



**MINUTES OF THE ORDINARY MEETING
HELD ON 25 AUGUST 2021**

PRESENT VIA VIDEO CONFERENCING:

Mayor Wendy Waller
Councillor Ayyad
Councillor Hadchiti
Councillor Hadid
Councillor Hagarty
Councillor Harle
Councillor Kaliyanda
Councillor Karnib
Councillor Rhodes
Councillor Shelton
Dr Eddie Jackson, Chief Executive Officer
Mr George Hampouris, Acting Director Corporate Services
Ms Tina Bono, Acting Director Community & Culture
Mr David Smith, Acting Director Planning & Compliance
Mr Peter Diplas, Acting Director City Presentation
Ms Jennifer Chenhall, General Counsel, Manager Governance, Legal and Procurement
Mr Raj Autar, Director Infrastructure & Environment
Mr John Morgan, Director Economy & Commercial Development
Ms Ellen Whittingstall, Internal Ombudsman
Mr Vishwa Nadan, Chief Financial Officer
Mr George Georgakis, Manager Council & Executive Services
Ms Susan Ranieri, Coordinator Council & Executive Services (minutes)

The meeting commenced at 6.00pm

**STATEMENT REGARDING WEBCASTING
OF MEETING**

The Mayor reminded everyone that in accordance with Council's Code of Meeting Practice, 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 Dr Eddie Jackson, Chief Executive Officer.

APOLOGIES

Nil.

CONDOLENCES

ITEM NO: COND 01
FILE NO: 273166.2021
SUBJECT: Condolence Motion - Bernard Jeffery (read by Mayor Waller)

Tonight, we pause to honour the memory of Bernard Jeffery, a valued staff member of Liverpool City Council.

Bernard passed away suddenly last week. He was aged 66. Bernard worked for Council in the position of Senior Land Development Engineer. He will be sorely missed by his colleagues, especially in the Land Development, Development Assessment and Infrastructure and Environment teams.

Bernard will be remembered as someone who was always ready to help in any matters asked of him without question or complaint. His knowledge, expertise and efforts were recognised and respected within the development community.

He was instrumental in supporting the design and delivery of engineering systems in Austral/Leppington and was an extremely reliable colleague. He worked tirelessly with developers and the planning team to achieve great outcomes for our growth areas.

The news of Bernard's passing has been met with great sadness by all Council staff.

On behalf of Liverpool City Council, I humbly express my deepest condolences to Bernard's wife Leanne, and all his family and friends. Our thoughts are with Bernard's loved ones during this difficult time.

May he rest in peace.

COUNCIL DECISION

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

That Council write to the family of Bernard Jeffery to express our condolences for their loss.

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

ITEM NO: COND 02
FILE NO: 273166.2021
SUBJECT: Condolence Motion - COVID-19 (read by Mayor Waller)

Tonight, we pause to honour the memory of those whose lives have been lost to COVID-19, particularly residents of the Liverpool local government area. It is such a heartbreaking time for many people, and we take this time to remember them.

The current Delta coronavirus outbreak began on 16 June. Almost 14,000 cases and 75 related deaths have since been reported as of yesterday. Every one of those deaths is a tragedy and I offer my deepest condolences to the loved ones of all those who have lost their lives in this pandemic. The Delta outbreak has affected the Liverpool community enormously with a total of 1049 cases so far recorded amongst our residents.

As of Tuesday 24 August, 11 people have lost their lives after contracting the disease at Liverpool Hospital, despite entering the hospital with other health conditions. Several people who contracted the virus within the community have sadly died at Liverpool Hospital. Several other Liverpool residents have died from COVID-19 at home. This is an incredibly difficult time for their families many of whom are sick with coronavirus themselves.

I would like to extend my deepest thanks to all the health care workers and frontline workers. The challenges you're facing are immeasurable; yet you continue to put the lives of others before your own, risking your own health to help others. As you keep showing up to care for those who need it most, we will continue to stay home for you.

Most of the Liverpool community are doing the right thing and adhering to the lockdown rules. We know this disease spreads quickly once it is within households and is often brought back to households by authorised workers, doing the essential work to keep our society functioning. The stigma around the disease unfortunately means some people seek medical help far too late, once their condition is already critical.

COVID-19 is also placing a toll on the community forced to adapt to learning and working from home and spending all their time in the same environment. Many people have also lost work entirely or cannot work from home and are struggling just to put food on the table. Milestones can't be celebrated, grandparents can't meet their newborn grandchildren, and people can't attend the funerals of loved ones.

We will come out of this lockdown and slowly return to normal – it can't come soon enough. We must have hope. But we will always be touched by this difficult period of our lives.

I urge people to continue to get vaccinated. I know this isn't always a straightforward process and getting an appointment can be challenging. I hope that the four community vaccination hubs across Liverpool, which were doing a great job of vaccinating locals, will be able to reopen again in September.

Nothing will bring back the lives lost in this pandemic. There are so many people in our community suffering immensely and we need to be kind to each other and offer support where we can. While this is a challenging time for all of us, it is so much harder for those directly affected by the loss of someone they love to COVID-19.

May they all rest in peace.

COUNCIL DECISION

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

That Council expresses its condolences for those that have lost their lives.

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

One minute silence was then observed for Bernard Jeffery and all those who have lost their lives due to COVID-19.

CONFIRMATION OF MINUTES

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

That the minutes of the Ordinary Meeting held on 28 July 2021 be confirmed as a true record of that meeting.

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

DECLARATIONS OF INTEREST

Cllr Shelton declared a pecuniary interest in the following items:

Item: CONF 06 - Management of Contaminated Lands.

Reason: In part that report refers to an area near where Cllr Shelton lives and therefore owns real estate.

Item: CONF 08 - Tender for Supply of Electricity - Renewable Energy Percentage Election.

Reason: Cllr Shelton owns shares in one of the companies referred to in the report.

Cllr Shelton left the meeting for the duration of these items.

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

Item: COM 02 - Grants, Donations and Corporate Sponsorship
Reason: Clr Kaliyanda has had previous dealings with one of the organisations listed in the report through her work and as a community member.

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

Item: CONF 05 – Order of Liverpool Awards 2021.
Reason: Clr Kaliyanda knows one of the nominees.

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

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

Item: CONF 05 - Order of Liverpool Awards 2021
Reason: Clr Rhodes knows some of the people nominated but not all the people nominated.

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

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

Item: CONF 05 - Order of Liverpool Awards 2021
Reason: Clr Harle knows several of the people nominated for an award.

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

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

Item: PLAN 02 - Post exhibition report - Revised Middleton Grange Town Centre Planning Proposal.
Reason: Clr Ayyad lives in Middleton Grange.

Clr Ayyad remained in the meeting for the duration of this item.

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

Item: CONF 05 – Order of Liverpool Awards 2021.
Reason: Clr Hagarty knows one of the nominees.

Clr Hagarty remained in the meeting for the duration of this item.

PUBLIC SUBMISSIONS

Written submissions for items not on agenda

Nil.

Written submissions for items on agenda

Nil.

MAYORAL MINUTE

ITEM NO: MAYOR 01
FILE NO: 273095.2021
SUBJECT: 60 Years of Green Valley

This August we mark 60 years since the start of construction of the Green Valley Housing Project, an important part of the history of Liverpool and the nation.

