



**MINUTES OF THE ORDINARY MEETING
HELD ON 25 MARCH 2020**

PRESENT VIA VIDEO CONFERENCING:

Mayor Wendy Waller
Councillor Ayyad
Councillor Balloot
Councillor Hadchiti
Councillor Hadid
Councillor Hagarty
Councillor Harle
Councillor Kaliyanda
Councillor Karnib
Councillor Rhodes
Councillor Shelton
Ms Kiersten Fishburn, Chief Executive Officer
Dr Eddie Jackson, Director City Community and Culture
Mr David Smith, Acting Director City Economy and Growth
Mr George Hampouris, Acting Director City Corporate
Mr Peter Patterson, Director City Presentation
Mr Raj Autar, Director City Infrastructure and Environment
Mr Andrew Stevenson, Chief Strategy and Engagement Officer
Mr Vishwa Nadan, Chief Financial Officer
Ms Tina Sangiuliano, Strategic Organisational Change Manager
Mr John F Morgan, Director Property & Commercial Development
Ms Elizabeth Espinosa, General Counsel Manager Governance Legal
Mr David Maguire, Internal Ombudsman
Mr George Georgakis, Manager Council and Executive Services
Ms Maree Stewart, Coordinator Council and Executive Services (minutes)

The meeting commenced at 6.02pm

**STATEMENT REGARDING WEBCASTING
OF MEETING**

The Mayor reminded everyone that in accordance with Council's Code of Meeting Practice, the meeting is being recorded and will be on the website later this week.

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

The prayer of the Council was read by the Chief Executive Officer, Ms Kiersten Fishburn.

APOLOGIES

Nil

CONDOLENCES

Mrs Pamela Short (read by Mayor Waller)

Tonight, we pause to remember one of Liverpool's most accomplished daughters.

Pamela Kay Short was born on 22 February 1947 at Crown Street Women's Hospital, the first child of Phoebe and Noel Short, a former Mayor of Liverpool. She grew up at Yarrara Road, Hoxton Park on family acres.

She went to Hoxton Park Primary School where her lifelong passion for reading ignited. She graduated from Liverpool High School. Popular, she loved art and English and playing basketball.

Pam's intellect, even then, was remarkable. Her independent streak first showed when Pam was 17. She won a radio station contest, and without telling her parents, headed to the big smoke to see her beloved Beatles at the Sydney Stadium at Rushcutters Bay.

Despite the long commute, Pam's first job was at an accountancy firm in the city. She was determined to be financially independent and have her own voice.

Later in the 1960s, she joined Viscount Caravans at Milperra as a secretary. It gave her experience in all aspects of a business; skills she would find invaluable in the future. She even featured in advertising for the brand.

A short time later she married John Cornish, the Austral son of chook farmers Harold and Una. Their daughter Tania was born in 1970 and their son Brett in 1972.

Pam and John were a formidable team, prospering in business. They took risks and reaped the rewards.

Their companies built thousands of homes for people who made the Liverpool area their home, shopping and industrial centres.

The Cornish family has a great love of thoroughbred horse breeding and racing. Their Torryburn Stud in the Hunter Valley is a landmark in the industry.

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

Item: QWN 04 Question with Notice - Clr Rhodes - Liverpool Community Hub

Reason: Clr Hagarty is the chairperson of the Liverpool Community Hub.

Clr Hagarty remained in the room for the duration of the item.

Clr Hagarty declared a pecuniary interest in the following item:

Item: NOM 04 Ban on Prohibited Donors

Clr Hagarty is a staff member of a Member of Parliament.

Note: Item NOM 04 was withdrawn and not dealt with at this meeting.

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

Item: CORP 01 Response to NOM 05 - A Prominent Permanent Home for the City of Liverpool and District Historical Society

Reason: Clr Hagarty, Clr Kaliyanda and Clr Shelton are Ordinary members of the City of Liverpool and District Historical Society.

Note: Item CORP 01 was deferred to the April 2020 Council meeting.

Clr Karnib and Clr Balloot joined the meeting at 6.09pm

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

Item: NOM 04 Ban on Prohibited Donors

Reason: Clr Kaliyanda has previously been a candidate for state and federal parliament.

Note: Items NOM 04 was withdrawn and not dealt with at this meeting.

Clr Ayyad declared a non-pecuniary, less than significant interest in the following items:

Item: NOM 01 Disqualifying real estate agents and property developers from civic office

Item: NOM 04 Ban on Prohibited Donors

Reason: Clr Ayyad's husband holds a NSW Real Estate licence but does not currently work as a real estate agent.

Note: Items NOM 01 and NOM 04 were withdrawn and not dealt with at this meeting.

Clr Balloot declared a non-pecuniary, less than significant interest in the following items:

Item: NOM 01 Disqualifying real estate agents and property developers from civic office

Item NOM 04 Ban on Prohibited Donors

Reason: Clr Balloot holds a NSW Real Estate Licence but has never worked as a real estate agent.

Note: Items NOM 01 and NOM 04 were withdrawn and not dealt with at this meeting.

PUBLIC SUBMISSIONS

Written submissions for items not on agenda

1. **Mr Erik Rakowski** from RAID Moorebank made a written submission to Council on the following matter:

Funding for appeal proceedings.

