



MINUTES OF THE ORDINARY MEETING HELD ON 20 NOVEMBER 2019

PRESENT:

Mayor Wendy Waller
Councillor Ayyad
Councillor Balloot (arrived at 6.03pm)
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 Raj Autar, Director City Infrastructure and Environment
Mr Chris White, Director City Corporate
Dr Eddie Jackson, Director City Community and Culture
Mr Peter Patterson, Director City Presentation
Mr David Smith, Manager Planning & Transport Strategy
Mr David Maguire, Internal Ombudsman
Mr Michal Szczepanski, Senior Property Officer
Mr Andrew Stevenson, Chief Strategy and Engagement Officer
Mr Vishwa Nadan, Chief Financial Officer
Mr George Georgakis, Manager Council and Executive Services
Ms Susan Ranieri, Coordinator Council and Executive Services (minutes)

The meeting commenced at 6.00pm.

**STATEMENT REGARDING WEBCASTING
OF MEETING**

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

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

CONF 03: 2020 Australia Day Awards.

Reason: Clr Harle knows one of the nominees that has been nominated for an Australia Day Award.

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

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

QWN 03: Question with Notice - Clr Hadchiti - Warwick Farm Precinct.

Reason: Clr Harle has family members that reside in the area.

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

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

CONF 03: 2020 Australia Day Awards.

Reason: Clr Kaliyanda knows one of the nominees nominated for an Australia Day Award.

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 02: WSROC Genx 100% Renewable Solar Power Purchase Agreement Opportunity.

Reason: Clr Rhodes is the treasurer of WSROC.

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

Clr Rhodes declared a pecuniary interest in the following item:

CTTE 01: Minutes of the Tourism and CBD Committee meeting held on 1 October 2019.

Reason: Clr Rhodes is not a member of the Tourism and CBD Committee but suggested the Committee invite the South West Sydney Tourism Taskforce (SWSTT) to present at one of their meetings.

Clr Rhodes knows all the people on the SWSTT through the Liverpool Business Chambers. She has no financial interest in SWSTT. Members of SWSTT do advertise in her magazine.

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

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

CONF 04: Code of Conduct Final Investigation Report.

Reason: Clr Rhodes is the person mentioned in that report.

Clr Rhodes made a brief statement at the beginning of the item, then left the Chambers for that item.

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

MAYOR 01 International Kempo Martial Arts Academy Pty Ltd lease arrangements.

Reason: Clr Hadchiti's children train at the Integrated Martial Arts Centre (IMC), though not at the Kemps Creek centre. Clr Hadchiti has no interest and pays standard fees.

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

MAYORAL MINUTES**ITEM NO:** MAYOR 01**SUBJECT:** International Kempo Martial Arts Academy Pty Ltd lease arrangements

International Kempo Martial Arts Academy has been operating in Liverpool for the past 40 years and are the long-standing lessee of the hall at the Bill Anderson Reserve, Kemps Creek.

To clarify the status of the lease with International Kempo Martial Arts Academy Pty Ltd which will expire on 31 December 2019, I move as a matter of urgency that Council:

Motion: **Moved: Mayor Waller**

1. Confirm its commitment to offer a three year lease extension to the International Kempo Martial Arts Academy Pty Ltd, as the long-standing lessee of the hall at the Bill Anderson Reserve, Kemps Creek;
2. Such an extension should be granted from 1 January 2020 to 31 December 2022, and on the same terms as those contained in the current lease, including rent reviews; and
3. Exempt this lease from the tender requirements under s.55(3)(e) of the Local Government Act 1993, as the term of the lease is less than five (5) years.

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

Councillors voted unanimously for this motion.

During this item as the motion was being read out, Clr Hadchiti declared a non-pecuniary, less than significant interest as his children train at the Integrated Martial Arts Centre (IMC) though not at the Kemps Creek centre.

ITEM NO: MAYOR 02
FILE NO: 298358.2019
SUBJECT: Renew Our Libraries Phase Two

The NSW Public Libraries Association's (NSWPLA) *Renew Our Libraries* funding campaign secured a \$12.95 million increase in Grants and Subsidies funding for NSW libraries in the 2019/20 NSW state budget – the largest single increase in funding since the introduction of the Library Act in 1939.

The average increase in state funding contributions paid to NSW councils for expenditure on library services in 2019/20 is 72.9% more than 2018/19 funding. This positive outcome is thanks to the efforts of more than 80% of NSW councils (ours included) to support the *Renew Our Libraries* campaign.

NSWPLA recently relaunched *Renew Our Libraries Phase Two*, focusing on the future sustainability of library funding through cost of living indexation and protection via inclusion of the new funding arrangements in library legislation. This step is critical to ensure that councils will receive the increased level of library funding in perpetuity, and in step with future cost of living increases. Without this assurance, funding for our libraries can easily diminish over time, leaving NSW councils to once again meet the shortfall.

