

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 APRIL 2022

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

APOLOGIES: Nil

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.02PM.

CLR SALEH TEMPORARILY VACATED THE CHAMBER AT 6.02PM AND RETURNED AT 6.03PM.

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.

CLR SALEH TEMPORARILY VACATED THE CHAMBER AT 6.04PM.

CONFIRMATION OF MINUTES

(68)

CLR. ZAKHIA:/CLR. DOWNEY

RESOLVED that the minutes of the Ordinary Council Meeting held on 15 March 2022 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

Nil

CLR SALEH RETURNED TO THE MEETING AT 6.05PM.

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

Nil

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SECTION 4: MAYORAL MINUTES

ITEM 4.1 WESTINVEST
(69) CLR. ASFOUR

RESOLVED that Council write to the Premier, and the Executive Director of the WestInvest Program, to meet with us, so Council can present a case of our projects to be funded by the Government agencies under the \$3 billion funding pool set aside for transformational projects.

- CARRIED

ITEM 4.2 WHAT IS THE NSW GOVERNMENT DOING ABOUT WASTE?
(70) CLR. ASFOUR

RESOLVED that Council write to the head of the NSW Environment Protection Authority and invite them to address Council to answer questions in relation to what they are doing when it comes to tackling the issue of Waste in our City and across NSW.

- CARRIED

ITEM 4.3 LOCAL COMMUNITY BASED DONATIONS
(71) CLR. ASFOUR

RESOLVED that

1. Council support a donation of \$200 for The Fairy Wren Movement Incorporated.
2. Council support the fee waiver of \$855 for the Bankstown District Amateur Football Association (BDFAFA) Fooball4all Program at George Green / Graf Park.
3. Council support a donation of \$1000 to the Eid Show.
4. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

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ITEM 4.4 **IPART'S REVIEW OF DOMESTIC WASTE**
(72) **CLR. ASFOUR**

RESOLVED that Council follow the lead of SSROC and LGNSW by preparing and submitting Council's strong objections to the IPART Draft Report prior to the April 29 deadline.

- CARRIED

SECTION 5: **PLANNING MATTERS**

ITEM 5.1 **CONSOLIDATED LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN**
(73) **CLR. DOWNEY:/CLR. CAHILL**

RESOLVED that

1. Council exhibit the Draft Canterbury Bankstown Local Infrastructure Contributions Plan as shown in Attachment A.
2. The matter be reported back to Council following the exhibition period.

- CARRIED

(74) **PUBLIC ADDRESS**
CLR. DOWNEY:/CLR. ISHAC

RESOLVED that permission be granted to Mr David Waldren to address Council for five minutes in respect of item 5.2 Planning Proposal for 1 and 1A North Terrace, Bankstown (Bankstown Central shopping centre.)

- CARRIED

CLR COOREY TEMPORARILY VACATED THE CHAMBER AT 6.31PM AND RETURNED AT 6.34PM.

CLR COOREY TEMPORARILY VACATED THE CHAMBER AT 6.38PM AND RETURNED AT 6.41PM.

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ITEM 5.2 **PLANNING PROPOSAL FOR 1 AND 1A NORTH TERRACE, BANKSTOWN
(BANKSTOWN CENTRAL SHOPPING CENTRE)**

MR DAVID WALDREN ADDRESSED COUNCIL

(75) **CLR. DOWNEY;/CLR. ABOURAAD**

RESOLVED that

1. The application to amend the Bankstown Local Environmental Plan 2015 proceed to Gateway subject to the following (refer to **Figure 4** for a map of the precincts):
 - a. Permit a maximum FSR between 3:1 to 7:1 in four separate precincts and an FSR of 3.9:1 for the site overall.
 - b. Permit a maximum building height of 86m for the Town Centre Precinct, 83m for the North Terrace Precinct, 50m, 67 and 70m for the Rickard Road Precinct and 35m, 46m and 55m for the Stacey Street Precinct.
 - c. Insert a subclause to exclude the subject site from obtaining up to 0.5:1 bonus FSR under Clause 4.4A 'Additional gross floor area for more sustainable development in Bankstown CBD commercial core'. This is to provide certainty regarding the maximum FSRs that will apply to the site.
 - d. Remove the site from the existing Special Provisions Map and amend Clause 6.9 to achieve the intended outcomes as follows:
 - i. Enable residential development within the Rickard Road Precinct without the need to provide commercial premises or other non-residential purposes on the ground and first floor levels; and
 - ii. Stipulate (a) a minimum 50% of non-residential floor space within the Town Centre Precinct and (b) a minimum 40% non-residential floor space across the entire site.
2. Before the plan is finalised:
 - a. Council exhibits a draft Planning Agreement generally in accordance with the planning agreement Letter of Offer received from the proponent dated 4 February 2022 (including the proponents Statement of Intent dated 4 February 2022) to deliver public benefits / infrastructure to meet the needs for the future worker, resident and visitor population, as outlined in Section 4 of the Council report. This would be subject to the standard development contributions under s7.11 and s7.12 being payable in addition to the public benefits being provided consistent with Council's Planning Agreement Policy. The planning agreement is to include clarification of details of ownership / easement, construction and short and long term maintenance of the

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public park together with the timing of providing each of the benefits (including the whole of the public park at one time).

