

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

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

APOLOGIES Councillors Abouraad, Akter, Ishac, Zakhia.

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.30 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

(520)

CLR. DOWNEY:/CLR. HARIKA

RESOLVED that the minutes of the Ordinary Council Meeting held on 25 July 2023 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(521)

CLR. SALEH OAM:/CLR. RAFFAN

RESOLVED that Leave of Absence be granted to Clr Abouraad, Clr Akter, Clr Ishac and Clr Zakhia due to personal reasons.

- CARRIED

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

In respect of Item 4.4 – Riverwood Spring Festival 2023, Clr Saleh OAM declared a pecuniary conflict of interest given that he is a Board Member of the Riverwood Community Centre and as such, he will vacate the chamber taking no part in debate.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

In respect of Item 4.4 – Riverwood Spring Festival 2023, Clr Waiba declared a pecuniary conflict of interest given that she is a Board Member of the Riverwood Community Centre and as such, she will vacate the chamber taking no part in debate.

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Mayor 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, and as such, he will vacate the chamber taking no part in debate.

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Clr Asfour declared a significant non-pecuniary conflict of interest due to his association with a number of the applicants for community grants and as such, he will vacate the chamber taking no part in debate.

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Clr Saleh OAM 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 and as such, he will vacate the chamber taking no part in debate.

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Clr Waiba declared a pecuniary conflict of interest given that the Riverwood Community Centre of which she is a Board Member, are an applicant for community grants, and as such, she will vacate the chamber taking no part in debate.

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Clr Harika declared a non-pecuniary, non-significant conflict of interest given that she is a Patron of the Bahayra Youth Association, who are an applicant for a community grant. This relationship will not affect her consideration of this matter and she will remain in the Chamber.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 YES

CLR. COOREY TEMPORARILY VACATED THE CHAMBER AT 6.36 PM AND RETURNED AT 6.42 PM.

(522) CLR. EL-HAYEK

RESOLVED that

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

1. Council continue leading the way by taking the next step and committing our Council to supporting the yes case. . . supporting the establishment of an Aboriginal and Torres Strait Islander voice to parliament.
2. Council further propose to follow in the footsteps of other mayors and sign the commitment to support the Uluru Statement from the Heart.

- CARRIED

ITEM 4.2 **SLEEPOUT UPDATE**
(523) **CLR. EL-HAYEK**

RESOLVED that Council note the letter received from Mission Australia thanking Council for our kindness and support and confirms that all monies raised will be spent on a program in our City.

- CARRIED

ITEM 4.3 **MARONITE EPARCHY**
(524) **CLR. EL-HAYEK**

RESOLVED that Council write to Bishop Antoine-Charbel Tarabay on behalf of our city, and offer our congratulations and support, as they celebrate their milestone Maronite Eparchy Golden Jubilee mass.

- CARRIED

ITEM 4.4 **RIVERWOOD SPRING FESTIVAL 2023**

In respect of Item 4.4 – Riverwood Spring Festival 2023, Clr Saleh OAM declared a pecuniary conflict of interest given that he is a Board Member of the Riverwood Community Centre and as such, he vacated the chamber taking no part in debate.

In respect of Item 4.4 – Riverwood Spring Festival 2023, Clr Waiba declared a pecuniary conflict of interest given that she is a Board Member of the Riverwood Community Centre and as such, she vacated the chamber taking no part in debate.

CLRS. SALEH OAM AND WAIBA TEMPORARILY VACATED THE CHAMBER AT 6.49 PM AND RETURNED AT 6.51 PM.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

(525)

CLR. EL-HAYEK

RESOLVED that Council support the 2023 Riverwood Spring Festival on Saturday 16 September 2023 by promoting it on Council's website and Social media.