Before European colonisation, the land which later became known as Green Valley was the home of the Cabrogal clan of the Darug nation. In 1804, in the early days of the British colony of New South Wales, Governor Philip King granted a large portion of the land making up this area to support the Orphan School. The name Green Valley was used from the late-nineteenth century to refer to the area Northwest of the town of Liverpool. For a long time, Green Valley was mostly farming land, sitting on the fringe of greater Sydney. Some early landowners in the area included Peter Miller, Charles Ambrose Scrivener, James Bull and Bridget Peters.

On 3 August 1961, the Housing Commission of NSW marked the turning of the first sod for an ambitious public housing project. The housing constructed between 1961 and 1964 was intended to provide accommodation for 6000 families, many relocating from other more densely populated areas of Sydney. Green Valley today encompasses the suburbs of Green Valley, Ashcroft, Busby, Cartwright, Heckenberg, Miller and Sadleir, and part of Hinchinbrook - all sharing the 2168 postcode.

The people of Green Valley are proud, and they have faced challenges. But Green Valley has also been a place of opportunity. Peter Weir's 1973 film "Whatever happened to Green Valley" defied many deeply held and incorrect perceptions of the area. The film is available online through the National Film and Sound Archive website and it is worthwhile viewing.

Green Valley is also an unrecognised rugby league cradle, with deep links to our victorious NSW Blues State of Origin side. The game of rugby league owes a lot to the Valley. Several rugby league legends and current players attended Ashcroft High, including Brad Fittler, Jason Taylor and Junior Paulo. I am also a proud former attendee of Ashcroft High.

The Green Valley area is also producing future leaders. For the past few years, the Liverpool Council Chambers has held sessions of the 2168 Children's Parliament. This ground-breaking initiative between Council and Mission Australia aims to help primary schools in this area to actively engage in civic life and participate in decisions that directly affect them.

As we look forward to the next 60 years for the Green Valley area, I believe there is great potential, which will be met by further investment in infrastructure and a program of urban renewal. Council is aiming to redress the historic disadvantage in Green Valley and surrounds through the Miller Social Infrastructure Masterplan. The nearby Lurnea Community Hub at Phillips Park, currently under development, will also be a great facility for

the community. The area will sit only a short distance from the future Western Sydney International Airport and Aerotropolis and all the opportunities this will provide.

Green Valley will continue to thrive in coming years, and I look forward to seeing its growth and the future achievements of its residents.

Congratulations to a great community with a bright future.

COUNCIL DECISION:

Motion: Moved: Mayor Waller

That Council acknowledges the 60th anniversary of the suburb of Green Valley.

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

PLANNING & COMPLIANCE REPORT

ITEM NO: PLAN 01
FILE NO: 247426.2021
SUBJECT: Draft Amendment to Liverpool Growth Centre Precincts Development Control Plan

COUNCIL DECISION

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

That Council:

1. Place the draft amendment to the Liverpool Growth Centre Precincts Development Control Plan on public exhibition for 28 days in accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000 and the Liverpool Community Participation Plan 2019; and
2. Receive a further report on the outcomes of public exhibition and community consultation on the planning proposal, voluntary planning agreement and DCP amendment.

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

Councillors voted unanimously for this item.

Note: Cllr Balloot was not at this meeting.

COMMUNITY & CULTURE REPORT

ITEM NO: COM 01
FILE NO: 179274.2021
SUBJECT: Community Gardens Options Paper

COUNCIL DECISION

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

That Council:

1. Receives and notes this report; and
2. Develops a framework for community and developer driven opportunities for individual and communal gardening on private property in Liverpool. This could include rooftop gardening, balcony gardening and garden beds in common areas and that Council receives a report on the progress of this resolution.

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

Clr Kaliyanda returned to the meeting at 6.27pm.

ITEM NO: COM 03

FILE NO: 243078.2021

SUBJECT: Report back to Council - Racism Not Welcome campaign

COUNCIL DECISION

Motion:

Moved: Clr Rhodes

Seconded: Clr Hadchiti

That Council receives and notes this report.

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

ITEM NO: CORP 02
FILE NO: 248229.2021
SUBJECT: Biannual Progress Report - June 2021

COUNCIL DECISION

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

That Council notes and receives the Biannual Progress Report which outlines the progress of Principal Activities detailed in the Delivery Program 2017-2022 and Operational Plan 2020-2021.

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

ITEM NO: CORP 03
FILE NO: 249068.2021
SUBJECT: Alteration to Council Meeting dates for remainder of 2021

COUNCIL DECISION

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

That Council:

1. Make the following changes to its Council meeting cycle for 2021:
 - i. Hold a Council meeting in the last Wednesday of September, being 29 September 2021;*
 - ii. Change the date of the October meeting (currently scheduled for 20 October 2021), to the last Wednesday in October being 27 October 2021;*
 - iii. Change the date of the November meeting (currently scheduled for 17 November 2021) to the last Wednesday in November being 24 November 2021; and*
 - iv. Remove the meeting scheduled for 15 December 2021 as this will be after the elections and prior to any declaration of the new Council.*
2. Receive a further report at the October 2021 Council meeting with proposed Council meeting dates for 2022.

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

ITEM NO: CORP 04
FILE NO: 255741.2021
SUBJECT: Amendment to Council's Investment Policy

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Hagarty**

That Council adopts the amended Investment Policy.

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

ITEM NO: CORP 05
FILE NO: 256287.2021
SUBJECT: Postponement of Council Elections, Deputy Mayor and Council Committees

COUNCIL DECISION

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

That:

1. Council resolve to alter its resolution of 30 September 2020 under section 372 of the Act to extend the term of the current Deputy Mayor to 4 December 2021;
2. Council notes that the current Councillor representatives appointed to Council Committees at the 30 September 2020 meeting, remain in place until the end of this Council term; and
3. If the council election date is postponed again, that there be an election for the Deputy Mayor at a meeting in December.

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

INFRASTRUCTURE & ENVIRONMENT REPORT

ITEM NO: INF 01
FILE NO: 245587.2021
SUBJECT: 2020-21 Capital Works Carryover of Projects

COUNCIL DECISION

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

That Council approves the works and services listed in Attachment 1 with a remaining budget of \$19,138,615 to be carried over from the 2020-21 Program Year to the 2021-22 Program Year.

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

ITEM NO: INF 02
FILE NO: 251380.2021
SUBJECT: Impact of COVID on current contracts

Mayor Waller ruled that INF 02 be moved to the end of the meeting and be held in Closed Session in accordance with S10A(2)(d i) and (d ii)) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

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

ITEM NO: INF 03
FILE NO: 253443.2021
SUBJECT: Monitoring and Managing Sustainability Outcomes

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Ayyad**

That Council does not proceed with the trial of the ClimateClever partnership at this time.

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

That Council:

1. Does not proceed with the trial of the ClimateClever partnership at this time;
2. Continues to progress the development of the Climate Action Plan to lead a strategic approach to Council's response to climate change and identify measures to reduce emissions. Consideration can be given to trialing the partnership, or an equivalent service at a later date, if it is determined that it would add value to the implementation phase of the Climate Action Plan; and
3. Come back with a report in a few months about climate initiatives that will save money.

On being put to the meeting the motion (moved by Cllr Hadchiti) was declared LOST. The Foreshadowed Motion (moved by Cllr Hagarty) then became the motion and on being put to the meeting was declared CARRIED.

