



**MINUTES OF THE ORDINARY MEETING
HELD ON 28 AUGUST 2019**

PRESENT:

Mayor Wendy Waller
Councillor Balloot
Councillor Hadchiti
Councillor Hadid
Councillor Hagarty
Councillor Harle
Councillor Kaliyanda
Councillor Karnib
Councillor Rhodes
Councillor Shelton
Ms Kiersten Fishburn, Chief Executive Officer
Mr Tim Moore, Director City Economy and Growth / Deputy CEO
Mr Chris White, Director City Corporate
Dr Eddie Jackson, Director City Community and Culture
Mr Peter Patterson, Director City Presentation
Mr Raj Autar, Director City Infrastructure and Environment
Mr Andrew Stevenson, Chief Strategy and Engagement Officer
Mr Vishwa Nadan, Chief Financial Officer
Ms Tina Sangiuliano, Special Projects Officer
Mr John Morgan, Director Property and Commercial Development
Mr Charles Wiafe, Acting Manager Planning and Transport Strategy
Ms Galavizh Ahmadi Nia, Manager Community Development and Planning
Mr George Georgakis, Manager Council and Executive Services
Ms Susan Ranieri, Coordinator Council and Executive Services (minutes)

The meeting commenced at 6.00pm.

**STATEMENT REGARDING WEBCASTING
OF MEETING**

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

**ACKNOWLEDGMENT OF COUNTRY,
PRAYER OF COUNCIL AND
AFFIRMATION TO BE READ BY**

The prayer of the Council was read by Pastor Steve Riethmuller from Cartwright Gospel Chapel.

NATIONAL ANTHEM

The National Anthem performed by Rebekah Ferro was played at the meeting.

APOLOGIES

Motion: **Moved: Clr Balloot** **Seconded: Clr Hadid**

That leave of absence be granted for Clr Ayyad for her absence from the meeting.

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

CONDOLENCES

Nil.

CONFIRMATION OF MINUTES

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

That the minutes of the Ordinary Meeting held on 31 July 2019 be confirmed as a true record of that meeting.

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

DECLARATIONS OF INTEREST

Nil.

PUBLIC FORUM

Presentation – items not on agenda

1. **Ms Vicky Andrews** addressed Council on the following item:

NOM 05 – A Prominent Permanent Home for the City of Liverpool and District Historical Society from 31 July 2019 Council meeting. Reasons for not using Family History for Liverpool and District Historical Society museum

Motion: **Moved: Clr Kaliyanda** **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.

Representation – items on agenda

Nil.

MAYORAL REPORT

ITEM NO: MAYOR 01
FILE NO: 218726.2019
SUBJECT: Liverpool Boys High School Named Secondary School of the Year

Congratulations to Liverpool Boys High School on being named Secondary School of the Year – Government at the 2019 Australian Education Awards.

On Friday 23 August, I presented Liverpool Boys High principal Michael Saxon, deputy principal Vince Surace and student leaders Jareef Ahmed and David Phan with a certificate of recognition to mark the achievement.

Our community is proud to see a local school being recognised for its innovation and excellence at a national level.

Education is critical to the growth of Liverpool as Sydney's third CBD – and Liverpool Boys High School is blazing a trail to the future.

The school's introduction of Project Based Learning in 2014 was a significant game-changer and since then the school has only enhanced its reputation for education innovation.

Flexible, personalised learning is key to Liverpool Boys' success. The school's programs include the Big Picture Academy in which students are encouraged to pursue their passions and attend internships in areas such as physiotherapy, veterinary studies and media production.

The focus is on equipping students with the skills they will need for the jobs of the future, many of which will be in Liverpool as it thrives alongside Western Sydney International (Nancy-Bird Walton) Airport and the Aerotropolis.

This award win by Liverpool Boys High School is further confirmation of Liverpool's growing reputation as a centre of education excellence.

RECOMMENDATION

Motion: **Moved: Mayor Waller**

That Council receive and note this minute.

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

MAYORAL REPORT

ITEM NO: MAYOR 02
FILE NO: 221471.2019
SUBJECT: Delegation Visit to Sister City Calabria

Council formed a sister city relationship with Roccella in Calabria in 1993 to recognise the number of Italians, particularly Calabrians, who have made Liverpool their home. Council has sent two delegations to Calabria and received visits from Calabrian dignitaries.

