



**MINUTES OF THE ORDINARY MEETING
HELD ON 5 FEBRUARY 2020**

PRESENT:

Deputy Mayor Karnib
Councillor Ayyad
Councillor Balloot
Councillor Hadchiti
Councillor Hadid
Councillor Hagarty
Councillor Harle
Councillor Kaliyanda
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
Ms Tina Sangiuliano, Strategic Organisational Change Manager
Mr Vishwa Nadan, Chief Financial Officer
Mr Michael Knight, Deputy General Counsel
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 Deputy Mayor reminded everyone that in accordance with Council's Code of Meeting Practice (other than the Public Forum Section), the meeting is being livestreamed.

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

The prayer of the Council was read by Reverend Bruce Hammonds from Liverpool Presbyterian Church.

NATIONAL ANTHEM

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

APOLOGIES

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

That a leave of absence be granted for Mayor Waller for her absence from the meeting.

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

CONDOLENCES

Mr John Jewell (read by Clr Rhodes).

Long-time Liverpool resident John Jewell passed away on Monday 16 December 2019.

John Jewell is well known for his service to the local community and has served on many committees including:

- Bicentennial Committee;
- Holsworthy Amateur Swimming Club;
- Macarthur Woodturners; and
- Liverpool District and Moorebank Men’s Sheds.

He was a member of the Liverpool Sailing Club.

John organised the 75th Anniversary Commemoration of Lieutenant George Cantello’s death at Lieutenant Cantello Reserve, Hammondville. At that time he arranged for the American family descendants to come to Australia inviting them into his own home so that they could participate in their father and grandfather’s 75th Memorial Service, after which he proudly became their personal tour guide, taking them to Sydney’s iconic tourist attractions.

John was a passionate advocate for the monument erected in Lieutenant Cantello’s honour, making sure it was maintained and presented well for the memorial services.

He was an Officer of the Order of Liverpool Award recipient in 2017 for services to the community.

He was the local go to person for the history of Liverpool and in particular the Hammondville community where he grew up and attended school as a young boy.

John was a living memory of the Hammondville housing grants, from the depression during and just after WWII.

CONFIRMATION OF MINUTES

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

That the minutes of the Ordinary Meeting held on 11 December 2019 be confirmed as a true record of that meeting.

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

DECLARATIONS OF INTEREST

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

Item COM 01: Grants, Donations and Corporate Sponsorship.

Reason: Clr Hagarty is an ordinary member of the Liverpool and District Historical Society which is recommended for a grant.

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

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

Item COM 01: Grants, Donations and Corporate Sponsorship.

Reason: Clr Shelton is an ordinary member of the Liverpool and District Historical Society. No offices held.

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

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

Item COM 01: Grants, Donations and Corporate Sponsorship.

Reason: Clr Kaliyanda is an ordinary member of the Liverpool and District Historical Society. She does not hold any official positions. The Liverpool and Districts Historical Society is applying for a grant.

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

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

Item COM 01: Grants, Donations and Corporate Sponsorship.

Reason: Clr Rhodes was once a financial member of the Liverpool and District Historical Society.

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

PUBLIC FORUM

Presentation – items not on agenda

Nil.

Representation – items on agenda

1. **Mr John Anderson** addressed Council on the following item:

Item No. NOM 04 Moorebank Intermodal.

Clr Hadchiti left the Chambers at 6:15pm.

Clr Hadchiti returned to the Chambers at 6:17pm.

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

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

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

2. **Mr Erik Rakowski** addressed Council on the following item:

Item No: NOM 04 Moorebank Intermodal.

Motion: **Moved: Clr Hadid** **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.

3. **Dr Agnes Chiu** addressed Council on the following item:

Item No. NOM 01 Feral Cats and TNR Program.

CHIEF EXECUTIVE OFFICER REPORT

ITEM NO: CEO 01

FILE NO: 010444.2020

SUBJECT: 2020 Australian Local Government Women's Association NSW Branch
Conference

COUNCIL DECISION

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

That Council open the invitation to any Councillor wishing to attend and that Councillors advise the relevant officer as soon as possible.

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

ITEM NO: CEO 02
FILE NO: 010866.2020
SUBJECT: 2020 National General Assembly of Local Government

COUNCIL DECISION

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

That Council:

1. Notes that the 2020 National General Assembly of Local Government to be held in Canberra from Sunday 14 June – Wednesday 17 June 2020;
2. Councillors to contact the Councillors Support Officer if wishing to attend; and
3. Consider submitting the following motions for debate at the National General Assembly and a report be submitted to the March 2020 Council meeting for Council to consider the motions:

i. Koala Protection Order

Proposed motion: That LGA advocate for a National Koala Protection Order.

Background: Koala populations have been desecrated as a result of the Australian Bushfires and are under ever increasing threat by logging, the clearing of farming land and urban development. Unless there is a Nation Wide Protection Order with substantial fines and strict enforcement Australia may lose it famous national icon forever.

- ii. **Proposed Motion:** That LGA advocate for Sustainable Long Term Drought Mitigation Action Plan

Background: That LGA advocate for a National Action Plan to address negative impacts of drought to deliver sustainable, long term solutions that ensures water supply to all Australian cities and towns.

The recent drought has seen unprecedented number of towns run out of water requiring a national co-ordination to develop:

- a) A national plan to plant indigenous drought proofing trees that will encourage rain and the retention of water in top and sub soil.
- b) Limit on logging and land clearing plan that enforces for every tree removed 4 drought proofing trees must be planted and maintained in same local government area.

- c) Collection of flood waters into subterranean dams.
- d) A national water pipeline network.

iii. Sustainable Housing Development

Proposed motion: That LGA advocate for the federal government to enforce national housing development regulations that:

- a) Limits housing developments to cover no more than 40% of block size in urban developments.
- b) Ensures that Housing developments comply with heat sink regulations by introducing substantial fines for noncomplying developments.

iv. Feral Cats in urban areas

Proposed motion: That LGA advocate for funding:

- a) From the Federal Government and NSW State Government to support changes that enables Council to provide services that identifies stray cats that are not microchipped, nor desexed and found on the streets to be microchipped, desexed and housed until rehomed.

Increase of feral cats in suburban areas continues to grow to near plague proportions. Cats can breed at just 6 weeks of age and subsequently every 6 weeks after birth of any litter.

Unless action is taken feral cat populations will only continue to grow to plague proportions. Local Government needs financial support to address this issue.

v. Fast track Western City rail transportation network

Proposed motion: That: LGA advocate for Federal Government to provide funding to fast track a rail transportation network in the Western City.

vi. Koala Sanctuary and wildlife hospital

Proposed motion: That LGA advocate for State and Federal funding to provide Koala sanctuary and wildlife animal hospital in the southern end of the Western Sydney Parklands of the Liverpool LGA.

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

CITY COMMUNITY AND CULTURE REPORT

Cllrs Shelton, Kaliyanda, Hagarty and Rhodes left the Chambers at 6:41pm.

