



**MINUTES OF THE ORDINARY MEETING HELD ON
6 FEBRUARY 2012**

PRESENT:

Mayor Waller
 Councillor Gillani
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Lucas (arrived at 8:41pm)
 Councillor Mannoun
 Councillor McGoldrick
 Councillor Napoletano
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mrs Julie Hately, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Ms Sandra Kubecka, Acting Director - City Services
 Mr David Tuxford, Acting Director - City Assets
 Ms Jane Ferguson, Executive Officer

The meeting commenced at 7:00 pm

OPENING

7:00pm

PRAYER

The Prayer of Council was read by Reverend David Clarke of Hoxton Park Anglican Church.

APOLOGIES

Nil

CONDOLENCES

Mr Ron Hollands – ex Councillor and Mayor.

That Council sends a condolence to the family of Mr Hollands.

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Mannoun**

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

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 19 December 2011 be confirmed as a true record of that meeting.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

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

DECLARATIONS OF INTEREST

Clr Mannoun declared a less than significant, non pecuniary interest on the following item:

Item COMM 06: LIVERPOOL TRAFFIC COMMITTEE MINUTES OF MEETING HELD ON 18 JANUARY 2012

Reason: Clr Mannoun’s mother lives in a house in one of the streets affected by one of the items and Clr Mannoun has a financial interest in the house.

Clr Mannoun will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Nil

SPEAKERS FORUM

Richard Smyth addressed Council on the following items:

Item – PLAN 01 MODIFICATION "G" TO DEVELOPMENT CONSENT DA346/2009 MALEK FAHD SCHOOL TO DELAY THE CONSTRUCTION OF THE DRAINAGE CULVERT AND ALTER A COMPONENT OF FENCING

Item – PLAN 02 MODIFICATION "H" TO DEVELOPMENT CONSENT 346/2009 TO AMEND THE TYPE OF A PORTION OF THE FENCING AND DELAY THE COMPLETION OF ALL OF THE BOUNDARY FENCING AT MALEK FAHD SCHOOL

Brian Bruce addressed Council on the following item:

Item – NOMO 03 MOOREBANK INTERMODAL

John Anderson addressed Council on the following item:

Item – NOMO 03 MOOREBANK INTERMODAL

Peter Ristevski addressed Council on the following item:

Item – NOMO 03 MOOREBANK INTERMODAL

Roy Carter addressed Council on the following item:

Item – NOMO 03 MOOREBANK INTERMODAL

Sukhdeep Bhogal addressed Council on the following item:

Item – CITS 01 GRAFFITI MANAGEMENT STRATEGY 2012-2015

Clr Hadid left the chambers at 7:25pm

Clr Hadid returned to the chambers at 7:28pm

Matt Noffs addressed Council on the following item:

Item – CITS 01 GRAFFITI MANAGEMENT STRATEGY 2012-2015

Eddie Diwakar addressed Council on the following item:

Item – GMRR 03 MEMORIAL SCHOOL OF ARTS SITE AND
WESTPAC BUILDING SITE DEED OF AGREEMENT

Glen Burns addressed Council on the following item:

Item – GMRR 03 MEMORIAL SCHOOL OF ARTS SITE AND
WESTPAC BUILDING SITE DEED OF AGREEMENT

GUEST INVITATION – COUNCIL RESOLUTION 21 NOVEMBER 2011

Following Council resolution 21 November 2011 Mr Peter McLean of Keep Australia Beautiful will present to Council on graffiti vandalism.

Clr Michael McDermott, Deputy Mayor of Parramatta Council, registered as an apology.

MAYORAL REPORT

Nil

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2010/0177
SUBJECT: CAR PARKING SOUTHERN END OF THE CBD

RECOMMENDATION

That Council directs the General Manager to prepare a report to the Council for the meeting scheduled for March 2012 on:

1. The calling of expression of interests for the building of a multiple car parking facility on the perimeter of the CBD as advised in the latest Car Parking Strategy. The possible submissions to be provided by the interested parties are to include the short and long term funding income for Council, maintenance arrangements and long term ownership arrangements.
2. A five year plan for the redevelopment of the Bathurst Street car park.
3. A five year plan for the redevelopment of the Northumberland Street car park.

COUNCIL DECISION

Motion: **Moved:Clr Hadchiti** **Seconded: Clr McGoldrick**

That Council:

1. Requests that the General Manager prepare a briefing paper on options available for the development and/or redevelopment of a Car Park(s) in Liverpool over the next five to ten years.
2. Receives a briefing on point 1 above at a briefing session as part of the Community Strategic Plan/Operational Plan preparation and review process.

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

NOMO 02

ITEM NO: NOMO 02
FILE NO: 2010/0177
SUBJECT: MOOREBANK INTERMODAL TERMINALS, BANKSTOWN AIRPORT UPGRADE FOR PASSENGER JETS AND FREIGHT TRANSPORT AND POLICY ON COUNCIL PERMISSIONS AND COOPERATION WITH ALL PROPONENTS

RECOMMENDATION

Council outlines actions used to demonstrate their objections to the proposed two Intermodal in Moorebank, inform community of Bankstown Airport upgrades, freight terminals in Liverpool LGA and methods used to inform the public.

COUNCIL DECISION

Motion: **Moved:Clr McGoldrick** **Seconded:Clr Harle**

That:

1. Council outlines actions used to demonstrate their objections to the proposed two Intermodal in Moorebank, inform community of Bankstown Airport upgrades, freight terminals in Liverpool LGA and methods used to inform the public.
2. The Mayor and General Manager writes, in an expedient manner to the Federal Government, Prime Minister, Minister for Infrastructure, Minister for Environment, Minister for Transport, Minister for Ports and the Treasurer asking for a Federal public enquiry to be carried out into the feasibility of both Moorebank Intermodal sites as combined and separate developments, including impact on residents, health issues associated with such developments, environmental effects on the area, identify and audit the losses that could be incurred by the State and Federal Governments if rail services and use of services at the Intermodals cannot be maintained at a profitable level.
3. Ask that the Prime Minister, Minister for Infrastructure, Minister for Environment, Minister for Transport, Minister for Ports, the Treasurer strongly recommend the Department of Environment and Department of Infrastructure take into account the 23 new recommendations made in the report from the National Environment Protection Council (Ambient Air Quality) Measure Review prepared for the National Environment Protection Council dated May 2011 (copy attached for Council records) and available from www.ephc.gov.au or Level 5, 81 Flinders Street, Adelaide SA 5000.
4. Requests that the State and Federal Governments justify the amount of public land and taxpayer's money that will be used to make the project cost benefit positive.

5. The Mayor and General Manager also write to the equivalent State Government Ministers and Departments making the same requests as in items 2 and 3.
6. Council seek legal advice from two experienced practices in this field to report on the potential to challenge decisions made by State and Federal Governments in relation to the two Moorebank Intermodal proposals under their planning authority and environment grounds.
7. Replies to be tabled at Council meetings and updates made available to Council.
8. Ask the Department of Infrastructure in Canberra and the relevant Minister to fully disclose their intentions for Bankstown Airport as a freight hub and port for regional jet passenger and freight aircraft.
9. Considers the commission of an appropriate report to refute or rebut any findings of the Commonwealth/State Government EIS or other relevant reports.
10. Allocates resources to allow the coordination of public submissions relating to the intermodal impact on Liverpool and surrounding LGA's.
11. Funds as and when required be sourced from the Councillor Reserve with the GM having delegation for spending up to \$10,000 without requiring a Council resolution.

Amendment: **Moved: Cllr Mannoun** **Seconded: Cllr Hadchiti**

That Council:

1. Establishes a taskforce to lead the fight against the Moorebank Intermodal proposals. This taskforce is to be headed by an employee of Council with the ability to organise community resources and protests, lobby all levels of government and stakeholders, facilitate Council's response to any exhibited plans or proposals related to these proposals, and to source appropriate experts to assist in these responses.
2. Creates an Intermodal Fighting Fund reserve and transfers \$100,000 from the Councillor Reserve into this Intermodal Fighting Fund reserve.
3. Council outlines actions used to demonstrate their objections to the proposed two Intermodal in Moorebank, inform community of Bankstown Airport upgrades, freight terminals in Liverpool LGA and methods used to inform the public.
4. The Mayor and General Manager writes, in an expedient manner to the Federal Government, Prime Minister, Minister for Infrastructure, Minister for Environment, Minister for Transport, Minister for Ports, the Treasurer asking for a Federal public enquiry to be carried out into the feasibility of both Moorebank Intermodal sites as combined and separate developments, including impact on residents, health issues associated with such developments, environmental effects on the area,

identify and audit the losses that could be incurred by the State and Federal Governments if rail services and use of services at the Intermodals cannot be maintained at a profitable level.

5. Ask that the Prime Minister, Minister for Infrastructure, Minister for Environment, Minister for Transport, Minister for Ports, the Treasurer strongly recommend the Department of Environment and Department of Infrastructure take into account the 23 new recommendations made in the report from the National Environment Protection Council (Ambient Air Quality) Measure Review prepared for the National Environment Protection Council dated May 2011 (copy attached for Council records) and available from www.ephc.gov.au or Level 5, 81 Flinders Street, Adelaide SA 5000.
6. Requests that the State and Federal Governments justify the amount of public land and taxpayer's money that will be used to make the project cost benefit positive.
7. The Mayor and General Manager also write to the equivalent State Government Ministers and Departments making the same requests as in items 2 and 3.
8. Council seek legal advice from two experienced practices in this field to report on the potential to challenge decisions made by State and Federal Governments in relation to the two Moorebank Intermodal proposals under their planning authority and environment grounds.
9. Replies to be tabled at Council meetings and updates made available to Council.
10. Ask the Department of Infrastructure in Canberra and the relevant Minister to fully disclose their intentions for Bankstown Airport as a freight hub and port for regional jet passenger and freight aircraft.
11. Considers the commission of an appropriate report to refute or rebut any findings of the Commonwealth/State Government EIS or other relevant reports.
12. Allocates resources to allow the coordination of public submissions relating to the intermodal impact on Liverpool and surrounding LGA's.

Clr Gillani left the chambers at 8:14pm.

Clr Gillani returned to the chambers at 8:16pm.

On being put to the meeting the amendment by Clr Mannoun was declared LOST.

On being put to the meeting the motion by Clr McGoldrick was declared CARRIED.



