

**MINUTES OF THE ORDINARY MEETING
HELD ON 26 MARCH 2025**

PRESENT:

Deputy Mayor Harle
Councillor Adjei
Councillor Ammoun
Councillor Dr Green
Councillor Harte
Councillor Ibrahim
Councillor Karnib
Councillor Macnaught
Councillor Monaghan
Councillor Ristevski
Mr Jason Breton, Acting Chief Executive Officer
Mr David Galpin, Acting 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 Peter Scicluna, Acting, Director Operations
Ms Suzanne Kendall, Acting General Counsel, Manager Governance, Legal & Procurement
Mr Vishwa Nadan, Chief Financial Officer
Ms Emily Tinson, Program Manager WSIG Program
Ms Justine Young, Acting Manager Civic and Executive Services
Ms Katrina Harvey, Councillor Executive and Support Officer
Ms Susan Ranieri, Coordinator Council and Executive Services

The meeting commenced at 6.00pm.

Deputy Mayor Harle advised that Mayor Mannoun was an apology.

STATEMENT REGARDING WEBCASTING OF MEETING

The Deputy Mayor read the following:

“In accordance with clause 5.34 of Council’s Code of Meeting Practice, I inform the persons attending this meeting that:

- (a) the meeting is being recorded, livestreamed and made publicly available on the council’s website, and
- (b) persons attending the meeting should refrain from making any defamatory statements.”

ACKNOWLEDGMENT OF COUNTRY, PRAYER OF COUNCIL AND AFFIRMATION

The prayer of the Council was read by Reverend Bruce Hammonds from Liverpool Presbyterian Church.

NATIONAL ANTHEM

The National Anthem was played at the meeting.

COUNCILLORS ATTENDING REMOTELY

NIL.

APOLOGIES

Mayor Mannoun.

CONDOLENCES

ITEM NO: COND 01

SUBJECT: Condolence Motion for the victims of the Kocani Nightclub incident

Clr Ristevski read the below condolence motion for the victims of the Kocani Nightclub Incident

Motion:

I hereby move that Liverpool City Council express its deepest condolences to the families and friends of the 59 young lives tragically lost in the recent nightclub fire incident in Kocani, Macedonia. This devastating event has profoundly affected the Macedonian community, both locally and abroad, and it is vital that we stand in solidarity with them during this time of mourning.

In recognition of this tragic loss, I propose that the Council formally write to the Premier of New South Wales, requesting that the iconic Sydney Opera House be illuminated in the colours of Macedonia. This gesture would serve as a poignant symbol of respect and compassion, acknowledging the grief experienced by the Macedonian community in Liverpool and beyond during this 40-day mourning period.

Let us come together as a Council to show our support and solidarity with the victims' families and the Macedonian community, demonstrating our collective commitment to compassion and community spirit.

RECOMMENDATION:

- 1. That Liverpool City Council expresses its condolences to the families affected by the Kocani nightclub incident.

- 2. Council write to the Premier of New South Wales, requesting the illumination of the Sydney Opera House in the colours of Macedonia as a mark of respect during the mourning period.

COUNCIL DECISION:

Motion:

Moved: Clr Ristevski

Seconded: Clr Monaghan

That the recommendation be adopted.

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

A one minute silence was then observed for the victims of the Kocani nightclub incident.

ITEM NO: COND 02

SUBJECT: Condolence Motion for (Nick) Nickola Lalich former member for Cabramatta

Read by Clr Karnib

Nick Lalich migrated here when he was three years old.

He served a significant time serving the local people of Western Sydney, in particular being the Mayor of Fairfield City for a period of time after he was elected a councillor for a period of time, I believe it was in 1987 and then became the mayor. He was elected Member of the New South Wales Legislative Assembly for Cabramatta in 2008 where he spent a large portion of his life devoted to the people of Cabramatta, to the people of Fairfield, and for a lot of those people, at some point in time, whether they resided in Liverpool in the catchment would have come across Mr. Nick Lalich and it's a shocking loss and he will be remembered.

I pass my condolences on behalf of myself, and I hope the Council supports me in this, to his immediate family and his extended family.

An additional condolence comment was made by Deputy Mayor Harle.

A one minute silence was observed for Nick Lalich.

CONFIRMATION OF MINUTES

Motion:

Moved: Clr Ammoun

Seconded: Clr Karnib

That the minutes of the Ordinary Meeting held on 26 February 2025 be confirmed as a true record of that meeting with the exception that for item COM 04 – Mayoral Attendance at the 5th Annual Aerotropolis Conference, 7-8 May 2025 in Hong Kong all the commentary be taken out and only the voting recorded.

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

DECLARATIONS OF INTEREST

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

Item: NOM 05 – Liverpool Olympic

Reason: His children play for Liverpool Olympic.

Clr Adjei left the Chamber for the duration of this item.

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

Item: NOM 05 – Liverpool Olympic

Reason: His children play for a club that is referred to in NOM 05.

Clr Karnib left the Chamber for the duration of this item.

PUBLIC FORUM

Presentation – items not on agenda

1. **Mr John Anderson** addressed Council on the following item:

Item: Moorebank Intermodal Realignment and Electricity.

A three minute extension was granted to Mr Anderson.

2. **Mr Ben Kamenjas** addressed Council on the following item:

Item: 65 Seventeenth Avenue, Austral.

3. **Mr Aldo Virtich on behalf of Mr Carmine Colalillo** addressed Council on the following item:

Item: Building next door to 136A Reilly Street, Lurnea and safety.

A three minute extension was granted to Mr Virtich.

4. **Ms Mary Casey** addressed Council on the following item:

Item: DA 348/2022- 443 Hume Highway, Casula.

A three minute extension was granted to Ms Casey.

5. **Ms Maria (Susie) Kneipp on behalf of the Casula Community Group** addressed Council on the following item:

Item: DA 348/2022 – 443 Hume Highway, Casula.

A three minute extension was granted to Ms Kneipp.

6. **Dr Criss Moore** addressed Council on the following item:

Item: DA 348/2022 – 443 Hume Highway, Casula.

Representation – items on agenda

1. **Mr Spiros Missiakos of Liverpool Olympic** addressed Council on the following item:

Item: NOM 05 – Liverpool Olympic and delivering vibrant parks, places and facilities.

2. **Mr Mohammed Azim** addressed Council on the following item:

Item: NOM 06 – Festivals.

A three minute extension was granted to Mr Azim.

3. **Mr Eric North** addressed Council on the following item:

Item: QWN 03 – Financial Information.

A three minute extension was granted to Mr North.

4. **Mr Eric North** addressed Council on the following item:

Item: OPER 02 – Road Condition.

A three minute extension was granted to Mr North.

Clr Macnaught left the Chamber at 6.59pm

Clr Macnaught returned to the Chamber at 7.00pm.

Clr Harte left the Chamber at 7.01pm.

Clr Harte returned to the Chamber at 7.02pm.

Clr Karnib requested Deputy Mayor Harle consider a motion of urgency due to recent attacks. Clr Karnib stated that the Australian Islamic House is only a recently established mosque in the community and the fact that an incident has occurred in a short period of time, Clr Karnib stated was of urgency .

Deputy Mayor Harle accepted the motion of urgency as urgent and as such it was dealt with as shown below:

RECESS

Deputy Mayor Harle called a recess of meeting at 7.20pm.

RESUMPTION OF MEETING

Deputy Mayor Harle resumed the meeting in open session at 7.41pm with all Councillors present.

MOTION OF URGENCY

ITEM: MOU 01

SUBJECT: RECENT ATTACKS

Motion: Moved: Clr Karnib Seconded Clr Ammoun

That Council:

1. Condemns the disgusting Islamophobic threats made against Australian Islamic House Mosque in Edmondson Park and Masjid Ali ibn Abi Talib Mosque.
2. Reaffirms its commitment to a safe and welcoming multicultural community.
3. Extends its gratitude for the support from the State and Commonwealth Governments for supporting Australian Islamic House and our community.
4. Thanks the former councillor Mr Mazhar Hadid OAM, the Hon. Anthony Albanese MP, Prime Minister, Anne Stanley MP, Tony Burke MP, Ed Husic MP, Anoulack Chanthivong MP, Steve Kamper MP, Nathan Hagarty MP, Charishma Kaliyanda MP, Mark Coure MP and Tina Ayyad MP for their support for our community.
5. Condemns all forms of racism, bigotry, hatred and particularly this Islamophobic attack.
6. Write to the Australian Islamic House and the Lakemba Muslim Association (LMA).

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

Councillors voted unanimously for this motion.

MOTION OF URGENCY

Clr Dr Green requested Deputy Mayor Harle consider a motion of urgency regarding the Public Inquiry. Clr Dr Green stated that an issue has arisen that requires urgent attention of Council at this meeting and that it cannot be dealt with at the next Ordinary Council meeting.

She stated that on the 18th March 2025, Mr Chris Rath MLC gave notice in the NSW Legislative Council of a motion calling for the release of all documents relating to the s430 investigation and the public inquiry into Liverpool Council.

Clr Dr Green read her proposed motion as follows:

That Council:

1. Condemns Chris Rath MLC for tabling Private Members' Business Item No. 1762 in the NSW Legislative Council, which seeks to:
 - a. Undermine the integrity of the ongoing investigation and inquiry into Liverpool City Council;
 - b. Risk exposing the personal details of staff and members of the public who have made Public Interest Disclosures (PIDs) and submissions regarding Liverpool City Council;
 - c. Weaken the principles of the whistleblower protections in New South Wales.
2. Reaffirms its commitment to upholding strong whistleblower protections ensuring that all individuals who provide information in the public interest can do so without fear of reprisal or intimidation.

Deputy Mayor Harle accepted the motion of urgency as urgent and as such it was dealt with as shown below:

ITEM: MOU 02

SUBJECT: PUBLIC INQUIRY

COUNCIL DECISION

Motion **Moved: Clr Dr Green** **Seconded Clr Monaghan**

That Council:

1. Condemns Chris Rath MLC for tabling Private Members' Business Item No. 1762 in the NSW Legislative Council, which seeks to:
 - a. Undermine the integrity of the ongoing investigation and inquiry into Liverpool City Council;
 - b. Risk exposing the personal details of staff and members of the public who have made Public Interest Disclosures (PIDs) and submissions regarding Liverpool City Council;
 - c. Continue to support the principles of whistleblower protections in New South Wales.

2. Reaffirms its commitment to upholding strong whistleblower protections ensuring that all individuals who provide information in the public interest can do so without fear of reprisal or intimidation.

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

Division

Vote for: Clr Dr Green, Deputy Mayor Harle, Clr Ibrahim, Clr Karnib, Clr Monaghan and Clr Ristevski

Vote against: Clr Adjei, Clr Ammoun, Clr Harte and Clr Macnaught.

Note: A Notice of Rescission has since been received for MOU 02 – Public Inquiry and will be dealt with at the next Ordinary Council meeting being 23 April 2025.

PLANNING & COMPLIANCE REPORTS

ITEM NO: PLAN 01
FILE NO: 050694.2025
SUBJECT: Liverpool Heritage Advisory Committee - Charter and Membership

COUNCIL DECISION

Motion: **Moved: Cllr Dr Green** **Seconded: Cllr Macnaught**

That this item be deferred for the proposed Charter to be reissued in track changes.

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

Councillors voted unanimously for this motion.

ITEM NO: PLAN 02
FILE NO: 369444.2024
SUBJECT: Post-Exhibition Report - 60 Gurner Avenue, Austral

COUNCIL DECISION

Motion: **Moved: Cllr Macnaught** **Seconded: Cllr Dr Green**

That Council:

1. Receives and notes this Report.
2. Proceeds with Map Amendment 10 to the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* including post-exhibition amendments.
3. Delegates authority to the Chief Executive Officer (or delegate) to liaise with the NSW Parliamentary Counsel’s Office and the Department of Planning, Housing and Infrastructure to finalise Map Amendment 10.
4. Notifies the Proponent and those representatives who made a submission on the Planning Proposal during the public exhibition of Council’s decision.

