

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

23 November 2016



You are hereby notified that an **Ordinary Council Meeting** of Liverpool City Council will be held at the **FRANCIS GREENWAY CENTRE, 170 GEORGE STREET, LIVERPOOL** on **Wednesday, 23 November 2016** commencing at 6.00pm. Doors to the Francis Greenway Centre will open at 5.50pm.

Liverpool City Council Meetings are taped for the purposes of minute taking and record keeping. If you have any enquiries please contact Council and Executive Services on 9821 9237.

A handwritten signature in blue ink, appearing to read "Kiersten Fishburn".

Kiersten Fishburn

ACTING CHIEF EXECUTIVE OFFICER

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Council in Closed Session

The following items are listed for consideration by Council in Closed Session with the public excluded, in accordance with the provisions of the Local Government Act 1993 as listed below:

CONF 01 Endorsement of Liverpool Access Committee 2016-2018

Reason: Item CONF 01 is confidential pursuant to the provisions of s10(A)(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).

CONF 02 Acquisition of Part Lot 2 DP 1196541, 185 Gurner Avenue, Austral, for open space purposes

Reason: Item CONF 02 is confidential pursuant to the provisions of s10(A)(2)(b) of the Local Government Act because it contains matters concerning the personal hardship of any resident or ratepayer.

CONF 03 Proposed easement for drainage purposes over Lot 737 DP 533701, 219 Memorial Avenue, Liverpool, known as 'Ireland Park'

Reason: Item CONF 03 is confidential pursuant to the provisions of s10(A)(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.

CONF 04 Proposed easement for drainage purposes over Lot 312 DP 228323, 88A South Liverpool Road, Heckenberg, known as 'Snowy Park'

Reason: Item CONF 04 is confidential pursuant to the provisions of s10(A)(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.

ORDER OF BUSINESS

- CONF 05 Compulsory acquisition of Lot 39 DP 1160527 & Lot 39 DP 1167333, Swoffer Avenue, Middleton Grange, for drainage purposes
- Reason: Item CONF 05 is confidential pursuant to the provisions of s10(A)(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.*
- CONF 06 Acquisition of part Lot 7, 7A and 8A DP 29317, 65-75 Rynan Avenue, Edmondson Park, for drainage purposes
- Reason: Item CONF 06 is confidential pursuant to the provisions of s10(A)(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.*
- CONF 07 Proposed easement for access over Lot 6 DP 1193300, Lt Cantello Reserve, Hammondville
- Reason: Item CONF 07 is confidential pursuant to the provisions of s10(A)(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.*
- CONF 08 Proposed easement for drainage purposes over Lot 62 DP 1036287, 20 Bumbera Street, Prestons
- Reason: Item CONF 08 is confidential pursuant to the provisions of s10(A)(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.*
- CONF 09 Proposed easement for transmission line over Lot 201 DP 1194243, Kurrajong Road, Carnes Hill
- Reason: Item CONF 09 is confidential pursuant to the provisions of s10(A)(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.*
- CONF 10 Tender WT2579 - Design, Supply and Installation of GPT Unit - Mawson Drive, Cartwright
- Reason: Item CONF 10 is confidential pursuant to the provisions of s10(A)(2)(d i) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- CONF 11 ST2567 – VoIP Cloud Contact Centre
- Reason: Item CONF 11 is confidential pursuant to the provisions of s10(A)(2)(d i) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

ORDER OF BUSINESS

CONF 12 Minutes of Civic Advisory Committee - 2017 Australia Day Awards

Reason: Item CONF 12 is confidential pursuant to the provisions of s10(A)(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).

CONF 13 Acquisition of part Lot 6 DP 1065574, Newbridge Road, Moorebank, for road purposes

Reason: Item CONF 13 is confidential pursuant to the provisions of s10(A)(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.

CONF 14 Proposed disposal of part Copeland Street, Liverpool

Reason: Item CONF 14 is confidential pursuant to the provisions of s10(A)(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.

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MINUTES OF THE ORDINARY MEETING HELD ON 12 OCTOBER 2016

PRESENT:

Mayor Wendy Waller
 Councillor Ayyad
 Councillor Balloot
 Councillor Hadchiti
 Councillor Hadid
 Councillor Hagarty
 Councillor Harle
 Councillor Kaliyanda
 Councillor Karnib
 Councillor Rhodes
 Councillor Shelton
 Mr Michael Cullen, Acting Chief Executive Officer
 Mr Gary Grantham, Chief Financial Officer / Director Corporate Services
 Ms Toni Averay, Director Planning and Growth
 Ms Kiersten Fishburn, Director Community and Culture
 Dr Eddie Jackson, Acting Director Community & Culture
 Mr Wayne Carter, Director City Presentation
 Mr Raj Autar, Director Infrastructure and Environment
 Mr John Morgan, Director Property and Commercial Development and Acting Director
 Economic Development
 Ms Hiba Soueid, Acting Director Business Improvement

The meeting commenced at 6.00pm.

OPENING	6.00pm
ACKNOWLEDGEMENT OF COUNTRY	The Acknowledgement of Country was performed by Uncle Stephen Williams.
PRAYER	The prayer of the Council was read by Reverend Manoj Chacko from Liverpool South Anglican Church.
APOLOGIES	Nil

Minutes of the Ordinary Council Meeting held on Wednesday, 12 October 2016 and confirmed on Wednesday, 23 November 2016

.....
Chairperson

**OATH OR AFFIRMATION
OF COUNCIL**

As required under s233A of the Local Government Act 1993, the Mayor and each Councillor took an oath of office or made an affirmation of office at this meeting, being the first meeting of the Council.

The following Councillors took the Oath of Office:

Mayor Waller

Clr Karnib

Clr Harle

Clr Hadid

Clr Balloot

Clr Rhodes

Clr Ayyad

Clr Hadchiti

The following Councillors took the Affirmation of Office:

Clr Hagarty

Clr Kaliyanda

Clr Shelton

CONDOLENCES

Nil

CONFIRMATION OF MINUTES

Motion:

Moved: Clr Harle

Seconded: Clr Shelton

That the minutes of the Ordinary Meeting held on 31 August 2016 be confirmed as a true record of that meeting.

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

DECLARATIONS OF INTEREST

Clr Hagarty declared a non-pecuniary, less than significant interest in the following item:

Item: CEO 01 Corporate Sponsorships

Reason: His employer, Western Sydney University, is part of the partnership, along with the UNSW and SWSLHD that form the Ingham Institute.

Clr Hagarty left the Chambers for the duration of the item.

Clr Harle declared a pecuniary interest in the following item:

Item: CFO 05 Review of the Civic Expenses and Facilities Policy after Public Exhibition

Reason: Depending on the outcome of the item, Cllr Harle may need to pay for non-attendance at a function.

Cllr Harle left the Chambers for the duration of the item.

Cllr Shelton declared a non-pecuniary, less than significant interest in the following item:

Item: DCC 01 Grants and Donations

Reason: He is an Ordinary Member of the City of Liverpool and District Historical Society.

Cllr Shelton left the Chambers for the duration of the item.

PUBLIC FORUM

Presentation – items not on agenda

Nil

Representation – items on agenda

1. **Mr Gilbert de Chalain** from HUB Planning addressed Council on the following item:

IHAP 01: DA-1025/2015 - Construction of food and drink premises and retail premises, including car parking, landscaping and signage on Proposed Lot 2 in the subdivision of Lot 29 in DP1044841 at 501 Cowpasture Road, Len Waters Estate.

Foreshadowed motion: Moved: Cllr Shelton Seconded: Cllr Karnib

That Council:

1. Does not support the abrupt manner in which the concept of an ice smoking room was raised for the Liverpool LGA.
2. Notes the work over the last term of Council of the community roundtables which met on multiple occasions under the chairmanship of the former Mayor with a view toward dispelling myths and perceptions around the use of methadone and other harmful substances in the community.
3. Notes the importance of rational evidence based discussions in the community assisted by advice as to effective means of dealing with issues of prevention, rehabilitation and education with respect to illicit drugs (and also alcohol).
4. Notes that the politicisation of these issues is not helpful.
5. Notes that Councillor Rhodes was not consulted with prior to the proposed Notice of Motion or its preamble being published, and
6. That a report be brought back to Council seeking an amendment to its Code of Meeting Practice that all Councillors initiated Notices of Motion are henceforward to be dealt with as the final item of business on the meeting agenda.

On being put to the meeting the Amendment (moved by Cllr Rhodes) was declared LOST.

The motion (moved by Cllr Hadchiti) was then voted on and on being put to the meeting was declared LOST.

Division called:

Vote for: Cllr Ayyad
Cllr Balloot
Cllr Hadchiti
Cllr Hadid

Vote against: Mayor Waller
Cllr Hagarty
Cllr Harle
Cllr Kaliyanda
Cllr Karnib
Cllr Rhodes
Cllr Shelton

The Foreshadowed motion (moved by Cllr Shelton) was then put to the meeting and was declared CARRIED.

Councillors voted unanimously for this motion.

1. Options and opportunities for these types of Hubs in Liverpool using existing library space, Council facilities and other suitable locations throughout the LGA.
2. Options particularly in areas outside the CBD, and include Rural areas and suburbs east of the Georges River as well those areas like West Hoxton, Edmondson Park and Middleton Grange which currently suffer from inferior internet services.
3. Consideration of priorities to certain people or businesses should there be a high demand.
4. Costs to Council of such facilities and explore opportunities for grants from Federal or State Government
5. Report should be provided to Council at its December meeting.

Motion **Moved: Clr Kaliyanda** **Seconded: Clr Ayyad**

That the recommendation be adopted.

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

That Council consider submitting an entry for the awards for any of the projects below:

- Liverpool's new mall due to be completed in December;
- the plans for Bigge Park; or
- any other suitable project

Motion **Moved: Clr Rhodes** **Seconded: Clr Hadid**

That Council submit an entry for the The Greater Sydney Commission Awards for any of the projects below:

- Liverpool's new mall due to be completed in December;
- the plans for Bigge Park; or
- any other suitable project.

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

Councillors voted unanimously for this motion.

Clr Hagarty and Clr Hadchiti left the Chambers at 6.54pm.

CHIEF EXECUTIVE OFFICER REPORT

ITEM NO: CEO 01
FILE NO: 249149.2016
SUBJECT: Corporate Sponsorships

RECOMMENDATION

That Council endorses the Financial Contributions Panel's recommendations for the provision of \$8,000 (GST exclusive) under the Corporate Sponsorship Program as summarised in the table below. The final amount of Corporate Sponsorship monies available for 2016/17 are still being compiled. This latest allocation will absorb almost all of the remaining surplus.

Applicant name	Amount
Ingham Institute	\$2,500 ex gst
Shree Sanatan Dharm Pratinidhi Sabha of Australia Incorporated	\$5,000 ex gst
NSW Professional Track League	\$500 ex gst

COUNCIL DECISION

Motion **Moved: Clr Shelton** **Seconded: Clr Balloot**

That approves the provision of \$10,500 (GST exclusive) under the Corporate Sponsorship Program as summarised in the table below. The final amount of Corporate Sponsorship monies available for 2016/17 are still being compiled. This latest allocation will absorb almost all of the remaining surplus.

Applicant name	Amount
Ingham Institute	\$5,000 ex gst
Shree Sanatan Dharm Pratinidhi Sabha of Australia Incorporated	\$5,000 ex gst
NSW Professional Track League	\$500 ex gst

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

Motion

Moved: Cllr Balloot

Seconded: Cllr Hadchiti

That:

1. Councillor Cllr Karnib be declared the Deputy Mayor of Liverpool City Council for the term October 2016 to September 2017.
2. Council's Register of Delegations be amended accordingly.
3. All ballot papers be collected and destroyed by the returning officer.

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

ITEM NO: CFO 02
FILE NO: 241360.2016
SUBJECT: Appointment of Councillors to committees and Affiliated Bodies

RECOMMENDATION

That Council:

1. Notes the information relating to Council Committees and makes the following changes:
 - i. Removes the following Committees:
 - Budget and Finance Committee
 - Building Our New City
 - Economic Development and Events Committee
 - Master Planning Steering Committee (to sit with the Planning and Development Committee instead)
 - No Intermodal Committee
 - Street Naming Committee
 - Warwick Farm Racing Precinct Steering Committee
 - ii. Changes the meeting frequency of the following Committees:
 - Aboriginal Consultative Committee (from monthly to quarterly)
 - Casula Powerhouse Arts Centre Board (from bi-monthly to quarterly)
 - Liverpool Access Committee (from monthly to quarterly)
 - Liverpool Sports Committee (from bi-monthly to quarterly)
2. Notes the report on this Council Agenda relating to the establishment of the Liverpool Service Alliance Review Committee as an advisory committee of the Council (all Councillors will be members of this Committee which will meet quarterly).
3. Notes that a further report is to be submitted to Council following the conclusion of the community consultation process regarding the possible establishment of a Floodplain Management Committee.
4. Appoints Councillors as representatives to the following Committees for the period to September 2017:
 - a. Aboriginal Consultative Committee
 - b. Audit and Risk Committee
 - c. Badgerys Creek Taskforce
 - d. Casula Powerhouse Arts Centre Board
 - e. Civic Advisory Committee
 - f. Environment Advisory Committee
 - g. Heritage Advisory Committee
 - h. Liverpool Access Committee
 - i. Liverpool Sports Committee
 - j. Multicultural Advisory Committee
 - k. Planning and Development Committee
 - l. Youth Council

5. Appoints Councillors as representatives to the following community committees and affiliated bodies and notifies of their representatives for the period to September 2017:

- a. Floodplain Management Association
- b. Georges River Combined Councils Committee
- c. Joint Regional Planning Panel
- d. Liverpool Migrant Resource Centre
- e. Liverpool Traffic Committee
- f. Macarthur Bushfire Management Committee
- g. Macarthur Zone Bushfire Liaison Committee
- h. Macarthur/Liverpool Community Relations Commission Regional Advisory Council
- i. NSW Metropolitan Public Libraries Association
- j. The South West Sydney Academy of Sport
- k. Westpool
- l. Western Sydney Regional Organisation of Councils.

COUNCIL DECISION

Motion

Moved: Cllr Hadchiti

Seconded: Cllr Hadid

That Council:

1. Notes the information relating to Council Committees and makes the following changes:
 - i. Master Planning Steering Committee sit with the Planning and Development Committee.
 - ii. Changes the meeting frequency of the following Committees:
 - Aboriginal Consultative Committee (from monthly to quarterly)
 - Casula Powerhouse Arts Centre Board (from bi-monthly to quarterly)
 - Liverpool Access Committee (from monthly to quarterly)
 - Liverpool Sports Committee (from bi-monthly to quarterly)
2. Notes the Committees below remain as per the Charters and Council to appoint representatives to these Committees:
 - Budget and Finance Committee
 - Building Our New City
 - Economic Development and Events Committee
 - No Intermodal Committee
 - Street Naming Committee
 - Warwick Farm Racing Precinct Steering Committee
3. Notes the report on this Council Agenda relating to the establishment of the Liverpool Service Alliance Review Committee as an advisory committee of the Council (all Councillors will be members of this Committee which will meet quarterly).

Division:

Vote for:

☐ Clr Ayyad

☐ Clr Balloot

☐ Clr Hadchiti

☐ Clr Hadid

Vote against: Mayor Waller
 Clr Hagarty
 Clr Harle
 Clr Kaliyanda
 Clr Karnib
 Clr Rhodes
 Clr Shelton

Clr Rhodes then moved a motion which was discussed and voted on.

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

That Council:

1. Notes the information relating to Council Committees and makes the following changes:
 - i. Master Planning Steering Committee sit with the Planning and Development Committee.
 - ii. Changes the meeting frequency of the following Committees:
 - Aboriginal Consultative Committee (from monthly to quarterly)
 - Casula Powerhouse Arts Centre Board (from bi-monthly to quarterly)
 - Liverpool Access Committee (from monthly to quarterly)
 - Liverpool Sports Committee (from bi-monthly to quarterly)
2. Notes the report on this Council Agenda relating to the establishment of the Liverpool Service Alliance Review Committee as an advisory committee of the Council (all Councillors will be members of this Committee which will meet quarterly).
3. Notes that a further report is to be submitted to Council following the conclusion of the community consultation process regarding the possible establishment of a Floodplain Management Committee.
4. Notes the information relating to Council Committees and makes the following changes:
 - Budget and Finance Committee to sit with the Budget Review Panel.

Council then discussed the motions dealing with representatives for the respective Committees.

That Council:

- Minutes of the Ordinary Council Meeting held on Wednesday, 12 October 2016 and confirmed on Wednesday, 23 November 2016

Chairperson

- g. Environment Advisory Committee**
Clr Harle and Clr Shelton
 - h. Heritage Advisory Committee**
Clr Balloot and Clr Harle
 - i. Liverpool Access Committee**
Mayor Waller
 - j. Liverpool Sports Committee**
Clr Kaliyanda
 - k. Multicultural Advisory Committee**
Clr Balloot, Clr Hagarty and Clr Karnib
 - l. Planning and Development Committee**
Mayor and all Councillors
 - m. Youth Council**
Mayor Waller, Clr Hagarty and Clr Rhodes
2. Appoints the following Councillors to the following community committees and affiliated bodies and notifies of their representatives for the period to September 2017:
 - a. Floodplain Management Association**
Clr Harle
 - b. Georges River Combined Councils Committee**
Clr Harle and Clr Shelton
 - c. Joint Regional Planning Panel**
Mayor Waller and Clr Hadchiti with Clr Harle and Clr Rhodes as alternates
 - d. Liverpool Migrant Resource Centre**
Clr Hagarty and Clr Karnib
 - e. Liverpool Traffic Committee**
Mayor Waller
 - f. Macarthur Bushfire Management Committee**
Clr Harle
 - g. Macarthur Zone Bushfire Liaison Committee**
Clr Harle
 - h. Macarthur/Liverpool Community Relations Commission Regional Advisory Council**
Clr Balloot
 - i. NSW Metropolitan Public Libraries Association**
Nil
 - j. The South West Sydney Academy of Sport**
Clr Kaliyanda
 - k. Westpool**
Mayor Waller
 - l. Western Sydney Regional Organisation of Councils.**
Mayor Waller, Clr Rhodes and Clr Shelton as an alternate.

Amendment: **Moved:** Clr Ayyad **Seconded:** Clr Hadchiti

That Council:

1. Appoints the following Councillors as representatives to the following Committees for the period to September 2017:
 - a. **Aboriginal Consultative Committee**
Mayor Waller and Cllr Shelton

- b. Audit and Risk Committee**
Clr Karnib and Clr Shelton
 - c. Badgerys Creek Taskforce**
Clr Balloot, Clr Hadchiti, Clr Hagarty, Clr Harle and Clr Rhodes
 - d. Casula Powerhouse Arts Centre Board**
Mayor Waller and Clr Kaliyanda
 - e. Civic Advisory Committee**
Mayor Waller and Clr Shelton
 - f. Community Safety and Crime Prevention Committee**
Mayor and all Councillors
 - g. Environment Advisory Committee**
Clr Harle and Clr Shelton
 - h. Heritage Advisory Committee**
Clr Balloot and Clr Harle
 - i. Liverpool Access Committee**
Mayor Waller
 - j. Liverpool Sports Committee**
Clr Kaliyanda
 - k. Multicultural Advisory Committee**
Clr Balloot, Clr Hagarty and Clr Karnib
 - l. Planning and Development Committee**
Mayor and all Councillors
 - m. Youth Council**
Clr Ayyad, Clr Kaliyanda and Clr Hagarty
2. Appoints the following Councillors as representatives to the following community committees and affiliated bodies and notifies of their representatives for the period to September 2017:
- a. Floodplain Management Association**
Clr Harle
 - b. Georges River Combined Councils Committee**
Clr Harle and Clr Shelton
 - c. Joint Regional Planning Panel**
Mayor Waller and Clr Hadchiti with Clr Harle and Clr Rhodes as alternates
 - d. Liverpool Migrant Resource Centre**
Clr Hagarty and Clr Karnib
 - e. Liverpool Traffic Committee**
Mayor Waller
 - f. Macarthur Bushfire Management Committee**
Clr Harle
 - g. Macarthur Zone Bushfire Liaison Committee**
Clr Harle
 - h. Macarthur/Liverpool Community Relations Commission Regional Advisory Council**
Clr Balloot
 - i. NSW Metropolitan Public Libraries Association**
Nil
 - j. The South West Sydney Academy of Sport**
Clr Kaliyanda
 - k. Westpool**
Mayor Waller

I. Western Sydney Regional Organisation of Councils.

Mayor Waller, Cllr Rhodes and Cllr Shelton as an alternate.

3. All Charters be altered to allow all Councillors to be involved and have voting rights in Committees.

On being put to the meeting the Amendment (moved by Cllr Ayyad) was declared CARRIED and then became the motion.

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

That the Councillor Support Officer coordinate the registration of Councillors interested in attending one of the Councillor Workshops.

Motion **Moved: Clr Shelton** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

That Council:

- ## COUNCIL DECISION

Motion **Moved: Clr Shelton** **Seconded: Clr Harle**

That item CFO 04 be dealt with in conjunction with CONF 02.

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

Note: Item CFO 04 was dealt with in conjunction with CONF 02, in Closed Session at the end of the Council meeting pursuant to the provisions of s10(A)(2)(c), (d)(i), (d)(iii) and (g) of the Local Government Act 1993.

Clr Harle left the Chambers at 7.47pm.

Clr Hadid left the Chambers at 7.53pm.

ITEM NO: CFO 05

FILE NO: 259610.2016

SUBJECT: Review of the Civic Expenses and Facilities Policy after Public Exhibition

RECOMMENDATION

That Council:

1. Receive and note this report;
2. Adopt the Civic Expenses and Facilities Policy, as attached to this report; and
3. Provide a copy of the policy and the related public notice to the Chief Executive of the Office of Local Government within 28 days of the date of this Council resolution.

COUNCIL DECISION

Motion

Moved: Clr Hadchiti

Seconded: Clr Balloot

That Council:

1. Receive and note this report.
2. Adopt the Civic Expenses and Facilities Policy, as attached to this report with the following amendments:
 - Clause 4.10.4 (as shown below) be removed from the policy and replaced with a clause that emulates the State Government Policy on interstate and international travel.

“4.10.4 Councillors must pay their own costs of overseas flights.”
 - Clause 4.8.7 (as shown below) be removed from the policy.

*“4.8.7 Non-attendance at conferences
Councillors must pay non-refundable costs for not attending conferences and any similar events where they are unable to prove unforeseeable mitigating circumstances, for example sickness or bereavement.”*
3. Provide a copy of the policy and the related public notice to the Chief Executive of the Office of Local Government within 28 days of the date of this Council resolution.

4. The cost of a standard return flight from Sydney to Japan be reimbursed to Mayor Waller for attending the 50th anniversary of the Toda City (which is our Sister City) event.

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

Councillors voted unanimously for this motion.

ITEM NO: CFO 07
FILE NO: 262768.2016
SUBJECT: Investment Report August 2016

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

Motion **Moved: Cllr Shelton** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

Clr Shelton returned to the Chambers at 8.01pm.

ECONOMIC DEVELOPMENT REPORT

ITEM NO: DEE 01
FILE NO: 245267.2016
SUBJECT: City Centre Activation Program

RECOMMENDATION

That Council:

1. Note the report; and
2. Approve recurrent funding of \$200,000 p.a. from the City Development Fund for a Place Manager (City Centre) position and program budget.

COUNCIL DECISION

As there was no mover for the motion, the motion lapsed.

PLANNING AND GROWTH REPORT

ITEM NO: DPG 01
FILE NO: 241758.2016
SUBJECT: Car parking rates for industrial development post-exhibition report

RECOMMENDATION

That Council adopts the Liverpool Development Control Plan Draft 2008 (Draft Amendment No. 23) and forward a copy of the Development Control Plan to the Department of Planning and Environment for notification.

COUNCIL DECISION

Motion **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

Vote for:

- Mayor Waller
- Cllr Ayyad
- Cllr Balloot
- Cllr Hadchiti
- Cllr Hadid
- Cllr Hagarty
- Cllr Harle
- Cllr Kaliyanda
- Cllr Karnib
- Cllr Rhodes

Vote against: Cllr Shelton

ITEM NO: DPG 02
FILE NO: 254161.2016
SUBJECT: Offer to enter into a Voluntary Planning Agreement - DA-582/2016 at 420 Macquarie Street, Liverpool

RECOMMENDATION

That Council:

1. Accepts in principle the proposed offer to enter into a planning agreement for a monetary contribution for restoration works to Collingwood House as a public benefit and directs the CEO to prepare a planning agreement and explanatory note and to publicly exhibit the documents for a period of 28 days.
2. Delegates authority to the CEO, subject to consideration of any changes following public exhibition, to execute the planning agreement in the form that is publicly exhibited or with minor alterations.
3. Notes that if changes other than minor changes arise from the public exhibition process these will be reported back to Council.
4. Notes that this delegation is within the powers that can be dedicated under Section 377 of the Local Government Act 1993.
5. Notes that any planning agreement will be subject to approval of development application DA-582/2016.
6. Notes that in accepting the proposed offer to enter into a planning agreement, Council retains full discretion to determine development application DA-582/2016 on its merits in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

COUNCIL DECISION

Motion

Moved: Clr Hadid

Seconded: Clr Hadchiti

That Council place on exhibition and delegate to the A/CEO to determine DA-582/2016 at 420 Macquarie Street, Liverpool and the related Voluntary Planning Agreement.

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

Vote for:

Clr Ayyad
 Clr Balloot
 Clr Hadchiti
 Clr Hadid

Vote against: Mayor Waller
Clr Hagarty
Clr Harle
Clr Kaliyanda
Clr Karnib
Clr Rhodes
Clr Shelton

Mayor Waller called a recess of Council at 8.21pm.

Mayor Waller reopened the Council meeting at 8.39pm.

COMMITTEE REPORTS

ITEM NO: CTTE 01
FILE NO: 253120.2016
SUBJECT: Casula Powerhouse Arts Centre Board Minutes from Meeting 18 August 2016

RECOMMENDATION

That Council receives and adopts the Minutes of the Casula Powerhouse Arts Centre Meeting held on 18 August 2016.

COUNCIL DECISION

Motion **Moved: Clr Karnib** **Seconded: Clr Balloot**

That the recommendation be adopted.

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

ITEM NO: CTTE 02
FILE NO: 253532.2016
SUBJECT: Minutes of Liverpool Access Committee Meeting held on 11 August 2016

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Access Committee Meeting held on Thursday, 11 August 2016.

COUNCIL DECISION

Motion **Moved: Clr Karnib** **Seconded: Clr Balloot**

That the recommendation be adopted.

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

ITEM NO: CTTE 03
FILE NO: 255435.2016
SUBJECT: Minutes of the Liverpool Community Safety and Crime Prevention Advisory Committee held on Thursday 1 September, 2016

RECOMMENDATION

That Council receives and adopts the Minutes of the Liverpool Community Safety and Crime Prevention Advisory Committee Meeting held on Thursday 1 September 2016.

COUNCIL DECISION

Motion **Moved: Clr Karnib** **Seconded: Clr Balloot**

That the recommendation be adopted.

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

ITEM NO: CTTE 04
FILE NO: 252107.2016
SUBJECT: Minutes of the Environment Advisory Committee Meeting held on 8 August 2016

RECOMMENDATION

That Council receives and adopts the Minutes of the Environment Advisory Committee Meeting held on 8 August 2016.

COUNCIL DECISION

Motion **Moved: Clr Karnib** **Seconded: Clr Balloot**

That the recommendation be adopted.

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

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 264251.2016
SUBJECT: Question with Notice - Cllr Harle

Please address the following:

1. Does Council have a policy relating to Footpath/Nature Strip Mowing and if so is that currently being applied?
2. At a previous Council meeting it was agreed to write to the state government regarding the maintenance of Nature strips by owners of properties bordering nature strips, has the Government responded?

A response to these questions will be provided in the November 2016 business papers.

That Council:

1. Receives and endorses this report.
2. Approves an Extraordinary Meeting to be held on Wednesday October 26, 2016 for management to present its audited financial reports, together with the auditor's reports.

Motion **Moved: Clr Harle** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

ITEM NO: CFO 09
FILE NO: 266078.2016
SUBJECT: Additional voting delegates at the 2016 Local Government Conference

RECOMMENDATION

That Council allocates 1 additional vote to a Councillor attending the 2016 LGNSW Conference subject to Cr Hadid being nominated as a Council voting delegate (in addition to his vote entitlement as a Board member).

COUNCIL DECISION

Motion **Moved: Clr Shelton** **Seconded: Clr Karnib**

That Council allocates 1 additional vote to Mayor Waller at the 2016 LGNSW Conference and Cr Hadid be nominated as a Council voting delegate (in addition to his vote entitlement as a Board member).

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

That Council receive and note the report of staff concerning the legal advice obtained in relation to the audit of Prosperity Audit Services.

Motion **Moved: Clr Shelton** **Seconded: Clr Karnib**

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

Note: CFO 04 was dealt with in conjunction with this item. See pages 52 and 53 of these minutes for the resolution of this item.

Clr Hadid returned to the Chambers at 8.44pm.

ITEM NO: CONF 03
FILE NO: 256492.2016
SUBJECT: ST2553 – Provision of Fire Testing Services and Associated Consultancy Services

RECOMMENDATION

That Council:

1. Accept the Tender from Newsound Fire Services Pty Ltd for Portion A of Tender ST2553 – Provision of Fire Testing Services and Associated Consultancy Services for an initial three years contract term with the option of extending 2 x 12 months at the GST inclusive price of \$98,967.
2. Makes public its decision regarding tender ST2553 Provision of Fire Inspection and Testing Services – Portion A.
3. Decline to accept any tenders for Portion B and in accordance with Section 178(3)(a) of the Local Government (General) Regulation 2005 postpone or cancel the proposal for the contract.
4. Notes that the Director Property & Commercial Development will finalise all details and sign the Letter of Acceptance following publication of draft Minutes on Council website for the tender, giving it contractual effect, in accordance with delegated authority.
5. 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.

COUNCIL DECISION

Motion

Moved: Clr Hadchiti

Seconded: Clr Harle

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

That Council:

1. Consider this matter in closed Council under s.10A (2)(a) of the Local Government Act 1993, as it has staff implications.
2. Under its requirement for a mandatory review of Council's structure agree to a 5 Directorate model of City Infrastructure, Community and Culture, Corporate Services, Commercial and Economic Development and Planning and Growth.
3. Note that future fine-tuning of the structure will be undertaken by an incoming Chief Executive officer and consultation with staff and unions will be undertaken including provision of information to the Joint Consultative Committee.

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

That the item be deferred until the appointment of a CEO.

On being put to the meeting the motion (moved by Cllr Hadchiti) was declared LOST.

Recommittal of item: **Moved:** Clr Karnib **Seconded:** Clr Hagarty

That the recommendation be adopted.

On being recommitted and put to the meeting the motion (moved by Clr Karnib) was declared LOST.

ITEM NO: CONF 05
FILE NO: 259204.2016
SUBJECT: ST2555 – Streetscape Weed Control

RECOMMENDATION

That Council:

1. Under Section 178 (3) (e) of the Local Government Act Council resolves to decline all tenders and nominates to enter into negotiations with Garden Growing Solutions Pty Ltd with a view to entering into a contract for 12 months to provide Streetscape Weed Control services.
2. Makes public its decision regarding tender ST2555 – Streetscape Weed Control.
3. Notes that the Chief Executive Officer will finalise all details and sign the Letter of Acceptance following publication of draft Minutes on Council website for the tender, giving it contractual effect, in accordance with delegated authority.
4. Acceptance takes effect following publication of draft Minutes on Council website for the tender in accordance with delegated authority.
5. 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.

COUNCIL DECISION

Motion

Moved: Cllr Hadchiti

Seconded: Cllr Harle

That Council:

1. Under Section 178 (3) (e) of the Local Government Act Council resolves to decline all tenders and nominates to enter into negotiations with Garden Growing Solutions Pty Ltd with a view to entering into a contract for 12 months to provide Streetscape Weed Control services.
2. Makes public its decision regarding tender ST2555 – Streetscape Weed Control.
3. Notes that the Chief Executive Officer will finalise all details and sign the Letter of Acceptance following publication of draft Minutes on Council website for the tender, giving it contractual effect, in accordance with delegated authority.
4. Acceptance takes effect following publication of draft Minutes on Council website for the tender in accordance with delegated authority.

5. 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.
6. Investigates the possibility of carrying out this task with other means.

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

Councillors voted unanimously for this motion.

ITEM NO: CONF 06
FILE NO: 260582.2016
SUBJECT: Liverpool Civic Place - Project Update (1st Quarter 2016-17)

RECOMMENDATION

That Council:

1. Notes that the Project Development Agreement has been executed with the successful proponent;
2. Keeps confidential the attachment supplied under separate cover pursuant to the provisions of Section 10A(2)(c) of the *Local Government Act* 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

COUNCIL DECISION

Motion **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

ITEM NO: CONF 07
FILE NO: 259152.2016
SUBJECT: Recruitment of Chief Executive Officer

RECOMMENDATION

That Council:

1. Receive and note the report of staff concerning the process of appointing a Chief Executive Officer;
2. Appoint a suitable independent consultant to assist in scoping, advertising and assessing applications for the position of Chief Executive Officer, based on the quotes obtained by staff and included as a confidential attachment.
3. Establish a working group with delegation from Council to undertake the following tasks:
 - a. Work with the appointed independent consultant to draft and finalise a Position Description for the Chief Executive Officer role;
 - b. Provide instruction to the appointed independent consultant on advertising and interview arrangements;
 - c. With guidance and assistance from the appointed independent consultant, complete interviews for the role and undertake an assessment of the interviewed candidates;
 - d. With guidance and assistance from the appointed independent consultant, negotiate and agree on in-principle contract terms, subject to approval by Council, with the preferred candidate;
 - e. With guidance and assistance from the appointed independent consultant, prepare a report to the Council that provides a detailed assessment of the interviewed candidates, and makes a recommendation for appointment by the Council.
4. Appoint the Mayor, Deputy Mayor and 3 Councillors to the working group.
5. Notes that the final decision to appoint a Chief Executive Officer will be made by the Council, as required by s.377 of the Local Government Act 1993;
6. Appoints Ms Kiersten Fishburn as Acting Chief Executive Officer, with all delegated authority currently assigned to the position of Chief Executive Officer, for up to 6 months from October 22, 2016 (inclusive) or until such time as a new permanent Chief Executive Officer is appointed, and commences the position, whichever is the lesser period.
7. Delegate authority to the Mayor to negotiate, on behalf of Council, suitable terms with Ms Fishburn for her appointment to the role of Acting Chief Executive Officer.
8. 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.

COUNCIL DECISION**Motion****Moved: Cllr Harle****Seconded: Cllr Hadid**

That Council:

1. Receive and note the report of staff concerning the process of appointing a Chief Executive Officer.
2. Appoint a suitable independent consultant to assist in scoping, advertising and assessing applications for the position of Chief Executive Officer, based on the quotes obtained by staff and included as a confidential attachment.
3. Establish a working group with delegation from Council to undertake the following tasks:
 - a. Work with the appointed independent consultant to draft and finalise a Position Description for the Chief Executive Officer role;
 - b. Provide instruction to the appointed independent consultant on advertising and interview arrangements;
 - c. With guidance and assistance from the appointed independent consultant, complete interviews for the role and undertake an assessment of the interviewed candidates;
 - d. With guidance and assistance from the appointed independent consultant, negotiate and agree on in-principle contract terms, subject to approval by Council, with the preferred candidate;
 - e. With guidance and assistance from the appointed independent consultant, prepare a report to the Council that provides a detailed assessment of the interviewed candidates, and makes a recommendation for appointment by the Council.
4. Appoint the Mayor, Deputy Mayor, Cllr Harle, Cllr Rhodes, Cllr Balloot, and Cllr Hadid to the working group.
5. Notes that the final decision to appoint a Chief Executive Officer will be made by the Council, as required by s.377 of the Local Government Act 1993.
6. Appoints Ms Kiersten Fishburn as Acting Chief Executive Officer, with all delegated authority currently assigned to the position of Chief Executive Officer, for up to 6 months from October 22, 2016 (inclusive) or until such time as a new permanent Chief Executive Officer is appointed, and commences the position, whichever is the lesser period.
7. Delegate authority to the Mayor to negotiate, on behalf of Council, suitable terms with Ms Fishburn for her appointment to the role of Acting Chief Executive Officer.
8. 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.

Amendment:

Moved: Cllr Kaliyanda

Seconded: Cllr Shelton

That Council:

1. Receive and note the report of staff concerning the process of appointing a Chief Executive Officer;
2. Appoint a suitable independent consultant to assist in scoping, advertising and assessing applications for the position of Chief Executive Officer, based on the quotes obtained by staff and included as a confidential attachment.
3. Establish a working group with delegation from Council to undertake the following tasks:
 - a. Work with the appointed independent consultant to draft and finalise a Position Description for the Chief Executive Officer role;
 - b. Provide instruction to the appointed independent consultant on advertising and interview arrangements;
 - c. With guidance and assistance from the appointed independent consultant, complete interviews for the role and undertake an assessment of the interviewed candidates;
 - d. With guidance and assistance from the appointed independent consultant, negotiate and agree on in-principle contract terms, subject to approval by Council, with the preferred candidate;
 - e. With guidance and assistance from the appointed independent consultant, prepare a report to the Council that provides a detailed assessment of the interviewed candidates, and makes a recommendation for appointment by the Council.
4. Appoint the Mayor, Deputy Mayor, Cllr Hagarty, Cllr Hadchiti and Cllr Rhodes to the working group.
5. Notes that the final decision to appoint a Chief Executive Officer will be made by the Council, as required by s.377 of the Local Government Act 1993;
6. Appoints Ms Kiersten Fishburn as Acting Chief Executive Officer, with all delegated authority currently assigned to the position of Chief Executive Officer, for up to 6 months from October 22, 2016 (inclusive) or until such time as a new permanent Chief Executive Officer is appointed, and commences the position, whichever is the lesser period.
7. Delegate authority to the Mayor to negotiate, on behalf of Council, suitable terms with Ms Fishburn for her appointment to the role of Acting Chief Executive Officer.
8. 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 Amendment (moved by Cllr Kaliyanda) was declared LOST.

On being put to the meeting the motion (moved by Cllr Harle) was declared CARRIED

ITEM NO: CONF 08
FILE NO: 260944.2016
SUBJECT: ST2528 - Provision of Security Services

RECOMMENDATION

That Council:

1. Accept the Tender from BSMS Security for Portion A and Portion B of Tender ST2528 - Provision of Security Services for an initial three years contract term with the option of extending 2 x 12 months at the price of \$510,542.00 GST inclusive for the initial three years contract.
2. Makes public its decision regarding tender ST2528 – Provision of Security Services.
3. Notes that the Chief Executive Officer will finalise all details and sign the Letter of Acceptance following publication of draft Minutes on Council website for the tender, giving it contractual effect, in accordance with delegated authority.
4. 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*.

COUNCIL DECISION

Motion

Moved: Cllr Hadchiti

Seconded: Cllr Harle

That this item be dealt with in Closed Session at the end of the meeting.

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

That Council:

1. Authorise the A/CEO to finalise negotiations and execute a lease agreement with the owner for a period of 2 years.
2. Note that Council officers will explore alternative long term future options and report back to Council during the lease period.

Motion **Moved: Cllr Harle** **Seconded: Cllr Shelton**

That the recommendation be adopted.

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

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

1. Accepts the tender as provided by Southern Cross Protection.
2. Note that this motion goes against the staff recommendation because we have an existing and effective relationship with Southern Cross Protection and that they were ranked number 2 by the evaluation panel.

Vote for:

Mayor Waller
Clr Ayyad
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Kaliyanda
Clr Rhodes

Vote against: Clr Hagarty
 Clr Karnib
 Clr Shelton

THE MEETING CLOSED AT 10.40pm

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 23 November 2016

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 12 October 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.



MINUTES OF THE EXTRAORDINARY MEETING HELD ON 26 OCTOBER 2016

PRESENT:

Mayor Wendy Waller
 Councillor Balloot
 Councillor Hadchiti
 Councillor Hadid
 Councillor Hagarty
 Councillor Harle
 Councillor Kaliyanda
 Councillor Karnib
 Councillor Rhodes
 Councillor Shelton
 Mr Kiersten Fishburn, Acting Chief Executive Officer
 Mr Gary Grantham, Chief Financial Officer / Director Corporate Services
 Mr Raj Autar, Director Infrastructure and Environment

OPENING

6.00pm

ACKNOWLEDGEMENT OF COUNTRY, AFFIRMATION OF COUNCIL AND PRAYER

The Acknowledgement of Country, Affirmation of Council and Prayer were read by Pastor John Keane from West Hoxton Community Church.

Motion:

Moved: Cllr Hadchiti

Seconded: Mayor Waller

APOLOGIES

Cllr Ayyad

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

CONDOLENCES

Nil

DECLARATIONS OF INTEREST

Nil

PUBLIC FORUM

Representation - items on the Agenda

1. **Ms Caroline Karakatsanis**, Director Financial Audit Services from the Audit Office NSW addressed Council on the following item:

CFO 01 Annual General Purpose Financial Statements 2015/16

THE MEETING CLOSED AT 6.22pm

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 23 November 2016

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 26 October 2016. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

NOM 01	Drug and Alcohol Testing
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Strategic Direction	Leading Proactive Council Provide business excellence and financial sustainability to deliver services that meet community expectations
Key Policy	Workforce Management Plan
File Ref	301470.2016
Author	Gus Balloot - Councillor

BACKGROUND

Drugs are a scourge on society and have a detrimental effect on people's health and performance on their work.

All council workers and elected officials including us councillors have a responsibility and burden to ensure that services provided and decisions are made in the right frame of mind.

Drugs are a major factor in clouding people's judgement and ability to perform at an optimal level, thereby putting the community's safety and wellbeing at risk.

NOTICE OF MOTION

That:

1. The Mayor and Councillors be required to undertake mandatory drug and alcohol testing.
2. The Acting CEO report back to Council on the benefits and drawbacks of implementing mandatory drug and alcohol testing for all council staff.

CHIEF EXECUTIVE OFFICER'S COMMENT

Management can develop a procedure for mandatory drug and alcohol testing of Councillors. This would need to be crystallised in the Code of Conduct or an adopted policy to be actionable.

A report will be provided for the 22 February 2016 Council Meeting on the benefits and drawbacks of implementing mandatory drug and alcohol testing for all council staff.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Provide information about Council's services, roles and decision making processes. Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

Nil

NOM 02

Commitment to Multiculturalism

Strategic Direction	Healthy Inclusive City Celebrate and respect Liverpool's rich cultural and social diversity and embrace the opportunities it provides
Key Policy	Multicultural Action Plan
File Ref	301473.2016
Author	Nathan Hagarty - Councillor

BACKGROUND

Liverpool's diverse population is one of its greatest strengths.

In light of recent developments both here and abroad, in particular proposed changes to federal immigration policy and the election of Donald Trump in the United States, it is vitally important Liverpool Council reaffirms its strong support of and commitment to multiculturalism. It is equally important Council acknowledge the contribution of migrants, refugees and the indigenous community to this city.

Multiculturalism has been a positive force for good in Australia and Liverpool has long been a leading example of that. This very council is a reflection of the strong contribution cultural diversity and multiculturalism makes to the community.

NOTICE OF MOTION

That Council:

1. Reaffirms its commitment to multiculturalism.
2. Acknowledges the positive contribution that migrants, refugees and the indigenous community have made to this city and this nation.

CHIEF EXECUTIVE OFFICER'S COMMENT

1. Council reaffirms its commitment to multiculturalism

Liverpool City Council acknowledges the original inhabitants of the Liverpool LGA as the Darug, Gandangara and Tharawal Aboriginal People. Council recognises the devastating impact of European invasion and the effects of forced assimilation via the removal and separation of Aboriginal people from their families and communities.

Liverpool Council values cultural diversity and is committed to working in partnership with the local Aboriginal and Torres Strait Islander community. It is important that Aboriginal culture is acknowledged at all levels of government to show respect for, and build strong equal partnerships with Aboriginal peoples and communities.

Council strongly commits itself towards the principles of social justice. Council's Multicultural Strategy addresses fundamental 'access and equity' issues that are underpinned by social justice principles adopted at National, State and Local Government levels. Liverpool Council has an important role to play in the development of a socially just, healthy, inclusive and sustainable community where all members, irrespective of their ability, social, ethnic or economic background, can fully and fairly participate in community life. Under the umbrella of the Multicultural Strategy, a three-year Action Plan gives effect to practical programs and projects that promote multiculturalism and social cohesion.

2. Council acknowledges the positive contribution that migrants, refugees and the indigenous community have made to this city and this nation.

Liverpool Council asserted its standing as a proud Refugee Welcome Zone in 2004. Council continues to promote social inclusion and community harmony initiatives across all diverse communities and celebrates and promotes positive achievements of all communities including those from an aboriginal, migrant or refugee background.

Council supports and welcomes the additional refugee intake as announced by the Australian Government on the 9 September 2015; that it would accept an additional 12,000 humanitarian places for people displaced by the conflict in Syria and Iraq. Though it is not a large number for Australia, it does have a potential impact in relation to service provision, access and delivery when it is expected the majority of arrivals will be placed in Liverpool and Fairfield LGAs over the next few months.

To respond to the need, Council acknowledges that additional support is required to resettle communities with ease. Council has committed to \$100,000 over two years to support settlement and support initiatives across the LGA. Council has also developed a Localised Action Plan that aims to address gaps in service provision and support a collaborative approach to working with our new residents of Liverpool under the key areas of: Health and Wellbeing, Employment and Education, Social Inclusion and Community Engagement.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.

Social and Cultural	Promote community harmony and address discrimination.
Civic Leadership and Governance	<p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Foster neighbourhood pride and a sense of responsibility.</p> <p>Facilitate the development of community leaders.</p> <p>Encourage the community to engage in Council initiatives and actions.</p> <p>Provide information about Council's services, roles and decision making processes.</p> <p>Deliver services that are customer focused.</p>

ATTACHMENTS

Nil

NOM 03

Cooling the Street - Western Sydney

Strategic Direction	Natural Sustainable City Reduce adverse environment impacts for present and future generations
Key Policy	Environment Restoration Plan
File Ref	302891.2016
Author	Geoff Shelton - Councillor

BACKGROUND

A number of western Sydney Councils, including Blacktown, Parramatta and Canterbury-Bankstown, either directly or through regional organisations including Local Health Districts have sought 'Building Resilience to Climate Change' funding for an urban greening project called 'Cooling the Street - Western Sydney'. 'Cool Streets' aims to assist Councils with choosing the correct green cover to mitigate growing concentrations of urban heat and has a strong focus on council staff and community education. To date the participation of Liverpool City Council in this project, which commenced as mentioned with a (sometimes collective) application for funding, is unclear. With growing community awareness of proposals to substantially increase residential density, either by way of amendment to planning instruments including the LEP/DCP or/and the evolution of various master plans within the Liverpool LGA projects of the nature described deserve full consideration, especially also given neighbouring councils have been supporting as much. More broadly, and as an example of potential support for such programs the 'Building Resistance to Climate Change' grants have progressed to at least three rounds and the program is a partnership between Local Government New South Wales and the Office of Environment and Heritage. Given the community interest in the densification of urban development in many areas of the Liverpool Council LGA it is suggested Council should express its interest in and where possible participate in such projects.

NOTICE OF MOTION

That Council:

1. Investigates whether it is possible, formally or informally, to participate in the 'Cool Streets' project (or other projects with similar objectives,
2. Writes to WSROC expressing its interest in this and future projects/applications for funding of a similar nature, and

3. Where as much is not already programmed to happen in any event reports to councillors as to possible future applications, individual or joint, for 'Building Resistance to Climate Change' funding and more generally participation in future programs of a similar nature as they become available.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	<p>Minimise household and commercial waste.</p> <p>Manage the environmental health of waterways.</p> <p>Manage air, water, noise and chemical pollution.</p> <p>Enhance the environmental performance of buildings and homes.</p> <p>Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.</p> <p>Raise community awareness and support action in relation to environmental issues.</p>
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	<p>Act as an environmental leader in the community.</p> <p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Foster neighbourhood pride and a sense of responsibility.</p> <p>Encourage the community to engage in Council initiatives and actions.</p> <p>Provide information about Council's services, roles and decision making processes.</p> <p>Deliver services that are customer focused.</p>

ATTACHMENTS

Nil

IHAP 01

DA-1059/2015 - Fitout and use of Unit 3 as a Sex Services Premises at 3/5 Weld Street, Prestons

Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	288322.2016
Report By	Brad Harris - Senior Development Planner
Approved By	Toni Averay - Director Planning & Growth
Property	3/5 Weld Street Prestons Lot 3 SP 64023
Owner	Mr I Gavrilidis
Applicant	Dong Win Pty Ltd

EXECUTIVE SUMMARY

Council has received and considered a Development Application DA-1059/2015 proposing the fit out and use of an existing industrial unit as a Sex Services Premises at Unit 3, No.5 Weld Street, Prestons. The application was lodged on 30 October 2015.

This application was considered by the Independent Hearing and Assessment Panel (IHAP) at its meeting on 26 September 2016 as more than 5 submissions were received in respect of the proposal.

The IHAP Panel made the following comments in relation to the proposal:

“The panel is aware that there is a development consent for a place of public worship at 1/93 Jemma Road Prestons (DA1640/2006) that is still in force. The site of this consent is within 150 metres of the development site. The existence of this consent was overlooked by the applicant’s social planner, probably because the unit is currently being used as an electrical wholesale premises.

The existence of this consent is a relevant matter for consideration in the assessment of this development application, practically because it is within the 150 metre separation distance under the DCP.

The panel recommends determination be deferred to enable Council officers to request the applicant to provide a supplementary social impact statement addressing the existence of this consent and justify non-compliance with the DCP.

The owner's corporation has indicated that it can provide council with additional information concerning potential economic and social impact on the strata property as a result of approval of the sex services premise. This information should also be provided and assessed by Council officers."

The IHAP recommendation was as follows:

That Development Application DA-1059/2015 be deferred pending submission of a supplementary Social Impact Statement (SIS) addressing the existence of development consent DA-1640/2006 for a place of public worship at 1/93 Jedda Road Prestons (see Attachment 1).

The applicant submitted the additional information requested by IHAP and this information has been assessed by Council officers. The recommendation contained within the Council Officer's IHAP report (Attachment 3) to approve the application subject to recommended conditions of consent remains unaltered.

RECOMMENDATION

It is recommended that Council approve Development Application DA-1059/2015 subject to the recommended conditions of consent (Attachment 2).

BACKGROUND

Council has received and considered a development application DA-1059/2015 proposing Fit Out and Use of Unit as a Sex Services Premises at Unit 3, No.5 Weld Street, Prestons.

Pursuant to the requirements of the endorsed Independent Hearing and Assessment Panel (IHAP) Charter and Procedure, the proposal was referred to the IHAP for consideration as the proposed development received more than 5 objections.

THE SITE

The site is identified as Lot 3 in SP 64023 and is located at 5 Weld Street, Prestons. The site is a regular shaped allotment located on the eastern side of Weld Street. The total site area is 2,121sqm.

The subject site contains a factory unit complex consisting of 7 factory units and associated car parking. The subject unit 3 is located centrally within the complex approximately 28m from the front boundary.

The site is situated within the Prestons industrial area and the immediate locality includes a variety of industrial uses within factory unit complexes and purpose built factory buildings.

The site is identified in the following Figure 1.



Figure 1: Aerial image of the subject site.

DETAILS OF THE PROPOSAL

The application seeks consent for the fit out and use of an existing industrial unit for the purposes of a sex services premises. It is proposed to occupy the ground floor of the premises only.

During the assessment of the application it became evident that unauthorised works had been undertaken to extend the approved mezzanine floor. Although the development application, as originally submitted, did not seek approval to use any of the first floor area (other than storage), concerns were raised of a potential for the proposed use to expand into the mezzanine floor thus intensifying the use and affecting car parking requirements. To prevent this, the applicant was advised that the unauthorised floor space would need to be removed or other modifications made to prevent access to the unauthorised floor space. In response, the applicant submitted amended plans that included the removal of a portion of the upper level floor and closing off the door which currently accesses this area.

As the unauthorised floor space cannot be retrospectively approved, an application for a Building Certificate, supported by a BCA report and Engineering Certificate has been submitted to Council to legitimise that part of the unauthorised mezzanine extension that will remain and will form the ceiling to the ground floor sex services premises.

Council's Building Department has advised that this application needs to be modified to change its description from "mezzanine floor" to "false ceiling" as it will not be useable as floor space. Further amendments will also need to be made to address the increased area of the mezzanine floor to be removed as detailed in the Council Officer's IHAP report. It is appropriate to note that the Building Certificate will not be determined until such time as a development consent is granted for the proposed ground floor use.

The application proposes two working rooms with two sex workers and a receptionist/manager being on the site at any one time. An entry foyer and waiting room are also proposed.

Both working rooms contain a shower, with Room 1 having disabled bathroom facilities. Two additional toilets are available for use by staff and clients. A waiting room is accessed from the entry foyer through an area designated as a laundry/kitchen.

The proposed hours of operation are 9.00am to Midnight 7 days per week.

The applicant states that the only signage would consist of the address of the premises to enable it to be identified by clients, however no details of signage has been provided and this would need to be addressed by a separate development application.

Two designated carp parking spaces are available for the unit. The Strata Plan shows 14 designated car parking spaces for the overall site (2 per unit), however there are areas of common property not designated as visitor parking but which are used for car parking as demonstrated by aerial photographs. Part of this common property may have been intended as truck turning areas, however, in practical terms there appears to be up to 8 car parking spaces (3 in front of the building and 5 located centrally along the southern boundary) available as visitor parking.

An extract of the proposed floor plans is provided in Figure 2 below.

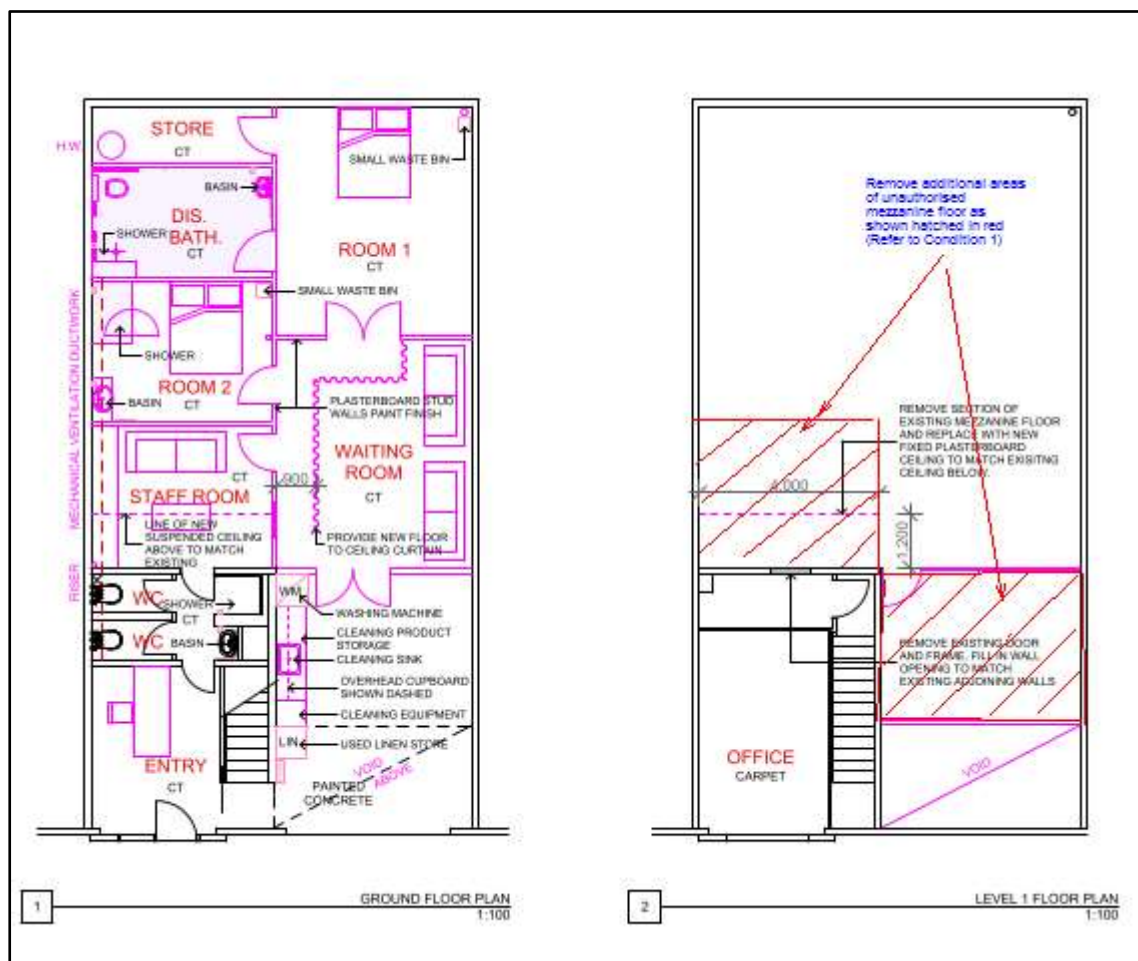


Figure 2: Proposed Floor Plan.

Note: Amendments shown in red are proposed to be included as a condition of consent, requiring the removal of a portion of the unauthorised mezzanine floor.

THE ISSUES

The key issue identified with the proposal relates to the perceived social and economic impacts of establishing a sex services premises in an existing industrial unit complex.

The objections raised to the proposed use, by property owners within the strata complex and from other nearby uses such as the Liverpool Catholic Club, primarily relate to issues such as the perceived social impacts and 'stigma' associated with operation of a sex services premises.

It should be noted that sex services premises are a permitted form of development within industrial zones. To address potential impacts, they are subject to a control within the Liverpool Development Control Plan 2008 restricting them to locations at least 150m from sensitive land uses such as residential land, places of worship, schools, community facilities,

child care centres, hospitals, rail stations, bus stops, taxi stands, licensed premises, or any place regularly frequented by children for recreational or cultural pursuits.

The Council officers IHAP report (Attachment 3) outlines the relationship between the subject site and sensitive land uses within proximity of the site. The report also outlines the Social Impact Statement (SIS) prepared by the applicant's Social Planner and confirms that Council's Community Planning Policy Officer is supportive of the application.

Further information has been received from the applicant in response to the recommendation of IHAP. This includes an addendum to the SIS and documentation verifying that insurance premiums for the subject development would not increase as a consequence of any approval issued for the operation of a sex services premises within the strata development. This additional information has been assessed by Council officers and the recommendation contained within the Council Officer's IHAP report remains unaltered.

INDEPENDENT HEARING AND ASSESSMENT PANEL

At their meeting on 26 September 2016, IHAP recommended that DA-1059/2016 for use of an existing industrial unit as a Sex Services Premises at Unit 3, No.5 Weld Street Prestons be deferred to allow submission of a supplementary SIS addressing the existing development consent DA-1640/2006 for a place of public worship at 1/93 Jedda Road Prestons.

POST IHAP MEETING CONSIDERATIONS

Following the IHAP meeting, the applicant was requested to submit a supplementary SIS and the Owner's Corporation were requested to submit any additional information that might support their claim that the proposed use, if approved, would have an adverse social and/or economic impact.

On 13 October 2016, the applicant submitted additional information in the form of a supplementary Social Impact Statement (SIS) (Attachment 4) from a qualified social planner addressing the existence of an approved use of 1/93 Jedda Road Prestons for a place of public worship (DA1640/2006). It has been confirmed that the church ceased use of the premises in 2012 and has since moved to a larger premises in Hoxton Park. The subject premises is currently used by an electrical wholesaling business. The owner of the unit has provided confirmation that he would agree to the approval for the consent to be revoked if necessary.

The supplementary SIS has been reviewed by Council's Community Planning Policy Officer who has advised that it is satisfactory as it confirms that the use is currently not operating and in the unlikely event that the use was to recommence it would not be adversely impacted on by the proposed sex services premises.

Also provided by the applicant was a copy of the Invitation to Renew from the current insurer which indicates only a modest increase in premiums (in line with inflation) and a quote from another insurer which is less than the current premium. (Attachment 5)

On 21 October 2016 the Owner's Corporation's managing agent provided a letter from a property valuer which provided preliminary advice in relation to the likely impact on property values (Attachment 6). Additional time was requested in which to provide more detailed information in support of claims made at the IHAP meeting that insurance premiums would rise if the use of Unit 3 was approved as a sex services premises. An extension was granted until 28 October 2016, however no further information was received by that date.

Any claims by objectors in relation property values and consequential impacts on insurance premiums, are not relevant considerations under s.79C of the Environmental Planning and Assessment Act, 1979.

Also included in the managing agents submission dated 21 October were further objections to the proposal. These included separate letters from five businesses and a petition with 18 signatories. These objections are included in the confidential attachment booklet. These objections do not raise matters additional to those previously addressed in the Council Officer's IHAP report (Attachment 3) and considered by IHAP.

It is considered that the matters raised are not of sufficient weight to warrant refusal of the subject Development Application and do not change the recommendation contained within the Council Officer's IHAP report.

CONSULTATION

The development application has been assessed in accordance with statutory requirements and internal Council departments have been consulted during the assessment of the application. The outcome of this consultation is outlined in the Council Officer's IHAP report.