ITEM NO: COM 01
FILE NO: 317493.2019
SUBJECT: Grants, Donations and Corporate Sponsorship

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Balloot**

That Council approves the recommendation of **\$20,000** (GST exclusive) under the **Corporate Sponsorship Program** for the following projects:

Applicant	Project	Recommended
Vedic Festival Incorporated	Festival of Chariots 2020	\$10,000
Bonnie Support Services Ltd.	South Western Sydney International Women's Day Leadership Forum	\$10,000

That Council approves the recommendation of **\$10,000** (GST exclusive) under the **Community Grants Program** for the following projects:

Applicant	Project	Recommended
The City of Liverpool and District Historical Society	Liverpool Library Exhibition Space	\$5,000
Liverpool Neighbourhood Connections	Learn To Earn II	\$5,000

That Council approves the recommendation of **\$30,000** (GST exclusive) under the **Matching Grants Program** for the following projects:

Applicant	Project	Recommended
Moorebank Liverpool District Hockey Club	Spectator Shelter	\$15,000
Playgroup Queensland Ltd (trading as Sing & Grow)	Sing & Grow for Liverpool Community Hubs	\$15,000

That Council approves the recommendation of **\$10,000** (GST exclusive) under the **Sustainable Environment Grants Program** for the following projects:

Applicant	Project	Recommended
SCRAP	Integrating the Process at Holsworthy Community Garden	\$5,000
Civic Disability Services	Civic Seedling Start Up	\$5,000

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

Cllrs Kaliyanda, Shelton, Rhodes and Hagarty returned to the Chambers at 6:42pm.

ITEM NO: COM 02

FILE NO: 017944.2020

SUBJECT: Council delegation to Toda City for the Tokyo Olympics in July 2020

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Hadid

That Council:

1. Open the invitation to any Councillor & CEO or delegate wishing to attend subject to it being at no cost to Council whether monetary or by use of frequent flyer points; and
2. Make arrangements for travel if any interest is shown.

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

ITEM NO: COM 03
FILE NO: 019145.2020
SUBJECT: Carnes Hill Recreation Precinct Stage 2 Master Plan - Progress Report

COUNCIL DECISION

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

That Council:

1. Receives and notes the Carnes Hill Recreation Precinct Stage 2 Master Plan Progress Report; and
2. As part of the final report on the draft masterplan to be presented to Council in May 2020, a full range of funding options/sources be provided.

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

Councillors voted unanimously for this motion.

CITY CORPORATE REPORT

ITEM NO: CORP 01
FILE NO: 003742.2020
SUBJECT: Investment Report December 2019

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Hagarty**

That Council receives and notes this report.

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

COMMITTEE REPORTS

ITEM NO: CTTE 01
FILE NO: 000059.2020
SUBJECT: Minutes of the Heritage Advisory Committee on 5 November 2019.

COUNCIL DECISION

Motion: **Moved: Clr Hagarty** **Seconded: Clr Ayyad**

That Council:

1. Receive and note the Minutes of the Liverpool Heritage Advisory Committee Meeting held on 5 November 2019; and
2. Endorse the recommendations in the Minutes.

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

ITEM NO: CTTE 02
FILE NO: 001471.2020
SUBJECT: Minutes of the Environment Advisory Committee held on 2 December 2019

COUNCIL DECISION

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

That Council receives and notes the Minutes of the Environment Advisory Committee Meeting held on 2 December 2019.

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

ITEM NO: CTTE 03
FILE NO: 001952.2020
SUBJECT: Minutes of the Tourism and CBD Committee meeting held on 3 December 2019

COUNCIL DECISION

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

That Council receives and notes the Minutes of the Tourism and CBD Committee Meeting held on 3 December 2019, noting that quorum was lost in the second half of the meeting, and there were no recommendations.

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

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 331507.2019
SUBJECT: Question with Notice - Cllr Hadchiti - Civic Place

Please address the following:

Given the importance of this project and the cost to the rate payer, has an external audit been undertaken on the process so far from its inception to where we currently stand?

If not does the CEO think it's worth doing?

Response

The project has been subject to repeated and ongoing review by Council's Audit, Risk and Improvement Committee (ARIC), as well as close oversight by Audit NSW (as part of Council's annual external audit program). No dedicated external audit has been conducted. In the absence of any concerns having been raised by either ARIC or Audit NSW, staff do not see the need for a separate audit of the project at this time. However, if Council were minded to submit the project to further audit, staff would be more than happy to facilitate that process.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That Council:

1. Engage a suitably qualified organisation to undertake a full review/audit on the Civic Place project from its inception, including but not limited to the changes of the design to value for money; and
2. Resources be allocated from the unrestricted reserve to undertake this review.

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

Cllr Shelton asked that his name be recorded as having voted against the motion.

ITEM NO: QWN 02
FILE NO: 331536.2019
SUBJECT: Question with Notice - Cllr Hadchiti - Contamination Reports

Please address the following:

1. What stage contamination reports does Council require with the submission of a DA?
2. How do our requirements compare to other Councils or industry standards?

Response

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55) contains statutory provisions that compel Liverpool City Council to consider contamination and the need for remediation when determining a Development Application. Clause 7(1) of *SEPP No. 55* stipulates that a consent authority must not consent to the carrying out of any development on land unless:

- a) It has considered whether the land is contaminated, and
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and
- c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose

Risk of exposure to underlying contamination is likely to increase where a proposed development involves a transition to a more sensitive use. Therefore, Clause 7(2) of *SEPP No. 55* requires the consent authority to consider a report specifying the findings of a preliminary investigation of land if the proposed development involves a change of use on any land specified in sub clause 4 of the Policy. This includes land within an investigation area and land where potentially contaminating activities identified in Table 1 of the contaminated land planning guidelines have been undertaken.

The requirement for a preliminary investigation of the land extends to a proposed development involving a transition to a more sensitive land use (residential, educational, recreational, child care and hospital land) where there is no knowledge or incomplete knowledge of the site's history and it would have been lawful to carry out potentially contaminating activities on-site during this time.

Table 1 of the contaminated land planning guidelines identify some activities that may cause contamination including:

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production and disposal
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosives industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

This is not an exhaustive list and other potentially contaminating uses can be considered at the discretion of the determining authority. It is the Applicant's responsibility to provide Council with the information to address *SEPP No. 55*.

In addition to *SEPP No. 55*, Clause 1, Section 2.3.7 Site Contamination of the Liverpool City Council Growth Centre Precincts Development Control Plan dated November 2016 stipulates that 'all subdivision Development Applications, and applications proposing a change of use to a more sensitive land use (e.g. residential, education, public recreation facility etc.), shall be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with the NSW EPA Contaminated Sites Guidelines, State Environmental Planning Policy 55 – Remediation of Land and the *Contaminated Land Management Act, 1995 (sic)* and relevant Council Policies. Liverpool City Council Growth Centre Precincts

Development Control Plan covers development in Austral, East Leppington and a portion of Denham Court.

Clause 2 Section 2.3.7 Site Contamination of the Liverpool City Council Growth Centre Precincts Development Control Plan dated November 2016 specifies that 'where the Stage 1 Investigation identifies potential or actual site contamination a Stage 2 Detailed Site Investigation must be prepared in accordance with the NSW EPA Contaminated Sites Guidelines, *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land* and the *Contaminated Land Management Act, 1995* (sic) and any relevant Council Policies. A Remediation Action Plan (RAP) will be required to be submitted and approved by Council prior to development consent being granted for areas identified as contaminated land in the Stage 2 Site Investigation.

In accordance with these requirements, the Applicant would be required to engage the services of a suitably qualified contaminated land consultant to prepare a Stage 1 Preliminary Site Investigation for the Land. The Preliminary Site Investigation shall comply with applicable guidelines made or approved by the NSW EPA under the *Contaminated Land Management Act 1997* and identify all past and present potentially contaminating activities; identify potential contamination types; discuss the site condition; provide a preliminary assessment of site contamination; and assess the need for further investigations.

Where contaminating activities are suspected or known to have occurred, or if site history is incomplete, the Application may need to be supported by a Stage 2 Detailed Site Investigation. This investigation would need to give regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).

If the Stage 2 Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) would need to be prepared by a suitably qualified contaminated land consultant in accordance with applicable guidelines made or approved by the NSW EPA under the *Contaminated Land Management Act 1997*. In these circumstances, the Remedial Action Plan shall be referred to Liverpool City Council for review prior to determination of the Application.

