



## MINUTES OF THE ORDINARY MEETING HELD ON 22 NOVEMBER 2023

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### **PRESENT:**

Mayor Ned Mannoun  
Councillor Ammoun  
Councillor Goodman  
Councillor Green (online)  
Councillor Hadid  
Councillor Hagarty (online)  
Councillor Harle  
Councillor Kaliyanda (online)  
Councillor Karnib (online)  
Councillor Macnaught  
Councillor Rhodes  
Hon John Ajaka, Chief Executive Officer  
Mr Farooq Portelli, Director Corporate Support  
Ms Tina Bono, Director Community & Lifestyle  
Ms Lina Kakish, Director Planning & Compliance  
Ms Michelle Mcilvenny, Director Customer & Business Performance  
Mr Shayne Mallard, Director City Futures  
Mr Jason Breton, Director Operations  
Mr David Galpin, General Counsel, Manager Governance, Legal and Procurement  
Mr Vishwa Nadan, Chief Financial Officer  
Ms Claire Scott, Coordinator Contributions Planning  
Ms Melissa Wray, Council and Executive Services Support Officer  
Ms Susan Ranieri, Council and Executive Services Coordinator (minutes)

The meeting commenced at 2.09pm

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## DECLARATIONS OF INTEREST

Clr Hadid declared a non-pecuniary, but significant interest in the following item:

**Item:** CONF 06 - Legal Affairs Report - July to September 2023.

**Reason:** Clr Hadid is the president of an association of one of the items listed in the report.

Clr Hadid left the Chambers for the duration of the item.

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

**Item:** PLAN 02 - Post Exhibition Report to amend the Liverpool Local Environmental Plan: 22 Box Road (Mimosa Park)

**Reason:** He has friends that live on Box Road.

Clr Hadid left the Chambers for the duration of the item.

Mr Farooq Portelli, Director Corporate Support declared a non-pecuniary, less than significant interest in the following item:

**Item:** CONF 06 - Legal Affairs Report - July to September 2023

**Reason:** He is a member and previous board member until September 2022 of one of the associations listed in the report.

Mr Portelli remained in the Chambers for the duration of the item.

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

**Item:** PLAN 01 - Pre Gateway Exhibition of Planning Proposal to amend the Liverpool Local Environmental Plan 2008 at 93-145 Hoxton Park Road, 51 Maryvale Avenue & 260 Memorial Avenue, Liverpool.

**Reason:** Mayor Mannoun has previously provided advice in the past on the matter when he was not an elected official.

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

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

**Item:** CONF 08 - 2024 Australia Day Awards

**Reason:** Clr Kaliyanda knows one of the recommended recipients for an award through her work in the community.

Clr Kaliyanda remained in the Chambers for the duration of the item.

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

**Item:** CONF 08 - 2024 Australia Day Awards

**Reason:** Clr Hagarty knows one of the recommended recipients for an award through his work in the community.

Clr Hagarty remained in the Chambers for the duration of the item.

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

**Item:** COM 01- Grants Donations and Community Sponsorship Report

**Reason:** He is an ordinary member of one of the recommended recipients.

Clr Hagarty remained in the Chambers for the duration of the item.

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

**Item:** CONF 06 - Legal Affairs Report - July to September 2023

**Reason:** Clr Ammoun declared an interest with regards to one of the organisations listed in the report.

Clr Ammoun remained in the Chambers for the duration of this item.

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

**Item:** PLAN 02 - Post Exhibition Report to amend the Liverpool Local Environmental Plan: 22 Box Road (Mimosa Park)

**Reason:** Clr Goodman lives across the road from Box Road.

Clr Goodman left the Chambers for the duration of the item.

## **PUBLIC FORUM**

### **Presentation – items not on agenda**

1. **Bataoul Salman** addressed Council on the following item:

**Gaza, Palestine.**

2. **Astra Staines** addressed Council on the following item:

**Programme for seniors at Lurnea Community Hub.**

3. **Ellen Russell** addressed Council on the following item:

**Thank you for Battle of Beersheba Memorial Service.**

### **Presentation – items on agenda**

1. **Tony Owen** addressed Council on the following item:

**Item: PLAN 01** – Pre Gateway Exhibition of planning proposal to amend the Liverpool Local Environmental Plan 2008 -at 93-145 Hoxton Park Road, 51 Maryvale Avenue & 260 Memorial Avenue, Liverpool.

