



MINUTES OF THE ORDINARY MEETING HELD ON 29 SEPTEMBER 2021

PRESENT:

Mayor Wendy Waller
Councillor Ayyad (arrived at 6.30pm)
Councillor Balloot
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 and Culture
Mr David Smith, Acting Director Compliance and Planning
Mr Peter Diplas, Acting Director City Presentation
Mr Raj Autar, Director Infrastructure and Environment
Mr John Morgan, Director, Commercial Development and Economy
Ms Jennifer Chenhall, General Counsel, Manager Governance, Legal and Procurement
Ms Ellen Whittingstall, Internal Ombudsman
Mr Vishwa Nadan, Chief Financial Officer
Mr George Georgakis, Manager Council and Executive Services
Ms Maree Stewart, Coordinator Council and Executive Services (minutes)

The meeting commenced at 6.00pm

STATEMENT REGARDING WEBCASTING OF MEETING

The Mayor reminded everyone that in accordance with Council's Code of Meeting Practice, 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.

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; and*
6. *Direct the CEO to update Councillors at the October briefing session on applications received to that date.*

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

DECLARATIONS OF INTEREST

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

Item: PLAN 06 Revised draft Warwick Farm Racing Precinct Structure Plan, Planning Proposal and Contributions Plan

Reason: Clr Harle has family in the area.

Clr Harle remained in the virtual room for the duration of this item.

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

Item: CONF 04 RCL2999 Provision of Essential Trade Services

Reason: Clr Hagarty knows one of the people listed.

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

PUBLIC FORUM

Presentation – items not on agenda

Nil.

Representation – items on agenda

Nil.

ITEM NO: PLAN 04
FILE NO: 288772.2021
SUBJECT: Draft amendments to existing planning agreement in support of Draft Amendment 91 to Liverpool Local Environmental Plan - The Grove, Warwick Farm

COUNCIL DECISION

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

That Council:

1. Endorse the draft amendments to the existing planning agreement and direct the CEO to publicly exhibit the amended planning agreement and accompanying explanatory note for 28 days.
2. Delegate authority to the CEO, subject to consideration of any changes following public exhibition, to execute the planning agreement in the form that is publicly exhibited or with minor modifications.
3. Notes that if changes, other than minor changes, arise from the public exhibition process these will be reported back to Council for endorsement.

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

Councillors voted unanimously for this item.

Note: Clr Ayyad had not joined the meeting when this item was voted on.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 266252.2021
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?

Responses

1(a) What progress, if any, has been made on the issue of abandoned shopping trolleys with the State Government?

Council wrote to the Minister for Local Government on 23 January 2019 (**Attachment 1**) requesting changes to the Impounding Act. OLG responded on 22 February 2019 (**Attachment 2**). Council again wrote to OLG on 6 May 2019 (**Attachment 3**) on this matter. LGNSW also congratulated Council on its advocacy on this important issue (**Attachment 4**).

In August 2019, the Office of Local Government (OLG) initiated a review of the *Impounding Act 1993* (the Act). The Act provides a framework for councils and public land managers to enforce the impounding of abandoned and unattended articles and animals.

As part of the review, a discussion paper was released in December 2019 seeking feedback

from the broader community and public land managers (including councils) about whether the objectives of the Act were meeting community needs and expectations. The OLG received 85 written submissions in response to the discussion paper.

In June 2021, the OLG released an options paper recommending next steps for amending the Act (**Attachment 5**). In addition to the options paper, the OLG hosted a workshop with key stakeholders to finalise its comprehensive review of the Act. Particularly, it was recommended that provisions for minimising abandoned shopping trolleys be added to the Impounding Regulation 2013 or a potential Code of Practice.

The new provisions would enable businesses to implement the most appropriate and cost-effective shopping trolley containment method to suit their local circumstances, provided they can still meet their obligations.

A Better Regulation Statement examining the costs and benefits of the option paper, is being developed to support the Government's decision-making process. Should any changes to the Act be required, the OLG proposes that a Bill and supporting Regulations will be introduced to Parliament in late 2021, with any changes to the Act being implemented in 2022.



1(b) How is Council policing shopping trolley owners to take all necessary steps to ensure their shopping trolleys remain within their designated areas?