- b. A site specific DCP is prepared and exhibited with the Planning Proposal to define the development controls for all of the development and ensure close integration with the master planning for the Bankstown CBD, and specify the staging of the future development, as outlined in the Council report and this recommendation. The site specific DCP should be finalised before any development applications are submitted and a further clause should be added to the Planning Proposal to this effect. Along with the matters referred to in the Council report the DCP should include details about:
 - i. how affordable housing will be provided on the site, consistent with the Statement of Intent provided by the applicant.
 - ii. car parking rates
 - iii. staging of the construction
 - iv. detailed built form controls
 - v. communal and public open space
 - vi. sustainability / environmental performance
 - vii. long term arrangements for bus lay-bys (in conjunction with TfNSW).
 - c. Council and the proponent continue to work with Transport for NSW (TfNSW) to address traffic and transport related matters raised in TfNSW's preliminary comments received on the Planning Proposal. This should involve resolving the permanent location of the Bankstown bus interchange whether it is located on or off the subject site noting that the removal of the bus layover on the current site will require a rethinking of the way buses move through and layover in Bankstown.
- 3. The Planning Proposal and the relevant supporting reports are updated prior to the exhibition of the Planning Proposal.
 - 4. After the Planning Proposal, DCP and Planning Agreement have been exhibited, a report be provided to Council outlining submissions received and the proponent's response to the issues raised from the exhibition and if necessary, from the Council report (for this current recommendation).
 - 5. The Planning Agreement is to be finalised and executed before the LEP Amendment is made and published on the NSW Legislation website.
 - 6. Council seek authority from the Department of Planning and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

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- CARRIED

For:- Councillors Asfour, Coorey, Waiba, El-Hayek, Abouraad, Ishac, Cahill, Raffan, Walsh, Zakhia, Nguyen, Saleh, Downey, Harika, Akter.

Against:- Nil

SECTION 6: POLICY MATTERS

ITEM 6.1 CODE OF MEETING PRACTICE AND COUNCILLOR EXPENSES AND FACILITIES POLICY

(76) CLR. DOWNEY:/CLR. NGUYEN

RESOLVED that

1. The draft Code of Meeting Practice (Attachment B) be adopted.
2. The draft Councillor Expenses and Facilities Policy (Attachment C) be adopted.

- CARRIED

ITEM 6.2 CHILD SAFETY POLICY AND CODE OF CONDUCT

(77) CLR. ISHAC:/CLR. EL-HAYEK

RESOLVED that Council adopts the Child Safety and Well-being Policy and Child Safe Code of Conduct, as outlined in the report.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 CASH AND INVESTMENT REPORT AS AT 31 MARCH 2022

(78) CLR. RAFFAN:/CLR. HARIKA

RESOLVED that

1. The Cash and Investment Report as at 31 March 2022 be received and noted.

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2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 7.23PM AND RETURNED AT 7.25PM

ITEM 7.2 QUARTERLY PROGRESS REPORT OF THE 2021/22 OPERATIONAL PLAN AND BUDGET TO MARCH 2022

(79) CLR. ZAKHIA:/CLR. DOWNEY

RESOLVED that

1. Council note the quarterly review of the 2021/22 Operational Plan to 31 March 2022, as outlined in the report.
2. Council adopt the March 2022 Quarterly Budget Review, as outlined in this report.
3. Council allocate Ward Funds as outlined in the report.

- CARRIED

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

ITEM 7.3 DRAFT INTEGRATED PLANNING AND REPORTING SUITE – COMMUNITY STRATEGIC PLAN 2036, DELIVERY PROGRAM (2022-25), OPERATIONAL PLAN (2022/23), RESOURCING STRATEGY FOR ASSETS, FINANCE AND WORKFORCE, AND THE COMMUNITY ENGAGEMENT FRAMEWORK, POLICY AND TOOLKIT

(80) CLR. ABOURAAD:/CLR. DOWNEY

RESOLVED that

1. In accordance with Section 406 of the *Local Government Act 1993*, the draft Integrated Planning and Reporting Documents, including the draft Community Strategic Plan, draft Resourcing Strategy, draft Delivery Program, draft Operational Plan including Budget and draft 2022/23 Schedule of Fees

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and Charges, draft Community Engagement Framework, Policy and Toolkit, be placed on public exhibition.