CONCLUSION

The application has been assessed against the relevant considerations prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and is considered worthy of support. Although additional submissions have been received in objection to the proposal, the claim made by the strata manager that the proposal would have an economic impact in terms of increased insurance premiums has not been substantiated. Further, the supplementary SIS confirms that the operation of the sex services premises would not have any significant impacts on the locality. On this basis, the application is recommended for approval, as outlined in the Council Officers IHAP report, subject to recommended conditions of consent outlined in Attachment 2 of this report.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations
Civic Leadership and Governance	There are no civic leadership and governance considerations

ATTACHMENTS

1. IHAP Recommendation [View](#) (Under separate cover)
2. Recommended Conditions of Consent [View](#) (Under separate cover)
3. Council Officer's IHAP Report [View](#) (Under separate cover)
4. Supplementary Social Impact Statement [View](#) (Under separate cover)
5. Additional Information provided by applicant following IHAP meeting [View](#) (Under separate cover)
6. Property Valuation provided by Strata Manager [View](#) (Under separate cover)
7. Applicant and Land Owner Details [View](#) (Under separate cover)
8. Additional Objections following IHAP meeting (Under separate cover) [View](#) - **Confidential**

DBI 01

Draft Strategic Panel Charter

Strategic Direction	Leading Proactive Council Lead partnerships and collaboration with community, business and governments
Key Policy	Long-Term Financial Plan
File Ref	292968.2016
Report By	Alana Marshall - Senior Corporate Planner
Approved By	Hiba Soueid - Acting Director Business Improvement

EXECUTIVE SUMMARY

At its meeting on 12 October 2016, Council resolved to:

“Create a new Strategic Panel with the Mayor or Delegate to be the Chair and all Councillors to be members and the Panel to meet quarterly”.

The Strategic Panel will allow Council to achieve its long-term objectives by implementing an integrated and coordinated approach to the delivery of strategic projects and initiatives which benefit the city of Liverpool.

At its meeting, Council also resolved to incorporate the functions of the Building Our New City Committee, The Economic Development and Events Committee, The No Intermodal Committee and The Street Naming Committee into the new Strategic Panel and develop a draft Charter to emulate the operations of the Panel. The draft Charter has been attached to this report and provides information on the purpose, functions and outcomes of the Panel.

In consulting with the relevant staff members responsible for convening the above committees, it was found that whereas the Building Our New City, Economic Development and Events and No Intermodal Committees had a long-term strategic focus, the Street Naming Committee was involved in determining suitable names for Council assets, including streets, parks, facilities and other geographical features within the Liverpool Local Government Area. As this is a key operational function of Council, the process will be significantly slowed down through a quarterly meeting and impact adversely on the time taken to approve and determine place names.

Consequently, it is recommended that the ‘street naming’ function be removed from the Strategic Panel with the street names determined through Council’s established processes being reported at Council meetings.

It is also recommended that the attached Charter be adopted with the first meeting of the Strategic Panel being held on Wednesday 30 November 2016 from 6.00pm in the Blue Gum Room, Level 5 Moore St Liverpool.

RECOMMENDATION

That Council:

1. Approves and adopts the Strategic Panel Charter.
2. Notes that the first Strategic Panel meeting will be held on Wednesday 30 November.
3. Removes the street naming function from the Panel, and allows that function to report at Council meetings.
4. That a further report be provided to the December meeting on the Policy and Procedures for determining street names.

REPORT

Strategic Panel

This Panel has been established to provide relevant advice and recommendations to Council relating to:

- a) The long-term strategic direction of Liverpool city, particularly in the areas of economic and social development as articulated in Liverpool's Community Strategic Plan;
- b) The development and delivery of a range of city centre revitalisation initiatives, projects and events;
- c) Development which impacts Liverpool city, including the proposed intermodal at Moorebank and airport/aerotropolis.

The key functions and activities of the Building Our New City, Economic Development and Events and No Intermodal Committees will be incorporated into the Strategic Panel.

The Panel will assist Council to achieve an integrated and coordinated approach to the delivery of strategic projects and initiatives which allow Council to achieve its long-term objectives, in-turn improving its social and economic profile.

As the Panel will be responsible for acting in an advisory capacity to Council regarding all high level strategy, recommendations from local precinct forums will be reviewed by the Strategic Panel to ensure they are in line with Council's long-term strategic direction.

A draft Charter for the Strategic Panel has been attached to this report.

Street Naming Committee

Whereas the Strategic Panel is focused on assisting Council to achieve its long-term objectives, the Street Naming Committee has a key operational function which would be significantly slowed down if it was to be incorporated into a quarterly meeting. This includes:

- Currently there are more than 700 potential streets requiring new names, the majority of these are within the growth areas of Austral and Edmondson Park.

- There are currently more than 30 Pre-Lodgement applications and 15 Development Applications in Austral.
- The external processes required to authorise a street name take approximately 3 months to complete, as such incorporating the street naming function into the Strategic Panel could potentially double the time required to approve a street name.
- Considering the large number of streets that will require naming, a time efficient process will be needed in order to keep up with the demand. This will not be achieved if the street naming function sits with a Committee that meets every quarter.

Consequently it is recommended that the street naming function be removed from the Strategic Panel with a Policy and Procedures for determining street names to be tabled for adoption at the December Council meeting.

CONSIDERATIONS

Economic and Financial	Further develop a commercial center that accommodates a variety of employment opportunities. Facilitate economic development.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	The Strategic Panel will allow a coordinated and integrated approach to addressing key community issues.

ATTACHMENTS

1. Draft Charter - Strategic Panel



STRATEGIC PANEL CHARTER

Draft

Adopted: 23 November 2016

TRIM: 289202.2016

STRATEGIC PANEL CHARTER



1. NAME

Strategic Panel Charter

2. INTERPRETATION

2.1 For the purpose of this charter:

- a) "Act" means the *Local Government Act 1993*;
- b) "CEO" means Council's Chief Executive Officer;
- c) "Code" means Code of Meeting Practice;
- d) "Panel" means Strategic Panel;
- e) "Council" means the Liverpool City Council;
- f) "Member" means a member of the Panel;
- g) "Observer" means the person attends the meeting but has no voting rights.

3. STATUS OF PANEL

3.1 The Panel is an advisory body tasked with providing advice and recommendations to Council.

4. PURPOSE

4.1 This Panel has been established to provide relevant advice and recommendations to Council relating to:

- a) The long-term strategic direction of Liverpool city, in particular in the areas of economic and social development as articulated in Liverpool's Community Strategic Plan;
- b) The development and delivery of a range of city centre revitalisation initiatives, projects and events;
- c) Development which impacts Liverpool city, including the proposed intermodal at Moorebank and airport/aerotropolis.

STRATEGIC PANEL CHARTER

5. FUNCTIONS

5.1 The functions of the Panel are to:

- a) Raise emerging local social and economic development issues and make recommendations for solutions and actions;
- b) Review recommendations from local precinct forums and assess these against Council's overall strategic direction;
- c) Make recommendations for the expenditure of funds towards projects which activate the city centre, in line with the City Development Fund Policy;
- d) Coordinate Council's response to proposed developments which impact the city of Liverpool, such as the proposed intermodal at Moorebank and airport/aerotropolis.

6. OUTCOMES

6.1 The Panel aims to assist Council in:

- a) Achieving an integrated and coordinated approach to the delivery of strategic projects and initiatives which allow Council to achieve its long-term objectives;
- b) Improving the social and economic profile of Liverpool;
- c) Encouraging investment and business growth, enhance tourism and attract visitors to the Liverpool local government area;
- d) Achieving urban, business and community renewal of the Liverpool City Centre;
- e) Ensuring that all approved events are relevant to the local community and represent Liverpool's diversity, community spirit and inclusive nature.

7. MEMBERSHIP

7.1 **Councillor representation:**

The Mayor or delegate will be the Chair of the Panel. All Councillors will be members and the Panel.

7.2 **Council staff representation:**

The CEO (or delegate) will be a member of the Panel and shall assign relevant executive and other staff to this Panel in an observer capacity.

7.3 **Support staff**

Council's Corporate Strategy team will provide administrative support to the Panel.

STRATEGIC PANEL CHARTER

7.4 Chairperson and Deputy Chairperson

7.4.1 The Mayor or Delegate is to be the Chair of the Panel.

7.4.2 The role of the Chairperson is to preside at meetings of the panel. In the absence of the Chairperson, the delegated Chairperson shall preside at the meeting.

7.4.3 If the Chairperson or the delegated Chairperson is not present at the time designated for the commencement of a meeting, the first business of the meeting must be the election of an acting chairperson to preside at the meeting.

7.4.4 The election of a Chairperson, delegated Chairperson or Acting Chairperson must be conducted:

- a) By the CEO or, in his or her absence, an employee of Council designated by the CEO to conduct such an election; or
- b) If neither of them is present at the meeting – by the person who called the meeting or a person acting on his or her behalf.

7.5 Other Office Bearers

There are no other office bearers on this Panel. Reports for each meeting will be required.

8. TERM OF OFFICE

8.1 All Councillors will be members of the Panel during their term of office as Councillors.

9. QUORUM AND RECOMMENDATIONS

9.1 The quorum for a meeting of the Panel will be six Councillors.

9.2 Observers or visitors at the meeting do not form part of the quorum.

9.3 In the absence of a quorum 15 minutes after the advertised start of the meeting, the Panel members present may discuss the agenda items although any recommendations made will not become formalised until they have been ratified at the next Panel meeting with a quorum present.

9.4 Wherever possible, recommendations of the Panel will be made on the basis of consensus, that is, when all members present agree. At the discretion of the Chairperson, a vote may be called to resolve a matter. This may occur when

STRATEGIC PANEL CHARTER

consensus cannot be reached or in relation to a matter that is more significant in nature. In such cases, the matter will be resolved by a simple majority of those at the meeting, provided that there is a quorum present. In the event of a tied vote, the Chairperson will exercise the deciding vote.

- 9.5 Panel recommendations are not binding on Council. To obtain Council endorsement, a Panel recommendation must be reported to the Council for its decision.
- 9.6 A Panel member should notify the Council convenor of their planned absence from a meeting.

10. MEETINGS AND MEMBERS OF THE PUBLIC

- 10.1 Meetings of the Panel are not open to members of the public because meetings may involve information that would, if disclosed:
 - a) Confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
 - b) Reveal commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of Council.
- 10.2 Representatives of organisations or the general community may be invited by the Chairperson to address the Panel on matters on the agenda.
- 10.3 Relevant experts, stakeholders and community members may be invited to participate in the Panel from time to time, as determined by the Panel.

11. TIMETABLE FOR MEETINGS

- 11.1 The Panel shall meet on a quarterly basis. Dates of meetings will be determined annually by the Panel and referred back to Council.
- 11.2 A meeting will be limited to a maximum of two hours' duration, unless the Panel resolves to extend the length of the meeting to a particular time for the completion of business.
- 11.3 Extraordinary meetings may be called by the Chairperson of the Panel in consultation with the CEO (or delegate).
- 11.4 The location, date and starting time for meetings will be advised on the agenda.
- 11.5 Panel meetings can only be held if five ordinary days' notice has been given to all members and Councillors.

STRATEGIC PANEL CHARTER

12. MEETING PRACTICE AND PROCEDURES

- 12.1 Unless otherwise specified in this charter, Panel meetings must be conducted in accordance with Council's Code of Meeting Practice.
- 12.2 The Panel must observe the provisions of any other relevant Council policies and procedures.
- 12.3 Minutes of meetings must be kept in accordance with the procedures set out in Council's Code of Meeting Practice.
- 12.4 The minutes of each Panel meeting will be submitted to the next available meeting of Council.

13. INSURANCE COVER

- 14.1 Panel members are covered by Council's personal accident insurance only for attendance at meetings and other activities formally endorsed by the Panel.

14. OBSERVING THE CODE OF CONDUCT AND RELEVANT COUNCIL POLICIES

- 14.1 All members of the Panel are required to observe the provisions of Council's Code of Conduct and any other relevant Council policy applicable to the proper functioning of the Panel.
- 14.2 Should a member of the Panel breach Council's Code of Conduct or any other relevant Council policy, the matter will be referred to the CEO to be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.
- 14.3 If a Panel member has a pecuniary interest in any matter with which the Panel is concerned, and is present at a meeting of the Panel at which the matter is being considered, they must disclose the interest to the meeting and must not be present during any discussion or decision making relating to that matter. Leaving the room is necessary because to remain in the presence of the meeting but refrain from voting is taken to be a vote against the motion.
- 14.4 A member of the Panel who has a non-pecuniary conflict of interest in any matter with which the Panel is concerned and is present at a meeting of the Panel at which the matter is being considered must disclose the interest to the meeting as soon as practicable. If a member of the Panel has declared a non-pecuniary conflict of interest, there exists a range of options for managing the conflict of interest. The option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with.

STRATEGIC PANEL CHARTER

14.5 A Panel member will deal with a non-pecuniary conflict of interest in at least one of these ways:

- a) Where the potential for conflict is deemed minimal, take no action. However, the Councillor or Panel member should consider providing an explanation as to why it is considered that only a minimal or non-existent conflict exists.
- b) Where the potential for conflict is more significant, take no part in the matter by leaving the room in which the meeting is taking place and take no part in any debate or vote on the issue, as if the provisions in section 451(2) of the Act applied.

14.6 Panel members declaring a conflict of interest, whether pecuniary or non-pecuniary, should complete a Declaration of Interest Form (Councillor) which is to be signed by the CEO and retained by Council in accordance with Council's Code of Conduct and its Ethical Governance: Conflicts of Interest Policy.

15. CONFIDENTIALITY AND MANAGING PRIVACY

15.1 Panel members, through their involvement on the Panel, may come in contact with confidential or personal information retained by Council. Panel members are required to maintain confidentiality and security in relation to any such information and not access, use or remove that information, unless authorised to do so.

15.2 The *Privacy and Personal Information Protection Act* 1998 and Council's Privacy Policy deal with the collection, holding, use, correction, disclosure and transfer of personal information.

15.3 Should a Panel member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the CEO immediately.

16. DISCIPLINARY ACTION

16.1 Should a member of the Panel breach Council's Code of Conduct, the matter will be referred to Council's CEO and will be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.

17. MEDIA PROTOCOL

17.1 The Mayor is the only person permitted to speak to the media on behalf of the Panel.

STRATEGIC PANEL CHARTER

17.2 No other member of the Panel is permitted to speak to the media in his or her capacity as a Panel member.

18. REVIEW OF THE PANEL AND THIS CHARTER

18.1 Council will review the work of the Panel and this charter every two years.

DRAFT

STRATEGIC PANEL CHARTER

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

23 November 2016

DEPARTMENT RESPONSIBLE

Business Improvement

REVIEW DATE

23 November 2018

VERSION

Version	Amended by	Date	TRIM Number
1	Adopted by Council	23 November 2016	289202.2016

REFERENCES

Liverpool City Council: Code of Conduct

Liverpool City Council: Code of Conduct Procedures

Liverpool City Council: Code of Meeting Practice

Liverpool City Council: Councillor Access to Information and Interaction with Staff Policy

Liverpool City Council: Ethical Governance: Conflicts of Interest Policy

Liverpool City Council: Privacy Policy

Liverpool City Council: Procurement Manual and Procedures

Liverpool City Council: Procurement Policy

CFO 01

Revocation of Media Representation Policy

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Good governance
File Ref	270501.2016
Report By	David Maguire - Governance Coordinator
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

A recent amendment to section 226 (the role of the Mayor) of the *Local Government Act 1993* (the Act) states that the Mayor is “*to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities*”.

Given this change to the Act, it is considered that Council’s Media Representation Policy is now superfluous and, therefore, it should be revoked by Council. It is noted that operational matters, set out in the policy, could be dealt with, on an interim basis, by the Acting CEO by way of a memorandum to members of Council staff, until a new CEO is appointed by Council. The new CEO could then decide whether or not an operational policy or procedure is required in relation to the handling of media inquiries and the use of media by members of Council staff.

It is recommended that this report be received and noted and that the Media Representation Policy be revoked by Council.

RECOMMENDATION

That Council:

1. Receive and note this report;
2. Revoke the Media Representation Policy, attached to this report;
3. In future, in place of the previous traditional Mayoral portrait, a group photo of all Councillors, including the Mayor, be displayed in the foyer of the Council Chambers in recognition of their contribution during their term of office.

REPORT

Council's Media Representation Policy was initially adopted by Council on 23 May 2011 and last amended on 29 June 2016. The *Local Government Amendment (Governance and Planning) Act 2016* recently amended the Act. One of the amendments that was proclaimed and published in the Government Gazette of 23 September 2016 pertained to section 226 of the Act (the role of the Mayor as spokesperson of Council):

226 Role of mayor

"The role of the mayor is as follows:

(c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities"

As a result of the above change to the Act, it is considered that Council's Media Representation Policy is now superfluous and, therefore, it should be revoked by Council.

Clauses 4.7- 4.13 and 4.18 - 4.19 of the current policy relate to direction of Council staff which is a function within the role of the CEO (general manager), as set out in section 335(i) of the Act. It is considered that the content of these clauses of the current policy could be better dealt with, on an interim basis, through a memorandum by the Acting CEO to members of Council staff, until a new CEO is appointed by Council. The new CEO could then decide whether or not an operational policy or procedure is required in relation to the handling of media inquiries and the use of media by members of Council staff.

Clause 4.20 of the policy (concerning photos of Councillors for placement in the Council Chambers) was inserted in the policy by way of a Council resolution on 29 June 2016. It is recommended that this new practice, set out in the policy, be retained by means of a separate recommendation 3 to this report.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Media Representation Policy



MEDIA REPRESENTATION POLICY

Adopted: 29 June 2016

TRIM 113196.2016



MEDIA REPRESENTATION POLICY

1. PURPOSE/ OBJECTIVES

- 1.1 To identify Council representatives authorised to interact with the media.
- 1.2 To provide guidance to Council officials in dealing with the media on behalf of Liverpool City Council
- 1.3 To ensure that the media receives factually correct and timely information about matters relating to Council.

2. LEGISLATIVE PROVISIONS

Local Government Act 1993

3. DEFINITIONS

CEO: the Chief Executive Officer of Council

Council officials: All Councillors and members of Council staff and all service providers and contractors employed by Council

Media comment: A verbal statement issued by Council that states its position on a matter of Council business, Council policy or the public interest

Media statement: A written statement issued by Council that states its position on a matter of Council business, Council policy or the public interest

4. POLICY STATEMENT Principles

- 4.1 Liverpool City Council encourages open communication with the media and seeks to ensure that all communication with the media is accurate, appropriate, consistent, timely and well-informed.
- 4.2 Council will communicate with the media so as to enhance its reputation and to inform the public about Council's activities, decisions, plans and policies.
- 4.3 To ensure that that media comments and statements regarding Council are accurate, reliable and in the best interests of Council, only certain persons, designated in this policy, are authorised to communicate with the media on behalf of Council.
- Official Council Spokespersons**
- 4.4 The Mayor is Council's official spokesperson and is responsible for providing media comment and media statements about Council policies and other matters of public interest.

MEDIA REPRESENTATION POLICY

- 4.5 In the absence of the Mayor, the Deputy Mayor is Council's official spokesperson. The CEO is responsible for providing media comment and media statements about all operational matters relating to Council.
- 4.6 The CEO or their delegate is responsible for providing media comment and media statements about Council policies and matters of fact relating to Council business.
- 4.7 The Director of the Casula Powerhouse Arts Centre is responsible for providing media comment and media statements about day to day operations at the Centre, including exhibition and performance related activities. The Director is not authorised to provide comment on general Council operational matters and must consult with the Manager Strategic Communications and Research, prior to conducting any interviews.
- Dealing with Media Inquiries**
- 4.8 All media statements are prepared by the Strategic Communications and Research Unit. Media statements issued on behalf of Council must be in the approved format. All Local Government Area mass communications, including responses to the media, are to be approved by the Mayor.
- 4.9 All media inquiries should be referred to Council's Strategic Communications and Research Unit.
- 4.10 Unless authorised by the CEO, members of Council staff are prohibited from placing information or content on Council's own social networking sites.
- 4.11 Members of Council staff may deal with the media as private individuals only if:
- a) They do not make media comments or statements about Council business or policies; and
 - b) They are not identified as Council employees; and
 - c) Their media comment and statements are not perceived as representing or compromising an official Council position or policy; and
 - d) They do not place information or content on social networking sites, such as Twitter or Facebook or YouTube which could identify them as members of Council staff.
- 4.12 Media requests to film or take photographs of members of Council staff, Council properties or Council events for the purpose of news and of current affairs must be approved in advance by the CEO or their delegate.
- 4.13 Media requests to visit Council properties, buildings, facilities or work sites must be approved in advance by the CEO or their delegate.

MEDIA REPRESENTATION POLICY

Councillors

- 4.14 Councillors may communicate with the media provided that their comments or statements are not purported as representing the official Council position or policy.
- 4.15 Councillors must not discuss any matters with, or divulge information to, the media, which involves members of Council staff, legal advice to Council or commercial in-confidence information in the possession of Council.
- 4.16 All Council and Committee meetings are open to the media except those meetings or closed parts of meetings dealing with issues relating to members of Council staff, confidential legal advice and commercial in-confidence matters.

Emergency Situations

- 4.17 In the event of an emergency or crisis within the Liverpool City Council Local Government Area involving serious injury to, and/or the death of, residents, Councillors or members of Council staff, or significant damage to Council assets, the Mayor and CEO must be advised immediately. The Mayor and the CEO are the only persons authorised to make media comments or media statements, on behalf of Council, on such occasions.

Media Presentation and Campaigns

- 4.18 Members of Council staff must obtain approval for media advertisements and brochures from the CEO prior to their publication. The use of, or alteration to, signage or wording involving the Council brand and logo must have the approval of the CEO.
- 4.19 All publicity campaigns and associated media materials should be submitted to the CEO for approval. When planning any publicity campaign, members of Council staff should consult with the Manager Strategic Communications and Research, prior to setting any timetable for any such campaign.
- 4.20 In future, in place of the traditional Mayoral portrait, a group photo of all Councillors, including the Mayor, be displayed in the foyer of the Council Chambers in recognition of their contribution during their term of office.

Breaches of this policy

- 4.21 A breach of this policy by any Councillor will be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.
- 4.22 A breach of this policy by any member of Council staff will be dealt with in accordance with any relevant staff agreements, awards, industrial agreements, contracts and Council policies, including Council's Code of Conduct and Code of Conduct Procedures.

MEDIA REPRESENTATION POLICY**AUTHORISED BY**
Council Resolution**EFFECTIVE FROM**
29 June 2016**DEPARTMENT RESPONSIBLE**
Chief Executive Officer (Strategic Communications and Research)**THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH**
Executive Team
Corporate Services (Governance, Legal and Procurement)**VERSIONS**

Version	Amended by	TRIM Number	Date
1	Adopted by Council Resolution	090664.2011	23 May 2011
2	Council Resolution	232849.2012	5 November 2012
3	Council Resolution	131853.2015	26 May 2015
4	Council Resolution	229519.2015	26 August 2015
5	Council Resolution	113196.2016	29 June 2016

REVIEW DATE
Every two years from date of adoption**REFERENCES**
Liverpool City Council: Code of Conduct
Liverpool City Council: Code of Conduct Procedures

CFO 02

**Further Review of the Civic Expenses and
Facilities Policy**

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Good Governance
File Ref	277515.2016
Report By	David Maguire - Governance Coordinator
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

At its meeting on 12 October 2016, Council adopted its Civic Expenses and Facilities Policy (the Policy), subject to two amendments, one of which required that clause 4.10.4 (relating to the payment by Councillors of their own costs for overseas flights associated with Council business) be removed and replaced *“with a clause that emulates the State Government Policy on interstate and international travel”*.

The NSW Government recently reviewed its NSW Government Travel and Transport Policy, a copy of which is attached to this report. In accordance with the recent Council resolution, a new clause 4.9.2 has been drafted and inserted into the Policy to reflect the provisions of clause 2.3.6 of the State policy.

Recent amendments to section 252 of the *Local Government Act 1993* (the Act) have come into force, providing that an expenses and facilities policy must be adopted by a council within 12 months of the term of a new council and that policy amendments no longer need to be specifically notified to the Office of Local Government. The Policy has also been amended to reflect these particular legislative changes.

It is recommended that Council receive and note this report, adopt the Policy attached to this report and receive a further report regarding the receipt of any public submissions relating to clause 4.9.2 of the policy at its first meeting in 2017.

RECOMMENDATION

That Council:

1. Receive and note this report;

2. Adopt the Civic Expenses and Facilities Policy, as attached to this report, apart from the provisions of clause 4.9.2 of the Policy which requires public notice and a period of 28 days for the making of public submissions; and
3. Receive a further report about the receipt of any public submissions in respect of clause 4.9.2 of the Policy at the first meeting of Council in 2017.

REPORT

At its meeting on 12 October 2016, in regard to the Civic Expenses and Facilities Policy (the Policy) Council resolved (in part) to:

“Adopt the Civic Expenses and Facilities Policy, as attached to this report with the following amendments:

Clause 4.10.4 (as shown below) be removed from the policy and replaced with a clause that emulates the State Government Policy on interstate and international travel.

“4.10.4 Councillors must pay their own costs of overseas flights.”

The NSW Government recently reviewed its NSW Government Travel and Transport Policy, a copy of which is attached to this report. Clause 2.3.6 of The NSW Policy states that economy class travel should be used for all official travel within Australia and overseas with only limited exceptions, one being “chairpersons of NSW Government boards and committees may fly premium economy or business class to Western Australia, the Northern Territory and overseas”. The role of Mayor is equivalent to a “chairpersons of NSW Government board”. The NSW Policy further states:

“For all official travel, the lowest logical fare of the day must be used for all domestic flights. This is the cheapest fare available that meets the traveller's logistical needs.”

Clause 4.9.2 of Council's Policy has now been amended to reflect the provisions of the NSW Policy relating to air travel. It is considered that the new clause 4.9.2 of the Policy is a “substantial” amendment to the Policy and thus Council is required to give public notice of its intention to amend the policy in accordance with section 253(1) of the Act:

“A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.”

Amendments to the Act which came into force on 26 September 2016 provide that:

1. A council must adopt a policy concerning the payment of expenses and provision of facilities for its mayor and councillors within the first 12 months of each term of a council (section 252(1)); and
2. Reporting requirement to the Office of Local Government have been repealed.

As a result of the above amendments to the Act, corresponding changes have been made to clauses 2.1.3, 2.1.4, 2.1.7, 4.1.1 and 4.1.2 of the Policy. Changes in allowances for the Mayor and Councillors, as a result of the annual determination of these allowances by the Local Government Remuneration Tribunal, will mean that clause 4.1 of the Policy no longer needs to be updated on annual basis by Council and that any annual increase in such allowances can be paid on 1 July each year in line with the terms of the annual determination made by the Tribunal. As a result, unless Council adopts changes to other clauses of the Policy, the Policy can remain in operation until after the next Council election.

The changes to the Policy, required as a result of recent legislative changes are not considered “*substantial*” amendments and can be adopted by Council without public notice being given.

All proposed changes to the attached draft Policy are highlighted in red type font.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Provide information about Council’s services, roles and decision making processes. Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. NSW Government Travel and Transport Policy 28 September 2016 [View](#) (Under separate cover)
2. Draft Civic Expense and Facilities Policy



CIVIC EXPENSES AND FACILITIES POLICY

Draft

Adopted: 23 November 2016

TRIM: 277426.2016



CIVIC EXPENSES AND FACILITIES POLICY

1. PURPOSE/ OBJECTIVES

- 1.1 The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.
- 1.2 The objectives of this policy are to:
- a) Give guidance to the Mayor and Councillors as to what facilities and resources are available to them;
 - b) Provide a public statement as to how Council sets the payment of fees, and other support allowances, for the Mayor and Councillors when they carry out their role as an elected member;
 - c) Implement Council's legislative responsibility in adopting a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

2. LEGISLATIVE AND GOVERNANCE REQUIREMENTS**2.1 Local Government Act 1993**

- 2.1.1 The *Local Government Act* 1993 (the Act) requires that Council adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and Councillors.

- 2.1.2 This policy is made in accordance with sections 252, 253 and 254 of the Act and clause 403 of the *Local Government (General) Regulation* 2005 (the Regulation).

- 2.1.3 ~~Sections 252(5) and 253 of the Act require councils to make and submit their expenses and provision of facilities policies annually to the Office of Local Government.~~

~~Section 252 (1) of the Act requires that, within the first 12 months of each term of a council, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.~~

- 2.1.4 ~~Section 252 of the Act requires councils to adopt or amend a policy annually for the payment of expenses and the provision of facilities to the Mayor, Deputy Mayor and other Councillors. The Mayor and Councillors can only be reimbursed for expenses and provided with facilities in accordance with this policy.~~

~~Section 252(3) of the Act states that a council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.~~

- 2.1.5 Section 252 also provides for a Council to reduce the amount payable to the Mayor and Councillors by the amount representing any private benefit of a facility provided by the Council to them. It also requires that the policy be made under the provisions of the Act, the Regulation and any relevant guidelines issued under section 23A of the Act.

CIVIC EXPENSES AND FACILITIES POLICY

- 2.1.6 Section 253 specifies actions that Council must undertake before a policy concerning expenses and facilities can be adopted or amended.
- 2.1.7 Section 253 states:
- 1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.
 - 2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.
 - 3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the Council is of the opinion that the proposed amendment is not substantial.
 - ~~4) Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:~~
 - ~~a) a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and~~
 - ~~b) a statement setting out, for each submission, the council's response to the submission and the reasons for the Council's response, and~~
 - ~~c) a copy of the notice given under subsection (1).~~
 - ~~(Repealed)~~
 - 5) A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.
- 2.1.8 Section 254 requires that a part of a Council or committee meeting which considers the adopting or amending of such a policy must not be closed to the public.
- 2.1.9 The *Government Information (Public Access) Act 2009* provides that the public is able to inspect during office hours at Council, and at no charge, the current version and the immediately preceding version of the Council's expenses and facilities policy. The public is also entitled to a copy of the policy, either free through Council's website, or on payment of a reasonable copying charge. (For details see Council's Agency Information Guide.)
- 2.1.10 Section 23A of the Act provides for the Chief Executive of the Office of Local Government to prepare, adopt or vary guidelines that relate to the exercise by a council of any of its functions. It also requires that a council must take the relevant guidelines into consideration before exercising any of its functions.

CIVIC EXPENSES AND FACILITIES POLICY

2.2 Local Government (General) Regulation 2005**2.2.1 Clause 217 (Additional information for inclusion in annual reports) states in part:**

- (1) *For the purposes of section 428 (4(b)) of the Act, an annual report of a Council is to include the following information:*
- (a) *Details (including the purpose) of overseas visits undertaken during the year by councillors, council staff or other persons while representing the Council (including visits sponsored by other organisations),*
- (a1) *Details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the Council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
- i. *The provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - ii. *Telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
 - iii. *The attendance of councillors at conferences and seminars,*
 - iv. *The training of councillors and the provision of skill development for councillors,*
 - v. *Interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - vi. *Overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - vii. *The expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for mayors and councillors for local councils in NSW prepared by the CEO from time to time,*
 - viii. *Expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions.*

2.2.2 Clause 403 (Payment of expenses and provision of facilities) states:

A policy under section 252 of the Local Government Act 1993 must not include any provision enabling a council:

CIVIC EXPENSES AND FACILITIES POLICY

- a) *To pay any councillor an allowance in the nature of a general expense allowance, or*
- b) *To make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

2.3 Guidelines for the payment of expenses and the provision of facilities for mayors and councillors for local councils in NSW

- 2.3.1 In October 2009, the former Division of Local Government issued updated guidelines to assist councils review and prepare policies on the payment of expenses and provision of facilities for mayors and councillors in local councils in NSW.

2.4. Guidelines issued by the Office (formerly Division) of Local Government

- 2.4.1 This Policy takes into account the following Circulars:

- a) Circular 08/03 Findings from review of councillor expenses and facilities policies;
- b) Circular 08/24 Misuse of council resources;
- c) Circular 08/37 Council decision making prior to ordinary elections;
- d) Circular 09/36 Release of revised councillor expenses and facilities guidelines;
- e) Circular 10/26 Misuse of council resources.

2.5 The Model Code of Conduct for Local Councils in NSW

- 2.5.1 This policy is consistent with the Model Code of Conduct for Local Councils in NSW, Division of Local Government March 2013. The following clauses of Council's Code of Conduct are particularly relevant to section 252 policies:

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.14 You must be scrupulous in your use of council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

7.15 You must avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.

7.16 You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

7.17 You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:

- a) *The purpose of assisting your election campaign or the election campaign of others; or*

CIVIC EXPENSES AND FACILITIES POLICY

b) For other non-official purposes.

7.18 You must not convert any property of the council to your own use unless properly authorised.

2.6 ICAC Publication: No excuse for misuse, preventing the misuse of council resources

- 2.6.1 This policy takes into account the Independent Commission Against Corruption (ICAC) publication, *No excuse for misuse, preventing the misuse of council resources* (Guidelines 2) November 2002. This publication is available on the ICAC website at www.icac.nsw.gov.au

3. DEFINITIONS

Act means the *Local Government Act 1993*.

Guidelines refer to the Office of Local Government Guidelines for the payment of expenses and the provision of facilities for mayors and councillors for local councils in NSW.

Policy means the Civic Expenses and Facilities Policy.

Regulation refers to the *Local Government (General) Regulation 2005*.

Remuneration Tribunal refers to the Local Government Remuneration Tribunal.

4. POLICY STATEMENT

4.1 Remuneration to Councillors and the Mayor

- 4.1.1 All Councillors (including the Mayor) will be paid an annual fee according to determinations made by the Remuneration Tribunal. Under the Act, the Tribunal's role is limited to determining the categories of councils (section 239) and determining the minimum and maximum fee range for councillors and mayors in each of those categories. ~~Councillors vote annually on what fee within this range they will pay themselves.~~

- 4.1.2 ~~The range determined for the category of Council in which Liverpool is placed (Metropolitan Centre), has the following minimum and maximum fee range as determined by the Remuneration Tribunal on 29 March 2016:~~

Councillor		Mayor*	
Minimum Annual Fee	Maximum Annual Fee	Minimum Annual Fee	Maximum Annual Fee
\$12,830	\$23,950	\$27,260	\$63,640

~~NOTE: This fee must be paid in addition to the fee paid to the Mayor as a Councillor as per section 249(2) of the Act.~~

In accordance with section 249 of the Act, the annual fee paid to the Mayor is in addition to the fee payable to the Mayor as a Councillor.

- 4.1.3 As a policy objective, the annual fee paid for Councillors and the Mayor will be equivalent to the maximum fee as recommended by the Tribunal. This objective recognises that Liverpool is a rapidly growing Council, requiring enormous effort in

CIVIC EXPENSES AND FACILITIES POLICY

managing this growth while simultaneously ensuring that the existing population is supported and well served. Elected members may receive payment by direct debit upon request.

- 4.1.4 In accordance with section 254A of the Act, Council may resolve that an annual fee will not be paid to a Councillor or that the Councillor will be paid a reduced annual fee determined by the Council:

- a) For any period for which the Councillor is absent with or without prior leave from an ordinary meeting or ordinary meetings of the Council; or
- b) In any other circumstances prescribed by the regulations.

- 4.1.5 If a Councillor is absent with or without leave of Council, from ordinary meetings of Council for any period of more than three months, Council must not pay any annual fee, or part of an annual fee, to that Councillor that relates to the period of absence that is in excess of three months.

4.2 Dispute resolution

- 4.2.1 Any disputes that arise in relation to this policy will be resolved as follows:

- a) With the Councillor and the CEO; if unresolved;
- b) With the Mayor, if unresolved;
- c) The Full Council will be asked to review the dispute.

4.3 General allowance

- 4.3.1 It is not appropriate or lawful for Council to pay general allowances unrelated to actual expenses incurred and which are designed to supplement Councillors' annual fees (DLG Guidelines 2009 page 6). All expenses provided under this policy will be for a purpose specific to the functions of holding civic office.

4.4 Support to Mayor

- 4.4.1 Council is recognised as the third regional city after Sydney and Parramatta. It is experiencing rapid growth and development and is being serviced by a full-time Mayor. In the light of these circumstances, Council will provide the Mayor with a range of support and resources so the Office of the Mayor can function properly and the Mayor can adequately represent the City at policy, civic and ceremonial levels. In addition to payment of the Mayoral allowance, the following facilities are additional to those outlined elsewhere in this policy and provided to Councillors.

- 4.4.2 Council will provide to the Mayor at its cost:

- a) A dedicated vehicle of a type deemed suitable to the position of Mayor of Liverpool which will be equivalent to the range of vehicles to which Council directors are entitled under Council's Fleet Management Policy:
 - i. The vehicle provided for the Mayor is for use on official duties and functions of the Office of Mayor and for private use in accordance with Council's Fleet Management Policy;
 - ii. Council shall meet the fortnightly cost of cleaning (wash and vacuum) the Mayoral vehicle;
 - iii. Council shall supply and meet the usage costs associated with an electronic tag in the Mayoral vehicle;

CIVIC EXPENSES AND FACILITIES POLICY

- b) An allotted parking space at 33 Moore Street Liverpool;
- c) A fully furnished Mayoral office;
- d) Dedicated personal assistant;
- e) Ceremonial clothing including Mayoral robes and chains of office to be worn at civic and ceremonial functions;
- f) Secretarial, research and public relations services relating to the discharge of his/her civic functions, including use of official stationery and postage of official correspondence;
- g) Administrative assistance associated with civic functions, meetings and the like;
- h) Office refreshments;
- i) Meals or refreshments in conjunction with Council related business;
- j) A credit card to facilitate payment of incidental expenses such as attendance at functions, parking and entertainment in conjunction with the discharging of the functions of the Mayoral office:
 - i. The credit card will have limit of \$5,000;
 - ii. The account is to be in the name of Liverpool City Council;
 - iii. The credit card is not to be used for personal expenses; and
 - iv. The account is to be reconciled with receipts on a monthly basis.
- k) Personal computer, facsimile and photocopying machine at Mayoral Office;
- l) An appropriate mobile phone including usage costs;
- m) Where required to attend civic functions (e.g. Business Awards, Mayoral Ball), as civic leader of the City, no charge to be incurred for attendance;
- n) The use of the Council crest on Mayoral stationery, or other formats of communication such as email, website etc.;

4.5 Support to Councillors

4.5.1 In addition to the payment of an annual fee, Council will provide Councillors with a range of support and benefits which allow Councillors to discharge their public duty. The Councillors, including the Deputy Mayor, are entitled to receive the following benefits:

- a) Use of the Councillors' Room, telephone and limited hospitality facilities;
- b) Meals or refreshments in conjunction with Council meetings, briefings sessions, committee meetings and planning and training sessions and non-alcoholic refreshments in the Councillors' Room;
- c) Secretarial services subject to specific approval of the CEO;
- d) An allowance of \$6,000 per Councillor per calendar year for mailing and stationery to assist Councillors in performing their duties as per section 232 (2) of the *Local Government Act*. These duties include organisation of community meetings and responding to inquiries. (This allowance is reduced to \$50 per month per Councillor for April-September prior to an election.);
- e) Meeting room facilities at 33 Moore Street Liverpool when meeting regarding Council business. The meeting room is to be booked through the CEO;
- f) When deputising for the Mayor (at his or her request), transport to official functions (if needed), together with the cost of attendance at such functions, where a fee is payable;
- g) When required to attend functions as part of civic duties (e.g. Business Awards), the cost of attendance to be borne by Council. (Note this does not apply to attendance at the Mayoral Ball or other similar functions of a charitable nature.);

CIVIC EXPENSES AND FACILITIES POLICY

- h) Supply of name badges, business cards, diaries, memo books, compendium and official ties or scarves; and
- i) Car parking provision for Councillors at 33 Moore Street Liverpool when performing their duties as a Councillor.

4.6 Access to information technology

4.6.1 Council will provide all elected members with the necessary corporate software enabling access to key systems and communication networks. Council will set aside an amount for each elected member, as required, towards the purchase of "hardware" such as personal computers, printers or equivalent, needed in accessing computer systems and networks. A technical standard will be specified for the hardware and the turnover of the hardware. Councillors may choose to obtain equipment of a higher cost at their expense as long as the hardware standard is observed.

4.6.2 Hardware

The options available to Councillors in respect of hardware are as follows:

- a) An Ipad Pro, Microsoft Surface or Laptop with wireless and mobile internet connection be provided;
- b) A combined printer/ copier/ scanner/ facsimile machine be provided in Councillors' homes, fully maintained and owned by Council. The specification for such equipment will be determined by Council's Information Technology Team in consultation with Councillors based on likely business use requirements;
- c) Council will reimburse the cost of associated consumables such as toner, ink cartridges for a Councillor's private computer, if used in the performance of their civic duties, up to \$500 per annum. The appropriate claim form with receipts will need to be completed and submitted for reimbursement to occur;
- d) At the end of the four year term, the equipment may be acquired by the Councillor at the current market value taking account of depreciation and the condition of the equipment. This value will be assessed by Council staff and advised to the Councillor.

4.6.2 Software

All Councillors will be provided with standard software including MS Office.

4.6.3 Support

- a) Councillors will be provided with training as required.
- b) Council will also provide support services to assist Councillors in resolving operational problems. All support services provided to Councillors will relate only to Council related business and applications. Support will be provided during the Information Technology Team's normal support hours (currently 8.30am to 5.00pm weekdays). Support requests can be logged by calling the Information Technology Help Desk on 9821 9505 or by emailing helpdesk@liverpool.nsw.gov.au.
- c) In the event of hardware failure, equipment owned by Council will need to be returned to Council to enable a warranty call to be placed with the manufacturer. Turnaround time will vary depending upon the equipment involved and the availability of parts.

4.6.3 Consumables

Council will meet the cost of consumables for Council owned equipment and paper for Councillor owned equipment used for undertaking civic duties.

CIVIC EXPENSES AND FACILITIES POLICY

4.7 Telephone expenses

4.7.1 Councillors are required to use their own mobile phones and telephone lines for Council business. In recognition of this situation, Council will contribute towards each Councillor's telephone costs as follows:

a) Mobile phones and home telephone/ fax

Upon presentation of a copy of a Councillor's mobile phone and/ or home telephone/ fax bill, Council will reimburse the cost of mobile phone and telephone/ fax calls up to a total maximum of \$110 per month. Reimbursement must be claimed within six months of the date of payment.

b) Additional phone lines

The cost of installation and rental for any additional phone lines required by Councillors for connection to fax machines or modems will not be reimbursed by Council.

4.7.2 As an alternative to clause 4.7.1(a) above, Councillors will have an option to be provided with a mobile phone with email capability by Council with calls limited to a maximum of \$75 per month subject to a statement of claim or statutory declaration supplied within three months of payment.

4.8 Attendance at conferences, seminars and courses

4.8.1 Conferences, seminars and courses are an important means of learning and maintaining knowledge, as well as contributing to public policy development. Councillors may attend those conferences, seminars and courses listed below if there is a resolution of Council to do so, if Councillors are nominated by Council to attend and if there is a nominated budget. Councillors may attend training courses and seminars related to their duties as a Councillor at their own discretion provided that the cost can be met within Council's budget allocation and attendance at the course or seminar is organised through Council's CEO.

4.8.2 Conference Attendance

The conferences, seminars and workshops to which this policy applies and which require a resolution of Council to attend are the:

- a) Local Government Association Annual Conference;
- b) Australian Local Government Women's Association Annual Conference and Australian Local Government Women's Association meetings for the one year term;
- c) Special "one-off" conferences called by the Local Government Association on important issues or of an educational nature;
- d) Annual conferences and congresses of the major industry associations and professions in local government (such as LGMA or UDIA and subject to suitable agenda);
- e) Conferences and/ or annual general meetings of organisations for which Council has appointed delegates.

4.8.3 Registration

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

CIVIC EXPENSES AND FACILITIES POLICY

4.8.4 Expenses Incurred

Payment or reimbursement of expenses incurred or to be incurred shall be subject to the requirements that:

- a) Only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses;
- b) Out-of-pocket expenses for which amounts are claimed relate only to the verified costs of meals, travel, registration fees, accommodation, stationery and the like;
- c) Any time occupied on other than Council business is not included in the calculation of expenses to be paid; and
- d) The claim is made not later than three months after the expenses were incurred, and upon a voucher form for payment.

4.8.5 Payment in advance

- a) Council will normally pay registration fees, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent will be paid to the attendee in advance.
- b) Councillors may request payment in advance, up to a maximum of \$100 per day, in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advanced payment for the cost of any other service or facility covered by this policy. However, Councillors must fully reconcile all expenses against the costs of the advance when they return within ten days of the close of the conference, seminar or training etc. and repay any unexpended amount.

4.8.6 Categories of payment or reimbursement

Subject to nomination in accordance with the provisions of this clause, the categories of payment or reimbursement are as follows:

- a) **Accommodation**
Reasonable accommodation costs (including meals), including the night before and/or after the conference where this is necessary, will be met by the Council.
- b) **Out-of-pocket expenses**
Reasonable out-of-pocket expenses will be provided or reimbursed for costs associated with attending the conference, seminar, meeting or function including entertainment but excluding expenses of a normal private nature.
- c) **Spouse/Partner**
Where the attendee is accompanied by his or her spouse/partner, the attendee will be required to pay for any cost supplement involved in the accommodation (room only). All other costs for the spouse/partner (including travel and meals) are to be borne by the attendee.

4.9 Travel expenses

4.9.1 All reasonable travel costs will be met by the Council where the expenses incurred are of the following nature:

- a) Attendance at conferences, seminars and workshops as specified in clause 6(a) of this policy;
- b) Council business such as Council, committee and other meetings where the Councillor is representing Council;
- c) Authorised business, meetings and functions approved by the Mayor where the Councillor is representing the Council and/or the Mayor.

CIVIC EXPENSES AND FACILITIES POLICY

4.9.2 ~~Where appropriate, travel will be provided by air (economy class).~~

~~Subject to the approvals required for travel, as set out in clause 4.10 of this policy, economy class travel should be used for all travel within Australia and overseas by the Mayor and Councillors. However, official travel by the Mayor to Western Australia, the Northern Territory or overseas is permissible by premium economy or business class air travel.~~

~~Air travel within NSW must be approved by the CEO.~~

~~For flights within Australia, the lowest logical fare of the day must be used for all domestic flights. This is the cheapest fare available that meets the traveller's logistical needs.~~

4.9.3 Travel by motor vehicle may be undertaken by Council vehicle (where available), by private vehicle or by taxi. Persons using private vehicles will be paid the mileage allowance at the then current rate set by the appropriate Local Government State Award, but subject to any such payment not exceeding economy class air fares to and from the particular destination.

4.9.4 Costs to elected members of vehicle hire and/or taxi fares which are reasonably incurred in the performance of their duties will be met by the Council. Cabcharge vouchers will be made available when required. Provision of a wide variety of transport modes is in keeping with access and equity policies.

4.9.5 Any travel incurred, other than approved Council business, will not be included in the calculation of expenses to be paid.

4.9.6 The driver is personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.

4.10 Special requirements for interstate and overseas travel**4.10.1 Interstate travel**

Any interstate travel is to be approved by the CEO. This includes the reasonable costs of travel and accommodation to attend interstate Australian Local Government Women's Association meetings for the one year term. The application for approval should include full details of the travel, including itinerary, costs and reasons for the travel.

4.10.2 Overseas travel

Councillors should avoid international visits, unless direct and tangible benefits can be established for the Council and the local community.

4.10.3 Overseas travel must be approved by a meeting of the full Council prior to a Councillor undertaking a trip. Travel must be approved on an individual trip basis. Council will not allow the retrospective reimbursement of overseas travel expenses, unless prior authorisation of the travel has been obtained. Travel proposals shall be included in the Council business papers.

4.10.4 After returning from overseas, Councillors must provide a detailed written account to Council on the aspects of the trip relevant to Council business and/or the local community.

4.10.5 Details of overseas travel must also be included in the Council's Annual Report.

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4.11 Sister City relationships

- 4.11.1 The Council has a policy of sending a delegation to its Sister Cities every two years. Council will be represented at such visits by the Mayor (or Mayor's nominee), CEO (or CEO's nominee) and two other delegates as determined by the Council. Council will meet all reasonable costs associated with delegations to and from Sister Cities. Other Councillors may join official delegations (with Mayor's approval) but must meet all their own costs except accommodation or other expenses agreed to by the host Sister City.

4.12 Insurance expenses and obligations

- 4.12.1 Councillors are to receive the benefit of insurance cover for:

- a) Personal injury
Personal injury whilst ever on Council-endorsed business covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death total disability and temporary partial disability. The cover does not include medical expenses. Full details of Council's personal accident insurance are set out in Council's Insurance Policy.
- b) Professional indemnity
For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, provided the performance or exercise of the relevant civic duty or function is in the opinion of Council, bona fide and/or proper. This provision is subject to any limitations or conditions as set out in the Council's policy of insurance.
- c) Public liability
For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, within Australia, subject to any limitations or conditions as set out in the Council's policy of insurance.
- d) Councillors' and Council officers' insurance
Insurance will be provided, subject to the terms, conditions and exclusions of the policy of insurance, to cover defence costs relating to common law claims not otherwise insured and those relating to any other actual or alleged breach of trust, breach of duty, breach of contract, neglect, error, misstatement, misleading statement, omission or other act done or wrongfully attempted, provided that it is not a criminal act or a deliberately malicious act.

- 4.12.2 In the event that a Councillor commences any legal defence or incurs legal fees before any claim under this insurance policy is lodged with the insurer, any subsequent claim for reimbursement will be rejected.

- 4.12.3 It is the responsibility of each Councillor to notify the Council or the Insurer of any circumstances that may give rise to a claim under this policy as soon as the Councillor becomes aware of any such circumstances. Circumstances that may give rise to a claim are considered to be any knowledge or intimation or any method of communication either within or outside of Council business that indicates that action may be taken against a Councillor, as a result of their conduct in the capacity as a Councillor.

4.13 Legal expenses and obligations

- 4.13.1 In the event of an enquiry, investigation or hearing into the conduct of a Councillor by:

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- a) The Independent Commission Against Corruption;
- b) The NSW Ombudsman;
- c) The Office of Local Government;
- d) The Police;
- e) The Director of Public Prosecutions;
- f) The Local Government Pecuniary Interest Tribunal; and
- g) Other legally constituted investigatory bodies having proper jurisdiction;

Or

In the event of legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council by resolution shall determine whether or not it will reimburse such Councillor, prior to the commencement of the enquiry, investigation, hearing or proceeding, for legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/ client basis provided that:

- a) The amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and
- b) The Councillor's performance or exercise of the civic duty or function was in the opinion of Council bona fide and/or proper; and
- c) The amount of such reimbursement be limited to the extent that only fees charged at a rate equivalent to the hourly rate then being charged by Council's solicitors will be paid, i.e. any portion of the expenses representing any hourly charge rate higher than the hourly charge rate of Council's solicitors will not be reimbursed;
- d) Any payment for reimbursement of any legal expenses properly incurred is subject to the approval of the Council prior to payment;
- e) The Council may at its discretion, set a limit to the total amount of reimbursement it is prepared to approve in respect of any enquiry, investigation, hearing or proceedings being taken against a Councillor(s);
- f) The Councillor had promptly notified the Council or Council's Insurer as required by any relevant Council Insurance Policy and that the Councillor adheres to the Insurer's requirements where applicable.

4.14 Carer and related expenses

- 4.14.1 Council endeavours to encourage and facilitate community involvement for persons nominating or holding the position of civic office. Accordingly, this policy allows for fair and reasonable reimbursement of carers' expenses in relation to attendance at Council and committee meetings, and other official civic functions. This applies to Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member. Childcare expenses may be claimed for children up until and including the age of 16 years.
- 4.14.2 Councillors who require access to childcare in order to attend Council meetings, events and activities will be provided with childcare through a registered and accredited child care provider, at Council's expense.
- 4.14.3 Should Councillors wish to arrange their own child care, this is permissible and reimbursement will be provided on completion of the appropriate claim form.
- 4.14.4 Councillors will need to provide suitable evidence to the CEO that reimbursement is

CIVIC EXPENSES AND FACILITIES POLICY

applicable, such as advice from a medical practitioner in the event of caring for an adult person.

- 4.14.5 Upon submission of receipts and tax invoices and completion of a formal claim (Appendix A) to the CEO within three months of the expense being incurred, reasonable reimbursement may be available.

4.15 Other matters

4.15.1 Acquisition and returning of facilities and equipment by Councillors

- a) Councillors must return all equipment and other facilities owned or leased by the Council, to the Council after the completion of their term of office, extended leave of absence or at the cessation of their civic duties.
- b) The Council will consider the sale of such items to the Councillor at the cessation of their civic duties at an agreed fair market price or written down value. The CEO is authorised to approve all such requests.

4.15.2 Reimbursement of expenses

- a) All claims for reimbursement of expenses incurred must be submitted on the expense claim form in Appendix A to this policy – this form is available on the Councillor Intranet;
- b) All claims must be signed by the Councillor and the box ticked declaring that all expenses have been incurred in the course of carrying out Councillor business;
- c) All receipts must be attached and a brief description outlining the nature of the expenditure;
- d) All claims must be made within three months of the expenditure occurring.

4.16 Expenses and facilities for Councillors with disabilities

- 4.16.1 In addition to the above provisions, for any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties. Following verification, claims will be authorised by the Manager Financial Services.

4.17 Voluntary contributions from the fees payable to the Mayor and Councillors to complying superannuation funds

- 4.17.1 In accordance with the Australian Taxation Office Interpretative Decision 2007/205, Council may enter into an arrangement with the Mayor or any Councillor under which the Mayor or the Councillor agrees to forego all or part of their annual fee in exchange for Council making contributions to a complying superannuation fund on their behalf.

4.18 Mobile offices

So that the Mayor and Councillors can hold "mobile offices" at locations with a frequency at their discretion, the Mayor and Councillors are to be provided with the resources necessary to assist with holding such mobile offices including but not limited to staffing, mailing and advertising of the mobile office, tables, chairs etc. funded from the Councillor Reserve up to a maximum of \$30,000 per annum.

CIVIC EXPENSES AND FACILITIES POLICY

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

This policy is effective from 23 November 2016.

DEPARTMENT RESPONSIBLE

Corporate Services (Governance, Legal Services and Procurement)

REVIEW DATE

This policy is to be reviewed at the start of each new Council term. annually

VERSIONS

VERSION	AMENDED BY	DATE	TRIM NUMBER
1	Council Resolution	21 December 1993	Not applicable
2	Council Resolution	22 April 2002	Not applicable
3	Council Resolution	10 February 2003	Not applicable
4	Council Resolution	29 November 2006	Not applicable
5	Council Resolution	1 December 2008	005329.2009
6	Council Resolution	15 June 2009	099858.2009
7	Council Resolution	30 August 2010	111683.2010
8	Council Resolution	25 July 2011	128406.2011
9	Council Resolution	19 March 2012	221600.2012
10	Council Resolution	5 November 2012	231265.2012
11	Council Resolution	19 December 2012	301088.2012
12	Council Resolution	26 June 2013	185928.2013
13	Council Resolution	28 August 2013	201146.2013
14	Council Resolution	30 October 2013	260518.2013
15	Council Resolution	20 June 2014	121688.2014
16	Council Resolution	29 July 2015	115877.2015
17	Council Resolution	26 August 2015	202387.2015
18	Council Resolution	25 November 2015	288851.2015
19	Council Resolution	25 May 2016	113481.2016
20	Council Resolution	12 October 2016	180948.2016
21	Council Resolution	23 November 2016	277426.2016

THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION WITH

Corporate Services (Financial Services)

REFERENCES

Office of Local Government:

- Guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW October 2009
- Circular 08/03 Findings from review of councillor expenses and facilities policies
- Circular 08/24 Misuse of council resources
- Circular 08/37 Council decision making prior to ordinary elections
- Circular 09/36 Release of revised councillor expenses and facilities guidelines
- Circular 10/26 Misuse of council resources
- Circular 05/08 Legal assistance for councillors and council employees

Independent Commission Against Corruption: No excuse for misuse, preventing the misuse

CIVIC EXPENSES AND FACILITIES POLICY

of council resources (Guidelines No 2) November 2009

Liverpool City Council: Agency Information Guide

Liverpool City Council: Code of Conduct

Liverpool City Council: Code of Conduct Procedures

Liverpool City Council: Fleet Management Policy

~~Local Government Remuneration Tribunal: Determination No 2 29 March 2016~~

NSW Government Finance, Services & Innovation: NSW Government Travel and Transport
Policy 28 September 2016

DRAFT



REIMBURSEMENT OF EXPENSES – COUNCILLORS/ MAYOR (Appendix A)

TRIM 115877.2015-003

Name of Claimant

.....

Details of Expense	GL Number	Date Incurred	Paid Yes / No	Receipt Attached Yes / No	Sub Amount	GST	Total Amount
Please reimburse me the total amount of \$					for the	TOTALS:	
above expenses incurred whilst carrying out Council business.							

** It is recognised that receipts may not be provided in all cases. If it can be demonstrated that expenditure was incurred and it is not general in nature, then it is acceptable for Councillors to certify that the expenditure was for the purpose intended.*

☐ I hereby certify that the expenses outlined above were incurred by me for the purpose provided whilst carrying out Council business as approved above.

Signature of Claimant:

Date:

I have approved the total amount of \$

as reimbursement of expenses for Councillor (name)

Signed:

Manager Financial Services

Date:

CIVIC EXPENSES AND FACILITIES POLICY

Appendix B



**AUTHORITY TO PAY
COUNCILLOR FEES TO COMPLYING SUPERANNUATION FUND**

I Councillor/ Mayor.....hereby request and authorise Liverpool City Council to deduct \$.....monthly from Councillor Fees due to me and pay this amount into my nominated superannuation fund, the details of which are set below. I understand that the Council:

- (a) Will promptly pay the deducted amount into my superannuation account;
- (b) Will facilitate my application for membership to a new complying superannuation fund, if so required;
- (c) Is not in a position to provide any advice on my personal tax matters and will not be responsible for any tax losses and/ or gains that I may incur as a result of exercising this option;

Name of Superannuation fund:

Membership Number: Account Number:
(If different from membership number)

Tax File Number:

Signed: Date.....

Please note:

1. Councillors seeking new membership will be required to complete application forms and provide relevant documents that may be required by their Superannuation Fund.
2. The confidential information contained in this form will be used by Council only in accordance with the provisions of Council's Privacy Management Plan.

TRIM 115877.2015-002

CFO 03

Recent amendments to the Local Government Act 1993

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Good governance
File Ref	270931.2016
Report By	David Maguire - Governance Coordinator
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

This report provides details of how the recently-enacted *Local Government Amendment (Governance and Planning) Act 2016* has made substantial changes to the *Local Government Act 1993* (the Act).

It is recommended that this report be received and noted.

RECOMMENDATION

That Council receive and note this report.

REPORT

The NSW Parliament recently passed the *Local Government Amendment (Governance and Planning) Act 2016* which made substantial changes to the *Local Government Act 1993* (the Act). Most Phase 1 amendments have now been proclaimed. Phase 1 changes focus on improving council governance and strategic planning. Phase 2 amendments will come into force in coming months. This report provides details of major changes to the Act.

Phase 1 amendments now in force and relevant to the good governance of Liverpool City Council include:

1. New purposes and principles for local government (sections 8A – 8C);
2. New roles and responsibilities for mayors (section 226), councillors (section 232) and governing bodies (section 223);
3. A deputy mayor may be elected for the mayoral term or shorter term (section 231);
4. Councillors must take an oath of office or affirmation before the first meeting after a councillor is elected (section 233A);

5. Expenses and facilities policies must be adopted by a council within 12 months of the term of a new council, instead of annually (section 252);
6. Amendments to the expenses and facilities policy are no longer required to be specifically notified to the Office of Local Government (section 253);
7. Clarification of the role of council administrators (sections 255-259);
8. Any casual vacancies occurring in the office of a councillor following the 2016 ordinary elections must be filled at a by-election held in accordance with section 291;
9. The organisational structure of a council is to be determined (under section 332) by:
 - a) The governing body of the council, in consultation with the general manager, for senior staff positions; and
 - b) The general manager, for the remaining positions in the organisation structure;
10. New functions of general managers (section 335);
11. An extension to the delegation power of a council to include the acceptance of tenders by the general manager for services, where those services are not currently provided by council staff (section 377);
12. The Auditor-General is appointed as the auditor of all councils and can have access to or require production of records of Council and Councillors (section 422-426).

The attachment to this report sets out recently-amended and new sections of the Act which may be of particular relevance to Councillors. The full version of the Act in force is available on the website of the NSW Parliamentary Counsel's Office, www.legislation.nsw.gov.au.

Phase 2 changes coming into force during the next few months include the following:

1. Regulations prescribing a model code of meeting practice for council and committee meetings and the adoption of the model code by a council (sections 360 and 362);
2. The power of the Minister to allow Councillors with pecuniary interests to participate and vote in Council meetings in limited circumstances;
3. Councils must prepare the following plans and strategies:
 - a) A community engagement strategy providing for engagement with the local community when developing plans, policies and programs and determining council's activities;
 - b) A resourcing strategy for the provision of the resources required to perform a council's functions;
 - c) A delivery program detailing the principal activities to be undertaken by the council to permit its functions within the resources available under the resourcing strategy;
 - d) An operational plan detailing the activities to be engaged in by the council during the year as part of the delivery program covering that year;
4. New regulations will provide for mandatory guidelines for integrated planning and reporting (section 406);
5. Every council must have an audit risk and improvement committee to review their operations, including compliance, risk management and implementation of the strategic plan, delivery program and strategies (section 428A);
6. The Minister is empowered to appoint a temporary adviser (section 438G) or a financial controller to a council (sections 438HB and HC);
7. The content to be included in the Model Code of Conduct has been expanded (section 440AA);
8. A defence to a finding that a person has engaged in misconduct is that a person does not breach a provision of a code of conduct that requires the disclosure of a pecuniary interest if the person did not know and could not reasonably be expected to have known that the matter under consideration at a meeting was a matter in which the person had a pecuniary interest (section 440F).