The contaminated land planning guidelines state that accredited site auditors can assist a planning authority by commenting on or verifying information provided by a proponent in relation to site assessment. Engaging a site auditor can provide greater certainty about the information on which the planning authority is basing its decision, particularly where sensitive uses are proposed on land that may be contaminated and a statement about the suitability of the site is required.

A Site Audit may be necessary when the planning authority:

- believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete;
- wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines; and
- does not have the internal resources to conduct its own technical review.

SEPP No. 55 is a statewide approach to the assessment, management and remediation of contaminated land in NSW. Consent Authorities within NSW are required to address the requirements of *SEPP No. 55* and other Local Government Authorities including but not limited to Parramatta, Cumberland, Camden and Bayside have implemented lodgement requirements and assessment approaches similar to Liverpool.

Submission of the aforementioned documentation when lodging the Development Application enables Council to complete the planning assessment in a timely manner. To improve environmental health outcomes and efficiency during the development assessment process, Council also requires Development Applications to be supported by technical reports prepared by suitably qualified and industry certified environmental consultants.

In this regard, contaminated site reports shall be prepared by a suitably qualified contaminated land consultant who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

It is highly recommended that if clarification as to the extent of technical reporting required to be submitted with a Development Application is required that applicants utilise Council's services prior to lodgment of a DA including a Pre-DA application meeting, lodgment of a planning enquiry or seeking advice from Council's Planning Advisory team.

ITEM NO: QWN 03
FILE NO: 331512.2019
SUBJECT: Question with Notice - Cllr Hadchiti - Middleton Grange

Please address the following:

1. How much has been collected in 7/11's for Middleton Grange?
2. What projects are yet to be completed under Sect 7/11?
3. What is the projected 7/11 still to come in?
4. Who owns the sections of roads that run through the Parklands, for example Flynn and Twenty Seventh Ave?
5. Are there any plans to close off any existing roads referred to in point 4?
6. If the road under the M7 has all its approvals in place does Council have the funds to actually build it?

Response

1. How much has been collected in 7.11's for Middleton Grange?

As of 30 November 2019, Council has collected \$53,914,690 in s7.11 contributions in Middleton Grange. Council has provided works in accordance with the Contributions Plan to the value of \$51,688,101.

2. What projects are yet to be completed under Sect 7.11?

There is a range of projects encompassing roads/transport, drainage, community facility and recreational. The full list of projects that are identified for delivery within Middleton Grange as a part of *Liverpool Developer Contributions Plan 2009* is included in Appendix A. This list also includes projects funded in the 2019/20 budget.

3. What is the projected 7.11 still to come in?

There are two main elements to future contributions in Middleton Grange – development of the remaining residential land and development of the town centre.

Estimated contributions for the town centre is around \$23,000,000. This will be confirmed once a DA is lodged with final yields.

It is expected that the remaining residential land will provide an additional \$3,277,500. This may change depending on the specific densities delivered, as the contribution is based on a per dwelling rate.

4. Who owns the sections of roads that run through the Parklands, for example Flynn and Twenty Seventh Ave?

Council is the owner and roads authority for all roads that run through the western Sydney Parklands.

5. Are there any plans to close of any existing roads referred to in point 4?

There are currently no plans to close any roads that run through the Parklands area.

6. If the road under the M7 has all its approvals in place does Council have the funds to actually build it?

Council currently has half of the estimated \$6m budget for the works as a part of Section 7.11 contributions for Middleton Grange. The additional funds will need to be allocated by Council as a part of a future budget update.

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Hagarty

That Council immediately review the condition of roads such as Twenty Seventh Avenue and report back to Council in the March 2020 meeting on the cost to bring the roads up to a standard that allows driving on them.

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

ITEM NO: QWN 04
FILE NO: 331516.2019
SUBJECT: Question with Notice - Cllr Hadchiti - DA's and Planning Proposals

Please address the following:

1. Based on what has been seen so far, is it fair to say that if the above are assessed externally they are turned around quicker?

Response

Development Applications

Council outsourced two development applications for external assessment, one in 2018 and one in 2019 (DA-191/2018 and DA-228/2019).

DA-191/2018 was withdrawn and Council records indicate that it took 188 working days to be finalised. DA-228/2019 was approved by the Local Planning Panel and Council records indicate that it took 103 working days to be determined.

In 2018 and 2019, Council's average determination times were 87 days and 98 days respectively. Based on this information, applications dealt with internally as opposed to externally were determined quicker.

Planning Proposals

Consultants have assessed eight planning proposals on behalf of Council over the past two years to supplement existing staff resources within the Planning & Transport Strategy department. The work undertaken by consultants involves reviewing the planning proposal and preparing a report for the advice of the Liverpool Local Planning Panel and for a Council decision.

During this time, Council has been responsible for the preparation of several key strategic planning projects involving the use of significant staff resources, including the Local Strategic Planning Statement, the Community Participation Plan and the Local Environmental Plan review. Council has also been involved, through the Western Sydney Planning Partnership on the development of the Western Sydney Aerotropolis Plan.

The use of consultants to undertake the assessment of some planning proposals has been necessary to ensure that the high workload of the strategic planning team is appropriately managed to minimise the time taken from lodgment of the planning proposal to a decision of Council on whether the planning proposal should proceed to a Gateway determination.

Planning proposals undertake a 7-step process, including:

- Preliminary assessment (or preparation of proposal if initiated by Council)
- Prepare a report on the merits of the proposal for the advice of the Liverpool Local Planning Panel (LPP)
- Seek endorsement from Council to proceed to Gateway determination
- Gateway determination by the Department of Planning, Industry and Environment (DPIE)
- Action conditions of Gateway determination (including public agency consultation and public exhibition)
- Seek endorsement from Council to finalise planning proposal
- Liaise with Parliamentary Counsel to gazette changes to the LEP (DPIE may do this depending on authorisation)

Consultants have assisted with the first two steps in the planning proposal process with staff responsible for the remaining once the Council has decided whether a proposal should proceed.

The outsourcing of planning proposals assists greatly in managing workloads and ensuring the merit assessment of a proposal is considered in a timely manner. This is particularly the case at present given the significant development interest in Liverpool and legislative change requiring Councils to prepare a LSPS and review their LEP. However, the use of consultants does not necessarily mean that planning proposals are gazetted quicker as the use of consultants is largely limited to the initial phases of the planning proposal process, with Council officers required to do most of the work after a decision is made by Council on whether a proposal should proceed.

ITEM NO: QWN 05
FILE NO: 331517.2019
SUBJECT: Question with Notice - Clr Hadchiti - Flooding

Please address the following:

1. In the history of Liverpool has there ever been a time where a development has been required to be built above the PMF?

Response

Council's management of its flood prone lands is governed by the NSW Government's Flood Prone Lands Policy, its Floodplain Development Manual and associated Guidelines, which together support the wise and rational development of flood prone lands. While Government Guidelines preclude the use of probable maximum flood (PMF) to set development controls for residential development, it acknowledges that development controls may need to be applied to critical infrastructure (such as hospitals) and vulnerable developments (like nursing homes) in floods exceeding the 100-year event. Further, the Guidelines also require Councils to fully consider accessibility of evacuation routes for all types of developments in flood events exceeding the 100-year flood to ensure people affected by the more rare and extreme floods can be safely and quickly evacuated.

To this end, there are numerous critical and vulnerable developments within Liverpool where Council has adopted and accordingly applied the PMF as the flood planning level. Examples include the Scalabirini Village Aged Care Facility at Chipping Norton, and the Liverpool Boys and Liverpool Girls High Schools in Liverpool.

