

# COUNCIL AGENDA

## ORDINARY COUNCIL MEETING

23 July 2025

BOOK 1



You are hereby notified that an **Ordinary Council Meeting** of Liverpool City Council will be held at the **LIVERPOOL CIVIC TOWER, 50 SCOTT STREET , LIVERPOOL NSW 2170** on **Wednesday, 23 July 2025** commencing at 6.00pm. Doors to the Chamber will open at 5.50pm.

Liverpool City Council Meetings are livestreamed onto Council's website and remain on Council's website for a period of 12 months. If you have any enquiries, please contact Council and Executive Services on 8711 7863.

A handwritten signature in black ink, appearing to read "Jason Breton", written in a cursive style.

**Mr Jason Breton**

CHIEF EXECUTIVE OFFICER

## **Statement of Ethical Obligations**

### **Oath or Affirmation of Office**

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

### **Conflicts of Interest**

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

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#### Council in Closed Session

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

CONF 01 Tourism and CBD Committee - New Community Representatives

*Reason: Item CONF 01 is confidential pursuant to the provisions of s10A(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).*

CONF 02 Single Source Software Solution for Council - Update

*Reason: Item CONF 02 is confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

## ORDER OF BUSINESS

### CONF 03 Legal Affairs

*Reason: Item CONF 03 is confidential pursuant to the provisions of s10A(2)(a) (c) (g) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors); AND information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

### CONF 04 Liverpool Powerhouse Board

*Reason: Item CONF 04 is confidential pursuant to the provisions of s10A(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).*

### CONF 05 Commercial Property Report - June 2025

*Reason: Item CONF 05 is confidential pursuant to the provisions of s10A(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.*

### CONF 06 Organisational Structure Review - Staged Update

*Reason: Item CONF 06 is confidential pursuant to the provisions of s10A(2)(a) of the Local Government Act because it contains personal matters concerning particular individuals (other than councillors).*

**Close**



## MINUTES OF THE ORDINARY MEETING HELD ON 18 JUNE 2025

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### **PRESENT:**

Mayor Ned Mannoun  
 Deputy Mayor Harle  
 Councillor Adjei  
 Councillor Ammoun  
 Councillor Dr Green (online)  
 Councillor Harte  
 Councillor Ibrahim  
 Councillor Karnib  
 Councillor Macnaught  
 Councillor Monaghan  
 Councillor Ristevski  
 Mr Jason Breton, Chief Executive Officer  
 Mr Farooq Portelli, Director Corporate Support  
 Ms Tina Bono, Director Community & Lifestyle  
 Ms Lina Kakish, Director Planning & Compliance  
 Ms Michelle Mcilvenny, Director Customer Experience & Business Performance  
 Ms Hiba Soueid, Manager City Strategy and Performance  
 Mr Peter Scicluna, Acting Director Operations  
 Mr David Galpin, Public Inquiry Lead  
 Mr Vishwa Nadan, Chief Financial Officer  
 Mr Mark Hannan, Manager City Planning  
 Mr Michael Zengovski, Manager Environment  
 Ms Justine Young, Acting Manager Civic and Executive Services  
 Ms Susan Ranieri, Coordinator Council and Executive Services  
 Ms Katrina Harvey, Councillor Executive and Support Officer

The meeting commenced at 6.00pm.

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### **STATEMENT REGARDING WEBCASTING OF MEETING**

The 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:

## NATIONAL ANTHEM

Michaela Ann Ellington from Miller Technology High School performed the Australian National Anthem.

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

That Clr Dr Green be granted permission to attend the meeting via MS Team.

## APOLOGIES

## CONDOLENCES

Minutes of the Ordinary Council Meeting held on Wednesday, 18 June 2025 and confirmed on Wednesday, 23 July 2025

Chairperson



**MAYORAL MINUTE**

**ITEM:** MAYOR 01  
**SUBJECT:** Tribute to Professor Les Bokey AM  
**REPORT OF:** Mayor Ned Mannoun

Liverpool aspires to be a centre of innovation, and Liverpool City Council is proud to be a founding member of the Liverpool Innovation Precinct. Among the other visionaries who helped establish the Precinct is Professor Les Bokey AM - a passionate advocate for a world-class health, research, and education hub that would serve not only the communities of Liverpool and South West Sydney but also make an impact globally.

Professor Bokey has been instrumental in turning that vision into reality. As the Founding Director of the South Western Institute for Robotics and Automation in Health (SWIRAH), he brought international expertise in rectal cancer surgery and a research focus on early diagnosis of bowel cancer, surgical outcomes, inflammatory bowel disease, and the integration of robotics and automation into healthcare.

Before his work with the Ingham Institute and Liverpool Hospital, Professor Bokey held key positions at St. Bartholomew's Hospital in London, Sahlgrenska University Hospital in Gothenburg, and the Cleveland Clinic Foundation. He later served as Head of Surgery and Associate Dean of Surgical Sciences at the University of Sydney's Faculty of Medicine before joining Western Sydney University.

In recognition of his extraordinary service to medicine—as a colorectal surgeon, educator, researcher, and administrator—Professor Bokey was awarded the Order of Australia Medal. He has also received honorary degrees from several international universities and professional societies.

Professor Bokey recently announced his retirement and will step down from the Ingham Institute at the end of June. For over a decade, he has been a staunch advocate for Liverpool, always willing to share his knowledge, mentor the next generation, and help shape the future of healthcare and education in our city.

His infectious passion for innovation, his unwavering dedication, and, of course, his trademark bow ties will leave an enduring legacy—not only in Liverpool but in the wider world of medical research and global health advancement.



**MAYORAL MINUTE**

**ITEM:** MAYOR 02  
**SUBJECT:** Professor Max Lu AO Appointed as Vice-Chancellor of the University of Wollongong  
**REPORT OF:** Mayor Ned Mannoun

I would like to acknowledge the recent appointment of Professor Max Lu AO as the sixth Vice-Chancellor and President of the University of Wollongong (UOW), coinciding with the University's 50th anniversary.

Professor Lu is an internationally respected academic leader and chemical engineer with over 35 years of experience in higher education and research. His leadership at the University of Surrey in the United Kingdom, and now at UOW, reflects a strong commitment to innovation, inclusion and community engagement.

Liverpool has been proud to host a UOW campus in our city centre, offering world-class education and strengthening the economic and social fabric of our region. We welcome Professor Lu's appointment as an opportunity to deepen this relationship and work together to ensure Western Sydney students continue to access quality higher education close to home.

On behalf of Liverpool City Council, I extend our congratulations to Professor Lu and look forward to working with him to advance education, research and innovation in our city.

**RECOMMENDATION:**

That Council:

1. Notes the appointment of Professor Max Lu AO as the new Vice-Chancellor and President of the University of Wollongong;
2. Congratulates Professor Lu on behalf of the City of Liverpool; and
3. Writes to Professor Lu to welcome him to his new role and express Council's continued commitment to collaboration with the University of Wollongong.





**MAYORAL MINUTE**

**ITEM:** MAYOR 03  
**SUBJECT:** Congratulations to Sonja Vujanic – Finalist in the 2025 7NEWS Young Achiever Awards  
**REPORT OF:** Mayor Ned Mannoun

I wish to formally acknowledge and extend heartfelt congratulations to Ms. Sonja Vujanic of Liverpool, who has been recognised as a finalist in the 2025 7NEWS Young Achiever Awards for New South Wales and the Australian Capital Territory, an event that was attended by our Deputy Mayor Cllr Harle on behalf of Council.

Ms. Vujanic's dedication to youth advocacy and community empowerment is truly commendable. As an executive member of Teach Learn Grow, she played a pivotal role in expanding the program's reach into New South Wales, significantly increasing volunteer participation and enhancing educational support for students in need.

In addition to her work with Teach Learn Grow, Ms. Vujanic led the NSW Youth Advisory Council's mental health initiative, providing valuable insights and advice to government leaders on critical youth issues.

Ms. Vujanic embodies the spirit of leadership and service that enriches our community. Her commitment to education, mental health advocacy, and youth empowerment serves as an inspiration to all.

**RECOMMENDATION:**

I move that Council:

1. Formally congratulate Ms. Sonja Vujanic on her recognition as a finalist in the 2025 7NEWS Young Achiever Awards;
2. Acknowledge her significant contributions to youth advocacy, education, and community service within Liverpool and beyond; and
3. That a certificate of recognition be presented to Ms. Vujanic, by the Mayor and Deputy Mayor Cllr Harle in appreciation of her service to the Liverpool community.



**MAYORAL MINUTE**

**ITEM NO:** MAYOR 04  
**SUBJECT:** Celebrating 60 Years of Service by Hoxton Industries  
**REPORT OF:** Mayor Ned Mannoun

It is with great pride that I bring to the Council's attention a significant milestone in our community. This year marks the 60th anniversary of Hoxton Industries, a cornerstone of Hoxton Park and the broader Liverpool region.

Established in 1969, Hoxton Industries has grown into a leading provider of packaging, warehousing, and recycling solutions. Their services encompass co-packing, shrink wrapping, palletising, and de-palletising, among others. Beyond their commercial success, Hoxton Industries stands out for its unwavering commitment to social responsibility. As a registered charity and Australian Disability Enterprise, they have been instrumental in providing employment opportunities for people with disabilities and others facing barriers to mainstream employment.

Over the past six decades, Hoxton Industries has not only contributed to our local economy but has also fostered an inclusive community where every individual is valued and empowered. Their dedication to ethical practices and community engagement sets a benchmark for businesses across the region.

**RECOMMENDATION:**

I recommend that Council:

1. Formally acknowledges and congratulates Hoxton Industries on their 60th anniversary; and
2. Recognises their outstanding contributions to employment inclusivity, environmental sustainability, and community development.

**COUNCIL DECISION:**

**Motion:** **Moved: Mayor Mannoun**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

## MAYORAL MINUTE

**ITEM NO:** MAYOR 05  
**SUBJECT:** Congratulations to King's Birthday Honours Recipients – Jennifer Westacott AO and Kathleen Margaret Smith OAM  
**REPORT OF:** Mayor Ned Mannoun

I take this opportunity to acknowledge and congratulate three outstanding Australians who have been recognised in the 2025 King's Birthday Honours for their exceptional contributions to our nation.

**Professor Jennifer Westacott AO** has been appointed a Companion of the Order of Australia (AC) – the highest level of the Order - for distinguished service to public administration, business, and policy reform. Professor Westacott's decades of leadership in both the public and private sectors have shaped national conversations on economic development, social inclusion, and infrastructure.

Professor Westacott's contributions have been particularly significant for Liverpool. As a key figure in the establishment of Bradfield – the new high-tech city being developed near the Western Sydney International Airport – she has played a vital role in shaping one of the most transformative infrastructure and innovation projects in our nation's history.

Her leadership as Chancellor of Western Sydney University continues to drive positive outcomes for education, research and economic participation across our region.

**Ms Kathleen Margaret Smith OAM** has been awarded the Medal of the Order of Australia (OAM) for her dedicated service to the Liverpool community. Ms Smith's long-standing involvement in local community organisations, particularly in the fields of education and aged care, exemplifies the spirit of service and compassion. Her tireless advocacy has improved the lives of countless residents and embodies the values we hold dear in Liverpool.

These honours serve as a powerful reminder of the impact individuals can have when they dedicate themselves to serving others. On behalf of Liverpool City Council, I extend our heartfelt congratulations and appreciation to both Professor Westacott and Ms Smith. Their achievements are a source of great pride for our community and our country.

**Mr Robert Fleeton OAM** has been awarded the Medal of the Order of Australia (OAM) in recognition of his exceptional service to sports administration and the Moorebank community. Bob, as he was more affectionately known, was a foundational figure in Liverpool's sporting landscape. He co-founded the Moorebank Rams Junior Rugby League Club in the early 1990s and served as its president from 1975 to 1994. His leadership extended to the Moorebank Sports Club, where he was the driving force behind its

In honour of his enduring legacy, the Moorebank Sports Club established the Bob Fleton Scholarship, providing financial assistance to local students pursuing higher education.

Bob's passing in August 2024 was a profound loss to our community. This national recognition serves as a testament to his unwavering commitment and the lasting impact of his contributions.

I move that Council writes to both recipients to formally acknowledge and congratulate them on their well-deserved recognition and hold a small civic reception to be funded from the Civic programs Budget.

**Motion:** **Moved: Mayor Mannoun**

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

Councillors voted unanimously for this motion.

## MAYORAL MINUTE

**ITEM NO:** MAYOR 06  
**SUBJECT:** Commemoration of the 30th Anniversary of the Srebrenica Genocide  
**REPORT OF:** Mayor Ned Mannoun

### Background:

Council has received a formal request from the Consulate of Bosnia and Herzegovina seeking support to commemorate the 30th anniversary of the Srebrenica genocide.

This anniversary remains a deeply significant and painful milestone for the Bosnian community both globally and here in Liverpool. Many families in our local area continue to carry the trauma of these events, and it is fitting that Council supports their efforts to remember, reflect, and educate.

### Proposal:

Council proposes to provide in-kind support for a commemorative event to be held at Liverpool Powerhouse (formerly Casula Powerhouse Arts Centre) on 5 July 2025 (or other date in July). The event will include a visual display, light entertainment, and a film screening, and will be open to the broader community in the spirit of remembrance, reflection, and solidarity.

The estimated value of Council's in-kind contribution, which includes waiving venue hire fees and providing staff resources, is approximately \$5,000.

### RECOMMENDATION:

That Council:

- 1 Endorses its support for the commemoration of the 30th anniversary of the Srebrenica genocide to be held at Liverpool Powerhouse on 5 July 2025 or other date in July.
- 2 Provides in-kind assistance to the value of approximately \$5,000, covering venue hire and staffing resources.
- 3 Acknowledges the ongoing trauma experienced by members of the Bosnian community and reaffirms its commitment to supporting multicultural communities through events that promote education, remembrance, and unity.





**BRING ITEMS FORWARD**

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

That item CFD 01 - Adoption of the Draft Community Strategic Plan 2025-2035, Draft Delivery Program 2025-2029 and Operational Plan 2025-2026 and Resourcing Strategy including the Draft Long-Term Financial Plan 2026-2035, Revenue Pricing Policy (Fees and Charges), Asset Management Strategy 2025-2035 and Endorsement of the Workforce Management Strategy 2025-2029 Fees be brought forward and dealt with now.

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

**CITY FUTURES REPORT**

**ITEM NO:** CFD 01

**FILE NO:** 172432.2025

**SUBJECT:** Adoption of the Draft Community Strategic Plan 2025-2035, Draft Delivery Program 2025-2029 and Operational Plan 2025-2026 and Resourcing Strategy including the Draft Long-Term Financial Plan 2026-2035, Revenue Pricing Policy (Fees and Charges), Asset Management Strategy 2025-2035 and Endorsement of the Workforce Management Strategy 2025-2029

**COUNCIL DECISION**

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

That Council:

1. Adopts the draft Community Strategic Plan 2025-2035, draft Delivery Program 2025-2029 and Operational Plan 2025-2026, incorporating the amendments outlined in this report;
2. Adopts draft Long-Term Financial Plan 2026-2035 with the adjustments outlined in this report;
3. Adopts the Revenue Pricing Policy (Fees and Charges) for the period commencing 1 July 2025, with the adjustments outlined in this report;
4. Endorses the draft Workforce Management Strategy 2025-2029 and the Asset Management Strategy and Plan 2025-2035 as part of Council's Resourcing Strategy;
5. Adds \$50,000 for defibrillator installations; and

6. Notes submissions received during the public exhibition periods and associated recommendations.

On being put to the meeting the motion (moved by Mayor Mannoun) was declared CARRIED and the Foreshadowed motion (moved by Clr Karnib) therefore lapsed and was not voted on.

**Division called:**

**Vote for:** Mayor Mannoun, Clr Adjei, Clr Ammoun, Clr Dr Green, Deputy Mayor Harle, Clr Harte, Clr Ibrahim, Clr Karnib, Clr Macnaught and Clr Monaghan.

**Vote against:** Clr Ristevski.

**Foreshadowed motion:**      **Moved: Clr Karnib**      **Seconded: Clr Ristevski**

That this item be deferred until the budgetary items in this agenda are dealt with.





**ITEM NO:** PLAN 02  
**FILE NO:** 143626.2024  
**SUBJECT:** Liverpool Community Participation Plan - Proposed Amendments

### **COUNCIL DECISION**

**Motion:** **Moved: Cllr Ristevski** **Seconded: Cllr Monaghan**

That Council:

1. Receives and notes this Report;
2. Endorses the draft Community Participation Plan 2025 (**Attachment 5**) for public exhibition, without making changes to the Waste or resource management facility, freight transport facility, heavy industry, transport and truck depot, vehicle body repair workshop, crematorium, flood mitigation works and helipad notifications;
3. Publicly exhibits the draft Community Participation Plan 2025 for a minimum period of 28 days;
4. Receives a Post-Exhibition Report detailing the outcomes of the public exhibition period; and
5. Delegates to the CEO (or delegate) authority to amend the Community Participation Plan 2025 for any typographical and minor amendments as required.

**Amendment:** **Moved: Cllr Macnaught** **Seconded: Cllr Ammoun**

That Council:

1. Receives and notes this Report;
2. Endorses the draft Community Participation Plan 2025 (**Attachment 5**) for public exhibition;
3. Publicly exhibits the draft Community Participation Plan 2025 for a minimum period of 28 days;
4. Receives a Post-Exhibition Report detailing the outcomes of the public exhibition period; and
5. Delegates to the CEO (or delegate) authority to amend the Community Participation Plan 2025 for any typographical and minor amendments as required.



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

1. Receives and notes this Report;
2. Proceeds with the amendment to include Lot 17 Leacocks Lane, Casula (“Mt Omei”) under Schedule 5 of the *Liverpool Local Environmental Plan 2008*;
3. Delegates authority to the Chief Executive Officer (or their delegate) to forward the Planning Proposal to the Department of Planning Housing and Infrastructure as the Plan-making Authority for this Planning Proposal; and
4. Notifies those representatives who made a submission on the Planning Proposal during the public exhibition of Council’s decision; and
5. Writes to the NSW National Parks and Wildlife Service to inform the Agency of Council’s decision.

Councillors voted unanimously for the motion.

**Motion:**                      **Moved: Deputy Mayor Harle**                      **Seconded: Cllr Ammoun**

1. Receives and notes this Report;
2. Receives and notes the advice of the Liverpool Local Planning Panel;
3. Endorses “in principle” the Proponent-initiated Planning Proposal subject to the following amendments:
  - a. Amending the proposed local provision to only apply to the eastern portion of the site zoned Agribusiness; and
  - b. Introducing a cap on the maximum Gross Floor Area of 23,000m<sup>2</sup> for the proposed additional permitted use of a hotel and motel accommodation.
4. Forwards the amended Proponent-initiated Planning Proposal to the Department of Planning, Housing and Infrastructure pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* seeking a Gateway Determination;
5. Subject to Gateway Determination, undertakes public exhibition and community consultation on the amended Planning Proposal in accordance with the conditions of the Gateway Determination and Council’s Community Participation Plan; and
6. Receives a Post-Exhibition Report on the outcomes of public exhibition and community consultation.

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

Councillors voted unanimously for the motion.



## COMMUNITY & LIFESTYLE REPORTS

**ITEM NO:** COM 01

**FILE NO:** 179617.2025

**SUBJECT:** Report back to Council: Dissolution of the Liverpool Access Committee - member consultation

## COUNCIL DECISION

**Motion:**

**Moved: Cllr Harte**

**Seconded: Cllr Adjei**

That Council:

1. Dissolve the Liverpool Access Committee and its Charter in its current form; and
2. Establishes a Disability Consultation Register.
3. Direct the CEO that a report come back to Council in three months as to any feedback that comes back from the stakeholders to determine if the implementation of the new Disability Consultation Register is fit for purpose.

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









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

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

Mayor Mannoun called a recess of meeting at 7.34pm.

Mayor Mannoun resumed the meeting at 7.50pm in Open Council with all Councillors present except Cllr Macnaught.



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

1. Purchase Lot 675 DP 2475, 220 Thirteenth Avenue, Austral for the price and terms as outlined in this report.
2. Upon settlement classifies Lot 675 DP 2475 as “Operational Land” to allow for future road and drainage works.
3. Keeps confidential this report pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
4. Authorises the CEO or delegate to execute all documents necessary to give effect to these resolutions.

.....

Chairperson



**Motion:**                      **Moved: Clr Macnaught**                      **Seconded: Clr Adjei**

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

**ITEM NO:** CORP 07  
**FILE NO:** 190217.2025  
**SUBJECT:** Proposed Granting of an easement for Gas Main over Council land identified as Lot 201 in DP 1194243, Kurrajong Road, Carnes Hill.

## COUNCIL DECISION

**Motion:**                      **Moved: Deputy Mayor Harle**                      **Seconded: Cllr Harte**

That Council note that negotiations are ongoing with Jemena in respect to the terms of the draft Deed of Agreement and 88B instrument for registration of the gas easement.

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







**Motion:** Moved: Clr Macnaught      **Seconded:** Deputy Mayor Harle

1. Receives and notes the Minutes of the Liverpool Local Traffic Committee Meeting held on 21 May 2025.
2. Endorse the recommendations in the Minutes.

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Chairperson

**ITEM NO:** CTTE 04  
**FILE NO:** 187550.2025  
**SUBJECT:** Minutes of the Civic Advisory Committee held on 20 May 2025

## COUNCIL DECISION

**Motion:** Moved: Clr Macnaught      **Seconded:** Deputy Mayor Harle

That Council receives and notes the Minutes of the Civic Advisory Committee Meeting held on 20 May 2025.

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

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

1. Receives and notes the Minutes of the Tourism and CBD Committee Meeting held on 6 May 2025; and
2. Endorse the recommendations in the Minutes.

Chairperson



## QUESTIONS WITH NOTICE

**ITEM NO:** QWN 01

**FILE NO:** 177063.2025

**SUBJECT:** Question with Notice - Cllr Ristevski - Legal Fees

Please address the following:

1. Which Councillors have their legal expenses covered by the ratepayers for the Public Inquiry?
2. How much are the legal fees for each Councillors for the Public Inquiry?
3. Will Council's insurance premiums increase because of this?
4. Is there an excess on the legal fees' insurance claim for Councillors for the Public Inquiry and if so who is paying for this?

### Responses (provided by Corporate Support)

1. It is not expected that any councillors will have their legal expenses covered by ratepayers for the public inquiry. Councillors and employees of Liverpool City Council are covered under the applicable insurance policy as Insured Persons. Therefore, should any councillor, or employee, attend or participate in the Public Inquiry, the associated legal costs will be met by the insurer, subject to the terms and conditions of the policy.
2. While each Councillor is covered under the relevant insurance policy, with respect to the Public Inquiry, the extent of their individual involvement will ultimately determine the amount of legal fees incurred.
3. Council insures through a mutual arrangement involving 27 councils (Civic Risk Mutual). The cost of management liability insurance will be negotiated in October, so any increase is not known at this time. The following matters can be stated:
  - (a) claims will contribute to the claims history of Civic Risk Mutual and may impact the cost of Management Liability insurance,
  - (b) insurance costs are shared between the 27 members of Civic Risk Mutual,
  - (c) contributions for management liability insurance are based on council size,
  - (d) there is no factor included for the claim experience of individual councils, so Liverpool will not have any loading added for these claims.
4. Council is awaiting confirmation from the insurers about this. In some circumstances there may be an applicable excess in respect of claims for cover by councillors for the Public Inquiry. To the extent this is applied, this is met by Council.

**ITEM NO:** QWN 02  
**FILE NO:** 184593.2025  
**SUBJECT:** Question with Notice - Cllr Harte - Payouts

Please address the following:

1. Since 2018, how many staff (excluding the executive level) have received a redundancy, or separation payment, or ex-gratia arrangement, or any other confidential settlement that exceeded one year's gross salary?
2. For each occasion, without identifying each former employee:
  - (a) Can the gross amount of payment be provided?
  - (b) Who authorised the payment?
  - (c) Was legal advice obtained?
  - (d) Were such arrangements reported to Council?

**Responses (provided by Corporate Support)**

1. Since 2018, how many staff (excluding the executive level) have received a redundancy, or separation payment, or ex-gratia arrangement, or any other confidential settlement that exceeded one year's gross salary?

*Two (2)*

2. For each occasion, without identifying each former employee:
  - (a) Can the gross amount of payment be provided?
  - (b) Who authorised the payment?
  - (c) Was legal advice obtained?
  - (d) Were such arrangements reported to Council?

Person A

- (a) Can the gross amount of payment be provided? *No, confidential under a deed*
- (b) Who authorised the payment? *CEO, Dr Eddie Jackson*
- (c) Was legal advice obtained? *Yes, legal advice was obtained.*
- (d) Were such arrangements reported to Council? *No, operational issue.*

Person B

- (a) Can the gross amount of payment be provided? *No, confidential under a deed*
- (b) Who authorised the payment? *CEO, John Ajaka*
- (c) Was legal advice obtained? *Yes, legal advice was obtained.*
- (d) Were such arrangements reported to Council? *No, operational issue.*



## COMMUNITY & LIFESTYLE REPORTS

**ITEM NO:** COM 05  
**FILE NO:** 198639.2025  
**SUBJECT:** Revised Schedule for Governance Committee Meetings and Councillor Briefing Sessions 2025

### COUNCIL DECISION

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

That Council:

1. Adopts the revised Meeting schedule effective July 2025;
2. Notes the July – December meeting dates; and
3. Briefing and Governance meetings be opened to the public and livestreamed.

***This item lapsed as there was no seconder and was not voted on.***

Mayor Mannoun then tabled a previous Mayoral Minute, item no: MAYOR 01 - The Office of Local Government's Review of the Councillor Conduct Framework from the 20 November 2024 Council meeting which was LOST at that meeting.

The Mayoral Minute was dealt with as shown below:

Clr Macnaught left the Chamber at 8:40pm.

Clr Macnaught returned to the Chamber at 8:41pm.

## MAYORAL MINUTE

**ITEM:** MAYOR 07  
**SUBJECT:** The Office of Local Government's Review of the Councillor Conduct Framework  
**REPORT OF:** Mayor Ned Mannoun

The Office of Local Government (OLG) is completing a comprehensive review of the Councillor Conduct Framework, proposing updates to promote accountability, transparency, and integrity across New South Wales councils. These recommendations cover critical areas, including clearer behavioural standards, a refined dispute resolution and penalty framework, and measures to restore professionalism in council meetings. Liverpool City Council's endorsement of these changes reflects our commitment to governance, excellence and public trust.

### Key Recommendations being considered:

#### 1. Changes to the Code of Conduct and Oath of Office:

- Enhanced Code of Conduct Requirements: The OLG proposes aligning councillor conduct with parliamentary standards, establishing clearer behavioural expectations. Updates to the Oath of Office will further reinforce councillors' commitment to ethical public service.

#### 2. Changes to the Definitions and Assessment of Councillor Behaviour:

- Clearer Behavioural Definitions: Revised definitions are proposed to better address significant conduct issues and reduce minor complaints, focusing the complaints process on substantive matters.
- Stricter Regulations for Property Developers and Real Estate Agents: The OLG recommends stricter standards for councillors with ties to property development or real estate to address potential conflicts of interest, ensuring impartial decision-making.
- Addressing Inappropriate Lobbying: The OLG proposes guidelines to address inappropriate lobbying, ensuring councillors engage with stakeholders transparently and avoid undue influence that could impact council decisions.

### 3. Changes to Dispute Resolution and Penalty Framework:

- State-Wide Peer Panel for Behavioural Issues: A state-wide panel of experienced councillors would handle behaviour-related complaints, providing a fair and peer-reviewed oversight mechanism.
- Centralized Conflict of Interest Management: The OLG recommends managing significant conflicts of interest at a state level, applying a structured penalty system to ensure consistency across councils.
- Referral of Significant Sanctions: For serious breaches, the OLG proposes that significant sanctions be referred to an appropriate independent tribunal or body, ensuring that higher-level penalties are reviewed and administered by an impartial authority.

### 4. Restoring Dignity to Council Meetings:

- Increased Transparency and Order in Meetings: The OLG recommends empowering mayors to address disruptions by imposing sanctions to ensure respect and order within council proceedings.
- Banning Closed-Door Councillor Sessions: To improve transparency, the OLG suggests banning private councillor briefings, ensuring all council deliberations remain accessible to the public and fostering community trust.

These recommendations represent essential reforms aimed at upholding integrity, transparency, and accountability in local councils across New South Wales. By supporting these changes, Liverpool City Council demonstrates its commitment to the highest standards of governance and professional conduct in serving our community.

### **<sup>1</sup>RECOMMENDATION:**

That Council:

1. Formally endorses each recommendation in the OLG's review of the Councillor Conduct Framework, recognising these changes as essential for maintaining and enhancing public trust in local government.
2. Makes a submission to the OLG outlining its formal endorsement in support of the proposed framework.
3. In its submission, advocates for the NSW Government to consider adopting a similar conduct framework at the state level, ensuring consistency and reinforcing public confidence in governance across all tiers.
4. Directs the Acting CEO to submit Liverpool City Council's endorsement by the OLG's specified deadline.
5. Immediately implement open door Briefing Sessions.

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<sup>1</sup> **Note: the Recommendation is from the 20 November 2024 meeting.**

**Motion:** **Moved: Mayor Mannoun**

1. Adopts the revised Meeting schedule effective July 2025;
2. Notes the July – December meeting dates;
3. Supports in principle each recommendation in the OLG’s review of the Councillor Conduct Framework, recognising these changes as essential for maintaining and enhancing public trust in local government;
4. Write to the OLG outlining Council’s in principle support of the proposed framework;
5. Support in principle, subject to the report, open door Briefing Sessions and all Governance and Committee meetings; and
6. Receive a report on points 3, 4 and 5 prior to implementation. The report to also cover costs and implementation.

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

Clr Harte left the Chambers at 8:49pm.  
Clr Harte returned to the Chambers at 8:51pm.

<sup>2</sup> **Note: Council Decision resolved at the 18 June 2025 Council meeting.**

**ITEM NO:** COM 06  
**FILE NO:** 200969.2025  
**SUBJECT:** Suspension of AFZ Bigge Park for EuroFest Event

**COUNCIL DECISION**

**Motion:** **Moved: Cllr Macnaught** **Seconded: Cllr Harte**

That Council:

1. Endorse the temporary suspension of the AFZ within Bigge Park, for the EuroFest operating hours of 5pm – 10pm on the weekend of Friday 25-27 July in order to facilitate a pop-up bar at the event; and
2. Note that the AFZ will be suspended within a demarcated area, allowing Police to continue to enforce the AFZ outside this area.

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





**ITEM NO:** OPER 04  
**FILE NO:** 192908.2025  
**SUBJECT:** Liverpool Waste Committee Charter

## COUNCIL DECISION

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

That this item be deferred to a Governance Committee meeting for further discussion.

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



## NIL.

**ITEM NO:** NOM 01  
**FILE NO:** 163409.2025  
**SUBJECT:** Michael Wenden Aquatic Leisure Centre

That:

1. Council receive a report showing expenditure on Michael Wenden Aquatic Leisure Centre including:
  - a) Maintenance
  - b) Management of contract
  - c) Capital works
2. The CEO advises when the contract to manage the Michael Wenden Aquatic Leisure Centre is due for renewal.
3. The CEO prepare a report of all metropolitan councils identifying aquatic and leisure centres and identifying if they are operated by council or under a contract.
4. A report be prepared that reviews the viability of bringing the operation of the Michael Wenden Aquatic Leisure Centre in-house including:
  - a) Potential staff costs
  - b) Maintenance of the centre
  - c) Capital works

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

That the Notice of Motion be adopted.

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

Councillors voted unanimously for this motion.

**ITEM NO:** NOM 02  
**FILE NO:** 167062.2025  
**SUBJECT:** Support for Local Businesses through Tender Loadings in Liverpool LGA

### **Background**

This motion aims to support our local economy, create jobs, and ensure that Liverpool's community benefits directly from the Council's procurement activities.

### **NOTICE OF MOTION (submitted by Cllr Ristevski)**

That Council:

1. Recognises the significant economic challenges facing our community, with Liverpool having one of the highest unemployment rates in the country, and the importance of supporting local businesses to foster economic growth and community resilience.
2. Notes the benefits of prioritising local businesses in Council tenders, including:
  - i. Stimulating local job creation and employment opportunities.
  - ii. Boosting the local economy through increased spending and investment.
  - iii. Strengthening the sustainability and resilience of Liverpool's business community.
3. Resolves to implement a local business loading or weighting system in the tendering process, which provides additional points or considerations for businesses that are based within the Liverpool LGA when bidding for Council contracts.
4. Further resolves to:
  - i. Develop clear criteria and guidelines to ensure transparency and fairness in the tender process.
  - ii. Engage with local businesses and stakeholders to promote awareness and participation.
  - iii. Monitor and report annually on the outcomes of this initiative, including the proportion of council contracts awarded to local businesses and related economic impacts.
5. Calls on the relevant department within Council to commence work immediately to incorporate these considerations into future tenders and to report back to Council within three months on the implementation plan.

**Seconded: Clr Monaghan**

1. Recognises the significant economic challenges facing our community, with Liverpool having one of the highest unemployment rates in the country, and the importance of supporting local businesses to foster economic growth and community resilience.
2. Notes the benefits of prioritising local businesses in Council tenders, including:
  - i. Stimulating local job creation and employment opportunities.
  - ii. Boosting the local economy through increased spending and investment.
  - iii. Strengthening the sustainability and resilience of Liverpool's business community.
3. Further resolves to:
  - i. Engage with local businesses and stakeholders to promote awareness and participation.
  - ii. Monitor and report annually on the outcomes of this initiative, including the proportion of council contracts awarded to local businesses and related economic impacts.

Councillors voted unanimously for this motion.

**ITEM NO:** NOM 03  
**FILE NO:** 167102.2025  
**SUBJECT:** Inclusion of Councillors' Political Affiliations on the Council's Website

### **Background**

Transparency in local government is fundamental to fostering community trust and ensuring that residents have access to pertinent information regarding their elected representatives. Publishing councillors' political affiliations aligns with best practices in governance transparency and supports an open, accountable local democracy.

### **NOTICE OF MOTION (submitted by Cllr Ristevski)**

That:

1. The Council's official website, under the "Councillors" tab, include a clear indication of each Councillor's political affiliation.
2. Council further resolves that the Council's Communications Department be tasked with implementing this update promptly and that ongoing reviews be conducted to ensure the accuracy and currency of this information.
3. Council notes that this initiative promotes transparency and accountability by providing residents with accessible information about their representatives' political alignments.
4. Council recognises that such transparency can:
  - i. Enhance community trust in local governance.
  - ii. Enable residents to make more informed decisions when engaging with their representatives.
  - iii. Foster a greater understanding of the political landscape within the Council.
  - iv. Support informed debate and civic participation.

**COUNCIL DECISION****Motion:****Moved: Cllr Ristevski****Seconded: Cllr Karnib**

That:

1. The Council's official website, under the "Councillors" tab, include a clear indication of each Councillor's political affiliation.
2. Council further resolves that the Chief Executive Officer be tasked with implementing this update promptly and that ongoing reviews be conducted to ensure the accuracy and currency of this information.
3. Council notes that this initiative promotes transparency and accountability by providing residents with accessible information about their representatives' political alignments.
4. Council recognises that such transparency can:
  - i. Enhance community trust in local governance.
  - ii. Enable residents to make more informed decisions when engaging with their representatives.
  - iii. Foster a greater understanding of the political landscape within the Council.
  - iv. Support informed debate and civic participation.

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

**Division called:**

**Vote for:** Deputy Mayor Harle, Cllr Ibrahim, Cllr Karnib, Cllr Monaghan and Cllr Ristevski.

**Vote against:** Cllr Adjei, Cllr Ammoun, Cllr Harte and Cllr Macnaught.



**ITEM NO:** NOM 04  
**FILE NO:** 176764.2025  
**SUBJECT:** Provision of Food and Snacks for Public Attendees at Liverpool Council Meetings

### **Background**

Community engagement is a cornerstone of effective local governance. By providing food and snacks at council meetings, we can remove barriers to attendance, such as time constraints or lack of refreshments, and demonstrate our commitment to fostering an inclusive and welcoming environment for all residents.

### **NOTICE OF MOTION (submitted by Cllr Ristevski)**

That Council resolves to:

1. Implement the provision of light refreshments, including food and snacks, for members of the public attending council meetings to promote greater community engagement and ensure accessibility for all residents;
2. Allocate the necessary funds for this initiative from the existing budget designated for dinner provisions for councillors attending evening meetings. This reallocation will ensure the initiative is cost-effective and sustainable without requiring additional expenditure;
3. Recognise that offering food and refreshments during meetings encourages increased attendance, participation, and a sense of welcome among community members, thereby strengthening democratic processes within our city; and
4. Establish a process to ensure that the provision of food and snacks is managed efficiently, hygienically, and in accordance with health and safety standards.

**COUNCIL DECISION****Motion:****Moved: Cllr Ristevski****Seconded: Cllr Karnib**

That Council resolves to:

1. Implement the provision of light refreshments, including food and snacks, for members of the public attending council ordinary meetings to promote greater community engagement and ensure accessibility for all residents;
2. Allocate the necessary funds for this initiative from the existing budget designated for light refreshments for councillors attending evening meetings. This reallocation will ensure the initiative is cost-effective and sustainable without requiring additional expenditure;
3. Recognise that offering food and refreshments during meetings encourages increased attendance, participation, and a sense of welcome among community members, thereby strengthening democratic processes within our city; and
4. Establish a process to ensure that the provision of food and snacks is managed efficiently, hygienically, and in accordance with health and safety standards.

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

Non-attendance at official events, despite acceptance of tickets, can reflect poorly on the Council's reputation and undermine public trust. To uphold transparency, accountability, and professionalism, it is essential to establish clear expectations and consequences regarding attendance at such events.

I propose the following motion as such actions are necessary to maintain the integrity and reputation of Council and to prevent bring the Council into disrepute.

That Council:

1. Implement a policy whereby any councillor who RSVP's to attend an event and Council subsequently purchases a ticket on their behalf to attend the event but does not attend the event without valid reason, they shall be responsible for reimbursing the full cost of the ticket to Council;
2. Direct the Chief Executive Officer to develop and implement guidelines and procedures to ensure compliance with this Policy;
3. Request the CEO to communicate this Policy to all Councillors; and
4. Require that the councillor formally apologises to the hosting organisation for their non-attendance and gets reported at the next scheduled Council meeting.

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

That the Notice of Motion be adopted and that it is incorporated in the Civic Expenses and Facilities Policy.

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

Councillors voted unanimously for this motion.

Clr Ibrahim left the Chambers at 9:39pm.

## CONFIDENTIAL ITEMS

**ITEM NO:** CONF 01

**FILE NO:** 125983.2025

**SUBJECT:** ST3360 Request for Tender - Vet Services and Animal Boarding

This item was dealt with later in the meeting in Closed Session pursuant to the provisions of pursuant to the provisions of s10A(2)(d i) of the *Local Government Act 1993* because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it

**ITEM NO:** CONF 02

**FILE NO:** 185643.2025

**SUBJECT:** Liverpool Youth Council Member Nominations 2025 - 2027

## COUNCIL DECISION

**Motion:** **Moved: Clr Macnaught** **Seconded: Clr Karnib**

1. That Council endorse the proposed members of the Liverpool Youth Council 2025 – 2027:

<u><b>Name:</b></u>	<u><b>Suburb:</b></u>
Fariha Dean	Green Valley
Faiza Alhaboub	Edmondson Park
Shaila Narayan	Wattle Grove
Emily Organa	West Hoxton
Danielle Amosa	Mt Pritchard
Caroline Nguyen	Horningsea Park
Anjani Prakash	Liverpool
Rafeef Al-Majidi	Miller
Ahmad Walid Dabboussi	Leppington
Yousef Al Masri	Busby
Aaryan Khan	Casula
Mohammed Alhadi	Casula

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

Councillors voted unanimously for this motion.

Clr Ibrahim returned to the Chambers at 9:43pm.

**ITEM NO:** CONF 03  
**FILE NO:** 182457.2025  
**SUBJECT:** RCL3259 Provision of Security Guard Services for Liverpool City Council's Buildings and Facilities

This item was dealt with later in the meeting in Closed Session pursuant to the provisions of 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.

**ITEM NO:** CONF 04  
**FILE NO:** 185899.2025  
**SUBJECT:** Consideration of an Application for the acquisition of land on the grounds of hardship - 26 Derwent Avenue, Bradfield identified as Part of Lot 82 DP 864799

## **COUNCIL DECISION**

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

It is resolved that Council:

1. Notes that:
  - i. Part of Lot 82 DP 8864799 (Land) is zoned SP2 Infrastructure (Local Drainage) and RE1 - Public Recreation under the State Environmental Planning Policy (Precincts - Western Parkland City – Western Sydney Aerotropolis) 2021 and is reserved for future acquisition by Council;
  - ii. The owners of the Land have made a hardship application pursuant to Division 3, Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) (Acquisition Act);
  - iii. Advice has been provided that the Owners have satisfied the requirements to establish hardship for the acquisition of the SP2 Infrastructure (Local Drainage) and RE1 Public Recreation zoned land under the Acquisition Act;
  - iv. Subject to Council adopting a resolution to proceed to compulsory acquisition on hardship provisions, a Plan of Acquisition will be prepared and a valuation will be obtained and a “without prejudice” offer made to the owners.
  - v. If the owners accept Council’s offer a further report will be submitted to Council seeking approval to purchase prior to compulsory acquisition;
  - vi. If an agreement is not reached on the amount of compensation payable through the voluntary negotiations, then compensation will be determined by the Valuer General under s41 of the Acquisition Act.

2. Notes that the purchase of the portions of the subject property zoned SP2 Infrastructure (Local Drainage) and RE1 Public Recreation have a total area of approximately 8,144m<sup>2</sup> (subject to survey).
3. Proceeds with the compulsory acquisition of the Land under S186 of the Local Government Act 1993 (NSW) and in accordance with the Acquisition Act.
4. Delegates authority to, and directs the Chief Executive Officer and his delegates, to proceed with making the necessary application to the Minister for Local Government and the Governor in accordance with the *Local Government Act, 1993* to obtain approval to acquire the property in accordance with the Acquisition Act;
5. Takes all necessary actions to proceed with and complete the compulsory acquisition of the land in accordance with the applicable legislation, including making any application or giving notice to the relevant Minister and the Governor and serving or publishing any other documentation or notice.
6. Delegates authority to and directs the Chief Executive Officer and his delegates to enter into negotiations with the property owner and/or their representative to acquire the property by agreement and enter into any agreement reached with the Owner pursuant to S30 of the Acquisition Act without having to submit a further report to Council for approval.
7. Authorises payment of compensation as determined by the Valuer General, if accepted by the Owner, plus statutory interest in accordance with S49 of the Acquisition Act;
8. If the Owner commences proceedings in the Land and Environment Court (Court), authorises:
  - i. Payment to the Owner of 90% of the compensation as determined by the Valuer-General pursuant to s68(2)(a) of the Acquisition Act, or if that payment is not accepted by the Owner, pay that amount into trust pursuant to s68(2)(b) of the Acquisition Act.
  - ii. Engage solicitors, experts and counsel, as needed, to defend Council's position in Court; and
  - iii. Payment of compensation in accordance with the Order issued by the Court.
9. Authorises its delegated officer to execute any document, under Power of Attorney, necessary to give effect to this decision; and
10. Keeps this report confidential pursuant to the provisions of Section 10(A)(2)(c) of the *Local Government Act, 1993* as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

Councillors voted unanimously for this motion.

**Motion:**                      **Moved: Cllr Harte**                      **Seconded: Cllr Macnaught**

1. Approves proceeding with the dedication of Lot 1417 DP 882409 as public road based on court approved DA-707/2022 consent conditions.
2. Approves to proceed with the gazettal of Lot 1417 DP 882409 to be lodged at land registry Services for registration and formal dedication as public road based on the court approved DA-707/2022 consent conditions.
3. Notes that all costs of registration and construction of the missing link section of road at this location are to be at the developers cost
4. Keeps confidential this report pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
5. Authorises the CEO or delegate to execute all documents necessary to give effect to these resolutions.

Councillors voted unanimously for this motion.



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

1. Receives and notes this report;
2. Explores options for financing and installation of flagpoles including ongoing costs.

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

**Item No: CONF 03 - RCL3259 Provision of Security Guard Services for Liverpool City Council's Buildings and Facilities** and **Item No: CONF 07 - Opportunity with UNSW on Microrecycling Research and Future Microfactory Development** are confidential pursuant to the provisions of s10A(2)(c) of the Local Government Act 1993 because they contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

The public left the Chamber. The meeting moved into Closed Session at 9.56pm.

**ITEM NO:** CONF 01  
**FILE NO:** 125983.2025  
**SUBJECT:** ST3360 Request for Tender - Vet Services and Animal Boarding

### **COUNCIL DECISION**

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

That Council:

1. Declines to accept the tender submission, in accordance with section 178(1)(b) of the Local Government (General) Regulation 2021.
2. Declines to accept fresh tender submissions or applications for the following reasons:
  - a. the poor response to the request for tenders, and
  - b. the known shortage of animal shelter providers as highlighted in the Report of the NSW Legislative Inquiry into Pounds in NSW published on 18 October 2024.
3. Authorises the CEO or delegate to negotiate with the one and only tenderer as identified in the body of this report for the following reasons.
  - a. The Tenderer has submitted an offer to perform the services but cannot be accepted by Council in its current form.
  - b. The submitted Schedule of Rates is considered generally competitive and reflects a reasonable cost for the scope of services required.
  - c. The Tenderer is Council's current service provider and has demonstrated satisfactory performance in the delivery of animal shelter and veterinary services to date.
  - d. The Tenderer is the only known provider currently able to meet Council's full-service requirements, including the necessary infrastructure, capacity, and proximity to deliver animal shelter and veterinary care within the required parameters.
4. Authorises the CEO to enter into a contract with the tenderer or to report back to Council should a satisfactory agreement not be reached.
5. Makes public its decision regarding tender ST3360 – Animal Shelter and Veterinary Services.

6. Authorises the CEO or delegate to execute all documents necessary to give effect to this resolution, and
7. Keeps confidential the details supplied in this report containing information on the submission received, pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

Councillors voted unanimously for this motion.

**ITEM NO:** CONF 03  
**FILE NO:** 182457.2025  
**SUBJECT:** RCL3259 Provision of Security Guard Services for Liverpool City Council's Buildings and Facilities

## COUNCIL DECISION

**Motion:** **Moved: Cllr Macnaught** **Seconded: Cllr Harte**

That Council:

1. Accept the Tenders from the below listed contractors for tender RCL3259 Provision of Security Guard Services (for the shortlisted portions) for an initial three (3) year contract term with the option of extending two (2) x 12 months on a schedule of rates;
  - Allied Integrated Management Group Pty Ltd
  - Business Security & Management Solutions Pty Ltd
  - ECS International Security
  - National Integrated Services Pty Ltd
  - Vibrant Services Pty Ltd
2. Makes public its decision regarding tender **RCL3259** – Provision of Security Guard Services for Liverpool City Council's Buildings and Facilities;
3. Agrees that Council should issue letters of award to the successful tenderers and enter into formal instruments of agreement pursuant to which work will be placed to panel members;
4. Notes that this report has been brought to Council because the Chief Executive Officer's instrument of delegation, approved by Council in accordance with the current provisions of section 377 of the Local Government Act 1993, only permits the Chief Executive Officer to approve (and not to reject) tenders up to a value of \$2 million. Therefore, subclauses 178(3) and 178(4) of the Local Government (General Regulation) 2021 require a decision not to accept any of the tenders for a proposed contract to be made by way of a Council resolution;
5. Keeps confidential the details supplied in this report containing information on the submissions received, pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;
6. Authorises the CEO or delegate to take any action necessary to give effect to these resolutions; and

7. Direct that an agenda item for the next Governance Committee meeting be tabled to explore direct employment of security services in certain situations.

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

Councillors voted unanimously for this motion.

**ITEM NO:** CONF 07  
**FILE NO:** 199298.2025  
**SUBJECT:** Opportunity with UNSW on Microrecycling Research and Future Microfactory Development

## **COUNCIL DECISION**

**Motion:** **Moved: Cllr Macnaught** **Seconded: Cllr Harte**

That Council:

1. Agrees to participate in the proposed research project with UNSW and to provide a letter in support of an application by UNSW to the Australian Research Council;
2. Approve a financial contribution of \$200,000 over 18 months from the Domestic Waste Reserve to UNSW to support the implementation of the project;
3. Agrees to grant access to the operations at 600 Cowpasture Road, Liverpool's Circular Economy Centre, to UNSW for the purposes of research, data collection and collaboration in the development of microrecycling applications; and
4. Agrees to the contribution of staff time to the research project.

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

Councillors voted unanimously for this motion.

## **OPEN SESSION**

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

That Council move into Open Session.

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

Deputy Mayor Harle then read the resolutions for the following items that were passed in Closed Session:

- CONF 01 - ST3360 Request for Tender - Vet Services and Animal Boarding;
- CONF 03 - RCL3259 Provision of Security Guard Services for Liverpool City Council's Buildings and Facilities; and
- CONF 07 - Opportunity with UNSW on Microrecycling Research and Future Microfactory Development that were resolved in Closed Session.

**THE MEETING CLOSED AT 10.31pm by Deputy Mayor Harle.**

<Signature>

Name: Ned Mannoun

Title: Mayor

Date: 23 July 2025

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 18 June 2025. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

**CEO 01**

**Funding the Maintenance of Assets in Bradfield**

<b>Strategic Objective</b>	Evolving, Prosperous, Innovative Continue to invest in improving and maintaining Liverpool's road networks and infrastructure
<b>File Ref</b>	200136.2025
<b>Report By</b>	Jason Breton - CEO
<b>Approved By</b>	Jason Breton - CEO

**EXECUTIVE SUMMARY**

Bradfield City Centre is Australia's newest city, the first in 100 years. The development in Bradfield and the broader Aerotropolis is transformative for the people of Greater Sydney and the community of Liverpool City Council (LCC).

An important consideration for Council will be the ongoing maintenance and delivery of any infrastructure assets developed and funded by BDA that will be the responsibility of Council post-delivery.

Although the extent of infrastructure that is likely to be developed and handed over to LCC is unknown, it is widely acknowledged within LCC that this will entail significant costs which will need to be resourced adequately to ensure the standard of delivery and service remains consistent over the life of these assets. In response, Council has undertaken a review of funding opportunities Council could consider, ensuring there is sufficient funding to maintain these assets.

Astrolabe Group were engaged by LCC to undertake a review of funding options for the ongoing management of the infrastructure assets within Bradfield and identify various funding mechanisms beyond Council's standard financial practices, including:

- Section 7.12 levies (current state)
- Adjusted rate pegs
- Special Rate Variations (SRV)
- Adjusting the ad valorem taxes
- Community Title schemes



## **RECOMMENDATION**

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That Council:

1. Receive and note this Report;
2. Authorise the CEO to undertake financial modelling to better understand the options and expenses, and how they could be deployed based on specific variables applicable to LCC and Bradfield to better understand the best possible financial option for LCC to pursue; and
3. Authorise the CEO to progress the wider funding options for the maintenance of Assets in Bradfield to determine and arrive at an optimum funding model.

## **REPORT**

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Bradfield City Centre is Australia's newest city, the first in 100 years. The development in Bradfield and the broader Aerotropolis is transformative for the people of Greater Sydney and the community of Liverpool City Council (LCC).

The delivery of the Bradfield City and Aerotropolis precincts in the west of the LCC Local Government Area (LGA) will play a significant part in defining the future of LCC and its communities. This development provides both significant opportunities and constraints and threats to Council and the wider community.

The area surrounding the airport, known as the Aerotropolis is located within the Liverpool Council and Penrith Council LGA. Within the Aerotropolis lies the Bradfield City Centre of which LCC will manage and maintain after its development and handover from the Bradfield Development Authority (BDA).

The BDA are responsible for the development of the Bradfield City Centre located in the heart of the Aerotropolis. The BDA also has a focus on attracting investment to drive economic benefits to the Aerotropolis and surrounding areas.

In September 2024, the Bradfield City Centre Masterplan was approved by the Minister for Planning and Public Spaces which will guide the delivery of homes, jobs, mixed-use areas, open and green spaces and essential connectivity and transport links.

To ensure that the delivery of the Aerotropolis and Bradfield is aligned to the Council's requirements and needs and provides a value proposition for both Council and the BDA, Council is proactively seeking to define and implement a Strategic Governance framework with the BDA.

An important consideration for Council will be the ongoing maintenance and delivery of any infrastructure assets developed and funded by BDA that will be the responsibility of Council post-delivery.

Although the extent of infrastructure that is likely to be developed and handed over to LCC is unknown, it is widely acknowledged within LCC that this will entail significant costs which will need to be resourced adequately to ensure the standard of delivery and service remains consistent over the life of these assets. In response, Council has undertaken a review of funding opportunities Council could consider, ensuring there is sufficient funding to maintain these assets.

Astrolabe Group were engaged by LCC to undertake a review of funding options for the ongoing management of the infrastructure assets within Bradfield and identify various funding mechanisms beyond Council's standard financial practices, including:

- Section 7.12 levies (current state)
- Adjusted rate pegs
- Special Rate Variations (SRV)
- Adjusting the ad valorem taxes
- Community Title schemes

Each option was analysed using a SWOT framework, offering insights into their advantages and potential limitations. Additionally, case studies from other councils, such as Penrith City Council and Camden Council, were used to highlight successful applications of these mechanisms.