Council and members of the public will be provided with further reports on the Phase 2 changes to the Act as soon as possible after their proclamation.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Schedule of Relevant Amendments to the Local Government Act 1993 (for Councillor Use)[View](#)

SCHEDULE OF RELEVANT AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993 (for Councillor Use)

8A Guiding principles for councils

Exercise of functions generally

(1) The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services.

8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.

223 Role of governing body

- (1) The role of the governing body is as follows:
 - (a) to direct and control the affairs of the council in accordance with this Act,
 - (b) to provide effective civic leadership to the local community,
 - (c) to ensure as far as possible the financial sustainability of the council,
 - (d) to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,

- (e) to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,
 - (f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area,
 - (g) to keep under review the performance of the council, including service delivery,
 - (h) to make decisions necessary for the proper exercise of the council's regulatory functions,
 - (i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,
 - (j) to determine the senior staff positions within the organisation structure of the council,
 - (k) to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,
 - (l) to be responsible for ensuring that the council acts honestly, efficiently and appropriately.
- (2) The governing body is to consult with the general manager in directing and controlling the affairs of the council.

226 Role of mayor

The role of the mayor is as follows:

- (a) to be the leader of the council and a leader in the local community,
- (b) to advance community cohesion and promote civic awareness,
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- (e) to preside at meetings of the council,
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- (i) to promote partnerships between the council and key stakeholders,
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- (l) to carry out the civic and ceremonial functions of the mayoral office,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,
- (o) to exercise any other functions of the council that the council determines.

231 Deputy mayor

- (1) The councillors may elect a person from among their number to be the deputy mayor.
- (2) The person may be elected for the mayoral term or a shorter term.
- (3) The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.
- (4) The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.

232 The role of a councillor

- (1) The role of a councillor is as follows:
 - (a) to be an active and contributing member of the governing body,
 - (b) to make considered and well informed decisions as a member of the governing body,
 - (c) to participate in the development of the integrated planning and reporting framework,
 - (d) to represent the collective interests of residents, ratepayers and the local community,
 - (e) to facilitate communication between the local community and the governing body,
 - (f) to uphold and represent accurately the policies and decisions of the governing body,
 - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2) A councillor is accountable to the local community for the performance of the council.

233A Oath and affirmation for councillors

- (1) A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.
- (2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form:

Oath

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

Affirmation

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the

functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

- (3) A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.
- (4) Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.
- (5) Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.
- (6) The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).

234 When does a vacancy occur in a civic office?

- (1) A civic office becomes vacant if the holder:
 - (a) dies, or
 - (b) resigns the office by writing addressed to the general manager, or
 - (c) is disqualified from holding civic office, or
 - (d) is absent from 3 consecutive ordinary meetings of the council (unless the holder is absent because he or she has been suspended from office under this Act or because the council has been suspended under this Act or as a consequence of a compliance order under section 438HA) without:
 - (i) prior leave of the council, or
 - (ii) leave granted by the council at any of the meetings concerned, or
 - (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is dismissed from civic office, or
 - (g1) in the case of the office of a councillor, is elected as mayor by the electors, or
 - (h) ceases to hold the office for any other reason.

Note. See section 275 for the circumstances in which a person is disqualified from holding civic office.
- (2) For the purposes of subsection (1) (d), a councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.
- (3) If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting.

- (4) Subsection (3) does not prevent the council from granting further leave of absence in respect of any future council meeting.
- (5) The office of a mayor elected by councillors becomes vacant if the mayor ceases to hold office as a councillor.

332 Determination of structure

- (1) A council must, after consulting the general manager, determine the following:
 - (a) the senior staff positions within the organisation structure of the council,
 - (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,
 - (c) the resources to be allocated towards the employment of staff.
- (1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.
- (1B) The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.
- (2) A council may not determine a position to be a senior staff position unless:
 - (a) the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and
 - (b) the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*.
- (3) For the purposes of subsection (2) (b), the total remuneration package payable with respect to a position within a council's organisation structure includes:
 - (a) the total value of the salary component of the package, and
 - (b) the total amount payable by the council by way of the employer's contribution to any superannuation scheme to which the holder of the position may be a contributor, and
 - (c) the total value of any non-cash benefits for which the holder of the position may elect under the package, and
 - (d) the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits.

335 Functions of general manager

The general manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,

- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

377 General power of the council to delegate *(added functions)*

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
 - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,

- (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council

CFO 04

Minor Amendments to the Code of Meeting Practice

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Good Governance
File Ref	276473.2016
Report By	David Maguire - Governance Coordinator
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

At its meeting on 12 October 2016, clause 6 of the adopted Council Resolution in regard to NOM 01 (No "Ice" Room) required that a report be brought back to Council to amend the Code of Meeting Practice (the Code) so that all Councillor initiated Notice of Motions are to be dealt with in future as the final item of business on the Council meeting agenda.

In addition, Council adopted its Aboriginal Cultural Protocols (the Protocols) at its meeting on 31 August 2016. It is considered that, in accordance with the Protocols, an Acknowledgement of Country could be introduced in conjunction with the Prayer for Council, in the Order of Business at Council meetings.

It is considered that the proposed amendments to the Code are not substantial and do require public exhibition. Accordingly, it is recommended that this report be received and noted and that the proposed minor amendments to the Order of Business in the Code be adopted by Council.

RECOMMENDATION

That Council:

1. Receive and note this report;
2. Adopt the minor amendments to clause 20 of the Code of Meeting Practice, as attached to this report.

REPORT

At its meeting on 12 October 2016, clause 6 of the adopted Council Resolution for NOM 01 (No "Ice" Room) stated:

“That a report be brought back to Council seeking an amendment to its Code of Meeting Practice that all Councillors initiated Notices of Motion are henceforward to be dealt with as the final item of business on the meeting agenda.”

Amendments to the Code are dealt with in sections 360-364 of the *Local Government Act 1993* (the Act). Section 363 of the Act requires that the Code be amended as prescribed by section 363 of the Act. Normally, amendments to the Code require public exhibition. However, section 363(2) of the Act states:

“If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.”

Clause 20 of the Code has been amended to reflect the Council resolution of 12 October 2016.

It should be noted that clause 239(2) of the *Local Government (General) Regulation 2005* permits a council to alter its order of business if a motion to that effect is passed, even if the motion is moved without notice.

Council adopted its Aboriginal Cultural Protocols at its meeting on 31 August 2016. The Protocols state at page 10:

“An ‘Acknowledgement of Country’ is where other people acknowledge and show respect for the traditional custodians of the land on which an event is taking place. It is sign of respect. Council encourages the practice of Acknowledgement of Country at events including conferences, seminars, workshops, formal meetings and gatherings, including team meetings, forums, community and civic events.”

In line with the practice of most other councils within Metropolitan Sydney, it is considered that an Acknowledgment of Country could be introduced into the Order of Business and delivered in conjunction with the Prayer for Council. (It should be noted that an Acknowledgement of Country is different from a Welcome to Country which is a formal welcome onto Aboriginal Land given by an elder or person of that land.)

With the preceding paragraphs of this report in mind, it is considered that the proposed amendments to clause 20 of the attached draft Code are *“not substantial”*, that they do not require public exhibition and that they can be adopted by Council with immediate effect.

For the information of Council, further changes to the Act, which will come into force in the near future, will require all councils to adopt the provisions of a Model Code of Meeting Practice. A report will be prepared for Council on this matter, as soon as further information is available from the Office of Local Government.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
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Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Draft Code of Meeting Practice (with minor amendments)[View](#) (Under separate cover)

CFO 05

Review of Delegations

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Good Governance
File Ref	280122.2016
Report By	David Maguire - Governance Coordinator
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

Section 380 of the *Local Government Act 1993* (the Act) requires that a council review all of its delegations during the first 12 months of each term of office.

Section 377 of the Act provides that a council may, by resolution, delegate to its general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than those listed in section 377(2) of the Act.

Section 380 of the Act allows a general manager to sub-delegate any function delegated to the general manager to any person or body, including an employee of the council.

Council's Chief Executive Officer (the CEO) exercises the functions, role and delegations of "*general manager*" under the Act.

This report deals with recommended delegations to the CEO by Council.

It is recommended that Council adopt this report, as set out in the specific clauses of the recommendation below.

RECOMMENDATION

That Council:

1. Receive and note this report;
2. Note that the Chief Executive Officer exercises the functions, role and delegations of "*general manager*" under the *Local Government Act 1993*;
3. Delegate to the Chief Executive Officer the delegations set out in the Delegations to the Chief Executive Officer in Attachment 1 to this report;

4. Authorise the Mayor to sign the Instrument of Delegation to the Chief Executive Officer.
5. Confirm Council's delegations for any functions or powers conferred or imposed on Council by or under any legislation in accordance with section 22 of the *Local Government Act 1993*.

REPORT

Section 380 of the Act requires that a council review all of its delegations during the first 12 months of each term of office.

Section 377 of the Act provides that a council may, by resolution, delegate to its general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than those listed in section 377(2) of the Act.

Council's CEO exercises the functions, role and delegations of "*general manager*" under the Act. An Acting CEO has the same functions, role and delegations of a CEO.

Recent amendments to the Act which came into force on 26 September 2016 amended council functions which can be delegated to the general manager (CEO). In particular, section 377(1)(i) now permits a council to delegate all tenders to the CEO except "*tenders to provide services currently provided by members of staff of the council*".

Section 55 of the Act requires Council to call for tenders in certain circumstances, including a contract involving an estimated expenditure or receipt of an amount of or above \$150,000. If Council calls for tenders, then one practical effect of the new section 377(1)(i) of the Act is that the current Instrument of Delegation to the CEO now enables the CEO to accept tenders for an unlimited value, except for tenders to provide services currently provided by members of Council staff. It is considered that an unlimited delegation for the CEO to accept tenders may not represent best governance practice. For this reason, it is recommended that Council limit the delegation to the CEO to accept tenders to a value of less than \$5 million. This proposed limitation is based on the fact that a contract for a sum of \$5 million or more constitutes a class 3 contract for the purpose of the contract register, a publicly available document published on Council's website in accordance with Division 5 of the *Government Information (Public Access) Act 2009*. This limitation is included in the draft Instrument of Delegation. (This limitation has also been extended to authorising expenditure and/ or payments of an amount of \$5 million or more without a Council resolution.)

Further, it should be noted that Council has received legal advice to the effect that, if Council calls for tenders and if the contract relates to services currently provided by members of Council staff, even if the contract sum may be less than \$150,000 (which is not uncommon) then it is the Council itself which must accept the tenders, for example, for IT services, town planning advice, routine maintenance and repair work and so on. Each matter will need to be considered by reference to its own facts and circumstances.

A new section 377(1A) of the Act also permits a council to delegate functions relating to the granting of financial assistance in certain limited circumstances. It is recommended that this particular delegation be included in the Instrument of Delegation to the CEO.

Relevant sections of the Act pertaining to delegation of functions, organisation structure and functions of the CEO are set out in Attachment 2 to this report.

The Instrument of Delegation to the Chief Executive Officer was last amended by Council on 28 October 2015, when IHAP delegations were amended. Changes to that current Instrument are highlighted in red type font in the attached draft Instrument of Delegation. It should be noted that clauses 3.1 – 3.6 basically deal with matters that cannot be delegated by Council to the CEO because of legislative requirements or previous decisions of Council.

There is no requirement for the Council seal to be affixed to the Instrument of Delegation to the CEO. Council can authorise the Mayor to sign this Instrument.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Provide information about Council's services, roles and decision making processes. Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Draft Instrument of Delegation to the CEO by Council [View](#)
2. Relevant sections of the Local Government Act 1993 [View](#)

**INSTRUMENT OF DELEGATION BY LIVERPOOL CITY COUNCIL
TO THE CHIEF EXECUTIVE OFFICER IN ACCORDANCE
WITH THE RESOLUTION OF LIVERPOOL CITY COUNCIL
ON 23 NOVEMBER 2016**
TRIM281942.2016

1. INTERPRETATION OF DELEGATIONS

- A. This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred upon Liverpool City Council (the Council) under the *Local Government Act 1993*.
- B. References to the Chief Executive Officer are references to the general manager appointed by Council under the *Local Government Act 1993*.
- C. References to the decisions of the Council are references to decisions made by the Council from time to time.
- D. References to policies of the Council are references to policies adopted by the Council from time to time.

2. DELEGATIONS

Liverpool City Council:

- 2.1 Recognises that certain functions are conferred upon the Chief Executive Officer by the *Local Government Act 1993*; and
- 2.2 Delegates to the person holding the position of Chief Executive Officer its functions under the *Local Government Act 1993* and any other legislation conferring functions upon the Council.

3. EXCEPTIONS:

3.1 POWERS OTHERWISE DEALT WITH:

- 3.1.1 The functions which are required by or under the *Local Government Act 1993* or by or under any other Act or instrument to be performed by the governing body of the Council;
- 3.1.2 The functions and authorities delegated to the Mayor, as the Council may determine from time to time or as may be functions of the Mayor under the *Local Government Act 1993* or the *Local Government (General) Regulation 2005*;
- 3.1.3 Matters delegated by the Council to Council committees which have been established under clause 260 of the *Local Government (Regulation) 2005*;

3.2 POLICY AND PROCEDURE

- 3.2.1 The power to make or to amend Council policies which have been approved

by a decision of the Council, except as required by legislation or by organisational changes involving members of Council staff;

- 3.2.2 The release for public exhibition and comment of any plan or policy, which is required by legislation to be exhibited;
- 3.2.3 The power to approve all mass communications on behalf of the Council (newsletters, columns, media releases) without the approval of the Mayor before their release;
- 3.2.4 The exercise of authorities and functions in a manner not consistent with the policies and decisions of the Council;

3.3 FINANCIAL MATTERS

- 3.3.1 Authorising the expenditure of funds and/ or the payment of good and services by the Council for an amount of \$5 million or more;
- 3.3.2 Approving expenditure which would impact unfavourably on the net operating result approved by the Council in the adopted Operational Plan;
- 3.3.3 ~~The determination of applications for donations to charities, cultural and other organisations except in accordance with a resolution of the Council or a policy approved by the Council;~~

The granting of financial assistance by the Council unless:

- a) The financial assistance is part of a specified program, and
- b) The program is included in Council's draft operational plan for the year in which the financial assistance is proposed to be given, and
- c) The program's proposed budget for that year does not exceed 5 per cent of Council's proposed income from the ordinary rates levied for that year, and
- d) The program applies uniformly to all persons within Council's area or to a significant proportion of all the persons within Council's area.

- 3.3.4 Writing off any bad debts for individual amounts above \$20,000 (including GST);
- 3.3.5 Reducing or waiving fees and charges above an individual amount above \$20,000;
- 3.3.6 Setting or altering the Schedule of Fees and Charges, except in accordance with the relevant categories as determined within the Revenue Policy of the Council's Operational Plan;
- 3.3.7 Accepting tenders by the Council for a value of \$5 million or more;
- 3.3.8 Calling or accepting tenders for services currently provided by members of Council staff;

3.4 LEGAL PROCEEDINGS

- 3.4.1 The giving of instructions in legal proceedings contrary to a resolution of the Council, except in planning or regulatory appeals after consultation with the Mayor;

3.5 CULTURAL

- 3.5.1 The development or formation of relationships with other cities, including sister city agreements;
- 3.5.2 The approval of civic and ceremonial events;
- 3.5.3 The granting of civic honours;
- 3.5.4 The approval of events sponsored by the Council, except in consultation with the Mayor and within Council's approved budget;

3.6 PLANNING AND DEVELOPMENT

- 3.6.1 The determination of an application, when the estimated cost of works exceeds the dollar value attributed to certain types of development which trigger determination by the Joint Regional Planning Panel;
- 3.6.2 The determination of a section 82A application for review of a development application, where the original application was determined by the elected Council;
- 3.6.3 The determination of any development application, if the application involves a variation greater than 10% to a development standard;
- 3.6.4 The determination of any development application, where three or more Councillors inform the Chief Executive Officer that the particular development application is to be referred to the elected Council for determination.

**RELEVANT SECTIONS OF THE LOCAL GOVERNMENT ACT 1993
PERTAINING TO DELEGATIONS AND TO THE FUNCTIONS, ROLE AND
RESPONSIBILITIES OF THE CHIEF EXECUTIVE OFFICER OF COUNCIL**
Trim 282026.2016

377 General power of the council to delegate

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
 - (a) the appointment of a general manager,
 - (b) the making of a rate,
 - (c) a determination under section 549 as to the levying of a rate,
 - (d) the making of a charge,
 - (e) the fixing of a fee,
 - (f) the borrowing of money,
 - (g) the voting of money for expenditure on its works, services or operations,
 - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
 - (i) the acceptance of tenders to provide services currently provided by members of staff of the council,
 - (j) the adoption of an operational plan under section 405,
 - (k) the adoption of a financial statement included in an annual financial report,
 - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
 - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
 - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
 - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*,
 - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,

- (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
 - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
 - (t) this power of delegation,
 - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.
- (1A) Despite subsection (1), a council may delegate its functions relating to the granting of financial assistance if:
- (a) the financial assistance is part of a specified program, and
 - (b) the program is included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant proportion of all the persons within the council's area.
- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Departmental Chief Executive except as provided by the instrument of delegation to the council.

378 Delegations by the general manager

- (1) The general manager may delegate any of the functions of the general manager, other than this power of delegation.
- (2) The general manager may sub-delegate a function delegated to the general manager by the council to any person or body (including another employee of the council).
- (3) Subsection (2) extends to a function sub-delegated to the general manager by the council under section 377 (2).

379 Delegation of regulatory functions

- (1) A regulatory function of a council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:
 - (a) a committee of the council of which all the members are councillors or of which all the members are either councillors or employees of the council, or

- (b) an employee of the council, or
 - (c) a county council.
- (2) A regulatory function of a county council under Chapter 7 must not be delegated or sub-delegated to a person or body other than:
- (a) a committee of the county council of which all the members are members of the county council or of which all the members are either members of the county council or employees of the county council, or
 - (b) an employee of the county council, or
 - (c) a council.
- (3) However, if:
- (a) a regulatory function is delegated to a county council, the function may be delegated to the general manager and by the general manager to an employee of the county council, or
 - (b) a regulatory function is delegated to a council, the function may be delegated to the general manager and by the general manager to an employee of the council.

380 Review of delegations

Each council must review all its delegations during the first 12 months of each term of office.

381 Exercise of functions conferred or imposed on council employees under other Acts

- (1) If, under any other Act, a function is conferred or imposed on an employee of a council or on the mayor or a councillor of a council, otherwise than by delegation in accordance with this section, the function is taken to be conferred or imposed on the council.
- (2) Such a function may be delegated by the council in accordance with this Part.
- (3) A person must not, under any other Act, delegate a function to:
 - the general manager, except with the approval of the council
 - an employee of the council, except with the approval of the council and the general manager.

332 Determination of structure

- (1) A council must, after consulting the general manager, determine the following:
 - (a) the senior staff positions within the organisation structure of the council,
 - (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,
 - (c) the resources to be allocated towards the employment of staff.
- (1A) The general manager must, after consulting the council, determine the positions (other than the senior staff positions) within the organisation structure of the council.
- (1B) The positions within the organisation structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council.
- (2) A council may not determine a position to be a senior staff position unless:
 - (a) the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and
 - (b) the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the *Statutory and Other Offices Remuneration Act 1975*) payable with respect to senior executives whose positions are graded Band 1 under the *Government Sector Employment Act 2013*.
- (3) For the purposes of subsection (2) (b), the total remuneration package payable with respect to a position within a council's organisation structure includes:
 - (a) the total value of the salary component of the package, and
 - (b) the total amount payable by the council by way of the employer's contribution to any superannuation scheme to which the holder of the position may be a contributor, and
 - (c) the total value of any non-cash benefits for which the holder of the position may elect under the package, and
 - (d) the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits.

334 Re-determination and review of structure

The organisation structure may be re-determined under this Part from time to time. The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council.

335 Functions of general manager

The general manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

337 Council to be consulted as to appointment and dismissal of senior staff

The general manager may appoint or dismiss senior staff only after consultation with the council.

CFO 06

**Revocation of Mayor's Policy-Making Functions
Between Council Meetings Policy**

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Good Governance
File Ref	282131.2016
Report By	David Maguire - Governance Coordinator
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

A recent amendment to section 226 (the role of the Mayor) of the *Local Government Act 1993* (the Act) states that the Mayor is “to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council”.

Given this change to the Act, it is considered that Council's Mayor's Policy-Making Functions Between Council Meetings Policy (the Policy) is now superfluous and, therefore, it should be revoked by Council. The exercise of the Mayor's policy-making functions between Council meetings is limited to “cases of necessity”. Other limitations in the current Policy are no longer valid.

Accordingly, it is recommended that this report be received and noted, that the Policy be revoked by Council and that, whenever the Mayor exercises, in cases of necessity, the policy-making functions of the governing body of Council between meetings of the Council, a report concerning details of the exercise of such functions be prepared for the next Council meeting business paper.

RECOMMENDATION

That Council:

1. Receive and note this report;
2. Revoke the Council's Mayor's Policy-Making Functions Between Council Meetings Policy, attached to this report;
3. Whenever the Mayor exercises, in cases of necessity, the policy-making functions of the governing body of Council between meetings of the Council, receive a report concerning details of the exercise of such functions for the next Council meeting.

REPORT

Council's Mayor's Policy-Making Functions Between Council Meetings Policy (the Policy) was initially adopted by Council on 19 July 2010 and last amended on 16 December 2014. The *Local Government Amendment (Governance and Planning) Act 2016* recently amended the Act. One of the amendments that was proclaimed and published in the Government Gazette of 23 September 2016 pertained to section 226 of the Act (the role of the Mayor as spokesperson of Council):

226 Role of mayor

The role of the mayor is as follows:

(d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council

The exercise of the Mayor's policy-making functions between Council meetings is limited to "cases of necessity". Other limitations in the current Policy are no longer valid. It is, therefore, no longer necessary for Council to pass a specific resolution at its December meeting regarding delegations to the Mayor and the CEO during the period between the last meeting of Council for the calendar year and the first meeting of Council for the subsequent year.

As a result of the above amendment to the Act, it is considered that the Policy is now superfluous and, therefore, it should be revoked by Council. The Mayor's policy-making functions between Council meetings have rarely been exercised since 2008. If such functions are ever exercised, it is recommended that a report providing details be provided in the business paper for the subsequent Council meeting.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Provide information about Council's services, roles and decision making processes. Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Mayor's Policy-Making Functions Between Council Meetings Policy



MAYOR'S POLICY-MAKING FUNCTIONS BETWEEN COUNCIL MEETINGS POLICY

Adopted: 16 December 2014

TRIM 260960.2014



MAYOR'S POLICY-MAKING FUNCTIONS BETWEEN COUNCIL MEETINGS POLICY**1. LEGISLATIVE REQUIREMENTS***Local Government Act 1993***2. PURPOSE/OBJECTIVES**

- 2.1 Section 226 of the *Local Government Act 1993* (the Act) provides that it is the role of the Mayor to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.
- 2.2 The Act does not define, however, what constitutes a "case of necessity" nor does it provide any guidance on what matters should be taken into account before such a determination can be made.
- 2.3 The purpose of this policy is to provide guidance to the Mayor and Councillors on what matters should be taken into account for section 226 determinations.

3. BACKGROUND

- 3.1 Where a matter is required to be determined by resolution of the Council, it will form part of the agenda for an ordinary meeting. However, in certain urgent and unforeseen circumstances, it may be impractical to delay the matter until the next scheduled ordinary meeting.
- 3.2 Section 367 of the Act provides mechanisms for the calling of extraordinary meetings. Whilst an extraordinary meeting generally requires at least three days' notice, this requirement may be dispensed with in an emergency, provided that there are appropriate arrangements in place to allow all Councillors to have access to the agenda and business papers. However, in certain extraordinary circumstances, it may not be reasonable to delay urgent decisions for the time it would take to organise an extraordinary meeting.
- 3.3 There may also be circumstances where a matter might be urgent but it is relatively routine and would not justify the resources and expense that would be incurred in arranging an extraordinary meeting.
- 3.4 Section 226 of the Act provides that it is the role of the Mayor to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council.

MAYOR'S POLICY-MAKING FUNCTIONS BETWEEN COUNCIL MEETINGS POLICY**4. POLICY STATEMENT**

- 4.1 For the purpose of applying section 226 of the Act, the following criteria must be satisfied:
- a) The matter must be of the type that is required to be determined by resolution of the Council (that is to say it cannot be determined by the Chief Executive Officer or any other Council officer under delegated authority);
 - b) In the opinion of the Mayor, the matter must be genuinely urgent and there must be reasonable grounds for a decision that it would not be possible or practical to arrange an extraordinary meeting of the Council in the circumstances or that, whilst the matter is urgent, it is not of sufficient importance to justify the resources and expenses that would be incurred in arranging an extraordinary meeting;
 - c) In the opinion of the Mayor, there are reasonable grounds for concluding that the decision is in the best interests of Council's residents and ratepayers and that it would be supported by the Council;
 - d) In any circumstance where the Mayor intends to exercise power under section 226 of the Act, the Mayor must (provided it is possible) consult the Deputy Mayor and the Chief Executive Officer must also endeavour to take all reasonable steps to consult with all other Councillors;
 - e) In any circumstance where the Mayor has exercised power under section 226 of the Act, the matter must be reported through the Mayoral minutes at the next available ordinary meeting of the Council.

MAYOR'S POLICY-MAKING FUNCTIONS BETWEEN COUNCIL MEETINGS POLICY**AUTHORISED BY**

Council

EFFECTIVE FROM

16 December 2014

REVIEW DATE

16 December 2016

DEPARTMENT RESPONSIBLE

Corporate Services

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Original adoption	None	19 July 2010	111081.2010
2	Council	Minor changes	5 November 2012	231131.2012
3	Council	Minor changes	16 December 2014	260960.2014

CFO 07

Annual Code of Conduct Complaints Report

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Good Governance
File Ref	284258.2016
Report By	David Maguire - Governance Coordinator
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

Council adopted its current Code of Conduct and Code of Conduct Procedures on 29 July 2015. Under Part 12 of the Procedures, the Complaints Coordinator must report on a range of Code complaints statistics to Council and the Office of Local Government (the OLG) within the three months of the end of September each year. The OLG publishes details of complaints statistics provided by all councils in NSW in an annual report.

Seven Code of Conduct complaints relating to Councillors and the CEO were received by Council, assessed and finalised during the 12 months prior to 30 September 2016.

One complaint received prior to 30 September 2015 was assessed, determined and finalised by a conduct reviewer during the current reporting period.

It is recommended that Council receive and note this report and the attached Code of Conduct Complaints Statistics Report prepared for the OLG.

RECOMMENDATION

That Council receive and note this report and the attached Complaints Statistics Report, prepared for submission to the Office of Local Government.

REPORT

Council adopted its current Code and Procedures, based on the Model Code and Procedures, on 29 July 2015. Clause 12 of the Procedures states:

12.1 The Complaints Coordinator must arrange for the following statistics to be reported to Council within three months of the end of September of each year.

- a) *The total number of Code of Conduct complaints made about Councillors and the CEO under the code of conduct in the year to September;*
- b) *The number of Code of Conduct complaints referred to a conduct reviewer;*
- c) *The number of Code of Conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints;*
- d) *The number of Code of Conduct complaints investigated by a conduct reviewer;*
- e) *The number of Code of Conduct complaints investigated by a conduct review committee;*
- f) *Without identifying particular matters the outcome of Code of Conduct complaints investigated by a conduct reviewer or conduct review committee under these Procedures;*
- g) *The number of matters reviewed by the OLG and, without identifying particular matters, the outcome of the reviews; and*
- h) *The total cost of dealing with Code of Conduct complaints made about Councillors and the CEO in the year to September, including staff costs.*

12.2 The Council is to provide the OLG with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

Council received seven Code of Conduct complaints against Councillors and the CEO during the past 12 months. Six complaints were referred by the Complaints Coordinator (Council's Governance Coordinator) to conduct reviewers who determined, at the preliminary assessment stage, that no further action should be taken in regard to four of these complaints.

Two complaints were assessed and then investigated by conduct reviewers. One complaint was resolved by a determination by the conduct reviewer for counselling and training to be provided for the Councillor complained against. The other complaint was investigated by the conduct reviewer who determined, given the particular circumstances of the matter, not to continue the investigation.

The remaining complaint was resolved by the Acting CEO through alternative means under clause 5.18 of the Procedures.

Another Code of Conduct complaint received before 30 September 2015 was finalised during the current reporting period. As a result of that assessment, it was determined that no further action should be taken.

The total cost to Council in dealing with all complaints during the reporting period (1 October 2015 – 30 September 2016) was \$28,294 of which an amount of \$18,194 was paid by Council for fees due to conduct reviewers and an amount of \$10,100 represented the cost to Council in terms of staff time involved in dealing with these complaints.

The attached Code of Conduct Complaints Statistics Report, prepared for the OLG, provides a summary of complaints. It should be noted that, apart from this report to Council and the attached Complaints Statistics Report for the OLG, part 13 of the Procedures requires that information about Code of Conduct complaints and their investigation and management is not to be publicly disclosed.

It is recommended that Council receive and note this report and the attached Complaints Statistics Report prepared for submission to the OLG.

CONSIDERATIONS

Economic and Financial	Cost to Council of dealing with complaints
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Provide information about Council's services, roles and decision making processes. Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Code of Conduct Complaints Statistics Report 2016 [View](#)

Model Code of Conduct Complaints Statistics Liverpool City Council		
Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	7
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	7
Overview of Complaints and Cost		
2	a The number of complaints finalised at the outset by alternative means by the GM or Mayor	1
	b The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c The number of code of conduct complaints referred to a conduct reviewer	6
	d The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	4
	e The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f The number of finalised code of conduct complaints investigated by a conduct reviewer	2
	g The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h The number of finalised complaints investigated where there was found to be no breach	0
	i The number of finalised complaints investigated where there was found to be a breach	2
	j The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	k The number of complaints being investigated that are not yet finalised	0
	l The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	28,294

Preliminary Assessment Statistics

3 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:

a To take no action

3

b To resolve the complaint by alternative and appropriate strategies

1

c To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies

0

d To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police

0

e To investigate the matter

2

f To recommend that the complaints coordinator convene a conduct review committee to investigate the matter

0

Investigation Statistics

4 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:

a That the council revise its policies or procedures

0

b That a person or persons undertake training or other education

0

5 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:

a That the council revise any of its policies or procedures

1

b That the subject person undertake any training or other education relevant to the conduct giving rise to the breach

1

c That the subject person be counselled for their conduct

1

d That the subject person apologise to any person or organisation affected by the breach

0

e That findings of inappropriate conduct be made public

0

f In the case of a breach by the GM, that action be taken under the GM's contract for the breach

0

g In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993

0

h In the case of a breach by a councillor, that the matter be referred to the Office for further action

0

6 Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures

0

Categories of misconduct

7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a General conduct (Part 3)

1

b Conflict of interest (Part 4)

0

c Personal benefit (Part 5)

0

d Relationship between council officials (Part 6)

0

e Access to information and resources (Part 7)

0

Outcome of determinations

8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation

0

9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office

0

CFO 08

Councillor Briefings

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Good Governance
File Ref	284546.2016
Report By	David Maguire - Governance Coordinator
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

Council's Councillor Briefing Guidelines are now overdue for review.

Given the recent Council elections, it may be appropriate for the new Council to review whether or not to continue the practice of Councillor Briefings and, if the Council decides to continue them, in what format they should take place.

Council may wish to consider this report in conjunction with the report regarding the proposed charter for the new Strategic Review Panel.

RECOMMENDATION

That Council:

1. Receive and note this report.
2. Decide whether or not to continue Councillor Briefings in their current format.

REPORT

Council originally adopted its Councillor Briefing Guidelines (the Guidelines) on 27 March 2013 and amended them on 27 August 2014. The Guidelines are now overdue for review.

The Guidelines state that Councillor Briefings are to be held prior to an ordinary meeting of Council. Currently, these Briefing sessions are held on a week night on the week preceding the particular Council meeting.

However, it may now be opportune for the newly-elected Council to review whether or not to continue the practice of Councillor Briefings and, if the Council decides to continue them, in what format they should take place and if any changes should be made to the Guidelines.

If the Briefings are to be retained, it is recommended that they be renamed as the Councillor Briefing Procedure. In this regard, “*guideline*” means “*a general rule or piece of advice*” whereas “*procedure*” means “*an established or official way or doing something*” (Concise Oxford English Dictionary, 11th edition revised, Oxford University Press 2008).

Council may wish to consider this report in conjunction with the report regarding the proposed charter for the new Strategic Review Panel.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct. There are no civic leadership and governance considerations.

ATTACHMENTS

1. Councillor Briefing Guidelines 2014 [View](#)



COUNCILLOR BRIEFINGS: GUIDELINES

Adopted: 27 August 2014

TRIM: 187677.2014



COUNCILLOR BRIEFINGS: GUIDELINES

1. NAME

Councillor Briefings Guidelines

2. INTERPRETATION

2.1 For the purpose of these Guidelines:

- a) "Council" means the Liverpool City Council.
- b) "Briefing" means a meeting at which information is presented and discussed but no formal decision is made. The Briefing is not a forum for debate on Council reports nor is it a council committee, and policy decisions are left to the open forum of a formal Council meeting or committee meeting where delegated authority has been provided.

3. PURPOSE

- 3.1 The Councillor Briefings provide a forum to assist the Mayor and Councillors to develop their knowledge and expertise in order to undertake their role as a public official and member of a governing body.

4. FUNCTIONS

- 4.1 Councillor Briefings provide support to the Mayor and Councillors to:
 - a) Receive information and develop a thorough understanding of matters affecting the Liverpool Local Government Area;
 - b) Seek advice and conduct in-depth discussion with professional staff on Council business papers and other priority matters;
 - c) Obtain information and assessments from professional staff in their area of expertise to inform decisions.

5. DELEGATIONS

- 5.1 There is no delegated authority from Council related to the Councillor Briefings except that the Mayor has delegated authority:
 - a) To invite certain guests to Councillor Briefings to make presentations that the Mayor deems to be in the best interest of Council; and

COUNCILLOR BRIEFINGS: GUIDELINES

b) To call and schedule Councillor Briefings.

- 5.2 Councillor Briefings provide an opportunity for conducting in-depth discussions with professional staff on certain topics. Formal decisions are not made at Briefings but these sessions provide the time needed to explore important and complex issues in detail.
- 5.3 Councillor Briefings will not be used for detailed or advanced discussions where agreement is reached and/or a de facto decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council meeting or committee meeting, where delegated authority has been provided.

6. MEMBERSHIP

- 6.1 The Councillor Briefings will be attended by:
- The Mayor and Deputy Mayor
 - Councillors
 - Chief Executive Officer (CEO)
 - Directors, only if required to make a presentation to Councillors.
- 6.2 Managers may be invited to present at Councillor Briefings, where specialised professional expertise and information is required and they will participate for the duration of their presentation.
- 6.3 From time to time, external presenters may be invited to attend the Councillor Briefings in regard to specific topics of importance.
- 6.4 Where Managers or external presenters are invited to attend the Councillor Briefings, the agenda item will be brought forward.
- 6.5 All invitations to attend Councillor Briefings must be requested through the CEO for inclusion in the appropriate agenda.

7. CHAIRPERSON

- 7.1 The CEO, or a delegated Director in the absence of the CEO, will be responsible for convening and chairing the Councillor Briefings.
- 7.2 The role of the Chairperson is to prepare the agenda, to facilitate the effective functioning of the Councillor Briefing and to ensure Councillor requests are recorded and actioned.

COUNCILLOR BRIEFINGS: GUIDELINES

- 7.3 The agenda for a Councillor Briefing will be forwarded to Councillors electronically and hard copies will be available at the meeting.

8. PARTICIPATION AND QUORUM

- 8.1 A register of attendance at Councillor Briefings is kept to support transparent and accountable processes.
- 8.2 The Mayor and Councillors should notify the delegated Council officer of their planned absence from a Briefing.
- 8.3 Three Councillors are required for a Council Briefing to go ahead.
- 8.4 In certain circumstances, Councillors may participate via electronic means such as SKYPE provided they have prior approval from the CEO and have signed the appropriate confidentiality agreements. In accordance with Clause 7.9 of Council's Code of Conduct, all Councillors have an obligation to *"maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible."* This includes information disclosed in Councillor Briefings.

9. GENERAL PUBLIC

- 9.1 The Councillor Briefings will not be open to members of the general public.
- 9.2 Representatives of organisations or the general community may be invited to address the Briefings on matters on the agenda. All invitations to attend Councillor Briefings must be requested through the CEO for inclusion in the appropriate agenda.

10. TIMETABLE FOR MEETINGS

10. Councillor Briefings will be scheduled prior to each Council meeting. The business papers for the Council meeting will be provided at or prior to the Councillor Briefing except under extraordinary circumstances.
- 10.2 A Councillor Briefing will be limited to a maximum of three hours' duration unless the Councillors in attendance determine, by a majority vote, to extend the length of the Briefing to an agreed time.
- 10.3 Additional Briefings on specific topics may be called by the CEO (or delegate). Councillor Briefings can only be held if five working days' notice has been given to all members, or in the case of urgent matters, with 24 hours' notice.

COUNCILLOR BRIEFINGS: GUIDELINES

- 10.4 The location, date and starting time for meetings will be advised on the agenda.

11. MEETING PRACTICE AND PROCEDURES

- 11.1 The provisions of Council's adopted Code of Conduct shall apply to Councillor Briefings.
- 11.2 The Councillor Briefings will take place in accordance with any other relevant Council policies and procedures.
- 11.3 Actions arising from the meeting will be recorded with a response provided to Councillors within 10 working days. Where the action relates to the business of an upcoming Council meeting, this will be provided prior to the commencement of the Council meeting.
- 11.4 Presentations and information distributed at a Councillor Briefing will be made available on the Councillor Intranet.

12. THE USE OF TELECONFERENCING AT COUNCILLOR BRIEFING SESSIONS

- 12.1 It is recognised that information and technology is in a constant state of change that reshapes the way we interact, communicate and deliver services, however, this needs to be balanced with the need to maintain human relationships through physical proximity and preserving the confidentiality and integrity of the information being exchanged.
- 12.2 The *Local Government Act 1993* and associated Regulation do not provide guidance on remote participation via electronic mediums such as Skype in Councillor Briefings. This document has been developed to provide guidance and establish protocols for those instances when Councillors cannot be physically present.

13. TELECONFERENCING AND THE CODE OF CONDUCT

- 13.1 Councillors and members of Council staff are reminded of their obligations under the Code of Conduct with regard to Council information either written or provided via discussions at Councillor Briefings, in particular Clauses 7.8, 7.9, 7.10 and 7.11 which read as follows:

Use of certain council information

- 7.8 *In regard to information obtained in your capacity as a council official, you must:*

COUNCILLOR BRIEFINGS: GUIDELINES

- a) *Only access council information needed for council business*
- b) *Not use that council information for private purposes*
- c) *Not seek to obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council*
- d) *Only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.*

Use and security of confidential information

7.9 *You must maintain integrity and security of confidential documents or information in your possession, or for which you are responsible.*

7.10 *In addition to your general obligations relating to the use of council information, you must:*

- a) *Protect confidential information*
- b) *Only release confidential information if you have authority to do so*
- c) *Only use confidential information for the purpose it is intended to be used*
- d) *Not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or any other person*
- e) *Not use confidential information with the intention to cause harm or detriment to your council or any other person or body*
- f) *Not disclose any information discussed during a confidential session of a council meeting.*

Personal information

7.11 *When dealing with personal information you must comply with:*

- a) *The Privacy and Personal Information Protection Act 1998*
- b) *The Health Records and Privacy Information Act 2002*
- c) *The Information Protection Principles and Health Privacy Principles*
- d) *Council's Privacy Management Plan*
- e) *The Privacy Code of Practice for Local Government*

13.2 Under what circumstance can a Councillor participate remotely?

Physical presence at the Councillor Briefing is the preferred method, however, in extenuating circumstances such as illness, out of area, attending a conference or other business related matters, or other extenuating personal circumstance, as approved by the Chief Executive Officer (CEO), a Councillor can participate in the Briefing remotely.

COUNCILLOR BRIEFINGS: GUIDELINES**13.3 How does a Councillor make a request?**

To participate by electronic means, Councillors must make a submission to the CEO in writing, by 10 am on the day of the scheduled Briefing outlining circumstances preventing their physical attendance at the Briefing.

13.4 Confidentiality Agreement

If approval is granted for a Councillor to participate remotely they will be required to sign a confidentiality agreement (Annexure "A"), which will apply for their term on Council to:

- a) Ensure the integrity and security of information discussed;
- b) Attest to the fact that there are no other persons present and listening to the discussion;
- c) Confirm that they will not be using any recording mechanisms.

13.5 How often can a Councillor participate remotely?

As physical attendance is the preferred method of participation and in order to maintain human relationships through physical proximity, Councillors will only be authorised to participate remotely up to three times per annum.

13.6 What technology can be used?

In the request to participate remotely Councillors must identify the program they will be using to ensure that it can be accommodated and so that Council's Information Technology staff can appraise it for security and effectiveness.

13.7 Notification on the intention to allow remote access for other Councillors

When approval is given by the CEO to allow remote access by any Councillor, the CEO will advise the Mayor and all other Councillors of his decision in writing by 10 am on the day of the Briefing where such approval has been given. This notification is required at every circumstance when such approval is given.

14. REVIEW

- 14.1 The Councillor Briefings Guidelines will be reviewed as a minimum at the commencement of each term of Council, and at other times as required.

COUNCILLOR BRIEFINGS: GUIDELINES**AUTHORISED BY**

Council Resolution 27 August 2014

EFFECTIVE FROM

27 August 2014

DEPARTMENT RESPONSIBLE

Corporate Services

REVIEW DATE

September 2016

VERSION

Version	Amended by	Date	TRIM Number
1	Council Resolution (first adopted)	27 March 2013	061996.2013
2	Council Resolution	27 August 2014	187677.2014

COUNCILLOR BRIEFINGS: GUIDELINES**Annexure "A"****LIVERPOOL CITY COUNCIL****Confidentiality Agreement**

made on(date)

by:(" recipient ")

in favour of : Liverpool City Council, 33 Moore Street, Liverpool, NSW 2170.

For the purpose of this Agreement:**"Council"** means the Liverpool City Council.

"Councillor Briefing" means a meeting at which information is presented and discussed but no formal decision is made. The Briefing is not a forum for debate on Council reports nor is it a Council committee, and policy decisions are left to the open forum of a formal Council meeting or committee meeting where delegated authority has been provided.

"confidential information" means confidential, technical, commercial or information of Council (whether oral, written or pictorial) of, or relating directly to, the Council but does not include information which:

- (i) Was in the public domain, or in the recipient's possession prior to the date of this agreement;
- (ii) Comes into the public domain after the date of this agreement;
- (iii) Is supplied to the recipient by another party who is under no obligation of confidence to the Council.

Background

The Councillor Briefings provide a forum to assist the Mayor and Councillors to develop their knowledge and expertise in order to undertake their role as a public official and member of a governing body. Formal decisions are not made at Briefings but these sessions provide the time needed to explore important, complex and often confidential issues in detail.

In certain circumstances, Councillors may participate in Briefings via electronic means such as SKYPE provided they have prior approval from the CEO and have signed this confidentiality agreement. In accordance with Clause 7.9 of Council's Code of Conduct, all Councillors have an obligation to "maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible. This includes information disclosed in Briefings.

COUNCILLOR BRIEFINGS: GUIDELINES

Acknowledgements, warranties and covenants

1. The recipient acknowledges and agrees that:
 - (a) Confidential information is of a secret and confidential nature;
 - (b) It is a requirement of the recipient's role in relation to Council business that strict confidentiality as described below is maintained at all times; and
 - (c) Improper use or disclosure of any confidential information may be detrimental to Council in connection with the performance of its functions, and may cause harm to Council.
2. The recipient undertakes to treat and keep the confidential information in the strictest of secrecy and confidentiality and not disclose the confidential information except as expressly authorised and permitted to do so under paragraph 5 below.
3. Further, the recipient undertakes not to disclose to any person that the confidential information has been made available to the recipient and undertakes:
 - (a) To protect and safeguard confidential information against unauthorised publication or disclosure; and
 - (b) Not to use, copy or reproduce confidential information for any reason or purpose as directed by Council or in the discharge of the recipient's duties in connection with Council business; and
 - (c) Safeguard the physical security and storage of confidential information and comply with any specific security and storage measures in connection with confidential information that may be required by Council.

Authorised disclosure

4. The recipient may disclose confidential information:
 - (a) If a duly authorised representative of Council approves in writing the disclosure of confidential information in accordance with the terms of that approval;
 - (b) If required under a binding order of a government agency or any legal proceeding;
 - (c) If required under any law or any administrative guideline, directive, request or policy having the force of law; and

COUNCILLOR BRIEFINGS: GUIDELINES

- (d) To employees, consultants and other advisers of Council who have executed undertakings in favour of Council substantially the same as this one.

Return of Confidential Information

5. If Council requests it, the recipient must:

- (a) Promptly return to Council all documents and other physical records of confidential information in the recipient's possession, custody, power or control except where the recipient is required by law to retain them or such documents or records are required to be retained in accordance with any administrative guideline, directive, request or policy by which the recipient is bound; and
- (b) Provide a statutory declaration to Council confirming that all those records have been returned.

Non-waiver

6. The failure of Council to enforce any of the provisions of this Agreement, or the granting at any time of any other indulgence, is not to be construed as a waiver of that provision or of the right of Council to enforce that or any other provision at a later date.

Continuing obligations

7. Each obligation of the recipient under this Agreement is a continuing, perpetual obligation and survives any expiry, performance or termination of this Agreement.

Governing law

8. This Agreement is governed by and subject to the laws of New South Wales.

Signed by the recipient:

.....

in the presence of:

.....

Witness

.....

Name (printed)

CFO 09

**Council Meeting Dates - January to December
2017**

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	NA
File Ref	288761.2016
Report By	George Georgakis - Manager Council and Executive Services
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

The purpose of this report is to confirm the Council meeting schedule for 2017. It is proposed that Council meetings for the 2017 calendar year continue to be held monthly commencing at 6.00pm and be scheduled for the last Wednesday of each month, with exception where required.

It is recommended that Council adopt the proposed meeting dates for 2017 as contained in this report.

RECOMMENDATION

That Council:

1. Confirms the Council meeting time as 6.00pm and Council meeting dates for the 2017 calendar year as follows:
 - 1 February 2017
 - 22 February 2017
 - 29 March 2017
 - 26 April 2017
 - 31 May 2017
 - 28 June 2017
 - 26 July 2017

- 30 August 2017
 - 27 September 2017
 - 25 October 2017
 - 22 November 2017
 - 13 December 2017
2. Places appropriate notices in the local newspapers advising the community of the dates and commencing times of Council meetings for the 2017 calendar year.

REPORT

Section 365 of the *Local Government Act 1993* stipulates that councils must meet at least 10 times per year. Section 366 of the Act makes provision for additional meetings to be called if necessary.

To assist in meeting statutory requirements and provide reporting consistency, it is proposed that the Council meetings for the 2017 calendar year remain on a monthly cycle, commencing at 6.00pm. The meetings are proposed to fall on the last Wednesday of each month with the exception of January, November and December. A meeting early in February 2017 is recommended to be held to deal with business accumulated during the January break. The November meeting is recommended to be held on the fourth Wednesday of November to allow for more even spacing of meetings at the end of the year. The December meeting is recommended to be held on the second Wednesday in the month, to allow time for resolutions to be actioned before the Christmas break.

Additional meetings can be called at any time if necessary, subject to appropriate notice provisions. These could cater for extraordinary matters that arise from time to time or to prevent agenda items becoming too voluminous.

It is therefore recommended that Council adopts the meeting dates for the 2017 calendar year as outlined in Table 1.

Table 1 – Proposed Council meeting dates 2017

Meeting date	Comments
1 February 2017	First meeting after January break to deal with accumulated business.
22 February 2017	Last Wednesday of the month.
29 March 2017	Last Wednesday of the month.

26 April 2017	Last Wednesday of the month.
31 May 2017	Last Wednesday of the month.
28 June 2017	Last Wednesday of the month.
26 July 2017	Last Wednesday of the month.
30 August 2017	Last Wednesday of the month.
27 September 2017	Last Wednesday of the month.
25 October 2017	Last Wednesday of the month.
22 November 2017	Fourth Wednesday of the month.
13 December 2017	Second Wednesday of the month.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	<p>Facilitate the development of community leaders.</p> <p>Encourage the community to engage in Council initiatives and actions.</p> <p>Provide information about Council's services, roles and decision making processes.</p> <p>Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.</p>

ATTACHMENTS

Nil

CFO 10

Draft Budget Review Panel Charter

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Long-Term Financial Plan
File Ref	292583.2016
Report By	Gary Grantham - Chief Financial Officer / Director Corporate Services
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

Council, at its meeting on Wednesday 12 October, 2016 (CFO 02) resolved that the Budget and Finance Committee will cease to exist and a Budget Review Panel be created. In addition, it was also resolved that Council;

“Charters to emulate the operations of the Strategic Panel, Budget Review Panel and Precinct Committees be created. The Charters of the Panels to include a clause to enable community members to be invited when appropriate who have an interest in the subject matter”.

This report seeks that Council receive and note this report, and approve and adopt the attached Draft Budget Review Panel Charter.

RECOMMENDATION

That Council:

1. Receive and note this report;
2. Approve and adopt the Budget Review Panel Charter.

REPORT

The Draft Budget Review Panel Charter is included at **Attachment 1** for review and approval by the Council.

CONSIDERATIONS

Economic and Financial	The purpose of this panel will be to review the budget in order for Council to ensure budget is accountable and transparent.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. Draft Budget Review Panel Charter



BUDGET REVIEW PANEL CHARTER

Draft

Adopted: 23 November 2016

TRIM: 288187.2016



BUDGET REVIEW PANEL CHARTER

1. NAME

Budget Review Panel Charter

2. INTERPRETATION

2.1 For the purpose of this charter:

- a) "Act" means the *Local Government Act 1993*;
- b) "CEO" means Council's Chief Executive Officer;
- c) "Code" means Code of Meeting Practice;
- d) "Panel" means Budget Review Panel;
- e) "Council" means the Liverpool City Council;
- f) "Member" means a member of the Panel;
- g) "Observer" means the person attends the meeting but has no voting rights.

3. STATUS OF PANEL

3.1 The Panel is an advisory body tasked with providing advice and recommendations to Council.

4. PURPOSE

4.1 This Panel has been established:

- a) To primarily coordinate the strategic financial planning of Council; and
- b) To develop the long term financial plan and operational budgets to support the delivery of infrastructure and services to the community.

5. FUNCTIONS

5.1 The functions of the Panel are to:

- a) Review and draft the annual budget before submitting to Council;
- b) Receive all applications for funding from staff, Councillors, and community members and make recommendations to Council for funding either through the annual budget or at any normal council meeting;
- c) Develop strategies to address Council's infrastructure backlog;
- d) Review the development of financial plans of Council in line with strategic directions;
- e) Assess and review alternate funding sources and opportunities;
- f) Review Council's performance against the approved annual budget;
- g) Endorse the Quarterly Financial Update;

BUDGET REVIEW PANEL CHARTER

- h) Support Council to optimise resources and address financial sustainability in the short, medium and long term.

6. OUTCOMES

- 6.1 The Panel aims to assist Council in achieving an integrated approach to:

- a) Strategic Planning;
- b) Financial Management;
- c) Budget Preparation.

7. PANEL DELEGATIONS

- 7.1 The Panel has no delegation of authority to make decisions in its own right.
- 7.2 The Panel is able to investigate any activity that is within this charter and is able to seek any Council information from any employee of the Council (except those matters which are protected from disclosure under the *Public Interest Disclosures Act 1993*), within the scope of its responsibilities.
- 7.3 The Panel is able to seek independent professional advice.

8. MEMBERSHIP

- 8.1 **Councillor representation:**

The Mayor and all Councillors to be members and the Panel.

- 8.2 **Council staff representation:**

The CEO (or delegate) will be a member of the Panel and shall assign relevant executive and other staff to this Panel in an observer capacity.

- 8.3 **Support staff**

Administrative support is provided for the preparation of the agenda, recording of the minutes and distribution of the agenda and business papers.

- 8.4 **Chairperson and Deputy Chairperson**

- 8.4.1 The Mayor or Delegate is to be the Chair of the Panel.

- 8.4.2 The role of the Chairperson is to preside at meetings of the panel. In the absence of the Chairperson, the delegated Chairperson shall preside at the meeting.

BUDGET REVIEW PANEL CHARTER

8.4.3 If the Chairperson or the delegated Chairperson is not present at the time designated for the commencement of a meeting, the first business of the meeting must be the election of an acting chairperson to preside at the meeting.

8.4.4 The election of a Chairperson, delegated Chairperson or Acting Chairperson must be conducted:

- a) By the CEO or, in his or her absence, an employee of Council designated by the CEO to conduct such an election; or
- b) If neither of them is present at the meeting – by the person who called the meeting or a person acting on his or her behalf.

8.5 Other Office Bearers

There are no other office bearers on this Panel. Reports for each meeting will be required.

9. TERM OF OFFICE

9.1 All Councillors will be members of the Panel during their term of office as Councillors.

10. QUORUM AND RECOMMENDATIONS

10.1 The quorum for a meeting of the Panel will be six Councillors.

10.2 Observers or visitors at the meeting do not form part of the quorum.

10.3 In the absence of a quorum 15 minutes after the advertised start of the meeting, the Panel members present may discuss the agenda items although any recommendations made will not become formalised until they have been ratified at the next Panel meeting with a quorum present.

10.4 Wherever possible, recommendations of the Panel will be made on the basis of consensus, that is, when all members present agree. At the discretion of the Chairperson, a vote may be called to resolve a matter. This may occur when consensus cannot be reached or in relation to a matter that is more significant in nature. In such cases, the matter will be resolved by a simple majority of those at the meeting, provided that there is a quorum present. In the event of a tied vote, the Chairperson will exercise the deciding vote.

10.5 Panel recommendations are not binding on Council. To obtain Council endorsement, a Panel recommendation must be reported to the Council for its decision.

BUDGET REVIEW PANEL CHARTER

- 10.6 A Panel member should notify the Panel Chairperson of their planned absence from a meeting

11. MEETINGS AND MEMBERS OF THE PUBLIC

- 11.1 Meetings of the Panel are normally not open to members of the public because meetings may involve information that would, if disclosed
- a) Confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
 - b) Reveal commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of Council.
- 11.2 Representatives of organisations or the general community may be invited by the Chairperson to address the Panel on matters on the agenda.
- 11.3 Relevant experts, stakeholders and community members may be invited to participate in the Panel from time to time, as determined by the Panel.

12. TIMETABLE FOR MEETINGS

- 12.1 The Panel shall meet on a three monthly basis. Dates of meetings will be determined annually by the Panel and referred back to Council.
- 12.2 A meeting will be limited to a maximum of two hours' duration, unless the Panel resolves to extend the length of the meeting to a particular time for the completion of business.
- 12.3 Extraordinary meetings may be called by the Chairperson of the Panel in consultation with the CEO (or delegate).
- 12.4 The location, date and starting time for meetings will be advised on the agenda.
- 12.5 Panel meetings can only be held if five ordinary days' notice has been given to all members and Councillors.

13. MEETING PRACTICE AND PROCEDURES

- 13.1 Unless otherwise specified in this charter, Panel meetings must be conducted in accordance with Council's Code of Meeting Practice.

BUDGET REVIEW PANEL CHARTER

- 13.2 The Panel must observe the provisions of any other relevant Council policies and procedures.
- 13.3 Minutes of meetings must be kept in accordance with the procedures set out in Council's Code of Meeting Practice.
- 13.4 The minutes of each Panel meeting will be submitted to the next available meeting of Council.

14. INSURANCE COVER

- 14.1 Panel members are covered by Council's personal accident insurance only for attendance at meetings and other activities formally endorsed by the Panel.

15. OBSERVING THE CODE OF CONDUCT AND RELEVANT COUNCIL POLICIES

- 15.1 All members of the Panel are required to observe the provisions of Council's Code of Conduct and any other relevant Council policy applicable to the proper functioning of the Panel.
- 15.2 Should a member of the Panel breach Council's Code of Conduct or any other relevant Council policy, the matter will be referred to the CEO to be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.
- 15.3 If a Panel member has a pecuniary interest in any matter with which the Panel is concerned, and is present at a meeting of the Panel at which the matter is being considered, they must disclose the interest to the meeting and must not be present during any discussion or decision making relating to that matter. Leaving the room is necessary because to remain in the presence of the meeting but refrain from voting is taken to be a vote against the motion.
- 15.4 A member of the Panel who has a non-pecuniary conflict of interest in any matter with which the Panel is concerned and is present at a meeting of the Panel at which the matter is being considered must disclose the interest to the meeting as soon as practicable. If a member of the Panel has declared a non-pecuniary conflict of interest, there exists a range of options for managing the conflict of interest. The option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with.
- 15.5 A Panel member will deal with a non-pecuniary conflict of interest in at least one of these ways:
 - a) Where the potential for conflict is deemed minimal, take no action. However, the Councillor or Panel member should consider providing an explanation as to why it is considered that only a minimal or non-existent conflict exists.

BUDGET REVIEW PANEL CHARTER

- b) Where the potential for conflict is more significant, take no part in the matter by leaving the room in which the meeting is taking place and take no part in any debate or vote on the issue, as if the provisions in section 451(2) of the Act applied.

- 15.6 Panel members declaring a conflict of interest, whether pecuniary or non-pecuniary, should complete a Declaration of Interest Form (Councillor) which is to be signed by the CEO and retained by Council in accordance with Council's Code of Conduct and its Ethical Governance: Conflicts of Interest Policy.

16. CONFIDENTIALITY AND MANAGING PRIVACY

- 16.1 Panel members, through their involvement on the Panel, may come in contact with confidential or personal information retained by Council. Panel members are required to maintain confidentiality and security in relation to any such information and not access, use or remove that information, unless authorised to do so.
- 16.2 The *Privacy and Personal Information Protection Act 1998* and Council's Privacy Policy deal with the collection, holding, use, correction, disclosure and transfer of personal information.
- 16.3 Should a Panel member become aware of any breach of security, or misuse of Council's confidential or personal information, they should inform the CEO immediately.

17. DISCIPLINARY ACTION

- 17.1 Should a member of the Panel breach Council's Code of Conduct, the matter will be referred to Council's CEO and will be dealt with in accordance with Council's Code of Conduct and Code of Conduct Procedures.

18. MEDIA PROTOCOL

- 18.1 The Mayor is the only person permitted to speak to the media on behalf of the Panel.
- 18.2 No other member of the Panel is permitted to speak to the media in his or her capacity as a Panel member.

19. REVIEW OF THE PANEL AND THIS CHARTER

- 18.1 Council will review the work of the Panel and this charter every two years.

BUDGET REVIEW PANEL CHARTER

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

23 November 2016

DEPARTMENT RESPONSIBLE

Corporate Services (Financial Services)

REVIEW DATE

23 November 2018

VERSION

Version	Amended by	Date	TRIM Number
1	Adopted by Council	23 November 2016	288187.2016

REFERENCES

Liverpool City Council: Code of Conduct

Liverpool City Council: Code of Conduct Procedures

Liverpool City Council: Code of Meeting Practice

Liverpool City Council: Councillor Access to Information and Interaction with Staff Policy

Liverpool City Council: Ethical Governance: Conflicts of Interest Policy

Liverpool City Council: Privacy Policy

Liverpool City Council: Procurement Manual and Procedures

Liverpool City Council: Procurement Policy

CFO 11

Annual Financial Reports 2015/16

Strategic Direction	Leading Proactive Council Provide business excellence and financial sustainability to deliver services that meet community expectations
Key Policy	Long-Term Financial Plan
File Ref	294312.2016
Report By	Vishwa Nadan - Manager Financial Services
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

The Council at its extraordinary meeting on 26 October 2016 authorised the issue of 2015/16 audited financial statements.

The financial statements together with the audit certificate were lodged with the Office of Local Government (in accordance with Section 417 of the Local Government Act 1993), and placed on public exhibition inviting public submissions.

Submissions closed on 9th November 2016 and Council did not receive any public submission on the matter.

RECOMMENDATION

That Council receives and adopts this report.

REPORT

The Council at its extraordinary meeting on 26 October 2016 authorised the issue of 2015/16 audited financial statements.

The financial statements together with the audit certificate were lodged with the Office of Local Government in accordance with Section 417 of the Local Government Act 1993.

The audited financial statements were placed on public exhibition. Section 420 of the Act permits members of the public to make submissions. The Act further requires Council to refer all submissions to its Auditor and take action as may be appropriate which includes notice to the Office of Local Government to amend the financial statements.

Submissions closed on 9th November 2016 and Council did not receive any submissions on the matter.

CONSIDERATIONS

Economic and Financial	The audited financial results for the year ended 30 June 2016 are contained and presented within the report.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Audited Financial Statements 2015/16 [View](#) (Under separate cover)

CFO 12

Investment Report September 2016

Strategic Direction	Leading Proactive Council Provide business excellence and financial sustainability to deliver services that meet community expectations
Key Policy	Long-Term Financial Plan
File Ref	295489.2016
Report By	Christian Hope - Senior Financial Accountant
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

This report details Council's Investment portfolio.