Further, and as noted above, while PMF levels are not suitable to set development controls for residential developments, under the Government Policy, it is prudent to consider evacuation routes and its viability in floods exceeding the 100-year event. It is possible that while flood free and accessible to 100-year flood level, evacuation routes could become inaccessible quite rapidly in flood events even slightly over the 100-year event, thus making any emergency evacuation and recovery efforts impossible, with consequent serious risks to human life.

Areas in Moorebank East that are affected by flooding from the Georges River are relevant examples of this. These areas are located above the 100-year flood level and can be accessible in floods up to that level. However, in larger floods they will become flood islands isolated by hazardous flood waters, and it will be quite possible for these flood islands to be completely inundated by hazardous flooding. Because these areas can be isolated and remain inundated by hazardous flooding for over two days, sheltering in place is not considered to be an appropriate primary or secondary flood response. These properties must therefore be evacuated before the evacuation routes are cut. Hence the need to consider flood risks to developments for the full range of flood events, beyond the 100-year flood.

It should also be noted that the State Emergency Services, as the responsible authority for emergency evacuation during floods, do not support council approving developments on such flood prone lands unless appropriate access for fail-safe evacuation of the entire population at risks of flooding is made available.

Note: 100-year flood in this report refers to the 1% AEP flood, which has a 1% or 1 in 100 chance of occurring in any one year.

ITEM NO: QWN 06
FILE NO: 331519.2019
SUBJECT: Question with Notice - Cllr Hadchiti - Professional Development

Please address the following:

1. Does the CEO think it would be worthwhile to engage an expert to run a session for Councillors on the costs of developments and on impacts policies may have in being able to deliver affordable housing?

The Question with Notice was included in the 11 December 2019 Council Agenda and a response was provided by the Chief Executive Officer at that meeting.

ITEM NO: QWN 07
FILE NO: 331523.2019
SUBJECT: Question with Notice - Cllr Rhodes - External Reports Commissioned by Council

Please address the following:

1. Can Council provide a report on all external reports commissioned by Council from September 2016 to November 2019?
2. Can all reports be made available to all Councillors on the Council Intranet?

The Question with Notice was included in the 11 December 2019 Council Agenda. The matter was discussed by Council at that meeting and a motion was moved and carried. Therefore a response to these questions are no longer required as officers will be actioning the resolution from the December meeting.

ITEM NO: QWN 08
FILE NO: 331526.2019
SUBJECT: Question with Notice - Clr Rhodes - RMS Traffic Modelling

Please address the following:

On June 25th 2019 Liverpool City Council advised the Independent Planning Commission the RMS Modelling is being withheld and Liverpool City Council has not been supplied with the traffic modelling.

Only a week later on July 2nd 2019 the Road and Maritime Services advised the Independent Planning Commission it had supplied the traffic modelling to Liverpool City Council.

1. Can Council confirm that the \$3.4 million dollar traffic and transport study of the Moorebank / Liverpool region and the Terminals, performed by the NSW State Agency Road and Maritime Services has in fact been supplied to Liverpool City Council?
 - a) If so, when it was supplied?
 - b) Was the underpinning data set also supplied?
 - c) What internal review process has been undertaken by Liverpool City Council since it was supplied?
 - d) What if any external peer review has been sought by Liverpool City Council since it was supplied?
 - e) Can Council obtain the underpinning data set for the mesoscopic modelling, if it was not supplied by Road and Maritime Services?
 - f) Can Council provide a copy of the RMS Traffic report to all Councillors via email before, or at the December Council Meeting 2019?

COUNCIL DECISION

Moved: Clr Rhodes

Seconded: Clr Harle

That Council:

1. Immediately lodge a GIPA application with the RMS for the traffic modelling report and take any follow up legal action necessary; and
2. Write to the State and Federal Governments requesting an extension of exhibition time for Council and Councillors to be able to carry out their duties in accordance with the law.

Clr Hadchiti left the Chambers at 7.04pm.

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

Councillors voted unanimously for this motion (Clr Hadchiti was not in the Chambers when the motion was voted on).

Clr Hadchiti returned at 7.06pm

ITEM NO: QWN 09
FILE NO: 331530.2019
SUBJECT: Question with Notice - Cllr Harle - Access to GIPA Information Referred to in the Confidential Section at Council Meeting 20 November 2019

Please address the following:

1. Council recently received numerous GIPA request for relevant documents relating to the Warwick Farm Racing Precinct that is now subject to an independent inquiry.
 - a) What steps are necessary for Councillors to have a copy of those documents?

Response

The information supplied in response to the applications can be accessed by making an application under the GIPA Act.

ITEM NO: QWN 10
FILE NO: 331540.2019
SUBJECT: Question with Notice - Clr Harle - Refurbishment Costs of Council Buildings at Hoxton Park Road Complex

Please address the following:

1. What were the total costs of refurbishing the Council buildings at Hoxton Park Road complex?
2. What were the costs associated with moving the SES Unit from the Rose Street Depot to the Hoxton Park complex?
3. What are the overall costs of accommodating the Men's Shed in the previous SES accommodation at the Rose Street Depot?

Response

1. What were the total costs of refurbishing the Council buildings at Hoxton Park Road complex?

The costs of Council refurbishing the Hoxton park Road building for its accommodation needs are as follows:

Refurbishment, rectification and repair work: \$940,000
(costs reflect significant repairs due to previous vandalism and theft from vacant building)

Future works – compliance to Australian Standards and Codes: \$750,000

2. What were the costs associated with moving the SES Unit from the Rose Street Depot to the Hoxton Park complex?

In accordance with the Council resolution to relocate the SES Unit from the Rose Street Depot to Council's Hoxton Park Road complex, the new SES Unit premises was designed and constructed in conjunction with the SES to meet their operation needs and allow for future growth.

The cost to construct the new SES premises at Hoxton Park Road was: \$1,500,000.

The cost of relocation of the SES from Rose Street Depot to Hoxton Park Road was borne by the SES.

3. What are the overall costs of accommodating the Men’s Shed in the previous SES accommodation at the Rose Street Depot?

As addressed in the Council meeting of 11 December 2019, Council resolved to allocate \$120,000 for the upgrading/ refurbishment of the old SES premises at Rose Street Depot to accommodate the Men’s Shed.

ITEM NO: QWN 11
FILE NO: 331542.2019
SUBJECT: Question with Notice - Clr Harle - Parkbridge Estate

Please address the following:

1. Did Council Staff attend the Movie Night function held on 30 November 2019?
2. What was the function of Council Staff's attendance?
3. How and by whom was Council invited?
4. Who authorised Council Staff to attend?
5. How much did it cost Council?
6. Could Council's attendance be misinterpreted as supporting people opposed to the Town Centre proposal by attending and giving them additional information, support, and convenience to make a submission that Council does not offer to the broader residence in Middleton Grange?

Response

1. Did Council Staff attend the Movie Night function held on 30 November 2019?

Yes. Two staff attended the event (Senior Strategic Planner and Community Engagement Officer) for one hour (between 5pm-6pm).

2. What was the function of Council Staff's attendance?

At its meeting of 25 September 2019, Council resolved, amongst other things, to "undertake community consultation in conjunction with the assessment of an application and that the community consultation not overlap the December / January holiday period." Two staff attended the event to conduct community consultation on the revised planning proposal for Middleton Grange town centre, as provided for by Council's resolution.

3. How and by whom was Council invited?

Council received an invitation to attend the event by the Chairperson of the Parkbridge Executive Committee.

4. Who authorised Council Staff to attend?

Based on the Council resolution, the Director of City Economy & Growth accepted the invitation for Council staff to attend the event to undertake community consultation.

