**(333) CLR. RAFFAN:/CLR. CAHILL**

RESOLVED that

1. Pursuant to Regulation 178(3), Council decline to accept the tenders received from Lipman Pty Ltd and ADCO Group.

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2. Pursuant to Regulation 178(3)(e), Council enter into individual negotiations with the abovementioned proponents, with the view to entering into a contract in relation to the subject matter of the tender.
3. Pursuant to Regulation 178(4), Council declines to invite fresh tenders and determines to enter negotiations with the two proponents on the basis that:
  - a) Having regard to all the circumstances, no submission was assessed as satisfying all the objectives in the request for tender;
  - b) both proponents demonstrated that they have the potential to meet Council's objectives and requirements under the Request for Tender; and
  - c) Given the advanced nature of this procurement process and the details provided in each submission, it is considered that Council can achieve the desired outcome for the project through a negotiated process.
4. A further report be submitted to Council, at the conclusion of these negotiations, for its consideration.

- CARRIED

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

**THE MEETING CLOSED AT 2.32 PM.**

Minutes confirmed 28 FEBRUARY 2023

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Mayor