In recent years, Councillors, previous Calabrian delegates and local Italian business people have expressed the desire to strengthen our sister city relationship and to foster stronger cultural links between our two cities and, in February 2016, Council resolved that Officers were to reconnect with our sister city in Calabria.

Apart from English, Italian is the most widely recorded overseas ancestry for residents of Liverpool and Council is maintaining strong cultural connections with the Italian community through partnerships with community groups and cultural activities.

Earlier this year I attended a business lunch with the Italian Chamber of Commerce and Industry in Australia at which there was a keen interest in developing a further relationship with Liverpool and opportunities around Western Sydney International Airport.

Council has received an official invitation from the Mayor of Roccella to visit.

Council's Civic Expenses and Facilities Policy provides for a Council delegation, comprised of Mayor, CEO and two other delegates, to be sent to a Sister City every two years. Other Councillors may join official delegations (with Mayor's approval) but meet all their own costs except accommodation and other expenses agreed to by the host Sister City.

There is funding within the 2019/20 Sister City Program budget to cover this expenditure.

In response to the Mayor's invitation, and in the interest of maintaining a strong cultural connection and relationship between our two cities, it is proposed that a delegation be sent from Liverpool to Roccella in October. As suggested by the liaison of the Sister City Committee, it is proposed that a visit to Parliament in Rome be organised as part of the delegation visit. The official delegation is expected to be approximately four days.

RECOMMENDATION

Motion: **Moved: Mayor Waller**

That:

- 1. Council receive and note this minute, acknowledging cultural connections between Roccella and Liverpool;
- 2. Council facilitate arrangements for a delegation from Liverpool to Calabria in October 2019, funded from the Sister City Program budget with a report to come back to Council on the outcomes of the visit;
- 3. The two other delegates to attend be Clrs Balloot and Hadchiti, with Clr Rhodes being a reserve should one not be able to attend. Council call for a further nomination should a further delegate not be able to attend.

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

CITY ECONOMY AND GROWTH REPORT

ITEM NO: EGROW 01

FILE NO: 072557.2019

SUBJECT: Draft Amendment 69 - Liverpool Local Environmental Plan 2008 - Advertising Signage in the Liverpool City Centre

RECOMMENDATION

That Council:

1. Not proceed with draft Amendment 69 to the Liverpool Local Environmental Plan; and
2. Writes to the Minister for Planning & Public Spaces requesting that the planning proposal not proceed pursuant to Section 3.35(4) of the *Environmental Planning and Assessment Act 1979*.

COUNCIL DECISION

Motion:

Moved: Clr Hadchiti

Seconded: Clr Rhodes

That Council:

1. That Council defer a decision until the public domain master plan is submitted to Council and community consultation is undertaken; and
2. Publicly exhibit draft Amendment 69 and the draft DCP amendment concurrently to seek feedback.

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

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

Vote Against: Clr Shelton

CHIEF EXECUTIVE OFFICER REPORT

ITEM NO: CEO 01
FILE NO: 195643.2019
SUBJECT: Biannual Progress Report

RECOMMENDATION

That Council notes and receives the Biannual Progress Report which outlines the progress of the principal activities detailed in the Delivery Program 2017-2021 and Operational Plan 2018-19.

COUNCIL DECISION

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

That Council defer this report to allow the CEO to review the document and update as necessary.

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

CITY COMMUNITY AND CULTURE REPORT

ITEM NO: COM 01

FILE NO: 196096.2019

SUBJECT: Access to facilities in Hot Weather and Measures to Cool the City

RECOMMENDATION

That Council:

1. Endorses the identified sites for the inclusion of water play facility, subject to further investigation and feasibility through the detailed design phase and masterplanning process; and
2. Endorses one of the 3 options identified for inflatable water park provision recommended under short-term measures for action.

COUNCIL DECISION

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

That Council:

1. Endorses the identified sites for the inclusion of water play facility, subject to further investigation and feasibility through the detailed design phase and masterplanning process; and
2. Endorse option 3 identified in the report for inflatable water park provision recommended under short-term measures for action, to coincide with the 2020 Australia Day Celebrations at Woodward Park.

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

That Council:

1. Receives and notes the report;
2. Encourages the provider to go through the normal channels to hire the facility;
3. Directs the CEO to work with the provider to undertake market research; and
4. Thank Council staff for their hard work.