Council has updated its Development Control Plan to require, through the development assessment process, consideration of trolley containment systems. Council imposes conditions of consent requiring owners to manage shopping trolleys via a lockable or coin operated trolley system. Additionally, trolleys are to be maintained in accordance with a Plan of Management that has been approved by Council.

Council can impound abandoned trolleys and charge impounding fees to the trolley owner. However, the Impounding Act provides for further legal action/penalties to be taken against the person who abandons the trolley, not the owner of the trolley.

As a strategic measure, as noted above, Council wrote to the Minister for Local Government in early 2019 requesting that the *Impounding Act 1993* be amended to enable Council to issue fines to owners of shopping trolleys left on public land. Further, a motion to change the

necessary legislation was submitted to the LGNSW conference in October 2019. LGNSW wrote to the Minister for Local Government on Council's behalf and received a response which advised that due consideration will be given to the proposal. Consequently, the Office of the Local Government initiated the above-mentioned review of the *Impounding Act 1993* (the Act).

1(c) What action is Council taking if the owners are not complying?

As outlined above, there is limited action Council can take against owners of shopping trolleys under current legislation. Council has previously undertaken a trolley blitz to remove abandoned trolleys and a media campaign to highlight the issue of abandoned trolleys. Council will remove trolleys if they are a safety issue, however Council encourages the community to report abandoned trolleys directly to the supermarket chains using the "report abandoned trolley forms" or via the supermarket trolley trackers app.

1(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?

Since opening, Council hasn't received complaints about abandoned trolleys in the Edmondson Park area. Most complaints have been made within the Liverpool CBD.

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?

Following a lengthy engagement and approval process, detailed designs for the extension of Middleton Drive to connect to Aviation Road are currently underway and are anticipated to be completed by March 2022. Council is concurrently exploring funding strategies for this \$6 million project, and subject to availability of full funding, construction tenders are planned to be issued in mid-2022. At this stage, construction works are anticipated to take between 12 and 18 months to complete.

There have been a number of requests from the community to link existing cycleways to the M7 cycleway, in particular Middleton Drive in Middleton Grange and Inverell Avenue in Hinchinbrook.

Council formally initiated the approval process with the M7 authority in 2018. After extensive dialogue and negotiation with the authority, the M7 cycleway link at Middleton Drive in Middleton Grange has now been approved. This link will connect the cycleway from the cul-de-sac of Middleton Drive.

The proposed M7 cycleway link at Inverell Avenue in Hinchinbrook has been rejected by the M7 authority due to flooding impact on their land and the cycleway. However, the alternative proposal, M7 cycleway link at Government Road, which is about 260m from Inverell Avenue, has been approved in principle. The final approval will be subject to meeting a number of

conditions and other requirements.

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?

Council's energy efficiency and renewable energy initiatives are guided by the Energy Management Plan developed in 2012 and site-specific energy audits of Council's top energy consuming facilities. These resources are supplemented by ongoing monitoring by Azility of energy use data for Council facilities. This has allowed a strategic approach to solar energy installations, prioritising sites that result in the best cost benefit.

The main solar energy installations completed to date for Council buildings are included in the following table.

Year	Council Building	Solar Panel System Size
2011/12	City Library	10kW
2013/14	Hinchinbrook Childcare Centre	8kW
2013/14	Wattle Grove Childcare Centre	8kW
2015/16	Warwick Farm Childcare Centre	8kW
2015/16	Cecil Hills Childcare Centre	8kW
2015/16	Green Valley Community Centre	8kW
2015/16	Moorebank Community Centre	8kW
2016/17	Holsworthy Childcare Centre	10kW
2016/17	Casula Childcare Centre	5kW
2016/17	Wattle Grove Community Centre	5kW
2016/17	Chipping Norton Community Centre	10kW
2017/18	Preston Childcare Centre	8kW
2018/19	Casula Parkland Amenities Building	5kw
2021	Rose Street Depot	42kW

A solar energy installation is proposed for Casula Powerhouse Arts Centre with a Development Application recently being lodged for the project. Solar energy installations are also currently being designed for Casula Library, Carnes Hill Community Centre, and Michael Wenden Aquatic & Leisure Centre, which are anticipated to be installed this financial year.