This submission has been circulated to Councillors.

Written submissions for items on agenda

1. **Ms Fiona Macnaught** made a written submission to Council on the following item:

NOM 03: Save Liverpool Animal Shelter

This submission has been circulated to Councillors.

MAYORAL MINUTE

SUBJECT: Council's response to Novel Coronavirus (COVID-19)
REPORT OF: Mayor Wendy Waller
ITEM NO: MAYOR 01

Liverpool City Council is closely following information provided by the NSW and Australian Governments about novel coronavirus (COVID-19) and as the situation evolves, continues to share updates with Council staff and the wider community.

Following directives of the Australian and NSW Governments, Council's Critical Incident Response Team has acted quickly to make changes to Council services and facilities to ensure the health and wellbeing of Council staff and community members.

Many Council departments have been split into smaller teams, each working at a different office or home location to minimise close contact with one another and ensure Council is equipped to continue serving the community. Staff have been provided with tools and resources to continue working effectively from their allocated location.

At this stage, Council's Customer Service Centre, Casula Powerhouse Arts Centre, all Liverpool City Library branches, Liverpool Regional Museum, Council-owned leisure and recreation centres, Liverpool Animal Shelter and the Community Recycling Centre have been closed to the public until further notice.

Council's public events have been postponed indefinitely, all casual hire of community facilities has been suspended and there are restrictions on the use of Council parks and sporting grounds. Council has also suspended bulk rubbish household collections for the time being.

Council continues to receive and respond to customer requests lodged online or over the phone. Council will continue kerbside waste collection and its early learning and childcare centres remain open.

This information and future changes, pending requirements set out by the Australian and NSW Governments, will continue to be communicated to the community.

Council staff continue to investigate ways Council can support and keep connected with the wider community during these unprecedented times.

Motion: Moved: Mayor Waller

That Council:

1. Thank Council staff for their speedy and effective response to the challenges

of novel coronavirus (COVID-19);

2. Waive the following fees:
 - Outdoor Café permit; and
 - Parking in Warren Service Way for essential workers on available spaces;
3. Contact state government and request they waive their parking fees at the Liverpool Hospital carpark; and
4. Consider waiving any previously outstanding amounts for Outdoor Café permits.

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

MOTION OF URGENCY

ITEM NO: MOU 01

SUBJECT: Approval to provide funding for RAID Moorebank Class 1 merits appeal

The Chairperson accepted the motion as urgent.

Approval to provide funding for RAID Moorebank Class 1 merits appeal as resolved by Council on the 5 February subject to conditions and again on the 26 February 2020. On a matter of urgency to address matters not covered in the 26th February Motion and in order to meet allocated court dates.

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr 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. Notes that approval to provide funding up to \$300,000 to RAID Moorebank Inc to execute a Class 1 merits appeal was approved by this council on the 5 February subject to due process and again on the 26 February 2020;
3. Notes that there were no submission received against Council funding the litigation from the Community and that 28 submissions were received in support of the Council providing Funding at the conclusion of the exhibition period in accordance to the public exhibition requirements contained in s.356 of the Local Government Act 1993;
4. Notes that the case outline provided via letter from RAID Moorebank Inc's instructing solicitor is founded on advice from senior counsel. The letter received by Council reconfirms the conditions placed on the provision of funding that was discussed at the February 25 meeting included advice that;
 - a) the basis of challenge is on matters of Air Quality and Traffic Issues;
 - b) and costs for expert witnesses of between and up to \$30,000 - \$50,000 which is necessary to provide an outline of Case prospects; and
 - c) the Total costs for litigation to be up to \$300,000;
5. Council acknowledges having previously agreed to Council funding of between \$30,000 to \$50,000 in order to provide expert advice outlining case prospects during discussions at the Council meeting 25 February, and reconfirms to direct the CEO to make necessary arrangements for any such payment of invoices upon presentation;
6. Allocate an amount of up to \$50,000 from the approved \$300,000 to allow the collation of expert advice which will inform the prospects of success of the case;

7. Notes that a legal report will be provided outlining the case prospects from expert witnesses and pending that report, Council may further agree to allocate the financial amount of up to \$300,000 in total so as 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., subject to presentation of invoices; and
8. Directs the CEO to urgently write to Woolf Associate Solicitors confirming the Council resolution to make such funds available in such a timely manner to meet dates designated by the court.

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

Clr Shelton voted against the motion.

BACKGROUND

As advised by Mr Rakowski, the matter of funding as previously approved by Council has now become urgent in order to meet the Court date of 4 April 2020.

Council resolved on the 5 and 25 February to provide funding to RAID Moorebank Intermodal Inc in order to execute a Class 1 Merits appeal to protect the safety and minimise the negative impacts on the residents of Liverpool.

We note the letter from the instructing Solicitor failed to be delivered to Councillors before the Council Meeting 26 February, and that greater clarity in the motion provided in CORP 06 was necessary to initiate action in accordance with the resolution of Council.

We appreciate Mr Rakowski, has now presented to all Councillors all documentation in the interest of explanation and transparency.

We note that all information is now before all Councillors so they can understand the urgency to have this matter resolved in a manner that will deliver the funding of legal matters as agreed.