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

CITY CORPORATE REPORT

ITEM NO: CORP 01
FILE NO: 193503.2019
SUBJECT: Investment Report July 2019

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

Motion: **Moved: Cllr Shelton** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

ITEM NO: CORP 02
FILE NO: 203779.2019
SUBJECT: Investment Policy - Proposed Amendments to Permit Borrowing from Section 7.11 Reserve

RECOMMENDATION

That Council:

1. Endorse the proposed amendments to Council's Investment Policy, included as **Attachment 7** to the report of staff;
2. Publicly exhibit the proposed amended policy for a period of not less than 28 days; and
3. In the event no negative submissions are received; delegate authority to the CEO to adopt the policy following the expiration of the 28 day exhibition period.

COUNCIL DECISION

Motion: **Moved: Cllr Hagarty** **Seconded: Cllr Hadchiti**

That:

1. Council endorse the proposed amendments to Council's Investment Policy, included as **Attachment 7** to the report of staff;
2. Council publicly exhibit the proposed amended policy for a period of not less than 28 days;
3. In the event no negative submissions are received; delegate authority to the CEO to adopt the policy following the expiration of the 28 day exhibition period;
4. Prior to the issue of any debentures, the Minister for Local Government or the Treasurer approve this document; and
5. Once and if Ministerial approval is received, that it be immediately communicated to Councillors.

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

CITY INFRASTRUCTURE AND ENVIRONMENT REPORT

ITEM NO: INF 01
FILE NO: 166812.2019
SUBJECT: Master Plan for Ernie Smith Reserve

RECOMMENDATION

That Council adopts the Final Master Plan and Report for Ernie Smith Reserve as attached.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: INF 02
FILE NO: 169923.2019
SUBJECT: 2018-19 Capital Works Carryover of Projects

RECOMMENDATION

That Council approves the works and services listed in Attachment 1 with a remaining budget of \$17,289,582 to be carried over from the 2018-19 Program Year to the 2019-20 Program Year.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: INF 03
FILE NO: 199432.2019
SUBJECT: Clean Air for Liverpool

Motion: **Moved: Cllr Harle** **Seconded: Mayor Waller**

That Council deal with this item at the end of the meeting in Confidential Session in accordance with S10(A)2(g) of the Local Government Act 1993 because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

This item was dealt later in the meeting in Closed Session.

COMMITTEE REPORTS

ITEM NO: CTTE 01

FILE NO: 185641.2019

SUBJECT: Minutes of the Liverpool Youth Council Meeting held on 3 July 2019

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Liverpool Youth Council Meeting held on 3 July 2019; and
2. Notes the progress of the Youth Council's members supporting Council's efforts to become single-use plastic free.

COUNCIL DECISION

Motion: **Moved:** Cllr Rhodes **Seconded:** Cllr Kaliyanda

That the recommendation be adopted.

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

ITEM NO: CTTE 02
FILE NO: 196430.2019
SUBJECT: Minutes of the Heritage Advisory Committee meeting on 12 June 2019

RECOMMENDATION

That Council receives and notes the minutes of the Heritage Advisory Committee meeting held on 12 June 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 03
FILE NO: 196725.2019
SUBJECT: Minutes of the Liverpool Pedestrian, Active Transport and Traffic Committee Meeting

RECOMMENDATION

That Council adopts the following recommendations of the Committee:

Item 1 Twentieth Avenue, Hoxton Park – Proposed Children’s Crossing

- Approves the installation of a Children’s crossing across Twentieth Avenue in front of Good Shepherd Catholic Primary School subject to community consultation.

Item 2 First Avenue and Twentieth Avenue intersection, Hoxton Park – Proposed Roundabout

- Approves installation of a roundabout at the intersection of First Avenue and Twentieth Avenue, subject to community consultation.

Item 3 Kingsbury Road and Peronne Road intersection, Edmondson Park – Proposed Roundabout

- Approves installation of a roundabout at the Kingsbury Road and Peronne Road intersection, subject to community consultation.

Item 4 Manning Street and Warwick Farm, Warwick Farm – Proposed Parking Arrangement

- Approves 4P parking restrictions along the section of Manning Street, between Munday Street and Priddle Street, subject to TfNSW support and community consultation.

Item 5 Hume Drive, West Hoxton – Proposed Linemarking Scheme

- Approves installation of signs and line marking scheme on Hume Drive, West Hoxton (as shown in Attachment 5.1 of the minutes).