It is important to note that *Renew Our Libraries Phase Two* seeks to index the funding and protect the future funding for libraries provided by the NSW government, regardless of which party is in power at any given time.

RECOMMENDATION:

Motion: **Moved: Mayor Waller**

1. That Council makes representation to local State Member(s) and relevant Ministers in relation to the need for a sustainable state funding model for the ongoing provision of public library services;
2. That Council write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model; and
3. That Council endorses the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

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

Councillors voted unanimously for this motion.

During discussion on the above item, following a request from Clr Hadid, Mayor Waller advised that Council will also send a letter of thanks to Local Government NSW for their lobbying and support regarding the allocation of funds for local Councils.

CHIEF EXECUTIVE OFFICER REPORT

ITEM NO: CEO 01
FILE NO: 273000.2019
SUBJECT: Council Meeting Dates - January to December 2020

RECOMMENDATION

That Council:

1. Confirms the Council meeting time as 6.00pm and Council meeting dates for the 2020 calendar year as follows:
 - 3 February 2020
 - 24 February 2020
 - 30 March 2020
 - 27 April 2020
 - 25 May 2020
 - 29 June 2020
 - 27 July 2020
 - 31 August 2020
 - 19 October 2020
 - 16 November 2020
 - 14 December 2020
2. Place appropriate notices in the local newspapers advising the community of the dates and commencing times of Council meetings for the 2020 calendar year.

COUNCIL DECISION

Motion

Moved: Clr Ayyad

Seconded: Clr Hadchiti

That Council:

1. Confirms the Council meeting time as 6.00pm and Council meeting dates for the 2020 calendar year as follows:

- 5 February;
- 26 February;
- 25 March;
- 29 April;
- 27 May;
- 24 June;
- 29 July;
- 26 August;
- 21 October;
- 18 November; and
- 16 December.

2. Place appropriate notices in the local newspapers advising the community of the dates and commencing times of Council meetings for the 2020 calendar year.

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

ITEM NO: CEO 02
FILE NO: 277507.2019
SUBJECT: Annual Code of Conduct Complaints Statistics Report

RECOMMENDATION

That Council receive and note this report and the attached Complaints Statistics Report, which has been submitted by the Internal Ombudsman to the Office of Local Government.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CEO 03
FILE NO: 277795.2019
SUBJECT: Review of Council's Privacy Policy

RECOMMENDATION

That Council adopt the draft Privacy Policy attached to this report.

COUNCIL DECISION

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

That Council

1. Adopt the draft Privacy Policy attached to the report;
2. Adopt the Declaration of Cities Coalition for Digital Rights; and
3. Write to the other Councils in the Western Sydney City Deal encouraging them to also adopt the Declaration, and Council also use WSROC as an advocacy platform to encourage other organisations too.

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

.....
 Chairperson

CITY ECONOMY AND GROWTH REPORT

ITEM NO: EGROW 01
FILE NO: 273724.2019
SUBJECT: Overview of Specific Planning Agreements

RECOMMENDATION

That Council:

1. Receive and note this report; and
2. Note that future updates will be provided at the Strategic Panel every 6 months, commencing May 2020.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: EGROW 02
FILE NO: 249694.2019
SUBJECT: Post Exhibition Report - Draft Liverpool Local Environmental Plan 2008 (Amendment 74) - Schedule 1 Amendment to permit multi-dwelling housing at 123 Epsom Road, Chipping Norton

RECOMMENDATION

That Council:

1. Notes the Gateway determination for draft Liverpool Local Environmental Plan 2008 (Amendment 74), the results of public exhibition and community consultation and the heritage impact assessment; and
2. Approves Amendment 74 and delegate’s authority to the CEO to liaise with the NSW Parliamentary Counsel’s Office and the Department of Planning, Industry and Environment to finalise the amendment.

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.

Councillors voted unanimously for this motion.

ITEM NO: EGROW 03
FILE NO: 266991.2019
SUBJECT: Endorsement of Liverpool Pioneers Memorial Park Conservation Management Plan

RECOMMENDATION

That Council note this report and endorse the Liverpool Pioneers' Memorial Park Conservation Management Plan.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: EGROW 04
FILE NO: 279285.2019
SUBJECT: Investigation of Heritage Incentives of City of Perth and Adelaide

RECOMMENDATION

That Council:

1. Implement a trial conservation grants scheme of \$25,000 per annum from 2020/2021 with full program review at end of 2022/2023; and
2. Engage a heritage architect and prepare a Heritage Minor Works Policy in 2020/2021.

COUNCIL DECISION

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

That Council:

1. Implement a trial conservation grants scheme of \$50,000 per annum from 2020/2021 with full program review at end of 2022/2023;
2. Engage a heritage architect and prepare a Heritage Minor Works Policy in 2020/2021; and
3. Undertake a communications strategy to inform the community of the conservation grants scheme.