We note that the documentation provided by Mr Rakowski confirms the verbal account of the matters addressed at the February 26 meeting in regard to the conditions place upon the approval of funding in that the case basis is acknowledged as that of Air Quality and Traffic issues all costs are confirmed, the need to engage expert advice on the prospects of the case, together with that cost being as stated at the February 25 meeting being between \$30,000 and \$50,000.

Councillors have voted in a majority on two separate occasions to fund litigation proceedings in order to mitigate on behalf of the safety and wellbeing of Liverpool residents.

We apologise that the wording of the previous motion CORP 06 did not address all matters in such a way to make clear the intention of the resolution made by Councillors at the February 25 meeting and ask that Councillors reconfirm their resolution to fund the litigation against the Moorebank Intermodal by passing the above motion.

4. Notes that the final decision on the LSPS will be made by the Greater Sydney Commission but that the residents have requested B4 zoning, which Council is supportive of.
5. Notes that the bypass road is paramount and it is needed for residents safety and is something that the residents have requested and that the bypass road should be zoned Special Purpose (SP2).

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

Vote for: Clr Harle, Clr Rhodes.

Vote against: Mayor Waller, Clr Ayyad, Clr Balloot, Clr Hadid, Clr Hadchiti, Clr Hagarty, Clr Karnib, Clr Kaliyanda, Clr Shelton.

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

Vote for: Mayor Waller, Clr Ayyad, Clr Balloot, Clr Hadid, Clr Hadchiti, Clr Hagarty, Clr Karnib, Clr Kaliyanda.

Vote against: Clr Harle, Clr Rhodes, Clr Shelton.

CITY COMMUNITY AND CULTURE REPORT

ITEM NO: COM 01

FILE NO: 018356.2020

SUBJECT: Grants, Donations and Corporate Sponsorship

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Rhodes

That this item be deferred until the applicants can be contacted and projects can be assessed with the current COVID-19 issues in mind and a report brought back to Council.

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

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 049226.2020
SUBJECT: Question with Notice - Clr Rhodes - Public Art for New Civic Centre

At a recent Art exhibition by local artists held at CPAC, there were a number of paintings based on the theme "The History of Liverpool". It would be an opportunity for Council to support both local artists and provide appropriate art in the new Civic Centre.

Question

Could paintings be nominated by the public for possible purchase by Council to be hung in the new Civic Centre once it is built?

Response

Council acquires artwork for the Collection via the following prizes which are currently budgeted for:

- \$5,000.00 Liverpool City Council Overall Winner Prize from the annual Liverpool Art Society Exhibition and Prize.
- \$3,000.00 Mayor's Choice Award from the annual Mil-Pra AECG Prize.
- \$2,000.00 Maria Lock Award from the annual Mil-Pra AECG Prize.
- \$5,000.00 Blake Emerging Artist Award (every second year).

The winners of each of these go into the collection and there is currently no further acquisition budget.

To purchase artworks outside of these prizes (for example from the **ANZ History Prize**) would require a new initiative to acquire funds to cover the sale price of the artwork.

Additionally, any artwork or asset acquired by Council needs to be acquired under set criteria, be approved by a Manager with appropriate delegation and be managed within a collection plan.

Any artworks to be displayed in the new Civic Centre would need to have longevity: be secure from theft, be easily maintained and conserved and be constructed with materials and media durable enough to withstand long-term display in a non-gallery environment.

ITEM NO: QWN 02
FILE NO: 049231.2020
SUBJECT: Question with Notice - Clr Rhodes - Seniors Community Consultation

Council recently identified the concerns seniors identified having a healthy, mind, body and feeling safe as what matters most to them and that Council will be considering policies and strategic directions towards creating an age-friendly City.

Questions

1. When will Council be presenting policies to deliver an Age Friendly City?
2. Will there be a specific Council workshop through which Councillors and Community are invited to participate?

Response

In November 2019, Council staff conducted community consultation with local seniors who attended the Liverpool Seniors Concerts. Over 900 senior community members attended these concerts over two days and identified the key concerns of having a healthy mind and body and feeling safe as they age in Liverpool.

In December 2014, Council joined the World Health Organisation (WHO) Global Network of Age-Friendly Cities and Communities (GNAFCC). This network strives to create urban environments that foster healthy and active ageing and the wellbeing of older people. Being part of this global network gives Council the opportunity to:

- Link with participating cities and share information, expertise and technical assistance;
- Facilitate the exchange of information and best practice with participating cities;
- Provide programs that are sustainable and cost-effective for improving the lives of older people; and
- Promote and brand Liverpool as a centre for business and services that cater to the needs of older community members.

The Community Development team is currently investigating the process of renewing this membership with a view to this being achieved by December 2020. Councillors will be invited to provide direction on outcomes and programs to meet Liverpool's ageing population.

A number of existing Council strategies incorporate actions which address the needs identified by seniors as being important to them:

ITEM NO: QWN 03
FILE NO: 049237.2020
SUBJECT: Question with Notice - Cllr Rhodes - Monitoring of Air Quality in Child Care Centres

Children's services is working closely with NSW Health and the Rural Fire Services to ensure that risks are minimised for Children and their Families, protecting their health, while in Council's Early Education Centres.