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

Councillors voted unanimously for this motion.

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Chairperson

COMMUNITY & LIFESTYLE REPORTS

ITEM NO: COM 01

FILE NO: 050922.2025

SUBJECT: Council Financial Contribution to Sydney West Academy of Sport

COUNCIL DECISION

Motion:

Moved: Clr Adjei

Seconded: Clr Karnib

That Council:

1. Receives and notes this report;
2. Confirms its ongoing commitment to the South West Sydney Academy of Sport (SWSAS) for the next financial year (25/26 budget period) for \$32,674.53 ex GST; and
3. Enters into a Memorandum of Understanding with South West Sydney Academy of Sport (SWSAS) that outlines the service obligations to be provided to Liverpool resident by South West Sydney Academy of Sport (SWSAS) and the contributions, both cash and in-kind, to be provided by Liverpool City Council.

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

Councillors voted unanimously for this motion.

ITEM NO: COM 02
FILE NO: 071422.2025
SUBJECT: Library Collection Development Policy

COUNCIL DECISION

Motion: **Moved: Cllr Macnaught** **Seconded: Cllr Dr Green**

That Council:

1. Endorses the Library Collection Development Policy;
2. Notes the support available to local authors through the library; and
3. Notes the provision of library collections in community languages that reflect the whole community.

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

Councillors voted unanimously for this motion.

ITEM NO: COM 03
FILE NO: 077125.2025
SUBJECT: Liverpool Powerhouse and Board Charter

COUNCIL DECISION

Motion: **Moved: Clr Monaghan** **Seconded: Clr Karnib**

That Council:

1. Prepare and receive a draft Cultural Events & Advisory Board Charter; and
2. Receive an updated Charter for the Liverpool Powerhouse Arts Centre Board.

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

Councillors voted unanimously for this motion.

ITEM NO: COM 04
FILE NO: 077488.2025
SUBJECT: Council Grants Donations and Sponsorship Report

COUNCIL DECISION

Motion: **Moved:** Cllr Dr Green **Seconded:** Cllr Macnaught

That Council:

- 1. Endorses the funding recommendation of **\$5,000** (GST exclusive) under the **Sustainable Environment Grant Program** for the following project:

Applicant	Project	Recommended
Thomas Hassall Anglican College	Sparkle Club	\$5,000

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

Councillors voted unanimously for this motion.

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Clr Macnaught left the Chambers at 8:41pm.

Clr Macnaught returned to the Chambers at 8:43pm.

QUESTIONS WITH NOTICE

ITEM NO: QWN 01

FILE NO: 073629.2025

SUBJECT: Question with Notice - Clr Monaghan - Contractors

Please address the following:

1.
 - a. Since January 1 2022 how many staff have been employed by Liverpool City Council on contracts of 12 months or fewer for the following:
 - i. Existing positions; or
 - ii. New positions
 - b. What is the breakdown of each of the contractors referred to above per Organisation Unit?
 - c. How many staff on 12 month contracts awarded since January 1 2022 been seconded to another Organisation Unit?
 - d. How many staff on 12 month contracts awarded since January 1 2022 were subsequently employed on a permanent basis in either of the following:
 - i. Their contracted role; or
 - ii. A different role?

Responses (provided by Corporate Support)

1.
 - a. Since January 1 2022 how many staff have been employed by Liverpool City Council on contracts of 12 months or fewer for the following:
 - i. Existing positions; or
 - ii. New positions
 - b. What is the breakdown of each of the contractors referred to above per Organisation Unit?

Response 1 a. and 1b.

Directorate	External temporary staff appointments*
Customer Experience and Business Performance	3
City Futures	14
Community and Lifestyle	24
Corporate Support	17
Operations	9
Planning and Compliance	17
Total	84

*Split between existing and new positions, would require going through every individual employment contract.

- c. How many staff on 12-month contracts awarded since January 1 2022 been seconded to another Organisation Unit?

Response:

Eleven (11)

- d. How many staff on 12-month contracts awarded since January 1 2022 were subsequently employed on a permanent basis in either of the following:
- Their contracted role; or
 - A different role?

Response:

Directorate	Employed permanently into contracted role	Employed permanently into a different role
Customer Experience and Business Performance	1	0
City Futures	2	1
Community and Lifestyle	4	1
Corporate Support	5	4
Operations	1	2
Planning and Compliance	3	3
Total	16	11

ITEM NO: QWN 02
FILE NO: 065747.2025
SUBJECT: Question with Notice - Cllr Ristevski - Proposal to Redirect Councillor Pay to Frontline Services

Question regarding the recent council meeting where several councillors left prematurely. In light of this, I propose that the council considers a policy to dock the pay of councillors who do not fulfill their obligations during council meetings.

1. Can council implement a pay docking policy for councillors who leave meetings early without valid reason?
2. If such a policy were to be considered, would the council commit to reallocating the funds saved from these deductions directly into frontline services that benefit our community?
3. What measures would the council put in place to ensure transparency and accountability in this process?
4. Can the council provide information on how other councils have approached similar situations, and any outcomes from those decisions?

I believe that ensuring our councillors are present and engaged during meetings is vital for effective governance, and directing any funds saved into frontline services could greatly benefit our community.

Responses (provided by Corporate Support)

All councillors are entitled to payment of an annual fee under s248 of the Local Government Act (LGA) 1993.

The only provisions under legislation whereby a councillor can (or must) have their annual fees reduced or withheld exist in the following circumstances.

1. A council may resolve that an annual fee will not be paid or reduced where a councillor absent, with or without leave, from an ordinary meeting or ordinary meetings of the council for any period of 3 months or less.

If a councillor is absent from ordinary meetings with or without leave, for more than 3 months, council must not pay any annual fee (or part thereof) for the period in excess of 3 months (LGA 1993 s254A).

2. A council must not at any time pay any fee or other remuneration, or any expenses, to which a councillor would otherwise be entitled as the holder of a civic office, in respect of any period during which the councillor is suspended from civic office or the councillors right to be paid is otherwise suspended unless otherwise permitted under the Act. (LGA s248A).

3. Council may resolve to not pay or reduce an annual fee where both the following conditions exist:

- (a) the payment of the annual fee adversely affects the councillor's entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, a Territory or a State (including New South Wales), and
- (b) the councillor agrees to the non-payment or reduction. (s404 Local Government (General) Regulation 2021.

There is no specific provision for Council to suspend or reduce an annual fee paid to a councillor for leaving a meeting before its completion.

Accordingly, the answers to the specific questions raised in this QWN are:

- 1. No
- 2. Not applicable
- 3. Not applicable
- 4. Not applicable

ITEM NO: QWN 03
FILE NO: 072268.2025
SUBJECT: Question with Notice - Clr Ristevski - Financial Information

Financial Information — Question With Notice 01

1. Noting file reference 043430.2022 as NOM 04 for Council Meeting 23 February 2022 (attached overleaf), specifically items (3) and (4), please advise:
- (a) Were “quarterly performance reports outlining funds received, spent, and the balance” conducted over the past 2 years as per the resolution?

Response: Yes

- (b) Where have these reports been made available to Councillors for review?

Response:

Details of Cash Reserves is provided quarterly to Councillors and also included in the Audited Annual Financial Statements. In a chronological order, the following reports on respective Council meetings were presented to Councillors after the referenced resolution and reasons why and why not Moorebank Intermodal Reserve was included and shown.

Council Meeting Dates	Report	Included	Comments
23 Feb 22			Council resolves to create an internal reserve
10 May 22	Q3 Budget Report	No	Nil balance at 31 March 2022. Ex-gratia was paid in June 2022
26 Oct 22	Annual financial Report 2021/22	No	Balance \$316k but was not disclosed

16 Nov 22	Q1 Budget Report	No	Nil balance at 30 September 2022. Ex-gratia was paid in April 2023
01 Mar 23	Q2 Budget Report	No	Nil balance at 31 December 2022. Ex-gratia was paid in April 2023
31 May 23	Q3 Budget Report	No	Nil balance at 31 March 2023. Ex-gratia was paid in April 2023
25 Oct 23	Annual Financial Report 2022/23	Yes	Balance of \$525k
22 Nov 23	Q1 Budget Report	Yes	
28 Feb 24	Q2 Budget Report	Yes	
29 May 24	Q3 Budget Report	Yes	
16 Oct 24	Annual Financial Report 2023/24	Yes	Nil balance
20 Nov 24	Q1 Budget Report	Yes	Nil balance

NOM 04	Moorebank Intermodal Development Special Levy
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	043430.2022
Author	Karress Rhodes - Councillor

BACKGROUND

It has been previously claimed that the Moorebank Intermodal Development Special Levy is confidential pursuant to the provisions of s10(A)(2)(d i) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

1. Note that the agreement between LCC and MICL is not commercial in confidence, as it is already in the public sphere and that the following explanation is a note to the said financial statements:

"Moorebank Intermodal Company (MIC) is a wholly owned Australian Government entity established to facilitate the development and operation of an intermodal terminal at Moorebank. MIC is exempt from paying council rates, however, under Commonwealth's competitive neutrality policy, it has entered into an agreement with Liverpool City Council to pay rates equivalent ex-gratia sum payable at commencement of every financial year. The agreement takes a retrospective effective from 1/1/17."

2. It is in Councillor and public interest the understand the details of funds received and expenditure as a part of the in lieu of rates agreement between LCC and MICL.
3. It is Council's responsibility to be open, transparent, and accountable for the Council Budget.

NOTICE OF MOTION

That Council directs the A/CEO to:

1. Establish an internally restricted reserve titled "Moorebank Intermodal Company Ltd Ex-Gratia Funds";

2. Effective from 1 July 2022, keep all funds received from MICL in this reserve and account for all expenditure incurred on agreed activities with MICL;
3. Provide quarterly performance report to Council outlining funds received, spent and the balance of funds in this reserve;
4. Make available to all Councillors under confidentiality arrangements the contents of any verbal or written agreement between Liverpool and MICL or any other authorities in relation to the ex-gratia payment; and
5. Provide a confidential report at Council's April 2022 meeting outlining all funds received and expensed under this agreement in the period 1 January 2017 to 30 June 2022.

ATTACHMENTS

Nil

Financial Information — Question with Notice 02

- (a) From what date has the eastern site of the DNSDC come Intermodal (83ha) by SIMTA been paying rates?
 - I. From 2003 when the land was sold to Westpac or
 - II. From 2013 when the leaseback with Defence ended.
 - III. If neither, why not?
 - IV. If one, then which, and how much? Please list annual revenues for MPE.

Response

Since 2003. See table below.

Rates for privately owned Intermodal
(eastern side)

Year	Rates
2024/25	\$ 1,358,105
2023/24	\$ 1,277,488
2022/23	\$ 1,226,714
2021/22	\$ 1,202,592
2020/21	\$ 1,106,950
2019/20	\$ 1,085,000
2018/19	\$ 1,077,000
2017/18	\$ 1,052,600
2016/17	\$ 1,037,134
2015/16	\$ 1,072,120
2014/15	\$ 1,047,240
2013/14	\$ 1,012,601
2012/13	\$ 979,325
2011/12	\$ 945,540
2010/11	\$ 920,048
2009/10	\$ 884,822
2008/09	\$ 786,420
2007/08	\$ 762,120
2006/07	\$ 740,655
2005/06	\$ 715,256
2004/05	\$ 648,730
2003/04	\$ 626,792
2002/03	\$ 104,300

Part year

- (b) Given that the eastern project (per the original instrument of consent pictured here) consists in a total of 15 lots and 2 references what is its rates valuation based on?
 - I. All of these lots?
 - II. Just some of these lots?
 - III. Which ones were included and or excluded from valuation? And Why?

