



**MINUTES OF THE ADJOURNED MEETING
HELD ON 25 JULY 2024
(PREVIOUS MEETING HELD ON 24 JULY 2024)**

PRESENT:

Mayor Ned Mannoun

Councillor Ammoun

Councillor Goodman

Councillor Hadid OAM

Councillor Harle

Councillor Macnaught

Councillor Rhodes

Mr Farooq Portelli, Director Corporate Support

Ms Tina Bono, Director Community & Lifestyle

Mr Mark Hannan, Acting Director Planning & Compliance

Ms Michelle Mcilvenny, Director Customer Experience & Business Performance

Mr Shayne Mallard, Director City Futures

Mr Peter Scicluna, Acting Director Operations

Mr Jason Breton, Acting Chief Executive Officer (arrived at 5.51pm)

Mr David Galpin, General Counsel, Manager Governance, Legal and Procurement

Mr George Hampouris, Head of Audit Risk and Improvement

Ms M'Leigh Brunetta, Manager Civic and Executive Services

Ms Katrina Harvey, Councillor Executive and Support Officer

Ms Melissa Wray, Councillor Executive and Support Officer

The meeting commenced at 5.06pm

DECLARATIONS OF INTEREST

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

Item: CONF 06 – Hammondville Park Proposed Land Sale – Probity and Consultation Update.

Reason: Clr Rhodes is a councillor member of ARIC and who has advised probity issues regarding proceeding with the sale until all issues have been addressed.

Clr Rhodes remained in the Chamber during the duration of this meeting.

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

Item: CONF 10 – Legal Affairs

Reason: Mayor Mannoun was employed by a law firm, opened a law firm and has had legal dealings with a law firm.

Mayor Mannoun left the chamber during this item.

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

Item: Motion of Urgency - MOU 02 – Updating of the Capital Works Program.

Reason: Clr Goodman’s son plays, for one of the teams, that has been listed.

Clr Goodman remained in the Chamber during the duration of this meeting.

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

Item: CONF 12 – RCL3320 – Supply contract for Austral Black Granite pavers and Bluestone kerb and gutter for various streetscape works in Liverpool’s CBD.

Reason: Mayor Mannoun stated he knows of one of the companies that have tendered.

Mayor Mannoun stated he will leave the Chamber for the duration of this item.

PUBLIC FORUM

Nil.

ITEM BROUGHT FORWARD

Mayor Mannoun moved that CONF 01, CONF 02, CONF 03, CONF 04 and CONF 05 be brought forward.

ITEM NO: CONF 02
FILE NO: 179193.2024
SUBJECT: Proposed Acquisition of Lot 9 in Plan of Acquisition DP 1289743, Pt 28 Bernera Road, Prestons for road widening purposes

COUNCIL DECISION

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

That Council:

1. Approves the acquisition of Lot 9 in Plan of Acquisition DP 1289743, Pt 28 Bernera Road, Prestons, on the terms outlined in this confidential report;
2. Resolves to classify Lot 9 in Plan of Acquisition DP 1289743 as 'Operational land' in accordance with the *Local Government Act 1993* upon settlement;
3. Dedicates Lot 9 in Plan of Acquisition DP 1289743 as Public Road pursuant to Section 10 of the Roads Act 1993;
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 this resolution.

Councillors voted unanimously for this motion.

Clr Karnib and Clr Dr Green was an apology for this meeting.

- of that amount into trust pursuant to s68(2)(b) of the Land Acquisition (Just Terms Compensation) Act.
- ii. Payment of compensation in accordance with an Order of the Court or any settlement of the proceedings agreed by the CEO or delegate after considering advice from Council’s legal advisors.
7. Keeps confidential the information contained in this report pursuant to the provisions of Section 10A(2)(c) of the *Local Government Act* 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; and
8. Authorises the CEO or delegate to execute all documents necessary to give effect to this resolution.

Councillors voted unanimously for this motion.

Clr Karnib and Clr Dr Green was an apology for this meeting.