Questions

- 1. What is Council doing to educate and protect the health of Children who do not attend Early Education Centres, or an Education Centre that does not belong to Liverpool Council?**

The NSW Environment Protection Authority works with Government, industry, community, environment and other stakeholders on strategies to reduce air pollution and improve air quality. In NSW the Department of Education developed key strategies and educational tools to support NSW schools and education and care services to understand the impacts of poor air quality and the potential impact on student's health. Awareness campaigns were conducted for early childhood education, primary and high schools, providing specific strategies to reduce smoke exposure.

In order to promote public awareness and education, NSW Health have developed a wide array of educational materials for the community, children's services providers and general practitioners ensuring that risks of exposure to poor air quality are minimised.

- 2. How can Liverpool Council ensure the protection of all Liverpool residents during periods of poor air quality?**

As outlined in the Local Government Air Quality Toolkit, Local government authorities play an important role in implementing Commonwealth and State initiatives for managing air quality. In NSW, this role is defined through the Protection of the Environment Operations Act 1997 (POEO Act), the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Local Government Act 1993 (LG Act). Local councils' main air quality responsibilities are in respect of small businesses, domestic premises and urban planning.

Council will rely upon the NSW Department of Planning, Industry and Environment's Air Quality Index (AQI). There are 2 air monitoring locations within or close to Liverpool City Council, at Bringelly and Liverpool. Air Quality Index values are calculated using measurements of ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, airborne particles and visibility. The AQI provides a comparison of air

ITEM NO: QWN 04
FILE NO: 049238.2020
SUBJECT: Question with Notice - Cllr Rhodes - Liverpool Community Hub

Recently Liverpool Council partnered with Community Hubs Australia to support the National Community Hubs Program in Liverpool.

The purpose of the Hubs are to:

Connect Families with each other, their school and existing services and local organisations, that can supply health, settlement support and socialising for Migrant mothers.

Questions

1. What does the new National Community Hubs do that was not already being supplied through the Migrant Resource Centre other than a closer connection to the school children may attend?
2. What is the manner in which Council has partnered with the new National Community Hubs, what does Council actually contribute?
3. Does it cost Council money and if so how much?

Response

The National Community Hubs Program (NCHP) provides support to refugee and migrant women with pre-school aged children to support them in accessing education, health, settlement support and social cohesion programs. Without a welcoming hub to go to, many of these parents, mostly women, can spend most of their time at home, feeling isolated from the rest of the community.

Community Hubs in schools differ from the work of the Western Sydney Migrant Resource Centre (WSMRC) in that they provide a soft entry point for community members who might otherwise not engage. For many community members, their child's school is one of the few locations they are confident to attend, and the hubs provide an opportunity to connect with other community members, organisations and services within that existing safe and familiar space. The hubs enable connection and engagement for parents with agencies such as WSMRC to access programs and services they offer.

Council has a convening role within the NCHP in Liverpool. Council acts as Support Agency for the Liverpool Network of hubs and provides operational support, strategic leadership and guidance to the local hub network, as well as managing the relationship between the Liverpool Network and Community Hubs Australia (CHA). Council is responsible for the development and submission of quarterly reports and data on the progress of the Liverpool Network of hubs.

Council provides a significant connection between the NCHP Liverpool Network of hubs and relevant services and organisations who can provide vital programs and activities to benefit community members who access the hubs. Examples include the connection of two hubs with Liverpool Neighbourhood Connections, who have now partnered with the program to provide playgroups in these hubs. Council has also facilitated a relationship between the hubs and educational institutions such as TAFE to deliver training courses free of charge within the community hubs.

Since it commenced in Liverpool in January 2019, the NCHP Liverpool Network has engaged 216 new families with activities and programs that will support their education, employment and social cohesion goals. The community hubs have provided 180 conversational English language classes to community members who are otherwise ineligible to receive free classes due to visa or other restrictive eligibility criteria. The hubs have facilitated 108 referrals to services for additional support including family support, child health services, pre-school and community health services.

Council's role as Support Agency for the NCHP is funded through Community Hubs Australia, who receives funding from the Department of Home Affairs and the Scanlon Foundation. Commencing the financial year 2020/2021, Council will contribute \$10,000 annually towards the salary and program costs for the role of Support Agency.

ITEM NO: QWN 05
FILE NO: 049241.2020
SUBJECT: Question with Notice - Cllr Harle - Membership on Planning Panels

Council currently operates two Planning Panels that assess Development Applications.

One is the Local Planning Panel and the other is the Sydney Western City Planning Panel. Both Panels have Councillor appointed members.

Can Council ensure that whenever possible the required number of panel members are present at each of the meetings?

Over the past 18 months there has been a notable absence of the required number of panel members assessing development applications for the Liverpool LGA. This is despite having several alternative members listed on the eligibility list.

Is it possible to extend that list and ensure adequate community representation takes place at each and every Panel Meeting?

Response

There are two panels responsible for determining certain Development Applications (depending on the cost of works or referral criteria). They are the Liverpool Local Planning Panel (LPP) and the Sydney Western City Planning Panel (SWCPP). Only the Sydney Western City Planning Panel has Councillor representation. The Local Planning Panel is not permitted to have Councillor representation following changes introduced to the planning system by the NSW Government in 2017.