Intermodal site: Land generally described as being located on the eastern side of Moorebank Avenue, between Anzac Road and the East Hills Passenger Line, Moorebank (Lot 1 in DP 1048263); and

Rail corridor: Land generally described as being located between the intermodal site and the East Hills Passenger Line to the south, part of the East Hills passenger Line/Commonwealth Land to the southwest, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:

- Lot 3001 DP 1125930
- Lot 1 DP 825352
- Lot 2 DP 825348
- Lots 1 & 2 DP 1061150
- Lot 1 DP 712701
- Lots 5 – 7 in DP 833516
- Lot 51 in DP 515696
- Lot 52 DP 517310
- Lots 101 – 104 DP 1143827
- Lot 91 DP 1155962
- Lot 4 DP 1130937
- Conveyance Book 76 Number 361
- George’s River, Crown Land

Response:

Rates are based on the privately owned parcels of land. The land quoted in the QWN are either old descriptions that have been superseded or Commonwealth land. The current description of the rateable land is as follows

- Lots 12 & 13 DP 1251885
- Lots 21, 22, 23 DP 1256178
- Lots 26 DP 1253673

Financial Information — Question with Notice 03

1. Noting that Moorebank Intermodal Company Ltd was registered in late 2012 and became operational sometime in 2013, and noting the Commonwealth Competitive Neutrality Policy Statement, which states:

“Competitive neutrality requires that governments should not use their legislative or fiscal powers to advantage their own businesses over the private sector.”

“As a consequence of this policy statement, competitive neutrality arrangements will be explicitly required for designated Commonwealth businesses.” Including “all Government Business Enterprises (GBEs) and their subsidiaries” such as the aforesaid National Intermodal Corporation Ltd (nee MIC Ltd) and WSA Co Limited.

“Taxation neutrality will be achieved by removing taxation exemptions from identified organisations where this can be achieved in a cost effective and administratively simple manner.”

“Regulatory neutrality will be achieved by subjecting, where appropriate, all identified organisations to the same regulatory environment as private sector businesses.”

1. Why were rates for the western site, of the SME come Intermodal (243ha) by MICL (come Qube ,come Logos ,come ESR) paid from 2019 (back paid to 2017) onwards, instead of from FY 13/14 onwards?

Response:

MIC didn't start operations on the day of its registration as an entity. This goes for effectively any business entity.

MIC started paying rate equivalent amounts its host departments from 1 January 2017. Council, through a fee for service proposal was able to get these funds re-directed.

2. Doesn't a 3-to-4-year exemption from (base) rates go against the CNPS as quoted above; as this would constitute a comparative and competitive advantage?

Response:

Agreed but Council cannot claim for funds to which it is not entitled.

3. Given that the western project (per the original instrument of consent pictured overleaf) consists in a total of 10 lots what is its rates valuation based on?
 - I. All of these lots ?
 - II. Just some of these lots?
 - III. Which ones were included and or excluded from valuation? And Why?

Intermodal Site: Land generally described as being located on the western side of Moorebank Avenue, between the M5 Motorway and the East Hills Passenger Line, Moorebank, comprising:

- Lot 1 DP 1197707
- Lot 101 DP 1049508
- Lot 100 DP 1049508
- Lot 2 DP 1197707

Rail Corridor: Land generally described as being located between the intermodal site and the East Hills Passenger Line to the south, and the northern portion of the Glenfield Waste Disposal Facility to the west, comprising:

- Lot 5 DP 833516
- Lot 103 DP 1143827
- Lot 51 DP 515696
- Lot 102 DP 1143827
- Lot 104 DP 1143827
- Lot 4 DP 1186349

Response:

Ex-gratia Rates on the Western side of the Intermodal (Commonwealth land) are based on the valuation for the whole site (being Lots 5, 6, 7, 8, 9, 10, 11, 12,13 & 14 DP 1299137

4. Why were payments for base rate land value tied to, and or, permitted by Council to be tied to the company's project and its stage success, as opposed to being directly and appropriately tied to land ownership and management as would be the case for any other private company?

Response:

MIC is levied and paying same amount of rates as it would apply to any other private company.

5. Did Council thus confer an undue advantage on MIC Ltd by treating it as though it was the Federal Government, when it ought to have been treated like any other corporation and landowner within the LGA?

Response:

No, Council does not believe so.

Financial Information – Question With Notice 03

Noting that per Council Financial Statements and email correspondence from LOGOS (attached herein), as at the end of June 2024 Liverpool City Council had collected (and earned) **\$27,707,126** in contributions, ex gratia rates, (and interest) from the Moorebank Intermodal Company come National Intermodal Company (NIC) and (SIMTA) Qube Holdings et al, with regard to the twin container terminals and intermodals.

Summarised here:

	Ex Gratia Rates	Dev Contributions	Interest	Expenses
2017	\$ -	\$ 644,000.00	\$ -	\$ -
2018	\$ -	\$ 3,578,000.00	\$ 15,000.00	\$ -
2019	\$ 5,447,000.00	\$ -	\$ 108,000.00	\$ 13,000.00
2020	\$ 2,200,000.00	\$ -	\$ 78,000.00	\$ 4,000.00
2021	\$ 2,081,000.00	\$ 5,330,000.00	\$ 78,000.00	\$ -
2022	\$ 2,124,000.00	\$ -	\$ 76,000.00	\$ 491,000.00
2023	\$ 2,167,000.00	\$ -	\$ 270,000.00	\$ 3,271,000.00
2024	\$ 2,284,000.00	\$ 999,126.00 *	\$ 228,000.00	\$ 3,880,000.00
Totals	\$ 16,303,000.00 ^	\$ 10,551,126.00	\$ 853,000.00	\$ 7,659,000.00

* the Developer Contribution for 2024 listed by LOGOS (p.21) is not listed by LCC (pp.11–20).

^ the CFO lists total Ex Gratia Rates by 2024, at \$15,691,785, and not \$16,303,000, as per the financial statements. This is a difference of +\$543,533, even after covering the "shortfall".

- (a) Please confirm receipt of **\$16,303,000** in Ex Gratia Rates for FY16/17 to FY23/24 per statements.

Response

Confirming that Council by 30 June 2024 received an aggregate sum of \$15,691,785. The difference between this amount and the total \$16,303,000 reported in the financial statements is \$611k and not \$543,533 as stated and relates to a credit adjustment that was made in FY2020-21 due to incorrect lot # and valuation used in calculation of ex-gratia amount. As this related to previous years, the gross amount, \$2.081m, was disclosed as revenue and \$611k was shown as other expenses included under Note B3-2. From cash perspective Council only received \$1.461m in FY 2020/21.

- (b) Please confirm receipt of **\$10,551,126** in Developer Contributions for FY16/17 to FY23/24 per statements and email correspondence.

Response

Council received \$9,550,927 monetary contribution for the Moorebank Intermodal Site as a State significant development. The difference of \$999,126 is a s7.12 developer contribution towards construction of 3 warehouses on a staged development. This amount is not included in the original agreement and is collected under the Established Areas Contribution Plan 2018.

SUPPORTING INFORMATION

- p.11 6 x Pages from Financial Statements – **Other Revenue** 2019 – 2024
- p.17 8 x Pages from Financial Statements – **Developer Contributions** 2017 – 2024
- p.21 Email from LOGOS – **Developer Contributions** 2024

Liverpool City Council

Financial Statements 2019

Notes to the Financial Statements

for the year ended 30 June 2019

Note 3. Income from continuing operations (continued)

£'000	2019	2018
(d) Other revenues		
Ex gratia rates**	5,447	
Fines – parking	3,529	3,810
Rental income – other council properties	3,113	3,093
Adjustment: reversal of impairment of Land Under Roads	2,702	
External works	1,376	1,156
Settlement: claim against Standard & Poor's International	888	
Sales – general	573	496
Fines – other	551	701
Insurance claims recoveries	526	21
Sales – art galleries	383	263
Sales – recycling materials	315	364
Sales – energy saving certificates	313	
Compensation – easements	310	372
Diesel rebate	103	101
Animal control	102	136
Photocopy income	95	95
Legal fees recovery – other	41	215
Room hire	37	41
Sales – printing services	13	25
Long service levy commission	6	7
Other	1,301	776
TOTAL OTHER REVENUE	21,724	11,672

Accounting policy for other revenue

Rental income is accounted for on a straight-line basis over the lease term. Parking fees and fines are recognised as revenue when the service has been provided, or when the penalty has been applied, whichever occurs first.

Miscellaneous sales are recognised when physical possession has transferred to the customer which is deemed to be the point of transfer of risks and rewards.

(1) Moorebank Intermodal Company (MIC) is a wholly owned Australian Government entity established to facilitate the development and operation of an intermodal terminal at Moorebank. MIC is exempt from paying council rates, however, under Commonwealth's competitive neutrality policy, it has entered into an agreement with Liverpool City Council to pay rates equivalent ex-gratia sums payable at commencement of every financial year. The agreement takes a retrospective effective from 1/1/17.

(2) Liverpool City Council participated in a class legal action against Standard & Poor's International (a credit rating agency) in relation to S&P's rating of certain synthetic collateralised debt obligations in which council is invested and suffered losses when the product defaulted. The associated legal costs were funded by external litigation firms. The sum Council received under a settlement scheme is its share of the net proceeds from settlement.

(3) Under Western Sydney Regional Organisation of Councils (WSROC) initiative, Liverpool City Council participated in the Light Years Mead Project (stage 1) and replaced 185 residential street lights by LED. The energy savings as a result was accounted for in form of tradeable "energy saving certificates". Council sold these certificates during the financial year.

Liverpool City Council

Financial Statements 2020

Notes to the Financial Statements

for the year ended 30 June 2020

Note 3. Revenue from continuing operations (continued)

\$'000

(c) Other revenues

	2020	2019
Fines – parking	2,427	3,529
External works	2,343	1,376
Ex gratia rates ¹	2,200	5,441
Fines – other	645	551
Sales – general	634	573
Sales – art galleries	226	363
Sales – recycling materials	495	315
Animal control	127	102
Diesel rebate	120	103
Rental income – other council properties		3,113
Photocopy income	77	56
Compensation – easements	63	310
Legal fees recovery – other	41	41
Room hire	40	37
Insurance claims recoveries	5	526
Long service levy commission	6	8
Sales – printing services	5	12
Adjustment: reversal of impairment of Land Under Roads		2,702
Settlement: claim against Standard & Poor's International		886
Other	1,980	1,301
Sales – energy saving certificates ²		313
TOTAL OTHER REVENUE	11,394	21,724

Accounting policy for other revenue

Where the revenue relates to a contract with customer, the revenue is recognised when or as the performance obligation is completed and the customer receives the benefit of the goods / services being provided.

Where the revenue relates to a contract which is not enforceable or does not contain sufficiently specific performance obligations then revenue is recognised when an unconditional right to a receivable arises or the cash is received, which is earlier.

2019 accounting policy:

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below. Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Parking fees and fines are recognised as revenue when the service has been provided, or when the penalty has been applied, whichever occurs first.

Rental income is accounted for on a straight-line basis over the lease term.

Miscellaneous sales are recognised when physical possession has transferred to the customer which is deemed to be the point of transfer of risks and rewards.

Other income is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

(1) Moonebank Intermodal Company (MIC) is a wholly owned Australian Government entity established to facilitate the development and operation of an intermodal terminal at Moonebank. MIC is exempt from paying council rates, however, under Commonwealth's competitive neutrality policy, it has entered into an agreement with Liverpool City Council to pay rates equivalent ex-gratia sum payable at commencement of every financial year. The agreement takes a retrospective effective from 1/1/17.