2. Council notes the Rates Harmonisation path for both former Council rating structures, as outlined in this report.
3. The proposed Rating and Annual Charges for 2022/23 as outlined in Annexures F and G (forming part of Attachment B to this report) be exhibited. The proposal is based on the following:
 - (i) Council's ordinary rates for 2022/23 making provision for an ad valorem structure and an increase to Council's general income equivalent to the percentage of 7.8%, being a 2.5% rate peg increase plus a 5.3% special rate variation increase as determined by the Independent Pricing and Regulatory Tribunal (IPART).
 - (ii) A Minimum Ordinary Residential Rate of \$850.00 in respect of each separate parcel of rateable land in the City categorised as Residential land as specified by the Independent Pricing and Regulatory Tribunal (IPART).
 - (iii) A Minimum Ordinary Business Rate of \$850.00 for each parcel of rateable land in the City categorised as Business as specified by the Independent Pricing and Regulatory Tribunal (IPART).
 - (iv) Council notes its earlier decision regarding Business Sub-Categories, and adjustments to the business ad valorem rates as outlined in this report.
 - (v) Annual charges from Domestic Waste collection be set at \$585.00 for all Residential properties.
 - (vi) Annual charges from Trade Waste collection be set at \$585.00 for all Business properties in the former City of Canterbury.
 - (vii) The maximum mandatory pensioner rebate of \$250.00 per annum. In addition, Council continue to provide a further voluntary rebate, which equates to \$40.00 per annum in accordance with Council's 'Rates and Charges Debt Recovery and Hardship Assistance Policy'.
 - (viii) Annual Charges for Stormwater Management Services as follows:
 - **Residential Properties**
 - Annual Residential Charge of \$25.00 per property.
 - Annual Residential Strata Charge of \$12.50 per property.

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- **Business Properties**

- Annual Charge of \$25.00 per property plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres.

- **Mixed Development**

- Adopt the dominant Rating category as applied to the parcel of land as determined by the Valuer General and apply to each relevant property.
- In the event that a mixed development is 50% residential and 50% business, Council will apply a residential charge.

- **Exemptions**

In addition to the exemptions stipulated in the *Local Government Act 1993* and the *Local Government (General) Regulation 2021* the following exemptions will also apply in managing the service:

- Council-owned land;
- Bowling and Golf Clubs - where the dominant use is open space;
- Properties zoned:
 - Open space 6(a);
 - Private Recreation 6(b); and
 - Rural

4. A maximum rate of interest on overdue rates and charges as specified by the Minister for Local Government.

- CARRIED

ITEM 7.4 COUNCILLOR DISCLOSURE OF INTEREST RETURNS

(81) CLR. EL-HAYEK:/CLR. ISHAC

RESOLVED that the tabling of Councillors Disclosure of Interest Returns be noted.

- CARRIED

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SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 WESTINVEST PROGRAM

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

RESOLVED that

1. Applications for projects identified for submission under the Local Government Allocation round of funding proceed in accordance with the detail set out in the Table 1 of this report.
2. Based on the Registration of Interest forms being eligible, applications for projects identified for submission under the Competitive Round of funding proceed to full application in accordance with the detail set out in the Table 2 of this report.

- CARRIED

CLRS COOREY AND DOWNEY STOOD FOR A DIVISION

For:- Councillors Asfour, Waiba, El-Hayek, Abouraad, Ishac, Cahill, Raffan, Walsh, Zakhia, Nguyen, Saleh, Downey, Harika, Akter

Against:- Councillor Coorey

SECTION 9: COMMITTEE REPORTS

MATTER OF URGENCY

(83) CLR. EL-HAYEK:/CLR. SALEH

RESOLVED that urgency be permitted for Item 9.3 – Minute of the Local Traffic Committee 12 April 2022 and 22 April 2022 and Item 10.5 – Notice of Motion Lakemba Ramadan Event to be considered.

- CARRIED

ITEM 9.1 MINUTES OF THE LAKEMBA RAMADAN EVENT WORKING GROUP MEETINGS HELD ON 17 MARCH AND 13 APRIL 2022

(84) CLR. SALEH:/CLR. COOREY

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RESOLVED that the minutes of the Lakemba Ramadan Event Working Group meeting be endorsed.

- CARRIED

ITEM 9.2 **MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD
29 MARCH 2022**

(85) **CLR. DOWNEY:/CLR. COOREY**

RESOLVED that

1. The recommendations contained within the minutes of the Audit Risk and Improvement Committee meeting held on 29 March 2022, be adopted;
2. The new Charters for the Audit Risk and Improvement Committee and Internal Audit be endorsed by council;
3. The new Charters for the Audit Risk and Improvement Committee and Internal Audit be adopted by council;
4. Council appoints a councillor representative (non-voting) for membership on the Audit Risk and Improvement Committee (subject to eligibility criteria being met); and
5. The contents of the ARIC's Annual Report to Council are noted.

