



**MINUTES OF THE ORDINARY MEETING
HELD ON 28 FEBRUARY 2024**

PRESENT:

Mayor Ned Mannoun
Councillor Ammoun
Councillor Goodman
Councillor Dr Green
Councillor Hadid OAM
Councillor Harle
Councillor Kaliyanda
Councillor Karnib (online)
Councillor Macnaught
Councillor Rhodes
Hon John Ajaka, Chief Executive Officer
Mr Farooq Portelli, Director Corporate Support
Ms Tina Bono, Director Community & Lifestyle
Ms Lina Kakish, Director Planning & Compliance
Ms Michelle Mcilvenny, Director Customer Experience & Business Performance
Mr Shayne Mallard, Director City Futures
Mr Jason Breton, Director Operations
Ms Suzanne Kendall, Acting General Counsel
Mr Charles Wiafe, Principal Transport Planner
Mr Vishwa Nadan, Chief Financial Officer
Ms M'Leigh Brunetta, Civic and Executive Services Lead
Ms Melissa Wray, Councillor Executive and Support Officer
Ms Susan Ranieri, Coordinator Council and Executive Services

The meeting commenced at 2.01pm.

**STATEMENT REGARDING WEBCASTING
OF MEETING**

The Mayor reminded everyone that in accordance with Council's Code of Meeting Practice (other than the Public Forum Section), the meeting is being livestreamed.

**ACKNOWLEDGMENT OF COUNTRY,
PRAYER OF COUNCIL AND
AFFIRMATION**

The prayer of the Council was read by Pastor Shane Bywater from Fellowship Baptist Church.

NATIONAL ANTHEM

The National Anthem was played at the meeting.

COUNCILLORS ATTENDING REMOTELY

Clr Karnib has requested permission to attend this meeting via MS Teams.

Motion: **Moved: Mayor Mannoun** **Seconded: Clr Macnaught**

That Clr Karnib be granted permission to attend the meeting via MS Teams.

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

APOLOGIES

Nil.

CONDOLENCES

Nil.

CONFIRMATION OF MINUTES

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

That the minutes of the Ordinary Meeting held on 7 February 2024 be confirmed as a true record of that meeting.

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

DECLARATIONS OF INTEREST

The Hon. John Ajaka, CEO declared a non-pecuniary, but significant interest in the following item:

Item: Plan 04 - Lot 2 Newbridge Road, Moorebank - Issues and Options Report

Reason: He has provided advice previously prior to his appointment of CEO of this Council.

The Hon. John Ajaka left the Chambers for the duration of the item.

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Mayor Mannoun declared a non-pecuniary, less than significant interest in the following item:

Item: CONF 04 – Legal Affairs Report (item 42)

Reason: Mayor Mannoun worked with that firm listed in the report.

Mayor Mannoun left the Chambers for the duration of the item.

PUBLIC FORUM

Presentation – items not on agenda

1. **Mr Adam Farhan** addressed Council on the following item:

Item: Request to lift bond /conditions imposed on The Sabaeen Mandaean Association in Australia Ltd to do work.

Mayor Mannoun granted a two minute extension to Mr Farhan.

2. **Dr Bushra Alobaidi** addressed Council on the following item:

Item: Presenting our non-profit organisation the Iraqi Australian University Graduates forum.

Mayor Mannoun granted a two minute extension to Dr Alobaidi.

3. **Ms Jennifer French** addressed Council on the following item:

Item: Mt Omei Interim Heritage Order.

4. **Ms Nadine Wheeler** addressed Council on the following item:

Item: Mt Omei Arts Precinct.

Mayor Mannoun granted a two minute extension to Ms Wheeler.

5. **Mr Van Klaphake** addressed Council on the following item:

Item: Mt Omei Arts Precinct.

Mayor Mannoun granted a two minute extension to Mr Klaphake.

Representation – items on agenda

1. **Mr Mo Shahrokhian** addressed Council on the following item:

Item: PLAN 03 - Conservation Zones Study and Draft Planning Proposal for additional Conservation Zone Land under Liverpool LEP 2008.

Mayor Mannoun granted a two minute extension to Mr Shahrokhian.

2. **Mr Tony Marcocci** addressed Council on the following item:

Item: PLAN 03 - Conservation Zones Study and Draft Planning Proposal for additional Conservation Zone Land under Liverpool LEP 2008.

Mayor Mannoun granted a two minute extension to Mr Marcocci.

3. **Ms Antonietta Marcocci** addressed Council on the following item:

Item: PLAN 03 - Conservation Zones Study and Draft Planning Proposal for additional Conservation Zone Land under Liverpool LEP 2008.

Mayor Mannoun granted a two minute extension to Ms Marcocci.

4. **Ms Angelina Kauffman** addressed Council on the following item:

Item: Notice of Motion – Memorial for Alina Kauffman & Ernesto Salazar

Mayor Mannoun granted a two minute extension to Ms Kauffman.

MOTION TO BRING ITEM FORWARD

Motion: **Moved: Mayor Mannoun** **Seconded: Clr Goodman**

That item NOM 02 – Notice of Motion – Memorial for Alina Kauffman & Ernesto Salazar be brought forward and dealt with now.

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

ITEM NO: NOM 02
FILE NO: 048551.2024
SUBJECT: Notice of Motion – Memorial for Alina Kauffman & Ernesto Salazar

Background

On 1 September 2023, our community was left in shock when Alina Kauffman, 24, and her younger brother Ernesto Salazar, 15, were killed in a horrific collision.

Alina was a student nurse and worked with the elderly, while Ernesto had only recently started working at Kmart. These two beautiful lights in our community were taken well before they should have.

This senseless tragedy ignited our community to rally around the Kauffman family and friends, especially Alina and Ernesto’s mum Angelina. There has been a makeshift memorial established by the community, at Sadleir Ave, Heckenberg.

It is a stark reminder that the choices of some can have lifelong impacts on others, and on our broader community.