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

That a three minute extension of time be given to the speaker.

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



**This item was dealt with again at the end of the meeting and a further point (point 6) was resolved to be added to the resolution as shown below:**

1. That Council call on the Australian Government to:
  - a) Urge for a ceasefire and peace negotiations in the Middle East;
  - b) Work with the international community to end the humanitarian disaster unfolding in Gaza and its nearly one million Palestinian children and to restore access to food, electricity, water, fuel and medicine for around two million Palestinian civilians living in Gaza.
  - c) Call on the Israeli Government to implement all United Nations Security Council resolutions relating to the conflict in the Middle East.
2. That Council writes to The Prime Minister Anthony Albanese, Foreign Minister Penny Wong and the NSW Premier Chris Minns to notify them of this motion and to express our support for peace in the region.
3. Direct the CEO, at an upcoming event Liverpool Council is recognising, to honour and dedicate to the women of Gaza. The event is the International Day for the Elimination of Violence Against Women.
4. That Council work with local community organisations to provide support for those who are experiencing trauma or mental health distress as a result of events in the Middle East currently.
5. That Council thanks the community for their peaceful protests regarding the overseas conflicts and encourages people to continue to be respectful in their protests.
6. That Council also writes to the Opposition Leader (Federal) Peter Dutton and Opposition Leader (State) Mark Speakman to notify them of item MOU 01 and to express our support for peace in the region.



## MAYORAL MINUTE

**ITEM: MAYOR 01**

**SUBJECT: Federal Government's Infrastructure Cuts**

**REPORT OF: Mayor Ned Mannoun**

Liverpool's transport networks are undergoing severe duress and congestion due to lack of State and Federal investment and planning. I must express my profound disappointment at the recent infrastructure funding cuts by the Federal Government, particularly regarding the cancellation of crucial projects in South West Sydney.

The cancellation of the \$116 million toward the M7-M12 Interchange and \$15 million toward Western City Road Transport Network is devastating news. It's vital that the Federal Government reinstate and implement these vital upgrades before our communities are left grappling with enduring repercussions.

It's disheartening that while Liverpool City Council is under pressure to meet the increasing demand for housing, the promised upgraded infrastructure vital for supporting this growth has been withdrawn. This lack of support from the Federal Government will significantly impact our community for years to come, especially in the areas surrounding the new Airport.

TfNSW previously advised that the Federal and State Governments, in March 2022 provided funding for the agency to prioritise and prepare strategic business cases for seven arterial roads to support development of the Western Sydney Aerotropolis Precinct Plan.

Of the seven roads that were to be prioritised, six are in the Liverpool Local Government Area:

- Eastern Ring Drive (To replace the northern section of Badgerys Creek Road to be closed to accommodate future additional airport runway).
- Devonshire Road
- Badgerys Creek Road (South)
- Bradfield Metro Link (A new road between Devonshire Road and Eastern Ring Drive)
- Pitt Street
- Fifteenth Avenue (west) extension to the Badgerys Road (South)

The prioritised roads include four roads which are currently local roads under the care and control of Council. It is expected that after project delivery by TfNSW most of these roads (apart from Pitt Street) would be reclassified as State Government roads, to be managed by the agency.

With the announced withdrawal of federal government funding, the State Government would

have to allocate funds from the Western Sydney Aerotropolis developer contribution, for the road network development to continue.

I note that our neighbouring LGA's face similar challenges - it's imperative that all South Western Sydney Councils, including Liverpool, Campbelltown, Camden, Fairfield, and Wollondilly, unite in urging stronger commitment from the State and Federal Government for infrastructure delivery. The impending surge in traffic, particularly due to the Airport and aerotropolis, requires immediate action on critical road and transport upgrades that have been regrettably axed.

I call upon all stakeholders to collaborate and advocate vigorously for the reinstatement and swift delivery of these essential infrastructure projects, ensuring the sustained growth and well-being of our community.

