



MINUTES OF THE ORDINARY MEETING HELD ON 3 FEBRUARY 2021

PRESENT:

Deputy Mayor Hadid
Councillor Ayyad
Councillor Balloot
Councillor Hadchiti
Councillor Hagarty
Councillor Harle
Councillor Kaliyanda
Councillor Karnib
Councillor Rhodes
Councillor Shelton
Dr Eddie Jackson, Chief Executive Officer
Mr George Hampouris, Acting Director City Corporate
Ms Tina Bono, Acting Director City Community and Culture
Mr David Smith, Acting Director City Economy and Growth
Mr Peter Patterson, Director City Presentation
Mr Raj Autar, Director City Infrastructure and Environment
Ms Nada Mardini, Manager Community Standards
Mr John Milicic, Manager Property
Ms Jennifer Chenhall, General Counsel, Manager Governance Legal & Procurement
Ms Ellen Whittingstall, Acting Internal Ombudsman
Mr Vishwa Nadan, Chief Financial Officer
Mr George Georgakis, Manager Council and Executive Services
Ms Maree Stewart, Coordinator Council and Executive Services (minutes)

The meeting commenced at 6.00pm.

**STATEMENT REGARDING WEBCASTING
OF MEETING**

The Deputy Mayor reminded everyone that in accordance with Council's Code of Meeting Practice the meeting is being livestreamed.

**ACKNOWLEDGMENT OF COUNTRY,
AFFIRMATION AND PRAYER OF
COUNCIL**

The prayer of the Council was read by the Chief Executive Officer, Dr Eddie Jackson.

APOLOGIES

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Shelton**

That Mayor Waller be recorded as an apology for this meeting and leave of absence be granted.

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

CONDOLENCES

ITEM NO: COND 01
FILE NO: 025716.2021
SUBJECT: CONDOLENCE MOTION - Michael Coffey OAM (read by Deputy Mayor Hadid)

Tonight, we pause to honour the memory of Liverpool Catholic Club President, Michael Coffey OAM.

The father of three, grandfather of seven, successful businessman and keen golfer passed away unexpectedly and peacefully on Monday 11 January aged 79.

Michael will be remembered for making a major difference in the community. These achievements were also recognised in 2015 when he was awarded the Medal of the Order of Australia (OAM) for service to business, commerce and the community.

The son of a firefighter, Michael was born on 26 October 1941 and grew up in Bathurst and then Pymble.

After graduating with a Bachelor of Science degree from the University of NSW, Michael began working for the CSIRO's food division in 1959. He was part of the team that revolutionised food preservation and transport through the use of shipping containers to import and export goods.

Michael moved to the private sector in 1969. He was recruited by shipping company OCL, which later became P&O Containers. Michael played a role in opening up international trade relationships around the world. He travelled to the Middle East and India. He also led Australian trade missions to Saudi Arabia, Kuwait, Pakistan and Iran.

He later founded the logistics company River Heights Trading Consultancy and worked as the managing director for 21 years.

Michael met his wife Trudy at a Catholic Youth Organisation dance in Liverpool. The couple married in 1967 and later settled in Lansvale. Trudy is the Director of Social Work at South Western Sydney Local Health District.

At his funeral service at All Saints Catholic Church, Liverpool, on Wednesday 27 January, his daughter Roz said Michael treasured people and nurtured and cherished his relationships.

"If you know dad, you'd know it was literally not possible for him to sit next to someone in any setting and not strike up a conversation and shortly after a mutual connection would be formed and a new friendship would be the result," she said.

CONFIRMATION OF MINUTES

Motion: **Moved: Cllr Shelton** **Seconded: Cllr Rhodes**

That the minutes of the Ordinary Meeting held on 16 December 2020 be confirmed as a true record of that meeting.

