



## MINUTES OF THE ORDINARY MEETING HELD ON 28 JULY 2021

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### **PRESENT:**

Mayor Wendy Waller  
 Councillor Ayyad  
 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 Planning and Compliance  
 Mr Peter Diplas, Acting Director City Presentation  
 Mr Raj Autar, Director Infrastructure and Environment  
 Mr John Morgan, Director Economy and Commercial Development  
 Ms Jennifer Chenhall, General Counsel, Manager Governance, Legal and Procurement  
 Mr John Milicic, Manager Property Services  
 Mr Vishwa Nadan, Chief Financial Officer  
 Ms Ellen Whittingstall, Acting Internal Ombudsman  
 Mr George Georgakis, Manager Council and Executive Services  
 Ms Rose Koch, Committee Officer (Minutes)

The meeting commenced at 6.00pm.

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### **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 Mr Eddie Jackson, Chief Executive Officer.



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

**CONF 01:** Tender WT3013 – Construction of stormwater basin 6 in Austral

**Reason:** Clr Hadchiti lives in the area.

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

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

**COM 01:** Grants, Donations and Corporate Sponsorship

**Reason:** Clr Rhodes knows organisations that are listed in the report through her work in the community.

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

Clr Hadchiti declared a pecuniary interest in the following item:

**MAYOR 01:** Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021

Clr Hadchiti left the virtual meeting for this item.

## **PUBLIC FORUM**

### **Presentation – items not on agenda**

Nil.

### **Representation – items on agenda**

Nil.

Clr Hadchiti declared a pecuniary interest in MAYOR 01 and left the virtual meeting at 6.08pm.

## MAYORAL MINUTES

**ITEM NO: MAYOR 01**  
**FILE NO: 245497.2021**  
**SUBJECT: Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021**

On Friday 16 July 2021, Council was notified by the Chief Executive of LGNSW of the passage by the NSW State Government of the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021 (NSW). Liverpool City Council is one of 29 councils in NSW which charges compliance levies to support council development and compliance activities.

Earlier this year, while Council was finalising its 2021/2022 budget, the Government announced it intended to prohibit the ability of councils to charge a compliance levy from 1 July 2021. Following strong advocacy from LGNSW and councils, the Government announced it would defer this imposition on councils so it could consult with the sector and introduce a new compliance funding regime.

Regrettably, in the absence of any consultation and despite ongoing advocacy by LGNSW, the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021 was published on Friday 16 July 2021 with the effect of prohibiting councils from collecting compliance levies. For those councils that currently collect compliance levies, this prohibition now takes effect from 31 December 2021.

This regulation was made in the same month the Government saw the passage of new legislation which facilitates 'compliance levies' for the NSW Building Commissioner's Office. Councils will be required to collect the new compliance levies for the Building Commissioner's Office and remit the funds but won't be able to collect compliance levies to fund their own development and compliance activities.

LGNSW considers this an outrageous impost on councils. LGNSW will be strongly responding to the Government's action and has requested our Council's assistance by providing information about the financial impacts of this change.

For Liverpool City Council, the compliance levy has raised, on average, \$3 million per year (since the levy was introduced in FY 2015/16). This Council has previously resolved that all revenue from the levy be used to fund council development and compliance activities. Removing the ability for councils to collect a compliance levy will result in at least a \$3 million shortfall in Council's operational budget position in future years (potentially more depending on the level of development activity in the LGA) and will significantly affect our capacity to deliver the level of compliance activities expected by the community.

For high growth Councils like Liverpool, the Compliance Levy is an opportunity to ensure adequate oversight and resourcing of our regulatory responsibilities. Coming on top of changes to the contributions planning framework, the removal of the compliance levy is yet another cut to local government funding without any reduction in demand.

The State Government should reverse this decision or implement, at least, a 2-year moratorium on the removal of the levy for high growth Councils like Liverpool to enable a transition to any new scheme. This would enable a transition to alternative budget arrangements for future financial years without impacting so significantly on service delivery over the short term.

## **COUNCIL DECISION**

**Motion:** **Moved: Mayor Waller**

That Council write to the Hon Rob Stokes, Minister for Planning and Public Spaces requesting the Government reverse the decision to prohibit council from collecting compliance levies from 31 December 2021, or in the alternative, for the State Government to implement (at least) a 2 year moratorium on the removal of the levy for high growth Councils like Liverpool to enable a transition to any new scheme.

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

Clr Ayyad voted asked that she be recorded as having voted against the above motion.

**ITEM NO: MAYOR 02**  
**FILE NO: 245450.2021**  
**SUBJECT: 2021 COVID-19 Lockdown**

I would like to take this opportunity to thank Liverpoolians for staying home and doing the right thing. We are living through very unusual and challenging times.

While virus case numbers across Greater Sydney are concerning, Liverpool's numbers remain lower compared to other named Local Government Areas.

Due to the pandemic the local government elections have been postponed until 4 December 2021.

Like everyone in our community I'm in lockdown with my immediate family members including children and can very much relate to the challenges of home schooling and working life. It's not easy and we are all doing it tough

We are a resilient community and when faced with adversity we stand together.

If you are at home and experiencing distress, please reach out via phone or use technology to reach out to someone you trust. Support is available through the Beyond Blue Helpline, Lifeline, the National Sexual Assault, Domestic Family Violence Counselling Service and the National Debt Hotline.

This pandemic is serious because the virus has mutated and this time people of all ages in our community are vulnerable and it's extremely contagious. As a parent and grandparent, automatically you wish to protect those most vulnerable in your family. I would like to stress that health guidelines are provided regarding care for family members not of your household - please follow these instructions.