This review identified approaches LCC could consider implementing to raise funds for the management and maintenance of potential assets within Bradfield, including:

- Undertake financial modelling to better understand the options and expenses, and how they could be deployed based on specific variables applicable to LCC and Bradfield to better understand the best possible financial option for LCC to pursue
- LCC to develop an advocacy program to advocate to IPART for an adjusted rate peg to consider growth in employment lands and the subsequent impact on council's long-term maintenance. This is an issue faced by any council in NSW experiencing growth in employment generating lands, without existing recourse for funding the maintenance of the required infrastructure.
- Consider an aerotropolis specific special rate variation to expand the rateable income of LCC, localising rate impacts to Bradfield and creating a means for Council to generate funds to contribute to the maintenance of new infrastructure.

The CEO is undertaking a series of meetings after signing a Memorandum of Understanding with BDA, to progress this and other issues, the latest being on Friday 11<sup>th</sup> July 2025.

The Report with recommendations therein, is attached at Attachment 1.

## **FINANCIAL IMPLICATIONS**

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It is expected the costs associated with Recommendation 2 will not exceed \$7000 and will be allocated from General Funds.

## **CONSIDERATIONS**

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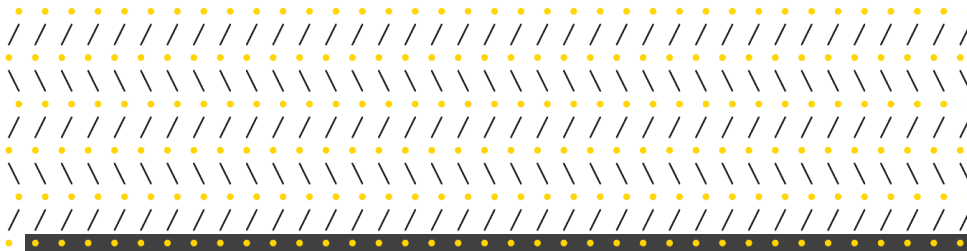
<b>Economic</b>	Facilitate economic development.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	There are no civic leadership and governance considerations.
<b>Legislative</b>	There are no legislative considerations relating to this report.
<b>Risk</b>	There is no current risk associated with this report.

## **ATTACHMENTS**

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1. Assets in Bradfield - Astrolabe Group Document

# Funding future maintenance of assets in Bradfield



For Liverpool City Council

16 December 2024

## About Astrolabe Group

Astrolabe Group are the recognised experts in urban growth and change management with a uniquely empathetic approach to client and community.

This report was prepared for Liverpool City Council. In preparing the report, Astrolabe has made every effort to ensure the information included is reliable and accurate. Astrolabe is unable to accept responsibility or liability for the use of this report by third parties.

## Acknowledgement of Country

In the spirit of reconciliation, Astrolabe Group Acknowledges the Traditional Owners of Country throughout Australia and their continuing connections to land, waters and community.

We show our respect to elders past and present. We acknowledge that we stand on Country which was and always will be Aboriginal Land.



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## Executive Summary

Bradfield City Centre is Australia's newest city, the first in 100 years. The development in Bradfield and the broader Aerotropolis is transformative for the people of Greater Sydney and the community of Liverpool City Council (LCC). Although the extent of infrastructure that is likely to be developed and handed over to LCC is unknown, it is widely acknowledged within LCC that this will entail significant costs which will need to be resourced adequately to ensure the standard of delivery and service remains consistent over the life of these assets.

Astrolabe Group were engaged by LCC to undertake a review of funding options for the ongoing management of the infrastructure assets within Bradfield for LCC. This report identifies various funding mechanisms beyond Council's standard financial practices, including

- Section 7.12 levies (current state)
- Adjusted rate pegs
- Special rate variations (SRV)
- Adjusting the ad valorem taxes
- Community Title schemes

Each option has been analysed using a SWOT framework, offering insights into their advantages and potential limitations. Additionally, case studies from other councils, such as Penrith City Council and Camden Council, are used to highlight successful applications of these mechanisms.

This funding model review has identified approaches LCC could consider implementing to raise funds for the management and maintenance of potential assets within Bradfield. This includes:

- Undertake financial modelling to better understand the options and expenses, and how they could be deployed based on specific variables applicable to LCC and Bradfield to better understand the best possible financial option for LCC to pursue.
- LCC to develop an advocacy program to advocate to IPART for an adjusted rate peg to consider growth in employment lands and the subsequent impact on council's long term maintenance. This is an issue faced by any council in NSW experiencing growth in employment generating lands, without existing recourse for funding the maintenance of the required infrastructure.
- Consider an aerotropolis specific special rate variation to expand the rateable income of LCC, localising rate impacts to Bradfield and creating a means for Council to generate funds to contribute to the maintenance of new infrastructure.



# 1. Purpose of this report

## 1.1 Background

The delivery of the Bradfield City and Aerotropolis precincts in the west of the LCC Local Government Area (LGA) will play a significant part in defining the future of LCC and its communities. This development provides both significant opportunities and constraints and threats to Council and the wider community.

The area surrounding the airport, known as the Aerotropolis is located within the Liverpool Council and Penrith Council LGA. Within the Aerotropolis lies the Bradfield City Centre of which LCC will manage and maintain after its development and handover from the Bradfield Development Authority (BDA). The BDA are responsible for the development of the Bradfield City Centre located in the heart of the Aerotropolis. The BDA also has a focus on attracting investment to drive economic benefits to the Aerotropolis and surrounding areas.<sup>1</sup>

In September 2024, the Bradfield City Centre Masterplan was approved by the Minister for Planning and Public Spaces which will guide the delivery of homes, jobs, mixed-use areas, open and green spaces and essential connectivity and transport links.<sup>2</sup>

To ensure that the delivery of the Aerotropolis and Bradfield is aligned to the Council's requirements and needs, and provides a value proposition for both Council and the BDA, Council is proactively seeking to define and implement a Strategic Governance framework with the BDA.

An important consideration for Council will be the ongoing maintenance and delivery of any infrastructure assets developed and funded by BDA that will be the responsibility of Council post-delivery. We have undertaken a review of funding opportunities Council could consider to ensure there is sufficient funding to maintain the assets.

## 1.2 Methodology

- Desktop research on funding options available to Council, including a review of mechanisms implemented by other Councils outside of standard financial methods and considerations
- Desktop review and assessment of existing legislation, policies and case law to inform the SWOT analysis.
- SWOT analysis of the options

## 1.3 Limitations

This report has been prepared based on an understanding of the possible funding levers available to Council at present. There is a lack of clarity from BDA on timing and delivery of assets within Bradfield, therefore this report has been developed agnostic to the quantum of funding Council will likely need to maintain and manage assets handover, including maintaining those assets to a particular service standard that may be set by BDA.

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<sup>1</sup> Bradfield Development Authority (2024), About Us, available at <<https://www.wpca.sydney/about-us/>>

<sup>2</sup> NSW Government (n.d.), Bradfield City Centre Master Plan, available at <<https://pp.planningportal.nsw.gov.au/draftplans/made-and-finalised/bradfield-city-centre-master-plan>>





## 2. Understanding Council's main source of income

### 2.1 Understanding Council's funding levers

Local governments in NSW have access to a handful of funding levers which enables them to fund their operations and capital works programs. These are categorised into four buckets, as set out in Table 1.

Table 1. Council sources of income.

Sources of Income	Examples
Rates and annual charges	<ul style="list-style-type: none"><li>Residential, business, farming and mining rates</li><li>Special rates charged by Council</li><li>Annual charges i.e. domestic waste management charges</li></ul>
Grants and development contributions	<ul style="list-style-type: none"><li>State and Federal grants received or applied for by Council</li><li>Development contributions from developers to fund local infrastructure for developments</li></ul>
User fees and charges	<ul style="list-style-type: none"><li>Sale of goods and services i.e. parking, childcare and aged care services, building and regulatory services and private works</li></ul>
Council subsidiaries <i>Note: LCC has no interests in any subsidiaries/entities<sup>3</sup></i>	<ul style="list-style-type: none"><li>Corporations or entities separate from Council or where Council acquire controlling interest in a corporation or entity<sup>4</sup></li></ul>

Rates paid by landowners contribute to Council's ability to service their communities. These services range from supporting public health, environmental planning, waste management to sporting and recreation services. A revenue policy is what governs council's combination of rates, charges, fees and pricing policies that are required to support essential community services.<sup>5</sup>

LCC have the ability to raise revenue through a variety of mechanisms to fund its services, infrastructure projects, and community initiatives. Council's main source of incomes is generated through rates and annual charges, grants and development contributions, and user fees and charges.<sup>6</sup>

LCC, like other councils are guided by laws, regulations and policies that support good decision-making that result in positive outcomes for their residents. Council must adhere to and consider the following regulations:

<sup>3</sup> Liverpool City Council (2023), Annual Financial Statements, available at [https://www.liverpool.nsw.gov.au/\\_data/assets/pdf\\_file/0003/252219/Annual-Financial-Statements-2023-including-Audit-opinion.pdf](https://www.liverpool.nsw.gov.au/_data/assets/pdf_file/0003/252219/Annual-Financial-Statements-2023-including-Audit-opinion.pdf)

<sup>4</sup> Office of Local Government (2022), Formation of Corporations and Entities (Section 358) Guideline, available at <https://www.olg.nsw.gov.au/wp-content/uploads/2022/04/s358-Guidelines.pdf>

<sup>5</sup> Office of Local Government (2024), Rates, Charges and Pensioner Concessions, available at <https://www.olg.nsw.gov.au/public/about-councils/laws-and-regulations/rates-charges-and-pensioner-concession/>

<sup>6</sup> Office of Local Government (2024), Finances, available at [https://www.yourcouncil.nsw.gov.au/nsw-overview/finances/#:~:text=Income%20Sources%202022%2D23%20\(%25\)&text=The%20major%20source%20of%20income,special%20rates%20charged%20by%20councils.>](https://www.yourcouncil.nsw.gov.au/nsw-overview/finances/#:~:text=Income%20Sources%202022%2D23%20(%25)&text=The%20major%20source%20of%20income,special%20rates%20charged%20by%20councils.>)



Table 2. Policies governing Council funding.

Policy	Relevance
<i>Local Government Act 1993</i> <sup>7</sup>	Sets out the responsibilities and powers of councils including financial management
Integrated Planning and Reporting Framework <sup>8</sup>	Determines how various council plans interact to plan holistically for the future including long-term financial planning and asset management planning.

## 2.2 Calculation of rates and annual charges

Each council across NSW establishes a revenue policy to determine how it funds community services through rates, charges, fees, and pricing policies in adherence to the *Local Government Act 1993*. This policy includes a rating structure specifying how rates and charges are calculated and distributed among rateable properties. These rates can be assessed based on land value alone, a combination of land value and a fixed amount, or land value with a minimum amount. Land valuations are provided by the NSW Valuer General.<sup>9</sup>

### 2.2.1 NSW Rate Peg Review

The rate peg is the maximum percentage Council can increase its rate revenue for the year and is determined by the Independent Pricing and Regulatory Tribunal (IPART).<sup>10</sup> In 2023, IPART undertook a review of the rate peg methodology. The review developed a new methodology that allows council to vary their general income to reflect changes in costs to provide goods and services due to inflation and other external factors and continues to consider population changes.<sup>11</sup>

After considerable analysis and stakeholder engagement, IPART determined the new rate peg would:

- Measure the annual change in councils' base cost in 3 groups (metropolitan, regional and rural) to account for the diversity of councils' base cost patterns
- Apply a Base Cost Change that better captures councils' costs including:
  - Employee costs measured by the Local Government (State) Award
  - Asset cost measure by the Reserve Bank of Australia's forecast change in Consumer Price Index (CPI) which is adjusted to show changes between the CPI and Producer Price Index
  - Other operating costs measured by the RBA's forecast change in CPI

<sup>7</sup> *Local Government Act 1993*, available at <<https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#statusinformation>>

<sup>8</sup> Department of Premier and Cabinet (2013), Integrated Planning and Reporting Manual for local government in NSW, available at <<https://www.olg.nsw.gov.au/wp-content/uploads/Integrated-Planning-and-Reporting-Manual-for-local-government-in-NSW.pdf>>

<sup>9</sup> Office of Local Government (2024), Rates, Charges and Pensioner Concession, available at <<https://www.olg.nsw.gov.au/public/about-councils/laws-and-regulations/rates-charges-and-pensioner-concession/#~:text=They%20can%20be%20based%3A,a%20fixed%20amount%20per%20property%20>>

<sup>10</sup> Independent Pricing and Regulatory Tribunal NSW (n.d.), The rate peg, available at <<https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/For-Ratepayers/The-rate-peg/#~:text=The%20rate%20peg%20is%20the,consists%20entirely%20of%20rates%20income.>>>

<sup>11</sup> Independent Pricing and Regulatory Tribunal NSW (2023), Review of the rate peg methodology Final Report, available at <[https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF)>



- Include a separate Emergency Service Levy (ESL), delayed by one year that reflects the annual charge in each council's ESL contribution to assist councils to maintain their contributions to support and emergency services without reducing their financial sustainability
- Allow councils to make additional adjustments as a result of external factors outside of councils' control
- Continue to consider population and refine the approach to accurately measure the change in residential populations such as deducting prison populations from residential populations
- Retain productivity factor and for it to remain zero by default unless evidence is provided to deviate from that approach<sup>12</sup>

While these changes help improve the accuracy and equity of rate setting for NSW councils by taking into account each councils' diverse needs, it is yet to consider the increased costs of servicing rapid and significant increases in businesses associated with developing a precinct such as the Bradfield City Centre.

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<sup>12</sup> Independent Pricing and Regulatory Tribunal NSW (2023), Review of the rate peg methodology Final Report, available at <[https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF)>



### 3. Funding Options

The following section outlines each of the funding options considered along with a SWOT analysis and case studies. These options were considered as they were most suitable to support the delivery and ongoing maintenance of council infrastructure (excluding s7.12 which was considered as the current state mechanism).

The options were assessed against the following three criteria:

- **Generate ongoing income:** Council will need sufficient income to support the ongoing maintenance and management obligations of the assets and infrastructure novated to it from BDA
- **Impact on residents:** Ensuring any adjustments to rates or other financial levers has minimal impact on residents and the broader LGA are important to ensure any obligations of Council as a result of novated assets and infrastructure do not create an unfair burden on existing residents and businesses.
- **Responsible for operational risks:** identifying who is responsible for the operational risks and availability of the infrastructure is an important consideration for Council. This infers not only risk, but also a cost associated with the operation of ensuring the asset is maintained to a standard set by the developer and operating entities.

Table 3. Summary table of funding options.

Requirements	s7.12	Rate Peg	Special Rate Variation	Adjusting the Ad Valorem	Community Title Scheme
Generates ongoing income to support ongoing asset and infrastructure maintenance and management	X	✓	✓	✓	✓
Impact on residents (L, M, H)	L	M	M	M	M
Responsible for operational risks (Council, residents, developer, businesses)	Council	Council	Council	Council	Residents, businesses

Negotiations for a Voluntary Planning Agreement (VPA) between BDA and LCC are at the time of this report underway. A VPA was not considered as an option in this report as it is a short term transaction and needs to voluntarily be entered. Further, unless specified in the VPA, it may only be a capital expense contribution rather than a long term source of income to maintain the assets.



### 3.1 Current state: s7.12 Levy

A section 7.12 development contribution is a levy charged as a percentage of the estimated cost of the development where the maximum percentage that can be charged in most areas is 1%.<sup>13</sup> This levy is generally used in commercial and industrial areas where direct demand for public infrastructure is difficult to establish for individual development.<sup>14</sup> LCC were successful in adopting a s7.12 contribution rate of 4.6%<sup>15</sup> for the aerotropolis.

The downside to this funding lever for Council is that s7.12 contributions can only be used for the cost to provide infrastructure and does not cover the cost to maintain an asset. This levy is also a one-off payment based on the development of land. Council should consider that there may be gap in infrastructure funding as the s7.12 may not cover the full cost.

Figure 1. SWOT analysis of the s7.12 levy.

	INTERNAL FACTORS	EXTERNAL FACTORS
POSITIVE	<b>STRENGTHS</b> <ul style="list-style-type: none"> <li>Simple to calculate based on fixed percentage of development costs</li> <li>Easy for developers and council to understand and administer</li> </ul>	<b>OPPORTUNITIES</b> <ul style="list-style-type: none"> <li>Provision of local infrastructure attract businesses, residents and visitors, boosting the local economy.</li> </ul>
NEGATIVE	<b>WEAKNESSES</b> <ul style="list-style-type: none"> <li>Can only be used to provide infrastructure <ul style="list-style-type: none"> <li>Does not cover maintenance</li> </ul> </li> <li>One-off payment based on development of land</li> </ul>	<b>THREATS</b> <ul style="list-style-type: none"> <li>May not fund 100% of infrastructure and create funding gaps in new infrastructure</li> </ul>

#### Case Study: Macquarie Park new Development Contributions Plans

In March 2020, the City of Ryde Council adopted two new Development Contributions Plans under Section 7.11 and 7.12 of the Environmental Planning and Assessment Act, 1979. The new contributions plans came into effect in July 2020.<sup>16</sup>

<sup>13</sup> NSW Government (2024), Local infrastructure contributions policy, available at <<https://www.planning.nsw.gov.au/policy-and-legislation/infrastructure/infrastructure-funding/local-infrastructure-contributions-policy>>

<sup>14</sup> NSW Department of Planning, Industry and Environment (2021), Section 7.12 fixed development consent levies, available at <<https://www.planning.nsw.gov.au/sites/default/files/2023-03/section-7-12-fixed-development-consent-levies-practice-note.pdf>>

<sup>15</sup> Liverpool City Council (2024), Aerotropolis s7.12 Contributions Plan 2024, available at <[https://www.liverpool.nsw.gov.au/\\_data/assets/pdf\\_file/0005/262877/Adopted-City-of-Liverpool-s7-12-Aerotropolis-Contributions-Plan-2024-publication.pdf](https://www.liverpool.nsw.gov.au/_data/assets/pdf_file/0005/262877/Adopted-City-of-Liverpool-s7-12-Aerotropolis-Contributions-Plan-2024-publication.pdf)>

<sup>16</sup> City of Ryde (2024), Development Contributions Plans, available at <<https://www.ryde.nsw.gov.au/Planning-and-Development/Development-Contribution-Plans>>



The s7.11 Plan continues to impose nexus-based developer contributions on residential developments that results in the increase in residents through the creation of new housing allotments, additional new dwellings or a mixture of both within the Ryde LGA. It also continues to impose nexus-based developer contributions on non-residential development in Macquarie Park that results in an increase in gross floor area (GFA).

Funds raised through the s7.11 Plan supports the provision of infrastructure in the Ryde LGA including open space and recreation, community facilities and, transport and traffic facilities.

The s7.12 applies to non-residential development outside of the Macquarie Park precinct that propose an increase in GFA. It imposes a 1% levy on the construction value of all non-residential development consents for developments over a \$350,000 construction value threshold. Non-residential development with a proposed construction value of \$350,000 or under will not be levied under the s7.12.

Funds raised through the s7.12 supports the provision of infrastructure in the Ryde LGA including active transport, civic and urban improvements and stormwater.



## 3.2 Adjusting the Rate Peg

The rate peg sets the maximum percentage by which councils can increase their rates income annually. This ensures council can adjust for cost changes while maintaining financial sustainability. For the 2024-25 financial year, IPART has set the final rate for Council at 5%, taking into account a 2.2% increase in population. Liverpool's neighbouring councils include Penrith with a rate peg of 4.8%, Camden 8.2%, Campbelltown 5.3% and Fairfield 4.9%.<sup>17</sup> Camden's rate peg is significantly higher than its neighbours due to a population change of 6.4%.

The rate peg allows council to increase rates each year to keep pace with changes in costs of providing services to households, businesses and broader community. It also limits the impact of automatic increases on ratepayers. However, if Council propose further changes to the rates, they are required to provide evidence to IPART demonstrating the need for higher increases and engage with the community.<sup>18</sup>

Figure 2. SWOT analysis for Adjusting the Rate Peg

	INTERNAL FACTORS	EXTERNAL FACTORS
POSITIVE	<b>STRENGTHS</b> <ul style="list-style-type: none"> <li>Recognises impact of business growth as part of the rate peg</li> </ul>	<b>OPPORTUNITIES</b> <ul style="list-style-type: none"> <li>Overall LGA benefit as total rate base increases</li> </ul>
NEGATIVE	<b>WEAKNESSES</b> <ul style="list-style-type: none"> <li>Would need IPART approval and significant evidence</li> <li>Population growth shouldn't be the only consideration for rate peg. Increase in business won't impact rate peg (but should) <ul style="list-style-type: none"> <li>LCC would need to advocate for this to change</li> </ul> </li> <li>Unclear if this has been done before</li> </ul>	<b>THREATS</b> <ul style="list-style-type: none"> <li>Political appetite and creating a precedent for other councils to seek bespoke rate peg changes</li> </ul>

The rate peg does not currently consider the growth of businesses, despite the increased costs for Council to provide maintenance of new infrastructure and support services for workers within the LGA.

Factoring in the growth of business and population will enable Council to increase their overall rate base, and therefore overall rate income, providing additional funds across the LGA. This option proposes advocating to IPART to adjust its methodology to include growth in businesses as a consideration for the rate peg.

<sup>17</sup> Independent Pricing and Regulatory Tribunal NSW (2023), Rate peg for NSW councils for 2024-25, available at [https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Information-Paper-Rate-peg-for-NSW-councils-for-2024-25-21-November-2023.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Information-Paper-Rate-peg-for-NSW-councils-for-2024-25-21-November-2023.PDF)

<sup>18</sup> Independent Pricing and Regulatory Tribunal NSW (2023), Review of the rate peg methodology, Final Report, available at [https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Final-Report-Review-of-the-rate-peg-methodology-August-2023.PDF)



### 3.3 Special Rate Variation

A special rate variation (SRV) allows a council to be more targeted and increase its general income above the rate peg, under the provisions of the *Local Government Act 1993* (NSW). SRVs can be for one or several years and can be temporary or permanently retained in the rates base.<sup>19</sup> SRVs can be applied to a specific geography or to the whole LGA. This means if LCC decide to only apply the SRV to Bradfield, residents paying the increased rate are also the people receiving the benefits of the outcomes.

Figure 3. SWOT analysis of adopting a Special Rate Variation

	INTERNAL FACTORS	EXTERNAL FACTORS
POSITIVE	<b>STRENGTHS</b> <ul style="list-style-type: none"> <li>Allows council to increase general income to have additional finances available.</li> <li>Grants council the ability to service and maintain assets that are important to the community</li> </ul>	<b>OPPORTUNITIES</b> <ul style="list-style-type: none"> <li>Communities to understand the benefits SVR creates.</li> <li>Investment in local infrastructure and services attract businesses, residents and visitors, boosting the local economy.</li> </ul>
NEGATIVE	<b>WEAKNESSES</b> <ul style="list-style-type: none"> <li>Residents are generally unhappy with rising rates and can pose a challenge to low-income households.</li> <li>Benefits of funded projects may not be evenly distributed across the community</li> <li>Short term solution and does not extend past 7 years unless approved to be permanent</li> </ul>	<b>THREATS</b> <ul style="list-style-type: none"> <li>IPART's determination of approved rate increases are not guaranteed, posing risk for councils relying on an SRV to fund projects.</li> <li>A misallocation of the funds risks inefficient and can lead to loss of trust for council.</li> </ul>

An SRV is generally requested for the purpose of developing or maintaining essential community services. It helps generate additional income to grant Councils the ability to maintain assets important to the community. Other benefits include an opportunity to educate communities on how these rate increases provide local benefits including using well maintained assets to attract businesses, residents and visitors thereby boosting the local economy.

However, Council must consider the disbenefits of an SRV including unhappy responses from residents on the increased rates and the potential uneven distribution of benefits across the LGA. An example of this may include spending additional money in Bradfield that does not benefit the remainder of the LGA. Other concerns may include the short-term financial viability of this option as SRVs do not extend past 7 years unless approved by IPART to be permanent. IPART determination of approved rate increases are also not guaranteed posing risk for Council should they rely solely on an SRV to fund their asset maintenance and management.

<sup>19</sup> Bellingen Shire Council (n.d.), Fact Sheet – Special Rate Variation, available at [https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Attachment-G-Community-Engagement-Materials-SRV-Factsheet.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Attachment-G-Community-Engagement-Materials-SRV-Factsheet.PDF)





As part of IPART's assessment to approve SRVs, councils are required to engage community to discuss the proposed increase above the rate peg. IPART will also consider the effectiveness of council's engagement prior to determining their application to increasing charges.<sup>20</sup>

**Case Study: Penrith City Council – Asset Renewal and Established Areas Strategy**

In 2016, Penrith City Council were deemed Fit for the Future by IPART. The application for a special rate variation enabled Council to fund infrastructure renewal, public domain maintenance and programs in the LGA's older areas.<sup>21</sup>

While the full 27% requested was not approved, the cumulative increase of 21.7% as it takes into account Penrith residents are already paying for the Asset Renewal & Established Areas Strategy (AREAS) levy as part of the rate increase.<sup>22</sup>

The approved SRV was estimated to generate an additional \$45.9 million over 4 years to support investment in public spaces and neighbourhood and social programs with a focus on litter and graffiti removal. In addition, Council used additional funds generated to evolve their aim to make Penrith a self-sufficient city and build on the productivity savings and reduced costs across Council's operations.

<sup>20</sup> Bellingen Shire Council (n.d.), Fact Sheet – Special Rate Variation, available at [https://www.ipart.nsw.gov.au/sites/default/files/cm9\\_documents/Attachment-G-Community-Engagement-Materials-SRV-Factsheet.PDF](https://www.ipart.nsw.gov.au/sites/default/files/cm9_documents/Attachment-G-Community-Engagement-Materials-SRV-Factsheet.PDF)

<sup>21</sup> Penrith City Council (2015), Preparing our Future, available at [https://hdp-au-prod-app-penr-yoursay-files.s3.ap-southeast-2.amazonaws.com/2416/4328/1798/Media\\_Release\\_Special\\_Rate\\_Variation.pdf](https://hdp-au-prod-app-penr-yoursay-files.s3.ap-southeast-2.amazonaws.com/2416/4328/1798/Media_Release_Special_Rate_Variation.pdf)

<sup>22</sup> IPART NSW (2016), Media Release – Penrith City Council's Special Variation Approved, available at [https://www.ipart.nsw.gov.au/sites/default/files/documents/media\\_release\\_-\\_penrith\\_city\\_councils\\_special\\_variation\\_approved\\_-\\_17\\_may\\_2016.pdf](https://www.ipart.nsw.gov.au/sites/default/files/documents/media_release_-_penrith_city_councils_special_variation_approved_-_17_may_2016.pdf)



### 3.4 Adjusting the Ad Valorem

An ad valorem in NSW is a flat charge set as a proportion of the unimproved land value of the property, that is, the value of the property without any buildings, houses or other capital investments. Councils may vary the way they calculate rates for different categories of property. For example, they can use a different percentage of the unimproved land value to calculate the ad valorem amounts, apply different minimum amounts, or add different base amounts.<sup>23</sup>

Figure 4. SWOT analysis of adjusting the Ad Valorem

	INTERNAL FACTORS	EXTERNAL FACTORS
POSITIVE	<b>STRENGTHS</b> <ul style="list-style-type: none"><li>• Reduces burden on residents (expecting Bradfield to not add much residential)</li></ul>	<b>OPPORTUNITIES</b> <ul style="list-style-type: none"><li>• Provide improved financial impacts for residents (i.e. they pay a reduced portion of the total)</li></ul>
NEGATIVE	<b>WEAKNESSES</b> <ul style="list-style-type: none"><li>• Rates for existing businesses would increase</li><li>• Higher taxes can make owning businesses in LLC less attractive</li></ul>	<b>THREATS</b> <ul style="list-style-type: none"><li>• Disinterest from businesses to open businesses – competing against rates of neighboring councils i.e. Camden v Liverpool</li><li>• Existing businesses will also be hit with increase and could look to relocate</li></ul>

The ad valorem ensures taxation is more equitable where property owners with higher-value properties pay more due to their perceived greater ability to contribute, conversely it can also provide improved financial impacts for residents with lower value properties.

This funding option may create financial burden on property owners, particularly those with fixed incomes. A higher tax could make property ownership less appealing, potentially leading to a slowdown in the property market. An unintended consequence could result in businesses within the LGA choosing to open in or relocate to neighbouring LGAs due to Liverpool being seen as an unattractive investment option due to cost.

<sup>23</sup> Office of Local Government (2020), IPART Review of the Local Government Rating System, Available at <https://www.olg.nsw.gov.au/wp-content/uploads/2020/06/IPART-Rating-Review-Government-Response.pdf>



### 3.5 Community Title Scheme

Community Title or Community Management Scheme involves subdividing land into conventional style land lots under separate individual ownership with shared ownership of community property and facilities administered by a separate legal entity that represents the owners.<sup>24</sup>

Figure 5. SWOT analysis of the Community Title Scheme

	INTERNAL FACTORS	EXTERNAL FACTORS
POSITIVE	<b>STRENGTHS</b> <ul style="list-style-type: none"> <li>• Not time limited</li> <li>• Robust and legislated processes</li> </ul>	<b>OPPORTUNITIES</b> <ul style="list-style-type: none"> <li>• Allows council to treat area differently to rest of LGA – funds specific to particular areas</li> </ul>
NEGATIVE	<b>WEAKNESSES</b> <ul style="list-style-type: none"> <li>• Disincentive to moving due to additional levies on top of rates</li> <li>• Additional governance and regulation requirements</li> <li>• Lack of control for LCC</li> </ul>	<b>THREATS</b> <ul style="list-style-type: none"> <li>• Tenants may object to paying normal rates and seek exemptions (i.e. double dip)</li> </ul>

Benefits of this option is not time limited and allows Council to treat an area differently to the rest of the LGA. However, this may also discourage residents and businesses from moving to these locations due to additional levies in addition to rates and may seek exemptions.

#### Case Study: Oran Park Town Centre – Community Title Scheme<sup>25</sup>

The Oran Park Town Centre is a well designed community of residences, nature, education, sporting and leisure spaces, located 15-minutes away from the new Western Sydney Airport. Since its opening in early March 2010, it has been presented with awards for a number of reasons including:

- Urban Taskforce Development Excellence Award for Master Planned Community Development
- Julia Reserve Youth Precinct awarded the UDIA NSW Excellence in social community and infrastructure
- Julia Reserve awarded the AILA NSW Award for parks and open spaces

As part of the Town Centre's establishment, a community management scheme was considered an effective method to combine both private and public land ownership and uses to ensure a seamless, vibrant and high quality domain that is accessible by all.

<sup>24</sup> Francesco Andreone (2023), An Introduction to NSW Community Title: 2023 Update, available at <https://gostrata.substack.com/p/an-introduction-to-nsw-community>

<sup>25</sup> Camden Council (2014), Camden Council Business Paper – Ordinary Council Meeting 12 May 2014, available at [https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2014/13\\_May\\_2014\\_-\\_Business\\_Paper.pdf](https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2014/13_May_2014_-_Business_Paper.pdf)



The scheme offers many benefits including:

- Seamless access to amenities and user experiences across the Town Centre
- Allows for the central management of all activities within the Civic Precinct
- Provides a framework for equitable and efficient sharing of operational costs
- allows for bundling of services including maintenance, cleaning, insurance and security
- Enables a flexible approach to creating new lots
- Provides design guidelines that ensures consistent look and feel across the Town Centre

#### **Case Study: Oran Park – Marian's Mana, Streeton Community Title Scheme<sup>26</sup>**

Marian's Mana applies a community title scheme whereby purchasers own their land and maintain any building constructed on their land. In this case, parcels of land are owned by members of the scheme known as the association. The association is responsible for the care and maintenance of the property and any other maintenance costs associated with the scheme.

##### **Benefits of the scheme:**

- Quarterly fee enables residents to enjoy quality finishes around the neighbourhood
- Access to landscape features unique to the estate including parks and pedestrian walkways
- Private contractors are engaged to ensure verges, gardens, walkways and open spaces are maintained at to a premium standard

In this case study, the estimated quarterly levies were determined by the lot area:

Lot area (m <sup>2</sup> )	Estimated quarterly levy
300	\$250
375	\$300
450	\$450
550	\$550

<sup>26</sup> Marian's Mana (n.d.), Streeton Community Title Scheme, available at <[https://mariansmana.com.au/wp-content/uploads/2024/04/MariansMana\\_Streeton\\_CommunityTitleBrochure\\_A4\\_Web.pdf](https://mariansmana.com.au/wp-content/uploads/2024/04/MariansMana_Streeton_CommunityTitleBrochure_A4_Web.pdf)>



## 4. Recommendations

Bradfield City Centre is Australia's newest city in 100 years. The development in Bradfield and the broader Aerotropolis is transformative for the people of Greater Sydney and the community of LCC. Although the extent of infrastructure that is likely to be developed and handed over to LCC is unknown, it is widely acknowledged within LCC that this will entail significant costs which will need to be resourced adequately to ensure the standard of delivery and service remains consistent over the life of these assets.

This funding model review has identified approaches LCC could consider implementing to raise funds for the management and maintenance of potential assets novated from BDA. We considered five funding mechanisms for LCC's consideration beyond Council's standard financial practices.

We consider the existing section 7.12 as it applies to development in LCC's part of the Aerotropolis to be current state. Whilst this will provide funding for development in the Aerotropolis, including Bradfield, it cannot be used for maintenance, which is a key concern identified by LCC staff during our engagement.

Our recommendations are:

- Undertake financial modelling to better understand the revenue options and expenses, and how they could be deployed based on specific variables applicable to LCC and Bradfield to better understand the best possible financial option for LCC to pursue. This would need to include costs, timing, revenue requirements and options on methods and incidence of rate increases.
- LCC to develop an advocacy program to advocate to IPART for an adjusted rate peg to consider growth in employment lands and the subsequent impact on council's long term maintenance. This is an issue faced by any council in NSW experiencing growth in employment generating lands, without existing recourse for funding the maintenance of the required infrastructure.
- Consider an aerotropolis specific special rate variation to expand the rateable income of LCC, localising rate impacts to Bradfield and creating a means for Council to generate funds to contribute to the maintenance of new infrastructure. If there is a view to applying this to the whole aerotropolis, LCC should consider how it might do so with Penrith City Council.



<b>PD 01</b>	<b>Revocation of the Visiting International Delegations Policy</b>
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<b>Strategic Objective</b>	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
<b>File Ref</b>	194148.2025
<b>Report By</b>	Julie Scott - Manager City Economy
<b>Approved By</b>	Lina Kakish - Director Planning & Design

## **EXECUTIVE SUMMARY**

The Visiting International Delegations Policy was adopted by Council on 14 March 2016 with the aim of establishing a coordinated and transparent approach to the way in which Council manages requests from representatives or agents for international delegations.

The position of International Engagement and Trade Advisor had responsibility for organising arrangements regarding international delegations. However, this position has since been discontinued, and the policy is therefore obsolete.

## **RECOMMENDATION**

That Council:

1. Revokes the Visiting International Delegations Policy, acknowledging the discontinuation of the International Engagement and Trade Advisor role and the resulting lack of capacity to implement the policy as originally intended; and
2. Notes that ad hoc strategic delegation requests may continue to be assessed on a case-by-case basis, where aligned to Council's Economic Development or Civic priorities.

## **REPORT**

The Visiting International Delegations Policy was adopted by Council on 14 March 2016 to establish a coordinated and transparent framework for managing requests from international governments, consulates, business groups, or community organisations seeking to be hosted by Council for civic, cultural, educational, or investment-related purposes.

The policy set out:

- The circumstances under which delegation requests would be considered;
- The procedures for assessing, accepting, and managing such requests;
- The operational responsibilities for pre-visit and post-visit arrangements

At the time of the adoption, the implementation of this policy was supported by the role of International Engagement and Trade Advisor, who had dedicated responsibility for coordinating delegation logistics, intergovernmental liaison, and strategic follow up.

This position has since been discontinued and there is no staffing capacity to support the requests for hosting international delegations. In the absence of dedicated resources and with no immediate plan to reinstate this function, the policy is no longer operationally viable and has become obsolete.

Accordingly, it is appropriate that Council revokes the Visiting International Delegations Policy

## **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this recommendation.

## **CONSIDERATIONS**

<b>Economic</b>	Facilitate economic development. Facilitate the development of new tourism based on local attractions, culture and creative industries.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	Promote community harmony and address discrimination.
<b>Civic Leadership</b>	Provide information about Council's services, roles and decision-making processes.
<b>Legislative</b>	There are no legislative considerations relating to this report.
<b>Risk</b>	There is no risk associated with this report.

## **ATTACHMENTS**

1. Visiting International Delegations Policy



## VISITING INTERNATIONAL DELEGATIONS POLICY

Adopted: 14 March 2016

TRIM: 308704.2015





## VISITING INTERNATIONAL DELEGATIONS POLICY

### 1. **LEGISLATIVE REQUIREMENTS**

*Local Government Act 1993*

### 2. **PURPOSE/ OBJECTIVES**

- 2.1. This policy aims to establish a single, co-ordinated and transparent approach to the way in which Council manages requests from representatives or agents for international delegations from governments, consulates, business groups or community groups seeking to be hosted by Liverpool City Council for learning, civic, cultural or trade and investment purposes.
- 2.2. The policy outlines the circumstances in which Liverpool City Council will consider receiving international delegations, the procedures for considering those requests and the arrangements that need to be put in place prior and subsequent to the request being accepted.

### 3. **DEFINITIONS**

**CEO:** Chief Executive Officer, Liverpool City Council

**Council:** Liverpool City Council

**International delegation:** A group of business or government officials travelling collectively as a representative group of an overseas country, city, town or industry

### 4. **POLICY STATEMENT**

#### 4.1. **Principles**

- 4.1.1. Council will only host a visiting delegation where mutual benefits are demonstrated to the satisfaction of Council. The CEO will determine whether these mutual benefits have been sufficiently demonstrated.
- 4.1.2. Sufficient information needs to be provided to Council to allow the benefits to Council or the Liverpool area to be properly assessed.
- 4.1.3. Sufficient notice (refer 4.2.3) needs to be provided to Council to assess a request from an international delegation to visit and meet with Council.
- 4.1.4. Checks in relation to the status of the visiting delegation will be made with the Commonwealth Department of Foreign Affairs and Trade and NSW Government (Department of Premier and Cabinet or other relevant agency) to ensure consistency with international protocols.
- 4.1.5. All Councillors will be informed of upcoming approved visiting delegations and invited to participate in relevant meetings.

## **VISITING INTERNATIONAL DELEGATIONS POLICY**

### **4.2. Procedures for dealing with a visiting international delegation request**

4.2.1. Council requires a written request from the delegation or their representative (including Councillors) addressed to the CEO providing details of the delegation. At a minimum Council will require:

- a) The name of the organisation proposing to visit, along with a relevant web address;
- b) Names and titles of the delegation members;
- c) Specific areas of interest that the delegation wishes to cover and outcomes it seeks to achieve through its visit to Liverpool;
- d) Preferred date and duration of the meeting sought (or date and time range).

4.2.2. Visiting international delegations should also meet one or more of the following criteria:

- a) Demonstrated export sales potential for businesses based in the Liverpool LGA and broader South West Sydney;
- b) Genuine inward investment potential for the Liverpool LGA and broader South West Sydney;
- c) Consistency with Commonwealth and NSW Governments' target international markets for investment and trade;
- d) Tangible cultural benefits for residents of Liverpool, namely, school and teacher exchange, provision of speakers for local functions with international standing and expertise that assists in building a positive profile for Liverpool, philanthropic opportunities for Liverpool or charity fundraising that directly benefits the residents of Liverpool;
- e) Complement existing Council international relationships (for example, Toda, Japan).

4.2.3. The written request should be received by Council through the CEO's office a minimum of 8 weeks before the proposed visit by the delegation. Requests within the 8 week timeframe can be considered by the CEO on a case by case basis where the visit is of exceptional significance to Liverpool (for example, a visit from a head of state).

4.2.4. Council, through the CEO's office will assess the request with respect to the benefits to Liverpool Council or the Liverpool area, including protocol checks with the Commonwealth and NSW Governments. The CEO will ordinarily consult with Councillors when making a determination under this policy.

4.2.5. Once the visit is assessed by Council, Council staff will advise the agent or representative of the delegation as to whether the request to visit has been accepted or not and the extent of hospitality that can be provided by Council.

### **4.3. Approval of visiting international delegations**

4.3.1. Subject to the terms of this policy, the CEO will approve or decline a request from a visiting delegation.

**VISITING INTERNATIONAL DELEGATIONS POLICY**

- 4.3.2. If approved, responsibility for managing the delegation will be assigned to the appropriate directorate by the CEO according to the visit's business, cultural, civic or learning nature.
- 4.3.3. A letter of response to the visiting delegation will be provided in writing to the delegation by the directorate assigned responsibility by the CEO's office, including advice on the extent of hospitality to be provided by Council and the venue to be used for the meeting.
- 4.3.4. The directorate assigned responsibility for the visiting delegation will also ensure that all Councillors and any other relevant stakeholders are invited to participate in the delegation meetings.

**VISITING INTERNATIONAL DELEGATIONS POLICY****AUTHORISED BY**

Council Resolution

**EFFECTIVE FROM**

14 March 2016

**DEPARTMENT RESPONSIBLE**

Economic Development

**REVIEW DATE**

14 March 2018

**VERSIONS**

Version	Amended by	Changes made	Date	TRIM Number
1	Council	Not applicable	14 March 2016	308704.2015

**THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH**

Chief Executive Officer

**ATTACHMENTS**

Template: Letter of response to international delegation requesting a visit

Checklist: Delegation Visit

**REFERENCES**

International Relations and Engagement Policy, City of Gold Coast

Local Government NSW: Visiting International Delegations



Ref No.: 00000.2015-000  
Contact: Name Surname  
Ph: 0000 0000  
Date: 00 Month 2015

Name  
Company  
Address  
**SUBURB STATE PCODE**

Dear

#### **INTERNATIONAL VISIT**

I refer to your [letter/email] received on [date] seeking Liverpool City Council to host a visit.

To assess your request Council requires advice from you in writing as follows:

- Name of the organisation to be visiting, along with a relevant web address
- Names and titles of the people to be visiting
- Specific areas of interest to form the basis of the discussion
- Learning outcomes that the group wishes to achieve
- Preferred date of meeting (or date range)
- Preferred length of meeting (one or two hours)

Please address your written request to:

Chief Executive Officer  
Liverpool City Council  
Locked Bag 7064  
**LIVERPOOL BC NSW 1871**

Once this information is received, Council will assess our capacity to host the visit. Advice will be provided declining or accepting the visit (if accepted the date and time of the visit will be confirmed).

Please note that the responsibility for meals, transport, accommodation and interpreters will rest with your organisation. If you have any questions, please feel free to contact [name] on [phone number] or [email address].

Yours sincerely

**Name**  
Position Title



Customer Service Centre Ground Floor, 33 Moore Street, Liverpool NSW 2170, DX 5030 Liverpool  
 All correspondence to Locked Bag 7064 Liverpool BC NSW 1871 Call Centre 1300 36 2170  
 Fax 9821 9333 Email [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
 Web [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) NRS 13 36 77 ABN 84 181 182 471



## Delegation Visit Checklist

Following the assessment and approval to proceed with an inbound delegation visit, the following checklist will be prepared by the Directorate responsible as assigned by the CEO's office and distributed to relevant parties as a shared document to implement.

<b>Request Date:</b>		<b>Trim No. Initial Request:</b>	
<b>Delegation's Organising Representative</b>			
<b>Name:</b>			
<b>Phone:</b>		<b>Email:</b>	
<b>Details of Visiting Organisation</b>			
<b>Name of organisation:</b>			
<b>Organisation overview:</b>			
<b>Website:</b>		<b>City of Origin:</b>	
<b>Details of Visit</b>			
<b>Proposed date of visit:</b>			
<b>Draft schedule/timing:</b>			
<b>Proposed venue (if known)</b>			
<b>Delegation Leader:</b>		<b>Number of Delegates:</b>	
<b>Delegation List</b>			
<b>Purpose of Visit</b>	<input type="checkbox"/> Civic (ceremonial meetings sought) <input type="checkbox"/> Trade opportunities with local business <input type="checkbox"/> Investment in local business or infrastructure <input type="checkbox"/> Learning outcomes (e.g. information on Council's planning system)		
<b>Additional Information</b>			
<b>Proposed Budget:</b>		<b>Cost Centre:</b>	
<b>Dietary requirements:</b>			
<b>Speech/Media needs:</b>			
<b>Additional Information:</b>			
<b>Timeframes:</b>			



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Web [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) NRS 13 36 77 ABN 84 181 182 471



Inbound Visit Planning Checklist				
Task		Details	Responsibility	Action Officer
<input type="checkbox"/>	Delegation request form completed and registered to file	Required	CEO's Office	
<input type="checkbox"/>	Assignment of assessment by the CEO's office to relevant Directorate	Required	CEO's Office	
<input type="checkbox"/>	Letter drafted accepting or declining the visit request	Required	Relevant Directorate	
<input type="checkbox"/>	If accepted, development of itinerary	Required	Relevant Directorate	
<input type="checkbox"/>	Arrange appoints with Mayor/Councillors/ Council Officers	Required	Relevant Directorate in consultation with Mayor and CEO's Office	
<input type="checkbox"/>	Identify opportunities to include: CEO, Mayor, Councillors and other relevant stakeholders	Required	Relevant Directorate	
<input type="checkbox"/>	Design and distribute invitations, RSVP's to key stakeholders and community members	Optional	Relevant Directorate	
<input type="checkbox"/>	Book meeting space/venue	Required	Relevant Directorate	
<input type="checkbox"/>	Additional event requirements (layout of function, lectern, AV requirements, decorations, entertainment, etc)	Optional	Relevant Directorate	
<input type="checkbox"/>	Event catering requirements (obtain quotes, prepare requisition, booking)	Required	Relevant Directorate	
<input type="checkbox"/>	Accommodation assistance	Optional	Relevant Directorate	
<input type="checkbox"/>	Business Matching	Optional	Economic Development	
<input type="checkbox"/>	External site visits (include maps, instructions where possible)	Optional	Relevant Directorate	
<input type="checkbox"/>	Presentation/hand-out details	Optional	Relevant Directorate	
<input type="checkbox"/>	PR/media releases/speeches	Required	Strategic Communications and Research	
<input type="checkbox"/>	Interpreters (language, quote, requisition, copy of speech translated)	Optional	Relevant Directorate and Strategic Communications and Research	
<input type="checkbox"/>	Gift packs, name badges, place cards	Required	Relevant Directorate	
<input type="checkbox"/>	De-brief meeting to be scheduled and record keeping requirements completed	Required	Relevant Directorate	
<input type="checkbox"/>	Prepare post visit thank you letters	Optional	Relevant Directorate in consultation with the Mayor's Office	

On the day checklist			
<input type="checkbox"/>	Notepads and pens	<input type="checkbox"/>	AV equipment and lectern
<input type="checkbox"/>	Place cards	<input type="checkbox"/>	Bottles of water and sweets (as required)
<input type="checkbox"/>	Agenda, hand-outs and information kits	<input type="checkbox"/>	Catering (other)
<input type="checkbox"/>	Banners/promotional material	<input type="checkbox"/>	Welcome greeting in the language of the delegations

**PD 02**

**Public Art Policy - Proposed Amendments**

<b>Strategic Objective</b>	Visionary, Leading, Responsible Place customer satisfaction, innovation and best practice at the centre of all operations
<b>File Ref</b>	172677.2025
<b>Report By</b>	Clare Cochrane - Public Arts Officer
<b>Approved By</b>	Lina Kakish - Director Planning & Design

**EXECUTIVE SUMMARY**

The Public Arts Policy (“the Policy”), adopted by Council in July 2020, provides the framework for how Liverpool City Council (“Council”) supports, encourages, promotes, guides and assists with the planning, development and implementation of public art across the Liverpool Local Government Area (LGA). A copy of Council’s current Policy is provided in **Attachment 1**.

Council is required to periodically review and update our endorsed Policies to ensure they remain fit-for-purpose, reflect industry best practice and evolve to align with changes in legislation, policies, strategies and Ministerial Directions.

Although the current Policy has successfully promoted the greater provision of public art across the Liverpool LGA, the lack of clarity on which developments should include public art and if so to what extent, is a significant gap in the Policy and an ongoing operational challenge for both Council and the development industry.

To address this challenge and identify opportunities for further improvement, City Planning has undertaken a review of Council’s current Public Arts Policy. The review included a benchmarking of public art-related policies, strategies and guidelines from other NSW Councils and an analysis of recent public art projects delivered across the Liverpool LGA by the private sector (see **Attachment 2**).

Furthermore, the review also considered the public art requirements already in force for new development across the Aerotropolis Precinct via the Western Sydney Aerotropolis Development Control Plan 2022 (“Aerotropolis DCP”).

From the review, the following amendments are proposed for the Public Arts Policy:

1. Inclusion of thresholds to provide clarity on which types of development require the provision of public art and to what scale – this would effectively align the Policy with



the public art requirements already in force across the Aerotropolis Precinct via the Aerotropolis DCP;

2. Utilise public art to address the proliferation of bulk facades across the LGA; and
3. Ensure local artists and creative industries are engaged to participate in public art projects proposed within the Liverpool LGA.

A clean version of the amended Public Arts Policy is provided in **Attachment 3**, with a marked-up version provided in **Attachment 4**. Further detail on the proposed amendments, and associated justification for the changes, is provided in **Attachment 5**.

The proposed amendments will ensure Council provides consistent guidance in relation to public art thresholds and triggers across the LGA, provides clarity for the development sector and community, and standardises the expectations for public art provision between the Aerotropolis Precinct and the broader LGA.

This Report seeks Council endorsement to publicly exhibit the updated Public Arts Policy for a minimum period of 28 days to seek feedback on the proposed amendments.

Following the public exhibition, Council staff will review all submissions received on the updated Policy and prepare a Post-Exhibition Report for Council consideration at a future Ordinary Meeting of Council.

## RECOMMENDATION

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That Council:

1. Receives and notes this Report;
2. Endorses the draft Public Arts Policy (**Attachment 3**) for public exhibition;
3. Publicly exhibits the draft Public Arts Policy for a minimum period of 28 days;
4. Receives a Post-Exhibition Report detailing the outcomes of the public exhibition period; and
5. Delegates to the CEO (or delegate) authority to amend the Public Arts Policy for any typographical and minor amendments as required.

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## REPORT

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### Background

The Public Arts Policy, adopted by Council in July 2020, provides the framework for how Council supports, encourages, promotes, guides and assists with the planning, development and implementation of public art across the Liverpool Local Government Area (LGA). A copy of Council's current Public Arts Policy is provided in **Attachment 1**.

Since the adoption of the Public Arts Policy in 2020, the LGA has seen a significant increase in the provision of art in the public domain through private sector development projects. A snapshot of successful privately-initiated projects is provided in **Attachment 2**.

Although Council's current Public Arts Policy has successfully promoted the greater provision of public art across the Liverpool LGA, the lack of clarity on which developments should include public art and if so to what extent, is a significant gap in the Policy and an ongoing operational challenge for both Council and the development industry.

### Western Sydney Aerotropolis Development Control Plan

In November 2022, the Western Sydney Aerotropolis Development Control Plan ("Aerotropolis DCP") was introduced. The Aerotropolis DCP provides the planning, design and environmental objectives and controls which will inform the preparation and assessment of Development Applications and Masterplans across the Aerotropolis Precinct (see *Figure 1*).

Section 2.19 of the Aerotropolis DCP provides guidance on the provision of public art across the Precinct and is applicable to development proposals greater than 20 hectares or with a Capital Investment Value (CIV) exceeding \$20 Million (M).

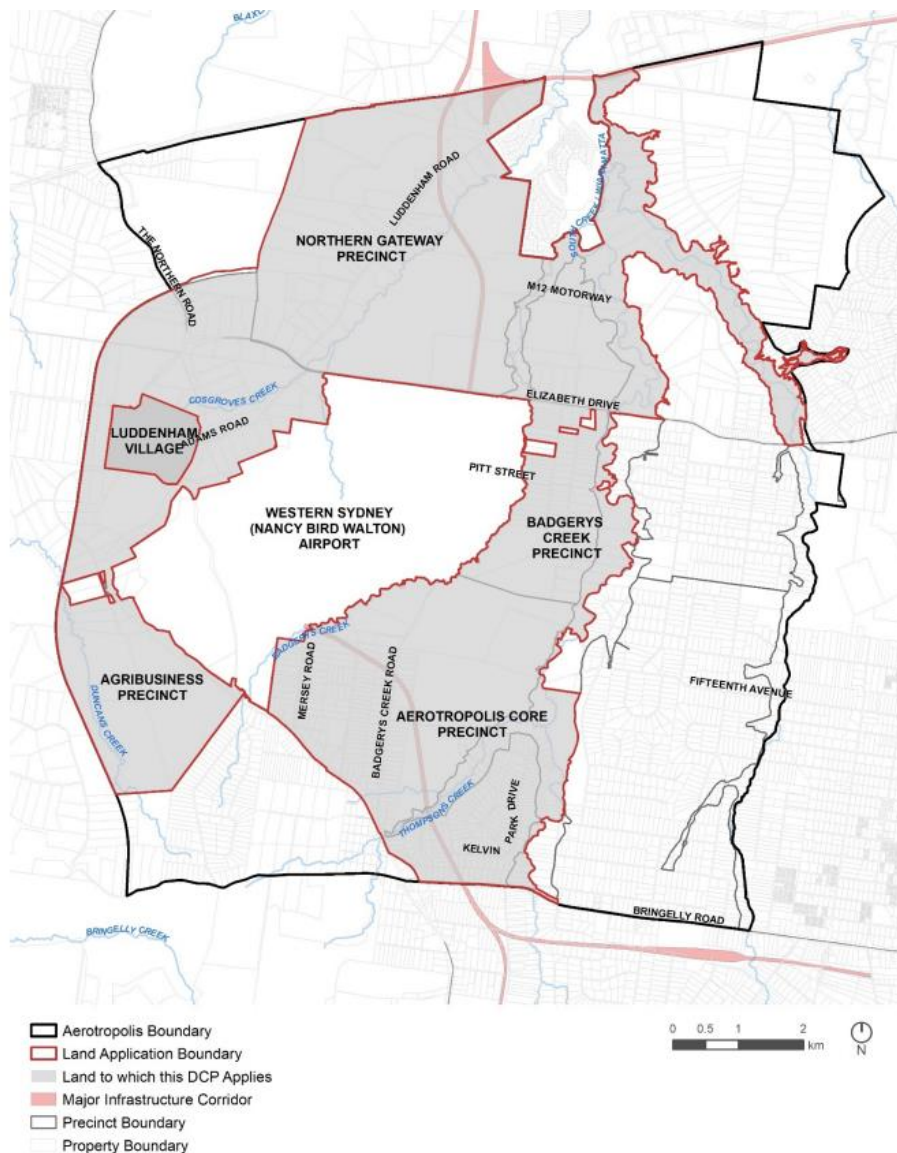
Section 2.19 – which supplements Council's current Public Arts Policy – requires all development proposals exceeding these thresholds must include:

*a minimum of 1 work of public art is provided within the publicly available and accessible spaces of the development such as:*

- a. Any frontage to the public domain;*
- b. Building entrances; or*
- c. Arcades and through site links*

The introduction of the Aerotropolis DCP and its specific threshold requirements for public art for private development across the Aerotropolis Precinct has created inconsistency in the art outcome for development proposed within and outside the Aerotropolis. Although Council's current Public Arts Policy encourages the provision of art in the public domain, the lack of specific thresholds for new development – unlike the Aerotropolis DCP – means the outcomes are often inconsistent and open to interpretation.