- CARRIED

ITEM 4.5

LOCAL COMMUNITY BASED DONATIONS

(526)

CLR. EL-HAYEK

RESOLVED that

1. Council support a donation of \$1,000 towards the Riverwood Squadron, Australian Air League.
2. Council support a donation of \$1,000 towards the Australian Lebanese Football Association Cup.
3. Council support a donation of \$500 towards Help for Hirschsprung Disease.
4. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

SECTION 5:

PLANNING MATTERS

ITEM 5.1

NOTICE OF RESCISSION - ITEM 5.1 PLANNING PROPOSAL - 30 TREVENAR STREET, ASHBURY

CLR. COOREY:/CLR. NGUYEN

That the following Council resolution (501) from the Ordinary Meeting of Council held on 25 July 2023 be rescinded.

1. Council resolves not to proceed with acquisition of this property, and therefore requests to withdraw this planning proposal.
2. Council writes to all submitters to inform them of Council's decision.

THE MOTION OF RESCISSION WAS PUT AND LOST

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

For:- Clrs Coorey and Nguyen

Against:- Clrs Asfour, Cahill, Downey, El-Hayek, Harika, Saleh OAM, Raffan, Waiba and Walsh

AT THIS STAGE OF THE MEETING IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 6.57 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

AT THIS STAGE OF THE MEETING IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A SECOND WARNING AT 6.58 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

MOTION OF DISSENT

Clr Coorey moved a motion of dissent against the Chairperson's ruling that Clr Walsh had not committed an act of disorder.

- LOST

SECTION 6: POLICY MATTERS

ITEM 6.1 MOBILE FOOD VENDING VEHICLES POLICY

CLR. NGUYEN TEMPORARILY VACATED THE CHAMBER AT 7.23 PM.

(527) CLR. HARIKA:/CLR. WALSH

RESOLVED that Council adopts the Mobile Food Vending Vehicles Policy.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 2023-2024 COMMUNITY GRANTS & EVENT SPONSORSHIP PROGRAM

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Mayor 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.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Clr Asfour declared a significant non-pecuniary conflict of interest due to his association with a number of the applicants for community grants.

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Clr Saleh OAM 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 7.1 – Community Grants and Event Sponsorship Program, Clr Waiba declared a pecuniary conflict of interest given that the Riverwood Community Centre of which she is a Board Member, are an applicant for community grants.

In respect of Item 7.1 – Community Grants and Event Sponsorship Program, Clr Harika declared a non-pecuniary, non-significant conflict of interest given that she is a Patron of the Bahayra Youth Association, who are an applicant for a community grant. This relationship will not affect her consideration of this matter and she remained in the Chamber.

CLR. NGUYEN RETURNED TO THE CHAMBER AT 7.25 PM.

(528)

CLR. WALSH:/CLR. DOWNEY

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 Chief Executive Officer.

- CARRIED

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

ITEM 7.2

2023-2027 CBCITY COMMUNITY SAFETY & CRIME PREVENTION PLAN

(529)

CLR. HARIKA:/CLR. RAFFAN

RESOLVED that Council adopts the 2023 – 2027 CBCity Community Safety & Crime Prevention Plan.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

ITEM 7.3 **LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - CONSIDERATION OF MOTIONS**

(530) **CLR. RAFFAN:/CLR. DOWNEY**

RESOLVED that

1. The information be noted.
2. Council endorse the draft motions as detailed in the report.

- CARRIED

ITEM 7.4 **QUARTERLY PROGRESS REPORT OF THE 2022/23 OPERATIONAL PLAN, DELIVERY PROGRAM AND BUDGET TO JUNE 2023**

CLR. SALEH OAM TEMPORARILY VACATED THE CHAMBER AT 7.41 PM AND RETURNED AT 7.44 PM.

(531) **CLR. CAHILL:/CLR. DOWNEY**

RESOLVED that

1. Council note the quarterly review of the 2022/23 Operational Plan and six-monthly review of the Delivery Program to 30 June 2023.
2. Council adopt the June 2023 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 2022/23 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 2022/23 financial year, as outlined in the report.