NOTICE OF MOTION (submitted by Clr Kaliyanda)

That Council:

1. Install a bench, fruit tree and memorial at Sadleir Ave, Heckenberg, where Alina and Ernesto were killed. This memorial will serve as a lasting tribute to their lives and a reminder of the impact that senseless violence can have on individuals and communities. The fruit tree has specifically been requested so that any young person who is hungry can help themselves to fruit from the tree.
2. Consult with the Kauffman Family to design a plaque installation at that location.

COUNCIL DECISION

Motion: **Moved: Clr Kaliyanda** **Seconded: Clr Goodman**

That Council:

1. Install a bench, fruit tree and memorial at Sadleir Ave, Heckenberg, where Alina and Ernesto were killed. This memorial will serve as a lasting tribute to their lives and a reminder of the impact that senseless violence can have on individuals and communities. The fruit tree has specifically been requested so that any young person who is hungry can help themselves to fruit from the tree;
2. Consult with the Kauffman family and friends on the proposed plaque design for installation at the location;
3. Write to the State Government to support Ms Kauffman's petition demanding consistency in sentences to serious road crimes; and
4. Promote on its social media to raise awareness and tribute the life and the legacy of Alina Kauffman and Ernesto Salazar.

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

Councillors voted unanimously for this motion.

Clr Macnaught left the Chambers at 3.14pm.
Clr Macnaught returned to the Chambers at 3.16pm.

MOTION OF URGENCY

ITEM NO: MOU 01
SUBJECT: Mt Omei

Clr Rhodes requested Mayor Mannoun accept a Motion of Urgency in relation to Mt Omei Interim Heritage Order.

She stated it was urgent due to Mt Omei being recognised by NPWS in their own historical evaluation of the property and it found that it recognised historical, social and cultural heritage significance and the need for an Interim Heritage Order, to avoid possible demolition, sale or disposal of the site until NPWS addresses Liverpool Council’s correspondence dated 12 January 2023 in accordance with Council’s resolution at the December 2022 Council meeting.

In accordance with Clause 9.3 of Council’s Code of Meeting Practice, Mayor Mannoun, ruled the above matter as urgent and as such it was dealt with at this meeting as shown below:

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Macnaught**

That Council:

- 1. Impose an immediate Interim Heritage Order on the property known as Mt. Omei and as identified in the NPWS Heritage Assessment report.
- 2. Write to NPWS to:
 - a) inform them of the Interim Heritage Order; and
 - b) Request their response to Council’s correspondence (12 January 2023) as resolved in the motion (December 2022) Council meeting.
- 3. Bring a report back to April Council meeting 2024 for update and possible heritage consideration.

On being put to the meeting the motion (moved by Clr Rhodes) was declared CARRIED and the Foreshadowed motion (moved by Clr Hadid) therefore lapsed.

Division:

Vote for: Mayor Mannoun, Clr Ammoun, Clr Green, Clr Kaliyanda, Clr Karnib, Clr Macnaught and Clr Rhodes.

Vote against: Clr Goodman, Clr Hadid and Clr Harle

Foreshadowed Motion **Moved: Clr Hadid** **Seconded: Clr Karnib**

That this item be deferred.

MAYORAL MINUTES

ITEM: MAYOR 01
SUBJECT: Council Resolutions and Mayoral Minutes
REPORT OF: Mayor Mannoun

Fifteenth Avenue is the spine road that connects Liverpool CBD to the new Badgerys Creek Airport. The majority of the road runs through Austral, which is Liverpool’s fastest growing suburb and absorbs population growth with an expected extra 30,000 homes to be built. At peak hours the traffic backs up over 3km.

It is also one of only 2 roads that lead out of Middleton Grange, which results in extreme traffic delays for Middleton Grange residents every day. It takes residents 40 minutes to travel 300m.

Coupled with the rapidly increasing growth of the Camden and Campbelltown LGAs, traffic flows from 3 directions into a standstill at Cowpasture Road which also requires a significant upgrade to allow for the traffic flow for now and into the future. Cowpasture Road as a minimum needs to be upgraded from Fifteenth Avenue to the M7.

Federal Government sets the immigration policies, State Government sets the housing policies and Council is left to clean up the mess.

We have a signed agreement with the Federal and State Government that they will fund Fifteenth Avenue and have it built when the Airport is opened as part of the City Deal, which appears to have been forgotten. This commitment was a condition of Council’s support for the airport as our residents do not deserve to live in a traffic jam caused by the Airport.

We acknowledge that \$50m has been provided for Fifteenth Avenue, however that makes up 10% of the cost of the required Fifteenth Avenue works. Council needs to make it a priority to advocate for the residents of Liverpool who will ultimately benefit from the proposed upgrade.

RECOMMENDATION:

That Council:

1. Conducts a campaign and continues to lobby the NSW Government for the upgrading of Fifteenth Avenue and Cowpasture Road;
2. Conducts a petition of the residents with respect to the need for the upgrade;
3. Directs the CEO to appoint a person to oversee the campaign, lobbying, advocacy and petition in Council; and

4. Allocates \$100,000 from general funds for this purpose.

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun**

That:

1. Council conducts a campaign and continues to lobby the NSW Government for the upgrading of Fifteenth Avenue and Cowpasture Road;
2. Council conducts a petition of the residents with respect to the need for the upgrade;
3. Council directs the CEO to appoint a person to oversee the campaign, lobbying, advocacy and petition in Council;
4. Council allocates \$100,000 from general funds for this purpose;
5. Items from points 3 and 4 to also lobby for housing commission homes in Liverpool LGA to be upgraded and fast train services from Liverpool as previously adopted by this Council; and
6. Council notes that the State Government is spending \$300,000,000 to upgrade Penrith Stadium which will only add 2,500 extra seats and notes that this money would be best used to upgrade Fifteenth Avenue and Cowpasture Road.

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

Division called:

Vote for: Mayor Mannoun, Clr Ammoun, Clr Goodman, Clr Hadid, Clr Harle, Clr Karnib, Clr Macnaught and Clr Rhodes.

Vote against: Clr Green and Clr Kaliyanda.