B2-3 Other revenue

\$ '000	Timing	2021	2020
Ex gratia rates	1058	2,081	2,200
Fines – parking	1058	1,865	2,427
External works	15	1,628	2,343
Fines – other	1058	365	645
Sales – general	1058	539	634
Sales – recycling materials	1058	366	455
Sales – art galleries	1058	280	226
Animal control	1058	120	127
Diesel rebate	1058	134	120
Compensation – easements	1058	66	63
Photocopy income	1058	61	77
Legal fees recovery – other	1058	97	41
Room hire	1058	42	40
Long service levy commission	1058	4	6
Insurance claims recoveries	1058	32	5
Sales – printing services	1058	37	5
Other	1058	1,189	1,980
Total other revenue		8,906	11,394

Timing of revenue recognition for other revenue

Other revenue recognised over time (1)	–	–
Other revenue recognised at a point in time (2)	8,906	11,394
Total other revenue	8,906	11,394

Accounting policy for other revenue

Where the revenue is earned for the provision of specified goods / services under an enforceable contract, revenue is recognised when or as the obligations are satisfied.

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received or when the penalty has been applied, whichever occurs first.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

B2-3 Other revenues

\$ '000	Timing	2022	2021
Ex gratia rates	2	2,124	2,081
Fines – parking	2	1,990	1,865
External works	2	783	1,628
Fines – other	2	431	365
Sales – general	2	515	539
Sales – recycling materials	2	159	366
Sales – art galleries	2	216	280
Diesel rebate	2	103	134
Animal control	2	127	120
Compensation – easements	2	18	66
Photocopy income	2	35	61
Legal fees recovery – other	2	42	97
Room hire	2	22	42
Long service levy commission	2	3	4
Insurance claims recoveries	2	3	32
Sales – printing services	2	–	37
Other	2	1,387	1,189
Total other revenue		7,958	8,906
Timing of revenue recognition for other revenue			
Other revenue recognised over time (1)		–	–
Other revenue recognised at a point in time (2)		7,958	8,906
Total other revenue		7,958	8,906

The timing column notation (above) identifies the revenue recognition pattern for material items of Council's revenue:

- (1) indicates income recognised under AASB 15 or AASB 1058 "over time",
(2) indicates income recognised under AASB 15 or AASB 1058 "at a point in time".

Accounting policy for other revenue

Where the revenue is earned for the provision of specified goods / services under an enforceable contract, revenue is recognised when or as the obligations are satisfied.

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received or when the penalty has been applied, whichever occurs first.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

B2-3 Other revenues

\$ '000	Timing	2023	2022
Ex gratia rates	1	2,167	2,124
Fines – parking	2	2,904	1,990
External works	2	2,389	783
Fines – other	2	402	431
Sales – general	2	760	515
Sales – art galleries	2	326	216
Animal control	2	100	127
Diesel rebate	2	114	103
Compensation – easements	2	14	18
Photocopy income	2	71	35
Legal fees recovery – other	2	260	42
Room hire	2	43	22
Insurance claims recoveries	2	31	3
Long service levy commission	2	2	3
Recycling income (non-domestic)	2	139	159
Other	2	894	1,387
Total other revenue		10,616	7,958
Timing of revenue recognition for other revenue			
Other revenue recognised at a point in time (2)		10,616	7,958
Total other revenue		10,616	7,958

The timing column notation (above) identifies the revenue recognition pattern for material items of Council's revenue:

(1) indicates income recognised under AASB 15 or AASB 1058 "over time",

(2) indicates income recognised under AASB 15 or AASB 1058 "at a point in time".

Accounting policy for other revenue

Where the revenue is earned for the provision of specified goods / services under an enforceable contract, revenue is recognised when or as the obligations are satisfied.

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received or when the penalty has been applied, whichever occurs first.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

B2-3 Other revenues

\$ '000	Timing	2024	2023
Ex gratia rates	2	2,284	2,167
Fines – parking	2	3,009	2,904
External works	2	2,368	2,389
Fines – other	2	397	402
Sales – general	2	841	760
Sales – art galleries	2	574	326
Animal control	2	118	100
Diesel rebate	2	142	114
Photocopy income	2	85	71
Compensation – easements	2	–	14
Legal fees recovery – other	2	297	260
Room hire	1	9	43
Insurance claims recoveries	2	145	31
Long service levy commission	2	1	2
Recycling income (non-domestic)	2	158	139
Other	2	1,280	804
Total other revenue		11,708	10,616
Timing of revenue recognition for other revenue			
Other revenue recognised over time (1)		9	–
Other revenue recognised at a point in time (2)		11,699	10,616
Total other revenue		11,708	10,616

The timing column notation (above) identifies the revenue recognition pattern for material items of Council's revenue:

- (1) indicates income recognised under AASB 15 or AASB 1058 "over time",
- (2) indicates income recognised under AASB 15 or AASB 1058 "at a point in time".

Material accounting policy information for other revenue

Where the revenue is earned for the provision of specified goods / services under an enforceable contract, revenue is recognised when or as the obligations are satisfied.

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received or when the penalty has been applied, whichever occurs first.

Other revenue is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

Liverpool City Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 17. Statement of developer contributions

£ '000

Council recovers contributions, raises levies and enters into planning agreements on development works that are subject to a development consent issued by Council. All contributions must be spent/used for the specific purpose they were levied and any interest applicable to unspent funds must be attributed to remaining funds.

The following tables detail the receipt, interest and use of the above contributions and levies and the value of all remaining funds which are 'restricted' in their future use.

SUMMARY OF CONTRIBUTIONS AND LEVIES

PURPOSE	Opening balance	Contributions received during the year		Fair Value and Other Adjustments	Interest earned in year	Expenditure during year	Interest borrowing (profit/loss)	Held as restricted asset	Cumulative interest borrowings (due/payable)
		Cash	Non-cash						
Drainage	20,107	6,157	528	6	165	(2,895)	(16,477)	7,591	(16,477)
Roads & Traffic Facilities	14,235	10,346	2,002	13	432	(8,959)	(18,179)	1,890	(18,179)
Parking	3,142	1,001	-	2	62	(88)	(181)	3,958	(181)
Open space	-	-	-	-	1	-	-	1	-
Community facilities	-	35	-	-	-	-	-	35	-
Local Open Space	11,231	11,669	750	17	523	(3,431)	(128)	20,631	(128)
Embellishment of Local Open Space	16,181	6,507	336	16	450	(3,433)	727	20,784	727
Community Facilities (Local)	7,534	1,411	136	9	212	(2,374)	20,787	27,215	20,787
Community Facilities (District)	(10,849)	256	-	20	547	(7)	14,478	4,448	14,478
Tree Planting Other	7,630	90	-	6	149	(11)	(1,471)	6,393	(1,471)
Professional & Legal Fees (Other)	1,747	269	25	1	43	(49)	(133)	1,906	(133)
Administration Fees	20	225	11	-	1	(222)	(1,244)	(1,209)	(1,244)
Implementation	1,623	76	36	3	84	-	1,821	3,643	1,821
Other: Moorbank Intermodal	-	644	-	-	-	-	-	644	-
884 contributions - under a plan	72,604	38,686	3,824	93	2,689	(19,556)	-	98,340	-
Total 884 revenue under plans	72,604	38,686	3,824	93	2,689	(19,556)	-	98,340	-
Total contributions	72,604	38,686	3,824	93	2,689	(19,556)	-	98,340	-

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Liverpool City Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 25. Statement of developer contributions

£ '000

Under the Environmental Planning and Assessment Act 1979, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

SUMMARY OF CONTRIBUTIONS AND LEVIES

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Interest borrowing (profit/loss)	Held as restricted asset	Cumulative interest borrowings (due/payable)
		Cash	Non-cash					
Drainage	7,501	16,266	154	367	(2,029)	-	22,195	-
Parking	3,958	1,426	-	119	(3)	-	5,590	-
Open space	1	-	-	-	-	(1)	-	-
Community facilities	-	-	-	-	-	-	-	-
Roads & Traffic Facilities	1,890	10,053	939	579	(4,651)	-	7,871	-
Local Open Space	20,631	16,482	522	716	(6,306)	-	31,523	-
Embellishment of Local Open Space	20,784	8,320	71	590	(349)	-	29,345	-
Community Facilities (Local)	27,750	371	-	672	-	-	28,793	-
Community Facilities (District)	4,448	563	-	154	(149)	-	4,966	-
Tree Planting Other	6,393	46	-	154	(16)	-	6,577	-
Professional & Legal Fees (Other)	1,906	241	4	48	(158)	-	2,087	-
Administration Fees	(1,209)	360	13	3	(295)	(1)	(1,546)	-
Implementation	3,643	129	-	89	-	-	3,861	-
Other: Moorbank Intermodal	644	3,516	-	96	-	-	4,256	-
87.11 contributions - under a plan	98,340	57,825	1,663	3,467	(13,910)	(2)	145,720	-
87.12 levies - under a plan	-	-	-	-	-	-	-	-
Total 87.11 and 87.12 revenue under plans	98,340	57,825	1,663	3,467	(13,910)	(2)	145,720	-
884 contributions	-	-	-	-	-	-	-	-
Total contributions	98,340	57,825	1,663	3,467	(13,910)	(2)	145,720	-

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Notes to the Financial Statements
for the year ended 30 June 2019

Note 23. [Statement of developer contributions](#)

Preamble

Under the *Environmental Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

Summary of contributions and levies

\$ '000	as at 30/6/2018				as at 30/6/2019			
	Opening Balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to/from)	Hold as restricted asset	Cumulative internal borrowings due/payable
		Cash	Non-cash					
Drainage	22,105	11,181	394	645	(6,973)	-	26,938	-
Parking	5,500	1,073	-	165	9	1	6,748	-
Roads & Traffic Facilities	7,871	6,357	775	602	(10,382)	(3)	4,445	-
Local Open Space	31,523	20,560	1,035	1,037	(12,341)	1	40,780	-
Embellishment of Local Open Space	29,345	729	91	763	(1,280)	1	29,558	-
Community Facilities (Local)	26,733	487	13	743	88	2	30,113	-
Community Facilities (District)	4,966	235	-	130	(306)	2	5,027	-
Tree Planting Other	6,577	10	-	168	8	-	6,763	-
Professional & Legal Fees (Other)	2,087	165	2	54	(217)	(1)	2,088	-
Administration Fees	(1,148)	294	16	3	(343)	(3)	(1,195)	-
Implementation	3,881	7	-	99	12	-	3,979	-
Other: Moorebank Intermodal	4,233	-	-	108	13	-	4,359	-
\$7.11 contributions – under a plan	145,720	41,078	2,326	4,517	(31,712)	-	159,603	-
Total \$7.11 and \$7.12 revenue under plans	145,720	41,078	2,326	4,517	(31,712)	-	159,603	-
Total contributions	145,720	41,078	2,326	4,517	(31,712)	-	159,603	-

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Notes to the Financial Statements
for the year ended 30 June 2020

Note 26. [Statement of developer contributions](#)

Under the *Environmental Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

Summary of contributions and levies

\$ '000	as at 30/6/19				as at 30/6/20			
	Opening Balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to/from)	Hold as restricted asset	Cumulative internal borrowings due/payable
		Cash	Non-cash					
Drainage	26,938	11,871	-	485	(5,140)	-	34,154	-
Parking	6,748	8	-	117	(656)	-	6,215	-
Roads & Traffic Facilities	4,445	6,595	-	351	3,041	-	15,030	-
Local Open Space	40,780	17,804	-	880	(2,162)	-	57,102	-
Embellishment of Local Open Space	29,558	3,211	-	543	(3,746)	-	29,568	-
Community Facilities (Local)	30,113	413	-	543	32	-	31,101	-
Community Facilities (District)	5,027	680	-	97	8	-	5,810	-
Tree Planting Other	6,763	42	-	121	7	-	6,933	-
Professional & Legal Fees (Other)	2,088	207	-	39	(4)	-	2,330	-
Administration Fees	(1,195)	318	-	4	(246)	-	(1,121)	-
Implementation	3,979	108	-	72	4	-	4,163	-
Other: Moorebank Intermodal	4,359	-	-	78	8	-	4,441	-
\$7.11 contributions – under a plan	159,603	41,053	-	3,330	(8,262)	-	195,724	-
Total \$7.11 and \$7.12 revenue under plans	159,603	41,053	-	3,330	(8,262)	-	195,724	-
Total contributions	159,603	41,053	-	3,330	(8,262)	-	195,724	-