*Figure 1 – Land to which the Aerotropolis DCP applies*



## Policy Benchmarking

As part of the Policy update, a review was also undertaken of public art-related policies, strategies and guidelines currently in use by other NSW Councils to benchmark opportunities for improvement, particularly in the thresholds requiring the provision of public art for private development.

A summary of the benchmarking exercise is presented in *Table 1*.

*Table 1 – Summary of public art thresholds for other NSW Councils*

<i>Agency</i>	<i>Document</i>	<i>Threshold</i>	<i>% of CIV*</i>
Department of Planning, Housing and Infrastructure	Western Sydney Aerotropolis Development Control Plan 2022	> \$20M or 20ha	N/A
Department of Planning, Housing and Infrastructure	Draft Leppington Town Centre DCP	> \$5M or excess of 5,000m <sup>2</sup>	1.5%
Randwick City Council	Public Art Strategy		1%
Georges River Council	Public Art Guidelines for Developers	> \$5M	1%
Burwood Council	Public Art Guidelines for Developers	> \$10M	1%
Lismore City Council	Public Art Policy	> \$2M	1%
City of Sydney	Guidelines for Public Art in Private Developments	> \$10M	1%
City of Ryde	Public Art Planning Guide for Developers Development Control Plans		1%
Waverley Council	Public Art Policy	> \$10M	1%
Central Coast Council	Development Control Plan 2022	> \$2M	0.75%
Byron Shire Council	Public Art Strategy Development Control Plan 2014	> \$2M Every additional million	2.5% 1%

\* Capital Investment Value (CIV)

Of the 11 benchmarked examples, the development threshold necessitating the provision of public art for private development ranged from \$2M (Byron Shire, Central Coast, Lismore) up to \$20M (Aerotropolis Precinct).

Of the 10 benchmarked examples specifying a financial contribution towards public art as a percentage of the Capital Investment Value (CIV) of the private development, the majority of examples applied a rate of 1% of CIV while the percentages ranged from 0.75% (Central Coast) up to 2.5% (Byron Shire).

## **Proposed Policy Amendments**

Council is required to periodically review and update our endorsed Policies to ensure they remain fit-for-purpose, reflect industry best practice and evolve to align with changes in legislation, policies, strategies and Ministerial Directions.

Although the current Policy has successfully promoted the greater provision of public art across the Liverpool LGA, the lack of clarity on which developments should include public art and if so to what extent, is a significant gap in the Policy and an ongoing operational challenge for both Council and the development industry.

Following the benchmarking exercise and review of relevant legislation including the Aerotropolis DCP, the following amendments are proposed for the Public Arts Policy:

1. Inclusion of thresholds to provide clarity on which types of development require the provision of public art and to what scale – this would effectively align the Policy with the public art requirements already in force across the Aerotropolis Precinct via the Aerotropolis DCP;
2. Utilise public art to address the proliferation of bulk facades across the LGA; and
3. Ensure local artists and creative industries are engaged to participate in public art projects proposed within the Liverpool LGA.

A summary of the key proposed amendments is unpacked further below, while the full list of proposed amendments and associated rationale is provided in **Attachment 5**. A clean version of the amended Public Arts Policy is provided in **Attachment 3**, with a marked-up version provided in **Attachment 4**.

### **Amendment 1 – Inclusion of Thresholds for Public Art Provision**

As noted previously, the introduction of the Western Sydney Aerotropolis Development Control Plan (“Aerotropolis DCP”) in November 2022 necessitated the provision of public art across the Aerotropolis Precinct (see *Figure 1*) for all development proposals greater than 20 hectares or with a CIV exceeding \$20M. This scenario has created differing approaches to the provision of public art within the Aerotropolis and the remainder of the LGA.

Similarly, the benchmarking exercise (see *Table 1*) has identified viable approaches adopted by other NSW Councils to ensure the provision of public art for private development is both clear and robust for Council, the development sector and the community.

To address this ambiguity, it is proposed to update the Policy to expand the threshold stipulated in the Aerotropolis DCP to the entire LGA (i.e. public art is to be provided for all development proposals greater than 20 hectares or with a CIV exceeding \$20M).

In addition, it is also proposed to adopt a conservative sliding scale approach to the CIV percentage that will provide clarity to the development industry on the total cost (\$) of public art to be provided for a specific development proposal.

These amendments would not only deliver consistency on which private developments require the provision of public art across the LGA, it would also provide clarity on the quantum of public art required per development. A summary of the proposed thresholds is provided in *Table 2*.

It should be noted that the contribution towards public art provision calculated from *Table 2* would be the minimum contribution for each development i.e. a Proponent could deliver public art greater than the proposed minimum.

*Table 2 – Proposed Thresholds for Public Art Provision*

<i>Development Threshold</i>	<i>Minimum % of CIV*</i>
> 20ha and CIV between \$10M and \$20M	0.5%
CIV > \$20M and up to \$50M	0.75 %
CIV > \$50M and up to \$200M	1.0 %
CIV > \$200M	1.5%

\* Capital Investment Value (CIV)

*Table 3* below provides worked examples of how the proposed thresholds would apply to private development across the Liverpool LGA.

*Table 3 – Worked Examples of Threshold Application*

Development Threshold	% of CIV	CIV (\$M)	Minimum Financial Contribution for Public Art
> 20ha and CIV between \$10M and \$20M	0.5%	\$11M	\$55,000
		\$19M	\$95,000
CIV > \$20M and up to \$50M	0.75%	\$21M	\$157,500
		\$49M	\$367,500
CIV > \$50M and up to \$200M	1%	\$51M	\$510,000
		\$190M	\$1,900,000
CIV > \$200M	1.5%	\$201M	\$3,015,000
		\$350M	\$5,250,000

## Amendment 2 – Addressing Bulk Facades

The proliferation of high-bay warehousing and other major developments within the LGA has significantly increased the bulk and scale of blank facades visible from the public domain.

Public art ameliorates the negative visual impacts of such developments for static and transient audiences within the public domain.

The updated Policy will provide alternative opportunities to address large areas of blank or poorly articulated walls which negatively impact the public domain. These opportunities will provide extensive economic, social and cultural benefits for the community, businesses and visitors.

#### Amendment 3 – Supporting Local Creative Industries

The Australian Government identifies that creative industries contributed \$63.7 billion to the Australian economy in 2022-23<sup>3</sup>. Creative industries generate economic goods and activities that are associated with creativity, culture and innovation. The updated Policy identifies and advocates for local artists and creative industries to leverage and participate in economic opportunities associated with public art.

Council has ensured that public art has supported and advocated for local creative industries through engagement and collaboration with local artists. The proposed amendments to the Policy will ensure Council drives creative economic and social growth cohesively across the LGA and ensures Liverpool creatives will be promoted when new public art opportunities arise.

#### Amendment 4 – General Housekeeping

The updated Policy will deliver standardised objectives, controls and guidance relating to public art and secure Council's capacity to advocate for consistent outcomes in State-led planning documents that will impact areas of the LGA.

Securing consistent public art guidance across all local planning documents and panels will benefit all internal and external stakeholders.

### **Conclusion**

Council has continued to make significant and innovative advancements in public art since the endorsement of the original Public Arts Policy. Public art has continued to be guided by the Community Strategic Plan and align with feedback from community consultation.

The updated Public Arts Policy has been developed in direct response to feedback and expectations identified through consultation with the development and creative industries, community and business. Furthermore, the updated Policy is based on extensive research, benchmarking studies and internal consultation and will ensure that the Liverpool LGA remains at the forefront of leveraging public art as an economic opportunity and legacy.

In conclusion, the proposed amendments would not only deliver consistency on which private developments require the provision of public art across the LGA, it would also provide clarity

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<sup>3</sup> <https://www.arts.gov.au/news/highlighting-value-our-cultural-and-creative-activity>



on the quantum of public art required per development. In addition, the updated Policy would also actively promote local artists and creative industries generating economic growth and employment opportunities for more Liverpool creative businesses.

### **Next Steps**

Subject to Council endorsement, draft Public Arts Policy (**Attachment 3**) will be placed on public exhibition for a minimum of 28 days.

Following public exhibition, a Post-Exhibition Report detailing the outcomes of the public exhibition period, and the finalised Public Arts Policy 2025, will be prepared and referred to Council for consideration and endorsement.

### **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this recommendation.

### **CONSIDERATIONS**

<b>Economic</b>	Facilitate economic development. Facilitate the development of new tourism based on local attractions, culture and creative industries.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	Promote community harmony and address discrimination.
<b>Civic Leadership</b>	Foster neighbourhood pride and a sense of responsibility. Facilitate the development of community leaders. Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision making processes. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct. Actively advocate for federal and state government support, funding and services.
<b>Legislative</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>Risk</b>	The risk associated with endorsing the proposed amendments to the current Public Arts Policy is deemed to be low.



	Should Council not endorse the proposed amendments to the current Policy, the ongoing ambiguity for internal and external stakeholders, especially relating to thresholds and triggers for the provision of public art for private development, will continue.
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## **ATTACHMENTS**

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1. 2020 Endorsed Public Arts Policy
2. Developer Commissioned Public Art
3. 2025 Public Art Policy Clean
4. 2025 Public Art Policy Track Changes
5. Proposed Public Art Policy Amendments



## PUBLIC ARTS POLICY

TRIM: 191890.2020

Adopted: 21 July 2020



## 1. LEGISLATIVE REQUIREMENTS

*Local Government Act 1993*  
*Copyright Act 1968*

## 2. PURPOSE

Public art is an investment for and of the communities. Public art increases economic visitation and illustrates Council's commitment to narratives of culture, accessibility, diversity, heritage, and shared aspirations.

It is internationally recognised that public art contributes to the transformation of the urban landscape. Public art provides wayfinding opportunities, allows for creative engagements and best practice placemaking. It actively engages residents and visitors in public spaces.

Council will support, encourage, promote, guide and assist with the planning, development, implementation and care of ephemeral, temporary and permanent Public Art in the Liverpool Local Government Area (LGA).

This policy, in line with the Public Art Strategy (currently under draft), will provide Council a framework for a planned and coordinated approach to Public Art. Public art will be acknowledged and maintained. This policy sets out the framework for commissioning, funding and the preservation of public art, both by the Council and other stakeholders.

## 3. SCOPE

This policy refers to all sanctioned Public Art located, or proposed, in the public domain within the Council's LGA. It defines a framework for public art deliverables that acknowledge the Directions outlined in *Our Home, Liverpool 2027. Community Strategic Plan*:

- a) Creating Connection
- b) Strengthening and Protecting Our Environment
- c) Generating Opportunity
- d) Leading through Collaboration

The policy aims to integrate artists' and craftspeople's skills, vision and creative abilities into multiple aspects of creating new spaces and regenerating old ones, to expand engagements between the broader community and the arts and cultural sector.

Council is committed to high quality, relevant Public Art and will directly commission artworks, work in partnership with other commissioning bodies, individuals and support artists and communities in initiating independent and council approved Public Art activities.

Unauthorised public art is regulated through Councils Graffiti Management Strategy and Action Plan and does not form any part of this policy.

#### 4. DEFINITIONS

**Community Engagement:** community engagement seeks to better engage the community to achieve long-term and sustainable outcomes, processes, relationships, discourse, decision-making, or implementation.

**Culture:** According to UNESCO, 'Culture should be regarded as the set of distinctive spirartitua, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.' (UNESCO, Universal Declaration on Cultural Diversity, 2 November 2001)

**Deaccessioning:** Refers to the process used to remove permanently an object, artwork or assemblage from an organisations collection.

**EOI:** Expression of Interest are a common process for public art and creative processes. EOI's are often a mulit-stage process. The first stage is usually an unpaid call for applications, with shortlisted artists being commissioned for a more in-depth application.

**Ephemeral:** Artworks that are designed to slowly disintegrate over time within a space due to the nature of material and their interactions with the surrounding environment.

**Heritage:** Heritage is all the things that make up identity - our spirit and ingenuity, our historic buildings, and our unique, living landscapes. Our heritage is a legacy from our past, a living, integral part of life today, and the stories and places we pass on to future generations.

**Public Art:** The work may be ephemeral, temporary or permanent in nature. Public art may be located in or part of a public space or facility and can be commissioned by both the public and private sector. Public art also includes the conceptual contribution of an artist to the design of public spaces and facilities. Public Art is crucial to the development of public places which are innovative, vibrant and meaningful and allow curiosity, playfulness and or a sense of connection to form.

- a) Functional Connection; seating, lighting, bollards
- b) Decorative: Incorporated into structures eg paving, awnings
- c) Iconic: Stand-alone sculptural works
- d) Integrated: fully incorporated within the design eg flooring, windows
- e) Interpretative: describe, inform or educate, on issues, events, situations eg signage, plaques, text based work

**Permanent** artworks are generally intended for a lifespan of 5-15 years or longer depending on the durability of materials and a contractual agreement with artist on the lifespan of the work and commission.

**Site-responsive:** Site response in art occurs when the artist is engaged in an investigation of the site as part of the process in making the work. The investigation will take into account geography, locality, topography, community (local, historical and global), history (local, private and national).

**Solicited:** In response to an invitation or Expression of Interest (EOI) to commission new public art

**Street Art:** Commissioned mural artworks that have prior approval from council. They still embody aspects expected in relation to site-responsive and community engagement.

**Temporary Artworks:** Are generally designed to last between 0-5 years. These may include performance based works, temporary installations etc.

**Unsolicited:** A submission to create new public art that is not related to an invitation or EOI.

## 5. ASSESSMENT

All Public Art related activities, EOI's through to deaccessioning, must be conducted honestly, transparently and in a manner that is fair and equitable to all parties. Therefore, processes, decisions and activities must:

- a) Be undertaken with consistent and appropriate documentation to ensure equitable outcomes.
- b) Be free from any conflict of interest that may result in any unfavourable, favourable or preferential treatment.
- c) Ensure impartiality throughout the process.

Decisions on Public Art Projects, Exhibitions and Programs will consider relevant strategic Directions adopted by the Council and:

- a) Demonstrate a high standard of excellence and innovation.
- b) Be distinctive, original and reflect the diverse stories, histories and environments of the LGA.
- c) Consider public safety and the impact on the environment.
- d) Demonstrates consideration for public access and audience impact.
- e) Is site-responsive.
- f) Is consistent with current planning, policies and plans of management including current planning, heritage, environmental and procurement policies.
- g) Achievable within the project timeframe and budget.
- h) Issues of maintenance and durability are addressed

- i) Are a significant addition to the Public Arts collection of the Council.
- j) Projects, Exhibitions or Programs must develop community pride and a sense of belonging.
- k) Be socially engaging, increase community interaction and conversations in the public realm.
- l) Increase accessibility and explore sensory engagements.
- m) Provide educational opportunities.

## 6. OPPORTUNITIES

This Policy recognises the below opportunities for new solicited Public Art:

- a) Community proposed projects; either by individuals or groups.
- b) Council to directly commission and fund public art and/ or integrate into planned civic infrastructure and capital works.
- c) Third parties, including business owners, philanthropists, property owners and developers.
- d) Council Development Fund.
- e) Developer contributions.
- f) Voluntary Planning Agreements.
- g) The Australian Government Cultural Gifts Program.
- h) State and Federal Grants.

The Council will actively encourage the commission of public art; negotiating processes, community engagement, supporting external stakeholders, commissioning, selection, contractual requirements in line with this policy and the Public Art Strategy (currently under draft).

In line with the scope and selection criteria this policy identifies the below methods of undertaking the commissioning of new public art

- a) Open EOI's
- b) Targeted EOI's
- c) Direct commissions
- d) Partnerships
- e) Donations

## 7. EVALUATION AND REVIEW

Evaluation will be measured against the key objectives and long-term outcomes outlined in this policy through regular reports to Council.

Initial review will occur once Council has adopted the Public Art Strategy (currently under draft).

Council will review this policy upon completion of the Public Art Strategy and every two years from that adoption onwards.

**AUTHORISED BY**  
Council and CEO

**EFFECTIVE FROM**  
21, July, 2020

**DEPARTMENT RESPONSIBLE**  
City Economy and Growth

**REVIEW DATE**  
21 July 2022

**THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH**  
City Presentation  
City Corporate (Governance and Legal Services)  
City Economy and Growth (Strategic planning)  
City Community and Culture  
City Environment & Infrastructure

#### VERSIONS

Versions	Amended by	Changes made	Date	TRIM Number
1			21/7/2020	191890.2020

#### REFERENCES

City of Sydney 2030: Public Art Policy  
Arts Law Centre of Australia; Public Art Guidelines for Artists and Commissioners  
Australian Institutes of Architects: Public Art Policy 2009  
Australian Government: Department of the Environment and Energy  
Bathurst Public Art Policy  
Central Coast Council: Public Art Policy 2015  
City of Sydney 2030: City Centre Public Art Plan 2013  
City of Sydney 2030: Public Art Policy 2016  
City of Sydney 2030: Guidelines Public Art Acquisitions and Deaccessions 2010  
City of Joondalup: Public Art Policy  
City of Joondalup: Public Art Management Plan (Draft)  
City of Ottawa: Public Art Policy  
City of Parramatta: Public Art Policy 2017  
Cultural Strategy Action Plan (Draft 2018)  
Delivery Program 2017 – 2021 & Operational Plan 2018 – 2019  
Eurobodalla Shire Council: Public Art Policy 2017  
Government Percent for Art Scheme Guidelines 2015  
Liverpool City Council: Civic Events and Ceremonial Functions Policy 2017  
Liverpool City Council: Code Of Conduct  
Liverpool City Council: Community Engagement Policy 2013  
Liverpool City Council: Community Strategic Plan, Our Home, Liverpool 2027

Liverpool City Council: Draft Cultural Strategy 2017  
Liverpool City Council: Economic Development Strategy, 2013-2018  
Liverpool City Council: Growing Liverpool 2023  
Liverpool City Council: Making Innovation Happen (Draft)  
Liverpool City Council: Open Space and recreation Strategy (Draft)  
Liverpool City Council: Our Home, Liverpool 2027 Community Strategic Plan  
Liverpool City Council: Procurement Policy  
Liverpool Goes Global  
Making It Your Own. Arts North West 2012  
Mooreland City Council: Public Art Guidelines  
NAVA: Public Art  
Public Art in Liverpool: Liverpool Listens. Survey Report  
Reimagining the Liverpool Health, Education, Research and Innovation Precinct 2017  
Waverley Council Public Art Policy 2014  
Wollongong: Public Art Council Policy 2016



**PUBLIC ARTWORK: 5 MELITON COURT, PRESTONS**

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Lead Artist	Claire Foxton
Local First Nations Artist	Amy Eldridge
Location	5 Meliton Court, Prestons (viewable from Kurrajong Rd)
Artwork Title	Meeting Place
Year	2023
Developer	Fife
Consultant	InDev



**PUBLIC ARTWORK: 5 TO 35 YARRUNGA ST, PRESTONS**

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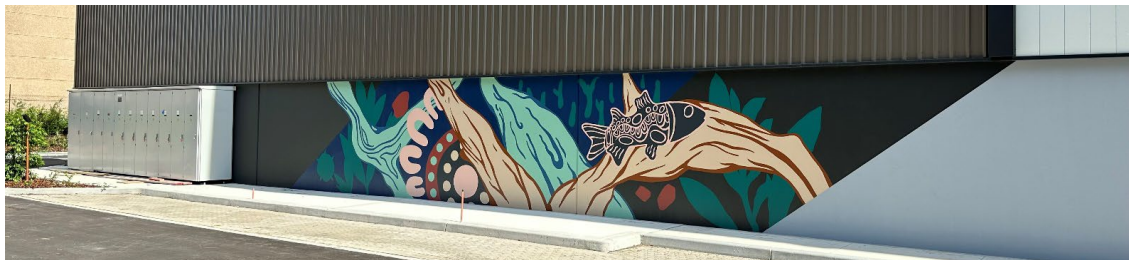
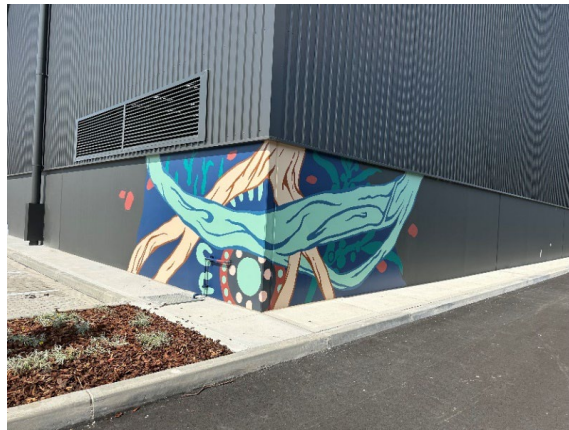
Developer	ESR Australia & New Zealand
Lead Artist	Samuel Hall
Local First Nations Artist	Amy Hill
Location	5 to 35 Yarrunga St. Prestons
Artwork Title	Gymea Lily
Year	2024



**PUBLIC ARTWORK: 12 CHURCH ROAD**

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Lead Artist	Blu Del Sol
Local First Nations Artist	Amy Hill - Dewrangart
Location	12 Church St, Moorebank
Artwork Title	
Year	2025
Developer	Dexus





## PUBLIC ART POLICY

Draft: 2025

TRIM (*Number*)



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## PUBLIC ART POLICY

**DIRECTORATE:** Planning & Compliance

**BUSINESS UNIT:** City Planning

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### 1. BACKGROUND

- 1.1 Liverpool City Council (Council) recognises that local, meaningful and accessible public art is an investment for and of the community. Public art increases economic visitation and illustrates Council's commitment to narratives of community, diversity, collaboration, culture, accessibility, heritage, tolerance and shared aspirations.
- 1.2 It is internationally recognised that public art contributes to the transformation of the urban landscape. Public art provides wayfinding opportunities, allows for creative engagements and best practice placemaking. It actively engages residents, businesses and visitors in the public domain, supporting nighttime activation, passive security, creative industries, local economies and community pride.
- 1.3 Public art contributes to the physical attractiveness of the built environment and increases the quality of life for residents, workers and visitors.
- 1.4 The policy aims to integrate artists' and crafts people's skills, vision and creative abilities into multiple aspects of creating new spaces and regenerating old ones, to expand engagements between the broader community and the arts and cultural sector.

### 2. PURPOSE/ OBJECTIVES

- 2.1 The purpose and objectives of this Policy are to ensure that Council will continue to;
  - a) Eliminate blank walls to the public domain;
  - b) Align and support existing policies and strategies throughout all stages of public art delivery;
  - c) Provide specialist advice to encourage, promote, guide and assist with the placement, planning, development, implementation and care of ephemeral, temporary and permanent Public Art within the Liverpool Local Government Area (LGA);
  - d) Ensure public art narratives across the LGA are endemic, relevant and meaningful. By interpreting our unique historical, natural, and cultural themes through public art and ensuring our past, present and future aspirations are acknowledged and celebrated within the public domain;

- e) Identify artists as integral to the creation and design of public art in the LGA;
- f) Ensuring local artists are provided lead or collaborative roles in the design and development of public art to build our creative industry and support legacy development;
- g) Identify local businesses and trades to participate in the fabrication, construction, delivery and maintenance of public art;
- h) Update and synchronise public art in planning instruments to provide clarity and streamline requirements and expectations;
- i) Provide specialist advice and support to Regional and Local Planning Panels and the Design Excellence Panel in relation to public art;
- j) Provide consistency and clarity for applicants delivering public art through development;
- k) Develop innovative processes and setting benchmark opportunities for public art at a Local, State and Federal level;
- l) Deliver public art that aligns with, and exceeds, Federal and State Cultural Strategies;
- m) Secure public art benefits for community, business and visitors;
- n) Advocate for public art that provides accessible and intergenerational opportunities to enhance civic pride and participation in the public domain;
- o) Deliver a planned and coordinated approach to public art;
- p) Ensure relevant and high-quality public artwork for the LGA;
- q) Remain at the forefront of public art planning and implementation;
- r) Deliver public art that is durable, vandal resistant and safe; and
- s) Identify constraints and opportunities to be addressed.

### 3. SCOPE

- 3.1 The Public Art Policy refers to all sanctioned Public Art, undertaken by artists, located, or proposed in, or viewable from the public domain within the Liverpool LGA.
- 3.2 The Public Art Policy provides guidance for Council staff, Planning Panels, and external stakeholders for public art delivered within the Liverpool LGA.
- 3.3 Public Art is required under planning requirements.
- 3.4 New or re-developments that exceed 20 hectares or \$20 million (M) will be required to deliver public art and Council will provide specialist advice and support from pre- to post lodgement.
- 3.5 Unauthorised public art is regulated through Councils Graffiti Management Strategy and Action Plan and does not form any part of this policy.
- 3.6 Council will not identify items as public artworks if logos, slogans or advertising is placed into, over or onto them.

**4. DEFINITIONS** *(where applicable)*

<b>Artist</b>	May have completed specialised training or study and are actively committed to professional practice. They are pursuing opportunities and dedicating time to making and developing artworks. They are exhibiting or performing in exhibitions, events, and/or applying for commissions. They are actively engaging and growing networks to increase exposure of their work and increasing public and industry awareness of their artmaking.
<b>Community Engagement</b>	Community engagement seeks to better engage the community to achieve long-term and sustainable outcomes, processes, relationships, discourse, decision-making, or implementation.
<b>Creative Industries</b>	Traditional arts sector and cultural institutions, but encompassing industries such as music, screen, literature, fashion, design, architecture, as well as food, the digital games, and tech sectors.
<b>Culture</b>	According to UNESCO, 'Culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.' (UNESCO, Universal Declaration on Cultural Diversity, 2 November 2001)
<b>Deaccessioning</b>	Refers to the process used to remove permanently an object, artwork or assemblage from an organisations collection.
<b>Development</b>	Refers to Development Applications, Regionally Significant Applications, State Significant Applications, Master Plans and Planning Proposals.
<b>Direct Commission or Direct Invitation</b>	A particular artist/s is/are identified and engaged to undertake an artwork.
<b>Expression of Interest (EOI)</b>	Expression of Interest are a common process for public art and creative processes. EOI's are often a multi-stage process. The first stage is usually an unpaid call for applications, with shortlisted artists being commissioned for a more in-depth application.
<b>Endemic</b>	Relevant to a local area or community, can be restricted to a certain place or represents a unique story associated with place or site.
<b>Ephemeral</b>	Artworks that are designed to slowly disintegrate over time within a space due to the nature of material and their interactions with the surrounding environment.
<b>Heritage</b>	Heritage is all the things that make up identity - our spirit and ingenuity, our historic buildings, and our unique, living landscapes. Our heritage is a legacy from our past, a living, integral part of life today, and the stories and places we pass on to future generations.

<b>Local artist</b>	Artists that have or do live, work or have strong connections to the Liverpool LGA i.e. family connections.
<b>Public Art:</b>	<p>The work may be ephemeral, temporary or permanent in nature. Public art may be located in or part of a public space or facility and can be commissioned by both the public and private sector. Public art also includes the conceptual contribution of an artist to the design of public spaces and facilities. Public art is crucial to the development of public places which are innovative, vibrant and meaningful and allow curiosity, playfulness and or a sense of connection to form.</p> <ul style="list-style-type: none"> <li>a) Functional Connection; seating, lighting, bollards</li> <li>b) Decorative: Incorporated into structures e.g. paving, awnings</li> <li>c) Iconic: Stand-alone sculptural works</li> <li>d) Integrated: fully incorporated within the design e.g. flooring, windows</li> </ul> <p>Interpretative: describe, inform or educate, on issues, events, situations e.g. signage, plaques, text-based work.</p>
<b>Permanent</b>	Artworks are intended to last the lifespan of the overall construction.
<b>Site-responsive</b>	Public art that responds to a particular site, including it's context within the environment, specific histories, aspiration, existing or proposed built form, landscaping and economy. the site it is intended for. Artist's research may consider geography, locality, topography, community (historical, contemporary and/or aspirational) or heritage.
<b>Solicited</b>	In response to an invitation or Expression of Interest (EOI) to undertake new public artwork.
<b>Street Art</b>	Commissioned mural artworks that have prior approval from council. They embody aspects expected in relation to site-responsive and community engagement.
<b>Temporary Artworks</b>	Are generally designed to last between 0-5 years. These may include performance-based works, temporary installations etc.
<b>Unsolicited</b>	A submission to create new public art that is not related to an invitation or EOI.

## 5. POLICY STATEMENT

5.1 Council's Public Art Policy provides clarity, transparency and direction for Council staff, community, business and visitors to the Liverpool LGA. The Policy advocates for public art that improves amenity in the public domain and provides functional benefits for our diverse communities.

5.2 The policy supports local creative industry and promotes the unique narratives of our LGA.



- 5.3 The Policy reiterates Council's commitment to public art including direct and indirect benefits. It also identifies the scope and capacity of public art to improve amenity and increase civic pride.
- 5.4 The Council continues to endorse public art opportunities that advocate for, promote, and highlight artworks and artists from the local First Nations community, contributing to legacy building.
- 5.5 Through creative expression, public art and built infrastructure design contributes to keeping Country culturally strong and strengthening the ongoing relationship between people and place.
- 5.6 The Policy acknowledges the Connecting with Country Framework and recognises that its requirements cannot be fulfilled through public artwork alone.
- 5.7 The Policy applies to all public and private commissioners and artists engaged in public art in the Liverpool LGA. The Policy reiterates Council's commitment to guiding and supporting high quality public art outcomes for development and redevelopment within the Policy's scope.
- 5.8 Council's Public Arts Officer is responsible for administering, managing adherence to, and updating this, Policy. Any disagreements, appeals, misunderstandings, or breaches of this Policy should be directed to Council's Manager City Planning or equivalent, in the first instance.
- 5.9 A failure to adhere to the lodgement requirements for a Development for public art will result in a request for further information to be provided or the application being unsupported and recommended for rejection or refusal.
- 5.10 A failure to adhere to the principles and assessment requirements of this policy by Council Staff will be managed in accordance with the grievance and disciplinary procedures identified in the Council's Code of Conduct and the Local Government Award.
- 5.11 The Policy is to be applied to public art identified within the scope or triggered by the thresholds identified. The policy provides clarity, guidance and reiterates Council's commitment to provide specialist advice and support in all facets related to public art opportunities, projects and lifecycle.

## **6 OPPORTUNITIES**

- 6.1 This Policy recognises the below opportunities for new solicited Public Art:
- a) Community proposed and funded projects; by individuals, groups or

- organisations;
- b) Council to directly commission and fund public art and/ or integrate into planned civic infrastructure and capital works projects;
- c) Third parties, including business owners, philanthropists, property owners and developers;
- d) Voluntary Planning Agreements;
- e) State and Federal Grants; and
- f) Contributions Plans.

## 7 THRESHOLDS & TRIGGERS

- 7.1 Council identifies the threshold for public art as developments or redevelopments that exceed 20 hectares or with a Capital Investment Value (CIV) of \$20M dollars.

Development Threshold	Minimum % of CIV
> 20ha and CIV between \$10M and \$20M	0.5%
CIV > \$20M and up to \$50M	0.75 %
CIV > \$50M and up to \$200M	1.0 %
CIV > \$200M	1.5%

The percentages of CIV identified are minimums and Council strongly encourages budgets identified are fit for the scope and scale of individual projects. Council identifies that between 20 – 40% of the overall public art budget is allocated to artists fees depending on the complexity of the project. Council will require evidence of how commissioned public art supports the local creative industry.

- 7.2 Irrespective of site area or CIV, public art is required to be incorporated into developments where it is identified or triggered by;

- a) Relevant State Environment Planning Policy (SEPP);
- b) Liverpool Local Environment Plan;
- c) Development Control Plans;
- d) Gateway Locations;
- e) State Significant Developments;
- f) Regional Planning Panel;
- g) Local Planning Panel; and
- h) Design Excellence Panel.

- 7.3 In such cases, the Proponent is to identify suitable funds to deliver identified public art requirements, conditions or recommendations.

- 7.4 Council identifies public art may also be triggered in the below land use zones, where there is a blank wall visible from the public domain;

- a) B2 - Local Centre
- b) B1 - Neighbourhood Centre
- c) B5 - Business Development
- d) B4 - Mixed Use
- e) B3 - Commercial Core
- f) B6 - Enterprise Corridor
- g) B7 - Business Park
- h) IN2 - Light Industrial
- i) IN3 - Heavy Industrial
- j) IN1 - General Industrial
- k) RE1 - Public Recreation
- l) RE2 - Private Recreation
- m) R4 - High Density Residential
- n) RU5 - Village
- o) SP3 - Tourist
- p) SP2 - Infrastructure
- q) SP1 - Special Activities

## 8 ASSESSMENT

8.1 All public art related activities, from EOI's to deaccessioning, must be conducted honestly, transparently and in a manner that is fair and equitable to all parties. Therefore, processes, decisions and activities must:

- a) Be undertaken with consistent and appropriate documentation to ensure equitable outcomes;
- b) Be free from any conflict of interest that may result in any unfavourable, favourable or preferential treatment;
- c) Align with community expectations and sentiment; and
- d) Ensure impartiality throughout the process.

8.2 Assessment of Public Art Projects, Exhibitions and Programs will consider the strategic objectives identified in Council's Community Strategic Plan.

8.3 Public art within the LGA will:

- a) Demonstrate a high standard of excellence and innovation;
- b) Be distinctive, original and reflect the diverse stories, histories and environments of the LGA;
- c) Consider public safety and the impact on the environment;
- d) Identify current and future audiences;
- e) Demonstrates consideration for public access and audience impact;
- f) Be site-responsive and employ local narratives;
- g) Be consistent with current planning, policies and plans of management including, current planning, heritage, environmental and procurement legislation, controls, policies, strategies and best practice;

- h) Provide paid opportunities for Local Creative industries (i.e. collaborations and primary artist projects);
- i) Achievable within the project timeframe and budget;
- j) Issues of maintenance and durability are addressed;
- k) Are a significant addition to the Public Arts collection of the Council;
- l) Projects, Exhibitions or Programs must develop community pride and a sense of belonging;
- m) Be socially engaging, increase community interaction and conversations in the public realm;
- n) Address issues and concerns regarding perceptions of safety in the public realm;
- o) Increase accessibility and explore sensory engagements;
- p) Provide educational opportunities;
- q) High-quality public art is integrated into the design and function of the development to embellish and enliven the public domain; and
- r) Capture and reflect the qualities and essence of place, community values and the stories of past and present cultures, places, and people.

8.4 Public art is not identified as exempt development.

## **9 DEACCESSION**

- 9.1 To ensure that the deaccessioning, removal and/or disposal of items in Council's public art collection is carried out ethically and thoughtfully.
- 9.2 The deaccession of public art within the Council collection must be approved by Resolution of Council. As an item of cultural significance, the relevant manager requesting removal of a public artwork will;
  - a) Identify if an artwork is to be relocated, removed or disposed and rationale;
  - b) Provide information about the artwork, including, but not limited to, history, community sentiment, relevance;
  - c) A significance and, where required a heritage assessment;
- 9.3 Council will deaccession public artwork in line with;
  - a) Artist/s Agreement;
  - b) Best practice collection management.
- 9.4 Where public artworks have been delivered through consent, deaccessioning must align with required parameters.
- 9.5 Where public art is identified to last a lifetime of construction or landscaping and requires significant remediation or poses a threat to the public

deaccessioning will commence once an approved public art replacement and budget has been identified.

## 10 RELEVANT LEGISLATIVE REQUIREMENTS

- 10.1 Local Government Act 1993.
- 10.2 Environmental Planning and Assessment Act 1979.
- 10.3 State Environment Planning Policy (Exempt and Complying Development Codes) 2008.
- 10.4 State Environment Planning Policy (Industry and Employment) 2021.
- 10.5 State Environmental Planning Policy (Transport and Infrastructure).
- 10.6 Western Sydney Aerotropolis Development Control Plan 2022.
- 10.7 Copyright Act 1968.

## 11 RELATED STRATEGIES, POLICIES, & REFERENCE DOCUMENTS

- 11.1 National Cultural Policy, *Revive*. Australian Federal Government.
- 11.2 NSW Arts, *Culture and Creative Industries Policy*, Creative Communities. NSW Government.
- 11.3 *NSW Public Art Toolkit*. Create NSW.
- 11.4 *Aboriginal Arts and Cultural Protocols*. Create NSW.
- 11.5 *Community Strategic Plan 2025-2035*. Liverpool City Council.
- 11.6 *Economic Development Strategy 2022-2032*. Liverpool City Council.
- 11.7 *Cultural Policy*. Liverpool City Council.
- 11.8 *Development Assessment Policy*. Liverpool City Council.
- 11.9 *First Nations Cultural Protocols*. Liverpool City Council.
- 11.10 *Heritage Policy*. Liverpool City Council.
- 11.11 *Procurement Policy*. Liverpool City Council.
- 11.12 *Cultural Strategy*. Liverpool City Council.
- 11.13 *Destination Management Plan*. Liverpool City Council.
- 11.14 *Disability Inclusion Action Plan*. Liverpool City Council.
- 11.15 *Vibrant Streets Program Guidelines*. Liverpool City Council.
- 11.16 *Public Domain Master Plan 2020*. Liverpool City Council.
- 11.17 *Liverpool Heritage Policy*. Liverpool City Council.
- 11.18 *Reconciliation Action Plan*. Liverpool City Council.

### AUTHORISED BY

Council Resolution

### EFFECTIVE FROM

*This date is the date the policy is adopted by Council resolution.*

### REVIEW DATE

*The policy must be reviewed every five years or more frequently depending on its category or if legislative or policy changes occur.*

### VERSIONS

*The current and previous version of the policy should be set out in the following table.*

Version	Amended by	Changes made	Date	TRIM Number
1	Council Resolution		21/7/2020	191890.2020
2				

#### **THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH**

Managers and staff members from the Planning and Compliance, Operations, Corporate Support, Community & Lifestyle, Customer and Business Performance and City Futures Directorates. Individual consultation was undertaken with the Manager Strategic Procurement and Contracts and the Head of Governance.

Consultation with the community has been ongoing in the form of surveys, face-to-face and online meetings. One on one consultation has also been undertaken with local artists on the Local First Nations and Local Artists Registers. As well as one on one discussions with professional public artists who have participated in collaborations with Local artists.

Consultation has also been undertaken with Federal Special Envoy for the Arts and Create NSW.

#### **ATTACHMENTS**

*In this section list all attachments if any.*



## PUBLIC ARTS ART POLICY

Draft: 2025

TRIM: ~~191890.2020~~ (Number)

Adopted: 21 July 2020



~~1. LEGISLATIVE REQUIREMENTS~~~~Local Government Act 1993~~~~Copyright Act 1968~~~~2. PURPOSE~~~~Public~~**PUBLIC ART POLICY****DIRECTORATE:** Planning & Compliance**BUSINESS UNIT:** City Planning**1. BACKGROUND**

1.1 ~~Liverpool City Council (Council) recognises that local, meaningful and accessible public art is an investment for and of the communitiescommunity.~~  
Public art increases economic visitation and illustrates Council's commitment to narratives of community, diversity, collaboration, culture, accessibility, diversity, heritage, tolerance and shared aspirations.

1.2 It is internationally recognised that public art contributes to the transformation of the urban landscape. Public art provides wayfinding opportunities, allows for creative engagements and best practice placemaking. It actively engages residents, businesses and visitors in the public spacesdomain, supporting nighttime activation, passive security, creative industries, local economies and community pride.

1.3 ~~Council will~~Public art contributes to the physical attractiveness of the built environment and increases the quality of life for residents, workers and visitors.

1.4 The policy aims to integrate artists' and crafts people's skills, vision and creative abilities into multiple aspects of creating new spaces and regenerating old ones, to expand engagements between the broader



community and the arts and cultural sector.

## **2. PURPOSE/ OBJECTIVES**

2.1 The purpose and objectives of this Policy are to ensure that Council will continue to:

- a) Eliminate blank walls to the public domain;
  - b) Align and support existing policies and strategies throughout all stages of public art delivery;
  - c) Provide specialist advice to support, encourage, promote, guide and assist with the placement, planning, development, implementation and care of ephemeral, temporary and permanent Public Art within the Liverpool Local Government Area (LGA);
  - d) This policy, in line with Ensure public art narratives across the Public Art Strategy (currently under draft), will LGA are endemic, relevant and meaningful. By interpreting our unique historical, natural, and cultural themes through public art and ensuring our past, present and future aspirations are acknowledged and celebrated within the public domain;
  - e) Identify artists as integral to the creation and design of public art in the LGA;
  - f) Ensuring local artists are provided lead or collaborative roles in the design and development of public art to build our creative industry and support legacy development;
  - g) Identify local businesses and trades to participate in the fabrication, construction, delivery and maintenance of public art;
  - h) Update and synchronise public art in planning instruments to provide Council a framework clarity and streamline requirements and expectations;
  - i) Provide specialist advice and support to Regional and Local Planning Panels and the Design Excellence Panel in relation to public art;
  - j) Provide consistency and clarity for applicants delivering public art through development;
  - k) Develop innovative processes and setting benchmark opportunities for public art at a Local, State and Federal level;
  - l) Deliver public art that aligns with, and exceeds, Federal and State Cultural Strategies;
  - m) Secure public art benefits for community, business and visitors;
  - n) Advocate for public art that provides accessible and intergenerational opportunities to enhance civic pride and participation in the public domain;
  - o) Deliver a planned and coordinated approach to Public Art. Public public art will;
  - p) Ensure relevant and high-quality public artwork for the LGA;
  - q) Remain at the forefront of public art planning and implementation;
  - r) Deliver public art that is durable, vandal resistant and safe; and
  - s) Identify constraints and opportunities to be acknowledged and maintained.
- ~~This policy sets out the framework for commissioning, funding and the preservation of public art, both by the Council and other~~

stakeholders addressed.

### 3. SCOPE

3.1 This policy~~The Public Art Policy~~ refers to all sanctioned Public Art, undertaken by artists, located, or proposed, in, or viewable from the public domain within the Council's Liverpool LGA. ~~It defines a framework~~

3.2 The Public Art Policy provides guidance for Council staff, Planning Panels, and external stakeholders for public art deliverables delivered within the Liverpool LGA.

3.3 Public Art is required under planning requirements.

3.4 New or re-developments that acknowledge the Directions outlined in Our Home, Liverpool 2027. Community Strategic Plan exceed 20 hectares or \$20 million (M) will be required to deliver public art and Council will provide specialist advice and support from pre- to post lodgement.

- ~~a) Creating Connection~~
- ~~b) Strengthening and Protecting Our Environment~~
- ~~c) Generating Opportunity~~
- ~~d) Leading through Collaboration~~

~~The policy aims to integrate artists' and craftspeople's skills, vision and creative abilities into multiple aspects of creating new spaces and regenerating old ones, to expand engagements between the broader community and the arts and cultural sector.~~

~~Council is committed to high quality, relevant Public Art and will directly commission artworks, work in partnership with other commissioning bodies, individuals and support artists and communities in initiating independent and council approved Public Art activities.~~

3.5 Unauthorised public art is regulated through Councils Graffiti Management Strategy and Action Plan and does not form any part of this policy.

3.6 Council will not identify items as public artworks if logos, slogans or advertising is placed into, over or onto them.

#### 4. 4. DEFINITIONS (where applicable)

<u>Artist</u>	<u>May have completed specialised training or study and are actively committed to professional practice. They are pursuing opportunities and dedicating time to making and developing artworks. They are exhibiting or performing in exhibitions, events, and/or applying for commissions. They are actively engaging and growing networks to increase exposure of their work and increasing public and industry awareness of their artmaking.</u>
<u>Community Engagement</u>	<u>Community engagement seeks to better engage the community to achieve long-term and sustainable outcomes, processes, relationships, discourse, decision-making, or implementation.</u>
<u>Creative Industries</u>	<u>Traditional arts sector and cultural institutions, but encompassing industries such as music, screen, literature, fashion, design, architecture, as well as food, the digital games, and tech sectors.</u>
<u>Culture</u>	<u>According to UNESCO, 'Culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.' (UNESCO, Universal Declaration on Cultural Diversity, 2 November 2001)</u>
<u>Deaccessioning</u>	<u>Refers to the process used to remove permanently an object, artwork or assemblage from an organisations collection.</u>
<u>Development</u>	<u>Refers to Development Applications, Regionally Significant Applications, State Significant Applications, Master Plans and Planning Proposals.</u>
<u>Direct Commission or Direct Invitation</u>	<u>A particular artist/s is/are identified and engaged to undertake an artwork.</u>
<u>Expression of Interest (EOI)</u>	<u>Expression of Interest are a common process for public art and creative processes. EOI's are often a multi-stage process. The first stage is usually an unpaid call for applications, with shortlisted artists being commissioned for a more in-depth application.</u>
<u>Endemic</u>	<u>Relevant to a local area or community, can be restricted to a certain place or represents a unique story associated with place or site.</u>

<b><u>Ephemeral</u></b>	<u>Artworks that are designed to slowly disintegrate over time within a space due to the nature of material and their interactions with the surrounding environment.</u>
<b><u>Heritage</u></b>	<u>Heritage is all the things that make up identity - our spirit and ingenuity, our historic buildings, and our unique, living landscapes. Our heritage is a legacy from our past, a living, integral part of life today, and the stories and places we pass on to future generations.</u>
<b><u>Local artist</u></b>	<u>Artists that have or do live, work or have strong connections to the Liverpool LGA i.e. family connections.</u>
<b><u>Public Art:</u></b>	<u>The work may be ephemeral, temporary or permanent in nature. Public art may be located in or part of a public space or facility and can be commissioned by both the public and private sector. Public art also includes the conceptual contribution of an artist to the design of public spaces and facilities. Public art is crucial to the development of public places which are innovative, vibrant and meaningful and allow curiosity, playfulness and or a sense of connection to form.</u> <u>a) Functional Connection; seating, lighting, bollards</u> <u>b) Decorative: Incorporated into structures e.g. paving, awnings</u> <u>c) Iconic: Stand-alone sculptural works</u> <u>d) Integrated: fully incorporated within the design e.g. flooring, windows</u> <u>Interpretative: describe, inform or educate, on issues, events, situations e.g. signage, plaques, text-based work.</u>
<b><u>Permanent</u></b>	<u>Artworks are intended to last the lifespan of the overall construction.</u>
<b><u>Site-responsive</u></b>	<u>Public art that responds to a particular site, including it's context within the environment, specific histories, aspiration, existing or proposed built form, landscaping and economy, the site it is intended for. Artist's research may consider geography, locality, topography, community (historical, contemporary and/or aspirational) or heritage.</u>
<b><u>Solicited</u></b>	<u>In response to an invitation or Expression of Interest (EOI) to undertake new public artwork.</u>
<b><u>Street Art</u></b>	<u>Commissioned mural artworks that have prior approval from council. They embody aspects expected in relation to site-responsive and community engagement.</u>
<b><u>Temporary Artworks</u></b>	<u>Are generally designed to last between 0-5 years. These may include performance-based works, temporary installations etc.</u>
<b><u>Unsolicited</u></b>	<u>A submission to create new public art that is not related to an invitation or EOI.</u>

## **5. POLICY STATEMENT**

5.1 Council's Public Art Policy provides clarity, transparency and direction for Council staff, community, business and visitors to the Liverpool LGA. The Policy

advocates for public art that improves amenity in the public domain and provides functional benefits for our diverse communities.

5.2 The policy supports local creative industry and promotes the unique narratives of our LGA.

5.3 The Policy reiterates Council's commitment to public art including direct and indirect benefits. It also identifies the scope and capacity of public art to improve amenity and increase civic pride.

5.4 The Council continues to endorse public art opportunities that advocate for, promote, and highlight artworks and artists from the local First Nations community, contributing to legacy building.

5.5 Through creative expression, public art and built infrastructure design contributes to keeping Country culturally strong and strengthening the ongoing relationship between people and place.

5.6 The Policy acknowledges the Connecting with Country Framework and recognises that its requirements cannot be fulfilled through public artwork alone.

5.7 The Policy applies to all public and private commissioners and artists engaged in public art in the Liverpool LGA. The Policy reiterates Council's commitment to guiding and supporting high quality public art outcomes for development and redevelopment within the Policy's scope.

5.8 Council's Public Arts Officer is responsible for administering, managing adherence to, and updating this, Policy. Any disagreements, appeals, misunderstandings, or breaches of this Policy should be directed to Council's Manager City Planning or equivalent, in the first instance.

5.9 A failure to adhere to the lodgement requirements for a Development for public art will result in a request for further information to be provided or the application being unsupported and recommended for rejection or refusal.

5.10 A failure to adhere to the principles and assessment requirements of this policy by Council Staff will be managed in accordance with the grievance and disciplinary procedures identified in the Council's Code of Conduct and the Local Government Award.

5.11 ~~The policy~~ The Policy- is to be applied to public art identified within the scope or triggered by the thresholds identified. The policy provides clarity, guidance and reiterates Council's commitment to provide specialist advice and support in all facets related to public art opportunities, projects and lifecycle.

**5.6 OPPORTUNITIES**

**6.1** This Policy recognises the below opportunities for new solicited Public Art:

- a) Community proposed ~~and funded and funded~~ projects; by individuals, groups or organisations;
- b) Council to directly commission and fund public art and/ or integrate into planned civic infrastructure and capital works projects;
- ~~a)c) Third parties, including business owners, philanthropists, property owners and developers;~~
- ~~b) Council Development Fund~~
- ~~e) Developer contributions~~
- ~~e)d) Voluntary Planning Agreements;~~
- ~~d) The Australian Government Cultural Gifts Program~~
- ~~d) City Development Fund; and~~
- ~~e) State and Federal Grants; and-~~
- ~~a)f) Contributions Plans.~~

**Community Engagement:** ~~community engagement seeks to better engage the community to achieve long term and sustainable outcomes, processes, relationships, discourse, decision-making, or implementation.~~

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**Heritage:** ~~Heritage is all the things that make-up identity—our spirit and ingenuity, our historic buildings, and our unique, living landscapes. Our heritage is a legacy from our past, a living, integral part of life today, and the stories and places we pass-on to future generations.~~

**Public Art:** ~~The work may be ephemeral, temporary or permanent in nature. Public art may be located in or part of a public space or facility and can be commissioned by both the public and private sector. Public art also includes the conceptual contribution of an artist to the design of public spaces and~~

facilities. Public Art is crucial to the development of public places which are innovative, vibrant and meaningful and allow curiosity, playfulness and or a sense of connection to form.

b) Functional Connection; seating, lighting, bollards

c) Decorative: Incorporated into structures eg paving, awnings

d) Iconic: Stand alone sculptural works

e) Integrated: fully incorporated within the design eg flooring, windows

f) Interpretative: describe, inform or educate, on issues, events, situations eg signage, plaques, text based work

~~**Permanent** artworks are generally intended for a lifespan of 5-15 years or longer depending on the durability of materials and a contractual agreement with artist on the lifespan of the work and commission.~~

~~**Site responsive:** Site response in art occurs when the artist is engaged in an investigation of the site as part of the process in making the work. The investigation will take into account geography, locality, topography, community (local, historical and global), history (local, private and national).~~

~~**Solicited:** In response to an invitation or Expression of Interest (EOI) to commission new public art~~

~~**Street Art:** Commissioned mural artworks that have prior approval from council. They still embody aspects expected in relation to site responsive and community engagement.~~

~~**Temporary Artworks:** Are generally designed to last between 0-5 years. These may include performance based works, temporary installations etc.~~

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<u>CIV &gt; \$20M and up to \$50M</u>	<u>0.75 %</u>
<u>CIV &gt; \$50M and up to \$200M</u>	<u>1.0 %</u>
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The percentages of CIV identified are minimums and Council strongly encourages budgets identified are fit for the scope and scale of individual projects. Council identifies that between 20 – 40% of the overall public art budget is allocated to artists fees depending on the complexity of the project. Council will require evidence of how commissioned public art supports the local creative industry.