The feasibility of solar energy installations is also considered for all new buildings. For example, solar energy installations have recently been completed for the new amenities building within Cirillo Reserve and the community building within Phillips Park. Solar lighting has also been installed at Cirillo Reserve and Phillips Park and is being progressively installed within reserves in high use areas such as outdoor gyms and pathways.

More recently, energy efficiency projects have been considered within the scope of climate change related strategic documents. The Sustainable Resilient Liverpool Strategy was developed in 2020 to outline potential emission reduction actions including solar energy initiatives.

Council is also currently drafting a Climate Action Plan, which builds upon the Sustainable Resilient Liverpool Strategy and is an important component of a broader framework to deliver the sustainability outcomes of the Our Home, Liverpool 2027 Community Strategic Plan. The installation of solar PV on Council assets is an action item in the Climate Action Plan, with a commitment to explore additional solar energy installations as part of future capital works. The Climate Action Plan will also include measures to monitor trends such as energy consumption.

The Sustainable Resilient Liverpool Strategy identified that Council's operational emissions have decreased by 25% since 2008 due to efficiency measures being implemented. This has been despite an over 25% increase in the Liverpool LGA population over the same time period, and the development of additional facilities and services.

4. Can Council provide a regular update of relevant staff changes that Councillors may have access to?

The Councillor Intranet includes a "Staff Contact List" link from the home page to the list of staff who can interact with Councillors in accordance with the "Councillor Access to information and Interaction with Staff Policy."

This list is updated on a fortnightly basis in relation to staff changes across the organisation. Once any changes are made to the staff in that list, Councillors will be advised, and the Intranet will be updated accordingly.

ITEM NO: QWN 02
FILE NO: 271966.2021
SUBJECT: Question with Notice - Clr 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?

Response

The provision of English language courses in Liverpool are the responsibly of government funded agencies, including:

- Navitas Australia which is the largest provider of English language training in Australia;
- TAFE NSW which provides various English language courses toward training and education pathways;
- Intensive English Centres at Miller Technology and Lurnea High Schools provides newly arrived students with English language classes; and
- MTC Australia which delivers Skills for Employment and Education Program, English language classes for job seekers.

Council has led community based programs that assist adult migrant and refugees to access English language classes outside the formal courses.

- The Liverpool Community Hubs Network, delivered by Council in partnership with Community Hubs Australia and three local primary schools – Heckenberg, Marsden Road and Hoxton Park – offer formal and informal English education classes through their various programs and initiatives. Each hub hosts a number of English courses, both beginner and intermediate classes, as well providing an opportunity to practice conversational English language skills through the further education programs and social activities on offer at each individual hub.
- Liverpool City Libraries are supporting English language learning in a number of ways:
 - Weekly Conversation Café delivered at Liverpool and Carnes Hill Libraries - this is a volunteer run group for anyone wanting to practice or improve their English language Skills. It is delivered in an informal setting which provide opportunities for learning and social connections.
 - Provides tours and assistance to Navitus students, ensuring that students enrolled in the English language classes have the opportunity to join the library and access the English Language Learning Collection.

- The Library hold a comprehensive collection of English learning study materials for students and teachers. The collection has learning resources to supports all levels of study, and to support recognition of overseas qualifications.
- Liverpool City Library provides access to online English learning tools. The library's eLearning page provides access to these tools from the comfort of home, 24/7. These include:
 - AMES - online English language courses from beginners to advanced.
 - Clarity English - a comprehensive resource that supports skills in active reading, pronunciation, writing, as well as general and academic training for IELTS.
 - Transparent Language Online - a self-paced language learning program supporting over 90 languages including English as a Second Language (ESL).
 - LinkedIn Learning – the LinkedIn Learning provides video tutorials with transcripts to develop skills in business, project management, graphic design, web development, photography, music, video editing and more. These courses are designed for beginners to advanced levels and presented by industry experts. It features content in 7 different languages - English, French, German, Portuguese, Japanese, Spanish and simplified Chinese.

These resources are available to all library members with immediate access to the online resource. The non-library members can also have access, but are required to enter their details, agree to the conditions of membership and receive a temporary membership number.