### **RECOMMENDATION:**

That:

1. Council writes to Prime Minister Anthony Albanese, Federal Treasurer Jim Chalmers and the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, to call for the reinstatement of \$116 million toward the M7-M12 Interchange and \$15 million toward the Western City Road Transport Network, noting that both projects are crucial for connectivity to the new Western Sydney International airport and growth areas;
2. Expresses Council's strong opposition to the Australian Government's decision to cut significant infrastructure funding from important projects across NSW noting that the infrastructure funding cuts will hamper the ability of communities to accommodate growth and increased housing supply, and harm productivity improvements required for the growing freight task; and
3. Council writes to the Hon Chris Minns MP, NSW Premier, seeking the NSW Government's support for joint advocacy on this matter to the Australian Government.

### **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.

Clr Mannoun left the Chambers at 3:00pm. Clr Macnaught, as the Deputy Mayor, became the Chairperson.

## PLANNING & COMPLIANCE REPORTS

**ITEM NO:** PLAN 01

**FILE NO:** 308129.2023

**SUBJECT:** Pre Gateway Exhibition of Planning Proposal to amend the Liverpool Local Environmental Plan 2008 at 93-145 Hoxton Park Road, 51 Maryvale Avenue & 260 Memorial Avenue, Liverpool.

## RECOMMENDATION

That Council:

1. Notes the submissions received from members of the public;
2. Notes the advice of the Liverpool Local Planning Panel;
3. Endorses in principle the planning proposal request to amend development standards on the land at 93-145 Hoxton Park Road, 51 Maryvale Avenue and 260 Memorial Avenue, Liverpool, being to increase the maximum height of buildings to 21m, increase the floor space ratio to 1.5:1, and include an additional permitted use in Schedule 1 to allow '*Retail Premises*' with a maximum gross floor area for each premises of 200m<sup>2</sup> (not exceeding a combined total of 1,200m<sup>2</sup>);
4. Delegates to the CEO authority to prepare the formal planning proposal including any typographical or minor amendments if required;
5. Forwards the planning proposal to the Department of Planning and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination;
6. Endorses in principle the draft amendments of the Liverpool Development Control Plan 2008;
7. Delegates to the CEO Authority to negotiate a Voluntary Planning Agreement (VPA) with the proponent, agree the terms of the offer with the proponent, and report back to Council the details of a draft VPA prior to exhibition of the planning proposal, consistent with the Council's Planning Agreements Policy;
8. Subject to Gateway determination and endorsement of the VPA, undertake community consultation for the planning proposal, VPA, and the site-specific Development Control Plan (DCP) in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan 2022;

**Motion:**                      **Moved: Cllr Macnaught**                      **Seconded: Cllr Goodman**

**Foreshadowed motion:**      **Moved: Clr Green**                      **Seconded: Clr Rhodes**

That Council defer this item subject to a consultation with residents, in regards to the objectivity of increasing the height, via a public meeting and a report brought back to Council as soon as is practical from that public consultation.

The Foreshadowed motion (moved by Cllr Green) was voted on first and became the motion and on being put to the meeting was declared CARRIED.

**Vote for (Clr Green's motion):**

Clr Green, Clr Hagarty, Clr Harle, Clr Kaliyanda, Clr Karnib, Clr Rhodes, Clr Hadid

**Vote against (Clr Green's motion):**

Clr Ammoun, Clr Goodman and Clr Macnaught .

Note: Mayor Mannoun was absent from the chambers when this item was voted on.

Clr Mannoun returned to the Chambers at 3.24pm and resumed as Chairperson.

Clr Hadid and Clr Goodman left the Chambers at 3.24pm.

**ITEM NO:** PLAN 02

**FILE NO:** 327703.2023

**SUBJECT:** Post Exhibition Report to amend the Liverpool Local Environmental Plan: 22 Box Road (Mimosa Park)

## **COUNCIL DECISION**

**Motion:**

**Moved: Clr Rhodes**

**Seconded: Clr Ammoun**

That Council:

1. Notes this report, the Gateway determination dated 6 June 2023 for Liverpool Local Environmental Plan 2008 (Amendment 98), the submissions received from State agencies, members of the public, and the outcome of the public hearing.
2. Proceed with Amendment 98 to rezone 22 Box Road, Casula to R2 Low Density Residential, apply a Floor Space Ratio of 0.6:1, a Height of Building Control of 8.5m, a minimum lot size of 300m<sup>2</sup>, and reclassify the site from Community to Operational land.
3. Delegates authority to the Chief Executive Officer (or his delegate) to forward the planning proposal to the Department of Planning and Environment as the plan making authority for this planning proposal; and
4. Notifies submitters and public hearing attendees of Council decision.

