MINUTES OF THE ORDINARY MEETING
HELD ON 31 JULY 2019

PRESENT:
Mayor Wendy Waller
Councillor Ayyad
Councillor Balloot
Councillor Hadchiti
Councillor Hadid
Councillor Hagarty
Councillor Harle
Councillor Kaliyanda
Councillor Karnib
Councillor Rhodes
Councillor Shelton (arrived at 6.14pm)
Ms Kiersten Fishburn, Chief Executive Officer
Mr Tim Moore, Director City Economy and Growth / Deputy CEO
Mr Chris White, Director City Corporate
Ms Tina Sangiuliano, Acting Director City Community and Culture
Dr Eddie Jackson, Director City Deal
Mr Peter Patterson, Director City Presentation
Mr Raj Autar, Director City Infrastructure and Environment
Mr John Milicic, Manager, Property
Mr Michael Knight, Acting General Counsel, Manager Governance Legal
Mr David Smith, Manager Planning & Transport Strategy
Mr Andrew Stevenson, Manager Communications
Mr David Maguire, Internal Ombudsman
Mr David Petrie, Manager City Design and Public Domain,
Mr George Georgakis, Manager Council and Executive Services
Ms Susan Ranieri, Coordinator Council and Executive Services (minutes)

The meeting commenced at 6:01pm.

STATEMENT REGARDING WEBCASTING OF MEETING	The Mayor reminded everyone that in accordance with Council's Code of Meeting Practice (other than the Public Forum Section), the meeting is being livestreamed.
ACKNOWLEDGMENT OF COUNTRY, PRAYER OF COUNCIL AND AFFIRMATION TO BE READ BY	The prayer of the Council was read by Reverend Bruce Hammonds from Liverpool Presbyterian Church.
NATIONAL ANTHEM	The National Anthem performed by Rebekah Ferro was played at the meeting.
APOLOGIES	Nil.

CONDOLENCES

Mr Anthony Micallef (read by Mayor Waller)

Anthony Micallef passed away on 30 June 2019.

Anthony joined Liverpool City Council in October 2016 as a Swimming Pool Officer after working at Campbelltown City Council.

A valued member of our organisation, Anthony was hard-working and committed to enhancing and promoting swimming pool safety.

He was also very active socially at Council. Anthony played for Council's soccer team and helped to coordinate the team's participation in the upcoming Johnny Warren & Les Murray Memorial Cup, a soccer tournament between councils across Sydney.

Anthony will be remembered for his community spirit and enthusiasm.

On behalf of Liverpool City Council, I humbly express my deepest condolences to Anthony's friends and family during this difficult time.

May he rest in peace.

Motion: **Moved: Mayor Waller** **Seconded: Clr Hadchiti**

That Council writes to the family of Mr Anthony Micallef expressing our condolences for their loss.

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

Mr Joseph Durrant (read by Mayor Waller)

Former Liverpool Mayor Joseph (Joe) Durrant passed away at 88 years of age on Tuesday 23 July.

Joe served as a Councillor at Liverpool City Council from 1966 – 1976 and 1980 – 1987.

During his tenure, Joe was elected Deputy Mayor in 1969 and 1972 to 1973 before being elected Mayor in 1973 and serving for one year.

Joe was awarded a Certificate of Service in 1987 and has also received an Officer of the Order of Liverpool and a Companion of the Order of Liverpool.

He served as a Board representative of the Friends of Liverpool Regional Museum and Collingwood House and as Chairman of the Parks and Gardens Committee and Finance Committee.

Together with former Mayor Kevin Napier, Joe was a driving force in discussions with Stocks and Holdings resulting in the safeguarding of Collingwood House and the establishment of the Liverpool Regional Museum.

He also served on the Board of Prospect County Council and as Chairman of the Joint Councils of Liverpool, Camden, Campbelltown and Wollondilly seeking grants from the Federal Government – many of which were received by Liverpool City Council.

On behalf of Liverpool, I express my deepest condolences to Joe's wife Jackie, sons Shane and Mark and daughter Karen.

I also acknowledge how much the family endured following the tragic loss of son Joseph Durrant Jr in 2007.

May Joe rest in peace and his contributions to Liverpool be remembered for years to come.

Motion: **Moved: Mayor Waller** **Seconded: Clr Hadchiti**

That Council writes to the family of Mr Joseph Durrant expressing our condolences for their loss.

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

Aunty Gladys Nimmitt (read by Mayor Waller)

Aunty Gladys Nimmitt passed away on 23 July 2019.

She was a long-term community member on the Aboriginal Consultative Committee and she was an Aboriginal Community Representative on the Community 2168 Management Committee. She has also represented the latter at Council's annual Gift of Time Awards.

Aunty Gladys was a member of the Gandangara Aboriginal Land Council and the Aboriginal Women's Group.

She was also a keen knitter, a founding member of the 2168 Community Markets and participated as a member on various community groups including the NAIDOC Week working group.

Aunty Gladys will be remembered for her passion and pride in being Aboriginal and her vibrant community spirit.

On behalf of Liverpool City Council, I humbly express my deepest condolences to her family and friends during this difficult time.

May she rest in peace.

Motion: Moved: Mayor Waller Seconded: Clr Hadid

That Council writes to the family of Aunty Gladys Nimmitt expressing our condolences for their loss.

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

Mr Anwar Khoshaba (read by Clr Hadchiti)

Mr Khoshaba was a former Labor Mayor from Fairfield City Council. He was a long serving Mayor there and he was the first elected Australian Assyrian to ever serve in public office. As he was a long serving Mayor from a neighbouring Council who dedicated himself as well to the community, Councillor Hadchiti asked that we remember Mr Khoshaba in our prayers and express our condolences to his family.

Motion: Moved: Clr Hadchiti Seconded: Clr Kaliyanda

That Council writes to the family of Mr Anwar Khoshaba expressing our condolences for their loss.

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

One minute silence was then observed for Mr Anthony Micallef, Mr Joseph Durrant, Aunty Gladys Nimmitt and Mr Anwar Khoshaba.

CONFIRMATION OF MINUTES

Motion: **Moved: Clr Hadid** **Seconded: Clr Kaliyanda**

That the minutes of the Ordinary Meeting held on 26 June 2019 be confirmed as a true record of that meeting.

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

Clr Shelton arrived at the meeting at 6.14pm.

DECLARATIONS OF INTEREST

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

NOM 05: A Prominent Permanent Home for the City of Liverpool and District Historical Society.

Reason: Councillor Hagarty is a member of the Liverpool and District Historical Society

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

Clr Kaliyanda declared a non-pecuniary, but significant interest in the following item:

NOM 05: A Prominent Permanent Home for the City of Liverpool and District Historical Society.

Reason: Councillor Kaliyanda is a member of the Liverpool and District Historical Society.

Clr Kaliyanda left the Chambers for the duration of this item.

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

COM 01: Grants, Donations and Corporate Sponsorship.

Reason: Councillor Kaliyanda was a previous participant of Friends of India Australia events.

Clr Kaliyanda remained in the Chambers for the duration of this item.

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

NOM 05: A Prominent Permanent Home for the City of Liverpool and District Historical Society.

Reason: Councillor Rhodes was a prior member (she is unsure is she is still a current member) of the City of Liverpool and District Historical Society.

Clr Rhodes will remain in the Chambers for the duration of this item.

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

NOM 05: A Prominent Permanent Home for the City of Liverpool and District Historical Society.

Reason: Councillor Shelton is an ordinary member, who holds no office, of the Liverpool and District Historical Society.

Clr Shelton left the Chambers for the duration of this item.

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

EGROW 04: Planning proposal to rezone land at 240 Governor Macquarie Drive, Warwick Farm.

Reason: Councillor Harle has family members that live in the area.