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G5 Statement of developer contributions as at 30 June 2021

G5-1 Summary of developer contributions

£ '000	Opening balance at 1 July 2020	Contributions received during the year		Interest and investment income earned	Accounts deposited	Internal borrowings	Total as at 30 June 2021	Cumulative balance of internal borrowings payable
		Cash	Non-cash					
Drainage	34,134	14,829	314	448	(8,875)	-	48,854	-
Foots	260	333	-	4	-	-	600	-
Parking	6,215	164	-	91	-	-	6,470	-
Roads & Traffic Facilities	14,791	7,313	318	283	(968)	-	21,899	-
Local Open Space	57,102	27,238	1,537	837	(4,906)	-	89,271	-
Enhancement of Local Open Space	29,546	2,532	-	379	(7,148)	-	25,329	-
Community Facilities (Local)	31,101	848	17	469	(7)	-	32,348	-
Community Facilities (District)	6,810	399	-	79	(98)	-	7,220	-
Tree Planting Other	6,833	68	-	86	-	-	7,087	-
Professional & Legal Fees (Other)	2,330	171	1	32	(9)	-	2,525	-
Administration Fees	(1,121)	427	12	6	(25)	-	(61)	-
Implementation	4,183	-	-	54	-	-	4,217	-
Other Statutory Methods	6,441	5,138	-	78	-	-	11,657	-
£7.11 contributions – under a plan	185,724	58,835	1,798	2,778	(21,726)	-	236,411	-
Total £7.11 and £7.12 revenue under plans	185,724	58,835	1,798	2,778	(21,726)	-	236,411	-
Total contributions	105,724	59,835	1,798	2,778	(21,726)	-	238,411	-

Under the *Environment, Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

G5 Statement of developer contributions as at 30 June 2022

G5-1 Summary of developer contributions

	Opening balance at 1 July 2021	Contributions received during the year		Interest and investment income earned	Amounts expended	Internal borrowings	Held as restricted asset at 30 June 2022	Cumulative balance of internal borrowings payable
		Cash	Non-cash					
Drainage	40,454	9,852	120	328	(8,368)	-	42,265	-
Roads	606	597	-	6	(6)	-	1,201	-
Parking	8,400	1,262	-	62	(57)	-	7,717	-
Roads & Traffic Facilities	21,989	6,186	13,982	220	(380)	-	28,015	-
Local Open Space	80,271	23,704	225	729	(3,656)	-	101,048	-
Enhancement of Local Open Space	25,329	6,476	21	246	(3,201)	-	28,050	-
Community Facilities (Local)	32,349	890	5	256	(304)	-	32,991	-
Community Facilities (District)	6,220	1,084	9	52	(180)	-	7,176	-
Tree Planting Other	7,084	111	-	56	(64)	-	7,187	-
Professional & Legal Fees (Other)	2,528	115	5	21	(29)	-	2,635	-
Administration Fees	(945)	382	3	4	(215)	-	(774)	-
Implementation	4,217	148	8	34	(30)	-	4,381	-
Other Miscellaneous Items	9,642	-	-	78	(491)	-	9,434	-
S7.11 contributions – under a plan	236,411	49,808	14,378	2,080	(16,993)	-	271,306	-
Total S7.11 and S7.12 revenue under plans	236,411	49,808	14,378	2,080	(16,993)	-	271,306	-
Total contributions	236,411	49,808	14,378	2,080	(16,993)	-	271,306	-

Under the Environmental Planning and Assessment Act 1979, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

G5-2 Developer contributions by plan ¹ (continued)

\$ '000	Opening balance at 1 July 2022	Contributions received during the year				Interest and investment income earned	Adopters' expenditure	Interest borrowed	Total as restricted asset at 30 June 2023	Cumulative balance of interest borrowed (if any)
		Cash	Non-cash Land	Non-cash Other						
CONTRIBUTION PLAN NUMBER - Moorebank Intermodal										
	9,434	0	0	0	270	(3,271)	0	6,433	0	
Total	9,434	0	0	0	270	(3,271)	0	6,433	0	
CONTRIBUTION PLAN NUMBER - East Leppington										
Drainage	11,520	43	-	-	334	(38)	-	11,842	-	
Roads & Traffic Facilities	2,443	-	-	-	71	4	-	2,518	-	
Local Open Space	7,702	-	-	-	323	12	-	7,937	-	
Establishment of Local Open Space	147	-	-	-	4	-	-	151	-	
Administration Fees	133	-	-	-	4	-	-	137	-	
Total	21,945	43	-	-	636	(19)	-	22,605	-	
CONTRIBUTION PLAN - Established areas										
Drainage	530	340	-	-	19	1	-	890	-	
Roads	1,201	868	-	-	47	2	-	2,118	-	
Establishment of Local Open Space	8,639	3,188	-	-	392	(396)	-	11,755	-	
Community Facilities (District)	807	365	-	-	32	(83)	-	929	-	
Community Facilities (Local)	125	-	-	-	4	-	-	129	-	
Professional & Legal Fees (Other)	(36)	-	-	-	-	-	-	(36)	-	
Administration Fees	(21)	91	-	-	-	(38)	-	(68)	-	
Total	10,985	4,743	-	-	385	(396)	-	15,717	-	

⁽¹⁾ Council lever Section 7.11 & 7.12/ 7.11 & 7.12A. Contributions upon various development across the Council area through the required Contributions Plans. As part of these Plans, Council has received funds for which it will be required to expend the monies in accordance with those Plans. As well, these Plans indicate proposed future expenditure to be undertaken by Council, which will be funded by making loans and receiving funds in future years or where a shortfall exists using Council's General Funds. These future expenses do not yet qualify as liabilities as of the Reporting Date, but represent Council's intention to spend funds in the matter and being set out in those Plans.

G5 Statement of developer contributions

G5-1 Summary of developer contributions

\$ '000	Opening balance at 1 July 2023	Contributions received during the year			Interest and investment income earned	Amounts expended	Held as restricted asset at 30 June 2024
		Cash	Non-cash	Land			
Drainage	42,693	11,143	402	2,014	(4,072)	51,778	
Roads & Traffic Facilities	34,303	7,115	235	1,488	(4,681)	38,225	
Parking	8,630	545	–	376	26	9,577	
Open space	98,714	21,364	603	4,342	(49,406)	75,014	
Embellishment of Local Open Space	33,474	5,748	–	1,682	(2,416)	38,488	
Community facilities (Local)	34,761	601	17	1,463	99	36,924	
Community Facilities (District)	7,881	952	–	348	(160)	9,021	
Tree Planting Other	7,460	198	–	315	21	7,994	
Professional & Legal Fees (Other)	2,706	71	–	115	(87)	2,805	
Administration Fees	(592)	364	7	32	(340)	(536)	
Implementation	4,500	–	–	187	13	4,700	
Other- Moorebank Intermodal	6,433	–	–	228	(3,888)	2,773	
S7.11 contributions – under a plan	280,963	48,101	1,264	12,590	(64,891)	276,763	
Total S7.11 and S7.12 revenue under plans	280,963	48,101	1,264	12,590	(64,891)	276,763	
Total contributions	280,963	48,101	1,264	12,590	(64,891)	276,763	

Under the *Environmental Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

From: Alison Miller Swan AlisonMillerSwan@logosproperty.com
Subject: Request to postpone Liverpool Intermodal Committee Meeting
Date: 31 July 2024 at 9:57 am
To: Councillor Karress Rhodes CllrRhodes@liverpool.nsw.gov.au, Deputy Mayor Fiona Macnaught CllrMacnaught@liverpool.nsw.gov.au, digi31@hotmail.com, ellie100@gmail.com, dianewills@bigpond.com, erik_the_red@icloud.com, Jennifer Reynolds Reynolds.J@liverpool.nsw.gov.au
Cc: Robert Stendrup RobertStendrup@logosproperty.com, Westley Owers westley.owers@nationalintermodal.com.au, Carla Trainor Carla.Trainor@nationalintermodal.com.au

Dear Liverpool Intermodal Committee,

I hope this message finds you well. I am writing on behalf of LOGOS regarding the 5th August Committee meeting. Unfortunately, our team members will be unable to attend due to a conference. We apologise and kindly request that the meeting be postponed to a later date.

In the meantime, please find below the LOGOS actions from the previous meeting:

Action: LOGOS to advise the number of warehouses completed in the financial year ending 30 June 2024.

- **Completed Warehouses:** Five warehouses - N1, N2, E6, E7, and the Primary Connect NDC - have all reached Practical Completion (PC) during FY24.

Action: LOGOS to confirm the amount of developer contributions paid to the Liverpool City Council for the financial year ending 30 June 2024.

- **Developer Contributions Paid:** \$999,126 was paid in June 2024 for S1, S2, and S5 Section 7.11 Contributions.

We appreciate your understanding, please let us know your availability for alternative dates.

Kind regards,

Alison

Alison Miller Swan
 Communications Manager
 M. +61 428 939 725 | T.
AlisonMillerSwan@logosproperty.com
 Level 46, Gateway, 1 Macquarie Place
 Sydney NSW 2000 Australia

LOGOS



Financial Information – Question with Notice 04

- (a) Per file reference 043430.2022 at QWN 01 please itemise the expenditure of Ex Gratia Rates from MIC Ltd either:
- I. via the projects and initiatives undertaken around the intermodals; or
 - II. via its allocation to general revenue with a full list of transactions

Response

Table below includes total ex-gratia payments received and expenditure by project. Notice Council had an unspent amount of \$524,796, as reported in the financial statements.

Liverpool City Council Reconciliation Ex-Gratia Rates MIC										
	FY 2016-17 Annual Actual	FY 2017-18 Annual Actual	FY 2018-19 Annual Actual	FY 2019-20 Annual Actual	FY 2020-21 Annual Actual	FY 2021-22 Annual Actual	FY 2022-23 Annual Actual	Totals FY 2016-17 to FY 2022-23	FY 2023-24 Annual Actual	Total Annual Actual
Ex-gratia Rates	(989,560)	(1,980,052)	(2,025,953)	(2,041,191)	(2,080,932)	(2,124,028)	(2,166,535)	(13,408,251)	(2,283,534)	(15,691,785)
Operating Costs:	22,331	78,823	174,370	290,365	238,444	216,983	119,064	1,140,379	264,178	1,404,557
Staffing and Support	18,791	27,493	28,239	83,863	139,563	148,683	56,599	503,231	98,226	601,457
City Economy	4,300	22,115	20,402	37,776	97,366	100,666	7,094	289,719	37,417	327,136
Marketing and Communications	9,948	790	1,105	39,874	35,960	42,358	44,575	174,611	53,758	228,369
Strategic Planning	4,543	4,588	6,732	6,212	6,237	5,659	4,930	38,901	7,051	45,952
Environmental Monitoring	3,540	51,330	146,131	206,502	98,881	68,300	62,465	637,148	165,951	803,099
Floodplain and Water Management	3,540	9,080	26,546	16,140	500	0	0	55,806	97,356	153,163
Water Quality Monitoring of Georges River		42,250	119,585	190,362	98,381	68,300	62,465	581,342	68,595	649,937
Maintenance Costs:	490,391	468,229	473,921	519,388	749,997	835,432	618,973	4,156,330	1,616,135	5,772,465
Roads Infrastructure	422,145	397,880	386,608	436,310	602,342	674,660	520,337	3,440,283	1,276,214	4,716,497
Footpath, Cycle ways and Kerb & Gutter	77,812	90,313	93,117	92,405	135,879	131,611	143,160	764,297	371,119	1,135,416
Maintenance Response – Road Assets	11,851	12,433	12,481	12,994	19,200	17,202	10,619	96,780	35,335	132,115
Roads & Road Associated Structures	332,482	295,135	281,010	330,911	447,263	525,847	366,559	2,579,206	869,759	3,448,965
Other Infrastructure	68,246	70,349	87,313	83,078	147,655	160,771	98,635	716,047	339,921	1,055,968
Bridges	246	1,348	1,581	0	1,720	1,870	0	6,765		6,765
Street Furniture	15,071	15,178	13,410	14,641	18,576	27,014	17,895	121,783	81,357	203,140
Drainage Systems	52,930	53,822	72,322	68,437	127,359	131,888	80,741	587,499	258,564	846,063
Capital Expenditure:	426,406	497,344	936,846	1,280,490	894,250	701,011	1,041,637	5,777,985	696,841	6,474,826
Installation of pollution traps				126,839	39,100	117,901	106,450	390,290	2,000	392,290
Installation of erosion protection controls					19,280		35,186	54,466	29,007	83,473
Other infrastructure	426,406	497,344	936,846	1,153,651	835,871	583,110	900,001	5,333,229	665,834	5,999,063
Other Expenses:	376,823	161,332	172,432	282,004	462,625	175,460	178,085	1,808,762	257,838	2,066,599
Wattle Grove Intermodal (RAID)	257,191	51,720	12,653	66,346	249,415	107	107	637,538	111	637,649
Administration Costs (10%)	119,632	109,612	159,779	215,659	213,211	175,353	177,978	1,171,223	257,727	1,428,950
Total Expenses	1,315,951	1,205,727	1,757,569	2,372,248	2,345,317	1,928,885	1,957,759	12,883,455	2,834,992	15,718,447
Deficit / (Surplus)	326,391	(774,324)	(268,385)	331,056	264,385	(195,142)	(208,776)	(524,796)	551,457	26,662