*National Environment Protection
(Ambient Air Quality) Measure
Review*

Review Report

Prepared for the National Environment Protection Council

May 2011

This document is also available on our website
www.ephc.gov.au, or from:

National Environment Protection Council Service Corporation
Level 5 81 Flinders Street
ADELAIDE SA 5000

Telephone: (08) 8419 1200
Facsimile: (08) 8224 0912

exec@ephc.gov.au

Electronic Copy: ISBN



© National Environment Protection Council Service Corporation 2006

This work is copyright. It may be reproduced in part subject to the inclusion of
acknowledgement of the source and no commercial sale

Contents

1	EXECUTIVE SUMMARY	3
1.1	THE NATIONAL ENVIRONMENT PROTECTION (AMBIENT AIR QUALITY) MEASURE AS VARIED 20033	3
1.2	REVIEW OF THE NATIONAL ENVIRONMENT PROTECTION (AMBIENT AIR QUALITY) MEASURE	3
1.3	REVIEW FINDINGS AND STRATEGIC DIRECTIONS.....	3
1.4	LIST OF RECOMMENDATIONS.....	4
2	BACKGROUND TO THE REVIEW	8
2.1	THE NATIONAL ENVIRONMENT PROTECTION (AMBIENT AIR QUALITY) MEASURE	8
2.2	KEY FEATURES OF THE NEPM.....	9
2.3	APPROACH TO THE REVIEW	9
2.4	TERMS OF REFERENCE FOR THE REVIEW	10
2.5	THE REVIEW PROCESS.....	10
3	REVIEW OUTCOMES	13
3.1	NATIONAL ENVIRONMENT PROTECTION GOAL	13
3.1.1	<i>Issues.....</i>	<i>13</i>
3.1.2	<i>Comments and discussion.....</i>	<i>17</i>
3.1.3	<i>Review findings.....</i>	<i>19</i>
3.1.4	<i>Recommendations relating to national environment protection goals.....</i>	<i>20</i>
3.2	NATIONAL ENVIRONMENT PROTECTION STANDARDS.....	20
3.2.1	<i>Issues.....</i>	<i>20</i>
3.2.2	<i>Comments, discussion and review findings.....</i>	<i>21</i>
3.2.3	<i>Recommendations relating to national environment protection standards.....</i>	<i>31</i>
3.3	NATIONAL ENVIRONMENT PROTECTION PROTOCOL.....	31
3.3.1	<i>Issues.....</i>	<i>31</i>
3.3.2	<i>Comments, discussion and review findings.....</i>	<i>32</i>
3.3.3	<i>Recommendations relating to national environment protection protocol.....</i>	<i>44</i>
3.4	THE PEER REVIEW COMMITTEE.....	45
3.4.1	<i>Issues.....</i>	<i>45</i>
3.4.2	<i>Comments, discussion, and findings.....</i>	<i>45</i>
3.4.3	<i>Recommendations relating to the Peer Review Committee.....</i>	<i>46</i>
3.5	RESEARCH AND EMERGING ISSUES FOR FUTURE CONSIDERATION.....	46
3.5.1	<i>Issues and review findings.....</i>	<i>47</i>
3.5.2	<i>Recommendations relating to research and emerging issues.....</i>	<i>50</i>
4	BIBLIOGRAPHY.....	52
5	SHORTENED FORMS.....	53
6	GLOSSARY.....	53

1 EXECUTIVE SUMMARY

1.1 *The National Environment Protection (Ambient Air Quality) Measure as varied 2003*

A national environment protection measure (NEPM) is legislation designed to protect particular aspects of the environment in a consistent way across state, territory and Commonwealth jurisdictions in Australia.

The National Environment Protection (Ambient Air Quality) Measure as varied 2003 (the NEPM) and its five schedules provide a framework and guidelines about standards and methods for monitoring ambient air quality. The NEPM is supported by a Peer Review Committee (PRC) which has produced a set of advisory technical papers and provides guidance and advice to support quality and national consistency of monitoring.

1.2 *Review of the National Environment Protection (Ambient Air Quality) Measure*

This review is the first since the NEPM was made in 1998, providing an opportunity to assess whether it is achieving its desired environmental outcome, which is 'ambient air quality that allows for the adequate protection of human health and wellbeing'. The review process also provided an opportunity to obtain feedback from interested parties regarding the efficacy of the current framework of the NEPM.

At numerous stages in the review, stakeholders and any other interested parties were invited to provide feedback and comment regarding the NEPM and potential variations to its structure and/or content. All submissions favoured some form of change, with the option most supported by stakeholders being to:

Vary the monitoring and reporting protocols which address specific issues, vary the existing policy framework to include an exposure reduction overlay with any targets or goals and required monitoring and reporting protocols, and vary the existing policy framework to include the monitoring and reporting protocols for air toxics found in the National Environment Protection (Air Toxics) NEPM.

The review looked at the technical issues involved in moving towards an integrated air quality management paradigm that addresses criteria pollutants and multiple sources, considers overall risk reduction as a principal decision metric, and uses retrospective analysis as a tool for assessing and improving air quality management.

1.3 *Review findings and strategic directions*

The National Environment Protection (Ambient Air Quality) Measure (NEPM) was made in 1998 and implemented with a focus on monitoring and reporting on air quality and assessing compliance with the NEPM standards. This allowed us to gain an understanding of air quality in Australian cities and to carry out management activities. However, the NEPM also required assessing and reporting on population exposure which has not occurred.

Implementing the NEPM has led to a greater understanding of air quality in Australia which has, in turn, led to an improved understanding about the health impacts of air pollution on the community. There has also been a marked reduction in emissions of some pollutants since the NEPM was made. Therefore, governments now have the opportunity to act more strategically to manage and further improve air quality in Australia, moving beyond strict compliance with the standards to a focus on reducing population risk.

This approach is consistent with international air quality policy direction and has been supported by the majority of the submissions from all stakeholder groups to this review.

Australia faces significant challenges from climate change and from population growth, which are predicted to have significant impacts on air quality. This will mean that all jurisdictions will have difficulty in achieving air quality improvements.

The frequency and severity of bushfires and dust storms are predicted to increase. These events are known to significantly increase particle levels across both urban and rural areas of Australia. Rural communities in many parts of Australia are already feeling the impact of increased dust levels due to prolonged periods of drought. This is likely to increase as the effects of climate change become more apparent across Australia.

The predicted population growth in Australian cities will put pressure on sustaining air quality improvements due to increased transport demands, domestic emissions and energy use.

The opportunity now exists to adapt the NEPM framework to meet these challenges.

1.4 List of recommendations

The overall finding of the review was that there are advantages to an integrated, risk-based approach; however, achieving it will be an evolutionary process. This evolution will require improvements in exposure assessment and changes in monitoring approaches to support these assessments. It will also require considerable advance planning in order to select appropriate accountability metrics and obtain the information needed to evaluate them.

Even if disagreement remains as to the absolute level of protection that the NEPM should ensure, it would be difficult to contest the notion that the desired environmental outcome should reflect the desire to continuously improve air quality to minimise risk to the health of the Australian population. The extent to which health risk can be minimised will be dependent on a range of factors, including economic, social and environmental considerations that will be determined through a variation process.

The recommendations support a shift in the focus of the NEPM and if adopted should assist in minimising risk to population health from air pollution. In determining health risk, it needs to be acknowledged that many pollutants do not have a recognised threshold for adverse health effects. Further detail and discussion about the recommendations can be found in the next section and throughout this report.

The 23 recommendations arising from the review are listed here in the order they appear in this report.

Recommendation 1

Revise the desired environmental outcome of the NEPM to 'minimise the risk from adverse health impacts from exposure to air pollution for all people wherever they may live'.

Recommendation 2

Revise the desired environmental goal to make reference to the air quality standards and incorporation of exposure reduction targets for priority pollutants.

Recommendation 3

Remove lead from the Ambient Air Quality NEPM and include in the Air Toxics NEPM during the scheduled Air Toxics NEPM review of 2012.

Recommendation 4

Revise the standards for all air pollutants in Schedule 1 of the NEPM to take into account new evidence around the health effects of air pollution.

Recommendation 5

Introduce compliance standards for PM_{2.5}.

Recommendation 6

Introduce an 8-hour standard for ozone.

Recommendation 7

Introduce an annual average standard for PM₁₀.

Recommendation 8

Introduce an exposure reduction framework and targets for priority pollutants.

Recommendation 9

Remove allowable exceedances from Schedule 2 and introduce a natural events rule.

Recommendation 10

Redesign monitoring networks to represent population exposure on a pollutant-by-pollutant basis without compromising data collection for long-term trend analysis. A procedure to determine the location and number of sites similar to EU and/or US EPA is recommended.

Recommendation 11

Remove the population threshold and formula to enable monitoring on potential population risk rather than on population size.

Recommendation 12

Amend requirements of monitoring methods (clause 16 and Schedule 3) to allow appropriate Australian Standards methods; or methods determined by the EU and/or US EPA as Reference or Equivalence Methods.

Recommendation 13

Remove Schedule 5 of the NEPM.

Recommendation 14

Develop nationally consistent approaches to assess population exposure, including appropriate modelling and emissions inventories.

Recommendation 15

Revise the assessment (clause 17) and reporting (clause 18) protocol to include additional performance assessment indicators and expanded reporting requirements to enable inclusion of population exposure determinations, severity of exceedance and effectiveness of management actions undertaken.

Recommendation 16

Revise guidance documents and templates associated with assessment and reporting to accommodate presentation of clear messages, to allow for better communication and more accessible air quality reports.

Recommendation 17

Amend the NEPM protocol (part 4) to incorporate natural event rule including definition of these events and criteria for assessment and reporting.

Recommendation 18

Require timely reporting of all exceedances, with jurisdictions publicly releasing the analysis of these events on their respective websites within 3 months of the event.

Recommendation 19

Disband the existing PRC and replace with a specialist working group or groups with a broader range of expertise to assist with scientific and technical matters. This working group would report to the Air Quality Working Group.

The following recommendations relate to future research and emerging issues. These recommendations should be considered and prioritised by the EPHC Air Quality Working Group.

Recommendation 20

Evaluate the options to assess ozone and secondary particle precursors.

Recommendation 21

Initiate research into the composition of particles in Australia and associated health impacts.

Recommendation 22

Initiate health research on the impact of air pollution (in particular, particles) in regional areas.

Recommendation 23

Monitor and report coarse particle fraction.

2 BACKGROUND TO THE REVIEW

2.1 *The National Environment Protection (Ambient Air Quality) Measure*

The Environment Protection and Heritage Council (EPHC) is concerned with broad national policy issues relating to environmental protection, particularly in regard to air, water and waste matters. The EPHC incorporates the National Environment Protection Council (NEPC) which is a statutory body under relevant Acts of the Commonwealth, states and territories. The NEPC meets simultaneously with the EPHC.