At 30th September 2016, Council held investments with a market value of \$176.6million. The portfolio yield for the last twelve months was 3.22 per cent exceeding the benchmark of 2.19 per cent by 103 basis points for the same period.

For the three months ended September 2016, returns on investment was \$274k higher than budget and is projected to come on budget at year end.

Council's investments and reporting obligations fully comply with the requirements of Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation.

RECOMMENDATION

That Council receives and notes this report

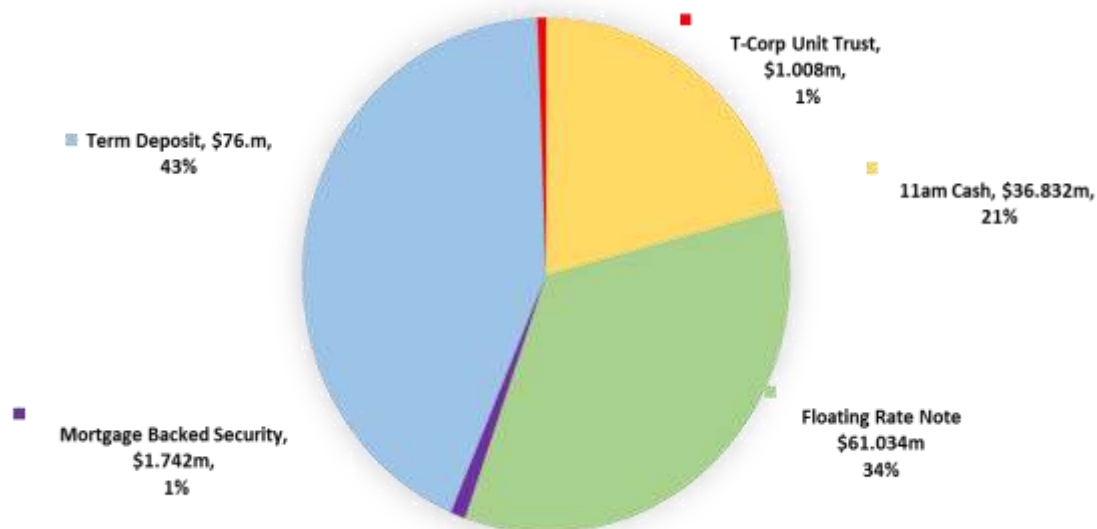
REPORT

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the Local Government Act 1993.

Council's Portfolio

At 30th September 2016, Council held investments with a market value of \$176.6 million. Council's investment register detailing all its investments is provided as an attachment to this report.

In summary, Council's portfolio consisted of investments in:



As at end of September 2016, the ratio of market value compared to face value of various debt securities is shown in the table below.

Asset Class	Sep-16	Jun-16
Senior Debts (FRN's & TCD's)	100.55%	100.00%
MBS (Reverse Mortgage Backed Securities)	60.94%	65.00%
T- Corp Unit Trust	100.82%	100.03%

* A TCD stands for Transferrable Certificate of Deposit; it is a security issued with the same characteristics as a Term Deposit however it can be sold back (transferred) in to the market prior to maturity. A floating TCD pays a coupon linked to a variable benchmark (90 days BBSW).

Council is fully compliant with the requirements of the Ministerial Investment Order including the grand-fathering provision in regards to its investment portfolio holdings. The grand fathering provision states that Council continues to hold to maturity, redeem or sell investments that comply with previous Ministerial Investment Orders. Any new investments must comply with the most recent Order. Council continues to closely monitor the investments in its portfolio to ensure continued compliance and minimal exposure to risk.

Portfolio Maturity Profile

The table below shows the percentage of funds invested at different durations to maturity.

Term To maturity	Total	% Holdings	Term To maturity Policy Limit
Cash & Cash at Call	36,832,056	20.85%	100%
Term Deposit < 1 Year	27,000,000	15.29%	100%
Tradeable Securities	61,033,950	34.56%	100%
Term Deposits 1 to < 3 Years	37,000,000	20.95%	60%
Term Deposits 3 to < 5 Years	12,000,000	6.79%	25%
T-Corp Unit Trust (Cash)	1,008,186	0.57%	100%
Grandfathered Securities	1,741,722	0.99%	N/A
Grand Total	176,615,914	100.00%	

Market Value by Issuer and Institution Policy limit as per Investment Policy

Issuer	Security Rating	Market Value	% Total Value	Institutional Policy Limit
AMP Bank Ltd	A+	12,379,477	7.01%	25.00%
ANZ Banking Group Ltd	AA-	703,290	0.40%	35.00%
Bananacoast Community Credit Union Ltd	Unrated	2,000,000	1.13%	5.00%
Bank of Queensland Ltd	A-	29,026,930	16.44%	25.00%
Bank of Sydney Ltd	Unrated	2,000,000	1.13%	5.00%
Bendigo & Adelaide Bank Ltd	A-	10,041,290	5.69%	25.00%
Commonwealth Bank of Australia Ltd	AA-	29,500,789	16.70%	35.00%
Credit Suisse Sydney	A	2,004,800	1.14%	25.00%
Credit Union Australia Ltd	BBB+	6,031,680	3.42%	15.00%
Emerald Reverse Mortgage Trust	A	1,741,722	0.99%	25.00%
G&C Mutual Bank Limited	BBB	1,000,000	0.57%	15.00%
Heritage Bank Ltd	BBB+	3,005,910	1.70%	15.00%
Macquarie Bank	A	5,014,100	2.84%	25.00%
Maitland Mutual Building Society Ltd	Unrated	1,000,000	0.57%	5.00%
Members Equity Bank Ltd	BBB+	1,009,240	0.57%	15.00%
MyState Bank Ltd	BBB	2,000,000	1.13%	15.00%
National Australia Bank Ltd	AA-	14,057,100	7.96%	35.00%
Newcastle Permanent Building Society Ltd	BBB+	14,020,020	7.94%	15.00%
NSW Treasury Corporation	AA	1,008,186	0.57%	35.00%
P&N Bank Ltd	BBB	11,000,000	6.23%	15.00%
Police Bank Ltd	BBB+	1,002,540	0.57%	15.00%
Police Credit Union SA	Unrated	4,000,000	2.26%	5.00%
Rabobank Australia Ltd	A+	11,000,000	6.23%	25.00%
Suncorp-Metway Ltd	A+	7,042,620	3.99%	25.00%
Teachers Mutual Bank Ltd	BBB+	2,001,060	1.13%	15.00%
Westpac Banking Corporation Ltd	AA-	3,025,160	1.71%	35.00%
Portfolio Total		176,615,914	100.00%	

Overall Portfolio Credit Framework compliance to Investment Policy

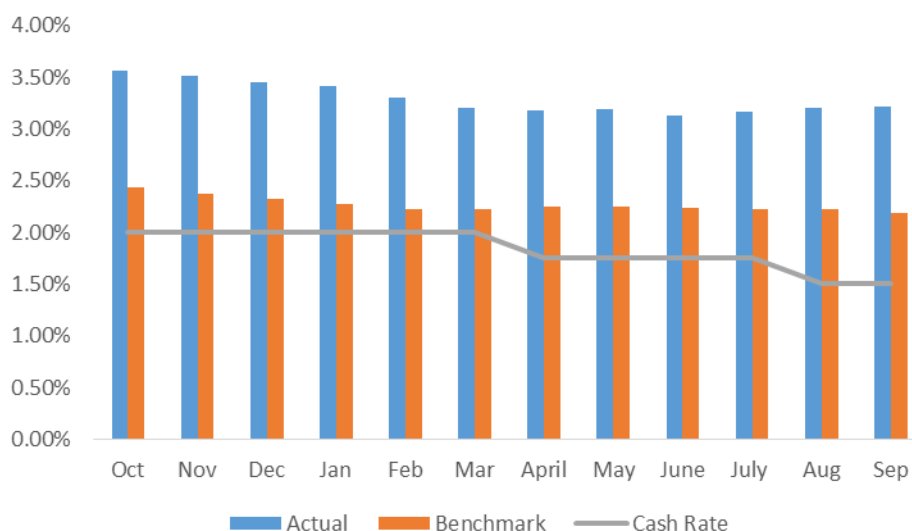
Credit Rating	Sum of Market Value	% Portfolio	Policy Limit
A Category or below	78,250,939	44.31%	60.00%
AA Category	48,294,524	27.34%	100.00%
BBB Category	41,070,450	23.25%	50.00%
Unrated	9,000,000	5.10%	25.00%
Grand Total	176,615,914	100.00%	

Portfolio Performance against Bank Bill Swap Rate (BBSW)

The 90 day BBSW is often referred to as the reference rate for market interest rates and, in particular, is used to benchmark yield on fixed Income securities.

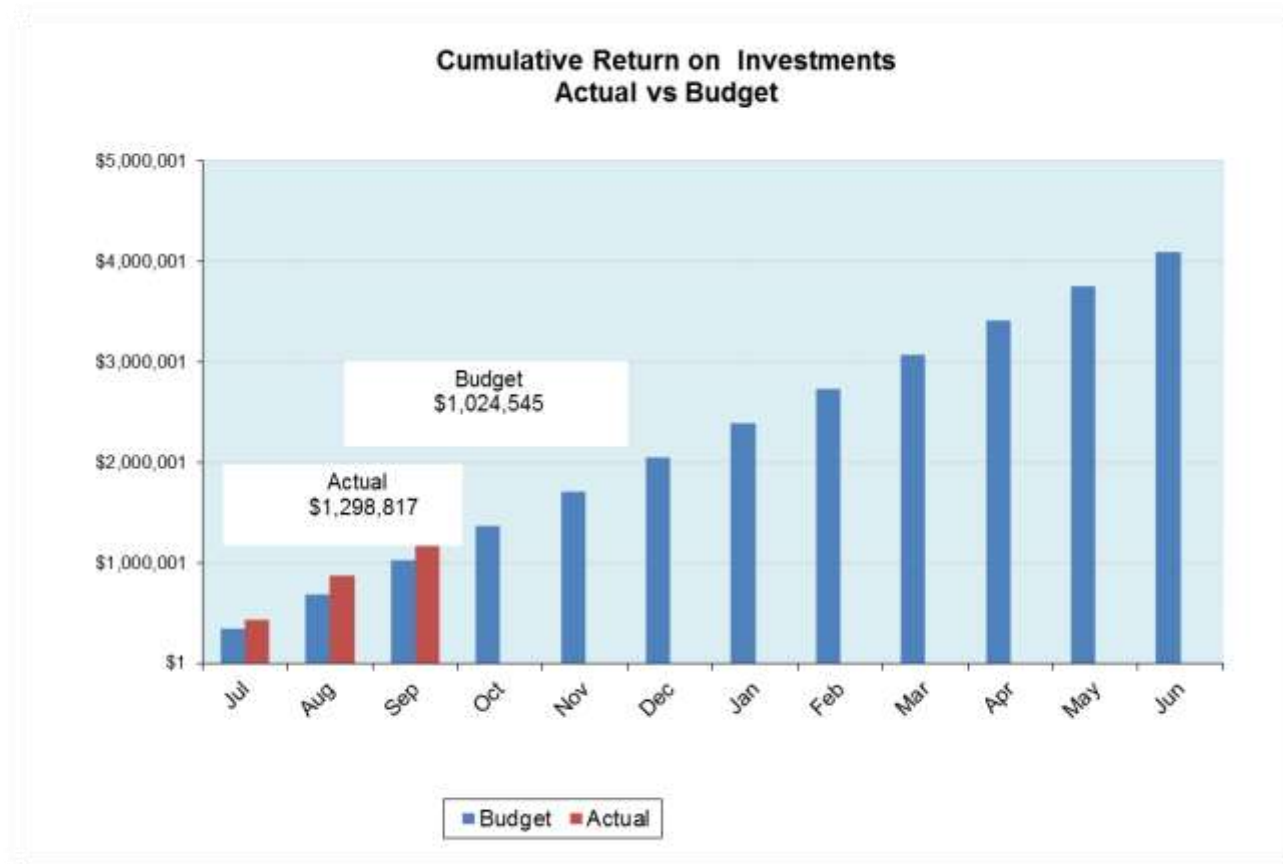
Council's investment portfolio yield as at 30th September 2016 was 3.22 per cent which exceeded the benchmark of 2.19 per cent by 103 basis points for the same period. Council continues to achieve a solid outcome despite ongoing margin contraction and significantly lower deposit yields on offer. Council's ongoing out performance has been boosted by a handful of longer term investments yielding above 4% and maturing out to 2019. Return on investments is expected to slowly decrease as old investments in Council's portfolio mature and replaced with investments yielding lower returns.

Comparative yields for the previous months are charted below:



Performance of Portfolio Returns against Budget

Council's investment income for three months to September 2016 exceeded budget by \$274k and is currently projected to perform to budget at year end.



Investment Portfolio at a Glance

Portfolio Performance vs. 90 day Bank Bill index over the 12 month period.	✓	The portfolio yield for 3 month to the end of September 2016 is 103 basis points above the benchmark for the same period (3.22% against 2.19%).
Annual Income vs. Budget	✓	Council's investment interest income exceeded budget by \$274k as at 31 st September 2016

Investment Policy Compliance

Legislative Requirements	✓	Fully Compliant.
Portfolio Credit Rating Limit	✓	Fully Compliant.
Institutional Exposure Limits	✓	Fully Compliant.
Term to Maturity Limits	✓	Fully Compliant

Economic Outlook – Reserve Bank of Australia

At its meeting on 4 October 2016 the Reserve Bank Board decided not to vary the cash rate. The current 1.5% cash rate is at a historically low level and impacts returns on investment.

Returns on Term Deposits and Floating Rate Notes have significantly dropped since the last twelve months. The average market returns on term deposits are:

- Longer term deposits (> 3years maturity) – 2.85% to 3.0% p.a
- Medium term (2 to 3 years to maturity) - 2.7% to 2.85% p.a.
- Short term deposits rate (less than one year to maturity) – ranges from 2.3% to 2.7% per annum.
- Cash & Cash At Call accounts range from 1.5% to 2.25%
- 31 Days' Notice Account 2.45%

Certificate of Responsible Accounting Officer

The Chief Financial Officer, as Responsible Accounting Officer certifies that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Councils Investment Policies at the time of their placement. The previous investments are covered by the “grandfather” clauses of the current investment guidelines issued by the Minister for Local Government.

CONSIDERATIONS

Economic and Financial	Council's investment interest income exceeded budget by \$274k as at 31 st September 2016
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Investment portfolio details as at 30 September 2016 [View](#)



Investment Portfolio - 30 September 2016

Fixed Interest Security	Security Rating	Face Value Current	Market Value	% Total Value
11am Cash				
AMP 11am Cash	S&P A1	6,126,374.70	6,126,374.70	3.47%
AMP Business Saver 11am Cash	S&P A1	4,253,102.49	4,253,102.49	2.41%
CBA General 11am Cash	S&P A1+	26,452,578.86	26,452,578.86	14.98%
		36,832,056.05	36,832,056.05	20.85%
Floating Rate Deposit				
Westpac 1.37 23 Sep 2018 1826DAY FRD	S&P AA-	1,000,000.00	1,000,000.00	0.57%
		1,000,000.00	1,000,000.00	0.57%
Floating Rate Note				
BOQ 1.07 06 Nov 2019 FRN	S&P AA-	3,000,000.00	3,009,960.00	1.70%
BOQ 1.05 12 Feb 2020 FRN	S&P A-	2,000,000.00	2,001,140.00	1.13%
BOQ 1.48 18 May 2021 FRN	S&P A-	1,000,000.00	1,015,830.00	0.58%
BENAU 1.27 14 Nov 2018 FRN	S&P A-	1,000,000.00	1,011,880.00	0.57%
BENAU 0.93 17 Sep 2019 FRN	S&P A-	2,000,000.00	1,995,740.00	1.13%
BENAU 1.1 18 Aug 2020 FRN	S&P A-	7,000,000.00	7,033,670.00	3.98%
CBA 1.15 18 Jan 2021 FRN	S&P AA-	3,000,000.00	3,048,210.00	1.73%
CredSuis 1.05 24 Aug 2018 FRN	S&P A	2,000,000.00	2,004,800.00	1.14%
CUA 1.3 20 Mar 2017 FRN	S&P BBB+	2,000,000.00	2,004,500.00	1.13%
CUA 1.2 22 Dec 2017 FRN	S&P BBB+	2,000,000.00	2,002,800.00	1.13%
CUA 1.6 01 Apr 2019 FRN	S&P BBB+	2,000,000.00	2,024,380.00	1.15%
HBS 1.15 07 May 2018 FRN	Fitch BBB+	3,000,000.00	3,005,910.00	1.70%
MACQ 1.1 03 Mar 2020 FRN	S&P A	5,000,000.00	5,014,100.00	2.84%
ME Bank 1.3 17 Apr 2018 FRN	S&P BBB+	1,000,000.00	1,009,240.00	0.57%
NAB 1.08 05 Nov 2020 FRN	S&P AA-	5,000,000.00	5,057,100.00	2.86%
NPBS 1.1 27 Feb 2018 FRN	S&P BBB+	6,000,000.00	6,010,380.00	3.40%
NPBS 1.35 07 Apr 2020 FRN	S&P BBB+	4,000,000.00	4,009,640.00	2.27%
PCU 1.1 21 Aug 2017 FRN	S&P BBB+	1,000,000.00	1,002,540.00	0.57%
SunMet 0.94 20 Aug 2019 FRN	S&P A+	2,000,000.00	2,006,740.00	1.14%
SunMet 1.38 12 Apr 2021 FRN	S&P A+	2,000,000.00	2,035,880.00	1.15%
TMB 1.05 04 Dec 2017 FRN	S&P BBB+	2,000,000.00	2,001,060.00	1.13%
Westpac 1.08 28 Oct 2020 FRN	S&P AA-	2,000,000.00	2,025,160.00	1.15%
		60,000,000.00	60,330,660.00	34.16%
Floating Rate TCD				
ANZ 0.82 17 Apr 2020 FloatTCD	S&P AA-	700,000.00	703,290.00	0.40%
		700,000.00	703,290.00	0.40%
Mortgage Backed Security				
ERM 0.45 21 Aug 2022 2006-1 A MBS	S&P AAA	1,358,325.17	1,008,311.94	0.57%
ERM 1.2 21 Aug 2027 2006-1 C MBS	S&P A	1,000,000.00	478,130.00	0.27%
ERM 0.95 21 Jul 2057 2007-1 C MBS	Fitch A	500,000.00	255,280.00	0.14%
		2,858,325.17	1,741,721.94	0.99%
Term Deposit				
AMP 3 21 Nov 2016 181DAY TD	S&P A1	2,000,000.00	2,000,000.00	1.13%
BCCU 4.2 14 Aug 2018 1462DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.13%
BOQ 3.95 05 Sep 2017 1096DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
BOQ 4 11 Sep 2017 1096DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
BOQ 4.15 13 Aug 2018 1461DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
BOQ 4.1 27 Aug 2018 1462DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
BOQ 3.4 11 Feb 2019 1462DAY TD	S&P A2	3,000,000.00	3,000,000.00	1.70%
BOQ 4.25 22 Aug 2019 1826DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
BOQ 4.25 03 Sep 2019 1826DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
BOQ 4.35 05 Sep 2019 1826DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
BOQ 4 25 Nov 2019 1826DAY TD	S&P A2	3,000,000.00	3,000,000.00	1.70%
BOQ 3.05 18 Aug 2020 1460DAY TD	S&P A2	1,000,000.00	1,000,000.00	0.57%

Fixed Interest Security	Security Rating	Face Value Current	Market Value	% Total Value
BOQ 3 07 Sep 2020 1462DAY TD	S&P A2	1,000,000.00	1,000,000.00	0.57%
BOQ 3 07 Sep 2020 1463DAY TD	S&P A2	1,000,000.00	1,000,000.00	0.57%
SYD 2.95 20 Feb 2017 272DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.13%
G&C MB 3.6 30 Mar 2020 1827DAY TD	S&P A2	1,000,000.00	1,000,000.00	0.57%
MMB 3 16 Aug 2018 730DAY TD	Unrated UR	1,000,000.00	1,000,000.00	0.57%
MYS 3.7 24 Nov 2016 731DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
NAB 3.1 27 Oct 2016 210DAY TD	S&P A1+	1,000,000.00	1,000,000.00	0.57%
NAB 3 29 May 2017 731DAY TD	S&P A1+	3,000,000.00	3,000,000.00	1.70%
NAB 3.8 25 Sep 2017 1098DAY TD	S&P A1+	2,000,000.00	2,000,000.00	1.13%
NAB 3.05 29 May 2018 1096DAY TD	S&P A1+	3,000,000.00	3,000,000.00	1.70%
NPBS 2.9 31 Aug 2018 730DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
NPBS 2.9 31 Aug 2019 1095DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
P&NB 3.95 05 Sep 2017 1097DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
P&NB 3.99 27 Sep 2017 1099DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
P&NB 3.85 29 Sep 2017 1095DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
P&NB 3.7 12 Feb 2020 1827DAY TD	S&P A2	3,000,000.00	3,000,000.00	1.70%
P&NB 3 14 Aug 2020 1460DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.13%
PCUSA 3.83 24 Nov 2016 731DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.13%
PCUSA 2.9 31 Aug 2018 730DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.13%
RABO 4.1 17 Aug 2018 1460DAY TD	Moodys P-1	2,000,000.00	2,000,000.00	1.13%
RABO 3 27 Aug 2018 1098DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.13%
RABO 3.9 31 Oct 2018 1461DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.13%
RABO 4.3 21 Aug 2019 1826DAY TD	Moodys P-1	2,000,000.00	2,000,000.00	1.13%
RABO 4.3 27 Aug 2019 1827DAY TD	Moodys P-1	3,000,000.00	3,000,000.00	1.70%
SunMet 3 25 Jan 2017 240DAY TD	S&P A1	3,000,000.00	3,000,000.00	1.70%
		75,000,000.00	75,000,000.00	42.47%
NSWTC Hour-Glass Strategic Cash Fund UT		1,000,000.00	1,008,185.54	0.57%
Total		177,390,381.22	176,615,913.53	100.00%

CFO 13

Budget Review - September 2016

Strategic Direction	Leading Proactive Council Provide business excellence and financial sustainability to deliver services that meet community expectations
Key Policy	Long-Term Financial Plan
File Ref	296305.2016
Report By	Vishwa Nandan - Manager Financial Services
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

In June 2016 Council adopted its 2016/17 operating budget with projected revenue of \$246.5m and expenditure of \$164.8m. In terms of the net operating result before grants and contributions provided for capital purposes, the Council budgeted for a surplus of \$1.1million.

The proposed budget changes will decrease budgeted net operating result before grants and contributions for capital purposes to a surplus of \$0.349m for the year ending 30 June 2017.

Fit For the Future net operating results will also change from a surplus of \$0.061m to \$0.908m deficit (*Ref attachment 1 – Note H*).

The proposed budget still assumes that labour related efficiency savings will be realised by June 2017. The uptake of efficiency savings for the September quarter is currently below budget and Council will be advised of any variations in next quarter review.

The first quarter budget review for 2016/17 has also resulted in a net increase of \$2.601m (*Ref attachment 1 – Note F*) increase of Council's capital expenditure program.

RECOMMENDATION

That Council:

1. Receives and notes the report;
2. Approves the identified budget variations in accordance with this report.

REPORT

Legislative Requirements

Clause 203(1) of the Local Government (General) Regulation 2005 requires the Responsible Accounting Officer to provide a quarterly budget review not later than two months after each quarter's end. This report provides an overview of the results on the financial review for the quarter ended 30 September 2016.

Commentary**Operating Budget**

In June 2016 Council adopted its 2016/17 operating budget with projected revenue of \$246.5m and expenditure of \$164.8m. In terms of the net operating result before grants and contributions provided for capital purposes, the Council budgeted for a deficit of \$1.1m with a Fit For the Future surplus at \$0.061m.

From July to September 2016 the Council approved budget variations through resolutions which unfavourably impacted on the net operating result before grants and contributions provided for capital purposes by \$15k as shown in **Attachment 2**.

A comprehensive budget review conducted at 30 September 2016 has resulted in further budget adjustments, as detailed in **Attachment 2**. As part of the Budget Review, managers have conducted a review of their programs with a view to providing a revised forecast for the financial year ended 30 June 2017. Managers take into consideration events that have occurred to date and/or information that has become available since the adoption of the original budget and the impact of which provides the basis for the budget adjustments.

The review has resulted in \$1.181m (*Ref attachment 1 – Note A*) increase in total revenue mainly in grants & contributions for capital purposes. Total expenditure is also projected to increase by net \$0.792m (*Ref attachment 1 – Note B*), mainly comprising increase in expected legal costs relating to Moorebak Recyclers and consultancy relating to review of Liverpool's LEP. Other significant budget adjustments include a favourable expense reduction of \$1.425m provided for asbestos waste remediation as an accrual of \$2.645m was included in the 2015/16 financial results and reinstatement of \$1.200m employee related expenditure in City Presentation Directorate relating to industrial reforms and \$0.295m relating to staffing of Carnes Hill library.

The proposed budget changes will decrease net operating result before grants and contributions for capital purposes to a surplus of \$0.349m for the year ending 30 June 2017 (*Ref attachment 1 – Note G*) and a net operating result before grants & contributions for capital purposes for Fit For the Future at a deficit of \$0.908m (*Ref attachment 1 – Note H*).

Council is invited to take note that the proposed budget still assumes that labour related efficiency savings will be realised by June 2017. The uptake of efficiency savings for the September quarter is currently below budget. Budget performance will be closely monitored and Council will be advised of any variations in next quarter review.

Capital Budget

In June 2016, Council approved its \$115.8m capital works program for 2016/17. Council subsequently approved carry over of projects valued \$9.6m that were planned but not completed in 2015/16.

The first quarter review for 2016/17 has resulted in a further net adjustment of \$2.6m (*Ref attachment 1 – Note F*) to Council's capital expenditure program.

At 30 September 2016, Council has a capital expenditure program of \$128.050m as detailed in **Attachment 3**. Note, 30 September 2016 YTD capital expenditure was \$16.460m.

The Table 1 below provides summary of the budget results:

	2017 Original Budget \$	2017 Resolution \$	2017 Quarter 1 Request \$		2017 Proposed Budget \$
Operating income	246,549,714	1,291,164	1,180,973	(A)	249,021,851
Operating expenditure (incl. Depreciation)	(164,833,457)	(15,000)	(791,908)	(B)	(165,640,365)
	81,716,257	1,276,164	389,066		83,381,487
Less: Grants & Contributions for Capital Purposes	(80,641,590)	(1,291,164)	(1,100,066)		(83,032,820)
Net Operating Result Before Grants & Contributions for capital purposes	<u>1,074,667</u>	<u>(15,000)</u>	<u>(711,001)</u>	(C)	<u>348,667</u>
Add: Depreciation	34,706,468	0	0		34,706,468
Add: Grants & Contributions for Capital Purposes	80,641,590	1,291,164	1,100,066		83,032,820
Add: Non-cash Borrowing Costs	364,684	0	0		364,684
Add: Net Accrual of revenue & expenses					
Net Changes in Reserves	(11,624,064)	5,451,640	1,706,311		(4,466,114)
Net Result Available for Capital Expenditure	<u>105,163,345</u>	<u>6,727,804</u>	<u>2,095,376</u>		<u>113,986,525</u>
Capital Expenditure Program	(114,344,883)	(9,617,202)	(2,726,874)		(126,688,959)
Repayment of Loan	(6,722,453)	0	0		(6,722,453)
Book Value of Assets Sold	5,235,500	0	125,999		5,361,499
Total Capital Expenditure	(115,831,836)	(9,617,202)	(2,600,875)	(F)	(128,049,913)
Net funding position surplus/ (deficit)	<u>(10,668,491)</u>	<u>(2,889,398)</u>	<u>(505,499)</u>		<u>(14,063,388)</u>

Details of the proposed budget changes are provided in the attachments.

Attachments 1 - Quarter 1 Budget Review Summary (QBRs): This report presents a summary of Council's budgeted financial position at end of the quarter. The key indicators include:

1. The revised budgeted income and expenditure for the year against the original estimate of annual income and expenditure as shown in Council's Operational Plan

2. Changes following Quarter 1 budget review
3. The proposed budget for 2016/17 financial year
4. The capital expenditure broken down into new and renewal assets.

Attachments 2 – This report provides details of operating budget adjustments

Attachments 3 – This report provides details of capital budget adjustments

Attachment 4 & 5 – Grants Status Report: Has two components, first listing all annual grant submissions and second, listing all grants that have been applied for during the quarter detailing the project title, amount sought, funding body and status of the application. Council officers are continually seeking alternate sources of funding as opportunities arise.

Attachment 6 - Cash and Investments Statement: Providing a reconciliation of restricted and unrestricted funds to the level of Cash and Investments held as at 30 September 2016

Attachment 7 - Key Performance Indicators

Attachment 8 - 9 Contracts and Other Expenses Statement.

As the Responsible Accounting Officer, it is the Chief Financial Officer's opinion that the short term financial position of Council is considered satisfactory.

This Report recommends that Council receives and notes the report and votes the budget variations in accordance with this report.

CONSIDERATIONS

Economic and Financial	The budgeted net operating result before Grants and Contributions for Capital Purposes following Quarter 1 Budget Review and Council resolutions to September 2016 will be a deficit of \$0.644m
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

1. QBRs - Consolidated Budget Analysis [View](#)
2. Operating Budget Adjustments [View](#)
3. Capital Budget Adjustments [View](#)

4. Grants Status Report - Applications [View](#)
5. Grants Status Report - Received [View](#)
6. Reserve Movement Report [View](#)
7. Key Performance Indicators [View](#)
8. Consultancy & Legal Expenses Budget Review Statement [View](#)
9. Contracts Budget Review Statement

Liverpool City Council
Summary Financial Results - Consolidated
For the period 1 July 2016 to 30 September 2016

Attachment 1

	2016 Annual Actual	2017 Original Budget	2017 Resolutions	2017 Revised Budget	2017 Quarter 1 Request	2017 Proposed Budget
Revenue						
Rates & Annual Charges	112,950,334	118,841,985	0	118,841,985	0	118,841,985
User Charges & Fees	16,193,447	17,018,837	0	17,018,837	197,420	17,216,257
Interest & Investment Revenue	5,946,700	4,518,179	0	4,518,179	0	4,518,179
Grants & Contributions - Operating	17,798,713	15,799,714	0	15,799,714	(282,560)	15,517,154
Grants & Contributions - Capital (Others) *	117,904,589	34,451,847	1,291,164	35,743,011	1,100,066	36,843,077
Grants & Contributions - Capital (994) *	38,291,678	46,189,743	0	46,189,743	0	46,189,743
Other Revenues	20,142,310	8,715,409	0	8,715,409	(77,066)	8,638,343
Net Gain / (Loss) from the Disposal of Assets	(4,942,949)	1,014,000	0	1,014,000	243,113	1,257,113
Share of interests in Joint Ventures	360,744	0	0	0	0	0
Total Revenue	324,706,649	248,549,714	1,291,164	247,840,878	1,180,973	249,021,851
Expenses						
Employee Costs	59,281,649	60,312,174	0	60,312,174	1,510,800	61,822,974
Borrowing Costs	2,066,224	1,902,856	0	1,902,856	0	1,902,856
Maintenance & Contracts - Tipping & Waste Services	30,045,875	23,038,859	0	23,038,859	(1,812,081)	22,125,978
Maintenance & Contracts - Other	27,711,008	28,414,063	0	28,414,063	284,751	28,698,814
Legal Costs	1,075,146	749,742	0	749,742	378,500	1,128,242
Consultants	3,585,665	1,849,032	0	1,849,032	431,847	2,280,879
Depreciation	33,859,294	34,706,468	0	34,706,468	0	34,706,468
Other Expenses	10,483,938	12,960,163	15,000	12,975,163	(1,009)	12,974,154
Internal Charges	0	0	0	0	0	0
Total Expenses	168,118,800	164,833,457	15,000	164,848,457	791,908	165,640,365
Net Operating Result	156,587,849	81,716,257	1,276,164	82,992,421	389,066	83,381,487
Less: Grants & Contributions for Capital Purposes *	156,246,204	80,641,590	1,291,164	81,932,754	1,100,066	83,032,820
Net Operating Results Before Grants & Contributions for Capital Purposes	341,585	1,074,667	(15,000)	1,059,667	(711,001)	348,667
Less: Net Gain from the Disposal of Assets	4,942,949	(1,014,000)	0	(1,014,000)	(243,113)	(1,257,113)
Less: Share of interests in Joint Ventures	(360,744)	0	0	0	0	0
Less: Fair Value adjustments - Investment	(9,221,657)	0	0	0	0	0
Net Operating Results used for FII For Future Ratios	(4,306,867)	60,667	(15,000)	45,667	(984,114)	(908,447)
					E	H

Liverpool City Council
Summary Financial Results - Consolidated
For the period 1 July 2016 to 30 September 2016

Attachment 1

	2016 Annual Actual	2017 Original Budget	2017 Resolutions	2017 Revised Budget	2017 Quarter 1 Request	2017 Proposed Budget
Add back: Grants & Contributions for Capital Purpose	156,246,264	80,641,560	1,291,164	81,932,754	1,100,066	83,032,820
Net changes in Reserves	4,780,817	(11,624,064)	5,451,640	(6,172,424)	1,706,311	(4,466,114)
Add back: Net Gain from the Disposal of Assets	(4,942,949)	1,074,000	0	1,074,000	243,113	1,257,113
Add back: Share of interests in Joint Ventures	369,744	0	0	0	0	0
Add back: Fair Value adjustments - investment	9,221,057	0	0	0	0	0
Net Results including non-cash items	161,308,066	70,092,163	6,727,804	76,819,397	2,095,376	78,915,373
Non-Cash Items						
Add back: Depreciation	33,859,294	34,706,468	0	34,706,468	0	34,706,468
Add back: Non-cash Borrowing Costs	417,572	364,664	0	364,664	0	364,664
Add back: Net Accrual of revenue & expenses	(8,222,865)	0	0	0	0	0
Net Result available for Capital Expenditure	187,422,646	105,163,345	6,727,804	111,891,149	2,095,376	113,986,525
Capital Expenditure						
Infrastructure & Environment	70,577,131	61,062,269	9,519,202	71,401,471	(344,790)	71,056,681
Planning & Growth	3,428,575	41,934,375	0	41,934,375	1,193,862	43,128,237
Community & Culture	1,156,501	1,123,307	98,000	1,221,307	114,337	1,335,644
City Presentation	1,714,710	3,074,000	0	3,074,000	(132,378)	2,941,622
Property & Commercial Development	13,405,659	5,502,942	0	5,532,932	1,895,843	7,428,775
Corporate Services	107,722,143	786,000	0	786,000	0	786,000
Loan Principal	(6,440,663)	6,722,453	0	6,722,453	0	6,722,453
Book Value of Assets Sold	(8,591,238)	(5,235,500)	0	(5,235,500)	(125,899)	(5,361,400)
Total Capital Expenditure	182,972,818	115,831,836	9,617,202	125,449,038	2,600,875	128,049,913
Change in Cash	4,449,828	(10,668,491)	(2,889,398)	(13,657,859)	(605,499)	(14,063,388)

Liverpool City Council
Operating Budget Adjustments
For the period 1 July 2016 to 30 September 2016

Attachment 2

Summary	Original Budget	Revised Budget	Post Budget Resolutions	New Grants Expense	New Grants Revenue	Waste Remediation	Transfers	New Requests	Total Request	Proposed Budget
Business Improvement	(6,950,239)	(6,950,239)	0	0	0	0	0	(50,000)	(50,000)	(7,000,239)
Chief Executive Officer	(2,294,836)	(2,294,836)	0	0	0	0	0	0	0	(2,294,836)
City Presentation	(27,978,075)	(27,978,075)	0	0	0	0	0	(860,539)	(860,539)	(28,838,614)
Community & Culture	(19,917,592)	(19,917,932)	0	0	0	0	(288)	(547,955)	(548,243)	(20,231,175)
Corporate Services	83,689,349	83,674,349	(15,000)	0	(324,840)	0	288	(86,887)	(421,439)	83,252,910
Economic Development	(1,213,391)	(1,213,391)	0	0	0	0	0	(32,727)	(32,727)	(1,246,118)
Infrastructure & Environment	(4,395,088)	(3,103,924)	1,291,164	0	1,132,780	1,425,000	0	(62,550)	2,495,230	(608,694)
Planning & Growth	62,617,712	62,617,712	0	0	0	0	0	(230,434)	(230,434)	62,387,278
Property & Commercial Development	(1,781,243)	(1,781,243)	0	0	0	0	0	(162,783)	(162,783)	(1,944,026)
Net Operating Results	81,716,257	82,592,421	1,276,164	0	807,940	1,425,000	0	(1,843,875)	389,065	83,678,487
Less: Grants & Contributions for Capital Purposes	80,641,590	81,932,754	1,291,164					1,100,086	1,100,086	83,032,820
Net Operating Results before Grants & Contribution for Capital Purposes	1,074,667	1,659,667	(15,000)	0	807,940	1,425,000	0	(2,043,941)	(711,001)	643,667
Less: Net Gain from the Disposal of Assets	(1,014,000)	(1,014,000)	0	0	0	0	0	(243,113)	(243,113)	(1,257,113)
Less: Share of interests in Joint Ventures										0
Less: Fair Value adjustments - investment										0
Net Operating Results used for Fit For Future ratios	60,667	45,667	(15,000)	0	807,940	1,425,000	0	(3,187,054)	(954,114)	(613,447)

Operating Budget Adjustments
For the period 1 July 2016 to 30 September 2016

Attachment 2

Directorate	Project	Project Description	Comment	Request	Funding		
					Grants	Essential Reserves	Other Funding
Business Improvement	200961	Integrated Planning and Reporting - Community Engagement	Reimbursement of Community Engagement strategy	50,000			50,000
City Presentation	201076	Site Specific Waste Management (Chemical clean up)	Reimburse funds as event being funded by NSW EPA	-41,000		-41,000	-41,000
City Presentation	201231	Public Place Recycling	Reimburse funds to reserve and use part to fund capital project 101704 Public Place Recycling	-18,000		-18,000	-18,000
City Presentation	201234	Waste Audit	Reimburse funds to get a better understanding of Council's waste composition for upcoming disposal and collection contracts	55,000		55,000	55,000
City Presentation	201182	Bulka Bag Collection Service	Bulka Bag project budget reduction. Trial to be delivered this financial year. Implementation of service pending outcome of trial	-641,273		-641,273	-641,273
City Presentation	201231	Illegal Dumping in Western Area	Reimburse funds to reserve and use part to fund capital project 102012 Capital Items Illegal Dumping	-41,362		-41,362	-41,362
City Presentation	201257	WSSROC Market Research	Additional funding required to complete a more robust research program	20,000		20,000	20,000
City Presentation	201258	Garrigal State Trail	Approved to domestic waste	-3,706		-3,706	-3,706
City Presentation	201209	Maintenance of War Memorials	Project completed. Savings to be returned to reserves. Restoration of horse trough and Brown Memorial and Kirk Patrick and Boydland commemorative plaque. Grant received in FY 15/16 from Veterans Affairs towards conservation and restoration of war memorials and transferred unspent \$11k unspent grants to reserves.	33,940	10,000	23,940	33,940
City Presentation	201320	City Presentation	Reversal of staff cost identified as salary savings in the original budget	1,200,000			1,200,000
City Presentation	201144	Waste Planning & Policy	Engagement of Temporary Project Manager to coordinate various Better Waste & Recycling grant funded projects	86,900		86,900	86,900
Community & Culture	200379	McGill Park - Michael Wendon Aquatic And Recreation Centre	Transfer to 200408	-71,960		-71,960	-71,960
Community & Culture	200379	McGill Park - Michael Wendon Aquatic And Recreation Centre	Transfer to 200408	-157,375		-157,375	-157,375
Community & Culture	200468	Woodward Park - William Lennie Centre	Transfer from 200379	157,375		157,375	157,375
Community & Culture	200960	Education	Transfer to 201249	-500		-500	-500
Community & Culture	200967	Erection	Transfer to 201332	-32,000		-32,000	-32,000
Community & Culture	200967	Erection	Transfer to 201333	-27,650		-27,650	-27,650
Community & Culture	200967	Erection	Transfer to 201335	-57,317		-57,317	-57,317
Community & Culture	200967	Erection	Transfer to 201331	-20,000		-20,000	-20,000
Community & Culture	200967	Erection	Transfer to 201042	-11,000		-11,000	-11,000
Community & Culture	200967	Erection	Transfer to 201043	-40,000		-40,000	-40,000
Community & Culture	201002	Liverpool Volunteer Care Event	Transfer to 201269	-7,000		-7,000	-7,000
Community & Culture	201002	Liverpool Art Society	Transfer from 200967	11,000		11,000	11,000
Community & Culture	201083	Melba	Project slightly over budget due to unforeseen equipment rental and facilitator costs funded by additional revenue	4,002			4,002
Community & Culture	201132	WOCN Kids Festival	Grant funding received last FY for professional development of CHM care staff	67,530		67,530	67,530
Community & Culture	201249	Long Day Care Professional Development Programme		27,353		27,353	27,353
Community & Culture	201259	Retail	Workshop materials and grant funding received last FY	37,873		37,873	37,873
Community & Culture	201270	Break and Enter Project	Grants from NSW Dept of Justice under Crime prevention program, funding received last FY	10,000		10,000	10,000
Community & Culture	201279	2 Year Strong Children and Families	Council funding to match the funding agreement	500		500	500
Community & Culture	201289	Blue Prize	Transfer from 200965	2,073		2,073	2,073
Community & Culture	201293	Blue Prize	Additional exhibition costs offset by ticket sales	1,505		1,505	1,505
Community & Culture	201293	Mayoral Special Civic Events	Transfer from 201002	7,000		7,000	7,000
Community & Culture	201313	Carriag Hall - Michael (Carter) Lennie Centre	Transfer from 200379	71,960		71,960	71,960
Community & Culture	201313	Carriag Hall - Michael (Carter) Lennie Centre	Additional funds required for approved contract building \$1.3m budgeted \$2.25m	50,500		50,500	50,500
Community & Culture	201320	Flame Tree Street	Mayor's fee for a new grant funding received last FY	4,119		4,119	4,119
Community & Culture	201330	Religious Exhibition	Transfer from 200967	57,317		57,317	57,317
Community & Culture	201331	Conspiracy Theories	Transfer from 200967	20,000		20,000	20,000
Community & Culture	201332	Seat Cove	Transfer from 200967	32,000		32,000	32,000
Community & Culture	201333	Prisoner Prize	Additional expenditure of the exhibition funded by additional revenue	2,850		2,850	2,850
Community & Culture	201337	White Ribbon Workplace Accreditation Program	Transfer from 200967	27,650		27,650	27,650
Community & Culture	201338	Sydney Refugees	Workplace Accreditation Program includes 6 training sessions and 2 BBQ for outdoor staff	14,420		14,420	14,420
Community & Culture	201338	Sydney Refugees	Converting the refugee localised action plan and address gaps as identified by the sector, providing mentoring and leadership, initiatives through local schools for refugee students, planning various events and programs related to community harmony, social cohesion, welcome programs and orientation for the new arrivals, develop marketing strategy to promote positive media stories, employability program and skill recognition.	50,000		50,000	50,000
Community & Culture	201186	Carriag Hill Library	Contract labour for Carriag Hill library	150,000		150,000	150,000

Attachment 2

Directorate	Project	Project Description	Comment	Requests	Grants	External Reserves	Other Funding	Total Funding
Community & Culture	301175	Leaky Network Services	Renature budget for redeployment of library staff	145,000				145,000
Community & Culture	301014	Casals Library	Transfer from 301082	1,440				1,440
Community & Culture	301017	Casals Posthouse - Admin	Transfer to 201333	2,013				2,013
Community & Culture	301017	Casals Posthouse - Admin	Transfer to 301187	-40,000				-40,000
Community & Culture	301159	Casals Posthouse - Technical	Transfer from 301017	40,000				40,000
Community & Culture	301018	City Library	Transfer from 301082	8,540				8,540
Community & Culture	301084	Green Valley Library	Transfer from 301082	1,000				1,000
Community & Culture	301017	Northbrook CCC	Additional 3 FTE to cover CHSAs 20 places starting from January	95,600				95,600
Community & Culture	301082	Library Management Services	Transfer to 301014 301018 301058 301084 301087 301088 301175 301233	-162,301				-162,301
Community & Culture	301084	Leopold Museum	Transfer from 301082	1,000				1,000
Community & Culture	301087	Water Library	Transfer from 301082	1,000				1,000
Community & Culture	301088	Woodburn Library	Transfer from 301082	1,500				1,500
Community & Culture	301148	Grants Program Administration	Renature salaries budget for Grant officer position which was created as part of council resolution but FY, recruitment delayed. Budget was cut as part of not to fund vacant position.	46,483				46,483
Community & Culture	301158	Information Services	Transfer to 301233	-315,489				-315,489
Community & Culture	301158	Information Services	Transfer from 301175	354,638				354,638
Community & Culture	301175	Leaky Network Services	Transfer from 301178	-31,751				-31,751
Community & Culture	301175	Leaky Network Services	Transfer from 301158	-354,638				-354,638
Community & Culture	301178	Leaky Network Services	Transfer from 301082	3,483				3,483
Community & Culture	301178	Leaky Network Services	Transfer from 301175	31,751				31,751
Community & Culture	301178	Leaky Network Services	Transfer to 301233	-109,182				-109,182
Community & Culture	301178	Leaky Network Services	Transfer from 301082	109,182				109,182
Community & Culture	301178	Leaky Network Services	Transfer from 301158	315,489				315,489
Community & Culture	301233	Programs and Outreach	Transfer from 301178	109,182				109,182
Community & Culture	301233	Programs and Outreach	Transfer from 301082	86,167				86,167
Community & Culture	301233	Programs and Outreach	Renature salaries budget for Grant officer position which was created as part of council resolution but FY, recruitment delayed. Budget was cut as part of not to fund vacant position.	82,980				82,980
Community & Culture	301302	Community and Culture	Transfer to 301148	-46,483				-46,483
Community & Culture	301235	Recruitment of Executive Positions	Executive recruitment HR	29,000				29,000
Community & Culture	201240	Performance Management Competency Assessment	Transfer to Corporate Training as budget not required	-13,906				-13,906
Community & Culture	301244	Performance Management Competency Assessment	Transfer from project 201240 Performance Management / Competency Assessment	13,906				13,906
Community & Culture	301680	Legal Services	McDonough Fitzgibbon Legal Appeal	318,500				318,500
Community & Culture	301110	Legal Services	Transfer from 301110	5,000				5,000
Community & Culture	301189	Business Events	Transfer to project 201134 Invest Liverpool	-8,208				-8,208
Community & Culture	201189	Business Events	Transfer to project 201491 Economic Development	-1,000				-1,000
Community & Culture	201251	Corporate Training - Planning & Growth	Contracting contract from last year	32,727				32,727
Community & Culture	201354	Invest Liverpool	Transfer from project 201189 Business Events	8,208				8,208
Community & Culture	301191	Economic Development	Transfer from project 201189 Business Events	1,000				1,000
Community & Culture	201183	Georgies River Flood Study	CEH grant funding \$15k + contribution from Bantamtown council \$14k and council funding \$8k	35,000				35,000
Community & Culture	201188	City Centre Overland 15km Path Mapping	CEH grant funding \$15k to finish of the project, council component spent last FY.	13,280				13,280
Community & Culture	201212	Leopold Council Blue Plan	Transfer from S4A reserves, 5050 contribution towards RUS project	14,270				14,270
Community & Culture	201257	Waste Remediation	Budgeted savings on waste remediation due to accrual of expenses in 15/16	-1,425,000				-1,425,000
Community & Culture	201257	Waste Remediation	Projected waste management remediation expense for 16/17	2,645,000				2,645,000
Community & Culture	201257	Waste Remediation	Reversal of waste management remediation accounted in 15/16	-2,645,000				-2,645,000
Community & Culture	201167	Corporate Training - Planning & Growth	Bidding contract accreditation training	30,000				30,000
Community & Culture	201263	Comprehensive Review of Leopold LEP	Triffle and Transport Studies to assess the cumulative impacts of the draft City Centre LEP amendment on transport infrastructure and the regional road network (business case approved)	270,000				270,000
Community & Culture	301140	Traffic Planning and Policy	Road works contractor to undertake traffic management works at 6 Wilson Road Hinchbrook	10,000				10,000
Community & Culture	200040	Civil Works Hinchbrook	Requisitioned control and cane to Department of Planning in July 2015 per Council resolution COUN 02 meeting 17 June 2015	-2,130				-2,130
Community & Culture	200519	School of Arts	Transfer to project 201128 684 Addison Reserve to fund urgent driveway repairs	-6,000				-6,000
Community & Culture	200585	Chappels Norton - Hinchbrook	Transfer to project 201014 PCVC	-5,000				-5,000
Community & Culture	201057	33 Moore Street, Leopold	Employee costs funding for Property Officer (including keyboard scheme)	45,500				45,500
Community & Culture	201071	33 Moore Street, Leopold	Transfer from project 201107 Property to fund Assistant Property Officer	70,448				70,448
Community & Culture	201071	PCVC - Channing Avenue, Miller	Transfer from project 200585 Chappels Norton Hinchbrook	5,000				5,000
Community & Culture	201128	Community Hall Building at 68 Addison Reserve	Transfer from project 200519 School of Arts to fund urgent driveway repairs	6,000				6,000
Community & Culture	301107	Property	Capitalization of part of Senior Property Officer's employee costs for 10/1750 Design and Documentation stage for Civic Place	-33,540				-33,540

Operating Budget Adjustments
For the period 1 July 2016 to 30 September 2016

Attachment 2

Directorate	Project	Project Description	Comment	Request	FUNDING			Total
					Grants	External Reserves	Other Funding	
Property & Commercial Development	201107	Property	Transfer to project 201107 - 23 Moore Street to fund Assistant Property Officer	-70,448			-70,448	-70,448
Property & Commercial Development	201310	Property & Commercial Development	Capitalisation of part of Director's employee costs for 101790 Design and Documentation stage for Cove House	-75,000			-75,000	-75,000
Property & Commercial Development	201107	Property	Heritage Assets Strategic Review - Consultants budget to provide strategic direction in managing heritage assets	60,000			60,000	60,000
Property & Commercial Development	201107	Property	Bridge Park Cafe - The Street works - Consultants budget required to fund concept plans for toilet block and outdoor dining	10,000			10,000	10,000
Property & Commercial Development	201107	Property	Asset / Facilities Management Review - Consultants budget to review and provide strategic direction and processes relating to asset management	20,000			20,000	20,000
								0
								0
Total Expenses				791,308	59,210	-212,297	344,954	791,308
Net Operating Results				389,066	1,073,379	287,341	-982,440	389,066
Less: Grants & Contributions for Capital Purposes				1,100,066	1,090,300	55,644	-76,078	1,100,066
Net Operating Results Before Grants & Contributions for Capital Purposes				-711,001	-16,920	212,297	-654,367	-711,001
Less: Net Gain from the Disposal of Assets				343,113	0	0	343,113	343,113
Net Operating Results used for Fit For Future Ratios				-367,888	-16,920	212,297	-311,250	-367,888

Liverpool City Council
Capital Budget Adjustments
For the period 1 July 2016 to 30 September 2016

Attachment 3

Summary	Original Budget	Revised Budget	Post Budget Resolutions	Deferred to 2017/18 Expenditures	Accelerated 2016/17 Expenditures	New Grants / Contributions	Works in kind	Additional Capitalised Labour	Transfers	New Requests	Total Request	Proposed Budget
City Presentation	3,074,000	3,074,000	0	(382,000)	0	0	0	0	0	249,622	(152,376)	2,841,622
Community & Culture	4,123,307	4,221,307	98,000	0	0	0	0	0	0	114,337	414,337	4,335,644
Corporate Services	798,000	798,000	0	0	0	0	0	0	0	0	0	798,000
Infrastructure & Environment	61,882,209	71,461,471	9,579,202	0	(1,038,280)	1,090,500	0	0	(432,000)	34,990	(344,790)	71,056,681
Planning & Growth	41,934,375	41,934,375	0	0	0	0	222,486	12,735	0	958,641	1,183,862	43,128,237
Property & Commercial Development	5,532,932	5,532,932	0	0	0	0	0	0	432,000	1,463,843	1,895,843	7,428,775
Total before Loan Principal & Book Value of Assets Sold	114,344,883	123,962,085	9,617,202	(382,000)	(1,038,280)	1,090,500	222,486	12,735	0	2,871,433	2,726,874	126,688,959
Loan Principal	6,722,453	6,722,453										6,722,453
Book Value of Assets Sold	(5,235,500)	(5,235,500)								(125,699)	(125,699)	(5,361,199)
Total Capital Expenditure	115,831,836	125,449,038	9,617,202	(382,000)	(1,038,280)	1,090,500	222,486	12,735	0	2,695,434	2,600,875	126,048,913

Capital Budget Adjustments For the period 1 July 2016 to 30 September 2016

Attachment 3

Summary	Project	Project Description	Comment	Requests	FUNDING		
					194	External Reserves	Total
							Other Funding
							Funding
Accelerated projects	101241	Macquarie Mall - City Centre Revitalisation	Works completed in 2015/16	-1,038,280		-1,038,280	
Accelerated projects	101241	Macquarie Mall - City Centre Revitalisation	LRS funding allocation from project 101242 Bega Park Precinct	578,280		578,280	
Accelerated projects	101241	Macquarie Mall - City Centre Revitalisation	LRS funding allocation from project 101244 Light Horse Park & Gateway	460,000		460,000	
Accelerated projects	101242	Bega Park Precinct - City Centre Revitalisation	LRS funding allocation to Macquarie mall	-578,280		-578,280	
Accelerated projects	101242	Bega Park Precinct - City Centre Revitalisation	Not enough funds available in LRS reserve as less interest earned than expected	0		-65,000	65,000
Accelerated projects	101244	Light Horse Park & Gateway	LRS funding allocation to Macquarie mall	-460,000		-460,000	
Deferred Projects	101538	Trucks for Bulk A Bag Initiative	Bulka Bag budget reduction. Trial to be delivered this FY. Implementation	-250,000		-250,000	
Deferred Projects	101562	Bulka Bag Collection Service - Capital Items	Bulka Bag budget reduction. Trial to be delivered this FY. Implementation of service pending outcome of trial.	-132,000		-132,000	
New grants / contributions	100042	Bus Shelter Installations	Bus Shelter Installations contribution from Mirvac Homes (NSW) Pty Ltd	59,500		59,500	
New grants / contributions	101154	Middletown Rural Fire Services Station	Construction of Middletown Rural Fire Services Station	1,011,000		1,011,000	
New grants / contributions	101601	Sports Field Fence Replacement Program	Stronger Communities Programme for Browne's Farm Reserve Fence Replacement	20,000		20,000	
New requests	101569	Community Facilities Program Capital Items	Replacement of lift controller and hoist motor at CPAC - urgent works as the lift is no longer operational	42,500		42,500	
New requests	101764	Public Place Recycling Bins	Budget required to acquire public place recycling bins in 660 litre size to be located in high use parks	50,000		50,000	
New requests	101765	Event Bin Liners	Budget required to fund acquisition of bin covers and curtains for events to reduce contamination in the recycling system	7,122		7,122	
New requests	102012	Capital Items - Illegal Dumping	Acquisition of front end loader to expedite collection of significantly sized SIDA funded book acquisition	150,000		150,000	
New requests	100325	Sutton 94 - Library Books	Grants from NSW Dept of Family and Community Services - Housing NSW under Social Housing Community Improvement program, funding received	67,767		67,767	
New requests	101628	Jersey Park Lighting and Beautification	Grants from NSW Dept of Family and Community Services - Housing NSW	46,570		46,570	
New requests	101612	Wattle Grove Community Centre Upgrade	Grant funding received last FY	19,990		19,990	
New requests	101761	Basin 14 - Edmondson Park Investigation & Review	Consultants to undertake hydrologic and hydraulic assessments of Basin 14	15,000		15,000	
New requests	100801	R11-Collector Centre Street Frontage to Drainage over Culvert	Project completed. Non-cash expenditure offset by non-cash contribution.	-129,776		-129,776	
New requests	100801	R11-Collector Centre Street Frontage to Drainage over Culvert	Additional funding for the capitalized labour	12,735		12,735	
New requests	100827	Provision Industrial Drainage - East of M7	Reimbursement for drainage works at Lyn Parade as value of W&K	281,047		281,047	
New requests	101281	Pavement over Industrial Land-Lyn Pde	Reimbursement of construction costs of the two-metre wide strip of land at	270,190		270,190	
New requests	101292	Road Reserve-Lyn Pde RD3.3	Acquisition of two-metre wide strip of land at Lyn Parade per Deed of	197,700		197,700	
New requests	101494	R&M7 Main Neighbourhood Edmondson Park	Non-cash expenditure offset by non-cash contribution	352,262		352,262	
New requests	101494	R&M7 Main Neighbourhood Edmondson Park	Additional funding required for road works at Edmondson Park	209,704		209,704	
New requests	100928	Rehabilitation 33 Moore Street Liverpool	Building Contractor and minor furniture budget required for various staff relocations	30,000		30,000	
New requests	101419	Installation of Heat Reducing Window Film at	Reduce heat load in summer and space heating demand in winter.	120,000		120,000	
New requests	101457	Expression of Interest - 52 Scott Street	Remaining balance return to reserves	-85,420		-85,420	
New requests	101473	North Carnes Hill Project	Funds required to demolish sheds, structures and fencing. Property acquired in FY 15/16 and is earmarked for future recreation and open	60,000		60,000	
Transfers	101619	Liverpool Civic Place	Budget reallocated to different stages of project implementation	-1,550,000		-1,550,000	

Capital Budget Adjustments For the period 1 July 2016 to 30 September 2016

Attachment 3

Summary	Project	Project Description	Comment	Requests	FUNDING		
					194	External Reserves	Total
New requests	101626	Sale of Lot 10 Seapho Road Warwick Farm	Legal fees to sell land	1,500			1,500
New requests	101630	Fit out of Level 1 33 Moore Street Liverpool	Legal fees and compensation payments not budgeted for	470,004		470,004	470,004
New requests	101631	Land Swap Ingham Drive / Pine Road Casula	Land swap and acquisition of land to close redundant portion of Pine Road	840,468		840,468	840,468
Transfers	101748	Vacant Possession DOCS	Require vacant position of 52 Scott Street as part of the Liverpool CMC Place project. Budget required to relocate DOCS from current premises.	745,000		745,000	745,000
Transfers	101750	Design and Documentation Stage	Consultant's budget for Liverpool CMC Place design and documentation and capitalised labour	597,200		597,200	597,200
New requests	101758	Sale of Lot 1 DP 805562 16 A Coorong Street Buly 2168	Sale of surplus laneway per Council resolution C08S 03 meeting held 28 May 2012	1,091		1,091	1,091
New requests	101767	Customer Service Centre Acoustics Work	Installation of acoustic panels on the ceiling as counter staff are having difficulties hearing customers and vice versa due to too many glass	59,000		59,000	59,000
New requests	102004	School of Arts Internal works	Air-conditioning and polishing of floor boards	50,000		50,000	50,000
New requests	102007	Carnes Hill Community Centre Cafe	Reimbursement for fit out as per lease agreement	125,000		125,000	125,000
Transfers	100404	Community Centre Rehabilitation Program	Reallocate to Watlie Grove Community Centre Upgrade to match the grant funding	-19,700		-19,700	-19,700
Transfers	100861	Stormwater Pipe Relining	Allocate funds to Landscape Mount at Berniera Rd & Volo Rd Prestons to undertake stormwater works.	-75,000		-75,000	-75,000
Transfers	100862	Stormwater Pipe Structural Patches	Allocate funds to Landscape Mount at Berniera Rd & Volo Rd Prestons to undertake stormwater works.	-75,000		-75,000	-75,000
Transfers	100866	Bridge Rehabilitation & Renewal	Allocate funds to Landscape Mount at Berniera Rd & Volo Rd Prestons to undertake stormwater works.	-14,000		-14,000	-14,000
Transfers	100987	Carnes Hill Recreation and Community Centre - Construction	Reallocation to project 101762 - Carnes Hill Post Completion Works	-432,000	-432,000		-432,000
Transfers	101242	Beggs Park Precinct - City Centre Revitalisation	Change of Service Centre for the delivery of street lighting, traffic signals and minor engineering works in Culbake St to support Beggs Park Project	-2,030,000		-2,030,000	-2,030,000
Transfers	101444	Road Resurfacing Programs Resealing	Additional funds needed to complete program.	102,000		102,000	102,000
Transfers	101445	Road Resurfacing Program Rejuvenation	Additional funds needed to complete program.	22,000		22,000	22,000
Transfers	101446	Road Resurfacing Program Programmed Patching	Saving were due to modification in the design which allowed us to tighten the scope and overall cost of the project.	37,000		37,000	37,000
Transfers	101520	Floodlighting Staged Upgrade Program - Whitten Oval No. 3 (D)	Saving were due to modification in the design which allowed us to tighten the scope and overall cost of the project.	-26,000		-26,000	-26,000
Transfers	101563	Greenable Road - Near Dwyer road and 500m East	Additional funds required to meet costs of electrical and testra services.	20,000		20,000	20,000
Transfers	101612	Watlie Grove Community Centre Upgrade	Transfer from project 100404	19,700		19,700	19,700
Transfers	101653	Mitchell Road, Moorebank - Siten to Charingham	Detailed site investigations and better than anticipated subsurface conditions have resulted in reduced scope of pavement works.	-74,750		-74,750	-74,750
Transfers	101692	Elizabeth Street, Liverpool - College to Beggs	Pavement restoration works to be undertaken in conjunction with adjoining footpath and kerb upgrade works. Tentatively in 2017/18	-200,000		-200,000	-200,000
Transfers	101694	Goulburn Street, Liverpool - Elizabeth to Campbell	Detailed site investigations and better than anticipated subsurface conditions have resulted in reduced scope of pavement works.	-162,250		-162,250	-162,250
Transfers	101719	New Footpath & Cyclesways Program	Additional funds required due to services adjustment costs	60,000		60,000	60,000
Transfers	101746	Green Valley Road, Green Valley - Johns to Challenge 512	Detailed site investigations and better than anticipated subsurface conditions have resulted in reduced scope of pavement works.	-254,000		-254,000	-254,000
Transfers	101752	Woodward Park Safety Improvements	Range of improvements Woodward Park	26,000		26,000	26,000
Transfers	101754	Landscape Mount at Berniera Rd & Volo Rd, Preston	Transfer funds from 100861, 100862 and 100866 to undertake stormwater works.	164,000		164,000	164,000
Transfers	101763	Beggs, Elizabeth & College St Streetscape -	Change of Service Centre for the delivery of street lighting, traffic signals	2,030,000		2,030,000	2,030,000