- CARRIED

ITEM 9.3 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 12 APRIL AND 22
APRIL 2022**

(86) **CLR. HARIKA:/CLR. ZAKHIA**

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 12 and 22 April 2022, be adopted.

- CARRIED

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SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

ITEM 10.1 NOTICE OF MOTIONS

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

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 SEPP PLANNING

(88) CLR. DOWNEY:/CLR. COOREY

RESOLVED that Council writes to the NSW Planning Minister Anthony Roberts calling on him to review his decision to scrap the draft Design and Place State Environmental Planning Policy (SEPP), in particular to rules requiring all developments to mitigate and adapt to the risks of climate change.

- CARRIED

ITEM 10.3 LOCAL ENVIRONMENTAL PLAN

(89) CLR. DOWNEY:/CLR. WALSH

RESOLVED that

1. Council calls on the Federal Member for Banks, David Coleman, to stop misleading the community in relation to our Local Environment Plan, which is currently being assessed by the NSW Government, for his own political agenda.
2. Furthermore, Council writes to the NSW Minister for Planning, Anthony Roberts, calling on him, or his department, to release the advice provided to Federal Member David Coleman on which he is publicly propagating this misleading information.

- CARRIED

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CLRS ZAKHIA AND ISHAC STOOD FOR A DIVISION

For:- Councillors Asfour, Waiba, El-Hayek, Cahill, Raffan, Walsh, Saleh, Downey, Harika

Against:- Councillor Coorey, Abouraad, Ishac, Zakhia, Nguyen, Akter

ITEM 10.4 UKRAINE CONDOLENCES

MOTION CLR. DOWNEY:/CLR. CAHILL

That

1. Council write to the Ukrainian Ambassador to Australia, His Excellency Mr Vasyl Myroshnychenko, extending our deepest sympathies and condolences to the people of Ukraine caught up in the ongoing military invasion.
2. We further condemn the violence targeting local Government representatives, many of whom have lost their lives as a result of leading their communities.

AT THIS STAGE CLR RAFFAN REQUESTED THAT THE MOTION BE AMENDEND AS FOLLOWS:

AMENDMENT CLR. RAFFAN:

That

1. Council write to the Ukrainian Ambassador to Australia, His Excellency Mr Vasyl Myroshnychenko, extending our deepest sympathies and condolences to the people of Ukraine caught up in the ongoing military invasion.
2. We further condemn the violence targeting local Government representatives, many of whom have lost their lives as a result of leading their communities.
3. In respect, Council raise the Ukrainian Flag for a period of time determined by the Mayor and General Manager.

CLR DOWNEY AND CLR CAHILL ACCEPTED CLR RAFFAN'S AMENDMENT BE INCLUDED IN THE MOTION.

(90) CLR. DOWNEY:/CLR. CAHILL

RESOLVED that

1. Council write to the Ukrainian Ambassador to Australia, His Excellency Mr Vasyl Myroshnychenko, extending our deepest sympathies and condolences to the people of Ukraine caught up in the ongoing military invasion.

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2. We further condemn the violence targeting local Government representatives, many of whom have lost their lives as a result of leading their communities.
3. In respect, Council raise the Ukranian Flag for a period of time determined by the Mayor and General Manager.

- CARRIED

CLR HARIKA TEMPORARILY VACATED THE CHAMBER AT 8.07PM AND RETURNED AT 8.09PM.

CLR ZAKHIA RETIRED FROM THE MEETING AT 8.09PM.

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 8.09PM.

ITEM 10.5 LAKEMBA RAMADAN EVENT

(91) CLR. AKTER:/CLR. SALEH

RESOLVED that Council thanks the Community, Staff and NSW Government on running a safe and wonderful celebration of Ramadan in Lakemba.

- CARRIED

SECTION 11:CONFIDENTIAL SESSION

(92) CLR. COOREY:/CLR. RAFFAN

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 11.1 in confidential session for the reasons indicated:

Item 11.1 Property Matter - 491 Henry Lawson Drive, Milperra

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.

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 8.18PM AND REVERTED BACK TO OPEN COUNCIL AT 8.34PM.

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CLR ISHAC RETURNED TO THE MEETING AT 8.18PM.

ITEM 11.1 **PROPERTY MATTER - 491 HENRY LAWSON DRIVE, MILPERRA**
(93) **CLR. ABOURAAD:/CLR. WALSH**

RESOLVED that

1. Council agrees to the proposed next steps as outlined in the report
2. A further report be provided on the matter, as required.

- CARRIED

THE MEETING CLOSED AT 8.35PM.

Minutes confirmed 24 MAY 2022

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Mayor