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

ITEM NO: EGROW 05
FILE NO: 270940.2019
SUBJECT: Report back following NOM 04 - Affordable Housing and Planning for Infrastructure from 25 September 2019 Council meeting

RECOMMENDATION

That Council authorise the CEO to prepare correspondence highlighting the key issues outlined in this report, for distribution to the Minister for Planning and Public Spaces, WSROC and neighbouring councils.

COUNCIL DECISION

Motion **Moved: Clr Kaliyanda** **Seconded: Clr Karnib**

That Council:

1. Authorise the CEO to prepare correspondence highlighting the key issues outlined in this report, for distribution to the Minister for Planning and Public Spaces, WSROC and neighbouring councils; and
2. Hold a Briefing Session to allow Councillors to make suggestions and provide feedback.

(It was noted that this matter would be added to the Agenda for the Briefing Session, which is scheduled for 26 November 2019).

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

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

Vote against: Clr Ayyad
Clr Hadchiti

CITY COMMUNITY AND CULTURE REPORT

ITEM NO: COM 01
FILE NO: 271103.2019
SUBJECT: Draft Homelessness Strategy and Action Plan

RECOMMENDATION

That Council:

- 1. Endorses the Draft Homelessness Strategy and Action Plan for public exhibition for a period of six weeks; and
- 2. Receives a report at the completion of the public exhibition period noting feedback received and any changes made to the draft policy in line with community feedback, or if no submissions are received, delegate authority to the CEO to endorse the draft Homelessness Strategy and Action Plan.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: COM 02
FILE NO: 273804.2019
SUBJECT: COM 04 - Green Valley Hotel Liquor Licence Application

RECOMMENDATION

That Council:

1. Continues to make submissions and lobby Liquor & Gaming NSW in regards to adverse impacts of the industry for Liverpool LGA;
2. Advocates to NSW Government for increased Local Government decision making in gaming machine provisions, including the changed Local Impact Assessment Band that allows moving of or increase of poker machines within the Liverpool LGA; and
3. Considers a policy position, where public interest is in the forefront of all such decisions, including investigating measures of non-association with alcohol and gambling industries.

COUNCIL DECISION

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

That Council:

1. Continues to make submissions and lobby Liquor & Gaming NSW in regards to adverse impacts of the industry for Liverpool LGA;
2. Advocates to NSW Government for increased Local Government decision making in gaming machine provisions, including the changed Local Impact Assessment Band that allows moving of or increase of poker machines within the Liverpool LGA;
3. Advocates to NSW Government for local government’s SIA’s to be prioritised in considerations relating to gaming machine provisions and determination of the band assessments allocations; and
4. Considers a policy position, where public interest is in the forefront of all such decisions, including investigating measures of non-association with alcohol and gambling industries.

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: COM 03
FILE NO: 274151.2019
SUBJECT: Draft Social Impact Assessment Policy and Guidelines

RECOMMENDATION

That Council:

- 1. Endorses the draft Social Impact Assessment Policy and Guidelines for public exhibition for a period of six weeks; and
- 2. Receives a report at the completion of the public exhibition period noting feedback received and any changes made to the draft policy in line with community feedback, or if no submissions are received, delegate authority to the CEO to endorse the draft Social Impact Assessment Policy and Guidelines.

COUNCIL DECISION

Motion

Moved: Cllr Kaliyanda

Seconded: Cllr Shelton

That Council:

- 1. Endorses in principle the draft Social Impact Assessment Policy and Guidelines for public exhibition for a period of six weeks;
- 2. Receives a report at the completion of the public exhibition period noting feedback received and any changes made to the draft policy in line with community feedback, or if no submissions are received, delegate authority to the CEO to endorse the draft Social Impact Assessment Policy and Guidelines; and
- 3. As part of the regular internal cycle of review of the Social Impact Assessment Policy (every two years), Council is to engage a recognised independent Industry expert to undertake a peer review to ensure that the policy promotes best practice and is kept up to date and in line with changes to relevant planning guidelines.

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

CITY CORPORATE REPORT

ITEM NO: CORP 01
FILE NO: 265770.2019
SUBJECT: EOI2906 Collingwood House Commercial Opportunities

RECOMMENDATION

That Council:

1. Pursuant to clause 178 of the Local Government (General) Regulation 2005, does not award the Expression Of Interest EOI2906, as no submissions were received;
2. Makes public its decision regarding EOI2906 Collingwood House Commercial Opportunities; and
3. Directs the CEO to progress the adaption of Collingwood House as a boutique venue for functions and cultural events in accordance with the endorsed Heritage Properties Assets Strategy.

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.

Councillors voted unanimously for this motion.