Capital Budget Adjustments For the period 1 July 2016 to 30 September 2016

Attachment 3

Summary	Project	Project Description	Comment	Requests	FUNDING			
					194	External Reserves	Other Funding	Total Funding
Transfers	101766	Dunbury Secondary Extension	Extension of Dunbury Swy to George St to ease traffic congestion at Warren & Blidge.	450,000			450,000	450,000
Transfers	101627	Maxwells Creek Rangarden (10)	Non-cash expenditure offset by non-cash contribution.	267,006	267,006			267,006
Transfers	101627	Maxwells Creek Rangarden (10) - Edmondson Park	Additional funding for valuation costs.	3,850	3,850			3,850
Transfers	101634	Rangarden (9) - Maxwells Creek - Edmondson Park	Relocate to project 101627 Maxwells Creek Rangarden (10) - Edmondson Park (for non-cash expenditure and valuation costs)	-270,856	-270,856			-270,856
Transfers	101457	Expression of Interest - 62 Scott Street	Transfer to project 101747 - Vacant Possession Crunch Gym	-2,705,000			-2,705,000	-2,705,000
Transfers	101457	Expression of Interest - 62 Scott Street	Transfer to project 101749 - Project Development Agreement & UoW AFL	-200,000			-200,000	-200,000
Transfers	101747	Vacant Possession Crunch Gym	Compensation relating to early termination of lease including legal expenses	2,705,000			2,705,000	2,705,000
Transfers	101749	Project Development Agreement & UoW AFL	Transfer from project 101457	200,000			200,000	200,000
Transfers	101762	Carnies Hill Pool Completion Works	Completion of several floods and other ancillary building projects required to achieve the best utilisation of Council's community building assets at Carnies Hill. Funded from budget savings from Carnies Hill construction budget.	432,000	432,000			432,000
Total Capital Expenditure before Loan Principal & Book Value of Assets Sold				2,726,874	1,276,629	-621,594	2,071,839	2,726,874
New requests	301001	Accounting Administration	Pine Road Casula	-124,809			-124,809	-124,809
New requests	301001	Accounting Administration	Cooming Street Busby	-1,130			-1,130	-1,130
Total Book Value of Assets Sold				-125,999	0	0	-125,999	-125,999
Corporate Services	301001	Accounting Administration	Loan repayment	0		0		0
Loan Principal				0	0	0	0	0
Total Capital Expenditure				2,600,875	1,276,629	-621,594	1,945,840	2,600,875
Summary:								
Accelerated projects				-1,038,280				-1,038,280
Deferred Projects				-382,000				-382,000
New grants / contributions				1,090,500				1,090,500
New requests				3,223,875				3,223,875
Transfers				-293,220				-293,220
Total Requests				2,600,875				2,600,875

LIVERPOOL CITY COUNCIL GRANT / FUNDING APPLICATIONS
July 2016 - June 2017

Attachment 4

Group	Service Delivery Unit	Project	Funding Source	Funding Agency	Grant Sought (\$)	September Status
Community & Culture	Casula Powerhouse Arts Centre	Soft Core	Other	Gordon Darling Foundation	\$10,000	Successful
Community & Culture	Community Development	Community 2166 Project	Other	Liverpool Catholic Club	\$30,000	Successful
Community & Culture	Community Planning	Liverpool Regional Football Complex	State	Department of Sports and Infrastructure NSW	\$1,000,000	Pending
Infrastructure & Environment	Infrastructure Delivery	Cycleway - Newbridge Road, Chipping Norton	State	Roads and Maritime Services	\$368,400	Successful
Infrastructure & Environment	Infrastructure Delivery	Cycleway - Elizabeth Street, Liverpool	State	Roads and Maritime Services	\$408,700	Successful
Infrastructure & Environment	Infrastructure Delivery	Cycleway - Glenfield Road, Casula	State	Roads and Maritime Services	\$136,000	Successful
Infrastructure & Environment	Infrastructure Delivery	Cycleway - Jecda Road, Prestons	State	Roads and Maritime Services	\$243,000	Unsuccessful
Infrastructure & Environment	Infrastructure Delivery	Forwoodale Road and Memorial Avenue, Liverpool - Traffic Signals	Federal	Department of Infrastructure and Regional Development	\$250,100	Successful
Infrastructure & Environment	Infrastructure Delivery	Pine road and Cedar Road, Casula - Roundabout, Blackspot Program	Federal	Department of Infrastructure and Regional Development	\$176,000	Successful
Infrastructure & Environment	Infrastructure Delivery	Jecda Road and Lynn Parade, Prestons - Roundabout, Blackspot program	Federal	Department of Infrastructure and Regional Development	\$180,100	Successful
Infrastructure & Environment	Infrastructure Delivery	Cartwright Avenue and William Drive, Miller - Roundabout, Blackspot Program	Federal	Department of Infrastructure and Regional Development	\$188,000	Successful
Infrastructure & Environment	Infrastructure Delivery	Governor Macquarie Drive, Chipping Norton - Epsom Rd to Georges River Bridge - Road repair program	State	Roads and Maritime Services	\$300,000	Successful
Infrastructure & Environment	Infrastructure Delivery	Governor Macquarie Drive, Chipping Norton - Epsom Rd to Georges River Bridge - Block grant	State	Roads and Maritime Services	\$321,000	Successful
Infrastructure & Environment	Infrastructure Delivery	Roads to Recovery	Federal	Department of Infrastructure and Regional Development	\$3,150,831	Successful
Infrastructure & Environment	Natural Environment Implementation	Restoring Penzance Spicula Habitat in Manx Park Reserve under the Restoration and Rehabilitation Grants	State	NSW Environmental Trust	\$81,000	Pending
					\$6,863,931	

LIVERPOOL CITY COUNCIL GRANTS RECEIVED
July 2016 - June 2017

Attachment 5

Group	Service Delivery Unit	Project	Programme	Funding Source	Funding Agency	Grant Approved	(A)	Received as at	(B)	Comments
City Presentation	City Presentation Office	Waste Planning & Policy	Better Waste and Recycling Waste Less, Recycle More	State	NSW Environment Protection Authority	\$417,700	\$417,700			
City Presentation	Civil Maintenance and Depot Management	Mechanical Services	Diesel & Alternative Fuels Grants Scheme	Federal	Australian Taxation Office			\$14,876		
Community & Culture	Children's Services	Young Children with Disabilities (NYWCD) Component	Intervention Support Program	State	NSW Department of Education and Training			\$21,890	Funded annually over calendar year	
Community & Culture	Children's Services	Children's Services Program (CSP) - Casula Preschool	Early Childhood Educational and Care Grants Program	State	NSW Department of Education and Training			\$35,217		
Community & Culture	Children's Services	Children's Services Program (CSP) - Cecil Hills Children's Centre	Childcare Benefit	Federal	Department of Education, Employment and Workplace Relations			\$93,832		
Community & Culture	Children's Services	Children's Services Program (CSP) - Cecil Hills Children's Centre	Early Childhood Educational and Care Grants Program	State	NSW Department of Education and Training			\$10,252		
Community & Culture	Children's Services	Family and Children's Services Planning - salary subsidy		State	NSW Department of Education and Training			\$15,342		
Community & Culture	Children's Services	Children's Services Program (CSP) - Hinchbrook Multipurpose Children's Centre	Childcare Benefit	Federal	Department of Education, Employment and Workplace Relations			\$112,027		
Community & Culture	Children's Services	Children's Services Program (CSP) - Hinchbrook Multipurpose Children's Centre	Early Childhood Educational and Care Grants Program	State	NSW Department of Education and Training			\$14,773		
Community & Culture	Children's Services	Children's Services Program (CSP) - Holmerby Children's Centre	Childcare Benefit	Federal	Department of Education, Employment and Workplace Relations			\$96,978		
Community & Culture	Children's Services	Children's Services Program (CSP) - Holmerby Children's Centre	Early Childhood Educational and Care Grants Program	State	NSW Department of Education and Training			\$11,529		
Community & Culture	Children's Services	Children's Services Program (CSP) - Prestons Children's Centre	Childcare Benefit	Federal	Department of Education, Employment and Workplace Relations			\$99,082		
Community & Culture	Children's Services	Children's Services Program (CSP) - Prestons Children's Centre	Early Childhood Educational and Care Grants Program	State	NSW Department of Education and Training			\$8,318		

LIVERPOOL CITY COUNCIL GRANTS RECEIVED
July 2016 - June 2017

Attachment 5

Group	Service Delivery Unit	Project	Programme	Funding Source	Funding Agency	Grant Approved	(£)	Received as at 30/09/2016	(£)	Comments
Community & Culture	Children's Services	Children's Services Program (CSP) - Warwick Farm Children's Centre	Childcare Benefit	Federal	Department of Education, Employment and Workplace Relations			\$107,825		
Community & Culture	Children's Services	Children's Services Program (CSP) - Warwick Farm Children's Centre	Early Childhood Educational and Care Grants Program	State	MSW Department of Education and Training			\$15,116		
Community & Culture	Children's Services	Children's Services Program (CSP) - Wallis Grove Children's Centre	Childcare Benefit	Federal	Department of Education, Employment and Workplace Relations			\$105,118		
Community & Culture	Children's Services	Children's Services Program (CSP) - Wallis Grove Children's Centre	Early Childhood Educational and Care Grants Program	State	MSW Department of Education and Training			\$11,624		
Community & Culture	Community Development	Community 2168	Program Funding	State	Department of Family and Community Services			\$38,182		
Community & Culture	Community Development	Community 2168	Program Funding	Other	Liverpool Catholic Ctho			\$27,273		
Community & Culture	Community Development	Community Development Worker (Aged and Disability)	Salary banding	State	Department of Family and Community Services, Ageing Disability and Home Care			\$7,823		
Community & Culture	Community Development	Community Services Admin	Salary banding	State	Department of Family and Community Services, Ageing Disability and Home Care			\$9,366		
Corporate Services	Financial Management	Financial Assistance Grants	General purpose (80%)	State	Department of Premier and Cabinet, Division of Local Government			\$1,677,651		
Corporate Services	Financial Management	Financial Assistance Grants	Road component (20%)	State	Department of Premier and Cabinet, Division of Local Government			\$516,001		
Economic Development	Economic Development	Small Business Week	Other	City of Liverpool Chamber of Commerce and Industry Inc				\$500		
Economic Development	Economic Development	Small Business Week	Other	NIIN C/O Limited				\$3,000		
Infrastructure & Environment	Infrastructure Delivery	Bus Shelter Installations	Other	Murco Homes (MSW) Pty Ltd				\$59,500		

Attachment 5

Grants and Contributions 2009/2016	\$4,330,710
Less:	
Adjustment outstanding grants invoices	\$29,545
Reversal prior year accrual	\$315,699
Works in Kind	\$192,269
Actual grants received	\$3,550,494

Liverpool City Council
Quarter 1 Review 2016/17
For the period 1 July 2016 to 30 June 2017
Forecast Cash and Investments

	1 July 2016 Opening Balance	Original Budget	Budgeted Movements		Q1 Review Recommend Changes	30 June 2017 Projected Closing Balance
			Resolution	Annual Revised Budget		
Externally Restricted						
S94 Contributions	72,604,291	14,322,240	(1,804,054)	12,518,186	(1,407,063)	83,715,414
City Development Fund	3,007,566	149,857	(1,967,246)	(1,817,389)	0	1,190,177
Domestic Waste Reserve	6,631,310	2,492,002	0	2,492,002	1,224,479	10,347,791
Environment Levy	3,637,919	(26,279)	0	(26,279)	0	3,611,640
Stormwater Reserve	0	116,173	0	116,173	0	116,173
WASIP Reserve	213,017	0	0	0	(120,000)	93,017
Edmondson Park Reserve	2,440,666	78,330	0	78,330	0	2,518,996
Contribution Reserve	1,589,469	(45,833)	0	(45,833)	(675,396)	868,240
Grants Reserve	4,469,810	(30,736)	(43,000)	(73,736)	(358,635)	4,037,439
LIRS Loan Reserve	978,264	(36,660)	(268,753)	(241,093)	0	737,170
LIRS Reserve (TIFF)	2,283,884	3,120,080	(253,849)	(3,364,929)	1,081,045	0
Better Waste & Recycling Reserve	651,378	57,112	0	57,112	(476,160)	232,330
Total Externally Restricted	98,507,574	14,029,446	(4,336,902)	9,692,544	(731,730)	107,468,389
Internally Restricted						
Employee Leave Entitlement Reserve	3,056,915	0	0	0	150,000	3,206,915
Insurance Reserve	1,794,143	0	0	0	0	1,794,143
Parking Strategy Reserve	2,906,859	(1,192,924)	(319,600)	(1,512,524)	0	1,394,335
Moorebank Voluntary Acquisition Reserve	453,649	(450,000)	0	(450,000)	0	3,649
General Property Reserve	7,431,352	(762,458)	(795,138)	(1,557,596)	(1,124,581)	4,749,175
Total Internally Restricted	15,642,918	(2,405,382)	(1,114,738)	(3,520,120)	(974,581)	11,148,217
Total Restricted	114,150,492	11,624,064	(5,451,640)	6,172,424	(1,706,311)	118,616,605
Unrestricted Cash	44,055,506	(10,668,491)	(2,889,398)	(13,557,889)	(505,499)	29,992,118
Total Cash and Investments	158,205,998					148,608,723

Attachment 7**Key Performance Indicators Budget Review Statement**

Council is committed to maintaining critical financial performance indicators within acceptable benchmarks.

Current and targeted benchmarks are:

	Performance Indicator	2015/16 Actual	2016/17 Original Budget	2016/17 Budget Review Sept	Benchmark
1	Operating Performance Ratio Benchmark: Greater than or equal to 0% - average over 3 years	-3.36%	-1.10%	-1.29%	≥0%
2	Own Source Operating Ratio Benchmark: Greater than 60% - average over 3 years	58.51%	55.23%	55.06%	>60%
3	Building and Infrastructure Renewals Ratio Benchmark: Greater than 100% - average over 3 years	95.33%	135.27%	144.31%	>100%
4	Infrastructure Backlog Ratio Benchmark: Less than 2%	3.90%	2.90%	2.90%	<2%
5	Asset Maintenance Ratio Benchmark: Greater than 100% - average over 3 years	92%	103%	103%	>100%
6	Debt Service Ratio Benchmark: Greater than 0% and less than or equal to 20% - average over 3 years	5.51%	5.17%	5.17%	>0% & ≤20%
7	Real Operating Expenditure Benchmark: A decrease in Real Operating Expenditure per capita over time	723.61	669.48	672.75	Decrease per capita over time

Attachment 7

Operating Performance Ratio

The Operating Performance Ratio measures Council's achievement of containing operating expenditure within operating revenue.

Own Source Operating Revenue Ratio

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.

Building and Infrastructure Renewals Ratio

This indicator is used to assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.

Infrastructure Backlog Ratio

This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.

Asset Maintenance Ratio

This ratio compares actual against required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the Infrastructure backlog growing.

Debt Service Ratio

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.

Real Operating Ratio

This indicator measures productivity changes over time based on the movement in real per capita expenditure.

Attachment 8

Liverpool City Council

Quarterly Budget Review Statement
for the period 01/07/16 to 30/09/16**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	224,379	Y
Legal Fees	290,365	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

Liverpool Engagement Strategy	32,727
Council waste management review and consultancy	30,419
Code of conduct review and investigation	24,281
Preparation of financial assistance for Flood Event Repair	16,280
Liverpool City Center traffic studies	5,182
Traffic Management and Control Plan	10,860
Review of Depot Sites and preparation of Draft Waste Management Plan	6,330
Casula High School EPA investigation	6,049
Provision of Environmental Services validation assessment	5,730
Georges River Masterplan	4,386
Casula High School Fill Remediation	3,500
IT consultancy	1,680
Asbestos consultancy	1,490
Preparation of Draft for Liverpool Council Emergency Management Plan	825
Total	149,740

Contracts Budget Review Statement

For the period 1/07/16 to 30/09/16

Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Stone Australia	PO2552 Relocate Electricity Power Poles & Public Lifting Works Greendale Road, Birnighy	£2,510.00	20/07/2016	12 weeks	Y	
The Book House	RC12551 - Supply & Delivery of Library Materials - Books	1,079,400 (estimated)	11/08/2016	3 years with a 2 year option	Y	
Belbet Publishing Pty Ltd	RC12551 - Supply & Delivery of Library Materials - Large Print Books	144,279 (estimated)	11/08/2016	3 years with a 2 year option	Y	
Bolinda Publishing Pty Ltd	RC12551 - Supply & Delivery of Library Materials - Audio	149,355 (estimated)	11/08/2016	3 years with a 2 year option	Y	
Digital Education Services	RC12551 - Supply & Delivery of Library Materials - DVDs	245,335 (estimated)	11/08/2016	3 years with a 2 year option	Y	
Integral Electrical Engineering Co Pty Ltd	PO2566 Ground Floor Lobby Upgrade	139,300.00	22/09/2016	4 months	Y	
Murphy's Facilities Services	PO2572 Wetland Glens Child Care Renovation	92,551.69	15/08/2016	2 months	Y	
Al Coleman Plumbing Pty Ltd	PO2573 Showerwater Remediation Works at Collingwood House Liverpool	140,400.00	6/09/2016	10 weeks	Y	
Australian Hammer Suppliers Pty Ltd	VP2574 Three Offcutt Moovers	84,104.00	8/09/2016	One off	Y	

Nichols

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude cancellations on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

CFO 14

Investment Report October 2016

Strategic Direction	Leading Proactive Council Provide business excellence and financial sustainability to deliver services that meet community expectations
Key Policy	Long-Term Financial Plan
File Ref	296465.2016
Report By	Christian Hope - Senior Financial Accountant
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

This report details Council's Investment portfolio.

At 31st October 2016, Council held investments with a market value of \$174million. The portfolio yield for twelve months ended was 3.23 per cent exceeding the benchmark of 2.15 per cent by 108 basis points for the same period.

For four months ended October 2016, returns on investment was \$373k higher than budget and is projected to come on budget at year end.

Council's investments and reporting obligations fully comply with the requirements of Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation

RECOMMENDATION

That Council receives and notes this report

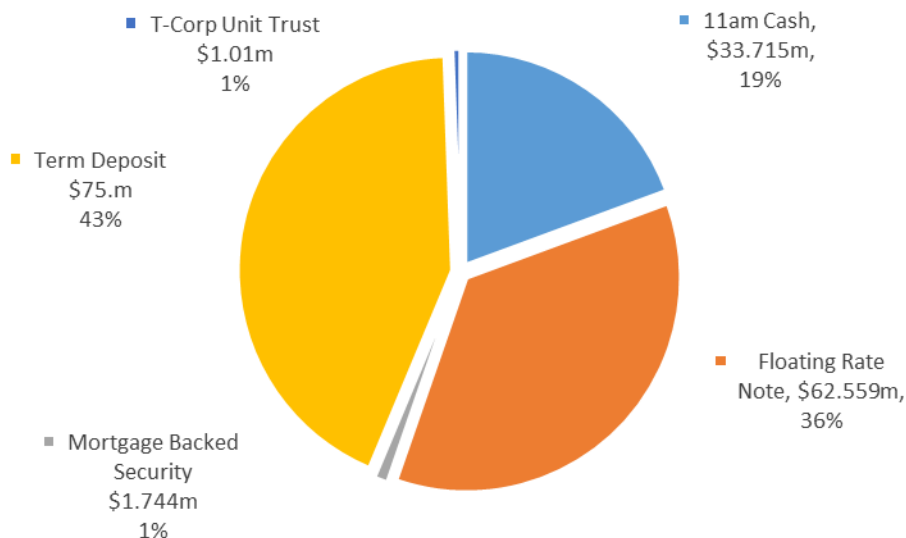
REPORT

Clause 212 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the Local Government Act 1993.

Council's Portfolio

At 31st October 2016, Council held investments with a market value of \$174million. Council's investment register detailing all its investments is provided as an attachment to this report.

In summary, Council's portfolio consisted of investments in:



As at end of October 2016, the ratio of market value compared to face value of various debt securities is shown in the table below.

Asset Class	Oct-16	Jun-16
Senior Debts (FRN's & TCD's)	100.58%	100.00%
MBS (Reverse Mortgage Backed Securities)	61.03%	65.00%
T- Corp Unit Trust	100.99%	100.03%

* A TCD stands for Transferrable Certificate of Deposit; it is a security issued with the same characteristics as a Term Deposit however it can be sold back (transferred) in to the market prior to maturity. A floating TCD pays a coupon linked to a variable benchmark (90 days BBSW).

Council is fully compliant with the requirements of the Ministerial Investment Order including the grand fathering provision in regards to its investment portfolio holdings. The grand fathering provision states that Council continues to hold to maturity, redeem or sell investments that comply with previous Ministerial Investment Orders. Any new investments must comply with the most recent Order. Council continues to closely monitor the investments in its portfolio to ensure continued compliance and minimal exposure to risk.

Portfolio Maturity Profile

The table below shows the percentage of funds invested at different durations to maturity.

Term To maturity	Total	% Holdings	Term To maturity Policy Limit
Cash & Cash at Call	33,715,205	19.37%	100%
Term Deposit < 1 Year	26,000,000	14.94%	100%
Tradeable Securities	62,559,080	35.95%	100%
Term Deposits 1 to < 3 Years	37,000,000	21.26%	60%
Term Deposits 3 to < 5 Years	12,000,000	6.90%	25%
T-Corp Unit Trust (Cash)	1,009,879	0.58%	100%
Grandfathered Securities	1,744,305	1.00%	N/A
Grand Total	174,028,469	100.00%	

Market Value by Issuer and Institution Policy limit as per Investment Policy

Issuer	Security Rating	Market Value	% Total Value	Institutional Policy Limit
AMP Bank Ltd	A+	12,397,721	7.12%	25.00%
ANZ Banking Group Ltd	A+	699,790	0.40%	25.00%
Bananacoast Community Credit Union Ltd	Unrated	2,000,000	1.15%	5.00%
Bank of Queensland Ltd	A-	30,539,650	17.55%	25.00%
Bank of Sydney Ltd	Unrated	2,000,000	1.15%	5.00%
Bendigo & Adelaide Bank Ltd	A-	10,066,020	5.78%	25.00%
Commonwealth Bank of Australia Ltd	AA-	26,345,504	15.14%	35.00%
Credit Suisse Sydney	A	2,009,800	1.15%	25.00%
Credit Union Australia Ltd	BBB+	6,030,180	3.47%	15.00%
Emerald Reverse Mortgage Trust	A	1,744,305	1.00%	25.00%
G&C Mutual Bank Limited	BBB	1,000,000	0.57%	15.00%
Heritage Bank Ltd	BBB+	3,012,840	1.73%	15.00%
Macquarie Bank	A	5,026,700	2.89%	25.00%
Maitland Mutual Building Society Ltd	Unrated	1,000,000	0.57%	5.00%
Members Equity Bank Ltd	BBB+	1,003,480	0.58%	15.00%
MyState Bank Ltd	BBB	2,000,000	1.15%	15.00%
National Australia Bank Ltd	AA-	13,066,400	7.51%	35.00%
Newcastle Permanent Building Society Ltd	BBB+	14,014,500	8.05%	15.00%
NSW Treasury Corporation	AA	1,009,879	0.58%	35.00%
P&N Bank Ltd	BBB	11,000,000	6.32%	15.00%
Police Bank Ltd	BBB+	1,005,080	0.58%	15.00%
Police Credit Union SA	Unrated	4,000,000	2.30%	5.00%
Rabobank Australia Ltd	A+	11,000,000	6.32%	25.00%
Suncorp Bank	A+	7,033,540	4.04%	25.00%
Teachers Mutual Bank Ltd	BBB+	2,009,060	1.15%	15.00%
Westpac Banking Corporation Ltd	AA-	3,014,020	1.73%	35.00%

Portfolio Total		174,028,469	100.00%	
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Overall Portfolio Credit Framework compliance to Investment Policy

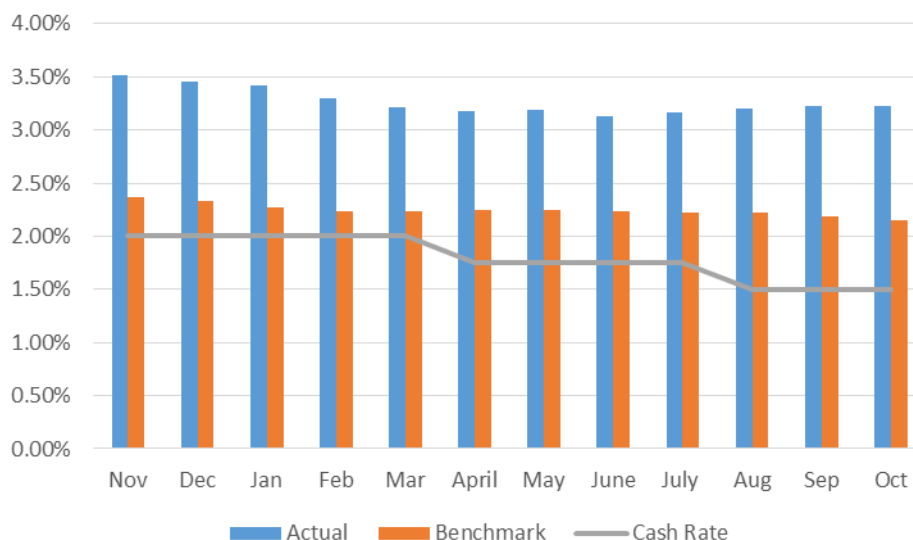
Credit Rating	Sum of Market Value	% Portfolio	Policy Limit
A Category or below	80,517,526	46.27%	60.00%
AA Category	43,435,803	24.96%	100.00%
BBB Category	41,075,140	23.60%	50.00%
Unrated	9,000,000	5.17%	25.00%
Grand Total	174,028,469	100.00%	

Portfolio Performance against Bank Bill Swap Rate (BBSW)

The 90 day BBSW is often referred to as the reference rate for market interest rates and, in particular, is used to benchmark yield on fixed Income securities.

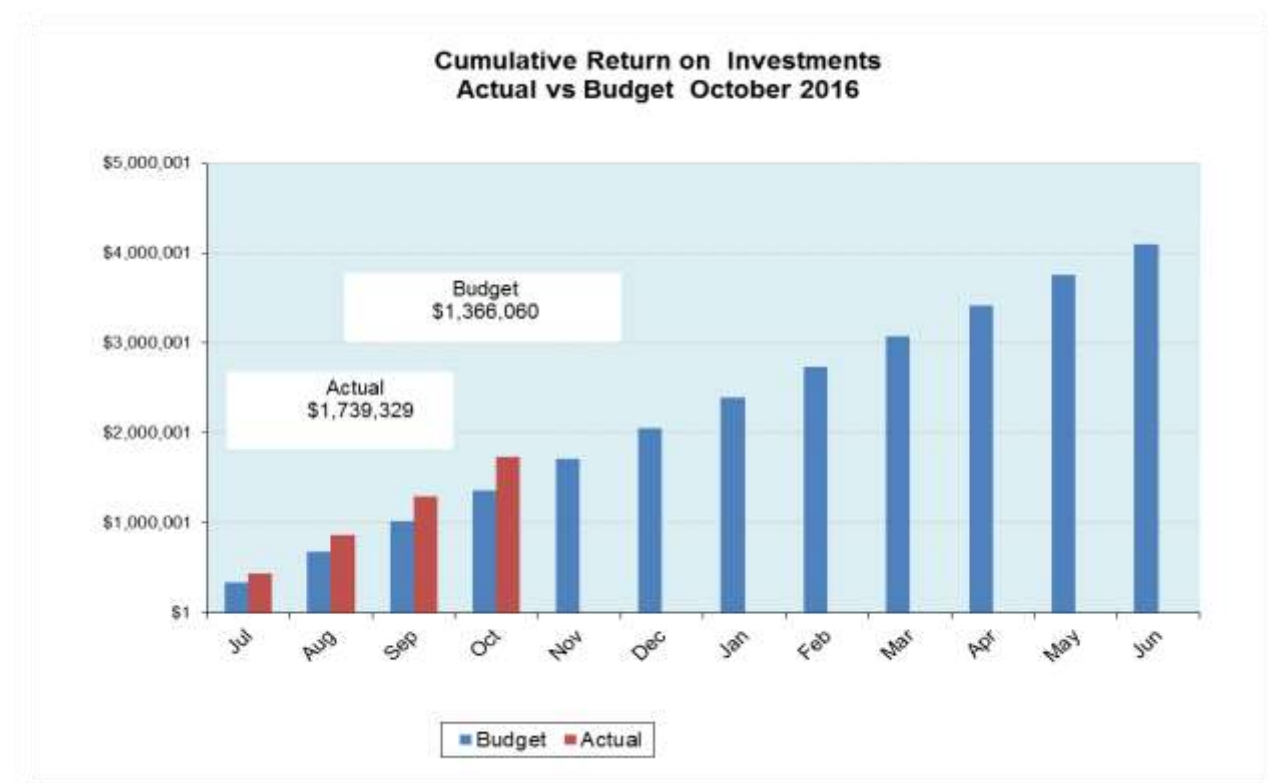
Council's investment portfolio yield as at 31st October 2016 was 3.23 per cent which exceeded the benchmark of 2.15 per cent by 108 basis points for the same period. Council continues to achieve a solid outcome despite ongoing margin contraction and significantly lower deposit yields on offer. Council's ongoing out performance has been boosted by a handful of longer term investments yielding above 4% and maturing out to 2019. Return on investments is expected to slowly decrease as old investments in Council's portfolio mature and replaced with investments yielding lower returns.

Comparative yields for the previous months are charted below:



Performance of Portfolio Returns against Budget

Council's investment income year to date to October 2016 exceeded budget by \$373k and is currently projected to perform to budget at year end.



Investment Portfolio at a Glance

Portfolio Performance vs. 90 day Bank Bill index over the 12 month period.	✓	The portfolio yield for 3 month to the end of October 2016 is 108 basis points above the benchmark for the same period (3.23% against 2.15%).
Annual Income vs. Budget	✓	Council's investment interest income exceeded budget by \$373k as at 31 st October 2016

Investment Policy Compliance

Legislative Requirements	✓	Fully Compliant.
Portfolio Credit Rating Limit	✓	Fully Compliant.
Institutional Exposure Limits	✓	Fully Compliant.
Term to Maturity Limits	✓	Fully Compliant

Economic Outlook – Reserve Bank of Australia

At its meeting on 1 November 2016 the Reserve Bank Board decided not to vary the cash rate. The current 1.5% cash rate is at a historically low level and impacts returns on investment. Returns on Term Deposits and Floating Rate Notes have significantly dropped since the last twelve months. The average market returns on term deposits are:

- Longer term deposits (> 3years maturity) – 2.85% to 3.0% p.a
- Medium term (2 to 3 years to maturity) - 2.7% to 2.85% p.a.
- Short term deposits rate (less than one year to maturity) – ranges from 2.3% to 2.7% per annum.
- Cash & Cash At Call accounts range from 1.5% to 2.25%
- 31 Days' Notice Account 2.45%

Certificate of Responsible Accounting Officer

The Chief Financial Officer, as Responsible Accounting Officer certifies that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulation 2005 and Councils Investment Policies at the time of their placement. The previous investments are covered by the “grandfather” clauses of the current investment guidelines issued by the Minister for Local Government.

CONSIDERATIONS

Economic and Financial	Council's investment interest income exceeded budget by \$373k as at 31st October 2016
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Investment portfolio details as at 31 October 2016 [View](#)



Portfolio Valuation As At 31 October 2016

Fixed Interest Security	Security Rating	Face Value Current	Market Value	% Total Value
11m Cash				
AMP 11m Cash	S&P A1	6,137,452.53	6,137,452.53	3.53%
AMP Business Saver 11m Cash	S&P A1	4,260,268.68	4,260,268.68	2.45%
CBA General 11m Cash	S&P A1+	23,317,484.13	23,317,484.13	13.40%
		33,715,205.34	33,715,205.34	19.37%
Floating Rate Deposit				
Westpac 1.37 23 Sep 2018 182DAY FRD	S&P AA-	1,000,000.00	1,000,000.00	0.57%
		1,000,000.00	1,000,000.00	0.57%
Floating Rate Note				
BOQ 1.07 05 Nov 2019 FRN	S&P A-	3,000,000.00	3,015,510.00	1.73%
BOQ 1.05 12 Feb 2020 FRN	S&P A-	2,000,000.00	2,004,900.00	1.15%
BOQ 1.17 28 Oct 2020 FRN	S&P A-	1,500,000.00	1,501,710.00	0.86%
BOQ 1.48 18 May 2021 FRN	S&P A-	1,000,000.00	1,017,530.00	0.59%
BENAU 1.27 14 Nov 2018 FRN	S&P A-	1,000,000.00	1,013,960.00	0.58%
BENAU 0.93 17 Sep 2019 FRN	S&P A-	2,000,000.00	2,001,240.00	1.15%
BENAU 1.1 16 Aug 2020 FRN	S&P A-	7,000,000.00	7,050,820.00	4.05%
CBA 1.15 18 Jan 2021 FRN	S&P AA-	3,000,000.00	3,026,020.00	1.74%
CredSols 1.05 24 Aug 2018 FRN	S&P A	2,000,000.00	2,009,800.00	1.16%
CUA 1.3 20 Mar 2017 FRN	S&P BBB+	2,000,000.00	2,009,220.00	1.15%
CUA 1.2 22 Dec 2017 FRN	S&P BBB+	2,000,000.00	2,008,600.00	1.15%
CUA 1.6 01 Apr 2019 FRN	S&P BBB+	2,000,000.00	2,012,360.00	1.16%
HBS 1.15 07 May 2018 FRN	Fitch BBB+	3,000,000.00	3,012,840.00	1.73%
MAGIQ 1.1 03 Mar 2020 FRN	S&P A	5,000,000.00	5,026,700.00	2.89%
ME Bank 1.3 17 Apr 2018 FRN	S&P BBB+	1,000,000.00	1,003,480.00	0.58%
NAB 1.08 05 Nov 2020 FRN	S&P AA-	5,000,000.00	5,066,400.00	2.91%
NPBS 1.1 27 Feb 2018 FRN	S&P BBB+	6,000,000.00	6,025,860.00	3.46%
NPBS 1.35 07 Apr 2020 FRN	S&P BBB+	4,000,000.00	3,988,640.00	2.26%
PCU 1.1 21 Aug 2017 FRN	S&P BBB+	1,000,000.00	1,005,080.00	0.59%
SunBank 0.94 20 Aug 2019 FRN	S&P A+	2,000,000.00	2,008,740.00	1.15%
SunBank 1.35 12 Apr 2021 FRN	S&P A+	2,000,000.00	2,024,800.00	1.16%
TMB 1.05 04 Dec 2017 FRN	S&P BBB+	2,000,000.00	2,009,060.00	1.15%
Westpac 1.06 28 Oct 2020 FRN	S&P AA-	2,000,000.00	2,014,020.00	1.16%
		61,800,000.00	61,859,290.00	35.55%
Floating Rate TCD				
ANZ 0.82 17 Apr 2020 FloatTCD	S&P AA-	700,000.00	699,790.00	0.40%
		700,000.00	699,790.00	0.40%
Mortgage Backed Security				
ERM 0.45 21 Aug 2022 2000-1 A MBS	S&P AAA	1,358,325.17	1,010,824.84	0.58%
ERM 1.2 21 Aug 2027 2005-1 C MBS	S&P A	1,000,000.00	480,616.00	0.28%
ERM 0.95 21 Jul 2057 2007-1 C MBS	Fitch A	500,000.00	252,879.00	0.15%
		2,858,325.17	1,744,304.84	1.00%
Term Deposit				
AMP 3 21 Nov 2016 181DAY TD	S&P A1	2,000,000.00	2,000,000.00	1.15%
BOCU 4.2 14 Aug 2018 1462DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.15%
BOQ 3.95 05 Sep 2017 1069DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
BOQ 4 11 Sep 2017 1068DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
BOQ 4.15 13 Aug 2016 1449DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
BOQ 4.1 27 Aug 2018 1462DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%

		Face Value		Total
Fixed Interest Security	Security Rating	Current	Market Value	Value
BOQ 3.4 11 Feb 2019 1462DAY TD	S&P A2	3,000,000.00	3,000,000.00	1.72%
BOQ 4.25 22 Aug 2019 1828DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
BOQ 4.25 03 Sep 2019 1828DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
BOQ 4.35 05 Sep 2019 1828DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
BOQ 4.25 Nov 2019 1828DAY TD	S&P A2	3,000,000.00	3,000,000.00	1.72%
BOQ 3.05 18 Aug 2020 1460DAY TD	S&P A2	1,000,000.00	1,000,000.00	0.57%
BOQ 3.07 Sep 2020 1462DAY TD	S&P A2	1,000,000.00	1,000,000.00	0.57%
BOQ 3.07 Sep 2020 1463DAY TD	S&P A2	1,000,000.00	1,000,000.00	0.57%
BYD 2.95 20 Feb 2017 272DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.15%
G&C MB 3.6 30 Mar 2020 1827DAY TD	S&P A2	1,000,000.00	1,000,000.00	0.57%
MMB 3.16 Aug 2018 730DAY TD	Unrated UR	1,000,000.00	1,000,000.00	0.57%
MYS 3.7 24 Nov 2016 731DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
NAB 3.29 May 2017 731DAY TD	S&P A1+	3,000,000.00	3,000,000.00	1.72%
NAB 3.8 25 Sep 2017 1098DAY TD	S&P A1+	2,000,000.00	2,000,000.00	1.15%
NAB 3.05 29 May 2018 1098DAY TD	S&P A1+	3,000,000.00	3,000,000.00	1.72%
NPBS 2.9 31 Aug 2018 730DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
NPBS 2.9 31 Aug 2019 1095DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
P&NB 3.05 05 Sep 2017 1097DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
P&NB 3.99 27 Sep 2017 1099DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
P&NB 3.95 29 Sep 2017 1095DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
P&NB 3.7 12 Feb 2020 1827DAY TD	S&P A2	3,000,000.00	3,000,000.00	1.72%
P&NB 3.14 Aug 2020 1460DAY TD	S&P A2	2,000,000.00	2,000,000.00	1.15%
PCUSA 3.83 24 Nov 2016 731DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.15%
PCUSA 2.9 31 Aug 2018 730DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.15%
RABO 4.1 17 Aug 2018 1460DAY TD	Moody's P-1	2,000,000.00	2,000,000.00	1.15%
RABO 3.27 Aug 2018 1098DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.15%
RABO 3.9 31 Oct 2018 1461DAY TD	Unrated UR	2,000,000.00	2,000,000.00	1.15%
RABO 4.3 21 Aug 2019 1828DAY TD	Moody's P-1	2,000,000.00	2,000,000.00	1.15%
RABO 4.3 27 Aug 2019 1827DAY TD	Moody's P-1	3,000,000.00	3,000,000.00	1.72%
SunBank 3.25 Jan 2017 249DAY TD	S&P A1	3,000,000.00	3,000,000.00	1.72%
		74,000,000.00	74,000,000.00	42.52%
FI Total		173,773,530.51	173,018,590.18	99.42%

DCP 01

Transfer Ownership of SES Vehicles

Strategic Direction	Liveable Safe City Improve the community's sense of safety in Liverpool
Key Policy	Community Safety and Crime Prevention Strategy
File Ref	288650.2016
Report By	Jeya Jeyanathan - Maintenance Planning and Reports Coordinator
Approved By	Wayne Carter - Director City Presentation

EXECUTIVE SUMMARY

NSW Councils, in partnership with the State Government, provide strong financial and practical support to their local SES Units. The State Government provides a range of assistance to SES Units, helping to ease the financial burden on Local Government. This assistance includes providing funding assistance for the purchase of emergency response vehicles.

The majority of the operational fleets are owned and managed by local Councils. The NSW SES received funding to centralise the ownership and management of their operational vehicles as part of the Strategic Disaster Readiness Package announced in the 2012/2013 State Budget. This new arrangement will ensure the continued ability of the NSW SES to provide a safer community during times of disaster.

The purpose of this report is to recommend an option to transfer the ownership of four vehicles that are partly owned and managed by the Council.

RECOMMENDATION

That Council accept the recommendation of transferring the vehicles for market values.

REPORT

Council purchased the vehicles with registration numbers of BG95WO, BG94WO, BN08VK and AO20DZ for the NSW SES between 2007 and 2012 with a \$ for \$ arrangement with the exception of the vehicle AO20DZ, which was a Council owned fleet vehicle and handed over to the SES around the year 2010.

The following table provides the information of the costs of the vehicles:

Registration	Description	Cost (excl GST)		Accumulated Depreciation	Written Down Value	Purchase Date
		SES Contribution	Council Contribution			
BG95WO	Nissan Navara 2.5L	\$28,948.50	\$28,948.50	\$57,897	\$0.00	Jul-10
BG94WO	Nissan Navara 2.5L	\$28,948.50	\$28,948.50	\$57,897	\$0.00	Jul-10
BN08VK	Isuzu NPR30	\$60,000.00	\$56,082.00	\$84,879.51	\$31,202.49	Feb-12
AO20DZ	Subaru Forester 2.5L	\$8,500.00	\$20,693.00	\$29,193	\$0.00	2007

On the announcement of the funding availability to centralise the ownership and management of the operational vehicles, the Local NSW SES Regional Office contacted Council and discussed the proposed changes to the manner in which NSW SES vehicles are to be managed and offered the following options to consider for transferring the vehicles:

- By Gift
- Nominal Fee of \$1.00 GST exclusive per vehicle
- Market Value

The three vehicles that are more than six years old have been already depreciated, however there are significant residual values still remaining and the residual values have been best estimated by using various sources and tabulated below:

Registration	Current resale value (Estimated)	Resale value - Council's share
BG95WO	\$22,000	\$11,000
BG94WO	\$22,000	\$11,000
BN08VK	\$40,000	\$20,000
AO20DZ	\$5,000	\$3,500

The estimated Council share from resales would be approximately \$45.5K which is excluding commissions for the sale and other mandatory pre-sale inspections and repairs so the net value of sales is estimated around \$43K.

Council is maintaining these vehicles and the costs for maintaining these vehicles are in the order of \$5k annually and the registration and CTP insurance costs are approximately \$5K. Therefore Council is spending approximately \$10K annually for managing these vehicles. It is considered this amount will be a saving to Council in addition to freeing up the resources for maintaining these vehicles that can then be allocated to other works.

Council's assets disposal policy has been considered in particular:

- The best value return or outcome for Council must be the foremost consideration when disposing of Council assets;
- Council disposal activities should be transparent and unrestricted providing the opportunity for any organisation or a member of the public to purchase Council assets; and
- All disposals should be able to withstand public scrutiny and Council should obtain, and be seen to obtain, the best possible outcome for the assets that Council disposes.

Given the above, it is recommended to transfer the vehicles for a market value determined by a professional vehicle assessor and the value agreed upon by both NSW SES and Council. It is noted that transfer can only be finalised based on Fit-for-Purpose and Safe-to-Use Risk Assessment.

CONSIDERATIONS

Economic and Financial	There are economic and financial considerations. It is estimated a loss of \$43K from sales, however a \$10K savings per annum is anticipated from not having to manage the SES vehicles.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

Nil

DCP 02**Maintenance of Nature Strips**

Strategic Direction	Liveable Safe City Create clean and attractive public places for people to engage and connect
Key Policy	Strategic Maintenance Plan
File Ref	292896.2016
Report By	Jeya Jeyanathan - Maintenance Planning and Reports Coordinator
Approved By	Wayne Carter - Director City Presentation

EXECUTIVE SUMMARY

At the Council Meeting of 24 Feb 2016 Council considered a Notice of Motion by Councillor Harle relating to mowing of roadside verge or footpath areas across the LGA. Council resolved to write to the relevant NSW State Government authorities seeking a statutory solution to the ongoing problem of some residents not maintaining the roadside verge adjacent to their property.

The revised policy provides for a similar service to the existing and also makes provision for emergency services to be provided to special needs groups. The policy also restricts the use of herbicides in the public footway areas.

RECOMMENDATION

That Council note the conclusion of the report and adopts the footpath mowing policy.

REPORT

Following Councillor Harle's Notice of Motion, Council wrote to the Premier of NSW, the Minister for Roads, Maritime and Freight, and the Minister for Local Government, outlining the issues associated with residents who do not maintain road verges, and seeking a statutory solution through suitable amendments to the Roads Act 1993 and/or the Local Government Act 1993.

Council received a reply (copy attached) from the Office of Local Government (OLG) advising that each council has the discretion to manage the maintenance of road verges and nature strips, and that Council should have a policy in place to meet community needs and

expectations within available resources. The OLG also suggested Council may wish to consider special needs groups and may wish to consider partnering with Corrective Services NSW to offer this work to people undertaking Community Service Orders (CSO).

Council also received a reply from Roads and Maritime Services (RMS) advising that it would not support a statutory amendment to oblige adjacent landowners to maintain or carry out works on parts of the road reserve.

Council has had a policy in place in the past however this policy lapsed in 2015 for want of a renewal process. The lapsed policy did not provide for any special needs cases and essentially provided for;

- Maintenance adjacent to Council-owned properties,
- Very basic clearing of footways adjacent to properties whose owners refuse to carry out mowing at all,
- No mowing of footways adjacent to government-owned properties

The purpose of this report is to present a new draft policy for Council's adoption. The report includes a rationale of options considered.

Special Needs Groups

Other councils have adopted a variety of policy positions reflecting the particular characteristics of their LGA and residents.

Liverpool has a vast area of footways and nature strips in residential, industrial and commercial areas. Only a tiny minority of footways and nature strips are not maintained by the adjoining owner/resident. Any significant shift from Council's traditional policy has the potential for very high cost increases.

Should Council wish to consider a policy of providing such services to special needs groups, the most obvious group would be residents aged 65 years and older (65+) who have disabilities which restrict their capacity to provide basic mowing to footways. The proportion of 65+ residents who would ultimately be able to demonstrate such a disability by a doctor's certificate, or who would seek to access such a service on the basis of a disability, can only be estimated. However, the size of the 65+ group is known from census data.

The number of 65+ in Liverpool is currently around 23,000 which is just over 10% of the population. Census data projects the number of 65+ to almost double in 15 years to 44,000 which will then be 15% of the population of Liverpool.

Even if the proportion of 65+ who seek access to such a service is quite low initially, the actual number of services required has the potential to be substantial. At a typical target service level for mowing 18 times per year and a typical cost of \$50 per service, the annual cost for each property serviced would be \$900. If 5% of 65+ residents accessed the service, the cost would be \$900,000 per year, and that cost would double in 15 years (in 2016 dollars) as the 65+ residents doubled in number.

One way to moderate the cost of such a service is to use Community Service Orders as suggested by OLG. Council would still need to meet all non-labour costs (plant, supervision) which would be approximately 25%, even if sufficient CSO people could be provided to deliver the service. Using CSO may be a feasible way of reducing the cost of the service.

While the provision of a footway maintenance service to eligible 65+ residents undoubtedly has some social merit, there are also reasons to consider the value of existing social connections perpetuated by the needs of these residents. Some residents who have such age-related disabilities depend on family and friends to mow their lawns and help maintain their gardens once they have a disability either temporarily or permanently. For some, these dependencies serve as an important connection to family and friends. Such connections are an important support to ageing in place as well as being important generational linkages. In some cases, a well-intentioned Council service could undermine these positive social dependencies.

Conclusions

The cost of providing additional services beyond the current policy could easily become a substantial unfunded cost to Council. The status quo is well understood within the community, very few calls for assistance are received and non-compliance with Council's current policy is very occasional. It is considered that Council can continue with a policy based on the principle that all verge and footway areas are maintained by the adjoining owner/resident, with Council only bound to respond to non-compliance with a basic one-off service.

CONSIDERATIONS

Economic and Financial	There are economic and financial considerations. Should a significant number of requests be received from special needs groups the cost will escalate at almost \$1000 per annum per request approved.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	Preserve and maintain heritage, both landscape and cultural as urban development takes place. Regulate for a mix of housing types that responds to different population groups such as young families and older people. Support access and services for people with a disability.

Civic Leadership and Governance	<p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Foster neighbourhood pride and a sense of responsibility.</p> <p>Provide information about Council's services, roles and decision making processes.</p> <p>Deliver services that are customer focused.</p> <p>Actively advocate for federal and state government support, funding and services.</p>
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ATTACHMENTS

1. Footpath/Nature Strip Mowing Policy [View](#)
2. Reply from the Office of Local Government and the Roads & Maritime Services. [View](#)

FOOTPATH/NATURE STRIP MOWING POLICY



Footpath/Nature Strip Mowing Policy

Adopted 23 November 2016

FOOTPATH/NATURE STRIP MOWING POLICY

PURPOSE/OBJECTIVES

- Define the extent of Council involvement in the mowing and weed poisoning of footpath/nature strips.
- Provide direction to officers when determining the limit of maintenance activities with respect to footpath/nature strips mowing.
- Clarify the criteria for determining eligibility to receive Council service.

LEGISLATIVE REQUIREMENTS

Local Government Act 1993

DEFINITIONS

Footpath and Nature strips - The area of land between a property boundary's private frontage and the edge of a roadway. The primary purpose of this land is to facilitate pedestrian movement alongside the roadway and provide an area for infrastructure provision.

POLICY STATEMENT

1. FOOTPATH ADJACENT TO COUNCIL-OWNED PROPERTIES

The properties with high visibility such as The Casula Powerhouse Arts Centre, City Centre, Libraries, Community and Childcare Centres and in the vicinity of these properties should be maintained at a high standard, including hand mowing, edge trimming and removal of clippings.

All other Council properties - Tractor mowing should be carried out wherever possible to a standard sufficient for safe and nuisance-free pedestrian usage. Hand mowing activities are not encouraged unless unavoidable.

Glyphosate herbicides to be used only on multi-lane roads.

The Council owned properties that are tenanted or leased - the tenant or lessor will initially be asked to carry out the work.

2. FOOTPATH ADJACENT TO GOVERNMENT – OWNED PROPERTIES

Mowing should not be carried out unless the Government body concerned meets the cost.

3. FOOTPATH ADJACENT TO PRIVATE PROPERTY

Council does not mow footpaths and nature strips in front of private, commercial or industrial property.

FOOTPATH/NATURE STRIP MOWING POLICY

Council will encourage property owners or occupiers to mow their footpaths or nature strips to a standard that enhances the amenity of their property and does not create any potential for a public safety risk.

The property owners or occupiers shall not use Glyphosate Herbicides for controlling grass growth.

Where the property owner is not carrying out mowing or upon receiving a complaint regarding an overgrown footpath or nature strip, or a request to mow a footpath or nature strip, Council will inspect the site to undertake a risk assessment.

The risk assessment will determine whether further action is necessary, based on the following criteria:

- the grass on the footpath or nature strip is generally higher than 500mm and/or the footpath or nature strip is overgrown to the extent that it hinders the safe passage of pedestrians along the footpath or nature strip.
- the footpath or nature strip is overgrown to the extent that it potentially obstructs traffic visibility.
- the footpath or nature strip is overgrown to the extent that it is detrimental to the amenity of the neighbourhood.

If the public risk is assessed as being unacceptable, then Council will make appropriate arrangements to undertake a "rough cut" of the area to eliminate the risk.

The property owner or occupier will then be contacted to ascertain their intentions regarding the regular mowing of the footpath and nature strip.

4. SPECIAL NEEDS GROUPS

Council is committed to ensuring an emergency service is available for mowing footpath and nature strips in front of residential properties where resident/owners are 65 years or older (65+) and have genuine hardship based on medical evidence.

All applications for the provision of footpath and nature strips mowing services are to be made in writing. Applications will be considered based on the following:

- provision of a medical certificate from a registered physician which states they are unable to mow their nature strip area due to medical reasons; and
- a Statutory Declaration stating that the applicant does not have the financial capacity to employ a contractor to perform the service; and
- Confirmation that a family member or friend is not able to perform the work

The emergency footpath and nature strips mowing service is to be reviewed after 6 months to ensure residents remain eligible for this service and to maintain the accuracy of Council mowing service records.

Council requires applications including the medical certificate to be updated and resubmitted on a six-monthly basis.

FOOTPATH/NATURE STRIP MOWING POLICY**5. General**

The Director City Presentation has authority to approve exceptions to this policy due to special circumstances.

DEPARTMENT RESPONSIBLE

City Presentation

THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION WITH

Corporate Services (Corporate Governance)
Corporate Services (Property)

REVIEW DATE

23 November 2018

APPROVED BY

Council Resolution



Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference:
Your Reference:
Contact:
Phone:

A479153
072854 2016
Policy Team
02 4428 4100

Mr Michael Cullen
Acting General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Received By
28 MAY 2016
Records

Dear Mr Cullen

I refer to Council's letter of 6 April 2016 to the Minister for Local Government, the Hon Paul Toole MP, proposing a requirement for owners and occupiers to maintain and mow road verges and nature strips. Minister Toole has asked that I reply on his behalf.

I have noted Liverpool City Council's resolution requesting legislative amendments to the *Roads Act 1993* and/or the *Local Government Act 1993* to enable councils to require the owners and occupiers of adjacent land to maintain and mow road verges and nature strips. To the extent that this proposal falls within Minister Toole's portfolio, I am pleased to offer the following response.

I am advised that councils are the roads authority for each public road in their local government area under the Roads Act, other than freeways and Crown roads not transferred to a council. This includes nature strips and footpaths. As such, responsibility for maintenance, including mowing, rests with the relevant council.

Ultimately, each council has the discretion to manage the maintenance of road verges and nature strips to meet community needs and expectations within available resources. I understand that councils often issue policies for the management of public land to help to clarify what service may be expected of council and to seek the cooperation of property owners to mow nature strips.

As it appears that Liverpool City Council does not have a policy of this kind in place, I suggest that this measure may assist. Should Council take up this option, it may wish to provide for exceptions, such as in the case of residents who are unable to assist because of age or disability. Council may also wish to partner with Corrective Services NSW to offer this work to people undertaking community service orders.

I trust this information is of assistance to Council.

Yours sincerely


Tim Hurst
Acting Chief Executive
Office of Local Government

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
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Transport
Roads & Maritime
Services

00095681

Received By

27 MAY 2016
Records

Ms Toni Averay
Acting Chief Executive Officer
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Dear Ms Averay

Thank you for your letter to the Minister for Roads, Maritime and Freight about maintenance of nature strips in the Liverpool local government area. The Minister has asked me to respond on his behalf.

Amendments to the *Roads Act 1993* are usually considered as part of a formal review process. In this context, Roads and Maritime Services does not support an ad hoc amendment to the Act to resolve a local issue. Under the *Roads Act*, as your letter correctly indicates, a council in its capacity as roads authority will generally be the landowner of nature strips forming part of public road reserves, and not the adjoining landowner. Roads and Maritime would not support a statutory amendment to oblige adjacent landowners to maintain or carry out works on parts of the road reserve. I encourage Council to work with landowners and occupiers to resolve this local issue.

Your request to amend the *Local Government Act 1993* is a matter for the Minister for Local Government to consider. I note that you also referred this matter to the Hon Paul Toole MP, Minister for Local Government, and this was the correct course of action.

If you require more information, Mr Neil Forrest, Asset Manager Sydney at Roads and Maritime, would be pleased to take your call on (02) 8849 2933.

Yours sincerely

Peter McMahon
A/Network General Manager NSW

Roads and Maritime Services

Level 9, 101 Miller Street, North Sydney NSW 2060 |
Locked Bag 928, North Sydney NSW 2060 |

www.rms.nsw.gov.au | 13 22 13

DCP 03

Review of Domestic Waste Management Policy

Strategic Direction	Natural Sustainable City Lead the community to develop and implement environmentally sustainable practices
Key Policy	Domestic Waste Management Policy
File Ref	298938.2016
Report By	Rebecca Scarpin - Waste Management Coordinator
Approved By	Wayne Carter - Director City Presentation

EXECUTIVE SUMMARY

Liverpool City Council is committed to providing a regular and efficient household waste collection and disposal service to meet the needs of its community. In order to manage all aspects of this service, Council has a Domestic Waste Management Policy in place.

A review of this policy has been undertaken. The purpose of this report is to recommend changes to the Domestic Waste Management Policy.

RECOMMENDATION

That Council approve and adopt the revised Domestic Waste Management Policy

REPORT

The Domestic Waste Management Policy was adopted in December 2011, last reviewed in 2014 and is due for its second review.

The policy states Council's commitment to providing a regular and efficient household waste collection and disposal service, maintaining maximum participation and optimum use of the service and achieving an overall reduction of waste to landfill.

The Domestic Waste Management Policy has been reviewed and a number of minor changes have been made to strengthen the document and ensure it reflects current practice. The more significant changes proposed in the revised policy are detailed below. The updated policy is attached (Attachment 1).

1. Additions to 4.2 *Multi Unit Dwellings*

Since the last review, Council has made changes to its waste services for residential apartment buildings and multi-unit developments. In light of the growing number of high rise developments in the Liverpool City Centre and other areas earmarked for high density development within the LGA, there is a growing demand for Council to provide services which adequately manage the large volumes of waste generated from these developments. Council can now provide a suitable waste collection service, including a variety of larger bin sizes along with on-site collection to cater for all scales of high density development.

An additional paragraph has been added to this section of the policy to include this information and makes reference to the document that outlines the objectives and specifications for this new arrangement.

2. Changes to 4.3 *Charges for Waste Services*

Although not specified in the policy to date, it has been common practice that cancellations of any waste charges are effective from the day of notification/request by the owner. This practice has now been documented in this section of the revised policy to reflect practice and to support staff in communications with residents when this issue arises.

There is also a new provision to cover a related scenario which occurs on occasions when owners will request refunds for incorrect waste services that they have not notified Council about. These can sometimes be for a significant length of time with the property owner expecting a refund to be backdated for the entirety of the time. In order to avoid refunds going back excessive lengths of time, the revised policy puts a restriction on this to a maximum of 12 months from the day of notification by the owner. This will mean it is a more equitable, consistent approach and all requests will no longer be dealt with on a case by case basis as is the current practice.

3. Changes to 4.4 *Collection and Storage of MBs*

In this section details are provided on the infirm service that is available upon request at no charge to eligible residents. The information in regards to the requirements for eligibility for such a service has been updated after consultation with Council's Community Development Section. The revised wording ensures it is inclusive, non-discriminatory and in line with the current legislation. The wording has been duplicated in 4.7.3 *Recycling and Green Waste Bins* in regards to eligibility of waiving the fee for an additional recycling bin for residents with physical impairments or medical conditions.

4. Changes to 4.7 *Additional MB Services*

The current policy allows for residents to apply for additional bins and /or upgrade from a 140 litre to a 240 litre garbage bin. The administration for this process is significant and it has been noted that property owners will sometimes request additional bins and upgrades and after a short period of time decide they no longer want them. To cancel additional/upgrade bins the administration process is reversed and this involves the same

workload across Waste Management, Council's contractors and Rates. The revised policy proposes to have a mandatory minimum 12 month charge from delivery date on all additional or upgrade bin requests. Additional or upgraded bins may be cancelled prior to 12 months by the property owners however no refund is available for the costs incurred as prescribed in the "Fees and Charges" during the first 12 months. It is anticipated this will make owners consider more carefully their need for additional/upgraded bins and alleviate duplicate administrative work on Council staff and contractors.

CONSIDERATIONS

Economic and Financial	The proposed changes to the policy have positive financial impacts however these impacts are insignificant to the domestic waste budget.
Environmental and Sustainability	Minimise household and commercial waste going to landfill. Improve recycling and recovery rates. Enhance the environmental performance of buildings and homes. Raise community awareness and support action in relation to environmental issues.
Social and Cultural	Raise awareness in the community about the available services and facilities. Improve community reputation and standing. Support policies and plans that prevent illegal dumping. Supports Disability and Inclusion Plan
Civic Leadership and Governance	Act as an environmental leader in the community. Foster neighbourhood pride and a sense of responsibility. Facilitate the development of community leaders. Encourage the community to engage in Council initiatives and actions. Deliver services that are customer focused.