- CARRIED

AT THIS STAGE OF THE MEETING IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 7.38 PM TO COUNCILLOR ASFOUR FOR AN ACT OF DISORDER.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

ITEM 7.5 **CASH AND INVESTMENT REPORT AS AT 31 JULY 2023 AND 30 JUNE 2023**
(532) **CLR. DOWNEY:/CLR. RAFFAN**

RESOLVED that

1. The Cash and Investment Report as at 30 June 2023 be received and noted.
2. The Cash and Investment Report as at 31 July 2023 be received and noted.
3. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

SECTION 8: **SERVICE AND OPERATIONAL MATTERS**

ITEM 8.1 **WESTINVEST PROGRAM UPDATE**
(533) **CLR. DOWNEY:/CLR. SALEH OAM**

RESOLVED that

1. The WestInvest Project Update be received and noted.
2. Council continue in its discussions with WestInvest to finalise the Funding Deeds and that the Chief Executive Officer be delegated authority to prepare and sign all relevant documentation, as required.

- CARRIED

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

ITEM 8.2 **2023-2024 EVENTS PARTNERSHIPS PROGRAM GRANT FUNDING**
(534) **CLR. DOWNEY:/CLR. NGUYEN**

RESOLVED that Council approves the cash and in-kind support for the Lebanese Film Festival and for the Padstow Carols by Candlelight from the Events Partnerships Program.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

ITEM 8.3
(535)

WOMEN'S REST CENTRES

CLR. SALEH OAM:/CLR. RAFFAN

RESOLVED that

1. Council note the outcomes of the Women's Rest Centre trial period.
2. Council carryout an open Expression of Interest (EOI) process, inviting interested Non-For-Profit Organisations to operate Council's Lakemba and Campsie Women's Rest Centres, as outlined in the report.
3. At the conclusion of the EOI, Council be provided with a further report, detailing all submissions received and a proposed approach with regards to the matter.

- CARRIED

SECTION 9:

COMMITTEE REPORTS

(536)

CLR. HARIKA:/CLR. NGUYEN

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

- CARRIED

ITEM 9.1

MINUTES OF THE ARTS & CULTURE ADVISORY COMMITTEE MEETING HELD ON 19 JULY 2023

(537)

CLR. HARIKA:/CLR. NGUYEN

RESOLVED that the minutes of the Arts & Culture Advisory Committee meeting held on 19 July 2023 be endorsed.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

ITEM 9.2 **MINUTES OF THE ENVIRONMENT ADVISORY COMMITTEE MEETING HELD ON 19 JULY 2023**

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

RESOLVED that the minutes of the Environment Advisory Committee meeting held on 19 July 2023 be endorsed.

- CARRIED

ITEM 9.3 **MINUTES OF THE ABORIGINAL & TORRES STRAIT ISLANDER ADVISORY COMMITTEE MEETING HELD ON 25 JULY 2023**

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

RESOLVED that

1. Council note:
 - 1.1 The proposed establishment process and operational model for a First Peoples Cultural Hub and Resource Centre at Bankstown Senior Citizens Centre.
 - 1.2 A name change for the 'Aboriginal & Torres Strait Islander Advisory Committee' to the 'First Peoples Advisory Committee'.
 - 1.3 The following Acknowledgement of Country for use in relevant Council mediums:

The City of Canterbury Bankstown acknowledges the traditional custodians of the land, water and skies of Canterbury-Bankstown, the Darug (Darag, Dharug, Daruk, Dharuk) People. We recognise and respect Darug cultural heritage, beliefs and relationship with the land. We acknowledge the First Peoples' continuing importance to our CBCity community.
2. The minutes of the Aboriginal & Torres Strait Islander Advisory Committee meeting held on 25 July 2023 be endorsed.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