The Minister for Health and Medical Research, Brad Hazzard has explained recently that a number of community infections had occurred due to families intermingling to pay their respects after a death in the family.

This would indeed be a very sad time with plenty of rituals and traditions involved, but it is crucial that you do not visit other households during this time. My own cousin recently passed away and sadly I cannot attend the household nor attend the funeral. We will use technology and yes, we were close.

I have lobbied for more vaccination centres in Liverpool and there has been some success. From 2 August, pop-up mobile vaccination centres will be set up in nominated suburbs in our community.

It is important that you get tested if you are unwell.

Currently, the Whitlam Centre is offering a 24-hour testing service.

Getting Australians vaccinated is important now more than ever and we're proud to be doing our bit to help bolster the vaccine roll-out in South West Sydney which is the only way to safeguard the community against COVID-19.

We saw the eradication of polio and tetanus through vaccinations and we hope to see the same result during this pandemic. Consult your GP if you are in need.

We really need to think of the safety of each other. Don't take risks, don't ignore health directives. Stay home, get tested and get vaccinated if you can.

The wellbeing of our residents seriously weighs heavily on my mind and my fellow Councillors' minds - this is a pandemic, a national emergency and it's serious.

To get the numbers down we will need to stick to the necessary but sometimes restrictive health directives.

Please stay home and stay safe, so we all stay safe.

## **COUNCIL DECISION**

**Motion:** **Moved: Mayor Waller**

That Council note the report.

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

## **CHIEF EXECUTIVE OFFICER REPORT**

**ITEM NO:** CEO 01

**FILE NO:** 222812.2021

**SUBJECT:** Annual Report to Council by the Internal Ombudsman

## **COUNCIL DECISION**

**Motion:**

**Moved: Cllr Rhodes**

**Seconded: Cllr Shelton**

That Council receive and note the annual report presented by the Internal Ombudsman.

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





**Motion:** **Moved: Cllr Harle** **Seconded: Cllr Ayyad**

1. Notes the Gateway determination for Liverpool Local Environmental Plan 2008 (Amendment 79) and the results of the public authority consultation and community consultation; and
2. Subject to the execution of the planning agreement, proceeds with Amendment 79 to the Liverpool Local Environmental Plan 2008 and delegates authority to the CEO (or his delegate) to liaise with the Parliamentary Counsel's Office and the Department of Planning, Industry and Environment to finalise the amendment.

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

Chairperson

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

1. Receive and note this report; and
2. Investigates including 'Dual Occupancies' as a land use permitted with development consent in the R2 Low Density Residential and R3 Medium Density Residential zones of the Liverpool Local Environmental Plan as part of Phase 2 of the LEP Review.

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

Minutes of the Ordinary Council Meeting held on Wednesday, 28 July 2021 and confirmed on Wednesday, 25 August 2021

Chairperson

**Clr Hagarty and Clr Kaliyanda temporarily left the meeting at 6.20pm.**

## COMMUNITY & CULTURE REPORT

**ITEM NO:** COM 01  
**FILE NO:** 196466.2021  
**SUBJECT:** Grants, Donations and Corporate Sponsorship

## COUNCIL DECISION

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

That Council endorses the recommendation of **\$28,950** (GST exclusive) under the **Corporate Sponsorship Program** for the following projects subject to the projects going ahead due to Covid restrictions;

Applicant	Project	Recommended
Friends of India Australia Incorporated	Ganeshotsava	\$10,000
Southern Districts Soccer Football Association	Annual Liverpool Knockout Competition (Soccer)	\$8,950
Ingham Institute for Applied Medical Research	Robotics, Health Technology & Industry Symposium	\$10,000

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

**Clr Hagarty and Clr Kaliyanda returned to the meeting at 6.22pm**

**ITEM NO:** COM 02

**FILE NO:** 198692.2021

**SUBJECT:** Review of the Grants, Donations and Corporate Sponsorship Policy

**COUNCIL DECISION**

**Motion:**

**Moved: Clr Ayyad**

**Seconded: Clr Hadid**

That Council endorse the Grants, Donations, and Community Sponsorship Policy and place it on public exhibition for a period of 28 days.

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

## CORPORATE SERVICES REPORT

**ITEM NO:** CORP 01  
**FILE NO:** 176706.2021  
**SUBJECT:** Investment Report June 2021

## COUNCIL DECISION

**Motion:** **Moved:** Clr Shelton **Seconded:** Clr Harle

That Council receives and notes this report.

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







**ITEM NO:** CTTE 02  
**FILE NO:** 191038.2021  
**SUBJECT:** Liverpool Sports Committee Minutes of meeting held 27 May 2021

## COUNCIL DECISION

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

That Council:

1. Receives and notes the Minutes of the Liverpool Sports Committee meeting held on 27 May 2021.
2. Endorse the recommendation in the minutes

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

**ITEM NO:** CTTE 03  
**FILE NO:** 200415.2021  
**SUBJECT:** Minutes of the Companion Animals Advisory Committee meeting held on 1 June 2021

## COUNCIL DECISION

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

That Council receive and note the minutes of the Companion Animals Advisory Committee meeting held on 1 June 2021.

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

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

1. Receives and notes the meeting notes of the Liverpool Access Committee meeting held on 15 April 2021;
2. Receives and notes the minutes of the Liverpool Access Committee Meeting held on 10 June 2021; and
3. Endorses the recommendations in the notes and minutes.

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Chairperson



**ITEM NO:** CTTE 06  
**FILE NO:** 214288.2021  
**SUBJECT:** Minutes of Strategic Panel meeting held on 15 June 2021

## COUNCIL DECISION

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

That Council receives and notes the Minutes of the Strategic Panel Meeting held on 15 June 2021.