ITEM NO: CORP 02
FILE NO: 275245.2019
SUBJECT: Bigge Park Cafes - Lot 702 DP 1056246, Bigge Street, Liverpool

RECOMMENDATION

That Council:

1. Resolve the objection to EOI WT2904 and WT2905 by confirming the veracity of the public notification process that was recently conducted by staff, and adopting the Council staff's recommendation to proceed with the tender process to offer the Bigge Park premises known as Courtside Cafe (WT2905) and Pump House Café (WT2904) for café/restaurant use, on five year tenures, with options for a further five years in each case;
2. Direct the CEO or her delegate to write to the relevant authorities and seek consent from the Minister to finalise the tender processes accordingly;
3. Direct the CEO to report the outcomes of the process to Council upon completion; and
4. Direct the CEO to notify the objector of this resolution, and the actions of Council in both progressing the tender, and seeking Ministerial approval.

COUNCIL DECISION

Motion

Moved: Cllr Rhodes

Seconded: Cllr Hagarty

That Council:

1. Resolve the objection to EOI WT2904 and WT2905 by confirming the veracity of the public notification process that was recently conducted by staff, and adopting the Council staff's recommendation to proceed with the tender process to offer the Bigge Park premises known as Courtside Cafe (WT2905) and Pump House Café (WT2904) for café/restaurant use, on five year tenures, with options for a further five years in each case;
2. Direct the CEO or her delegate to write to the relevant authorities and seek consent from the Minister to finalise the tender processes accordingly;
3. Direct the CEO to report the outcomes of the process to Council upon completion;
4. Direct the CEO to notify the objector of this resolution, and the actions of Council in both progressing the tender, and seeking Ministerial approval; and

5. Receive a further report on the matter once points 1 to 4 of this motion have been carried out.

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

ITEM NO: CORP 03
FILE NO: 276779.2019
SUBJECT: Investment Report October 2019

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

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

That the recommendation be adopted.

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

Clr Hadchiti returned to the Chambers at 7.09pm.
Clr Ayyad left the Chambers at 7:09pm.

ITEM NO: CORP 05
FILE NO: 280208.2019
SUBJECT: Community Wealth Building

RECOMMENDATION

That Council endorse the proposed amendments to Council’s Procurement Policy, included as Attachment 1 to the report of staff, and authorise the CEO to adopt the policy.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CORP 06
FILE NO: 285434.2019
SUBJECT: Annual Financial Statements 2018/19

RECOMMENDATION

That Council receives and adopts this report.

COUNCIL DECISION

Motion **Moved: Cllr Shelton** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

Clr Ayyad returned to the Chambers at 7:14pm.

COMMITTEE REPORTS

ITEM NO: CTTE 01

FILE NO: 265583.2019

SUBJECT: Minutes of the Tourism and CBD Committee meeting held on 1 October 2019

RECOMMENDATION

That Council:

1. Receive and note the Minutes of the Tourism and CBD Committee meeting held on 1 October 2019.
2. Endorse the recommendations and actions in the Minutes.

COUNCIL DECISION

Motion:

Moved: Clr Shelton

Seconded: Clr Harle

That the recommendation be adopted subject to the following changes to the minutes:

- Item 4.1 South West Sydney Tourism Taskforce (as shown on page 194 of the Agenda).

That the text be changed where it states Clr Rhodes 'requested' to read 'suggested', so that it reads:

4.1 South West Sydney Tourism Taskforce

Clr Rhodes suggested, that a member of the Committee propose the motion for a member of the South West Sydney Tourism Taskforce be invited to present at a future Committee meeting.

- The minutes to reflect Clr Harle as an apology; and
- That the minutes to note that Clr Rhodes submitted a declaration of interest as a member of the South West Sydney Tourism Taskforce at that meeting.

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

ITEM NO: CTTE 02
FILE NO: 268760.2019
SUBJECT: Minutes of the Liverpool Youth Council Meeting held on 2 October 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Liverpool Youth Council Meeting held on 2 October 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 03
FILE NO: 270710.2019
SUBJECT: Notes of the Meeting held on 8 August 2019 and Minutes of the Liverpool Access Committee Meeting held on 10 October 2019.

RECOMMENDATION

That Council receives and notes the Notes of the meeting held on 8 August 2019 and the Minutes of the Liverpool Access Committee meeting held on 10 October 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 04
FILE NO: 275506.2019
SUBJECT: Minutes of the Environment Advisory Committee held on 9 October 2019

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Environment Advisory Committee meeting held on 9 October 2019.
2. Endorses the recommendations in the Minutes.

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.