ITEM NO: CONF 05
FILE NO: 209950.2024
SUBJECT: Compulsory Acquisition of part of 240 Governor Macquarie Drive, Warwick Farm for road widening upgrade works

COUNCIL DECISION

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

That Council:

1. Authorises the acquisition by compulsory process of part of Lot 1 in Deposited Plan 1162276, 240 Governor Macquarie Drive at Warwick Farm, identified as proposed Lot 9 in Plan of Acquisition DP 1295727, subject to final survey, pursuant to Section 177 of the *Roads Act 1993* and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* for road purposes;
2. Delegates authority to, and directs the CEO or delegate, to proceed with making the necessary application to the Minister for Local Government and the Governor in accordance with Section 178 of the *Roads Act 1993* to obtain approval to give an acquisition notice to the owners of Lot 1 in Deposited Plan 1162276, 240 Governor Macquarie Drive at Warwick Farm and commence compulsory acquisition of the land required for road widening under the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. Delegates authority to, and directs the CEO or delegate, to take all necessary actions to proceed with and complete the compulsory acquisition of part of Lot 1 in Deposited Plan 1162276, 240 Governor Macquarie Drive at Warwick Farm, identified as proposed Lot 9 in Plan of Acquisition DP 1295727 in accordance with the applicable legislation, including the serving or publishing of any other documentation or notice.
4. Delegates authority to and directs the CEO or delegate to continue negotiations with the property owner of part of Lot 1 in Deposited Plan 1162276, 240 Governor Macquarie Drive at Warwick Farm, identified as proposed Lot 9 in Plan of Acquisition DP 1295727 and/or their representative to acquire the land for road widening by agreement and enter into any such agreement without having to submit a further report to Council for approval, provided the agreement is consistent with legal and valuation advice.
5. Authorises payment of compensation as determined by the Valuer General, if accepted by the Owner, plus statutory interest in accordance with section 49 of the *Land Acquisition (Just Terms Compensation) Act*
6. 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 *Land Acquisition (Just Terms) Compensation*

- Act, or if that payment is not accepted by the Owner, payment of that amount into trust pursuant to s68(2)(b) of the Land Acquisition (Just Terms Compensation) Act.
- ii. Payment of compensation in accordance with an Order of the Court or any settlement of the proceedings agreed by the CEO or delegate after considering advice from Council’s legal advisors.
- 7. Upon acquisition, classifies the above-mentioned land as “Operational” land in accordance with the Local Government Act 1993
 - 8. Keeps confidential the information contained in this report pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; and
 - 9. Authorises the CEO or his delegate to execute all documents necessary to give effect to this resolution.

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

Clr Karnib and Clr Dr Green was an apology for this meeting.

Mayor Mannoun returned to the chambers at 5.31pm, and resumed as chair.

ITEM NO: CONF 11

FILE NO: 220599.2024

SUBJECT: Appointment of the Audit, Risk and Improvement Committee Chair

COUNCIL DECISION

Motion:

Moved: Cllr Harle

Seconded: Cllr Macnaught

That Council:

1. Appoints Michael Ellacott as the Independent Chair of the Audit, Risk and Improvement Committee for a four-year term commencing from 1 October 2024.
2. Writes to Andrew McLeod to congratulate and thank him for his service and contribution as the ARIC Chairperson.

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

Clr Rhodes left meeting at 5.30pm
Mayor Mannoun left chambers at 5.33pm, Clr Macnaught became the chair.
Clr Rhodes returned to the meeting at 5.34pm.
A/CEO arrived and sat next to chair at 5.48pm.

RECESS

Clr Macnaught called a recess at 5.41pm.

RESUMPTION OF MEETING

Clr Macnaught resumed the meeting at 5.50pm.

ITEM NO: CONF 12
FILE NO: 223558.2024
SUBJECT: RCL3320 - Supply contract for Austral Black Granite pavers and Bluestone kerb and gutter for various streetscape works in Liverpool's CBD

RECOMMENDATION

That Council:

1. Accept the Tender from the following suppliers for Tender RCL3320 Supply of Austral Black Granite Pavers and Bluestone Kerb and Gutter Stone for an initial three (3) year contract term with the two (2) options of extending one (1) year each at Council's discretion.