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

Clr Goodman returned to the Chambers at 3.24pm.

**ITEM NO:** PLAN 03

**FILE NO:** 347302.2023

**SUBJECT:** Draft Liverpool Rural Lands Strategy - Post exhibition

### **COUNCIL DECISION**

**Motion:**

**Moved: Clr Rhodes**

**Seconded: Clr Ammoun**

That Council:

1. Adopts the amended Liverpool Rural Lands Strategy;
2. Delegates authority to the CEO to make any minor typographical or editing amendments to the strategy and to forward the amended strategy to the Department of Planning and Environment for endorsement; and
3. Notify submitters of Council's decision

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

Clr Hadid returned to the Chambers at 3.25pm.

**ITEM NO:** PLAN 04

**FILE NO:** 349971.2023

**SUBJECT:** Post Exhibition Report - Renaming of Flynn Avenue, Sixteenth Avenue, Hall Circuit and Qantas Boulevard to Flynn Avenue, Middleton Grange

## **COUNCIL DECISION**

**Motion:**

**Moved: Clr Rhodes**

**Seconded: Clr Ammoun**

That Council:

1. Notes the submission received on the renaming proposal;
2. Supports the renaming of the street sections of Flynn Avenue/Hall Circuit/Sixteenth Avenue East/Qantas Boulevard to Flynn Avenue, Middleton Grange; and
3. Delegates authority to the Chief Executive Officer to proceed with the process of gazettal.

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









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

1. Receive and note this report; and
2. Submit a s3.22 amendment request to the Department of Planning and Environment, to amend the Zoning Map for 110 Eighteenth Avenue, Austral 2179 as per this report.

Councillors voted unanimously for this motion.

**ITEM NO:** COM 01  
**FILE NO:** 356560.2023  
**SUBJECT:** Grants Donations and Community Sponsorship Report

## COUNCIL DECISION

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

That Council:

1. Endorses the funding recommendation of **\$8,500** (GST exclusive) under the **Community Grant Program** for the following projects:

Applicant	Project	Recommended
CORE Youth Services	BBQ in the Park – Youth Outreach Program	\$3,500
Non-Resident Nepali Association (NRNA)	Empowering Women's Health and Safety Awareness Program	\$5,000

2. Endorses the funding recommendation of **\$5,744** (GST exclusive) under the **Matching Grant Program** for the following project:

Applicant	Project	Recommended
The City of Liverpool & District Historical Society	Collection Storage	\$5,744

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

**ITEM NO:** COM 02  
**FILE NO:** 315241.2023  
**SUBJECT:** Council Meeting Dates - January to December 2024

**COUNCIL DECISION**

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

That Council:

1. Confirms the Council meeting time as 2.00pm and Council meeting dates to occur on the fourth Wednesday of the month except for November and December for the 2024 calendar year.
2. Confirms Briefing sessions are to follow Governance Committee meetings and are to be held on the second Tuesday of the month except for November and December for the 2024 calendar year.
3. Direct the CEO to bring a report back to the next Council meeting with those dates.

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



**ITEM NO:** CORP 02  
**FILE NO:** 377699.2023  
**SUBJECT:** Investment Report October 2023

## COUNCIL DECISION

**Motion:**                      **Moved: Cllr Rhodes**                      **Seconded: Cllr Harle**

That Council receive and note this report.

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









**ITEM NO:** OPER 02  
**FILE NO:** 363604.2023  
**SUBJECT:** Carnes Hill Recreational Precinct Stage 2 (CHRPS2) - Amended Masterplan

**COUNCIL DECISION**

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

That Council adopts the amended master plan for the Carnes Hill Aquatic and Recreational Precinct.

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

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

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



**ITEM NO:** CTTE 02  
**FILE NO:** 371327.2023  
**SUBJECT:** Minutes of the Intermodal Committee Meeting held 3 October 2023

**COUNCIL DECISION**

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

That Council:

1. Receives and notes the Minutes of the Intermodal Committee Meeting held on 3 October 2023.
2. Endorse the recommendations in the Minutes.