7.2 Irrespective of site area or CIV, public art is required to be incorporated into developments where it is identified or triggered by:

- a) Relevant State Environment Planning Policy (SEPP);
- b) Liverpool Local Environment Plan;
- c) Development Control Plans;
- d) Gateway Locations;
- e) State Significant Developments;



- [f\) Regional Planning Panel;](#)
- [g\) Local Planning Panel; and](#)
- [h\) Design Excellence Panel.](#)

[7.3 In such cases, the Proponent is to identify suitable funds to deliver identified public art requirements, conditions or recommendations.](#)

[7.4 Council identifies public art may also be triggered in the below land use zones, where there is a blank wall visible from the public domain;](#)

- [a\) B2 - Local Centre](#)
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- [m\) R4 - High Density Residential](#)
- [n\) RU5 - Village](#)
- [o\) SP3 - Tourist](#)
- [p\) SP2 - Infrastructure](#)
- [q\) SP1 - Special Activities](#)

## **6-8 ASSESSMENT**

[8.1 All ~~Public Art~~public art related activities, ~~from~~ EOI's ~~through~~ to deaccessioning, must be conducted honestly, transparently and in a manner that is fair and equitable to all parties. Therefore, processes, decisions and activities must:](#)

- [a\) Be undertaken with consistent and appropriate documentation to ensure equitable outcomes;](#)
- [b\) Be free from any conflict of interest that may result in any unfavourable, favourable or preferential treatment;](#)
- [c\) Align with community expectations and sentiment; and](#)
- [e\)d\) Ensure impartiality throughout the process.](#)

[8.2 ~~Decisions on~~Assessment of Public Art Projects, Exhibitions and Programs will consider ~~relevant~~the strategic ~~Directions adopted by the Council and objectives identified in Council's Community Strategic Plan.~~](#)

[8.3 Public art within the LGA will:](#)

- a) Demonstrate a high standard of excellence and innovation<sub>1</sub>
- b) Be distinctive, original and reflect the diverse stories, histories and environments of the LGA<sub>1</sub>
- c) Consider public safety and the impact on the environment<sub>1</sub>
- d) Identify current and future audiences;
- d)e) Demonstrates consideration for public access and audience impact<sub>1</sub>
- e)f) ~~Is~~Be site-responsive, and employ local narratives;
- f)g) ~~Is~~Be consistent with current planning, policies and plans of management including current planning, heritage, environmental and procurement policies, legislation, controls, policies, strategies and best practice;
- h) Provide paid opportunities for Local Creative industries (i.e. collaborations and primary artist projects);
- g)i) Achievable within the project timeframe and budget<sub>1</sub>
- h)j) Issues of maintenance and durability are addressed<sub>1</sub>

- ~~i)k)~~ Are a significant addition to the Public Arts collection of the Council-;
- ~~j)l)~~ Projects, Exhibitions or Programs must develop community pride and a sense of belonging-;
- ~~k)m)~~ Be socially engaging, increase community interaction and conversations in the public realm-;
- ~~n)~~ Address issues and concerns regarding perceptions of safety in the public realm-;
- ~~h)o)~~ Increase accessibility and explore sensory engagements-;
- ~~m)p)~~ Provide educational opportunities-;

- ~~d)~~ Community proposed projects; either by individuals or groups.
- ~~e)~~ Council to directly commission and fund High-quality public art and/or integrate is integrated into planned civic infrastructure the design and capital works.
- ~~f)~~ Third parties, including business owners, philanthropists, property owners function of the development to embellish and ~~developers.~~
- ~~g)~~ Council Development Fund.
- ~~h)~~ Developer contributions.
- ~~i)~~ Voluntary Planning Agreements.
- ~~j)~~ The Australian Government Cultural Gifts Program.

~~The Council will actively encourage the commission of public art; negotiating processes, community engagement, supporting external stakeholders, commissioning, selection, contractual requirements in line with this policy and the Public Art Strategy (currently under draft).~~

- ~~q)~~ In line with enliven the ~~scope and selection criteria this policy identifies the below methods of undertaking the commissioning of new public art domain;~~ and
- ~~r)~~ Capture and reflect the qualities and essence of place, community values and the stories of past and present cultures, places, and people.

#### 8.4 Public art is not identified as exempt development.

- ~~a) Open EOI's~~
- ~~b) Targeted EOI's~~
- ~~c) Direct commissions~~
- ~~d) Partnerships~~
- ~~e) Donations~~

## ~~7.~~ **EVALUATION AND REVIEW**

~~Evaluation will be measured against the key objectives and long-term outcomes outlined in this policy through regular reports to Council.~~

**9 Initial review will occur once DEACCESSION**

9.1 To ensure that the deaccessioning, removal and/or disposal of items in Council's public art collection is carried out ethically and thoughtfully.

9.2 The deaccession of public art within the Council collection must be approved by Resolution of Council. As an item of cultural significance, the relevant manager requesting removal of a public artwork will;

- a) Identify if an artwork is to be relocated, removed or disposed and rationale;
- b) Provide information about the artwork, including, but not limited to, history, community sentiment, relevance;
- c) A significance and, where required a heritage assessment;

9.3 Council will deaccession public artwork in line with;

- a) Artist/s Agreement;
- b) Artist/s and
- c) Best practice collection management.

9.4 Where public artworks have been delivered through consent, deaccessioning must align with required parameters.

9.5 Where public art is identified to last a lifetime of construction or landscaping and requires significant remediation or poses a threat to the public deaccessioning will commence once an approved public art replacement and budget has been identified.

**10 RELEVANT LEGISLATIVE REQUIREMENTS**

10.1 Local Government Act 1993.

10.2 Environmental Planning and Assessment Act 1979.

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10.4 State Environment Planning Policy (Industry and Employment) 2021.

10.5 State Environmental Planning Policy (Transport and Infrastructure).

10.6 Western Sydney Aerotropolis Development Control Plan 2022.

10.7 Copyright Act 1968.

**11 RELATED STRATEGIES, POLICIES, & REFERENCE DOCUMENTS**

11.1 National Cultural Policy. Revive. Australian Federal Government.

11.2 NSW Arts, Culture and Creative Industries Policy, Creative Communities. NSW Government.

11.3 NSW Public Art Toolkit. Create NSW.

11.4 Aboriginal Arts and Cultural Protocols. Create NSW.

11.5 Community Strategic Plan 2025-2035. Liverpool City Council.

11.6 Economic Development Strategy 2022-2032. Liverpool City Council.

11.7 Cultural Policy. Liverpool City Council.

11.8 Development Assessment Policy. Liverpool City Council.

11.9 -Council has adopted the Public Art First Nations Cultural Protocols. Liverpool

City Council.

11.10 *Heritage Policy*. Liverpool City Council.

11.11 *Procurement Policy*. Liverpool City Council.

~~Strategy (currently under draft).~~

Council will review this policy upon completion of the Public Art Strategy and every two years from that adoption onwards.

[11.12 Cultural Strategy](#). Liverpool City Council.  
[11.13 Destination Management Plan](#). Liverpool City Council.  
[11.14 Disability Inclusion Action Plan](#). Liverpool City Council.  
[11.15 Vibrant Streets Program Guidelines](#). Liverpool City Council.  
[11.16 Public Domain Master Plan 2020](#). Liverpool City Council.  
[11.17 Liverpool Heritage Policy](#). Liverpool City Council.  
[11.18 Reconciliation Action Plan](#). Liverpool City Council.

**AUTHORISED BY**

Council ~~and CEO~~ [Resolution](#)

**EFFECTIVE FROM**

~~21, July, 2020~~

~~DEPARTMENT RESPONSIBLE~~

~~City Economy and Growth~~

~~*This date is the date the policy is adopted by Council resolution.*~~

**REVIEW DATE**

~~*21 July 2022 The policy must be reviewed every five years or more frequently depending on its category or if legislative or policy changes occur.*~~

~~**THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH**~~

~~City Presentation~~

~~City Corporate (Governance and Legal Services)~~

~~City Economy and Growth (Strategic planning)~~

~~City Community and Culture~~

~~City Environment & Infrastructure~~

**VERSIONS**

~~*The current and previous version of the policy should be set out in the following table.*~~

<del>Version</del> <a href="#">Version</a>	Amended by	Changes made	Date	TRIM Number
<del>1</del> <a href="#">1</a>	<a href="#">Council Resolution</a>		<a href="#">21/7/2020</a> <a href="#">21/7/2020</a>	<a href="#">191890.2020</a> <a href="#">191890.2020</a>
<del>2</del> <a href="#">2</a>				

~~**THIS POLICY REFERENCES**~~

~~City of Sydney 2030: Public Art Policy~~

~~Arts Law Centre of Australia: Public Art Guidelines for Artists and Commissioners~~

~~Australian Institutes of Architects: Public Art Policy 2009~~

~~Australian Government: Department of the Environment and Energy Bathurst~~

~~Public Art Policy~~

[Central Coast Council: Public Art Policy 2015](#)

[City of Sydney 2030: City Centre Public Art Plan 2013 City of Sydney 2030: Public Art Policy 2016](#)

[City of Sydney 2030: Guidelines Public Art Acquisitions and Deaccessions 2010 City of Joondalup: Public Art Policy](#)

[City of Joondalup: Public Art Management Plan \(Draft\) City of Ottawa: Public Art Policy](#)

[City of Parramatta: Public Art Policy 2017](#)

[Cultural Strategy Action Plan \(Draft 2018\)](#)

[Delivery Program 2017 — 2021 & Operational Plan 2018 — 2019 Eurobodalla Shire Council: Public Art Policy 2017](#)

[Government Percent for Art Scheme Guidelines 2015](#)

[Liverpool City Council: Civic Events and Ceremonial Functions Policy 2017 Liverpool City Council: Code Of Conduct](#)

[Liverpool City Council: Community Engagement Policy 2013](#)

[Liverpool City Council: Community Strategic Plan, Our Home, Liverpool 2027](#)

[Liverpool City Council: Draft Cultural Strategy 2017](#)

[Liverpool City Council: Economic Development Strategy, 2013-2018 Liverpool City Council: Growing Liverpool 2023](#)

[Liverpool City Council: Making Innovation Happen \(Draft\)](#)

[Liverpool City Council: Open Space and recreation Strategy \(Draft\) Liverpool City Council: Our Home, Liverpool 2027 Community Strategic Plan Liverpool City Council: Procurement Policy](#)

[Liverpool Goes Global](#)

[Making It Your Own: Arts North West 2012 Mooreland City Council: Public Art Guidelines NAVA: Public Art](#)

[Public Art in Liverpool: Liverpool Listens. Survey Report](#)

[Reimagining the Liverpool Health, Education, Research and Innovation Precinct 2017 Waverley Council Public Art Policy 2014](#)

[Wollongong: Public Art Council Policy 2016](#) **HAS BEEN DEVELOPED IN CONSULTATION WITH**

[Managers and staff members from the Planning and Compliance, Operations, Corporate Support, Community & Lifestyle, Customer and Business Performance and City Futures Directorates. Individual consultation was undertaken with the Manager Strategic Procurement and Contracts and the Head of Governance.](#)

[Consultation with the community has been ongoing in the form of surveys, face-to-face and online meetings. One on one consultation has also been undertaken with local artists on the Local First Nations and Local Artists Registers. As well as one on one discussions with professional public artists who have participated in collaborations with Local artists.](#)

[Consultation has also been undertaken with Federal Special Envoy for the Arts and Create NSW.](#)

### **ATTACHMENTS**

[\*In this section list all attachments if any.\*](#)



**PROPOSED PUBLIC ART POLICY AMENDMENTS & REASONING**

Section	Proposed Amendment	Reasoning
1.1	Liverpool City Council (Council) recognises that local, meaningful and accessible public art is an investment for and of the community.	The revised policy clarifies Council's commitment to promote and advocate for public art that is meaningful for unique sites and audiences.
1.2	It actively engages residents, businesses and visitors in public domain, supporting nighttime activation, passive security, creative industries, local economies and community pride.	The revised policy clarifies that public art is a functional addition to the public domain that provides benefits beyond aesthetics. In addition, early regard for public art during project conception can ensure that the public art is functional and can leverage outcomes and objectives identified in the CSP.
1.3	Public art contributes to the built environments physical attractiveness and increases the quality of life for residents, workers and visitors.	The revised policy clarifies the benefits provided by public art as methodology for alleviating negative impacts of the built. In the LGA this is particularly relevant with the extensive re-zoning and construction. The revised policy identifies that public art is not only a benefit for the future site workers but acknowledges the complexity of future audiences.
1.4	The policy aims to integrate artists' and crafts people's skills, vision and creative abilities into multiple aspects of creating new spaces and regenerating old ones, to expand engagements between the broader community and the arts and cultural sector.	The revised policy identifies Council's commitment to advocate, support and deliver legacy building opportunities for our growing local creative industry.
2.1a	Align and support existing policies and strategies throughout all stages of public art delivery;	The revised policy clarifies the commitment from Council to continue to identify public art as a holistic approach. It highlights that the policy is not an isolated document and belongs to a suite of strategies and policies. In line with this Council will review submitted public art strategies and plans within context and site intentions (ie Recognise Country, public domain, architectural and landscape plans)
2.1b	Provide specialist advice and clarity of process.	The revised policy clarifies Council's ongoing focus to provide specialist advice regarding public art. In addition, the draft guidelines show our commitment to providing accessible and consistent online access to information for all stakeholders.
2.1c	Ensure public art narratives across the LGA are endemic, relevant and meaningful. By interpreting our unique historical, natural, and cultural themes through public art and ensuring our past, present and future aspirations are acknowledged and celebrated within the public domain;	The revised policy clarifies Councils commitment to promote and advocate for public art that is meaningful for the site and audiences. Council also acknowledges that the planning and design of public art must consider the sites current and future audiences, context and uses.

2.1d	Identify artists as integral to the creation and design of public art in the LGA	The revised policy reaffirms Council's commitment to ensuring that public art is delivered by practicing artists. Council does not support "off the shelf" or design additions as public art.
2.1e	Ensuring local artists are provided Lead or collaborative roles in the design and development of public art to build our creative industry and support legacy development.	The revised policy reinforces Council's commitment to local artists and creative industries and that these are undertaken as paid opportunities to participate and support legacy development and economic growth. Council identifies that Western Sydney artists may have no familiarity or context within our LGA.
2.1f	Identify local businesses and trades to participate in the fabrication, construction and delivery of public art.	The revised policy identifies opportunities for local business to benefit from increasing creative industry through design, fabrication, installation and ongoing maintenance.
2.1g	Update and synchronise public art in planning instruments to provide clarity and streamline requirements and expectations	The revised policy identifies key opportunities for public art to be delivered through development and re-development. Council acknowledges that whilst this work is underway there is more to do to ensure consistency across the LGA.
2.1h	Provide specialist advice and support to Regional and Local Planning Panels and the Design Excellence Panel in relation to public art;	The revised policy identifies that the promotion of public art and provision of specialist advice to the Regional and Local Planning Panels and the Design Excellence Panel will continue to ensure consistent recommendations, advice and guidance.
2.1i	Develop innovative processes and setting benchmark opportunities for public art at a Local, State and Federal level	The revised policy acknowledges Council has and will continue to advocate strongly with Federal and State Governments to increase acknowledgment of public art in relevant strategies, processes and infrastructure delivery. Council have and will continue to promote how it is leveraging public art to deliver on key pillars and objectives outlined in their strategic documents.
2.1j	Deliver public art that aligns and exceeds Federal and State Cultural Strategies;	The revised policy identifies that we are already delivering public art that meets their objectives, and our collaborative projects exceed their benchmarks for cultural and creative delivery.
2.1k	Secure public art benefits for community, business and visitors	The revised policy acknowledges the extensive benefits of public art and identifies that these can be leveraged to achieve and support the CSP objectives. In doing so Council will continue to ensure public art delivered supports residents, businesses and visitors.
2.1l	Advocate for public art that provides accessible and intergenerational opportunities to enhance civic pride and participation in the public domain;	The revised policy increases community connections, interactions and participation. Delivering on Council's existing Strategic and policy objectives (ie CSP, Cultural Strategy and Disability Inclusion Action Plan).
2.1n	Ensure relevant and high-quality public artwork for the LGA;	The revised policy identifies that all aspects of public art delivered in the LGA must be of high quality (ie concept, narrative, material, fabrication, outcome)
2.1o	Remain at the forefront of public art planning and implementation;	The revised policy identifies the innovations Council has made in relation to public art delivery through planning instruments and commits to continuing to identify initiative and creative opportunities in this area.

2.1p	Utilise public art to address the proliferation of bulk facades, particularly associated with high bay warehousing;	The revised policy identifies a proliferation of bulk facades associated with high bay warehousing and industrial development. Many of these constructions will exceed capacity for landscaping to mask their form and scale and Council has identified that public art provides a viable option to redress these vast expanses.
2.1q	Deliver public art that is durable, vandal resistant and safe;	The revised policy identifies the necessity for public art to be fit for purpose and location.
2.1r	Identify constraints and opportunities to be addressed.	The revised policy identifies the importance of identifying all items may negatively impact a public artwork and to also identify all opportunities.
3.1	The Public Art Policy refers to all sanctioned Public Art, undertaken by artists, located, or proposed in, or viewable from the public domain within the Liverpool LGA.	The revised policy clarifies the requirement for public art to be approved, reinforces the requirement for an artist to be engaged and defines that public art is reliant on its relationship to the public domain.
3.2	The Public Art Policy provides guidance for Council staff, Planning Panels, and external stakeholders for public art delivered within the Liverpool LGA.	The revised policy identifies relevant stakeholders. The addition of Planning Panels ensures the revision identifies all parties.
3.3	Public Art is required under planning requirements.	The revised policy identifies that there are planning legislations, instruments and associated panels that have requirements related to the delivery of public art.
3.4	New or re-developments that exceed 20 hectares or \$20 million will be required to deliver public art and Council will provide specialist advice and support from pre- to post lodgement.	The revised policy employs the framework developed by State Government in the 2022 Aerotropolis DCP in recognition of Councils negotiations to provide clear standards for delivery. The revised policy adopts these standards to ensure consistency and uniformity for public art in the LGA.
3.6	Council will not identify items as public artworks if logos, slogans or advertising is placed into, over or onto them.	The revised policy clearly outlines that the overlay of text or numerals that are associated with the site or place of business negate the item as a public artwork. Council supports public art across developments and/or redevelopments but will consider such embellishments as separate from public art requirements.
4	Artist: May have completed specialised training or study and are actively committed to professional practice. They are pursuing opportunities and dedicating time to making and developing artworks. They are exhibiting or performing in exhibitions, events, and/or applying for commissions. They are actively engaging and growing networks to increase exposure of their work and increasing public and industry awareness of their artmaking.	The revised policy provides clarity on the definition of an artist. Unfortunately, Council notes multiple instances whereby external parties have attempted to identify design or off the shelf items as public art. Public art must have been generated and overseen by an artist. The addition of this definition ensures that our creative industry continues to develop economic benefits for local residents and business.
4	Creative Industries: Traditional arts sector and cultural	The revised policies focus on the growth of public art through private development supports Councils commitment

	institutions, but encompassing industries such as music, screen, literature, fashion, design, architecture, as well as food, the digital games, and tech sectors.	to supporting local economic growth. Public art can further support significant development of local creative industries. Council recognises that Australia's cultural and creative activity contributes \$122.3 billion to Australia's economy. In Greater Sydney the creative industries account for 9% of the workforce. In supporting local artists and identifying opportunities for local fabricators and other industry to access new niche markets Council will actively increase local employment and economics.
4	Direct Commission or Direct Invitation: A particular artist/s is/are identified and engaged to undertake an artwork.	The revised policy acknowledges that local artists transitioning into public arts face many complex barriers (i.e. experience, training, licenses). An EOI process often disadvantages local artists and there are benefits to direct commissioning.
4	Endemic: Relevant to a local area or community, can be restricted to a certain place or represents a unique story associated with place or site.	The revised policy acknowledges that our local stories, histories and aspirations are complex, unique and valuable. As such it is critical that public art in our LGA promotes, celebrates and highlights our distinctive community. Similarly, it is critical that our local artists are prioritised when it comes to opportunities related to public art in our LGA. The importance of endemic artworks and artists will ensure Council secure relevant and meaningful public art for residents, business and visitors.
4	Local artist Artists that have or do live, work or have strong connections to the Liverpool LGA.	The revised policy, in line with the artists registers, defines a local artist as having an intimate relationship and/or knowledge of our unique LGA. Council recognises that an artist may have strong familiarity and connections with the area and not currently reside in it.
5	POLICY STATEMENT	The revised policy addressed this new section required under Council's Policy Template. Provides clarity regarding the policies intent and objectives.
5.1	Council's Public Art Policy provides clarity, transparency and a framework for Council staff, community, business and visitors to the Liverpool LGA.	The revised Policy identifies completion of a process to ensure clarity and uniformity across planning instruments. Council will continue to advocate for outcomes that benefit our local industries and continue to lead industry standards. The policy provides clarity and transparency of Councils intentions relating to public art.
5.2	The Policy advocates for public art that improves amenity in the public domain and provides functional benefits for our diverse communities.	The revised policy highlights Council's overall commitment to a consistent approach to public art and advocates for functional artworks that provide diverse benefits. The policy reaffirms Councils holistic approach to development and re-development of public domains for diverse audiences.
5.3	The policy supports local creative industry and promotes the unique narratives of our LGA.	The revised policy recognises supporting and increasing opportunities to grow our creative industry is a critical role for public art to participate in economic opportunity and growth.
5.4	The Policy reiterates Council's commitment to public art including direct and indirect benefits. It also identifies the scope and capacity of public art	The revised policy continues to highlight Council's commitment to public art, the revision further cements the economic benefits and identifies a proven opportunity for this through the employment of local artists. Council identifies that public art must reflect our diversity and advocate for recognition and not division.

	to improve amenity and increase civic pride.	
5.5	The Policy applies to all public and private commissioners and artists engaged in public art in the Liverpool LGA. The Policy reiterates Council's commitment to guiding and supporting high quality public art outcomes for development and redevelopment within the Policy's scope.	The revised policy provides clarity on relevant stakeholders to whom the policy applies. It advocates for Council to require high quality public art within the LGA from all public art deliverables.
5.6	Council's Public Art Officer is responsible for administering, managing adherence to, and updating this, Policy. Any disagreements, appeals, misunderstandings, or breaches of this Policy should be directed to Council's Manager City Planning or equivalent, in the first instance.	The revised policy reiterates the role of Council's Public Art Officer in providing specialist support and guidance for internal and external stakeholders. Council has remained at the forefront of securing opportunities and new initiatives for public art that benefit all associated stakeholders and this policy will reflect this. In addition, Council has remained proactive in identifying potential issues and addressing those prior to them becoming impediments to successful delivery. The revision provides direction on escalation of issues where required.
5.7	A failure to adhere to the lodgment requirements for a development application for public art will result in a request for further information to be provided or the application being unsupported and recommended for rejection or refusal.	The revised policy addresses where issues may arise and acknowledges that despite proactive and innovative pre-planning and extensive specialist support for public art deliverables, issues may arise. Council is committed to working through these with proponents and others to ensure advantageous outcomes for all parties. In clarifying triggers and thresholds in this policy revision Council provides transparency and direction for stakeholders engaging in public art.
5.8	A failure to adhere to the principles and assessment requirements of this policy by Council Staff will be managed in accordance with the grievance and disciplinary procedures identified in the Council's Code of Conduct and the Local Government Award.	The revised policy provides required accountability and guidance for all stakeholders who may engage with aspects associated with delivery of public art.
5.9	The policy is to be applied to public art identified within the scope or triggered by thresholds identified. The policy provides clarity, guidance and reiterates Council's commitment to provide specialist advice and support in all facets related to public art opportunities, projects and lifecycle.	The revised policy ensures appropriate clarity on relevant requirements for public art in the LGA.
6.1	Community proposed and	The revised policy has incorporated the addition of "funded", for community proposed projects. There have been occasions

	funded projects; by individuals, groups or organisations;	where there was an expectation that Council had access to funding streams to support community proposed public artworks. This addition ensures clarity for community organisations and individuals considering public art development.
7	THRESHOLDS & TRIGGERS	The previously endorsed policy did not address Thresholds and Triggers for public art. This new section ensures that there is clarity for stakeholders engaging in public art.
7.1	Council identifies the threshold for public art as developments or redevelopments that exceed 20 hectares or with a Capital Investment Value (CVI) of \$20M dollars. (Table of percentages provided in Amended Policy and Council Report. The percentages of CIV identified are minimums and Council strongly encourages budgets identified are fit for the scope and scale of individual projects. Council identifies that between 20 – 40% of the overall public art budget is allocated to artists fees depending on the complexity of the project. Council will require evidence of how commissioned public art supports the local creative industry.	The revised policy adopts thresholds that align with the Aerotropolis DCP. 1% is an accepted Local government and industry standard, however Council has instigated a conservative multi-tier approach in acknowledgement of this as a new requirement for development in the Liverpool LGA. Council have also identified in line with the National Association of Visual Arts, a percentage of this to be allocated to artists.
7.2	Public art can also be triggered by; a) Liverpool Local Environment Plan; b) Development Control Plans; c) Gateway Locations; d) State Significant Developments; e) Regional Planning Panel; f) Local Planning Panel; and g) Design Excellence Panel.	The revised policy focuses on providing clarity for all internal and external stakeholders in relation to public art. Whilst planning instruments across the LGA lack uniformity in relation to public art Council identifies that the triggers for public art need to be clearly identified and the revisions provide this.
8.1c	Align with community expectations and sentiment; and	The revised policy identifies community support for public art. Councils 2019 and 2022 Public Art Surveys exemplified an overwhelming support for the delivery of public art. The revised policy addresses this and will ensure a greater capacity for Council to secure the best outcomes.

8.2	<p>Assessment of Public Art Projects, Exhibitions and Programs will consider the strategic objectives identified in Council's Community Strategic Plan 2022-2032;</p> <ul style="list-style-type: none"> <li>• Social – Healthy, Inclusive, Engaging;</li> <li>• Environmental – Liveable, Sustainable, Resilient;</li> <li>• Economic – Evolving, Prosperous, Innovative; and</li> <li>• Civic Leadership – Visionary, Leading, Responsible.</li> </ul>	The revised policy remains committed to aligning with Council's CSP objectives and intentions and has been updated to reflect the current 2025-2035 draft.
8.3d	Public art within the LGA will:	The revised policy provides clarity on overarching requirements for all public art delivered in the LGA.
8.3f	Be site-responsive and employ local narratives;	The revised policy advocates for public art delivered in the LGA to be site responsive and engage meaningful local narratives. This ensures that the public art delivered in the LGA is unique and relevant to its location and audiences.
8.3g	Be consistent with current planning, policies and plans of management including current planning, heritage, environmental and procurement legislation, controls, policies, strategies and best practice;	The revised policy identifies that there may be complex layers of planning controls relevant to public art and these need to be assessed in line with specific site requirements.
8.3h	Provide paid opportunities for Local Creative industries (i.e. collaborations and primary artist projects);	The revised policy identifies that where local artists participate in the design and other aspects associated with delivery of public art they must be remunerated. Council will not support any instances where local artists are expected to provide their time, insight or skills without remittance.
8.3n	Address issues and concerns regarding perceptions of safety in the public realm;	The revised policy identifies multiple opportunities for public art to be incorporated into the public domain to actively address anti-social behaviour and associated costs. The revised policy identifies that public art should consider more than aesthetics and take an active role in securing perceptions of safety for residents, businesses and visitors..
8.3q	High-quality public art is integrated into the design and function of the development to embellish and enliven the public domain; and	The revised public art policy identifies the importance of integrated public art. This lowers the risk of damage, minimises maintenance costs and ensures the artwork is cohesive to the overall constructed and/or landscaped design. In
8.3r	Public art is provided to capture and reflect the qualities and essence of place, community values and the stories of past and present cultures, places, and people.	The revised policy identifies the importance for public art to consider site locations in context of past, present and future histories and audiences. With extensive development across the LGA the revised policy acknowledges that an artworks audience is likely to dramatically change in the future and this needs to be addressed by developers and artists.

8.2 – 8.4	Public art is not identified as exempt development	State Environment Planning Policy (Exempt and Complying Development Codes) 2008. Part 3 Exempt and complying development The revised policy has been updated to capture legislative requirements in line with a greater awareness of planning and development opportunities. Alignment with the Planning Policy provides clarity for all stakeholders.
9	<b>DEACCESSION</b>	This section has been amended to provide clarity of process and ensure that decision making aligns with community expectations relating to public art as a cultural item.
10	RELATED STRATEGIES, POLICIES, & REFERENCE DOCUMENTS	The revised policy has been updated to reflect relevant Federal, State and Local documents.
	Consultation	Extensive consultation has been undertaken in the development of these Policy amendments. A draft of the Policy was circulated internally between December 2024 and February 2025.



## PD 03

**New Liverpool LEP Gateway Determination -  
Next Steps**

<b>Strategic Objective</b>	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
<b>File Ref</b>	222098.2025
<b>Report By</b>	Brianna Van Zyl - Executive Planner
<b>Approved By</b>	Lina Kakish - Director Planning & Design

**EXECUTIVE SUMMARY**

On 29 May 2024, Council endorsed a Principal Planning Proposal (“Planning Proposal”) which seeks to establish a new Local Environmental Plan (LEP) for Liverpool. The Planning Proposal was subsequently forwarded to the NSW Government for Gateway Assessment in August 2024.

On 22 April 2025, Council received a Gateway Determination (**Attachment 1**) from the Department of Planning, Housing and Infrastructure (DPHI). The Gateway Determination included a number of conditions that must be addressed for the Planning Proposal to continue progressing.

The Gateway Determination did not support several key aspects of the Planning Proposal, including the following changes:

- The proposed downzoning of residential land from R4 High Density Residential to R3 Medium / R2 Low Density Residential where interface issues have been identified, or where land is far from a centre;
- The proposed downzoning of residential land from R3 Medium Density Residential to R2 Low Density Residential where areas have recently been developed and reflect a low-density character; and
- The reduced height and floor space ratios proposed for commercial-zoned land.

These changes were put forward having regard to local character, as well as the available services and public transport provision in these areas. The proposed changes have also been underpinned by over two years of strategically informed land use planning and community engagement.

Despite having these considerations, the new LEP as proposed by Council is still effective in seeing latent housing capacity increase from 31,825 new residential dwellings to approximately 41,250 new residential dwellings – an increase of nearly **9,500** new homes.

In light of the Gateway Determination received, a breakdown of the available pathways to progress the Planning Proposal include:

- **Option 1:** Proceed with Gateway Determination
- **Option 2:** Lodge a Gateway Review
- **Option 3:** Split the Planning Proposal to progress the changes unimpacted by the Gateway conditions in Stage 1, and residential and commercial changes in Stage 2.

The three options are detailed in the body of this report. Option 1 provides the most straightforward and time efficient approach, however, will undermine some of the extensive work undertaken to inform the Planning Proposal. It will also mean growth is delivered in areas that are missing the essential services and infrastructure needed to support this density.

This scenario is not beneficial for our community, particularly after the NSW Government's Low and Mid-Rise Housing Reforms have come into force to permit Dual Occupancies in the R2 Low Density Residential zone in 2024. This reform further increased housing capacity within the Liverpool LGA, and well beyond the additional capacity estimated for the new LEP.

Whilst there is an opportunity to seek a review of the Gateway Determination (being Option 2), given the current push for housing at all costs by the NSW Government, this is likely to be an unrewarding pursuit of Council resources.

Rather, progressing Option 3 and splitting the Planning Proposal into two separate stages will allow beneficial LEP changes to progress, whilst still protecting the current urban fabric of our suburbs in the interim.

This approach will enable long overdue amendments to our planning controls to proceed without further delays. For instance, changes that seek to encourage industrial development amidst a shortage of urban services, as well as strengthening the environmental considerations in our LEP through new clauses for urban heat and water sensitive urban design.

The residential land changes and commercial can subsequently be dealt with in a second stage when additional justification can be prepared. This will also provide Council the opportunity to reconsider these amendments in light of the NSW Government's assessment, but also the additional housing capacity created under the Low and Mid-Rise Housing Reforms.

Therefore, Council staff are recommending the progression of the Principal Planning Proposal for the new Liverpool Local Environmental Plan through two separate stages (**Option 3**).

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## **RECOMMENDATION**

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That Council:

1. Notes the Gateway Determination issued by the Department of Planning, Housing and Infrastructure (DPHI) found at **Attachment 1**; and
2. Endorses the progression of the Principal Planning Proposal for the new Liverpool Local Environmental Plan through two separate stages, comprising of:
  - a) Stage 1 which will broadly progress changes to industrial, infrastructure, environmental and recreational zoned land, as well as other relevant miscellaneous changes / identified errors. Stage 1 will also include Build-to-Rent and additional bonus provisions in the Liverpool City Centre, Gateway Sites and Schedule 1 Clause 9 changes; and
  - b) Stage 2 which will progress other residential and commercial land changes.

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## **REPORT**

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### **Background**

At the Ordinary Meeting of Council held on 2 February 2022, Council endorsed the '100-Day Plan' which included the following commitments:

- *"Start the process to create a new Liverpool LEP as a matter of urgency"; and*
- *"Prepare a Planning Proposal to lower the height of buildings development standards in the Liverpool Local Environmental Plan 2008 down to 12 metres in Carnes Hill, Casula, Cecil Hills, Chipping Norton, Green Valley, Hammondville, Prestons and Wattle Grove".*

To address these two points, Strategic Planning commenced a review of the *Liverpool Local Environmental Plan 2008*, with the intent of preparing a Planning Proposal to create a brand new Liverpool Local Environmental Plan (LEP).

The preparation of the Planning Proposal was informed by numerous councillor workshops and extensive preliminary consultation with the community, NSW State Agencies, and the development industry. Additional investigations including design and feasibility testing were also undertaken to support the new LEP.

At the Ordinary Meeting of Council on 29 May 2024, Council resolved to endorse the draft Principal Planning Proposal for the new LEP – with some minor changes – and to submit

it to the NSW Government for a Gateway Determination (**Attachment 1**). A copy of Report and Council Resolution is provided in **Attachment 2**.

In August 2024, the Planning Proposal was subsequently forwarded to the NSW Government for a Gateway Determination.

### **The Planning Proposal**

The overarching objectives of this Planning Proposal are to:

1. Establish a new Liverpool Local Environmental Plan, to align with the strategic vision of the Western City District Plan and the Liverpool Local Strategic Planning Statement (LSPS);
2. Implement the endorsed Liverpool Land Use Strategy actions (e.g. Liverpool Housing Strategy); and
3. Repeal the *Liverpool Local Environmental Plan 2008*.

In summary, the Planning Proposal applies revised land use zones, development standards (e.g. maximum height of buildings) and local clause provisions relating to residential, commercial, industrial, recreational and environmental land across the LEP application area. The LEP application area primarily covers the established suburbs and far western rural areas of the Liverpool Local Government Area (LGA).

### Residential Land

In relation to residential land, the changes included in the Planning Proposal for the new LEP have been guided by the following Council-endorsed Planning Principles:

- *Encourage high density residential development around the City Centre, Town Centres and transport corridors;*
- *Facilitate appropriate transition from R4 High Density to R3 Medium Density Residential;*
- *Promote high quality medium density residential development near centres;*
- *Incentivise Medium Density housing to create housing diversity; and*
- *Protect suburban character of low density area.*

In light of the above Principles, the Planning Proposal implements a strong focus on addressing the current housing crisis, however, in a balanced manner that facilitates density in locations that are adequately serviced by infrastructure.

Resultingly, the new LEP as proposed by Council would see latent housing capacity increase in Liverpool from 31,825 new residential dwellings to approximately 41,250 new residential dwellings, which is an increase of nearly **9,500 new homes**.

### **Gateway Determination**

On 22 April 2025, Council received a Gateway Determination (**Attachment 2**) from the Department of Planning, Housing and Infrastructure (DPHI). The Gateway Determination included a number of conditions that must be addressed for the Planning Proposal to continue progressing.

Significantly, the Gateway Determination did not support several key aspects of the Planning Proposal, including the proposed downzoning of certain residential and commercial areas.

More specifically, this includes:

- The downzoning of residential land from R4 High Density Residential to R3 Medium Density Residential where interface issues have been identified (i.e. parts of Liverpool, Casula, Green Valley, Cartwright and Lurnea);
- The downzoning of residential land from R4 High Density Residential to R2 Low / R3 Medium Density Residential where land is far from a centre and associated supporting infrastructure (i.e. parts of Chipping Norton, Ashcroft and Hinchinbrook);
- The reduced Height of Building (12m) and Floor Space Ratio (0.9:1) proposed for parts of Moorebank, Casula, Green Valley, Ashcroft and Cartwright zoned R4 High Density Residential. This was proposed to help address local character and ensure appropriate transitions down to existing development;
- The downzoning of residential land from R3 Medium Density Residential to R2 Low Density Residential where areas have recently been developed and reflect a low-density character (i.e. parts of Moorebank, Carnes Hill, Wattle Grove, Prestons and Cecil Hills);
- The reduced Height of Building and Floor Space Ratio controls proposed for commercial-zoned land has not been supported;

## Options for Next Steps

A breakdown of the available pathways to progress the Planning Proposal are detailed in Table 1 below.

*Table 1: Options to Progress Planning Proposal*

Option 1: Proceed with Gateway Determination	Option 2: Lodge a Gateway Review	Option 3: Split the Planning Proposal
<b>Progress with the Planning Proposal and comply with all the conditions of the Gateway Determination.</b>	<b>Lodge a Gateway Review formally with the DPHI, seeking to remove the conditions considered to be inappropriate.</b>	<b>Split the Planning Proposal &amp; progress the changes unimpacted by the Gateway conditions in Stage 1, and residential changes in Stage 2.</b>
<ul style="list-style-type: none"> <li>• Most time efficient option</li> <li>• Does not reflect a balanced approach as the new LEP will only seek to maximise density without consideration of infrastructure provision and character</li> <li>• Together with recent significant changes to our planning controls (under the Low &amp; Mid Rise Housing Reforms) will have poor implications on urban fabric.</li> </ul>	<ul style="list-style-type: none"> <li>• Will require additional resourcing &amp; reporting to the DPHI</li> <li>• Likely to result in further delays for the entire project</li> <li>• No appetite currently from NSW Government for any reductions in residential density</li> </ul>	<ul style="list-style-type: none"> <li>• Stage 1 which will broadly progress changes to industrial, infrastructure, environmental and recreational zoned land, as well as other relevant miscellaneous changes / identified errors. This approach will enable public exhibition to occur for long overdue amendments to our planning controls to proceed without further delays.</li> <li>• However, will require additional resourcing and potentially costs if additional reports are needed for Stage 2.</li> <li>• Provides opportunity for Stage 2 changes to be further worked on and justified and put forward at a time when the DPHI may be more palatable to them.</li> </ul>

Option 1 provides the most straightforward and time efficient approach, however, will undermine some of the extensive work undertaken to inform the Planning Proposal, including the guiding Principles endorsed by Council.

Amending the Planning Proposal to comply with the Gateway Determination as it currently stands will also mean growth is delivered in areas that are missing the essential services and infrastructure needed to support this density.

This scenario is not beneficial for our community, particularly after the NSW Government's Low and Mid-Rise Housing Reforms have come into force to permit Dual Occupancies in the R2 Low Density Residential zone in 2024. This reform further increased housing capacity within the Liverpool LGA, and well beyond the additional capacity estimated for the new LEP.

Whilst there is an opportunity to seek a review of the Gateway Determination (being Option 2), given the current push for housing at all costs by the NSW Government, this is likely to be an unrewarding pursuit of Council resources.

Rather, progressing Option 3 and splitting the Planning Proposal into two separate stages will allow beneficial LEP changes to progress, whilst still protecting the current urban fabric of our suburbs in the interim.

This approach will enable long overdue amendments to our planning controls to proceed without further delays. For instance, changes that seek to encourage industrial development amidst a shortage of urban services, as well as strengthening the environmental considerations in our LEP through new clauses that address matters like urban heat and water sensitive urban design.

The residential land changes and commercial can subsequently be dealt with in a second stage when additional justification can be prepared to support the amendments. This will also provide Council the opportunity to reconsider these amendments in light of the NSW Government's assessment, but also the additional housing capacity created under the Low and Mid-Rise Housing Reforms. Option 3 may require additional resourcing to complete stage 2, however a project plan would be prepared and subject to a further Council Report.

Therefore, Council staff are recommending the progression of the Principal Planning Proposal for the new Liverpool Local Environmental Plan through two separate stages.

Stage 1 which will broadly progress changes to industrial, infrastructure, environmental and recreational zoned land, as well as other relevant miscellaneous changes / identified errors. Stage 1 will also include Build-to-Rent and additional bonus provisions in the Liverpool City Centre, Gateway Sites and Schedule 1 Clause 9 changes; and

Stage 2 which will progress other residential and commercial land changes.

## **Conclusion**

It is recommended that Council select Option 3 which is to split the Planning Proposal into two stages.

Ultimately, this will mean changes that are unimpacted by the condition Gateway Determination can progress in accordance with the timeframes issued by the DPHI, whilst additional work is undertaken to support the changes not supported by the DPHI.

## **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this recommendation at this stage. Once a Project Plan is developed for Stage 2 however, additional costs may be needed for additional reports, if deemed necessary. Should this be the case however, a further report will be tabled at a future Council meeting for funding.

Council has an allocated budget for the LEP & DCP Review which has been included in Council's budget for the current year and long-term financial plan.

<b>201594 – LEP &amp; DCP Review</b>	<b>2025/2026 Remaining</b>
<b>Total</b>	\$150,547

## **CONSIDERATIONS**

<b>Economic</b>	Further develop a commercial Centre that accommodates a variety of employment opportunities.  Facilitate economic development.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	Regulate for a mix of housing types that responds to different population groups such as young families and older people.
<b>Civic Leadership</b>	Act as an environmental leader in the community.
<b>Legislative</b>	Division 3.2 and 3.4 of the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Risk</b>	The risk is deemed to be Medium.  The new <i>Liverpool Local Environmental Plan</i> will lead to implications for landowners in the LGA (where land use zone, development standards and/or mapping varies from the LLEP 2008). However, extensive community engagement has already occurred, and further engagement will continue to occur as part of the Planning Proposal process.  If Council progress the Planning Proposal in accordance with the Gateway Determination, it would undermine the strategic work



	<p>completed to date and result in growth in areas that are devoid of essential infrastructure.</p> <p>Further a Gateway Review may result in additional information and resourcing to be provided to DPHI. This will likely result in further delays for the entire project. Given the current push for housing, it is unlikely to be supported by the independent panel.</p>
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## **ATTACHMENTS**

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1. Attachment 1 - Gateway Determination (Under separate cover)
2. Attachment 2 - Council Report and Resolution - 29 May 2024 (Under separate cover)

**PD 04**

**Revocation of City Activation Strategy**

<b>Strategic Objective</b>	Visionary, Leading, Responsible Position Council as an industry leader that plans and delivers services for a growing city
<b>File Ref</b>	194136.2025
<b>Report By</b>	Julie Scott - Manager City Economy
<b>Approved By</b>	Lina Kakish - Director Planning & Design

**EXECUTIVE SUMMARY**

The City Activation Strategy 2019–2024 provided a framework for revitalising Liverpool’s City Centre. Through targeted placemaking, cultural programming, infrastructure upgrades, and coordinated partnerships, the strategy aimed to create a lively and inclusive urban environment that supports economic growth, enhances civic pride, and responds to the evolving needs of the community.

Recommendations and actions from the City Activation Strategy will be rolled into the Visitor Economy Strategy.

**RECOMMENDATION**

That Council revokes the City Activation Strategy, noting that relevant recommendations and actions will be included in the draft Visitor Economy Strategy.

**REPORT**

The City Activation Strategy 2019–2024 was developed by Liverpool City Council, in collaboration with Stafford Strategy, to guide the transformation of Liverpool’s City Centre into a vibrant, economically dynamic and well-integrated precinct. The Strategy aimed to attract private investment and encourage greater engagement with the City Centre by residents, businesses, students, workers, and visitors.

The strategy outlined a series of short, medium, and long-term initiatives to activate public spaces, enhance the night-time economy, and build a strong foundation for social and economic growth. Key recommendations of the strategy included:

- Fostering an 18-hour walkable city to boost investment and community engagement
- Developing and expanding Liverpool’s night-time economy

- Activating underutilised public spaces, particularly for youth and student engagement
- Balancing activation across the City Centre, especially in the southern precinct
- Delivering major infrastructure projects such as a convention centre and river promenade
- Establishing strong partnerships and stakeholder collaboration frameworks
- Implementing a coordinated calendar of public events and activations
- Leveraging Liverpool's cultural and heritage assets for activation
- Aligning planning policies and public space design with activation goals

Recommendations and actions from the strategy will be incorporated into the Visitor Economy Strategy (VES).

The Visitor Economy Strategy (formerly the Destination Management Plan) will be a five-year strategy that details Council's priorities for the development of the visitor economy in Liverpool. The draft vision is to position Liverpool as a vibrant and inclusive global city. The strategy aims to establish Liverpool as a sustainable and globally recognised destination through increased visitation, stronger identity, improved infrastructure, and industry collaboration. Key pillars of the VES focus on:

- Marketing what makes Liverpool unique
- Vibrant and activated precincts that are safe and engaging
- An 18-hour economy
- Celebrating Liverpool's rich history and diversity through events and cultural assets
- Enabling tourism growth through investment and development, and;
- Fostering industry cohesion and collaboration

The draft VES will go to the next Tourism and CBD Committee for review. Following Committee review, the VES will go on Public Exhibition and to the September Council meeting.

## **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this recommendation.

## **CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.

<b>Civic Leadership</b>	There are no civic leadership and governance considerations.
<b>Legislative</b>	There are no legislative considerations relating to this report.
<b>Risk</b>	There is no risk associated with this report.

## **ATTACHMENTS**

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1. City Activation Strategy 2019-2024 (Under separate cover)

## COM 01

## Policy Review - Code of Meeting Practice Policy

<b>Strategic Objective</b>	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
<b>File Ref</b>	196296.2025
<b>Report By</b>	M'Leigh Brunetta - Manager Civic & Executive Services
<b>Approved By</b>	Tina Bono - Director Community & Lifestyle

## EXECUTIVE SUMMARY

The Model Code of Meeting Practice (Model Code), developed by the Office of Local Government (OLG), establishes a standardised set of meeting rules for councils across New South Wales to ensure that meetings are accessible, orderly, effective, and efficient. The Model Code applies to all meetings of the Council, including committees comprised solely of Councillors.

Under the Local Government Act 1993 (LGA), Councils are required to adopt a Code of Meeting Practice within 12 months of a local government election. Prior to adoption, a draft of the proposed Code must be publicly exhibited for a minimum period of 28 days.

At the 16 October 2024 Council Meeting, Council initiated a review of the Code of Meeting Practice Policy and report back to Council as a priority. An internal and external review of the Code of Meeting Practice was subsequently conducted.

Recommended amendments to the draft Code of Meeting Practice were tabled at the Governance Meeting 13 November 2024.

In addition, the report *Policy Review - Code of Meeting Practice* was tabled at the 26 November 2024 Council meeting COM07 (deferred), 10 December 2024 Council meeting COM04 (deferred) and Governance Meeting 26 January 2025. Consultation continued with Council throughout this period.

At its meeting held on 21 May 2025, Council resolved (COM 02) to place the draft Code of Meeting Practice on public exhibition for 28 days, incorporating amendments from a previous resolution made at the 26 February 2025 Council meeting (COM 05), specifically Item 9 (3.1), which proposed set meeting dates and times:

“Council meetings to commence at 6:00pm on the last Wednesday of February through to November. Council is also to meet on the first Wednesday of every February at 6.00pm. The

Council meeting in December is to occur on the second Wednesday at 6.00pm. The Council meetings are to occur at Liverpool Council Chamber at 50 Scott Street, Liverpool.”

Councillors were advised that, if adopted as drafted, the proposed clause would remove any flexibility to vary meeting dates outside those listed in the Code (excluding extraordinary meetings).

Extensive consultation has been undertaken throughout the development of the draft Policy, including engagement with Councillors, relevant stakeholders, and external legal advisors. All feedback and supporting documentation have been transparently provided to ensure compliance, clarity, and accuracy in the final policy presented for adoption.

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## **RECOMMENDATION**

That Council endorse the Code of Meeting Practice Policy.

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## **REPORT**

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## **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this recommendation.

## **CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	Raise awareness in the community of the available services and facilities. Promote community harmony and address discrimination.
<b>Civic Leadership</b>	Facilitate the development of community leaders. Encourage the community to engage in Council initiatives and actions. Provide information about Council's services, roles and decision-making processes. Deliver services that are customer focused. Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
<b>Legislative</b>	Local Government Act 1993 (LGA), sections 360 - 364

	<p>Local Government (General) Regulation 2021 (LGGR), clause 182 and 232</p> <p><i>Model Code of Meeting Practice for Local Councils in NSW</i>, published in the Gazette on 29 October 2021</p> <p>The NSW Government has prescribed a model code of meeting practice pursuant to section 360 of the LGA and section 232 of the LGGR.</p> <p>Council is required to adopt a code of meeting practice that incorporates the mandatory provisions of the model code (LGA, section 360(3)). Council must adopt the code of meeting practice within 12 months after an ordinary election of councillors. The code of meeting practice may incorporate non-mandatory provisions and other provisions. The code of meeting practice must not be inconsistent with the mandatory provisions of the model code (LGA, section 360(4)).</p> <p>Council must conduct its meetings in accordance with the code of meeting practice, as must committees of which all the members are councillors (LGA, section 360(5)).</p> <p>Before adopting a code of meeting practice, Council must prepare a draft code and place it on public exhibition (LGA, section 361). Council must consider submissions received and may amend the non-mandatory provisions of the draft code or adopt the code (LGA, section 362). Council may amend its code by adopting a code, in which case the requirements of public exhibition apply (LGA, section 363).</p>
<b>Risk</b>	The risk is deemed to be low.

## **ATTACHMENTS**

1. Draft Code Meeting Practice - V2





## CODE OF MEETING PRACTICE POLICY

Adopted: 23 July 2025

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## 1 INTRODUCTION

The Model Code of Meeting Practice for Local Councils in NSW (2021) (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code provides a uniform set of meeting rules for councils across the State to help ensure more accessible, orderly, effective and efficient meetings. The code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than Councillors may adopt their own rules for meetings unless the council determines otherwise.

The Model Meeting Code comprises of mandatory and non-mandatory provisions. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after each ordinary council elections. Councils are required to consult with their communities prior to adopting a code of meeting practice.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

## 2 MEETING PRINCIPLES

### 2.1 Council and committee meetings should be:

<b>Transparent:</b>	Decisions are made in a way that is open and accountable.
<b>Informed:</b>	Decisions are made based on relevant, quality information.
<b>Inclusive:</b>	Decisions respect the diverse needs and interests of the local community.
<b>Principled:</b>	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
<b>Trusted:</b>	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
<b>Respectful:</b>	Councillors, staff and meeting attendees treat each other with respect.
<b>Effective:</b>	Meetings are well organised, effectively run and skilfully chaired.
<b>Orderly:</b>	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions:

Council meetings to commence at 6:00pm on the last Wednesday of February through to November. Council is to also meet on the first Wednesday of every February at 6.00pm. The Council meeting in December is to occur on the second Wednesday at 6.00pm. The Council meetings are to occur at Liverpool Council Chamber at 50 Scott Street, Liverpool.

- 3.2 NA

**Note: Councils must use either clause 3.1 or 3.2.**

**Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.**

#### Extraordinary meetings

- 3.3 If the Mayor receives a request in writing, signed by at least two (2) councillors, the Mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two councillors requesting the meeting.

**Note: Clause 3.3 reflects section 366 of the Act.**

#### Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

**Note: Clause 3.4 reflects section 9(1) of the Act.**

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

#### Notice to councillors of ordinary council meetings

- 3.7 The CEO must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which

the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.7 reflects section 367(1) of the Act.**

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.8 reflects section 367(3) of the Act.**

#### Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

**Note: Clause 3.9 reflects section 367(2) of the Act.**

#### Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a Notice of Motion (NoM). To be included on the agenda of the meeting, the NoM must be in writing and must be submitted by close of business nine (9) business days (not including the day of the meeting) before the meeting is to be held. Where a NoM is received after the nine 9 day cut-off date, the NoM will be put forward to the next ordinary meeting.
- 3.11 A councillor may, in writing to the CEO, request the withdrawal of a NoM submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the CEO considers that a NoM submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the CEO may prepare a report in relation to the NoM for inclusion with the business papers for the meeting at which the NoM is to be considered by the council.
- 3.13 A NoM for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the NoM. If the NoM does not identify a funding source, the CEO must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the NoM is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the NoM has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with Notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the CEO about the performance or operations of the council.

If the Question with Notice (QWN) is not submitted in accordance with clause 3.10, the QWN will be put forward to the next ordinary meeting.

- 3.15 A councillor is not permitted to ask a QWN under clause 3.14 that comprises a complaint against the CEO or a member of staff of the council, or a question that implies wrongdoing by the CEO or a member of staff of the council.
- 3.16 The CEO or their nominee may respond to a QWN submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Where a QWN cannot be addressed at the forthcoming meeting, the QWN will be addressed at the next ordinary meeting.

Agenda and business papers for ordinary meetings

- 3.17 The CEO must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The CEO must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the Mayor is the chairperson – any matter or topic that the Mayor proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the Mayor to put a Mayoral minute to a meeting under clause 9.6.
- 3.20 The CEO must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the CEO, the business is, or the implementation of the business would be, unlawful. The CEO must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the CEO, is likely to take place when the meeting is closed to the public, the CEO must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

**Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**

- 3.22 The CEO must ensure that the details of any item of business which, in the opinion of the CEO, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

#### Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

#### Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

**Note: Clause 3.24 reflects section 9(2) and (4) of the Act.**

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the CEO has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.25 reflects section 9(2A)(b) of the Act.**

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.26 reflects section 9(3) of the Act.**

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

**Note: Clause 3.27 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.28 The CEO must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the CEO may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The CEO or a member of staff nominated by the CEO is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.