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

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

1. Receives and notes the Minutes of the Environment Advisory Committee Meeting held on 15 June 2021.
2. Endorse the recommendations in the Minutes.

Minutes of the Ordinary Council Meeting held on Wednesday, 28 July 2021 and confirmed on Wednesday, 25 August 2021

Chairperson

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

1. That the Committee write to Woolworths to seek an ongoing scholarship program for:
  - a. at least one local student from the Liverpool LGA to study an engineering or advanced technologies undergraduate program at a local university; and
  - b. at least one scholarship for a local student to attend TAFE to study in an emerging field such as electrotechnology.
2. Council to consider engagement with the NSW and Federal governments as well as relevant parties to retain the current Moorebank Avenue upgrade and seek alternative solutions to the realignment such as overpass bridges;
3. Council consider engagement with the NSW and Federal governments as well as relevant parties to construct an eastbound M5 weave upgrade at the same time as the Moorebank Ave Interchanges and westbound weave projects are undertaken, and to place appropriate transparent noise walls in both directions, similar to those on the M7;
4. Council to write to the NSW government and EPA NSW to advise that Council is no longer the authorised regulatory authority for air and noise pollution, that this role is assumed by the EPA NSW and that Council provide a list of location metrics for air and noise pollution enforcement to the Committee; and
5. That Council consider engaging with NSW and Federal government to redesign the Moorebank Precinct West Masterplan to be consistent with concept approvals at 300,000 square metres of warehousing.

Chairperson

## QUESTIONS WITH NOTICE

**ITEM NO:** QWN 01

**FILE NO:** 196276.2021

**SUBJECT:** Question with Notice - Cllr Hagarty - Animal Welfare

**Please address the following:**

1. What is the process from when rangers attend to a found pet?
2. What is the average time between an animal being taken to the shelter and appearing on:
  - Council's website?
  - The facilities Facebook page?
3. What other channels are used?
4. What details are posted?
5. Are there KPIs for this?
6. Are Council meeting these KPIs?
7. Are there KPIs in place for rehoming animals?
8. Are Council meeting these KPIs?
9. How much time each day are dogs given out of their kennels?
10. What enrichment are they provided each day?
11. What strategies are in place to prevent dogs from suffering significant kennel stress such as aggressive behaviour, barking and lunging at people?.
12. What training and information do rangers and rehoming officers undertake and have access to in relation to:
  - Animal handling, enrichment and recognising body language?
  - The latest methods in animal rehoming?
  - Dangerous dog handling?



## Response

### 1. What is the process from when rangers attend to a found pet?

Council officers will scan the animal, and if microchipped, will contact the owner and return the animal home within 2 hours and update Council's records. If the animal is not identified, then the animal is taken to the Liverpool Animal Shelter at Rossmore Vet.

Under the Companion Animals Act, a companion animal must be identified (microchipped) from 12 weeks of age and it is an offence not to do so and is subject to an on the spot fine. In addition, the Act requires a dog to wear a collar which shows the name of the dog and the address or phone number of the owner. It is also an offence for a dog not to have a collar.

### 2. What is the average time between an animal being taken to the shelter and appearing on:

- Council's website?
- the facilities Facebook page?

Lost animals that are not identified are posted on both pages within 24 hours of entering the shelter on a Monday to Friday. If an animal enters the animal shelter on the weekend, details are posted on Monday. However, the shelter can be contacted 7 days a week for residents to enquire about lost animals or to pick up lost animals.

### 3. What other channels are used?

Council monitors local lost & found Facebook pages. Where an owner has posted details regarding their lost pet, Council officers will contact them directly. Staff also circulate Lost Pet Alerts amongst the team, so officers are aware of missing animals in the area.

Council also keeps a log of all calls made to the shelter regarding lost pets in the Liverpool LGA and surrounding areas which is referred to when an animal is impounded, to reunite the pet and owner sooner.

### 4. What details are posted?

Species, breed, gender, name (if known), suburb found, and a photo.

### 5. Are there KPIs for this?

As identified above, lost animals that are not identified are posted on both pages within 24 hours of entering the shelter on a Monday to Friday. If an animal enters the animal shelter on the weekend, details are posted on Monday. However, the shelter can be contacted 7 days a week for residents to enquire about lost animals or to pick up lost animals.

**6. Are Council meeting these KPIs?**

Yes.

**7. Are there KPIs in place for rehoming animals?**

The Delivery Program and Operational Plan (DPOP) (C.4.06) target is 65% of dogs to be rehomed within two months and 40% of cats to be rehomed within two months.

**8. Are Council meeting these KPIs?**

Council reports on how it is meeting targets in the DPOP through the biannual report. Council is currently exceeding this target. In the January to June 2021 period, 94% of dogs were rehomed and 100% of cats were rehomed within 2 months.

**9. How much time each day are dogs given out of their kennels?**

Dogs are out of their kennels all day. Dogs are taken out of their night kennels and taken to their outdoor runs every morning. Dogs are also walked by staff and have one on one training and enrichment time in Council's off-leash area.

**10. What enrichment are they provided each day?**

As outlined above, dogs are taken to their outdoor runs every morning, walked by staff, have one on one time with staff, provided with toys, kongs with food / treats, and training with treats for mental stimulation.

**11. What strategies are in place to prevent dogs from suffering significant kennel stress such as aggressive behaviour, barking and lunging at people?**

As outlined above, dogs are out of their kennels all day. Dogs are taken out of their night kennels and taken to their outdoor runs every morning. Dogs are also walked by staff and have one on one training and enrichment time in Council's off-leash area.