COMMITTEE REPORTS

ITEM NO: CTTE 01

FILE NO: 216433.2021

SUBJECT: Minutes of the Heritage Advisory Committee meeting held on 24 May 2021

COUNCIL DECISION

Motion:

Moved: Cllr Rhodes

Seconded: Cllr Ayyad

That Council:

1. Receives the minutes of the Heritage Advisory Committee meeting held on 24 May 2021;
2. Endorses the following recommendation of the Committee:
 - That Council thank and acknowledge the effort of Council's Parks team in restoring the gardens at Collingwood House;
3. Notes the following recommendations of the Committee which are operational matters and will be further investigated.
 - Council to consider allocating a section within Council with responsibility for the monitoring and maintenance of the Liverpool Pioneers Memorial Park website and to undertake all work necessary to ensure the website is operating as designed; and
 - Council considers the employment of trades people with traditional trade skills to in-house heritage building maintenance, with the aim of placing Liverpool City Council as a leader in heritage asset management.

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

ITEM NO: CTTE 02
FILE NO: 250523.2021
SUBJECT: Minutes of the Liverpool Pedestrian, Active Transport and Traffic Committee meeting held on 21 July 2021

COUNCIL DECISION

Motion: **Moved: Cllr Hagarty** **Seconded: Cllr Hadid**

Council adopts the following recommendations of the Committee subject to the following change in Item 6 (as shown below) and the inclusion of an additional point in General Business item 1 (as shown below):

- Item 6 Flynn Avenue, Middleton Grange - Proposed Traffic Restrictions through the Western Sydney Parklands.
 - **Does not approve the proposed road closures until such time as other road works in the area are completed**
 - All stakeholders to be advised of the road closures.
- Additional point in relation to General Business item 1: Second Avenue, West Hoxton – Proposed Road Extension.
 - **Community consultation take place in relation to General Business 1**

Recommendations

- Item 1 Campbell Street, Liverpool – Proposed Raised Threshold.
- Approves the raised threshold as shown in the Attachment booklet.
- Item 2 88 Kurrajong Road, Prestons - Proposed Traffic Facilities and Signs and Linemarking Scheme.
- Approves the proposed median islands and associated signs and linemarking scheme in Kurrajong Road, west of Kookaburra Road (North) as shown in the Attachment booklet.
- Item 3 Fourteenth Avenue, Austral - Proposed Traffic Facilities and Signs and Linemarking Scheme.
- Approves the signs and linemarking scheme as shown in the Attachment booklet.

- Item 4 Moorebank East, Moorebank – Proposed Traffic Facilities and Signs and Linemarking Scheme.
- Approves the signs and linemarking scheme as presented.
- Item 5 Flynn Avenue, Middleton Grange – Speed Concerns and Proposed Raised Threshold in front of Thomas Hassell College.
- Approves the proposed traffic facilities as shown in the Attachment booklet.
- Item 6 Flynn Avenue, Middleton Grange - Proposed Traffic Restrictions through the Western Sydney Parklands.
- **Does not approves the proposed road closures until such time as other road works in the area are completed** (*this point was added at the Council meeting on 25 August 2021*).
 - All stakeholders to be advised of the road closures.
- Item 7 Talana Hill Drive, Edmondson Park - Request for Raised Thresholds.
- Approves Installation of two raised thresholds across Talana Hill Drive Section. Community consultation is to be carried out with residents close to the proposed raised threshold location to confirm the locations.
 - Detailed design of the raised thresholds be submitted to the TfNSW and Police for review prior to installation.
- Item 8 Stanton Street, Liverpool - Request for AM and PM peak ‘No Left Turn’ and ‘No Right Turn’ restrictions at its intersection with Memorial Avenue and Flowerdale Road.
- The ‘No Left Turn’ and ‘No Right Turn’ access restrictions through Stanton Street be deferred.
 - Community consultation be carried out with local residents to consider treatment options including ‘No Left Turn’ at the Stanton Street and Flowerdale Road intersection, installation of traffic calming devices including rumble bars in the curved road section.
 - The outcome of the community consultation be presented to the September traffic committee meeting.
- Item 9 Manning Street, Warwick Farm – Proposed Traffic Calming Scheme.
- Approves the interim treatments along Manning Street involving improved signage, pavement marking, and street lighting as shown in the Attachment booklet.

- Item 10 Barry Road, Chipping Norton – Proposed Pedestrian Refuge.
- Approves installation of pedestrian refuge in Barry Road at Ernest Avenue intersection, Chipping Norton, as shown in the Attachment booklet.
 - Detailed design of the pedestrian refuge to include design of a crossing facility across Ernest Street, to be presented at a future meeting.
- Item 11 Fifteenth Avenue, Austral – Proposed ‘No Right Turn’ restrictions at Craik Avenue intersection.
- Approves installation of the proposed No Right Turn into Craik Avenue subject to TfNSW approval.
 - A traffic management plan (on the proposed right turn movements) be prepared and submitted to TfNSW endorsement prior to implementation.
- Item 12 Transport for NSW Digital Smart Kerb Pilot Scheme – Update and Second Street.
- Approves installation of parking sensors in the parking spaces along sections of Elizabeth Street, College Street, Bigge Street, and Moore Street as part of the Smart Kerb Pilot.
- Item 13 Badgerys Creek Road, Badgerys Creek – Access to the metro station proposed roundabout.
- Approves the submitted detailed design and signage and linemarking plans of the proposed roundabout.
 - Council to enter an agreement with Sydney Metro for removal of this temporary roundabout once the construction work is complete. Alternative access is to be identified and established to access the Metro station and future Bradfield City Centre.
- Item 14 Ardennes Avenue, Edmondson Park - Request for Traffic Calming Devices.
- Approves installation of asphalt concrete speed humps in front of House No’s 113-115 and between Darwin Road/Normandy Road.
- Item 15 Items Approved Under Delegated Authority.
- Approves the works approved under the delegated approval process.

General Business item 1 – Second Avenue, West Hoxton – Proposed Road Extension. Community consultation take place in relation to General Business 1 (GB1) for community feedback. *(This point was added at the Council meeting on 25 August 2021).*

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

ITEM NO: CTTE 03
FILE NO: 253720.2021
SUBJECT: Minutes of the Civic Advisory Committee meeting held on 3 August 2021

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Ayyad**

That Council receives and notes the Minutes of the Civic Advisory Committee meeting held on 3 August 2021.

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

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 241481.2021
SUBJECT: Question with Notice - Cllr Rhodes - Provision of "Off the Leash Dog Parks" throughout the Liverpool LGA

Can Council explain what process does Liverpool Council use when determining:

- a) Where "off the leash dog parks" are situated throughout the Liverpool LGA?
- b) How many "off the leash Dog Parks" should be provided in Liverpool LGA?

Response

Provision of off-leash dog parks are a legislative requirement. The Local Government Act 1993 requires all local councils to provide at least one off-leash dog area and promote such facilities to the owners of companion animals.

In meeting this requirement of the Act, Council's Recreation, Open Space and Sports Strategy (ROSS Strategy) includes a section regarding off-leash dog areas which guides the planning and provision of off-leash dog parks.

Off-leash areas bring many benefits to dogs and owners including:

- Reduced nuisance dog behaviour;
- Socialisation of dogs;
- Healthier and friendlier dogs;
- Increased chance of owner exercise and social connection, both spontaneous and planned; and
- Connection with nature for both dogs and owners.

The ROSS Strategy outlines the equitable provision of dog-friendly areas throughout the LGA and that they should be located in areas with easy access, including areas of high need, including Liverpool CBD where there is a rise in high density and apartment living. Therefore, designated spaces for companion animals to exercise and socialise have become increasingly important.