MAYORAL MINUTE

ITEM: MAYOR 02
SUBJECT: Liverpool City Council Streetscape Policy
REPORT OF: Mayor Mannoun

COUNCIL DECISION:

Motion: **Moved: Mayor Mannoun**

That:

1. Council create a policy that states that footpaths in the city centre are reconstructed as per council's streetscape, paving, and domain master plan policy only when the subject site is demolished and built;
2. Development applications for change of use or fit outs are not subject to the imposition of repaving and footpath works noting the significant cost of such a condition has;
3. Council have the policy brought back to the March 2024 Council meeting; and
4. Council consider in the proposed Policy the opportunity for a special funding arrangement where a percentage of each development and/or DA contribution is allocated to the Policy for program execution.

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

PLANNING & COMPLIANCE REPORTS

ITEM NO: PLAN 01
FILE NO: 394112.2023
SUBJECT: Completion of Planning Agreements associated with development applications involving the Bernera Road Intersection Upgrade.

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Cllr Macnaught**

That Council:

- 1. Note that the Planning Agreements referenced in Table 1 of this Report have been completed.
- 2. Notify the Applicants referenced in Table 1 of this Report about the completion of their respective Planning Agreements.
- 3. Remove the listed Planning Agreements from their respective Land Titles (if required).

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

ITEM NO: PLAN 02
FILE NO: 423629.2023
SUBJECT: Draft Principal Planning Proposal to establish a new Liverpool Local Environmental Plan

COUNCIL DECISION

Motion: **Moved: Cllr Macnaught** **Seconded: Cllr Harle**

That Council defer this item for a workshop and consider calling an Extraordinary Council meeting after the workshop has been held.

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

Councillors voted unanimously for this motion.

ITEM NO: PLAN 03
FILE NO: 013537.2024
SUBJECT: Conservation Zones Study and Draft Planning Proposal for additional Conservation Zone Land under the Liverpool Local Environmental Plan 2008

COUNCIL DECISION

Motion: **Moved: Clr Macnaught** **Seconded: Clr Ammoun**

That Council:

1. Notes the outcomes of the initial public exhibition period and Liverpool Local Planning Panel;
2. Endorse the Final Conservation Zones Study with respect to the Council / State owned sites only;
3. Endorses in principle the land use zone and development standard recommendations (as revised) in the draft Planning Proposal for the Council / State owned sites only .
4. Does not endorse any changes to the zoning on the privately owned properties.
5. Incorporate the land use zone and development standard recommendations outlined in Points 2 and 3 into the Principal Planning Proposal for a new Liverpool Local Environmental Plan;
6. Subject to a Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan 2022;
7. Receives a further report on the outcomes of the public exhibition period; and
8. Delegate to the CEO (or delegate) to amend the draft Planning Proposal and attachments for any typographical and other minor errors / amendments if required.

On being put to the meeting the motion (moved by Deputy Mayor Macnaught) was declared CARRIED and the Foreshadowed motion (moved by Clr Rhodes) therefore lapsed.

Vote for: Mayor Mannoun, Clr Ammoun, Clr Goodman, Clr Hadid, Clr Harle, Clr Karnib and Clr Macnaught

Vote against: Clr Green, Clr Kaliyanda and Clr Rhodes

Foreshadowed motion: Moved Cllr Rhodes Seconded: Cllr Green

That the recommendation be adopted.

RECESS

Mayor Mannoun called a recess of meeting at 4.05pm

RESUMPTION OF MEETING

Mayor Mannoun resumed the meeting in open session at 4.32pm with all Councillors present.

The Hon John Ajaka, CEO left the Chambers at 4.33pm.

ITEM NO: PLAN 04
FILE NO: 015365.2024
SUBJECT: Lot 2 Newbridge Road, Moorebank - Issues and Options Report

COUNCIL DECISION

Motion: **Moved: Clr Macnaught** **Seconded: Clr Rhodes**

That Council:

1. Notes the DPHI request for additional information to be provided by Council in support of the Planning Proposal;
2. Allocates a total budget of \$100,000 (from general funds) to undertake the flooding and economic studies requested by the DPHI prior to re-seeking a Gateway determination for the Planning Proposal;
3. Forwards an updated Planning Proposal to the DPHI pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination with a request that the Gateway determination be conditioned requiring a site-specific Development Control Plan (DCP) to be prepared and Voluntary Planning Agreement negotiated prior to public exhibition;
4. Subject to Gateway determination, undertake community consultation for the Planning Proposal in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan 2022; and
5. Receives a further Report on the outcomes of public exhibition and community consultation.

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

The Hon John Ajaka, CEO returned to the Chambers at 4.34pm.

ITEM NO: PLAN 05

FILE NO: 038856.2024

SUBJECT: Quarterly Report - Clause 4.6 Variations to Development Standards

COUNCIL DECISION

Motion:

Moved: Clr Harle

Seconded: Clr Hadid

That Council receives and notes this report.

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

COMMUNITY & LIFESTYLE REPORTS

ITEM NO: COM 01
FILE NO: 405998.2023
SUBJECT: Adoption of the amended Grants Donations and Community Sponsorship Policy and Endorsement of the Sport Grants and Donations Policy

COUNCIL DECISION

Motion: **Moved: Cllr Macnaught** **Seconded: Cllr Harle**

That Council:

1. Adopt the amended Grants, Donations and Community Sponsorship Policy;
2. Endorse the new Sporting Grants and Donations Policy;
3. Place the Sporting Grants and Donations Policy on public exhibition for a period of 28 days; and
4. Following the exhibition period, receive a further report outlining any feedback or, if no significant community feedback is received, direct the CEO to adopt the Policy on behalf of Council.