The welfare and enrichment of animals is Council's priority. Staff spend time with each animal to build a relationship with them and gain their trust. Keeping the dogs mentally stimulated and physically active along with one on one training time helps ensure dogs are happy while at the shelter. Council officers are at the facility Monday to Friday to work with and monitor the welfare of each animal. Animals are cared for by Rossmore Vet staff on the weekends.

**12. What training and information do rangers and rehoming officers undertake and have access to in relation to:**

- animal handling, enrichment and recognising body language?

Formal training sessions have been held at the Liverpool Animal Shelter and included all shelter staff. The training was carried out by an Animal Behaviourist. There is also ongoing training on a one to one basis when a particular dog is identified that requires assessment to deal with a behavioral issue.

- **the latest methods in animal rehoming?**

Council's officers have access to online information, communication with other shelter rehoming officers and connection with rescue groups.

- **dangerous dog handling?**

Dangerous dog training has been conducted for Rangers and Shelter staff by an external trainer. Ongoing training and development is available to Council staff and forms part of Council's continuous learning and development program.

## **COUNCIL DECISION**

**Motion:**

**Moved: Cllr Hagarty**

**Seconded: Cllr Rhodes**

1. That Council staff investigate ways and means of posting animals on Council's website, prior to Monday, if found on Friday evening or over the weekend;
2. Investigate implementing an expression of interest waitlist for people interested in a particular breed of animal;
3. The ongoing statistics and information detailed in this item be regularly reported to the Companion Animals Advisory Committee;
4. Council investigates updates to its website in relation to animal rehoming; and
5. Council investigate the ability of the public to surrender cats and different ways of rehoming cats.

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

**ITEM NO:** QWN 02  
**FILE NO:** 196334.2021  
**SUBJECT:** Question with Notice - Clr Kaliyanda - Digitisation of Services

**Please address the following:**

**1. What Council services or functions have been digitised (partially or completely) as a response to the impacts of COVID-19?**

Since the commencement of the pandemic, Council has re-prioritised some of its IT projects to better enable the way both its staff operate whilst working from home and the Community engages with Council. Some examples are the upgrade of Council's security infrastructure which has allowed for remote working without compromising on security. Council's full suite of corporate software has been made accessible both to corporate and personal devices. Other implementations have been the Online booking management system, the digitisation of GIPA lodgements and the expansion of virtual and hybrid meetings throughout our Community Engagement. This includes the Liverpool District Forums, Council Committees and consultation methodologies.

In regards to CPAC, a series of digital initiatives have been implemented and are available in the below links;

<https://www.casulapowerhouse.com/visit/cpac-digital-program>

<https://www.casulapowerhouse.com/visit/cpac-digital-program/art-activities>

CPAC was the first NSW Arts Centre to do so during the initial 2020 lockdown. The Digital Program is still ongoing during the 2021 lockdown period with more activities coming online each week. These include virtual tours, online film screenings, online exhibitions, artist talks, activities for kids and families, music, cooking lessons and gardening tips.

In the Events space, NAIDOC Week 2021 was heavily impacted by Covid restrictions and has transitioned partially to the digital realm. Some examples of video contents and activities are included in the below links.

<https://www.facebook.com/watch/?v=907245306472147>

<https://www.casulapowerhouse.com/visit/naidoc-week>

**2. Has follow up been conducted as to which of these were successful and which were not?**

As Council continues to navigate through the challenges of the pandemic delivery of some services in alternative formats have been assessed for their effectiveness. For

example, the review of Liverpool District Forums identified some challenges and opportunities when they are delivered solely online. The alternative method of hybrid is currently being investigated to allow residents' participation in-person and or online. Other services such as library and CPAC have been innovative in their approach to communicate information and engage service users through virtual sessions.

What Council has learnt though, is that large sections of the community are happy to be engaged in a virtual environment. This has in some areas increased participation due to the ease of accessibility, resolves the problem for those whom lack the transport means and enhances flexibility. Notwithstanding this, Council is acutely aware that a section of the community still prefers face to face interaction.

During government stay at home orders periods, Council has no option but to rely on online channels to inform and consult with the community. As the pandemic continue, for all other times outside the lockdown, in accordance to NSW Health advice and through a COVID Safe Plan, Council will adopt innovative and flexible arrangements to maximise engagement and interaction with residents.

Council will review the Community Engagement Plan to provide overarching framework and guidelines for diverse and flexible community engagement methods during the pandemic.

For CPAC, Google Analytics and Social Media metrics are analysed regularly to ensure content is being used by as many as possible. Encouragingly, total virtual visitation to the centre has at least matched and often exceeded usual attendance figures.

**3. If so, what factors have been identified in the successful digitisation of a service or function?**

While Council certainly couldn't have predicted the COVID-19 pandemic, this event has acted as a catalyst for the shift in community engagement by accelerating the speed at which local governments are adapting to meet the community's changing needs. As a case in point, preliminary data from the online booking system shows that the community's utilisation of the online bookings portal is increasing steadily month to month.

Based on the "Building stronger communities in an increasingly digital post pandemic society" report (a community focused research assessment co-published by CIVICA and UTS in May 2021), 79% of citizens expect the main interactions with their council to be through self-service technologies in the next five years. In addition, 47% of citizens agree they will primarily use social media to connect with their local council in the future. This broad appetite for digital engagement is consistent with Council's own observation of its community and business. Council is acutely aware that there are sub-groups in the community who might miss out where digital engagement is the

predominate approach and this needs to be catered for.

In the arts and culture space, some of the most successful digitised services have been in the film screening, virtual exhibitions/tours and kids/family areas. The latter being especially so when the online activity is paired with downloadable activity sheets/instructions for parents.