The planning, design and delivery of off-leash dog parks is identified as key action of the ROSS Strategy Action Plan. The strategy recommends planning and provision of:

- One large fenced off-leash area in each of Liverpool District areas; and

- At least one off-leash area in every suburb (subject to site availability).

Council's current off-leash dog parks are fenced. In areas such as reserves and parklands with low vehicle and pedestrian access, unfenced off-leash areas can be designed. All dog parks are designed to include and make available supporting facilities like dog bowls, water refill stations, disposal bags and bins, and signage outlining owners' responsibilities. These supporting facilities will be necessary in both fenced and unfenced designated off-leash areas.

Council currently provides off-leash dog areas at the following locations:

1. Lieutenant Cantello Reserve, Hammondville
2. Casula Parklands, Casula
3. Macleod Park, Prestons
4. Miller Park, Miller
5. Hoxton Park Reserve, Hoxton Park
6. Cirillo Reserve, Middleton Grange
7. Shale Hills Dog park, West Hoxton (within Western Sydney Parklands)

In addition, the provision of off-leash dog areas is being considered as part of the planning and design of the following parks:

1. Basin 14-open space, Edmondson Park - Off leash dog park included within the basin design and will be delivered as part of the project.
2. The Homestead Park, Chipping Norton - Future off-leash area is being investigated through Georges River Parklands and Chipping Norton Lakes Spatial Framework.

Council will continue to assess the demand for provision of off-leash dog parks across the Liverpool LGA.

ITEM NO: QWN 02
FILE NO: 241484.2021
SUBJECT: Question with Notice - Clr Rhodes - Council submission on Moorebank Intermodal State Significant Development

Can Council answer the following:

1. Did Liverpool Council submit an objection to NSW Government Planning – Major Projects – Project SSD-10431.
2. Can Council confirm if they received a Notice of Determination of Application Moorebank Intermodal Precinct West - Stage 3 (SSD-10431), from the Department of Planning Industry and Environment that they would have received on or around 18 June 2021, like the other Objectors within our community?
3. Can Council provide a copy of the letter if received, to all Councillors?
4. Can Council confirm that as an Objector; as is listed on the DPIE major projects portal; that Liverpool City Council has until August 13th [56 days from June 18th] to exercise its right as an Objector as per s8.8 and s8.10 of **the Act** (Environmental Planning and Assessment Act 1979 No 203)?

Response

1. **Did Liverpool Council submit an objection to NSW Government Planning – Major Projects – Project SSD-10431**

Yes. Please refer to Attachment 1 for a copy of Council's submission.

2. **Can Council confirm if they received a Notice of Determination of Application Moorebank Intermodal Precinct West - Stage 3 (SSD-10431), from the Department of Planning Industry and Environment that they would have received on or around 18 June 2021, like the other Objectors within our community?**

Yes. Please refer to Attachment 2 for a copy of the Notice of Determination.

3. **Can Council provide a copy of the letter if received, to all Councillors?**

Please refer to Attachment 2 for a copy of the Notice of Determination.

4. **Can Council confirm that as an Objector; as is listed on the DPIE major projects portal; that Liverpool City Council has until August 13th [56 days from June 18th] to exercise its right as an Objector as per s8.8 and s8.10 of the Act (Environmental Planning and Assessment Act 1979 No 203)?**

Yes, Council had until 13 August 2021 to exercise its rights as an objector. Council had not resolved to appeal the decision before that date.

COUNCIL DECISION

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

That there is an update on how Council has resolved the objections to the Moorebank Precinct West – Stage 3 (SSD-10431) to the Moorebank Intermodal Committee on a regular basis.

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

ITEM NO: QWN 03
FILE NO: 241489.2021
SUBJECT: Question with Notice - Cllr Rhodes - Legal Reports and Records

Does Council:

1. Make available on the Councillor intranet, Liverpool Council's legal reports of all legal engagements on an Annual Basis listed first under:
 - a) The years of a Council elected term, and also;
 - b) Year that the Council engagement was first initiated, e.g.: 2016 – 2021/ 2016 – 2017 etc

That can be accessed by Councillors at any time, and also provide the use of a historic record for the transition of different elected members onto Council per term?

2. Would it be possible for all past legal report records to be filed and made available in a similar fashion on the Councillor intranet for Councillors referral?

Response

1. **Make available on the Councillor intranet, Liverpool Council's Legal reports of all legal engagements on an Annual Basis listed first under:**
 - a) **The years of a Council elected term, and also**
 - b) **Year that the Council engagement was first initiated, e.g.: 2016 – 2021/ 2016 – 2017 etc**

Past Legal Affairs Reports are already available on the Councillor Intranet page, under the archive tab. Further to this, legal proceedings are also reported in Councils Annual Report.

If a separate tab is being sought for the reports to be held under, this may be able to be arranged, to allow for easier access.

If the request is for the reports to be re-formatted as above, such as in year of commencement, this is not possible, not only due to the intensive resources that would be required, but matters also commence and cease and commence again throughout the years.

2. **Would it be possible for all past legal report records to be filed and made available in a similar fashion on the Councillor intranet for Councillor's referral?**

As previously stated in the answer above to question 1, Legal Affairs Reports can already be accessed through the archive tab on the Councillor Intranet page. It may be possible for a separate tab to be placed on the intranet page for these reports, to allow for ease of access.

COUNCIL DECISION:

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

That a separate tab be placed on the Councillor Intranet page for legal reports to allow ease of access.

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

ITEM NO: QWN 04
FILE NO: 263293.2021
SUBJECT: Question with Notice - Clr Harle - Shopping Trolleys, Parkbridge Estate Road Extension, Solar Energy, and Staff Changes

Please address the following:

1. In relation to shopping trolleys,
 - a) What progress, if any, has been made on the issue of abandoned shopping trolleys with the State Government?
 - b) How is Council policing shopping trolley owners to take all necessary steps to ensure their shopping trolleys remain within their designated areas?
 - c) What action is Council taking if the owners are not complying?
 - d) With the new shopping centres such as Edmondson Park, has there been any significant change in the number of abandoned shopping trolleys compared to older areas?
2. With reference to the Parkbridge Estate road extension under the M7, when is it likely that this connection will be undertaken and a possible completion date?
3. Does Council have a policy encouraging solar energy is retrofitted to Community buildings as part of their refurbishment when and if it falls due?
 - a) Examples?
4. Can Council provide a regular update of relevant staff changes that Councillors may have access to?

A response to these questions will be provided in the business papers for the September 2021 Council meeting.

ITEM NO: QWN 05
FILE NO: 263325.2021
SUBJECT: Question with Notice - Cllr Harle - Covid and English Language Courses

Please address the following:

Considering the current Covid pandemic and communications problems caused by language difficulties within our community, what is Council offering in English language Courses to the community?

A response to these questions will be provided in the business papers of the September 2021 Council meeting.

ITEM NO: QWN 06
FILE NO: 264008.2021
SUBJECT: Question with Notice - Clr Hadchiti - Retail Hierarchy

Given that retail outlets can shut their doors down at will to walk in customers, what's the point of investing in and implementing a Retail Hierarchy?

A response to this question with notice will be provided in the business papers for the September 2021 Council meeting.

PRESENTATIONS BY COUNCILLORS

Nil.

