



**MINUTES OF THE ORDINARY MEETING
HELD ON 24 JUNE 2020**

PRESENT VIA VIDEO CONFERENCING:

Mayor Wendy Waller
Councillor Ayyad
Councillor Balloot
Councillor Hadchiti
Councillor Hadid
Councillor Hagarty
Councillor Harle
Councillor Kaliyanda
Councillor Karnib
Councillor Rhodes
Councillor Shelton
Mr Tim Moore, Acting Chief Executive Officer
Mr George Hampouris, Acting Director City Corporate
Dr Eddie Jackson, Director City Community and Culture
Mr Peter Patterson, Director City Presentation
Mr Raj Autar, Director City Infrastructure and Environment
Mr David Smith, Acting Director City Economy and Growth
Mr David Maguire, Internal Ombudsman
Mr Vishwa Nadan, Chief Financial Officer
Mr Andrew Stevenson, Chief Strategy and Engagement Officer
Ms Tina Sangiuliano, Strategic Organisational Change Manager
Mr James Ng, Acting General Counsel, Manager Governance, Legal and Procurement
Mr George Georgakis, Manager Council and Executive Services
Ms Susan Ranieri, Coordinator Council and Executive Services (minutes)

The meeting commenced at 6.00pm.

**STATEMENT REGARDING WEBCASTING
OF MEETING**

The Mayor reminded everyone that in accordance with Council's Code of Meeting Practice (other than the Public Forum Section), the meeting is being livestreamed.

Clr Hadchiti declared a nonpecuniary but significant interest in the following item:

Item: CONF 01 - Liverpool Youth Council - Membership Nominations for term 2020-2022.

Reason: Clr Hadchiti knows one of the nominees.

Clr Hadchiti left the meeting for the duration of this item.

PUBLIC FORUM

Presentation – items not on agenda

Nil.

Representation – items on agenda

Written submissions for items on agenda

1. **Mr Robert Pinosa** made a written submission to Council on the following item:

EGROW 05 - Street Naming Requests - Austral, Edmondson Park and Prestons

This submission has been circulated to Councillors.

2. **Mr John Wynne** from Urbis made a written submission to Council on the following item:

EGROW 04 – Planning Proposal Request to rezone land and amend development standards at 1400 – 1480 Elizabeth Dr, Cecil Park.

This submission has been circulated to Councillors.

3. **Mr James Stanton-Cooke** from Lock the Gate Alliance made a written submission to Council on the following item:

EGROW 03 - Sustainable Energy

This submission has been circulated to Councillors.

MAYORAL MINUTE

ITEM NO: MAYOR 01
FILE NO: 160043.2020
SUBJECT: Greater Sydney Women’s Safety Charter

Liverpool is one of the fastest growing Local Government Areas in Australia and a place where women and girls should feel safe, included and able to reach their full potential.

Women of all ages, abilities, identities and social and cultural backgrounds should be able to fully and freely participate and enjoy our city’s social, economic and cultural life. This benefits everyone in our city.

The Greater Sydney Women’s Safety Charter was launched on International Women’s Day this year. It is made up of government agencies, businesses, peak groups and not-for-profit organisations who work together to improve the safety of women and girls in Greater Sydney.

In December last year, the Greater Sydney Commission and Transport for NSW co-hosted the Symposium, A City for People – Women and Safety in the City. The charter was an outcome of this event. More than 70 organisations came together to make this Charter possible.

Groups that join the charter improve the safety of women and girls through policies and practices, service planning and delivery, and communication with stakeholders and the community. They help to promote equality and create cities that are welcoming, open and accessible to everyone.

The Charter has three foundation principles:

1. A commitment to a culture of gender equality.
2. A commitment to listen, share and reflect; and
3. A commitment to collective action and continuous improvement.

Motion: **Moved: Mayor Waller**

That Council endorse becoming a signatory to the Greater Sydney Women’s Safety Charter.

On being put to the meeting the motion was declared CARRIED.

CITY COMMUNITY AND CULTURE REPORT

ITEM NO: COM 01
FILE NO: 114570.2020
SUBJECT: Grants, Donations and Corporate Sponsorship

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Harle**

That Council:

1. Postpone all future community funding grants and redirect all funds to the General Reserve to cover the \$50million anticipated COVID-19 costs.
2. Defer considerations of current grant applications until such time as COVID-19 no longer has a financial cost impact on the budget of Council.

On being put to the meeting the motion was declared LOST.

Vote for: Clr Harle and Clr Rhodes.