**4. What factors have been identified in the unsuccessful digitisation of a service or function?**

Council recognises that there are sub-groups in the community (seniors, people with a disability or socio-economic disadvantage groups) which lack the technological skills or equipment to connect via digital engagement. Council has also recognised that there is a large part of the community which prefers engagement of services when they are digitised.

Council's Library Services and Community Development teams have existing strategies and programs that are currently being explored to provide training and assistance to the residents who lack the access to technology and/or require upskilling in the utilisation of technology. It is envisaged that the staff will host and facilitate these sessions when the state's lockdown eases.

At CPAC, music performances have been identified by the measurement mechanisms mentioned above to be the least successful digitised translation of service, so they have been discontinued in response. This has probably been as a result of the increased volume of digitised concert experiences made available to people during the pandemic from across Australia and around the world.

**5. Please outline what aspects of Council's functions or services have explored, or are currently exploring, digital transformation to improve resident experience, effectiveness or efficiency.**

Council has been working on a digital transformation strategy which will position Council to future proof itself as a "connected Council". In other words, digitising its community, service and back office functions in a seamless and integrated way to both improve organisational efficiency, community engagement and the overall customer experience. This will also form the foundation to leverage off the technological future which includes Smart Cities, open data, IoT and 5G. This is expected to be presented to Council later in the calendar year.

**ITEM NO:** QWN 03  
**FILE NO:** 234116.2021  
**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?

**A response to these Questions with Notice will be provided in the 25 August 2021 Council Meeting Business Papers.**

**ITEM NO:** QWN 04  
**FILE NO:** 234120.2021  
**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 271156 submissions – 13111 – 3251
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)?

**A response to these Questions with Notice will be provided in the 25 August 2021 Council Meeting Business Papers.**



**ITEM NO:** QWN 05  
**FILE NO:** 234143.2021  
**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, eg: 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?

**A response to these Questions with Notice will be provided in the 25 August 2021 Council Meeting Business Papers.**

## PRESENTATIONS

Clr Harle advised that he would like to make a presentation relating to CONF 01.

Mayor Waller advised that he could make his presentation prior to discussion of that item during the Closed Session part of this meeting.

## NOTICES OF MOTION

**ITEM NO:** NOM 01  
**FILE NO:** 236016.2021  
**SUBJECT:** Proposed Changes to Developer Levies

### BACKGROUND

Recently the NSW Government released draft legislation that proposed changes to reduce the type of community projects that could be eligible for funding from developer contributions. This is one component of an overhaul of NSW's infrastructure contributions system, which is due to come into force by July 2022.

However, these changes, if adopted, could shift more of the cost of infrastructure from developers onto ratepayers. It also means there is no guarantees that the money collected as part of these developments would be directed back into projects in the local areas that these levies had been collected.

Liverpool, as part of the south-west growth corridor, is already under significant pressure to meet the infrastructure needs of our fast-growing community. We need to juggle the responsibilities associated with developing infrastructure from scratch in many of the new release areas of our LGA. Furthermore, there is a risk that these changes could result in the NSW Planning Minister having discretion over what these developer contributions are spent on, rather than having extensive input and determination by the local communities that would need and use this infrastructure.

### NOTICE OF MOTION (submitted by Cllr Kaliyanda)

That Council:

1. Write to the NSW Government expressing our concern over the impact of these proposed changes to the legislation on our local community;
2. Seek a guarantee from the NSW Government that contributions levied in a local area will be spent on that community; and
3. Seek a guarantee from the NSW Government that community consultation and voices of the local community will be given specific importance in the determination of infrastructure spending and delivery.



**ITEM NO:** NOM 02  
**FILE NO:** 236043.2021  
**SUBJECT:** COVID Support

**NOTICE OF MOTION (submitted by Cllr Hagarty)**

**1. Testing and Vaccination**

That Council lobby for:

- a. More locations and resources to conduct testing; and
- b. A mass vaccination hub in a highly accessible location in Liverpool.

**2. Parking for essential workers**

That Council provides parking for essential workers including health care providers.

**3. Vulnerable community groups**

That Council:

- a. Re-establish the 'COVID-19 Emergency Response Program' to support critical and essential services for vulnerable community groups in Liverpool.
- b. Lobby the State and Federal Government for long term funding and resources in local targeted services, including but not limited to:
  - mental health support for communities from non-English speaking backgrounds; and
  - youth unemployment.

**4. Rate relief**

That Council extend hardship provisions for rates implemented at 16 April 2020 Council meeting.

**5. Community facilities and sporting fields**

That Council provide a full refund for hirers/licence holders of any parks, sporting fields and other community facilities where a fee has been paid and the use of that facility is not possible due to restrictions being put into place for the duration of those restrictions.

**6. Animal Shelter**

That Council direct the CEO to keep the Liverpool Animal Shelter open with restricted access and in line with relevant public health orders.

## **7. Local Business**

That Council:

- a. Support businesses to facilitate effective pivots of their existing business models;
- b. Promote successful examples of local business pivots since the beginning of the pandemic; and
- c. provide ongoing information and support to local businesses about relevant State and Federal business relief and support services.

## **8. Retail tenants**

That Council provide rent abatement for all existing retail and small tenants/licence holders for the duration of the lockdown.

## **9. Outdoor dining**

That Council waive all out-door dining fees for the duration of the lockdown.

## **10. Supplier payments**

That Council ensure all payments that can be made to suppliers where the goods/services have been delivered in full (noting some may be staged payments) be made immediately and not wait until the due date should that be a period of less than 2 months.

## **11. Planning and Development**

That Council commit to drive down the outstanding Development Applications and Planning Proposals.