A National Environment Protection Measure (NEPM) is legislation designed to protect and manage particular aspects of the environment. NEPMs are similar to environmental protection policies. A NEPM may consist of any combination of goals, standards, protocols, and guidelines. The objectives of a NEPM are to ensure:

- that people enjoy the benefit of equivalent protection from air, water and soil pollution, wherever they live
- that decisions by businesses are not distorted and markets not fragmented by variations between jurisdictions in relation to the adoption or implementation of the NEPMs.

In 1998, the NEPC made the National Environment Protection (Ambient Air Quality) Measure (the NEPM) which set ambient air quality standards to apply in all states and territories and over land controlled by the Commonwealth. This was the first time that national air quality standards had been set in Australia. These standards covered six common pollutants—particles (PM₁₀), ozone, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead. The NEPM provided a nationally consistent framework for the monitoring and reporting of these six pollutants.

A number of ‘future actions’ were initiated at the time the NEPM was made. Intended to facilitate a later review, these future actions, and associated work, included preliminary reviews of particular pollutant standards and a number of research studies.

The NEPM was varied in 2003 to incorporate advisory reporting standards for fine particles (PM_{2.5}). Preliminary work for a review of the ozone standards and the standard for sulfur dioxide was completed in 2005. The Time Activity Study was completed in 2004, and the Multi-city Mortality and Morbidity Study completed in 2006. The Children’s Health and Air Pollution Study is currently being conducted and it is anticipated that the results will be available for consideration if it is decided to vary the NEPM.

Although the NEPM deals only with ambient air quality, it is acknowledged that indoor air quality is also an important factor in the exposure of individuals to air pollution.

The NEPM focuses on ambient air pollution whereby monitoring can be undertaken and management actions implemented by jurisdictions. Given the infiltration of outdoor air into the indoor environment, reductions in ambient air pollution levels should also lead to reductions in indoor air pollution.

2.2 *Key features of the NEPM*

The key parts of the NEPM are as follows:

National environment protection goal (Part 2)

The NEPM sets out a goal that:

- (a) relates to the desired environmental outcome of ambient air quality that allows for the adequate protection of human health and well-being
- (b) guides the formulation of strategies for the management of human activities that may affect the environment.

National environment protection standards (Part 3)

The NEPM sets standards that consist of quantifiable characteristics of the air against which ambient air quality can be assessed.

National environment protection protocol (Part 4)

The NEPM sets out the processes to be followed in measuring the concentration of pollutants in the air to determine:

- (a) whether the standards of the NEPM are being met
- or
- (b) the extent of the difference between the measured concentration of pollutants in the air and the standards.

Accompanying schedules

The NEPM contains five schedules that establish air quality standards and methods for monitoring air quality. They include:

- Schedule 1: Pollutants
- Schedule 2: Standards and goal
- Schedule 3: Australian standards methods for pollutant monitoring
- Schedule 4: Protocol for monitoring PM_{2.5}
- Schedule 5: PM_{2.5} equivalence program

Additional guidance

As part of the initial decision to make the NEPM, the NEPC agreed to establish a Peer Review Committee (PRC) comprising nominees from industry and the environment movement, as well as from each jurisdiction, and supported by the NEPC Service Corporation.

The PRC was established to assist jurisdictions to develop monitoring plans to meet the requirements of the NEPM, and to provide NEPC with advice on the adequacy of those plans. The PRC produced a set of technical papers to guide the development of jurisdictional monitoring plans, with the aim of assuring quality and national consistency (see Bibliography for a list of the PRC's technical papers).

2.3 *Approach to the review*

When the NEPM was made, there was a commitment to initiate a full review of the NEPM in 2005. The overall purpose of the review was to evaluate the performance of the current NEPM in achieving the desired environmental outcome, and to recommend to the NEPC any required changes to the NEPM.

A Review Team was established by the NEPC to undertake the review. The Review Team was chaired by Victoria and comprised representatives from the Australian Government, Victoria, Western Australia, South Australia and enHealth. The Review Team was supported by a Project Manager from the NEPC Service Corporation.

The following advisory groups were established to assist with the review:

- Non-government Organisations Advisory Group
- Jurisdictional Reference Network
- Health Advisory Group
- Technical Advisory Group

These groups had input into the development of discussion papers, and provided policy, technical and operational advice and information throughout the review process.

In addition, the EPHC established the Standards Setting Working Group to develop a nationally agreed approach to setting air quality standards in Australia. The draft standard-setting methodology developed by this group was used to guide the review of the health literature in assessing the need to revise the current standards.

Stakeholder input was sought through the development and circulation of an issue scoping paper and two discussion papers, and through a series of public consultations. Comment was invited about the information presented, the issues raised and the options proposed. Feedback received during this process has been taken into account in formulating the recommendations contained in this report.

2.4 Terms of reference for the review

This review of the NEPM considered:

- the effectiveness of the NEPM in achieving its desired environmental outcome, which is 'ambient air quality that allows for the adequate protection of human health and wellbeing'
- the effectiveness of the NEPM in generating comparable, reliable information on the levels of air pollutants
- the environmental, economic and social impact of the NEPM, including unintended consequences
- the simplicity, efficiency and effectiveness of the administration of the NEPM, including the adequacy of its support mechanisms
- any regional environmental differences in Australia and the implications for the NEPM
- the links between the NEPM and other government policies (including other NEPMs) and the potential for integration
- the need, if any, for variation of the NEPM (in accordance with the Act), including:
 - whether any changes should be made to the Schedules
 - whether any changes should be made to improve the effectiveness of the NEPM in achieving the desired environmental outcome set out within it
 - the potential costs and benefits of any proposed changes.

2.5 The review process

Below is a summary of the work that has been undertaken since 2005 as part of the review of the NEPM.

Development and distribution of an issue scoping paper

An Issue Scoping Paper (ISP) was developed in 2005 and stakeholder views sought to assist with developing the scope of the NEPM review. Submissions to the ISP identified areas of concerns and suggested issues to be investigated in the review. A review proposal was subsequently presented to the NEPC in 2006 and the review was initiated that same year.

To assist and inform the review, two discussion papers were developed (in 2007 and in 2010) to gain stakeholder and public views on improving the effectiveness of the NEPM and formulating recommendations regarding potential variations.

The 2007 discussion paper on framework, monitoring and reporting

The first discussion paper focused on the current framework of the NEPM, and its monitoring and reporting protocols. Respondents were invited to comment on six broad options put forward to address issues that had been raised in the ISP.

The options are summarised below.

Option A

Make no changes to the current NEPM policy framework or protocols.

Option B

Vary only the monitoring and reporting protocols that would address specific issues raised with the existing policy framework.

Option C

Include an exposure reduction overlay in the current policy framework or protocols.

Option D

Vary the monitoring and reporting protocols that would address specific issues, and vary the existing policy framework to include an exposure reduction overlay incorporating procedures to determine reduction targets or goals and required monitoring and reporting protocols.

Option E

Vary the monitoring and reporting protocols that would address specific issues, and vary the existing policy framework to include monitoring and reporting protocols found in the National Environment Protection (Air Toxics) Measure.

Option F

Vary the monitoring and reporting protocols which address specific issues, vary the existing policy framework to include an exposure reduction overlay with any targets or goals and required monitoring and reporting protocols, and vary the existing policy framework to include the monitoring and reporting protocols for air toxics found in the National Environment Protection (Air Toxics) Measure.

The 2010 discussion paper on air quality standards

The second discussion paper reviewed health research related to the pollutants currently included in the NEPM and pollutants being considered for inclusion. International trends in air quality policy and the rationale for the current standards were also discussed. Respondents were invited to comment on whether existing standards were appropriate in light of any new evidence regarding the effect of air pollution on human health.

Cost-benefit analysis

A preliminary cost-benefit analysis of possible changes to the NEPM has been conducted, and will inform the NEPC's decision on whether to proceed to a variation. If the decision is made to proceed with a variation, a more detailed and comprehensive cost-benefit analysis and impact assessment will be conducted to identify and assess economic and social impacts on the community.

Costs of air pollution are typically estimated on the basis of health impacts, while net benefits of changing standards are estimated as health costs avoided, less abatement costs.

The rationale for a cost-benefit approach is that community resources for health and the environment should be used effectively. A cost-benefit analysis will support outcomes when there is a net benefit to communities. Each airshed is likely to require somewhat different policy responses, so incremental abatement costs may vary from city to city.

Emission reduction actions

Closely linked to the review process, jurisdictions are working together through the EPHC to develop a set of national emission reduction actions that will improve air quality and help meet the existing NEPM and any potential variation to the NEPM. These will complement the air quality management strategies of individual jurisdictions. The feasibility of additional emission reduction actions at state and national level to meet the NEPM will also be undertaken to inform NEPC's decision on whether to proceed to a variation of the NEPM.

Review report

This review report draws on information received and analysed from the range of sources described above. It includes a number of recommendations and will be presented to the NEPC in early 2011.

If a decision is made to vary aspects of the NEPM, a draft varied NEPM and an impact statement will be prepared. The impact statement will include an assessment of environmental, economic and social impacts. In accordance with the *National Environment Protection Council Act 1994* (the NEPC Act), and the NEPC consultation protocol, both the draft variation and the impact statement will be made available for public consultation. The NEPC will then consider the impact statement and submissions received during that consultation period and decide whether to adopt the proposed variation to the NEPM.

3 REVIEW OUTCOMES

This review has extensively examined all aspects of the NEPM. The terms of reference of the review focused attention on the strategic direction of the NEPM as well as on a range of technical issues with respect to monitoring and reporting. This report assesses and documents the outcomes of the review in a logical way, in line with the current structure of the NEPM; that is, under the headings of national environment protection goal, standards, and protocols.

The review concludes that the NEPM has been successful in developing a national approach to the monitoring and assessment of air quality in Australia. However, the review process has revealed some issues in the implementation of the NEPM that will, if addressed, improve efficiency and consistency in addition to meeting jurisdictional and stakeholder expectations. These are discussed in detail in the discussion papers (found at www.ephc.gov.au/airquality/aaq_nepm) and throughout this report.

3.1 National environment protection goal

As explained earlier in this report, the national environment protection goal is found within part 2 of the NEPM and relates to the desired outcome which is the protection of human health and well-being. It also guides the development of strategies for the management of human activities that may affect the environment, in this case ambient air quality.

The national environment protection goal establishes the policy framework of the NEPM. As a result, the issues, findings and recommendations of the review relating to part 2 of the NEPM also have implications for air quality standards (part 3) and monitoring and reporting (part 4). Given this, there is some overlap of discussion in the different sections of this report. As much as possible, this has been kept to a minimum.