ITEM NO: CTTE 05
FILE NO: 277990.2019
SUBJECT: Minutes of the Strategic Panel Meeting 8 October 2019

RECOMMENDATION

That Council receives and notes the Minutes of the Strategic Panel Meeting held on 8 October 2019.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: CTTE 06
FILE NO: 279735.2019
SUBJECT: Minutes of the Civic Advisory Committee meetings held on 2 September 2019 and 25 October 2019

RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Civic Advisory Committee Meetings held on 2 September 2019 and 25 October 2019; and
2. Endorse the recommendations in the Minutes.

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.

ITEM NO: CTTE 07
FILE NO: 284868.2019
SUBJECT: Minutes of the Audit, Risk and Improvement Committee Meeting held on 18 October 2019

RECOMMENDATION

That Council:

- 1. Receives and notes the Minutes of the Audit, Risk and Improvement Committee Meeting held on 18 October 2019; and
- 2. Notes the Audit Risk and Improvement Committee’s opinion in relation to Private Certifiers (item 5.4 of minutes) in response to NOM 02 from the 31 July 2019 Council meeting.

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.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 271202.2019
SUBJECT: Question with Notice - Clr Hadchiti - Civic Place

Please address the following:

- 1. It was my understanding that Council has an agreement in place with UOW, was this the case given they have called for expressions of interest for accommodation?**

The Memorandum of Understanding (MoU), signed in April 2016 with the University of Wollongong (UoW), anticipated UoW space in the order of 5,000 sqm contained within Liverpool Civic Place (LCP). This MoU was non-binding.

Subsequently, the UoW brief expanded to the order of 40,000 sqm and LCP was then only ever expected to accommodate part thereof. The balance of the UoW space was expected to be in Liverpool, but not necessarily wholly contained within LCP.

Under the revised agreement with the developer, LCP now includes the opportunity for additional space, through the Built component, that could meet the entire need within the one site. LCC and Built have now submitted a joint EOI, offering to accommodate the entirety of UoW space requirements within LCP.

- 2. Prior to Council approving the expenditure for Civic Place it is my understanding that it was reviewed by the Audit Committee. Have they been advised that we are risk of losing the rental?**

LCP was reviewed at the ARIC meeting, but discussions were around the procurement process and Built's involvement and subsequent appointment. ARIC was satisfied with the processes Council undertook in this regard.

With respect to the financial risks associated with LCP, these will form part of Council's risk register and risk reporting to Council's Audit, Risk and Improvement Committee (ARIC). These risks include rental and tenancy risks, as well as risks related to possible capital unavailability, possible budget/cost blowouts, and numerous other foreseeable risks.

Staff are scheduled to update ARIC regularly during the delivery phase of LCP. Staff note that the financial risk concerning UoW relates to the issue of tenancy broadly, and that in the event UoW elect to progress their space needs through other means, Council will take all possible steps to secure alternative tenancies.

3. Did Council receive any sign off from any other Government Department and if so were they advised that UOW was only a maybe?

Council has never represented that any potential tenancy within LCP was a certainty. Future long term financial planning anticipates an income stream from a tenancy within LCP, and staff see no need to discount this at present. If future circumstances develop in an unfavourable manner, then adjustments may become necessary. However, staff can only conduct forward planning with the benefit of the information currently available.

ITEM NO: QWN 02
FILE NO: 271209.2019
SUBJECT: Question with Notice - Clr Hadchiti - Parking Meters

Please address the following:

Since the introduction of parking meters:

1. How much revenue has been collected (just a number)?

Year	Northumberland Street Carpark	Bathurst Street Carpark	On-Street Meter Revenue	TOTAL
2012	\$0	\$544,243	\$0	\$544,243
2013	\$295,055	\$292,323	\$1,216,661	\$1,804,039
2014	\$353,704	\$288,594	\$1,037,252	\$1,679,550
2015	\$364,925	\$297,155	\$958,172	\$1,620,252
2016	\$407,486	\$269,288	\$971,561	\$1,648,335
2017	\$462,469	\$307,263	\$951,785	\$1,721,517
2018	\$556,945	\$362,485	\$1,055,873	\$1,975,302
2019	\$539,378	\$336,911	\$1,005,574	\$1,881,863
Total	\$2,979,962	\$2,698,261	\$7,196,877	\$12,875,100

NOTE:

The above figures represent gross revenue only and do not include any allowances for maintenance or operating costs on meters or parking facilities.

2. How many new car parking spaces have been created in that time (just a number)?

These figures are the quantum of spaces delivered by Council. This does not reflect those included in developments.

CITY CENTRE	-	Car parks	-	87 spaces
	-	On street	-	10 spaces
OUTSIDE CITY CENTRE			-	130 spaces
PARKING SPACES REHABILITATED			-	79 spaces
CAR PARK EXPANSION				
Woodward Park			-	208 spaces
(Estimated completion – December 2019)				
NEW CAR PARK CONSTRUCTION – Speed Street			-	77 spaces

NEW CAR PARK CONSTRUCTION - Civic Centre - 300 spaces
(Due for completion late 2022 – early 2023)

3. How much has been issued in fines (just a number)?

Total number of fines issued:- 13,752
Total Value of fines issued:- \$1,391,712.00
Total Value of fines paid:- \$ 968,424.39

NB: the above figures relate only to fines issued for over stay or no ticket display in a metered parking space.