Clr Harle remained in the Chambers for the duration of this item.

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

NOM 03: Infrastructure Funding Priorities.

Reason: Councillor Hadchiti sits on a State Panel that assesses grant applications.

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

Council's Chief Executive Officer, Kiersten Fishburn declared a declared a pecuniary interest in the following item:

CONF 03: Mayoral Direction pursuant to Section 226(d) of the Local Government Act 1993.

Reason: Ms Fishburn has an investment property at a site mentioned in the report.

Ms Fishburn left the Chambers when that item was discussed and directed Deputy Chief Executive Officer to take her seat for the duration of the item.

PUBLIC FORUM

Presentation – items not on agenda
Nil.

Representation – items on agenda

Agenda Item: INF 02 Speaking 4 the Planet Event.
Speaking 4 the Planet is a public speaking, drama and visual art competition which recognises and celebrates World Environment Day. Speaking 4 the Planet invites local high school students to participate by preparing speeches and performances relating to the World Environment Day theme, which this year was "Air Pollution. "

The winner of the prepared speech was invited to the Council meeting to deliver her winning speech.

1. **Prepared Speech Winner – Ms Maysa Maarban** from Unity Grammar College addressed Council and delivered her winning speech.

2. **Mr Scott Barwick** addressed Council on the following item:

   EGROW 04 - Planning proposal to rezone land at 240 Governor Macquarie Drive, Warwick Farm.

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

That a three minute extension of time be given to the speaker.

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

3. **Mr Mauro Poletti** addressed Council on the following item:

   EGROW 04 - Planning proposal to rezone land at 240 Governor Macquarie Drive, Warwick Farm.

Clrs Hadchiti and Hagarty left the Chambers at 6.28pm.

4. **Mr Rohan Dickson** on behalf of landowners of 18 Munday St and 12 Bull St, Warwick Farm addressed Council on the following item:

   EGROW 04 - Planning proposal to rezone land at 240 Governor Macquarie Drive, Warwick Farm.

Clrs Hadchiti and Hagarty returned at 6.29pm.

5. **Ms M'Leigh Brunetta** addressed Council on the following item:

   NOMR 01 - Rescission of EGROW 04 - Middleton Grange Town Centre Planning Proposal Planning – Post Exhibition report from the Council meeting of 12 December 2018.

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

That a three minute extension of time be given to the speaker.

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

6. **Mr David Stroud** addressed Council on the following item:

   NOMR 01 - Rescission of EGROW 04 - Middleton Grange Town Centre Planning Proposal Planning – Post Exhibition report from the Council meeting of 12 December 2018.

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

That a three minute extension of time be given to the speaker.

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

7. **Mr James Matthews** addressed Council on the following item:

   NOMR 01 - Rescission of EGROW 04 - Middleton Grange Town Centre Planning Proposal Planning – Post Exhibition report from the Council meeting of 12 December 2018.

Motion: **Moved: Clr Karnib** **Seconded: Clr Rhodes**

That a three minute extension of time be given to the speaker.

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

MAYORAL MINUTES

Nil.

NOTICES OF MOTION OF RESCISSION

ITEM NO: NOMR 01
FILE NO: 182661.2019
SUBJECT: Rescission of EGROW 04 - Middleton Grange Town Centre Planning Proposal – Post exhibition report from the Council Meeting of 12 December 2018

NOTICE OF MOTION OF RESCISSION

We the undersigned move a rescission motion to rescind item EGROW 04 Middleton Grange Town Centre Planning Proposal – Post exhibition report (as shown below) that was passed at the ordinary Council meeting held on Wednesday 12 December 2018.

"That Council:

1. *Notes the gateway determination issued by the Department of Planning & Environment;*

2. *Notes the submissions received during the public exhibition of the planning proposal, including public agency comments;*

3. *Notes that significant infrastructure upgrades will likely be required to support the planning proposal, including regional road upgrades;*

4. *Notes that no funding mechanism for infrastructure and public benefits has been advanced by the proponent to date;*

5. *Notes the issues identified in the assessment report in relation to the proposed built form, environmental impacts and density and the area not serviced with regular and reliable public transport services;*

6. *Withdraws support for the planning proposal pursuant to Section 3.35 of the Environmental Planning & Assessment Act 1979;*

7. *Writes to the Minister of Planning and the Greater Sydney Commission to request that the planning proposal not proceed pursuant to Section 3.35(4) of the Environmental Planning & Assessment Act 1979;*

8. *Writes to the proponent and all those who made a public submission to advise of Council's decision;*

9. *Notes that the current zoning and land use controls enable the development of a*

local shopping centre for the Middleton Grange community which is consistent with the Liverpool Retail Centres Strategy; and

10. *Work with the applicant to explore the option of some form of temporary retail on the site."*

And moves the following motion:

That:

1. Council notes that no exploration of some form of temporary retail on the site has occurred in accordance with Council's resolution of 12 December 2018.

2. Council notes the Council and the Community support the development of a town centre at the Middleton Grange site and acknowledges that the process for the development of the town centre in that location has been years in the making.

3. Council acknowledges the urgent need for the commencement of roads and civil infrastructure within the town centre at Middleton Grange to begin the process of activating that area.

4. Council notes the Fifteenth Avenue smart transit corridor connecting Liverpool and Badgerys Creek via Middleton Grange with public transport as contained in the draft Liverpool local strategic planning statement.

5. Council notes that exhibition of the Planning Proposal included a Draft DCP to facilitate the provision of roads, civil infrastructure and open space that matches the subdivision approval granted by Council in 2015.

6. Council endorses the Middleton Grange DCP as exhibited in 2018 (which included amendments) to facilitate the immediate delivery of civil infrastructure and roads infrastructure for the town centre at Middleton Grange.

7. Council notes the State Significant Development application for Hospital and Medical Centre at lot 2 and provides in principle support for the provision of these services and ancillary roads infrastructure in the Middleton Grange Town Centre.

8. Council notes the community opposition to the Planning Proposal as exhibited and the issues raised regarding proposed building heights and the number of residential apartments.

9. Council notes that the Planning Proposal is with the Minister for Planning for finalisation.

10. Council now supports the planning proposal if the following changes to that which was exhibited are made to it:

a. A decrease in maximum building heights from 12 levels to 9 levels.
b. An endorsement of the density as exhibited (2.3:1, 1:1) but with a requirement for a decrease in the number of residential apartments by approximately 250.
c. The ability for the provision of a Hospital and Medical Centre and ancillary social infrastructure on lot 12.
d. The provision of an increase in the amount of community accessible open space as exhibited in the town centre Planning Proposal with the additional accessible open space to be provided for public access at no cost to council.

11. Council direct the CEO to immediately meet with the applicant to progress negotiations on the provision of additional publicly accessible open space as listed in point 10.d.

12. Council notes that the Middleton Grange 7.11 Infrastructure contributions plan applies to the Middleton Grange town centre for the delivery of local public infrastructure benefits.

13. Council immediately write to the Minister for Planning advising of this resolution of Council and request that the amendment of the Planning Proposal be progressed, with the consideration of appropriate mechanisms to fund relevant state roads infrastructure and public transport, as a priority to enable the delivery of services to the community at Middleton Grange.