3.1.1 Issues

In reviewing progress towards achieving the desired environmental outcome, the Review Team considered:

- air quality monitoring data
- risk to population health
- complexity surrounding cost-benefit analysis
- vulnerable subgroups in the population
- expanding the intent of the NEPM to include ecological considerations (secondary standards).

The simplicity, efficiency and effectiveness of implementing and administering the NEPM all have an impact on a jurisdiction's ability to achieve the desired environmental outcome and formulate management strategies. To enable the Review Team to consider this impact, jurisdictions were asked to provide a range of information including cost estimates for developing and preparing monitoring plans and establishing the monitoring networks.

3.1.1.1 Progress in meeting the desired environmental outcome

The intent of the NEPM was to provide a framework to monitor and assess air quality to ensure 'adequate protection of human health and well-being'. The review process established that there is no shared understanding among stakeholders as to the meaning of 'adequate protection'. The concept of adequate protection implies a range of issues such as the appropriate balance between population health, economics, social equity and lifestyle. Implicit in the NEPM was the inference that meeting the compliance standards would ensure

the achievement of the desired environmental outcome of the NEPM in providing adequate protection of human health and well-being.

The review concludes that, even if disagreement remains as to the absolute level of protection that the NEPM should ensure, it would be difficult to contest the notion that the desired environmental outcome should reflect the desire to continuously improve air quality to minimise risk to the health of the Australian population. The extent to which health risk can be minimised will be dependent on a range of factors, including economic, social and environmental considerations that will be determined through a variation process.

One method of determining how effective the NEPM has been in driving improvements in air quality is assessment of the air quality data from monitoring stations. However, linking air quality improvement directly to the implementation of the NEPM is difficult because of the range of reasons that may be behind specific management actions. Furthermore, there are often extended lag periods between implementing management action (such as new design emission standards for a particular source) and observing ambient air quality improvements. In addition, a number of other factors such as population growth, economic development and increased motor vehicle use (just to name a few) counteract emission reduction resulting from implementing management actions.

It does appear that, in general, air quality in Australian cities is good by international standards. The data show that nitrogen dioxide, carbon monoxide, sulfur dioxide and lead concentrations are consistently below the NEPM standards in all jurisdictions. Most jurisdictions still experience exceedances of the standards for particles (both PM₁₀ and PM_{2.5}) and ozone on occasions. These exceedances often appear to be associated with bushfires and/or management burns. An analysis of the monitoring data (undertaken during preparation of the first discussion paper on the NEPM policy framework, reporting and monitoring protocols) did not present any clear trends, with the exception of two cases: one being the reduction in ambient lead due to its removal from motor vehicle petrol, and the other being reductions in particle levels in Launceston through domestic wood heater incentive and education campaigns.

The review of the potential population health risk resulting from ambient air quality exposure across Australia considered a range of factors. Stakeholder comment was sought on whether additional pollutants such as benzene and benzo(a)pyrene should be incorporated into the NEPM.

Determining potential population health risk resulting from ambient air quality exposure has been complicated by the fact that epidemiology studies are now indicating there is no clear threshold for effect for the current NEPM pollutants, with exposures below the standards still representing a statistically significant and measurable health risk to the Australian population. This is a shift in thinking, given that when the NEPM was made it was thought sulfur dioxide and carbon monoxide had an identified threshold of effect, and nitrogen dioxide and lead had an apparent threshold of effect. In light of this new evidence, compliance with the standards alone may not achieve the desired environmental outcome of 'adequate protection'.

Jurisdictions also acknowledged that it is difficult to assess whether the population is adequately protected based on the NEPM monitoring data as networks have been established to assess compliance at GRUB sites, rather than measure the potential range of concentrations across an airshed.

3.1.1.2 Resources for, and administration of, NEPM implementation

The perceived cost to implement the NEPM varies considerably between jurisdictions. The total direct cost attributed to implementation is estimated to be approximately \$4 million over 8 years. These costs are lower than those predicted at the time of making the NEPM (NEPC 1998) which estimated a total of \$5 million over the same time period. Jurisdictions did identify the provision of insufficient resources as a key issue in the implementation of the NEPM. Some jurisdictions reported they were unable to fully implement monitoring as approved through the monitoring plans due to resource constraints and competing priorities.

Although there has been no significant increase in the coverage of the air quality monitoring networks in urban areas (i.e. more stations), one key improvement identified as a direct result of NEPM implementation has been increased monitoring in regional areas, particularly in Victoria and NSW. Implementation of the NEPM has also ensured that equipment upgrades have occurred and new instrumentation incorporated into existing stations to increase the number of pollutants assessed, as in additional particle monitoring (for both PM₁₀ and PM_{2.5}).

Most jurisdictions reported that they had not experienced any difficulties in administering the NEPM. Western Australia, however, did observe that implementation had resulted in political and community concern when standards were exceeded. These exceedances were often perceived to pose a significant risk to individual and population health, whilst any value below the NEPM standard (no matter how close to the standard) was perceived to be 'safe'. This issue is important when considering the desired environmental outcome of the NEPM, the form of the standards, and the monitoring and reporting processes in place.

3.1.1.3 Consideration of environmental, economic and social impacts

As mentioned previously, the current desired environmental outcome of the NEPM focuses on human health and well-being. It does not give consideration to other parts of the environment, including ecosystems, which may include economic and ecological values of crops, forests, natural areas, animals, property, and aesthetic values such as visible distance. Internationally, some jurisdictions have introduced secondary air quality standards to assist management of these issues. With the exception of standards to protect local visual distance, most secondary standards are designed to protect agricultural or natural ecosystems. These standards have been introduced where there is evidence that the ecosystem is more sensitive than human health to specific air pollutants, and are based on high quality data and assessments.

While there is considerable scientific knowledge about the impacts of air pollution on the agricultural crops and some plantation trees, there is much less knowledge about impacts of air pollution on the natural vegetation and natural ecosystems of Australia.

The 2007 discussion paper inferred that an extensive review of the available literature would be required prior to any determination regarding the need for secondary standards in the Australian context. In addition to this, modelling would need to occur to predict regional impacts so a cost-benefit analysis could be performed. The desired environmental outcome would also need to be revised to accurately reflect the intent of the NEPM.

Any variation to the NEPM will require the preparation of an impact statement, involving a comprehensive cost-benefit analysis, to identify and assess the economic and social impact on the community. This analysis is made difficult by the following factors:

- many pollution abatement policies are implemented at a jurisdiction level
- some intervention programs will pre-date any variation and should not be fully attributed to any variation
- there are often long delays between the intervention activity and widespread market penetration
- current monitoring networks do not provide an adequate representation of population exposure.

Background or non-anthropogenic pollution would need to be accounted for in the cost-benefit analysis, as air pollution levels can be dominated by natural events like bushfires and dust storms. Anthropogenic sources should be separated from background sources so that the cost of management strategies to reduce the anthropogenic contribution can be assessed. Both ozone and particles occur naturally and their presence can contribute substantially to measured levels and exceedances.

The 2007 discussion paper proposed consideration of an exposure reduction approach to achieve the desired environmental outcome, given the lack of identified thresholds for health effects from exposure to these pollutants. Therefore any reduction in exposure will provide health benefits that will need to be factored into any cost-benefit analysis. The exposure reduction approach is discussed further in this report and in detail in the discussion papers of both 2007 and 2010. Information on the way this approach is being taken in the EU and the UK is widely available on the internet.

An exposure reduction approach moves away from a strict standards-based approach and places more focus on reducing population exposure. This assessment and any resulting management strategies are based on the premises that:

- there is no clear threshold for effect, so any reduction in exposure (either above or below a compliance standard) will result in health benefits
- it may be more cost efficient to implement management actions which reduce exposure to a large segment of the population, rather than peak exposures to a small proportion of the population.

The 2007 discussion paper raised another important issue with respect to the desired environmental outcome, that being the experiences of sensitive subgroups within the community. It is well documented that exposure to air pollution causes a range of responses across the population. Known sensitive subgroups within the community include people with existing respiratory and cardiovascular disease, children, and the elderly. In addition, there is increasing evidence that air pollution may have a disproportionate impact on people in lower socio-economic groups.

This review has considered current monitoring and reporting procedures for these sections of the population, as well as potential inconsistencies in the use of the term 'adequate protection' as it relates to the desired environmental outcome and these sensitive subgroups. What is adequate for one person or population subgroup may not be for another.

3.1.2 *Comments and discussion*

All of the submissions received proposed some form of change to the NEPM. As expected, there were divergent views on some issues and general support for others. Of the six broad options presented in the 2007 discussion paper (detailed earlier in this report), the NEPM variation most supported by stakeholders was Option F which proposed to:

Vary the monitoring and reporting protocols which address specific issues, vary the existing policy framework to include an exposure reduction overlay with any targets or goals and required monitoring and reporting protocols, and vary the existing policy framework to include the monitoring and reporting protocols for air toxics found in the National Environment Protection (Air Toxics) NEPM.

Option D was the next preferred variation, featuring the same elements as Option F without proposing the incorporation of the air toxics NEPM into the NEPM. A number of submissions separately discussed the perceived benefits and issues with amalgamating the two air quality-related NEPMs at this time.

3.1.2.1 *Adequate protection*

The review process established that there is no agreement on what the term 'adequate protection' means or should mean.

The health sector considered it important to clarify the definition of 'adequate protection' particularly as it relates to sensitive subgroups, suggesting that definitions should not be left to the interpretation of individual agencies. The sector was also concerned that the review determine to what extent the community should or will accept risks. Representatives from the health sector indicated that their experiences and discussions highlight assumptions within the community that full protection is achieved when air quality standards are met, and that exceedances are major health issues.

There was an expectation, raised primarily by the community submissions, that sensitive subgroups would be considered and provided 'adequate' protection when implementing the NEPM to achieve the desired environmental outcome.

A similar interpretation was observed by the Western Australian environment agency. Other submissions received were also consistent with the views of the health sector.

There is overwhelming support to have the term 'adequate protection' defined.

3.1.2.2 *Exposure reduction*

There was support for the adoption of an exposure reduction approach. The most-preferred variations, options F and D, both included exposure reduction as a key addition to the current NEPM. Several review participants voiced their support for the introduction of an exposure reduction overlay separate to identifying a preferred variation from a predetermined list.

Although support was given by Clean Air Society of Australia & New Zealand (CASANZ) for exposure reduction targets, caution was suggested, with the society recommending that an approximate exposure assessment be undertaken prior to a commitment to this approach. It was suggested that it would be difficult to undertake a cost-benefit analysis of various reduction targets without this assessment.