5. How much did it cost Council?

The cost was limited to staff salary costs for the one hour of attendance at the event.

6. Could Council's attendance be misinterpreted as supporting people opposed to the Town Centre proposal by attending and giving them additional information, support, and convenience to make a submission that Council does not offer to the broader residence in Middleton Grange?

Community consultation of the planning proposal was authorised by Council resolution of 25 September 2019. Staff attending the event did not provide "additional information" to those attending the event. The information provided by staff was the same as that provided to those who attended the New Release/Established Areas Community Forum held at the Thomas Hassall Anglican College on 25 November 2019.

ITEM NO: QWN 12
FILE NO: 331543.2019
SUBJECT: Question with Notice - Cllr Hadid - Briefing Session on the City Deal

Please address the following:

A couple of Council meetings ago, the CEO advised that the briefing session on the City Deal that was cancelled will be rescheduled.

1. Has it been?
2. Why was the initial one cancelled?

Response

The City Deal briefing was postponed due to an unavoidable diary clash that meant the CEO would not be in attendance. As the CEO has been the key officer in all City Deal meetings and negotiations, it was determined that she should be in attendance at a briefing in order to answer any questions. The briefing will be rescheduled as soon as possible.

ITEM NO: QWN 13
FILE NO: 331546.2019
SUBJECT: Question with Notice - Clr Ayyad - Civic Place

Please address the following:

1. In relation to the proposed Civic Place, are there any updates on how the submission that Council Officers made to the UOW are going?
2. Once a resolution is carried by Council, what does the Local Government Act state should happen?

Response

- 1. In relation to the proposed Civic Place, are there any updates on how the submission that Council Officers made to the UOW are going?**

In relation to Council and Built's joint submission for University of Wollongong's South Western Sydney Campus, University staff are still reviewing the various submissions and expect to short list the options mid-February 2020.

- 2. Once a resolution is carried by Council, what does the Local Government Act state should happen?**

Section 335 of the Local Government Act notes that, in relation to lawful decisions of the Council, they are to be implemented "without undue delay".

ITEM NO: QWN 14
FILE NO: 331549.2019
SUBJECT: Question with Notice - Clr Balloot - Warwick Farm Precinct Economic Study

Please address the following:

Council commissioned a report regarding Warwick Farm Precinct Economic Study that Council Management had possession of in 2017:

1. What were the findings of that report?
2. Was this report ever shown to Councillors?
3. And if not, can Councillors have a copy of that report?

Response

1. What were the findings of that report?

Page iii, iv, and v of the AEC report outlines the key findings. These are:

Munday Street Precinct

The NSW Joint Regional Planning Panel approved a proposal by the Australian Turf Club (ATC) to develop part of the Warwick Farm Racecourse that will accommodate relocation of William Inglis and Son's thoroughbred auctioneering facility from Randwick to construct a new state-of-the art \$100m equine complex by 2018.

The new Equine Centre is expected to accommodate a multi-purpose selling area, parade areas, hospitality rooms and horse stabling facilities. There is also proposed a 4.5 star hotel on the site with 145 rooms and a range of hospitality facilities including a bar, gym, wellness centre, café and restaurants.

The new stabling facility at the Racecourse is estimated to be a \$40m-\$50m project, indicated to be the first of its kind in Australia (similar facilities understood to be operating in America and France). The ATC are understood to have plans to utilise value released from their landholdings at Munday Street Precinct (should the area be rezoned to permit higher density residential uses) as contribution to the new stabling facility project.

Whilst the Munday Street Precinct is currently operating as a defacto stabling precinct, this function could potentially shift to the racecourse in the future on completion of new stabling facilities. Survey findings from businesses, landowners and trainers in the Precinct indicate there is a highly favourable sentiment in the neighbourhood for rezoning the Precinct for alternative uses so long as suitable alternatives for horse stabling and related activity in

close proximity to the Warwick Farm Racecourse is available.

The ATC proposal to develop horse stabling facilities at the Warwick Farm Racecourse could effectively meet the demand for stabling currently provided for in the Munday Street Precinct. The provision of this new stabling area on the racecourse would enable the economic contribution of the Munday Street Precinct to be retained in the Liverpool LGA, while also allowing for the Munday Street Precinct to be redeveloped for higher value land uses.

Lot 1 Governor Macquarie Drive (known as 240 Governor Macquarie Drive)

Large format retailers and commercial uses require certain features in order to be competitive and sustainable in the long term. Large format retailers require large sites which allow numerous retailers to co-locate and cluster. Office precincts require critical mass in order to facilitate the clustering of services amenity and transport access (public transport).

The Site is challenged on all of the above-mentioned fronts.

As a B5 zoned site, due to its modest scale and relative isolation, unless commitment from an anchor tenant can be found the Site will likely struggle to be competitive.

Generic feasibility analysis demonstrates that should the Site be rezoned to R4 High Density Residential, a minimum FSR of 1:1 is required for feasible residential unit development. The FSR is less compared to that which the planning proposal lodged for the Site proposes (FSR 3.5:1).

Priddle/Scrivener Street Precinct

The Precinct is generally well occupied, catering to a local service need. While manufacturing activity declined over the 2006-2011 period, the Precinct experienced growth in transport logistics and local service-based businesses.

Market investigations demonstrate the Precinct generally enjoys good market appeal. That said, the difficulty of access to and from the Precinct detracts from its central location within Liverpool and the South West region. If the issue of road access is left unaddressed, it is conceivable that market interest will decline over time as other locations that offer better vehicle access are available.

The Precinct has an important role to play in providing local urban services (i.e. mechanics and construction businesses) and facilitate urban logistics as market penetration for online retail continues to increase. As the population of Liverpool and the South West region grows, so too will the need for urban services to support the population's needs.

Notwithstanding the importance of the Precinct's role, key to the Precinct being sustainable in the long term will be implementation of the proposed Manning Street bypass that

facilitates direct access to and from Governor Macquarie Drive.

Planning Scenario Analysis

Business-as-usual

In the Business-as-usual scenario, each component precinct within South Warwick Farm remains in their existing use. Implications for each of the precinct components are detailed:

- Munday Street Precinct

This residential area (zoned R2) currently functions as a defacto horse stabling facility for horses who train and race at Warwick Farm Racecourse. Owing to its location just adjacent to the racecourse, it provides horse trainers with the close proximity required for training and racing.

Despite the valuable location of this precinct close to the racecourse, there are a number of safety concerns particularly with respect to horses commuting to and from the racecourse on roads shared with passenger vehicles, heavy trucks and pedestrians.

- Lot 1 Governor Macquarie Drive

The site is relatively small in scale and offers limited opportunity for large format retailers to cluster/co-locate. Unless commitment from an anchor large format retail tenant can be secured, it is conceivable the Site will face market resistance owing to its less desirable location and site characteristics.

- Priddle/Scrivener Street Precinct

The industrial precinct (currently zoned IN1) is not suited to large format industrial users as it does not provide unrestricted access for large trucks. Current road access is via narrow roads and through the residential/horse stabling area of Munday Street.

Notwithstanding the heavy vehicle access challenges, the Precinct continues to play an important role by accommodating service-based businesses as well as urban logistics businesses, both of whom respond to population growth.

Being an established industrial area (and with many older style buildings), it is conceivable that the Precinct will be at risk of being uncompetitive in time (as buildings age and road access continues to be challenged).

Potential Planning Interventions and Scenarios

Owing to the important role played by the Priddle/Scrivener Street industrial precinct, all planning scenarios envisage retention of the area for general industrial uses (i.e. retaining the IN1 General Industrial zone). Various planning interventions are considered for Munday

Street Precinct and Lot 1 Governor Macquarie Drive.