Local Planning Panel

Under Section 2.18(2) of the Environmental Planning and Assessment Act, members of the Liverpool Local Planning Panel are appointed by Council. The LPP consists of four members. They are:

- An approved independent person appointed as the Chairperson of the Panel with relevant expertise in law or in government and public administration;
- 2 other approved independent persons with relevant expertise
- A representative of the local community who is not a Councillor or Mayor.

When setting meetings, Council ensures that a community representative member attends Local Planning Panel meetings.

ITEM NO: QWN 06
FILE NO: 049243.2020
SUBJECT: Question with Notice - Clr Ayyad - Memorial School of Arts

Please address the following:

1. How much was spent on the upgrade of the surrounds of the school of arts?

Approximately \$1.6 million was spent on the upgrade works.

2. Who prepared the landscaping plan?

Urbis Pty Ltd was engaged to prepare the landscaping plan.

3. How much was spent on the design of the landscaping plan?

\$43,450 (inc. GST)

4. How much did it cost to deliver the landscaping plan?

Approximately \$1.6 million as in (1) above.

5. Can you please provide photos of the completed landscaping plan and any media releases related to it?

Photos of the completed works are attached. There were no media releases published following the completion of the works.

6. When was the school of arts leased out?

The original Lease was agreed in August 2017. The Lease commencement date was subject to the Tenant submitting and obtaining the necessary Development Approvals for the proposed fitout, signage and use. The Tenant has since obtained the Development Approval but is still awaiting issue of the Construction Certificate.

Delays in obtaining the planning approvals are due to the impact of the tenant's proposed fitout on the heritage fabric of the building, the compliance requirements associated with proposed use as an educational institution, and determination by the Local Planning Panel, Lessees response in providing additional information required during this process and works required to the building.

7. When was agreement reached?

The original Lease agreement was reached in August 2017, whilst the Tenant was awaiting the issue of the above-mentioned approvals, the parties agreed to amend the Lease based on the delays to a proposed new Lease version which was to commence on 30 September 2019, by inserting a termination clause which allows the lease to be terminated any time after 30 June 2023, by giving a six month notice to terminate. The commencement date is being revised pending the Construction Certificate being issued.

8. How much income has been received so far from the lease?

No rental income has been received.

9. When does the lease finish.

The initial term is due to expire on 28 September 2022 with provision for a three year option term which will expire on 28 September 2025. Under the terms of the amended new lease the termination clause will include provision for termination any time after 30 June 2023 by giving a six month notice.

ITEM NO: QWN 07
FILE NO: 049342.2020
SUBJECT: Question with Notice - Clr Hadchiti - Local Infrastructure Contributions (Section 7.11)

Please address the following:

1. Is Council aware if the NSW Audit is undertaking a performance audit on Section 7.11's?
2. Has Council undertaken any audits internally/externally on Section 7.11's during this term of Council and if so, can we be provided with these reports?

Response

- 1. Is Council aware if the NSW Audit is undertaking a performance audit on Section 7.11's?**

Yes. The NSW Audit Office initially contacted Council on 23 August 2019 to commence the audit process. Council were officially notified on 6 September 2019 of the audit, inclusive of an engagement letter and audit plan.

The stated aim of the audit was "to assess the effectiveness of governance and internal controls over local infrastructure contributions collected by councils."

Liverpool was selected to be a part of the audit along with 3 other Councils.

Staff have been active and transparent in all dealings with the NSW Audit Office during the audit process. The draft audit report was submitted to Council on 2 March 2020. The purpose of the draft report is to provide Council with the opportunity to correct errors of fact or interpretation before the NSW Audit Office prepare the final report. The draft report remains confidential during this process, and Council has been asked to limit its distribution.

It is anticipated that the NSW Audit Office will issue the final report by 27 March 2020 for formal response. The formal response will be included in the published report when it is tabled in the NSW Parliament by the Auditor-General.

- 2. Has Council undertaken any audits internally/externally on Section 7.11's during this term of Council and if so can we be provided with these reports??**

Council's Internal Audit Unit undertook an audit of the developer contributions and consent levies in 2018. The final report issued on 14 December 2018 identified several issues and opportunities for improvement, incorporating management agreed actions to address the issues identified in the report. A copy of this report has been circulated to Councilors via email.

Please note that the management responses in the report were written at the time the audit was finalised. The progress status on the implementation of these actions are tracked and updated through Promapp (Council's audit action tracking software). Summary status updates and time extensions in relation to implementing these recommendations are tabled to the Audit, Risk and Improvement Committee (ARIC) quarterly (Councillors are provided a copy of the Agenda).

On the 8 Feb 2019 ARIC were briefed on the outcomes of the Contributions audit. Senior Management presented the approach to address key findings and recommendations contained in the report to the independent ARIC members.