Signed:

Clr Peter Harle
Clr Karress Rhodes
Clr Tony Hadchiti
Clr Gus Balloot
Clr Mazhar Hadid
Clr Tina Ayyad

Mayor Waller ruled the Rescission Motion out of order as parts of the resolution from the 12 December 2018 meeting have been enacted. The Mayor was willing to consider an urgent Notice of Motion on the matter.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Reaffirms the December 2018 resolution opposing the increase in density and heights as proposed for the Middleton Grange Town Centre at the time;

2. Direct the CEO to write to all residents, via direct mail, in Middleton Grange once a further report is provided to Council in September 2019, clarifying the range of residential units under the current zoning controls;

3. Direct the CEO to provide a report back to the September 2019 Council Meeting with the following information:

   a. Assumed outcomes for development of the site under the current zoning;

   b. Assumed outcomes for development of the site referencing the document handed over by the proponent to residents at their meeting on Sunday the 28th of July; and

   c. Assumed outcomes for development of the site referencing the Draft DCP which takes into account zone boundary changes and road realignments.

   Outcomes in the context above means assumed yields for dwellings /retail/commercial space as well as infrastructure & contributions, noting assumptions will need to be used particularly in relation to the amount of commercial/business and retail uses. The assumptions used are to be clearly outlined in the report back to Council.

4. Commit that if any amendments were to be made by the proponent for the Middleton Grange Town Centre planning proposal an exhibition/community consultation period of 28 days would be undertaken;

5. Writes to the Department of Planning advising of Council's action and above resolution; and

6. Investigate after 6 months if no application is lodged for the Middleton Grange Town Centre other areas in Middleton Grange that would be appropriate for retail.

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

Councillors voted unanimously for this motion.

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

That Council makes public the webcast of item NOMR 01 of this meeting for 28 days for residents of Middleton Grange that could not attend the meeting.

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

Mayor Waller called a recess at 7.39pm.

Mayor Waller resumed the meeting at 7.49pm with all Councillors present except Clrs Hadchiti, Hadid, Rhodes and Shelton.

Clrs Hadchiti, Hadid, Rhodes and Shelton returned at 7.50pm.

CITY ECONOMY AND GROWTH REPORT

ITEM NO: EGROW 01
FILE NO: 120970.2019
SUBJECT: Draft Liverpool Pioneers' Memorial Park Conservation Management Plan

RECOMMENDATION

That Council:

1. Place the Draft Liverpool Pioneers' Memorial Park Conservation Management Plan on exhibition for a period of 28 days; and

2. Delegates to the CEO the finalisation of the Draft Liverpool Pioneers' Memorial Park Conservation Management Plan if no submissions are received; or receive a further report outlining details of the submissions received at the conclusion of the exhibition period.

COUNCIL DECISION

Motion: **Moved: Clr Ayyad** **Seconded: Clr Shelton**

That the recommendation be adopted.

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

ITEM NO: EGROW 02
FILE NO: 140175.2019
SUBJECT: Community Participation Plan

RECOMMENDATION

That Council:

1. Endorses the draft Community Participation Plan;

2. Place the draft Community Participation Plan on public exhibition for a minimum period of 28 days in accordance with Schedule 1 of the *Environmental Planning and Assessment Act 1979*; and

3. Delegates to the CEO the finalisation of the Community Participation Plan and subsequent amendments to the Liverpool Development Control Plans should no submissions be received; or receive a further report outlining details of the submissions received at the conclusion of the exhibition period.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Ayyad**

That the recommendation be adopted.

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

ITEM NO: EGROW 03
FILE NO: 146921.2019
SUBJECT: Street Naming Request - Austral

RECOMMENDATION

That Council:

1. Supports the replacement street names for Austral noted in this report, being:

   - Nino Avenue; and
   - Tony Avenue.

2. Authorises the Chief Executive Officer (CEO) to undertake the process of gazettal, if there are no submissions received during public exhibition.

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Hagarty**

That Council:

1. Supports the replacement street names for Austral noted in this report, being:

   - Nino Avenue; and
   - Tony Avenue.

2. Authorises the Chief Executive Officer (CEO) to undertake the process of gazettal, if there are no submissions received during public exhibition.

3. Investigates the potential to name an adjacent RE1 or similarly zoned section of land Antonio Messina Park / Reserve. As part of the investigation, Council to obtain a submission from Antonio Messina's daughter.

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

ITEM NO: EGROW 04
FILE NO: 158005.2019
SUBJECT: Planning proposal to rezone land at 240 Governor Macquarie Drive, Warwick Farm

RECOMMENDATION

That Council:

1. Note the advice provided by the *Liverpool Local Planning Panel*;

2. Endorses in principle the planning proposal for 240 Governor Macquarie Drive, Warwick Farm, subject to the applicant submitting a modified proposal with a maximum floor space ratio (FSR) of 2:1 equating to approximately 58,600m^2 GFA or 500 dwellings with access to the bonus FSR provisions contained within Clause 4.4 (2B) of the Liverpool Local Environmental Plan (LEP) (up to 3:1), a maximum height of buildings of 45m and the preparation of a site specific Development Control Plan;

3. Delegate to the CEO authority to negotiate a revised VPA offer with the proponent, agree the terms of the offer with the proponent and report back to Council the details of the VPA prior to exhibition of the planning proposal, consistent with Council's Planning Agreements Policy;

4. Endorses in principle the potential public benefit contributions of the VPA, to be further negotiated, include:

    - Monetary contributions towards the cost of local road improvements;

    - Funding appropriate road works including a 2.5m wide shared path, public domain improvements including street trees and landscaping along Governor Macquarie Drive between Hume Highway and Munday Street in accordance with Council's design plan for the Hume Highway/Governor Macquarie Drive intersection upgrade and Warwick Street between the Hume Highway and Manning Street;

    - Improved pedestrian and bicycle access to and from the site and Warwick Farm railway station and north and south of the Hume Highway;

    - Provision of 5% of the dwelling yield as affordable housing (to be dedicated to Council) to be managed as affordable rental housing by a community housing provider; and

    - Providing a retail/commercial space in the development for a period of 5 years at a reduced commercial rent for a community organisation/s to be agreed between the proponent and Council; and

5. Delegate authority to the CEO to finalise the above amendments to the planning proposal and submit the planning proposal to the Department of Planning, Industry and Environment for a Gateway determination with a recommendation that detailed traffic modelling, an economic impact assessment, a noise mitigation strategy and a site specific DCP be included as Gateway conditions to be satisfied prior to public exhibition.

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Hagarty**

That Council:

1. Note the advice provided by the *Liverpool Local Planning Panel*;

2. Delegate to the CEO to provide a report back to Council by the December 2019 Council meeting that includes the possible number of dwellings that would be permitted in the remaining Warwick Farm precinct presuming the LEP is revised to rezone the Warwick Farm Racing precinct to B4 mixed business and presuming all Government Departments and Agencies agree to the change in zoning currently being considered by Council;

3. Endorses in principle the planning proposal for 240 Governor Macquarie Drive, Warwick Farm, subject to the provision of the Council report to be provided at the December 2019 Council meeting and the possible need for the proponent to submit a modified proposal that takes into consideration the report from Council in which the number of dwellings permissible is proportionate to the area of the development site and the total number of dwellings that would be possible in the remaining Warwick Farm Racing Precinct area if the LEP is revised to include B4 in that remaining area and if the rezoning the remaining site was subsequently approved by Gateway; and

4. Notes the current VPA offer from the proponent and that a new VPA would need to be negotiated should the council report identify the need for a revised submission from the proponent.

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

Vote for: Mayor Waller
Clr Balloot
Clr Hadchiti
Clr Hagarty
Clr Harle
Clr Kaliyanda
Clr Rhodes

Vote against: Clr Ayyad
Clr Hadid*
Clr Karnib
Clr Shelton

**Clr Hadid did not vote for or against the motion. Therefore, in accordance with Clause 10.4 of Council's Code of Meeting Practice (as shown below), he is recorded as voting against the motion:*

"A Councillor who is present at a meeting of Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion."

Clr Balloot left the Chambers at 8.16 pm.

Clr Balloot returned to the Chambers at 8.18pm.