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

DECLARATIONS OF INTEREST

Nil

PUBLIC FORUM

Presentation – items not on agenda

Nil

Representation – items on agenda

Nil

CITY ECONOMY AND GROWTH REPORT

ITEM NO: EGROW 01

FILE NO: 009183.2021

SUBJECT: Transport for NSW upgrade of the Heathcote Road bridge over the Woronora River

COUNCIL DECISION

Motion:

Moved: Clr Ayyad

Seconded: Clr Kaliyanda

That Council:

1. Notes that a submission will be prepared on the Review of Environmental Factors for the upgrade of the Heathcote Road Bridge over the Woronora River;
2. Supports Sutherland Shire Council's position that the project should involve bridge duplication rather than bridge widening; and
3. Advises Sutherland Shire Council of Council's resolution.

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

CITY CORPORATE REPORT

ITEM NO: CORP 01
FILE NO: 347220.2020
SUBJECT: Investment Report December 2020

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Shelton**

That Council receives and notes this report.

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

ITEM NO: CORP 02
FILE NO: 007720.2021
SUBJECT: 2021 National General Assembly of Local Government

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Shelton**

That:

1. Councillors submit motions to the CEO by 10 February 2021 for consideration at the 24 February 2021 Council meeting; and
2. Any Councillors interested in attending the National General Assembly contact the CEO by 10 February 2021 for consideration at the 24 February 2021 Council meeting.

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

ITEM NO: CORP 03
FILE NO: 008678.2021
SUBJECT: Review of Council Policies

COUNCIL DECISION

Motion: **Moved: Clr Ayyad** **Seconded: Clr Hadchiti**

That Council:

1. Endorses the Councillor Induction and Professional Development Policy;
2. Endorses the Councillor Access to Information and Interaction with Staff Policy subject to written legal advice relating to whether Councillors can have access to the ratepayers details for the inclusion of the following clause to the Policy:

“Councillors are entitled to access the list and roll of ratepayers within the Liverpool local government area.”

3. Endorses the Strategic Panel Charter with Clauses 4 (Purpose), 5 (Functions), 6 (Outcomes), 7.3 (Support staff) and 7.5 (Other office bearers) to be amended as shown in the Charter attached to the report; and
4. Endorses the Councillor Briefing Procedure with the inclusion of the following Clause:

“The NSW Government has authorised local councils to hold official meetings electronically instead of physically due to the risk to staff, Councillors and members of the community due to the current situation with the novel coronavirus (Covid-19) pandemic. In accordance with a Mayoral Direction dated 17 March 2020 (and reported to the 25 March 2020 Council meeting) this has also been extended to Committee meetings and Councillor Briefing Sessions. As such, Clauses 8.4, 12.2 and 13.2 – 13.7 would not apply whilst Councillor Briefing Sessions continue to be held electronically”.

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

Clr Hagarty, Clr Kaliyanda and Clr Shelton asked that they be recorded as voting against the motion.

COMMITTEE REPORTS

ITEM NO: CTTE 01

FILE NO: 342562.2020

SUBJECT: Minutes of the Tourism and CBD Committee meeting held 1 December 2020

COUNCIL DECISION

Motion:

Moved: Clr Rhodes

Seconded: Clr Harle

That Council receives and notes the Minutes of the Tourism and CBD Committee Meeting held on 1 December 2020.

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

ITEM NO: CTTE 02
FILE NO: 008685.2021
SUBJECT: Minutes of the Intermodal Precinct Committee meeting of 7 December 2020

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Harle**

That Council:

1. Receives and notes the minutes of the Intermodal Precinct Committee; and
2. Endorses the Committee's recommendation to proceed with a communications campaign, pending further information from the Moorebank Intermodal Company representative at an estimated cost of \$5,000.

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

QUESTIONS WITH NOTICE

ITEM NO: QWN 01

FILE NO: 019442.2021

SUBJECT: Question with Notice - Clr Hadchiti - Fast Transit Corridor

Council has invested a lot of time and money working on plans for a fast transit corridor from the CBD through to Fifteenth Avenue.