ITEM 9.4 **MINUTES OF THE YOUTH ADVISORY COMMITTEE MEETING HELD ON 31 JULY 2023**
(540) **CLR. HARIKA:/CLR. NGUYEN**
RESOLVED that the minutes of the Youth Advisory Committee meeting held on 31 July 2023 be endorsed.
- CARRIED

ITEM 9.5 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 8 AUGUST 2023**
(541) **CLR. HARIKA:/CLR. NGUYEN**
RESOLVED that the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 8 August 2023, be adopted.
- CARRIED

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

ITEM 10.1 **STATUS OF PREVIOUS NOTICES OF MOTION - AUGUST 2023**
(542) **CLR. DOWNEY:/CLR. NGUYEN**
RESOLVED that the information be noted.
- CARRIED

ITEM 10.2 **VALE IAN KENNEDY**
(543) **CLR. DOWNEY:/CLR. WALSH**
RESOLVED that
1. Council acknowledge the passing of Ian Kennedy and recognise the voluntary and community deeds of this humble and well-liked Padstow local, known to many in the area, as the “pizza delivery man”.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

2. Council investigate the provision of a pedestrian crossing in Gibson Avenue, Padstow.

- CARRIED

ITEM 10.3 LATE TRADE PRECINCTS

CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 8.34 PM.

CLR NGUYEN TEMPORARILY VACATED THE CHAMBER AT 8.35 PM AND RETURNED AT 8.36 PM.

(544) CLR. SALEH OAM:/CLR. WAIBA

RESOLVED that

1. Council undertake consultation on our communities thoughts on the need, benefits, impacts and possible locations where late-night trading could occur.
2. Consultation to include retailers in our centres inclusive of food shops and restaurants.
3. This engagement informs future opportunities to where our city would benefit from extended night trade for businesses that supports Canterbury Bankstown as a destination while balancing amenity for residents in busy centres.

- CARRIED

ITEM 10.4 CONGRATULATIONS MATILDAS

CLR RAFFAN RETURNED TO THE CHAMBER AT 8.41 PM.

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

RESOLVED that

1. Council congratulates the Australian Women's Football Team on their successful performance during the 2023 World Cup.
2. Council also acknowledges the achievements of team member, Mary Fowler, who attended Bankstown Girls High School and was selected from

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

Sydney's second-tier competition to play for the Bankstown City Lions Football Club National Premier League.

- CARRIED

ITEM 10.5 ADDITIONAL SERVICES ON THE EAST HILLS RAILWAY LINE

CLR SALEH OAM TEMPORARILY VACATED THE CHAMBER AT 8.43 PM AND RETURNED AT 8.47 PM.

CLR WAIBA TEMPORARILY VACATED THE CHAMBER AT 8.49 PM AND RETURNED AT 8.51 PM.

(546) CLR. WALSH:/CLR. DOWNEY

RESOLVED that Council writes to the NSW Minister for Transport The Hon. Jo Haylen seeking a commitment to add extra train services on the T8 Airport & South (aka East Hills) Line when the T3 Bankstown Line is closed for the metro conversion. The extra services will be needed to cope with the expected increase in passengers using the rail line.

- CARRIED

ITEM 10.6 MORE BOOKSTORES

(547) CLR. HARIKA:/CLR. WALSH

RESOLVED that Council write to the major chain of bookstores to encourage them to open a store in our LGA.

- CARRIED

ITEM 10.7 PROPOSAL TO CONVERT T3 LINE TO METRO

CLR. COOREY

That

1. Council urgently writes to the Minister for Transport and the Premier to reconsider their position to convert the T3 line to Metro and to honour recommendation 3 of the Report into the Conversion of the T3 Line to

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

Metro dated 2020 and that is to terminate the Metro at Sydenham and not take it to Bankstown.