Vote against: Mayor Waller, Clr Ayyad, Clr Balloot, Clr Hadid, Clr Hagarty, Clr Kaliyanda, Deputy Mayor Karnib and Clr Shelton. Clr Hadchiti did not vote on this item and in accordance with Council's Code of Meeting Practice is therefore recorded as voting against).

The following motion was then moved:

Motion: **Moved: Clr Hagarty** **Seconded: Clr Hadid**

That this motion be considered later at the meeting for a question asked to be looked into and responded to.

On being put to the meeting the motion (moved by Clr Hagarty) was declared CARRIED.

Note: this item was dealt with later in the meeting.

Item 7 - Bird Walton Drive – Proposed road rehabilitation

- Council approves the proposed signs and linemarking scheme.

Item 8 - Greendale Road – Proposed road rehabilitation

- Council approves the road rehabilitation and associated signs and linemarking scheme, including the arrangement to maintain the existing sign posted speed limit and advisory speed on the curved road section.

Item 9 - Feodore Drive, Cecil Hills – Minor Traffic Facilities

- Council approves the proposed raised threshold, median island and signs and linemarking with installation of a pedestrian fence at the southern side of the raised threshold.

Item 10 - Wonga Road and Hill Road – Proposed Traffic Management

- Council approves the raised thresholds and associated signs and linemarking.

Item 11 - Items Approved Under Delegated Authority

- Notes the traffic facilities approved under Delegated Authority between 8 March 2020 and 12 May 2020.

On being put to the meeting the motion was declared CARRIED.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 139288.2020
SUBJECT: Question with Notice - Clr Hagarty - Speed Camera Warning Signs

Please address the following:

1. Have any speed camera or red light camera warning signs been removed in the Liverpool LGA since 'NOM 01 - Speed Camera Warning Signs' was passed in November 2019?

Response

Following Council's resolution from November 2019, Council received correspondence (see Attachment 1 in the Council Agenda) from the Parliamentary Secretary for Transport and Roads confirming that the NSW Government's position on speed camera warning signage has not changed. Council has also discussed this matter with TfNSW staff who have advised that no speed camera or red-light camera warning signs in the Liverpool Local Government Area have been removed.

TfNSW has advised Council they are aware of a 'missing' sign at the Newbridge Road / Milperra Road / Henry Lawson Drive intersection, due to limited space in the location identified (see Attachment 2 in the Council Agenda) and are considering what options are available for the sign to be installed.

ITEM NO: QWN 02
FILE NO: 139293.2020
SUBJECT: Question with Notice - Clr Harle - Compliance, Private Certifiers and Private Certifying Authorities

Background

Since Compliant Development has been introduced by State Governments some two decade ago, there have been numerous issues where noncompliant development has occurred. The main concern is where the health and safety of the community is compromised. When this occurs, the obligations to address such issues passes onto the Private Certifier (PC) or Private Certifying Authority (PCA) responsible for the lodgement of the initial Development Application (DA). A copy of the DA must be lodged with Council to ensure it is aware of the development and its conditions. If the PC or PCA fails to address the issue it can be reported to the relevant authority for further action. Unfortunately further action rarely occurs as the complainant may not have the necessary resources required to do so, hence the matter remains unresolved.

Where noncompliance involves the health and safety of the community Local Councils need to act quickly, irrespective of the costs involved. The latter is based on its "Duty of Care" obligations to the community.

Currently, if residents suspect noncompliance issues within a development, they are informed to contact the PC or PCA responsible for the DA. Unfortunately, most residents don't have the resources to take the matter further which often results in nothing being done to address the issues.

For those issues that manage to get addressed, any forthcoming action may take several weeks, months or sometimes years, however, for those involving illegal or contaminated fill it is usually too late to mitigate any negative effects for the foreseeable future.

Unfortunately, the Environment Protection Authority (EPA) also follows the State Governments' recommendation of informing the PC or PCA to address any issues of non-compliance. It is only when the Health and Safety of the Community is at risk that the EPA may investigate, however, noncompliance such as the amount of fill is not their responsibility and falls back on the PC or PCA and we are back where we started.

Please address the following:

1. Does Council have a procedure or action in place to ensure a Development Applications (DA) made by a Private Certifier (PC) or a Private Certifying Authority (PCA) complies with their conditions of consent?