Please address the following:

1. What has the cost been to the ratepayer, including staff cost, promotional material, study tours (converting points if used to real dollars) etc?
2. What stage is this project at?

A response to these questions will be provided in the 24 February 2021 Council meeting business papers.

ITEM NO: QWN 02
FILE NO: 019456.2021
SUBJECT: Question with Notice - Clr Hadchiti - Section 7/11 Contributions

Please address the following:

1. Can a reconciliation be provided individually on Section 7/11 Contributions that include the suburbs of Middleton Grange and Edmondson Park providing:
 - Money collected to date;
 - Money spent to date;
 - Anticipated money yet to be collected;
 - Properties remaining to be acquired;
 - Estimated cost of those properties;
 - Strategy to acquire those properties.

A response to this question will be provided in the 24 February 2021 Council meeting business papers.

ITEM NO: QWN 03
FILE NO: 019507.2021
SUBJECT: Question with Notice - Clr Hadchiti - Drainage Channels Rural/Growth Areas

Please address the following:

1. How often are the drainage channels relating to the rural/growth areas mowed/cleaned out?

A response to this question will be provided in the 24 February 2021 Council meeting business papers.

ITEM NO: QWN 04
FILE NO: 019510.2021
SUBJECT: Question with Notice - Clr Hadchiti - Water Detention Basins in Growth Areas

Please address the following:

1. What compliance measures are being undertaken to ensure that the water detention basins in growth areas are maintained?

A response to this question will be provided in the 24 February 2021 Council meeting business papers.

ITEM NO: QWN 05
FILE NO: 019511.2021
SUBJECT: Question with Notice - Cllr Hadchiti - Developer Road Construction in Growth Areas

Please address the following:

1. What is the process of ensuring that the developer road construction in growth areas are built to the correct standards?

A response to this question will be provided in the 24 February 2021 Council meeting business papers.

ITEM NO: QWN 06
FILE NO: 019513.2021
SUBJECT: Question with Notice - Clr Hadchiti - Kerb Gutter and Roads Fronting Council Owned Land in Growth Areas

Kerb Gutter and Roads Fronting Council Owned Land in Growth Areas

Please address the following:

1. What program is in place to ensure that Council constructs the above once a development and half roads are built opposite Council owned land?

A response to this question will be provided in the 24 February 2021 Council meeting business papers.

ITEM NO: QWN 07
FILE NO: 019516.2021
SUBJECT: Question with Notice - Clr Hadchiti - Council Meetings

Please address the following:

1. When are Council meetings scheduled to be held back in the chamber?

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hagarty**

That Council:

1. Return to Council meetings in the Council Chambers as of the 24 February 2021, in line with health advice;
2. Note that Council staff are now working from the Council building; and
3. Look into ways to have the district forums and committees return to face-to-face or hybrid meetings.

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

PRESENTATIONS BY COUNCILLORS

Nil

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Chairperson

ITEM NO: CORP 04
FILE NO: 001536.2021
SUBJECT: Council leading in good governance practices

COUNCIL DECISION

Motion: **Moved: Clr Hagarty** **Seconded: Clr Kaliyanda**

That Council accepts the advice of the OLG and does not create a corporate policy for accessing independent professional advice.

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

For: Clr Hagarty, Clr Harle, Clr Kaliyanda, Clr Karnib, Clr Rhodes, Clr Shelton

Against: Deputy Mayor Hadid, Clr Ayyad, Clr Balloot, Clr Hadchiti

NOTICES OF MOTION

ITEM NO: NOM 01
FILE NO: 019306.2021
SUBJECT: Aerotropolis Acquisition Scheme

BACKGROUND

The current system for compulsory land acquisition is unfair and inefficient. Adequate contributions to acquire land take years to be collected while landowners, ratepayers and new residents are disadvantaged:

- New residents have to wait many years for infrastructure to be built.
- Council and ratepayers are forced to pay more due to increasing land values and inflation.
- Landowners are stuck with a plot of land they can't sell or develop.