ITEM NO: EGROW 05
FILE NO: 172041.2019
SUBJECT: Results of pilot study for providing on-street parking spaces on narrow streets

RECOMMENDATION

That Council:

1. Notes the findings contained in this report, including costs;

2. Requests the CEO develop guidelines for the assessment and prioritisation of requests for additional parking on narrow streets by December 2019, noting the significant cost savings associated with Option 2 compared to Option 1; and

3. Considers an appropriate funding allocation to deliver on-street parking projects when preparing the 2020/21 budget.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

CHIEF EXECUTIVE OFFICER REPORT

ITEM NO: CEO 01
FILE NO: 159689.2019
SUBJECT: Local Government NSW Conference 2019

RECOMMENDATION

That Council:

1. Endorse its voting delegates for voting on motions (being the Mayor and all Councillors (except Clr Hadid, noting that Clr Hadid already has a vote as he is a Director of the Association)) and determine its voting delegates for voting in the Board election (noting that Council is entitled to 9 voting delegates and Clr Hadid is entitled to a vote as he is a Director of the Association); and

2. Endorse the key issues to be submitted for consideration at the Local Government NSW Annual Conference.

COUNCIL DECISION

Motion: **Moved: Clr Kaliyanda** **Seconded: Clr Rhodes**

That the recommendation be adopted.

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

ITEM NO: CEO 02
FILE NO: 164323.2019
SUBJECT: Annual report to Council by the Internal Ombudsman

RECOMMENDATION

That Council receive and note this report.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Ayyad**

That the recommendation be adopted.

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

CITY COMMUNITY AND CULTURE REPORT

ITEM NO: COM 01
FILE NO: 144548.2019
SUBJECT: Grants, Donations and Corporate Sponsorship

RECOMMENDATION

That Council endorses the funding recommendation of **$27,500** (GST exclusive) under the **Corporate Sponsorship Program** for the following projects:

Applicant	Project	Recommended
Friends of India Australia	Ganeshotsava	$10,000
CORE Community Services	The Employment Enabling Expo: Breaking the Barriers to Employment	$6,500
Cancer Council NSW	Stars of Sydney South West	$6,000
Southern Districts Soccer Football Association	Annual Liverpool Knockout Competition (Soccer)	$5,000

COUNCIL DECISION

Motion: **Moved: Clr Kaliyanda** **Seconded: Clr Shelton**

That the recommendation be adopted.

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

ITEM NO: COM 02
FILE NO: 165200.2019
SUBJECT: Carnes Hill Recreation Precinct Stage 2

RECOMMENDATION

That Council:

1. Receives and notes this report; and
2. Endorse an option to be further investigated through a masterplanning process.

COUNCIL DECISION

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

That Council:

1. Receives and notes this report; and
2. Endorses Option 1 with a 50 metre indoor lap swimming pool to be explored through the Master Plan exercise and the Master Plan to be reported back to the first Council meeting in February 2020.

Foreshadowed motion: **Moved: Clr Rhodes** **Seconded: Clr Harle**

That Council:

1. Receives and notes this report; and
2. Endorses Option 2 with the following amendments:
    - 50 metre indoor/outdoor lap swimming pool to be explored; and
    - The final dot point of Option 2 as shown on page 152 of the Council Agenda be changed to remove the word “Aquatic” so that it reads;

      “Potential future expansion of facilities.”

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

The Foreshadowed Motion (moved by Clr Rhodes) lapsed.

ITEM NO: COM 03
FILE NO: 169430.2019
SUBJECT: Draft Liverpool Aquatic and Leisure Centres Strategy

RECOMMENDATION

That Council:

1. Endorses the draft Liverpool Aquatic and Leisure Centre Strategy to be placed on public exhibition; and

2. Receive a report at the completion of the public exhibition period noting feedback received and any changes made to the draft Strategy in line with community feedback, or if no submissions are received, delegate authority to the CEO to endorse the draft Liverpool Aquatic and Leisure Centres Strategy.

COUNCIL DECISION

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

That the recommendation be adopted.

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

Clr Ayyad left the Chambers at 8.43pm.

CITY CORPORATE REPORT

ITEM NO: CORP 01
FILE NO: 165286.2019
SUBJECT: Investment Report June 2019

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Kaliyanda**

That Council:

1. Receives and notes this report; and

2. Congratulates staff, Director of City Corporate, Mr Christopher White and Chief Executive Officer, Ms Kiersten Fishburn on the work and effort which ensured that Council received confirmation of approval of payment to Council pursuant to the agreed fee-for-service model in relation to the Moorebank Intermodal Terminal. This represents a payment equivalent to 100% of the rates payable on the site annually, were it held privately.

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

CITY INFRASTRUCTURE AND ENVIRONMENT REPORT

ITEM NO: INF 01
FILE NO: 168550.2019
SUBJECT: Update on Governor Macquarie Drive, Warwick Farm - Response to NOM05

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Kaliyanda**

That the recommendation be adopted.

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

ITEM NO: INF 02
FILE NO: 170612.2019
SUBJECT: Speaking 4 the Planet event - 7 June 2019

RECOMMENDATION

That Council writes to each winner and congratulates them on their success.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Kaliyanda**

That the recommendation be adopted.

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

COMMITTEE REPORTS

ITEM NO: CTTE 01
FILE NO: 171309.2019
SUBJECT: Minutes of the Liverpool Community Safety and Crime Prevention Advisory Committee Meeting held on 6 June 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Liverpool Community Safety and Crime Prevention Advisory Committee Meeting held on 6 June 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 02
FILE NO: 171336.2019
SUBJECT: Minutes of the Liverpool Youth Council Meeting held on 5 June 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Liverpool Youth Council Meeting held on 5 June 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 03
FILE NO: 160030.2019
SUBJECT: Minutes of the Environment Advisory Committee Meeting held on 4 June 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Environment Advisory Committee Meeting held on 4 June 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 04
FILE NO: 164111.2019
SUBJECT: Minutes of the Liverpool Sports Committee held on 30 May 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Liverpool Sports Committee Meeting held on 30 May 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 05
FILE NO: 164711.2019
SUBJECT: Minutes of the Liverpool Access Committee Meeting held on 13 June 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Liverpool Access Committee meeting held on 13 June 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 06
FILE NO: 166621.2019
SUBJECT: Minutes of the Strategic Panel - 11 June 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Strategic Panel Meeting held on 11 June 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

Clr Ayyad returned to the Chambers at 8.47pm.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 145000.2019
SUBJECT: Question with Notice - Clr Hagarty - Buses in New Release Suburbs

Liverpool's new release areas are poorly serviced by public transport. Suburbs such as Middleton Grange, Elizabeth Hills and Len Waters Estate are barely serviced by single, infrequent routes with limited stops.

The on-demand bus service in Edmondson Park also has issues. According to figures from Transport for NSW, the average cost per passenger of operating on-demand services across all the trial areas is $34.56 per trip. The near by and now abandoned Wetherill Park trial cost taxpayers $940 per passenger. The buses must be booked online, by phone or via an app. This disadvantages commuters who have digital literacy and access issues as well as people from CALD backgrounds.

Better public transport, including bus services, means more cars off the road, less pressure on commuter car parking and reduced greenhouse gas emissions. Research has also shown that riding a bus is 90 times safer than car travel.

With more housing developments coming in suburbs such as Austral, Liverpool needs better existing and future public transport including buses.

Please address the following:

1. Are additional, more frequent bus services planned for Liverpool? Specifically new release suburbs and estates including Parkbridge Estate?

2. Are additional on-demand bus services planned for Liverpool?

3. What is the cost per passenger of the Edmondson Park on-demand bus service?

4. What measures are in place to ensure the on-demand bus service is inclusive and accessible?

Response

The State government funds the provision of public passenger bus services and the services are administered by Transport for NSW (TfNSW). In the Liverpool Local Government Area, Transport for NSW has contracts for the provision of bus services with the following three local bus companies: Interline Bus Services, Transit Systems and Transdev.