- a. If noncompliance is suggested by concerned residents, how is that action triggered?
 - b. What is Council's procedure if non-compliance continues despite Council action?
 - c. How can Council ensure that compliance does occur, especially those impacting on community health and safety?
 - d. Is Council legally responsible for any subsequent health and safety risks to the community due to noncompliance it was made aware of?
2. Will changes to the "Building and Development Certifier Act 2018", due to take effect as of 1st July 2020, impact on the points raised in 1, a to d?

Response

A private certifier can determine applications for complying development certificates, construction certificates and occupation certificates. They can also be nominated as the Principal Certifier whose role is to carry out inspections of building work to determine compliance with legislative requirements and conditions of consent. In addition the Principal Certifier can take action to address non-compliant work and, if needed report, it to Council if any non-compliances are ongoing.

Certifiers do not determine development applications. Council has no legal responsibility to check certificates issued by certifiers. Private certification has been in place since 1998 and accredited private certifiers are public officials who are required to act with integrity and impartiality . They are accredited under the Building Professionals Act 2005 and regulated by NSW Fair Trading.

Generally if a resident contacts Council regarding non-compliance with building work on a privately certified site the resident is asked to contact the certifier in the first instance. The certifier's responsibility is to investigate the complaint and if non compliance is detected the certifier under the Environment Planning and Assessment Act is required to issue a Written Direction. If the direction is not complied with the certifier will notify Council and Council officers will then issue notice/order.

Generally issues relating to hours of construction, occupation of footpath/road contrary to development consent and sediment control are all dealt with by council officers without referral to the certifier even if the site is privately certified as these issues impact resident's amenity and the environment.

In some instances where the certifier does not take adequate action Council does intervene and take enforcement action. Anyone can report a certifier, if they have grounds to do so, to the Building Professionals Board.

1. Does Council have a procedure or action in place to ensure a Development Applications (DA) made by a Private Certifier (PC) or a Private Certifying Authority (PCA) complies with their conditions of consent?

a. If noncompliance is suggested by concerned residents, how is that action triggered?

As mentioned above residents are directed to the certifier in the first instance.

b. What is Councils procedure if non-compliance continues despite Council action?

If Council is involved a notice is issued followed by an order and if non compliance continues legal action is taken.

c. How can Council ensure that compliance does occur, especially those impacting on community health and safety?

Under the legislation it is not Council's role to check on certifiers to ensure compliance, however as mentioned above if Council intervenes then a notice/order can be issued and ultimately legal action pursued.

d. Is Council legally responsible for any subsequent health and safety risks to the community due to noncompliance it was made aware of?

It is the Principal Certifier who is responsible for the work on site and if Council is not the nominated Principal Certifier then Council is not responsible.

2. Will changes to the "Building and Development Certifier Act 2018", due to take effect as of 1st July 2020, impact on the points raised in 1, a to d?

The new legislative framework regulates the conduct of certifiers by providing for new conflict of interest provisions and establishes a code of conduct. The Building Professionals Board will be abolished and the certifiers will be fully regulated by NSW Fair Trading. It is expected that Certifiers who do not comply with the new legislative framework will not be able to continue to be registered.

COUNCIL DECISION

Motion:

Moved: Clr Harle

Seconded: Clr Rhodes

That Council:

1. Investigate implementing a development assessment compliance policy dealing with compliance issues raised by residents irrespective of whether it is a Private Certifier, Private Certifying Authority or Environmental Protection Authority issue; and

2. A report to be brought to the August 2020 Council meeting addressing issues related to implementing such a policy including budgetary implications.

On being put to the meeting the motion was declared CARRIED.

remain in place affecting only some businesses. For example, on 16 April 2020 Council resolved to waive all out-door dining fees from the date of restriction coming into place until 2 months after these restrictions are lifted. The proposed amendment would mean that out-door dining fees would be waived until 2 months after 1 July 2020.

3. Where a resolution is not subject to the lifting of a restriction and the resolution requires Council to provide assistance for an unspecified period – then, for the purpose of implementing the resolution, the resolution will apply for the duration of the 2020/21 financial year, unless otherwise resolved by Council.

On being put to the meeting the motion was declared CARRIED.

2. Work with developers and landlords to find suitable locations in the Liverpool CBD for public sector working hubs; and
3. Report back on progress in 6 months.

On being put to the meeting the motion was declared CARRIED.

Clr Shelton left the meeting at 7:13pm.