ATTACHMENTS

1. Existing Domestic Waste Management Policy [View](#)
2. DRAFT Domestic Waste Management Policy



DOMESTIC WASTE MANAGEMENT POLICY

Adopted: 26 November 2014

TRIM 292539.2014



1. LEGISLATIVE REQUIREMENTS

Disability Discrimination Act 1992
Local Government Act 1993
NSW Reducing Waste: Implementation Strategy 2011-2015
Waste Avoidance and Resource Recovery Act 2001
Work Health and Safety Act 2011

2. PURPOSE/OBJECTIVES

The purpose of this policy is to:

- a) To provide a regular and efficient household waste collection and disposal service to meet the needs of the community of Liverpool in a cost-effective manner.
- b) To provide regular dissemination of educational material to maintain maximum participation and optimum use of the waste collection and disposal service.
- c) To achieve a reduction of waste to landfill by maximising resident participation in the recycling, garden waste and metal collections and ensuring highest possible recovery of resources from waste.
- d) To achieve a reduction of waste to landfill by treating all waste to recover maximum resources.

3. DEFINITIONS

"Local Government Area (LGA)" is the geographical area governed by a Council. For the purpose of this document it is the geographical area covered by Liverpool City Council.

"Mobile Bins (MB)" refers to light, plastic receptacles with wheels that are used for the temporary storage of waste between collection times

"Multi Unit Dwellings (MUD)" refers to a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other.

"Single Lot Dwellings (SLD)" refers to a dwelling standing wholly on its own title lot. For the purpose of this document this includes townhouses and villas.

"Garbage" refers to any matter that is no longer wanted or needed and cannot be recycled within Liverpool Council's Domestic Waste Service. This can include food scraps, plastic bags and wrapping, broken crockery and ceramics.

"Recycling" refers to the processing of used materials into new products to prevent waste of potentially useful materials. This can include glass, paper and liquid paperboard.

"Garden Waste" refers to biodegradable waste that can include grass clippings, flower cuttings and leaves.

"Household Clean-Up Service" refers to a service that is provided by Liverpool Council to dispose of bulky waste that otherwise would not fit in a normal MB. This can include furniture, mattresses, carpet, whitegoods and metal.

"Infirm Service" refers to a service that is provided by Liverpool Council to single lot dwellings (houses) where Council's current contractor wheels bins to and from the kerbside for collection.

"Contamination" refers to the presence of unwanted material in a MB. This can include paints and chemicals in the garbage MB and plastic bags in the recycling and garden waste MBs.

4. POLICY STATEMENT

4.1 Single Lot Dwellings

Residents in single lot dwellings (houses) in urban areas of the LGA will be provided with the following:

- One 140 litre red-lid garbage bin collected weekly
- One 240 litre yellow-lid recycling bin collected fortnightly
- One 240 litre green-lid garden waste bin collected fortnightly
- Two bulky waste, two mattresses and unlimited metal waste collections in each calendar year, available through booking with Council.

Residents in single lot dwellings (houses) in rural areas of the LGA that are greater than one hectare in size will be provided with the following:

- One 240 litre red-lid garbage bin collected weekly
- One 240 litre yellow-lid recycling bin collected fortnightly
- Two bulky waste, two mattresses and unlimited metal waste collections in each calendar year, available through booking with Council.

Garden waste MBs are not provided as additional capacity is available in the garbage bin for the disposal of green waste. In addition these properties are considered to have enough space to sustainably manage their garden waste on site.

Residents in townhouses and villas will be provided with:

- One 140 litre red-lid garbage bin collected weekly
- One 240 litre yellow-lid recycling bin collected fortnightly
- One 240 litre green-lid garden waste bin collected fortnightly (provided on request only at no additional charge to the resident)
- Two bulky waste, two mattresses and unlimited metal waste collections in each calendar year, available through booking with Council.

4.2 Multi Unit Dwellings

Residents in multi unit dwellings (flats and units) of the LGA will be provided with:

- The equivalent capacity of one 240 litre red-lid garbage bin shared between two units, collected weekly
- The equivalent capacity of one 240 litre yellow-lid recycling bin shared between two units, collected weekly
- 240 litre green-lid garden waste bins, on request for use in common areas, collected fortnightly on day specified by Council
- Two bulky waste, two mattresses and unlimited metal waste collections in each calendar year, available through booking with Council.

Unit blocks that have limited space for bin storage, are located within the CBD of Liverpool and/or are positioned in an operationally challenging location for collection of waste will receive additional collection services and subsequently a reduction in bin numbers. This will be in proportion to the above allocation.

A *Wheel Out Wheel Back Service* is provided to a selected number of unit blocks in the LGA whereby Council's waste contractor wheels the MBs from within the private property to be emptied and then returns the bins to the property after emptying. This service is provided for a fee and is only provided once a satisfactory Workplace Health and Safety (WHS) assessment is completed.

The waste contractor is not committed to returning the bins at the time of collection. Bins can be returned any time during the day after collection; however the contractor will endeavor to return bins on the day of collection (especially within the CBD) and before normal day to day pedestrian and traffic movement begins.

This service was made available for an annual charge to each individual unit as prescribed in the "Fees and Charges" when Council introduced its three bin system in 2009 however; this service is only available to the existing MUDs on the Wheel Out Wheel Back Scheme. No new MUDs will be added to the system. This is mainly due to the WHS issues experienced by Council's waste contractor.

4.3 Charges for Waste Services

Each rateable residential property in the LGA is levied an annual domestic waste charge under Section 496 the *Local Government Act 1993*. This charge is prescribed as per the "Fees and Charges Schedule" and is for the provision of domestic waste and

recycling services. The "Fees and Charges Schedule" also stipulates a lower annual domestic waste charge for residential vacant blocks. When homes are demolished to rebuild, the full domestic waste service is suspended when the owner notifies Council to cancel the Domestic Waste Service. The Vacant Blocks Domestic Waste Charge as prescribed in the "Fees and Charges" is applied. All MBs will be retrieved until such time that the owner notifies Council to recommence the service once the property is rebuilt and the dwelling/s are re-occupied.

4.4 Collection and Storage of MBs

Council will provide a regular service to collect domestic waste contained in the relevant mobile garbage bin supplied by Council. The MB provided by Council will be easily identifiable with Council's name and/or logo. No other receptacle will be acceptable.

The MBs allocated to each property are owned by Council's collection contractor and therefore under the terms of the current contractor responsibility for the replacement (where necessary) lies with Council. The bins are assigned to the property and are not to be removed from the property upon sale of a house or changes in tenancy.

All MB's will be placed out for collection on the scheduled day directly in front of the property to which the bins are allocated. This will be on the Council owned nature strip unless otherwise instructed by Council, as in the case of private roads and driveways. Collection from a private road can take place only when a signed indemnity is received by Council from the owner or person responsible for the Community Title/Neighborhood Association for the private road.

The MB is to be placed at the kerb for collection no earlier than the evening prior to the scheduled collection day and no later than 5.00am on the day of collection. The lid of each bin must be closed shut and no material is to be placed on top or around the bin as it may not be collected. Any excess waste should not be placed in other residents bins or street litter and park bins. The wheels of each MB should be facing the property and, where possible, MBs should be kept one metre apart from each other and presented away from parked cars, trees and poles to increase collection efficiency.

Each MB must be removed from the public place by the property owner or occupier as soon as possible after collection, and no later than 24 hours after collection. MBs should be stored within the property boundary in a secure place, out of reach of the general public so as to avoid vandalism, theft and incorrect use.

A service is available upon request and at no charge for residents of single lot dwellings (houses) who are not able or have difficulty wheeling their bins to and from the kerbside for collection. This difficulty may be because the resident is aged and frail and living alone or may be suffering from a physical impairment or medical condition. This service will be provided once evidence from a registered medical practitioner, as to the physical disability or medical condition that prevents a resident from being able to maneuver a MB, is received and the property to which the service is requested, is inspected and approved by Council. This service is known as an *Infirm Service*.

4.5 Contamination of MBs

Council will not empty MBs found to contain contaminated material. Contaminated material is any material that is not listed on the approved Council collection schedule. It is noted that the collection schedule may be amended from time to time. Contaminated material will be identified by either the collection crew or any Council Officer empowered for that purpose.

MBs identified as contaminated will be left in place and distinguished by the collection crew or relevant Council officer placing an approved "rejected" sticker onto the bin. The MB will not be emptied by Council until such time as the resident has removed the incorrect material.

If a recycling or garden waste MB is found to be contaminated on three occasions, and attempts at educating the property occupants have failed, owners will be charged the disposal of contaminated bin fee as per the "Fees and Charges Schedule". Further to this, a MB may be confiscated from the property until such time as a written commitment is received from the property owner that a management strategy has been put in place to resolve the problem.

Should no action be taken by the owner to resolve the problem, then there may be need for additional MBs. Additional MBs will be supplied by Council at the prescribed fee as per the "Fees and Charges" and be payable by the owner of the property.

Should a contaminated recycling or garden waste MB be emptied into the collection truck, it will be noted and a letter sent to the occupant giving notice of the contamination. Should this occur on three occasions, for either the recycling or garden waste MBs, the same process as above will be applied.

MBs that weigh in excess of thirty (30) kilograms will not be collected, and will be identified by either the collection crew or any Council Officer empowered for that purpose. A MB will not be collected until such time as the item/s causing the excess weight has been removed from that MB.

4.6 Replacement of MBs

Replacement or repair of 140 litre or 240 litre MBs will be made for the following reasons:

- Loss
- Theft
- Fire Damage
- Structural Damage

The replacement and repair will be carried out at no charge to the residents provided the reasons conform to the above and are genuine and can be substantiated.

4.7 Additional MB Services

4.7.1 Full Services

The following properties are obliged to pay a full second domestic waste service:

- Granny flats
- Dual occupancy
- Multiple dwellings on one parcel of land

This service can be provided for an annual charge as prescribed in the "Fees and Charges".

4.7.2 Garbage Bins

Medical Condition

An additional garbage bin or upgrade of a 140 litre to a 240 litre garbage bin for houses is available upon request at no charge to residents with medical conditions or physical disabilities. The bin will be provided once evidence from a registered medical practitioner as to the physical disability or medical condition that results in the production of additional waste has been received.

Large Families

An additional garbage bin or upgrade of a 140 litre to a 240 litre garbage bin for houses is available upon request at no charge to residents with six (6) or more family members in the one household. The bin will be provided once evidence has been received of the number of adults and dependent children living in the one household. Such evidence will be, but not limited to a *Medicare* card with all family members listed upon it

Other

Council recognises that some families require additional or upgraded garbage waste bins. For SLDs, either additional 140 litre MBs or upgrade of a 140 litre to a 240 litre MB are available upon request and completion of an application form that is signed by the owner or the managing agent. This incurs the prescribed additional annual garbage charges as per the "Fees and Charges".

4.7.3 Recycling and Garden Waste Bins

Council recognises that some families require additional recycling and garden waste bins and encourages this as a means of further reducing waste to landfill. This can be provided for an additional annual charge as prescribed in the "Fees and Charges". The cost of an additional recycling bin can be waived at request to residents with medical conditions or physical disabilities. The additional bin will be provided once evidence from a registered medical practitioner as to the physical disability or medical condition that results in the production of additional recycling has been received.

4.7.4 Special Event Bins

Council provides temporary Special Event Bins for occasions where additional waste is generated in households. This may be due to parties or celebrations that generate waste and recycling over and above the usual level of household waste.

This service includes the delivery and collection of an additional 1 x 240L garbage and 1 x 240L recycling bin and can be provided for a one-off fee as prescribed in the "Fees and Charges". Such bins are available for weekend events only and requests have to be made by the Tuesday prior to ensure bins are delivered in time.

4.8 Composting and Worm Farming Rebate

Council offers a rebate as per Council's Waste Service Brochure for any compost bin or worm farm purchased by residents who live in the Local Government Area. This is provided to encourage resource recovery and assistance in starting a worm farm or compost system at home.

There is a limit of two rebates per household, per calendar year and evidence of purchase must be provided.

Council provides free composting and worm farming educational workshops to residents once a year. These workshops demonstrate the benefits of composting and worm farming, and give troubleshooting tips. Workshops are advertised and residents must register to attend.

4.9 Collection of Household Problem Waste

Council provides a drop off collection centre at Rose Street Operational Centre as well as days scheduled throughout the year to encourage residents to dispose of problem wastes, unwanted household chemicals and electronic waste. This service is provided free of charge to residents of the LGA and can include but not limited to the collection of items such as old paints, gas bottles, fluorescent tubes, batteries, motor oils, household cleaners, computers and televisions. All items collected will be recycled and diverted from landfill to protect our environment. This initiative will help ensure safer homes and a cleaner environment, significantly reducing problem waste to landfill and increasing recycling.

4.10 Collection Requirements of Household Clean-Up Service

Council provides a household clean-up service to all residential properties for the removal of certain bulky waste that would not fit into a MB. The service has three (3) collection categories; general, metal/white goods and mattresses.

Residents must contact Council to book a household clean-up service and will be given the next available collection date and will be sent out information about the Household Clean-Up Service including requirements and "Authorised Collection" sticker. Bookings for the Household Clean-up Service can be made by the caretakers / cleaners /strata managers of MUDs on behalf of the residents residing in a unit block.

All material for collection must be placed neatly outside the property, close to the gutter with no obstruction to pedestrians. Material is to be placed out for collection no earlier than the evening prior to the collection day and no later than 5.00am on the day of collection. Waste stored within the property boundary will not be collected.

Separate bookings must be made for each of the three categories available: general, metal/white goods and mattresses. There is a limit of no more than 2 cubic meters (one box trailer load) for each collection of bulky and metal/white goods, and a maximum of 4 mattresses collected under one booking. Metal/white goods collections are unlimited while general and mattresses collections are limited to two per year per household. All green waste must be no longer than one metre in length and tied securely into bundles. General waste, metal waste and mattresses are to be placed in separate distinct piles.

Residents are responsible for placing the booking number on the "Authorised Collection" sticker that will be sent to them upon making the booking. "Authorised Collection" stickers are to be displayed on the material facing the kerb.

Any clean-up identified as non-complying, exceeding size requirements, or as having incorrect or inappropriate items, will not be collected. An approved note will be left in the resident's mail box to inform them of the reason why the material was not collected. The material will not be collected until such time as the resident re-books the service and places the approved amount or material type for collection. If the required standards are not met, then the resident will need to make alternative arrangements to remove and dispose of the material.

Waste presented for collection prior to the collection date given by Council or presented without a booking is considered illegal dumping and the property owner may be subject to penalties.

4.11 Additional Household Clean-Up Services Over and Above the Two Bookings per Calendar Year

Council can provide additional Household Clean-Up services to residents who have utilised their two allocated clean-ups and require additional collections. Additional clean-ups are charged as prescribed in the "Fees and Charges". Each clean-up must follow the same requirements as outlined above.

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

26 November 2014

DEPARTMENT RESPONSIBLE

City Presentation (Waste Management)

REVIEW DATE

Every two years or as necessary

THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION WITH

Corporate Services (Governance and Legal Services)

NSW Environment Protection Authority

VERSIONS

Version	Amended By	Date	TRIM Number
1	Council Resolution	19 December 2011	201761.2011

REFERENCES

NSW Government: Better Practice Guide for Waste Management in Multi-Unit Dwellings, June 2008

NSW Government: Preferred Resource Recovery Practices by Local Councils Guide, August 2012

Marrickville Council: Waste Policies



DOMESTIC WASTE MANAGEMENT POLICY

Adopted: 23 November 2016

TRIM 298914.2016



1. LEGISLATIVE REQUIREMENTS

Disability Inclusion Act (NSW) 2014
Local Government Act 1993
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021
Waste Avoidance and Resource Recovery Act 2001
Western Sydney Regional Waste Avoidance and Resource Recovery Strategy 2014-2017
Work Health and Safety Act 2011

2. PURPOSE/OBJECTIVES

The purpose of this policy is to:

- a) To provide a regular and efficient household waste collection and disposal service to meet the needs of the community of Liverpool in a cost-effective manner.
- b) To provide regular dissemination of educational material to maintain maximum participation and optimum use of the waste collection and disposal service.
- c) To achieve a reduction of waste to landfill by maximising resident participation in the recycling, garden waste, mattress and metal collections and ensuring highest possible recovery of resources from waste.
- d) To achieve a reduction of waste to landfill by treating all waste to recover maximum resources.

3. DEFINITIONS

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"Single Lot Dwellings (SLD)" refers to a dwelling standing wholly on its own title lot. For the purpose of this document this includes townhouses and villas.

"Garbage" refers to any matter that is no longer wanted or needed and cannot be recycled within Liverpool Council's Domestic Waste Service. This can include food scraps, plastic bags and wrapping, broken crockery and ceramics.

"Recycling" refers to the processing of used materials into new products to prevent waste of potentially useful materials. This can include glass, paper and liquid paperboard.

"Garden Waste" refers to biodegradable waste that can include grass clippings, flower cuttings and leaves.

"Household Clean-Up Service" refers to a service that is provided by Liverpool Council to dispose of bulky waste that otherwise would not fit in a normal MB. This can include furniture, mattresses, carpet, whitegoods and metal.

"Infirm Service" refers to a service that is provided by Liverpool Council to single lot dwellings (houses) where Council's current contractor wheels bins to and from the kerbside for collection.

"Contamination" refers to the presence of unwanted material in a MB. This can include paints and chemicals in the garbage MB and plastic bags in the recycling and garden waste MBs.

4. POLICY STATEMENT

4.1 Single Lot Dwellings

Residents in single lot dwellings (houses) in urban areas of the LGA will be provided with the following:

- a) One 140 litre red-lid garbage bin collected weekly
- b) One 240 litre yellow-lid recycling bin collected fortnightly
- c) One 240 litre green-lid garden waste bin collected fortnightly
- d) Two bulky waste, two mattresses and unlimited metal waste collections in each calendar year, available through booking with Council.

Residents in single lot dwellings (houses) in rural areas of the LGA that are greater than one hectare in size will be provided with the following:

- a) One 240 litre red-lid garbage bin collected weekly
- b) One 240 litre yellow-lid recycling bin collected fortnightly
- c) Two bulky waste, two mattresses and unlimited metal waste collections in each calendar year, available through booking with Council.

Garden waste MBs are not provided as additional capacity is available in the garbage bin for the disposal of green waste. In addition these properties are considered to have enough space to sustainably manage their garden waste on site.

Residents in townhouses and villas will be provided with:

- a) One 140 litre red-lid garbage bin collected weekly
- b) One 240 litre yellow-lid recycling bin collected fortnightly
- c) One 240 litre green-lid garden waste bin collected fortnightly (provided on request only at no additional charge to the resident)
- d) Two bulky waste, two mattresses and unlimited metal waste collections in each calendar year, available through booking with Council.

4.2 Multi Unit Dwellings

Residents in multi unit dwellings (flats and units) of the LGA will be provided with:

- a) The equivalent capacity of one 240 litre red-lid garbage bin shared between two units, collected weekly
- b) The equivalent capacity of one 240 litre yellow-lid recycling bin shared between two units, collected weekly
- c) 240 litre green-lid garden waste bins, on request for use in common areas, collected fortnightly on day specified by Council
- d) Two bulky waste, two mattresses and unlimited metal waste collections in each calendar year, available through booking with Council.

Unit blocks that have limited space for bin storage, are located within the CBD of Liverpool and/or are positioned in an operationally challenging location for collection of waste may receive additional collection services and subsequently a reduction in bin numbers. This will be in proportion to the above allocation.

In addition, provision of bulk bins and on site collection will be made available to large and high density residential developments. Buildings must meet certain specifications as outlined in the *Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing Fact Sheet*.

A *Wheel Out Wheel Back Service* is provided to a selected number of unit blocks in the LGA whereby Council's waste contractor wheels the MBs from within the private property to be emptied and then returns the bins to the property after emptying. This service is provided for a fee and is only provided once a satisfactory Workplace Health and Safety (WHS) assessment is completed.

The waste contractor is not committed to returning the bins at the time of collection. Bins can be returned any time during the day after collection; however the contractor will endeavor to return bins on the day of collection (especially within the CBD) and before normal day to day pedestrian and traffic movement begins.

This service was made available for an annual charge to each individual unit as prescribed in the "Fees and Charges" when Council introduced its three bin system in 2009 however; this service is only available to the existing MUDs on the Wheel Out Wheel Back Scheme. No new MUDs will be added to the system. This is mainly due to the WHS issues experienced by Council's waste contractor.

4.3 Charges for Waste Services

Each rateable residential property in the LGA is levied an annual domestic waste charge under Section 496 the *Local Government Act 1993*. This charge is prescribed as per the "Fees and Charges Schedule" and is for the provision of domestic waste and recycling services. The "Fees and Charges Schedule" also stipulates a lower annual domestic waste charge for residential vacant blocks. When homes are demolished to rebuild, the full domestic waste service is suspended when the owner notifies Council to cancel the Domestic Waste Service. The Vacant Blocks Domestic Waste Charge as prescribed in the "Fees and Charges" is applied. All MBs will be retrieved until such time that the owner notifies Council to recommence the service once the property is rebuilt and the dwelling/s are re-occupied.

Any cancellation of waste charges will be made from the day when the owner notifies Council and any refunds for incorrect waste services will only be backdated to a maximum of 12 months from the day of notification by the owner.

4.4 Collection and Storage of MBs

Council will provide a regular service to collect domestic waste contained in the relevant mobile garbage bin supplied by Council. The MB provided by Council will be easily identifiable with Council's name and/or logo. No other receptacle will be acceptable.

The MBs allocated to each property are owned by Council's collection contractor and therefore under the terms of the current contractor responsibility for the replacement (where necessary) lies with Council. The bins are assigned to the property and are not to be removed from the property upon sale of a house or changes in tenancy.

All MB's will be placed out for collection on the scheduled day directly in front of the property to which the bins are allocated. This will be on the Council owned nature strip unless otherwise instructed by Council, as in the case of private roads and driveways. Collection from a private road can take place only when a signed indemnity is received by Council from the owner or person responsible for the Community Title/Neighborhood Association for the private road.

The MB is to be placed at the kerb for collection no earlier than the evening prior to the scheduled collection day and no later than 5.00am on the day of collection. The lid of each bin must be closed shut and no material is to be placed on top or around the bin as it may not be collected. Any excess waste should not be placed in other residents bins or street litter and park bins. The wheels of each MB should be facing the property

and, where possible, MBs should be kept one metre apart from each other and presented away from parked cars, trees and poles to increase collection efficiency.

Each MB must be removed from the public place by the property owner or occupier as soon as possible after collection, and no later than 24 hours after collection. MBs should be stored within the property boundary in a secure place, out of reach of the general public so as to avoid vandalism, theft and incorrect use.

A service is available upon request and at no charge for residents of single lot dwellings (houses) who are not able or have difficulty wheeling their bins to and from the kerbside for collection. This difficulty may be because the resident is aged and frail and living alone or may have physical impairment or a medical condition. This service will be provided once evidence from a registered service provider, case manager or medical specialist, as to the physical or medical condition that prevents a resident from being able to maneuver a MB, is received and the property to which the service is requested, is inspected and approved by Council. This service is known as an *Infirm Service*.

4.5 Contamination of MBs

Council will not empty MBs found to contain contaminated material. Contaminated material is any material that is not listed on the current, approved Council collection schedule. It is noted that the collection schedule may be amended from time to time. Contaminated material will be identified by either the collection crew or any Council Officer empowered for that purpose.

MBs identified as contaminated will be left in place and distinguished by the collection crew or relevant Council officer placing an approved "rejected" sticker onto the bin. The MB will not be emptied by Council until such time as the resident has removed the incorrect material.

If a recycling or garden waste MB is found to be contaminated on three occasions, and attempts at educating the property occupants have failed, owners will be charged the disposal of contaminated bin fee as per the "Fees and Charges Schedule". Further to this, a MB may be confiscated from the property until such time as a written commitment is received from the property owner that a management strategy has been put in place to resolve the problem.

Should no action be taken by the owner to resolve the problem, then there may be need for additional MBs. Additional MBs will be supplied by Council at the prescribed fee as per the "Fees and Charges" and be payable by the owner of the property.

Should a contaminated recycling or garden waste MB be emptied into the collection truck, it will be noted and a letter sent to the occupant giving notice of the contamination. Should this occur on three occasions, for either the recycling or garden waste MBs, the same process as above will be applied.

MBs that weigh in excess of thirty (30) kilograms will not be collected, and will be identified by either the collection crew or any Council Officer empowered for that purpose. A MB will not be collected until such time as the item/s causing the excess weight has been removed from that MB.

4.6 Replacement of MBs

Replacement or repair of 140 litre or 240 litre MBs will be made for the following reasons:

- a) Loss
- b) Theft
- c) Fire Damage
- d) Structural Damage

The replacement and repair will be carried out at no charge to the residents provided the reasons conform to the above and are genuine and can be substantiated.

4.7 Additional MB Services

4.7.1 Full Services

The following properties are obliged to pay a full second domestic waste service:

- a) Granny flats
- b) Dual occupancy
- c) Multiple dwellings on one parcel of land

This service can be provided for an annual charge as prescribed in the "Fees and Charges".

4.7.2 Garbage Bins

Medical Condition

An additional 140 litre garbage bin or upgrade of a 140 litre to a 240 litre garbage bin for houses is available upon request at no charge to residents with medical conditions or physical impairments. The bin will be provided once evidence from a service provider, case manager or medical specialist as to the physical impairment or medical condition that results in the production of additional waste has been received.

Large Families

An additional 140 litre garbage bin or upgrade of a 140 litre to a 240 litre garbage bin for houses is available upon request at no charge to residents with six (6) or more family members in the one household. The bin will be provided once evidence has been received of the number of adults and dependent children living in the one household.

Such evidence will be, but not limited to a *Medicare* card with all family members listed upon it.

Other

Council recognises that some families require additional or upgraded garbage waste bins. For SLDs, either additional 140 litre MBs or upgrade of a 140 litre to a 240 litre MB are available upon request and completion of an application form that is signed by the owner or the managing agent. This incurs the prescribed additional annual garbage charges as per the "Fees and Charges".

Any additional bins or upgrades to bins, requested by property owners, have a mandatory minimum 12 month charge from delivery date. Additional or upgraded bins may be cancelled prior to 12 months by the property owners however no refund is available for the costs incurred as prescribed in the "Fees and Charges" during the first 12 months.

4.7.3 Recycling and Garden Waste Bins

Council recognises that some families require additional recycling and garden waste bins and encourages this as a means of further reducing waste to landfill. This can be provided for an additional annual charge as prescribed in the "Fees and Charges". The cost of an additional recycling bin can be waived at request to residents with physical impairments or medical conditions. The additional bin will be provided once evidence from a service provider, case manager or medical specialist as to the physical impairment or medical condition that results in the production of additional recycling has been received.

4.7.4 Special Event Bins

Council provides temporary Special Event Bins for occasions where additional waste is generated in households. This may be due to parties or celebrations that generate waste and recycling over and above the usual level of household waste.

This service includes the delivery and collection of an additional 1 x 240L garbage and 1 x 240L recycling bin and can be provided for a one-off fee as prescribed in the "Fees and Charges". Such bins are available for weekend events only and requests have to be made by the Tuesday prior to ensure bins are delivered in time.

4.8 Composting and Worm Farming Rebate

Council offers a rebate as per Council's Waste Service Brochure for any compost bin or worm farm purchased by residents who live in the Local Government Area. This is provided to encourage resource recovery and assistance in starting a worm farm or compost system at home.

There is a limit of two rebates per household, per calendar year and evidence of purchase must be provided.

Council provides free composting and worm farming educational workshops to residents once a year. These workshops demonstrate the benefits of composting and worm farming, and give troubleshooting tips. Workshops are advertised and residents must register to attend.

4.9 Collection of Household Problem Waste

Council provides a drop off collection centre at Rose Street Operational Centre as well as days scheduled throughout the year to encourage residents to dispose of problem wastes, unwanted household chemicals and electronic waste. This service is provided free of charge to residents of the LGA and can include but not limited to the collection of items such as old paints, gas bottles, fluorescent tubes, batteries, motor oils, household cleaners, computers and televisions. All items collected will be recycled and diverted from landfill to protect our environment. This initiative will help ensure safer homes and a cleaner environment, significantly reducing problem waste to landfill and increasing recycling.

4.10 Collection Requirements of Household Clean-Up Service

Council provides a household clean-up service to all residential properties for the removal of certain bulky waste that would not fit into a MB. The service has three (3) collection categories; general, metal/white goods and mattresses.

Residents must contact Council to book a household clean-up service and will be given the next available collection date and will be sent out information about the Household Clean-Up Service including requirements and "Authorised Collection" sticker. Bookings for the Household Clean-up Service can be made by the caretakers / cleaners /strata managers of MUDs on behalf of the residents residing in a unit block.

All material for collection must be placed neatly outside the property, close to the gutter with no obstruction to pedestrians. Material is to be placed out for collection no earlier than the evening prior to the collection day and no later than 5.00am on the day of collection. Waste stored within the property boundary will not be collected.

Separate bookings must be made for each of the three categories available: general, metal/white goods and mattresses. There is a limit of no more than 2 cubic meters (one box trailer load) for each collection of bulky and metal/white goods, and a maximum of 4 mattresses collected under one booking. Metal/white goods collections are unlimited while general and mattresses collections are limited to two per year per household. All green waste must be no longer than one metre in length and tied securely into bundles. General waste, metal waste and mattresses are to be placed in separate distinct piles.

Residents are responsible for placing the booking number on the "Authorised Collection" sticker that will be sent to them upon making the booking. "Authorised Collection" stickers are to be displayed on the material facing the kerb.

Any clean-up identified as non-complying, exceeding size requirements, or as having incorrect or inappropriate items, will not be collected. An approved note will be left in the resident's mail box to inform them of the reason why the material was not collected. The material will not be collected until such time as the resident re-books the service and places the approved amount or material type for collection. If the required standards are not met, then the resident will need to make alternative arrangements to remove and dispose of the material.

Waste presented for collection prior to the collection date given by Council or presented without a booking is considered illegal dumping and the property owner may be subject to penalties.

4.11 Additional Household Clean-Up Services Over and Above the Two Bookings per Calendar Year

Council can provide additional Household Clean-Up services to residents who have utilised their two allocated clean-ups and require additional collections. Additional clean-ups are charged as prescribed in the "Fees and Charges". Each clean-up must follow the same requirements as outlined above.

AUTHORISED BY

Council Resolution

EFFECTIVE FROM

30 November 2016

DEPARTMENT RESPONSIBLE

City Presentation (Waste Policy and Planning)

REVIEW DATE

Every two years or as necessary

THIS POLICY HAS BEEN DEVELOPED AFTER CONSULTATION WITH

Governance, Legal Services and Procurement

Community and Culture

NSW Environment Protection Authority

VERSIONS

Version	Amended By	Date	TRIM Number
1	Council Resolution	19 December 2011	201761.2011
2	Council Resolution	26 November 2014	292539.2014

REFERENCES

NSW Government: Better Practice Guide for Waste Management in Multi-Unit Dwellings, June 2008

NSW Government: Preferred Resource Recovery Practices by Local Councils Guide, August 2012

Marrickville Council: Waste Policies

DCC 01

Civic Events and Ceremonial Functions Policy

Strategic Direction	Proud Engaged City Strengthen and celebrate Liverpool's unique community identity
Key Policy	Events Strategy
File Ref	032074.2016
Report By	Vi Girgis - Acting Policy and Projects Officer
Approved By	Eddie Jackson - Acting Director Community & Culture

EXECUTIVE SUMMARY

The Civic Events and Ceremonial Functions Policy (attached) provides guidance on the processes involved with delivering Council's civic events and ceremonial functions.

The policy identifies considerations for the management of Council civic events and ceremonial functions or when requesting the presence of the Mayor or a Councillor at an external civic event or function.

As noted in the policy, the Chief Executive Officer, in consultation with the Mayor, will have the delegation to approve all guest lists, promotional collateral, menus and seating arrangements for all Council civic events and ceremonial functions.

It should be noted also that the Mayor and Councillors Charity Ball will now be called the Liverpool Charity Ball.

RECOMMENDATION

That Council:

1. Receive and note this report.
2. Adopt the Civic Events and Ceremonial Functions Policy.

REPORT

Civic events and ceremonial functions foster positive relationships between the community and Council, connect the community in celebration, recognise and celebrate individual and community achievements and promote community pride.

The Civic Events and Ceremonial Functions Policy provides direction on the management of Council's civic events and ceremonial functions and outlines the planning procedure for the delivery of these civic events and ceremonial functions.

Approvals

As noted in the policy, the Chief Executive Officer (CEO), in consultation with the Mayor, will have the delegation to approve all guest lists, promotional collateral, menus and seating arrangements for all civic events and ceremonial functions.

Budget

Annually, Council makes financial provision for the delivery of Council's civic events and ceremonial functions. Any additional civic events and ceremonial functions such as anniversaries will need to be requested through Council.

Schedule of events

A schedule of civic events is compiled each year and agreed upon by the Civic Advisory Committee. Any proposed additional events will need to consider the schedule of events before considering.

Proposals for new civic events

Any new civic events should consider the current schedule of events for the year and available resources to deliver this event. Recommendations for new civic events and functions will be presented to Council and Council may, at its discretion, approve the delivery of the new event with an associated budget.

Selecting recipients to receive fundraising proceeds

It is proposed for a process to be implemented that provides direction on how charities, not-for-profit organisations or certain statutory bodies are selected to receive the proceeds raised at the Liverpool Charity Ball.

Annually, Council will seek nominations from registered charities, not-for-profit organisations and certain statutory bodies to receive the proceeds raised at the Ball or other fundraising activities. Applicants must complete the *Receiving Fundraising Proceeds from the Liverpool Charity Ball Nomination Form*.

An internal assessment panel comprising of the CEO (or delegate), Director Community and Culture (or delegate) and Civic Events Coordinator will assess all nominations. A report is then prepared for consideration of the Mayor and the Civic Advisory Committee and presented to Council for endorsement.

This policy presents an effective structure in which to manage Council's civic events and ceremonial functions. It incorporates a process for evaluation and review bi-annually that assesses:

- a) The cost effectiveness of the annual civic events program;
- b) The sustainability of resources to manage the delivery of events or functions;
- c) Mechanisms to collect feedback on civic events and functions;
- d) Schedule of events consistent with Council's identified priorities and strategic directions.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	Raise awareness in the community about the available services and facilities. Promote community harmony and address discrimination.
Civic Leadership and Governance	Foster neighbourhood pride and a sense of responsibility. Facilitate the development of community leaders. Encourage the community to engage in Council initiatives and actions.

ATTACHMENTS

1. Draft Civic Events and Ceremonial Functions Policy



CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

Adopted: 23 November 2016

TRIM: 319560.2015



CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

1. PURPOSE

The purpose of this policy is to provide guidance on the types and processes involved with delivering Council's events, civic events and ceremonial functions.

The policy sets out the roles of the Mayor and Councillors at these events and functions as well as at external events held within Liverpool Local Government Area (LGA) where representation from Council is required.

2. LEGISLATIVE REQUIREMENTS

Australian Citizenship Act (Cth) 2007
Australian Citizenship Regulations (Cth) 2007
Australian Citizenship Ceremonies Code (Cth) 2011
Charitable Fundraising Act 1991
Charitable Fundraising Authority Conditions 2015
Local Government Act 1993

3. DEFINITIONS

Civic event: The highest level of Council function, which refers to official duties held for a special purpose (such as an official opening or ribbon cutting) which has been approved by Council resolution. It specifically involves the Mayor, Councillors, Members of Parliament (MPs), other dignitaries and/or elected representatives. Such events are normally held for celebratory, ritual, recognition or commemorative purposes, and typically follow formal event and ceremonial protocols. This can include recognising community achievements, significant milestones and special events.

Commemorate: To remember officially and give respect to a great person or event.

Citizenship ceremony: The ceremonial occasion where approved candidates have their Australian Citizenship conferred.

Ceremonial function: A small official event coordinated by Council in honour of a special day or an achievement. This can include a flag raising ceremony, or ribbon cutting for an official opening, turning of the sod to mark any official opening, or a commemoration plaque.

Major event: A planned large-scale activity that is conducted for the purpose of community participation or public celebration of a national day or special occasion and is held in a public space such as a park or reserve. These include festivals, expos and some sporting activities, which generate a range of direct and indirect benefits, including economic and reputational outcomes.

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

Mayoral representation: Occasions when the Mayor represents, or is requested to represent, Council at events or functions.

Presiding Officer: This is a person who has been authorised in writing by the Australian Government to confer citizenship, ie. the Mayor, Deputy Mayor, CEO or MPs.

Community event: A social activity or gathering with the primary purpose of community engagement, both in the product and process. Key features of community events are as follows:

- a) They are community driven as they involve residents and/or community organisations in decision making throughout the planning and organising process;
- b) They raise awareness of broad social needs in alignment with local, national or international causes such as Harmony Day, Refugee Week, Youth Week or Anti-Poverty Week;
- c) They are delivered in partnership with community organisations and groups;
- d) They provide a capacity building component for residents and/or community organisations and groups; and
- e) They provide an opportunity for community service organisations to distribute information to residents.

Protocols: A set of procedures to be followed in formal situations.

Promotional material and social media promotion: Documents that are developed to promote or advertise an event, activity or brand using consistent messaging. This may include posters, flyers, invitations, media releases, newspaper/radio advertisements and social media posts.

4. POLICY STATEMENT

Council delivers several civic and ceremonial events and functions, as well as other functions and receptions as the need arises. These events and functions foster positive relationships between the community and Council, connect the community in celebration, recognise and celebrate individual and community achievements, and promote community pride or spirit.

This policy identifies considerations in the management of Council events and ceremonial functions or when requesting the presence of the Mayor or a Councillor representative at an external event or function.

4.1 Types of civic events

To fulfil its civic objectives, Council will deliver various civic events and ceremonial functions as listed below, as well as official openings of Council facilities and other specific receptions or functions from time to time, as the need arises.

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

The types of civic events Council delivers are:

a) Citizenship ceremonies (monthly)

Citizenship ceremonies are held by Council on behalf of the Department of Immigration with dates scheduled at the beginning of the calendar year. Following each Citizenship Ceremony a reception will be held for all participants and their family and guests. Other invitees include all current councillors, MPs, the CEO and other Council staff (at the discretion of the CEO).

b) Australia Day Civic Reception (annual)

Council hosts annual Australia Day celebrations and activities for the purpose of developing national pride and spirit. The Australia Day Awards are presented annually to local citizens and groups who have made outstanding contributions to the community. The awards are provided by the National Australia Day Council and are administered by local councils throughout Australia on their behalf.

A Civic reception is held following the Australia Day Citizenship and Australia Day Awards Ceremony and is joined by MPs, Mayor, Councillors, Ambassador and Ceremony participants. This is an opportunity to meet the Australia Day Ambassador as well as MPs and recognise achievements of all award recipients.

c) Liverpool Charity Ball (annual)

The Liverpool Charity Ball is a major civic event to showcase Liverpool City. All funds are raised from ticket sales, sponsorships and other fundraising activities. The money raised is split between beneficiaries of selected organisations. Council may, at its discretion, resolve to donate further funds to the relevant organisations.

d) Cheque presentation to Liverpool Charity Ball organisations (annual)

A reception is held annually after the Liverpool Charity Ball to formally present cheques to beneficiaries of the Ball. The reception is joined by MPs, Councillors, major sponsors and supporters who have contributed to the success of the Ball.

e) Mayor and Councillors Community Lunch (annual)

This event is hosted by the Mayor and Councillors to celebrate the festive season with the community. The event is held in partnership with the Liverpool Community Kitchen and Hub and caters for socially and financially disadvantaged members of the community.

f) Christmas in the Mall (annual)

A Christmas Tree Lighting ceremony is held in Macquarie Mall to mark the beginning of the Christmas festive season.

g) Liverpool's Birthday and Order of Liverpool Awards (annual)

On 7 November each year, Council holds an annual function to celebrate Liverpool's birthday. This function is usually held at the Casula

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

Powerhouse Arts Centre and it is celebrated with members of the local community. This celebration is usually joined by a Citizenship Ceremony to showcase Liverpool with new recipients of Australian Citizenship. Schools are invited to attend this event which includes a birthday cake which is shared with the local community to celebrate.

The Order of Liverpool Awards are presented annually by Council to recognise the achievement of excellence in and/or contributions to all forms of human endeavour which have enhanced the quality of life in Liverpool City, or if Council acting as a committee of the whole so decides, to humanity at large.

- h) Liverpool Heroes Awards (annual)
A civic function that recognises exceptional achievements made by local residents. Invitees include local residents who are recipients of awards such as Australia Day Honours, Queens Honours, Premiers and Prime Minister's Awards and Bravery Awards as well as recognising local sporting achievements.
- i) Gift of Time Volunteer Dinner (annual)
A civic function that acknowledges the tireless voluntary work of local residents including members of Council committees. Invitees include local volunteers, their family and friends as well as the Mayor, Councillors and CEO. MPs and other guests may also be invited at the CEO's discretion.
- j) Civic anniversaries (as required)
Civic receptions are held throughout the year to formally recognise contributions of local community groups and volunteer clubs such as Quota International, Rotary Club, Lions Club and Meals on Wheels. Attendees of these civic receptions are members or volunteers of the relevant clubs as well as members of other volunteer clubs.
- k) Opening of new facility or park
A launch event will be held as required to mark the opening of a new, or embellishment of a, Council service, exhibition, facility or park. The majority of these events will be open to the whole community and the Mayor and Councillors and CEO may invite MPs, and other guests at their discretion.
- l) South Western Sydney (SWS) Academy of Sport (annual)
A civic reception for the SWS Academy of Sport is held to recognise athletes in the LGA. Athletes are joined by the Mayor, Councillors, MPs, coaches and family members.
- m) QUOTA Public Speaking Quest (annual)
The Annual Quota Public speaking quest is held annually at Casula Powerhouse Arts Centre. The purpose of the Quest is to encourage leadership, self-expression and individual development in high school students. Family members of the students are joined by the Mayor and Councillors.

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY**n) Civic Mayoral Receptions and Ministerial Visits**

The Mayor, in consultation with the CEO, may host receptions with refreshments for visiting dignitaries, local residents who are recipients of awards or prizes from the City, and visitors from other local authorities from Australia and overseas. The guest list for receptions shall be determined at the discretion of the Mayor and CEO, but is to include all current Councillors and State and Federal MPs.

The CEO, after consultation with the Mayor, will determine a program that fulfils the objective of the visit and showcases the City of Liverpool.

o) Sister City Delegations

Sister City relationships promote international exchange and cooperation across a range of cultural, educational, social and economic functions.

Council shall be represented at delegations to and from Sister Cities, as determined by Council. Council has a Sister City relationship with Toda City (Japan), Liverpool (United Kingdom), Liverpool (New York) and Calabria (Italy). Where appropriate, other international locations should be considered, subject to Council's determinations, and the expected return on investment on potential cultural, social or economic functions.

p) School Visits

School visits may be facilitated or a Council representative may visit schools to contribute to the education of students and promote awareness and understanding of the role of the Mayor and Councillors and Local Government.

q) ANZAC Day Dawn Service

A march for ANZAC Day starts from John Edmondson VC Memorial Club to Bigge Park where a dawn service is held in partnership with the John Edmondson VC Memorial Club. Following the dawn service, all attendees are invited to a light breakfast reception. Council supports this event through the provision of in-kind infrastructure and PA equipment.

r) Remembrance Day Service

This service event is held in partnership with the John Edmondson VC Memorial Club to commemorate all deceased servicemen in Liverpool. Council supports this event through the provision of in-kind infrastructure and PA equipment.

s) Major Events

Council presents major events to provide community engagement and entertainment for significant annual days of celebration, such as New Year's Eve and Australia Day. Additional events are determined annually by Council

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

4.2 Approvals

Guest lists vary from event to event and invitees may include dignitaries such as MPs, other official government delegations and community stakeholders. The nature, purpose and size of the event will indicate the categories of persons who should be included on the guest list.

The CEO, or delegate, in consultation with the Mayor is authorised to determine the format and all other administrative arrangements associated with the planning and delivery of any civic events or ceremonial functions. This includes approvals for all guest lists, menus, promotional material seating arrangements and programs/agendas.

4.3 Budget

The Council will annually, through the budget process, make provision for Council civic events and ceremonial functions to be held in the forthcoming financial year. The annual allocation is split to align with the Mayoral term.

Funds for any additional civic events and ceremonial functions such as anniversaries will need to be requested through Council.

4.4 Schedule of events and functions

A schedule of all civic events and functions for each year is compiled and presented to the first Civic Advisory Committee meeting of the year. The schedule is discussed and agreed upon at this meeting.

Other civic events and functions may be requested. However, any new events to be scheduled should take into consideration the current schedule of events for the year.

4.5 Aboriginal and Torres Strait Islander ceremonies and acknowledgements

4.5.1 Council acknowledges Aboriginal and Torres Strait Islander people as the traditional owners of their lands by including Aboriginal and Torres Strait Islander people in official Council ceremonies using local customary protocols such as *Welcome to Country* and by encouraging the flying of the Aboriginal and Torres Strait Islander flags (where appropriate and practicable).

4.5.2 The traditional custodians of the land of the Liverpool LGA are the Darug, Gandangara and Tharawal Aboriginal People.

4.5.3 *Welcome to Country* should be included, where possible, at all civic events and ceremonial functions attended by members of the public and representatives of government departments. The *Welcome to Country* should be undertaken by an Elder of the relevant Aboriginal community or a locally recognised Aboriginal community spokesperson.

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

- 4.5.4 *Acknowledgement of Country* is where other people acknowledge, and show respect for, the Traditional Custodians of the land on which the event is taking place. This acknowledgement is a sign of respect and should be conducted at the beginning of a meeting, event or ceremony. *Acknowledgement of Country* may also take place when traditional Elders are not available to provide an official *Welcome to Country*.

The appropriate *Acknowledgement of Country* wording to use is as follows:

"I would like to acknowledge the traditional custodians of the land on which we meet and their ancestors past and present; the Darug, Gandangara and Tharawal Aboriginal People".

- 4.5.5 The Smoking Ceremony is to be conducted by Aboriginal people with specialised cultural knowledge. The ceremony aims to cleanse the space in which the ceremony takes place. Given the significant nature of the ceremony, smoking ceremonies are usually only performed at major outdoor events, or as appropriate for a civic event or function.

Advice should be sought from the Civic Events Coordinator or Community Development Worker (ATSI) on the appropriateness of conducting a Smoking Ceremony at an event or function.

4.6 Speeches

The Mayor should be given the opportunity to be the first speaker. If the Mayor is not expected to speak, the speaker(s) should acknowledge their presence.

5. PROPOSALS FOR NEW CIVIC EVENTS AND FUNCTIONS

- 5.1 Periodically, proposals can be made for new civic events and functions. Proposals must be submitted on Council's *Civic Events Proposal Form* (Appendix 2).
- 5.2 An internal assessment panel comprising of the CEO (or delegate), the Director Community and Culture (or delegate) and the Civic Events Coordinator will assess all new proposals in consultation with the Mayor and the Civic Advisory Committee.
- 5.3 Recommendations for new civic events and functions will be presented to Council and Council may, at its discretion approve the delivery of the new event with associated budget.
- 5.4 Any new civic events should consider the current schedule of events for the year and available resources to deliver this event.

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

5.5 The following criteria will be used to assess all new proposals for civic events:

- a) Celebrates or acknowledges a significant aspect of Liverpool's history;
- b) Is consistent with Council's identified priorities and strategic directions;
- c) Resources are available to deliver event or sufficient lead time to request resources;
- d) Sufficient lead time to deliver event; and
- e) Have not received funds from Council either through Council's grants, donations or corporate sponsorship programs within the last 12 months.

6. FUNDRAISING EVENTS AND FUNCTIONS

6.1 Council holds the annual Liverpool Charity Ball that raises funds for local charities, not-for-profit organisations, and certain other statutory bodies.

6.2 Generally, two charities or not-for-profit organisations are chosen annually to receive funds raised at the Ball.

6.3 All funds raised from ticket sales will be donated to the selected organisations.

6.4 In addition to funds raised from ticket sales and other fund raising activities Council may, at its discretion, resolve to donate further funds towards selected organisations.

6.5 Selecting organisations to receive fundraising proceeds

6.5.1 Council will seek nominations from registered charities, not-for-profit organisations and appropriate statutory bodies annually to receive the proceeds raised at the Mayoral Ball or other fund raising activities.

6.5.2 Nominations must be submitted on Council's *Receiving fundraising proceeds from the Liverpool Charity Ball Nomination Form* (Appendix 3).

6.5.3 An internal assessment panel comprising of the CEO (or delegate), Director Community and Culture (or delegate) and Civic Events Coordinator will assess all nominations. A report is then prepared for consideration of the Mayor and the Civic Advisory Committee and presented to Council for endorsement.

6.5.4 The following criteria will be used to assess all nominations:

- a) Charity or a not-for-profit organisation is registered with Australian Charities and Not-for-profits Commission (ACNC);
- b) Charity, not-for-profit organisation or statutory body must be based within the Liverpool LGA;
- c) Charity, not-for-profit organisation or statutory body must demonstrate a significant and ongoing contribution to the Liverpool community; and

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

- d) Must have not received funds from Council either through Council's grants, donations or corporate sponsorship programs or from the Liverpool Charity Ball within the last 12 months.

6.5.5 The following process will be followed to score each nomination received:

- a) Each nomination will be scored according to set criteria;
- b) Scores are tallied and provide an overall assessment for each nomination; The panel must reach consensus on the highest scoring nominees;
- c) In the event of a tie, a vote will be cast by the Civic Advisory Committee to determine the chosen charities, not-for-profit organisations or statutory bodies; and
- d) A recommendation on the chosen charities, not-for-profit organisations or statutory bodies will be presented to Council for approval.

7. CEREMONIAL REQUESTS TO THE MAYORAL OFFICE

7.1 Council receives numerous requests for the Mayor to represent Council at public ceremonial functions and events.

7.2 The following protocols will apply when these requests are received:

- a) The Mayor will review all requests, in consultation with the CEO, to represent Council at a public ceremonial function or event.
- b) Over the course of a Mayoral term requests should, to the extent that it is possible, be fairly and equitably accepted across a range of representative and interest groups.
- c) Mayoral representation is in accordance with Clause 7.3 of this policy.

7.3 Mayoral representation

7.3.1 It is the role of the Mayor to carry out the civic and ceremonial functions of the Mayoral Office. The Mayor may choose to wear the Mayoral robe and chains when representing the Office of the Mayor.

7.3.2 If the Mayor is unavailable, the following protocols apply:

- a) In the first instance, the Deputy Mayor is to be requested to undertake the civic and ceremonial functions of the Mayoral office as the Mayor's representative. This acknowledges the importance for the role of Deputy Mayor in local government and is supported by the legislation. The Deputy Mayor may choose to wear the Deputy Mayor robe when making representations on behalf of the Office of the Mayor;
- b) In situations where the Deputy Mayor is also unavailable, the Mayor can request that another Councillor undertake the civic and ceremonial functions of the Mayoral Office as the Mayor's representative. In this instance, the Mayor's Office will refer the invitation to the Councillor Support Officer, who will liaise with that Councillor regarding attendance, speech, and any other requirements, and advise the organiser;

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

- c) The choice of Councillor must be based on an assessment of which particular Councillor would be best placed to represent Council in view of the nature of the particular request and the respective areas of interest and expertise of individual Councillors; and
- d) Over the course of a Mayoral term requests should, to the extent that it is possible, be fairly and equitably spread amongst all of the Councillors.

8. ROLE OF THE CIVIC ADVISORY COMMITTEE

- 8.1 The Civic Advisory Committee will be presented with a schedule of all civic events and functions each year. The Committee's role will be to discuss and agree upon the schedule of civic events for the year.
- 8.2 The Committee may propose new civic events using the *Civic Events Proposal Form*. All proposals will be assessed by an internal assessment panel and recommendations will be presented to Council for approval.

9. EVALUATION AND REVIEW

This policy will be reviewed every two years. It will be evaluated to assess:

- a) The cost effectiveness of the annual civic events program;
- b) The sustainability of resources to manage the delivery of events or functions;
- c) Mechanisms to collect feedback on civic events and functions;
- d) The schedule of events is consistent with Council's identified priorities and strategic directions;
- e) The manner in which Council delivers its civic events is professional and is in accordance with Council policy and legislative requirements; and
- f) Conflicts of interest are identified and civic events or functions cancelled should a conflict of interest arise that cannot be resolved.

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY**AUTHORISED BY**

Council Resolution

EFFECTIVE FROM

23 November 2016

DEPARTMENT RESPONSIBLE

Community and Culture (Community Planning and Development)

RELATED POLICIES AND PROCEDURES

Liverpool City Council: Civic Awards Policy

Liverpool City Council: Community Engagement Policy

REVIEW DATE

The policy will be reviewed by Council two years after the adoption of this policy.

VERSIONS

VERSION	AMENDED BY	DATE	TRIM NUMBER
1	Council Resolution	23 November 2016	319560.2015

THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH

Corporate Services (Governance Legal and Procurement)

REFERENCES

Camden Council: Civic and Ceremonial Functions and Representation Policy

ATTACHMENTS

Appendix 1: Planning procedure for civic events and ceremonial functions

Appendix 2: Civic Events Proposal Form

Appendix 3: Receiving fundraising proceeds from the Liverpool Charity Ball
Nomination Form

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY**Appendix 1: Planning procedure for civic events and ceremonial functions****1. Mayor's attendance and speeches**

All requests for the Mayor to attend an event must be submitted using Council's Mayoral Engagement Form, at least one month prior to the event, to the Mayor's Office. Speech writing, distribution and approvals are coordinated through the Mayor's Office and Strategic Communications and Research unit in consultation with the requesting Council unit. The event/function running order and a list of attending dignitaries will be required on week before the event.

2. Invitations and promotional material

Guest lists vary from event to event and invitees may include dignitaries such as MPs, other official government delegations and community stakeholders. The nature, purpose and size of the event will indicate the categories of persons who should be included on the guest list.

To organise and send invitations with sufficient notice, invitation lists must be provided to the Civic Events Coordinator and confirmed at least six weeks prior to a civic event.

Concept designs for invitations or promotional material must be provided to Communications at least eight weeks prior to a civic event for the graphic design process.

3. Seating arrangements and venue confirmation

To enable seating arrangements to be made and for venue/ catering confirmation, final attendance numbers must be provided and confirmed to the Civic Events Coordinator at least two weeks prior to a civic event.

4. Programs and agendas

Programs and agendas will be developed in consultation with the Mayor and CEO. All programs must be confirmed at least two weeks prior to a civic event. In some instances this will be required earlier (eight weeks) if being sent out with promotional material/invitations. Timeframes for this information will be determined as required by the event.

Appendix 2: Civic Events Proposal Form



Civic Events Proposal Form

Please complete form below and return using one of the lodgement options on the next page.

Part 1: Event Details

Event name:

Date

Time:

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Venue:

Part 2: Event Scope

Purpose / objectives:

Target audience:

Specific invitees:

Proposed event agenda / program:

Resources required:

<input type="checkbox"/> 8 week notice <input type="checkbox"/> Invitation / flyer designed <input type="checkbox"/> External venue booking <input type="checkbox"/> 6 week notice <input type="checkbox"/> Catering <input type="checkbox"/> 4 week notice <input type="checkbox"/> Program design (may be required earlier) <input type="checkbox"/> Advertising / promotion

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

Part 3: Applicant Details

Applicant name:

Phone:

Address:

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Email address:

Please tick the one option that applies. Are you a:

- | | | | |
|-------------------------------------|---------------------------------------|----------------------------------|----------------------------------|
| <input type="checkbox"/> Resident | <input type="checkbox"/> Worker | <input type="checkbox"/> Student | <input type="checkbox"/> Visitor |
| <input type="checkbox"/> Councillor | <input type="checkbox"/> Staff member | | |

Part 4: Lodgement Details

Please send completed proposal form to:

Attn: Alyson Infanti, Civic Events Coordinator
Email: a.infanti@liverpool.nsw.gov.au **Fax:** 9821 9333
Mail: Locked Bag 7064, Liverpool BC NSW 1871
In person: Ground Floor, 33 Moore Street Liverpool

For further information please phone 9821 8813 or email a.infanti@liverpool.nsw.gov.au

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

**Appendix 3: Receiving fundraising proceeds from the Liverpool Charity Ball
Nomination Form**

**Receiving fundraising proceeds from the
Liverpool Charity Ball
Nomination Form**

Please complete form below and return using one of the lodgement options on the next page.

Part 1: Organisation Details

Organisation Name:

Address

Phone:

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Is your organisation incorporated?

Is your organisation not-for-profit?

☐ Yes ☐ No

☐ Yes ☐ No

Incorporation number:

Is your organisation a registered charity?

What is your organisation's ABN?

☐ Yes ☐ No

ABN:

Part 2: Nomination Details

What is the organisation's core business?

What contribution has the organisation made to the Liverpool LGA?

Have you received any government grants (including from Council or ClubGRANTS) within the last 12 months? If yes, please list below.

What is the proposed use for the funds received?

CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY

Part 3: Applicant Details

Applicant name:

Position title:

Phone:

Address:

<input type="text"/>	<input type="text"/>
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Email address:

Part 4: Referee Details

Referee name:

Organisation:

Phone:

Email Address:

<input type="text"/>	<input type="text"/>
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Describe how the referee knows the applicant

Part 5: Acknowledgement

I declare that I am the authorised Public Officer/ Chairperson of the applicant organisation.

I declare that to the best of my knowledge that the information supplied in this nomination is true.

I will notify Liverpool City Council as soon as my organisation becomes aware of any changes to this information or any circumstance that may affect this nomination, including but not limited to information regarding the financial viability of my organisation.

I acknowledge that Liverpool City Council may seek further information regarding this nomination if required.

I understand that this is a nomination only and that Council can exercise its absolute discretion in determining this nomination.

I accept that electronic submission of this nomination will be taken as consent to the terms of the above declaration by the person submitting this application on behalf of the applicant organisation.

Signature:

Date:

<input type="text"/>	<input type="text"/>
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CIVIC EVENTS AND CEREMONIAL FUNCTIONS POLICY**Part 6: Lodgement Details**

Please send completed nomination form to:

Attn: Alyson Infanti, Civic Events Coordinator

Email: a.infanti@liverpool.nsw.gov.au **Fax:** 9821 9333

Mail: Locked Bag 7064, Liverpool BC NSW 1871

In person: Ground Floor, 33 Moore Street Liverpool

For further information please phone 9821 8813 or email a.infanti@liverpool.nsw.gov.au

DCC 02

Strong Children and Communities Project

Strategic Direction	Healthy Inclusive City Foster social inclusion, strengthen the local community and increase opportunities for people who may experience barriers
Key Policy	Youth Strategy
File Ref	257414.2016
Report By	Shaieste Heidari - Project Officer Strong Children & Communities
Approved By	Eddie Jackson - Acting Director Community & Culture

EXECUTIVE SUMMARY

This report provides an update on the progress of the Strong Children and Communities Project and recommends strategies to integrate the project with Council's operational framework.

RECOMMENDATION

That Council:

1. Identify and invite prominent members identified in the report to the Ambassador's Panel, in consultation with the 2168 Management Committee;
2. Once operational, invite representatives of the Children's Parliament to make presentations to Council during the public forum at Council meetings on a quarterly basis; and
3. Permit usage of the Council Chambers for the Children's Parliament sitting. The Parliament sessions are intended to be held quarterly during school hours.

REPORT

Background

The Strong Children and Communities Project is a new initiative funded for two years from 2015- 2017 with potential extension for a further two years to 2019. The funds of \$95,000 per annum were made available from the Department of Social Services through the 2168 Communities for Children (C4C), a program of the Mission Australia-Miller Pathways. Liverpool City Council has committed a further \$10,000 per annum to supplement the operational cost. The project is governed by Council and is being delivered under the overarching umbrella of the Community 2168 Project.

A core activity of the Strong Children and Communities Project is the establishment of a Children's Parliament in the 2168 postcode area based on the European model. The Children's Parliament will be a powerful platform for children to voice their ideas, thoughts and aspirations so that their concerns and opinions can be heard and included in the social and political landscape of Liverpool. The target group for the Children's Parliament are children 9 to 12 years of age, their parents/ guardian, schools and local communities.

Since its commencement in January 2016, the Project has achieved the following key outcomes:

- Consulted and established partnerships with educational institutes including all 2168 primary schools, Western Sydney University, Macquarie University and community groups;
- Delivered a comprehensive consultation program in partnership with the Whitlam Institute through the "What Matters? Workshops". During May-September 2016 over 1,230 students in years 3-5 from 2168 schools attended 28 workshops voicing matters of importance to them;
- Schools facilitated a nomination process to appoint members to the Parliament;
- Commenced planning and delivery of workshops for newly appointed members of the Parliament; and
- Established relationships across the broader 2168 community.

The Project will seek to deliver on key objectives over the next two years including:

- Creating a systemic mechanism through which the voice of young people can contribute to the political discourse within the city.
- Creating Strong Child-friendly communities which understand the importance of children and apply this capacity to maximise the health, well-being and early development of young children at the local level;
- Increasing positive community connections and functioning;
- Improving access for vulnerable or disadvantaged individuals and families; and
- Creating more cohesive communities.

Creating systemic linkages will be established at three levels. Firstly through the establishment of an Ambassadors' Panel to champion the voices of children. The Panel will ideally comprise of individuals with political, educational or community influence. The proposed members of the Panel should include local, state and federal politicians, representatives from educational institutes, and prominent community members.

Secondly, it is proposed to link the Children's Parliament to the political framework of Liverpool City Council by:

- a) Inviting the Children's Parliament to make presentations at Council meetings on a quarterly basis; and
- b) Children's Parliament to hold their quarterly sitting at the Council Chambers.