#### 4 PUBLIC FORUMS

- 4.1 The council may hold a public forum at each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business only (on the agenda) to be considered at the meeting. Public forums may also be held prior to extraordinary council meeting.
- 4.1B *Where a public forum is held as part of a council meeting, it must be conducted in accordance with the other requirements of this Code relating to the conduct of council, which means that the public forum will be broadcast via livestream on council's webpage and included in the subsequent audio-visual recording of this meeting.*
- 4.2 NA
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to council by **12pm, two (2) full business days** before the Council meeting date and must identify the item of business on the agenda and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than **two (2) items** of business on the agenda of any council meeting.
- 4.6 Legal representation acting on behalf of others are not permitted to speak at the public forum unless they identify their status as a legal representation when applying to speak at the public forum.
- 4.7 The CEO or their delegate may refuse an application to speak at a public forum. The CEO or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 Only **one (1)** speaker is permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, council may request the speaker/s to nominate the person/s who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate, council is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, Council, in consultation with chairperson, may increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs by **12pm, two (2) full business days** before the public forum. Council may refuse to allow such material to be presented.

- 4.11B Council does not permit the use of external USB or hard drives to share or present documents as per Council Policy. All Public Forum material is required to be provided to Council by 12pm, two (2) full business days to have available for speakers.*
- 4.12 Council is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed **three (3) minutes** to address the council. This time is strictly enforced by the chairperson.
- 4.13A The Chairperson of the meeting, may resolve to grant an extension of time to the speaker. A **maximum of three (3) minute** extension of time may be granted.*
- 4.13B In applying to address a public forum speakers provide their consent for their representation at the public forum to be broadcast for participation.*
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **two (2) minutes**.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The CEO or their nominee may, with the concurrence of the chairperson, address the council for up to **two (2) minutes** in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the CEO may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker

fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the CEO or their delegate may refuse further applications from that person to speak at public forums for such a period as the CEO or their delegate considers appropriate.
- 4.24 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

## 5 COMING TOGETHER

### Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.3 N/A
- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.7 reflects section 234(1)(d) of the Act.**

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the CEO at least two (2) days' notice of their intention to attend.

#### The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.9 reflects section 368(1) of the Act.**

- 5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

**Note: Clause 5.10 reflects section 368(2) of the Act.**

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the councillors present, or
  - (c) failing that, by the CEO.
- 5.13 The CEO must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare

of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Mayor may, in consultation with the CEO and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

#### Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the CEO and, as far as is practicable, with each councillor.
- 5.17 Where the Mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the CEO must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other manner the CEO is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting via audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

#### Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.

- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the CEO prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
  - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

#### Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

**Note: Clause 5.31 reflects section 10(1) of the Act.**

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting; or
  - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

**Note: Clause 5.33 reflects section 10(2) of the Act.**

**Note: Clause 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings.**

**Clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.**

**Clause 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.**

Webcasting of meetings

- 5.34 Each meeting of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
  - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.**

- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the CEO and other staff at meetings

- 5.40 The CEO is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.

**Note: Clause 5.40 reflects section 376(1) of the Act.**

- 5.41 The CEO is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.41 reflects section 376(2) of the Act.**

- 5.42 The CEO may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the CEO or the terms of employment of the CEO.

**Note: Clause 5.42 reflects section 376(3) of the Act.**

- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the CEO.



- 5.44 The CEO and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the CEO.

## 6 THE CHAIRPERSON

### The chairperson at meetings

- 6.1 The Mayor, or at the request of or in the absence of the Mayor, the deputy Mayor (if any) presides at meetings of the council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the Mayor and the deputy Mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

### Election of the chairperson in the absence of the Mayor and Deputy Mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the CEO or, in their absence, an employee of the council designated by the CEO to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the CEO nor a designated employee is present at the meeting, or if there is no CEO or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

**7 MODES OF ADDRESS**

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].

**8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS**

- 8.1 N/A
- 8.2 The general order of business for an ordinary meeting of the council shall be:
- 01 Opening meeting
    - (a) Webcasting announcement
    - (b) General recording of meeting announcement
  - 02 Acknowledgement/s
  - 03 Prayer of Council
  - 06 Australian National Anthem
  - 07 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
  - 08 Confirmation of minutes (previous meeting)
  - 09 Declarations of interests
  - 10 Public forum
  - 11 Petitions

- 12 Mayoral minute(s)
- 13 Notices of motion/Questions with notice
- 14 Rescission motions
- 15 Reports to council
- 16 Reports of committees
- 18 Confidential matters
- 19 Conclusion of the meeting

**Note: Council must use either clause 8.1 or 8.2.**

- 8.3 The order of business under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

**Note: Part 13 allows council to deal with items of business by exception.**

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

## 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
  - (a) unless a councillor has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
  - (a) is already before, or directly relates to, a matter that is already before the council, or
  - (b) is the election of a chairperson to preside at the meeting, or
  - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral minute, or
  - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

#### Mayoral minutes

- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a meeting of the council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the Mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the CEO on the availability of funds for implementing the recommendation if adopted.

#### Staff reports

- 9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 9.12B *Recommendations of a committee, if adopted, can not require expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan.*
- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

#### Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the CEO, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the CEO at the direction of the CEO.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.
- 9.20 *Where the question will utilise more than four hours of staff time or incur in **excess of \$500 in external costs**, as determined by the relevant area Director, the Councillor will be invited to submit the matter to Council for determination, in the form of a notice of motion. The Councillor is to be advised if such a question falls within these categories as soon as practicable after the meeting, to allow them the opportunity to submit a Notice of Motion on the matter to the next meeting should they wish.*

*The exception to this is if the question relates to an item that Council subsequently resolves to defer and that question taken on notice directly will assist Council forming a view or determination when that item is re-considered.*

## 10 RULES OF DEBATE

### Motions to be seconded

- 10.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

### Notices of motion

- 10.2 A councillor who has submitted a NoM under clause 3.10 is to move the motion the subject of the NoM at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a NoM under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a NoM on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

### Motions requiring the expenditure of funds

- 10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the CEO on the availability of funds for implementing the motion if adopted.

#### Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

#### Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for **longer than five (5) minutes** on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.



## 11 VOTING

### Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

**Note: Clause 11.1 reflects section 370(1) of the Act.**

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

**Note: Clause 11.2 reflects section 370(2) of the Act.**

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- 11.4 N/A

### Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the CEO must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The CEO must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for deputy Mayor is to be by secret ballot.

- 11.11 NA

**Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.**

Voting on planning decisions

- 11.12 The CEO must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12 - 11.14 apply also to meetings that are closed to the public.

**Note: Clauses 11.12–11.15 reflect section 375A of the Act.**

**Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.**

**12 COMMITTEE OF THE WHOLE**

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 12.3 The CEO or, in the absence of the CEO, an employee of the council designated by the CEO, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

### **13 DEALING WITH ITEMS BY EXCEPTION**

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

### **14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

#### Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

**Note: Clause 14.1 reflects section 10A(1) and (2) of the Act.**

- 14.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

**Note: Clause 14.2 reflects section 10A(3) of the Act.**

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**Note: Clause 14.3 reflects section 10B(1) of the Act.**

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
    - (ii) cause a loss of confidence in the council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **12.00pm two (2) full business days** preceding the meeting at which the matter is to be considered.
- 14.12 The CEO (or their delegate) may refuse an application made under clause 14.11. The CEO or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **two (2) speakers** are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the CEO or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the CEO or their delegate is to determine who will make representations to the council.
- 14.15 The CEO (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to **permit two (2) speakers, one for and one against**, to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **three (3) minutes** to make representations, and this time limit is to be strictly enforced by the chairperson. An extension may be permitted by the Mayor for an **additional three (3) minutes**. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.21 reflects section 10D of the Act.**

Resolutions passed at closed meetings to be made public

- 14.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

## 15 KEEPING ORDER AT MEETINGS

### Points of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

### Questions of order

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.



Acts of disorder

15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- (a) contravenes the Act, the Regulation or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults, makes unfavourable personal remarks about or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

**Note: Clause 15.11 reflects section 182 of the Regulation.**

15.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or (e), or
- (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

**Note: Clause 15.12 reflects section 233 of the Regulation.**

How disorder at a meeting may be dealt with

15.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

15.15 N/A

15.16 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

**Note: Clause 15.17 reflects section 233(2) of the Regulation.**

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

#### How disorder by councillors attending meetings by audio-visual link may be dealt with

15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

#### Use of mobile phones and the unauthorised recording of meetings

15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting

of the council or a committee of the council without the prior authorisation of the council or the committee.

- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

## 16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

## 17 DECISIONS OF THE COUNCIL

### Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

**Note: Clause 17.1 reflects section 371 of the Act.**

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a NoM to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

If a rescission motion is not submitted in accordance with clause 3.10, the rescission motion will be dealt with at the next Council meeting after it is lodged.

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A NoM to alter or rescind a resolution, and a NoM which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A NoM submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the NoM.

- 17.10 A NoM to alter or rescind a resolution relating to a development application must be submitted to the CEO **no later than 5 days after the meeting** at which the resolution was adopted.

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a NoM signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

#### Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## 18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than **11.00pm without an extension**. Meetings are to be a maximum duration of **five (5) hours**.
- 18.2 N/A
- 18.3 If the business of the meeting is unfinished after **five (5) hours** since its commencement, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson prior to the meeting being declared closed.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the CEO must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the CEO is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 AFTER THE MEETING

### Minutes of meetings

- 19.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.
- Note: Clause 19.1 reflects section 375(1) of the Act.**
- 19.2 At a minimum, the CEO must ensure that the following matters are recorded in the council's minutes:
- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,

- (b) details of each motion moved at a council meeting and of any amendments moved to it, (including any foreshadowed motions),
- (c) the names of the mover and seconder of the motion or amendment, (or foreshadowed motion),
- (d) whether the motion or amendment was passed or lost, (and whether the foreshadowed motion was voted on, and if so, if it was passed or lost), and
- (e) such other matters specifically required under this code.

19.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 19.3 reflects section 375(2) of the Act.**

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

**Note: Clause 19.5 reflects section 375(2) of the Act.**

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

19.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

**Note: Clause 19.8 reflects section 11(1) of the Act.**

19.9 Clause 19.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

**Note: Clause 19.9 reflects section 11(2) of the Act.**

- 19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

**Note: Clause 19.10 reflects section 11(3) of the Act.**

- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

#### Implementation of decisions of the council

- 19.12 The CEO is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 19.12 reflects section 335(b) of the Act.**

## **20 COUNCIL COMMITTEES**

### Application of this Part

- 20.1 This Part only applies to committees of the council whose members are all councillors.

### Council committees whose members are all councillors

- 20.2 The council may, by resolution, establish such committees as it considers necessary.
- 20.3 A committee of the council is to consist of the Mayor and such other councillors as are elected by the councillors or appointed by the council.
- 20.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
  - (b) if the council has not decided a number – a majority of the members of the committee.

### Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.

### Notice of committee meetings

- 20.6 The CEO must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:



- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

#### Attendance at committee meetings

20.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

#### Non-members entitled to attend committee meetings

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

#### Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

- (a) the Mayor, or
- (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy

chairperson of such a committee, the committee may elect a deputy chairperson.

- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 N/A
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

#### Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.22 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this code.
- 20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21 IRREGULARITIES

21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

**Note: Clause 21.1 reflects section 374 of the Act.**

## 22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day, any day of the week

division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

## 23 REQUEST TO ADDRESS A COUNCIL MEETING FORM



TRIM 016107.2014

### HOW TO SUBMIT YOUR REQUEST

Request to Address a Council Meeting Form to be submitted to Council by **12 pm, two (2) full business days** prior to the Council meeting.

### WHO CAN SPEAK AT A COUNCIL MEETING?

Members of the public are invited to attend Council meetings and may seek permission to speak on matters that are only included in the agenda of the meeting.

Each speaker must provide their name and can speak for **3 minutes**. Council will allow a maximum of **five (5)** Public Forums at each Council Meeting.

Council will accept only **one 'for' and one 'against'** on any item of business. If several speakers are registered to speak on the same topic, speakers may be approached by Council to consider a combined submission.

Public Forum submissions that have been raised previously within the last 12 months will not be accepted unless there is new information to present.

In accordance with Part 4 of Council's Code of Meeting Practice, the public forum portion of the Council meeting will be broadcast via livestream on Council's webpage and included in the subsequent audio-visual recording of this matter. In addressing a Council meeting, speakers provide their consent for their representation at the meeting to be broadcast. Speaker names will also be recorded in the Council Meeting minutes.

### HOW SHOULD A SPEAKER ADDRESS A COUNCIL MEETING?

Speakers are required to comply with Council's *Code of Meeting Practice* made under *Local Government Act 1993* and in accordance with the *Local Government (General) Regulation 2021*.

The *Code of Meeting Practice* is available at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)

Council Meeting Date: \_\_\_\_\_

*Complete the fields below if you wish to address Council on an item listed on the Council Agenda:*

Item Number on Agenda: \_\_\_\_\_

Item Name (as per Agenda): \_\_\_\_\_

Are you speaking for or against the recommendation? ☐ FOR ☐ AGAINST

Have you addressed Council previously in relation to this matter? ☐ YES ☐ NO

Speaker's Name (*please print*): \_\_\_\_\_

Address (Please provide residential address, suburb and postcode):  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

If I am permitted to speak at a Council meeting, I acknowledge that Public Forums are broadcast by live stream on council's webpage and included in the subsequent audio-visual recording of this meeting. Speaker name/s will be recorded in the minutes of that meeting. I agree I must comply with Council's *Code of Meeting Practice*.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**PRIVACY NOTE:** Council will collect and hold the personal information contained in this form for the purpose of considering your request. The intended recipients of the personal information are officers within Council. The supply of personal information by you is voluntary, however if you cannot provide, or do not wish to provide the information sought, Council may be unable to process your application. You may make an application for access or amendments to your personal information held by Council under the Privacy and Personal Information Protection Act 1998 (PPIP Act) or the Government Information (Public Access) Act 2009 (GIPA Act). You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIP Act

**NOTICE OF LIVE STREAMING:** In the interests of transparency and open government, Liverpool City Council will live stream all Council meetings. Live streaming allows the community to view proceedings via the Council website, without the need to physically attend Council meetings. This gives the community greater access to Council decisions and debate and eliminates geographic barriers preventing the public from attending meetings. Members of the public speaking at a Council meetings agree to be recorded and must ensure their address to the Council is respectful and appropriate. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of the meeting that is held in closed session will not be recorded.

Information provided to Council in correspondence, submissions or requests, including your personal information, may be made publicly available, including on Council's website, under the GIPA Act. Please notify us if you object to the disclosure of your personal information.





## TABLE OF AMENDMENTS

Date	Version	Key Changes	Approved by:
27 October 1993	1		Council
8 August 1994	2	Following amendments to the <i>Local Government Act &amp; Regulations</i> on 1 July 1994	Council
22 January 1996	3	Following amendments to the <i>Local Government Act and Regulations</i> on 10 November 1995	Council
10 March 1997	4	Following amendment to the <i>Local (Meetings) Regulation</i> on 6 December 1996	Council
13 December 1997	5	Following a review of the Code, and in anticipation of the <i>Local Government (Open Meetings) Act</i> 1998	Council
14 September 1998	6	Following a review of the Code and in line with amendments to the <i>Local Government (Open Meetings) Act</i> 1998 and <i>Local Government (Meetings) Regulation</i> 1993	Council
16 November 2000	7	Following a review of the entire Code	Council
12 February 2001	8	Question without Notice by Councillor Waller	Council
9 April 2001	9	<i>Local Government Amendment Act</i> 2000	Council
9 September 2002	10	In accordance with the <i>Local Government (Miscellaneous) Act</i> No 40	Council
25 August 2003	11	Following a review of the Code	Council
26 September 2005	12	Following a review of the Code	Council
16 July 2007	13	Following a review of the Code	Council
07 October 2008	14	Following a review of the Code	Council
23 February 2009	15	Specifically to Clause 26 (2)(b) to reflect the increases to the notice period for making representations on Council agenda items by one hour; and to confirm the starting times and dates for Council meetings for the remainder of the 2009 calendar year	Council
14 September 2009	16	To reflect a Council decision to remove reference to WSROC and WESTPOOL from Clause 69	Council
15 February 2010	17	Following a review of the Code in accordance with Meetings Practice Note No 16 issued by the Division of Local Government in August 2009	Council
27 June 2011	18	Following a review of the Code	Council
19 December 2011	19	Reflecting a Council decision to extend time limits for speakers in the Public Forum of Council	Council
28 November 2012	20	Following a review of the Code	Council
6 February 2013	21	Following a review of the Code	Council
7 May 2013	22	The CEO pursuant to clause 75 of the Code regarding Division of Local Government Circular, The Closure of Council Meetings to the Public, April 2013	CEO
29 May 2013	23	Following a review of the Code	Council
9 July 2013	24	Chief Executive Officer pursuant to clause 75 of the Code to reflect changes in Council's organisational structure	Chief Executive Officer
31 July 2013	25	Following a review of the Code	Council





12 March 2014	26	Reflecting a Council decision on 26 February 2014 to clarify notice periods within the Code and to note minor changes in administrative procedures for handling speaker requests and in the definitions provided in the Code	Council & Group Manager Governance as delegated by the Chief Executive Officer
20 June 2014	27	Following a review of the Code and a minor amendment to Clause 21.7 by Council resolution	Council
26 May 2015	28	Following a review of the Code and a minor amendment to Clause 5.2 by Council resolution	Council
25 November 2015	29	Minor amendment – note added to clause 5.2	Council
29 June 2016	30	Amendments to clause 18 - Mayoral minutes	Council
23 November 2016	31	Minor amendment to clause 20 – Order of Business	Council
27 September 2017	32	Minor amendment to clause 20- Order of Business	Council
30 May 2018	33	Minor amendment – addition of clause 77	Council
29 May 2019	34	Following a review of the entire Code	Council
25 September 2019	35	Amendment made following a NoM which was adopted, regarding webcasting of Council meetings being made available on Council's website for one year.	Council
25 May 2022	36	Following a review of the Code.	Council
26 October 2022	37	Minor amendments – Clause 9.20 added and a note added to the end of Clause 19.2	Council
16 October 2024	38	Council Resolution October 2024, review of Code including external review for compliance.	Council
23 July 2025	39	Council Resolution October 2024 and legislative requirement to review within 12 months of newly formed Council. Alignment to OLG Model Code.	Council

## COM 02

**Council Grants Donations and Sponsorship  
Report**

<b>Strategic Objective</b>	Healthy, Inclusive, Engaging Promote a harmonious community that celebrates its diversity
<b>File Ref</b>	203887.2025
<b>Report By</b>	Javeria Hoda - Community Development Worker Funding & Support
<b>Approved By</b>	Tina Bono - Director Community & Lifestyle

**EXECUTIVE SUMMARY**

Council is committed to building strong and resilient communities in the Liverpool Local Government Area (LGA) and maximising social wellbeing. Council helps achieve these goals by providing financial support through grants and sponsorships to develop leadership skills, increase participation in community activities and address identified social issues.

This report provides a recommendation for endorsement of funding totalling **\$65,000** from the Community Grants, Community Sponsorship and Matching Grants program.

**RECOMMENDATION**

That Council:

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

<b>Applicant</b>	<b>Project</b>	<b>Recommended</b>
UNSW Founders	Digital Makers	\$15,000

2. Endorses the funding recommendation of **\$20,000** (GST exclusive) under the **Community Grant Program** for the following projects:

<b>Applicant</b>	<b>Project</b>	<b>Recommended</b>
The Business Concierge LTD	Survivor Life Skills	\$10,000
Miracle Babies Foundation	NICU Survival Packs for families of premature and sick babies	\$10,000

3. Endorses the funding recommendation of **\$30,000** (GST exclusive) under the **Community Sponsorship Program** for the following project

<b>Applicant</b>	<b>Project</b>	<b>Recommended</b>
Vedic Festival Incorporated	Festival of Chariots 2025	\$10,000
Friends Of India Australia Incorporated	Ganeshotsava 2025	\$10,000
Thomas Hassall Anglican College	South West Festival 2025	\$10,000

## REPORT

### Matching Grants Program

The Matching Grants Program received one application which met the eligibility criteria and is recommended for funding as follows:

<b>Applicant</b>	UNSW Founders		
<b>Project</b>	Digital Makers		
<b>Amount Requested</b>	\$15,000	<b>Total Project Cost</b>	\$36,257
<b>Location</b>	Civic Place Council Chambers 50 Scott St, Liverpool NSW 2170	<b>Date</b>	June – August 2025
<b>About the Applicant</b>	UNSW Founders is a leading entrepreneurial program that expanded to Liverpool in 2024, engaging over 550 local residents in digital literacy, career development, and entrepreneurship. Their community-driven, family-friendly approach—highlighted through the successful Digital Makers program and diverse participation—continues to empower Liverpool's youth, families, and professionals		
<b>Description</b>	<p><b>Objective:</b> The program will deliver nine workshops in Liverpool to build digital capability among residents. It aims to foster an entrepreneurial mindset through hands-on, inclusive training in digital tools, innovation, and business development. The program also seeks to empower underrepresented community members—including youth, women, and multicultural groups.</p> <p><b>Outcomes:</b></p> <ul style="list-style-type: none"> <li>Improved digital literacy and inclusion, especially youth, women, and culturally diverse group. Participants will gain essential digital and entrepreneurial skills, closing gaps in access to technology and innovation;</li> <li>Enhanced workforce readiness and career pathways, as the program will equip individuals with practical experience in digital tools, AI, website/app development, and e-commerce, boosting their job readiness and supporting career transitions; and</li> <li>Stronger local innovation and business ecosystem for Liverpool, by guiding participants from idea to prototype, the program will cultivate an entrepreneurial culture in Liverpool, empowering startups and small businesses to adopt tech-based solutions and grow sustainably.</li> </ul>		

<b>Funding Allocation</b>	<p>Grant funding of \$15,000 in matching funds will be allocated as follows:</p> <ul style="list-style-type: none"> <li>• \$3,920 towards program facilitators</li> <li>• \$5,880 towards project design for Liverpool</li> <li>• \$1,190 towards marketing and program promotion</li> <li>• \$5,230 towards catering for 9 workshop sessions</li> </ul>
<b>Beneficiaries</b>	<ul style="list-style-type: none"> <li>• 400 residents, including youth and teenagers, multicultural groups, women, and broader job-seeking and entrepreneurial network in Liverpool.</li> </ul>
<b>Assessment</b>	<p><b>Recommended Funding - \$15,000</b></p> <p>The project aligns with the Community Strategic Plan <i>Objective 1 - Healthy, Inclusive, Engaging, Objective 3 - Evolving, Prosperous, Innovative, Objective 4 - Visionary, Leading, Responsible</i>, and meets the Sustainable Environment funding priority <i>Waste Minimisation, Sustainable Water Use, Environmental Improvement, Sustainable Living</i>.</p> <p><b>Expected Matching Grants program outcomes 7.6.2 a), b), c), and d).</b></p>

### Community Grants Program

The Community Grants Program received two applications which met the eligibility criteria and are recommended for funding as follows:

<b>Applicant</b>	The Business Concierge LTD		
<b>Project</b>	Survivor Life Skills		
<b>Amount Requested</b>	\$10,000	<b>Total Project Cost</b>	\$10,000
<b>Location</b>	Liverpool LGA Schools	<b>Date</b>	Aug 2025 – June 2026
<b>About the Applicant</b>	<p>The Business Concierge Ltd. is a not-for-profit organisation that provides courses and training programs to high school students around financial literacy, stress and mental health, employment, and other life skills. The organisation offers up to 60 subjects designed to meet the needs of students.</p>		
<b>Description</b>	<p><b>Objectives:</b></p> <p>The Survivor Life Skills project aims to deliver a self-development course that equips students with lifelong skills. Students will gain knowledge in making informed and educated decisions in areas of finance, employment and other key skills which are not available within the school curriculum. The program is</p>		

	<p>beneficial to all individuals, inclusive of age, gender, race, or socio-economic status.</p> <p><b>Outcomes:</b></p> <ul style="list-style-type: none"> <li>• Improved financial literacy in students, as they learn how the Australian banking system works, including responsible use of credit and avoiding debt traps—especially relevant for newly arrived migrants and their families;</li> <li>• Increased employment readiness for youth, by equipping them with skills to create resumes, find part-time jobs, and succeed in job interviews, addressing youth unemployment challenges in Western Sydney;</li> <li>• Enhanced goal setting and personal development, as students learn to set realistic goals and create action plans, promoting long-term planning and self-confidence; and</li> <li>• Support for culturally diverse communities across the LGA as the program creates inclusive school environments where migrant and Australian-born youth learn and grow together, fostering integration and cultural understanding.</li> </ul>
<b>Funding Allocation</b>	<p>Grant funding of \$10,000 will be allocated as follows:</p> <ul style="list-style-type: none"> <li>• \$2104 towards program materials and student workbooks</li> <li>• \$7,896 towards 15 days of workshop facilitation</li> </ul>
<b>Beneficiaries</b>	<ul style="list-style-type: none"> <li>• 3000 primary school and high school students across the Liverpool LGA (Ashcroft High School, Holsworthy High School, William Carey, Miller Tech High, Liverpool Boys, Liverpool Girls, All Saints Catholic College, and Miller Public School)</li> </ul>
<b>Assessment</b>	<p><b>Recommended Funding - \$10,000</b></p> <p>The project aligns with the Community Strategic Plan <i>Objective 1 - Healthy, Inclusive, Engaging, Objective 3 - Evolving, Prosperous, Innovative, Objective 4 - Visionary, Leading, Responsible</i>, and meets the Sustainable Environment funding priority <i>Waste Minimisation, Sustainable Water Use, Environmental Improvement, Sustainable Living</i>.</p> <p><b>Expected Community Grants program outcomes 7.4.1 b), c), d), e) and f).</b></p>

<b>Applicant</b>	Miracle Babies Foundation		
<b>Project</b>	NICU Survival Packs for families of premature and sick babies		
<b>Amount Requested</b>	\$10,000	<b>Total Project Cost</b>	\$11,290
<b>Location</b>	Liverpool Hospital Neonatal Intensive Care Unit	<b>Date</b>	June to September 2025
<b>About the Applicant</b>	<p>Miracle Babies Foundation (MBF) was established in 2005 in the Liverpool community. Since then, the organisation has developed and provided services and resources to support local families with babies born prematurely or sick, both while they are in Liverpool Hospital's NICU and once they are at home with their baby. Miracle Babies have worked in collaboration with Liverpool Hospital since its inception to achieve their vision of better, healthier outcomes for newborns and their families challenged by prematurity or sickness.</p>		
<b>Description</b>	<p><b>Objective:</b> The program aims to provide emotional support, practical tools, and essential information to families with premature or sick newborns in the NICU at Liverpool Hospital, helping them navigate their hospital journey and connect with ongoing community-based support services.</p> <p><b>Outcome:</b></p> <ul style="list-style-type: none"> <li>• Improved emotional wellbeing and support for parents, focusing on mental health during a highly stressful and traumatic period, and reducing the risk of postnatal depression and emotional distress.</li> <li>• Increased access to information and support by providing families with essential guidance about neonatal care and connects them to ongoing community-based support services.</li> <li>• Enhanced parent-infant bonding and empowerment by offering tools like journals and milestone items that help parents feel more connected to their baby's journey, fostering hope, control, and emotional resilience.</li> </ul>		
<b>Funding Allocation</b>	Grant funding of \$10,000 will be allocated towards the preparation of 200 NICU Survival Packs.		
<b>Beneficiaries</b>	<ul style="list-style-type: none"> <li>• 200 newborn babies and families in NICU/SCN at Liverpool Hospital.</li> <li>• NICU families and support communities.</li> </ul>		

<b>Assessment</b>	<p><b>Recommended Funding - \$10,000</b></p> <p>The project aligns with the Community Strategic Plan <i>Objective 1 - Healthy, Inclusive, Engaging, Objective 3 - Evolving, Prosperous, Innovative, Objective 4 - Visionary, Leading, Responsible</i>, and meets the Sustainable Environment funding priority <i>Waste Minimisation, Sustainable Water Use, Environmental Improvement, Sustainable Living</i>.</p> <p><b>Expected Community Grants program outcomes 7.4.1 c) and d).</b></p>
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### **Community Sponsorship Program**

The Community Sponsorship Grants Program received three applications which met the eligibility criteria and are recommended for funding as follows:

<b>Applicant</b>	Vedic Festival Incorporated		
<b>Project</b>	Festival of Chariots 2025		
<b>Amount Requested</b>	\$10,000	<b>Total Project Cost</b>	\$40,000
<b>Location</b>	Bigge Park and Liverpool CBD	<b>Date</b>	28 June 2025
<b>About the Applicant</b>	Vedic Festival Incorporated (VFI) is a not-for-profit organisation engaging the community through Indian cultural experiences. The group works closely with Liverpool's large Indian and Fijian community and aims to promote Indian culture and art through accessible community events such as street parades and festivals. VFI also invests in programs that integrate migrants and international students to Australia and creates opportunities for groups to establish beneficial networks within the community.		



<b>Description</b>	<p><b>Objectives:</b> The Festival of Chariots is a large street parade and fair that attracts many visitors to the Liverpool LGA. This multicultural event aims to celebrate traditions and culture through various activities and musical performances, encourages a vibrant cultural exchange. The event envisions to unite community members from all backgrounds to share knowledge and culture. Funding will be used to deliver the street parade through Liverpool CBD, followed by a cultural fair at Bigge Park.</p> <p><b>Outcomes:</b></p> <ul style="list-style-type: none"> <li>• Foster an inclusive and connected community by celebrating the rich cultural diversity of Liverpool's residents;</li> <li>• Enhance social wellbeing by encouraging active community participation in vibrant cultural experiences;</li> <li>• Support the local economy and small businesses by attracting visitors from across the region and beyond;</li> <li>• Increase visibility and pride in Liverpool through widespread promotion of community-led events and initiatives; and</li> <li>• Strengthen Liverpool's identity as a welcoming, dynamic, and thriving place to live, work, and contribute.</li> </ul>
<b>Funding Allocation</b>	<p>Grant funding of \$10,000 will be allocated as follows:</p> <ul style="list-style-type: none"> <li>• \$9,256 towards event traffic management</li> <li>• \$746 towards chariot decoration and preparation</li> </ul>
<b>Beneficiaries</b>	<ul style="list-style-type: none"> <li>• 4000+ CALD Community from Liverpool LGA</li> <li>• 2000+ visitors from the broader community and neighbouring LGA's.</li> </ul>
<b>Assessment</b>	<p><b>Recommended Funding - \$10,000</b> The project aligns with the Community Strategic Plan <i>Objective 1 - Healthy, Inclusive, Engaging, Objective 3 - Evolving, Prosperous, Innovative, Objective 4 - Visionary, Leading, Responsible</i>, and meets the Sustainable Environment funding priority <i>Waste Minimisation, Sustainable Water Use, Environmental Improvement, Sustainable Living</i>. <b>Expected Community Sponsorship program outcomes 7.7.1 a), b), c), d) and e).</b></p>

<b>Applicant</b>	Friends Of India Australia Incorporated		
<b>Project</b>	Ganeshotsava 2025		
<b>Amount Requested</b>	\$10,000	<b>Total Project Cost</b>	\$55,161
<b>Location</b>	Whitlam Leisure Centre Liverpool 2170	<b>Date</b>	30 to 31 August 2025
<b>About the Applicant</b>	<p>Established in 1996, Friends of India Australia (FOIA) is a volunteer-run, non-profit organisation committed to supporting the Liverpool community through cultural, environmental, and social initiatives. FOIA has a long history of community service, including food relief, blood donation drives, Clean Up Australia events, and support during bushfires, floods, and the COVID-19 pandemic.</p> <p>The flagship event, Ganeshotsava, has been held in Liverpool for over 20 years and is one of the region's largest cultural festivals, attracting thousands of local, interstate, and international visitors. It fosters cultural exchange, social cohesion, and economic benefit for the area. FOIA marks their 30th anniversary in 2025, with plans to deliver an outstanding event this year.</p>		
<b>Description</b>	<p><b>Objectives:</b></p> <p>The objective of Ganeshotsava 2025 is to celebrate the 30th anniversary of this long-standing cultural event by delivering an inclusive, educational, and vibrant community festival that strengthens cultural awareness, fosters social cohesion, and boosts Liverpool's local economy. Through traditional ceremonies, youth engagement activities, artistic expression, and a special community procession through Liverpool CBD, the event aims to unite diverse communities, promote intercultural exchange, and showcase Liverpool as a thriving multicultural hub. The event also provides skill-building opportunities for local youth and generates economic benefits by sourcing goods and services from local businesses and attracting visitors to the region.</p> <p><b>Outcomes:</b></p> <ul style="list-style-type: none"> <li>• Foster social inclusion and cultural understanding, as the event brings together a diverse cross-section of the Liverpool community;</li> <li>• Empower youth and build community capacity particularly in young people that are actively engaged through event planning and practical life skills within a supportive volunteer environment; and</li> </ul>		

	<ul style="list-style-type: none"> <li>Strengthen local economic and community connections by sourcing supplies, food, and accommodation locally. The event supports small businesses in Liverpool while encouraging ongoing collaboration with local service providers, volunteers, and community organisations.</li> </ul>
<b>Funding Allocation</b>	<p>Grant funding of \$10,000 will be allocated as follows:</p> <ul style="list-style-type: none"> <li>\$5,702 towards event production (audio &amp; lighting system)</li> <li>\$4,298 towards event catering (free for all attendees)</li> </ul>
<b>Beneficiaries</b>	<ul style="list-style-type: none"> <li>3000+ visitors Liverpool LGA and beyond.</li> </ul>
<b>Assessment</b>	<p><b>Recommended Funding - \$10,000</b></p> <p>The project aligns with the Community Strategic Plan <i>Objective 1 - Healthy, Inclusive, Engaging, Objective 3 - Evolving, Prosperous, Innovative, Objective 4 - Visionary, Leading, Responsible</i>, and meets the Sustainable Environment funding priority <i>Waste Minimisation, Sustainable Water Use, Environmental Improvement, Sustainable Living</i>.</p> <p><b>Expected Community Sponsorship program outcomes 7.7.1 a), b), c), d) and e).</b></p>

<b>Applicant</b>	Thomas Hassall Anglican College		
<b>Project</b>	South West Festival 2025		
<b>Amount Requested</b>	\$10,000	<b>Total Project Cost</b>	\$62,646
<b>Location</b>	Thomas Hassall Anglican College 125 Kingsford Smith Avenue, Middleton Grange NSW 2171	<b>Date</b>	30 August 2025
<b>About the Applicant</b>	Thomas Hassall Anglican College is a co-educational Kindergarten to Year 12 school located in Middleton Grange, serving the Liverpool LGA and South West Sydney. With 1,800 students and over 200 staff, the College is committed to partnering with families to nurture each child's academic, personal, and spiritual development. The school delivers an annual South West Festival that celebrates the region's multicultural diversity.		

<b>Description</b>	<p><b>Objectives:</b> The objective of the South West Festival is to bring together the diverse Liverpool community for a vibrant, family-friendly celebration that fosters social connection and cultural appreciation. The event is free to attend and offers entertainment, and opportunities for local businesses. The event aims to strengthen community ties, celebrate the region's multicultural identity, and enhance Liverpool's reputation as a dynamic and welcoming place to live, work, and visit.</p> <p><b>Outcomes:</b></p> <ul style="list-style-type: none"> <li>• Strengthened community connection and social cohesion, as the festival provides a welcoming space for people of all ages, backgrounds, and cultures to come together, build relationships, and celebrate as one community;</li> <li>• Support the local economy and small business growth by showcasing local makers, food vendors, and small businesses; and</li> <li>• Increase visitation to Liverpool LGA, highlighting the region as a social and multicultural community.</li> </ul>
<b>Funding Allocation</b>	Grant funding of \$10,000 will be allocated towards event equipment and furniture hire (tables and chairs)
<b>Beneficiaries</b>	<ul style="list-style-type: none"> <li>• 18,000+ visitors from the school community, Liverpool, and neighbouring LGA's.</li> <li>• Local vendors, small businesses and entrepreneurs.</li> </ul>
<b>Assessment</b>	<p><b>Recommended Funding - \$10,000</b> The project aligns with the Community Strategic Plan <i>Objective 1 - Healthy, Inclusive, Engaging, Objective 3 - Evolving, Prosperous, Innovative, Objective 4 - Visionary, Leading, Responsible</i>, and meets the Sustainable Environment funding priority <i>Waste Minimisation, Sustainable Water Use, Environmental Improvement, Sustainable Living</i>.</p> <p><b>Expected Community Sponsorship program outcomes 7.7.1 a), b), c), d) and e).</b></p>

## **FINANCIAL IMPLICATIONS**

At the June 2025 Council Meeting, Council endorsed the 2025/26 Financial Year Budget, which included an increase of \$200,000 to the Grants, Donations and Sponsorship Program. As a result, the total budget allocation for this program in 2025/26 is **\$677,000**.

The additional funding has been allocated across the Community Sponsorship, Community Grants, and Matching Grants streams to enhance community support and engagement opportunities.

All costs associated with this recommendation have been incorporated into Council's 2025/26 Operational Budget and Long-Term Financial Plan. A detailed breakdown of the operating budget is provided below.

<b>COMMUNITY SPONSORSHIP</b>			
Budget	Balance	<i>Recommendation for funding in this report</i>	<b>Remaining</b>
\$225,000	\$225,000	\$30,000	<b>\$195,000</b>
<b>COMMUNITY GRANTS</b>			
Budget	Balance	<i>Recommendation funding in this report</i>	<b>Remaining</b>
\$227,000	\$227,000	\$20,000	<b>207,000</b>
<b>MATCHING GRANTS</b>			
Budget	Balance	<i>Recommendation for funding in this report</i>	<b>Remaining</b>
\$150,000	\$150,000	\$15,000	<b>\$135,000</b>
<b>COMBINED FUNDING BALANCE</b>			
Combined Budget	Combined Balance	<i>Total recommendation for funding for Community Sponsorship, Community Grants and Matching Grants</i>	<b>Remaining Balance</b>
\$602,000	<b>\$602,000</b>	\$65,000	<b>\$537,000</b>
<b>SUSTAINABLE ENVIRONMENT GRANTS</b>			
<i>Budget of \$75,000 is allocated from the Environmental Levy, received through Council Rates. Unspent funds cannot be absorbed into Community Grants, Sponsorship, or Councils General Reserve.</i>			
Budget	Balance	<i>Recommendation for funding in this report</i>	<b>Remaining Balance</b>
\$75,000	<b>\$75,000</b>	Nil	<b>\$75,000</b>

## **CONSIDERATIONS**

<b>Economic</b>	The financial impacts are outlined in the report above.
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**COMMUNITY & LIFESTYLE REPORT**

<b>Environment</b>	Raise community awareness and support action in relation to environmental issues.
<b>Social</b>	Support community organisations, groups, and volunteers to deliver coordinated services to the community.
<b>Civic Leadership</b>	Foster neighborhood pride and a sense of responsibility. Operate a well-developed governance system that demonstrates accountability, transparency, and ethical conduct.
<b>Legislative</b>	Local Government Act 1993, including sections 24 and 356.  The council may by resolution contribute money or otherwise grant financial assistance to people for the purpose of exercising its functions. Council's grant programs are targeted to ensure a lawful and consistent approach to its contributions and financial assistance. Key functions that are supported are Council's functions of providing goods, services, and facilities, and conducting activities, appropriate to the current and future needs within the Liverpool local community and of the wider public, subject to the Local Government Act, the regulations, and any other law.
<b>Risk</b>	There is no risk associated with this report.

**ATTACHMENTS**

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1. Grants, Donations and Sponsorship Report Confidential Addendum 23 July 2025 (Under separate cover) - **Confidential**

**COM 03**

**Community Facilities Hire Policy**

<b>Strategic Objective</b>	Healthy, Inclusive, Engaging Improve liveability and quality of life for the community by delivering vibrant parks, places and facilities
<b>File Ref</b>	226954.2025
<b>Report By</b>	Craig Lambeth - Manager Community Recreation
<b>Approved By</b>	Tina Bono - Director Community & Lifestyle

**EXECUTIVE SUMMARY**

At the Council meeting held 21 May 2025, Council considered recommendations to adopt a Community Facilities Hire Policy and changes to its Fee reduction Policy. At this meeting Council resolved to:

1. Note the consultation that has been conducted with key stakeholders;
2. Adopt the recommended Community Facilities Hire Policy and the Fee Reduction Policy attached to this Report to replace current Policies including:
  - Commercial Businesses Short-term Hire Procedures (Terms and Conditions)
  - Community Facilities Management Casual Hire (Terms and Conditions)
  - Community Venues Permanent Hire Procedures (Terms and Conditions)
  - Community Facilities 3-year Licence Agreement
  - Change/Cancellation of Permanent Facility Hiring
3. Delegate to the CEO, the development of Conditions of Hire for Community Facilities;
4. Proceed to 28 days public exhibition; and
5. Direct the CEO that a report come back to Council following the 28 days of public exhibition.

These proposed Policy changes were placed on Public Exhibition on 4 June 2025 for 28 period of 28 days ending 2 June 2025. The proposed changes were also circulated via email on two separate occasions to all current permanent and licence holders during the public exhibition period. In addition, Council Officers conducted outbound phone calls to permanent and licensed hirers to ensure they received and understood the proposed changes.

Council received two (2) responses to its request for feedback via public exhibition that are contained within the body of this report.

**RECOMMENDATION**

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That Council:

1. Receives and notes this report; and
2. Endorse the recommended Community Facilities Hire Policy and the Fee Reduction Policy attached to this report, which will supersede the following;
  - Commercial Businesses Short-term Hire Procedures (Terms and Conditions)
  - Community Facilities Management Casual Hire (Terms and Conditions)
  - Community Venues Permanent Hire Procedures (Terms and Conditions)
  - Community Facilities 3-year Licence Agreement
  - Change/Cancellation of Permanent Facility Hiring.

**REPORT**

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Council avails its Community Facilities to local organisations, clubs, schools, residents and other entities on a hire basis. These facilities accommodate important activities that support marginalised and targeted community groups, support small, locally based commercial entities and attract significant locally significant external events. These facilities are generally accessed on a fee-for-use basis, with the applicable fees and charges reviewed and endorsed by Council as part of the annual budget process.

At the Council meeting held 21 May 2025, Council considered recommendations to adopt an overarching Community Facilities Hire Policy. Subsequent to that Report Council resolved to:

1. Note the consultation that has been conducted with key stakeholders;
2. Adopt the recommended Community Facilities Hire Policy and the Fee Reduction Policy attached to this Report to replace current Policies including:
  - Commercial Businesses Short-term Hire Procedures (Terms and Conditions)
  - Community Facilities Management Casual Hire (Terms and Conditions)
  - Community Venues Permanent Hire Procedures (Terms and Conditions)
  - Community Facilities 3 year Licence Agreement
  - Change/Cancellation of Permanent Facility Hiring
3. Delegate to the CEO, the development of Conditions of Hire for Community Facilities;
4. Proceed to 28 days public exhibition; and
5. Direct the CEO that a report come back to Council following the 28 days of public exhibition.



The proposed Community Facilities Hire Policy seeks to simplify a number of hire documents that acts to define the terms and conditions of hire into a single hire Policy. The primary changes contained within the endorsed Policy include:

- Establishment of up to 5-year hire agreements for community groups delivering community facing programs and services, and allowing their capacity to future plan their services, either by Lease (exclusive) or Licence (non-exclusive);
- Establishment of a Priority of Use framework that supports local and not-for-profit entities where conflicting applications are received; and
- Recategorising Religious Organisations from a Category C to Category A within the fee framework.

Additionally, proposed changes to Councils Fee redefines eligibility criteria to exclude:

- Organisations of any Category whose financial turnover, or turnover of parent organisation exceeds \$5m per annum or organisations whose operating surplus in the previous financial year is greater the \$250,000; and
- Organisations who are not based within the Liverpool LGA or organisations who are not delivering the majority of their services within the Liverpool LGA.

These proposed Policy changes were placed on Public Exhibition on 4 June 2025 for 28 period of 28 days ending 2 June 2025. The proposed changes were also circulated via email on two separate occasions to all current permanent and licence holders during the public exhibition period. In addition, Council Officers conducted outbound phone calls to permanent and licensed hirers to ensure they received and understood the proposed changes.

Council received two (2) items of feedback as outlines below:

Basis of feedback	Council Response
Change in fee category for religious organisations from Category C to Category A will result in financial strain placed on religious entities who operate on shoestring budgets.	<p>Religious organisations are currently classified as Category C under Council's Fees and Charges framework. This category offers a discounted rate intended for not-for-profit, community-based organisations and funded agencies that deliver services directly benefiting Liverpool residents.</p> <p>The proposed change in category reflects a growing trend in the use of Council's community facilities by religious organisations for commercially oriented services, which may fall outside the original intent of Category C. This reclassification ensures that the fee structure remains equitable, transparent, and aligned with the nature of use.</p>
Application of means testing for hirers seeking fee reduction will impact on hirer (Fairfield City Council)	<p>The proposed changes to Council's Fee Reduction Policy are designed to better target support to organisations that genuinely require financial assistance. Specifically, the intent is to ensure that subsidies are limited to locally based, community-facing not-for-profit organisations with limited financial capacity.</p> <p>Under the revised policy, eligibility for fee reductions will be restricted to not-for-profit community entities with an annual turnover of less than \$5 million and operating surpluses below \$250,000. This change ensures that Council's financial support is directed to those organisations most in need, while promoting fairness, accountability, and sustainability in the use of public resources.</p>

Given the low volume of feedback received during the public consultation and exhibition period, Council Officers have assessed the anticipated impact on facility utilisation as minimal.

Importantly, the proposed changes are projected to deliver a positive financial benefit estimated between \$180,000 and \$300,000 per annum, equating to a cumulative five-year financial impact of approximately \$900,000 to \$1.5 million. This represents a significant and sustainable improvement to Council's long-term financial position, while ensuring resources are more equitably allocated.

## **FINANCIAL IMPLICATIONS**

The recommended policy changes are expected to positively impact Council's hire revenue streams, with projected increases ranging from \$180,000 to \$300,000 annually, assuming booking activity remains consistent. This adjustment will enhance the financial sustainability of Council's community facilities by aligning fees more closely with actual usage and organisational capacity.

It should be noted that any projected increases associated with implementing these changes have not yet been factored into Council's current budget or Long-Term Financial Plan, and would need to be considered as part of future financial planning processes.

	2025/26	2026/27	2027/28	2028/29	2029/30	5 Year
<b>Operating budget / LTFP impact</b>	\$180,000	\$180,000	\$180,000	\$180,000	\$180,000	\$900,000

## **CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	<p>Raise awareness in the community about the available services and facilities.</p> <p>Support community organisations, groups and volunteers to deliver coordinated services to the community.</p> <p>Support access and services for people with a disability.</p> <p>Deliver high quality services for children and their families.</p>
<b>Civic Leadership</b>	There are no civic leadership and governance considerations.
<b>Legislative</b>	Local Government Act 1993 (Division 2 – Part 2 – Section 35 and 47A) and (Division 12 – Part 1 – Section 356)

	Local Government (General) Regulations 2021 (Division 5 – Part 2 – Section 49) Generic Plan of Management: Community Facilities, 2005 Crown Land Management Act 2006
<b>Risk</b>	There is no risk associated with this report.

## **ATTACHMENTS**

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1. Draft Community Facilities Hire Policy
2. Draft Community Fee Reduction Policy



COMMUNITY FACILITIES PERPETUAL HIRE POLICY

TRIM xxxxxxxxxxxx.2024



## 1 PURPOSE/OBJECTIVES

This policy sets out the terms and conditions of hiring Council's Community Venues on a perpetual (recurring) hire agreement.

As part of Council's commitment to our local community, Council supports targeted programs and services that directly improve the wellbeing and quality of life for Liverpool residents, including fair and equitable access to community facilities.

Council aims to maximise use of its Community Facilities to support programs that improve the liveability of the Liverpool community. This will be achieved through the following Guiding Principles:

- Equitable and inclusive access;
- Sustainably maximising usage;
- Transparent and consistent processes; and
- Sustained Community focus.

This Policy aims to:

- Establish guidelines for the use and hire of Community facilities throughout the LGA;
- To provide a framework for Hire Applications for use of Council's community facilities to be received and considered;
- To provide a framework for the Terms and Conditions of Hire for Council owned and managed sports fields and passive parks;
- To define specific facilities that are included in this policy; and
- To define specific facilities not included within this policy.

## 1 SCOPE

This Policy covers all Council community facilities listed in Appendix A of this Policy.

This Policy includes use of community facilities under the following arrangements:

- Perpetual Hire Agreements; and
- Casual Bookings;

## 2 DEFINITIONS

For the purpose of identifying the hiring of Community Venues, the following definitions will be used:

**Booking:** a set date and time made for a Community Venue.

**Casual Hirer:** A hirer who books a Council Venue a maximum of 10 bookings per calendar year.

**Community Organisation:** A not-for-profit (NFP) society, association or club established for community service purposes.

**Community Venue:** A Council-owned facility that can be booked by individuals and organisations for social functions, community programs and other activities.

**Expression of Interest (EOI):** A call to Community Organisations operating within the Liverpool LGA to register interest in hiring a Community Venue as a Perpetual Hirer.

**Perpetual Hirer:** a person or organisation including a Community Organisation who has entered into a Hire Agreement with Council and who hires a Venue regularly throughout the year (more than 10 bookings per calendar year).

**Perpetual Hire Agreement:** a 5 year agreement between Council and the Regular Hirer to use a Community Venue or a Room within a Venue for its functions, programs and other activities following an EOI process.

**Online Booking System:** Council's online electronic system used to manage the bookings for the Community Venues.

**Pin Code:** A series of numbers, between 4 to 6 digits, used to access the Community Venues.

**Room:** A specific area within a Community Venue with designated capacity – may refer to a function room, meeting room or a boardroom.

**Swipe Tag:** An electronic key card used to access the Community Venues.

### 3 FEE STRUCTURE DESCRIPTIONS

Council's fees and charges for the use of community facilities will be adopted annually through Council's Statement of Revenue Policy.

Fees and charges will be concessional based on the following category of Hirers:

#### **Category A – Private/Commercial/Government Organisations**

- Business Activities – For company and/or organisation conducting activities for the purpose of deriving a profit.
- Individuals conducting private and/or social functions – Private invitation-only activities that are not available to the public or for community benefit.
- State and Federal government agencies including Electoral Office – Political groups and/or government organisations where venue hire is for the purpose of organised political campaigning.

#### **Category B – Community Groups/Organisations/Agencies/Micro-Business/Self-Employed**

- Community-based groups/organisations/agencies/micro-business/self-employed and agencies that service community members that live, work, or have a connection with Council.
- Any community-based group or organisation whose primary objective is to provide and engage in accessible services and activities that benefit the local and broader community.
- Self-employed persons who can provide evidence that the service provided meets the needs of the broader community across the Liverpool LGA.
- Health and lifestyle activities.
- Sporting/lifestyle activities, arts/culture activities

#### **Category C – Funded Community Groups**

- This category is for not-for-profit community-based groups and funded organisations and agencies that service community members that live, work, or have a connection with Council.
- Faith and religious groups/organisations providing inclusive community activities/programs.
- Healthcare providers.
- Counselling services, disability services, support services, welfare agencies.
- Community or education/organisations – schools (primary, tertiary education, TAFE, colleges, universities).
- Registered charities not for fundraising purposes.

#### **Category D – Self-funded (no government support)**

- Community groups who receive minimal or no funding to run group activities or programs.
- Playgroups
- Social support groups (self-funded, no government support inclusive) – Social support group that benefits clients by helping to alleviate anxiety, depression, and social isolation situations.

Charges for the use of community facilities will consider the usage patterns reflected in the relevant Hire Agreement, and the fee category applicable to each hirer.

#### **4 FEE REDUCTION**

Council may receive applications for Fee reduction from organisations annually. Applications for fee reductions will be considered in accordance with Councils Fee Reduction policy.

#### **5 PERPETUAL HIRE APPLICATION AND EXPRESSION OF INTEREST**

- 5.1** The right to use the Venue is subject to Council receiving an Expression of Interest (for Perpetual Hire Agreements) of Venue Hire application (for Casual hire Agreements) signed by the proposed Hirer undertaking to comply with these conditions.
- 5.2** The right to use the Venue is subject to availability.
- 5.3** Perpetual Hirers must complete an EOI application each EOI period.
- 5.4** Nothing within the hire Agreement should be interpreted by the Hirer as a right of continuance beyond the end date of the agreement.
- 5.5** Community Organisations seeking a Category B, C or D rate are required to meet the required eligibility criteria specific to that Category and provide documentation that proves the organisation's not for profit status. One of the following documents is required: Copy of Certificate of Incorporation (not-for-profit organisation only), evidence of registration as a charity or any other documentation to support the application. Organisations must be listed on the Australian Charities.
- 5.6** All EOI applications are received and assessed against predetermined eligibility criterion by Council's Community Recreation Department.
- 5.7** All EOI applications are reviewed and where possible negotiations will take place to try to accommodate needs of each group. However, it is not always possible to accommodate all groups.
- 5.8** All decisions of Council are final.

#### **6 INSURANCE/ PUBLIC LIABILITY REQUIREMENTS AND INDEMNITY**

- 6.1** The Perpetual Hirer is required to have public liability insurance for no less than ten million dollars (\$10,000,000). The insurance policy must be endorsed noting the use of Liverpool City Council's Community Venue and the purpose for which the Venue is to be used. The certificate of currency must be signed by or on behalf of the insurer. The insurer must be licensed in Australia in respect of such insurance. Where food or drink may be served it is recommended that the insurance policy carry a products liability extension.
- 6.2** To determine the appropriate level of cover, it is recommended that each Hirer assess their potential liability as more than this amount may be required. A copy of this insurance and product liability if applicable must be provided to a Council Community Recreation Officer upon application.
- 6.3** The Hirer has obligations to exercise reasonable care for the safety of people attending Council's Community Venue during the use of the Venue.
- 6.4** The Hirer shall at all times ensure that any person or persons engaged or employed by the Hirer and conducting any activity within the Venue is fully covered by a Workers Compensation policy, and that the Perpetual Hirer must be able to produce evidence of such cover to Council if requested.
- 6.5** The Hirer agrees to indemnify Council and its contractors and agents from liability for any loss, damage or injury sustained, to their goods or persons, or the goods and persons of those attending the function of the Regular Hirer, that may arise at or through the use of the Venue.
- 6.6** Neither Council nor its representatives shall be liable for any loss or damage sustained by the Hirer or any person, firm or corporation entrusting to or supplying any article or thing to the Hirer by



reason of any such article or thing being lost, damaged or stolen. The Hirer hereby indemnifies Council against any claim by any such person, firm or corporation in respect of such article or thing.