Interline and Transit Systems provide bus services in the new release areas of Middleton Grange, Edmondson Park, Austral and Leppington.

Are additional, more frequent bus services planned for Liverpool? Specifically new release suburbs and estates including Parkbridge Estate?

Transport for NSW assess public transport demand in new release areas and periodically approves extension of existing bus services to service new release areas subject to State government funding allocation. As an example, Interline Bus Services currently provides services to the southern portion of Middleton Grange. However services are yet to be extended to the northern portion including Parkbridge Estate.

Transport for NSW have advised that the service has not been extended because funding is yet to be allocated for this service. In the meantime this year's State budget includes a commitment for 14,000 extra weekly bus services across Sydney, Illawarra, Central Coast and the Lower Hunter. This commitment includes more than 1000 additional weekly services for routes in South West Sydney including 400 services for route 895 from Carnes Hill to Edmondson Park.

Council has been making and will continue to make representations for bus services to be extended to new release areas including Parkbridge Estate.

Are additional on-demand bus services planned for Liverpool?

The only current on demand bus service in Liverpool is the service in Edmondson Park. This service was introduced in part to reduce car parking demand at Edmondson Park train station.

Council has discussed with Transport for NSW (TfNSW) whether they have plans for additional on demand bus services in the Liverpool Local Government Area (LGA). To date TfNSW has advised that there are no plans for additional on demand services to be provided in the Liverpool LGA.

What is the cost per passenger of the Edmondson Park on-demand bus service?

According to Interline Bus Services website, the cost per passenger for a full fare is $2.60 whilst the Concession is $1.30.

An On Demand travel credit trial is now underway. For passengers using this service at Edmondson Park, a transfer credit of up to $2 applies every time a passenger transfers (within 60 minutes) from an Interline bus to an Opal bus or train service. Passengers need to sign up for an On Demand travel credit account to link an Opal card and Interline app account. Further details can be found on TfNSW website

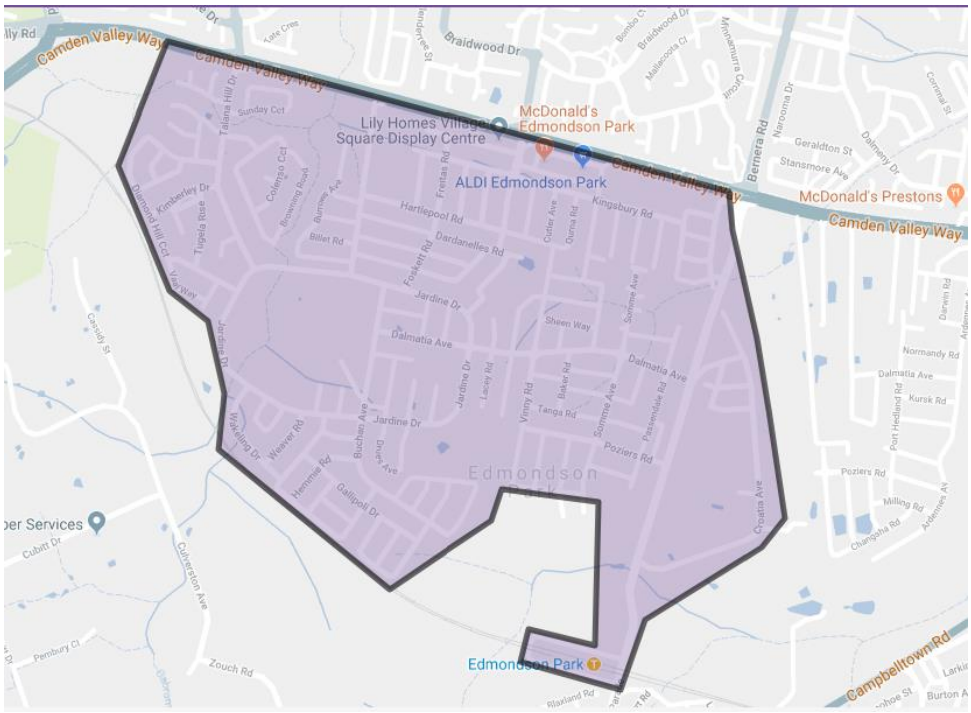
https://transportnsw.info/travel-info/ways-to-get-around/on-demand/edmondson-park

What measures are in place to ensure the on-demand bus service is inclusive and accessible?

Interline advises that their current service (in Edmondson Park) is accessible and inclusive in accordance with the Disability Discrimination Act.

The service arrangement is such that passengers can elect to be picked up from a nominated point and dropped off at Edmondson Park Train Station.

The service is available to residents of Edmondson Park within the area shown below.



COUNCIL DECISION

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

That Council:

1. Notes the report; and

2. Continues to lobby for more bus services and for additional bus routes that service our suburbs and major transport nodes.

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

ITEM NO: QWN 02
FILE NO: 145004.2019
SUBJECT: Question with Notice - Clr Hagarty - Oversized Load Carrying Vehicles

I have received numerous complaints from residents in new release suburbs about oversized load carrying vehicle movements in the early morning. These vehicles are used to transport other vehicles used in the construction of new housing developments.

Because of their size and speed the RMS restricts their movement to not impede the peak hour traffic. However, this means residents are burdened with significant amounts of sound and light pollution at all hours of the night.

Surely a common sense solution can be found to lessen the impact on residents.

Please address the following:

Q1 What is the time window imposed by the RMS for transporting an oversized load carrying vehicle?

Response

To operate on the public road network, oversized vehicles require permits issued by the National Heavy Vehicle Regulator (NHVR) or the Roads and Maritime Services (RMS).To minimise traffic impacts, the NHVR or RMS requires oversized vehicle operators to use the road network outside peak traffic periods.

Where the NHVR or the RMS considers that proposed haulage routes could have an impact on local roads, the agencies may request Council's input as part of their approvals. However, both organisations can issue a permit without consultation with Council and with no time restrictions such as early morning or late at night.

In circumstances where Council is afforded the opportunity to comment on a permit application, Council would recommend to the RMS or NHVR specific haulage routes or times e.g. prohibit the use of Nuwarra Road as a haulage route during school pickup/drop off times to minimise traffic impacts and maintain amenity.

Q2 Does Council also impose time restrictions?

Response

If an application is referred to Council, our advice includes comments on access arrangements and haulage times to minimise traffic and amenity impacts.

Q3 Can Council legally impose time restrictions?

Response

Council cannot legally impose time restrictions as Council does not issue permits. Council's involvement is limited to providing input to NHVR and/or RMS. Where the haulage routes do not include the significant use of local streets NHVR and RMS may issue permits without referral to Council.

Q4 Are nearby residents within the vicinity of the drop off point informed about these movements beforehand?

Response

As indicated above, NHVR and RMS can issue permits without referral to Council. In such circumstances nearby residents within the vicinity of drop off points are not informed. Council can request the NHVR and RMS to impose conditions on a permit requiring the transport operators to notify nearby residents.

Q5 Is it legally possible to enforce that nearby residents of the drop off point are informed about these movements?

Response

It is not possible for Council to legally enforce this. As indicated in response to Q3 Council's role in the assessment of oversized vehicle permits is to provide input in the assessment of permits. The RMS or NHVR are responsible for issuing of permits.

COUNCIL DECISION

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

That Council requests the NHVR and RMS to impose conditions on a permit requiring that transport operators notify nearby residents to inform them of movements beforehand.