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

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

1. Receive and note the amended minutes of the Civic Advisory Committee meeting held on 17 August 2023.
2. Receive and note the Minutes of the Civic Advisory Committee meeting held on 31 October 2023.
3. Endorse the actions in the Minutes.

Chairperson

**ITEM NO:** CTTE 04  
**FILE NO:** 370418.2023  
**SUBJECT:** Audit, Risk and Improvement Committee minutes 13 October and 24 October 2023

**COUNCIL DECISION**

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

That Council approves the Minutes of the Audit, Risk and Improvement Committee Meeting held on 13 October 2023 and 24 October 2023.

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



Clr Ammoun left the Chambers at 3:39pm.

## QUESTIONS WITH NOTICE

**ITEM NO:** QWN 01

**FILE NO:** 382389.2023

**SUBJECT:** Question with Notice - Clr Harle - Lieutenant Cantello Reserve, Access Road Solar Lighting.

When this matter came to Council previously, I expressed reservations about the use of Solar lighting along the road leading to the reserve with densely populated tall trees impeding sunlight to the Solar Panels.

Please address the following:

1. What factors determined the use of Solar Lighting compared to installing conventional LED street lighting, connected to the existing street lighting in the area, and considering the difficulty of providing adequate sunlight in an area consisting of relatively dense bushland and tall trees shading the solar panels?
2. If not answered above, what was the total cost of the lighting project and how does that compare to installing conventional LED street lighting to the reserve, either via underground cabling or aerial cabling?
3. If not answered above, what is the expected maintenance cost of the solar lighting along the bush road? And,
4. What is the expected life of the solar lighting compared to conventional LED street lighting?

## Response (provided by Operations Directorate)

1. ***What factors determined the use of Solar Lighting compared to installing conventional LED street lighting, connected to the existing street lighting in the area, and considering the difficulty of providing adequate sunlight in an area consisting of relatively dense bushland and tall trees shading the solar panels?***

The following factors were considered to determine the use of solar lighting, instead of conventional lighting, at Lt Cantello Reserve:

**Cost-Effectiveness** - Solar lights do not rely on grid electricity, offering substantial savings on electricity bills. This makes them a financially prudent choice, especially over the long term. They also have

**Environmental** - By opting for solar lighting, the carbon footprint is significantly reduced. These lights do not result in the emission of greenhouse gases during

operation, aligning with our commitment to environmental sustainability.

**Efficiency** - Solar lights employ LEDs which are superior in energy efficiency, longevity, and colour quality compared to traditional lighting technologies. Additionally, smart technology integration allows for precise control and monitoring, enhancing operational efficiency.

**Installation and Maintenance** - The installation of solar lights is simpler and faster, requiring no trenching for power lines. Their standalone nature and design, incorporating solar panels, batteries, and control modules, minimises the need for regular and ongoing maintenance.

**High Risk Utilities** - The presence of a high-pressure gas line at Lt Cantello Reserve poses significant risks with conventional lighting installation due to the need for excavation and trenching. Solar lights, utilising ground screws for installation, eliminate this risk and ensure safety for all involved.

2. ***If not answered above, what was the total cost of the lighting project and how does that compare to installing conventional LED street lighting to the reserve, either via underground cabling or aerial cabling?***

**Total Cost** - The total expenditure for installing solar lights at Lt Cantello Reserve was \$85,195.

**Cost Comparison** - Installing conventional LED street lighting, either via underground or aerial cabling, would have cost at least two to three times more than the solar lighting project. This significant cost differential is primarily due to the extensive infrastructure required for conventional lighting, including trenching for cables and connection to external power feeds.

3. ***If not answered above, what is the expected maintenance cost of the solar lighting along the bush road? And,***

**Maintenance Cost** – The expected ongoing maintenance cost for solar lighting is minimal due to their self-sufficient nature, which does not rely on external power sources to operate.

4. ***What is the expected life of the solar lighting compared to conventional LED street lighting?***

**Expected Lifespan** – Solar lights are self-contained units which have a longer lifespan than conventional lighting solutions as they do not require bulbs to be replaced or wiring to be checked. They are also more durable than conventional lights as they do not have any fragile components that can break or malfunction. The batteries in solar lights have a minimum operating life span of 5-7 years with current technology.