- (b) Noting the summary table (p.7) for QWN 03 identifies there should be **\$543,533** in remainder for Ex Gratia Rates from MIC Ltd, please advise the current balance and where it is currently held.

Response

The amount \$543,533 stated above can't be substantiated, however, as can be seen from table above, council had spent all ex-gratia funds on 30 June 2024 and actually used \$26,662 of its own funds on these projects.

Financial Information – Question with Notice 05

- (a) Per financial statements provided at QWN 03 please itemise the expenditure of Developer Contributions of **\$ 7,659,000** from the **\$ 10,551,126** collected either:
- I. via the specific projects and initiatives undertaken around the intermodals in Moorebank, Wattle Grove, Hammondville and Casula; or
 - II. via the specific projects and initiatives undertaken across the LGA.

Response:

Table below itemises expenditure from \$9.551m. Notice only \$7.585m was funded from Intermodal Monetary Contribution. Council had a balance of \$2.773m at 30 June 2024 as disclosed in the financial statements.

Project Description	Consultants	Contractors	Computer Hardware	Employee Costs	Other Expenses	FY 20-21 to FY 23-24 Total Actuals	s7.11 Intermodal Contributions
GMD/New Bridge Road intersection upgrade & road reconstruction	110,641	1,621,426		81,827	200	1,814,094	5
Drainage Improvements - Casula Parklands	72,396	1,850		56,712		130,958	1
Road Reconstruction & Resurfacing Works (various locations)		79,302				79,302	
New GPT Construction - Chauvel Park		292,158		39,548		331,706	3
New GPT Construction - Homestead Park		396,939		41,468		438,407	4
Ernie Smith Reserve (GPT)	20,874	169,862		61,043	6,545	258,323	2
Australis Avenue - Claremont to Avondale		416,396		26,191		442,587	4
Labuan Road - Bardia to Derna		144,105		10,476		154,581	1
Village Way - Bardia to Australis		350,000		31,650		381,650	3
Meehan Avenue - Walder to Meehan		525,165		41,783		566,948	5
Stockton Avenue - Junction to Maddecks		445,800		38,413		484,213	4
Delfin Drive - Wattle Grove to Anzac		336,028		25,916		361,944	3
Anzac Road - Road Widening				61,111		61,111	
Roundabout - Nuwarra Road and Marshall Avenue		344,897		39,286		384,183	3
CCTV - Illegal Dumping			80,909	2,770	620	84,298	
Nuwarra Road - Investigation and Design	38,727	21,867		392		60,985	5
Synthetic Fields and Hammondville Oval Upgrade	164,485	2,392,708		328,187		2,885,380	2,8
Total Expenses	407,122	7,538,502	80,909	886,773	7,365	8,920,671	7,5
Reconciliation of s7.11 Intermodal Contributions							
							9,5
							8
							7,5
							<u>2,7</u>

Financial Information – Question with Notice 06

- (a) When was the last time Council reviewed the Contributions Plan with regard to the twin container terminals and intermodals?
- (b) Separate to any legal implications, noting that LOGOS and DPHI are quoting traffic generation figures at near double (10,798 HV, 9337 LV) the heavy vehicles assessed and approved (5,639 HV, 8,664 LV) in 2014 – 2016 does this not render any Contributions Plan from that time a nullity?
- (c) In light of a near doubling of the impact on Liverpool what steps has Council taken to ensure:
 - I. The Contributions Plan is updated and fit for purpose?
 - II. An amendment to the default rate (1% CIV) can be pursued to cater for these non-standard, non-residential developments; the biggest of their kind anywhere in the country?

Response (provided by Planning and Compliance)

The *Liverpool Contributions Plan 2018 – Established Areas* covers the Moorebank Intermodal Terminal (MIT), as well as land immediately surrounding the MIT.

The *Liverpool Contributions Plan 2018 – Established Areas* was adopted by Council in December 2018 and last updated in June 2020.

At the Governance Committee Meeting in July 2024, Council endorsed the reform of Council's Contributions Planning Framework. Analysis has shown that a portion of the existing Framework no longer aligns with Council's infrastructure priorities. Furthermore, the development yields and/or trends that informed the Plans at the time of their preparation are either no longer applicable or have shifted to such an extent that the contributions being collected are not sufficient to deliver the identified Plan initiatives.

To address this issue, City Planning will commence work on a program to transform Council's Contributions Planning Framework to ensure consistency with industry best practice, effectively meets the infrastructure and services needs of our growing communities, and provides the financial stability required to fund the essential infrastructure and services.

Reform of the Framework will be phased over multiple years, with the initial focus (Phase 1) being on the review and reform of the Liverpool Contributions Plan 2009, Liverpool Contributions Plan 2018 –

Established Areas, and Liverpool *Liverpool Contributions Plan 2018 – Liverpool City Centre*. As part of the reform, Council will consider the change in infrastructure needs for each Contributions Plan triggered by changes in population, new and proposed development, and demand for essential services.

Financial Information – Question with Notice 07

- (a) Noting cl7.36 of the LLEP requires “satisfactory arrangements” for infrastructure what steps has Council taken to execution of these arrangements and concomitant road infrastructure promised by the MITRA Strategy (2016/17) and VPA (2018/19, specifically:
- I. Upgrades to Moorebank Ave & Heathcote Rd and Heathcote Rd & Newbridge Rd, which have operated at LoS F since 2012 and were required by CoCs by 2020, only to be pushed by to 2026 for design only (which is now horrendously complicated by Moore Point).
 - II. Upgrades of West and Eastbound Weave / Merge Areas on the M5 Georges River Bridge, which is now four plus years behind the MITRA Timetable; and or
 - III. In absence of an Eastbound M5 Weave Upgrade, the acceleration of the West Liverpool Brickmakers Creek Bypass (with full merge lanes added to the M5) which is due sometime between 2024 and 2030 according to the MITRA Timetable.
 - IV. Grade Separation of Hume Hwy and Hoxton Park Rd
- (b) Particularly as these road upgrades and corridor protection need to be pinned down prior to any progress with Moore Point and Woodwark Park.

Response

State Roads under the jurisdiction of Transport for NSW (TfNSW) on behalf of the NSW Government. There is no Council “VPA” – rather the Proponent entered into a State Voluntary Planning Agreement (SVPA) with TfNSW on behalf of the NSW Government. A copy of the SVPA can be viewed at the following link:

<https://www.planningportal.nsw.gov.au/svpa/executed/moorebank-intermodal-simta>

The SVPA committed to a monetary contribution for Regional Road Upgrade Works and upgrades to State Road infrastructure surrounding the MIT – given Council was not a signatory to the SVPA, nor responsible for the administration of the SVPA or the State Road network (a TfNSW responsibility), Council has no visibility of the current status of this Agreement. Council has no responsibility for the

SVPA or the delivery of the items listed in the SVPA given we're not signatories to the Agreement and the infrastructure committed will be assets for TfNSW rather than Council, it is unclear what this QWN is actually asking.

Planning & Legal Implications – Question with Notice 08

- (a) Noting cl7.36 of the LLEP requires “satisfactory arrangements” for infrastructure and that this is based on the “form and scale” of the concept assessed and approved in 2014 – 2016 (SSD 5066). Further noting that with the advent of the SEPP introduced by DPHI and LOGOS and that each is now quoting traffic generation figures at near double the heavy vehicles; and GFA at double (600,000 sqm to 1,220,000 sqm) and HOB at double to triple that assessed 3(2 – 40m) and approved in 2014 – 2016, what steps has Council undertaken to ascertain if breaches of CoCs have already, and or will occur, and concomitantly what steps has Council undertaken to ascertain if Civil Enforcement is now required in view of our duty under the Local Government Act to work in the best interests of our residents and ratepayers?
- (b) Specifically, what steps has Council undertaken to ascertain if the 2022 SEPP was the appropriate pathway to so significantly modify existing approvals and conditions or instead constitutes a contravention and thus breach of CoCs (and or the decision of the LEC Court, in proceedings Council provided funds to)?
- (c) Furthermore, given the NSW Government (T Corp) became part owner in 2021 – 22, what steps has Council undertaken to ascertain if the 2022 SEPP and DPHI’s further proposed Amendment (EIE) 2024 is consistent with relevant legislation and the state’s own competitive neutrality policy, given the obvious impression that the state is now self-dealing by rendering a project it now partly owns exempt from all environmental assessment?
 - I. Particularly in light of the fact that the 2021 – 22 SEPP offered no EIS or REF for uprating warehousing from 600,000sqm to 850.000sqm or 40% of ‘Area A’ to HOB of 40m or the claim to 10,798 HV, 9337 LV at +5159 HV over 5,639 HV, 8,664 LV.
 - II. And in light of the fact that the proposed 2024 EIE Amendment of the SEPP offered no EIS or REF for uprating warehousing from the assumed 850,000sqm to 1,220.000sqm or uprating all of the remaining unbuild warehouses to HOB of 32 – 40m and claiming ‘significant beneficial efficiencies’ while not explaining how all of the above would not increase traffic generation due to 370,000sqm of extra warehousing.

Response

The planning approval pathway for the Terminal was via an SSDA with the then Department of Planning, Industry and Environment (DPIE) the Consent Authority on behalf of the NSW Government, not Council.

Council's website makes it clear that "Council has limited power to influence or control operations at the site".

<https://www.liverpool.nsw.gov.au/development/major-projects/moorebank-intermodal>

Planning and Legal Implications – Question with Notice 09

- (a) Noting QWN 03 & 04 regarding the appropriate amount and timeframe for paying rates or ex gratia payments in lieu of rates, and that additional lots may need to be added and valued for base rates, and or additional years ought to be added from FY13/14 (3.5) rendering a minimum +\$ 7mil to be pursued, has Council ever:
- I. Consulted and corresponded with the Federal Minister of Finance to query if MIC Ltd has appropriately applied the letter and intent of the CNPS?
 - II. Consulted and corresponded with the Productivity Commission regarding the making of a complaint due to MIC Ltd not appropriately applying the letter and intent of the CNPS?

Response:

There are no outstanding ex gratia payment to be pursued.

Planning and Legal Implications – Question with Notice 10

- (a) Noting QWN 06 & 07, and noting 2024 NSW guidance on “local infrastructure” what steps and processes need to be undertaken for Council to undertake an amendment application for the intermodal contributions plan with IPART?