Following this internal audit, Council has commenced a wide-ranging program of initiatives and actions to address all findings of the audit report with the overall aim of improving the way that Council manages developer contributions. The initiatives and actions include:

- Recruitment of Manager Infrastructure Planning to lead a small team of staff dedicated to developer contributions;
- Creation of an internal reference group to better manage the contributions framework;
- Broad ranging review of governance, systems and plans;
- Improved documentation available for customers, including mapping of items and relevant plan application areas on the ePlanning Portal;
- Commencement of Aerotropolis Contributions Plan in conjunction with Penrith City Council and the Western Sydney Planning Partnership;
- Progressing updates to "capped" contribution plans to make them fit for submission to IPART as an important step towards recovering contributions impacted by the government imposed s7.11 cap on contributions. A summary of the status of these updates is as follows:
 - Austral/Leppington North – awaiting exhibition
 - Edmondson Park – review underway
 - East Leppington – procurement process underway;
- Inclusion of details of the financial impact of the cap in Council reports on *Liverpool Contributions Plan 2014 – Austral Leppington North precincts* (25 September 2019 and 11 December 2019). Both reports include detail of the cost per lot of \$56,097 and the capped amount of \$30,000. Additionally, the 11 December 2019 report also includes specific reference to an anticipated \$20m annual shortfall and that this shortfall would "be addressed once council is collecting strictly in accordance with the updated contributions plan".
- Enhanced internal reporting of contribution accounts (income/expenditure);
- Engagement with Independent Pricing and Regularity Tribunal (IPART) to ensure more efficient processing of review of Council plans;

- Participation in Western Sydney Planning Partnership contributions working group – developing best practice amongst Western Sydney councils;
- Identification of key risks associated with S7.11 related activities are ranked in the top 10 of Council's strategic risks;
- Quarterly Enterprise Risk Management reporting to ARIC and Councillors of Councils key strategic and operational risk, including the contribution risk; and
- Regular briefing of the CEO by the Director City Economy & Growth on the progress of mitigating key risk areas pertaining to S7.11 audit and risk outcomes.

These initiatives have reduced the risk associated with the contributions framework while allowing the Infrastructure Planning team to undertake a full review of the systems, plans and processes supporting the contributions framework. It is intended that this new approach to growth management will see Council become a leader in this space and will ensure all the remaining risks are addressed in a systematic and transformative nature.

ITEM NO: QWN 09
FILE NO: 049371.2020
SUBJECT: Question with Notice - Clr Hadchiti - Moorebank Recyclers

Please address the following:

1. Has any progress been made on ensuring we don't see a recycling facility in Georges Fair?

Response

At its meeting on 30 May 2018, Council resolved:

That Council:

1. *In principle, support a proposal for a residential (and auxiliary) land use on the site known as the Moorebank Recyclers in lieu of a recycling facility;*
2. *Note that any proposal needs to undergo the standard assessment process;*
3. *Work closely with the proponent to ensure the best possible outcome for the site in a timely manner, should a proposal be received; and*
4. *Organise a community BBQ once and if the development approval for the recycling plant is surrendered.*

Following Council's resolution, the following formal meetings between Council, the landowner and their consultant team have occurred:

13 July 2018 – Meeting to discuss development of a structure plan for the Moorebank East precinct

10 October 2018 – Meeting to discuss proposed density and height of buildings for the site

20 February 2019 – Meeting to discuss planning positioning paper prepared by the proponent. This document outlined the proponents preferred development outcome for the site

11 April 2019 – Meeting to discuss timeframes, noting that the proponents had not lodged a planning proposal with Council for assessment

13 August 2019 – Meeting to discuss flooding issues including flood evacuation for the site.

20 September 2019 –Pre-planning proposal meeting, with formal advice issued to the proponent

10 December 2019 – Meeting with the proponent following their review of the flood evacuation report

The proponent contacted Council on 14 February 2020 and 26 February 2020 advising of the imminent lodgement of a planning proposal. The planning proposal was lodged with Council on 5 March 2020.

ITEM NO: QWN 11
FILE NO: 065428.2020
SUBJECT: Question with Notice - Clr Balloot - Cyber Security and Operating Expenditure

Please address the following:

1. Does Liverpool council have its cyber security policies up to date to meet the current cyber security threats?
2. Does Liverpool council have its IT policy for security and disaster recovery in place to meet the challenges in 2020 and beyond?
3. Please advise if Liverpool council operating expenditure exceeds their operating revenue for 2020?

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

ITEM NO: QWN 12
FILE NO: 065444.2020
SUBJECT: Question with Notice - Clr Ballot - Forum - National Redress Scheme of Survivors of Institutional Child Sexual Abuse

Please address the following:

On Thursday 5th of March I attended the special briefing by New South Wales Attorney General the Honorable Mark Speakman regarding the National redress scheme is part of the federal government response to the royal commission into institutional responses to child sexual abuse.

Council, and Mayors specifically, have new obligations under these reforms, which the state government has committed to.

While historically cases of child abuse in councils and council-run institutions are expected to be rare, councils were signed up to the national redress scheme by the New South Wales government, which will underwrite any financial liability.

Does Liverpool Council have a policy on child sexual abuse?

A response to these questions will be provided in the April 2020 Council meeting Business Papers.

ITEM NO: QWN 13
FILE NO: 065464.2020
SUBJECT: Question with Notice - Clr Balloot - Coronavirus (COVID-19)

Please address the following:

We have over 100 Coronavirus cases confirmed in Australia, including three deaths up-to-date (11 March 2020).