ADDENDUM ITEMS

ITEM NO: PLAN 02
FILE NO: 242507.2020
SUBJECT: Post exhibition report - Revised Middleton Grange Town Centre Planning Proposal

Mayor Waller ruled that PLAN 02 be moved to the end of the meeting and be held in Closed Session in accordance with S10A(2)(d i) and (d ii) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

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

ITEM NO: ECD 01
FILE NO: 262955.2021
SUBJECT: Rent Relief Assistance for Council's Commercial/Retail Tenants

COUNCIL DECISION

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

That Council:

1. Apply the provisions of the *Retail and other Commercial Leases (COVID-19) Regulation 2021 (the New Regulation)* for Council's tenants (subject to qualification);
2. Approve the rental waiver of up to 50% for the period 26 June 2021 until 13 January 2022 and rental deferral for a period of up to 6 months, subject to qualification and impact on turnover;
3. Note that 70 free parking pass cards have also been provided to NSW Health (Public Health Unit), which has been extended from the previously approved period of 8 August 2021 until 30 September 2021, associated with the extended lockdown period; and
4. Council make provision of \$250,000, in its 2021/2022 budget, to cover the cost of rent waivers and rent deferrals that may be granted to tenants, as outlined in this report.

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

Councillors voted unanimously for this motion.

NOTICES OF MOTION

ITEM NO: NOM 01
FILE NO: 262566.2021
SUBJECT: Liverpool Animal Shelter - Animal Return Policy for previously rehomed animals

Background

I am aware of a recent incident where a dog recently rehomed from the Liverpool Animal shelter was no longer able to be kept at the home of the person who had adopted the animal.

I was also informed that the person could not return the animal to the Liverpool Animal Shelter as the contract of sale does not allow an animal to be returned to the animal shelter once adopted.

I also confirmed that Council has a clause written into the contract of sale that doesn't allow adopted animals to be returned to the shelter.

Council advice also confirms that there is a rigorous rehoming process that Council believes has resulted in only three people having contacted the shelter to discuss returning their animal after recent adoption.

I note in the most recent case that I am aware of, involving an animal having to be rehomed after recently being adopted from the Liverpool Animal Shelter, the owner made no attempt to contact Council because of the no return clause in the contract of sale.

The question is, is the reported low rate of people contacting the shelter about return issues a result of rigorous rehoming procedures at the shelter or is it because of the no return clause in the contract of sale agreement and that perhaps there is a higher number?

The current contract of sale that people sign states that the shelter will not accept the return of any animals adopted from the shelter.

I am concerned about the consequences for animals caught in such circumstances if not rehomed or being able to be returned to the shelter.

It is not a good outcome for the animal nor for Liverpool as such animals may find themselves back on the streets as strays and only after much suffering, again end up being the responsibility of Liverpool Council and possibly with health issues as a result of neglect.

It may be in the best interest of the welfare of any such animal adopted from the Liverpool Animal Shelter, but who for certain prescribed exceptional circumstances within a qualified period of time from being first adopted, are accepted by the Liverpool Animal Shelter to be returned by the original adoptee of the animal, all of which would be prescribed in the report back to Council that addresses the merits or otherwise of a possible return policy to address the situation and questions raised in this motion for further discussion and consideration.

The following is a question I asked at the last Council meeting, and which was taken on notice:

“Is there a return policy whereby an animal can be returned to the pound, within a particular timeframe if it hasn’t worked out”?

The response to the question to council taken on notice from the July 2021 Council meeting was:

“Council does not accept returns of animals adopted from the shelter. Statistically, Council has rehomed 294 dogs between June 2019 - June 2021. Out of these, only 3 owners have contacted the shelter to discuss returns. One was after having the dog for six months. Council’s Sale Agreement is attached.

Prior to the adoptee signing this form, adoptees go through a rigorous process to be matched up with the right pet. Council’s Rehoming Officer first conducts a phone interview to determine whether the person’s home and lifestyle is suitable for the dog and discusses the dog’s behaviours and characteristics. If it is a good match, the officer books a meet and greet with the family at the shelter.

These often take more than an hour, and in some cases the family is encouraged to come back on a second occasion (if the dog is shy and needs time to warm up). At the end of each meet and greet the officer has an open clear discussion with the family to ensure they are ready to meet the needs of the dog and discusses Council’s no returns policy, so it is clear to them prior to finalising their adoption paperwork.

Due to rigorous rehoming processes, Council does not have any issues with people seeking to return animals”.

NOTICE OF MOTION (Submitted by Cllr Rhodes)

That Council receive a report at the September 2021 Council meeting on the merits or otherwise, including any reasonable conditions, of allowing the return of animals previously rehomed from the Liverpool Animal Shelter, that would need to be considered in a possible Return Policy for previously rehomed animals.

COUNCIL DECISION

Cllr Rhodes withdrew the Motion following discussion as it is now null and void.

ITEM NO: NOM 02
FILE NO: 263983.2021
SUBJECT: Liverpool Animal Shelter Social Media Animal Rehoming Service

Background

Liverpool has once again been severely impacted by shutdowns as a result of COVID 19 that has closed our rehoming services through the Animal Welfare Shelter.

Professional advice indicates that there will be continued lock downs when necessary for the foreseeable future even if 80% vaccination is achieved. This questions the need for Council to look at alternate ways of delivering the rehoming service that can continue during lockdowns and also work as a valuable tool even if and when the lock down restrictions do not apply.

Council is currently accustomed to placing photographs on Social media of animals in the Liverpool Animal Welfare Shelter, but in the wake of COVID and in view of what other LGA's are doing in the space of Social Media in order to keep rehoming services available to constituents, it needs to be addressed on what Liverpool could or should provide for our Constituents in a similar way.

Care needs to be taken on Council being able to assess the appropriateness of constituents' place of residence for the adopted animals, as well as animals being adopted on a whim by people bored whilst in lockdown and on possible ways Council could address these issues through a social media led adoption service.

Both Campbelltown and Blacktown are providing a rehoming service through this method and perhaps it is time for Liverpool to do the same.

NOTICE OF MOTION (Submitted by Cllr Rhodes)

That Council consider and report to September Council Meeting 2021 on the merits or otherwise of the provision of Social Media animal rehoming services that includes photo and video of animals up for adoption.

COUNCIL DECISION

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

That Council prepares a report to the September 2021 Council meeting on the online operations of covid safe adoption services that are currently operating in other council areas (eg. Campbelltown and Blacktown City Councils).

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

ITEM NO: NOM 03
FILE NO: 264095.2021
SUBJECT: Pedestrian Bridge from Casula Railway Station to Moorebank Intermodal

Background

The anticipated employment opportunities that the Moorebank Intermodal site has been reported to be the most significant employment opportunity in the Liverpool LGA to date. Liverpool's congested traffic makes the Intermodal site difficult to access by roads particularly when you consider the impact of delivery truck movements transferred from Port Botany to this site. The truck movements of goods competing with the sites employee access could be better addressed by utilising the Casula Railway Station, encouraging and promoting rail rather than vehicle access, through the delivery of a pedestrian bridge directly to the Moorebank Intermodal place of employment, taking traffic off Liverpool roads, reducing air pollution and supporting local jobs.

The plans to build a substantial parking station at the Casula Railway Station also supports the positive benefit that such a pedestrian bridge would provide in servicing Liverpool's reported most significant employment opportunity.

The Casula Parkland has been the focus of Liverpool Council's delivery of social amenity infrastructure such as the Casula Powerhouse Arts Centre and restaurant, sculpture walk, dog park, soon to be delivered Environment Centre and river access that is a major visitation precinct unequalled in the Liverpool LGA thus far.

A pedestrian bridge would provide residents east of the Georges River the opportunity to enjoy the social benefits of Council investment into social infrastructure into the Casula Parklands that residents west of the Georges River currently enjoy. A bridge would encourage physical activity and improve health outcomes for Liverpool citizens.