## **12. Staff**

That Council direct the CEO to, where practical, retain staff during the lockdown, through meaningful means such as redeployment to other duties.

## **13. Stimulus**

That Council seek funding from the State and Federal Government for accelerated capital works projects that can be delivered in the Liverpool LGA within a short timeframe.

## COUNCIL DECISION

**Motion:**

**Moved: Cllr Hagarty**

**Seconded: Cllr Kaliyanda**

### 1. Testing and Vaccination

That Council write to the State Government to advise that Council is willing to work with the government to help with offering locations for testing clinics, and vaccination hubs.

### 2. Parking for essential workers

That Council provides parking for essential workers including health care providers.

### 3. Vulnerable community groups

That Council:

1. Re-establish the 'COVID-19 Emergency Response Program' to support critical and essential services for vulnerable community groups in Liverpool;
2. Lobby the State and Federal Government for long term funding and resources in local targeted services, including but not limited to:
  - a. mental health support for vulnerable communities; and
  - b. youth unemployment.

### 4. Rate relief

That Council:

- a. Take the following measures in relation to hardship provisions:
  1. extends hardship provision to all rateable properties (i.e. residential, business and farmland);
  2. apply hardship provisions to rates that fall due from July 2021 onwards only;
  3. assign the Rates Department to undertake initial assessments of hardship applications;
  4. re-establishment the Hardship Committee to review all applications rejected for final determination;
  5. Council suspend debt recovery action until state-wide COVID related restrictions are lifted; and
  6. provide an online form to enable residents to submit hardship applications.

b. *Exhibit its intentions for the minimum statutory period for a one off reduction of 10% on properties that sit within the definition 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;*
- *The property is in the name of an individual.*

*Present a report back to Council after the exhibition period.*

Note: Following the Council meeting, Councillors were advised that the information in italics above relating to the provision of a rate reduction within NOM 02 is unlawful. Therefore, section 4 (b) of NOM 02 cannot be enacted.

## **5. Community facilities and sporting fields**

a. That Council:

1. Provide a full refund for hirers/licence holders of any parks, sporting fields and other community facilities where a fee has been paid and the use of that facility is not possible due to Covid-19 restrictions being put in place for the duration of those Covid-19 restrictions; and
2. If Covid-19 restrictions return, that this become a policy position of Council.

## **6. Animal Shelter**

That Council direct the CEO to keep the Liverpool Animal Shelter open with restricted access and in line with relevant public health orders.

## **7. Local Business**

a. That Council:

1. Support businesses to facilitate effective pivots of their existing business models;
2. Promote successful examples of local business pivots since the beginning of the pandemic;
3. provide ongoing information and support to local businesses about relevant State and Federal business relief and support services;
4. Create a business directory for free online services and investigate integrating this to Council's What's On page; and



5. Write to the State Government calling for a resumption of construction in the Liverpool local government area (LGA) and allow construction workers living in the Liverpool LGA to resume work in line with Covid-19 health regulations.

#### **8. Retail tenants**

That Council defer a decision on rent abatement for all existing retail and small tenants/licence holders until the August 2021 meeting.

#### **9. Outdoor dining**

That Council waive all out-door dining fees for the 2021/22 and 2022/23 financial years.

#### **10. Supplier payments**

That Council ensure all payments that can be made to suppliers where the goods/services have been delivered in full (noting some may be staged payments) be made immediately and not wait until the due date should that be a period of less than 2 months.

#### **11. Planning and Development**

That Council commit to drive down the outstanding Development Applications and Planning Proposals.

#### **12. Staff**

That Council direct the CEO to, where practical, retain staff during the lockdown, through meaningful means such as redeployment to other duties in accordance with the “splinter award”.

#### **13. Stimulus**

That Council:

- a. Seek funding from the State and Federal Government for accelerated capital works projects that can be delivered in the Liverpool LGA within a short timeframe; and
- b. Direct the CEO to present a report to the next Council meeting of all capital expenditure which has a contract value of more than \$500,000, excluding any projects fully funded by Section 7/11 or State or Federal grants, detailing:
  - The project/spend;

- Importance of the project/spend; and
- Whether a force majeure clause is included in the contract

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

## COUNCIL IN CLOSED SESSION

Mayor Waller advised that Council would now move into Closed Session to deal with items CONF 01 to CONF 06 because:

*CONF 01 and CONF 05 are confidential pursuant to the provisions of s10A(2)(d i) of the Local Government Act because they contain commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

*CONF 02, CONF 03 and CONF 04 are confidential pursuant to the provisions of s10A(2)(g) of the Local Government Act because they contain advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

*CONF 06 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.*

Council moved into Closed Session at 7.31pm.

Clr Balloot retired from the meeting at 7.31pm.

## CONFIDENTIAL ITEMS

**ITEM NO:** CONF 01  
**FILE NO:** 201850.2021  
**SUBJECT:** Tender WT3013 - Construction of Stormwater Basin 6 in Austral

***During this item, Clr Harle made a presentation to Councillors on Stormwater Channels in Urban Areas. The presentation is shown below:***