We have 54 Confirmed cases in NSW up to date (11 March 2020).

What measures is Council taking to ensure the safety of our staff and residents from the spread of Coronavirus?

What measures is Council taking to ensure to the support of small business in our LGA?

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

ITEM NO: QWN 14
FILE NO: 067196.2020
SUBJECT: Question with Notice - Clr Hagarty - Brontos

Please address the following:

Previously the nearest Brontos were located at St Andrews and Parramatta. Is this still the case?

A response to this question will be provided in the April 2020 Council meeting business papers.

ITEM NO: QWN 15
FILE NO: 069282.2020
SUBJECT: Question with Notice - Cllr Shelton - Event Cancellations

Please provide:

- i. A list of all Council events cancelled or postponed over the *last* twelve months due to extreme weather events;
- ii. A list of all Council events cancelled or postponed over the *preceding* twelve months due to extreme weather events; and
- iii. An estimate as to the costs arising from item (i).

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

ITEM NO: QWN 16
FILE NO: 069344.2020
SUBJECT: Question with Notice - Clr Balloot - Civic Place

Please address the following:

1. Has Council done an internal audit report in recent times?
2. Did any of the Councillors view the signed contract between Liverpool Council and Buildcorp Australia for the construction of Civic Place?
3. Can you advise why the cost for the Civic Place has risen from an estimated \$75 million in 2016 to \$195 million currently?

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

ITEM NO: NOM 02
FILE NO: 069317.2020
SUBJECT: Future for Waste

BACKGROUND

Liverpool residents are aware of the importance of recycling and most do their bit to reduce, reuse or recycle waste in their daily lives.

However, despite these efforts, the amount of waste we're generating is increasing and recycling and waste diversion rates are flatlining.

Our waste and recycling infrastructure is barely keeping up with demand and local governments across Australia have seen the fallout of sending our recycling overseas for other countries to process.

The NSW Government collects approximately \$800 million every year through the Waste Levy. Recently, the Government put a call out for submissions to a 20 year Waste Strategy issues paper and Plastics Plan discussion paper.

The issue of recycling and effective waste management has been brought before Council a number of times. This process presents an timely opportunity to advocate for important improvements to waste management infrastructure and policy.

NOTICE OF MOTION (submitted by Cllr Kaliyanda)

That Council:

1. Notes the long-awaited release of two Issues Papers (Cleaning Up Our Act – The Future for Waste and Resource Recovery in NSW & Redirecting the Future of Plastic in NSW) by the NSW Government on 8 March 2020;
2. Notes that the City of Liverpool paid \$9.7m in the S88 waste levy in the last financial year, and received \$217k in NSW Waste Less Recycle More grants in the same period (equal to 2.2% of waste levy paid); and
3. Makes a submission to both Issues Papers, consistent with its previously adopted positions, encouraging:
 - a. NSW state government funding to support waste avoidance and recovery, including grant to support councils with major capital investments (including by reinvesting the \$800 million collected under the S88 Waste Levy into recycling);
 - b. The development of a local circular economy, and support for local manufacturing using recycled product;

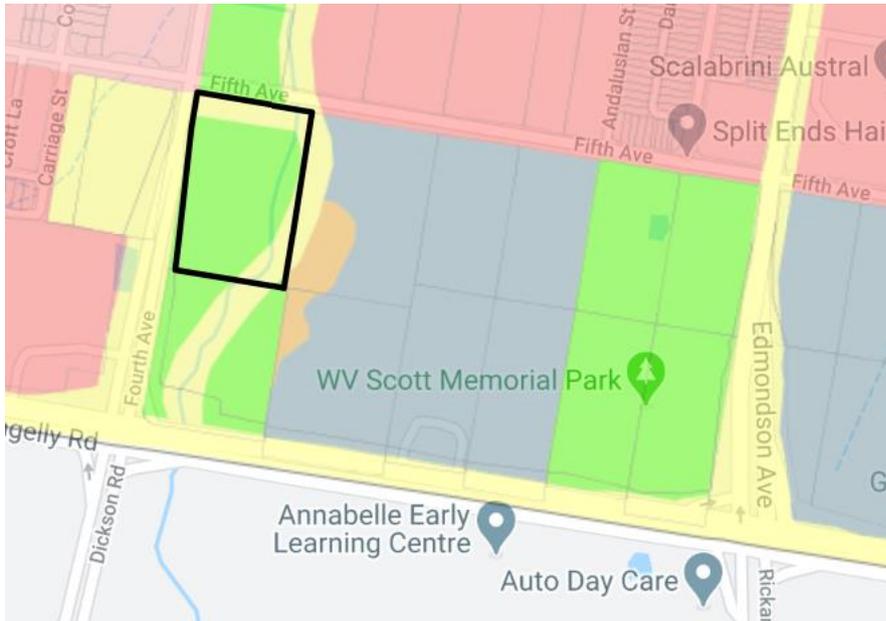
ITEM NO: NOM 03
FILE NO: 069426.2020
SUBJECT: Save Liverpool Animal Shelter

BACKGROUND

The community has been outraged by some on this Council wanting to outsource essential services and close Liverpool Animal Shelter and instead have our residents travel to Blacktown Council as the alternate animal shelter.