The pedestrian bridge would further contribute to the visitation economy and enhance the activation of the Casula Powerhouse Arts Centre, restaurant, and parklands by making access more available to all residents in the Liverpool LGA.

NOTICE OF MOTION (Submitted by Cllr Rhodes)

That Council consider and report to the October 2021 Council meeting on the merits or otherwise of the provision of a pedestrian crossing over the Georges River from the Casula Railway Station to the Moorebank Intermodal site, that includes:

1. Cost of bridge and possible Moorebank Intermodal contribution to the cost;
2. Possible State and Federal grants;

3. Analysis of anticipated Moorebank Intermodal job opportunities that would benefit through the train, pedestrian access;
4. Estimated number of vehicles that could be taken off our roads by employees using trains and or pedestrian access to the Moorebank Intermodal job opportunities; and
5. Benefit of pedestrian bridge to CPAC, dog park, Environment Centre linking east of the Georges River residents to driverless access to the Liverpool Council facilities.

COUNCIL DECISION

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

That Council:

1. Consider in the 2022/2023 Budget and Operational Plan the necessary funding provision to undertake the studies on concept drawings, build costs, grant opportunities, analysis of anticipated job opportunities, potential reduced vehicle trips and other potential benefits for the provision of a pedestrian bridge from Casula Railway Station to Moorebank Intermodal and for its inclusion in the 10 year strategic plans and the 10 year capital works program.
2. Negotiate with Moorebank Intermodal for a possible VPA or equivalent State Significant Contribution that considers the provision of the pedestrian bridge.

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

ITEM NO: NOM 04
FILE NO: 263697.2021
SUBJECT: COVID Restrictions in Western Sydney

Background

For weeks Liverpool, along with other Western Sydney LGAs, have faced restrictions over and above the rest of Sydney. These additional restrictions have included extra testing requirements, limits on working and a ban on construction.

On Saturday 14 August, all of New South Wales was put in lockdown and restrictions were increased across Sydney. Both the Statewide lockdown and the case numbers confirm that the outbreak is now widespread. However, additional restrictions still exist in Liverpool and the other "LGAs of concern".

We've seen the dangers of confused and conflicting messaging from Governments throughout this pandemic. Clear, consistent and concise information during a crisis saves lives.

Additional restrictions, statements from politicians and footage from other parts of Sydney of people congregating in large numbers have many locals feeling ostracized and subject to double standards. This has fermented a dangerous undercurrent of resentment in our community.

If we're all in this together like the Premier has said, then there should be one rule for all.

NOTICE OF MOTION (Submitted by Cllr Hagarty)

That Council:

1. Notes:
 - additional restrictions, statements from politicians and footage suggesting inconsistent enforcement across Sydney is causing distress and resentment in our community.
 - the importance of clear and consistent messaging from Government and health authorities.
2. Write to the Premier as matter of urgency requesting serious consideration for consistent restrictions and enforcement across Sydney.

COUNCIL DECISION

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

That Council:

1. Notes:
 - additional restrictions, statements from politicians and footage suggesting inconsistent enforcement across Sydney is causing distress and resentment in our community.
 - the importance of clear and consistent messaging from Government and health authorities.

2. Write to the Premier and other local Members of Parliament as a matter of urgency requesting serious consideration for consistent restrictions and enforcement across Sydney.

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

ITEM NO: NOM 05
FILE NO: 264038.2021
SUBJECT: Naming of Western Sydney Aerotropolis

Background

In March 2021, NSW Government announced that the name of the Western Sydney Aerotropolis city would be 'Bradfield', in honour of the engineer that designed the Sydney Harbour Bridge and Sydney's rail network. However, the name still requires the approval of the NSW Geographical Names Board.

There is no question that John Bradfield has left an immense mark on this city and his legacy warrants recognition.

However, the name should better reflect the times, our region, and its aspirations. A new city is an opportunity to set out a new vision. The government attests, this new urban centre will drive the next wave of opportunities in advanced manufacturing, research, science and education, creating up to 200,000 jobs. So why not select a name that better represents the multi-layered First Nations, colonial and multicultural identity of this region?

Despite the government saying that community consultation had been conducted, it has since emerged that was a lack of in-depth First Nations involvement in the naming decision, which should be at the heart of any discussion on naming. Local residents have expressed this view as well.

The Geographical Names Board is currently seeking community feedback on Western Parkland City Authority's proposed name for the aerotropolis city. They have identified that "it is important that place names reflect the character and history of the local area and community."

The closing date for these submissions is September 4, 2021.

NOTICE OF MOTION (Submitted by Cllr Kaliyanda)

That Council:

1. Develop a submission to the Geographical Names Board expressing our preference for the naming of the Aerotropolis City to better reflect our local community;
2. Seek a guarantee from the NSW Government to more extensively consult with the local First Nations community on the naming of the Aerotropolis city;

3. Start a formal parliamentary petition of local residents who would also like a name that better reflects the character and history of our local area and community; and
4. Share this petition on Council's social media channels.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: NOM 06
FILE NO: 263677.2021
SUBJECT: Rates

Background

During the Council meeting held on Wednesday 28 July 2021 I proposed an inclusion to NOM 02 – COVID Support, shown below, which was unanimously carried.

4. Rate relief

Exhibit its intentions for the minimum statutory period for a one-off reduction of 10% on properties that sit within the definition of residential use subject to a criteria that would include but not limited to:

- *Property being used for owner occupier purposes;*
- *At least one owner has claimed a government COVID disaster payment; and*
- *The property is in the name of an individual.*

Present a report back to Council after the exhibition period.

On Friday 30 July 2021 the Mayor & Councillors were advised via email that the above was 'unlawful' and would not be enacted. The minutes of the meeting were published which also referred to the above as being "unlawful".

Section 356 of the Local Government Act 1993 Act 30 states word for word the following:

356 Can a council financially assist others?

- 1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- 2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- 3) *However, public notice is not required if—*
 - a) *the financial assistance is part of a specific program, and*
 - b) *the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*

- c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - d) *the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- 4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

Note - Part 4 of the Graffiti Control Act 2008 deals with graffiti removal work.

Point 1 & 2 of Sect 356 above are clear that Council may grant assistance as long as proper procedures are followed and those procedures were proposed

I thank Councils General Counsel for her time on the phone and via email talking through the issues, but our residents are suffering from this pandemic and Council should act quickly to show some extra support.

NOTICE OF MOTION (Submitted by Cllr Hadchiti)

That Council:

1. Direct the CEO to immediately exhibit its intentions for the minimum statutory period required, for a one-off grant of financial assistance equivalent to 10% of the person/s annual rates payable, with a minimum grant of \$150 and maximum grant of \$300, to a person/persons who own property within the Liverpool Local Government Area that fits within the definition of residential use, subject to a criteria that would include but not limited to:
 - The property is being used for owner occupier purposes;
 - At least one owner has claimed and been granted a government COVID disaster payment 2021; and
 - The property is in the name of an individual(s).
2. Direct the CEO to immediately exhibits its intentions immediately for the minimum statutory period for a one-off grant equivalent to 10% of the annual rates, to a person/s who own properties that sit within the definition of residential that currently receive the pensioner rebate;
3. Direct the CEO to present a report back to Council in the September 2021 meeting, with clear instructions on how persons who meet the criteria can apply for the grant; and

4. Direct the CEO to ensure that immediately following the report to Council, that applications can be submitted via electronic means and in person should COVID restrictions allow for in person submission.