## **Stormwater Channels in Urban areas.**

**Comparing systems – old, new and proposed.**

**By Councillor Peter Harle**

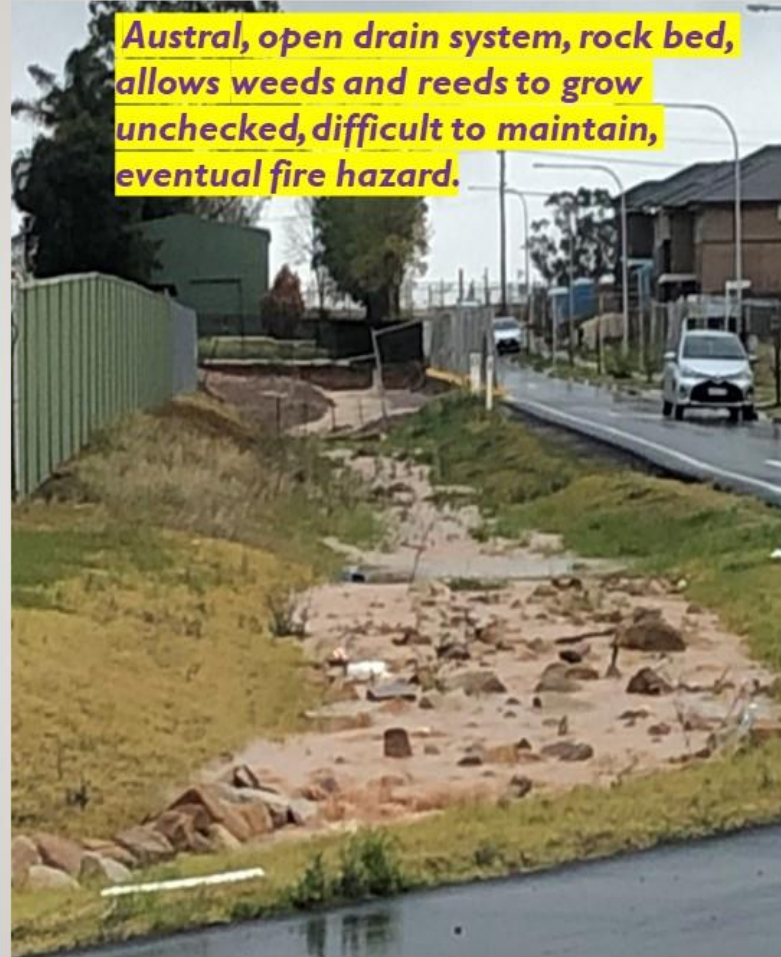
- ***Liverpool City Council is in the process of analysing stormwater and flood water control systems in the new areas of Austral, West Hoxton, Rossmore and existing areas of Middleton Grange and Edmondson Park.***
- ***Residents need to be aware of these proposals and ensure that they meet their needs.***
- ***I have major concerns with those proposals and believe they will lead to many undesirable health and safety effects on nearby residential developments. Residents need to be aware of these proposals and raise concerns with Liverpool City Council to ensure they meet residents needs and wants.***
- ***It is evident from the following information that there are major concerns with the proposed Open Drain Stormwater and flood drainage system currently being constructed.***

## CURRENT STORMWATER CHANNELS

**This is the current and proposed system of open drains; rocks, reeds, weeds, and unsightly rubbish traps.**

**Smelly in dry periods and very difficult to maintain.**

**Austral, open drain system, rock bed, allows weeds and reeds to grow unchecked, difficult to maintain, eventual fire hazard.**



**Hoxton Park: Road underpass blocked, filled with rubbish, weeds & soil from eroded channel banks.**



**Hinchinbrook: Stagnant ponds with mosquitos.**







Open stormwater channels are difficult to maintain, trap street borne rubbish, a place for rats, snakes, mice and mosquitos to hang out. Produce bad odours in summer especially during extended dry periods. Are serious fire hazards when reeds, weeds and grass dry out. This is the State Governments' preferred stormwater and floodwater control system and want Councils to install in place of existing "low flow" piped underground drains and concrete lined canal systems which are much less maintenance intensive. Residents need to oppose open drain systems. Once constructed they will cost millions of \$ to replace and remediate.



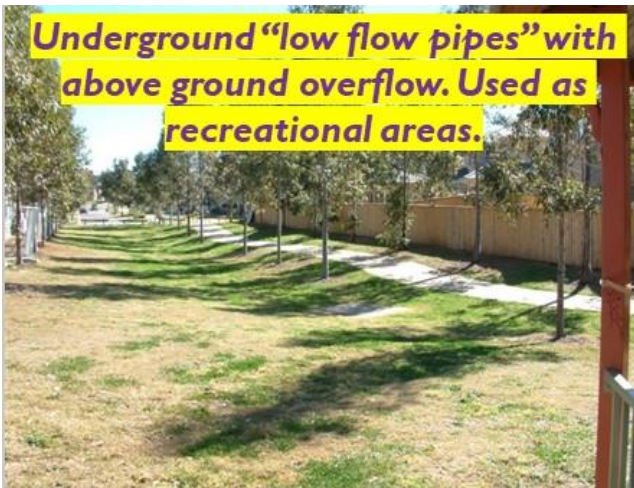








**Underground “low flow pipes” with above ground overflow. Used as recreational areas.**



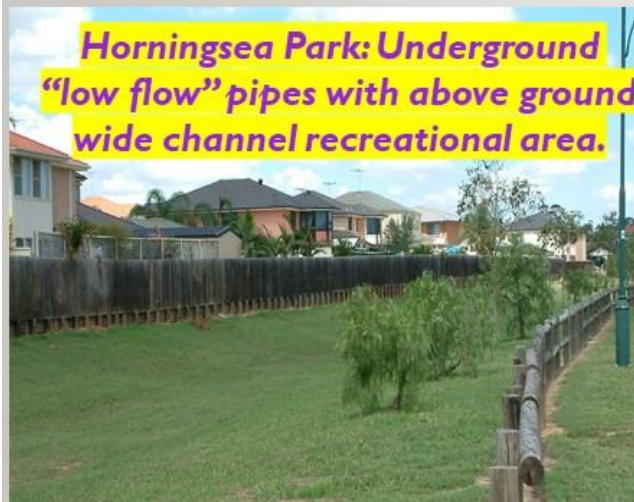
**Horningsea park: underground pipes, above ground overflow, used as recreational area**