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

ITEM NO: QWN 03
FILE NO: 145074.2019
SUBJECT: Question with Notice - Clr Hagarty - Smoking Kiosks

Please address the following:

1. Are smoking kiosks legal in NSW?

Response

A "Smoking Kiosk" is not recognised in NSW as a particular structure associated with outdoor smoking.

However, a structure could be used as a smoking kiosk and would be permitted if:

- It complies with Section 8 of the *Smoke-free Environment Regulation 2016*, requiring that:
  - not be more than 75% of the combined area of walls and ceiling are enclosed; and
  - it is not within 4m of a pedestrian access point to a building; and
  - it is not more than 10m of a children's playground.

- Relevant consent for the structure and use are obtained under the *Environmental Planning and Assessment Act 1979.*

COUNCIL DECISION

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

That Council notes the response provided.

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

Clr Hadchiti asked that his name be recorded as having voted against the motion.

ITEM NO: QWN 04
FILE NO: 180499.2019
SUBJECT: Question with Notice - Clr Hagarty - Upkeep of Vacant Lots

Introduction

The push for densification has resulted in the demolition of older dwellings and resulted in vacant lots. The recent drop in house prices has meant these sites have stayed demolished and vacant longer.

Too often the sites are riddled with overgrown grass, feral cats and other pests to the detriment of the neighbouring community.

Please address the following:

1. What power does Council have to ensure the reasonable upkeep of vacant lots?

A response to these questions will be provided in the 28 August 2019 Council meeting business papers.

ITEM NO: QWN 05
FILE NO: 180510.2019
SUBJECT: Question with Notice - Clr Hagarty - Community Wealth Building

Introduction

When a purchase is made at a local business, that money is likely to stay in Liverpool longer. It is more often spent on local services and at local stores, restaurants and cafes. This multiplier effect results in more local businesses and more local jobs.

As such, Council should do its utmost to spend as much as is practical on local businesses. We should also encourage other large employers and institutions, such as the hospital, the Universities, clubs etc., to do the same.

Please address the following:

1. What legislative impediments are there preventing Council and other large employers to preference local businesses, particularly social enterprises, the awarding of contracts? e.g. cleaning and catering?

A response to these questions will be provided in the 28 August 2019 Council meeting business papers.

ITEM NO: QWN 06
FILE NO: 180732.2019
SUBJECT: Question with Notice - Clr Ayyad - Middleton Grange Town Centre

At Council's December 2018 meeting, a motion regarding Middleton Grange Town Centre was resolved by Council. Point 10 of that motion states:

10. Work with the applicant to explore the option of some form of temporary retail on the site.

Please address the following:

1. Who from Council is responsible to implement this part of the motion?

2. When was the applicant contacted about this? (Please provide us with copies of correspondence relating to this)

3. What is the progress of getting temporary retail on site as Councillor Hagarty moved in his motion noting that it has been 7 months since Council resolved this motion?

4. Has the applicant lodged any amended plans for the site with any government body?

A response to these questions will be incorporated into the report to come back to Council in September 2019 (as part of the resolution of NOMR 01 of these minutes).

ITEM NO: QWN 07
FILE NO: 180923.2019
SUBJECT: Question with Notice - Clr Hadchiti - Middleton Grange Town Centre

Please address the following:

In relation to the Middleton Grange Town Centre proposal that was before Council in the December 2018 meeting:

1. What action has Council taken to satisfy point 10 of the recommendation which reads 'Work with the applicant to explore the option of some form of temporary retail on site'?

2. The proposal included a Middleton Grange DCP. Were there merits to that DCP as proposed?

A response to these questions will be incorporated into the report to come back to Council in September 2019 (as part of the resolution of NOMR 01 of these minutes).

ITEM NO: QWN 08
FILE NO: 181034.2019
SUBJECT: Question with Notice - Clr Rhodes - Tennis Petition

Please address the following:

1. What action has Council taken to address the Petition against the removal of the Tennis Courts in Phillip Park?

2. Why were the constituents who applied to speak at Council at both the May and June Meetings refused their opportunity to address Council and hand in their petition?

3. Has Council refused to permit constituents from addressing Council before and if so why were they refused?

A response to these questions will be provided in the 28 August 2019 Council meeting business papers.

ITEM NO: QWN 09
FILE NO: 181101.2019
SUBJECT: Question with Notice - Clr Rhodes - Visitation Survey

Council recently engaged a consultant to prepare a report addressing the current visitation figures in the Liverpool LGA. The Survey was proposed at the Tourism and CBD Committee so that Liverpool would have a base understanding of the current market and also provide Liverpool Council the opportunity to substantiate the number of international tourists staying in Liverpool at our hotels as the figures included in the Liverpool Council Destination Plan (TBC).

The report when presented to the Tourism and CBD Committee was missing the information needed to substantiate the international visitation figures reported by Liverpool hotels and already included in the Liverpool Council Destination Plan.

Please address the following:

1. Have the consultants been instructed to contact all the hotels in the Liverpool LGA to substantiate the International visitation figures quoted in the Destination Management Plan?

2. Have the consultants revised the report to include the International Visitation figures for Liverpool?

3. Will the revised report be made available to Councillors?

A response to these questions will be provided in the 28 August 2019 Council meeting business papers.

ITEM NO: QWN 10
FILE NO: 181119.2019
SUBJECT: Question with Notice - Clr Rhodes - Liverpool Collaboration Area

"Liverpool City Council is identified in the Collaboration Area Place Strategy as the primary stakeholder in addressing the action of increasing above the targets set out in a Metropolis of Three Cities to improve and increase social and affordable housing".

Please address the following:

1. What is the definition of Primary stakeholder in the above context?

2. What are the Targets set out in the Metropolis of Three Cities for:
   a. Social Housing?
   b. Affordable Housing?

3. How much is Liverpool as the Primary Stakeholder Increasing above these Targets for:
   a. Social Housing
   b. Affordable Housing?

4. Does this mean that Liverpool will be providing more social and or affordable Housing than other Western Sydney Cities?

A response to these questions will be provided in the 28 August 2019 Council meeting business papers.

PRESENTATIONS BY COUNCILLORS

i. Clr Kaliyanda made a presentation to Council regarding 'Dry July'. Councillor Kaliyanda commended Councillors and Council staff who are contributing to this cause which is raising funds for the Liverpool Cancer Treatment Centre.

ii. Clr Hadchiti made a presentation regarding a fund raising event to be held on Saturday 3rd August 2019 at Austral Bowling Club for a local resident suffering from cancer.

iii. Clr Kaliyanda made a presentation to Council regarding the Quota Student of the Year Public Speaking contest, which she attended representing the Mayor. Councillor Kaliyanda requested that Council write to congratulate the winner and runner-up of the competition.

Motion: **Moved: Clr Kaliyanda** **Seconded: Clr Rhodes**

That Council write to the winner and runner-up of the Quota Student of the Year Public Speaking competition congratulating them.

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

NOTICE OF MOTIONS

ITEM NO: NOM 01
FILE NO: 180998.2019
SUBJECT: Commuter Car Parking Crisis

Background

Earlier this year, prior to the election, the State Government promised 1100 parking spaces at Edmondson Park Station by 2020. The recent 2019-2020 State budget, brought down after the election, allocated just $212,000 for 'planning'.

Despite motions of Council, letters to Ministers, petitions and widespread community complaint, the State Government has failed to fulfil their promises and take appropriate action on the Commuter Car Parking Crisis.

When other levels of Government have previously failed to listen to the Liverpool community's concerns on major issues, Council has launched public awareness campaigns and held rallies. It is time the same is done for the Commuter Car Parking Crisis.

NOTICE OF MOTION (Submitted by Councillor Hagarty)

That Council:

- Allocates appropriate funding to commence a public awareness campaign, on the Commuter Car Parking Crisis, including:
    - a community rally;
    - stalls at or near all train stations in the LGA;
    - multilingual flyers;
    - both online and paper petitions.