This will provide members of the Parliament the opportunity to attend Council meetings, observe democratic processes of debating and decision making; and represent children's needs and ideas to Council, as part of the formal proceedings of Council.

Thirdly, formal links will be established with the Youth Council, to encourage mentoring and exchanges of mutual benefit.

Therefore it is proposed that Council approve the following:

- Identify and invite prominent members identified in the report to the Ambassador's Panel, in consultation with the 2168 Management Committee;
- Once operational, invite representatives of the Children's Parliament to make presentations to Council during the public forum at Council meetings on a quarterly basis, and
- Permit usage of the Council Chambers for the Children's Parliament sitting. The Parliament sessions are intended to be held quarterly during school hours.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	<p>Raise awareness in the community about the available services and facilities.</p> <p>Support policies and plans that prevent crime.</p> <p>Support community organisations, groups and volunteers to deliver coordinated services to the community.</p> <p>Deliver high quality services for children and their families.</p> <p>Promote social cohesion and community connectedness.</p> <p>Promote inclusion and non-discrimination practices.</p> <p>Promote democratic values and equalities.</p> <p>Promote civic participations.</p>

Civic Leadership and Governance	<p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Foster neighborhood pride and a sense of responsibility.</p> <p>Facilitate the development of community leaders.</p> <p>Encourage the community to engage in Council initiatives and actions.</p> <p>Deliver services that are customer focused.</p> <p>Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.</p>
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ATTACHMENTS

1. Children's Parliament-collage [View](#)



DCC 03

Grants and Donations

Strategic Direction	Healthy Inclusive City Foster social inclusion, strengthen the local community and increase opportunities for people who may experience barriers
Key Policy	Donations Policy
File Ref	280863.2016
Report By	Daniel Collins - Community Development Worker (Funding and Support)
Approved By	Eddie Jackson - Acting Director Community & Culture

EXECUTIVE SUMMARY

Council is committed to building strong and resilient communities in Liverpool and to maximising social wellbeing for all residents. One way of achieving these goals is to provide financial assistance in the form of grants and donations to individuals and groups to develop leadership skills, increase participation in community life, and address social disadvantage.

Council provides six mechanisms for the allocation of grants and donations. These are a combination of annual programs, for which applications are accepted once or twice per year and open programs which can be applied for at any time of the year. These programs are:

- (a) Community Grants (2 rounds per year)
- (b) Quick Response Grants: General, Youth, and School (open for applications all year)
- (c) Sporting Grants (1 round per year)
- (d) Sporting Donations (open for applications all year)
- (e) Matching Grants (2 rounds per year)
- (f) Community Facilities Fee Reductions (open for applications all year)

This report presents the funding recommendations for applications received through the Quick Response Grants (School) and Matching Grants Programs for September and October 2016 for Council's consideration. The criteria for both programs can be found as attachments to this report.

RECOMMENDATION

That Council endorses the following recommendations:

1. For the provision of \$300 (GST exclusive) under Quick Response Grants (School) for a student who has excelled in citizenship, academic studies, artistic endeavours, or sporting proficiency.

Applicant	Project	Amount
Hoxton Park High School	Student award donation	\$100
Lurnea High School	Student award donation	\$100
William Carey Christian School	Student award donation	\$100

2. For the provision of \$61,764 (GST exclusive) under Matching Grants.

Applicant	Project	Amount
Kultour	The Gathering	\$15,000
Inspire Community Services	Sadlier Social Inclusion Zone	\$15,000
Ted Noffs Foundation	Training Pathways Liverpool Street University	\$14,400
City of Liverpool Meals on Wheels Inc	Freezer Replacement	\$ 6,964
Guntawang Aboriginal Resources Inc	Working together as One	\$ 6,900
Moorebank Heritage Group Inc	Exhibition - Liverpool to Holsworthy Military Railway Line	\$ 2,500
Language Festival Association	Liverpool Language Festival 2017	\$ 1,000

REPORT

Quick Response Grants (School) Program

The Quick Response Grants program supports a range of small-scale initiatives for local residents and organisations. Applicants are eligible to receive one grant per year. Donations to schools are to be given as a prize to a student who has excelled in citizenship, academic studies, artistic endeavours, or sporting performance.

Three applications for the Quick Response Grants (School) program were received this quarter, all met the program criteria and are recommended for funding.

Applicant Details	Project Description	Amount Requested	Amount Recommended
Hoxton Park High School	Donation awarded to a student who has excelled in citizenship, academic studies, artistic endeavours, or sporting proficiency	\$100	\$100
Lurnea High School	Donation awarded to a student who has excelled in citizenship, academic studies, artistic endeavours, or sporting proficiency	\$100	\$100
William Carey Christian School	Donation awarded to a student who has excelled in citizenship, academic studies, artistic endeavours, or sporting proficiency	\$100	\$100

Matching Grants Program

The Community Matching Grants program provides financial support to projects and activities that build or strengthen communities within Liverpool. These projects focus on developing and implementing capacity building activities, maintaining community assets, and providing opportunities for a broader cross section of residents to be involved in community activities.

Eleven applications were received for round one of Matching Grants. Seven met the criteria and are recommended for funding. One application was withdrawn and the remaining three applications have been advised Council requires additional approvals prior to a funding decision being made.

Applicant Details	Project Description	Amount Requested	Amount Recommended
Kultour	Creation of a two-day forum at Casula Powerhouse which will address barriers and pose strategies for greater participation and inclusion by CALD artists in the arts sector.	\$15,000	\$15,000
Inspire Community Services	Construction of new deck, outdoor area, and additional kitchen facilities at existing Sadlier kitchen.	\$15,000	\$15,000
Ted Noffs Foundation	Training Pathways is a vocational and educational development program designed to engage with marginalised youth in the local area.	\$14,400	\$14,400
City of Liverpool Meals on Wheels Inc.	Purchase of a replacement freezer to ensure meals are being stored in accordance with NSW Food Safety Regulations.	\$6,964	\$6,964
Guntawang Aboriginal Resources Incorporated	Provide opportunities through coordinated arts and craft activities for Liverpool's culturally diverse Community to come together and network.	\$6,900	\$6,900
Moorebank Heritage Group Inc.	Raise awareness of the history and significance of the former Liverpool Field Training Area via a travelling exhibition, using 10 of the graphic panels on the Liverpool to Holsworthy Military Railway Line constructed in 1917-1918.	\$2,500	\$2,500
Language Festival Association	Cultural and educational event devoted to celebrate language diversity.	\$1,000	\$1,000
Hume Community Housing Association Inc (Hume)	Strengthen community cohesion by increasing knowledge of Hume clients of the Liverpool City Council's landmarks and key community services through organised bus tours.	\$13,800	Application has been withdrawn as project will now form part of Council's Refugee Localised Action Plan

The following three applications require additional approvals (outlined below). A funding decision by the assessment panel has been deferred until confirmation of required approvals has been provided by the applicant.

Applicant Details	Project Description	Amount Requested	Approval Required
Liverpool Women's Health Centre Inc	Creation of a childcare room, kitchen upgrade, and dining area within the centre for women and children accessing this service.	\$15,000	A complying development certificate for building changes.
Inspire Community	Kitchen fit-out of the Memorial Ave Youth Centre Café, a social enterprise and training project designed within a recycled shipping container.	\$15,000	A building certificate is required for construction activity.
Chipping Norton Football Club	Installation of new goal posts and picnic seating at the South Park Precinct.	\$3,000	Site needs to be assessed by City Presentation (Parks Coordination).

CONSIDERATIONS

Economic and Financial	<p>There is currently \$79,943.18 remaining in the Grants and Donations budget. If the recommended amount of \$300 is endorsed the remaining balance will be \$79,643.18.</p> <p>There is currently \$200,000 remaining in the Matching Grants budget. If the recommended amount of \$61,764 is endorsed the remaining balance will be \$138,236.</p>
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	<p>Raise awareness in the community about the available services and facilities.</p> <p>Support community organisations, groups and volunteers to deliver coordinated services to the community.</p>
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Matching Grants Criteria [View](#)
2. Quick Response Grants Criteria

9.5 Community Matching Grants

9.5.1 Overview

The Community Matching Grants program is designed to provide financial support to projects and activities that build or strengthen communities within Liverpool. These projects will focus on supporting the development and implementation of community capacity building activities as Council as maintaining and conserving the community's assets and provide opportunities for a broader cross section of the community to be involved in community and recreational activities.

9.5.2 Funding priorities

Funding will support projects that address one of the following categories:

- a) **Arts** - Projects that contribute community art to a neighbourhood, or works to increase the participation of residents within art based programs/projects
- b) **Social /community capacity building** - Projects that bring the community together and enhance participation in the community, including members of the community who are experiencing social disadvantage or that provide benefits to address an identified community need. This could be in the form of a community event or community-based capacity building project. Please note that social projects will only be funded as one off projects unless it can be demonstrated that the event / project is built upon/different to what was previously funded
- c) **Youth engagement** - Projects that focus on increasing the ability of young people to obtain skills and qualifications, or increase their active participation within the community
- d) **Accessibility** - Projects that enhance and improve access options for the community, either through education, transport, disability access or connectivity
- e) **Infrastructure** - Projects that aim to upgrade, develop or improve community infrastructure such as community centres, amenities buildings or other sporting infrastructure. Please note these projects cannot fund the improvement of privately owned facilities
- f) **Environmental** - Projects that address environmental issues and concerns or contribute to environmental education and awareness
- g) **Community safety / public space activation** - Projects that address community safety and security issues such as activities that activate or diversify the night time economy including pop up entertainment and night time performances in public spaces. These projects can also include addressing perceptions of community safety
- h) **Sports development** - Projects that contribute to the development of sporting groups or are designed to enhance participation in sporting and recreational activities

9.5.3 Expected program outcomes

Grants from this program can contribute to one or more of the following outcomes:

- a) Newly formed social connections and partnerships within communities, or reinforcement of those that already exist
- b) Increased participation in community activities and organisations by improving collaboration and coordination of community support and services
- c) Strengthened opportunities for community members and others to build personal creativity and self-expression
- d) Increased opportunities for community members to acquire or develop new skills and/or employment
- e) Create, renew or revitalise places and spaces within the community
- f) Strengthened community members' feelings of safety and sense of belonging within public spaces
- g) Improved condition and accessibility of community infrastructure

9.5.4 Funding available

The matching grants program recognises any community contribution towards a project and can offer up to \$15,000 support to match this contribution. The program supports projects that involve genuine community participation. By 'matching' what the community contributes, Council is building a sense of community and strengthening partnerships as people work together on the project.

Contributions from the community or Council can be made in cash or value-in-kind. Recognised in-kind community contributions include:

- a) In-kind contributions such as design services, professional services, trade services (such as plumbing), provision of trucks and plant, concreting and painting, donated supplies, materials or venues
- b) Volunteer time such as labour, set up and pack down, and meeting time to identify, plan and implement projects. The rate of volunteer time is calculated as \$20 per hour. For professional or contracted services the rate is \$75 per hour
- c) Direct cash input to the project through donations or income generated
- d) Funds raised through crowd funding platforms. Applicants will have three months to raise the funds after receiving the notice of grant approval. A funding agreement will only be finalised after the funds have been raised. If the funds are not raised within three months, Council will reallocate funds to the respective grants and donations program budgets.

Any in-kind contributions will need to meet Council's Work, Health and Safety and insurance requirements as well as any relevant legislative requirements such as the Building Code of Australia (BCA) and Building Sustainability Index (BASIX). The value of in-kind contributions should be verified by an independent quote, and where the value is in question, Council's assessment of the value of in-kind contributions will take precedence in the assessment of the matching grant given.

The costs of Council and other approvals required by government agencies / authorities must also be considered when applying under this grants program.

Please note that development application costs can be included in the application.

9.5.5 Program timeframe:

This program accepts applications once per year. Grants must be spent within 12 months of receiving them.

9.5.6 Program eligibility and exclusions

To be eligible for the Community Matching Grants program applicants must:

- a) Be incorporated or auspiced, non-profit organisation in the Liverpool LGA and provide activities for Liverpool residents
- b) Have public liability insurance of up to \$20 million (\$10 million for sporting clubs)
- c) Supply a copy of most recent annual report and/or financial statements
- d) Organisations that have received funds under this program in the previous year will be given a lower priority

Council reserves the right to defer consideration of a matching grant application to the following year where planning, leasing or ownership, statutory approvals, or appropriate development issues are raised by the project.

Recipients of successfully funded projects will be expected to work with Council staff to deliver the project.

For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Exclusions.

9.5.7 Assessment Criteria

Criteria
Matched contribution (financial or in-kind).
Consulted with Council staff prior to submitting application.
Project is considered an appropriate development on the proposed site.
Project meets Council's construction and safety standards.
Evidence that the organisation has capacity to deliver the project.
Evidence provided to support the need for the project, including the degree to which the project addresses at least one of the strategic directions in Growing Liverpool 2023, Community Strategic Plan.
The anticipated number of individuals that will participate in and benefit from the proposed project.
Timeframe and budget are realistic and align with project objectives.
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication.
Proposed project evaluation method including sustainability of project.

9.2 Quick Response Grants

9.2.1 Overview

The Quick Response Grants program supports a range of small-scale initiatives for local residents and organisations. This program is for community groups who may not have experience with grants programs. It aims to provide more intensive support and build the capacity of less established groups to familiarise themselves with grants programs and Council processes. Applicants are eligible to receive one grant per year.

9.2.2 Funding priorities

The Quick Response Grants program will support:

- a) Donations to young people to participate in events and experiences in the academic, cultural or environmental fields for the purposes of developing leadership skills and encouraging active community participation;
- b) Essential emergency support for community, cultural or sustainability projects – strictly for situations that could not be foreseen;
- c) Donations to schools to be given as a prize to a student who has excelled in citizenship, academic studies, artistic endeavours or sporting proficiency; and
- d) Seed funding for other strategic priorities in Council's policies and action plans.

9.2.3 Expected program outcomes

Initiatives and projects can contribute to one or more of the following outcomes:

- a) Increased engagement of individuals and teams in academic, cultural and environmental fields
- b) Improved relative equality, resilience and adaptive capacity of Liverpool's diverse communities
- c) Enhanced positive social, cultural, sustainability outcomes for local communities related to Council's strategic priorities.

9.2.4 Funding available

Applications can be made for funding of up to \$1,000 per project per year with the exception of the following:

- a) Donations to young people are limited to \$100 for regional level activities (taking place within NSW), \$200 for national level activities (taking place within Australia other than in NSW) and \$500 for international level activities (taking place outside Australia); and
- b) Donations to schools are limited to \$100 per year per school.

9.2.5 Program timeframe:

This program accepts applications all year. Grants must be spent within 12 months of receiving them.

9.2.6 Program eligibility and exclusions:

To be eligible for funding through the Quick Response Grants Program applicants must:

- a) Be incorporated or auspiced, non-profit community service organisations or groups providing programs or services to the residents of Liverpool
- b) Be 100% volunteer run
- c) Supply a copy of most recent annual report and/or financial statements

For the donations to individuals, information must be provided on costs associated with conferences or events which foster local community leadership and participation.

For grants towards community events, Council must be acknowledged on all promotional material. The Council logo should be used with the text "proudly supported by Liverpool City Council". All promotional must be approved by Council prior to publication.

Additionally, Council reserves the right to receive the following:

- a) Joint media release opportunities;
- b) Opportunity for Mayor to speak at the event or occasion;
- c) Space at event (table or marquee stall); and
- d) Tickets to attend the event / occasion.

9.2.7 Further exclusions:

- a) Applicants are encouraged to seek alternative funding sources for subsequent periods. Multi-year agreements will not be supported. The Quick Response Grants program will not be considered as a recurrent funding source
- b) For annual events, separate applications should be made each year. Applications must demonstrate how the event is enhanced from previous events.

For more information on eligibility and exclusions please refer to Clause 6: General Eligibility and Exclusions.

9.2.8 Assessment Criteria

To be considered for a grant, applicants should clearly describe the proposed project and how it will meet the following criteria:

Criteria
Evidence that the organisation has capacity to deliver the project.
Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Growing Liverpool 2023.
The anticipated number of individuals that will participate in and benefit from the proposed project.
Timeframe and budget are realistic and align with project objectives.
Evidence of collaboration and partnership to maximise the use of existing community resources and to avoid duplication.

Evidence that project strategies are innovative or practical to meeting the project need.

Appropriate project evaluation method.
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Sustainability of project after funding ceases.

DCC 04

Investigation of in-house management options for Council's Leisure Centres

Strategic Direction	Leading Proactive Council Provide business excellence and financial sustainability to deliver services that meet community expectations
Key Policy	Long-Term Financial Plan
File Ref	293446.2016
Report By	Mark Westley - Sports Development Officer
Approved By	Eddie Jackson - Acting Director Community & Culture

EXECUTIVE SUMMARY

Liverpool City Council is currently providing leisure centre services to the community under a third party contractor model. Belgravia Leisure Pty Ltd is the current Leisure Centre Management contractor. Belgravia commenced management of Council's E.G. Whitlam, Michael Wenden and Michael Clarke Centres from 1 July 2016.

At the Council meeting held Wednesday 27 April 2016, Council resolved under item CONF 06 that "At a future meeting a report to come back to Council to look at options for in-house management of the centres."

RECOMMENDATION

That Council:

1. Note this report.
2. Require a report on the options for in-house management of Council's three leisure centres to be reported to Council at its November 2017 meeting.

REPORT

Liverpool City Council is currently providing leisure centre services to the community under a third party contractor model. In terms of neighbouring Councils, some have a similar third party provider approach to the management of leisure centres whilst others manage their centres in-house.

Council's Leisure Centre Management contract with YMCA NSW expired on 30 June 2016. Belgravia Leisure Pty Ltd were subsequently appointed to operate the Whitlam and Michael Wenden centres, and the newly opened Michael Clarke Recreation Centre, from 1 July 2016 under contract ST2492.

In the three month transition-in period of the new contract Belgravia Leisure have achieved a satisfactory level of performance and continuation of services to the community at the Whitlam and Michael Wenden Centres whilst launching the Michael Clarke Recreation Centre.

The current data available to Council from the operation of the Leisure Centres is affected by the contract transition-out and transition-in periods and it is considered too early to be able to use current data to assess the relative merits of the different management models.

It is considered that a 12 month period from 1 October 2016 to 30 September 2017 will allow comprehensive data gathering and detailed analysis to be performed to produce the best outcome for Council and the community, with this analysis to be reported to Council at its November 2017 meeting.

CONSIDERATIONS

Economic and Financial	Monitor, analyse and review Council expenditure to achieve the best value outcomes for the community.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Council Resolution 8 CONF 06 27 April 2016 ST2492 Leisure Centre Management

ITEM NO: CONF 06
FILE NO: 096058.2016
SUBJECT: ST2492 – Leisure Centre Management

RECOMMENDATION

That Council:

1. Decline to accept any tenders for ST2492 - Leisure Centre Management.
2. In accordance with Section 178(3)(e) of the Local Government (General) Regulation 2005, enter into negotiations with Belgravia Leisure Pty Ltd and YMCA NSW with the view to entering into a contract for the E.G Whitlam Leisure Centre and the Michael Wenden Aquatic Leisure Centre.
3. In accordance with Section 178(3)(e) of the Local Government (General) Regulation 2005, enter into negotiations with any person(s) or parties for the purchase of any equipment and services required for the operation and management of the Carnes Hill Recreation Centre, with a view to entering into a contract, or series of contracts, directed at facilitating the management and operation of that centre.
4. Delegate to the Acting Chief Executive Officer all necessary authority to finalise and execute a contract with the parties ultimately determined to present the best value for provision of the specified services.
5. In accordance with Section 178 (4) of the Local Government Regulations states its reasons for entering into negotiations as follows:
 - a. By further negotiation with Belgravia Leisure Pty Ltd and YMCA NSW, a value for money proposition for Council can be achieved for the Whitlam and Wenden Leisure Centres.
 - b. The timeframe to the Carnes Hill Centre opening does not allow a fresh tender process, and further, that in light of a review of the tendered options as contained in the report of staff, exploration of alternative operating models may be warranted for that centre.
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.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Shelton**

That Council:

1. Decline to accept any tenders for ST2492 - Leisure Centre Management.

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2. In accordance with Section 178(3)(e) of the Local Government (General) Regulation 2005, enter into negotiations with Belgravia Leisure Pty Ltd and YMCA NSW with the view to entering into a contract for the E.G Whitlam Leisure Centre and the Michael Wenden Aquatic Leisure Centre.
3. In accordance with Section 178(3)(e) of the Local Government (General) Regulation 2005, enter into negotiations with any person(s) or parties for the purchase of any equipment and services required for the operation and management of the Carnes Hill Recreation Centre, with a view to entering into a contract, or series of contracts, directed at facilitating the management and operation of that centre.
4. Delegate to the Acting Chief Executive Officer all necessary authority to finalise and execute a contract with the parties ultimately determined to present the best value for provision of the specified services.
5. In accordance with Section 178 (4) of the Local Government Regulations states its reasons for entering into negotiations as follows:
 - a. By further negotiation with Belgravia Leisure Pty Ltd and YMCA NSW, a value for money proposition for Council can be achieved for the Whitlam and Wenden Leisure Centres.
 - b. The timeframe to the Carnes Hill Centre opening does not allow a fresh tender process, and further, that in light of a review of the tendered options as contained in the report of staff, exploration of alternative operating models may be warranted for that centre.
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.
7. Negotiations should maintain or enhance current community users including not for profit organisations that are currently using the facilities.
8. At a future meeting a report to come back to Council to look at options for in-house management of the centres.

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

Councillors voted unanimously for this motion.

DPG 01

Exemption from Tendering Process

Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	278219.2016
Report By	Ash Chand - Executive Planner
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

This report seeks Council's approval to engage Cardno Pty Ltd (Cardno) to assist with formal submissions to the application for the Moorebank Intermodal without going to a tender process, given the uniqueness and complexity of the intermodal proposal and Cardno's extensive prior involvement in informing Council's position with regards to the project.

Identified as State Significant Development, the application for the intermodal facility at Moorebank is a complex, multi-tiered project which is in various stages of assessment. Council, with the assistance of Cardno, has provided formal submissions to the Department of Planning and Environment and the Planning and Assessment Commission for each individual stage of the application to date. Additional submissions will be expected from Council as successive applications are made by the proponents of the intermodal.

Section 53(3)(i) of the Local Government Act states, '*a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenders, a council decides by resolution (which states the reasons for the decisions) that a satisfactory result would not be achieved by inviting tenders.*'

It is considered that the application for the Moorebank Intermodal Facility by Sydney Intermodal Terminal Alliance (SIMTA) represents both an extenuating circumstance and a situation whereby competitive tenders are not available. As such, a resolution from Council is sought in this instance to exempt the requirement for an invitation to tender.

RECOMMENDATION

That Council exempt the engagement of planning consultants Cardno Pty Ltd, engaged to provide advice and prepare submissions on behalf of Council in relation to the proposed Moorebank Intermodal project from the tendering requirements pursuant to s.55(3)(i) of the *Local Government Act 1993*, for the following reasons:

- a. The Moorebank Intermodal project is a complex and technical proposal, being assessed under the transitional provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*, and requires specialist planning advice, not otherwise available to Council, to assess and respond to;
- b. Upon the initial engagement of the chosen planning consultants, Council staff at the time solicited a number of quotes, and found the chosen consultant to present the best value proposition;
- c. The chosen consultant, Cardno Pty Ltd, has now performed a significant volume of detailed work on the project, and in the process, has established an in-depth understanding of the issues to the satisfaction of Council staff; and
- d. Changing the consultant at this stage would potentially result in additional cost (for a new consultant reviewing the brief), as well as potential delay, and may jeopardise Council's ability to provide quality input into the process as a result.

REPORT

Cardno was initially selected in 2012 through Council's *Request for Quote (up to \$150K)*, which sought the services of a consultant to provide a formal review and response to the public exhibition of the Concept Plan and Environmental Impact Statement by Moorebank Intermodal Company, a Commonwealth business enterprise, for the disused army site at Moorebank. Cardno's fee proposal was evaluated by an internal committee and found to be successful on the basis that the quoted fee was within budget, that they had extensive prior experience with other similar major projects, and had provided a reasonable turn-around time and selected an appropriate methodology in response to the project.

To date Cardno's engagement by Council has included the following work:

- Review MIC Concept Plan & EIA
- Review SIMTA Concept Plan & EIA
- Review Follow Up Report SIMTA Plan
- Review SIMTA Renotified EIA
- Review MIC Response to Submissions
- Review SIMTA Response to Submissions
- Review Draft Conditions and EPBC
- Review MIC PPR
- PAC Hearing MIC and SIMTA Review
- Review SIMTA Stage 1 EIA
- Review SIMTA Stage 2 EIA (SEAR's)

Throughout the aforementioned process of reviews and submissions against the various stages of the application, Council officers from relevant departments have been actively involved to inform and provided oversight of the work Cardno has undertaken.

The financial cost associated with engaging Cardno to assist Council in relation to the Intermodal project thus far, is approximately \$420,000 (excluding GST). Council's stance

against the proposal and the volume of highly technical and specialised work required to adequately identify and express Council's concerns has required the outsourcing of work to Cardno. The cost of outsourcing this work is justified by the assurance that submissions put forward by Council are well-researched, timely and adequately address all concerns and expectations of the Liverpool community. For example, a number of issues raised in Council submissions have been specifically addressed by the Planning Assessment Commission in its determinations.

The ongoing and highly complex nature of the proposed Moorebank Intermodal Facility has meant that Cardno is best-placed to undertake work and assist Council in their submissions. By retaining the same consulting firm that has consistently produced high-quality work over the past 4 years, a measure of continuity and quality can be assured to Council. Furthermore, Cardno has been able to build up an extensive and in-depth knowledge of the project and has established themselves as a key stakeholders in the process.

Engaging another consultant at this stage would unnecessarily complicate and draw out the process as they would be required to:

- Understand the proposal for Moorebank Intermodal, its background and the complex relationship between the MIC and SIMTA;
- Understand the multifaceted planning framework as it relates to respective Moorebank Precinct West (MPW) and Moorebank Precinct East (MPE) precincts, and the various applications involved, for which Cardno has existing knowledge of and history with;
- Familiarise themselves with Council's formal position with regards to the project and the chronological progression to date; and
- Understand and familiarise themselves with Cardno's work undertaken to date, including their research approach, the methodologies utilised, and the expert advice provide to Council.

The ongoing, yet uncertain, nature of the Intermodal proposals provides another reason to retain Cardno. At present, it is possible that the proposal will be in the various stages of application process for up to 5 years. Most recently, SIMTA's application for MPW Stage 2 was placed on public exhibition by the Department of Planning and Environment on 26 October 2016. The proponents have also informed Council that the application for MPE Stage 2 is imminent.

This underscores the importance of retaining a strong working relationship with one consultancy. By seeking an exemption from the tendering process, Council can continue to engage Cardno as required throughout this period, for the reasons aforementioned. The estimated cost of maintaining Cardno for the remainder of the development application process associated with the Moorebank Intermodal is approximately \$250,000 (excluding GST).

In summary, the retaining of Cardno as a preferred contractor ensures that high-quality and timely work can be prepared for Council as part of our ongoing dialogue with the Federal and

State governments, their representatives, and the allied private companies which form the proponent group with regard to the Moorebank Intermodal.

Approval to exempt the requirement for a tender process requires a Council resolution under Section 53(3)(i) of the Local Government Act. It is considered that the complexity and uniqueness of the Intermodal proposals represents an extenuating circumstance, and that Cardno's long and extensive involvement in the project to date, renders other potential tenderers unviable.

Therefore, this report recommends that Council, under s.55(3)(i) of the Local Government Act 1993, resolve to exempt the requirement for a tender process for engaging Cardno Pty Ltd to undertake work on behalf of Council in relation to the proposed Moorebank Intermodal Facility.

Consultation

This report was prepared in consultation with the Procurement, Finance, Governance and Legal Services sections.

CONSIDERATIONS

Economic and Financial	Facilitate economic development.
Environmental and Sustainability	Support the delivery of a range of transport options.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

Nil

DPG 02	Offer to enter into a Voluntary Planning Agreement - DA-582/2016 at 420 Macquarie Street, Liverpool
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Strategic Direction	Vibrant Prosperous City Activate the city centre and develop vibrant places that attract people to Liverpool
Key Policy	City Centre Strategy
File Ref	294691.2016
Report By	David Smith - Coordinator Development Assessment
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

Council has received a Development Application DA-582/2016 for the construction of new residential floor space and alterations to the existing buildings approved under DA-578/2014 at 420 Macquarie Street, Liverpool. This application was lodged with Council on 28 June 2016 and was notified in accordance with Council's Notification Policy between 7 July 2016 and 23 July 2016. No submissions were received. The application is currently under assessment by Council.

DA-578/2014 was approved by the Sydney West Joint Regional Planning Panel on 23 January 2015 for the construction of a mixed use development consisting of three buildings. Construction of buildings A and B commenced in February 2016 whilst site preparation works are underway for building C.

DA-582/2016 is lodged in accordance with the current Liverpool Local Environmental Plan 2008 (LLEP), however the application has provided an assessment against Amendment 52 to the LLEP 2008 as required by Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, being the provisions of any draft Environmental Planning Instrument.

If Council accepts the offer to enter in a planning agreement, the agreement will be prepared by Council and publicly exhibited for a period of 28 days. If following public exhibition there are no changes to the proposed planning agreement necessary, the planning agreement will be confirmed and the development application DA-582/2016 will then be reported to the Independent Hearing and Assessment Panel as required by the Independent Hearing and Assessment Panel Charter and following their recommendations, will be determined by Council.

As part of the assessment of DA-582/2016, the application considers primarily its consistency with the current planning controls applying to the site, but also addresses the proposed controls under Amendment 52 to the LLEP 2008. This is a requirement under the

Environmental Planning and Assessment Act 1979 for the consent authority to have regard to any draft environmental planning instruments.

Amendment 52 to the LLEP 2008 applies to land within the Liverpool City Centre and seeks to rezone land from B3 Commercial Core to B4 Mixed Use and to amend the height of buildings and floor space ratio development standards for identified land with the City Centre. The site is identified under Amendment 52 of LLEP 2008 for additional height and floor space provisions as the site is classed as an "Opportunity Site" under proposed Clause 7.5B of the LLEP 2008. The site area is 6,158m².

The development application is accompanied by an offer to enter into a planning agreement for the provision of a "public benefit". The main item of offer contained within the agreement is for a monetary contribution to be paid to Council towards restoration works at Collingwood House, which is a heritage listed item under the LLEP 2008. Alternatively, the developer has advised that the contribution could be directed towards an alternative community project, should Council prefer.

This report was considered by Council at its meeting of 12 October 2016. There was no resolution of this matter at this Council meeting and the matter was subsequently discussed at the Planning and Development Committee meeting of 2 November 2016 where it was resolved that this report should be considered by Council at its meeting of 23 November 2016.

It is also recommended that if the offer to enter into a Planning Agreement is accepted, to contribute towards works at Collingwood House, that a reserve for any funds collected be established with these funds quarantined until sufficient budget becomes available to undertake the upgrade works to Collingwood House.

RECOMMENDATION

That Council:

1. Accepts in principle the proposed offer to enter into a planning agreement for a monetary contribution for restoration works to Collingwood House as a public benefit and directs the CEO to prepare a planning agreement and explanatory note and to publicly exhibit the documents for a period of 28 days.
2. Delegates authority to the CEO, subject to consideration of any changes following public exhibition, to execute the planning agreement in the form that is publicly exhibited or with minor alterations.
3. Notes that if changes other than minor changes arise from the public exhibition process these will be reported back to Council.
4. Notes that this delegation is within the powers that can be delegated under Section 377 of the Local Government Act 1993.
5. Notes that any planning agreement will be subject to approval of development application DA-582/2016.

6. Notes that in accepting the proposed offer to enter into a planning agreement, Council retains full discretion to determine development application DA-582/2016 on its merits in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
7. Creates a reserve for any funds collected with these funds quarantined until sufficient budget becomes available to undertake the upgrade works to Collingwood House.

REPORT

A planning agreement can be made under Section 93F of the Environmental Planning & Assessment Act 1979 (the Act) and is a voluntary agreement between Council and the developer, under which the developer is required to dedicate land free of cost, pay a monetary contribution or provide other material public benefit, or any combination of these, to be used towards a public purpose. In this instance, the proposed planning agreement provides for an *“other material public benefit”*.

The Act specifies that a public purpose includes the provision of public amenities or public services, the provision of affordable housing, the provision of transport or other infrastructure relating to the land, the funding of recurrent expenditure relating to any of these, the monitoring of the planning impacts of a development and the conservation or enhancement of the natural environment. In this instance the proposed planning agreement provides for “... public amenities”

An offer has been made by the land owners to enter into a planning agreement in connection with DA-582/2016 that is currently under assessment by Council. This application proposes additional height and floor space compared with the development approved under DA-578/2014. This application is required to be assessed under the current LLEP 2008 development standards as Amendment 52 to the LLEP 2008 has not been gazetted as yet. However, it is important to note that Amendment 52 has received Gateway approval from the Department of Planning and Environment and has been publicly exhibited. Therefore, the application must consider any draft Environment Planning Agreements applying to the site. Amendment 52 to the LLEP 2008 is therefore a relevant draft Environmental Planning Instrument in accordance with Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 and should be afforded significant weight in the assessment of the current development application.

Amendment 52 to the LLEP 2008 provides for development of “opportunity sites” in the Liverpool City Centre that can accommodate mixed use and commercial tower development. These sites are required to be master planned and are anticipated to allow for buildings with significant floor space ratios and heights. Whilst DA-582/2016 is not accompanied by a masterplan in the manner anticipated by Amendment 52, the development has been planned in a holistic manner under DA-578/2014 and the current DA-582/2016 and is consistent with what would be expected of a masterplan if the application was lodged once Amendment 52 was gazetted.

An extract from Amendment 52 states:

The maximum floor space of a building on a lot in “Area 8” identified on the Floor Space Ratio Map may exceed 3.0:1 if the lot size exceeds 1500 square metres and:

- (a) The site has multiple street or laneway/serviceway frontages*
- (b) The site can accommodate tower floorspace of up to 700 square metres gross floor area for residential uses or 1000 square metres gross floor area for commercial uses*
- (c) The site can accommodate tall buildings without significant impact on the adjacent public domain, heritage items or neighbouring sites, and*
- (d) The applicant agrees to provide a public benefit, to the satisfaction of Council, which may include the following:*
- (e) The proposal includes additional public car parking located in key locations in Liverpool City Centre to be dedicated to Council at no cost;*
- (f) The proposal will, extend lanes and/or provide through-site links; or*
- (g) Any other public benefit as defined by Council policy.*

This development meets the above criteria as the site has four street frontages, provides for significant tower floor space, can accommodate tall buildings and the applicant is proposing to enter into a planning agreement with Council to provide a public benefit in the form of a monetary payment for upgrade works to Collingwood House.

During the assessment of DA-582/2016, Council officers consider that the proposal is consistent with the development standards proposed under Amendment 52 to the LLEP 2008.

It is noted that DA-582/2016 is required to be considered by Council's Independent Hearing and Assessment Panel and determined by Council, rather than under delegated authority, as the application proposes variations to some of the current LLEP 2008 development standards, namely height and floor space ratio.

While a draft copy of the voluntary planning agreement has not yet been completed, in summary, the terms of the agreement as outlined in the formal offer from the developer specify:

A total monetary contribution of \$230,000 payable to Council for restoration works to Collingwood House as a public benefit arising from the development.

Collingwood House is located at 13 Birkdale Crescent, Liverpool and is one of the few remaining dwellings from the Colonial period and is highly significant in the history of Liverpool. The Collingwood precinct has been a place of importance to Aboriginal and non-indigenous people of Liverpool and parts of the precinct are registered as a declared Aboriginal Place on the register of Aboriginal Places.

Conclusion

An offer to enter into a Planning Agreement in connection with Development Application DA-582/2016 for restoration works at Collingwood House has been received. Alternatively, the developer has advised that the contribution could be directed towards an alternative project should Council prefer.

It is considered that the proposed planning agreement has both planning and public benefit. It is recommended that the terms of the offer as outlined above, be endorsed in principle by Council and exhibited in accordance with the regulations and that Council delegates to the CEO, subject to consideration of any changes following public exhibition, to execute the planning agreement in the form that is publicly exhibited or with minor alterations. It is important to note that any planning agreement will be subject to the approval of the associated development application DA-582/2016 currently under assessment.

CONSIDERATIONS

Economic and Financial	<p>Further develop a commercial centre that accommodates a variety of employment opportunities.</p> <p>Enhance the environmental performance of buildings and homes.</p> <p>Facilitate economic development.</p>
Environmental and Sustainability	<p>There are no environmental and sustainability considerations.</p>
Social and Cultural	<p>Provide cultural centres and activities for the enjoyment of the arts.</p> <p>Preserve and maintain heritage, both landscape and cultural as urban development takes place.</p> <p>Regulate for a mix of housing types that responds to different population groups such as young families and older people.</p>
Civic Leadership and Governance	<p>There are no civic leadership and governance considerations.</p>

ATTACHMENTS

1. Landowners Details [View](#) (Under separate cover)
2. Planning Agreement Offer [View](#) (Under separate cover)

DPG 03

Development Applications lodged with an interest declared by Councillors

Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	298800.2016
Report By	David Smith - Coordinator Development Assessment
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

At its Ordinary Meeting of 29 June 2016 Council considered a report provided in response to Part 1 of NOM 05 which was included in the 25 May 2016 Council agenda requiring...a *public report to come back to the next Council meeting identifying all DAs lodged/approved during this Council term by Councillors or entities they have both a direct/indirect interest in, including items approved under delegation by staff which haven't come to council.*

In response to the report Council resolved as follows:

1. *Council receive and note the memo from the CEO.*
2. *That the DAs lodged by this Mayor during this Council term be assessed by an external consultant for its bona fides with a report to come back to Council within three months. This is in line with the new policy that was adopted in May 2016.*

Whilst the resolution addresses only DAs that were lodged within the specified time period, the initial request addressed all DAs lodged or approved during this period. As such this report addresses both applications lodged and those determined within this time period. There were five relevant applications, each of which has had the assessment process and recommendation reviewed by an independent planning consultant.

Council engaged Kerry Gordon Planning Services to undertake the required review. The results of this review are contained in this report. In summary, the review concludes that two of the applications (DA-5/2012/A and DA-1214/2015) were assessed in a robust manner and the recommendations were supported by the consultant planner. The review did identify some issues with the assessment reports for DA-1286/2012, DA-1286/2012/A and DA-1286/2012/B.

In summary, it was concluded that the assessment reports for DA-1286/2012 and DA-1286/2012/A were inadequate and as a result, the applications could not be peer reviewed. Therefore, the consultant was required to undertake a full assessment of these applications to determine if the applications were worthy of support.

This was undertaken, and following the assessment, it was the consultant planners view that the proposed developments were of a nature that would have warranted a recommendation for approval. It was concluded *“that notwithstanding the poor level of assessment undertaken, the result of a recommendation for approval is a reasonable planning outcome”*.

The assessment report for DA-1286/2012/B was considered to be appropriately thorough and addressed the relevant statutory controls. The review did note that the assessment report did not contain the delegated officer’s signature block, however the consultant planner noted that the Notice of Determination was signed by the then Manager Statutory Planning.

It is important to note that there has been significant reform of the Development Assessment Department and the development assessment process since these applications were determined in 2012 and 2013.

In 2014, Council introduced an ePlanning and DA Reform team within Planning & Growth to lead planning reform at Liverpool City Council. This, combined with a new management team in the Development Assessment Department has resulted in increased transparency of the development assessment process including online tracking of applications, online lodgement of submissions, new and improved assessment report templates and conditions and formal peer review processes for all development applications. It is also noted that Council now has a policy in place where applications lodged by Councillors or Council staff are assessed by an independent planning consultant.

RECOMMENDATION

That Council receives and notes this report

REPORT

At its Ordinary Meeting of 29 June 2016 Council considered a report provided in response to Part 1 of NOM 05 which was included in the 25 May 2016 Council agenda requiring...*a public report to come back to the next Council meeting identifying all DAs lodged/approved during this Council term by Councillors or entities they have both a direct/indirect interest in, including items approved under delegation by staff which haven't come to council.*

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Whilst the resolution addresses only DAs that were lodged within the specified time period, the initial request addressed all DAs lodged or approved during this period. As such this report addresses both applications lodged and those determined within this time period.

During the Council term, the following development applications (or modification applications) were lodged on properties owned or part owned by a Councillor:

Development Application No.	Property Address	Proposed Development	Decision
DA-5/2012/A Lodged 26/3/15	127-129 Hill Rd Lurnea	Section 96(1) modification application to development consent for demolition, alterations of existing dwelling on Lot 192 and the subdivision of Lots 192 and 193 into four lots. Modification sought to delete condition No. 39	Approved under delegation 15/4/15
DA-1214/2015 Lodged 17/12/15	127A Hill Rd Lurnea	Double storey dwelling	Approved under delegation 15/4/16
DA-1286/2012/A Lodged 18/1/2013	280 Epsom Rd Chipping Norton	Section 96(1) modification application to development consent for two (2) lot Torrens Title subdivision, erection of a dwelling house on each lot and construction of a swimming pool on proposed Lot 1. Modification sought to relocate condition No 14 to prior to the issue of an Occupation Certificate	Approved under delegation 19/2/13
DA-1286/2012/B Lodged 7/8/13	280 Epsom Rd Chipping Norton	Section 96(1A) modification application to development consent for two (2) lot Torrens Title subdivision, erection of a dwelling house on each lot and construction of a swimming pool on proposed Lot 1. The modifications include: - Enclosure of the courtyard in proposed Lot 1 on both the ground and first floors, thereby increasing the floor area by 16.8m ² . - Internal layout of the ground and first floors modified to suit.	Approved under delegation 27/9/13

During the current Council term, the following development application was determined on a property owned or part owned by a Councillor, however it was lodged prior to the commencement of the Council term:

Development Application No.	Property Address	Proposed Development	Decision
1. DA-1286/2012 Lodged 3/7/12	280 Epsom Rd Chipping Norton	Development application for two (2) lot Torrens Title subdivision, erection of a dwelling house on each lot and construction of a swimming pool on proposed Lot 1.	Approved under delegation 6/12/12

Each of the above listed five relevant applications has been peer reviewed with the review considering the appropriateness of the assessment process and recommendation.

PEER REVIEW DA-5/2012/A

DA-5/2012 granted consent for the demolition of existing structures, alterations to the existing dwelling on Lot 192 and the subdivision of Lots 192 and 193 into four lots. This application was lodged and determined prior to the period under review and as such is not peer reviewed.

DA-5/2012/A was lodged on 26 March 2015 and was a Section 96(1) modification application seeking to delete condition No. 39, as follows, of development consent DA-5/2012.

39. *A restriction shall be placed on the title of proposed Lots 50 & 52 stating that any future development on these lots shall be single storey only, in accordance with the provisions of the Liverpool Development Control Plan.*

Review of Process

A review of the file revealed the following:

- The application lodged was appropriately accompanied by a *Political Donations and Gifts Disclosure Statement*.
- The *Allocation DA Checklist* appropriately identified the type of development, permissibility, provision of owner's consent and that notification was not required.
- A delegated assessment report was prepared by a development assessment planner, signed by the Manager Development Assessment and approved under delegation by the Director Planning and Growth on 15 April 2015.

The above process is considered appropriate for a minor modification application.

Review of Assessment/Recommendation

The assessment report prepared is considered to be an appropriately thorough report which clearly identifies the modification proposed and the background of development on the site. The report identifies the requirements of s96(1) of the Environmental Planning and Assessment Act and assesses correctly that the modified development is substantially the same as the development granted consent.

The report correctly confirms that notification is not required under LDCP 2008. The report appropriately assesses that the modification application does not change the assessment of the development against the provisions of GMREP No. 2 and LLEP 2008.

In its assessment against the relevant provisions of LDCP 2008, the report appropriately identifies that Amendment No. 10 of LDCP 2008, which was adopted on 19 February 2013, deleted the requirement for development on battle-axe allotments to be of single storey construction. It would appear that the condition of consent requiring the placement of a restriction on the title requiring that development only be single storey was related to the

previous, now deleted, requirement of LDCP 2008. Given the change to provisions contained in LDCP 2008, it is considered appropriate that the report recommended deletion of the condition.

As such, it is considered that the assessment and recommendation of this application were appropriate having regard to the suite of planning controls applicable at the time of assessment of the application.

PEER REVIEW DA-1214/2015

DA-1214/2015 was lodged on 17 December 2015 and was an application for construction of a two storey dwelling on one of the battle-axe allotments created by the subdivision approved in DA-5/2012, and amended by DA-5/2012/A, which has been discussed above.

Review of Process

A review of the file revealed the following:

- The application lodged was appropriately accompanied by a *Political Donations and Gifts Disclosure Statement*.
- The application was referred to the Development Engineer who raised concerns with the stormwater plans submitted and required a series of amendments to the plans in relation to OSD and overland flow. The applicant was informed of the concerns by letter and amended stormwater plans were provided which satisfied the Development Engineer who subsequently issued recommended conditions of consent.
- The application was not notified as it involved a single dwelling house and LDCP 2008 does not require notification for dwelling houses subject to compliance with the height, FSR and first floor balcony requirements. The proposed development complies with these requirements.
- A delegated assessment report was prepared by a Team Leader Development Assessment and approved under delegation by the Acting Chief Executive Officer on 15 April 2016.
- A review of the recommended conditions of consent confirms all appropriate standard conditions and the condition addressing the retention of the two trees were included. One engineering condition that was recommended was not included, however a review of the condition confirms it was not appropriate to include the condition and it appears to have been erroneously requested by the engineer as it is supposed to only be included for applications involving major filling/earthworks, which the application does not.

The above process is considered appropriate for the type of development application.

Review of Assessment/Recommendation

The assessment report prepared is considered to be an appropriately thorough report which clearly identifies the development proposed and the background of development on the site. The report correctly identifies the zoning of the site and that the proposal is permissible with the consent of Council.

The report correctly confirms that notification is not required under LDCP 2008. The report appropriately assesses the application against the provisions of GMREP No. 2, SEPP (BASIX) and SEPP 55.

The assessment against the provisions of LLEP 2008 correctly identifies that the proposal satisfies the height and FSR development standards and satisfies the objectives of the zone. An appropriate assessment is made of the proposal to retain two trees on the site and a condition recommended in this regard.

In its assessment against the relevant provisions of LDCP 2008, the report appropriately addresses all relevant provisions and correctly identifies the proposal is compliant with the provisions of LDCP 2008 with the exception of two controls.

The proposed variation sought in relation to the setback requirement for living room doors was correctly identified and assessed against the objectives of the controls. It is noted that the LDCP contains an inbuilt variation provision which indicates that *“building encroachments may only occur if it is seen as beneficial for open space, solar access and the internal layout of the dwelling”*. The assessment indicates the proposal is consistent with the objectives notwithstanding the breach of the control and particularly indicates that the requirement to set dwellings back from each other to provide visual and acoustic privacy is satisfied in this instance due to the large rear setback of the adjoining dwelling to the rear of the site. Such an approach is considered to be reasonable planning practice.

Finally, the proposed variation sought in relation to the extent of fill was correctly identified and the suitability of the variation was considered in detail. The variation was supported due to the allotment characteristics, which LDCP 2008 indicates may be used to justify such variation.

In this case the site characteristic of slope resulted in the supporting of the variation after consideration in the report of the objectives of the control. Such an approach is considered to be reasonable planning practice.

As such, it is considered that the assessment and recommendation of this application were appropriate having regard to the suite of planning controls applicable at the time of assessment of the application.

PEER REVIEW DA-1286/2012

DA-1286/2012 was lodged on 3 July 2012 and was an application for a two (2) lot Torrens Title subdivision, erection of a dwelling house on each proposed lot and construction of a swimming pool on proposed Lot 1.

Review of Process

A review of the file revealed the following:

- The *Allocation DA Checklist* appropriately identified the type of development, permissibility, provision of owner's consent and that notification was required.
- The application was referred to the Development Engineer who raised concerns with the stormwater plans failing to provide OSD. The applicant was informed of the concerns by letter and amended stormwater plans were provided. The Development Engineer again raised concerns, this time with clarification of calculations, which were provided by the applicant and satisfied the Development Engineer who subsequently issued recommended conditions of consent.
- The application was referred to the Building Surveyor who raised concerns with the side setbacks, inconsistencies in the plans and inadequate information in relation to the swimming pool. The applicant was informed of the concerns by letter and amended plans were provided which satisfied the Building Surveyor who subsequently issued recommended conditions of consent.
- The application was referred to the Landscape Architect who raised no objections subject to conditions of consent.
- The application was notified between 25 July and 8 August 2012 and one submission was received raising concerns with privacy from the first floor windows looking down into the ground floor living room. The applicant was advised of the concern by letter and provided amended plans which detailed the bathroom windows as having frosted glazing and changing other windows to highlight windows. The objector was notified of the amendment by letter.
- S94 calculations were prepared and checked by the Assets & Infrastructure Accountant.
- A memo to the General Manager was prepared by the Manager Statutory Planning advising that the application was one where a Councillor had a pecuniary interest and recommending the application be determined under delegated authority as the application was otherwise one that would result in that level of delegation. The memo requested advice be provided if the matter should be reported to the IHAP.
- No record of a response to the memo by the General Manager exists on the file.
- A delegated assessment report was prepared by a Development Assessment Planner.
- A Development Assessment Panel report was prepared and considered at the DAP meeting of 6 December 2012 where the application was approved by the Panel.

- A review of the recommended conditions of consent could not be undertaken as the standard condition numbers have been changed and there was no access to the previous standard condition set.

The above process is considered appropriate for the type of development application.

Review of Assessment/Recommendation

The delegated assessment report prepared is considered to be an inadequate report, failing to provide a written assessment of the application against LDCP 2008 or an adequate assessment against LLEP 2008. The report clearly identifies the development proposed on the site. The report correctly identifies the zoning of the site and that the proposal is permissible with the consent of Council.

The report fails to identify the applicability of SEPP 55, SEPP (BASIX) and GMREP No. 2 and hence fails to address them.

In the assessment of the application against the provisions of LLEP 2008, the report correctly identifies that a minimum lot size applies but fails to indicate compliance with the control and fails to address controls related to height and FSR.

The report indicates an assessment against the provisions of Parts 1.1, 1.2 and 3.5 of LDCP 2008 has occurred and indicates the proposal is “*generally compliant*”, referring to an attached assessment/checklist. No such assessment/checklist could be found.

The report appropriately identified that a submission had been received, raised privacy concerns and had been resolved by amended plans.

The report to the Development Assessment Panel provided an executive summary which only addressed permissibility and identified the key issues were privacy impacts upon the neighbouring property and consistency with the BCA. The Statutory Compliance section addressed only permissibility and compliance with the zone objectives in relation to LLEP 2008 and indicated the proposal “*generally satisfies the requirements and controls of Liverpool Development Control Plan 2008*”. Finally, the report indicates that amendments to the plans address the BCA concerns raised by the Building Surveyor.

Again, it is not considered that this report provides adequate information for the Development Assessment Panel to have made an appropriately informed decision.

Given the inadequacy of the assessment report, it cannot be peer reviewed. Subsequently, the following assessment of the application’s compliance with the provisions of the relevant planning controls has been prepared.

The following planning instruments have been considered in the planning assessment of the subject Development Application:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No.55 – Remediation of land
- Liverpool Local Environmental Plan 2008
- Liverpool Development Control Plan 2008

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)

The subject land is located within the Georges River Catchments and as such The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application. The following tables assess the relevant controls.

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries. The proposal has no unacceptable impacts in this regard.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater concept plan reviewed by Council's Engineers - satisfactory.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	A Stormwater concept plan submitted and reviewed by Council's development engineers - satisfactory.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Not required to be referred.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is identified as Class 5 on LLEP 2008 Acid Sulfate Soil mapping but includes minimal excavation and as such an ASS report is not required.
(2) Bank disturbance	No bank disturbance.
(3) Flooding	Site not identified as flood prone.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss and can be conditioned to be required prior to CC.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted – satisfactory.
(10) Urban development areas	Not in an urban development area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction, subject to condition.
(13) Wetlands	Not applicable.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)

BASIX Certificates were submitted for each dwelling which is considered satisfactory.

State Environmental Planning Policy No 55 – Remediation of land

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	There is no evidence to suggest that the land is contaminated.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	There is no evidence to suggest that the land is contaminated.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Remediation not required.

Liverpool Local Environmental Plan 2008 (LLEP 2008)

Development Provision	Requirement	Proposed	Complies
4.1 Minimum subdivision lot size	Min 300m ²	Lot 1- 368m ² Lot 2- 355m ²	Yes Yes
4.3 Height of Buildings	Max Height 8.5m	Lot 1- 8.6m Lot 2- 8.5	No Yes

4.4 Floor Space Ratio	Max 0.5:1	Lot 1- 183m ² or 185m ² 0.497:1 or 0.503:1 (see later comments) Lot 2- 172m ² or 174m ² 0.48:1 or 0.49:1	Unknown Yes
5.9 Preservation of trees or vegetation	Provides when consent is required to be granted subject to the provision of this clause to remove trees or vegetation	The site contained no trees	N/A
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	The site was a residential allotment and as such appropriate public infrastructure was available.	Yes
7.7 Acid sulfate soils	Class 1 2, 3 4 or 5	The land is identified as Class 5 on LLEP 2008 Acid Sulfate Soil mapping but includes minimal excavation and as such an ASS report is not required.	Yes
7.13 Minimum Lot Width in Zones R1, R2, R3 and R4	Min width 10m N/A if the buildings are proposed as part of the subdivision	The subdivision includes a dwelling on each proposed vacant lot.	N/A
7.31 Earthworks	Council to consider matters listed (a)-(g)	No significant earthwork proposed.	Yes

Liverpool Development Control Plan 2008

The following key controls are discussed in the following table:

Part 1 General Controls for all Development			
Control	Requirement	Proposed	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No trees onsite.	N/A
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	See above comments	See above comments
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The site is not identified as bushfire prone.	N/A
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Stormwater plans reviewed by Council's Land Development Engineers	Complies
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment control can be conditioned.	Complies
Section 9 – Flooding Risk	Flood affectation of property to considered	The site is not identified as flood prone.	Complies

Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Residential use	Complies
Section 11 – Salinity Risk	Salinity Management response required for affected properties	To comply with BCA requirements	Complies
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	The land is identified as Class 5 on LLEP 2008 Acid Sulfate Soil mapping but includes minimal excavation and as such an ASS report is not required.	Complies
Section 13 - Weeds	Noxious weeds to be removed as part of development where applicable	Can be conditioned	Complies
Section 14 – Demolition of Existing Development	Appropriate measures proposed	No demolition proposed	N/A
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Connection to sewer proposed.	N/A
Section 16 & 17 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	The site is not heritage listed and is not in the vicinity of a heritage item. Aboriginal relics not likely to be found on site.	N/A
Section 18 – Notification	Notification required due to lot size	Application notified in accordance with DCP requirements.	Complies
Section 20 – Car parking and access	2 spaces dwelling houses	Lot 1- 2 spaces Lot 2- 2 spaces	Complies Complies
Section 21 – subdivision of land buildings	Min width allowed in: R1, R2, R3 300sqm (Area 2) 8m	Minimum widths all in excess of 8m.	Complies
Section 22 & 23 – Water & Energy Conservation	Compliance with BASIX	BASIX certificates provided for new dwellings.	Complies
Section 24 - Landfill	Requires use of VENM	Can be conditioned.	Complies

Part 3.5 Dwelling Houses on Lots Less Than 400sqm

Control	Requirement	Proposed	Comment
Site Planning	Direct link from living area to POS	Lot 1- Appropriate link provided Lots 2 Appropriate link provided.	Complies Complies

	Design must respond to attributes of site including slope and existing vegetation.	Lot 1- Flat site Lots 2 – Flat site	Complies Complies
	Minimise overlooking from first floor windows to POS of neighbours.	Lot 1- Side windows frosted or highlight Lot 2 Side windows frosted or highlight.	Complies Complies
	Stormwater drained satisfactorily	Stormwater engineer satisfied with proposal.	Complies
Setbacks	Front setback 4.5m ground, 5.5m first floor	Lot 1 - 5.5m ground and first floor Lot 2 – 5.5m ground and first floor	Complies
	Garages to be setback minimum 1m behind main façade of dwelling.	Lot 1 – 1.5m Lot 2 – 800mm	Complies Doesn't comply but satisfactory given projecting porch and balcony above
	Side 0.9m single storey 0.9m two storeys 4m Living room doors	Lot 1 – 0.9m other than garage Lot 2 - 0.9m	Complies Complies
	Rear 4m single storey 7m two storey 4m Living room doors	Lot 1 – 10.5 ground 14m first floor 10.5m living room Lot 2 – 10.5m ground 13m first floor 10.5m living room	Complies Complies
Landscaped Area and Private Open Space	Min 25% site to be landscaped Required Lot 1 92m ² Lot 2 88.75m ²	Lot 1 – 107m ² 29.1% Lot 2 – 150m ² 42.3%	Complies Complies
	Min 50% of front setback area to be landscaped	Lot 1 – >50% Lot 2 - <50%	Complies Breaches by small amount but appropriate landscape setting provided.
	4 x 5m area at rear	Lot 1 – Provided Lot 2 – Provided	Complies Complies
	3 x 3m area in front setback	Lot 1 – Provided Lot 2 - Provided	Complies Complies
Private Open Space	Min 60m ² for lots > 400m ² (minimum dimension 2.5m)	Lot 1 – 122m ² Lot 2 – 123m ²	Complies Complies
	50% of principle area to receive 3 hours sunlight	Lot 1 – Provided Lot 2 – Provided	Complies Complies
	Principal area of 4m x 6m directly accessible from main living area.	Lot 1 – Provided Lot 2 – Provided	Complies Complies
Cut and Fill, Building Design, Streetscape and Layout	Max cut 600mm	Lot 1 – Complies Lot 2 – Complies	Complies Complies

	Dwelling to be oriented to the street and pedestrian access visible from street	Lot 1 – Provided Lot 2 - Provided	Complies Complies
	Building facades articulated and roof form varied.	Lot 1 – Provided Lot 2 - Provided	Complies Complies
	Balcony above garage encouraged, but no balconies to side/rear of dwelling on first floor.	Lot 1- Provided above garage, side balcony provided above nil setback garage Lot 2 – Provided above garage only	Complies for garage. Side balcony satisfactory as adjoins blank wall and narrow (900mm) Complies
	Maximum width of garage doors 50% of building frontage.	Lot 1 – Complies Lot 2 – Complies	Complies Complies
	Provision of casual surveillance of street	Lot 1 – Provided Lot 2 Provided	Complies Complies
Landscaping	Plan to include canopy trees with mature height 8m	No information provided.	Unknown
	Principally comprise of native species	No information provided	Unknown
Fencing	Front fence max height 1.2m to be mini 30% transparent	No information provided	Unknown
Car Parking	2 spaces per dwelling	Lot 1 – 2 spaces Lot 2 – 2 spaces	Complies Complies
Overshadowing	Adjoining properties receive 3 hours sunlight to 50% of POS and living area	No shadow diagrams provided	Unknown, however orientation would suggest compliance with solar access to rear yard. No significant impact to rear facing (ie south-eastern living spaces)

It is noted that the FSR of the development could not be checked as there were no plans that could be scaled (plans were scanned and stored electronically such that when printed they would not scale accurately).

The floor space identified by the architect on the plans was unclear as the area proposed was given as a total and for each level of each dwelling but unfortunately the figures given did not correspond when the floor area of each level was added (discrepancies of 1-2m²).

The only assessment that can now be made is that either both dwellings complied or one complied and the other one exceeded the control by a maximum of 1m². Whilst such a variation is minor and would have been acceptable, if it occurred it would have needed a Clause 4.6 variation request and none was provided.

Based on the above assessment of the application against the relevant planning controls the development is of a nature that would have warranted a recommendation for approval, potentially after consideration of additional shadow information and submission of a Clause

4.6 variation request to the height control on Lot 1 and potentially a Clause 4.6 variation request to the FSR control on Lot 1.

Therefore, notwithstanding the poor level of assessment undertaken, the result of a recommendation for approval is a reasonable planning outcome.

PEER REVIEW DA-1286/2012/A

DA-1286/2012 granted consent for a two (2) lot Torrens Title subdivision, erection of a dwelling house on each proposed lot and construction of a swimming pool on proposed Lot 1 as has been discussed above.

DA-1286/2012/A was lodged on 18 January 2013 and was a Section 96(1) modification application seeking to amend condition No. 14, as follows, of development consent DA-1286/2012.

Land Consolidation/Registration

14. *The proposed lots must be registered. The applicant shall provide evidence that the linen plan, for the required lot registration, endorsed by Council, has been registered with the LPI Service. This is to be provided to Council prior to the release of any CC.*

The amendment sought to delay the requirement to register the subdivision until prior to the release of any Occupation Certificate.

Review of Process

A review of the file revealed the following:

- The application was referred to the Development Engineer to review the change to the condition and no objection was raised by the Development Engineer.
- A delegated assessment report in the form of a memo to the Manager Statutory Planning was prepared by a development assessment planner.
- A Notice of Determination amending the consent was issued, signed by the Manager Statutory Planning on 19 February 2013.

The above process is considered appropriate for a minor modification application. It is noted that the electronic record system does not include a signed version of the assessment report and as such there is no official “paper trail” of the approval under delegation. However, as the Notice of Determination has been signed by the Manager Statutory Planning it can be assumed that the report’s recommendation was approved under delegation.