Item 6 Feodore Drive, Cecil Hills – Proposed Traffic Facilities

- Approves installation of three raised thresholds across sections of Feodore Drive, Cecil Hills subject to community consultation.

Item 7 Kurrajong Road and Wingham Road intersection, Carnes Hill – Proposed Threshold on the Kurrajong Road Eastbound Approach

- Approves installation of a raised threshold across the Kurrajong Road eastbound approach to the roundabout.

Item 8 Manning Street, Warwick Farm – Heavy Vehicle Movements

- Approves installation of transverse lines and supplementary flashing warning signs to highlight the horse crossing area on Manning Street, subject to community consultation.

Item 9 1432-1436 Camden Valley Way, Leppington – Proposed Roundabout at Crystal Palace Way and Rainbows Way intersection

- Approves installation of a roundabout at the proposed intersection of Crystal Palace and Rainbows Way, Leppington subject to further review to ascertain whether landscape planting can be included in the design.

Item 10 146 Newbridge Road, Moorebank – Proposed Linemarking and Signposting Scheme

- Approves the proposed signs and linemarking scheme for an access road off Brickmakers Drive (as shown in Attachment 10.1 of the minutes).

Item 11. Items Approved Under Delegated Authority

- Notes the traffic facilities approved under Delegated Authority during June and July 2019.

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Kaliyanda**

That the recommendation be adopted.

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

ITEM NO: CTTE 04
FILE NO: 202535.2019
SUBJECT: Minutes of the Audit, Risk and Improvement Committee Meeting held on 26 July 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Audit, Risk and Improvement Committee Meeting held on 26 July 2019.

COUNCIL DECISION

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

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: 180567.2019
SUBJECT: Question with Notice - Cllr 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?

Response

Council has powers under the Local Government Act 1993 to issue orders to owners/occupiers of land if the land is not in a safe or healthy condition. Council staff use the guidelines in Council's Overgrown Procedures to help determine when action is advised.

COUNCIL DECISION

Motion: **Moved: Cllr Hagarty** **Seconded: Cllr Kaliyanda**

That Council undertake a public awareness campaign about the expected standards for the upkeep of vacant lots and how the public can assist in reporting potential breaches.

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

ITEM NO: QWN 02
FILE NO: 180568.2019
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?**

Response

In short, there are no specific legislative provisions preventing Liverpool City Council from implementing a local preference policy.

The relevant statutory provision relating to Council's requirements for tendering are set out in section 55 of the *Local Government Act 1993*. There is nothing in that section that specifically precludes Council from showing preference to local suppliers. Part 7 of the *Local Government (General) Regulation 2005* sets out applicable framework to be applied by Council in the tendering process. There is nothing in the relevant clauses (163-179) to prevent preference being shown to local suppliers.

Relevantly, in October 2009 the Department of Local Government (as it then was) produced tendering guidelines titled "Tendering Guidelines for NSW Local Government" (the guidelines). While the guidelines fall short of having legislative authority and are not necessarily mandatory for council's to follow, they do provide a useful insight into the issue of local supplier preferencing. One of the standards of behaviour and ethical principles set out in the guidelines is reproduced below:

No improper advantage: Councils must not engage in practices that aim to give a potential tenderer an advantage over others, unless such advantage stems from an adopted Council procurement policy such as a local preference policy.

Under the heading "1.6 Local Preferencing Policy" the guidelines note that local preferencing poses some "inherent risks in terms of anti-competitiveness and the maintenance of defensibility, accountability and probity". The guidelines state:

Where a council wants to consider local preference as a factor in the supply of goods and services or the disposal of property, it should develop and adopt a local preference policy. This policy should be based on sound reasoning and outline the circumstances in which the council would bring this policy into effect.

There have been significant developments and improvements made in Council's procurement practices over the last 12-18 months. This has included a team restructure, implementation of a business partner model, facilitation of significant increases in capital works expenditure and significant improvements in contract management practices. In this context priority has not been given to updating Council's Procurement Standards. Council staff will consider local preferencing as part of that update.

COUNCIL DECISION

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

That Council:

- Develop a Local Preferencing Policy and incorporate the principles of local preferencing into Council's Procurement Standards; and
- Report back on the potential to include other key anchor institutions and organisations in Liverpool, such as the universities, TAFE and Local Area Health in the Strategy.

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

ITEM NO: QWN 03
FILE NO: 181742.2019
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 provided in the report submitted to September Council meeting as per resolution of NOMR 01 from 31 July 2019 Council meeting.