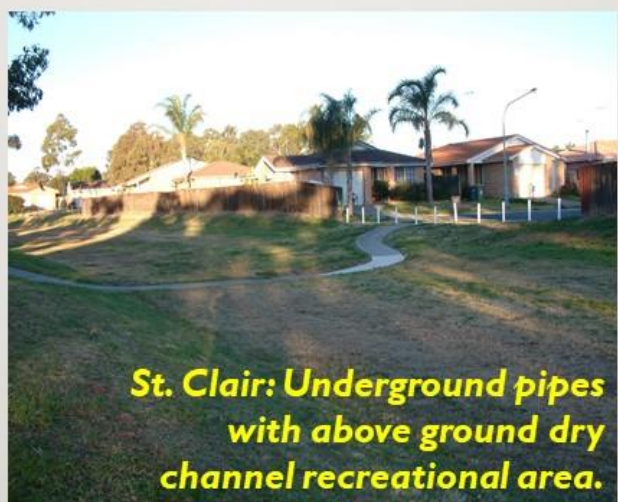
Examples of existing “low flow” combined underground and above ground stormwater and flood control channels. No place for vermin, reeds, weeds and rubbish to collect. Only require grass cutting and minimum long term maintenance.

During flood events water is spread across a wide channel, eventually flowing into major creeks and rivers. “Billabongs” or small lakes could be incorporated spaced at 500m intervals or more to allow water to clean itself, fish and marine animals are used to minimise mosquitos.

**Horningsea Park: Underground “low flow” pipes with above ground wide channel recreational area.**



**St. Clair: Underground pipes with above ground dry channel recreational area.**



An example of this is at Bedwell Park near Horningsea Park which is part of the overall “low flow” system, it works well, with Gross Pollution Traps installed.

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

That Council:

1. Accepts the Tender from Devcon Civil Pty Ltd for Tender WT3013 – Construction of Stormwater Basin 6 at Austral and Leppington North for an 8 month contract term and an additional 12 months defects liability period at the GST inclusive price of \$3,885,957.23;
2. Makes public its decision regarding Tender WT3013 – Construction of Stormwater Basin 6 at Austral and Leppington North;
3. Delegates the Chief Executive Officer to finalise all details and sign the Letter of Acceptance following publication of draft Minutes on Council website for the tender, giving it contractual effect, in accordance with delegated authority;
4. This report has been brought to Council because the Chief Executive Officer's instrument of delegation, approved by Council in accordance with the current provisions of section 377 of the Local Government Act 1993, only permits the Chief Executive Officer to accept tenders up to a value of \$2 million.
5. Keeps confidential the details supplied in this report containing information on the submissions received, pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and
6. Identify suitable areas where underflow drainage would possibly work and report back to the September Council meeting.

On being put to the meeting the motion was declared CARRIED

Councillors voted unanimously for this motion.

Cllr Balloot had left the meeting prior to this item and was not in the meeting when this item was discussed.

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

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

Chairperson

**ITEM NO:** CONF 03  
**FILE NO:** 225644.2021  
**SUBJECT:** Legal Affairs Report - 1 April 2021 - 30 June 2021

**COUNCIL DECISION**

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

That Council:

1. Receive and note the report concerning the legal affairs of Liverpool City Council;  
and
2. A report to be received at the August Council meeting once a response is received in  
relation to line item 28 of the confidential report.

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

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

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

**ITEM NO:** CONF 05  
**FILE NO:** 234109.2021  
**SUBJECT:** Question with Notice - Cllr Rhodes - Liverpool Animal Shelter

**A response to the Questions with Notice will be provided in the 25 August 2021 Council Meeting Business Papers.**

**FILE NO:** 237867.2021

**SUBJECT:** Consideration of an Application for the acquisition of land on the grounds of hardship - 46 Boyd Street, Austral identified as Lot 122 in DP 738282

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

That Council:

1. Approves the hardship application and the acquisition of 46 Boyd Street, Austral identified as Lot 122 in DP 738282 on the basis that there is no income being derived from the property by the owner and on the terms outlined in this report;
2. Delegates authority to, and directs the CEO and his delegates to enter into negotiations with the property owner and/or their representative to acquire the property by agreement on the basis recommended in this report without having to submit a further report to Council for approval;
3. Delegates authority to, and directs the CEO and his delegates in the event that agreement cannot be reached, to proceed with all necessary steps to give effect to the compulsory acquisition of the property;
4. Delegates authority to, and directs the CEO and his delegates, to proceed with making the necessary application to the Minister for Local Government and the Governor in accordance with the *Local Government Act, 1993* to obtain approval to acquire the property in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*;
5. Resolves that, upon acquisition, 46 Boyd Street, Austral identified as Lot 122 in DP 738282 is classified as operational land in accordance with the *Local Government Act, 1993*;
6. Authorises its delegated officer to execute any document, under Power of Attorney, necessary to give effect to this decision; and
7. Keeps this report confidential pursuant to the provisions of Section 10(A)(2)(c) of the *Local Government Act, 1993* as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

## **OPEN SESSION**

Council moved back into Open Session at 9.04pm. Mayor Waller read out the resolutions that were passed in Closed Session (as shown on the previous pages).

**Clr Hadid returned to the meeting at 9.07pm**

**THE MEETING CLOSED AT 9.09PM.**

<Signature>

Name: Wendy Waller

Title: Mayor

Date: 25 August 2021

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 28 July 2021. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.