ITEM NO: NOM 03
FILE NO: 152495.2020
SUBJECT: Sustainable Energy

BACKGROUND

In November 2019, Council indicated its support for a Renewable Solar Power Purchase Agreement negotiated by WSROC. Liverpool Council is also one of 18 local councils that are part of a Local Government Power Purchase Agreement, where Origin Energy supplements the energy needs of our community. Furthermore, in October 2017, Council joined the Cities Power Partnership, an initiative of the Climate Council of Australia seeking to accelerate the benefits of emissions reduction and clean energy for Australian towns and cities.

The use of hydraulic fracturing (fracking) to extract gas presents significant environmental risks. The use of chemicals in the process presents a potential contamination hazard to water resource. Significantly, fracking results in increase greenhouse gas emissions through the use of the fuel itself as well as through the escape of gases, such as methane, during the extraction process. Banning the use of fracking right across the country presents the most effective strategy to eliminate these environmental hazards.

Furthermore, the recent destruction of a 46,000 year-old Aboriginal cultural site in WA as part of a mining operation by Rio Tinto shows the impact that such processes could have on local environments and cultural heritage.

On a local level Council is investing in a wide range of initiatives designed to increase the use of sustainable energy and reduce the urban heat island effect. Some of these initiatives include purchasing sustainable energy, installing solar systems on Council properties and encouraging schools, residents and businesses to install solar panels on their buildings, transitioning to the use of electric fleet vehicles and installing heat pumps at pools and leisure centres. Rejecting the use of damaging processes, such as fracking, and simultaneously increasing the use of renewable energy are both vital if we hope to limit the worst impacts of climate change.

NOTICE OF MOTION (submitted by Clr Kaliyanda)

1. Write to Origin Energy:
 - Noting Council's Power Purchase Agreement with Origin Energy, through SSROC, 20% of which is currently sourced from the Moree Solar Farm;
 - Expressing our support for the traditional owners and communities in the Northern Territory who have expressed their strong opposition to fracking due its threats to the climate and to their lands, waters and rights; and

- Requesting that Origin Energy cease all plans to conduct fracking in the Northern Territory and elsewhere due to its impact on the climate, communities, environment and water, and commit to further investment in environmentally and socially sustainable renewable energy projects.
2. Forward a copy of the letter referred to above to all NSW Regional Organisation of Councils and Joint Organisations.
 3. Writes to all state and territory Energy and Environment ministers urging them to implement, strengthen or retain permanent bans on the use of hydraulic fracturing (fracking) to extract gas within their jurisdictions.
 4. Continues to increase the use of sustainable energy for its operations.

COUNCIL DECISION

Motion:

Moved: Cllr Kaliyanda

Seconded: Cllr Hagarty

1. Write to Origin Energy:
 - Noting Council's Power Purchase Agreement with Origin Energy, through SSROC, 20% of which is currently sourced from the Moree Solar Farm;
 - Expressing our support for the traditional owners and communities in the Northern Territory who have expressed their strong opposition to fracking due its threats to the climate and to their lands, waters and rights; and
 - Requesting that Origin Energy cease all plans to conduct fracking in the Northern Territory and elsewhere due to its impact on the climate, communities, environment and water, and commit to further investment in environmentally and socially sustainable renewable energy projects.
2. Forward a copy of the letter referred to above to all NSW Regional Organisation of Councils and Joint Organisations.
3. Writes to all state and territory Energy and Environment ministers urging them to implement, strengthen or retain permanent bans on the use of hydraulic fracturing (fracking) to extract gas within their jurisdictions.
4. Continues to increase the use of sustainable energy for its operations.
5. That Council provide a briefing meeting before September Council meeting inviting WSROC to present to Councillors and the financial management team of Council, information relating to the opportunity for Council to participate in a Power Purchase Agreement through WSROC Limited through a 10 year Power Purchase Agreement on offer from renewable energy developer GENX Power.

On being put to the meeting the motion was declared CARRIED.

Councillors voted unanimously for this motion.

Note Cllr Shelton was not in the meeting when this item was voted on.

Clr Shelton returned to the meeting at 7.19pm

ITEM NO: NOM 04
FILE NO: 152513.2020
SUBJECT: Support for Australian Aviation

BACKGROUND

Earlier this year we saw perhaps the most significant corporate victim of COVID-19 when Virgin Australia elected to enter into voluntary administration. This was a deeply concerning development, not only for the stress, anxiety and uncertainty on the thousands of employees, but for the potential impact this will have on our society and economy.

This is clearly a Federal issue and it will be up to the Federal Government to address this. But it is important that we all speak up, particularly for Liverpool as an aviation city and the home of Sydney’s second international airport, to raise two important points: we need a healthy and competitive domestic airline industry, and that industry needs to be serviced by Australian-based companies.