ITEM NO: QWN 04
FILE NO: 207635.2019
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 provided in the report submitted to September Council meeting as per resolution of NOMR 01 from 31 July 2019 Council meeting.

ITEM NO: QWN 05
FILE NO: 181752.2019
SUBJECT: Question with Notice - Cllr 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?

Response

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

The petition, tabled by Cllr Rhodes at the 26 June 2019 Council meeting on behalf of the residents, was acknowledged by Council via a letter from the CEO on 27 June 2019. Council staff had organised a meeting with a representative group of petitioners on 4 July, which was postponed at the residents' request due to wet weather.

The Community Development team have made regular contact with the group to reschedule the meeting. A meeting was held with the residents on 1 August, attended by 7 residents and A/Director City Community & Culture, Manager Community Development and Planning and Manager Recreation and Community Outcomes.

The purpose of the meeting was to hear residents' concerns, inform them that the project is now in a delivery phase, and offer alternative arrangements to minimise the impact on their play time, including transportation, while the new facilities in Miller are being constructed. Residents were advised of the reasons for the decline of residents' request to speak at a Council meeting. The group is not satisfied with Council's decision and request at least 1-2 courts be retained. Council staff discussed the strategic and operational rationale for the decision and offered to provide a copy of the Council report which outlines diverse factors and details on the need to relocate the tennis courts. The group was also informed that Council is fast-tracking the construction of 4 tennis courts at McGirr Park, forecast for completion by the end of 2019.

As an interim measure and to reduce the impact on all existing users while the construction works are underway, Council officers met with the tennis court licensee

to discuss his request for access to alternative tennis court facilities so groups, including schools who travel to Phillips Park, can continue to play tennis. The tennis licensee informed Council that he no longer wants to pursue this option.

Council's resolution to relocate tennis courts to McGirr Park in Miller is part of Council's key objectives of creating an integrated community hub and new and improved facilities in Lurnea. The planning of McGirr Park tennis facilities is complete and currently in design stage for construction of 4 tennis courts by the end of 2019, and construction of amenities by April 2020.

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?

The speaker requests are approved or denied by the Chair of the meeting. The two constituents were advised that their requests were denied as the matter was now operational and staff could be contacted if they wished to discuss the matter further. It was advised the relocation of the tennis courts from Phillips Park to McGirr Park was an endorsed decision of Council, therefore an operational matter rather than a matter before Council.

Council's Code of Meeting Practice (page 38) also states that presentations on items not on the agenda must be limited to matters which in the opinion of the Chairperson are under the jurisdiction or influence of Council.

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

Speakers have been refused permission to address Council on previous occasions. This has been when the requests were received after the deadline.

COUNCIL DECISION

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

That Council

1. Notes the special needs of Liverpool's aging population; and
2. Receives a report back to the December 2019 Council meeting on how Council can identify and address the special needs of the aging population in the community through Consultation Policy and Procedures and Council's Social Impact Policy and Procedures.

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

ITEM NO: QWN 06
FILE NO: 181754.2019
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?**

The consultants were not instructed to directly contact hotels in the Liverpool LGA in the process of conducting the Baseline Figures Report.

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

No revisions have been made to the report.

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

Council staff will contact hotels in the Liverpool LGA to obtain their visitor numbers for both domestic and international stays. This raw data will be presented to the next Tourism & CBD Committee meeting on 1 October 2019.

It should be noted that the analysis and data contained in the Liverpool Baseline Figures Report was sourced directly from Tourism Research Australia's database for the National Visitor Survey and International Visitor Survey. This is the single, largest and most accurate set of visitor data in the country. It is the basis for all government planning regarding tourism and is used extensively by government tourism bodies, including Tourism Australia and Destination NSW. The data supplied in the report achieves a confidence level of 95%, at a confidence interval of +/-5%, which is industry standard.

The findings of the report are consistent with other available sources, including the following: The Tourism in Liverpool – A Snapshot 2017 report by Urbis which outlined international visitation to Liverpool at 34,982 in 2016.

Destination NSW’s Western Sydney Visitor Profile for year ending June 2018 indicates that there were 530,000 international visitors to Western Sydney; Parramatta LGA was the most visited (30%), followed by Canterbury-Bankstown and Blacktown LGAs (15% each). The remaining 212,000 international visitors were spread amongst the other Western Sydney LGAs, which include Hawkesbury, Penrith, the Hills Shire, Cumberland, Fairfield, Liverpool, Camden, Campbelltown and Wollondilly.