It appears from the submissions that clarification is required as to how an exposure reduction framework may apply. One submission indicated that it would be preferable for exposure reduction to focus on the most exposed populations. It was not clear whether the submission was referring to elevated concentrations of a particular pollutant, or where large segments of the population may be exposed. Other submissions supported a broader application across whole populations.

3.1.2.3 Resourcing and implementation

Several commentators raised concerns that jurisdictions did not appear to be adequately resourced to implement the NEPM. It was suggested many of the issues raised in the review regarding the location of monitoring stations were, in fact, linked to resource constraints and will not be remedied by simply varying the NEPM. Another submission (by a community group) argued that where there are limited resources, there is a need to take a precautionary approach to station siting, as exemplified by the Generally Representative Upper Bound, or 'GRUB' concept. This submission went on to suggest that detailed emissions inventories and airshed modelling could be used to assist in determining population exposure. A number of commentators noted it was essential that any variations to improve the NEPM be realistically costed and resourced to build upon the core achievements of the NEPM to date. This should include any resource implications of implementing an exposure reduction approach.

3.1.2.4 Secondary standards

There was support to investigate the option of secondary standards when the ISP was released for comment. However, only one submission specifically mentioned the potential of ecological standards in response to information provided in the 2007 discussion paper. This submission, from industry, suggested tighter standards for ecological reasons are unlikely to show further improvement without major technological and behavioural changes to population mechanisms, particularly when management action to date has shown little if any improvement based on human health protection principles.

3.1.2.5 Industrial emissions

The NEPM standards were established as ambient standards; that is, pertaining to broad air quality within airsheds. They were not generally aimed at assessing air quality at localised point sources, such as those from industrial plants. However, many jurisdictional authorities (perhaps most) have used them as a basis for licence conditions or other instruments for protecting local communities from ground level impacts of pollutants in residential areas outside industrial activity boundaries.

Several industry commentators raised concerns about the use of NEPM standards for managing industrial emissions, arguing that the original intent of the NEPM was to avoid monitoring near localised point sources of pollution and at peak sites as these would not represent general population exposure. In contrast, elements of the health sector expressed the view that areas impacted by industrial emissions should be included as part of a population exposure monitoring regime as the general population also includes these sub-populations.

In relation to applying standards for industrial limits, this is a matter of choice by jurisdictions in implementing their own respective legislation and does not, therefore, fall within the purview of this review.

3.1.3 *Review findings*

The issues identified and examined in the 2007 and 2010 discussion papers suggest there is justification for amendments to the NEPM policy framework, standards and protocols. Some of these changes are linked to unanswered questions (e.g. what is adequate protection?), whereas others are supported by an increase in knowledge (e.g. no health effect threshold). Support for amendments to the NEPM is reiterated through the comments received and the breadth of views expressed.

It is clear that the desired environmental outcome of the NEPM requires alteration. There is a large proportion of the community that expects that absolute protection should be provided. This is not compatible with the concept of adequate protection given the findings of epidemiology studies that there is no evidence of a clear threshold for effect.

Studies in Australia and overseas (see Discussion Paper www.ephc.gov.au/airquality/aaq_nepm) show that exposures below the current NEPM standards still represents a statistically significant and measurable health risk to the Australian population, and on this basis the Review Team suggests it would be difficult to reach consensus on a tightly defined definition for 'adequate protection'. The Review Team considers that the desired environmental outcome should be revised to acknowledge the health risks associated with air pollutant exposure and that implementation of the NEPM will aim to minimise these risks as much as possible.

To ensure that the requirement of the NEPC Act provide equivalent protection for all Australians is met, consideration should be given to considering patterns of exposure and reducing risks to the whole population arising from these exposures. The Review Team considers that the desired environmental outcome should be amended to focus on minimising risk for all people wherever they may live. In a later section of this report, changes are also proposed to reporting protocols to ensure that NEPM information is more easily accessible to all parts of the community.

There appears to be significant merit and across-the-board stakeholder support for an exposure reduction framework. Its implementation should improve the effectiveness of the NEPM by targeting management strategies to reduce population exposure rather than complying with a standard. It will also highlight the fact that the air quality standards do not provide absolute protection and any reduction in exposure will have a net positive health benefit. The introduction of an exposure reduction approach will align Australian air quality management policy with international best practice approaches.

The issue of jurisdictional resourcing will be explicitly considered within the impact statement as part of a variation process. There does not appear to be sufficient information or impetus at this time to develop and incorporate national ecological air quality standards. The Review Team anticipates research and policy responses will progress at a jurisdictional level as localised issues arise. This work should be investigated as part of any future review of the NEPM.

3.1.4 Recommendations relating to national environment protection goals

Recommendation 1

Revise the desired environmental outcome of the NEPM to 'minimise the risk from adverse health impacts from exposure to air pollution for all people wherever they may live'.

Recommendation 2

Revise the desired environmental goal to make reference to the air quality standards and incorporation of exposure reduction targets for priority pollutants.

3.2 National environment protection standards

The purpose of part 3 of the NEPM is to set standards that consist of quantifiable characteristics of the air against which ambient air can be assessed.

3.2.1 Issues

When the NEPM was made in 1998, it set standards for carbon monoxide, nitrogen dioxide, sulfur dioxide, particles (as PM₁₀), ozone, and lead. In 2003, the NEPM was varied to include advisory reporting standards for PM_{2.5}. At the time of making the NEPM, there were no studies conducted in Australia linking adverse health effects with exposure to air pollution. Consequently, the standards were based on evidence from studies conducted overseas, particularly in the US.

Studies that have since been conducted in Australia support the findings of studies overseas. These studies provide evidence of adverse health effects attributable to air pollution in the Australian population at pollution levels currently experienced in Australian cities. The current air pollution levels are largely below the current air quality standards in the NEPM although exceedances of the particle and ozone standards are experienced at times.

The key policy-relevant questions which provided a framework for review of the scientific evidence were:

1. Has new information altered scientific support for the occurrence of health effects following short- and/or long-term exposure to levels of air pollutants found in the ambient air in Australian cities?
2. What do recent studies focused on the near-source environments tell us about health effects of air pollutants?
3. At what levels of exposure to air pollutants do health effects occur?
4. Has new information altered conclusions when the NEPM was made regarding the plausibility of adverse health effects caused by exposure to air pollutants?
5. To what extent have important uncertainties been identified and addressed?
6. What are the relationships between short- and long-term exposures to air pollutants and adverse health effects?

The main aim of setting NEPM standards is the prevention of adverse health impacts from air pollution and to provide adequate protection for all Australians. For the purpose of setting air quality standards, the risk characterisation applies to population risk not individual risk. Population risk refers to an assessment of the extent of harm for the population as a whole.

In determining the risk of adverse health effects in the population from exposure to air pollution, evidence of causality is largely drawn from estimates of how the risk changes in response to exposure. Generally, the response is evaluated within the typical range of air pollutant concentrations experienced by a defined population.

Extensive human data are available to inform risk assessments for all criteria pollutants. An important consideration in characterising the public health impacts associated with exposure to a pollutant is whether the exposure-response relationship is linear across the full concentration range or whether there is a threshold for effect.

Another factor that must be taken into account when setting air quality standards is the existence of vulnerable subgroups within the population. The sensitivity of individuals to air pollution arises from a number of factors including:

- age
- gender
- respiratory diseases, e.g. asthma, chronic obstructive pulmonary disease (COPD)
- cardiovascular diseases
- pre-existing disease, e.g. diabetes
- adverse birth outcomes: e.g. pre-term birth, low birth weight, growth restriction, birth defects
- race/ethnicity
- genetic factors
- obesity
- socio-economic status.

These factors may affect an individual's response to exposure to air pollution, and air quality standards must contain an adequate margin of safety to protect these individuals as far as practicable.

3.2.2 *Comments, discussion and review findings*

All of the submissions received proposed changes to the standards in the NEPM. The majority of submissions supported the removal of allowable exceedances and the inclusion of a natural events rule to account for events such as bushfires and dust storms. Caution about the natural events rule was noted in some submissions, and many submissions expressed the need to include strict guidelines about what would be excluded. There was strong support to include an exposure-reduction overlay together with compliance standards to minimise risk to the health of the Australian population.

3.2.2.1 *Right pollutants*

There were many specific comments received regarding the need to consider the form of the standards and whether they should be located in the ambient air quality NEPM, the air toxics NEPM, or a combined NEPM. These comments are considered in detail later in the report, where national environment protection standards (part 3 of the NEPM) are discussed.

One submission recommended the development of agreed criteria for the inclusion of 'common' pollutants in the NEPM. This could provide a logical procedure for determining the appropriateness or otherwise of air pollutants proposed for inclusion in the NEPM.

One of the questions raised through the review process was whether the right pollutants are included in the NEPM. In particular, since lead is no longer widely spread in the environment and is linked primarily to industrial sources, the Review Team considered whether it should be included in the ambient air quality NEPM or moved to the air toxics NEPM. The consultation process identified a consensus that lead no longer meets the definition of a 'criteria' pollutant and therefore does not belong in the ambient air quality NEPM. There was, however, a desire to have a national air quality standard that could be used in communities such as Port Pirie and Mt Isa that are impacted by industrial sources. There was strong support to move lead to the air toxics NEPM where monitoring is focused on hot spots.

Feedback on the Issues Scoping Paper supported benzene and PAHs be considered for inclusion in the ambient air quality NEPM, as they arise from multiple sources and are widely spread in the environment. These pollutants are currently included in the air toxics NEPM. The mixed views on whether these pollutants should be included in the ambient air quality NEPM were mainly due to the limited amount of data that is available. The mid-term review of the air toxics NEPM has shown that, although there is more data available than when that NEPM was made, it is still limited. The Review Team considers that, at this stage, benzene and PAHs should remain in the air toxics NEPM until further data are collected. The question of their removal to the ambient air quality NEPM should be considered as part of the full review of the air toxics NEPM scheduled to commence in 2012.

Particles were also the subject of comment in submissions to the review. Currently, the indicators are PM₁₀ and PM_{2.5} and questions were raised as to whether standards should be set for ultrafine particles (<0.1 µm), coarse particles (PM_{2.5-10}) or specific components (e.g. metals, black carbon), as well as the existing indicators. Issues to be considered include:

- whether we have sufficient evidence to show that there are health effects of the pollutants separate to those associated with PM₁₀ and PM_{2.5}
- whether there is monitoring data available in Australia that would enable the setting of standards for these pollutants.

The health reviews conducted as part of this review have shown that, although there is some evidence for health effects linked to ultrafine particles, there is not sufficient evidence to support the setting of standards at this time. This finding is supported by the recent reviews conducted by WHO and the US EPA (US EPA 2009; WHO 2006). In addition, as ultrafine particles are not routinely monitored, there is no monitoring data available in Australia that would enable the setting of standards.