2. Council urgently request that the Government look at all the issues to be created as a result of the shutdown
 - The inconvenience (and mental anguish and anxiety caused) to 100,000 commuters in peak hour including workers travelling to the city for their jobs, students from at least schools – Canterbury Boys , Canterbury Girls, Holy Cross College, Punchbowl Boys high school and Wiley Park Girls High School, Birrong Girls High School and students attending Sydney Uni and Uts (and the interference to HSC Students) and beyond who will all be affected with no trains for 12 months and possibly beyond.
 - The impossibility of providing bus services to 100,000 persons in peak hour whereby the conditions on Canterbury Road and other feeder roads are already at grid lock status during peak hour –
 - 1000 buses with 1000 drivers will be required which add total mayhem to the surrounding suburbs.
 - The non consultation and notification to all the schools, shopkeepers and the commuters of the shutdown and the implications for their travel.
3. Council includes the following in the correspondence to the Minister and the Premier
 - All of the content of the Background to this Notice of Motion including quotes and discussion points.
 - An Upper House inquiry was held into the Sydenham to Bankstown Conversion of the T3 line (in 2019) and recommendation 3 was to terminate it at Sydenham
 - That the MP's (we thank them for their submission in 2019) for the line together with hundreds of community members made submissions in 2019 against the conversion.

THERE BEING NO SECONDER THE MOTION LAPSED

ITEM 10.8
(548)

FUTURE OF SYDNEY TRAINS STATIONS IN THE WEST OF BANKSTOWN
CLR. COOREY:/CLR. CAHILL

RESOLVED that Canterbury Bankstown Council affirms its support for the Sydney Trains Network in particular for the existing stations west of Bankstown (not part of Sydney Metro Southwest) including Birrong and Yagoona. And that Council writes to the NSW Transport Minister Jo Haylen, the current Sydney Trains Review conducted by Ms Carolyn Walsh, the relevant State MPs, and neighbouring Local

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

Councils in west of Bankstown outlining opposition to the Transport for NSW plans for:

- Removal of Sydney Trains services from Birrong and Yagoona to Central/City Circle in 2024.
- More west of Bankstown commuters forced to interchange at Lidcombe for trains to City Circle.
- West of Bankstown commuters forced to interchange at Bankstown
- Removal of Sydney Trains services from Liverpool-Sefton to Birrong/Yagoona/Bankstown in 2024.
- West of Bankstown commuters forced to interchange at Regents Park if travelling from a Liverpool-Sefton station to a Birrong-Bankstown station.
- Renaming of former T2 Inner West Line “Liverpool to City via Regents Park” train services (removed in 2013, to be restored temporarily in 2024) as the second T3 Bankstown Line.
- Long-term permanent closure of Sydney Trains stations west of Bankstown with the replacement of trains with buses between Bankstown and Lidcombe and Liverpool via Regents Park.

- CARRIED

SECTION 11: CONFIDENTIAL SESSION

(549) CLR. DOWNEY:/CLR. NGUYEN

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 Code of Conduct Investigation Report

This report is considered to be confidential in accordance with Section 10A(2)(i) of the Local Government Act, 1993, as it relates to alleged contraventions of code of conduct requirements applicable under section 440.

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 9.07 PM AND
REVERTED BACK TO OPEN COUNCIL AT 9.10 PM.**

CLR COOREY AND CLR NGUYEN RETIRED FROM THE MEETING AT 9.08 PM.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 29 AUGUST 2023

ITEM 11.1 **CODE OF CONDUCT INVESTIGATION REPORT**
(550) **CLR. CAHILL:/CLR. WALSH**

RESOLVED that

1. For the reasons outlined in the report by the Code of Conduct Reviewer, Council formally censures Councillor Coorey for the breach of Part 3 (General Conduct Obligations) and Part 7 (Relationship Between Council Officials) of Council's Code of Conduct, under section 440G of the Local Government Act 1993.
2. The matter be referred to the Office of Local Government for further action under the misconduct provisions of the Local Government Act 1993 Act.

- CARRIED

THE MEETING CLOSED AT 9.11 PM.

Minutes confirmed 12 SEPTEMBER 2023

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Mayor