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

ITEM NO: COM 02
FILE NO: 029565.2024
SUBJECT: Grants Donations and Community Sponsorship Report

COUNCIL DECISION

Motion: **Moved: Clr Macnaught** **Seconded: Clr Rhodes**

That Council:

- 1. Endorses the funding recommendation of **\$15,000** (GST exclusive) under the **Community Grant Program** for the following projects:

Applicant	Project	Recommended
Indian Senior Citizens Society	ISCS Program 2024	\$5,000
Association For Community Development Incorporated	Ramadan Shopping Festival	\$5,000
Iraqi Australian University Graduate Forum Incorporated	International Women's Day- Accelerating Gender Equality through Economic Empowerment	\$5,000

- 2. Endorses the funding recommendation of **\$11,000** (GST exclusive) under the **Matching Grant Program** for the following project:

Applicant	Project	Recommended
Preston Hornets Cricket Club	Whitlam Park Cricket Pitch Upgrade	\$11,000

- 3. Endorses the funding recommendation of **\$10,000** (GST exclusive) under the **Community Sponsorship Program** for the following project:

Applicant	Project	Recommended
Multicultural Festivals Australia Incorporated	Ramadan Eid Bazaar Festival	\$10,000

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

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Chairperson

ITEM NO: COM 03
FILE NO: 045325.2024
SUBJECT: 2024 National General Assembly of Local Government

COUNCIL DECISION

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

That:

1. Any Councillor who wishes to attend the 2024 National General Assembly of Local Government notify the Councillor Support by 15 March 2024;
2. Any Councillor who wishes to propose motion/s to be submitted to the NGA, provide the proposed motion/s to the Councillor Support by 15 March 2024.
3. Any proposed motions will be forwarded to all Councillors for any comment / feedback prior to CEO approval and submitting to the NGA by the 29 March 2024 deadline.
4. Council resolutions resolved in the past 12 months that relate to federal motions come to a briefing session for Councillors consideration.

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

ITEM NO: COM 04
FILE NO: 046444.2024
SUBJECT: Community Forums

COUNCIL DECISION

Motion: **Moved: Clr Ammoun** **Seconded: Clr Goodman**

That Council receive and note this report.

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

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CORPORATE SUPPORT REPORTS

ITEM NO: CORP 01
FILE NO: 021438.2024
SUBJECT: Amendment to Civic Expenses and Facilities Policy

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Mayor Mannoun**

That this item be deferred.

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

Clr Hadid left the Chambers at 5:03pm.
Clr Hadid returned to the Chambers at 5:05pm.

ITEM NO: CORP 02
FILE NO: 031090.2024
SUBJECT: Public Interest Disclosures Policy

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Clr Macnaught**

That Council:

1. Endorse the draft 'Public Interest Disclosures Policy' at Attachment 1 for public exhibition for a period of not less than 28 days.
2. Agree that if no submissions are received, then the publicly exhibited policy should be adopted, subject to any non-significant amendments that the CEO may authorise.
3. Agree that the Ethical Governance: Internal Reporting Policy be revoked upon adoption of the Public Interest Disclosures Policy.
4. Note that any submissions on the proposed policy will be reported to a subsequent meeting of Council.

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

ITEM NO: CORP 03
FILE NO: 034876.2024
SUBJECT: 2023/24 - Quarter 2, Budget Review

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun** **Seconded: Cllr Goodman**

That Council:

1. Approves the identified budget variations in accordance with this report; and
2. Allocates 50K from General Funds to create a position of security and asset management for this financial year.

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

ITEM NO: CORP 04
FILE NO: 035121.2024
SUBJECT: Investment Report January 2024

COUNCIL DECISION

Motion: **Moved: Clr Green** **Seconded: Clr Harle**

That Council receive and note this report.

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

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CITY FUTURES REPORTS

ITEM NO: CFD 01
FILE NO: 006178.2024
SUBJECT: Biannual Progress Report - December 2023

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Ammoun**

That Council notes and receives the Biannual Progress Report July to December 2023 which outlines the progress of Principal Activities detailed in the Delivery Program 2022-2026 and Operational Plan 2023-2024.

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

OPERATIONS REPORTS

ITEM NO: OPER 01
FILE NO: 442616.2023
SUBJECT: Temporary Asphalt Footpaths - Austral, Leppington

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun** **Seconded: Cllr Macnaught**

That Council:

1. Prepare as a new initiative in next years' budget, the allocation of \$600k for the installation of asphalt footpaths in Austral;
2. Provide a process for community members to recommend locations for footpaths in Austral;
3. Direct the CEO to immediately prepare for the work to commence in July 2024 in anticipation of the adoption 24/25 budget;
4. Thank the local member Nathan Hagarty for his letter and write to him asking him to match the funding as proposed by Council; and
5. Adopt the proposed funding of \$200k per year for the ongoing years as proposed in the original recommendation.

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

Clr Kaliyanda retired from the meeting at 5.28pm.

ITEM NO: OPER 02
FILE NO: 027971.2024
SUBJECT: Brickmakers Creek Master Plan

COUNCIL DECISION

Motion: **Moved: Clr Macnaught** **Seconded: Clr Ammoun**

That Council adopts the Brickmakers Creek portion of the Woodward Place Master Plan.

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

ITEM NO: OPER 03
FILE NO: 039751.2024
SUBJECT: Liverpool Growth Centre Biodiversity Offset Strategy for Water Cycle Management Infrastructure

COUNCIL DECISION

Motion: **Moved: Clr Green** **Seconded: Clr Ammoun**

That Council:

- 1. Adopt the offset strategy of purchasing biodiversity credits from a stewardship site within the Growth Centres;
- 2. Authorise Director Operations to finalise an agreement with the Western Sydney Parkland Trust for the purchase of the credits;
- 3. Allocate funds for the purchase of the credits from the WSPT;
- 4. The CEO writes to the NSW Minister for planning seeking compensatory funding or another means of assistance to reduce Council’s financial burden in relation to off-sets; and
- 5. Write to all Liverpool LGA State Members and the Minister for Planning the issue, and detail the impacts on delivery timelines, as a growth LGA.

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

Mayor Mannoun left the Chambers at 5.41pm and Clr Macnaught, as the Deputy Mayor, became the Chairperson.

Mayor Mannoun returned to the Chambers at 5.46pm.

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

That items CTTE 02, CTTE 03, CTTE 04 and CTTE 05 be moved as a whole.