Response (provided by Planning and Compliance)

As noted in the response to QWN 06, City Planning is reforming Council’s Contributions Planning Framework to ensure consistency with industry best practice, effectively meets the infrastructure and services needs of our growing communities, and provides the financial stability required to fund the essential infrastructure and services.

Phase 1 of the Reform Project will include the review and reform of the *Liverpool Contributions Plan 2018 – Established Areas* which covers the Moorebank Intermodal Terminal (MIT), as well as land immediately surrounding the MIT.

Although Council is not considering preparation of a site-specific Contributions Plan for the MIT, the review and reform of the *Liverpool Contributions Plan 2018 – Established Areas* will consider the change in infrastructure needs of the land where the Contributions Plan applies. Changes in infrastructure needs are generally triggered by changes in population, existing (like the MIT) and proposed development, and demand for essential services.

ITEM NO: QWN 04
FILE NO: 065737.2025
SUBJECT: Question with Notice - Clr Ristevski - Dedication of the New Library

Please address the following:

1. Will the Council consider dedicating the new library to the hardworking members of our community who are facing cost-of-living pressures?
2. How does the Council plan to ensure that its initiatives promote unity and inclusivity within our community, rather than division that was reported in the Australian newspaper regarding the library dedication?
3. Is the Council willing to reassess its previous decision regarding the library's dedication in order to reflect a more balanced perspective on global issues?

Responses (provided by Community & Lifestyle)

- 1. Will the Council consider dedicating the new library to the hardworking members of our community who are facing cost-of-living pressures?**

The current dedication of Yellamundie Library and Gallery was passed as a Council resolution, following a Mayoral Minute at the Council Meeting 25 October 2023.

The Mayoral minute requested:

“Yellamundie be dedicated to the innocent children of the world who are killed in conflict”.

The Mayoral Minute covered issues of international conflict and the need to protect children, but in inclusive terms with no specific nation or conflict named. The Mayoral Minute and council resolution is attached for reference.

In celebration of the 1-year anniversary of Yellamundie Library and Gallery in December 2024 Council held an exhibition and launch event acknowledging the October 2023 resolution to dedicate the library to the innocent children of the world who are killed in conflict.

Portraits and oral histories of community members were commissioned as an initiative of the dedication. These have become part of the local history archive and were the basis an exhibition in Yellamundie gallery.

The exhibition “Faces of Liverpool – Stories of hope, home and friendship” told stories of a diverse range of Liverpool’s community, who are building successful lives and families in Liverpool.

2. 'How does the Council plan to ensure that its initiatives promote unity and inclusivity within our community, rather than division that was reported in the Australian newspaper regarding the library dedication?'

Council's Library & Museum Service is considered a best practice service in delivery of services and programs that support inclusion for our multicultural community.

Council delivers among the largest collection of materials in community languages in NSW. In February this year Council hosted the NSW Multicultural Librarian's network workshop in partnership with the State Library of NSW and Macquarie University on research to improve CALD services in NSW in 2024.

The library's recurrent program includes:

- Tech Savy Seniors – teaching seniors basic computer skills in a range of community languages;
- Social Boards games – where people with different cultural backgrounds meet to play games and practice their conversational English;
- Conversation Café – conversational English classes led by volunteer teachers;
- Vote Talk – in partnership with Ethnic Communities Council of NSW and Australian Electoral Commission. Information sessions in Arabic and Hindi on federal election voting processes;
- Community led group exhibitions in the Yellamundie preview gallery, for Filipino & Serbian cultural groups;
- Aboriginal art workshop for children and youth in school holiday programs;
- Multicultural Playgroup delivered in partnership with Liverpool Migrant resource centre. Bringing families from diverse backgrounds together to form friendships through play.

In addition, the Liverpool Regional Museum presents community partnered exhibitions, providing community cultural groups a place to share stories and understanding with the wider Liverpool Community.

Examples include:

- Turbans for Australia - Our South West Sikhs. Which is now touring at Griffith Museum and Gallery.
- Exilio (Exhiled) Chile to South-West Sydney. Award winner at the Museum & Galleries NSW IMAGEine awards in 2024.

3. Is the Council willing to reassess its previous decision regarding the library's dedication in order to reflect a more balanced perspective on global issues?

Should the above Notice of Motion be resolved, Council will:

1. Pass a new resolution on the dedication of Yellamundie Library and Gallery.
2. Specify whether the previous dedication should continue or cease.
3. Outline the program and activities required to action the new dedication. To facilitate development of a budget to deliver.

ITEM NO: QWN 05
FILE NO: 080011.2025
SUBJECT: Question with Notice - Clr Karnib - Infrastructure Grants

Please address the following:

1. Has Liverpool City Council returned any money to either the NSW State Government or the Federal Government that it received from infrastructure grants since 1 July 2021?
 - a. If so, how has this occurred?
 - b. If so, why has this occurred?
 - c. If so, what is the exact dollar figure of infrastructure grants that Liverpool Council has applied for and received from both State and Federal Governments?
 - i. From this sum, what is the exact dollar figure that Liverpool Council has returned to:
 - ii. NSW State Government
 - iii. Federal Government
 - d. If this has occurred, what specific projects by title and area in the Liverpool LGA have not been able to commence or complete as a result of this?

2. If not, does Liverpool City Council intend to return back any infrastructure funding from either state or federal governments?
 - a. If so, why?
 - b. If so, what are the financial implications for Liverpool City Council?
 - c. If so, what specific projects by title and area in the Liverpool LGA that had grant funding approved are now not able to commence?
 - d. If so, why has the funding grants received for infrastructure not been returned already?

Response (provided by Operations)

Consultation occurred with Council's Project Delivery, WSIG, Grants and Partnership and Development Engineering teams.

1. Council has not returned any money received from infrastructure grants since 1 July 2021.

2. Council does not intend to return back any infrastructure funding from either state or federal government.

These Questions with Notice will be resubmitted to the 23 April 2025 Council meeting with additional information to be provided. The wording “money” to be referred to as “funds” and to clarify grants being the grants that Council has had approved and subsequently returned.

ITEM NO: QWN 06
FILE NO: 081630.2025
SUBJECT: Question with Notice - Cllr Dr Green - Outstanding Voluntary Planning Agreements

Voluntary Planning Agreement (VPA) refer to common legal agreements between developers and planning authorities e.g. Councils which can fund or deliver community infrastructure.

Could Council please provide a detailed list of outstanding VPAs of agreed works between developers and Council that are yet to be completed including:

1. The location of agreed VPA negotiated works.
2. The year the VPA was made.
3. The details of the works the VPA included.
4. The date and year the VPA was agreed for commencement.
5. Identified VPAs where the agreed works has not been commenced or completed and reasons why

Response (provided by Planning and Compliance)

The Voluntary Planning Agreements Quarterly report was tabled at the Governance Committee held Tuesday 18th March 2025, during which a response to QWN 06 - Question with Notice - Cllr Dr Green - Outstanding Voluntary Planning Agreements was provided.

ITEM NO: QWN 07
FILE NO: 080578.2025
SUBJECT: Question with Notice - Deputy Mayor Harle - Rangers for Extended Hours

Council trialled Rangers and Compliance Staff working after hours to address relevant issues of illegal parking and anti-social behaviour in problem areas.

Please address the following:

1. Could Council provide the previous reports that evaluated Rangers and Compliance staff working after normal hours and the results of the trial and any recommendations?

Responses (provided by Planning and Compliance)

Background

At its meeting of 26 February 2020, Council resolved:

That Council:

1. *Provide a costing report to the March 2020 Council Meeting for providing on the ground services by compliance officers during, and between 7am – 9am and 4pm – 10pm seven days a week each year.*
2. *Consider:*
 - a. *Cost to employ directly such officers under stipulated agreement to the hours needed by Council and not subject to overtime rates; and / or*
 - b. *Cost in overtime to utilise existing compliance officers on a rotation basis to service the out of hours requirements of Council; and / or*
 - c. *Contractual agreement through a local business with payment on invoice to Council for services supplied in responding to incidences within the outlined times.*

Following this resolution, on 25 November 2020, Council resolved to trial an after-hours on-call compliance service to assess its effectiveness. The service commenced in April 2021, operating on a 24-hour on-call roster. However, due to COVID-19 lockdowns, the service was suspended from July to October 2021. It resumed in November 2021 and continued until February 2022.

Findings from the Trial

During the trial period, Council received an average of six complaints per month over the last five months. The majority of complaints related to illegal parking, building work outside approved hours, heavy vehicle parking, and occasional animal-related incidents.

The cost of operating the on-call service was balanced by revenue generated through fines issued, with a significant portion of fines being paid. This ensured that the service remained financially sustainable without requiring additional funding.

Council recommended that Council receive and note the findings and determine whether the service should continue.

Council resolved to continue the after-hours compliance service. The motion was moved by Councillor Hadid, seconded by Councillor Rhodes, and carried at the meeting.

Current After-Hours Compliance Operation

The on-call roster remains in place; however, due to workplace health and safety requirements, it can only be staffed when a full complement of officers is available. Currently, rangers prioritise roaming dog incidents and are rostered after hours specifically to respond to these calls.

In the meantime, after-hours compliance requests are being managed through a structured rostering system operating twice per week. This approach allows rangers to address multiple complaints received throughout the week, rather than responding to isolated incidents as they arise. The structured system also enables proactive patrols targeting heavy vehicle compliance, proving to be more effective and cost-efficient compared to the on-call roster, which only responds to one request at a time.

Previous Reports

Previous Council reports on this matter are attached:

1. Council Report - 29 April 2020 - EGROW 09 Out of Office Hours Compliance Officers
2. Confidential Report – 25 November 2020 — CONF 01 – Report Back – Out of Office Hours Compliance Officers
3. Confidential Report – 30 March 2022 – CONF 02 – Report Back – Out of Hours Compliance Officers

ITEM NO: CTTE 04
FILE NO: 064308.2025
SUBJECT: Minutes of the Governance Committee meeting held on 18 March 2025

COUNCIL DECISION

Motion: **Moved: Cllr Macnaught** **Seconded: Cllr Adjei**

That Council:

1. Receives and notes the Minutes of the Governance Committee meeting held on 18 March 2025; and
2. Endorse the recommendations in the Minutes.

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

Councillors voted unanimously for this motion.

PRESENTATIONS BY COUNCILLORS

Clr Ibrahim had the pleasure of recently attending and supporting the Mama Africa Women's Group event on International Women's Day at the Whitlam Leisure Centre.

Mama Africa Women Group requested Clr Ibrahim share their message of appreciation for the support they have received from Liverpool City Council as follows.

"On behalf of Multicultural African Communities Network and Mama Africa women group in Liverpool, I thank you for your presence at our International Women's Day at Whitlam leisure centre and of course for the encouraging and supportive speech you delivered to us.

Liverpool is a home to Africa Australians that face diverse challenges related to migration, integration as other communities in similar situation and we couldn't find true words to express the thanksgiving to Liverpool City Council that provided us with a grant to implement the mama Africa sewing program that help, especially Sally the new arrival refugees and seniors women and men.

With that grant we were able to celebrate that milestone that brought the participants from isolation, risk of mental health deterioration while learning new skills and getting so needed information about different services available, health system navigation and parenting style in their new home Australia.

Your presence showed us again that Liverpool embraced for ever conclusion, cohesion and supports community based initiatives such as Mama Africa program!

I thank you again and hope you will share our thanks and call for more support to/from Liverpool City Council."

NOTICES OF MOTION

ITEM NO: NOM 01
FILE NO: 065756.2025
SUBJECT: Establish a 30-Day Response Time for Councillor Requests

BACKGROUND

Councillors play a critical role in representing the concerns and needs of our constituents. However, the prolonged response time to requests undermines our ability to address issues promptly and effectively.

Establishing a standard response time of 30 days will:

- Enhance accountability within the Council.
- Improve communication and transparency with constituents.
- Ensure that urgent matters are prioritised and resolved in a timely manner.