The flaws in this system are starkly apparent at the Aerotropolis. Despite earmarking a large amount of the 11,200 hectare site for parks and open space, at this stage, the State Government has only committed to acquiring land along a small stretch of Thompsons Creek. With no other buyers, this has left landowners in these areas with little option but to sit and wait, with no concrete timeline or a plan for their land to be acquired.

Since the Western Sydney Airport and the Aerotropolis were announced, landowners and residents have asked for certainty in the process and a reliable timeline. With commitment from all three levels of government, a better, fairer, more efficient process is possible. Residents in these areas are experiencing stress, illness and family breakdown. Those with hardship, should be given the chance to be able sell up and move on.

NOTICE OF MOTION (Submitted by Cllr Hagarty)

That Council:

1. Notes:
 - The current system for compulsory land acquisition is unfair and inefficient;
 - Existing land acquisition schemes such as the Moorebank Voluntary Acquisition Scheme; and
 - Existing hardship provisions for land acquisition.
2. Write to the State Government proposing an Aerotropolis Acquisition Scheme to allow for expedited land acquisition for landowners experiencing hardship in the Aerotropolis.

3. Upon approval:

- Seek collaboration from the State and Federal Government to fund and administer the scheme; and
- Assess the viability of applying a similar scheme to all land acquisitions in the Liverpool LGA.

COUNCIL DECISION

Motion: **Moved: Cllr Hagarty** **Seconded: Cllr Karnib**

That Council:

1. Notes:

- The current system for compulsory land acquisition is unfair and inefficient;
- Existing land acquisition schemes such as the Moorebank Voluntary Acquisition Scheme; and
- Exiting hardship provisions for land acquisition.

2. Write to the State Government proposing an Aerotropolis Acquisition Scheme to allow for expedited land acquisition for landowners experiencing hardship in the Aerotropolis;

3. Upon approval:

- Seek collaboration from the State and Federal Government to fund and administer the scheme; and
- Assess the viability of applying a similar scheme to all land acquisitions in the Liverpool LGA.

4. That Council write to WSROC, neighbouring Councils, LGNSW, ALGA, Western Parklands City Authority, State and Federal MP's to support this proposal.

Foreshadowed motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Rhodes**

That Council:

1. Receive a further report on the list of properties that need to be acquired through a government agency and also write to those affected landowners and advise them of the hardship policy;

2. Notes:
 - The current system for compulsory land acquisition is unfair and inefficient;
 - Existing land acquisition schemes such as the Moorebank Voluntary Acquisition Scheme; and
 - Exiting hardship provisions for land acquisition.
3. Write to the WSROC, neighbouring Councils, Western Parklands City Authority and State and Federal MP's urging the state and federal governments to work with local government on an Aerotropolis Acquisition Scheme to allow for expedited land acquisition for landowners;
4. Upon approval:
 - Seek collaboration from the State and Federal Government to fund and administer the scheme; and
 - Assess the viability of applying a similar scheme to all land acquisitions in the Liverpool LGA.
5. Submit the motion to the National General Assembly annual conference requesting forward funding acquisition scheme that will enable local governments to provide infrastructure supporting the development of national assets.
6. Write to the state government asking them why the date referred to for release of the Wianamatta-South Creek Delivery Strategy has been removed.

On being put to the meeting the motion (moved by Clr Hagarty) was declared LOST. The Foreshadowed motion (moved by Clr Hadchiti) then became the motion and on being put to the meeting was declared CARRIED.

Voting (for the motion moved by Clr Hagarty)

For: Clr Hagarty, Clr Harle, Clr Kaliyanda, Clr Karnib

Against: Deputy Mayor Hadid, Clr Ayyad, Clr Balloot, Clr Hadchiti, Clr Rhodes, Clr Shelton

Voting (for the Foreshadowed motion moved by Clr Hadchiti)

For: Deputy Mayor Hadid, Clr Ayyad, Clr Balloot, Clr Hadchiti, Clr Hagarty, Clr Harle, Clr Karnib, Clr Kaliyanda, Clr Rhodes, Clr Shelton

Against: Nil

Councillors voted unanimously for this motion.