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

COMMITTEE REPORTS

ITEM NO: CTTE 01

FILE NO: 034504.2024

SUBJECT: Minutes of the Liverpool Local Traffic meeting held on 31 January 2024

COUNCIL DECISION

Motion: **Moved: Clr Harle Seconded: Clr Hadid**

That Council:

1. Notes Liverpool Local Traffic Committee recommendations for items 1-12 outlined in the Report.
2. Investigates the possibility of utilising TfNSW mobile speed cameras to known problem areas within the LGA and bring a report to the April Council meeting.
3. Writes to the Minister to advocate to establish a traffic summit in Liverpool, due to having the highest amount of traffic incidents, to address ongoing traffic concerns.

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

ITEM NO: CTTE 02
FILE NO: 036336.2024
SUBJECT: Minutes of the Companion Animals Advisory Committee meeting held on 5 December 2023

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun** **Seconded: Cllr Hadid**

That Council receives and notes the Minutes of the Companion Animals Advisory Committee Meeting held on 5 December 2023.

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

ITEM NO: CTTE 03
FILE NO: 045071.2024
SUBJECT: Audit, Risk and Improvement Committee minutes 2 February 2024

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun** **Seconded: Cllr Hadid**

That Council approves the Minutes of the Audit, Risk and Improvement Committee Meeting held on 2 February 2024.

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

ITEM NO: CTTE 04
FILE NO: 047079.2024
SUBJECT: Minutes of the Governance Committee meeting held on 13 February 2024

COUNCIL DECISION

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

That Council:

1. Receives and notes the Minutes of the Governance Committee meeting held on 13 February 2024; and
2. Endorse the recommendations in the Minutes.

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

ITEM NO: CTTE 05
FILE NO: 047254.2024
SUBJECT: Minutes of the Project Control Advisory Committee Meeting held on 13
February 2024

COUNCIL DECISION

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

That Council:

1. Receives and notes the Minutes of the Project Control Advisory Committee meeting held on 13 February 2024; and
2. Endorse the recommendations in the Minutes.

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

Clr Harle left the meeting at 5.52pm.
Clr Harle returned to the meeting at 5.58pm.
Clr Hadid left the meeting at 6.04pm.
Clr Hadid returned to the meeting at 6.06pm.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01
FILE NO: 046791.2024
SUBJECT: Question with Notice - Clr Rhodes - How did neighbouring councils clean up their illegal drug related issues and why has Liverpool not done the same

Liverpool has long suffered the stigma of being the city of drug related issues and this is not the first time that this issue has been raised at this Council, I myself along with other Councillors have raised it many times.

The question I am asking is if other neighbouring LGAs have been successful in cleaning up their drug related issues, why can't Liverpool?

I propose possibly moving the following motion:

That Council:

- a) Include as a priority, action by Council to clean up the Liverpool CBD of its illegal drug related issues; and
- b) Direct the CEO to provide a report back to the March Council Meeting 2024, based on how neighbouring Councils addressed the drug issues that once plagued areas such as Cabramatta and how it was reportedly clean up.

Response (Provided by Community and Lifestyle)

The management of drug and alcohol-related issues in public spaces is complex and multifaced, requiring a collaborative approach across multiple government and non-government agencies. Council works closely with the statutory agencies responsible for crime prevention and health, NSW Police and NSW Health, as well as various charities and community organisations delivering awareness, support and harm minimisation programs and services to the community. Together, these agencies are working to develop strategies to build community awareness and deliver prevention initiatives which support the management of drug and alcohol related concerns. These matters are regularly discussed at the Liverpool Community Safety and Crime Prevention Advisory Committee, the Liverpool Community Drug Action Team (CDAT) and in direct consultation with community organisations, Liverpool City Police Area Command (LPAC) and SWSLHD.

Council has implemented several measures to address the immediate dangers surrounding drug and alcohol-related crime in Liverpool. This includes the implementation of Alcohol-Free Zones in various public spaces, reduced opening hours of public amenities (such as those in Bigge Park), the use of CCTV and increased security. Further, Council has employed initiatives which aim to positively activate public spaces, such as Macquarie Mall, through the delivery of events and programs which encourage greater community engagement with the spaces and increase passive observation. Critical to the success in delivering these measures would involve collective responses from all levels of government.

It is acknowledged that neighbouring councils have had some success in addressing drug and alcohol-related crime in certain localities. Should this motion be endorsed at the February meeting, Council officers will engage with colleagues at neighbouring councils to understand the initiatives undertaken to address these concerns and investigate whether similar actions would be effective in Liverpool. A report on these findings and an assessment of their potential efficacy for Liverpool will be brought to a future council meeting.

COUNCIL DECISION

Motion: **Moved: Clr Rhodes** **Seconded: Mayor Mannoun**

That Council direct the CEO to provide a report back to the April Council Meeting 2024, based on how neighbouring Councils contributed to addressing similar situations (drug and anti-social behaviour).

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

PRESENTATIONS BY COUNCILLORS

Clr Rhodes made the following presentation

Koalas in Liverpool

I present this report in support of the urgent continuing need for koala conservation in South West Sydney and outline the updated Koala observations in Liverpool and some of the identified strategies needed in our LGA to contribute to this crucial effort.

Koalas, our iconic Australian marsupials, are facing a multitude of threats to their survival, including habitat loss, climate change, disease, and bushfires.

Liverpool, is home to significant koala populations, and their numbers are increasing mainly due to their habitats south of Liverpool that are increasingly fragmented and degraded due to urbanization. I was recently informed that many of the reported sightings from Wildlife organisations were not being uploaded onto the official data base, which would have shown a reported even greater increase in Liverpool Koala populations.

From the attached "Koalas in the Sydney Basin" brochure, you can see how an important a roll the Defence Lands play in the provision of Koala Habitat in Liverpool.

It also explains the increased sightings in areas of Wattle Grove, Moorebank, Holsworthy, Casula and explains why Deadman's Creek is now recognised as the most dangerous kill zone for Koalas along Heathcote Road, as they attempt to cross into Voyager, Pleasure and Sandy point.

A recent onsite meeting with Catherine Reynolds and John Souvleris from Sutherland Shire Environment Centre, the Honourable Member for Holsworthy, Ms Tina Ayyad, Charles Wiafe, Liverpool Council Traffic Manager, Stuart Vowles from the Sandy Point Residents Association, and myself, observed the urgent need to install a wildlife fence along Heathcote Road; improve the underpass that will entice wildlife to cross the Heathcote Road in safety; and the need for traffic mitigation measures such as decreasing speed limits and installing electronic Koala warning signs.