NOTICE OF MOTION (submitted by Cllr Ristevski)

That all requests made by Councillors be actioned and responded to within 30 days of submission. It is unacceptable for these requests to remain outstanding for longer than this period, as timely responses are essential for effective governance and service delivery.

COUNCIL DECISION

Motion: Moved: Cllr Ristevski Seconded: Cllr Monaghan

That:

1. All requests made by Councillors be substantively responded to within 30 days of submission.
2. Every email sent to an external stakeholder should include a copy to the relevant Councillor.
3. Council agree:
 - i. Risk assessments of the workload of the Councillor Support Team be conducted to ensure psychosocial injuries are unlikely to occur.
 - ii. The Acting CEO review the workload of the Councillor Support Team to ensure the workload does not have the possibility of causing a psychosocial injury.
 - iii. The Acting CEO review the current structure of the Councillor Support Team.

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

Councillors voted unanimously for this motion.

ITEM NO: NOM 02
FILE NO: 075798.2025
SUBJECT: Cease Memberships to External Committees and Redirect Funds to Frontline Services

BACKGROUND

Rationale: Liverpool City Council is currently facing some financial challenges, which necessitates a careful reassessment of our budget priorities. In these challenging times, it is imperative that we allocate our financial resources towards essential services that directly benefit our community.

The memberships to the aforementioned organisations, while potentially valuable, do not provide immediate or tangible benefits to our residents, particularly in the context of the current economic climate. The funds expended on these memberships could be more effectively utilised in enhancing our frontline services, especially in the critical area of city cleanliness.

Investing in directly employed council staff to maintain and enhance the cleanliness of our city will not only improve the quality of life for our residents but also foster a sense of pride in our community. Clean and well-maintained public spaces are essential for resident well-being and can also contribute to attracting visitors and businesses to our area.

NOTICE OF MOTION (Submitted by Cllr Ristevski)

That Council:

1. Ceases its membership to the following internal and external organisations:
 - i. Committee for Liverpool
 - ii. Business Western Sydney
 - iii. Liverpool Chamber of Commerce
 - iv. Western Sydney Leadership Dialogue

2. Redirect the annual savings of \$163,392 from these memberships into frontline services by directly employing council staff, with a particular focus on maintaining and enhancing the cleanliness of our city.

ITEM NO: NOM 03
FILE NO: 075799.2025
SUBJECT: Motion to Seek Advice from the Minister of Local Government Regarding the Mayor's Role as Spokesperson During Public Inquiry Period

BACKGROUND

As the Council navigates this critical Public Inquiry period, it is imperative that our communications are clear, effective, and reflective of the community's concerns. [REDACTED]

[REDACTED]

This ongoing negative sentiment poses potential challenges to the Council's ability to engage constructively with the public and could hinder the overall perception of the Council during this sensitive time.

Rationale:

[REDACTED]

Community Trust: It is crucial to maintain the community's trust and confidence in the Council's leadership. Given the current atmosphere, it may be prudent to assess whether a different spokesperson would better serve this purpose.

Strategic Communication: Seeking the Minister's advice will ensure that the Council is aligned with best practices in communication, especially during a period that requires transparency and accountability.

NOTICE OF MOTION (Submitted by Cllr Ristevski)

That Council seeks advice from the Minister of Local Government on whether the Mayor should continue to serve as the spokesperson for the Council during the current Public Inquiry period. [REDACTED]

Cllr Ristevski withdrew this item.

ITEM NO: NOM 04
FILE NO: 075800.2025
SUBJECT: Legal fees and Expenses with regards to Public Inquiry

BACKGROUND

With Liverpool Council having just generated a \$11 million loss in its recent audited financial statements and current unrestricted cash reserves sitting at near zero, as Councillors we have a fiduciary duty to ensure that ratepayers money is used to its maximum benefit for the community.

The recent court case against the New South Wales government to prevent the public inquiry into Liverpool Council has not been the best usage of ratepayers' money and as such I propose the following:-

NOTICE OF MOTION (Submitted by Clr Ristevski)

That Council agree:

1. A report be given at the earliest possible Council meeting so that ratepayers are aware of the total legal fees and expenses and staff time in terms of dollars. The same report to also include the NSW Government legal fees that ratepayers will need to pay for losing the case.
2. Council's legal team seek advice whether these legal fees can be recovered personally from the Councillors that voted in favour of taking legal action against the New South Wales Government. This report to be tabled at the earliest possible Council meeting.

Clr Ristevski withdrew this item.

Clrs Adjei and Karnib left the Chamber at 9:15pm.

ITEM NO: NOM 05
FILE NO: 075795.2025
SUBJECT: Liverpool Olympic

BACKGROUND

Liverpool Olympic are one of Liverpool leading football clubs, with an expanding player base that now exceeds 638 registered players.

Significantly, the club has grown in female representation to 177 players. Liverpool Olympic now have the highest female participation rate in terms of aggregate numbers of any soccer club in Liverpool.

To accommodate the growth in membership the club has undertaken significant renovations to the Clubhouse. These changes are intended to provide a more child-friendly environment and to ensure that the facilities provided met the needs of its growing female participation base. The Club has undertaken these works at its own expense, however, was relying on the contribution of \$50,000 for female friendly changeroom upgrades contained in the urgency motion moved by the Councillor Harle and Seconded by Councill Macnaught in July 2025. ([Minutes of Ordinary Meeting - Thursday, 25 July 2024](#)).

These funds were deferred by Council in December 2024 to the 2025/26 budget. Given that the Club has already undertaken these works, this motion proposes to bring forward the contribution of \$50,000 to Liverpool Olympic as a contribution for the works undertaken.

NOTICE OF MOTION (Submitted by Cllr Ristevski)

That Council contributes an amount of \$50,000 to Liverpool Olympic for the capital works undertaken at Hoxton Park Road to improve amenities to its female participation base. That amount be made available through general revenue.

COUNCIL DECISION

Motion: **Moved: Cllr Harte** **Seconded: Cllr Ristevski**

That Council thanks Liverpool Olympic for their cooperation through this process and congratulates them on the capital works they have undertaken.

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

Councillors voted unanimously for this motion.

Clrs Adjei and Karnib returned to the Chamber at 9:18pm.

ITEM NO: NOM 06
FILE NO: 075797.2025
SUBJECT: Festivals

Background Rationale:

Financial Responsibility: Considering current budget constraints and the need to prioritise essential services, it is imperative that we reassess our spending. By cancelling these festivals, we can allocate funds more effectively where they are needed most.

Enhanced Cleanliness: The cleanliness of our city significantly impacts the quality of life for our residents and the overall attractiveness for visitors. Investing in frontline services will allow us to maintain and enhance our community's cleanliness, ensuring a healthier and more pleasant environment.

Job Creation: Redirecting these funds towards the direct employment of council staff not only addresses cleanliness but also contributes to local job creation, supporting our community during economically challenging times.

NOTICE OF MOTION (submitted by Cllr Ristevski)

That:

1. Council to cancel all festivals funded through operational funds for the 2025/2026 financial year that are not self-funded except for Family Fun Days, Australia Day, Liverpool's birthday, Anzac Day, Christmas, and New Year's Eve celebrations;
2. All remaining festivals to be reconsidered once Council reaches its unrestricted cash reserve target of \$25m; and
3. The savings from cancelling those festivals to be redirected into frontline services specifically focusing on the direct employment of council staff to enhance and maintain the cleanliness of our city.

COUNCIL DECISION

Motion: **Moved: Clr Ristevski** **Seconded: Clr Monaghan**

That:

1. Council acknowledges the social and cultural benefits to the community in the festival program

2. A report be produced and provided at the first budget workshop detailing the expenditure on the festival program forecasted for financial year 2025/2026 and also explore the following:
 - i. the current fees and charges for vendors and consider an alternate fee model/s to ensure financial sustainability and longevity of the festival program.
 - ii. consider alternative options to decrease councils financial output in conducting these festivals through other alternatives such as grants, sponsorships or a revised business model to decrease the cost in the 2025/2026 finance budget

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

Councillors voted unanimously for this motion.

RECESS

Deputy Mayor Harle called a recess of meeting at 9.19pm

RESUMPTION OF MEETING

Deputy Mayor Harle resumed the meeting in Open Session at 9.33pm with all Councillors present except Clr Ammoun.

ITEM NO: CONF 03
FILE NO: 078925.2025
SUBJECT: Minutes of the Audit, Risk and Improvement Committee meeting held on 26 February 2025

COUNCIL DECISION

Motion: **Moved: Cllr Macnaught** **Seconded: Cllr Adjei**

That Council notes the Minutes of the Audit, Risk and Improvement Committee Meeting held on 26 February 2025.

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

Councillors voted unanimously for this motion.

ITEM NO: CONF 04
FILE NO: 075711.2025
SUBJECT: Procurement Exemption - Jemena Gas Network for investigation and relocation of gas asset - Intersection Upgrade Works at Kurrajong Road and Lyn Parade

COUNCIL DECISION

Motion: **Moved: Clr Dr Green** **Seconded: Clr Harte**

That Council:

1. Approves, for the purposes of the tendering requirements under s.55(3)(i) of the Local Government Act 1993, the engagement of Jemena Gas Networks (NSW) Ltd to undertake remediation and relocation of their assets as a satisfactory result would not be achieved by inviting tenders because of the following extenuating circumstances:
 - Jemena Gas Networks (NSW) Ltd is the sole owner of their assets;
 - Only Jemena Gas can approve modification, remediation and relocation works of their assets.
2. Authorise the CEO or delegate to execute all documents necessary to give effect to this resolution.

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

Councillors voted unanimously for this motion.

ITEM NO: CONF 07
FILE NO: 075796.2025
SUBJECT: Question with Notice - Clr Ristevski

Questions with Notice were responded and provided to the Mayor and Councillors via Confidential Book

ITEM NO: CONF 08
FILE NO: 080979.2025
SUBJECT: Memorandum of Understanding - National Intermodal Company Ltd

COUNCIL DECISION

Motion: **Moved: Clr Macnaught** **Seconded: Clr Dr Green**

That Council receives and notes the report.

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

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Chairperson

CLOSED SESSION

Motion: **Moved Clr Harte** **Seconded Clr Macnaught**

That Council move into Closed Session pursuant to s10A(2)(c) of the Local Government Act 1993 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.

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

CLOSED SESSION:

The gallery left the Chamber. Council moved into Closed Session at 9.48pm.

OPEN SESSION:

Motion: **Moved Clr Monaghan** **Seconded Clr Harte**

That Council move into Open Session.

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

Council moved into Open Session at 9.51pm.

ITEM NO: CONF 05
FILE NO: 079719.2025
SUBJECT: Project 26: CT Lewis

COUNCIL DECISION

Motion: **Moved: Clr Monaghan** **Seconded: Clr Karnib**

That Council:

1. Agrees not to sell the asset.
2. Direct the Acting CEO to prepare a report to engage students from the local TAFE NSW through its apprenticeship programs with an aim to revitalising the asset. The report to include the funding source.
3. Direct the Acting CEO to prepare a report as to the cost of revitalising the asset for the purpose of considering alternative public use infrastructure such as for e.g. halls or rooms for lease for community groups.
4. Take immediate action to secure and make safe the premises with funding to come from general funds.

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

Division (for the motion moved by Clr Monaghan)

Vote for: Clr Dr Green, Deputy Mayor Harle, Clr Ibrahim, Clr Karnib, Clr Monaghan and Clr Ristevski.

Vote against: Clr Adjei, Clr Ammoun, Clr Harte and Clr Macnaught.

Foreshadowed motion: **Moved: Clr Harte** **Seconded: Clr Macnaught**

That the recommendation in the Confidential Book be adopted.

THE MEETING CLOSED AT 10.06pm.

<Signature>

Name: Ned Mannoun

Title: Mayor

Date: 23 April 2025

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 26 March 2025. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

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Chairperson