Residential Uses

A rezoning of Munday Street Precinct and Lot 1 Governor Macquarie Drive to permit a mix of residential densities should be predicated on the ability of the horse stabling function to be relocated and accommodated on the Racecourse. This is important for three key reasons:

- Economic contribution of horse stabling precinct

Economic modelling indicates the contribution Munday Street Precinct makes to the Liverpool LGA is significant - supporting 238 jobs (direct and indirect) and approximately \$20.3m in Gross Regional Product each year, and paying \$11.9m in wages and salaries.

A relocation of horse stabling to the racecourse would allow the economic contribution of Munday Street Precinct to be retained within the Liverpool LGA. Developing horse stables at the racecourse will result in the land being consumed and potential for development for alternative uses on the site being lost. Though, any potential opportunity costs associated with developing horse stables at the racecourse will be more than offset by the retention of horse stabling activities in Liverpool LGA and higher value uses available at Munday Street.

- Viability of Warwick Farm Racecourse

Should the Munday Street Precinct be rezoned independent of the delivery of new horse stabling facility at the racecourse, there is a risk that utilisation rates at the racecourse will decline, thereby resulting in severe economic loss for the Liverpool LGA.

Many respondents to the survey indicated that availability of horse stabling facilities in close proximity to the racecourse is essential in their decision to continue training and racing at Warwick Farm.

- Value released from rezoning

As a major landowner in Munday Street Precinct, it is understood that ATC plan to leverage value that may be released from its landholdings following a rezoning to permit higher density residential uses.

A critical requirement that underpins this scenario is implementation of alternate access to Priddle/Scrivener Street Precinct that bypasses the new residential area.

Residential and industrial uses do not mix. In order for both precincts to be viable and have market appeal, there needs to be provision for separate access and unimpeded access to the industrial precinct.

Existing-use values in Munday Street Precinct and Lot 1 Governor Macquarie Drive are at levels that facilitate even a modest increase in residential density. A rezoning to permit higher densities accompanies an opportunity for Council to require contributions to public benefit as part of a planning proposal. Contributions could include amenity and infrastructure items for the new residential precinct as well as to fund the Manning Street bypass.

While the rezoning of Lot 1 Governor Macquarie Drive would theoretically result in the 'loss of employment land', the nature of its location and scale makes it challenging to establish a viable cluster of large format retail uses. Potentially some local convenience retail and supporting commercial space could be considered at this location (intersection of Manning Street, Warwick Street and Munday Street) as part of wider masterplanning for a new residential precinct.

Employment Uses

A rezoning to facilitate employment uses at Munday Street Precinct to be sandwiched between two employment zoned areas - Lot 1 Governor Macquarie Drive (zoned B5) and Priddle/Scrivener Street Precinct (zoned IN1) is a logical land use scenario. Similar to the residential scenario, this scenario is predicated on the relocation of Munday Street Precinct's horse stabling function to the racecourse.

A rezoning to employment uses would effectively eliminate any land use conflicts between the existing industrial, residential and horse stabling activities. There would accordingly be a less compelling case to progress and implement the Manning Street bypass.

In practical terms, this scenario is unlikely to result in meaningful outcomes on-ground as existing-uses (low density residential) are generally more valuable than potential B5 or IN1 lands. In the main, it is conceivable that most properties will remain in their existing use (potentially even retaining horse stabling), there being little incentive for landowners to change or redevelop. As a consequence, land use conflicts will arguably still present between existing residential uses and industrial uses at Priddle/Scrivener Street Precinct.

A bypass road solution could still be required to address safety risks and amenity issues. 'New' employment uses are unlikely to be able to contribute to public benefit considering there is unlikely to be any 'value uplift' to the lands in Munday Street Precinct, rather a value decrease.

Summary

The future of Lot 1 Governor Macquarie Drive is inextricably linked to the future of the Munday Street Precinct. Should the horse stabling functions of Munday Street Precinct be successfully and viably relocated to the racecourse, opportunities arise for Munday Street Precinct and Lot 1 to collectively deliver a masterplanned outcome incorporating a range of housing formats, required urban amenity and commercial support services, as well as meet

social/community infrastructure need.

Despite the presence of the Warwick Farm train station, the Precinct (South Warwick Farm) is not currently planned to accommodate higher density residential uses. Comprehensive land use planning will be required to unlock the Precinct's potential for a new community.

Resolution of road access and conflicts between different road users (residents and employment uses) is critical to ensuring any new residential community and the existing industrial precinct are viable and sustainable.

2. Was this report ever shown to Councillors?

To inform the Warwick Farm Precinct Strategy, Council officers commissioned FloodMit Pty Ltd to prepare a preliminary flood assessment and the AEC Group (AEC) to prepare an economic and market assessment study.

The Council report to the 26 July 2017 Council meeting and its attachment (the draft Warwick Farm Precinct Strategy) both contained numerous references to the AEC study and extensive quotes directly from it. No Councillor at that time requested a copy of the report or queried why it had not been provided in full.

At the time, copies of the flood and economic studies were not attached to the report because it was considered that focussed summaries and extracts of the key findings was a more effective way to report on their findings.

3. And if not, can Councillors have a copy of that report?

A copy of the report was attached to this item of the Council Agenda.

ITEM NO: QWN 15
FILE NO: 331554.2019
SUBJECT: Question with Notice - Cllr Hagarty - Edmondson Park Commuter Car Parking

Background

In July 2019 Council passed the following motion in regards to the Commuter Car Parking Crisis in Liverpool:

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

Please address the following:

1. Has a letter been sent to the Minister?
2. Has a response been received by the Minister?
3. If so, what was the response?

Response

1. Has a letter been sent to the Minister?

Yes, two letters were sent by Council dated 15 August 2019 to the Premier and to the Minister for Transport and Roads. A copy of these letters were attached to this Item of the Council Agenda.

2. Has a response been received by the Minister?

Yes, a response was received by Council from Hon Gabrielle Upton MP, Parliamentary Secretary to the Premier on behalf of the Premier dated 3 September 2019 and a response was received from Ms Eleni Petinos MP, Parliamentary Secretary for Transport and Roads on behalf of the Minister for Transport and Roads dated 17 October 2019.

The response letter from the Parliamentary Secretary to the Premier and the response letter from the Parliamentary Secretary for Transport and Roads were attached to this Item of the Council Agenda. The responses were included in the Correspondence Register and in the CEO update sent to the Councillors on 24 October 2019.

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

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

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

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

ITEM NO: QWN 16
FILE NO: 020162.2020
SUBJECT: Question with Notice - Clr Hagarty - Community Sport Infrastructure Grants

Please address the following:

1. Did Council make any applications for the Federal Government's Community Sport Infrastructure Grants?
2. If so, what for and how much was requested?

A response to these questions will be provided in the 26 February 2020 Council meeting business papers.

PRESENTATIONS BY COUNCILLORS

Nil.

Clr Balloot left the Chambers at 7:30pm.

Clr Balloot returned to the Chambers at 7.34pm.

NOTICES OF MOTION

ITEM NO: NOM 01

FILE NO: 021297.2020

SUBJECT: Feral Cats and TNR Program

BACKGROUND

Complaints regarding the effects of feral cats on local wildlife, domesticated pets and quality of living of residents are frequently made by members of the community to Council and Councillors.

Thus far, attempts to ascertain which tier of government holds responsibility for this issue and work towards a satisfactory way to manage the concerns of residents and deal with the impacts of feral cats in the area have not been satisfactory.

Trap-neuter-release (TNR) programs are in place around Australia and across many other countries as a way of mitigating the impacts of feral cat populations in an ethical and humane way.