ITEM NO: QWN 07
 FILE NO: 181756.2019
 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?

Response

“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”.

Action 10 of the Liverpool Collaboration Area Place Strategy states that Council as the primary stakeholder supported by Land and Housing Corporation will “Investigate the potential for master planned precincts (such as NSW Land and Housing Corporation properties in Warwick Farm and rezoned land) to improve and increase social and affordable housing above the targets set out in the *Metropolis of Three Cities*.”

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

The definition of primary stakeholder in this instance is the agency or authority that takes the lead role in implementing the action.

2. What are the Targets set out in the Metropolis of Three Cities for:

a. Social Housing?

b. Affordable Housing?

The targets in the *Metropolis of Three Cities* are quite vague. The plan states “*Within Greater Sydney, targets generally in the range of 5-10 per cent of new residential floor space are viable, noting that these targets will be tailored to each nominated area.*” The Greater Sydney Commission and the Department of Planning, Industry and Environment will work together to “*develop mechanisms required to implement the proposed Affordable Housing Targets*”.

3. How much is Liverpool as the Primary Stakeholder Increasing above these Targets for:

a. Social Housing

b. Affordable Housing?

Liverpool Council has been applying the rule of thumb that developers proposing rezoning to residential should incorporate between 5 and 10% affordable housing in their developments, noting however that the percentage needs to consider the impact on the viability of the proposal. Council is preparing an Affordable Housing Contributions Scheme as part of the Local Housing Strategy to be considered by Council later this year.

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

No. The District Plan identifies 5-10% affordable housing for areas subject to rezoning. This is a consistent goal across Western Sydney.

Clr Kaliyanda left the Chambers at 7.13pm.

Clr Harle left the Chambers at 7.14pm.

ITEM NO: QWN 08

FILE NO: 211189.2019

SUBJECT: Question with Notice - Clr Hadchiti - Timeframe for response to calls and emails from residents or proponents

Please address the following:

1. Is there a policy in place in the organisation, covering all departments, for timeframes that calls/emails must be responded to from residents or proponents dealing with Council?
2. If so who monitors it?
3. If monitored what does the data show?

A response to these questions will be provided in the 25 September 2019 Council meeting business papers.

Clr Kaliyanda returned to the Chambers at 7.15pm.

ITEM NO: QWN 09

FILE NO: 211289.2019

SUBJECT: Question with Notice - Clr Ayyad - Status of Item CORP 03 from 27 March 2019 Council Meeting - Provision of Public Parking to City Centre South

Please address the following:

1. 'What is the status of the items resolved in the attached'?

A response to this question will be provided in the 25 September 2019 Council meeting business papers.

Clr Harle returned to the Chambers at 7.16pm.

ITEM NO: INF 04
FILE NO: 210542.2019
SUBJECT: Middleton Drive Extension

RECOMMENDATION

That Council:

- 1. Resolves to not seek public tenders for the engagement of North Western Roads (NWR) for their services associated with the extension of Middleton Drive in accordance with Section 55(3)(i) of the Local Government Act 1993, on the basis that extenuating circumstances exist that prevent competitive tenders being able to be called;
- 2. Notes that the engagement of Road and Maritime Services (RMS) for their services associated with the extension of Middleton Drive is exempt from the tendering provisions of the Local Government Act 1993 pursuant to Section 55(3)(b), as RMS is a statutory body representing the Crown; and
- 3. Notes that the Director City Infrastructure and Environment will finalise all details and sign the Letters of Acceptance for such works in accordance with his delegated authority.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Hadchiti**

That Council:

- 1. Resolves to not seek public tenders for the engagement of North Western Roads (NWR) for their services associated with the extension of Middleton Drive in accordance with Section 55(3)(i) of the Local Government Act 1993, on the basis that extenuating circumstances exist that prevent competitive tenders being able to be called;
- 2. Notes that the engagement of Road and Maritime Services (RMS) for their services associated with the extension of Middleton Drive is exempt from the tendering provisions of the Local Government Act 1993 pursuant to Section 55(3)(b), as RMS is a statutory body representing the Crown;
- 3. Notes that the Director City Infrastructure and Environment will finalise all details and sign the Letters of Acceptance for such works in accordance with his delegated authority; and
- 4. Write to the Federal Member and to the State and Federal governments and seek their support for funding for the Middleton Drive extension.