To make things worse, some people in this room told us through the media, that it would cost \$17m to build a new animal shelter in Liverpool. This is almost DOUBLE the cost of building the Quest hotel in Liverpool.

This motion calls on Council to save ratepayers money and keep the animal shelter in Liverpool and as close as possible to its current location.



DA-525/2013

Development Application - Construction of a nine storey hotel and commercial building with two levels of basement car parking and associated signage

Status: **Approved**

Lodged: 15/05/2013

Determined: 12/11/2013 **Approved** by Council

Estimated Cost of Work: \$ 9,539,569

Officer: Marcus Jennejohn

Processing Group: Normally Processed Application

Location

People

History

Documents

Show All

[39 SCOTT STREET LIVERPOOL NSW 2170](#)

NOTICE OF MOTION (submitted by Cllr Ayyad)

That Council:

1. Allow animal shelters to be a permitted use on the land bordered by Fourth Ave, Fifth Ave, Edmonson Ave, and Bringelly Rd. This includes WV Scott Memorial Park; and
2. Delegate to the CEO to send prepare the amendment to the LEP and report back to Council at its next meeting.

COUNCIL DECISION

The Mayor declared that based on legal advice received, the motion is an illegal motion unless it is dealt with as a rescission motion.

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

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

Vote against: Clr Hadchiti.

ITEM NO: CONF 04
FILE NO: 057403.2020
SUBJECT: Tender WT2892 - Phillips Park Redevelopment

COUNCIL DECISION

Motion: **Moved: Cllr Hagarty** **Seconded: Cllr Shelton**

That Council:

1. Accepts the tender from HPAC Pty Ltd for Tender WT2892 - Phillips Park Redevelopment for a 52 week contract term at the GST inclusive price specified in the confidential report.
2. Makes public its decision regarding Tender WT2892 - Phillips Park Redevelopment.
3. Delegates the Chief Executive Officer to finalise all details and sign the Letter of Acceptance following publication of draft Minutes on Council website for the tender, giving it contractual effect, in accordance with delegated authority.
4. This report has been brought to Council because the Chief Executive Officer's instrument of delegation, approved by Council in accordance with the current provisions of section 377 of the Local Government Act 1993, only permits the Chief Executive Officer to accept tenders up to a value of \$2 million.
5. Keeps confidential the details supplied in this report containing information on the submissions received, pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

Councillors voted unanimously for this motion.

The Mayor advised that the remaining items on the agenda (as shown below) will be dealt with at the April 2020 Council meeting:

- CEO 01 Change of date for November 2020 Council meeting;
- CEO 03 Response to QWN 15 Edmondson Park Commuter Car Parking from 5 February 2020 council meeting;
- CEO 04 Mayoral Direction pursuant to Section 226(d) of the Local Government Act 1993;
- EGROW 01 Report back - NOM 01 Feral Cats and Trap-Neuter-Return (TNR) Program from 5 February 2020 Council meeting;
- EGROW 02 Destination Management Plan - First year review;
- EGROW 03 Draft Former Liverpool Courthouse Conservation Management Plan;
- EGROW 04 Draft Amendment to Liverpool Development Control Plan 2008 - Part 1 General Controls (Chapter 26 Outdoor Advertising and Signage);
- EGROW 05 Draft Amendments to Liverpool Contributions Plan 2009 and Liverpool Contributions Plan 2018 – Liverpool City Centre to ensure clarity around the payment of development contributions for complying development certificates;
- EGROW 06 Draft Amendment 1 to Liverpool Contributions Plan 2018 – Existing Areas - Instalment Payments for Secondary Dwellings;
- EGROW 07 Post Exhibition Report - Draft Liverpool Local Environmental Plan 2008 (Amendment 76) - Schedule 1 Amendment to permit vehicle sales or hire premises at 36-36A Kookaburra Rd, North Prestons;
- EGROW 08 Street Naming Request - Edmondson Park;
- EGROW 09 Post Exhibition Report - Draft Liverpool Development Control Plan 2008 (Amendment 25);
- EGROW 10 Out of Office Hours Compliance Officers;
- COM 02 Response to NOM 2 - Ferrington Park;
- CORP 01 Response to NOM 05 - A Prominent Permanent Home for the City of Liverpool and District Historical Society;
- CORP 02 Investment Report February 2020;
- CORP 03 Amendment to Councils Investment Policy;
- INF 01 Upgrades to Whitlam Leisure Centre;
- INF 02 Roads in Middleton Grange and Western Sydney Parklands;
- INF 03 Conservation of Koala Habitat Corridors;
- CTTE 01 Minutes of the Audit, Risk and Improvement Committee Meeting held on 7 February 2020;
- CTTE 02 Minutes of the Tourism and CBD Committee meeting held on 11 February 2020;

- CONF 01 Acquisition - Clermont Park, Lot 4601 in DP 1248502 - Edmondson Park, for open space purposes; and
- CONF 02 Hammondville Park Leisure Precinct.

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THE MEETING CLOSED AT 8.18pm.

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 29 April 2020

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 25 March 2020. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.