PORTION A:

- Cinajus Pty Ltd;
- Sam The Paving Man Pty Ltd; and
- Mansour Paving (Aust) Pty Ltd

PORTION B:

- B.A.M. & Associates Pty Ltd T/as BAM Stone;
- Cinajus Pty Ltd; and
- Sam The Paving Man Pty Ltd

2. Makes public its decision regarding tender RCL3320 Supply of Austral Black Granit Pavers and Bluestone Kerb and Gutter Stone.
3. Authorises the CEO or delegate to execute all documents necessary to give effect to this resolution.
4. Keeps confidential the details supplied in this report containing information on the submissions received, pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

Clr Kaliyanda requested that she be recorded as having voted against the motion.

Mayor Mannoun was not present whils this item was discussed

Clr Karnib and Clr Dr Green was an apology for this meeting.

5. Authorises the CEO or delegate to execute all documents necessary to give effect to this resolution, and
6. 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.

Councillors voted unanimously for this motion

Clr Kaliyanda requested that she be recorded as having voted against the motion.

Clr Karnib and Clr Dr Green was an apology for this meeting.

ITEM NO: CONF 15
FILE NO: 226354.2024
SUBJECT: RCL 3233 Professional Services Panel

COUNCIL DECISION

Motion: **Moved: Clr Hadid OAM** **Seconded: Clr Goodman**

That Council:

1. Declines to accept any of the tender submissions, in accordance with section 178(1)(b) of the Local Government (General) Regulation 2021.
2. Authorises the CEO or delegate to negotiate with the shortlisted tenderers as identified in Attachment 1 for RCL 3233 for the following reasons:
 - (a) the shortlisted tenderers have submitted offers to perform the services that cannot be accepted in their current form;
 - (b) the shortlisted tenderers have demonstrated the capability and experience to provide the required services; and
 - (c) there are proposed departures to the published terms and conditions that need to be resolved prior to entry into contracts.
3. Directs the CEO or delegate to aim to conclude contracts for the portions listed below for an initial three-year contract term, with the option of extending for two 12-month extensions.
4. Agrees that if successful negotiations cannot be concluded with shortlisted suppliers, then additional suppliers may be included based on the ranking and scoring outlined in the report;
5. Authorises the CEO or delegate to execute all documents necessary to give effect to this resolution; and
6. Keeps confidential the details supplied in this report containing information on the submissions received, pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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

Clr Karnib and Clr Dr Green was an apology for this meeting.

Mayor Mannoun left the chair at 7.50pm (remained in chamber) and the Clr Macnaught assumed the chair.

Mayor Mannoun resumed the chair at 7.53pm.

Clr Rhodes left the chamber at 8.12pm.

Clr Rhodes returned to the chamber at 8.14pm.

Clr Hadid left the chamber at 8.37pm.

Clr Hadid returned to the chamber at 8.41pm.

Councillor Kaliyanda left the meeting at 8.54pm and notified the Chair she was retiring at this time.

Councillor Rhodes left the meeting at 9.04pm and notified the chair.

ITEM NO: CONF 06

FILE NO: 144844.2024

SUBJECT: Hammondville Park - Proposed Land Sale - Probity and Consultation Update

RECOMMENDATION

That Council:

1. Approves the sale of proposed Lot 101 and proposed Lot 102 in a proposed subdivision of Lot 10 in DP 1162812 (the **Land**) to Moorebank Sports Club Limited for the amount specified in the Confidential report provided Council retains access rights and provision of car parking as outlined in the confidential report;
2. Authorises the CEO to complete all documentation necessary to give effect to the sale;
3. Creates an internally restricted reserve titled the Hammondville Pool and Precinct Reserve for the proceeds of sale;
4. Agrees to publish details of the Contract of Sale in line with the requirements of the Government Information (Public Access) Act 2009; and
5. 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.