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

.....
Chairperson

PRESENTATIONS BY COUNCILLORS

- i. Cllr Rhodes made a presentation regarding WSROC's initiatives as shown below:

"As treasurer of The Western Sydney Region Organisation of Councils (WSROC) I would like to provide Council an update on new and emerging opportunities for Council through WSROC Programs and initiatives.

WSROC is currently investigating a contract opportunity for road surfacing materials that is made from recycled products.

Another WSROC procurement initiative is to negotiate with a renewable energy supplier via a Power Purchasing Agreement that will supply cheaper electricity to residents in Council's LGA and possibly under the independent Councils own branding.

WSROC through its Outreach Program will within 12 months deliver the opportunity for collaborative procurement for rooftop solar installations.

WSROC within 2 years will be delivering the opportunity for Council procurement of transport infrastructure that delivers a low carbon, low cost transport solutions.

Continuing WSROC's Light Years Ahead Program through participating partnership Councils have converted more than 20,000 streetlights to efficient LED Lighting avoiding 17,000 tonnes of greenhouse emissions each year and saving \$1.2m annually.

WSROC has recently met with:

*Minister For Planning and Public Spaces Minister, Rob Stokes 13 June;
Minister for Energy and Environment Minister, Matt Kean 29 July; and
Minister for Local Government, Minister Shelly Hancock 31 July
this year to address needs specific to Western Sydney.*

Some of the Matters raised with various Ministers included:

- 1. Urban Heat mitigation and adaption where it was explained that heat was rising in Sydney's West at twice the rate as the Sydney CBD.*

Our current Planning systems is delivering outcomes that exacerbate urban heat and compromise the resilience and health of our communities. There is a need for collaboration across all relevant agencies to develop appropriate collaborative design and planning policies that will deliver better outcomes for our communities.

WSROC asked the Minister to engage with Local Government to review the current planning framework and to consider SEPPs, LEPs, DCP,s BASIX, BCA and the national Construction Code in consideration of better design outcomes.

WSROC is already working with Resilient Sydney, Greater Sydney Commission and UNSW to develop a tool to assist in design and build of cooler communities. As well as is also working with NAROC councils to ensure that urban heat provisions are included in the LSPS and LEP reviews.

2. Planning for Waste Infrastructure and Service Delivery

WSROC asked that:

- 1. The Minister note the limited availability of land for new waste facilities and work with local government to ensure industrial lands are identified and protected from future residential encroachment.*
- 2. That the importance of Waste delivery be elevated in the planning process.*
- 3. The Minister recognise Waste as an essential service of equal importance to electricity, water and transport.*
- 4. The Government re-invest a greater proportion of monies collected under the NSW Waste Levy to enable innovative waste technologies for improved environmental outcomes through policy, research and evaluation.*

3. Social Infrastructure Funding

WSROC asked that:

- 1. Community facilities be included on the essential works list so that Councils can levy funding to build these under section 7.11.*
- 2. That NSW Government work with Councils to review mechanisms for funding regional infrastructure.*

4. Energy and Opportunities

WSROC asked that:

- 1. The Government work with Local Councils on energy related opportunities in Western Sydney to achieve emissions and cost savings and increase grid stability.*

5. Common operating environment for local Government

- 1. There is an opportunity for collaboration between State and Local Government to develop a best practice digital operating environment that encompasses both front of house and back office in a similar way as Service NSW providing a consistent experience*

for the community and baseline data sets across local Government.

2. *Independent Hearing Assessment Panels were imposed on Councils at Council's cost, with little consideration given to how the panels would be funded of the direct or indirect cost-implications in sitting fees and or the panel referring matters to the Land and Environment Court.*

There are far too many issues raised with the Ministers to put in this report, and a full WSROC report will be delivered to Council”.

- ii. Cllr Hagarty made a presentation to Council regarding the re-opening of Ferrington Park event that he attended on Sunday 25th August 2019.

The refurbishment of Ferrington Park is the result of a collaboration project between Liverpool City Council, The Liverpool District Men’s Shed and the Ferrington Collaborative (residents of Liverpool). Councillor Hagarty attended the event along with Mayor Waller and other Councillors and wanted to commend Council, the Liverpool District Men’s Shed and the community on the initiative.

The result of the project has been the upgrade of a public space by “the people” of the community in collaboration with the Council.