COUNCIL DECISION

Motion: **Moved: Clr Hagarty** **Seconded: Clr Karnib**

That the recommendation be adopted.

Foreshadowed motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council write to the relevant Minister as well as the Premier reminding them of their commitment of providing commuter parking at Edmondson Park Train Station and request a firm time frame of the delivery of such parking provisions.

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

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

Division called (for the motion moved by Clr Hagarty):

Vote for: Mayor Waller
Clr Hagarty
Clr Kaliyanda
Clr Karnib
Clr Shelton

Vote against: Clr Ayyad
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Rhodes

.....

Chairperson

ITEM NO: NOM 02
FILE NO: 180785.2019
SUBJECT: Proactive Building Inspections

Background

The building industry is currently in crisis:

- The Opal building, Mascot towers, a Zetland apartment complex and the Sugar cube development in Erskineville have forced hundreds to abandon their homes.
- More than 600 buildings in NSW are at risk from flammable cladding, including 23 in Liverpool.
- Private certifiers are issuing occupation certificates for non-compliant buildings in a rush to beat State Government reforms.

All the while, the State Government has expanded compliant development while steadily stripping Councillors of their powers.

The current process at Council is too reactive and reliant on complaints from neighbours. Many issues are only apparent once a development is complete and dwellings occupied. As a result, residents feel powerless and that the system is stacked against them in favour of developers.

A proactive team of compliance officers directed to randomly inspect a range of sites under construction would uncover issues before they became 'too hard' to fix and restore confidence in the process.

We can finger point and wait for the State and Federal Governments to reform the sector or we can act ourselves.

NOTICE OF MOTION (Submitted by Councillor Hagarty)

That Council direct the CEO to:

- Establish a proactive building inspection and compliance program for sites under construction; and
- Provide a regular report to Council on the program.

COUNCIL DECISION

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

That Council:

1. Investigates the risks associated with implementing a proactive building inspection program; and

2. Ask the Audit Risk and Improvement Committee (ARIC) on their opinion of the risks associated and report back to the October 2019 Council meeting.

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

ITEM NO: NOM 03
FILE NO: 180699.2019
SUBJECT: Infrastructure Funding Priorities

Background

The Prime Minister has recently brought up the prospect of working with other levels of government to bring forward 'shovel ready' projects as a way of stimulating the economy.

Liverpool is almost doubling in size and requires a significant and constant infrastructure investment by all levels of government.

We as a Council should lead the way for our residents by providing the means and processes required to enable the maximum amount of Federal and State Government grants. This motion calls for that.

NOTICE OF MOTION (Submitted by Councillor Ayyad)

That Council:

1. Prepare a list of 'shovel ready' projects to the next council meeting that we can endorse and send to our local members and other levels of government at the next council meeting;
2. Seek feedback from Councillors about what projects they would like to have put on the list that that are currently not shovel ready;
3. The CEO write to local community groups, schools (private and government), NGO's and other groups within the Liverpool area to enquire about what grants they are seeking from other levels of government and what council can do to assist with them;
4. Have an official policy that acknowledges that grants can be time sensitive and therefore will be treated as a priority from Council's point of view with regards to assessing development applications or any other statutory approvals. This policy applies to any project that the applicant can demonstrate will be the recipient of government funding (part or full funding); and
5. Implement this motion immediately and direct the CEO to apply all parts of this motion immediately.

Clr Hadchiti declared a declared a non-pecuniary, less than significant interest during discussion of this item.

Clr Hadchiti left the Chambers at 9.24 pm.

COUNCIL DECISION

Motion: **Moved: Clr Ayyad** **Seconded: Clr Hadid**

That:

1. The CEO creates a policy and a document that has the available grants for community usage and outlines the process, and places it on Council's website in addition to publishing it in other ways;

2. Council prepare an official policy that acknowledges that grants can be time sensitive and therefore will be treated as a priority from Council's point of view with regards to assessing development applications or any other statutory approvals. This policy applies to any project that the applicant can demonstrate will be the recipient of government funding (part or full funding); and

3. That the Policy be returned to Council by October 2019.

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

ITEM NO: NOM 04
FILE NO: 180895.2019
SUBJECT: Opportunities for the Repurposing of Council Owned or Controlled Land for Affordable Housing

Background

At the Ordinary Council meeting on 29 May 2019, Council considered a report on the repurposing of the property at 75-77 Hill Road, Lurnea for affordable / community housing. At that meeting, Council resolved to endorse the repurposing of that property for housing including community housing.

This NOM seeks a further report to Council be prepared detailing opportunities for other Council owned or controlled land to similarly be repurposed for affordable housing.

NOTICE OF MOTION (Submitted by Councillors Hadid and Shelton)

That Council directs the CEO to provide a report back to Council by December 2019 detailing opportunities for the repurposing of Council owned or controlled land in the LGA for the purpose of affordable housing.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Hadid**

That Council:

1. Directs the CEO to provide a report back to Council by December 2019 detailing opportunities for the repurposing of Council owned or controlled land in the LGA for the purpose of affordable housing, noting any action on any report will be subject to community consultation; and

2. Notes the Chief Executive Officer's comment (as shown below):

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

CHIEF EXECUTIVE OFFICER'S COMMENT

Council staff are currently in the process of developing the Expressions of Interest package for 75-77 Hill Road, Lurnea for affordable/ community housing.

As per the 29 May 2019 Council resolution, Council will be providing a financial options paper, following the negotiation with suitable Offerer/s, along with any request to approve legal arrangements to affect and award the Offerer.

Following this process, Council will further review other Council owned or controlled land which may provide repurposing opportunities for affordable housing. The EOI process and negotiation will enhance the Council‘s understanding of future site selection and required development considerations. This will be reported to Council as per the proposed Notice of Motion; depending on the outcome of the EOI this may be later than December 2019.

It will be suggested that Council staff develop suitable selection criteria to determine potential site suitability, such as:

1. The land being surplus Council land and currently under-utilised
2. The land being designated ‘operational land’
3. The land being within 400 meters of transport hubs
4. The land being of suitable proximity to amenities
5. The land/ site is not part of Council’s short-term Delivery Program of works
6. There site is not earmarked for any specific strategic or delivery program for the long-term
7. The land has economic potential which, with affordable housing development, assist Council to realise the delivery of other infrastructure needs
8. The land is designated ‘community land’ but there is a strong business case to rezone and reclassify a portion of the land to provide affordable/ community housing.

Clr Hadchiti returned to the Chambers at 9.34 pm.
Clr Shelton, Clr Hagarty, Clr Kaliyanda and Clr Ayyad left the Chambers at 9.34 pm.
Clr Ayyad returned to the Chambers at 9.37pm.

ITEM NO: NOM 05
FILE NO: 181077.2019
SUBJECT: A Prominent Permanent Home for the City of Liverpool and District Historical Society

Background

The City of Liverpool and District Historical Society was established in 1959 by a small group of residents who were from old Liverpool families such as Fitzpatrick, Collimore, Rowe, Kelly, Hill and Havard.

They were proud of Liverpool's history and were committed to preserving and promoting its unique story. Their first meeting was held at the old Liverpool Town Hall on Moore Street in 1959 and was presided over by the then Mayor Ron Dunbier who was also a member. Since then, the society has lead a nomadic existence in its search to find a home.

From the old Liverpool Hospital/TAFE to the now demolished Colonial Hall to the Old Court House to our once home at the Bi-centennial Museum. In the fourth oldest town in Australia, The Liverpool City of Liverpool and District Historical Society is still looking for an appropriate heritage place to call a permanent home.