ITEM NO: QWN 03
FILE NO: 272005.2021
SUBJECT: Question with Notice - Clr Hadchiti - Retail Hierarchy

Question

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?

Response

The retail hierarchy is outlined in Council's adopted Centres and Corridors Strategy, which was prepared in response to Action 11.1 of Council's Local Strategic Planning Statement (LSPS) which identifies the need to develop a Centres and Corridors Strategy and review the LEP and DCP to ensure alignment. A copy of the Strategy is available to view at the below link.

https://www.liverpool.nsw.gov.au/_data/assets/pdf_file/0007/194182/FOR-WEBSITE-Final-Liverpool-Centres-and-Corridors-Strategy-28-08-2020.PDF

Centres act as important focal points for the local community, especially when they are well integrated with social infrastructure (e.g., libraries and community centres). Centres also provide opportunities for local employment and are an important part of establishing the 30-minute city when collocated with high quality public transport.

The Strategy notes there is a need to ensure that centres can respond to growth and emerging commercial and retail trends. It is also important that centres have adequate supporting infrastructure and are well designed to meet the needs of the wider community.

The retail hierarchy is used to make informed strategic land use decisions that ensure centres are of an appropriate scale for the community they serve. Furthermore, it helps to ensure impacts are avoided when new or existing centres are developed that could have impacts on the viability of other existing or planned centres.

Each retail operator runs their business as they see fit, provided the land use is permitted in the relevant zone and subject to appropriate approvals.

Clr Ayyad joined the meeting at 6.30pm.

ITEM NO: QWN 04
FILE NO: 300966.2021
SUBJECT: Question with Notice - Clr Hagarty - Community Sport

Background

Many of our local community sporting clubs have been heavily impacted for two seasons due to the COVID-19 pandemic and shutdown of community sport.

Clubs have lost players who haven't returned and they've also lost significant canteen and fundraising receipts.

Community sport is also a proven way to boost ones physical and mental well-being.

If it can be done in a COVID safe way, it should be allowed.

Questions

Please address the following:

1. Is there any indication as to when community sport will return?
2. What engagement and advocacy has Council undertaken with sporting bodies and the State Government for a return to community sport?

A response to these Questions with Notice will be provided in the 27 October 2021 Council Meeting Business Papers.

ITEM NO: QWN 05
FILE NO: 300997.2021
SUBJECT: Question with Notice - Clr Harle - Pearce Park

Background

Pearce Park, an overgrown unused area located at the rear of Councils' Rose Street Depot, has been used to store a range of waste materials including road base, concrete rubble, building waste and similar materials originating from several Liverpool CBD sites. Included in the waste are several large diameter concrete stormwater pipes scattered throughout the overgrown area. These pipes appear to be used as a "rough sleeper area" and a gathering place by groups of people that may be homeless. This activity, especially under current Covid restrictions, may pose a significant health risk to themselves and anyone that may enter the area especially unaccompanied children.

Questions

Please address the following:

1. Is Council aware of the use of these pipes as "rough sleeping areas" or homeless people?
2. What plans does Council have for any future use and rehabilitation of the overall area?
3. What are the estimated costs of carrying out remediation works?

A response to the questions with notice will be provided in the 27 October, 2021 Council Meeting Business Papers.

ITEM NO: QWN 06
FILE NO: 301253.2021
SUBJECT: Question with Notice - Cllr Rhodes - Impacts of NSW Health Work orders on home owners issued with Council Works Orders and their ability to comply

Please address the following:

1. What are the impacts of COVID NSW Health work restrictions on Council Order timeframes on individual homes that possibly affect homeowners' ability to comply?
2. How many illegal works orders have been issued on Liverpool homeowners whilst Liverpool is, or has been under NSW Health Work restrictions?
3. How many fines have been issued to homeowners because they have been unable to comply with Council Works Orders issued against their homes, during the time Liverpool has been under NSW Health Work restrictions?
4. Has Council changed its procedure in order to consider the NSW Health Order restrictions on homeowners' ability to be able to comply with Council Works Orders time frames when issuing Council Work Orders on private homes and if so, how?

A response to these Questions with Notice will be provided in the 27 October, 2021 Council Meeting Business Papers.