From October 2022 to October 2023 there were 9 Koalas killed at Deadman's Creek. The significance of this increasing number when added to Appin Road and other kill zones, is frightening when it only takes 3% of the Koala population to be killed, for all efforts to conserve the Koala's of South West Sydney to be in actual decline.

A 2021 report detailed measures to stop Koalas accessing the Deadman's Creek Kill zone, however 2 years later, the main recommendations including the wildlife fence have not been enacted upon.

Action is needed now, we cannot delay the erection of the Wildlife fence through the next breeding season.

We must stop the road kill and improve the sustainability of the Koala Population.

Liverpool is an ideal location to plant Koala Feeder trees in suitable areas throughout the Liverpool LGA.

There is an increasing concern about the availability of Koala Feeder trees in South West Sydney, with Koala Sanctuaries and Zoos finding it harder and harder to source Koala Feed for their animals, they are harvesting their needs from the ever decreasing number of trees available in the natural habitat.

The decrease in feeder trees in the natural habitat is under pressure not only from habitat destruction through urbanisation and bushfires, but also the growing demand for food for captive Koalas.

This emerging new threat to sustainable wild Koala habitat could be addressed through possible Liverpool Council collaboration with the Western Sydney Parklands and Department of Defence to encourage the opportunity to plant Koala trees in our open space corridors and parks.

If we are to save our Koala populations it is essential that Liverpool Council continues to work in collaboration with our neighbouring LGAs, TfNSW, The Sydney Parklands Authority, and Defence and also in collaboration with Sutherland Shire Environment Centre, Wires, Sandy Point Residents Association as well as concerned Liverpool constituents and property owners.

Koalas are not only a beloved symbol of Australia but also a keystone species whose survival is crucial for maintaining healthy ecosystems. By taking proactive measures to conserve koalas in South West Sydney, Liverpool can demonstrate its commitment to environmental stewardship and leave a lasting legacy for future generations.



SYDNEY BASIN KOALA NETWORK KOALAS IN LIVERPOOL Gandangara and Tharawal Lands

Fact sheet based on BIOLINK and EDO Reports

February 2023



Map of Koala Habitat and Long Standing Koala Populations in Liverpool



- LGA border
- Preferred Koala Habitat
- Long-standing koala population (3 generations)
- Loss of long-standing koala population

This is a simplified representation of maps from Biolink (2023) Sydney Basin Bioregion: Koala habitat and population assessment. For scientifically rigorous maps see the full report (Biolink 2023). Historical records maps are also at the end of this fact sheet.

Koala Persistence

Liverpool City Council LGA supports a growing koala population, largely along the Georges River, mainly in the south-east where the LGA abuts Campbelltown. The contiguous habitat between Liverpool and Campbelltown has allowed expansion from Campbelltown. The area where koalas have been found has increased in Liverpool 4 fold since 2002. The areas where koalas are persisting is also expanding.

Habitat

Over a quarter (27.6.0%) of the vegetation in Liverpool is Preferred Koala Habitat - that's 8,458 ha. Fertile soils along the Georges River support Preferred Koala Habitat.

Koalas in the Sydney Basin have large home ranges so they require more habitat to meet their nutritional needs than in other parts of NSW, as such, protection of this habitat is critical to their survival.

Threats

Koalas in Liverpool are increasingly vulnerable to the challenges of existing in the peri-urban interface in an area with an increasing human population. Vehicle strikes have increased since 2004, this is a serious concern as it only takes a 3% loss of koalas per year to drive population decline (1).

The relatively recent expansion of the Liverpool koala population, means there is not the longstanding scientific interest in this population. The increasing koala population necessitates planning to manage and conserve the population. Yet the local Council has no known management strategy, leaving this koala population vulnerable to habitat loss and fragmentation by urban development and other associated risks of vehicle strike and dog attack.

February 2023 fact sheet prepared from:
Biolink (2023) Sydney Basin Bioregion: Koala habitat and population assessment. Report for Total Environment Centre by Biolink Ecological Consultants.
EDO Report - Protecting koalas in the Sydney Basin Bioregion - February 2023.
Full reports can be viewed at https://www.sydneybasinkoalnetwork.org.au/policy_and_research

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Chairperson

How the Law is Failing Koalas

Liverpool has been identified in the [NSW Koala Strategy](#) (2) as requiring **Immediate Investment** and contains an **Areas of Regional Koala Significance (ARKS)**.

- Yet **Liverpool Shire LGA** has not developed a **Comprehensive Koala Plan of Management (CKPoM)**, nor any known management strategies.
- Development of CKPoMs is voluntary and in general the CKPoM only applies to local projects approved by council and not other major projects

Although NSW has many laws and policies that aim to protect koalas and their habitat, they are not up to the job. **Planning, environment and natural resource laws continue to enable koala habitat destruction:**

- **Offsets are overused and not ecologically robust:** koala habitat continues to be destroyed through the use of offsets, which allow proponents to set aside other land or pay money into a fund in order to be able to destroy koala habitat.
- **Safeguards are failing:** Important legal safeguards aimed at safeguarding threatened species from high-impact development, are poorly implemented or underutilised.
- **Decision-making is overly discretionary:** For State Significant Projects, decision makers have significant discretion in assessing and determining proposals, meaning **development can often trump koala habitat protection in NSW.**
- **The NSW Koala Strategy has no legal weight** and is not legally enforceable. It does not address the major threat of habitat fragmentation, modification and loss by development.

Key Recommendations

Local Level: Local Council to develop a Comprehensive Koala Plan of Management (CKPoM).

State Level: NSW legislation and policy has continued to allow the decline of koalas, but there is an opportunity to create immediate impact and **halt the decline of koala populations** across the state by:

1. **Ensuring laws apply to all koala habitat** by adopting consistent, comprehensive mapping across NSW as a matter of urgency, to identify key areas for conservation.
2. **Reform state laws** to deliver certain protection and strong safeguards for koalas in all environmental, planning and land clearing legislation.