In relation to the new parking meters:

1. What was the cost of the introduction?

Parking Meter Upgrades	Amount
Upgrade to Pay by Plate (Paid)	\$406,000
On road automated process	\$ 69,000
Total Budget	\$475,000

2. Did the expenditure require a tender process?

No, as Council had a contract with the existing provider, and this item was managed as a variation to that contract.

3. Who authorised the expenditure?

The CEO, in order to avert a significant and ongoing WHS safety risk.

ITEM NO: QWN 03
FILE NO: 288469.2019
SUBJECT: Question with Notice - Cllr Hadchiti - Warwick Farm Precinct

Please address the following:

1. Given that I am yet to receive a response, is the CEO aware of any correspondence in relation to the Warwick Farm precinct that went against the wishes of the elected body?

If so what has been done about it?

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

That this item be discussed in Closed Session later at the meeting under section 10A(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.

Note: This matter was dealt with later in the meeting in Closed Session.

ITEM NO: QWN 04
FILE NO: 283265.2019
SUBJECT: Question with Notice - Cllr Hagarty - Granny Flats

Background

Granny flats, as the name suggests, are often used as housing for our older residents. Many older residents have limited financial means and downsize to a granny flat in order to live within those means.

Council recently introduced a contributions plan for the construction of granny flats. At present, there is no mechanism to enable payment of these contributions via instalments.

Please address the following:

- 1. What legal or other impediments are there to allowing the payment of contributions in instalments for those who can exhibit limited financial means?**

A response to this question will be provided in the 11 December Council meeting business papers.

ITEM NO: QWN 05
FILE NO: 283283.2019
SUBJECT: Question with Notice - Cllr Hagarty - Edmondson Park Commuter Car Park

Please address the following:

1. Has a Development Application for the construction of a multi-storey car park at Edmondson Park been lodged with Council by the State Government?
2. Are there any other delays or impediments Council could cause to the timely completion of this project?

A response to these questions will be provided in the 11 December 2019 Council meeting business papers.

ITEM NO: QWN 06
FILE NO: 287041.2019
SUBJECT: Question with Notice - Clr Hagarty - Feral Cats

Background

A vast majority of cat owners are responsible, caring and compassionate. They ensure their pets are easily identified through a collar or micro-chipping, are desexed and do not impose a danger to other animals. Council also does its part by offering free micro-chipping days and discounts for desexing.

Feral cats on the other hand kill native wildlife, damage property, rummage through residents bins and infect and attack domestic animals. They are a major problem no level of government appears willing or able to solve.

According to Council staff, feral cats fall under the responsibility of the Federal Department of the Environment and Energy. According to correspondence from the Federal Department of the Environment and Energy, the Australian Government is not responsible for the management of feral animals. The State Government advises Local Council enforces the relevant legislation, the Companion Animals Act 1998.

The Companion Animals Act 1998 states "any person may lawfully seize a cat if that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death". The Act is not entirely clear what can then be done with the caged feral cat once it is captured.

Please address the following:

- 1. Who is responsible for feral cats?**
- 2. What is Council's current policy for dealing with feral cats?**
- 3. What legislative impediments currently exist that restrict residents and Council in dealing with feral cats?**
- 4. What penalties exist for residents who feed and otherwise allow feral cats to prosper?**
- 5. What potential changes to the law could be made to allow residents and Council to better deal with feral cats?**
- 6. Dogs can be declared "declared" or "menacing", would treating feral cats in a similar manner be useful?**

A response to these questions will be provided in the 11 December 2019 Council meeting business papers.

ITEM NO: QWN 07
FILE NO: 288449.2019
SUBJECT: Question with Notice - C/r Kaliyanda - CBD Shopfront Activation Project

Please address the following:

1. What is the current timeline of the project?
2. Which impacts has the project had – both quantitative and qualitative?
3. Is there capacity to continue the project following the commencement of the Civic Place Project?
4. If not, what options are available to ensure that community benefits are not lost?

A response to these questions will be provided in the 11 December 2019 Council meeting business papers.

Clr Hadid left the Chambers at 7:21pm.

PRESENTATIONS BY COUNCILLORS

Clr Rhodes made a presentation to Council as shown below:

I wish to advise Council that at the WSROC Board meeting 14th November 2019 I was re-elected as Treasurer to the WSROC Board.

I look forward to continuing Council representation.

During my time of council representation since 2016, I have never missed a meeting and have lobbied for infrastructure in Western Sydney, paying particular attention to South West Sydney with one of my passions being the need to link the cities in west Sydney not only to each other but also to the new Airport.