**Motion:**                      **Moved: Clr Rhodes**                      **Seconded: Clr Green**

1. Council adopt the revised Section 7.11 Contributions Plan for Austral and Leppington North as shown in **Attachment 1**.
2. Council advises the Department of Planning and Environment that the Minister's nominee's changes have been made as shown in **Attachment 2**.
3. Council publish the Liverpool City Council Section 7.11 Austral and Leppington North Contribution Plan 2021 on Council's website with immediate effect on all future determinations, including modifications to which the plan applies.
4. Council acknowledge that this version of the Plan repeals all previous versions in accordance with Environmental Planning and Assessment Regulation 2021 cl 215(2)(a).
5. Council acknowledge the Minister's nominee advice to regularly review the Plan, and comprehensively review all works costs.
6. Council acknowledge editorial changes in the Plan as recommended by IPART (Table 4.20 Attachment 3) without the need for a further review by IPART.
7. The plan be reviewed in 2 years' time as per IPART's recommendation.

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Chairperson







3. That a report come back to Council by the end of February 2024 Council meeting identifying proposed sites where temporary footpaths in Austral could be put in and the report to include financial implications and timing.
4. To open to the community for their suggestions on where they see the priorities.

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

### **RECESS**

Mayor Mannoun called a recess of meeting at 3.58pm.

### **RESUMPTION OF MEETING**

The meeting resumed at 4.18pm in open session with all Councillors present.

**CONFIDENTIAL ITEMS****ITEM NO:** CONF 01**FILE NO:** 362037.2023**SUBJECT:** Purchase of Lot 3937 DP 1225536 and Dedication of Lot 3935 DP 1225536, Rosedale Circuit, Carnes Hill**COUNCIL DECISION****Motion:** **Moved: Mayor Mannoun** **Seconded: Cllr Hagarty**

That Council:

1. Purchase Lot 3937 DP 1225536, Rosedale Circuit, Carnes Hill for the price and terms as outlined in this report.
2. Accept transfer of Lot 3935 DP 1225536, Rosedale Circuit, Carnes Hill for the nominal consideration of \$1.
3. Upon settlement classify Lots 3935 & 3937 DP 1225536 as "Operational Land".
4. Authorises its delegated officer/s to execute any documents, under Power of Attorney necessary to give effect to this decision.
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.

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



**ITEM NO:** CONF 02  
**FILE NO:** 370354.2023  
**SUBJECT:** VP3236/ PQ3240- Remediation and Revegetation of Flood Detention Basin at Amalfi Park, Lurnea

## **COUNCIL DECISION**

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

That Council:

1. In accordance with Section 178(3) (e) of the Local Government (General) Regulation 2021, Council enters into negotiations with Civil Construction Pty Ltd with the view to entering into a contract for the Remediation and Revegetation works at Amalfi Park Flood Detention Basin. The Conditions of Contract and Pricing are in accordance with the Local Government Procurement Panel Arrangement – LGP420 Minor & Major Civil Works and Materials.
2. In accordance with Section 178(4) of the Local Government (General) Regulation 2021, notes the reasons for entering into negotiations are:
  - a) A clear lump sum price was negotiated with Civil Construction following revised scope of works in line with the available budget.
  - b) Tenders received through public tender (PQ3240) process resulted in non-competitive offers and therefore rejected.
3. Accept the Tender from Civil Construction Pty. Ltd. for VP3236 – Remediation and Revegetation of Flood Detention Basin at Amalfi Park, Lurnea for an initial one-year contract term at the GST inclusive price of \$ 478,600.
4. Makes public its decision regarding tender VP3236 – Remediation and Revegetation of Flood Detention Basin at Amalfi Park, Lurnea.
5. Notes that the Executive Director will finalise all details and sign the Letter of Acceptance following publication of draft Minutes on Council website for the tender, giving it contractual effect, in accordance with delegated authority.
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.