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Hadid

That Council:

1. Direct the CEO to immediately exhibit its intentions for the minimum statutory period required, for a one-off grant of financial assistance equivalent to 10% of the person/s annual rates payable, with a minimum grant of \$150 and maximum grant of \$300, to a person/persons who own property within the Liverpool Local Government Area that fits within the definition of residential use, subject to criteria that includes but is not limited to:
 - The property being used solely for owner occupier purposes;
 - All owners have claimed and been granted a government COVID disaster payment 2021;
 - The property is in the name of an individual(s); and
 - Excludes owners or persons that have applied under the Hardship provisions due to COVID.
2. Direct the CEO to immediately exhibit its intentions for the minimum statutory period for a one-off grant of \$50, to a person/s who own properties that sit within the definition of residential that currently receive the pensioner rate rebate. **Note that grants will only be approved for people who apply for the grant;**
3. Direct the CEO to present a report back to Council in the September 2021 meeting, with clear instructions on how persons who meet the criteria can apply for the grant;
4. Direct the CEO to ensure that immediately following the report to Council, that applications can be submitted via electronic means and in person should COVID restrictions allow for in person submission;
5. Close applications for this grant at the end of October on the proviso that applications are opened no later than the 1st of October;
6. Direct the CEO to update Councillors at the October briefing session on applications received to that date.

Note: At the subsequent Council meeting of 29 September 2021, the minutes of this meeting were confirmed, with an amendment to this item. Point 2 of the motion shown above was amended to include the text shown in bold print.

Vote for: Mayor Waller, Clr Ayyad, Clr Hadchiti, Deputy Mayor Hadid, Clr Hagarty, Clr Harle, Clr Kaliyanda, Clr Karnib and Clr Rhodes.

Vote against: Clr Shelton.

Note: Clr Balloot was not at this meeting.

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

ITEM NO: NOM 07
FILE NO: 263604.2021
SUBJECT: Civic Place Development Application

Background

Councillors have recently become aware that DA 836/2020/A was submitted and appeared in the weekly communication of lodged DA's.

This modification proposes as indicated in the planning portal the following:

Modification to Development Consent DA-836/2020 under Section 4.55 of the Environmental Planning and Assessment Act 1979, to delete the approved fifth basement level resulting in an updated car parking quantum and mix within a four level basement. This involves a reduction in the currently approved 344 car spaces in the Phase A component of Liverpool Civic Place to 271 car spaces. Specifically, this results in the removal of 73 car spaces. (Submitted: 26/07/2021).

Concerning in the above is the removal of 73 car spaces.

There should be no debate whether or not compliance with carparking is still achieved for the size of the development with the removal of these car spaces.

Council has been committed for years in delivering more car spaces and the Civic Place development was seen as a great opportunity.

More car parking in the CBD is long overdue.

NOTICE OF MOTION (Submitted by Cllr Hadchiti)

That Council:

1. Note the need for extra public car parking spaces in the CBD;
2. Not support a reduction in public carparking within the CBD; and
3. Direct the CEO to immediately withdraw DA-836/2020/A.

COUNCIL DECISION

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

That the recommendation be adopted.

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

Vote for: Clr Ayyad, Clr Hadchiti, Deputy Mayor Hadid and Clr Rhodes.

Vote against: Mayor Waller, Clr Hagarty, Clr Harle, Clr Kaliyanda, Clr Karnib and Clr Shelton.

Note: Clr Balloot was not at this meeting.

The following motion was then moved:

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

That Council:

- notes its strong support for more public parking in the Liverpool CBD;
- work with the developer of Liverpool Civic Place to maximise public parking as part of the developer works; and
- seeks further opportunities for more public parking in the southern part of the CBD at both private and Council owned land.

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

ITEM NO: NOM 08
FILE NO: 263902.2021
SUBJECT: Protecting Liverpool's Koalas

Background

It is with great sadness that I learned that a member of the public, driving home at 4am on Sunday 15 August 2021, stopped to save a young female Koala who was sitting on the side of Moorebank Avenue, scared, and confused.

I am personally disappointed that a Koala transit corridor along the George's River hasn't been established with possible feeder poles, Koala Feeder Trees and Koala River Crossing Bridges over the Georges River.

The State Government consented to the development of the Moorebank Intermodal despite local constituents reports that it was known as a Koala habitat and that there was evidence that the land was used as a Koala transit corridor.

This Koala, thankfully saved, was a female whose life is so precious in any attempts to save Australia's national emblem from extinction. She was of an age that Koalas leave their mothers in search of a territory of their own. They do this in Spring, this lucky little Koala has been saved, others will come, she will not be the last one to make the now treacherous journey along what was once a safer Koala transit corridor. Others might not be so lucky.

Moorebank Avenue and the Moorebank Intermodal site are on the natural habitat of the free-living Koala population, who will continue to use this corridor in order to find new mates and establish new territory, particularly during Spring, and each year and their lives will be in danger by doing so.

In view of the approval of the State Significant Moorebank Intermodal Development, and its interface with a natural habitat of free-living Koalas, there is the opportunity to consider what additional measures Council could consider to further protect Koalas transitioning through the Liverpool LGA.

We all want to save the Koala from extinction.

NOTICE OF MOTION (Submitted by Cllr Rhodes)

That Council prepare a report for the September 2021 Council meeting on what measures Council currently has in place and what additional measures Council could consider to further protect Koalas transitioning through the Liverpool LGA.

COUNCIL DECISION

Cllr Rhodes withdrew this Notice of Motion.

RECESS

Mayor Waller called a 5 minute recess at 9.12pm.

RESUMPTION OF MEETING

Mayor Waller reopened the meeting at 9.17pm in Closed Session with all Councillors present except Cllr Balloot who was not present at the meeting.

CLOSED SESSION

ITEM NO: INF 02
FILE NO: 251380.2021
SUBJECT: Impact of COVID on current contracts

COUNCIL DECISION

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

That Council receives and notes this report.

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

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ITEM NO: PLAN 02
FILE NO: 242507.2020
SUBJECT: Post exhibition report - Revised Middleton Grange Town Centre Planning Proposal

COUNCIL DECISION

Motion: **Moved: Cllr Ayyad** **Seconded: Cllr Rhodes**

That Council:

1. Notes the Gateway determination and subsequent alterations for Liverpool Local Environmental Plan 2008 (Amendment 63) and the results of public exhibition and community consultation;
2. Notes that Council has not been authorised as the local plan making authority for this planning proposal and that the final decision will be made by the Minister for Planning and Public Spaces (or delegate);
3. Notes the assessment of the revised planning proposal undertaken by Hill PDA and its recommendations including reducing the scale of the proposal to approximately 98,000 sqm GFA;
4. Notes the need for a centre in Middleton Grange has been identified in the Liverpool Local Strategic Planning Statement and the Liverpool Centres and Corridors Strategy;
5. Supports the revised planning proposal lodged by the proponent, (approximately 113,000 sqm GFA), and the public benefits offered by the proponent to support the planning proposal and the development of a town centre for Middleton Grange;
6. Notes a draft Planning Agreement is being negotiated with the proponent (and which is required to be reported to Council for endorsement and publicly exhibited) to provide for the following public benefits:
 - a. Construction of an open space park and embellishment works to the area designated as 'Park 3' with a minimum area of 2,500 sqm (park will remain in the private ownership of the developer, but with a public access easement);
 - b. Dedication of 'Park 2' to Council. Park 2 is the land not currently owned by Council that is proposed to be rezoned RE1 – Public Recreation;
 - c. Construction of a signalised intersection at Main Street and Flynn Avenue and the intersection for the new proposed access lane and Flynn Avenue;