UPDATED COUNCIL REPORT RECOMMENDATION (as per memo dated 23 July 2024)

That Council:

1. Approves the sale of proposed Lot 101 and proposed Lot 102 in a proposed subdivision of Lot 10 in DP 1162812 (the **Land**) to Moorebank Sports Club Limited for the amount specified in the Confidential report provided Council retains access rights and provision of car parking as outlined in the confidential report;
2. Authorises the CEO to complete all documentation necessary to give effect to the sale;
3. Creates an internally restricted reserve titled the Hammondville Pool and Precinct Reserve for the proceeds of sale;

4. Agrees to publish details of the Contract of Sale in line with the requirements of the Government Information (Public Access) Act 2009; and
5. 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.
6. Directs the CEO to take steps to address the recommendations made by ARIC and conduct further due diligence prior to progressing these resolutions. If the further steps do not support sale at the price specified in the Confidential report, then the matter should be brought back for further consideration by Council.
7. To obtain the alternate variations
8. Subject to ARIC advice being satisfied.

RECESS

Mayor Mannoun called a recess of meeting at 8.39pm, for Councillors to seek further legal advice from General Counsel.

Clr Hadid returned to the chamber at 8.41pm.

Councillor Kaliyanda retired from the meeting at 8.54pm and notified the Chair.
Councillor Rhodes retired from the meeting at 9.04pm and notified the Chair.

Mayor Mannoun would like to note that the air-conditioning system had not been functioning from approximately 6pm.

RESUMPTION OF MEETING

Mayor Mannoun resumed the meeting in closed Council at 9.05pm with Clr Ammoun, Clr Goodman, Clr Hadid OAM, Clr Harle and Clr Macnaught.

Clr Kaliyanda and Clr Rhodes had retired from the meeting.

ITEM NO: CONF 06

FILE NO: 144844.2024

SUBJECT: Hammondville Park - Proposed Land Sale - Probity and Consultation Update

COUNCIL DECISION

Motion Moved: Clr Goodman Second: Clr Ammoun

That Council:

1. Defer this matter to allow for:
 - a) Further financial due diligence
 - b) to demonstrate strategic alignment
 - c) closer alignment to direct negotiation guidelines
2. Receive a report back outlining a policy/ procedure improvement for direct negotiations for future scenarios.
3. Reiterate its commitment to finalise this matter as soon as possible and its commitment to the project that will service the massive existing growing population that is under serviced.
4. Notes the risk that the purchaser may potentially withdraw from the sale.
5. To acknowledge the work and effort to date undertaken by staff to satisfy the recommendations recorded within the probity report.

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

Clr Karnib and Clr Dr Green was an apology for this meeting.

Clr Kaliyanda and Clr Rhodes was an apology for this meeting.

MAYORAL MINUTE 01

SUBJECT CEO Performance Agreements
REPORT OF: Mayor Ned Mannoun
DATE: 24 July 2024

1. The Local Government Act 1993 (the **Act**) requires councils to appoint a person to be the council's general manager (section 334). One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager (or in the case of Liverpool City Council, the CEO) and to monitor their performance (section 223).
2. The Office of Local Government has produced "Guidelines for the Appointment and Oversight of General Managers" (**Guidelines**). The Guidelines have been developed to assist councillors when performing their functions under the Act relating to the appointment of the CEO and overseeing their performance. They are issued under section 23A of the Act and must be taken into consideration by councils when exercising their functions in relation to the recruitment and oversight of the CEO.
3. In accordance with the Guidelines, a Meeting of the CEO Performance Review Panel was called by Stephen Blackadder and held on 4 June 2024 to review the CEO Performance Agreement for the 2023/2024 year. Quorum was not achieved at this meeting because of the absence of 2 councillors.
4. The Minutes of that meeting are attached together with the draft Performance Agreement.
5. The minutes of that meeting stipulated that the draft Performance Agreement would be referred to councillors Green and Karess (Noting that there is a typographical error in the minutes whereby "Macnaught" should have been "Karess" as Councillor Macnaught was in attendance at the meeting) for their concurrence. An email was subsequently sent by Stephen Blackadder who received no reply.
6. A further meeting of the CEO Performance Review Panel was called by Stephen Blackadder and held on 2 July 2024 to review the CEO Performance Agreement for the 2024/2025 year. Quorum was again not achieved at this meeting because of the absence of 2 councillors.
7. Attached are the Minutes of that meeting as well as the proposed form of the Performance Agreement which was discussed at the meeting.
8. Because quorum was not achieved at either of the meetings, the Minutes stipulate that the two meetings held would be reported to the Council Meeting in July 2024 to endorse both Performance Agreements in accordance with the Meeting Minutes.