## **7 PAYMENTS**

- 7.1** Perpetual Hirers are required to pay hire fees as set out in Council's adopted Statement of Revenue annually.
- 7.2** Council's fees and charges are subject to change as of 1 July each financial year.
- 7.3** Hirers will receive a monthly invoice payable within 30 days of the date of issue.
- 7.4** Invoices are sent by email to the Hirer's nominated email address. Should this address change, it is the Hirer's responsibility to inform Council in writing.
- 7.5** To ensure that payments are allocated correctly, Council requests all Hirers to quote the invoice number with their payment. Payments can be made as follows:
  - By logging into the [Online Bookings System](#) and following the instructions to make a credit card payment.
  - Through BPay - Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account. You will need to quote the Biller Code and Reference found on your invoice.
- 7.6** All credit card transactions are subject to a surcharge of 0.5%.
- 7.7** If payment of fees is not received after 90 days, the following action/s will occur:
  - All bookings will be suspended effective immediately until payment is received.
  - If payment is not received within 10 working days after suspension of bookings, Council will cancel the Hire Agreement. The overdue account is noted by the Debt Recovery Department and accordingly Council's Debt Recovery Officer will issue an Overdue Account notification.
  - Failure to respond within the required period will ensure a Notice of Demand being issued.
  - If the account remains unpaid, a Statement of Claim will be issued by Council's debt collectors. Legal costs and fees associated with debt recovery will be charged to the debtor and accordingly a notice to vacate will be issued.
  - Failure to respond to the Statement of Claim may result in a Court judgment obtained against the debtor and will not be overturned until all costs (including outstanding amount, associated legal and administrative) are paid. Credit rating will be affected by this judgment.

## **8 CHANGES/ CANCELLATION OF BOOKING**

- 8.1** Upon signing the Hire Agreement, Hirers are committed to utilise the Venue on the dates and times as specified in their Agreement.
- 8.2** Council requires written notification of any proposed changes to the Hire Agreement that will occur on an ongoing basis, including but not limited to the following:
  - an additional day of usage;
  - cancellation of day or days of usage;
  - changes to start and or finish times;
  - change of venue.
- 8.3** This notification is required 14 business days prior to the commencement of the proposed change.
- 8.4** Council will assess each request and, subject to availability, will send confirmation via email.
- 8.5** If a Hirer does not access the Venue on the dates and times as stated in their Hire Agreement, fees remain due and payable.
- 8.6** If less than 14 business days written notice is received, the Hirer shall forfeit the hire fee for the cancellation of a date and/or dates.
- 8.7** Any extension of hours or additional day of use must relate to the programs of the Hirer as stated in their Expression of Interest application. Any social events (birthdays, weddings, parties, etc.) do not fall under this category and must be booked as a separate, casual booking through the Online Booking portal.

- 8.8** Council may, at its absolute discretion, vary the conditions of hire on convenience. Such variation may apply to days, times and/or location of hire. Where such changes are required, a period of 21 days advance notice will apply.

## **9 PRIORITY OF USE**

- 9.1** Council is committed to delivering, developing and providing spaces for hire where all community members can access services and information, have something to do, and feel connected to their community free of discrimination and according to need;
- 9.2** Where Council receives conflicting applications for the same facility, Council may, at its absolute discretion, determine which applicant will be permitted right of access. In doing so Council will consider:
- Alignment with Council's strategic objectives;
  - The nature of the activities being undertaken, where programs that support the physical, mental, educational and social wellbeing of local residents are favoured;
  - The commercial status of the organisation, where not for profit and/or self-funded community groups will have priority of access over for-profit entities;
  - Groups and organisations that live, work or have a connection with the Liverpool residents and those that service the local community surrounding the facility will have priority over groups and organisations providing services for people outside of the municipality; and
  - The ability to accommodate programs at alternate sites;

## **10 ACTS AND REGULATIONS**

- 10.1** The Hirer shall conform to the requirements of the following acts and regulations: [Public Health Act 2010](#) (including any Public Health Order), [Fire and Rescue NSW Act 1989](#), [State Emergency and Rescue Management Act 1989](#), [Work Health and Safety Act 2011](#), [Local Government Act 1993](#), and shall be liable for any breaches.
- 10.2** All other statutory rules, provisions and regulations of the Commonwealth of Australia or State of New South Wales must be complied with by the Regular Hirer and the notices given to the proper officers.
- 10.3** Council must also conform to the requirements of all Acts, Regulations, orders and directions from statutory authorities affecting its operations and functions including but not limited to Public Health Orders that may impact on the Hirer's use and occupation of the Venue (e.g. forced closures, social distancing measures, change in occupancy limits). The Perpetual Hirer must not make any claim against Council for any loss or damage arising or incurred because of Council's compliance with such statutory laws and requirements and must cooperate with the directions of Council.

## **11 COPYRIGHT**

- 11.1** The Hirer must not infringe, or allow others to infringe, any copyright, performing right or other protected right involved in any performance or use of the Venue.
- 11.2** The Hirer must obtain from the [Australian Performing Rights Association \(APRA\)](#) or any other appropriate person or organisation all licences or other approvals as required prior to the booking date(s), and provide written evidence of such if required by Council.
- 11.3** In the case of the showing of films, the Hirer must comply with the requirements under the Classification (Publications, Films and Computer Games) Act 1995. Details available at: [http://www.austlii.edu.au/au/legis/cth/consol\\_act/cfacga1995489](http://www.austlii.edu.au/au/legis/cth/consol_act/cfacga1995489).

**12 AVAILABILITY OF VENUES**

- 12.1** Council's Community Venues are closed from 24 December to 1 January inclusive. Special consideration will be made for Community Organisations whose programs are required to continue through this period (i.e. support groups and religious groups).

**13 PERMISSION TO OCCUPY**

- 13.1** The Hirer is only entitled to the use of the part or parts of the Community Venue hired on the dates and times set out in the Hire Agreement. Council reserves the right to permit any other portion of the building to be hired for any other purpose at the same time. The hire of a room does not grant exclusive use over shared spaces of the centre (e.g. foyers, outdoor areas, etc.).
- 13.2** The capacity of the Venue must not exceed the number of people attending the Venue. Council Venues are designed to accommodate a limited amount of people. For example: in its size, the Venue amenities, equipment etc and the Work Health and Safety and Fire Safety Regulations.
- 13.3** The Regular Hirer shall not sub-lease the Venue or transfer hire to another group or organisation.
- 13.4** Where there is more than one group within a Venue, Hirers need to be understanding and co-operative with each other.
- 13.5** Areas locked or not available for hire are classified as prohibited areas and are not to be entered or used in any way by the Hirer or the Hirer's guests. Areas that have been designated as prohibited will be advised prior to any application.

**14 REFUSAL TO GRANT HIRE**

- 14.1** At the discretion of the Coordinator Community Recreation, refusal to grant hire may occur.

**15 EMERGENCIES AND ELECTIONS**

- 15.1** In case of an emergency, an election (such as State, Federal/Local), urgent maintenance, or specialised Council event/s, that requires use of a Community Venue, bookings may be cancelled by Council. Where possible an alternative Venue will be offered (subject to availability) or full refund of any fees paid. No other compensation will be given.
- 15.2** An emergency includes but is not limited to Natural disasters (hurricanes, floods, hail, etc.).
- 15.3** Where possible, Council will endeavour to give adequate notice, but this may not always be feasible given the nature of the emergency/incident.

**16 SCHEDULED MAINTENANCE AND PROGRAMMED WORKS**

- 16.1** Council undertakes scheduled maintenance and programmed works on the Community Venues periodically throughout the year. Council will give the Hirer adequate notice in the event this maintenance should affect any booking dates.
- 16.2** In the event that a Community Venue is closed for any works, Council may offer an alternative Venue (subject to availability) or full refund of any fees paid. No other compensation will be given.
- 16.3** In the interest of health and safety, access to a Community Venue is prohibited during the closure period.

**17 PERPETUAL HIRERS CONDUCT AND RESPONSIBILITIES**

- 17.1** The Perpetual Hirer shall be responsible for the full observance of these conditions and for the maintenance and preservation of good order in the Venue throughout the whole duration of the period of use.
- 17.2** The Hirer is responsible for the conduct of all patrons/guests during their booking and must ensure that no disorderly or unlawful behaviour is permitted in connection with the use of the Venue, in or around the Venue, parking bays and surrounding areas.
- 17.3** The Hirer, while at the Venue, shall abide by any directives given by Council, and its representatives.

- 17.4 No spitting, obscene or insulting language, disorderly behaviour or damage to property shall be permitted in any part of the Venue.
- 17.5 The Hirer must comply with all relevant legislation and/or direction from Council and Police regarding nearby residential properties, vehicle car parking and wandering of guests onto private land. The Hirer will be responsible for any damage or inconvenience caused to any residents during their booking and/or when vacating the Venue and will be charged accordingly.
- 17.6 If the Venue is located in a residential area, it is expected the Hirer to be aware of and respect the residents in surrounding houses. Noise must be kept to a minimum at all times in the immediate area. The level of noise must not inconvenience surrounding residents and Hirers are to keep facility doors closed during their booking.
- 17.7 Loud music and noises must cease during the following times:
  - Midnight to 8am on Friday, Saturday or any day preceding a public holiday
  - 10pm to 8am on any other day
- 17.8 If the Venue shares an entrance with a Council Library and is fitted with sliding doors, these doors are programmed to open and close based on the Library times. Access to these doors outside of these times are done through swipe tags/keys/pin codes, and exit is allowed via a push button inside the centre. The Perpetual Hirer must not tamper with or use an object to prop open the sliding doors as this will damage them.
- 17.9 The Hirer shall not use the address of the Venue as their mailing address.
- 17.10 No pets, animals, insects (including native and/or other) are allowed in or around the facility with the exception of assistance animals as defined by section 9 of the Disability Discrimination Act 1992.
- 17.11 The Hirer must undertake a full assessment of the venue prior to commencement of activities each day to ensure that the venue is fit for intended purpose.

## **18 FIRE SAFETY REGULATIONS/ EVACUATION PLAN**

- 18.1 The Perpetual Hirer is responsible for the safety of guests attending their hired event/function and implementing the below procedure. The Environmental Planning and Assessment Regulation 2000 must be enforced. The Hirer is responsible for/but not limited to, the following:
  - Must read and abide by the Emergency Evacuation Plan located on the wall within the Venue hired.
  - Knowledge of the location of all fire exits of the Venue and be capable of directing guests to these fire exits as required.
  - Knowledge of the location of prescribed fire safety installations/equipment provided in the Venue: (instructions for use are detailed on all fire extinguishers).
  - Ensure doors to an evacuation route are not locked and can be opened; and to check that there are clear paths of evacuation from all occupied areas in the Venue at all times.
- 18.2 The Hirer must ensure occupants of the Community Venue can exit directly into open space or another place of safety; (Note: Fire safety exits must be left unimpeded at all times, vehicles must not be parked and other items must not be left outside the fire exit door).  
The Hirer must ensure:
  - They are fully aware of any mobility restrictions and other characteristics of the persons attending.
  - That the number of persons in the Community Venue at any one time does not present an unreasonable risk to the safety of any person in the Venue (refer to capacity of Venue).
  - They are aware of and suitably manage the flammability of any items, utensil or piece of equipment introduced into the Venue by the Perpetual Hirer.
  - That they undertake the following in relation to evacuation procedures for the Venue:
    - 1 Inform guests of the evacuation plan located on the wall;

- 2 If required, alerting & communicating with all persons in the Venue as to any fire/emergency and sound an alarm (verbal) to evacuate. Contact Fire Services on "000" immediately or if unable, instruct another person to contact them by mobile phone;
- 3 Direct the evacuation of all persons from the hall including persons with special needs to a designated outdoor assembly area (depending on wind direction, assemble all persons a safe distance from the fire);
- 4 Check whether all persons have been evacuated from the Venue and the number/identity of any persons not accounted for; and
- 5 Meet the fire officers attending the Venue in response to the fire/emergency.

**Emergency Contact Numbers:**

000 - Emergency Services (Police/Fire/Ambulance)

1300 36 2170 – Liverpool City Council (after hours number)

- 18.3** Fire equipment and hoses are provided in Community Venues as a requirement by law for safety measures. Unlawful use of the fire extinguisher or fire hoses is strictly prohibited. The Hirer must advise if the fire extinguishers and hoses have been used in any way. If fire equipment is used in an irresponsible manner, the cost of inspection and replenishing will be deducted from the security bond. Misuse of this equipment will result in discontinued use of Council Venues.
- 18.4** Prohibited Items – including but not limited to: Barbeques, gas bottles, open flames, pyrotechnics, portable stoves or ovens, smoke machines, kerosene or spirit type lamps, spit roasts or kegs, firearms and explosive substances must not be used within the facility or within the surrounding grounds. Failure to comply with the requirements will be regarded as a breach of the Hire Agreement. Candles may only be used if secured in a glass (or similar) e.g. tea lights that will contain the flame if knocked over and which will prevent wax from dripping on tables and floors. No fire of any type may be lit in the surrounding grounds of the Venue.

## **19 FIRST AID**

- 19.1** It is the responsibility of the Hirer to provide adequate first aid requirements relative to the activity being undertaken.
- 19.2** Any accidents, injuries and incidents must be reported to Council within one working day of the event occurring. Any accidents, injuries and incidents that results in a person being taken to hospital must be reported immediately to Council.

## **20 KEYS, SWIPE TAGS AND PIN CODES**

- 20.1** Council's Community Venues are on a keyless system that requires swipe tag or pin code to access. Keys may still be issued for gates and bin enclosures.
- 20.2** Some Venues have gates with pin code access. A key panel is fixed to other gates and bin enclosures with separate pin codes provided by email.
- 20.3** Hirers must pick up and return keys/swipe tags at times pre-arranged with Councils Booking Officer.
- 20.4** Keys cannot be copied or passed on to other Hirers/users of the Venue.
- 20.5** If the keys are lost and unable to be found within a reasonable time the Hirer will be charged the cost of rekeying the locks for the entire building, as well as new keys for all existing Hirers of the Venue.
- 20.6** Council will issue a maximum of 2 sets of keys/swipe tags per group/ Hirer.
- 20.7** Additional keys/swipe tags will be charged as per Council's fees and charges.
- 20.8** For returning Hirers, all keys/swipe tags and pin codes (if any) must be listed on the EOI application.
- 20.9** The Hirer must not access the Venue outside their confirmed start dates and times. If the Hirer fails to abide by this, they will be in breach of the Hire Agreement and charges will apply.
- 20.10** At the end of the Hirer's Agreement, all keys/swipe tags must be returned to Council within 10 working days after the last booking date. If keys are not returned within this time, they will be considered lost and clause 22.5 will apply.

- 20.11** If a pin code has been issued, the Hirer should exercise caution in supplying the pin code to attendees and third parties. Should access to the Community Venue be breached, the Hirer will be solely responsible for any and all resulting damages.

## **21 AIR CONDITIONING**

- 21.1** Air conditioners can only be used when all windows and doors are closed.
- 21.2** Air conditioning systems must be turned off prior to locking/arming the Venue.
- 21.3** The system will cease operation automatically after 2 hours but to conserve energy the Hirer should turn it off when not required.

## **22 FURNITURE AND EQUIPMENT**

- 22.1** The setting up, stacking and storage of tables, chairs and other equipment is the responsibility of the Hirer. For safety reasons, please refer to instructions in the Venue with regard to stacking chairs, which must be placed in front of cupboards or equipment which others may need to access later. Chairs and tables must be returned to the allocated storage space provided.
- 22.2** Ample number of tables and chairs are provided to the capacity of each Community Venue. Eight chairs to a table is recommended. Furniture or equipment required, other than that already provided, must be supplied by the Regular Hirer at the Regular Hirer's expense and shall be the liability of the Hirer.
- 22.3** Any type of furniture or equipment should be moved by carrying and not by dragging. Trolleys should be used where provided.
- 22.4** Equipment such as chairs and tables must remain in the room hired and not transferred between each room within the Venue.

## **23 DECORATIONS**

- 23.1** No stages, decorations, electric lighting, of any kind or articles of similar nature shall be brought into the building without prior consent of the Coordinator Recreation and Community or their administrative team.
- 23.2** All such articles and property as well as any catering appliances or fittings shall be removed by the Hirer at the end of the booking.
- 23.3** Items included but not limited to drawing pins, nails, screws, hooks or adhesive tape must not be used to affix decorations to walls, operable walls, floors, acoustic panels, timber work or fittings. All decorations are to be removed after the booking (including any blue tack or similar that has been used).
- 23.4** Balloons must be tied down and not allowed to rise to ceilings otherwise removal costs may be incurred. No decorations must be attached to fans or other electrical fittings.
- 23.5** Ladders are not supplied by Council. The Hirer will need to provide a ladder if required for decorating. Standing on tables and chairs is not permitted.
- 23.6** The use of party items including but not limited to confetti, glitters, sprays, poppers, streamers and rice is not permitted.

## **24 SIGNAGE AND MARKETING**

- 24.1** No notice, sign or advertisement of any kind shall be erected on the building or attached or affixed to the walls, doors or any other portion of the building, fittings or furniture, without prior consent of the Coordinator Recreation and Community or their administrative team.
- 24.2** No banners, or other marketing material advertising, are permitted without Council consent.
- 24.3** Signs may not be displayed by Hirers except on noticeboards where provided. Any non-complying signs or notices may be removed by Council.
- 24.4** The Hirer must ensure that any marketing or promotional material that contains the name of the Venue and/or Council's name is printed and distributed in a responsible manner, and any

information contained in said material is consistent with these conditions. The Hirer is to seek special approval before using the Council name and logos in any form of marketing.

## **25 ELECTRICAL EQUIPMENT**

- 25.1** All electrical equipment brought in for use at the hired Venue must be in good condition and must have a current Electrical Test Tag (AS 3760).
- 25.2** Power outlets are 10amp and any appliance or combination of appliances must not exceed the rating of the outlet.
- 25.3** Double adaptors, multi plug in power boards and heating appliances are not permitted.
- 25.4** The Hirer is responsible for turning off any electrical requirements in the Venue at the end of their booking, with the exception of the refrigerators.
- 25.5** Some Community Venues are fitted with projectors and screens that can be accessed using keypads and AV ports. Laptops, microphones, HDMI or VGA cables used to connect to the projectors are not provided.
- 25.6** No connection of or interference with the electrical installation, lighting effects or other properties and for the use of any apparatus for broadcasting or otherwise is allowed without prior approval from Council.

## **26 PARKING**

- 26.1** It is the responsibility of the Regular Hirer to ensure vehicles belonging to themselves or the attendees of their booking(s) do not obstruct access to driveways or restrict parking in the street. If the Community Venue has a car park available, this must be used.
- 26.2** Parking of vehicles is not permitted on footpaths or on grassed areas surrounding the Venue. The Hirer will be responsible for any damage or inconvenience caused vacating the Venue and will be charged accordingly.
- 26.3** The Venue and car park must be cleared as soon as the booking is finished. If there is a gate it must be closed and locked at the end of the booking.

## **27 STORAGE**

- 27.1** Storage availability for Hirers is not automatically included in the Hire Agreement and must be discussed with the Coordinator Recreation and Community or their administrative team.
- 27.2** Council reserves the right to review the allocation of storage at any time.
- 27.3** Fees and charges for storage apply.
- 27.4** Storage of goods and equipment in Venue storage cupboards/areas is undertaken at the owner's own risk.
- 27.5** Council does not accept responsibility or liability for theft or damage to items stored in or at the Venue. It is recommended that users seek their own insurance cover for such items.
- 27.6** In the event that permanent hire of the Venue is ceased, the Regular Hirer is required to collect all goods and/or equipment stored at the Venue.
- 27.7** The Hirer is required to return the storage keys as per clause 22.10. Upon return of the key and the removal of the Regular Hirer's goods and/or equipment the Regular Hirer's security bond will be returned.
- 27.8** In the event that the Hirer fails to meet these conditions, Council will:
  - Provide a written notice to the Regular Hirer requesting the removal of the goods and/or equipment by a set date (30 days from the date of the written notice);
  - If the Hirer again defaults on the collection of the goods and/or equipment, Council will dispose of the goods and/or equipment by either general waste disposal or by giving the items to a local charity.
- 27.9** During maintenance/programmed works, Council has the right to request the removal of goods whilst works are being undertaken.



**28 CLEANING AND LEAVING THE VENUE**

- 28.1** The Hirer is responsible for leaving the Venue in a clean and tidy state, this includes the following:
- Sweep floors and damp mop any spillage. The entire floor must not be mopped as this will damage the floorboards
  - Sweep and mop kitchen and toilets
  - Remove all food and drinks, especially from the refrigerator
  - Wipe down tables, chairs, kitchen benches, ovens and fridges with a damp cloth
  - Neatly stack and return tables and chairs to allotted storage area; where there is no store room or insufficient space in the store room they must be placed neatly against the wall of the room. Furniture must not be dragged across the floor; use trolleys if provided
- 28.2** The Hirer is required to report to Council if the Venue is not found in a clean and tidy state. Photographic evidence is required for proof of unsatisfactory condition of the Venue prior to hire.
- 28.3** Cleaning equipment such as mop, bucket, and broom are provided, with the exception of vacuum cleaners. Where there is carpet in the Venue or its foyer, Hirers are to clean up the best they can. Cleaners will vacuum any carpeted areas.
- 28.4** The Hirer is responsible for leaving the external areas in a clean and tidy state e.g. gardens, lawn areas, car park, driveway etc. must be left in the same condition as prior to the hire of the Venue. The Hirer is responsible for removal and disposal of any rubbish, smoke butts, glass or broken glass left outside.
- 28.5** Any cost incurred by Council in cleaning the internal or external areas of the Venue resulting from the condition in which the Hirer has left the Venue shall be recoverable from the Hirer.
- 28.6** The Hirer is responsible for all their garbage, which must be placed in plastic bags in the large bins provided outside the Venue. If rubbish exceeds the bin capacity then it must be taken with the Hirer. Where no bins are provided and/or bins are full or locked prior to usage, all garbage must be removed by the Hirer. Waste must not be placed on the ground adjacent to the bin.
- 28.7** Hirers will incur a removal fee if they fail to remove their waste as per Liverpool City Council's fees and charges.
- 28.8** The Hirer must ensure that all lights, fans, air-conditioners and cooking appliances are turned off, windows closed and all doors locked and alarm armed prior to leaving the Venue.

**29 OBSTRUCTIONS**

- 29.1** The Hirer shall comply in every respect with legislation, Codes or Australian Standards with regard to public buildings for the prevention of overcrowding and obstruction of gangways, passages, corridors, or of any part of the building. Any person causing an offence against such regulations shall be removed from the building.

**30 SMOKING**

- 30.1** No smoking is permitted within any Venue as specified under the Smoke-free Environment Act 2000. It is the responsibility of the Hirer to ensure this condition is strictly enforced. Any cigarette butts in the surrounds of the Venue are to be collected and placed in the garbage bins provided.

**31 LIQUOR/ ALCOHOL**

- 31.1** If alcohol will be consumed during a booking, the booking must be registered with the NSW Police: [https://www.police.nsw.gov.au/online\\_services/party\\_safety/register\\_my\\_party](https://www.police.nsw.gov.au/online_services/party_safety/register_my_party). Once registered the confirmation must be forwarded to [managementf@liverpool.nsw.gov.au](mailto:managementf@liverpool.nsw.gov.au).
- 31.2** In accordance with the Liquor Act 2007, alcohol must be consumed in a responsible manner at all times. Alcohol must not be sold on the Venue at any time.

**32 FUNDRAISING AND TRADE**

- 32.1** The Charitable Fundraising Act 1991 requires that an organisation intending to fundraise for charitable purposes must hold a license to fundraise. This is obtainable from NSW Fair Trading - phone 9895 0011 or visit <http://www.fairtrading.nsw.gov.au>. One of the following documents is



required: copy of the Certificate of Incorporation from the Department of Fair Trading or an Authority to Fundraise from the organisation.

- 32.2** Selling of merchandise may be permitted for charitable and fundraising purposes – prior permission must be obtained from Council. Selling of merchandise for profit-making purposes is not permitted.

### **33 GAMBLING**

- 33.1** No game of chance, at which either directly or indirectly money is passed as a prize, shall take place in any part of the Venue, with the exception that this clause shall not prevent the Regular Hirer using the Venue for games (where monetary exchanges) Bingo or equivalent, providing relevant permits have been obtained in accordance with Unlawful Gambling Act 1998 No 113.

### **34 PROGRAMS INVOLVING CHILDREN**

- 34.1** Where groups operate programs that involve children and young people, the Regular Hirer must comply with all obligations under Children and Young Persons (Care and Protection) Act 1998 and the Child Protection (Working with Children) Act 2012 and ensure that these legislations guide their operations.

### **35 CAMPING**

- 35.1** Camping is prohibited at all Community Venues. The Venue amenities (e.g. shower) where available, are for use as change rooms for Regular Hirers.

### **36 THEFT AND LOST ITEMS**

- 36.1** All personal property, goods and equipment brought in by the Regular Hirer must be removed from the Venue no later than the time specified on the Hire Agreement. No items are permitted to be left set up overnight.
- 36.2** The Hirer is responsible for the care and control of their own property or personal effects and loss or damage to such items is not covered by Councils insurance policy. Council is not liable for lost, stolen or damaged items (refer to clause 6.7).

### **37 DAMAGES/ BREAKAGES**

- 37.1** The floors, walls, curtains or any other part of the Venue or any fittings or furniture shall not be broken, pierced by nails or screws or in any other way damaged.
- 37.2** The Hirer shall accept full financial responsibility for damage to Council property except for normal wear and tear.
- 37.3** If a building fault occurs during the hire period (e.g. water, sewerage or electricity), the Hirer should contact Council immediately on 1300 36 2170 (after hours service).
- 37.4** All breakages and any damage must be reported to Council's Customer Service Centre on 1300 36 2170 as soon as possible. The Hirer is responsible for the full replacement cost of any damages or breakages to the Venue, its fittings and contents, and the surrounding grounds or any additional cleaning that is required.

### **38 BREACH OF HIRE TERMS AND CONDITIONS**

- 38.1** Failure to comply with the requirements set out in these terms and conditions of hire will be regarded as a breach of the Hire Agreement. Council has the right to recover any amount due in respect of such breach and/or to cancel all or any future bookings or agreement.
- 38.2** The Hirer is responsible to pay for any of the costs incurred as a consequence of their use of the Venue. These charges are Goods & Services Tax (GST) inclusive.
- 38.3** Payment of an invoice relating to a breach is required 14 days from the date of issue. Failure to make payment within this period may result in Council referring the matter to Council's Debt Recovery Officer

### 39 DISPUTES

- 39.1** In the event of any dispute or difference arising during the hire period, or as to the interpretation of these conditions, or of any matter or thing contained therein, the decisions regarding disputes will be made by the Internal Ombudsman (or delegate) and are final and conclusive.
- 39.2** Disputes must be referred to Council in writing to: Liverpool City Council, Locked Bag 7064, Liverpool BC NSW 1871 or to emailed to [communityrecreation@liverpool.nsw.gov.au](mailto:communityrecreation@liverpool.nsw.gov.au).

### 40 AFTER HOURS CONTACT NUMBERS

- 40.1** Council's after-hours number is 1300 36 2170. This should be used in the event of an emergency or access issues only.
- 40.2** If the after-hours number is called for any reason other than the above, costs associated with the call will be charged to the Hirer regardless of whether someone is required to attend the Venue.
- 40.3** If the Venue is not clean or there is any minor damage to the Venue, or there is any other problem, please report this to Council's Customer Service Centre on 1300 36 2170 during business hours.

### 41 VARIATIONS

- 41.1** Council may vary these conditions at any time in its absolute discretion, with or without notice to current or prospective Hirers

### 42 FORCE MAJEURE

- 42.1** Neither Council nor the Hirer shall be liable for any failure to carry out an obligation under these conditions or Hire Agreement if the failure was caused by circumstances beyond its reasonable control including but not limited to acts of God, inclement weather, fire, tempest, flood, tsunami, accident, interruptions to energy supplied, strike, riot, civil commotion or war, whether declared or not, viral events such as outbreaks, epidemics and pandemics (e.g. COVID-19) and the effects thereof (including but not limited to supply chain disruption, government sanctioned shutdown and restrictions, government imposed or recommended lockdowns or social distancing measures, disruption to working days and hours and disruption to or shortages of labour resources) (Force Majeure Event).
- 42.2** Each party shall do all things reasonably necessary to mitigate the effect of the Force Majeure Event on the performance of its obligations under these conditions or the Hire Agreement.
- 42.3** Notwithstanding any other provision in these conditions or the Hire Agreement, the obligations of Council or the Hirer are suspended so long as the Force Majeure Event continues to affect such obligation or obligations. For the avoidance of doubt, unless otherwise agreed by Council, all other obligations continue in full force and effect.
- 42.4** If a Force Majeure Event affecting a party is likely to or does continue for a period of 90 days or more, Council may terminate the Hire Agreement with immediate or later effect by giving notice to the Regular Hirer.

### 43 GOVERNING LAW AND JURISDICTION

- 43.1** These terms are governed by and is to be construed in accordance with the laws in force in the State of New South Wales.

### THIS PROCEDURE HAS BEEN DEVELOPED IN CONSULTATION WITH

Community & Lifestyle business units

### REFERENCES

- [Our Home Liverpool 2027 – Community Strategic Plan](#)
- [Community Facilities Strategy – A Blueprint for a Modern Network of Community Facilities](#)

**AUTHORISED BY**

Chief Executive Office

**EFFECTIVE FROM**

xxxxxxx

**DEPARTMENT RESPONSIBLE**

Community Recreation

**REVIEW DATE**

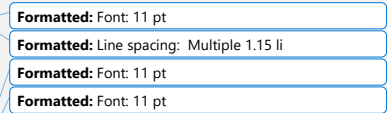
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**THIS PROCEDURE HAS BEEN DEVELOPED IN CONSULTATION WITH**

Community Lifestyle business units

**VERSIONS**

Version	Amended by	Changes made	Date	TRIM Number
1	Community Facilities Management	Create procedure	June 2006	043818.200
2	Community Facilities Management	Update	July 2012	175419.2012
3	Community Facilities Management	Update	April 2020	040995.2018
4	Community Facilities Management	Update to add Force Majeure clause	June 2020	165344.2020
5	Community Facilities Management	Update procedure for online bookings system and keyless access implementation	June 2023	174095.2023
6	Community Recreation	Update	June 2023	



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**1. LEGISLATIVE REQUIREMENTS**

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*Local Government Act 1993, Section 356*

**2. PURPOSE/OBJECTIVES**

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Council owned facilities and resources are made available for hire including community centres, meeting rooms, event/function venues, parks, and sports fields.

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Council aims to make these facilities as accessible and affordable to as many members of the community as possible.

The Community Fee Reduction Program is developed to aid community groups and organisations delivering community support services, events, functions, meetings, and community gatherings by reducing the hiring costs of Council's facilities.

**3. PRIORITIES**

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This program will support organisations and individuals that:

- a) Facilitate inclusive support services to the community;
- b) Can demonstrate they are meeting an identified community need as set out in Council's Community Strategic Plan and/or other relevant policies;
- c) Meet the priorities and eligibility requirements as listed in this policy;
- d) Hire Council's community centres, meeting rooms, event/function venues, parks, and sports fields only.

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**4. PROGRAM ELIGIBILITY AND CONDITIONS**

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To be eligible for the Community Fee Reduction Program applicants must be:

- a) Be an organisation that is based in Liverpool and/or providing services activities and/or programs within the local government area;
- b) Incorporated and not-for-profit or under auspice of an incorporated organisation and not for profit organisation;
- c) A non-funded community group or a registered charity providing services, including programs, activities, or outcomes specifically to marginalised or vulnerable members of the community;
- d) Not afforded any other Council subsidies, by way of Grants, Donations or other financial support for the deliver the defined programs;
- e) Have an annual financial turnover of less than \$5,000,000; and
- f) Have an annual operating surplus (based on the audited financial statements of the previous financial year) of greater than \$250,000.

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Applications will not be accepted for fee reductions for:

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- a) Regular seasonal sporting activities carried out by sporting clubs or associations;
- b) Religious services or activities delivered by Religious Organisations;

- c) Commercial, sole traders, and profit-making organisations;
- d) Organisations not based within the Liverpool LGA or delivering the majority of its services within the LGA;
- e) Fundraising events, however, they may be supported if they are considered of a high priority for the benefit of the community. This will be determined on a case by case basis in line with other eligibility requirements, the nature of the project, program, event or activity, and the benefits to the local community;
- f) Political parties;
- g) Schools and tertiary institutions;
- h) State or Federal government agencies and departments, excluding applications from NSW Police or Fire & Rescue NSW during emergency situations.
- i) Retrospective applications including any application for a refund of any fee or charge;
- j) To recover cost of utilities and services not limited to electricity, water, gas, waste and cleaning, or security bonds;
- k) Organisations whose annual financial turnover, or who are subsidiary of a parent, organisation, exceeds \$5,000,000; and
- l) Organisations with a financial surplus (based on the audited financial statements of the previous financial year) of greater than \$250,000

Applications will be assessed by the relevant Council Business Unit responsible for the eligible facilities. Approval to reduce Council fees does not imply Council's endorsement of the applicant's event or project or the applicant's philosophy or objectives.

## 5. FEE REDUCTION PROGRAMS

### 5.1 Community Venues

The Fee Reduction program will support initiatives and projects that can contribute to one or more of the following outcomes;

- a) Increased numbers of organisations providing programs, events and activities that contribute to community capacity building, social wellbeing, reduced isolation and increased participation in community activities;
- b) Increased services and initiatives provided by eligible organisations to residents, workers and visitors that contribute to the social, physical or mental wellbeing of the community, economic and environmental health of the Liverpool LGA; and
- c) Enhanced financial sustainability for local organisations or community groups with limited funding sources providing support services to the community.

#### 5.1.1 Available Funding

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Applications can be made for reductions of up to \$10,000 per organisation per community facility or up to 75% of the venue higher cost, whichever is the greater. All reduced rates are based on the published rate of hire set out in the Statement of Revenue Policy available on Council's website. Council has the discretion to provide a further reduction of the applicable fee to applicants where Council considers the project or activity to be a high priority and benefits the broader community.

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All approved applications granted a fee reduction will be liable to pay costs associated with their bookings such as bonds, key deposits and security call outs.

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### 5.1.2 Program Timeframe

<b>Casual Bookings</b>	For one-off bookings such as functions or events. Fee reduction applications must be submitted 4 to 6 weeks prior to the function date for fee reductions assessment of \$2,000 or less in value. Applications are accepted all year round.
<b>Perpetual Hirers And/or Licensed Hirers</b>	Applications must be submitted along with an Expression of Interest to Hire a Community Facility, Sport or recreational Facility or spaces within Casula Powerhouse Arts Centre.

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### 5.1.3 Assessment criteria

To be considered for a fee reduction, applicants must submit an application form for fee reduction with the following information:

- Be an eligible organisation (refer Item 4)
- Organisation Name;
- Current Public Liability Insurance with coverage of \$10,000,000;
- ABN/ACN or a copy of the organisations constitution;
- Outline of Organisation Structure including a list of authorised persons such as Directors/ Nominated Office Bearers;
- Outline of proposed events, programs or activities;
- Outline of how marginalised members of the community will benefit from the services described (include supporting evidence); and
- A copy of the most recent audited financial statements of the organisation (note that financial statements must relate to the parent organisation. Applicants who are not able to demonstrate financial records will not be eligible); and.
- Be registered on the ACNC website

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### 5.1.4 Fee Reduction

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Council will provide the following scale of fee reductions:

<u>Annual Turnover</u>	<u>% Fee Reduction</u>
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<\$2,000,000	75%
\$2,000,001-\$4,000,000	50%
\$4,000,0001 - \$5,000,000	25%
\$5,000,000+	0%

Applications for Fee Reduction will be limited to a maximum of \$10,000 per organisation per community facility or up to 75% of the venue higher cost, whichever is the greater.

## 5.2 Available Funding

Applications can be submitted for reductions between 20%-80% for venue hire fees only. Staffing costs must be paid as quoted. Fee reductions of up to 100% may be granted occasionally to funded/non-funded, not-for-profit organisations, community groups or individuals where Council considers the project or activity to be a high priority for the community. This will be determined on a case-by-case basis in line with other eligibility requirements, the nature of the project, program, event or activity, and the benefits to the local community.

Applications will only be accepted if a valid booking or tentative hold has been made with Casula Powerhouse Arts Centre.

All reduced rates are based on the published rate of hire set out in the Statement of Revenue Policy available on Council's website. Council has the discretion to provide a further reduction of the applicable fee to applicants where Council considers project or activity to be a high priority and benefits the broader community.

## 5.2 Program Timeframe

Applications are accepted all year.

## 5.2 Assessment criteria

To be considered for a fee reduction, applicants should clearly describe the proposed project and how it will meet the following criteria:

- Provide evidence of current Public Liability Insurance, Certificate of Incorporation, not-for-profit, non-funded charity incorporation and authentication of organisation;
- The facility is booked prior to submission of fee reduction application;
- Application is received within program timeframe;
- Demonstrate the capacity to deliver the project or activity;
- Evidence provided to support the need for the project, including addressing at least one of the strategic directions in Council's Community Strategic Plan;
- The anticipated number of individuals that will participate in and benefit from the proposed project;

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Deleted: 5.2 Park, Sports, and Recreation¶

¶ Initiatives and projects that contribute to one or more of the following outcomes:¶

¶ Increased numbers of organisations providing programs, events and activities that contribute to community capacity building, sporting participation or skill development:¶

¶ Increased services and initiatives provided by community and cultural organisations to residents, workers and visitors that contribute to the social, cultural, economic and environmental health of the Liverpool LGA; and¶

¶ Enhanced financial sustainability for local organisations providing support services to the community.¶

5.2.2 Available Funding¶

¶ Applications can be submitted for reductions of up to 100% where Council considers the¶ project or activity to be a high priority for the community. This will be determined on a case-by-case basis in line with other eligibility requirements, the nature of the project, program, event or activity, and the benefits to the local community.¶

¶ All reduced rates are based on the published rate of hire set out in the Statement of¶ Revenue Policy available on Council's website.¶

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- Demonstrate Program/Project benefits to the broader community;
- Demonstrate community engagement with one or more cultural communities, especially within an arts and cultural framework;
- Link to outcomes related to arts and culture, including, but not limited to: performance, visual arts, community events, cultural events or educational events;
- Evidence of financial hardship; and
- Evidence of collaborations and partnership to maximise the use of existing community resources and to avoid duplication.

#### 5.4 Available Funding

Applications can be made by nonprofit organisations for a graded fee reduction. For organisations within the Liverpool LGA a reduction of up to 75% is available and for organisations from outside the LGA a reduction of up to 50% is available. Fee reductions of up to 100% may be granted occasionally to funded/non-funded, not-for-profit organisations or community groups when Council considers the activity is of high value to the community. Use of room facilities is included in the room fees.

Applications are accepted following a booking of the rooms. All other fees including bonds, early access or late closing fees remain unaltered.

All reduced rates are based on the published rate of hire set out in the Statement of Revenue Policy available on Council's website.

#### 5.4

**AUTHORISED BY**  
Council Resolution

**EFFECTIVE FROM**  
2024

**DEPARTMENT RESPONSIBLE**  
Community and Lifestyle

**REVIEW DATE**  
The policy will be reviewed by Council every two years.

VERSION	AMENDED BY	DATE	TRIM NUMBER
1	Council Resolution	26 April 2019	121414.2024

THIS POLICY WAS DEVELOPED AFTER CONSULTATION WITH

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¶ Initiatives and projects can contribute to one or more of the following outcomes:¶

¶ Increased numbers of organisations providing programs, events and activities that contribute to community capacity building, social wellbeing, reduced isolation and increased participation in community activities¶

¶ Increased services and initiatives provided by community and cultural organisations to residents, workers and visitors that contribute to the social, cultural, economic and environmental health of the Liverpool LGA¶

¶ Enhanced financial sustainability for local organisations with limited funding sources providing support services to the community¶

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¶ Applications are accepted all year.¶

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#### 5.4.3 Assessment criteria¶

To be considered for a fee reduction, applicants should clearly describe the proposed project and how it will meet the following criteria:¶

¶

¶ Provide evidence of current Public Liability Insurance, Certificate of Incorporation, not-for-profit, non-funded charity incorporation and authentication of organisation;¶

¶ The facility is booked prior to submission of fee reduction application;¶

¶ Application is received within program timeframe;¶

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Community and Lifestyle, Community Recreation, Corporate Services (Governance, Legal and Procurement), Infrastructure and Environment

**REFERENCES**

Australian Institute of Grants Management: Grant making Manifesto (2011)

Liverpool City Council: Council's Community Strategic Plan

Liverpool City Council: Code of Conduct Procedures

Liverpool City Council: Social Justice Policy and Ethical Governance, Conflicts of Interest Policy

DRAFT

**COM 04**

**Civic Acknowledgement for Former Mayor Gary Lucas**

<b>Strategic Objective</b>	Healthy, Inclusive, Engaging Embrace the city's heritage and history
<b>File Ref</b>	229961.2025
<b>Report By</b>	Justine Young - Acting Manager Civic and Executive Services
<b>Approved By</b>	Tina Bono - Director Community & Lifestyle

**EXECUTIVE SUMMARY**

At the May 2025 Council meeting a Condolence Motion for Gary Lucas was presented.

At this meeting Council endorsed to:

1. Accepts this condolence motion;
2. At the appropriate time, acknowledge Former Mayor Gary Lucas's contributions with a suitable memorial.

This report presents three options for Council's consideration in selecting a suitable memorial to honour Mr Gary Lucas.

Options include:

1. A bronze Plaque in the forecourt of Civic Place;
2. A commemorative wall featuring a bronze plaque in a prominent community location;  
or
3. A pictorial booklet of his achievements, to present to the Lucas Family.

**RECOMMENDATION**

1. That Council receive and note this report; and
2. That Council nominate a preferred option, as outlined in this report, for appropriately honouring the contributions of Mr Gary Lucas.

## **REPORT**

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### **Background**

Gary Lucas will be fondly remembered for his unwavering commitment to public service and historical preservation. His distinguished service to the Liverpool community spanned multiple decades, beginning with his term as Councillor from 1978 to 1991, during which he served as Deputy Mayor from 1983 to 1984, and subsequently as Mayor from 1988 to 1991. Following a period away from local government, Mr Lucas returned for a further term as Councillor from 2008 to 2012.

### **Achievements**

Mr Lucas was an active and engaged member of the wider Liverpool community. He was a founding member of both the Chipping Norton Sports Club and the Liverpool Action Group, and he held leadership positions with the Liverpool Sub-Branch of the Returned and Services League (RSL) and the Casula Powerhouse Arts Centre Board.

He was a passionate advocate for local sport, ensuring sporting fields and facilities were maintained to a high standard, and was actively involved with local cricket and soccer clubs. Mr Lucas also played a key role in the establishment of graffiti removal teams, exemplifying his hands-on approach to improving community amenity.

A notable aspect of Mr Lucas's legacy was his dedication to preserving and commemorating Liverpool's military history. In 2002, he identified 49 servicemen from Liverpool who died during the Gallipoli campaign, and 97 who perished in World War II. He continued researching local service personnel who served in the Korean, Vietnam, and more recent conflicts, ensuring their contributions were recognised.

Post-council, Mr Lucas deepened his involvement in military history, notably identifying local servicemen who participated in the Boer War (1899–1902). His efforts culminated in the publication of *Carve Their Names in Stone*, a booklet dedicated to previously unrecognised soldiers. In 2015, his research led to the recognition and installation of headstones for World War I soldiers buried in the Liverpool New Cemetery, including that of Private Eric George Batson—99 years after his death.

### **Recommended Options to Honour Mr Gary Lucas**

That consideration be given to the following options:

- **Option 1:** Installing a bronze plaque in the forecourt area at Civic Place to honour Mr Lucas's service to the City of Liverpool;
- **Option 2:** The establishment of a commemorative wall featuring a bronze plaque representing Mr Lucas's service and achievement including his tenures on Council and broader community service in a prominent community location; or

- **Option 3:** A pictorial book using archival material photographs and other visual materials to commemorate Mr Lucas's lifelong commitment to the Liverpool community.

All proposed options will include a small Civic ceremony to unveil the commemorative plaque, providing an opportunity to formally recognise the occasion with community members, stakeholders, and elected representatives. The estimated cost for the Civic ceremony is \$5000 and has been factored into each option from the Civic Programs budget.

## **FINANCIAL IMPLICATIONS**

Costs associated with this recommendation have been included in Council's Civic programs budget, the estimated cost for the Civic ceremony is \$5000 and has been factored into each option.

## **CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	Foster neighbourhood pride and a sense of responsibility. To honour the memory of Councillor Gary Lucas, we recognise their unwavering dedication to civic leadership and lasting contributions to the well-being of our community.
<b>Legislative</b>	There are no legislative considerations relating to this report.
<b>Risk</b>	There is no risk associated with this report.

## **ATTACHMENTS**

Nil

**CORP 01****Civic Expenses and Facilities Policy**

<b>Strategic Objective</b>	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
<b>File Ref</b>	196577.2025
<b>Report By</b>	Suzanne Kendall - Deputy General Counsel
<b>Approved By</b>	Farooq Portelli - Director Corporate Support

**EXECUTIVE SUMMARY**

The report presents the outcome of a review of Council's Civic Expenses and Facilities Policy. It is proposed to place the policy on public exhibition for a period of not less than 28 days.

**RECOMMENDATION**

That Council:

1. Consider the outcome of the review and proposed changes to the Civic Expenses and Facilities Policy;
2. Agree to place the Civic Expenses and Facilities Policy on public exhibition for a period of not less than 28 days.
3. Authorise the CEO or delegate to adopt the revised Civic Expenses and Facilities Policy if no representations are received during the public exhibition period.
4. Note that a further report will be provided in relation to any representations received during the public exhibition period.

**REPORT**

Council must adopt a policy in the first 12 months of its term concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other Councillors in relation to discharging the functions of civic office (Local Government Act 1993, section 252(1)).

The policy must comply with the Local Government Act 1993 (**Act**), the Local Government (General) Regulation 2021 (**Regulations**), and guidelines issued pursuant to section 23A of

the Act. Guidelines were issued in 2009 dealing with the payment of expenses and the provision of facilities for Mayors and Councillors in NSW (**Guidelines**). OLG has also published a suggested template policy for councils to adopt.

Council last updated the Civic Expenses and Facilities Policy in July 2024. The current review considered the following:

- the requirements of the Act and the regulations,
- consistency with the Guidelines and the template policy,
- recent experience in applying the policy, and
- the Council resolution of 18 June 2025 concerning non-attendance at events.

Attachment 1 sets out the detailed review findings.

Attachment 2 is a track-changed version of the Policy which incorporates the review findings.

Attachment 3 is a clean version of the Policy, which is easier to read given the number of changes to the Policy.

In summary, the proposed changes to the Policy seek to:

- bring Council's Policy into closer alignment with the Guidelines and the OLG template,
- better define roles, particularly the role of the CEO,
- provide further clarification regarding the expenses Council will pay and the facilities Council will provide,
- identify when Councillors may access community facilities,
- reinforce that expenses and facilities are provided in support of civic duties,
- emphasise a requirement of reasonableness in relation to expenses,
- introduce some limits on expenses associated with conferences, seminars and courses,
- require repayment of expenses in some instances of non-attendance,
- strengthen and clarify existing controls around travel,
- specify that insurance cover is subject to the wording of Council's policy of insurance,
- clarify the circumstances in which legal expenses can be recovered,
- update language in the Policy and make the Policy easier to read.



## **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this recommendation. The proposed changes will assist to ensure accountability, transparency and equity in the use of existing budgets.

## **CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	Operate a well-developed governance system that demonstrates accountability, transparency and ethical conduct.
<b>Legislative</b>	<p>252 Payment of expenses and provision of facilities</p> <p>(1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.</p> <p>(2) The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.</p> <p>(3) A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.</p> <p>(4) A council may from time to time amend a policy under this section.</p> <p>(5) A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.</p> <p>253 Requirements before policy concerning expenses and facilities can be adopted or amended</p> <p>(1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.</p>

	<p>(2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.</p> <p>(3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.</p> <p>(4) (Repealed)</p> <p>(5) A council must comply with this section when proposing to adopt a policy in accordance with section 252(1) even if the council proposes to adopt a policy that is the same as its existing policy.</p> <p>254 Decision to be made in open meeting</p> <p>The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.</p>
<b>Risk</b>	The risk is deemed to be Low.

## **ATTACHMENTS**

1. Review Table of Changes for Civic Expenses & facilities Policy (Under separate cover)
2. Civic Expenses New Proposed policy (Under separate cover)
3. Tracked Changes version 5 of the policy (Under separate cover)

<b>CORP 02</b>	<b>Confirmation of Creation of Policy and Procedures for the Recruitment, Appointment, Performance Review and Management and Separation of the Chief Executive Officer by Council</b>
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<b>Strategic Objective</b>	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
<b>File Ref</b>	223384.2025
<b>Report By</b>	Philippa Venn-Brown - Workforce Policy and Project Officer
<b>Approved By</b>	Farooq Portelli - Director Corporate Support

## **EXECUTIVE SUMMARY**

To assist Council in their recruitment, interaction and management expectations of the Chief Executive Officer (CEO), the following policy and procedure documents have been prepared and considered by the Governance Committee and now presented for adoption by Council:

- Policy for the Recruitment, Appointment, Performance Review and Separation of the CEO by Council;
- Procedure for the Recruitment and Appointment of the CEO: and
- Procedure for the Performance Review and Management of the CEO.

The policy and procedures have been prepared to reflect the Office of Local Government Guidelines for the Appointment and Oversight of General Managers and commit Council to compliance with them.

## **RECOMMENDATION**

That Council:

1. Note the benefits of having a clearly defined Policy and relevant procedures in regard to the recruitment, appointment, management, performance review and separation of the CEO; and
2. Adopt and implement the attached policy and procedures for the ongoing supervision and management of the Chief Executive Officer by the Mayor and Council.

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**REPORT**

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The recruitment, appointment, performance, management oversight and separation of the CEO is regulated by a number of documents including legislation, OLG guidelines, standard contracts of employment and other standards. It would seem both logical and prudent to encompass those requirements into Council's own policy and procedures.

A review of the legislation, best practices and the recommendations contained in the Office of Local Government's publication *Guidelines for the Appointment and Oversight of General Managers*, 2022, informed the creation of the proposed policy and procedures.

The resulting policy covers the lifecycle of tenure of the position of CEO of Liverpool City Council from recruitment to separation. The supporting procedures detail the processes for the recruitment and appointment of the CEO of Liverpool City Council and for the required performance review, management and oversight process.

The recent recruitment and appointment of the new CEO of Liverpool City Council followed the process recommended by the Office of Local Government and is consistent with the new policy and procedures currently under consideration for adoption by Council.

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**FINANCIAL IMPLICATIONS**

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There are no financial implications relating to this recommendation.

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**CONSIDERATIONS**

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<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	There are no civic leadership and governance considerations.
<b>Legislative</b>	Relevant legislative considerations are identified in the proposed Policy
<b>Risk</b>	There is no risk associated with this report

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**ATTACHMENTS**

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1. Policy for the Recruitment, Performance Review and Management, and Separation of the CEO by Council.
2. Procedure for the Performance Review and Management of the CEO.
3. Procedure for the Recruitment and Appointment of the CEO.



**POLICY FOR THE APPOINTMENT,  
OVERSIGHT, PERFORMANCE  
MANAGEMENT AND SEPARATION OF THE  
CHIEF EXECUTIVE OFFICER BY COUNCIL**

Adopted: *(Current date)*

TRIM *(Number)*

## **POLICY FOR THE APPOINTMENT, OVERSIGHT, PERFORMANCE MANAGEMENT AND SEPARATION OF THE CHIEF EXECUTIVE OFFICER BY COUNCIL**

**DIRECTORATE:** Corporate Support

**BUSINESS UNIT:** People & Culture

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### **1. PURPOSE/ OBJECTIVES**

The purpose of this policy is to provide a framework for the monitoring of Chief Executive Officer performance and accountability, consistent with Section 223 of the *Local Government Act* 1993 and the Office of Local Government, NSW, Guidelines for the Appointment and Oversight of General Managers, 2022.

### **2. DEFINITIONS**

**Act** – The *Local Government Act* (NSW) 1993.

**ASIC** – The Australian Securities and Investments Commission

**CEO** – Chief Executive Officer

**Council** – Liverpool City Council

**Governing Body** – The governing body is comprised of the elected members of council, representing their local ward (constituency) in the governing of matters concerning the community of the Local government Area (LGA).

**Guidelines** – Guidelines for the Appointment and Oversight of General Managers, 2022.

**ICAC** – The Independent Commission Against Corruption.

**OLG** – Office of Local Government.

### **3. POLICY STATEMENT**

#### **3.1 Role of the Mayor and Councillors**

##### **3.1.1 Section 226 of the Local Government Act 1993 (LGA) requires the Mayor:**

- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council, and

(n) in consultation with the councillors, to lead the performance appraisals of the general manager.

3.1.2 Section 233(1)(i) of the LGA, provides that the role of the Governing Body includes:

(i) To determine the process for appointment of the general manager by the council and to monitor the general manager's performance.