ITEM NO: QWN 07
FILE NO: 301347.2021
SUBJECT: Question with Notice - Cllr Kaliyanda - Growth of African Olives and Other Invasive Weed Species

Please address the following:

1. What approach does Council currently have toward the management of the African Olive, and other invasive weed species in Leacocks Regional Park, and other parks and green spaces in Liverpool?
2. What resources are currently allocated to manage the problem and prevent these invasive weed species from impacting the natural biodiversity of the area, especially in the ever-reducing Cumberland Plain Woodland?
3. Is the current level of allocated resources sufficient to adequately address the issue?
4. How does Council interact with other levels of government, agencies and volunteer groups in relation to this issue?

A response to these Questions with Notice will be provided in the 27 October, 2021 Council Meeting Business Papers.

ITEM NO: QWN 08
FILE NO: 301411.2021
SUBJECT: Question with Notice - Cllr Kaliyanda - Disaster Preparation Tool

Background

A new geospatial tool has been released, designed to help councils prepare for severe weather events while supporting recovery and expediting insurance claims. Developed by analytics provider Nearmap, the tool looks to map every major natural disaster that impacts property, infrastructure and communities in the country. More than 6,200 square kilometres of disaster-affected land, including Cyclone Seroja, the Perth Hills fires and the NSW floods have already been captured. The tool has been developed in collaboration with government agencies and disaster relief organisations.

Please address the following:

1. Is Council aware of this tool?
2. If so, how will this be integrated with Council's existing policies and measures in relation to disaster preparation and mitigating the impacts of severe weather events.

A response to these Questions with Notice will be provided in the 27 October, 2021 Council Meeting Business Papers.

ITEM NO: QWN 09
FILE NO: 301438.2021
SUBJECT: Question with Notice - Cllr Kaliyanda - FOGO Grants from NSW Government

Please address the following:

1. Has Council applied for the up to \$12 million in grant funding to help improve their food and garden waste management and reduce the amount of organic waste sent to landfill?
2. If so, how much has been received/allocated, and what programs or initiatives will these funds be directed to?

Response

Council is currently not eligible for the current round of funding which is applicable for Council's in the advance stages of FOGO implementation. However Council has applied for the Local Government Transition Fund and succeeded in obtaining \$180,000 in grant funding towards the following FOGO related initiatives:

- FOGO Tender Writing : \$30,000
 - Drafting of new FOGO collection Tender to form part of Council's Tender for Waste Recyclables and Garden Organics Collection Service in 2024.
- FOGO Implementation Plan : \$70,000
 - Drafting and completion of a detailed implementation plan to transition to a new FOGO service.
- Kerbside Waste composition audit : \$40,000
 - Full kerbside waste audit of Waste, Recycling and Garden organics bin using aggregated truck method pre FOGO service transition to determine the composition of organics in different waste streams and allow Council for form a benchmark for the introduction of FOGO.
- FOGO Community Engagement: \$40,000
 - Targeted Community Engagement to change behaviour to reduce organic, recoverable and hazardous material placed into the garbage bin and increase participation of the community in the correct use of FOGO bins. This would include the engagement to ensure community understand the value of separating food organics to increase recovery of total organics from all waste stream.

Council will continue to seek grant funding in future rounds that are applicable to Councils current position in FOGO transition.

PRESENTATIONS BY COUNCILLORS

Clr Kaliyanda made a presentation, with an associated petition relating to the establishment of a Permanent Fairy Glen at Harris Creek in Holsworthy.

Clr Hagarty made a presentation relating to an application for subdivision at 44 to 46 Maple Road, Casula.

CONFIDENTIAL ITEMS

ITEM NO: CONF 01
FILE NO: 246926.2021
SUBJECT: Draft 10 Year Waste Management and Resource Strategy

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Rhodes**

That Council:

1. Endorse the draft Waste Management and Resource Recovery Strategy 2021 - 2031 in principle, subject to a detailed Project Action Plan which will breakdown the initiatives and indicative costing across three implementation timeframes of 1 to 2 years, 3 to 5 years and 6 to 10 years; and
2. Place the draft Waste Management and Resource Recovery Strategy 2021-2031 on public exhibition subject to removal of commercial in confidence information.

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

THE MEETING CLOSED AT 7.37pm.

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 27 October 2021

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 29 September 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.