State Government to **adopt the five-point plan in the [Total Environment Centre's Sydney Basin Koala Policy](#) (3)** to halt the trajectory for koalas from endangered to extinct.

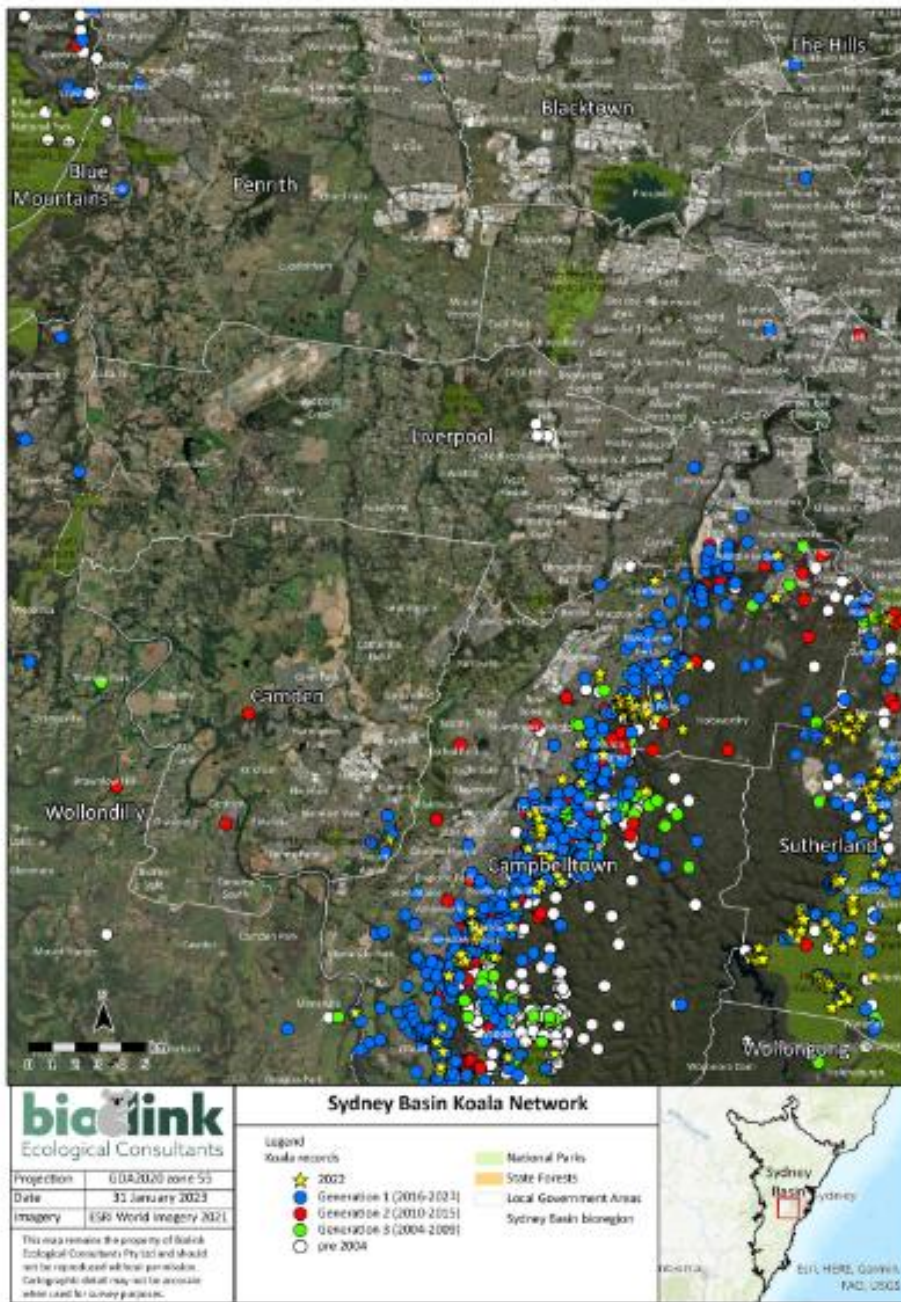
What is a Koala Generation and why is it important?

A generation time represents the average age of reproducing adults in a population. It is broadly accepted (including by the (IUCN) that koala generation time is 6 years.

Generation 1 in this report spans 2016 to 2021 and is the most recent koala generation looked at here. The occurrence of koala sightings in the same area over three consecutive generations tells us that the population is breeding, because koalas are existing here for longer than one koala lifespan. At the time of analysis 2022 sightings did not represent a full year of data so are recorded separately on the map (pg.3).

Loss of long-standing populations is when koalas were seen over three generations before 2003 (i.e. generations 4-6 (1986 - 2003) but were not seen consecutively in the most recent three generations (2004 -2021).

Liverpool Historical Koala Records



Each dot represents a recorded koala sighting. The colours indicate when the record was made, with stars and blue dots representing the most recent sightings.

February 2023 fact sheet prepared from:
 Biolink, (2023). Sydney Basin Bioregion: Koala habitat and population assessment. Report for Total Environment Centre by Biolink Ecological Consultants.
 EDO Report - Protecting koalas in the Sydney Basin Bioregion - February 2023.
 Full reports can be viewed at https://www.sydneybasincoalanetwork.org.au/policy_and_research

Additional References:
 (1) Phillips S., Hopkins M. and Callaghan J. (2007) Conserving koalas in the Cosmery-Pimpama Koala Habitat Area - a view to the future. Report to Gold Coast City Council. Biolink Ecological Consultants, Uki, NSW.
 (2) NSW Koala Strategy.
 (3) Total Environment Centre's Sydney Basin Bioregion.

NOTICES OF MOTION

ITEM NO: NOM 01
FILE NO: 046414.2024
SUBJECT: The Need for a Public Monument Policy

Background

One of the responsibilities of Council is to operate a fair and equal platform of Governance that maintains consistency in decision making. Council often has policies to assist the consideration of Council where it will be required on numerous different occasions, a recommendation which requests some desired same action from Council.