I have successfully managed to re-introduce the Leppington spur continuation to the new airport as a WSROC lobbying priority to State and Federal Governments.

I continue to support WSROC in lobbying for the Bankstown line to Liverpool.

New Stations and rail / rapid transportation links and service infrastructure that services and links the Western City in a similar way as the inner-city suburbs of Sydney is infrastructure that is required not only to grow the area, but also to create and provide access to much need job opportunities.

The new stations and transportation infrastructure links would also alleviate the parking congestion currently experienced at many of Liverpool train stations.

I have participated in many of WSROC's conferences and events advocating not only in the best interest of Liverpool Council but for the Western City.

Director Peter Patterson attended the last WSROC meeting representing the CEO, and at the conclusion of the meeting one of his comments to me was "You are no shrinking Violet, you had a lot to say."

And I do!

I serve and will continue to serve this Council and Liverpool passionately.

I thank Council for giving me the opportunity to do so.

Clr Hadid returned to the Chambers at 7:23pm.

NOTICES OF MOTION

ITEM NO: NOM 01
FILE NO: 284773.2019
SUBJECT: Speed Camera Warning Signs

Background

Earlier this month, the State government confirmed it is considering removing signs that warn drivers as they are approach fixed and mobile speed cameras. The rationale for speed cameras, since their introduction, has been one of safety, not revenue raising. Removing these signs will stop drivers slowing down and therefore decrease safety.

Peter Khoury, a spokesman for NRMA, said of the changes "We want people to change their behaviour behind the wheel, not three weeks later when they get a fine in the mail." Former Deputy NSW Police Commissioner Nick Kaldas has labelled the move "one of the worst decisions I've seen in traffic law enforcement for some time."

Liverpool City Council has a long standing principle of first warning people and businesses, before further punitive action in many areas of compliance, so too should the State Government.

NOTICE OF MOTION (submitted by Clr Hagarty)

That Council:

1. Direct the CEO to write to the Minister of Transport expressing Council's opposition to the move; and
2. In the event the State Government does remove warning signs, erect similar warning signs at all locations in the Liverpool LGA where fixed speed cameras are present.

COUNCIL DECISION.

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

That the recommendation be adopted.

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

That Council:

1. Direct the CEO to write to the Minister of Transport expressing Council's support with the removal of camera warning signs which may increase the number of infringements being issued that will impact financially on residents in the Liverpool LGA and request if the signs are to be removed that:
 - i) Light camera infringements be restricted to demerit points only and carry no financial fines; and
 - ii) Direct the CEO to write to State Government, Local Government NSW, WSROC, SSROC and neighbouring Councils, Liverpool State and Federal members requesting their support for this motion.

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

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ITEM NO: NOM 02
FILE NO: 286820.2019
SUBJECT: WSROC Genx 100% Renewable Solar Power Purchase Agreement Opportunity

Background

WSROC has negotiated a Power Purchase Agreement with the Jemalong Solar 100% renewable energy project.

The project that is shovel ready and is scheduled to be operational in 2020, represents a low risk for Councils interested in reducing electricity costs to Council through a 100% renewable energy solution.

The minister for Local Government has indicated strong support for this initiative.

The current cost to purchase power is approximately \$65 per MWh. The Genx Power Purchase Agreement would offer a 2021 purchase price of approximately \$48 and \$50 MWh for participating Councils who commit to the project.

Council's commitment to the Jemalong Solar Project would be subject to:

- * The agreed 2021 price of between \$48 - \$50 per MWh
- ^ The offering not being affected by existing Council arrangements with energy retailers or other PPA's;
- * WSROC financial and legal management on behalf of participating Council's through appropriate agreed structures and arrangements; and
- * There being no legislative or regulatory obstacles to the execution of the PPA and mutually agreeable contractual arrangements.

Inviting WSROC to present this opportunity to Councillors for their consideration for Council's participation in a 100% renewable solar energy power provision in time to meet the 16 December 2019 contractual deadline, for the agreed 2021 price of between \$48 and \$50 per MWh, would present considerable savings for Council and support Council's sustainable liveable cities programs.

NOTICE OF MOTION (submitted by Cllr Rhodes)

That Council invite WSROC to present the Power Purchase agreement currently being negotiated with Genx Power at a special briefing meeting for Councillor consideration in time for the matter to be considered at the December Council Meeting 2019.

COUNCIL DECISION

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

That Council:

1. Holds an internal briefing and also invites WSROC to participate as a part of that briefing meeting either before, after and/or during that briefing to present the Power Purchase Agreement they are currently negotiating with Genx Power; and
2. The briefing meeting be held in time for the matter to possibly be considered at the December 2019 Council meeting in order to meet the WSROC deadline for the offer.