Their collection is currently stored in 'Eber's Bunker' under Liverpool Library.

The Society needs a home to be able to proudly, permanently, publicly, display approximately 10,000 items for residents and visitors to Liverpool to enjoy, learn and understand our rich and unique history.

It is interesting if you look at the provisions made for some of Liverpool's other great clubs and associations such as;

The Barefoot Waterski Club, was formed in 1960 and has a permanent home in Liverpool Helles park.

The New South Wales Radio Controlled Racing Car Club Inc established in the 1980's they have had a permanent home in Liverpool since the mid 1990's.

The Liverpool District Men's Shed has a permanent home provided for them in Liverpool.

The Liverpool City Brass Band, was formed in 1883, ceased during WWI and was reformed in 1924, it was given a Liverpool permanent home in 1962.

The City of Liverpool and District Historical Society was established in 1959 and yet Liverpool has been unable to find them a permanent home in 60 years.

Liverpool prides itself on the fact that we are the 4th oldest founded city in Australia.

This fact alone makes Liverpool's history unique.

Liverpool is fortunate to have the members of the Historical Society who have collected and maintained over 10,000 historic items for over 60 years.

It is time for Liverpool Council to recognise and utilise this Liverpool asset. How lucky Liverpool is to have the individuals who have done the work, who have dedicated their time to preserving Liverpool's history.

It is in as much Liverpool's best interest as the Historical Society for Council to provide them with a permanent prominent home from which they can publicly, permanently display with pride Liverpool's unique history.

Liverpool's history is one of Liverpool's greatest assets.

Liverpool Council's investment in Liverpool's History by providing the Society a permanent home will reward Liverpool by increasing the visitation economy which will support and attract more business which will contribute to the vitality of Liverpool.

By promoting Liverpool's History you will help to educate people on, who we are, how we got here, where we have come from and who were the original Australians.

It is the "Australian story" that with the new airport will become increasingly more important.

Council needs to value the assets that will enable Liverpool to tell that story.

One needs only to visit our neighbours at Camden, Campbelltown and Nepean Historic Society Museums to see what their Councils do and how they have maximised all opportunities their historic assets have to offer.

The provision of a permanent prominent home for the City of Liverpool and District Historical Society will benefit Liverpool's visitation economy. It will help to promote Liverpool as a destination. It will add Vitality to Liverpool. It will help to distinguish Liverpool from other Western Sydney Cities. It will benefit Liverpool in a way that is not possible by any other Liverpool Club and or organisation.

I move the Councillors to support this motion to find a permanent and prominent home from which Liverpool can proudly publicly present our Liverpool history.

NOTICE OF MOTION (Submitted by Councillor Rhodes)

That Council prepares a report back to the September 2019 meeting, for Council to consider all suitable public buildings, preferably historic, as a home for the City of Liverpool and District Historical Society, from which they may present a permanent public exhibition of Liverpool's proud history as well as provide a work space to manage, maintain and store their collection for the benefit of current and future generations.

COUNCIL DECISION

Motion: Moved: Clr Rhodes Seconded: Clr Hadid

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note, Clrs Shelton, Hagarty and Kaliyanda were not in the Chambers for this item.

Mayor Waller advised that Council would now move into Closed Session to deal with Items CONF 01, CONF 02, CONF 03, CONF 04, CONF 05, CONF 06 and CONF 07 pursuant to the Local Government Act 1993 as shown below:

- **CONF 01, CONF 02 and CONF 06** is confidential pursuant to the provisions of S10A(2) (g) of the Local Government Act because they contain advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

- **CONF 03** is confidential pursuant to the provisions of s10A(2)(e) of the Local Government Act because it contains information that would, if disclosed, prejudice the maintenance of law.

- **CONF 04** and **CONF 05** is confidential because they contain 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** is confidential because it contains personal matters concerning particular individuals (other than councillors).

To allow the gallery to leave the Chambers, Mayor Waller called a five minute recess at 9.39pm.

Council resumed at 9.44pm in Closed Session with all councillors present.

The CEO left the Chambers at 9.44pm and the Deputy CEO assumed the seat of the CEO for this item.

Clr Hadchiti asked that CONF 03 - Mayoral Direction pursuant to Section 226(d) of the Local Government Act 1993 be dealt with in conjunction with CONF 01.

Mayor Waller agreed that CONF 01 is to be dealt with CONF 03.

CONFIDENTIAL ITEMS

ITEM NO: CONF 01
FILE NO: 145013.2019
SUBJECT: Question with Notice - Clr Hadchiti - Occupation Certificates

Please address the following:

1. In the event Council becomes aware that there is a possibility of a private certifier issuing occupation certificates for properties that Council believes do not comply fully with conditions of consent, is the option of applying to the courts for an injunction to prevent these certificates from being issued available to Council?

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council receive and note the response provided in the Confidential Book.

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

ITEM NO: CONF 03
FILE NO: 166979.2019
SUBJECT: Mayoral Direction pursuant to Section 226(d) of the Local Government Act 1993

RECOMMENDATION

That Council note and endorse the Mayoral Direction dated 5 July 2019 attached to the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

The CEO returned to the Chambers at 10:14pm.

ITEM NO: CONF 02
FILE NO: 175441.2019
SUBJECT: Legal Affairs Report

RECOMMENDATION

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

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Kaliyanda**

That the recommendation be adopted.

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

ITEM NO: CONF 04
FILE NO: 176696.2019
SUBJECT: Acquisition of Lot 299 DP 2475 being 50 Sixteenth Avenue, Austral for drainage purposes

RECOMMENDATION

That Council:

1. Approves the acquisition of Lot 299 DP2475, being 50 Sixth Avenue, Austral on the terms outlined in this confidential report;

2. Authorises the CEO or her delegated officer to execute any document, under Power of Attorney, necessary to give effect to this decision;

3. Resolves to classify Lot 299 DP2475 as "operational" land in accordance with the Local Government Act, 1993; and

4. Keeps confidential this report 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: Clr Shelton** **Seconded: Clr Rhodes**

That the recommendation be adopted.

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

ITEM NO: CONF 05
FILE NO: 158634.2019
SUBJECT: Heathcote Road Upgrade LCC Property Adjustments and Public Road Dedication

RECOMMENDATION

That Council:

1. Approves the dedication of Lot 247 DP 846047 as public road for road widening purposes to formalise the existing road reserve as outlined in this report;

2. Approves the property adjustment works and easement amendments for relocation of existing services within Lot 2 DP 747513, Lot 32 DP 84597 and Lot 10 DP 1091209 as outlined in this report;

3. Authorises the CEO or her delegated officer to execute any document, under Power of Attorney, necessary to give effect to this decision; and

4. Keeps confidential this report 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: Clr Shelton** **Seconded: Clr Rhodes**

That the recommendation be adopted.

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

ITEM NO: CONF 06
FILE NO: 180946.2019
SUBJECT: Legal Matters

NOTICE OF MOTION

That Council under Section 10A(2)(g) of the Local Government Act 1993 go into closed session at the conclusion of other items to discuss advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council notes the information.

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

ITEM NO: CONF 07
FILE NO: 180954.2019
SUBJECT: Personnel Matters - Council in Closed Session

NOTICE OF MOTION

That Council under Section 10A(2)(a) of the Local Government Act 1993 go into closed session at the conclusion of other items to discuss personnel matters concerning particular individuals (other than Councillors).

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Kaliyanda**

That the Mayor and CEO come back to Councillors with further strategies.

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

OPEN SESSION

Council moved back into Open Session at 10:46pm.

Mayor Waller then read out the resolutions from the Closed Session (as shown on pages 61-67 of these minutes).

THE MEETING CLOSED AT 10.48pm.

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 28 August 2019

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 31 July 2019. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

……

Chairperson