3.1.3 The OLG guidelines provide for the Mayor's role to be supported by the establishment of a performance review panel.

3.1.4 The governing body monitors the implementation of its decisions through the CEO's reports to council meetings.

3.1.5 The governing body may delegate certain functions of the council to the CEO. The delegations of a council's functions must be made by resolution and be evidenced in writing.

3.1.6 Delegations must be reviewed during the first 12 months of each term of the council (section 380).

3.1.7 While the CEO may sub-delegate a function delegated to them by the governing body, they remain responsible for ensuring that any sub-delegated functions are carried out appropriately.

### 3.2 Role of the CEO

3.2.1 It is the role of the CEO to implement the lawful decisions of the council and to carry out the functions conferred on them by the Act, the Regulations and any other applicable legislation.

3.2.2 The CEO also performs any other functions delegated to them by the governing body.

3.2.3 The CEO is responsible for conducting the day-to-day management of council in accordance with the strategic plans, programs, strategies and policies approved by the governing body of the council and the implementation of the lawful decisions of the governing body.

3.2.4 The CEO is responsible for guiding the preparation, implementation and delivery of the community strategic plan and for implementing the delivery program and operational plans.

3.2.5 The CEO is responsible for determining the organisation structure of the council in consultation with the governing body and in accordance with the budget approved by the governing body (section 332 of the Act).

3.2.6 The positions within the organisation structure must be determined to give effect to the priorities identified in council's strategic plans.

3.2.7 The CEO is responsible for the appointment and direction of staff and their dismissal.

3.2.8 The CEO is also responsible for ensuring councillors are provided with the information and the advice staff require to make informed decisions and to carry out their civic duties.

### 3.3 Recruitment and Selection of the CEO

3.3.1 The governing body of the council is required to determine the process for the appointment of the CEO (section 223).

3.3.2 When recruiting for a new CEO the position must be advertised in a manner that is sufficient to enable suitably qualified persons to apply for the position (section 348).

3.3.3 Council must ensure that the appointment of the CEO is made using the principles of merit selection and equal employment opportunity (section 349).

3.3.4 The recruitment process must be open and transparent while maintaining the confidentiality of the individual applicants. Failure to maintain appropriate confidentiality may constitute a breach of the Act, Council's Code of Conduct and the *Privacy and Personal Information Protection Act 1998*.

3.3.5 Council will engage an external recruitment consultant to assist them with the recruitment process. That person should also have a role in verifying that due process and procedures are followed in the appointment of the CEO.

3.3.6 Best practice, consistent with the Guidelines, will be followed throughout the recruitment and selection process.

3.3.7 The governing body should delegate the task of recruitment to a selection panel, led by the mayor and approve the recruitment process. The panel will report back to the governing body on the process and recommend the most meritorious applicant for appointment by the council.

3.3.8 The selection panel should consist of at least the mayor, the deputy mayor, another councillor and a suitably qualified person independent of the council. The selection panel should, where possible, have a mix of genders.

3.3.9 Where practicable, the selection panel should remain the same throughout the recruitment process.



- 3.3.10 Council's governing body should delegate to one person (generally the mayor) the task of ensuring:
- The selection panel is established
  - The CEO's position description is current and evaluated in terms of salary to reflect the responsibilities and duties of the position
  - The proposed salary range reflects the responsibilities and duties of the position
  - The position is advertised according to the requirements of the Act
  - Information packages are prepared, and
  - Applicants selected for interview are notified.
- 3.3.11 The mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.
- 3.3.12 Interviews should be held as soon as possible after candidates have been short-listed.
- 3.3.13 Questions should be designed to reflect the selection criteria and assist the selection panel to assess the suitability and merit of the candidate for the position
- 3.3.14 All interviews should be kept confidential.
- 3.3.15 All written references must be checked. The selection panel must delegate the task of contacting referees to one panel member. Other panel members should not contact referees.
- 3.3.16 At least two (2) referees must be contacted and asked questions about the candidate relevant to the selection criteria. If contact with someone other than a nominated referee is required, the applicant's permission must be sought and given.
- 3.3.17 Where tertiary qualifications are relied on, they should be produced for inspection and, if required, verification.
- 3.3.18 All appropriate background checks must be undertaken, e.g. bankruptcy and criminal record checks, and whether the candidate has been disqualified from managing a corporation by ASIC. Liverpool Council is a Child Safe Organisation and as such a working with children check is also required.
- 3.3.19 Further guidance on best practice recruitment checks can be obtained by consulting Standard AS 4811:2022 Workforce Screening and ICAC's publication, Strengthening employment screening practices in the NSW public sector.

3.3.20 The selection panel is responsible for preparing a report to the council's governing body that:

- Outlines the selection process
- Recommends the most meritorious applicant with reasons
- Recommends an eligibility list if appropriate
- Recommends that no appointment is made if the outcome of the interviews is that there are no suitable applicants.

3.3.21 The report should be confidential and reported to a closed meeting of the council.

#### 3.4 Finalising the Appointment of the CEO

3.4.1 The appointment of a CEO is a non-delegable function of the council under section 377 of the Act and a CEO cannot be appointed without a formal resolution of the council.

3.4.2 Council's governing body must by resolution approve the position of the CEO being offered to the successful candidate before the position is offered to the candidate.

3.4.3 The mayor makes the offer of employment after the governing body has resolved to appoint the successful candidate. The initial offer may be made by phone.

3.4.4 Conditions such as term of the contract (1-5 years) and remuneration package (within the range approved by the governing body of the council) can also be discussed by telephone but must be confirmed in writing.

3.4.5 The standard contract of employment for general managers/CEOs approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act must be used.

3.4.6 CEOs must be employed for 1-5 years.

3.4.7 The contract governs:

- The duties and functions of CEOs
- Performance agreements
- The process for renewal of employment contracts
- Termination of employment and termination payments
- Salary increases, and
- Leave entitlements

3.4.8 Candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

### 3.5 Record Keeping

- 3.5.1 Council should retain all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate.
- 3.5.2 These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

### 3.6 Day to Day Oversight and Liaison with the CEO

- 3.6.1 One of the prescribed functions of the governing body is to monitor the CEO's performance, however day-to-day oversight of and liaison with the CEO should be undertaken by the mayor.
- 3.6.2 The mayor's role in the day-to-day management of the CEO should include:
- Approving leave
  - Approving expenses incurred, and
  - Receiving and managing complaints about the CEO in accordance with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.
- 3.6.3 Council's governing body should ensure there are adequate and appropriate policies in place to guide the mayor in the day-to-day oversight of, and liaison with, the CEO and keep those policies under regular review.
- 3.6.4 The governing body should also ensure there are appropriate policies in place with respect to the expenditure of council funds and reporting requirements in relation to that expenditure.
- 3.6.5 Council's governing body should satisfy itself that any policy governing the conferral of a benefit on the CEO, such as use of a motor vehicle, allows the actual dollar value of that benefit to be quantified so it can be accurately reflected in the CEO's salary package in Schedule C to the approved standard contract.

### 3.7 Managing the Performance of the CEO

- 3.7.1 The CEO is made accountable to council for their performance principally through their contract of employment.
- 3.7.2 The role of the governing body is to monitor the CEO's performance in accordance with their contract of employment.

- 3.7.3 The performance of the CEO must be reviewed at least annually against the agreed performance criteria for the position.
- 3.7.4 Council may also choose to undertake more frequent interim reviews of the CEO's performance.
- 3.7.5 The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the contract.

### 3.8 Establishing the Performance Review Panel

- 3.8.1 The governing body must establish a performance review panel led by the mayor, and delegate the task of undertaking the CEO's performance reviews to the panel. The extent of the delegation should be clear.
- 3.8.2 Full responsibility for performance management should be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.
- 3.8.3 The performance review panel should be comprised of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager.
- 3.8.4 Council's governing body may also consider including an independent observer on the panel.
- 3.8.5 Panel members should be trained in the performance management of CEOs.
- 3.8.6 The role of the review panel includes:
  - Conducting performance reviews
  - Reporting the findings of the reviews to Council, and
  - Development of the performance agreement.
- 3.8.7 The governing body and the CEO may agree on the involvement of a suitably qualified external facilitator to assist with the performance review process and the development of a new performance agreement. That person may be selected by the governing body or the performance review panel.
- 3.8.8 Councillors who are not members of the performance review panel may be invited to contribute to the performance review process by providing feedback to the mayor on the CEO's performance relevant to the agreed performance criteria.

- 3.8.9 All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.
- 3.8.10 The panel should report back to the governing body of council in a closed session on the findings and recommendations of performance reviews as soon as practicable following any performance review. It is not an opportunity to debate the results or revisit the CEO's performance review.
- 3.8.11 The CEO should not be present when the matter is considered.
- 3.8.12 The performance agreement, action plan and any associated records that contain specific information about the work performance or conduct of the CEO are to remain confidential unless otherwise agreed to by the general manager or are required to be disclosed by law.
- 3.8.13 The unauthorised disclosure of this information may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.
- 3.9 Establishment of the Performance Agreement
  - 3.9.1 The performance agreement is to contain clearly defined and measurable performance indicators against which the CEO's performance can be measured.
  - 3.9.2 As one of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, the performance criteria is to be aligned to the goals contained in the community strategic plan, the delivery program and operational plans.
  - 3.9.3 The performance agreement must also include indicators relevant to the CEO's personal contribution to the council's key achievements and their core capabilities, including leadership qualities.
  - 3.9.4 Other indicators that should be included in the performance agreement are the promotion and maintenance of an ethical culture within council, encompassing the conduct and measurement of the outcomes from staff surveys and the promotion of a speak up culture and compliance with the Public Interest Disclosures Act 2022 and reporting of suspected wrongdoing to appropriate agencies including the ICAC and the OLG.

3.9.5 The performance agreement will contain but not be limited to key indicators that measure how well the CEO has met Council's expectations with respect to:

- Service delivery targets in the Council's delivery program and operational plans
- Budget compliance
- Organisational capability
- Timeliness and accuracy of information and advice to councillors
- Timely implementation of council's resolutions
- Management of organisational risks
- Promotion of an ethical culture
- Ensuring a safe workplace and facilitating compliance with the *Work Health and Safety Act 2011*, and
- Leadership and providing a consultative and supportive working environment for staff etc.

### 3.10 Performance Review Process

3.10.1 The approved standard contract requires that the performance of the CEO must be formally reviewed at least annually. The governing body of council may also undertake interim performance reviews, as appropriate.

3.10.2 The assessment will include:

- A self-assessment by the CEO, and
- An assessment by the review panel of the CEO's performance against the performance agreement.

3.10.3 The performance review meeting should be scheduled with sufficient notice to all parties in accordance with clause 7.6 and 7.7 of the approved standard contract. These require:

- The CEO to give Council 21 days' written notice that an annual performance review is due, and
- Council to give the CEO at least 10 days' written notice that the performance review is to be conducted.

3.10.4 The meeting should concentrate on constructive dialogue about the CEO's performance against all sections of the performance agreement.

3.10.5 The meeting should identify any areas of concern and agreed actions to address those concerns.

3.10.6 Care must be taken to ensure that the review is conducted fairly and in accordance with the principles of natural justice.

3.10.7 Council's governing body must advise the CEO, in writing and in clear terms, the outcome of any performance review.

3.10.8 The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period.

3.10.9 The agreement should be presented to the governing body of Council for discussion in a closed meeting together with the outcomes of the previous review period.

### 3.11 Remuneration and Reward

3.11.1 Under the approved standard contract, the CEO is entitled to an annual increase in their salary package on each anniversary of the contract, equivalent to the latest percentage increase in remuneration for NSW public sector senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal.

3.11.2 Council may also approve discretionary increases to the CEO's total remuneration package under the approved standard contract as a reward for good performance. Discretionary increases may only be approved after a formal review of the CEO's performance has been undertaken and the CEO's performance has been assessed as being better than satisfactory.

3.11.3 Any discretionary increases should be modest and in line with community expectations and only apply for one year unless Council determines that it is to apply for the balance of the contract.

3.11.4 All discretionary increases in remuneration, together with the reasons for the increase, must be reported to an open meeting of the council.

3.11.5 Council may also on one occasion during the term of the contract approve the payment of a retention bonus to the CEO as an incentive for them to serve out their contract. If approved, the retention bonus is to be accrued on an annual pro rata basis for the remainder of the contract and is to be paid at the end of the contract period.

### 3.12 Separation

3.12.1 The approved standard contract sets out how the CEO's employment contract may be terminated before its expiry date on either the governing body or the CEO (Clause 10 of the approved standard contract). The circumstances in which the CEO's employment contract may be terminated are set out below:

3.12.1.1 By agreement

The contract may be terminated at any time by written agreement between Council and the CEO.

#### 3.12.1.2 Resignation

The CEO may terminate the contract by giving 4 weeks written notice to the governing body of the council.

#### 3.12.1.3 Incapacity

The council may terminate the CEO's contract by giving them 4 weeks written notice or by paying them the equivalent of 4 weeks' remuneration calculated in accordance with Schedule C of the approved standard contract where:

- The CEO has become incapacitated for 12 weeks or more
- They have exhausted their sick leave, and
- The duration of the incapacity is either indefinite or for a period that would make it unreasonable for the contract to be continued.

#### 3.12.1.4 Poor Performance

Council may terminate the CEO's contract by giving them 13 weeks written notice or by pay the equivalent of 13 weeks' remuneration calculated in accordance with Section C of the approved standard contract on grounds of poor performance.

Council may only terminate the CEO's contract on the grounds of poor performance where:

- A performance review has been conducted, and
- Council has concluded that the CEO's performance falls short of the performance criteria or the terms of their performance agreement, and
- The CEO has been offered a reasonable opportunity to utilise dispute resolution under clause 17 of the contract.

#### 3.12.1.5 No Fault Termination

Council may terminate the CEO's contract at any time by giving them 38 weeks written notice or paying the equivalent of 38 weeks' remuneration calculated in accordance with Schedule C of the



approved standard contract. If there are less than 38 weeks left to run in the term of the CEO's contract, Council can pay out the balance of the contract in lieu of notice.

Where Council proposes to terminate the CEO's contract on these grounds, if either party requests it and both parties agree, they may participate in mediation in relation to the proposed decision to terminate the contract. If Council does not agree to participate in mediation, it must give the CEO reasons for its decision where the CEO requests them.

Where Council terminates the contract on these grounds, it must give the CEO reasons for its decision to terminate their employment where the CEO requests it.

#### 3.12.1.6 Summary Dismissal

Council may summarily dismiss the CEO on the grounds set out under clause 10.4 of the approved standard contract, these include:

- Serious or persistent breach of the employment contract
- Serious and wilful disobedience of any reasonable and lawful instruction or direction given by Council
- Serious and wilful misconduct, dishonesty, insubordination or neglect in the discharge of the CEO's duties and functions under their contract
- Failure to comply with any law or council policy concerning sexual harassment or racial or religious vilification
- Serious or persistent breach of Council's Code of Conduct
- Commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the CEO's ability to perform their duties and functions satisfactorily, or that brings Council into disrepute
- Absence without approval for a period of 3 or more consecutive business days.

#### 3.12.1.7 Automatic Termination

The CEO's contract of employment is automatically terminated where the CEO becomes bankrupt, or

they are disqualified from managing a corporation under Part 2D.6 of the Corporations Act 2001.

Where this occurs, the CEO's employment with Council automatically ends without the need for a decision by Council to terminate their contract of employment.

### 3.13 Suspension of the CEO

- 3.13.1 Council may suspend the CEO, for example while allegations against them are being investigated. Suspension should be on full pay for a clearly defined period. Council should not suspend a CEO's employment without first seeking expert legal advice. It is not appropriate to seek advice from Council's PAC on the proposed suspension of the CEO.
- 3.13.2 Any decision to suspend a CEO should be made at a closed council meeting, having first carefully considered the expert advice received in relation to the specific matter.
- 3.13.3 The principles of procedural fairness apply to any decision to suspend the CEO, i.e. the CEO must be advised of the circumstances leading to their suspension, the reasons for the suspension, the period of the suspension and be given a right to respond to the decision to suspend.

### 3.14 Dispute Resolution

- 3.14.1 Council is required to offer the CEO an opportunity to utilise dispute resolution before Council can terminate their employment for poor performance. The approved standard contract contains a dispute resolution clause at clause 17.
- 3.14.2 Where it is proposed to terminate the contract on the 'no fault' grounds (clause 10.3.1(e)), if either party requests it and both parties agree, they may participate in mediation under clause 17 in relation to the proposed decision to terminate. If Council does not agree to participate in mediation, it must give the CEO reasons for its decision where the CEO requests them.
- 3.14.3 The governing body of Council should resolve to delegate this function to the mayor or a panel of 3 councillors including the mayor.
- 3.14.4 If the dispute involves the mayor, then the deputy mayor should take the mayor's place. If there is no deputy mayor, then the governing body should resolve to appoint another councillor to take the mayor's place.

3.14.5 The governing body of council and the CEO should agree on an independent mediator to mediate the dispute. The approved standard contract allows the Departmental Chief Executive of the Office of Local Government to appoint a mediator where the parties cannot agree on one.

3.14.6 Council and the CEO may also agree on a mediator when the contract of employment is made.

### 3.15 Renewing the CEO's Contract

3.15.1 Clause 5 of the approved standard contract sets out the process for renewing the CEO's contract of employment. The key steps in the process are as follows:

- At least 9 months before the contract expires (or 6 months if the term of employment is for less than 3 years), the CEO must apply to Council in writing if seeking reappointment to the position.
- At least 6 months before the contract expires (or 3 months if the term of employment is less than 3 years), Council must respond to the CEO's application by notifying the CEO in writing of its decision to either offer the CEO a new contract of employment, and on what terms, or to decline their application for re-appointment.
- At least 3 months before the contract expires (or 1 month if the term of employment is for less than 3 year) the CEO must inform the council in writing of their decision to either accept or decline the offer made by Council.

3.15.2 Approval may be sought from the Departmental Chief Executive of the Office of Local Government to vary these timeframes in exceptional or unforeseen circumstances.

3.15.3 The terms of the new contract of employment, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, Council should carefully review the terms of the schedules to the new contract.

3.15.4 The governing body must ensure that the performance criteria of the new performance agreement adequately reflect its expectations of the CEO's performance.

3.15.5 The governing body should also consider previous performance reviews conducted under previous contracts.

3.15.6 The process of deciding whether to offer the CEO a new contract will be as follows:

- A performance review is conducted

- Findings and recommendations are reported to a closed council meeting in the absence of the CEO
- The closed meeting should consider and decide whether to offer a new contract of employment to the CEO and on what terms as set out in the schedules to the contract
- The mayor informs the general manager of Council's decision.

3.15.7 Details to offer a new contract and a salary package should be reported to an open council meeting.

#### 4. RELEVANT LEGISLATIVE REQUIREMENTS

*Corporations Act 2001*

*Local Government (General) Regulation 2021*

*Local Government Act (NSW) 1993*

*Privacy and Personal Information Protection Act 1998*

*Public Interest Disclosures Act 2022*

*State Records Act 1998*

*Work Health and Safety Act 2011*

#### RELATED POLICIES & PROCEDURE REFERENCES

Liverpool City Council Code of Conduct

#### AUTHORISED BY

Council Resolution

#### EFFECTIVE FROM

*This date is the date the policy is adopted by Council resolution.*

#### REVIEW DATE

*The policy must be reviewed every two years or more frequently depending on its category or if legislative or policy changes occur.*

#### VERSIONS

*The current and previous version of the policy should be set out in the following table.*

Version	Created by	Changes made	Date	TRIM Number
New	PAC	Creation	16/05/2025	

**THIS POLICY HAS BEEN DEVELOPED IN CONSULTATION WITH**

People and Culture

Governance Committee

Legal Services

**ATTACHMENTS**

DRAFT



## PROCEDURE FOR THE PERFORMANCE REVIEW AND MANAGEMENT OF THE CHIEF EXECUTIVE OFFICER

Adopted: *(Current date)*

TRIM 170874.2025



## PROCEDURE FOR THE PERFORMANCE REVIEW AND MANAGEMENT OF THE CHIEF EXECUTIVE OFFICER

**DIRECTORATE:** Corporate Support

**BUSINESS UNIT:** People & Culture

### 1. PURPOSE/ OBJECTIVES

The purpose of this document is to provide guidance for the procedure and timeline for the performance review and management process of the CEO by Council.

### 2. SCOPE

The approved standard contract requires that the performance of the CEO must be formally reviewed at least annually against the agreed performance criteria for the position.

Council may also choose to undertake more frequent interim reviews of the CEO's performance. The process for the performance review and management of the CEO is to be maintained for the length of contract through which the CEO is appointed, i.e. from 3-5 years.

### 3. DEFINITIONS

**Act** – Local Government Act 1993

**Award** – Local Government (State) Award

**CEO** – Chief Executive Officer

**Code of Conduct** – The guiding document which governs the conduct expected of Council's employees in the workplace, out of work hours, and when representing Council at other venues and activities.

**Council** – Liverpool City Council

**Performance Indicators** – The key accountabilities inherent in the position description.

**Unsatisfactory Work Performance** – such as work performance assessed by Council's management as not meeting required standards, considering relevant role expectations, performance measures and management guidelines.

#### 4. PROCEDURE STATEMENT

##### 4.1. The Performance Agreement

- 4.1.1. The CEO is accountable to the Council for their performance principally through their contract of employment.
- 4.1.2. The role of the governing body is to monitor the CEO's performance in accordance with their contract of employment.
- 4.1.3. The performance agreement should include clearly defined and measurable performance indicators against which the CEO's performance can be measured.
- 4.1.4. The performance of the CEO must be reviewed at least annually against the agreed performance criteria for the position. Council may also choose to undertake more frequent interim reviews of the CEO's performance.
- 4.1.5. The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the contract.
- 4.1.6. All documents and related information specific to the performance or conduct of the CEO are to remain confidential unless otherwise agreed to by the CEO or are required to be disclosed by law.

##### 4.2. Establishing a Performance Review Panel

- 4.2.1. The governing body must establish a performance review panel led by the mayor, and delegate the undertaking of the CEO's performance reviews to the panel. The extent of the delegation should be clear.
- 4.2.2. Performance review panels should comprise of the mayor, the deputy mayor, another Councillor nominated by Council and another Councillor nominated by the CEO.
- 4.2.3. The Council's governing body may also consider the inclusion of an independent observer on the panel.
- 4.2.4. Panel members should be trained in the performance management of CEOs. Full responsibility for performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.
- 4.2.5. The panel should report back to the governing body of Council in a closed session on the findings and recommendations of performance review as soon as practicable following any performance review. It should not be an opportunity to debate the results or revisit the CEO's performance review.



4.2.6. The CEO should not be present when the matter of their performance review is considered by Council.

#### 4.3. Outcome of the Performance Review

4.3.1. The meeting should concentrate on constructive dialogue about the CEO's performance against all sections of the performance agreement.

4.3.2. The meeting should identify any areas of concern and agreed actions to address those concerns.

4.3.3. The Council's governing body must advise the CEO, in writing, in clear terms, the outcome of any performance review.

4.3.4. The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period.

4.3.5. The agreement should be discussed by the governing body of the Council for discussion in a closed meeting together with the outcomes of the of the previous review period.

#### 4.4. Everyday Management and Oversight of the CEO

4.4.1. While one of the prescribed functions of the governing body is to monitor the CEO's performance, oversight of and liaison with the CEO should be undertaken by the mayor.

4.4.2. The mayor's role in the oversight of the CEO includes:

- Approval of leave
- Approving expenses incurred, and
- Receiving and managing complaints about the CEO in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

This table explains what is to be done, by whom and when.

STEP NUMBER	TIMELINE	RESPONSIBLE OFFICER	ACTION
1	At the commencement of each new Council term	Council	Provide induction training on performance management of the CEO
2	Within 3 months of the commencement date of the contract	Council or Council Panel CEO	A performance agreement setting out agreed performance criteria must be signed between the general manager and the Council

3	Within 2 months of the signing of the performance agreement	CEO	The CEO must prepare and submit to the Council an action plan which sets out how the performance criteria are to be met
4	21 days' notice (before annual review)	CEO	The CEO gives Council written notice that an annual performance review is due
5	At least 10 days' notice	Council Panel	The Council must give the CEO written notice that the performance review is to be conducted
6	After 6 months	Council Panel CEO	The Council may also decide, with the agreement of the CEO, to provide interim feedback to the CEO midway through the annual review period
7	Prior to the annual review	Council	Ensure all Councillors on the review panel have been trained in the performance management of CEOs
8	Prior to the annual performance review	CEO	The CEO may submit to Council a self-assessment of their performance
9	Annually	Council Panel CEO	The CEO's performance must be reviewed having regard to the performance criteria in the agreement
10	Annually	Council Panel CEO	The performance review must be reviewed and varied by agreement
11	Within 6 months of the conclusion of the performance review	Council Panel	Council will prepare and send to the CEO a written statement with Council's conclusions on the CEO's performance during the performance review period
12	As soon as possible after the receipt of the statement	Council Panel CEO	The CEO and the Council will agree on any variation to the performance agreement for the next period of review

## 5. THIS PROCEDURE HAS BEEN DEVELOPED IN CONSULTATION WITH

People and Culture

Governance Committee.

## 6. REFERENCES

*Corporations Act 2001*

*Local Government (General) Regulation 2021*

*Local Government Act (NSW) 1993*

Policy for the Appointment, Oversight, Performance Management and Separation of the Chief Executive Officer by Council, 2025

*Privacy and Personal Information Protection Act 1998*

Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

*Public Interest Disclosures Act 1994*

*State Records Act 1998*

*Work Health and Safety Act 2011*

## 7. ATTACHMENTS

Nil

## AUTHORISED BY

*Director Corporate Support*

## EFFECTIVE FROM

*This date is the date the procedure was approved by the Director.*

## REVIEW DATE

*The procedure must be reviewed every two years or more frequently depending on its category or if legislative or policy changes occur.*

## VERSIONS

*The current and previous version of the procedure should be set out in the following table.*

Version	Amended by	Changes made	Date	TRIM Number
First	PAC	Creation	21/05/2025	



## PROCEDURE FOR THE RECRUITMENT AND APPOINTMENT OF THE CEO

Adopted: *(Current date)*

TRIM 170914.2025



## PROCEDURE FOR THE RECRUITMENT AND APPOINTMENT OF THE CEO

**DIRECTORATE:** Corporate Support

**BUSINESS UNIT:** People & Culture

### 1. PURPOSE/ OBJECTIVES

The purpose of this procedure is to explain the process to be undertaken for the recruitment and selection/appointment of the Chief Executive Officer of Liverpool City Council.

This procedure supports the Policy for the Appointment, Oversight, Performance Management and Separation of the Chief Executive Officer by Council, and is consistent with the Guidelines provided by the Office of Local Government

### 2. SCOPE

This procedure is for the recruitment and selection of the CEO of Liverpool City Council. While it may be used as a basis for the recruitment of Senior executives, it is not for general use in the recruitment and selection of other staff. General recruitment and appointment are covered by the Recruitment and Appointment Policy (TRIM 352626.2024) and the Recruitment and Appointment Procedure (TRIM 072253.2025).

### 3. DEFINITIONS

**Act** – *The Local Government Act* (NSW) 1993.

**ASIC** – The Australian Securities and Investments Commission

**CEO** – Chief Executive Officer

**Council** – Liverpool City Council

**Governing Body** – The governing body is comprised of the elected members of Council, representing their local ward (constituency) in the governing of matters concerning the community of the Local government Area (LGA).

**Guidelines** – Guidelines for the Appointment and Oversight of General Managers, 2022.

**ICAC** – The Independent Commission Against Corruption.

**OLG** – Office of Local Government.

#### **4. PROCEDURE STATEMENT**

##### **4.1. Recruitment and Selection of the Chief Executive Officer**

- 4.1.1 When recruiting for a new CEO, the position must be advertised in a manner that is sufficient to enable suitably qualified persons to apply for the position as per section 223 of the Act.
- 4.1.2 Council must ensure that the appointment of the CEO is made using the principles of merit selection and equal employment opportunity (sections 349 and 344).
- 4.1.3 The recruitment process must be open and transparent while maintaining the confidentiality of the individual applicants. Failure to maintain appropriate confidentiality may constitute a breach of the Act, Council's Code of Conduct and the Privacy and Personal Information Protection Act 1998.
- 4.1.4 Council will engage an external recruitment consultant agency to assist them with the recruitment process. That agency should also have a role in verifying that due process and procedures are followed in the appointment of the CEO.
- 4.1.5 Best practice, consistent with the Guidelines, will be followed throughout the recruitment and selection process.
- 4.1.6 The governing body should delegate the task of recruitment to a selection panel, led by the mayor and approve the recruitment process. The panel will report back to the governing body on the process and recommend the most meritorious applicant for appointment by the Council.
- 4.1.7 The selection panel for the CEO should consist of at least the mayor, the deputy mayor, another Councillor and a suitably qualified person independent of the Council. The selection panel must, have a mix of genders.
- 4.1.8 Where practicable, the selection panel should remain the same throughout the recruitment process.
- 4.1.9 Council's governing body should delegate to one person (generally the mayor) the task of ensuring:
  - The selection panel is established
  - The CEO's position description is current and evaluated in terms of salary to reflect the responsibilities and duties of the position
  - The position is advertised according to the requirements of the Act
  - Information packages are prepared, and
  - Applicants selected for interview are notified.

- 4.1.10 The qualified member independent of Council, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.

#### 4.2 The Interview Process

- 4.2.1 Interviews should be held as soon as possible after candidates have been short-listed.
- 4.2.2 Questions should be designed to reflect the selection criteria and assist the selection panel to assess the suitability and merit of the candidate for the position
- 4.2.3 The identities of all persons being interviewed must be kept confidential.
- 4.2.4 All written references must be checked by the independent selection panel member. The selection panel must delegate the task of contacting referees to one member. Other panel members should not contact referees.
- 4.2.5 At least two (2) referees must be contacted and asked questions about the candidate relevant to the selection criteria. If contact with someone other than a nominated referee is required, the applicant's permission must be sought and given.
- 4.2.6 Where tertiary qualifications are relied on, they should be produced for inspection and verification.
- 4.2.7 All appropriate background checks must be undertaken, e.g. bankruptcy and criminal record checks, and whether the candidate has been disqualified from managing a corporation by ASIC. Liverpool Council is a Child Safe Organisation and as such a Working with Children Check is also required.
- 4.2.8 Further guidance on best practice recruitment checks can be obtained by consulting Standard AS 4811:2022 Workforce Screening and ICAC's publication, Strengthening employment screening practices in the NSW public sector.
- 4.2.9 The selection panel is responsible for preparing a report to the Council's governing body that:
- Outlines the selection process
  - Recommends the most meritorious applicant with reasons
  - Recommends an eligibility list if appropriate
  - Recommends that no appointment is made if the outcome of the interviews is that there are no suitable applicants.
  - The report should be confidential and reported to a closed meeting of the Council.

#### 4.3 Finalising the Appointment of the CEO

- 4.3.1 The appointment of a CEO is a non-delegable function of the Council under section 377(a).
- 4.3.2 Council's governing body must by resolution approve the position of the CEO being offered to the successful candidate before the position is offered to the candidate.
- 4.3.3 The mayor makes the offer of employment after the governing body has resolved to appoint the successful candidate. The initial offer may be made by phone.
- 4.3.4 Conditions such as term of the contract (1-5 years) and remuneration package, which must be determined by the panel within the range approved by the governing body of the Council, can also be discussed by telephone but must be confirmed in writing.
- 4.3.5 The standard contract of employment for general managers/ CEOs approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act must be used.
- 4.3.6 CEOs must be employed for between 1-5 years.
- 4.3.7 The CEO contract governs:
  - The duties and functions of CEOs
  - Performance agreements
  - The process for renewal of employment contracts
  - Termination of employment and termination payments
  - Salary increases, and
  - Leave entitlements
- 4.3.8 Candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

#### 4.4 Record Keeping

- 4.4.1 Council will retain all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate.
- 4.4.2 These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

*The standard explains what is to be done, by whom and when.*



RESPONSIBLE OFFICER	STEP NUMBER	ACTION
Council	1	Engage an external recruitment consultant to assist with the recruitment.
Council	2	Delegate recruitment to a selection panel led by the mayor.
Council	3	Approve the recruitment process.
Mayor	4	Appoint selection panel consisting of the Mayor, the deputy mayor, another Councillor and a suitably qualified person independent of Council and a mix of genders.
Mayor	5	Review position description, proposed salary, advertisement as per Act, information packages prepared, and applicants selected for interview notified.
Mayor and Recruitment Consultant	6	Prepare questions to reflect selection criteria
Selection Panel	7	Conduct Interviews
Nominated Panel Member	8	Conduct Reference checks and appropriate background checks, including bankruptcy, police record check, working with children check, and any tertiary qualifications verified, if required.
Selection Panel	9	Prepare selection panel report and outcome of interview process.
Council	10	Approve selection by resolution before the position is offered to successful candidate.
Mayor	11	Makes offer to successful candidate and confirms terms of Contract.
Mayor	12	Notify all unsuccessful candidates and those placed on an eligibility list of outcome before the successful applicant's details are made public.

## 5 THIS PROCEDURE HAS BEEN DEVELOPED IN CONSULTATION WITH

People and Culture  
Governance Committee

## 6. REFERENCES

Corporations Act 2001  
 Liverpool City Council – Policy for the Appointment, Oversight, Performance Management and Separation of the Chief Executive Officer by Council 2025  
 Local Government (General) Regulation 2021  
 Local Government Act (NSW) 1993  
 Office of Local Government: Guidelines for the Appointment and Oversight of General Managers, 2022.  
 Privacy and Personal Information Protection Act 1998  
 Public Interest Disclosures Act 1994  
 State Records Act 1998  
 Work Health and Safety Act 2017.

## ATTACHMENTS

*Nil*

## AUTHORISED BY

*Director Corporate Support*

## EFFECTIVE FROM

*This date is the date the procedure was approved by the Director.*

## REVIEW DATE

*The procedure must be reviewed every two years or more frequently depending on its category or if legislative or policy changes occur.*

## VERSIONS

*The current and previous version of the procedure should be set out in the following table.*

Version	Amended by	Changes made	Date	TRIM Number
New	PAC	Created	May 2025	

## CORP 03

## Investment Report June 2025

<b>Strategic Objective</b>	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
<b>File Ref</b>	224237.2025
<b>Report By</b>	Vishwa Nadan - Chief Financial Officer
<b>Approved By</b>	Farooq Portelli - Director Corporate Support

**EXECUTIVE SUMMARY**

This report presents Council's investment portfolio and its performance at 30 June 2025. Key highlights include:

- Council held investments with a market value of \$416 million (see **Attachment 1** for details).
- The Reserve Bank of Australia (RBA)'s official cash rate remained at 3.85 per cent.
- The portfolio yield (for the year to June 2025) was 6 basis points above the benchmark (AusBond Bank Bill Index)

	AusBond Bank Bill Index (ABBI)
Benchmark	4.39%
Portfolio yield	4.45%
<b>Performance above benchmark</b>	<b>0.06%</b>

- Council's investment portfolio is performing slightly better than ABBI benchmark. Council still has \$19.35 million in low-yielding (returning less than 2%) investments and not maturing till 2026. These investments will continue to impact on Council's overall portfolio performance.
- Year-to-date, Council's investment income was \$5.14 million higher than the original budget. This is due to a combination of increase in market interest rates and unrealised gain in fair value of Floating Rate Notes (FRNs).
- Year-to-date, Council's investment in mortgage-backed securities (MBSs) is valued at \$357 thousand below face value. Council's investment advisor continues to review Council's investment in MBSs and recommends Council continue to hold its

investments in the Class A and Class C securities. There is significant uncertainty associated with these investments, however presently Council's investment advisor believes there is, on balance, more upside opportunity than downside risk. This is subject to ongoing regular review. MBSs are no longer rated.

- Council's investments and reporting obligations fully complied with the requirements of section 625 of the *Local Government Act 1993* and section 212 of the *Local Government (General) Regulation 2021*.
- Council's portfolio also fully complied with limits set out in its current Investment Policy, noting the exception applicable to MBSs (as investment in them pre-dates the current Investment Policy).
- Council is committed to NSW TCorp's balanced investment framework and held 18.78 per cent of its portfolio in ADIs rated BBB and below.
- **At the time of writing this report, financial year-end adjustments were not complete. The schedule of cash reserves will be provided to Councillors at the meeting.**

## **RECOMMENDATION**

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That the Council receives and notes this report.

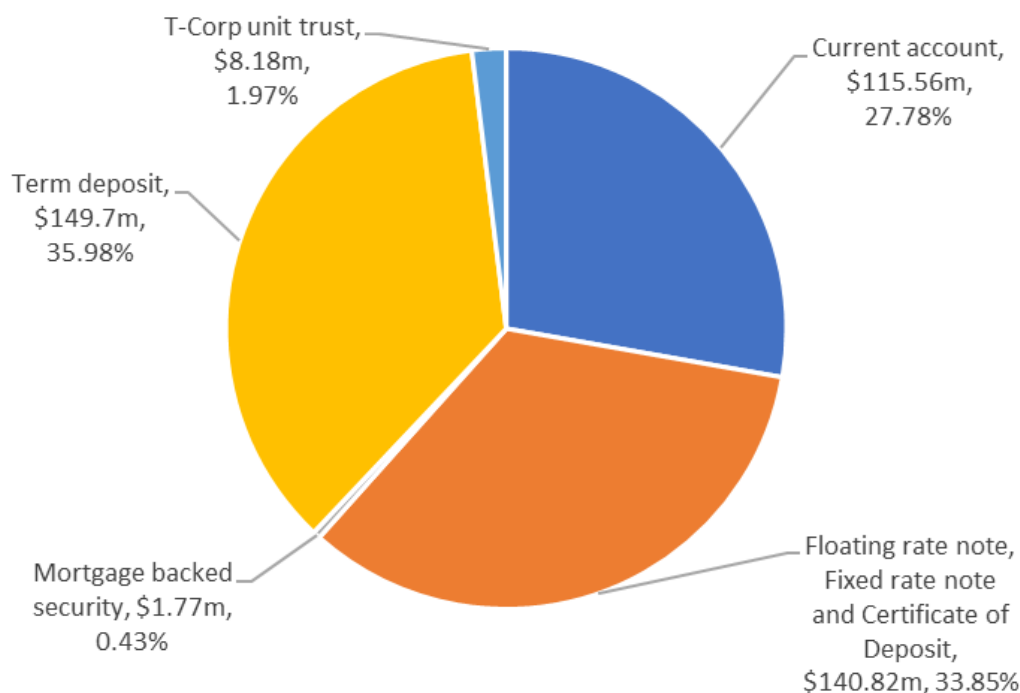
## **REPORT**

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Section 212 of the *Local Government (General) Regulation 2021* requires that the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

### **Council's portfolio**

At 30 June 2025, Council held investments with a market value of \$416 million. Council's investment register detailing all its investments is provided as an attachment to this report. In summary, Council's portfolio consisted of investments in:



The ratio of market value compared to face value of various debt securities is shown in the table below.

Asset class	Jun-25	May-25	Jun-24
Senior debts (FRNs ,TCDs & FRBs)*	100.09%	100.01%	98.79%
MBS (Reverse mortgage-backed securities)	83.24%	83.29%	83.07%
T-Corp unit trusts	133.59%	130.98%	118.80%

**\*Definition of terms**

- *FRN - Floating Rate Note - returns an aggregate of a fixed margin and a variable benchmark (usually the Bank Bill Swap Rate).*
- *FRB - Fixed Rate Bond – returns a fixed coupon (interest) rate and is tradeable before maturity.*
- *TCD - Transferrable Certificate of Deposit - security issued with the same characteristics as a term deposit, however it can be sold back (transferred) into the market prior to maturity. A floating TCD pays a coupon linked to a variable benchmark (90-day Bank Bill Swap Rate).*

Council continues to closely monitor the investments in its portfolio to ensure continued compliance and minimal exposure to risk.

Council is committed to NSW TCorp's balanced investment framework and held 18.78 per cent of its portfolio in ADIs rated BBB and below.

### **Mortgaged-backed securities**

Council's investment advisor regularly reviews investments in grandfathered mortgage-backed securities (MBSs) and continues to recommend "hold" position on investments in Class A and both Class C securities.

There is significant uncertainty associated with these investments, however presently the investment advisors believe there is, on balance, more upside opportunity than downside risk. Notwithstanding this recommendation, Council's investment advisor has assessed that both Class C securities are likely to eventually default. However, Council will continue to receive interest up until default which is likely to be many years in the future. Fitch Rating Agency has decided to withdraw its rating on MBSs and as a result, Council's investments in these securities are now classed as non-rated. Year-to-date, Council's investment in MBSs is valued at \$357 thousand below face value.

### **Portfolio maturity profile**

The table below shows the percentage of funds invested at different durations to maturity.

Complies to Investment policy	Term to maturity	Total	% Holdings	Term to maturity policy limit minimum	Term to maturity policy limit maximum
	Current account	115,562,081	27.78%		
	Term deposits < 1 year	109,700,000	26.37%		
	T-Corp unit trust	8,183,132	1.97%		
	Tradeable securities	140,821,752	33.85%		
✓	<b>Portfolio % &lt; 1 year ( Short term liquidity)</b>	<b>374,266,966</b>	<b>89.96%</b>	<b>30%</b>	<b>100%</b>
✓	Term deposit > 1 year < 3 years	40,000,000	9.61%	0%	70%
✓	Grand fathered securities	1,772,340	0.43%	N/A	N/A
✓	<b>Portfolio % (Medium term liquidity)</b>	<b>41,772,340</b>	<b>10.04%</b>		
	<b>Total portfolio</b>	<b>416,039,305</b>	<b>100.00%</b>		

**Counterparty policy limit compliance**

Complies to Investment policy	Issuer	Security rating	Market value	% Total value	Maximum Institutional policy limit % holdings
✓	AMP Bank Ltd	BBB+	30,942,858	7.44%	15%
✓	ANZ Banking Group Ltd	AA-	13,768,395	3.31%	35%
✓	Auswide Bank	BBB	6,700,000	1.61%	15%
✓	Bendigo & Adelaide Bank Ltd	A-	3,513,096	0.84%	25%
✓	Bank Australia	BBB+	1,366,274	0.33%	15%
✓	Bank of Queensland Ltd	A-	15,768,090	3.79%	25%
✓	Commonwealth Bank of Australia Ltd	AA-	116,931,527	28.11%	35%
✓	Emerald Reverse Mortgage Trust ( Class A)	Unrated	585,717	0.14%	5%
✓	Emerald Reverse Mortgage Trust ( Class C)	Unrated	1,186,623	0.29%	5%
✓	G&C Mutual Bank	BBB+	3,000,000	0.72%	15%
✓	Great Southern Bank	BBB+	1,851,976	0.45%	15%
✓	ING Bank	A	43,090,188	10.36%	25%
✓	Macquarie Bank	A+	9,107,987	2.19%	25%
✓	MyState Bank	BBB	13,000,000	3.12%	15%
✓	Mizuho Bank	A	3,517,056	0.85%	25%
✓	National Australia Bank Ltd	AA-	25,782,669	6.20%	35%
✓	Newcastle Greater Mutual Group Ltd	BBB+	3,811,615	0.92%	15%
✓	Northern Territory Treasury	AA-	10,000,000	2.40%	35%
✓	NSW Treasury Corporation	Unrated	8,183,132	1.97%	5%
✓	Rabobank Australia Limited	A	46,544,323	11.19%	25%
✓	RACQ Bank	BBB+	1,506,170	0.36%	15%
✓	Scotia Bank	A-	8,550,827	2.06%	25%
✓	State Bank of India, Sydney Branch	BBB-	5,000,000	1.20%	15%
✓	Sumitomo Mitsui Banking	A	4,013,744	0.96%	25%
✓	Suncorp Bank	AA-	17,444,689	4.19%	35%
✓	Teachers Mutual Bank	BBB+	1,007,465	0.24%	15%
✓	UBS AG	A+	4,543,709	1.09%	25%
✓	Westpac Banking Corporation Ltd	AA-	15,321,178	3.68%	35%
	<b>Portfolio Total</b>		<b>416,039,305</b>	<b>100.00%</b>	

**Credit rating policy limit compliance**

Complies to Investment policy	Credit rating	Market value	% Portfolio	Maximum policy limit
✓	AAA Category	1,745,863	0.42%	100%
✓	AA Category	199,248,457	47.89%	100%
✓	A Category	136,903,155	32.91%	60%
✓	BBB Category	68,186,357	16.39%	45%
✓	Unrated	9,955,472	2.39%	10%
	<b>Total Portfolio</b>	<b>416,039,305</b>	<b>100.00%</b>	

### Compliance with Investment policy – In summary

Legislative requirements	✓	Fully compliant, noting exception applicable to grandfathered mortgaged-backed investments.
Portfolio credit rating limit	✓	Fully compliant
Institutional exposure limits	✓	Fully compliant
Overall portfolio credit limits	✓	Fully compliant
Term to maturity limits	✓	Fully compliant

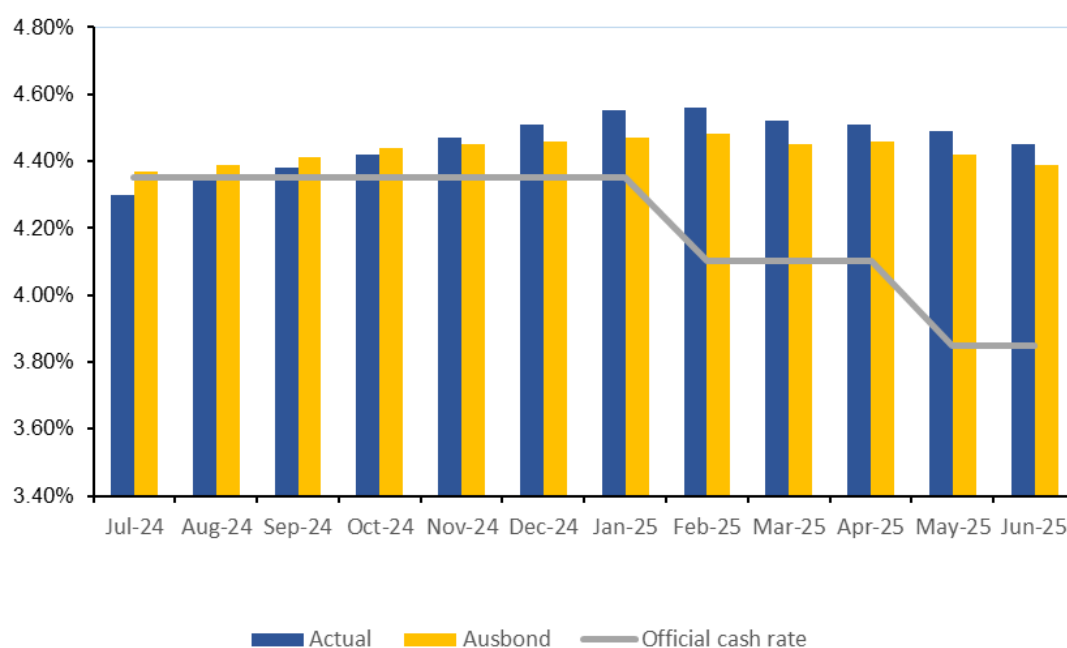
### Portfolio performance against relevant market benchmark

Council's Investment Policy prescribes the AusBond Bank Bill Index (ABBI) as a benchmark to measure return on cash and fixed interest securities. The ABBI represents the average daily yield of a parcel of bank bills. Historically there has been a positive correlation between changes in the cash rate and the resulting impact on the ABBI benchmark.

Council's investment portfolio is performing slightly better than ABBI benchmark. Council still has \$19.35 million in low-yielding (returning less than 2%) investments and not maturing till 2026. These investments will continue to impact on Council's overall portfolio performance.

The portfolio yield for the year to June 2025 was above the ABBI index by 6 basis points (portfolio yield: 4.45%; ABBI: 4.39%).

Comparative yields for the previous months are charted below:

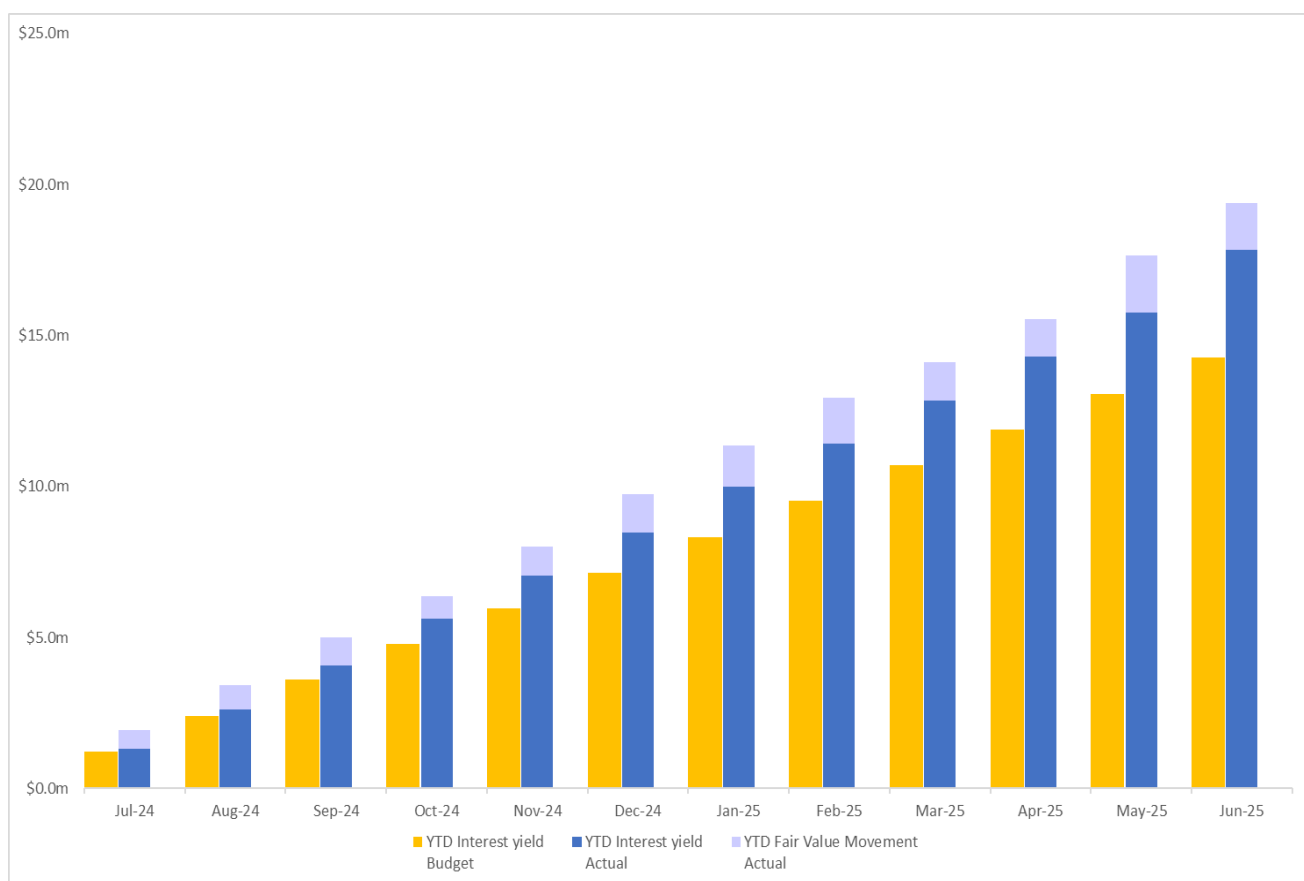




### Performance of portfolio returns against budget

Year-to-date, Council's investment income was \$5.14 million higher than the original budget. This is due to a combination of increase in market interest rate and unrealised gain in fair value of Floating Rate Notes (FRNs).

	YTD Budget	YTD Actuals	Budget Variance
Interest yield on cash holdings	\$14.26m	\$17.82m	\$3.56m
Fair value market movement	\$0.00m	\$1.58m	\$1.58m
<b>Total</b>	<b>\$14.26m</b>	<b>\$19.40m</b>	<b>\$5.14m</b>



### Economic outlook – Reserve Bank of Australia

The Reserve Bank of Australia kept the official cash rate at 3.85 per cent in its meeting on 8 July 2025.

### **Certificate of Responsible Accounting Officer**

The Chief Financial Officer, as Responsible Accounting Officer, certifies that the investments listed in the attached report have been made in accordance with section 625 of the *Local Government Act 1993*, section 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy at the time of their placement. The previous investments are covered by the grandfathering clauses of the current investment guidelines issued by the Minister for Local Government.

### **CONSIDERATIONS**

<b>Economic</b>	Council's investment income was \$5.14 million higher than the original budget at 30 June 2025.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	There are no civic leadership and governance considerations.
<b>Legislative</b>	<p>Local Government Act 1993, section 625</p> <p>Local Government (General) Regulation 2021, section 212</p> <p>Council is empowered by section 625 of the Local Government Act 1993 to invest money that is not, for the time being, required by Council for any other purpose. Council may invest money in a form of investment notified by order of the Minister.</p> <p>The Minister has published the Local Government Act 1993 – Investment Order which specifies the forms of investment that a council may make. It makes clear that Council must have an investment policy and invest in accordance with that policy. Council is required to invest prudently and must consider:</p> <ul style="list-style-type: none"> <li>• the risk of capital or income loss or depreciation,</li> <li>• the likely income return and the timing of income return,</li> <li>• the length of the term of the proposed investment,</li> <li>• the liquidity and marketability of the proposed investment,</li> <li>• the likelihood of inflation affecting the value of the proposed investment, and</li> <li>• the costs of making the proposed investment.</li> </ul>

**CORPORATE SUPPORT REPORT**

	The responsible accounting officer must provide Council with a written report setting out details of money invested at its ordinary meetings (but only at one meeting in a month): section 212 of the Local Government (General) Regulation 2021. The report must include a certificate as to whether the investment has been made in accordance with the Act, the regulations and Council's investment policies.
<b>Risk</b>	The capital value and return-on-investment is subject to market risks. Investment limits prescribed in Council's policy framework is aimed to mitigate these risks.

