

COUNCIL AGENDA

EXTRAORDINARY COUNCIL MEETING

13 August 2024

You are hereby notified that an **Extraordinary Council Meeting** of Liverpool City Council will be held at the **LIVERPOOL CIVIC TOWER** on **Tuesday, 13 August 2024** commencing at 11:00am. Doors to the Liverpool Civic Council Chambers will open at 10.30am.

The item called to be considered is:

- **For Council to deliver the results of the Land & Environment Court hearing of the matter of the Liverpool City Council v Minister Local Government & Ors to be heard on 8 & 9 August 2024**

Urgent Council reports have also be moved forward to be tabled at this meeting.

Liverpool City Council Meetings are livestreamed onto Council's website and remain on Council's website for a period of 12 months. If you have any enquiries, please contact Civic and Executive Services on 8711 7441.



Jason Breton
ACTING CHIEF EXECUTIVE OFFICER

Statement of Ethical Obligations

Oath or Affirmation of Office

In taking the Oath or Affirmation of Office, each Councillor has made a commitment to undertake the duties of the office of councillor in the best interests of the people of Liverpool and Liverpool City Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

Conflicts of Interest

A councillor who has a conflict of interest in any matter with which the council is concerned, and who is present at a meeting of the council when the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable. Both the disclosure and the nature of the interest must be recorded in the minutes of the Council meeting where the conflict of interest arises. Councillors should ensure that they are familiar with Parts 4 and 5 of the Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

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Council in Closed Session

The following items are listed for consideration by Council in Closed Session with the public excluded, in accordance with the provisions of the Local Government Act 1993 as listed below:

CONF 01 Land and Environment Court Proceedings

Reason: Item CONF 01 is confidential pursuant to the provisions of s10(A)(2)(g) of the Local Government Act because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

CONF 02 Hammondville Park

Reason: Item CONF 02 is confidential pursuant to the provisions of s10(A)(2)(d ii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

Close

CEBP 01	Reopening of level 6 of the Moore Street building
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Strategic Objective	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
File Ref	260412.2024
Report By	Michelle Mcilvenny - Director Customer & Business Performance
Approved By	Jason Breton - Acting CEO

EXECUTIVE SUMMARY

In June, the organisation was notified of a number of cases of cancer in staff that worked in close proximity to each other on level 5 and 6 in the Council building at Moore Street Liverpool.

A number of steps were taken immediately, these included contacting NSW Health seeking guidance on steps to investigate the matter, discussions with staff occupying the floors, closing level 6 at Moore Street and relocating staff, discussions with tenants of the building including the University of Wollongong (UoW), the engagement of suitably qualified organisations to undertake the required testing and the establishment of a crisis response group with the UoW.

Three companies were engaged to undertake the necessary testing, informed by NSW Health and a leading expert from the University of Sydney. The most relevant test to be undertaken in relation to the specific form of cancer was for levels of ionising radiation. These tests have been completed and preliminary results indicate that there are no levels of ionising radiation above background levels detected in the building.

A “town hall” style meeting will be held to provide staff the opportunity to ask questions of the experts and the testing companies, to close out the matter and allow the levels of Moore Street to be made available for staff to return to.

RECOMMENDATION

That Council receives and notes this report.

REPORT

In early June the organisation was notified of several current and previous staff that had suffered from a similar form of cancer and worked in proximity at Council's Moore Street building. The organisation undertook a number of actions immediately, these included

- Contacting NSW Health seeking guidance on steps to investigate the matter.
- Reviewing the NSW Health guidelines [Responding to cancer clusters in NSW](#).
- Holding an Extraordinary meeting of the Executive Leadership Team to discuss.
- Closing the level 6 in the Moore Street building.
- Holding discussions with staff occupying the floors and all staff.
- Commencing engagement of suitably qualified organisations to undertake testing.
- Contacting Civic Risk Mutual to discuss mitigation strategies.
- Discussions with tenants of the building including the University of Wollongong (UoW),
- Establishing a crisis response group with UoW and NSW Health.

Several other actions continued once the initial response was undertaken, these included.

- Regular stand ups with the crisis response group, starting daily then moving to biweekly and now weekly.
- Developing a register of people who notified of illness or concerns about the matter, to ensure that they were appropriately cared for throughout the crisis.
- Establishing communication protocols with the people on the register including seeking consent, where required, for passing on contact details to NSW Health.
- Providing notifications to NSW Health of the people who had indicated they had the cancer.
- Notifying Council's Audit Risk and Improvement Committee.
- Holding an all staff question and answer session with NSW Health.
- Contacting [Professor Tim Driscoll](#), Professor of Epidemiology & Occupational Medicine, School of Public Health, University of Sydney. Professor Driscoll's area of interest relates to occupational cancer and exposure to occupational carcinogens, to seek expert advice on approach.
- Responding to SafeWork NSW questions.
- Establishing a Reference Group with NSW Health including NSW Health experts, Professor Driscoll, UoW and Council representatives, to discuss the matter, communications and any steps needed to be taken.

CUSTOMER EXPERIENCE & BUSINESS PERFORMANCE REPORT

Three organisations, that are experts in their field, were engaged to undertake the environmental testing to determine if there were any hazards on the site. The organisations engaged were: The Australian Nuclear Science and Technology Organisation (ANSTO) for ionising radiation testing, Tetra Tech Coffey for occupational hygiene testing, such as water and air quality and Total Radiation Solutions (Dr Phillip Knipe) for radiofrequency electromagnetic energy (non ionising) radiation testing.