- d. Construction of an upgrade to the Cowpasture Road intersection, Flynn Avenue from Qantas Boulevard to Ulm Street as a widened 4 lane road within the existing road reserve, in consultation with Council;
 - e. Construction of a road upgrade and services for Southern Cross Avenue between the western boundary of the Land to the Middleton Grange Primary School;
 - f. Construction of the culvert and drainage works approved under DA-64/2007/C;
 - g. A monetary contribution of \$8,000,000.
7. Forwards the revised planning proposal to the Department of Planning, Industry and Environment with a recommendation that the revised planning proposal proceeds in its current form, subject to completion of the following:
- a. The execution of a Planning Agreement that establishes a secure mechanism to deliver the proposed public open space, road upgrades and monetary contribution;
 - b. The finalisation of an amendment to 'Part 2.5 – Middleton Grange' of the Liverpool Development Control Plan 2008;
 - c. An amendment to the proposed Land Reservation Acquisition map in the LEP to rectify the inconsistency with the Liverpool Contributions Plan 2008.

Vote for: Clr Ayyad, Clr Hadchiti, Deputy Mayor Hadid, Clr Harle and Clr Rhodes.

Vote against: Mayor Waller, Clr Hagarty, Clr Kaliyanda, Clr Karnib and Clr Shelton.

The motion (moved by Clr Ayyad) was declared LOST on the Mayor's casting vote.

The following motion was then moved:

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Harle**

That Council:

1. Notes the Gateway determination and subsequent alterations for Liverpool Local Environmental Plan 2008 (Amendment 63) and the results of public exhibition and community consultation;
2. Notes that Council has not been authorised as the local plan making authority for this planning proposal and that the final decision will be made by the Minister for Planning and Public Spaces (or delegate);

3. Notes the assessment of the revised planning proposal undertaken by Hill PDA and its recommendations;
4. Notes the draft Planning Agreement and negotiations undertaken to date with the proponent;
5. Endorses the planning proposal, subject to the recommended changes contained within the Hill PDA assessment, and forwards it to the Department of Planning, Industry and Environment with a recommendation that the planning proposal proceeds, with a request that finalisation only occurs once the following are completed:
 - a. The execution of a Planning Agreement that establishes a secure mechanism to deliver the proposed supporting public open space and road upgrades as follows:
 - i. Construction of an open space park and embellishment works to the area designated as 'Park 3' with a minimum area of 2,500 sqm (park will remain in the private ownership of the developer, but with a public access easement);
 - ii. Dedication of 'Park 2' to Council. Park 2 is the land not currently owned by Council that is proposed to be rezoned RE1 – Public Recreation;
 - iii. Construction of a signalised intersection at Main Street and Flynn Avenue and the intersection for the new proposed access lane and Flynn Avenue;
 - iv. Construction of an upgrade to the Cowpasture Road intersection, Flynn Avenue from Qantas Boulevard to Ulm Street as a widened 4 lane road within the existing road reserve, in consultation with Council;
 - v. Construction of a road upgrade and services for Southern Cross Avenue between the western boundary of the Land to the Middleton Grange Primary School;
 - vi. Construction of the culvert and drainage works approved under the Modification DA-64/2007/C;
 - vii. A monetary contribution of \$8,000,000;
 - b. The finalisation of an amendment to 'Part 2.5 – Middleton Grange' of the Liverpool Development Control Plan 2008; and
 - c. An amendment to the proposed land acquisition map is made to rectify the inconsistency with the Liverpool Contributions Plan 2008.

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

Vote for: Mayor Waller, Clr Hadchiti, Deputy Mayor Hadid, Clr Hagarty, Clr Harle, Clr Kaliyanda, Clr Karnib and Clr Shelton.

Vote against: Clr Ayyad and Clr Rhodes.

Note: Clr Balloot was not at the meeting.

CONFIDENTIAL ITEMS

ITEM NO: CONF 01
FILE NO: 241493.2021
SUBJECT: Question with Notice - Cllr Rhodes - Liverpool Animal Shelter

Item CONF 01 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Responses to questions were provided to Councillors in the Confidential book

ITEM NO: CONF 02
FILE NO: 262733.2021
SUBJECT: Question with Notice - Clr Rhodes - Land adjoining Kokoda Oval,
Hammondville

Item CONF 02 is confidential pursuant to the provisions of s10A(2)(d ii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

Responses to questions were provided to Councillors in the Confidential book

ITEM NO: CONF 03
FILE NO: 246986.2021
SUBJECT: Question with Notice - Clr Hadchiti - Basin 6, Austral

Item CONF 03 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Responses to questions were provided to Councillors in the Confidential book

ITEM NO: CONF 04
FILE NO: 123411.2021
SUBJECT: Update on Shepherd Street Planning Agreement

COUNCIL DECISION

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

That Council receives and notes the report.

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

Clr Rhodes and Harle left the meeting at 10.18pm

ITEM NO: CONF 05

FILE NO: 253960.2021

SUBJECT: Order of Liverpool Awards 2021

COUNCIL DECISION

Motion:

Moved: Clr Ayyad

Seconded: Clr Shelton

That Council endorse the award recipients as recommended by the Civic Advisory Committee at its meeting held on 3 August 2021.

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

Clrs Rhodes and Harle returned to the meeting at 10.19pm.

Clr Shelton left the meeting at 10.19pm.

ITEM NO: CONF 06
FILE NO: 251695.2021
SUBJECT: Management of Contaminated Lands

COUNCIL DECISION

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

That Council receives and notes this report.

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

ITEM NO: CONF 07
FILE NO: 262014.2021
SUBJECT: Legal advice on the public release of documents relating to Intermodal

COUNCIL DECISION

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

That Council receive and note to the report.

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

ITEM NO: CONF 08
FILE NO: 256724.2021
SUBJECT: Tender for Supply of Electricity - Renewable Energy Percentage Election

COUNCIL DECISION

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

That Council:

1. Advises SSROC that Liverpool Council supports a Renewable Energy Target of 70% in both the Large and Small Market. This will result in an increase of Council's renewable energy from approximately 20% to 70% and is anticipated to have an immaterial financial impact to Council's Long Term Financial Plan;
2. Delegates the Chief Executive Officer to enter into a Contract on behalf of Council with the preferred tenderer/s for the purchase of electricity;
3. 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; and
4. Provides a report back to Council as to the outcome of the tender, including the tender particulars, once completed.

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

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

Vote for: Mayor Waller, Clr Ayyad, Deputy Mayor Hadid, Clr Hagarty, Clr Harle, Clr Kaliyanda, Clr Karnib and Clr Rhodes.

Vote against: Clr Hadchiti.

Note: Clr Shelton had left the meeting during this item and Clr Balloot was not present at this meeting.

Clr Shelton returned to the meeting at 10.28pm.

Councillors then finalised and voted on PLAN 02 - Post exhibition report - Revised Middleton Grange Town Centre Planning Proposal. (The motion is shown on the previous pages).

OPEN SESSION:

Council moved back into Open Session at 10.45pm.

Mayor Waller then read out the resolutions that were considered in Closed Session for INF 02, PLAN 02, CONF 04, CONF 05, CONF 06, CONF 07 and CONF 08 (as shown on the previous pages).

THE MEETING CLOSED AT 10.52pm

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 29 September 2021

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 25 August 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.