Although there is stronger evidence for independent health effects associated with the coarse fraction of PM_{2.5-10}, this information is limited and there are no Australian health studies for this size fraction. The health effects associated with this size fraction are similar to those attributed to PM₁₀. There is very limited monitoring data available in Australia for PM_{2.5-10} and what is available is not sufficient to support the setting of standards at this time. However, given that this size fraction is significant in Australia due to the significant contribution from windblown dust to PM₁₀, further monitoring of the coarse fraction and studies into the associated health effects may be prudent to inform the setting of standards for PM_{2.5-10} in the future.

Current research has not been able to conclude precisely what property of PM (size, mass, composition) is directly responsible for the observed health effects. There are very limited data available internationally about the health effects of individual components of particles. There is some evidence that metals and black carbon may have independent health effects from the particle mass indicators PM₁₀ and PM_{2.5}; however, it is insufficient at this time to enable the setting of standards. In addition, there is very little monitoring data available in Australia to support the setting of standards for individual components.

In summary, the findings of the Review Team are that:

- lead is no longer widely spread in the environment and should be removed from the ambient air quality NEPM; although it is an issue at point sources, it is more appropriately placed within the Air Toxics NEPM
- a national standard is desirable for lead and should be included in the air toxics NEPM
- there are not sufficient data at this time to support the inclusion of benzene and PAHs in the ambient air quality NEPM. This should be considered as part of the full review of the air toxics NEPM commencing in 2012
- PM₁₀ and PM_{2.5} remain the relevant indicators for particles. There are not sufficient data at this time to support the development of standards for ultrafine particles, PM_{2.5-10}, or individual components of particles.

3.2.2.2 *Do we have the right standards?*

Many submissions supported the need to revise air quality standards, using the most recent health information.

The health reviews conducted as part of this NEPM review have shown that there is significant new evidence on the health effects of air pollution both in Australia and internationally. A full discussion on the health effects can be found in the Discussion Paper (www.ephc.gov.au/airquality/aaq_nepm). The results of epidemiological studies worldwide are showing health effects at lower pollution levels which, in many cases, are well within existing standards. One important finding of this review is that there appears to be no threshold below which no health effects are observed. This means that wherever the standards are set, there will be some level of risk associated with that exposure. The results of epidemiological studies are supported by the results of controlled human exposure studies and animal toxicological studies.

The findings of local studies show that health effects of air pollution in Australia are similar to those observed in studies conducted overseas. For nitrogen dioxide and particles, the effects appear to be greater than those observed in the US and Europe but similar to those observed in Canada. This means that the health effects are observed at lower levels of pollution and indicates that actions are required to minimise the exposure of the population to air pollution.

The overall body of evidence drawn from studies conducted in Australia and overseas indicates that the groups most vulnerable to the effects of air pollution are:

- people with existing heart and lung disease
- elderly people
- children
- foetuses.

A summary of the findings of the health reviews is presented below.

Carbon monoxide

Australian and international studies have found associations between carbon monoxide (CO) and increases in hospital admissions, emergency department attendances, and premature death from cardiovascular disease.

Associations have also been found with adverse birth outcomes such as low birth weights and reduced foetal growth. These effects can have an impact on childhood development.

Studies of hospital admissions and emergency department attendances for heart disease and congestive heart failure provide the strongest evidence of ambient CO being linked with adverse cardiovascular disease impacts. The results of studies conducted in Australia are consistent with those in the US and Europe.

Some studies have found it difficult to separate specific CO-related health effects; overall, however, the evidence indicates that associations between CO and adverse health outcomes remain strong even when the effects of other pollutants are accounted for. There is clear evidence from Australian studies that there are health effects linked to CO below the current Australian standards in the NEPM. The effects are greatest in elderly people with existing cardiovascular disease.

The results of animal toxicological studies show similar effects to those found in human epidemiological studies that find associations between exposure to CO and cardiovascular outcomes. The observed effects are consistent with the known mechanism for CO impacting on the cardiovascular system.

The findings of the CO review indicate that health effects are observed at current levels of CO in Australian cities which are well below the NEPM standard. The effects are greatest in people with existing cardiovascular disease. The Review Team considers that the CO standards should be revised and consideration should be given to this sensitive group.

Nitrogen dioxide

Epidemiological studies worldwide show consistent associations between short-term exposure to nitrogen dioxide (NO₂) and hospital admissions and emergency department attendances, particularly for children with asthma. Studies also show increases in asthma symptoms and medication usage linked to short-term exposures to NO₂. Clinical studies show that people with asthma are more susceptible to exposure to NO₂, and that short-term exposure to NO₂ is associated with airway reactivity and enhanced inflammatory response in people with asthma. Animal toxicology studies support the findings of epidemiological and controlled exposure studies.

Effects observed for exposure to NO₂ are greatest for respiratory outcomes. There is no strong evidence from international studies for an association between short-term NO₂ exposures and cardiovascular outcomes.

Australian multi-city studies have shown that ambient NO₂ is associated with increases in mortality and hospital admissions for all cause, respiratory and cardiovascular causes. The effects are greater than those observed in Europe and US but are similar to Canada (refer Discussion Paper at www.ephc.gov.au/airquality/aaq_nepm).

The effect estimates in Australia range from 0.11 to 0.9% increase in mortality per 1 ppb increase in NO₂ compared with 0.03 to 0.04% increase in the US. This indicates that health effects are observed at lower levels in Australia.

Infants, children, and elderly people are more susceptible to the effects of NO₂, and people with asthma and other chronic respiratory and cardiovascular disease are particularly vulnerable. Observed effects are independent of other pollutants and occur at current ambient levels of NO₂ which are well below current standards. Long-term exposures are linked to changes in lung growth in children and respiratory symptoms in asthmatic children. Effects are observed at levels between 0.03 and 0.04 ppm.

The findings of the review of the NO₂ health evidence indicate that health effects are observed at current levels of NO₂ in Australian cities which are well below the NEPM standard. The effects appear to be greater in Australia than those observed in the US and Europe and are greatest in children, the elderly and people with asthma and other chronic respiratory diseases. The Review Team considers that the NO₂ standards should be revised and consideration should be given to these sensitive groups.

Ozone

In 2005, the NEPC completed preliminary work for the review of the ozone standards. This work found that standards should be based on 1-hour, 4-hour and 8-hour averaging periods to account for exposure in Australian cities. The findings of the current review support these findings.

The health reviews found that short-term (1-4 hour) exposures are linked to increases in mortality, hospital admissions and emergency department attendances mainly for respiratory causes. The effects are greatest in the warm season and in elderly people. Studies show increases in emergency department attendances for asthma linked to both 1-hour and 8-hour exposures to ozone. Evidence for cardiovascular effects is not as strong as for respiratory effects and the US EPA concluded evidence for cardiovascular effect inconclusive.

Studies from Europe, US and Australia show similar associations. European studies show a 1.8% increase in all cause mortality, a 2.7% increase in cardiovascular mortality and a 6.8% increase in respiratory mortality per 30ppb increase in 8-hour ozone exposures. There is no evidence for threshold for effect.

Exposure to ozone is also linked to range of respiratory outcomes including:

- decreases in lung function
- increases in respiratory symptoms
- increased respiratory inflammation
- increased airway responsiveness.

Long-term exposure to ozone is not associated with increases in mortality but there is some evidence of increase in lung cancer in non-smoking populations in high ozone areas. Long-term exposures are linked to changes in lung function in both healthy adults and people with asthma. The results of the epidemiological studies are supported by results of animal toxicological studies.

Australian epidemiological studies show increases in hospital admissions for respiratory causes and ozone in the warm season. Studies also show ozone associated with risk of pre-term birth in Sydney and Brisbane. Associations are found for 1-hour, 4-hour and 8-hour ozone levels for all outcomes.

The findings of the review of the O₃ health evidence indicate that health effects are observed at current levels of CO in Australian cities which at times exceed the NEPM standards. The effects are greatest in the elderly and people with existing respiratory disease. The Review Team considers that the 1 and 4 hour standards should be revised and an 8-hour standard introduced and consideration should be given to these sensitive groups.

Sulfur dioxide

Exposure to sulfur dioxide (SO₂) creates an acute irritant response that leads to coughing, wheezing, sputum production, increased incidence of respiratory infections, aggravation of asthma, and COPD. People with asthma are particularly sensitive to SO₂ and respond very quickly (within minutes). Epidemiological studies show an association between short-term exposures and increases in daily mortality from respiratory and cardiovascular effects. The effects are stronger for respiratory outcomes. Hospital admissions and emergency department attendances for respiratory disease are linked with exposure to SO₂.

Epidemiological evidence is supported by controlled human exposure studies and animal toxicological studies conducted near ambient concentrations that show links between SO₂ and NEPMs of respiratory health such as respiratory symptoms, inflammation, and airway hyper-responsiveness. Effects are more pronounced in children with asthma and elderly people.

Exposure duration is not critical to the observed effects. Response is rapid and continuing exposure does not increase effect. Effects are observed at current levels of SO₂ which are well within existing standards in cities without industrial sources.

The findings of the review of the SO₂ health evidence indicate that health effects are observed at current levels of SO₂ in Australian cities which are well below the NEPM standard. The effects are greatest in people with asthma. The Review Team considers that the SO₂ standards should be revised and consideration should be given to these sensitive groups.

Lead

The lead (Pb) standards are based on blood lead levels not exceeding 10 µg/dL. Foetuses, infants and children are most susceptible to the effects of Pb. Strong evidence exists for a causal relationship between lead and increased blood pressure and hypertension in adults. There is some evidence from epidemiological studies of links between Pb and increases in mortality and morbidity for cardiovascular causes.

Epidemiological studies show decreases in cognitive function, in particular IQ, in children at blood lead levels below 10 µg/dL, and there appears to be a non-linear dose-response between blood lead and neurodevelopmental effects. There are a number of large studies that consistently show that Pb is associated with various neurodevelopmental effects at blood lead levels between 5 and 10 µg/dL. Epidemiological studies have also reported associations between Pb and indicators of renal function impairment. These effects are observed at mean blood Pb levels between 3.3 and 4.2 µg/dL. Results of toxicological studies support the findings of epidemiological studies.

The findings of the Pb review indicate that health effects are observed below the blood Pb target of 10 µg/dL. The Review Team considers that the standard should be revised to reduce risk to the affected populations, even if moved to the Air Toxics NEPM.

Particles

The health reviews found that there is substantial new evidence from time series studies and cohort studies on both short-term and long-term effects for particles. PM₁₀ and PM_{2.5} are associated with increases in mortality and morbidity, with much stronger evidence now for cardiovascular outcomes. Studies in Australia show similar effects to overseas studies; however, the effects appear to be similar to Canada but greater than in US and Europe.