**ATTACHMENTS**

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1. Investment Portfolio June 2025



**Portfolio Valuation As At 30 June 2025**

Fixed Interest Security	Maturity Date	Rating	Current	Market Value	Total	Yield
<b>Current Account</b>						
CBA Business Saver		AA-	93,925,206.30	93,925,206.30	22.58%	3.85%
CBA General Account		AA-	2,072,789.47	2,072,789.47	0.50%	0.00%
AMP Business Saver		BBB	5,056.38	5,056.38	0.00%	2.25%
AMP Notice Account		BBB	19,526,407.96	19,526,407.96	4.69%	4.50%
Macquarie Bank Accelerator Account		A+	30,970.14	30,970.14	0.01%	4.13%
Macquarie Bank Account		A+	1,650.67	1,650.67	0.00%	2.22%
			115,562,080.92	115,562,080.92	27.78%	
<b>Fixed Rate Bond</b>						
Commonwealth Bank	14/01/2027	AA-	5,000,000.00	4,900,295.00	1.18%	2.40%
Bank of Queensland	29/10/2025	BBB+	4,000,000.00	3,996,180.00	0.96%	4.00%
Bank of Queensland	27/10/2026	BBB+	4,750,000.00	4,631,853.25	1.11%	2.10%
UBS AG	26/02/2026	A+	2,550,000.00	2,503,778.70	0.60%	1.10%
ING Direct	19/08/2026	A	1,800,000.00	1,745,863.20	0.42%	1.10%
Macquarie Bank	14/09/2026	A+	4,200,000.00	4,255,364.40	1.02%	4.95%
NAB	25/02/2027	AA-	4,500,000.00	4,439,646.00	1.07%	2.90%
Scotia Bank	21/03/2030	A-	4,000,000.00	4,068,948.00	0.98%	5.23%
Suncorp	25/01/2027	AA-	4,500,000.00	4,409,244.00	1.06%	2.50%
			35,300,000.00	34,951,172.55	8.40%	
<b>Floating Rate Note</b>						
AMP Bank	13/09/2027	BBB+	3,400,000.00	3,411,393.40	0.82%	4.99%
ANZ Bank	31/03/2028	AA-	2,500,000.00	2,526,777.50	0.61%	4.66%
ANZ Bank	11/09/2028	AA-	4,200,000.00	4,230,605.40	1.02%	4.66%
ANZ Bank	05/02/2029	AA-	1,000,000.00	1,007,442.00	0.24%	4.81%
ANZ Bank	18/02/2030	AA-	3,000,000.00	3,003,570.00	0.72%	4.62%
Bank Australia	21/02/2028	BBB	1,350,000.00	1,366,274.25	0.33%	5.43%
Bank of Queensland	30/04/2029	A-	4,100,000.00	4,140,057.00	1.00%	5.15%
Bendigo and Adelaide	14/05/2027	A-	1,700,000.00	1,709,316.00	0.41%	4.79%
Bendigo and Adelaide	24/10/2028	A-	1,800,000.00	1,803,780.00	0.43%	4.88%
Commonwealth Bank	17/08/2028	AA-	3,500,000.00	3,527,653.50	0.85%	4.76%
Commonwealth Bank	09/01/2030	AA-	2,500,000.00	2,505,582.50	0.60%	4.91%
Great Southern Bank	01/11/2027	BBB+	1,850,000.00	1,851,975.80	0.45%	4.91%
ING Bank	22/03/2027	A+	2,000,000.00	2,011,288.00	0.48%	4.61%
ING Bank	20/08/2029	A+	6,300,000.00	6,333,037.20	1.52%	4.81%
Macquarie Bank	14/09/2026	A+	4,800,000.00	4,820,001.60	1.16%	4.56%
Mizuho Bank	18/01/2027	A	3,500,000.00	3,517,055.50	0.85%	4.83%
NAB	18/04/2028	AA-	2,500,000.00	2,509,110.00	0.60%	4.57%
NAB	22/03/2029	AA-	3,500,000.00	3,520,079.50	0.85%	4.56%
NAB	14/11/2029	AA-	2,600,000.00	2,604,903.60	0.63%	4.61%
NAB	18/03/2030	AA-	4,700,000.00	4,708,930.00	1.13%	4.53%
Newcastle Greater Mutual Group Ltd	14/02/2029	BBB	600,000.00	613,099.80	0.15%	5.64%
Newcastle Greater Mutual Group Ltd	21/01/2030	BBB+	3,200,000.00	3,198,515.20	0.77%	5.20%
Rabobank Australia Branch	27/01/2027	A+	2,700,000.00	2,706,685.20	0.65%	4.63%
Rabobank Australia Branch	19/01/2028	A+	1,500,000.00	1,517,160.00	0.36%	5.13%
Rabobank Australia Branch	26/02/2029	A	3,000,000.00	3,021,009.00	0.73%	4.74%

Rabobank Australia Branch	20/02/2030	A	1,300,000.00	1,299,468.30	0.31%	4.64%
RACQ Bank	24/02/2026	BBB+	1,500,000.00	1,506,169.50	0.36%	5.21%
Scotia Bank	21/03/2030	A-	4,500,000.00	4,481,878.50	1.08%	5.06%
Suncorp	19/03/2029	AA-	2,500,000.00	2,514,032.50	0.60%	4.67%
Suncorp	27/09/2029	AA-	5,000,000.00	5,014,465.00	1.21%	4.53%
Suncorp	21/05/2030	AA-	2,500,000.00	2,506,947.50	0.60%	4.66%
Sumitomo Mitsui Banking	20/01/2027	A	4,000,000.00	4,013,744.00	0.96%	4.73%
Teachers Mutual Bank	21/06/2027	BBB+	1,000,000.00	1,007,465.00	0.24%	4.96%
UBS AG	24/11/2028	A+	2,000,000.00	2,039,930.00	0.49%	5.16%
Westpac	21/01/2030	AA-	4,500,000.00	4,511,664.00	1.08%	4.79%
Westpac	19/06/2030	AA-	4,800,000.00	4,809,513.60	1.16%	4.52%
			105,400,000.00	105,870,579.85	25.45%	

**Mortgage Backed Security**

EmeraldMBS2006-1A	21/08/2051	Unrated	629,095.48	585,716.83	0.14%	4.18%
EmeraldMBS2006-1C	21/08/2056	Unrated	1,000,000.00	810,045.00	0.19%	4.93%
EmeraldMBS2007-1C	23/07/2057	Unrated	500,000.00	376,578.00	0.09%	4.90%
			2,129,095.48	1,772,339.83	0.43%	

**Term Deposit**

AMP	10/09/2025	BBB+	3,000,000.00	3,000,000.00	0.72%	5.10%
AMP	22/10/2025	BBB+	5,000,000.00	5,000,000.00	1.20%	5.05%
ANZ	26/10/2026	AA-	3,000,000.00	3,000,000.00	0.72%	5.35%
Auswide Bank	10/12/2025	BBB	6,700,000.00	6,700,000.00	1.61%	5.10%
Bank of Queensland	08/01/2026	A-	3,000,000.00	3,000,000.00	0.72%	4.35%
Commonwealth Bank	27/11/2025	AA-	10,000,000.00	10,000,000.00	2.40%	4.60%
ING Bank	05/08/2025	A	3,000,000.00	3,000,000.00	0.72%	5.30%
ING Bank	01/09/2025	A	3,000,000.00	3,000,000.00	0.72%	5.37%
ING Bank	24/09/2025	A	5,000,000.00	5,000,000.00	1.20%	5.20%
ING Bank	15/01/2026	A	5,000,000.00	5,000,000.00	1.20%	5.04%
ING Bank	25/09/2026	A	5,000,000.00	5,000,000.00	1.20%	5.15%
ING Bank	14/10/2026	A	3,000,000.00	3,000,000.00	0.72%	4.79%
ING Bank	14/10/2027	A	3,000,000.00	3,000,000.00	0.72%	4.77%
ING Bank	10/10/2028	A	3,000,000.00	3,000,000.00	0.72%	5.30%
ING Bank	20/11/2028	A	3,000,000.00	3,000,000.00	0.72%	5.40%
G & C Mutual Bank	17/09/2025	BBB	3,000,000.00	3,000,000.00	0.72%	5.20%
MyState Bank	27/10/2025	BBB	3,000,000.00	3,000,000.00	0.72%	4.35%
MyState Bank	10/12/2025	BBB	6,000,000.00	6,000,000.00	1.44%	5.10%
MyState Bank	12/06/2026	BBB	4,000,000.00	4,000,000.00	0.96%	4.25%
NAB	29/07/2025	AA-	3,000,000.00	3,000,000.00	0.72%	5.30%
NAB	08/09/2025	AA-	5,000,000.00	5,000,000.00	1.20%	1.10%
Northern Territory Treasury	15/12/2025	AA-	5,000,000.00	5,000,000.00	1.20%	1.20%
Northern Territory Treasury	15/12/2026	AA-	5,000,000.00	5,000,000.00	1.20%	1.50%
Rabobank Australia Limited	18/07/2025	A	3,000,000.00	3,000,000.00	0.72%	5.33%
Rabobank Australia Limited	27/08/2025	A	3,000,000.00	3,000,000.00	0.72%	4.90%
Rabobank Australia Limited	09/12/2025	A	3,000,000.00	3,000,000.00	0.72%	4.42%
Rabobank Australia Limited	12/11/2025	A	5,000,000.00	5,000,000.00	1.20%	4.50%
Rabobank Australia Limited	18/05/2026	A	5,000,000.00	5,000,000.00	1.20%	4.47%
Rabobank Australia Limited	29/05/2026	A	5,000,000.00	5,000,000.00	1.20%	4.22%
Rabobank Australia Limited	27/08/2026	A	3,000,000.00	3,000,000.00	0.72%	4.50%
Rabobank Australia Limited	18/02/2028	A	3,000,000.00	3,000,000.00	0.72%	5.06%
Rabobank Australia Limited	18/02/2028	A	5,000,000.00	5,000,000.00	1.20%	4.80%
Rabobank Australia Limited	20/02/2029	A	3,000,000.00	3,000,000.00	0.72%	5.19%
State Bank of India	11/03/2026	BBB-	5,000,000.00	5,000,000.00	1.20%	5.00%
Suncorp Bank	17/07/2025	AA-	3,000,000.00	3,000,000.00	0.72%	5.06%
Westpac	27/10/2025	AA-	3,000,000.00	3,000,000.00	0.72%	5.37%
Westpac	19/01/2026	AA-	3,000,000.00	3,000,000.00	0.72%	5.05%
			149,700,000.00	149,700,000.00	35.98%	
<b>Total</b>			408,091,176.40	407,856,173.15	98.03%	

<b>T-Corp</b>				
NSWTC IM Long Term Growth Fund	Unrated	6,125,337.88	8,183,132.26	1.97%
		6,125,337.88	8,183,132.26	1.97%
<b>Total</b>		408,091,176.40	407,856,173.15	98.03%
<b>Portfolio Total</b>		414,216,514.28	416,039,305.41	100.00%

## OPER 01

**FOGO - Kitchen Caddy Distribution Success  
(SUD's and Rural Properties)**

<b>Strategic Objective</b>	Liveable, Sustainable, Resilient Manage waste effectively and maximise recycling opportunities
<b>File Ref</b>	220523.2025
<b>Report By</b>	Tim Pasley - Manager Circular Economy
<b>Approved By</b>	Peter Scicluna - Acting Director Operations

**EXECUTIVE SUMMARY**

The 2025 rollout of the Food Organics and Garden Organics (FOGO) kitchen caddy distribution has been a landmark project for Liverpool City Council, delivering over 65,000 caddies and educational packs to residents across the Local Government Area (LGA). The rollout, initiated in May 2025 and completed in June 2025, aimed to prepare the community for the official start of FOGO collection services on 7 July 2025. With a 99% distribution success rate and overwhelmingly positive community feedback, the initiative represents a major achievement in Council's commitment to sustainability, circular economy principles, and community engagement.

This report outlines the rollout's success, its alignment with Council's waste management strategy (Waste Management and Resource Recovery Strategy 2021), and its contribution to the NSW Government's organics diversion targets. It also highlights engagement efforts, challenges addressed, and the smooth transition from rollout to service commencement.

**RECOMMENDATION**

That Council:

1. Notes the successful completion of the FOGO kitchen caddy distribution program (SUD's and Rural Properties), with over 65,000 households reached and a 99% delivery success rate; and
2. Continues to support the next phase of implementation as the weekly FOGO service begins on 7 July 2025.

**REPORT**

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**Background**

In line with Council's Waste Management and Resource Recovery Strategy 2021 and the NSW Waste and Sustainable Materials Strategy 2041, Liverpool City Council committed to a comprehensive rollout of the FOGO waste management system. This included the distribution of kitchen caddies, compostable liners, instructional materials, and a multilingual FOGO services guide upon request.

The rollout officially began in early May 2025, following a preparation week for team training. It spanned seven weeks, including all urban and rural zones. Importantly, this rollout focused solely on Single Unit Dwellings (SUDs) with a full set of bins and Rural Properties (that required delivery of a green lidded bin). Properties without a complete three bin setup were not included.

A significant milestone in this project was bringing rural properties into alignment with the rest of the LGA by providing them with green lidded organics bins, enabling full participation in the FOGO service for the first time.

**Project Overview**

- Total Targeted Properties: 65,555
- Successful Deliveries: 65,079 (99%)
- Total Visits Conducted: 66,331 (Rectification Works included)
- Success Rate: 98.7%
- New Properties Identified During Rollout: 1,252

**Engagement and Communication**

Community response to the rollout has been very positive. Residents expressed excitement and readiness for the FOGO service, with many rural households contacting Council proactively to confirm eligibility. The Customer Experience team noted an increase in positive calls and feedback, particularly in the lead up to the service launch.

Council's Communications team supported the rollout with a strategic campaign, including:

- Social media posts and multilingual videos
- Printed material distribution
- Community pop up events support.

The videos, available in English, Arabic, Vietnamese, Hindi, and Simplified Chinese, helped broaden accessibility and understanding across culturally and linguistically diverse communities.



The campaign adopted the consistent slogan "FOGO IS A GOGO!" across all materials to reinforce key messages.

### **Challenges and Learnings**

As with any large-scale rollout, a few challenges were encountered, though all were anticipated and managed effectively:

- **Multi-Unit Dwellings (MUDs):** A small number of MUDs received caddies in error due to data discrepancies. These properties are not yet eligible for the 7 July service but will be included in a dedicated MUDs FOGO rollout at a later stage. Council will issue courtesy letters advising affected households to retain their caddies for future use. This proactive and cost-effective approach has been supported by the FOGO grant.
- **Inaccessible or Unoccupied Properties:** Some properties, particularly in newer developments or construction zones, were inaccessible or vacant at the time of delivery. These have been captured and included in rectification plans, with 90% already resolved by late June.
- **Secondary Dwellings (Granny Flats):** During the rollout, Council received a number of enquiries from residents occupying granny flats or secondary dwellings regarding their eligibility for FOGO. Council's Customer Experience team managed these cases by referring residents to the waste support team for assessment and inclusion in FOGO. This was an expected scenario due to property configuration complexities.
- **Rural Adjustments:** Bringing rural properties into alignment required additional coordination, including the delivery of green bins to those previously without them. This was well received and considered a major success.

Despite these minor issues, overall execution was smooth and reflective of robust planning, agile field operations, and responsive customer service.

### **July 7<sup>th</sup> 2025 Launch**

Please note this report has been prepared prior to the official commencement of FOGO services on 7 July 2025 and will be presented to Council on the 23<sup>rd</sup> of July. As residents transition to the new weekly green lidded bin collection, a temporary increase in missed bin reports is anticipated, which is a normal part of service changeovers. Additionally, Council expects several enquiries from residents in townhouses who may not currently have a full set of bins whilst their neighbors do. Where these properties are not classified as Multi-Unit Dwellings (MUDs) and are deemed eligible, they will be triaged through Customer Service and issued appropriate bins via Council's contractor. This applies only to a select list of properties that received caddies due to earlier data discrepancies, as outlined in the Challenges and Learnings section.

### **Timeline and Suburb Delivery Schedule**

The rollout was conducted over seven weeks from 9 May to 27 June 2025. Each week focused on specific suburbs, allowing for measured, targeted delivery and engagement.

- **Prep/Training Week (9 May):** Cecil Hills, Elizabeth Hills
- **Week 1 (12–16 May):** Cecil Hills, Elizabeth Hills, Green Valley, Hinchinbrook
- **Week 2 (19–23 May):** Hinchinbrook, Busby, Heckenberg, Mount Pritchard, Sadler, Ashcroft, Cartwright, Miller, Middleton Grange
- **Week 3 (26–30 May):** Middleton Grange, West Hoxton, Carnes Hill, Hoxton Park, Horningsea Park, Prestons, Rural Properties (Start)
- **Week 4 (2–6 June):** Prestons, Edmonson Park, Leppington, Denham Court, Rossmore, Casula, Rural Properties (Continued)
- **Week 5 (9–13 June):** Casula, Lurnea, Warrick Farm, Chipping Norton, Moorebank, Rural Properties (Continued)
- **Week 6 (16–20 June):** Moorebank, Wattle Grove, Hammondville, Voyager Point, Pleasure Point, Bringelly, Wallacia, Luddenham, Kemps Creek, Rural Properties (Continued)
- **Week 7 (23–27 June):** Austral, Liverpool, Rectification Works

### **Infrastructure and Implementation**

The FOGO implementation included:

- Caddy distribution packs with liners, stickers, and education materials (Waste and Resource Recovery Services Guide)
- Green bin distribution to rural properties
- Preparation for weekly green bin collection commencing 7 July 2025.

Additional education activities included:

- Council hosted community workshops
- School sessions and forums
- Internal staff training (Specialist for relevant teams) and Councillor briefings
- Library educational support
- Targeted support for Customer Experience staff with FAQs and factsheets.

## **Conclusion**

The FOGO kitchen caddy rollout has been an outstanding success. It marks the largest change to Council's waste system since the introduction of the yellow recycling bin and sets the stage for a more sustainable future. The positive community sentiment, efficient distribution, and high engagement levels position Liverpool as a leader in organics recovery five years ahead of the 2030 state mandate. With the FOGO service launching on 7 July 2025, Council is well placed to realise both environmental and financial benefits through increased diversion from landfill.

## **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this recommendation.

## **CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	Minimise household and commercial waste.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	There are no civic leadership and governance considerations.
<b>Legislative</b>	There are no legislative considerations relating to this report.
<b>Risk</b>	There is no risk associated with this report.

## **ATTACHMENTS**

Nil

**CTTE 01**

**Meeting Notes of the Liverpool Youth Council  
meeting held Tuesday 10 June 2025.**

<b>Strategic Objective</b>	Healthy, Inclusive, Engaging Communicate, listen, engage and respond to the community by encouraging community participation
<b>File Ref</b>	225561.2025
<b>Report By</b>	Derek Tweed - Community Development Worker (Youth)
<b>Approved By</b>	Tina Bono - Director Community & Lifestyle

**EXECUTIVE SUMMARY**

This report is tabled in order to present the Minutes of the Liverpool Youth Council Meeting held on 10 June 2025.

**RECOMMENDATION**

That Council receives and notes the Minutes of the Liverpool Youth Council Meeting held on 10 June 2025.

**REPORT**

The Minutes of the Liverpool Youth Council held on 10 June 2025 are attached for the information of Council.

The minutes contain the following actions or Committee recommendations:

• **ACTION:**

The Youth Council members voted unanimously to continue their successful Free HSC Tutoring program annually into the future where financially feasible to continue.

**FINANCIAL IMPLICATIONS**

The above action will be funded through existing budget allocation to the Liverpool Youth Council.

## **CONSIDERATIONS**

<b>Economic</b>	There are no economic and financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	<p>Raise awareness in the community about the available services and facilities.</p> <p>Support community organisations, groups and volunteers to deliver coordinated services to the community.</p> <p>Deliver high quality services for children and their families.</p>
<b>Civic Leadership</b>	<p>Undertake communication practices with the community and stakeholders across a range of media.</p> <p>Facilitate the development of community leaders.</p> <p>Encourage the community to engage in Council initiatives and actions.</p> <p>Provide information about Council's services, roles and decision making processes.</p>
<b>Legislative</b>	There are no legislative considerations relating to this report.
<b>Risk</b>	There is no risk associated with this report.

## **ATTACHMENTS**

1. Meeting Notes Liverpool Youth Council 10 June 2025



## Meeting Notes

### MEETING NOTES OF LIVERPOOL YOUTH COUNCIL MEETING

10 June 2025

#### COUNCILLORS:

#### COMMITTEE MEMBERS:

Fariha Dean

Ethan Chang

Faiza Alhaboub

Tamisha Matara

Zeina Sawalhi

Emily Organa

Nina Stanimirovic

Janice Rodrigues

David Sweet

Ella-Jay Nuttall

President (**Chairperson**)

Secretary (**Minutes**)

Treasurer

Media Representative

Youth Liaison Representative

Youth Councillor

Youth Councillor

Youth Councillor

Youth Councillor

Youth Councillor

#### COUNCIL ATTENDEES:

Derek Tweed

Lee Rennie

Ismail Asad

Bhoomika Sampath

Liverpool City Council

Liverpool City Council

Liverpool City Council

Liverpool City Council

#### APOLOGIES:

Shaila Narayan

Youth Councillor



## Meeting Notes

### 1. WELCOME, ATTENDANCE AND APOLOGIES

Youth Council President Fariha Dean opened the meeting at 6.05pm and welcomed everyone to the June meeting for the Liverpool Youth Council.

### 2. DECLARATIONS OF INTEREST

Nil.

### 3. GUEST SPEAKER - FOGO (Food Organics and Garden Organics) Sustainability and Community Education

Council's Waste Education Officers – Lee, Ismail and Bhoomika presented to the Youth Council on the implementation of the Food Organics and Garden Organics (FOGO) initiative.

All Councils in NSW are mandated to initiate FOGO programs in their local government area.

The FOGO program was initiated to reduce the food waste that goes into the red rubbish bins by diverting it away from landfill and utilizing it for more sustainable purposes. The rollout of the FOGO program will be staggered and begin with single dwelling houses through providing residents with small caddy bins to place compostable food scraps into biodegradable bags. Residents will then put the food scraps collected into the green rubbish bin which would then be collected weekly and processed into compost.

The FOGO initiative will be implemented from the 7 July 2025 onwards.

The many advantages of supporting FOGO include:

- Reducing waste that goes to landfill;
- Saving space in the red bins (currently 40% of red bins is food waste);
- Creating jobs and a circular economy;
- Saves money – less landfill charges;
- Environmental benefits such as the reduction in methane, reducing landfill and creating healthy compost that can be used in local parks and gardens.

**Moved:** Fariha Dean

**Seconded:** Emily Organa

**MOTION:** That the information be received and noted.

On being put to the meeting, the motion was declared carried.



## Meeting Notes

### 4. CONFIRMATION OF PREVIOUS MINUTES

The meeting notes from the meeting held on 9 April 2025 were confirmed as a true record of that meeting.

**Moved:** Ethan Chang

**Seconded:** Zeina Sawalhi

**MOTION:** That the information be received and noted.

On being put to the meeting, the motion was declared carried.

### 5. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

### 6. CORRESPONDENCE

The University of New South Wales has invited Youth Council members to participate and share their upcoming series of entrepreneurial activities called Pitch Night South West!

Pitch Night South West gives young people from South West Sydney opportunity to gain insight and experience from leading industry leaders, access workshops, compete for an increased prize pool, and be part of South West Sydney's network of local entrepreneurs.

### 7. COUNCILLOR UPDATE

No Councillors were present at the meeting.

### 8. YOUTH WORKERS UPDATE

The following updates were provided:

#### 8.1 Liverpool Youth Council 2025 – 2027 Recruitment

Recruitment was held during March and April 2025 for the new Youth Council members. We received a total of 51 applications and interviewed 19 young people.

Thanks to Youth Councillors Tamisha Matara and Janice Rodrigues for being on the interview panel and supporting this process.

A report will go to the next Council meeting on 18 June to seek their endorsement of the 12 young people who have been nominated to form the next Youth Council committee who will then begin in July 2025.





## Meeting Notes

### 8.2 Celebration of Liverpool Youth Council 2023 - 2025

The Community Development Worker (Youth) thanked all the members of Liverpool Youth Council for the previous two years of membership, engagement and support!

The Community Development Worker (Youth) will liaise with members to arrange a farewell activity and certificates to thank them for their contribution and civic participation.

### 8.3 HSC Tutoring program

This current group of Liverpool Youth Council initiated the HSC Tutoring program in 2024. Discussions were held to consider the continuation for this program if it is feasible to continue.

#### **ACTION:**

***The Youth Council members voted unanimously to continue their successful Free HSC Tutoring program annually into the future where financially feasible to continue!***

### 8.4 Model Global Parliament

Council in partnership with Unity Grammar School and the Institute for Global Peace and Sustainable Governance will host the annual Model Global Parliament (MGP), a transformative educational initiative designed to engage high school students in real-world global issues through structured debate and diplomacy.

The Model Global Parliament is a student-led simulation of an international parliamentary assembly. Participants represent different countries and engage in moderated debates, discussions, and negotiations around current global challenges such as climate change, international security, and human rights. Delegates must research their assigned country's position and work collaboratively to draft and pass resolutions.

Invitations will be sent to senior students (Years 10–11) from schools across the Liverpool LGA with a passion for global affairs, public speaking, critical thinking, and leadership to participate.

The Model Global Parliament aims to:

- Develop students' skills in public speaking, critical analysis, and diplomacy;
- Encourage collaboration and respect for diverse perspectives; and
- Inspire future leaders to engage thoughtfully in global issues.

The Model Global Parliament will be held on Tuesday 1 July from 8.30am – 3pm at the Liverpool Council Chambers.



## Meeting Notes

**Moved:** Emily Organa

**Seconded:** Zeina Sawalhi

**MOTION:** That the information be received and noted.

On being put to the meeting, the motion was declared carried.

### 9. TREASURERS REPORT

The current expenditure for the Youth Council 2024-25 financial year inclusive of Youth Week 2025 is \$9,797 with a remaining balance of \$350.

**Moved:** Shaila Narayan

**Seconded:** Emily Organa

**MOTION:** That the information be received and noted.

On being put to the meeting, the motion was declared carried.

### 10. YOUTH LIAISON REPORT

Nil

### 11. MEDIA REPRESENTATIVE'S REPORT

Nil

### 12. GENERAL BUSINESS

#### 12.1 Youth Week update

NSW Youth Week was held from 9 - 17 April, 2025.

There were three activities held, of which Youth Council planned and delivered two of those events!

#### Liverpool League Soccer Competition

40 young people participated, and eight local Youth Services held information stalls and activities at the event.

Whilst the numbers were a little lower than anticipated, participants had lots of fun, food and there was some great soccer talent on show.



## Meeting Notes

### **Liverpool Speak Out – Slam Poetry**

The event was wonderful with great feedback from participants and performers. There were 60 people who attended and we had 8 people participate in the Poetry Slam! There have been some requests made to make this event a regular activity!

Well done to all Youth Council members for your support in planning these Youth Week events.

Well done to Youth Councillors Emily Organa and Shaila Narayan who were the MC's for the Liverpool Speak Out who did an amazing job and also kept the show moving nicely!

### **Youth Week Skateboard Clinic and Jam at Carnes Hill Skatepark!**

There were 73 young people who participated in this event which was a good turnout! Well done to everyone who helped with the planning and also being at the activities to help on the day, our support was much appreciated, and we did a really great job!

### **12.2 Thanks and Farewell to all Liverpool Youth Council Members 2023-2025**

The Community Development Worker (Youth) thanked every member of the Liverpool Youth Council 2023-2025 for their input, civic support and commitment for the previous two years!

The Community Development Worker (Youth) presented to the Youth Councillors some of the highlights achieved in the Youth Council term of 2023-2025. This presentation provided the opportunity to highlight the excellent work of this group and thank all Youth Council members for their ongoing commitment and support of the previous two years!

## **13. CLOSE**

The meeting closed at 7:55pm.

The June meeting was the final meeting for this current term of Liverpool Youth Council 2023 – 2025.

The next Liverpool Youth Council meeting will occur on Tuesday 14 October 2025 after the new members of the Youth Council undertake their induction training.

**CTTE 02**

**Minutes of the Liverpool Sports Committee  
meeting held 4 June 2025**

<b>Strategic Objective</b>	Healthy, Inclusive, Engaging Communicate, listen, engage and respond to the community by encouraging community participation
<b>File Ref</b>	227043.2025
<b>Report By</b>	Chris Corby - Coordinator Recreation and Community
<b>Approved By</b>	Tina Bono - Director Community & Lifestyle

**EXECUTIVE SUMMARY**

This report is tabled to present the Minutes of the Liverpool Sports Committee meeting held on 4 June 2025.

**RECOMMENDATION**

That Council:

1. Receives and notes the Minutes of the Liverpool Sports Committee meeting held on 4 June 2025;
2. Recognises and thanks Sports Committee members for volunteering to participate in the Liverpool Sports Committee; and
3. Instruct the Chief Executive Officer to disburse the Sporting Grants and Donations in accordance with the recommendations of the Liverpool Sports Committee.

**REPORT**

The Minutes of the Liverpool Sports Committee meeting held on 4 June are attached for the information of Council.

Actions include:

- Processing eight (8) approved Sporting Donations to support local athletes.

<i>Applicant</i>	<i>Sport</i>	<i>Amount</i>
<i>Mariam Arifaki</i>	<i>Baseball</i>	<b>\$400.00</b>
<i>Taran Sinari</i>	<i>Volleyball</i>	<b>\$400.00</b>
<i>Mackenzie Jackson</i>	<i>Baseball</i>	<b>\$400.00</b>
<i>Maddison Heath</i>	<i>Baseball</i>	<b>\$400.00</b>
<i>James Sadler</i>	<i>Race walking</i>	<b>\$400.00</b>
<i>Jacob Copp</i>	<i>4 x 100m Relay</i>	<b>\$400.00</b>
<i>Summer Judd</i>	<i>3kg Hammer Throw</i>	<b>\$400.00</b>
<i>Jayden Schipp</i>	<i>Swimming</i>	<b>\$400.00</b>
<b>TOTAL</b>		<b>\$3,200.00</b>

## **FINANCIAL IMPLICATIONS**

An allocation of \$30,000 within Sporting Donations is within the Council operating budget.

## **CONSIDERATIONS**

<b>Economic</b>	There are no economic or financial considerations.
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	Support community organisations, groups, and volunteers to deliver coordinated services to the community.
<b>Civic Leadership</b>	There are no civic leadership and governance considerations.
<b>Legislative</b>	Sections 356(3), 377(1), and 378 of the Local Government Act 1993.
<b>Risk</b>	There are no risk considerations.

## **ATTACHMENTS**

1. Minutes Sports Committee Meeting 4 June 2025



## Minutes

### MINUTES OF LIVERPOOL SPORTS COMMITTEE

Held

Wednesday 4 June 2025

6.00pm

#### 1. WELCOME, ATTENDANCE, APOLOGIES AND OPENING

Welcome to all members.

Confirmation of Quorum - At any committee meeting the presence of 30% of delegates constitutes a quorum. If no quorum is present within 20 minutes of the advertised time of the meeting, the meeting must be postponed. 30% of delegates were present and formal decisions may be ratified.

#### 2. ATTENDEES AND APOLOGIES

##### COMMITTEE MEMBERS PRESENT:

Peter Velloff	Liverpool City Archers, representing Archery
Tony Jackson	Southern Districts Softball Association, representing Softball
Daniel Di Lucca	Tennis First, representing Tennis
Craig Hardman	Prestons Robins Little Athletics, representing Athletics
Fiona Heath	Moorebank Royal Baseball, representing Baseball
Nathan Gilbert	Moorebank Hockey, representing Hockey
Jeanette Bartam	Liverpool PSSA, representing DET school sport
Brian Martin	NSW Barefoot Waterski Club, representing Club <100 members
Gerry Knights	South West Sydney Academy of Sport
Alex Bainy	BMX, representing Western Sydney BMX Club

##### OTHER ATTENDEES:

Chris Corby	Coordinator Recreation Community, Liverpool City Council
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##### APOLOGIES:

Greg Blaxland	Liverpool Basketball Association, representing Basketball
Alex Simmons	Belgravia Leisure, representing leisure centre operations
Jake Brightwell	NSW Rugby League, representing Rugby League
Sharjeel Siddiqui	Fairfield Liverpool Cricket Association, representing Cricket
Monica Nastasi	Werriwa Dog Training Club, representing Dog Training
Melissa King	Liverpool Netball Association, representing Netball
Keith Mealey	NSW Remote Control Racing Car Club, representing RC Clubs
Tanya Smith	Golf NSW, representing Golf
John Vukasin	Southern Districts Soccer Football Association, representing Football (Soccer)
Nick Baglin	AFL NSW/ACT, representing AFL
Cllr Emmanuel Adjei	Councillor, Liverpool City Council
Cllr Dr Betty Green	Councillor, Liverpool City Council



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Cllr Mira Ibrahim	Councillor, Liverpool City Council
Cllr Sam Karnib	Councillor, Liverpool City Council
Cllr Fiona Macnaught	Councillor, Liverpool City Council
Cllr Peter Ristevski	Councillor, Liverpool City Council

### 3. APPOINTMENT OF ACTING CHAIRPERSON

Per item 7.14 of the Liverpool Council Sports Committee Charter, if the Committee Chairperson is not present, an election must be held to appoint an Acting Chairperson to preside over the meeting. Upon being put to the committee members in attendance, Gerry Knights was appointed as the Acting Chairperson of the meeting.

Resolution: *That the Sports Committee supports the appointment of the Acting Chair, in line with the Sports Committee Charter.*

On being put to the meeting, the motion was declared carried.

### 4. GENERAL BUSINESS

#### 4.1. Recreation Planning Projects – Ireland Park Masterplan

Council's Coordinator of Recreation Community, Chris Corby provided the with an update on the Ireland Park, Liverpool Master Plan.

The draft Master Plan presents a comprehensive vision for the future enhancement of the park, focusing on upgraded facilities and improved community amenities. Developed through stakeholder consultation, the plan supports a staged approach to development aligned with available funding. Subject to approvals, construction is anticipated to commence by 2028.

Key features include:

- New spectator pavilion with tiered seating, change rooms, and a community room
- Redevelopment of Field 3 with premium grass surface
- Expansion of the car park and installation of connecting pathways
- Upgraded playing surfaces on Fields 1 and 2
- Addition of a children's play space and an off-leash dog park
- Installation of new fencing and upgraded floodlighting



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Resolution: *That the Sports Committee notes the information presented by Council's Coordinator of Recreation Community.*

On being put to the meeting, the motion was declared carried.

### 4.2. Sporting Grants and Donations

Council seeks to enhance the use of public funds through well-managed grant processes. Grant programs are linked to the Council's goals and provide an integrated approach to growing Liverpool socially, culturally, economically and environmentally.

Council allows for the following amounts to support the sporting grants and donations program each year:

- Sporting Grants: \$40,000
- Sporting Donations: \$30,000

#### **Sporting Grants**

The following applications were assessed:

##### **Austral Nepalese Community Club (ANCC)**

Funding has been requested to purchase sporting equipment such as soccer balls, cones, first aid kits, training posts and training bibs.

The Liverpool Sports Committee voted to partially fund this sporting donation. An amount of \$2,500 was unanimously approved by the committee members in attendance.

##### **Southern Districts Soccer Football Association Inc**

Funding has been requested to purchase two mini soccer goals. These goals will expand their capacity to deliver engaging and effective training sessions, allowing more young players to participate in skill building activities tailored to their level.





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The Liverpool Sports Committee voted to postpone the outcome of this grant to the next meeting, citing concerns around an association applying for a club grant. Additional information will be provided, and a vote will next occur at the September 2025 meeting.

### Sporting Donations

The following applications were assessed:

Applicant	Sport	Amount
Mariam Arifaki	Baseball	\$400.00
Taran Sinari	Volleyball	\$400.00
Mackenzie Jackson	Baseball	\$400.00
Maddison Heath	Baseball	\$400.00
James Sadler	Race walking	\$400.00
Jacob Copp	4 x 100m Relay	\$400.00
Summer Judd	3kg Hammer Throw	\$400.00
Jayden Schipp	Swimming	\$400.00
Noah Dignan	Open Water Swimming	\$0.00 Application was made after participation in event.
Ryan David	Volleyball	\$0.00 Not a representative selection from a recognised governing sporting body.
Flynn Donnelly	Ozball (Baseball)	\$0.00 Not a representative selection from a recognised governing sporting body.



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Thomas Mcfarlane	Cross Country Running	<b>\$0.00</b> <b>Not a representative selection from a recognised governing sporting body.</b>
<b>TOTAL</b>		<b>\$3,200.00</b>

Resolution: *That the Sports Committee supports the Sporting Donation applications, meeting the specified criteria.*

On being put to the meeting, the motion was declared carried.

### 4.3. South West Sydney Academy of Sport Update

Gerry Knights (Chief Executive Officer South West Sydney Academy of Sport) provided the Liverpool Sports Committee with an update on the SWSAS.

The SWSAS is looking to run a free Performance Enrichment Program in Middleton Grange during the July 2025 School Holidays. This program is open to all and will focus on developing additional performance skills in all-of-sport elements such as speed, agility, reaction time, accuracy and functional movement.

The Performance Enrichment Program will be overseen by Academy Sport Science staff, and where possible, Sport Science Interns from Western Sydney University. Additional support is also provided by Academy Coach and Support staff, and third-party guest presenters throughout the program.

The Performance Enrichment Program is a two-day "camp", perfect for those athletes looking to build on their Academy Strength and Conditioning program ahead of their representative sport season in a supervised and friendly environment.

Resolution: *That the Sports Committee notes the information presented by Gerry Knights (CEO SWSAS).*



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On being put to the meeting, the motion was declared carried.

### 4.4. Public Exhibition of the Hire of Playing Surfaces Policy

Liverpool City Council manages over 50 sporting venues across the Local Government Area, providing more than 130 bookable field spaces for local sporting clubs, schools, organisations and other community groups. These facilities support vital recreational, health and wellbeing outcomes for the Liverpool community.

Council's Hire of Playing Surfaces Policy, originally adopted in 2015, has recently been reviewed in consultation with local sports field hirers. Key proposed changes to the Policy include:

1. Updated hire definitions to align with the Local Government Act 1993;
2. Revised seasonal hire definitions to include pre-season and finals periods;
3. Clear processes for managing conflicting booking applications;
4. Clarification of ground maintenance responsibilities;
5. Introduction of 5-year seasonal agreements (instead of seasonal-by-season hire);
6. New provisions for commercial activities, including those delivered through sub-leasing, to ensure they meet the terms of the Hire Agreement and receive prior Council approval if not already permitted.

Feedback on the Policy should be provided to Council via the [communityrecreation@liverpool.nsw.gov.au](mailto:communityrecreation@liverpool.nsw.gov.au) email address.

Resolution: *That the Sports Committee notes the information presented by Council's Coordinator of Community Recreation.*

On being put to the meeting, the motion was declared carried.

### 4.5. Confirmation of future meetings

Upon feedback from the Sports Committee Council has resolved to change future meeting times to 6pm. Future meeting dates are as follows:

**3 September 2025** – Civic Place (Council admin building, 50 Scott Street Liverpool)  
**3 December 2025** – TBA

Resolution: That the information be received and noted.



## Minutes

On being put to the meeting, the motion was declared carried.

### 5. CLOSE

Meeting Close at 7.24pm.

<b>QWN 01</b>	<b>Question with Notice - Cllr Ristevski - Code of Conducts</b>
<b>Strategic Objective</b>	Visionary, Leading, Responsible Place customer satisfaction, innovation and best practice at the centre of all operations
<b>File Ref</b>	215471.2025

### **QUESTION WITH NOTICE**

Please address the following:

1. How many code of conducts have been submitted during this new Council term. What is the cost to the ratepayers for these code of conducts in terms of external costs and staff time?
2. Why aren't Councillors given internal counselling to coach them and to educate them on a code of conduct that has been lodged against them rather than blindly submitting it to an external consultant for assessment?
3. What is Council's position on the article in the Daily Telegraph on 14. June 2025 where the State Government is cracking down on trivial complaints and the weaponisation of code of conducts by Councillors which have the undesigned effect of costing ratepayers millions of dollars?

### **Responses (provided by Corporate Support)**

1. The number of councillor code of conduct complaints and the associated costs were reported to the Council meeting of 18 June 2025. A further update report can be provided in due course.
2. Training has been provided to all councillors on the Code of Conduct. Council is required to deal with Code of Conduct complaints in accordance with the Code of Conduct Procedures. The table below identifies procedural steps provided in the Code of Conduct Procedures for the assessment and investigation of code of conduct complaints. As outlined in the report to the Council meeting of 18 June 2025, some complaints have not proceeded past the initial assessment stage. Where matters have been referred to a conduct reviewer, they have predominantly then proceeded to investigation.

<b>Procedural step</b>	<b>Potential outcomes</b>
Initial consideration of complaint by CEO	<ul style="list-style-type: none"> <li>• Refer to external agency</li> <li>• Decline complaint</li> <li>• Resolve by alternative strategies</li> <li>• Refer to conduct reviewer</li> </ul>
Preliminary assessment by conduct reviewer	<ul style="list-style-type: none"> <li>• Take no action</li> <li>• Resolve by alternative strategies</li> <li>• Refer back to CEO for resolution</li> <li>• Refer to external agency</li> <li>• Investigate</li> </ul>
Investigation	<ul style="list-style-type: none"> <li>• Resolve by alternative strategies</li> <li>• Refer back to CEO for resolution</li> <li>• Refer to external agency</li> <li>• Final investigation report</li> </ul>

3. Council is not named in the Daily Telegraph article and has not expressed a position on it. OLG is reviewing the councillor conduct framework, but there has not yet been any legislative change. In the meantime, Council continues to apply the councillor conduct framework which applies under the Local Government Act 1993, the Code of Conduct and the Code of Conduct Procedures.

## **ATTACHMENTS**

Nil

**QWN 02**

**Question with Notice - Cllr Ristevski - Rate Rise**

<b>Strategic Objective</b>	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
<b>File Ref</b>	218839.2025

**QUESTION WITH NOTICE**

At the last council meeting the Mayor came out and stated that there were 249,000 residents that were happy with the 6% rate rise.

Please address the following:

1. Can I please get some clarification in terms of evidence of how this number was determined?
2. If there is no evidence to support this fact can a councillor request that this mayor apologise for making a false statement in Council chambers?

**Response (provided by CEO)**

In reference to question 1 above, the number quoted by the Mayor when he commented that *"...there are 249,000 people in our community who are happy to progress (the budget) and did not see fit to go out there and do that ..."* ('that' referring to the partaking in Councillor Ristevski's State of Origin competition).

Note parenthesis added.

The estimated resident population of the Liverpool local government area in 2024 is 254,905 (figure extracted from Council website at [Home | Liverpool City Council | Community profile](#)).

Given only about 200 people made submissions as a result of the competition incentive, the actual number that did not is actually in excess of 254,000.

As there is clear evidence for the statement made by the mayor as per response to question 1, question 2 becomes irrelevant.

**ATTACHMENTS**

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Nil



**QWN 03**

**Question with Notice - Cllr Ristevski - Public  
Inquiry Legal Expenses**

<b>Strategic Objective</b>	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
<b>File Ref</b>	218868.2025

**QUESTION WITH NOTICE**

Please address the following:

1. Which Councillors have presented their legal expenses to be covered by the Council's insurer for the Public Inquiry and the dollar amounts for each Councillors.

**(Response provided by Corporate Support)**

Under Council's policy of insurance (Policy), the Council is the Insured Entity and councillors are Insured Persons. Applications for cover under the Policy are presented to the insurer for decision. The applications and decisions in relation to cover would constitute personal information within the meaning of the Privacy and Personal Information Protection Act 1998 (NSW) and the Privacy Act 1988 (Cth). It is unclear how the details of any Insured Person's cover under the policy is required either for councillors to discharge their roles under section 232 of the Local Government Act 1993 or for the governing body to discharge its role under section 223 of the Act.

Council has been provided with the cost to Council of its legal representation for the public inquiry, which is the amount of the deductible under the Policy. If there is any change in the cost to Council, then an update can be provided.

**ATTACHMENTS**

Nil

<b>QWN 04</b>	<b>Question with Notice - Cllr Ristevski - Roundabout (Diamondabout) at the Intersection of Twenty-Eighth Avenue and Fifteenth Avenue in Austral</b>
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<b>Strategic Objective</b>	Evolving, Prosperous, Innovative Continue to invest in improving and maintaining Liverpool's road networks and infrastructure
<b>File Ref</b>	219758.2025

### **QUESTION WITH NOTICE**

Please address the following:

1. Who approved the installation of the roundabout at the above location?
2. How much did it cost as the Mayor made a recent announcement that the cost was \$600,000?
3. How much did it cost to have it removed and replaced and where did the funds come from? Will any funds be removed from frontline services?
4. How much will it cost to replace the roundabout for the second time?
5. Why was it left up to the CEO to rectify the issue on social media when 99% of the time it's the Mayor speaking on behalf of the council? Is this a matter of the Mayor is only there to give good news and leaves the bad news to the CEO?
6. Why did the Mayor blame the State Member for Leppington for the roundabout in the Sydney Morning Herald article on 27 June 2025 when he had nothing to do with it? Has he put Council in disrepute and as a result subject to a code of conduct?
7. Who designed the roundabouts?
8. Who constructed the roundabouts?
9. Were the roundabouts built as per the approved designs?
10. Was the same contractor used for all 5 roundabouts?
11. Has the Contractor been paid for the work yet?
12. Have all the roundabouts been assessed after construction?
13. Are ALL the roundabouts compliant with construction design and construction codes?

14. Can trucks and buses navigate around every roundabout?

**Responses to these questions will be provided in an in-depth report to be tabled to the 27 August 2025 Council meeting.**

## **ATTACHMENTS**

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Nil

<b>QWN 05</b>	<b>Question with Notice - Mayor Mannoun - Civic Place</b>
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<b>Strategic Objective</b>	Visionary, Leading, Responsible Ensure Council is accountable and financially sustainable through the strategic management of assets and resources
<b>File Ref</b>	230765.2025

### **QUESTION WITH NOTICE**

Now that Civic Place has been completed, could you please provide answers to the following questions:

1. What is the total cost of Civic Place?
2. What was the projected cost vs the actual cost?
3. What have been the interest costs (during construction and after practical completion?
4. When was income projected to be received?
5. How much has been used from general reserves to fund civic place?
6. Any other financial implications or learnings from the project?

### **Responses provided by Corporate Support and Office of the CEO)**

1. What is the total cost of Civic Place?  
Construction costs = \$218,563,053  
Capitalised interest on loan = \$7,854,206  
Total costs (as per asset register) = **\$226,417,259**
2. What was the projected cost vs the actual cost?  
Projected costs (total approved budget) = (\$195,500,000 + \$23,000,000)  
**\$218,500,000**

Actual costs = **\$218,563,053**

3. What have been the interest costs (during construction and after practical completion?)

Interest on loan during construction = **\$7,854,206**

Interest costs after practical completion = \$63,603,674 (Total interest payable \$71,457,880 less capitalised interest \$7,854,206)

4. When was income projected to be received?

Rental income was projected to commence in **January 2025**.

Civic Tower was expected to be fully tenanted by July 2024 with 6 months rent free incentive.

5. How much has been used from general reserves to fund civic place?

In total **\$7,799,553** was used from general reserves towards the construction costs which includes \$1,000,000 still owed by Built developer.

Principal and interest loan repayment is paid from general reserves.

6. Any other financial implications or learnings from the project?

Council was able to lock in its borrowing costs at very favourable interest rates.

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## **ATTACHMENTS**

Nil

**NOM 01**

**Vine-covered car parks**

<b>Strategic Objective</b>	Liveable, Sustainable, Resilient Deliver and advocate for a sustainable, cool and green city
<b>File Ref</b>	215548.2025
<b>Author</b>	Matthew Harte - Councillor

**BACKGROUND**

A recent trial of covering parking spots with vine-covered trellises by Cumberland Council found that surface temperatures dropped by over 35C.

**NOTICE OF MOTION**

That Council:

1. Direct the CEO to prepare a report investigating the feasibility of trialling vine-covered trellises in Council car parks; and
2. The report to include costs, implementation and potential options for the trial.

**CHIEF EXECUTIVE OFFICER'S COMMENT**

Should Council resolve to support the Motion and nominate a funding source, a response report will be provided to a future Council meeting including costs, implementation and potential options for the trial.

**FINANCIAL IMPLICATIONS**

Costs associated with this recommendation are outside of Council's current budget and long-term financial plan.

**ATTACHMENTS**

Nil

<b>NOM 02</b>	<b>Establishment of an Internal Independent Ombudsman to Handle Code of Conduct and Public Complaints</b>
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<b>Strategic Objective</b>	Visionary, Leading, Responsible Demonstrate a high standard of transparency and accountability through a comprehensive governance framework
<b>File Ref</b>	180082.2025
<b>Author</b>	Peter Ristevski - Councillor

## **BACKGROUND**

Recent concerns about the misuse of code of conduct complaints to suppress criticism underscore the need for an impartial mechanism within the council's internal structure. An appointed internal independent ombudsman would serve to strengthen trust in the council's governance processes and safeguard democratic accountability.

Furthermore, the escalation of code of conduct complaints could cost ratepayers nearly \$1 million.

## **NOTICE OF MOTION**

That Council:

1. Recognises the importance of maintaining integrity, transparency, and fairness in the handling of code of conduct complaints and public grievances.
2. Notes that the current process, whereby complaints and allegations concerning councillors and council staff are managed solely by the council's governance team, presents a potential conflict of interest and risks being weaponised to silence legitimate criticism.
3. Appoint an internal independent ombudsman, to be appointed by Council, who will be responsible for overseeing and investigating code of conduct issues and complaints submitted by members of the public.

4. Further resolves that the internal independent ombudsman shall:
  - (i). Operate independently of the governance team to ensure impartiality.
  - (ii). Receive, investigate, and make recommendations on complaints related to conduct and public grievances.
  - (iii). Be accessible to members of the public, providing an impartial avenue for complaint resolution.
5. Develop and implement a framework for the appointment, powers, and responsibilities of the internal independent ombudsman.
6. Amend existing governance procedures to incorporate this role, ensuring greater transparency, accountability, and public confidence.
7. Reaffirms its commitment to uphold high standards of conduct and to ensure that all complaints are handled fairly, transparently, and without bias.

#### **CHIEF EXECUTIVE OFFICER'S COMMENT**

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Section 332 of the Local Government Act 1993 provides for the determination of Council's organisation structure. Pursuant to section 332 –

- Council determines the resources to be allocated towards the employment of staff after consulting the CEO,
- The CEO determines the positions within the organisation structure after consulting the Council, and
- The positions in the organisation structure are to give effect to the priorities in Council's strategic plans and delivery program.

The creation of an Internal Ombudsman position is a matter to be determined by the CEO.

No evidence has been presented in the notice of motion to support the premises on which it is proposed that the role of Internal Ombudsman is created.

1. The allegation that code of conduct complaints are being misused to suppress criticism has not been established.

Council has received many code of conduct complaints against Councillors in the current reporting period. A report was provided to Council on 18 June 2025, which detailed the number of complaints and illustrates that this is high compared to previous years and other councils. The fact that there is a high number of complaints does not, in itself, enable a conclusion to be reached regarding the purpose behind the making of a complaint or the conduct



complained of. At the time of the last report, 15 of 115 complaints (13%) had been concluded and the remainder were being assessed or investigated. It is premature to conclude that complaints have been misused to suppress criticism.

If it were found in the complaints process that a complaint constituted misuse of the Complaints Procedure, that would be identified by the CEO, conduct reviewer or investigator, and may constitute a breach of the Code of Conduct. The CEO can respond to a potential breach of the Code of Conduct as if a complaint had been made.

2. The implication that Governance team is failing to deal impartially with complaints is unsupported.

The Code of Conduct Procedures determines how code of conduct complaints must be dealt with. The following table summarises the staged assessment process that applies to the code of conduct complaints against councillors.

Stage	Potential outcomes
Consideration by CEO	<ul style="list-style-type: none"> <li>• Refer to external agency</li> <li>• Decline</li> <li>• Resolve by alternative means</li> <li>• Refer to conduct reviewer</li> </ul>
Assessment by external conduct reviewer	<ul style="list-style-type: none"> <li>• Take no action</li> <li>• Resolve by alternative means</li> <li>• Refer to CEO for resolution</li> <li>• Refer to external agency</li> <li>• Investigate</li> </ul>
Investigation by external investigator	<ul style="list-style-type: none"> <li>• Resolve by alternative means</li> <li>• Refer to CEO for resolution</li> <li>• Refer to external agency</li> <li>• Final report with findings and recommendations</li> </ul>
Consideration by Council	<ul style="list-style-type: none"> <li>• Decline investigator's recommendations (subsequent referral to OLG)</li> <li>• Censure</li> <li>• Censure and referral to OLG</li> </ul>

The report provided to Council on 18 June 2025 demonstrated that:

- complaints are being progressed through each of the stages established by the Code of Conduct Procedures,
- most complaints are proceeding past initial assessment by the CEO to preliminary assessment by independent, external conduct reviewers, and
- in most cases, the preliminary assessment has resulted in a recommendation for investigation, with investigations being conducted by independent, external investigators.

Complaints are being dealt with in accordance with the Code of Conduct Procedures. There is no evidence of any partiality on the part of Council's Governance team.

### **FINANCIAL IMPLICATIONS**

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Costs associated with this recommendation are outside of Council's current budget and long-term financial plan.

### **ATTACHMENTS**

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Nil