Clr Hagarty left the Chambers at 7.25pm.
Clr Hagarty returned to the Chambers at 7.26pm.

NOTICES OF MOTION

ITEM NO: NOM 01
FILE NO: 211179.2019
SUBJECT: Coaching and Development

Background

The coaching and development of staff is paramount to the success to an organisation no matter their size or the types of products or services they offer.

Currently in Council’s customer service centre, calls are recorded for coaching and staff development purposes and I have no doubt improvements have been made to the customer experience and also to the development of staff as a result of this practise.

Given this process is in place for the customer service centre Council should now consider rolling this out across the organisation.

NOTICE OF MOTION (submitted by Councillor Hadchiti)

That Council:

- 1. Direct the CEO in consultation with relevant stakeholders to expand the current policy that allows for calls to be recorded in the customer service centre to include the whole organisation;
- 2. Direct the CEO to report back to Council on the cost to implement such policy; and
- 3. Direct the CEO to report back to Council in the October 2019 meeting on the above.

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.

Mayor Waller and Councillor Shelton asked that they be recording as having voted against the motion.

Clr Hadid left the meeting at 7.30pm.

CONFIDENTIAL ITEMS

ITEM NO: CONF 01

FILE NO: 192335.2019

SUBJECT: Tender WT2827 - Construction of Cirillo Reserve Complex

RECOMMENDATION

That Council:

1. Accepts the Tender from Glascott Landscape & Civil Pty Ltd for Tender WT2827 - Construction of Cirillo Reserve Sports Complex for 12-month contract term at the GST exclusive price of \$6,598,937 for all four portions;
2. Makes public its decision regarding Tender WT2827 - Construction of Cirillo Reserve Sports Complex;
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; and
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: Clr Shelton

Seconded: Clr Hadchiti

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Councillor Hadid was not in the Chambers when the item was voted on.

Councillor Ayyad was not at the meeting.

ITEM NO: CONF 02
FILE NO: 201484.2019
SUBJECT: Acquisition of part of Lot 1 DP 567321 (Proposed Lot 101 Plan of Acquisition) being 2072 Camden Valley Way, Edmondson Park for open space/drainage purposes

RECOMMENDATION

That Council:

1. Approves the acquisition of proposed Lot 101, being part of Lot 1 DP 567321 (2072 Camden Valley Way, Edmondson Park) 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 proposed Lot 101 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 Rhodes** **Seconded: Clr Harle**

That the recommendation be adopted.

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

2. Approves the transfer of the SP2 – Drainage land identified in this report back to Council at nil value;
3. Approves the removal of the Restriction as to User on the title on the terms outlined in this report;
4. Allocates the transfer proceeds which includes repayment of s94 funding (including interest) for the portion of funds attributable to the original purchase, with the balance to be allocated to the Carnes Hill Stage 2 Precinct Development;
5. Delegates authority to the CEO and her delegates to negotiate any relevant terms of the contract on the basis that the purchase price remains as outlined in this report.
6. 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; and
7. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

Foreshadowed Motion: Moved: Clr Rhodes Seconded Clr Shelton

That Council:

1. Not sell Lot 88 DP 1236888; and
2. Land banks this site until there is such a time that Liverpool Council has a need to develop it.

On being put to the meeting the Motion (moved by Clr Hadchiti) was declared CARRIED and the Foreshadowed motion (moved by Clr Rhodes) therefore lapsed.

Division called (for the Motion moved by Clr Hadchiti):

Vote for: Mayor Waller
 Clr Hagarty
 Clr Karnib
 Clr Kaliyanda
 Clr Hadid
 Clr Hadchiti

Vote against: Clr Shelton
 Clr Rhodes
 Clr Harle

Note: Councillor Balloot was not in the Chambers when the item was voted on.
Councillor Ayyad was not at the meeting.

ITEM NO: INF 03
FILE NO: 199432.2019
SUBJECT: Clean Air for Liverpool

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

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

That Council:

1. Receives and notes this report; and
2. Explore costs and ways to expand the scope of air monitoring to include sites that are known to generate higher levels of pollution such as resource recovery operations, materials recycling sites and concrete manufacturing plants.

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

Council moved back into Open Session at 8.06pm.

Mayor Waller then read out the above motion which was passed in Closed Session.

THE MEETING CLOSED AT 8.07pm.

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 25 September 2019

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 28 August 2019. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.