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

NOTE: *Following a briefing from WSROC and a review of the proposal in question, staff offered an apology to Cllr Rhodes in relation to the CEO Comment relating to NOM 02. It is not “legally impossible” to enter into the WSROC agreement, as the WSROC proposal is an investment offer (rather than a power supply arrangement).*

Clr Hagarty left the Chambers at 7:37pm.
Clr Rhodes left the Chambers at 7:38pm.
Clr Hagarty returned to the Chambers at 7:39pm.
Clr Balloot left the Chambers at 7:39pm.

CONFIDENTIAL ITEMS

ITEM NO: CONF 01
FILE NO: 275412.2019
SUBJECT: Fire and Rescue NSW Referrals

COUNCIL DECISION

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

That Council:

1. Note the inspection report by Fire and Rescue NSW, as shown in Attachment 1; and
2. Exercise its power to issue a Fire Safety Order as recommended by Council's Fire Safety Officer to address the identified fire safety deficiencies.

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

Clr Rhodes returned to the Chambers at 7:39pm.

ITEM NO: CONF 02

FILE NO: 276880.2019

SUBJECT: Proposed Granting of an Easement to Drain Water over Council's Public Reserve known as Discovery Park, 40 Atkinson Street, Liverpool - Lot 77 DP 27242

COUNCIL DECISION

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

That Council:

1. Approves entering into a Deed of Agreement and grant of an easement to drain water into an existing stormwater culvert located within Lot 77 in DP 27242, located at 40 Atkinson Street, Liverpool on the terms outlined in this report;
2. Keeps this report confidential 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;
3. Approves the transfer of the compensation amount into the General Property Reserve; and
4. Authorises its Delegated Officer to execute any document, under Power of Attorney, necessary to give effect to this decision.

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

Clr Harle left the Chambers at 7:40pm.
Clr Balloot returned to the Chambers at 7:41pm.

ITEM NO: CONF 03
FILE NO: 279570.2019
SUBJECT: 2020 Australia Day Awards

COUNCIL DECISION

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

That Council:

1. Endorse the recommended award recipients as proposed in this report; and
2. Keep the report and nominations containing the recommended award recipients confidential, pursuant to the provision of Section 10A(2)(a) of the Local Government Act 1993.

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

Mayor Waller advised that Council would now move into Closed Session to deal with:

- **Item QWN 03 Question with Notice - Clr Hadchiti - Warwick Farm Precinct** under section 10A(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.
- **Item CONF 04 Code of Conduct Final Investigation Report** under section 10A(2)(i) of the Local Government Act 1993 because it contains alleged contraventions of any code of conduct requirements applicable under section 440.

Clr Harle returned the Chambers at 7:41pm.

RECESS OF COUNCIL

Mayor Waller called a recess of Council at 7.41pm to allow members of the gallery to leave the Chambers.

The meeting resumed at 7.48pm in Closed Session with all Councillors present.

CLOSED SESSION

ITEM NO: QWN 03

FILE NO: 288469.2019

SUBJECT: Question with Notice - Clr Hadchiti - Warwick Farm Precinct

Please address the following:

1. Given that I am yet to receive a response, is the CEO aware of any correspondence in relation to the Warwick Farm precinct that went against the wishes of the elected body?

If so what has been done about it?

Response

Information was provided to Councillors. It was noted that Clr Hadchiti is satisfied to wait for the outcome of the processes and the question he asked.

ITEM NO: CONF 04
FILE NO: 284500.2019
SUBJECT: Code of Conduct Final Investigation Report

COUNCIL DECISION

Mayor Waller left the meeting at 8.14pm and Deputy Mayor Karnib assumed the Chair.
Clr Hagarty left the meeting at 8.15pm.
Clr Ayyad left the meeting at 8.15pm
Clr Kaliyanda left the meeting at 8.16pm.
Clr Ayyad returned to the meeting at 8.17pm.
Clr Kaliyanda returned to the meeting at 8.18pm.
Clr Rhodes left the meeting at 8.22pm
Clr Shelton retired from the meeting at 8.25pm.

Motion: **Moved: Clr Ayyad** **Seconded: Clr Harle**

That Council:

1. Receive and note the report as the conduct in the opinion of Council, does not warrant censure;
2. Note that the strong preference of Council is for Councillor Rhodes to apologise and that the Office of Local Government be advised of the resolution; and
3. Encourages and promotes respectful behaviour as per Council’s Code of Conduct.

On being put to the meeting the motion was declared CARRIED

OPEN SESSION

Council moved back into Open Session at 8.50pm with the Mayor in the Chair, and all Councillors except Councillors Karnib and Shelton present.

Mayor Waller then read out the resolution from the Closed Session (as shown above).

THE MEETING CLOSED AT 8.53pm.

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 11 December 2019

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 20 November 2019. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.