At the time of preparing this report, interim findings from ANSTO have indicated that there are no levels ionizing radiation above backyard levels detected. The occupational hygiene testing results from Tetra Tech Coffey indicated that the building is fit for occupancy. Dr Knipe's report for non ionising radiation indicates that levels are below the general regulatory exposure limits specified by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

Based on the above information, level 6 of the Moore Street building will be cleared for reoccupation.

A series of Town Hall meetings will be scheduled that will be attended by NSW Health, Professor Tim Driscoll and the testing companies for the results to be discussed and any questions from staff answered.

FINANCIAL IMPLICATIONS

The financial impacts of this matter relate to the unbudgeted costs for the testing and legal advice, and tenancy challenges. The costs for the testing and legal support was approximately **\$76,000**. Advanced negotiations with potential tenants also ceased after the matter was made public.

CONSIDERATIONS

Economic	There are no economic considerations.
Environment	There are no environmental and sustainability considerations.
Social	There are no social and cultural considerations.
Civic Leadership	There are no Civic Leadership considerations.
Legislative	There are significant legislative considerations relating to this report, including WHS matters.
Risk	The management of this matter initially was treated as an extreme risk due to the impact on employees. A member of the Executive Leadership Team oversaw this matter.

ATTACHMENTS

Nil

OPER 01	Mandaean Community Engagement
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Strategic Objective	Healthy, Inclusive, Engaging Support an inclusive community by fostering access and equity for all
File Ref	260311.2024
Report By	Peter Scicluna - Acting Director Operations
Approved By	Jason Breton - Acting CEO

EXECUTIVE SUMMARY

This report seeks to update the Mayor and Councillors on Council’s engagement with the Mandaean Community in relation to the Light Horse Park Redevelopment and the Kayak Launch Facility.

RECOMMENDATION

That Council receives and notes this report.

REPORT

The following information is provided to update on Council’s engagement with the Mandaean Community in relation to Light Horse Park Redevelopment and the Kayak Launch Facility.

Council has met with the Mandaean Community on two occasions:

- Onsite at Light Horse Park on 17 July 2024
- Follow up on 30 July 2024

The requested outcomes for the Mandaean Community, provided by Professor Brikha Nasoraia, are summarised below.

Related to Stage 1:

- A. Extend the steps and the extreme right side of the curve on riverbank to accommodate more than one priest and more than one person at a time to be able to access the river.
- B. If possible, increase the number of steps that goes into the river for the people who perform the baptism to safely stand in the river (at least) up to their knee level.
- C. A big and wide step (in the water) at the end that work as a platform to safely stand on.

- D. The preference is to use concrete materials, however if that is costly then sandstone will also do the job providing it can cater for the intended use.
- E. Create a backup access/steps entrance in the easier access area next to kayaking access point (which could be used for either male or female separately, as per the Mandaean system). This will give additional options during peak times.

Related to Stage 2:

- F. Extend the car park to accommodate for cars on Sundays and the four major festivals (2 major events in March and May of each year). This could also be in the form of a temporary car park.
- G. Permanent storage room that can be hired by the spiritual community to store items that will be used during baptism.
- H. Electricity power point and tap water points for community use
- I. Shaded space for Baptist to set under and also to be used by spiritual priests as they start spiritual activities as early as dawn on Sundays and during religious festivals in March and May.
- J. Access to the community centre where there is multifunction hall that can be used by the community.
- K. Facilities to accommodate toilets, change rooms and showers for before and after the baptism.

Council is looking to accommodate the Stage 1 works within the current kayak launch facility (KLF) works package via variation for the contract works, along with the necessary riverbank stabilisation works needed for environmental reasons and human health safety.

Note the “back-up” step (E) is already accommodated as a safety measure of the main pontoon.

In relation to Stage 2 requests, Council put to Professor Brikha that these works would form part of later stages of the LHP works. Aspects requiring later stage development works, already planned for in the park include:

- Car park extension in lieu of the community garden extension (the Mandaean’s have expressed interest in holding their 4 main festivals in the park which would need to accommodate 300+ people at any one time)
- Permanent storage (the extent of which will require completion of the community hub building)
- Electrical connectivity and water (forms part of the car park works electrical package for food truck parking bays in the car park)
- Toilets, change facilities and showers (form part of the community hub building design suite)

In relation to sunshade cloths for overhead protections in the vicinity of the KLF, as well as potable water, Council explained that they will look to accommodate these once the KLF is complete. Council noted the difficulties in providing a shade structure as the ground conditions mean that a substantial structure below ground would be required to hold the structure up. Water being more able to be accommodated in the near vicinity with future works.

FINANCIAL IMPLICATIONS

Costs associated with this recommendation have been included in Council's budget for the current year and long-term financial plan.

CONSIDERATIONS

Economic	Facilitate the development of new tourism based on local attractions, culture and creative industries.
Environment	Protect, enhance and maintain areas of endangered ecological communities and high quality bushland as part of an attractive mix of land uses.
Social	Support community organisations, groups and volunteers to deliver coordinated services to the community.
Civic Leadership	Encourage the community to engage in Council initiatives and actions.
Legislative	There are no legislative considerations relating to this report.
Risk	There is no risk associated with this report.

ATTACHMENTS

Nil