**ITEM NO:** CONF 03  
**FILE NO:** 379043.2023  
**SUBJECT:** Liverpool Civic Place Early Childhood Education and Care Leasing Strategy

This item was dealt with at the end of meeting in Closed Session pursuant to the provisions of s10A(2)(a)(c)(d i)(d ii) of the *Local Government Act 1993* 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

**ITEM NO:** CONF 04  
**FILE NO:** 371382.2023  
**SUBJECT:** Biochar

#### **COUNCIL DECISION**

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

That this item be deferred to the December 2023 Council meeting

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

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

1. Approve an exemption to the tendering requirements under s.55(3)(i) of the Local Government Act 1993 for the appointment of Telstra Corporation Limited as the provider for an In-Building Coverage solution for Liverpool Civic Place based on the following reasons:
  - a. Telstra is currently the sole supplier of mobile telephony services to Council
  - b. Delays in securing a solution would have a significant impact on Council operations
  - c. The quotation provided represents reasonable value for money.

Chairperson

Clr Hadid left the Chambers at 4:28pm.

## MOTION OF URGENCY

**ITEM:** MOU 01

**SUBJECT:** Conflict in the Middle East

**COUNCL DECISION:**

**Motion:**                      **Moved: Clr Hagarty**                      **Seconded Clr Kaliyanda**

That a further point (point 6) be added to the Motion of Urgency for item MOU 01 – Conflict in the Middle East that was dealt with earlier in the meeting as follows:

6. That Council also writes to the Opposition Leader (Federal) Peter Dutton and Opposition Leader (State) Mark Speakman to notify them of item MOU 01 and to express our support for peace in the region.

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

**ITEM NO:** CONF 06  
**FILE NO:** 378544.2023  
**SUBJECT:** Legal Affairs Report - July to September 2023

## COUNCIL DECISION

**Motion:**                      **Moved: Cllr Rhodes**                      **Seconded: Cllr Harle**

That Council notes the contents of the report.

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

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

1. Resolve the objection to the road closure process of part of Gurner Avenue, Austral by adopting Council officer's response to the Public Notification objection and recommendation to proceed on the basis as outlined in this report;
2. Notes, that a public notification process was undertaken for the road closure process which included notification of the relevant service authorities;
3. Direct the CEO or his delegate to notify the objector of this resolution and the actions of Council in progressing this matter;
4. Resolves that a further report be made to Council upon providing both parties an opportunity to submit a formal offer for any proposed purchase prior to completing any formal road closure process and proposed sale progressing; and
5. Keeps this report confidential 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.

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Chairperson



**CLOSED SESSION**

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

That Council move into Closed Session to deal with CONF 03 - pursuant to the provisions of s10A(2)(a)(c)(d i)(d ii) of the *Local Government Act 1993* 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.

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

The gallery left and the meeting went into Closed Session at 4.32pm.

**ITEM NO:** CONF 03

**FILE NO:** 379043.2023

**SUBJECT:** Liverpool Civic Place Early Childhood Education and Care Leasing Strategy

**COUNCIL DECISION**

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

That this item be deferred until the next Council meeting including the below items to be addressed:

1. Quantity surveyor report regarding the cost for the fitout as outlined in option 1 and option 2;
2. Independently prepared business plan that includes a cashflow analysis be provided to councillors;
3. The actual formal offer referred to in option 2 that is fully costed;
4. A comparison incentive to other commercial leases being negotiated in option 2;
5. The methodology that was used for the fees and charges;
6. What ages will be provided for in option 1;
7. Considering contributions derived from the city centre contributions plan, will the spaces be reserved for the residents of the city centre who paid those contributions, noting that on page 761 of the confidential book that the centre will have certain uses.
8. Senior Counsel advice on the legality of using developer contributions for an



enterprise that is not restricted to residents and the nexus between the contribution and service and is any community consultation required;

9. Was there a needs analysis and priorities study conducted on the priorities of infrastructure within the 7.12 plan for residents within the city centre noting the significant increase in population in the last few years;
10. Option 3 (on page 768 of the confidential book) states a dollar amount, is that the figure used in the long term financial plan and what does the long term financial plan look like with that figure?; and
11. Has the rent and outgoings been accounted for in the table as provided on page 765 of the confidential book.

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

## **OPEN SESSION**

Mayor Mannoun retired from the meeting at 5.24pm and Cllr Macnaught, as the Deputy Mayor became the Chairperson.

Deputy Mayor Macnaught opened the meeting at 5.24pm and read the above resolution.

**THE MEETING CLOSED AT 5.28pm**

<Signature>

Name: Ned Mannoun

Title: Mayor

Date: 13 December 2023

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 22 November 2023. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.