NOTICE OF MOTION (submitted by Clr Kaliyanda)

That Council:

1. Investigate the feasibility of developing a TNR program at Liverpool Animal Shelter;
2. Involve local veterinarians and veterinary clinics in providing pro bono services to assist with the TNR program and rehoming of cats;
3. Identify other organisations, i.e. the RSPCA, that may also be able to assist and add value to a local TNR program; and
4. Consider other measures that can be undertaken within the LGA to mitigate the impacts of feral cats on the local community and provide a report back to Council by the May 2020 Council meeting.

COUNCIL DECISION.

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

That Council:

1. Investigate the feasibility of developing a TNR program at Liverpool Animal Shelter;
2. Involve local veterinarians and veterinary clinics in providing pro bono services to assist with the TNR program and rehoming of cats;
3. Identify other organisations, i.e. the RSPCA, that may also be able to assist and add value to a local TNR program;
4. Consider other measures that can be undertaken within the LGA to mitigate the impacts of feral cats on the local community and provide a report back to Council by the May 2020 Council meeting;
5. Write to relevant State Minister recommending that the State Government adopt legislation similar to the Western Australian Cat Act;
6. Addresses with WSROC the opportunity for WSROC to advocate for a regional solution;
7. Include in the LGA and LGNSW Conference Agenda a call for the Federal and State Government to provide funding to Council, to change the Companion Animal Act and provide Council funding to enable councils to enact the new measures to identify stray animals and non-registered cats as homeless and desex and house the cats until homes can be found in order to address feral cat plagues in urban areas; and
8. Bring its No Kill Policy to the next Council meeting for its consideration and that the report include some measurement in terms of what neighbouring Councils do or what the standard is across NSW.

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

ITEM NO: NOM 03
FILE NO: 021347.2020
SUBJECT: No Injecting Room

BACKGROUND

Council and the community have previously expressed its strong opposition to medically supervised injecting facilities in Liverpool on a number of occasions.

In December last year, the journal 'Current Issues in Criminal Justice' published an article by two academics, George Christopher Dertadian & Stephen Tomsen, titled 'The case for a second safe injecting facility (SIF) in Sydney'. The article attempts to 'make the case' for a second injecting centre in Sydney's Western or South Western Suburbs, with Liverpool listed as a potential location.

In the same week as that article was published, Deputy State Coroner Harriet Grahame, called for NSW Health and Liverpool Hospital to undertake a feasibility study into the establishment of a medically supervised injecting room within the grounds of Liverpool Hospital. The recommendation was made following Ms Grahame's inquest into the tragic 2015 death of a young man who overdosed in the toilets at Liverpool Hospital.

NOTICE OF MOTION (submitted by Cllr Hagarty)

That Council:

- reaffirms
 - its strong opposition to a medically supervised injecting facility in the Liverpool LGA; and
 - support for drug rehabilitation services and programs.
- acknowledges that domestic violence, homelessness and mental health are contributing factors to drug addiction.
- notes that the NSW State Government is the level of Government responsible for the approval and establishment of medically supervised injecting facilities.
- calls on the State Government to:
 - immediately rule out the establishment of a medically supervised injecting facility in the Liverpool LGA; and
 - boost funding to legal aid, domestic violence, homelessness and mental health services in the Liverpool LGA.

COUNCIL DECISION

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

That the recommendation be adopted.

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

That Council

1. Note the NOM of the Council Meeting dated 12th October 2016 that I proposed which was not supported by the majority of Council being:

That Council:

1. *Reaffirms its position that it will never support a program that encourages the use of illicit drugs in our LGA.*
 2. *Writes to Mr Matt Noffs making it clear that an “ice” room is not welcome here.*
 3. *Support programs that encourage users to get off these deadly drugs (rehabilitation centres).*
 4. *Writes to each State & Federal member that represent our LGA requesting their support to ensure no “ice” room is established in Liverpool noting that Melanie Gibbons MP has already made her position of no support clear.*
2. Strongly oppose a medically supervised injecting facility in the Liverpool LGA;
 3. Notes the State Government through the local member for Holsworthy previously ruled out support for the establishment of medically supervised injecting facilities in the Liverpool LGA;
 4. Notes The Drug Misuse and Trafficking Act 1985 only allowed for one supervised injecting facility licence in NSW to be issued, and a 2016 statutory review found there was insufficient need elsewhere to recommend changes to the act to add more;
 5. Notes The 2019-20 NSW Budget includes \$1 billion in continued funding towards a range of homelessness and social and affordable housing programs;

6. Notes The NSW Government committed new funding of \$61 million over four years to implement the strategy, including:
 - a) \$20 million for social impact investment reducing exits from health institutions into homelessness.
 - b) \$10.7m for assertive outreach to support people sleeping rough, providing an end to end model with increased health capability.
 - c) \$10.6 million for sustaining tenancies support, by addressing complex needs such as mental health and drug and alcohol issues.
 - d) \$9.1 million for additional transitional accommodation.
 - e) \$6.2 million to expand the Staying Home Leaving Violence program to new locations.
 - f) \$4.7 million for universal risk screening and supports to respond early to young people at risk.

7. Notes that in 2019-20 State Budget there is \$20 million committed to homelessness programs and services in the South Western Sydney district (including Liverpool), including women's and youth refuges. Non-government organisations (NGOs) are funded to deliver a range of services to support people who are experiencing homelessness or at risk of becoming homeless, including young people, families, single men, and single women, with or without children. Services may include outreach, case management, links to education and training, crisis and transitional accommodation;

8. Notes that South Western Sydney Local Health District provides inpatient and community Mental Health services across the age range to the Liverpool area. Community services are provided by Liverpool and Fairfield community Mental Health teams, providing a range of services for people experiencing issues with their mental health and severe psychological distress. The mental health services are accessible 24 hours a day, 7 days a week by calling 1800 011 511;

9. Calls on the State Government to put a program in place to phase out the methadone clinics in the Liverpool LGA; and

10. Through its social media platforms promote the service identified in point 8.

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

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

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

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

Vote against: Clr Shelton

ITEM NO: NOM 04
FILE NO: 021359.2020
SUBJECT: Moorebank Intermodal

BACKGROUND

An application to modify Moorebank Precinct West was lodged over three and half years ago, in July 2016, prior to this term of Council. The modification application and the associated 'staged development application' for Moorebank Precinct West was determined and notified in November and December of 2019.

As stated by the NSW DPIE Notification the Staged Development for Moorebank Precinct West has merits appeal rights attached. This statutory notification made on December 9th 2019 triggered a 28-day deadline for appeal.

During the last Council meeting it was proposed off the floor that Council lodge an appeal in the courts. Given the timing and information available at short notice, Council was not in a position to make an informed decision within the statutory limit of Jan 6th 2020.

A community advocacy group has lodged a Class 1 merits appeal before the statutory deadline and the first appearance has been set down for the 7th Feb 2020.

We now find ourselves able to join this action as the 2nd Applicant or provide financial and material support to the 1st Applicant.

At the time of Councillors deadline (28/01/2020 – 9.30am) to have motions in for the 5th February 2020 Council meeting, I still had some questions of the community group which I am awaiting answers. These go to the scope of the case, the possible outcomes and cost estimates that ensure a case can be run in its entirety.

The purpose for now is to give all notice that pending the response, a motion may be moved to commit funding subject to statutory requirements or have Council join as the 2nd applicant.

NOTICE OF MOTION (submitted by Clr Hadchiti)

That Council note that a motion may be moved to commit funding subject to statutory requirements or have Council join as the 2nd applicant.