The health effects of both PM₁₀ and PM_{2.5} include:

- increases in daily mortality
 - estimates of 0.12-0.8% increase per 10µg/m³ of PM₁₀ for all causes of mortality
 - Australian studies show 0.2 % increase per 10µg/m³ of PM₁₀ for all cause of mortality
- much stronger evidence now for particles causing cardiovascular disease
- some heterogeneity in effects.

Stronger effects have been found for cardiovascular causes than respiratory causes for particles in general. The effect estimates from multi-city studies range from 0.47 to 0.85% increase per 10 µg/m³ PM_{2.5}. Associations have also been found for coarse particles and cardiovascular mortality.

Increases in hospital admissions and emergency department attendances have been found with exposures to PM₁₀, PM_{2.5}, and PM_{10-2.5}. There is evidence for links with both cardiovascular and respiratory effects, particularly respiratory disease, asthma and COPD, while there are strong associations with ischemic heart disease and congestive heart failure.

There is evidence that supports biological plausibility for cardiovascular effects. Epidemiological studies have shown that particles interfere with electrical signals in the heart disrupting heart function. These findings are supported by the results of toxicological studies.

Associations have also been found between particles and increases in respiratory symptoms and medication use in children with asthma. These are linked to reduction in lung function and increased lung inflammation.

There are several new studies that show links between long-term exposure to particles and increases in mortality respiratory and cardiovascular causes. The US EPA concluded that a causal relationship is likely to exist between long-term exposure to PM_{2.5} and mortality, and that a causal relationship exists between long-term exposure to PM_{2.5} and cardiovascular outcomes including mortality. Long-term exposure is also linked to decrements in lung growth, increased respiratory symptoms and asthma development. It appears that children are at greater risk from long-term exposures than adults.

There is not sufficient evidence at this time to show any independent effect of ultrafine particles, while there is only limited evidence for coarse particles and an independent role of particle composition.

Overall findings – right standards?

Overall, the results of the health reviews show that there are significant health effects at current levels of air pollution in Australian cities. These findings indicate that the current standards are not meeting the requirement for adequate protection of human health. There is evidence that these standards should be revised to minimise the impact of air pollution on the health of the Australian population. This finding was strongly supported by all stakeholders throughout the consultation process.

Another outcome from the consultation process was strong support to have a PM_{2.5} compliance standard in place of the current advisory reporting standard. This support is based on the understanding of the health effects of PM_{2.5}. The initial introduction of advisory reporting standards rather than compliance standards was due to a lack of monitoring data. All jurisdictions have since been monitoring PM_{2.5} and there are now sufficient data to develop compliance standards. The Review Team considers that compliance standards should be introduced for PM_{2.5}.

Averaging periods

The health effects of air pollution are linked with the exposure period. The averaging periods for standards reflect the health effects associated with the different exposures.

For NO₂, Pb, CO, SO₂ and PM_{2.5}, the health reviews indicate that the current averaging periods for the standards are appropriate and should be retained.

For ozone, the health evidence indicates that health effects are observed for 1-hour, 4-hour and 8-hour averaging periods. In addition, the formation of ozone in Australian cities, in particular Sydney, indicates that ozone peaks exist for longer periods. The findings of the preliminary work were also supported throughout the consultation process. The Review Team considers that an 8-hour ozone standard should be included in the NEPM.

The health reviews have shown that there is a larger body evidence for long-term health effects for particles. The current PM₁₀ standards are based on short-term effects. Based on the new health evidence, the Review Team has concluded that an annual average standard for PM₁₀ should be included in the NEPM. This was a strong view put forward by stakeholders during the consultation process.

3.2.2.3 Exposure reduction

The health reviews show a current understanding that there is no threshold for the health effects of air pollution. This means that wherever the standards are set there will be some residual risk associated with them. There is therefore a question as to how the desired environmental outcome of the NEPM can be achieved when there are health effects observed below the current standards.

The achievement of the desired environmental outcome requires driving improvements in air quality even if the standards are met in order to minimise the risk to the population arising from exposure to air pollution. One approach that is being implemented internationally and which was considered during this review is to add an exposure reduction overlay to the standards.

The exposure reduction approach is based on the principle that for pollutants with a low or zero threshold for adverse effects, it will generally be more beneficial to public health, and potentially more cost-effective, to reduce pollutant levels across the whole population of an urban area or region rather than in a specific localised area for compliance purposes.

The EU has set an exposure reduction target of 20% by 2020 based on 2010 levels for PM_{2.5}. The directive obliges member states to bring exposure levels below 20 µg/m³ by 2015. Throughout their territory, member states will need to respect the PM_{2.5} limit value set at 25 µg/m³. This value must be achieved by 2015 or, where possible, by 2010. The exposure is to be determined using an average exposure indicator (AEI). The AEI is assessed as a 3-calendar-year-running annual mean concentration averaged over all urban background sampling sites of a member state. The AEI for the reference year (2010) shall be the mean concentration of the years 2008, 2009 and 2010. Similarly, the AEI for the year 2020 shall be the 3-calendar-year-running mean concentration averaged over all sampling points for the years 2018, 2019 and 2020.

The exposure reduction framework focuses policy on improving air quality in the places where the greatest number of people are likely to be exposed, rather than reducing high concentrations of pollution in small localised areas. This exposure reduction framework takes into account the fact that no lower threshold for effect has been identified and that any reduction in exposure is likely to result in a health benefit to the population.

The concept of an exposure reduction in the NEPM was supported through the consultative process although some stakeholders stated that there would need to be clear guidelines on defining the monitoring and assessment procedures. There was recognition that this approach would drive improvements in air quality that would assist in achieving the desired environmental outcome of the NEPM and address some environmental equity issues currently not addressed in that NEPM. Under the current monitoring protocol in the NEPM, people who live near major sources of pollution such as roads do not have air quality monitoring data and are likely to be exposed to higher levels of air pollution than that measured at performance monitoring stations. The exposure reduction approach would drive improvements in air quality across the whole population and not focus on meeting standards at the designated monitoring stations.

The health reviews indicate that there is a statistically significant and measurable health risk posed to the Australian population from NO₂, O₃, PM₁₀ and PM_{2.5}. These pollutants arise from similar sources to CO; therefore, driving improvements in these pollutants will also drive reduction in CO levels and the associated health risks. Based on the understanding of the health risk posed by air pollution in Australia, the finding of the review is that an exposure reduction overlay should be incorporated into the NEPM for pollutants prioritised on the basis of risk to the health of the Australian population (priority pollutants), in addition to the standards. It is the view of the Review Team, supported by the outcomes of consultation, that the combination of standards and the exposure reduction overlay will reduce the impact of air pollution on the health of the Australian population and help meet the NEPM desired environmental outcome. Exposure reduction targets should be set for priority pollutants. The EU approach provides an appropriate model as a basis for an exposure reduction framework for inclusion in the NEPM.

3.2.2.4 Exceedances

As described earlier in this report, the NEPM includes standards which are quantifiable characteristics of the environment against which environmental quality can be assessed. It also incorporates protocols which are the procedures to be followed to determine whether the standard is being met and whether there is progress in meeting the NEPM goal. This goal is to meet the standards to a specified degree within 10 years.

It is important to consider the implication of allowing or not allowing exceedances of a specified numerical value. Exceedances may be permitted to allow for events that are known to occur, but which cannot be managed; for example, emissions from bushfires or dust storms. Alternatively, a stringent numerical value may be chosen for a particular pollutant due to the risk it poses, but allow a relatively larger number of exceedances to reflect current ambient concentrations, allowing for a tightening over time to drive improvements in air quality. However, the greater the number of allowable exceedances, the higher the overall average concentration can be, leading to greater risk to the community. These risks will, in part, be dependent on the magnitude of the exceedances.

This issue was raised throughout this review's consultation process and a number of alternatives were presented, including:

- allowing a certain number of exceedances
- reporting the data as a percentile form that allows exceedances but does not specify a specific number
- not allowing exceedances – introducing not-to-be-exceeded standards
- introducing a natural events rule to account for events such as bushfires and dust storms.

The exceedances in the current NEPM are arbitrary. The 5 exceedances for the PM₁₀ standard were introduced to account for the impact of bushfires, dust storms and fuel reduction burning for fire management purposes. These exceedances are often misused and have been applied to urban air pollution and, in some cases, individual sources. Given greater understanding of the health effects of air pollution, it is clear that allowing exceedances increases the risk to the population and reduces the level of protection offered by the standard. There was strong support throughout the consultation process for the removal of the exceedances and the introduction of not-to-be-exceeded standards.

There was also support for the introduction of a natural events rule that would exclude the assessment of the impacts from bushfires and major dust storms from the compliance assessment (although data would be reported). This would focus compliance on sources of air pollution that can be managed. Tight guidelines would need to be developed for the natural events rule as discussed in the section on reporting within this report.

The Review Team considers that allowable exceedances should be removed from the NEPM and a natural events rule be introduced to account for major natural events. Together with the introduction of an exposure reduction overlay, it is believed that this will provide a stronger framework for the protection of population health.

3.2.3 Recommendations relating to national environment protection standards

Recommendation 3

Remove lead from the Ambient Air Quality NEPM and include in the Air Toxics NEPM during the scheduled Air Toxics NEPM review of 2012.

Recommendation 4

Revise the standards for all air pollutants in Schedule 1 of the NEPM to take into account new evidence around the health effects of air pollution.

Recommendation 5

Introduce compliance standards for PM_{2.5}.

Recommendation 6

Introduce an 8-hour standard for ozone.

Recommendation 7

Introduce an annual average standard for PM₁₀.

Recommendation 8

Introduce an exposure reduction framework and targets for priority pollutants.

Recommendation 9

Remove allowable exceedances from Schedule 2 and introduce a natural events rule.

3.3 National environment protection protocol

The national environment protection protocol sets out the processes and procedures to be followed in measuring the concentrations of pollutants, including preparation of monitoring plans, methods of measurement and monitoring, assessing performance against the air quality standards, and reporting the results of monitoring.

3.3.1 Issues

A range of issues in relation to monitoring, assessment and reporting were raised in both the 2007 and 2010 discussion papers and by commentators in public submissions to these papers, and these are dealt with below under relevant subheadings. There is, however, significant overlap of issues and readers are referred to relevant sections as appropriate, where the same theme is discussed from a different perspective.

3.3.2 *Comments, discussion and review findings*

The following discussion of the national environment protection protocol is divided into three main sections to reflect the themes covered by the respective clauses in the protocol. These are:

- monitoring
- performance assessment
- reporting.