ITEM NO: NOM 02
FILE NO: 019373.2021
SUBJECT: Community Gardens Policy and Strategy

BACKGROUND

Community gardens can fulfil a variety of functions in addition to food production, including the enhancement of healthy lifestyles and good nutrition, reduction in social isolation, encouraging a sense of place, improving local food security and management of public spaces. The people of Liverpool, through the Liverpool Local Strategic Planning Statement (LSPS) community consultation process, have identified the significance of community gardens and have expressed their support for the development of these as well as other local food systems.

Community gardens improve the social fabric within and among communities by increasing and deepening social connections. They also foster community engagement and improve participation as members are able to self-manage the gardens.

Community gardens and other local food system are increasingly being supported in Australian towns and cities in consonance with growing demand for local/regional food. The high community demand in local government associations across Australia for community gardens is in recognition of the wide range of benefits they provide. External factors such as concerns about the environment and climate change, food miles and 'Grow Local' movement are also giving impetus towards the provision of space for community garden and contribute to an increasing number of community gardens.

NOTICE OF MOTION (Submitted by Cllr Kaliyanda)

That Council:

1. Develop a Community Gardens Policy and Strategy document to:
 - Provide a framework for residents who want to establish a community garden
 - Encourage existing community gardens to be self-managed to a high standard
2. Explore the feasibility of incorporating footpath gardening into these documents; and
3. Investigate funding opportunities to develop community gardens in the Liverpool LGA.

COUNCIL DECISION

Motion: **Moved: Cllr Kaliyanda** **Seconded: Cllr Harle**

That Council:

1. To explore the feasibility of expanding community gardens, including footpath gardening and their long-term operation and financial sustainability; and
2. Report back the finding to Council at the June 2021 Council meeting.

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

CONFIDENTIAL ITEMS

ITEM NO: CONF 01
FILE NO: 352081.2020
SUBJECT: Fire and Rescue NSW Referrals

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Hagarty**

That Council:

1. Notes the inspection report by Fire and Rescue NSW;
2. Not exercise its powers to issue a Fire Safety Order at this time;
3. Refer this resolution to Fire & Rescue NSW, stating the reason why Council did not exercise their powers; and
4. Council's involvement in this process is limited to ensuring that annual fire safety statements are submitted annually, on time and certifies all services in the building.

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

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MOTION TO MOVE INTO CLOSED SESSION**Motion:** **Moved: Clr Hadchiti** **Seconded: Clr Harle**

That Council move into closed session to deal with CONF 02 and CONF 03 pursuant to:

- s10A(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; and
- s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

Deputy Mayor Hadid called a recess of Council at 7.46pm.

Deputy Mayor Hadid reopened the meeting at 7.56pm and moved the meeting into closed session.

ITEM NO: CONF 02
FILE NO: 008067.2021
SUBJECT: Legal Affairs Report - 1 October 2020 - 31 December 2020

COUNCIL DECISION**Motion:** **Moved: Clr Hadchiti** **Seconded: Clr Rhodes**

That Council receives and notes the report concerning the legal affairs of Liverpool City Council.

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

ITEM NO: CONF 03
FILE NO: 002629.2021
SUBJECT: Courtside Cafe - Lot 702 DP 1056246, Bigge Street, Liverpool

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Kaliyanda**

That Council enters into a lease with the South Western Sydney Local Health District for premises known as 'Courtside Café' located in Bigge Park for a period of 5 years on the terms outlined in this report.

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

Council moved back into open session at 8.18pm and Deputy Mayor Hadid read the resolutions relating to CONF 02 and CONF 03 that were passed in closed session and are found on this page and the previous page.

THE MEETING CLOSED AT 8.20pm.

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 24 February 2021

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 3 February 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.