COUNCIL DECISION

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

That Council:

- 1 Continue to act on its promise and duty to do all it can to protect the safety and minimise any negative impacts the Intermodal may have on its ratepayers;
- 2 Note that RAID Moorebank Inc. did lodge a Class 1 merits appeal before the statutory deadline and the first appearance has been set down for the 7th February 2020;
- 3 Subject to the public exhibition requirements contained in s.356 of the Local Government Act 1993 and also subject to a case outline to be received from the resident group, Council consider allocating a financial amount of up to \$300,000, subject to presentation of invoices, to fund legal fees and disbursements and expert witness costs relating to the Class 1 Appeal in the NSW Land and Environment Court by RAID Moorebank Inc. at the next Council meeting;
- 4 Advise RAID Moorebank Inc. that no funding is guaranteed and they currently progress this case at their own financial risk; and
- 5 Request the CEO to list this item on the Agenda for 26 February 2020 Council meeting for an update to Council on:
 - a) Community feedback received at that point;
 - b) Any issues; and
 - c) What Council has received from RAID in relation to the prospects and what Council are trying to achieve in that case.

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

Division called:

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

Vote against: Clr Shelton

Deputy Mayor Karnib called a recess at 8.16pm.

The Council meeting resumed at 8.27pm with all Councillors present.

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

That Council move into Closed Session to consider CONF 01 – CONF 07 pursuant to the provisions of the Local Government Act 1993 shown below:

Item CONF 01 - EOI2910 Lurnea Affordable Housing Project and Item CONF 03 - WT2864 - Design and Construction of external lift at 3 Hoxton Park Road, Liverpool are confidential pursuant to the provisions of s10A(2)(d i) of the Local Government Act 1993 because they contain commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it;

Item CONF 02 - WT2805 - Whitlam Leisure Centre Indoor Pool Concourse: is confidential pursuant to the provisions of s10A(2)(d ii) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council;

Item CONF 04 – Legal Affairs Report is confidential pursuant to the provisions of s10A(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; and

Item CONF 05 - Proposed Acquisition of Lot 19 DP 17134, 36 Rickard Road, Chipping Norton under the Moorebank Floodway Voluntary Acquisition Scheme, item CONF 06 Question with Notice - Cllr Hadchiti - 35 Scott Street, Liverpool and item CONF 07 Question with Notice - Cllr Harle - Leasing of 33 Moore Street, Liverpool are confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act 1993 because they contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

ITEM NO: CONF 02
FILE NO: 005109.2020
SUBJECT: WT2805 - Whitlam Leisure Centre Indoor Pool Concourse Refurbishment

COUNCIL DECISION

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

That Council:

1. Declines to accept any of the tenders received for WT2805 – Whitlam Leisure Centre Indoor Pool Concourse Refurbishment in accordance with Section 178(1)(b) of the Local Government (General) Regulation 2005.
2. In accordance with Section 178(3)(f) of the Local Government (General) Regulation 2005, noting that Council is carrying out the requirements of the proposed contract itself.
3. Makes public its decision regarding Tender WT2805 - Whitlam Leisure Centre Indoor Pool Concourse Refurbishment.
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.
5. Be supplied with a costing to:
 - a) Soundproof and paint the exhibition hall; and
 - b) Upgrade the electricity supply to the hall to be able to run the air conditioning unit and that a report with the above costings to be brought back to the March 2020 Council meeting.

Cllr Ayyad retired from the meeting at 8.30pm.

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

Councillors voted unanimously for this motion.

Note: Cllr Ayyad had retired from the meeting when this motion was voted on.

ITEM NO: CONF 03
FILE NO: 006220.2020
SUBJECT: WT2864 - Design and Construction of external lift at 3 Hoxton Park Road,
Liverpool

COUNCIL DECISION

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

That Council:

1. Retracts the Letter of Acceptance dated 30 October 2019 issued to All Tilt SLD Pty Ltd;
2. Declines to accept any of the Tenders received for WT2864 - Design and Construction of an external lift at 3 Hoxton Park Road, Liverpool in accordance with Section 178(1)(b) of the Local Government (General) Regulation 2005;
3. In accordance with Section 178(3)(e) of the Local Government (General) Regulation 2005, enters into negotiations with SD Civil with a view to entering into a contract for the same scope of works;
4. In accordance with Section 178(4) of the Local Government (General) Regulation 2005, notes that the reasons for entering into negotiations with SD Civil and not calling fresh tenders are:
 - a) SD Civil is a subsidiary of the same parent SD Group as was All Tilt and will deploy the same resources and subcontractors as per All Tilt's offer;
 - b) Based on the evaluation of all the tenders, All Tilt provided the most advantageous offer to Council and negotiations will allow Council to evaluate SD Civil's capacity to provide the same offer;
 - c) SD Civil is the only tenderer offering a lift that is uniform with the other lifts that are being provided across Council's other facilities. This will enable cost-effective long-term operations and maintenance arrangements to be established for Council's entire portfolio of lifts; and
 - d) Inviting fresh tenders at this stage for the same scope of works is not expected to result in any significant benefits considering time delays and additional costs associated with a new tender process.

5. Notes that should the negotiations disclose any uncertainty regarding SD Civil's ability to undertake the required works or any material change to the original offer, fresh tenders will be invited for these works;
6. Makes public its decision regarding Tender WT2864 Design and Construction of an External Lift for 3 Hoxton Park Road;
7. Notes that the Chief Executive Officer will finalise all details and sign the Letter of Acceptance for the tender, giving it contractual effect, in accordance with delegated authority; and
8. 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.

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

Councillors voted unanimously for this motion.

Note: Clr Ayyad had retired from the meeting when this item was voted on.

ITEM NO: CONF 04
FILE NO: 009668.2020
SUBJECT: Legal Affairs Report

COUNCIL DECISION

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

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

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

ITEM NO: CONF 05
FILE NO: 010775.2020
SUBJECT: Proposed Acquisition of Lot 19 DP 17134, 36 Rickard Road, Chipping Norton under the Moorebank Floodway Voluntary Acquisition Scheme

COUNCIL DECISION

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

That Council:

1. Approves the acquisition of Lot 19 DP 17134, 36 Rickard Road, Chipping Norton under the provisions of the Moorebank Voluntary Acquisition Scheme for the price and terms outlined in this report;
2. Upon settlement of the acquisition, classifies Lot 19 DP 17134, 36 Rickard Road, Chipping Norton as 'Community' land;
3. 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 the Council is conducting (or proposes to conduct) business; and
4. Authorises its delegated officer to execute any documents, under Power of Attorney necessary to give effect to this decision.

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

ITEM NO: CONF 06
FILE NO: 331553.2019
SUBJECT: Question with Notice - Cllr Hadchiti - 35 Scott Street, Liverpool

Please address the following:

Council is currently leasing floor space at 35 Scott Street, Liverpool.

1. To date what is the overall cost of leasing that space?
2. When did the lease start?
3. What is the ongoing monthly leasing cost?
4. Is the whole leased area being occupied?

Responses to these questions were provided to Councillors and discussed in confidential session.

ITEM NO: CONF 07
FILE NO: 331532.2019
SUBJECT: Question with Notice - Cllr Harle - Leasing of 33 Moore Street, Liverpool

Please address the following:

1. What is the annual leasing income from space within 33 Moore Street?
2. What were the overall costs of moving Council staff from 33 Moore Street to the refurbished buildings at the Hoxton Park Road complex?

Responses to these questions were provided to Councillors and discussed in confidential session.

THE MEETING CLOSED AT 9.04pm.

<Signature>

Name: Ali Karnib

Title: Deputy Mayor

Date: 26 February 2020

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 5 February 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.