Such a policy does not diminish the decisions making capabilities Councillors, it does not diminish the opportunities for recommendations to be made by a Councillor or any member of the public. It is a manner of governance that will ensure all recommendations are considered in an equal, fair and consistent way.

Liverpool Council is in need of a Public Monument Policy that will maintain consistent, fair and equal considerations in regards to all requests for Public Monuments.

NOTICE OF MOTION (submitted by Cllr Rhodes)

That Council:

1. Prepare a Public Monument Policy and bring it back to Council at the April Council meeting for consideration of Councillors; and
2. Provide the necessary funds for cost of preparing the Policy from general revenue.

COUNCIL DECISION

Motion: **Moved: Cllr Rhodes** **Seconded: Mayor Mannoun**

That the recommendation be adopted.

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

MOTION TO MOVE AS A WHOLE

Motion: **Moved: Clr Hadid** **Seconded: Clr Ammoun**

That items CONF 01, 02, 03, 06, 07 and 08 be moved as a whole.

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

CONFIDENTIAL ITEMS

ITEM NO: CONF 01
FILE NO: 034674.2024
SUBJECT: Environment Advisory Committee - Appointment of Committee Membership

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Ammoun**

That Council:

1. Appoints the following representatives to the Environment Advisory Committee in accordance with the terms of their appointment in the EAC Charter.
 - (a) Community Membership
 1. Mr Simon Messina
 2. Mr Stephen Dobell-Brown
 3. Ms Rosalyn Faddy
 4. Ms Ellie Robertson
 5. Mr Robert Storey
 6. Ms Signe Westerberg
 - (b) Industry Membership
 - Georges Riverkeeper – Mr Robert Dixon

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

ITEM NO: CONF 02
FILE NO: 256464.2023
SUBJECT: Acquisition of a Drainage Easement from 275 Fifteenth Avenue, Austral, for Basin 29 Austral

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Ammoun**

That Council:

1. Directs the CEO and/or his delegates to continue to negotiate with landowner of 275 Fifteenth Avenue, Austral in an attempt to acquire the necessary drainage easements by negotiation within the statutory periods outlined in the Land Acquisition (Just Terms Compensation) Act 1991;
2. Delegates authority to, and directs the CEO and/or his delegates, in the event agreement cannot be reached, to proceed with all necessary steps to give effect to the compulsory acquisition of the property for drainage purposes;
3. Delegates authority to, and directs the CEO and/or his delegates to proceed with making the necessary application to the Minister for Local Government and the Governor in accordance with Section 187(2) of the *Local Government Act* 1993 to obtain approval to give an acquisition notice and commence compulsory acquisition of part of 275 Fifteenth Avenue, Austral in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
4. Delegates authority to the CEO and/or his delegates to negotiate with the landowner, to acquire the drainage easements, up to the amount contained in this confidential report, without having to submit a further report to Council for approval;
5. Keeps confidential the information contained in this report pursuant to the provisions of Section 10A(2)(c) of the *Local Government Act* 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; and
6. Authorises the CEO or delegate to execute all documents necessary to give effect to these resolutions.

On being to the meeting the motion was declared CARRIED.

ITEM NO: CONF 03
FILE NO: 039996.2024
SUBJECT: Purchase of Lot 17 in Plan of Acquisition DP 1291309 (Part Lot 102 DP 1268824), 135 Kurrajong Road, Prestons for road widening

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Ammoun**

That Council:

1. Purchases Lot 17 in Plan of Acquisition DP 1291309, 135 Kurrajong Road Prestons for the price and terms as outlined in this report;
2. Upon settlement classifies Lot 17 in Plan of Acquisition DP 1291309 as "Operational Land" to allow dedication as public road;
3. Upon acquisition, dedicates Lot 17 in Plan of Acquisition DP 1291309 as Public Road pursuant to Section 10 of the Roads Act 1993 and proceed with lodgement of a Request document at Land Registry Services to formally dedicate the land as public road;
4. Keeps confidential this report pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
5. Authorises the CEO or delegate to execute all documents necessary to give effect to these resolutions.

On being to the meeting the motion was declared CARRIED.

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Chairperson

ITEM NO: CONF 04
FILE NO: 038418.2024
SUBJECT: Legal Affairs Report

This item was dealt with later in the meeting.

ITEM NO: CONF 05
FILE NO: 036447.2024
SUBJECT: WSIG – Extension of Contractor (Maran)

This item was dealt with later in the meeting.

ITEM NO: CONF 06
FILE NO: 025568.2024
SUBJECT: WT3231 - Macquarie Street (Mid-block) Streetscape Improvements

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Ammoun**

That Council:

1. Accept the Tender from Convil Group Pty Ltd for Stage 1 and Stage 2, Tender WT3231 - Macquarie Street (mid-block) Streetscape Improvements for 12-month contract term at the price of \$3,721,087.43 GST inclusive.
2. Makes public its decision regarding tender WT3231 - Macquarie Street (mid-block) Streetscape Improvements.
3. Notes that the Chief Executive Officer will finalise all details and execute the contract under 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 approve (and not to reject) tenders up to a value of \$2 million.
5. Keeps confidential the details supplied in this report containing information on the submissions received, pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

On being to the meeting the motion was declared CARRIED.

ITEM NO: CONF 07
FILE NO: 048252.2024
SUBJECT: Minutes of the Project Control Advisory Committee Meeting held on 13 February 2024

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Ammoun**

That Council:

1. Receives and notes the Minutes of the Project Control Advisory Committee meeting held on 13 February 2024; and
2. Endorse the recommendations in the Minutes.

On being to the meeting the motion was declared CARRIED.

Mayor Mannoun retired from the meeting at 6.15pm.

ITEM NO: CONF 04
FILE NO: 038418.2024
SUBJECT: Legal Affairs Report

COUNCIL DECISION

Motion: **Moved: Cllr Harle** **Seconded: Cllr Green**

That Council notes the report.

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

THE MEETING CLOSED AT 6.17pm.

<Signature>

Name: Ned Mannoun

Title: Mayor

Date: 27 March 2024

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 28 February 2024. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

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