Review of Assessment/Recommendation

The assessment report prepared is considered to be a less than thorough report. The report clearly identifies the modification proposed but provides no background of the approved development on the site. The report identifies the requirements of s96(1A) of the

Environmental Planning and Assessment Act and assesses correctly that the modified development is substantially the same as the development granted consent. The report also correctly confirms that the modification would not have any environmental impact.

The report is silent as to whether notification is required for the application and as such does not appropriately address the requirements of Section 96(1A)(c) of the Environmental Planning and Assessment Act. It is noted that the provisions of LDCP 2008 are such that notification is not required for such an application. The report also fails to address the relevant planning controls or the reasonableness of the amendment to the condition, simply concluding that as the modification has no environmental impact and is for substantially the same development and that it is "*worthy of support*".

An assessment against the relevant planning controls shows that the amendment to the condition's timing would not impact the original assessment that the proposed development was satisfactory. The assessment of the appropriateness of the change in timing to the registration of the subdivision is that the change can be supported as the enforcement of registration of the subdivision is necessary prior to the use being commenced, which occurs after the issue of the Occupation Certificate.

As such, notwithstanding the less than thorough report prepared for the assessment of this application, the recommendation is concurred with.

PEER REVIEW DA-1286/2012/B

DA-1286/2012, as modified, granted consent for a two (2) lot Torrens Title subdivision, erection of a dwelling house on each proposed lot and construction of a swimming pool on proposed Lot 1 as has been discussed above.

DA-1286/2012/B was lodged on 7 August 2013 and was a Section 96(1A) modification application seeking to amend the design of the dwelling on Proposed Lot 1 by deleting the internal courtyard and increasing the floor space by 16.8m².

Review of Process

A review of the file revealed the following:

- The *Allocating Notes for the Assessing Officer* appropriately identified the application breached the FSR control under LEP 2008 and that a clause 4.6 variation request was not necessary. The notes indicated that notification should occur to adjoining properties.
- The application was referred to the Development Engineer to review the change to the plans and no objection was raised by the Development Engineer, with no changes required to the original conditions.
- The application was referred to the Building Surveyor to review the change to the plans and no objection was raised by the Building Surveyor.

- As the application was on land with a financial interest by a Councillor, the application was referred to an independent planning consultant for assessment.
- An assessment report was prepared by an independent planning consultant.
- No record exists in Council's hard or electronic files of the assessment report being approved under delegation or otherwise.
- A Notice of Determination amending the consent was issued, signed by the Manager Statutory Planning on 27 September 2013.

The above process is considered appropriate for the modification application. It is noted that the electronic record system does not include the assessment report which was approved under delegation and as such there is no official "paper trail" of the approval under delegation. However, as the Notice of Determination has been signed by the Manager Statutory Planning it can be assumed that the report's recommendation was approved under delegation.

Review of Assessment/Recommendation

The assessment report prepared is considered to be an appropriately thorough report and it is noted that the application was assessed as a s96(2), rather than s96(1A), application as was sought, which is appropriate given the scale of the changes. The report clearly identifies the modification proposed and the background of development on the site. The report identifies the requirements of s96(2) of the Environmental Planning and Assessment Act and assesses correctly that the modified development is substantially the same as the development granted consent.

The report correctly confirms that notification was carried out under LDCP 2008 and that no submissions were received. The report appropriately assesses that the modification application does not change the assessment of the development against the provisions of the applicable SEPPs.

In its assessment against the provisions of LLEP 2008 appropriate consideration is given to permissibility, height and FSR controls. The variation proposed to the maximum FSR controls was appropriately specified and reasons were given as to why a variation of the control should be supported on the site, including the small numerical variation, the lack of impact and the compliance with LDCP 2008 provisions.

In its assessment against the relevant provisions of LDCP 2008, the report appropriately considers the provisions that may be impacted by the change to the floor space, including landscaped area and private open space, both of which remain compliant.

As such, it is considered that the assessment and recommendation of this application were appropriate having regard to the suite of planning controls applicable at the time of assessment of the application.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	Provide information about Council's services, roles and decision making processes. Operate a well developed governance system that demonstrates accountability, transparency and ethical conduct.

ATTACHMENTS

Nil

DPG 04

Post Exhibition Report - Draft Liverpool Local Environmental Plan 2008 (Amendment 60), 311 Hume Highway, Liverpool.

Strategic Direction	Liveable Safe City Deliver an efficient planning system which embraces sustainable urban renewal and development
Key Policy	Urban Development Plans
File Ref	299967.2016
Report By	Ian Stendara - Strategic Planner
Approved By	Toni Averay - Director Planning & Growth

Property	311 Hume Highway, Liverpool Lot 71 DP 1004792
Owner	Hume Developments Pty Ltd
Applicant	Hume Developments Pty Ltd

EXECUTIVE SUMMARY

Council, at its meeting on 30 September 2015 resolved to support a planning proposal to amend the Liverpool Local Environmental Plan 2008 (LLEP 2008) for land at 311 Hume Highway, Liverpool, (Lot 71, DP 1004792), and to submit the planning proposal to the Department of Planning and Environment (the Department) for Gateway Determination.

The report is to inform Council about the results of the public authority consultation and public submissions for Draft Amendment 60. Accordingly the purpose of this report is to assess the comments received from the public authorities and members of the public, not to assess the merits of the proposal itself. The Planning Proposal seeks to rezone the subject site from B6 – Enterprise Corridor to B4 – Mixed Use. The draft amendment will amend the LLEP 2008 as follows:

- Amend the maximum building heights for the land, from 45m and 24m to 100m and 25m;
- Increase the maximum floor space ratio (FSR) for the land from 2.5:1 to 6:1;
- Remove the green border surrounding the land from the Key Sites maps, which refers to clause 7.22 of the LLEP 2008 (Development in Zone B6); and
- Amend clause 1.8A to allow any outstanding DA applying to the site to be assessed against the draft development standards, provided they are adopted.

The draft amendment would permit the site to be developed in a manner which relates to the Skyhaus development opposite, to provide a consistency of built form on this key intersection.

It is recommended that the draft amendment should proceed unchanged, and should be submitted to the Department for finalisation.

RECOMMENDATION

That Council:

1. Adopts Draft Liverpool Local Environmental Plan 2008 (Draft Amendment 60).
2. Forwards a copy of the attached draft amendment and supporting documentation to the Department of Planning and Environment for finalisation.

REPORT

Site Context and Background

The subject site is currently vacant, characterised only by a deep excavation after buildings were demolished as part of a previous development consent. The site has been subject to numerous historic development applications. These applications have typically consisted of mixed use residential development with ground-level retail. The most recent consent (DA-434/2008/A) permits 93 residential units, 3,600sqm of retail space (including a full-line supermarket) and 2,500sqm of commercial floor-space in a built-to-boundary development.

The proposed rezoning of the subject site was recommended by Council officers following a formal meeting held on 19 November 2014 (PL-71/2014). Council officers were concerned about the outcomes of the existing DA (DA-434/2008/A), which embodies multiple inconsistencies with the LLEP 2008, particularly with regard to land-use, building height, and FSR. Further, the DA is not considered sympathetic to the Collingwood Hotel (the adjacent heritage item).

A planning proposal was lodged on 15 January 2015 by SJB Planning, on behalf of Hume Developments Pty Ltd, for the site, identified in Figure 1 below. The application was subsequently amended prior to the exhibition period, as detailed in this report.

The site includes three street frontages: the Hume Highway to the east, Hoxton Park Road to the north and Gillespie Street to the west. The site has the shape of two joined rectangles as shown in Figure 2 below. The site is next to a heritage item, being the Collingwood Hotel and Woodward Park lies across Hoxton Park Road to the north.

The proposed amendment seeks planning controls which would allow the site to be developed in a manner that is commensurate with the site opposite (Skyhaus). This includes increasing building height controls, increasing FSR controls, rezoning the site from B6 Enterprise Corridor to B4 Mixed Use, and removing application of clause 7.22 to the site (Development in zone B6).



Figure 1: Site context, zoning and aerial identification map (site indicated and shown in yellow).

Gateway Determination, and pre-exhibition amendment to the Planning Proposal

Council received gateway for the planning proposal on 5 April 2016 (attached). The gateway determination required:

1. Council was to further assess the loss in start-up business opportunities within the vicinity of the city centre;
2. Change the mechanism through which the LEP would require ground level retail;
3. Consultation with public authorities; and
4. Public exhibition.

Council complied with the first two conditions, and sent a revised planning proposal to the Department. The Department sent a letter to Council on 8 July 2016 acknowledging that the first two conditions had been fulfilled. Following this, a copy of the planning proposal was sent to the relevant public authorities on 20 July, with a period of 21 days to provide comment. After receiving comments from public authorities, the planning proposal and development application was placed on public exhibition from 7 September until 7 October 2016.

Prior to public exhibition, an amendment to clause 1.8A of the LLEP 2008 was included, to ensure that the DA, which has been lodged by the applicant, could be assessed against these new LEP provisions.

Publically exhibited amendment to the Liverpool Local Environmental Plan (LLEP) 2008

The following proposed amendments to the LLEP 2008 were publically exhibited:

- Amendment of the Zoning Maps to rezone the site from B6 Enterprise Corridor to B4 Mixed Use;
- Inclusion of clause 7.36 applying to the site to allow residential dwellings to be provided on the ground floor subject to the provision of non-residential floor space and an active street frontage;
- Amendment of the maximum building height(s) for the site, varying between 100 metres for a section fronting the Hume Highway and to 25 metres for the rest of the site;
- Amendment of the maximum floor space ratio for the site from 2.5:1 to 6:1;
- Removal of the green border surrounding the site from the Key Sites maps, which refers to clause 7.22 of the LLEP 2008 (Development in Zone B6); and
- Amendment of Clause 1.8A to allow for any outstanding Development Applications applying to the site to be assessed against the proposed controls.

The proposed changes to the LLEP Maps are shown in Figures 2 - 5 below. The amended building height and floor-space ratio controls will allow for the building form to be consistent with the development opposite.

Clause 7.36 would be inserted as follows:

7.36 Active street frontages for land at 311 Hume Highway, Liverpool

- (1) *The objective of this clause is to:*
 - (a) *Promote uses that attract pedestrian traffic on the ground floor street frontage facing the Hume Highway, and*
 - (b) *Provide employment opportunities, and*
 - (c) *Protect residents from noise and poor amenity in proximity to the Hume Highway at 311 Hume Highway, Liverpool.*
- (2) *Clause 7.16 does not apply to the land described in (1) above.*
- (3) *Development consent must not be granted for development on the land to which this clause applies unless the consent authority is satisfied that any part of a building within 30m of the Hume Highway has an active street frontage addressing any street.*
- (4) *Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:*
 - (a) *entrances and lobbies (including as part of mixed use development),*
 - (b) *access for fire services,*
 - (c) *vehicular access,*
- (5) *In this clause, a building has an active street frontage if all premises on the ground floor of the building are for non-residential uses (excluding areas for car parking) and building(s) provide passive surveillance and access to the adjoining street.*

Clause 7.36 would ensure that buildings which face the Hume Highway will consists of small shop-fronts, rather than blank walls, services, or other features which would detract from the streetscape. Having residential uses facing the Hume Highway would create an

unacceptable amenity outcome for future residents. It is considered that small shopfronts on Hoxton Park Road and Gillespie Street would be less viable because of lower passing foot traffic volumes on these roads. This clause is consistent with the active street frontage maps in LLEP 2008 (Amendment 52).

Clause 1.8A requires an amendment to ensure that a development application lodged for the site, can be assessed against the provisions of this amendment. Currently, the savings provision clause requires that any development application be assessed as if the amendment had not commenced. The decision to include Clause 1.8A (2) comes as a result of the decision of Craig J in *De Angelis v Wingecarribee Shire Council* [2016] NSWLEC 1.

1.8A Savings provision relating to pending development approvals

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.
- (2) To avoid doubt, Liverpool Local Environmental Plan 2008 (Amendment No 60) applies to the determination of a development application made (but not finally determined) before the commencement of that Plan.

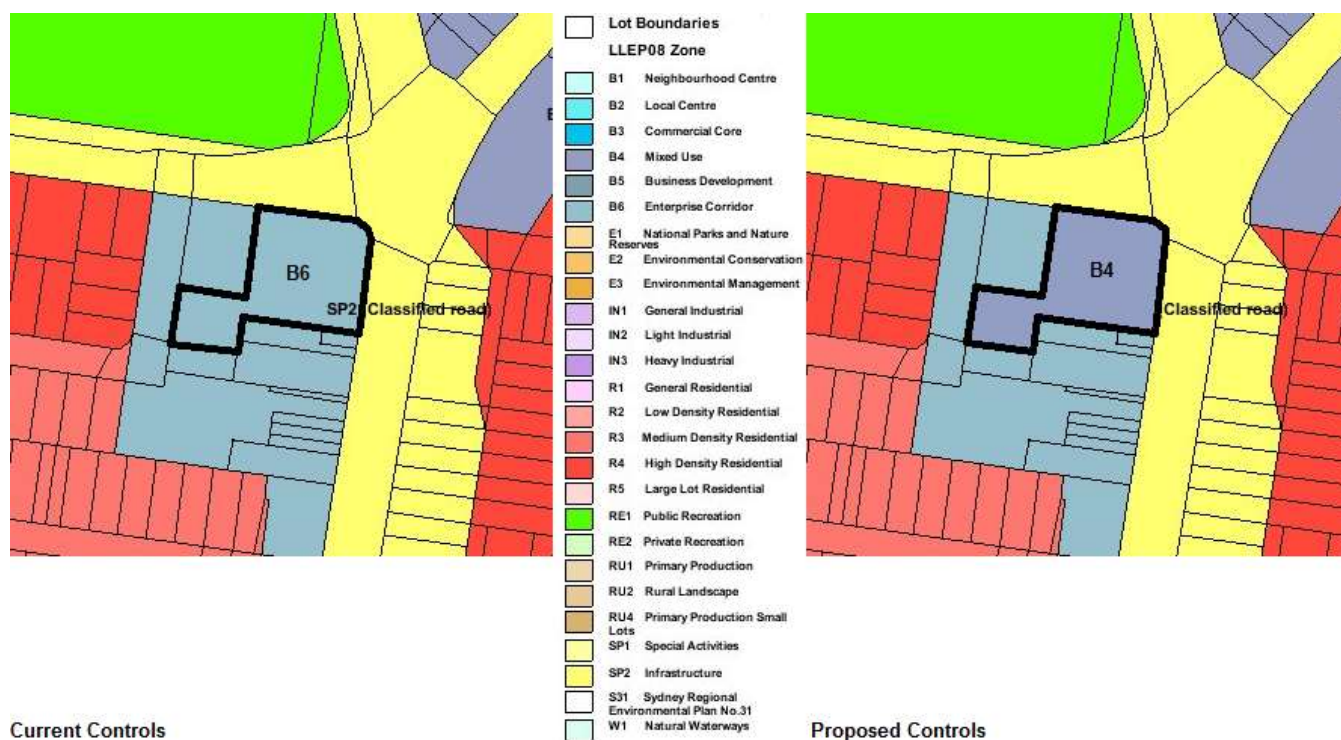


Figure 2: Current and Proposed Land Use Zone Maps (site bordered in heavy black lines)

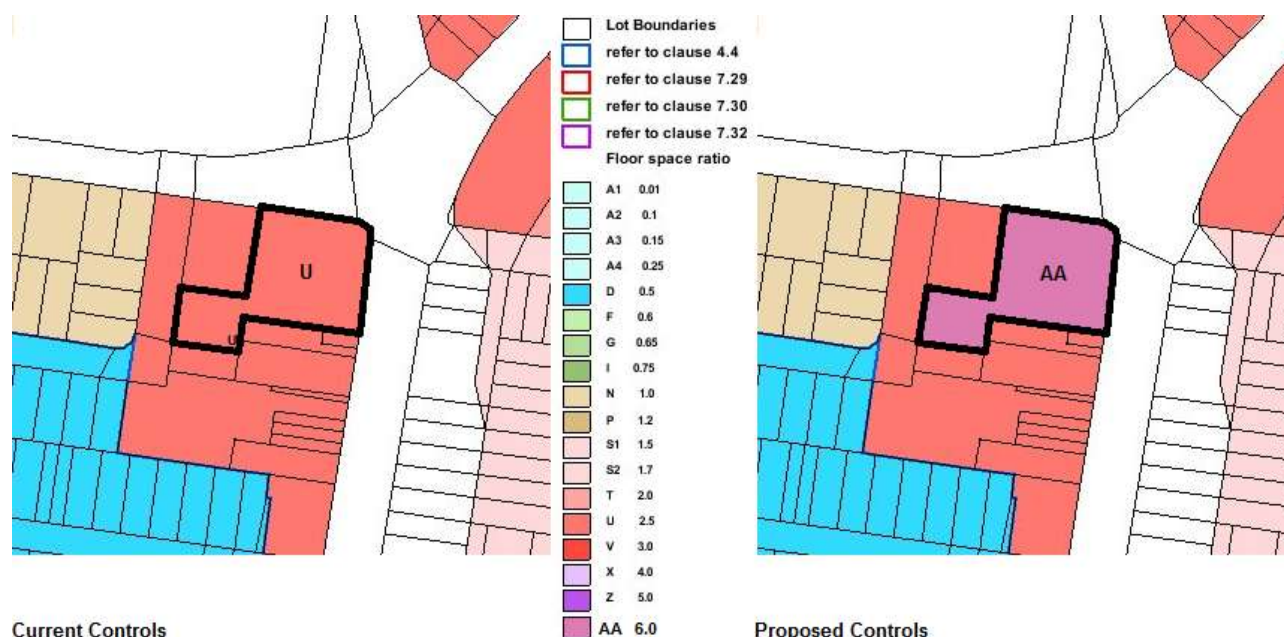


Figure 3: Current and Proposed Floor Space Ratio Maps (site bordered in heavy black lines)

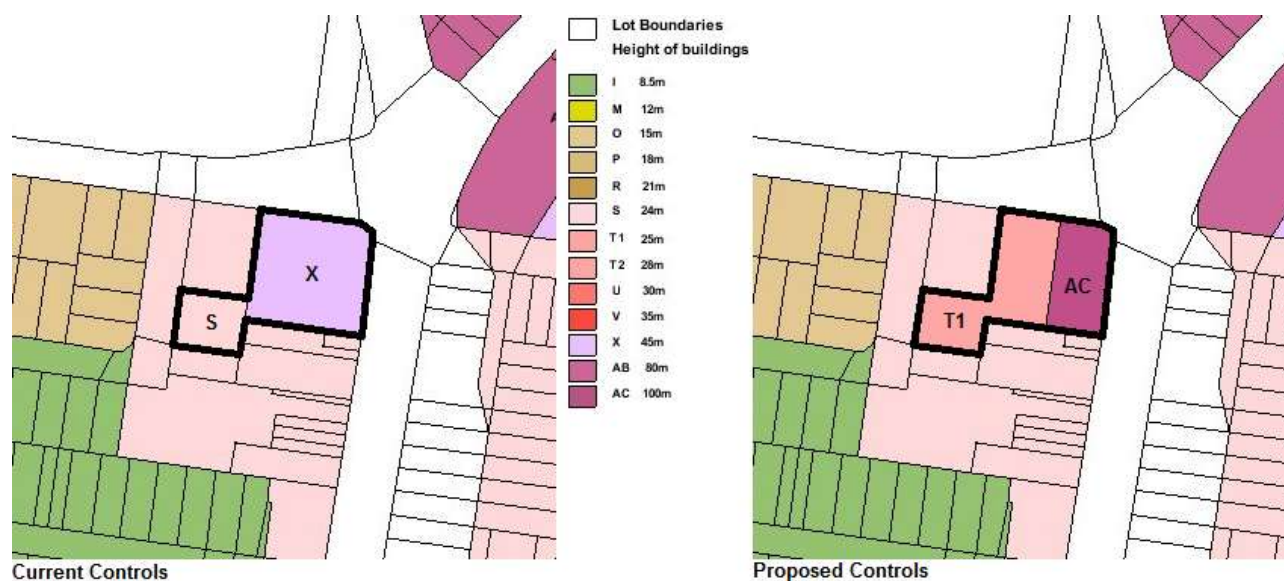


Figure 4: Current and Proposed Maximum Building Height Maps (Area 'AC' is a rectangle with a depth of 30m from the Hume Highway) (site bordered in heavy black lines)

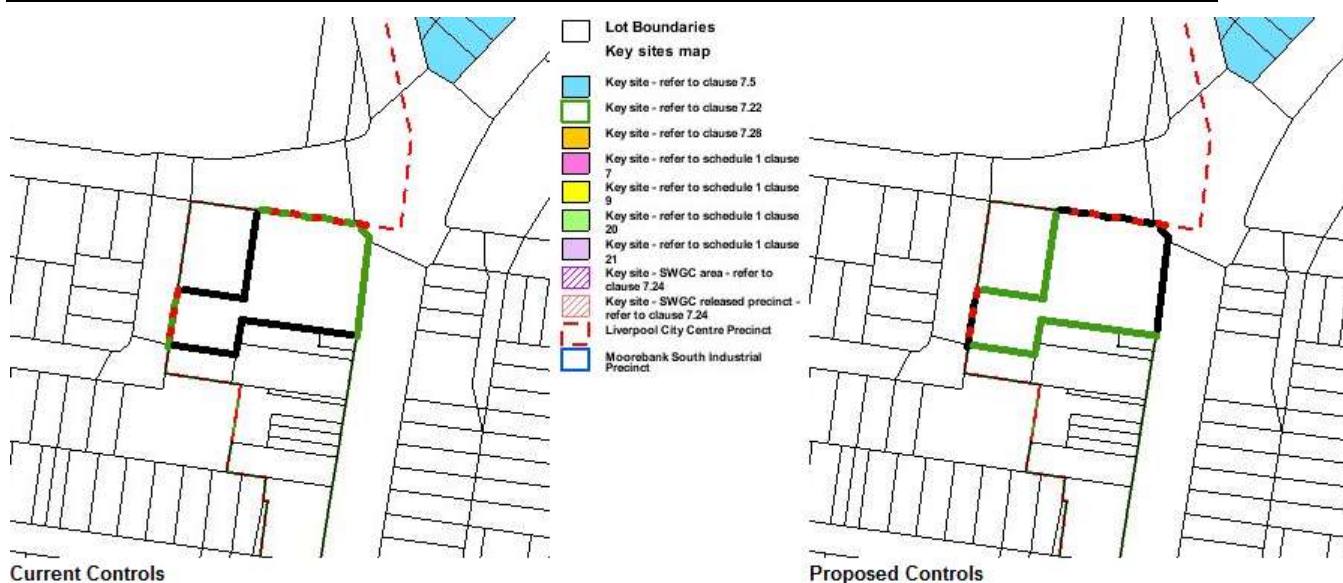


Figure 5: Current and Proposed Key Sites Maps (Changes in Bold; change involves removing application of clause 7.22 to the site only)

CONSULTATION

Comments from Public Authorities

The Gateway determination (PP_2015_LPOOL_007_00) required Council to provide the public authorities, below, with a copy of the draft amendment. Authorities were given a period of at least 21 days to comment, and late comments were accepted. Responses are detailed below:

State Agency:	Response:
Department of Education	No comments received.
Endeavour Energy	No comments received.
Transport for NSW	No comments received.
Department of Health	No comments received.
NSW Police Force	Do not object to the draft amendment, but made comment with regards to details of the Development Application.
Roads and Maritime Service	Do not object to the draft amendment, provided that any future DA provides access from Gillespie Street, and that the development does not impact upon RMS operated land. Turn-movements at the intersection of Hoxton Park Road and Gillespie Street will be restricted to left-in left-out only. For any development application, the applicant shall undertake a noise attenuation assessment and remedial measures which take into account a future grade separation of the Hume Highway and Hoxton Park Road.
Sydney Water:	Do not object to the draft amendment; however, any development may require wastewater amplification works.
Telstra	Do not object to the draft amendment.
Sydney Metro Airport	Do not object to the draft amendment as the maximum building height will be beneath the Obstacle Limitation Surface and

	PANS/OPS. Any construction cranes which may breach the surface will be subject to a separate approval process.
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Council officers concluded that the comments received from public authorities did not require any changes to the draft amendment.

Public Submissions

The draft amendment was subject to public exhibition for a period of 30 days. In total, four complete submissions were made to Council for both the DA and the draft amendment, all of which opposed the development (details of submissions attached). In addition to the four complete submissions, a letter was received detailing that a late submission would be sent. Council has not received this submission and it has been more than a month since the exhibition period. Submissions involved a number of themes and are summarised below:

Submitter Themes	Officer Response
A1 Traffic: Cumulative Impacts. Has Council considered the cumulative impacts of traffic as part of this proposal?	The proposed B4 scenario along with the proposed DA has been modelled and it is concluded that it will generate less traffic than the existing B6 scenario and the existing consent. In these circumstances, it is considered inappropriate to demand a cumulative traffic study of Liverpool, as this is beyond the scope of this draft amendment.
A2 Traffic: Local Impacts There will be the risk of additional accidents at the intersection of Gillespie Street and the Hume Highway with a large number of units proposed.	Right turn movements from Gillespie Street to Hoxton Park Road and vice versa will be banned. This will reduce the number of conflict points at the intersection and improve safety.
A3 Traffic: Alternative transport options. Has Council considered pedestrian & cyclist access? Will Council improve pedestrian connectivity across the Hume Highway? Has Council given thought to adding bus lanes?	The site is within walking distance of the Liverpool City Centre. Pedestrian and cycling infrastructure exists in proximity to the site, which could be improved. The Liverpool Bike Plan 2009 proposes a new shared path to link the site to the Liverpool City Centre. Council officers are of the opinion that increased densities should require a pedestrian crossing on the southern side of the Hume Highway intersection. The Hume Highway and Hoxton Park Road are both classified roads and managed by the RMS.
A4 Traffic: Parking Impacts Additional vehicles will most likely utilise the Collingwood Hotel for Parking.	The development will offer adequate secure parking for residents and on-site parking for retail customers/workers.
B1 Community Consultation: The draft amendment is not easily found on Council's website.	Letters sent out to residents and the advertisement in the newspaper provided a direct link to the relevant documentation.

Submitter Themes	Officer Response
A local landowner commented that they were not informed of the draft amendment.	Council sent letters to any property owners within 150m of the site.
B2 Community Consultation: Committees. This draft amendment was not mentioned at the Heritage Advisory Committee	Council is not required to notify Committees under the EP&A Act 1979.
C Heritage Impact. The site may contain archaeological artefacts. The buildings should be setback to maintain view lines to Collingwood Hotel.	The site has been previously disturbed by excavation, and any excavation on-site will need to be assessed at the DA stage. Whilst this is a DA issue, Council officers have provided input into the DA to advocate that buildings are setback, and landscaping allows for view lines to the hotel from the intersection of Hume Highway and Hoxton Park Road.
D1 Overshadowing of Collingwood Hotel: The proposed development and building heights will significantly overshadow the heritage listed Collingwood Hotel. The proposed design will have significant overshadowing on its own open space, and on adjoining land.	The proposed building heights applying to the site will indeed result in overshadowing of the Collingwood Hotel. However, the current maximum building height (45m) would also overshadow the hotel and beer garden. The site's orientation makes it difficult to provide solar access into such spaces. As above, any development would create overshadowing.
D2 Scale: The scale of buildings at 311 Hume Highway is much higher than that of adjoining sites.	The desired building form at 311 Hume Highway is designed to provide consistent building heights for towers at this gateway intersection. The building height would match the Skyhaus development.
E Access to Education: Where will children from this, and other high rise developments go to school?	Council forwarded a copy of the draft amendment to the NSW Department of Education and Communities. No objection was received.
F Access to jobs: There are not enough jobs in Liverpool to support additional development, leading to more congested roads/public transport.	Future residents may indeed travel to other areas for work, but Liverpool is set to be a major employment centre within the Sydney metropolitan area.
G Density: It is inappropriate to increase population density within Liverpool to that of densely populated cities.	It is important to redevelop inner established area that benefit from existing infrastructure and services, including multiple transport options, as this will provide some relief to urban expansion.
H Context and Impact on Surrounding Land: Land in surrounding lots will be isolated, and land uses may be incompatible if the amendment were to proceed.	It is acknowledged that the land use on adjoining sites would be significantly different. Therefore, it is suggested that land-uses on adjoining sites are also investigated at a later

Submitter Themes	Officer Response
	stage. Council officers should liaise with the owner of the adjoining site to consider amending land uses applying to their site.
I Consistent Building Form: The draft amendment includes a concept plans which cannot be realised on adjoining sites.	Council officers are aware that planning controls applying to adjoining sites may need to be reviewed.
J1 Design Matters: Setbacks J2 Design Matters: Landscaping J3 Design Matters: Visual Appearance J4 Design Matters: Open Space	These are matters which relate to the development application lodged for the site. The draft amendment does not consider design issues.

Summary of issues

Some of the issues raised in the exhibition are not unique to this site, and are applicable to any development in Liverpool more broadly, such as access to jobs and education, traffic, density, and exhibition requirements. Some aspects are beyond the scope of the draft amendment, and are better suited as comments to the DA, such as the building design and party walls. Concerns surrounding scale, impact on the Collingwood Hotel, overshadowing and parking have been considered, and it is deemed that the draft amendment will have an acceptable level of impact. The proposed development would result in a built form superior to that which the current approved DA would achieve. For example, the building setbacks will allow for view lines to the Collingwood Hotel from the Hume Highway intersection. It is noted that overshadowing of the beer garden would occur as a result of any development regardless of this amendment.

Finally, the question regarding the zoning and development standards for 4-8 Hoxton Park Road, although unresolved, is considered to be beyond the scope of this proposal. This issue, regarding inconsistent land use and opportunities on neighbouring sites, is acknowledged and dialogue with the owner(s) is recommended.

Conclusion

As outlined above, Council received 4 submissions which objected to the draft amendment. Issues raised include: traffic impact (including local and cumulative issues), the exhibition procedure, heritage impact, overshadowing, scale, access to education, access to employment, density, context (surrounding land-uses and impacts on adjoining sites), building form, and building design matters. In its assessment, Council officers are of the opinion that the negative effects of the draft amendment are outweighed by the opportunities presented.

The draft amendment will allow for a development on the site which is commensurate with the development opposite (Skyhaus). Landowners at 4-8 Hoxton Park Road, Liverpool will be able to lodge a draft amendment for their site, in which development standards could be addressed.

Council Officers recommend that the draft amendment should be forwarded to the Department of Planning and Environment for finalisation, unchanged.

CONSIDERATIONS

Economic and Financial	Facilitate development which will create additional demand for commercial and retail services in the Liverpool CBD.
Environmental and Sustainability	Encourage urban renewal and redevelopment of brownfield land.
Social and Cultural	Encourage a mix of housing choices that responds to different population groups.
Civic Leadership and Governance	There are no civic leadership and governance considerations.

ATTACHMENTS

1. Summary of Submissions - Draft Liverpool LEP 2008 (Amendment 60), 311 Hume Highway, Liverpool [View](#) (Under separate cover)
2. Amended Planning Proposal (November 2016) for LLEP 2008 Amendment No.60 (311 Hume Highway, Liverpool) [View](#) (Under separate cover)
3. Gateway Determination Draft Liverpool LEP 2008 (Amendment 60), 311 Hume Highway, Liverpool [View](#) (Under separate cover)

DPG 05

2016-17 Operational Plan and Budget - Proposed new fees and charges - Master Plan Development Application Fee

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Long-Term Financial Plan
File Ref	294819.2016
Report By	David Smith - Coordinator Development Assessment
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

The Local Government Act requires all proposed fees and charges to be placed on public exhibition for a period of 28 days before adoption by Council.

This report recommends a change to the Revenue Pricing Policy (Fees and Charges) 2016-17, comprising the addition of a new fee for Master Plan Development Applications which will be lodged with Council resulting from Amendment 52 to the Liverpool Local Environmental Plan 2008. This report also recommends a new fee for modifications to Master Plan Development Applications of 50% of the Master Plan Development Application Fee.

Amendment 52 to the LLEP 2008 applies to land within the Liverpool City Centre and seeks to rezone land from B3 Commercial Core to B4 Mixed Use and to amend the height of buildings and floor space ratio development standards for identified land with the City Centre. The Amendment also allows development of “opportunity sites” in the Liverpool City Centre for which a Master Plan is required to be prepared and approved by Council to determine the development potential of a site.

Currently, Council does not have a fee in place for Master Plan development applications or modifications to these applications.

A summary of the proposed fee is outlined below:

Master Plan Development Application Fee

It is proposed to levy a flat fee for Master Plan Development Applications of \$12,000. This fee excludes GST. Note, the Compliance Levy will not apply.

Modification to a Master Plan Development Application Fee

It is also proposed to levy a flat fee for modifications to Master Plan Development Applications of 50% of the Master Plan DA fee. This fee excludes GST and the compliance levy will not apply.

This matter was considered by the Planning and Development Committee at its meeting of 2 November 2016. It was resolved that the proposed fee should be reported to the 23 November Council meeting for consideration. If endorsed by Council, the fee will be placed on public exhibition to allow for feedback.

RECOMMENDATION

That Council:

1. Approves the Master Plan Development Application fee of \$12,000 excluding GST to be placed on public exhibition.
2. Approves the modification to a Master Plan Development Application fee of 50% of the Master Plan DA fee excluding GST.

REPORT

There is currently no fee in Council's Revenue Pricing Policy (Fees and Charges) 2016-17 for Master Plan Development Applications or modifications to these applications.

Amendment 52 to the LLEP 2008 provides for development of "opportunity sites" in the Liverpool City Centre that can accommodate mixed use and commercial tower development.

These sites are required to be master planned to determine the allowable development potential of a site.

The relevant extract from Amendment 52 states:

7.5B Opportunity Sites

- (1) *The objective of this clause is to provide for opportunity sites in Liverpool City Centre that can accommodate mixed use and commercial tower development....*
- (4) *Development Applications submitted pursuant to this clause **must be submitted in association with an approved master plan for the site (emphasis added).***

A summary of the proposed fee is outlined below:

Master Plan Development Application Fee

It is proposed to levy a flat fee for Master Plan Development Applications of \$12,000 excluding GST.

The compliance levy will not apply.

Modification to a Master Plan Development Application Fee

It is proposed to levy a flat fee for modifications to Master Plan Development Applications of 50% of the Master Plan DA fee excluding GST. The compliance levy will not apply.

If endorsed by Council, the proposed fees will be placed on public exhibition to allow for feedback.

Benchmarking

Other Councils have noted that a flat fee was the most appropriate basis for a Master Plan application given the work involved in the assessment is largely consistent regardless of the Capital Investment Value (CIV) of the future development.

Parramatta City Council levies a fee of \$12,970 excluding GST and The Hills Shire Council levies a fee of \$10,000.

CONSIDERATIONS

Economic and Financial	Enhance the environmental performance of buildings and homes.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership and Governance	Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes.

ATTACHMENTS

Nil

DPG 06

Warren Serviceway Car Park Proposed Changes to Fees and Charges

Strategic Direction	Accessible Connected City Provide safe and easy travel with a high quality road and traffic management network
Key Policy	Traffic and Transport Plan
File Ref	304981.2016
Report By	Charles Wiafe - Service Manager Traffic and Transport
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

At its meeting on 29 June 2016, Council adopted its current fees and charges. This included a CPI increase for the Warren Serviceway Car Park.

With the CPI increase, the parking fee for one and two hours is \$2.10 and \$4.20 respectively. This has resulted in an increased demand for silver coin change for short term parking where customers do not have the correct money or do not pay by credit card.

Daily coin top-ups are required as the pay station coin boxes do not have the capacity to hold the coins required. Additionally, when the coin boxes are depleted, customers are not receiving any change when they make a cash payment.

This has resulted in a number of operational issues including staff security while the coin boxes are topped-up, productivity of the Parking Services Officer/s and complaints from customers who do not receive the correct change

A number of options have been investigated to address these concerns taking into consideration revenue impacts. The most appropriate option is to round down the fees which will remove the need for coin change to be issued as outlined in the recommendation.

RECOMMENDATION

That Council approve the Warren Serviceway Car Park fees as follows:

<i>Casual Parking</i>	Proposed Fees 2016/2017
<i>Up to 1 hr</i>	\$2.00
<i>>1hr - 2hrs</i>	\$4.00
<i>>2hrs - 3hrs</i>	\$6.00
<i>>3hrs - 4hrs</i>	\$8.00
<i>>4hrs - 5hrs</i>	\$10.00
<i>5 hrs +</i>	\$14.00
<i>Maximum day rate</i>	\$14.00

REPORT

At its meeting on 29 June 2016, Council adopted its current fees and charges. This included a CPI increase for the Warren Serviceway Car Park for the first time in four years.

The previous and current fees are as follows:

Casual Parking	Previous Fees 2015/2016	New Fees 2016/2017
0-1 hrs	\$2.00	\$2.10
1-2 hrs	\$3.00	\$4.20
2-3 hrs	\$6.00	\$6.30
3-4 hrs	\$8.00	\$8.40
4-5 hrs	\$9.00	\$10.50
5 hrs +	\$13.00	\$14.00
Maximum day rate	\$13.00	\$14.00

The Warren Serviceway Car Park payment system allows customers to pay by cash or credit card. Payment by credit card has proved to be an efficient operation. However, with the current fees, cash payments have resulted in increased demand for silver coin change. The

predominant use of the car park, apart from daily and weekly pass holders is customers parking for short periods i.e. 0-1 hours and 1-2 hours.

The car park has two pay stations located on the Ground Floor and Level 1. The coin boxes at both pay stations do not have the capacity to dispense the increased coins for the whole day and therefore must be topped-up two or three times a day.

This creates a number of safety and efficiency concerns including:

1. Staff security while the coin boxes are topped-up
2. The need for available coins for the top-up
3. Reduced efficiency of the car park management payment system and productivity of the Parking Services Officer/s
4. Complaints from customers who do not receive the correct change

To address these concerns, it is recommended the 2016/17 fees be amended by rounding down the fees to the nearest dollar as shown in the following table:

Casual Parking	Fees 2015/2016	Current Fees 2016/2017	Proposed Fees 2016/2017	% Fee Decrease from current 2016/2017
<i>Up to 1 hour</i>	\$2.00	\$2.10	\$2.00	5%
<i>>1 - 2 hrs</i>	\$3.00	\$4.20	\$4.00	5%
<i>>2 - 3 hrs</i>	\$6.00	\$6.30	\$6.00	5%
<i>>3 - 4 hrs</i>	\$8.00	\$8.40	\$8.00	5%
<i>>4 - 5 hrs</i>	\$9.00	\$10.50	\$10.00	5%
<i>5 hrs +</i>	\$13.00	\$14.00	\$14.00	0%
<i>Maximum day rate</i>	\$13.00	\$14.00	\$14.00	0%

Revenue Impact – This has the effect of removing the CPI increase from the casual parking durations of 0 to 5 hours. Compared to the 2016/2017 current fees the revenue will result in a reduction of approximately \$18,000.

CONSIDERATIONS

Economic and Financial	Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.
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Environmental and Sustainability	Promote an integrated and user friendly public transport service. Support the delivery of a range of transport options.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	The recommendation provides opportunity to advocate for the local community. The recommendations are required in accordance with the Local Government Act 1993.

ATTACHMENTS

Nil

CTTE 01

**Minutes of the Local Traffic Committee Meeting
held on 21 September 2016**

Strategic Direction	Accessible Connected City Provide safe and easy travel with a high quality road and traffic management network
Key Policy	Traffic and Transport Plan
File Ref	275783.2016
Report By	Charles Wiafe - Service Manager Traffic and Transport
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes of the Local Traffic Committee Meeting held on 21 September 2016.

RECOMMENDATION

That Council:

1. Receives the Minutes of the Local Traffic Committee Meeting held on 21 September 2016.
2. Adopts the Local Traffic Committee recommendations as noted in this report.

REPORT

At its meeting on 21 September 2016, the Local Traffic Committee (LTC) considered seven agenda items and one technical discussion item. Minutes of the meeting are attached.

The Minutes have identified a number of actions on items that Council staff are required to undertake. The financial implications of each of the recommendations are noted at the end of this report.

The Local Traffic Committee recommendations are as follows:

Item 1 Ingham Drive, Casula – Request for Pedestrian Refuge

Council approves the installation of a pedestrian refuge in Ingham Drive, north of Pine Road, Casula, subject to the adoption of a concept design by the LTC at a future meeting.

Item 2 Croatia Avenue, Edmondson Park – Sign Posting and Line Marking DHA Site

Council approves the installation of signs and line marking in the DHA development site in accordance with the Attachment 2.1 of the LTC minutes.

Item 3 Wilson Road, Hinchinbrook – Central Median

Council approves the proposed access arrangement as shown in the Attachment 3.1 of the LTC minutes subject to the adoption of a detailed design by the LTC at a future meeting.

Item 4 Kurrajong Road, Carnes Hill – Mid-block Traffic Signals

1. Council notes that the current traffic and pedestrian volumes do not meet the RMS warrant for the installation of mid-block traffic signals.
2. Council to discuss future upgrade of the existing pedestrian refuge with the RMS.
3. Council to review the existing bus stops/zones along the section of Kurrajong Road in front of the Carnes Hill community precinct in consultation with the local bus company, Interline.

Item 5 Braidwood Drive / Wroxham Street, Prestons – Request for Pedestrian Facilities

1. Council approves the installation of a pedestrian refuge on Wroxham Street, approximately 200m from Wagga Wagga Street.
2. Council undertakes concept design and pedestrian counts at the proposed Braidwood Drive facility and present to the LTC at its future meeting.
3. Council advises all stakeholders of its decision.

Item 6 South West Community Transport – Request for designated drop-off and pick-up points in the Liverpool City Centre

1. Council approves the changes to on-street parking restrictions for the provision of “No Parking – Council Permit Holders Excepted” at the following three locations:
 - i. Dewsbury Serviceway, Liverpool
 - ii. Northumberland Serviceway, Liverpool, and
 - iii. George Serviceway, Liverpool.
2. Council reviews the existing parking restrictions in Moore Street, Liverpool (north side between George and Bigge Streets) following removal of the current Works Zone.
3. Council advises all stakeholders of its decision.

Item 7 Nagle Street, Liverpool – Pedestrian Crossing

1. Council notes that traffic and pedestrian volumes at the existing Children’s Crossing in front of the school do not meet the RMS warrant for a marked pedestrian crossing.
2. Council advises all stakeholders of its decision.

In addition to the above Agenda items, the Committee also discussed the following Technical Discussion item and ten General Business items:

Technical Discussion Item

Item TD1 Myall Road, Casula – Request for Traffic Calming Devices

General Business Items

- Item G1 Camden Valley Way – Traffic control by unauthorised persons
- Item G2 Carey Street – Request for parking restrictions on one side to accommodate two-way movements.
- Item G3 Moore Street – Clarification of newly installed speed camera at the Bathurst Street intersection.
- Item G4 Stroud Street and Munday Street – Management of horse and traffic movements.
- Item G5 Hoxton Park Road and Balmain Street intersection, Cartwright – Speeding and parking issues in the service lane along Hoxton Park Road.
- Item G6 Kingsford Smith Avenue, Middleton Grange – Request to improve bus movements in front of Thomas Hassel Anglican School.
- Item G7 Moore Street, Liverpool – Ban westbound right turn movement into Bigge Street.
- Item G8 Elizabeth Street, Liverpool – No Left Turn sign for vehicles above 6m on the eastbound approach to Bigge Street.
- Item G9 Newbridge Road, Liverpool – Traffic management for the removal of an existing pedestrian bridge.
- Item G10 New Roads and Maritime Services' LTC representative.

Details of the discussions and the Committee's comments are provided in the minutes.

Budget Impact of Matters Arising from Minutes.

Item	Description	Funding Arrangements
1	Ingham Drive, Casula – Request for Pedestrian Refuge	Council's Minor Traffic Facilities Program
2	Croatia Avenue, Edmondson Park – Sign Posting and Line Marking DHA Site	Developer
3	Wilson Road, Hinchinbrook – Central Median	Developer
4	Kurrajong Road, Carnes Hill – Mid-block Traffic Signals	No impact on Council's budget.
5	Braidwood Drive / Wroxham Street, Prestons – Request for Pedestrian Facilities	Council's Minor Traffic Facilities Program
6	South West Community Transport – Request for designated drop-off and pick-up points in the Liverpool City Centre	RMS Block Grant
7	Nagle Street, Liverpool – Pedestrian Crossing	No impact on Council's budget.

CONSIDERATIONS

Economic and Financial	Deliver a high quality local road system including provision and maintenance of infrastructure and management of traffic issues.
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Environmental and Sustainability	Promote an integrated and user friendly public transport service. Support the delivery of a range of transport options.
Social and Cultural	Improved traffic and pedestrian safety.
Civic Leadership and Governance	The recommendation provides opportunity to advocate for the local community. The recommendations are required in accordance with the Local Government Act 1993.

ATTACHMENTS

1. Minutes of Local Traffic Committee Meeting - 21 September 2016 [View](#) (Under separate cover)

CTTE 02

**Minutes of the Civic Advisory Committee Meeting
held on 31 October 2016**

Strategic Direction	Proud Engaged City Engage and consult with the community to enhance opportunities for communication and involvement
Key Policy	Events Strategy
File Ref	293074.2016
Report By	George Georgakis - Manager Council and Executive Services
Approved By	Gary Grantham - Chief Financial Officer / Director Corporate Services

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes of the Civic Advisory Committee Meeting held on 31 October 2016.

RECOMMENDATION

That Council receives and adopts the minutes of the Civic Advisory Committee meeting held on 31 October 2016.

REPORT

The Minutes of the Civic Advisory Committee held on 31 October 2016 are attached for the information of Council.

The Minutes identify a number of actions that require Council staff to undertake, none of which will have any financial impact on Council.

The meeting also considered the nominations for Australia Day Awards and made recommendations for a number of people to receive the Australia Day Awards for 2017. As this information contains confidential personal information, that part of the minutes has been included in a separate report in the Confidential Section of this meeting agenda.

CONSIDERATIONS

Economic and Financial	There are no economic and financial considerations.
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Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.
Civic Leadership and Governance	<p>Encourage the community to engage in Council initiatives and actions.</p> <p>Provide information about Council's services, roles and decision making processes.</p> <p>Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.</p>

ATTACHMENTS

1. Civic Advisory Committee Minutes from 31 October 2016 - Excluding names of recommended Award recipients

MINUTES OF CIVIC ADVISORY COMMITTEE MEETING HELD ON 31 OCTOBER 2016

COMMITTEE MEMBERS PRESENT:

Councillor Geoff Shelton (Chairperson)
Councillor Peter Harle
Councillor Karress Rhodes
Bob Brassell, former Civic Officer at Liverpool City Council (1992-2007)
Lieutenant Colonel Phillip Coleman (Holsworthy Barracks)
Joe Durrant (former Mayor)
Jenny Fleming (Liverpool Hospital for Robynne Cooke)
Colin Harrington (former Mayor)
Alyson Infanti, Liverpool City Council, Civic Officer
Dr Eddie Jackson, Acting Director Community and Culture
Gary Lucas (former Mayor)
Geoff Neville (former Councillor)
Noel Short (former Mayor)
Alf Vella (former Councillor)
June Young (Community representative)

OTHERS PRESENT:

George Georgakis, Manager Council and Executive Services

OPENING 1.33pm

ITEM NO 1:

SUBJECT: OPEN BY COUNCILLOR GEOFF SHELTON

Councillor Geoff Shelton opened the meeting and welcomed everyone to the meeting.

ITEM NO 2:

APOLOGIES:

Motion: **Moved:** Alf Vella **Seconded:** Colin Harrington

That apologies be accepted for Mayor Wendy Waller, Stephen Dobell-Brown (former Councillor), Margaret Favelle (Rotary International), Peter Fraser (former Councillor) Jeanette Jackson (Quota International) and Tony Pascale.

It was noted that Gary Lucas (former Mayor) should have had his name recorded in the previous minutes as an apology as he did not attend the previous meeting.

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

**ITEM NO 3:
DECLARATIONS OF INTEREST**

Gary Lucas and June Young declared a non-pecuniary less than significant interest in respect of Item 5 of the agenda (Australia Day Awards Nominations) as they had each nominated someone for an award.

Councillor Harle declared a non-pecuniary less than significant interest in respect of Item 5 of the agenda (Australia Day Awards Nominations) as he knows one of the candidates who is also a member of his political party.

As the interest was not a pecuniary interest, Councillor Shelton suggested that they stay in the room when the item was being discussed. The Committee members agreed to this.

**ITEM NO 4:
UPDATE ON STATUS OF RESOLUTIONS FROM PREVIOUS MEETING**

- Brass plaque

At the previous meeting, Alyson Infanti advised that the brass plaque which was previously located in Macquarie Mall had been located and that plans for its relocation would be provided at the next meeting.

Update:

Alyson Infanti advised that the brass plaque would be relocated back to the Macquarie Mall in the next few weeks as part of the upgrade works being undertaken, prior to the reopening of the Mall in December 2016. The precise location will be provided back to the Committee at the next meeting.

- Time capsule in forecourt of old court House

At the previous meeting, Alyson Infanti advised that a search of Council's records had not been able to locate any record of a time capsule at that location and asked Committee members to provide further details if they knew of anything further about this.

Update:

Alyson Infanti advised that enquiries had been made with Council's Records Department for information about a time capsule in the Court House in Bigge Street as well as the Court House on George Street. At the time there were no electronic documents and the Records Department believe that the physical files may have been burnt in the Administration Building fire.

Council staff will investigate further. Alf Vella advised that he is aware of the location of the time capsule. Alf Vella and Alyson Infanti to arrange to visit the site to determine the location of the time capsule. June Young mentioned that she has photos from the 1970's when the time capsule was placed which will show its location which she can show Alyson.

Council staff to look into and provide a further update at the next meeting.

- Removal of monument in Bigge Park

At the previous meeting, the former Mayor Ned Mannoun, advised that there are 70 monuments at Bigge Park and that the monuments will all be staying at the park and will be positioned as part of the redesign and footpath works which is being re-done.

It was also resolved that:

1. That Council build a heritage website (separate to the Council website) which will include details of historical heritage items, details of locations of monuments and a register of Order of Liverpool Awards recipients.
2. Council staff send a copy of the Bigge Park design works to Committee members.

Update:

Alyson Infanti advised that the Sir Roden Cutler monument from 7 November 1980, which was discussed at the previous meeting, is at Bigge Park on a large grey stone on the walking path.

Alyson Infanti provided the following update from the library's heritage section;

"Below is some information on the types and ranges of material available in the library's heritage collection to assist the Committee to understand the size and scope of the collections available.

- *War Memorials audit publication for the entire Liverpool City regions (due for publication soon)*
- *The Family History collection contains print resources many of which relate to Liverpool as well as copies of the St Luke's Register from 1811*
- *Suburbs of Liverpool booklet*
- *Print collection of over catalogued 6000 items*
- *Photograph collection*
- *Museum collection*

While the library endeavours to make as many resources available online as we can, there are considerable Australian and international copyright considerations which limits what can be made available".

Alyson Infanti distributed a copy of the Bigge Park design works at the meeting.

A discussion took place regarding the monuments at Bigge Park and it was agreed that the complete list of the monuments at Bigge Park will be provided at the next meeting.

**ITEM NO 5:
AUSTRALIA DAY AWARDS NOMINATIONS -
OUTCOME OF SCORING OF NOMINATIONS AND DISCUSSION AND
RECOMMENDATIONS FOR AWARD RECIPIENTS**

Note: The recommendations/minutes relating to the recommended recipients of the Australia Day Awards have been included in a separate report in the Confidential Section of the 23 November 2016 Council Agenda as it contains personal information.

It was noted that Gary Lucas did not vote on the motion regarding recommended recipients for the Australia Day Awards.

It was also noted that Councillor Harle did not vote for the Fraser Environment category award.

MATTER ARISING FROM ABOVE ITEM

June Young raised the issue of some nominations not adhering to the two page restriction information contained in the nomination form which states that:

- *"Any other relevant background information" (such as copies of certificates, awards, photos, newspaper clippings etc) **must not exceed two A4 pages**).*

To restrict the amount of information included as "Other relevant background information" in future to two A4 pages as mentioned on the nomination form, the following motion was moved:

Motion: **Moved: June Young** **Seconded: Colin Harrington**

For future years, the Nomination Form and Clause 4 of the Civic Awards Policy be amended to clearly state that:

- *"Any other relevant background information" (such as copies of certificates, awards, photos, newspaper clippings etc) **must not exceed two A4 pages – and that if any additional pages are included, that they will be disregarded by the Committee reviewing the nominations.***

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

**ITEM NO.6:
OTHER BUSINESS****- Encouragement of indigenous talent in Liverpool**

Joe Durrant asked for an update on the following matter which he had raised at the Committee meeting in July 2016:

For Council to look into creating an opportunity for local Aboriginal artists to perform to recognise artists in the Liverpool community, as is done in Tamworth with Aboriginal artists.

At the July 2016 Committee meeting, the following motion was moved and carried:

The Committee recommends that the question of encouragement of indigenous talent be referred to the Aboriginal Consultative Committee with a view towards establishing performance opportunities and celebrations in the Liverpool local government area, similar to the Tamworth festival.

Councillor Shelton advised the meeting that he is aware that the matter was discussed at a recent Aboriginal Consultative Committee.

It was agreed that an update on the progress of this matter be provided at the next Civic Advisory Committee meeting.

- Design of Bigge Park

The following four matters were raised in relation to the design of Bigge Park.

Toilets -

Discussion occurred at the meeting regarding the location of toilet facilities as part of the redesign of Bigge Park. June Young preferred the toilets to be located at the bus terminal end of the park, rather than the hospital end. Councillor Shelton pointed out that the park design shows that there will be change rooms next to the tennis courts and asked Council staff to check and report back to the Committee on whether those change room facilities will also include toilets.

Council staff to also advise whether the toilets at Bigge Park will be the push button ones to open, which are self-cleaning and regulating.

Stage area for entertainment -

Bob Brassell pointed out that there doesn't seem to be a stage area set aside for entertainment. Councillor Shelton stated that a fixed stage would limit the type of activities which could be held there. His preference was for a type of design which could be adaptable for multiuse.

It was agreed that the Committee would be provided with information on the kind of demand a stage would have and what the position is going forward.

Existing Memorial Garden-

Gary Lucas asked for further details regarding the "Existing Memorial Garden" which is mentioned on the design map of Bigge Park.

It was agreed that further details will be provided at the next meeting.

Tennis Courts-

Gary Lucas asked about the tennis courts and questioned the demand for tennis courts at that location. Councillor Shelton asked for information to be provided to the Committee on the usage of the tennis courts and possible alternatives at that location.

- Holsworthy Barracks

Lieutenant Colonel (LTCOL) Phillip Coleman provided an update on the contamination testing which has been occurring at Holsworthy Barracks. This matter was raised at previous meetings where LTCOL Coleman had informed the Committee that the Department of Defence were investigating whether any contaminants are on the grounds of Holsworthy Barracks as a result of chemicals which were used in putting out fires.

The Department of Defence had identified a number of sites to be investigated and one of those sites is the Holsworthy Barracks. LTCOL was to report back on the result of the investigations.

He advised that a report on the matter would be released to Parliament in the coming weeks. It would then be provided to Council via the Mayor's office. He pointed out that from a Liverpool/Holsworthy perspective, there are no concerns and no health issues.

- Liverpool's Birthday celebrations

Alyson Infanti advised that the Liverpool birthday celebrations will be occurring on Monday 7 November 2016 from 10.30am at the Casula Powerhouse Arts Centre. Activities to be held on the day will include a Citizenship Ceremony, the presentation of the Order of Liverpool Awards to the recipients (as recommended by the Civic Advisory Committee) and a celebration and cake for Liverpool's 206th Birthday.

- Heritage Advisory Committee

In response to a question from Gary Lucas, Councillor Shelton advised that Councillors Balloot and Harle have recently been appointed as Council's representatives on the Heritage Advisory Committee and that the Committee will continue in its current form. He also advised that all Councillors can attend and have voting rights at all of the internal Council Committees.

The meeting closed at 2.39pm.

CTTE 03

**Planning and Development Committee Meeting
Minutes of 2 November 2016**

Strategic Direction	Leading Proactive Council Position Council as an industry leader, delivering best practice and innovation
Key Policy	Information Technology Strategy
File Ref	294427.2016
Report By	Sheela Naidu - Personal Assistant to Director Planning & Growth
Approved By	Toni Averay - Director Planning & Growth

EXECUTIVE SUMMARY

This report is tabled in order to present the Minutes of the Planning and Development Meeting held on 2 November 2016.

RECOMMENDATION

That Council receives and adopts the Minutes of the Planning and Development Meeting held on 2 November 2016.

REPORT

The Minutes of the Planning and Development held on 2 November 2016 are attached for the information of Council.

The Minutes identify a number of actions that require Council staff to undertake and some have financial implications which can be funded from existing budgets.

CONSIDERATIONS

Economic and Financial	There are some financial implications which can be funded from existing budgets.
Environmental and Sustainability	There are no environmental and sustainability considerations.
Social and Cultural	There are no social and cultural considerations.

Civic Leadership and Governance	There are no civic leadership and governance considerations.
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ATTACHMENTS

1. Planning and Development Committee Meeting Minutes - 2 November 2016.[View](#)



Minutes

MINUTES OF PLANNING AND DEVELOPMENT COMMITTEE MEETING 2 November 2016

COMMITTEE MEMBERS PRESENT:

Wendy Waller	Mayor, Liverpool City Council
Kiersten Fishburn	A/Chief Executive Officer
Tony Hadchiti	Councillor, Liverpool City Council
Mazar Hadid	Councillor, Liverpool City Council
Geoff Shelton	Councillor, Liverpool City Council
Karress Rhodes	Councillor, Liverpool City Council

OTHER ATTENDEES:

Toni Averay	Director Planning and Growth
Bruce Macnee	Manager Strategic Planning
Stephen Joannidis	Manager Development Engineering
Nada Mardini	Manager Community Standards
David Smith	Coordinator Development Assessment

MINUTE TAKER:

Sheela Naidu	PA to Director Planning and Growth
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ITEM NO: 1
SUBJECT: WELCOME AND APOLOGIES

The meeting opened at 3.24pm

ITEM NO: 2
SUBJECT: DECLARATIONS OF INTEREST

Nil



Minutes

ITEM NO: 3
SUBJECT: Confirmation of Previous Minutes

The committee was advised that the minutes of the previous meeting held on 3 August 2016 were adopted at the 31 August Council meeting.

ITEM NO: 4
SUBJECT: Business Arising from Previous Minutes

Nil

ITEM NO: 5.1
SUBJECT: Renbury Pound

The Committee noted the update on Renbury Pound provided by the Manager Community Standards. The committee discussed the No Kill policy and the planned engagement of volunteers to assist in rehoming of animals.

Cllr Hadchiti requested an open day be scheduled within the first 3 months to invite the general public into the pound to showcase the improvements made and the new management operating model under Council

Action Item

Manager Community Standards to organise open day to general public within the first 3 months of Council operation.

ITEM NO: 5.2
SUBJECT: Cardno Exemption Report – Moorebank Intermodal Proposals

Manager Strategic Planning advised the committee that a report will be presented to the November Council meeting requesting exemption from the tender process for engagement of Cardno for the Intermodal assessment process. The committee noted Cardno's extensive background knowledge, experience and expertise on the Intermodal proposals and supported the recommendation for exemption.



Minutes

ITEM NO: 5.3

SUBJECT: Proposed Lateral VPA – 420 Macquarie Street Liverpool

Coordinator Development Assessment discussed the VPA proposal by Lateral Corporation. The committee noted separation between the VPA consideration and the current DA assessment. The DA will be reported to Council for determination at a future meeting.

Recommendation:

That the report on the proposed VPA be presented to November Council meeting for consideration.

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Hadid

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

Mayor Waller and Cllr Shelton requested to be noted as voting against the motion.

ITEM NO: 5.4

SUBJECT: Fee for Master Plans

The committee was advised that under the new LEP Amendment 52, opportunity sites require a Master Plan to be lodged prior to construction DA. A flat fee of \$12,000 was recommended for a Master Plan DA.

The committee agreed to a Council report recommending \$12,000 flat application fee.

ITEM NO: 5.5

SUBJECT: IHAP

This item was deferred to the next committee meeting to allow officers to undertake further research and consultation with the Department of Planning.

ITEM NO: 5.6

SUBJECT: Legal Update

Casula Hotel: The committee noted the update provided by Director Planning and Growth and requested for details of total costs incurred by Council and copy of email from Manager Governance dated 14 October to be sent to Councillors.



Minutes

Moorebank Recyclers: Update on the Moorebank Recyclers proceedings was noted by the committee. The committee requested that a summary of proceedings be distributed to the Councillors.

6. GENERAL BUSINESS

Nil

7. CLOSE

The meeting closed at 4.30pm

NEXT MEETING

7 December 2016

QWN 01**Question with Notice - Cllr Harle**

Strategic Direction	Liveable Safe City Create clean and attractive public places for people to engage and connect
Key Policy	Strategic Maintenance Plan
File Ref	301457.2016

QUESTION WITH NOTICE

Please address the following:

1. Does Council have a policy relating to Footpath/Nature Strip Mowing and if so is that currently being applied?
2. At a previous Council meeting it was agreed to write to the state government regarding the maintenance of Nature strips by owners of properties bordering nature strips, has the Government responded?

A response to these questions has been provided with report DCP 02 Maintenance of Nature Strips, from this Agenda.

ATTACHMENTS

Nil