If any airline attains a monopoly over the domestic airline market, we know from the collapse of Ansett in 2002, that there will be a significant increase in the cost of air travel. I am aware of some analysts predicting the rise in cost of air travel in a monopoly environment could exceed 20%.

For Australia, with our vast expanses and remote communities, affordable air travel is vital to our ongoing prosperity. If there are to be rises in the cost of domestic air travel, it will be our vulnerable populations that suffer along with the regions. And it is the regions upon which Australia relies.

But it is not simply enough to have a competitive domestic airline market; it is critical that the companies servicing those routes are Australian-based. Encouraging a strong Australian aviation sector would have significant short and long-term benefits for Liverpool.

There has been discussion of international airlines, Etihad or Singapore Airlines for example, servicing our domestic routes. Should this eventuate, we will see the irreversible flow of profits, money from Australians, offshore. This cannot be allowed to happen.

Furthermore, it is fanciful to entertain the idea that these international airlines will service anything but the most profitable, high-volume routes of the east coast. This would likely leave our regional and remote communities to languish and die. We cannot let this happen.

In the coming weeks and months, it will be critical for the Federal Government to protect Australia’s future through whatever mechanism they deem appropriate, and ensure that on the other side of this, Australia continues to be serviced by a competitive, Australian-based domestic airline industry.

Cirs Kaliyanda and Hadchiti left the meeting at 7.55pm.

ITEM NO: CONF 01

FILE NO: 130196.2020

SUBJECT: Liverpool Youth Council - Membership Nominations for term 2020-2022

COUNCIL DECISION

Motion:

Moved: Clr Harle

Seconded: Clr Hadid

That Council:

1. Adopts the new members nominated by the Selection Panel to be appointed to the Liverpool Youth Council for the 2020-2023 term.

The names of the nominated members are listed below:

- Ella-Jay Nuttal
- Jorja Suga
- Alyssia Dower
- Vishal Senthilkumar
- Sonia Sharma
- Mikaela Jenkins
- Mustafa Sawalhi
- Emily D'Silva
- Simbarashe Zimbudzana
- Phillip Gigliotti
- Elise Vadala
- Adrian Lal

2. The Liverpool Youth Council Charter section 9 - Term of Office be amended to increase the membership term from two years to three years as follows:

9. TERM OF OFFICE

9.1 Youth Council members serve a three-year term, with a maximum of two consecutive terms served by any one member (i.e. members can serve a maximum of six years).

9.2 A young person appointed to the Youth Council will continue as a member until the Youth Council is disbanded at the end of the three-year term.

3. At the end of the Youth Councillors' service a letter be sent from the Mayor (on behalf of the Councillors) to congratulate and thank them for their years of commitment.

On being put to the meeting the motion was declared CARRIED.

6. Keeps confidential the details supplied in this report containing information on the submissions received, pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

On being put to the meeting the motion was declared CARRIED.

Councillors voted unanimously for this motion.

interviewed candidates, and makes a recommendation for appointment by the Council.

7. Appoint the Mayor or her Councillor delegate, Cllr Balloot or their Councillor delegate and Cllr Harle or their Councillor delegate to the working group noting that any Councillor may attend any meetings as an observer and have access to any documents throughout the process.
8. Notes that the final decision to appoint a Chief Executive Officer will be made by the Council, as required by s.344 of the Local Government Act 1993.
9. Appoints Dr Eddie Jackson as Acting Chief Executive Officer, with all delegated authority currently assigned to the position of Chief Executive Officer, for up to 12 months from Monday 29 June 2020 (inclusive) or until such time as a new permanent Chief Executive Officer is appointed, and commences the position, whichever is the lesser period.
10. Delegate authority to the Mayor to negotiate, on behalf of Council, suitable terms with Dr Eddie Jackson for their appointment to the role of Acting Chief Executive Officer.
11. Note that once a permanent Chief Executive Officer is appointed a separate Committee will need to be established to set and monitor key performance indicators for the Chief Executive Officer.

On being put to the meeting the motion was CARRIED.

Mayor Waller asked that she be recorded as having voted against the motion.

OPEN SESSION

Council moved back into Open Session at 8.43pm.

Mayor Waller then read out the resolutions for EGROW 01, COM 01, CONF 01, CONF 02, and CONF 03 which were passed in Closed Session (Note, Mayor Waller asked that her name be recorded against the motion for CONF 02).

THE MEETING CLOSED AT 8.47pm

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 29 July 2020

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 24 June 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.