Recommendation:

1. That Council endorses the 2023/24 and 2024/2025 CEO Performance Agreements, subject to amendments set out in the Meeting Minutes of 2 July 2024; and
2. The 2024/2025 CEO Performance Agreement is to be put in force and apply from 1 July 2024.

Motion:

Moved: Mayor Mannoun

Councillors voted unanimously for this motion

Clr Karnib and Clr Dr Green was an apology for this meeting.

Clr Kaliyanda and Clr Rhodes was an apology for this meeting

MOTION OF URGENCY 02 – Updating of the Capital Works Program

Clr Harle requested the Chair consider an urgency motion with in relation to updating the capital works program.

Motion:

Moved: Clr Harle

Second: Clr Macnaught

That Council update the capital works program.

1. Receive a report back with regards to cost and details of the project.
 - a. For Council to install an flagpoles in Civic Place flying the Australian flag an Liverpool City Council Flag (crest) in line with flag protocols
 - b. Install a crest in Civic Place public domain in a highly visible location.

2. That Council's 1M budget allocation to upgrade Female Friendly changeroom consider the following sites for investment supplied in the table below

Site	Sports	Comments
Craik Park	Athletics Rugby League	High levels of usage and gender diverse sports participation
Scott Memorial	Soccer Cricket	High levels of usage and growing club participation No changeroom facilities
Hillier Oval	Rugby League	Changerooms are poor quality
Dwyer Oval	Athletics Rugby Union Schools	High level of utilisation by athletics and schools – currently has only one changeroom
Whitlam Oval 2	Soccer Cricket	Incredibly outdated change facilities Reasonable level of demand from women and girls
Whitlam Oval 3 and 4	Soccer Cricket	Incredibly outdated change facilities Reasonable level of demand from women and girls.
Hoxton Park Reserve	Soccer Cricket	High Levels of participation by women and girls in a growing club Facilities are outdated
Paciullo Oval	Soccer Touch Football Ultimate Frisbee Cricket	Changerooms are significantly outdated
Hammondville Rugby League	Rugby League	Highest level of participation of any sports club (aside from netball)
Hammondville Soccer	Soccer	Outdated changerooms

Ireland Park	Soccer	Outdated changerooms
South Park	Soccer Cricket	Outdated changerooms
Jacqui Osmond Reserve	Softball	Capacity to attract tournaments / District level facility
Durrant Oval	Gridiron Soccer	Good levels of female participation in a fringe sport
Blamfield Oval	Touch Football Cricket	Outdated changerooms
Woodward Park netball	Netball	Highest volumes of court sport participation by women and girls Outdated changing rooms
Jardine Park	Soccer	Growing levels of female participation Outdated Changerooms
Rosedale Oval	Cricket AFL	High levels of womens participation Outdated changerooms

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

Councillors voted unanimously for this motion

Clr Karnib and Clr Dr Green was an apology for this meeting.

Clr Kaliyanda and Clr Rhodes had retired from the meeting.

THE MEETING CLOSED AT 10.00pm.

<Signature>

Name: Ned Mannoun

Title: Mayor

Date: 28 August 2024

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 25 July 2024. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.

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Chairperson