Monitoring

Clauses 10–16 of the NEPM set out methods and procedures related to monitoring air pollution. They include clauses related to the preparation of jurisdictional monitoring plans; measurement and monitoring methods, including the location, number and type of monitoring stations; and accreditation, quality assurance and validation procedures.

Comments from stakeholders focused on the adequacy of current monitoring networks, particularly the number and location of monitoring stations, and how representative the networks are of exposure of the population. There were also a number of comments on the Australian standard measurement methods.

Location and number of performance monitoring stations

Clauses 13(1) and 13(2) of the NEPM provide guidance on the location of performance monitoring stations, in accordance with the Australian standard AS 2922-1987: *Ambient air – guide for siting of sampling units*. The stations must be located in a manner that contributes to obtaining a representative measure of the air quality likely to be experienced by the general population in a region.

The concept of GRUB stations was developed by the PRC as an additional category of station to those cited in AS 2922-1987. The intent was to provide some sense of population exposure by focusing on the higher levels to which a regional population was likely to be exposed, without direct influence of local sources such as major traffic areas; that is, where large portions of the population experience similar average air quality. Its effectiveness was predicated on sufficient preliminary work to ascertain the representativeness of the chosen sites. In some instances, this was based on good background information from monitoring or modelling programs, so the term was well justified. In areas where resources were limited, and particularly where single stations were installed to represent large urban areas, it was not always clear that such sites were chosen on the basis of rigorous science, so their ‘representativeness’ of upper bound exposure may not have been well established. The question for several commentators was whether the GRUB concept adds any value to understanding impacts of air quality.

Strong representations were made by several commentators that, while the GRUB concept was useful as an initial approach, a broader mix of station types would better reflect the exposure of the population. Health sector and community organisations, in particular, advocated a mix of industrial, major roads, low impact suburban, etc., to provide a picture of potential exposure to air pollutants. This is not to say that those stations currently designated as GRUB stations should necessarily be deleted; more, that they should continue to inform trends but as part of a wider approach to population monitoring that seeks to understand patterns of pollution and exposure.

Some commentators pointed to the lack of clear definitions surrounding the GRUB concept as described in the PRC's 'Technical paper no. 3: Monitoring strategy' (2001). Examples include '...a substantial area and fraction of the population', and '...large portions of the populated area'. The commentators saw these terms as being open to fairly broad interpretation. Some industry comment also did not support the use of GRUB sites and recommended removal of the term.

In particular, a significant industry group put forward the view that there are several problems with GRUB sites including that:

- their application appears to be incongruous with existing NEPM monitoring station definitions
- there is a lack of scientific and other stakeholder consensus as to the application of GRUB sites
- the use of GRUB sites will not yield data that are representative of the average population exposure or trends in overall ambient air quality.

Instead, industry favours the approach taken internationally to determine population exposure; however, it cautions against the implementation of this approach without due consideration to providing adequate direction and guidance to achieve a nationally consistent application.

Internationally, there has been a move to establish air monitoring networks to allow population exposure to be determined; for example, the EU, the US EPA, and the WHO. The air monitoring networks are based on consideration of population density, sources, distribution of pollutants within an airshed, and the concentration of a pollutant relative to air quality standards. A range of sites is recommended, including background (urban and rural), peak, rural, urban and suburban. Air quality modelling is a tool that is used to assist in the siting of air monitoring stations to ensure that an appropriate mix of air monitoring stations is achieved to enable population exposure to be determined.

Comment received on behalf of the PRC itself advocates retention of GRUB stations and disagrees with the concept of the NEPM providing information on population exposure beyond evaluating compliance with standards at these sites of 'upper bound' exposure.

The population formula in clause 14(1) of the NEPM provides guidance for jurisdictions to determine the number of performance monitoring stations within a given region. The formula embodies a lower population limit of 25,000, below which no monitoring is required. However, the formula is qualified in clauses 14(2) and 14(3) to allow for more or fewer stations according to specific regional or local characteristics.

A considerable number of commentators focused on the 25,000 population threshold. Respondents generally considered this limit to be an impediment to effective monitoring and therefore to adequate protection of populations, particularly those in small regional centres that characterise populations in several jurisdictions. One commentator pointed to specific issues in small mining towns where pollution levels are high.

The population formula was seen by some to be a product of a 'compliance mentality', which was in conflict with the original intent of the NEPM and an international trend towards population exposure monitoring.

Most of the issues with jurisdictional monitoring programs were seen to be more the result of resource issues than concepts embodied in the formula. One commentator suggested that some jurisdictions interpreted guidance from the PRC in a way that allowed them to establish fewer stations than would have been required under clause 14 of the NEPM.

Comment from the PRC was that the population formula does not limit the number of stations, based on the wording of clause 14 which allows for additional or fewer stations according to specific needs and circumstances. However, as noted above, other commentators suggested that in practice, jurisdictions generally interpreted clause 14 to limit the number of stations.

Review findings – location and number of monitoring stations

The Review Team concluded that the GRUB concept does not fit well with current population exposure approaches, and the station categories cited within AS 2922-1987 provide sufficient capacity to monitor the range of air environments required. The GRUB concept is not part of the NEPM. There has been confusion around some of the terms used to define GRUB stations and the factors used for their establishment, and this has led to inconsistencies between jurisdictions. For these reasons, the Review Team considers that the use of the GRUB concept should be discontinued and that careful consideration should be given to the optimal range and configuration of station types to provide a coherent picture of population exposure for the selected indicators for each population centre.

The Review Team also considers that the population formula and population threshold should be removed and a more risk-based approach to monitoring be adopted across regional populations rather than population centres. The population formula is seen as an impediment to effective monitoring and therefore to adequate protection of populations, particularly those in small regional centres that characterise populations in several jurisdictions.

Measurement methods, equivalency, consistency and flexibility

To evaluate and ascertain the status of air quality, uniform analytical methods are used to ensure consistency and accuracy in the data generated. Clause 16 of the NEPM requires Australian standard monitoring methods to be conducted for each specific pollutant, with the relevant Australian standard methods being listed in Schedule 3 of the NEPM.

The development of Australian standards for monitoring air pollution takes several years, and while this is not considered to be a major concern for the monitoring of the gaseous pollutants, new instrumentation for the measurement of particles (both PM₁₀ and PM_{2.5}) is continually evolving. The requirement for an Australian standard monitoring method results in significant time lag in terms of the introduction of new and potentially superior methods for measuring particles.

The 2007 discussion paper considered the issue of whether more flexibility in the NEPM monitoring protocols is needed to enable newer technologies for particle measurement to be adopted without the formal process of introducing an Australian standard for the method. Comments indicate general support for a level of flexibility in methodologies for pollutant monitoring to be used in implementing the NEPM, as long as there is attention to their robustness and comparability with the Schedule 3 methods. It was noted that considerable care would be needed to ensure consistency and comparability is maintained.

Many commentators argued that it would be undesirable to relax the requirements for use of Australian standard methods, as to do so would result in much less comparable and consistent data and could create real problems in time series data.

The PRC is of the view that a major achievement of the NEPM has been the establishment of consistent instrumentation across jurisdictions, and moves away from this would inevitably weaken the degree of national consistency in the collected data at NEPM sites because of the uncertainties and inherent inadequacies of 'equivalence' for measurement of some pollutants, notably particles.

Clause 10 of the NEPM allows for appropriate internationally recognised measurement methods or standards to be used where an Australian standard has not been developed, provided that the method is comparable to the relevant Australian standard methods. This approach to measuring particles was seen as having some merit and worthy of further analysis; however, commentators point to a risk that jurisdictions may adopt such methods at different rates, which would result in a mish-mash of methods within and between jurisdictions, with no certainty of improvements in particle representations.

As noted above, alternative methods need to be comparable to the relevant Australian standard methods; therefore, the equivalence of the method would need to be established before being widely adopted. There is no formal equivalence program in the NEPM on how to establish the comparability of alternative PM₁₀ measurement methods with the existing reference methods.

In the US and Europe, equivalence programs are well prescribed; for example, in the US, the comparability of alternative particle monitoring methods, called 'equivalent' methods, is measured relative to the reference method using high-volume samplers, and a set of criteria is prescribed for determining equivalence. An assessment of the accuracy and precision of the monitoring equipment forms part of the equivalency programs in both the US and Europe.

Because operation of high-volume samplers—a NEPM reference method— is labour-intensive and there are advantages of obtaining continuous measurements, Tapered Element Oscillating Microbalance (TEOM) samplers have almost universally been adopted by jurisdictions to measure PM₁₀. The PRC's 'Technical paper no. 10: Collection and reporting of TEOM PM₁₀ data' (2001) provides guidance on the handling of TEOM PM₁₀ data by way of an adjustment factor to generate equivalent information to the NEPM reference methods. These recommendations have not been implemented consistently by all jurisdictions and, according to commentators, equivalence remains an area of concern for PM₁₀ data.

The NEPM was varied in 2003 to include advisory reporting standards and a monitoring protocol for PM_{2.5}. Schedule 5 of the NEPM establishes a program to assess whether the TEOM could be considered to generate data equivalent to the PM_{2.5} reference method—the manual gravimetric method. An equivalence program has been implemented to determine the comparability of data generated by the two methods. Jurisdictions have been monitoring for several years with collocated instruments and this data will inform any variation process.

The 2007 discussion paper suggested that one of the difficulties arising from this equivalence program was the lack of shared understanding about what equivalency is trying to achieve; whether equivalency means generating the same number on both instruments, or whether it means that the instrumentation measures the same physical characteristics of the particles. The latter is referring to the fact that as instruments used to monitor particles (e.g. gravimetric versus optical and light scattering instruments) measure particles differently, determining equivalency is not straightforward and may be impossible for some instruments.

A major industry group acknowledged the difficulties in defining 'equivalency' in regard to monitoring methods, particularly in regard to adopting new technology, which may not meet the NEPM definition but may be of superior performance. Industry comments support a science-based approach, incorporating statistical analysis, to provide a resolution that can lead to a nationally consistent, if not uniform, approach to ambient air monitoring. They suggest such an approach would need to be flexible, including the potential for a variation of the NEPM to assist in resolving discrepancies in appropriate monitoring methods. Their comments go further in agreeing that greater flexibility needs to be provided to the monitoring of particulates, given that technology improvements can move faster than approvals for equivalency.

Industry commentators also noted that some clarification of equivalency is required, adding that, given that some jurisdictions are already using instruments that are not part of the approved NEPM methods but are understood to be 'best practice', there is a need to ensure that methods used are robust, accurate, precise and reproducible. They argue that it is vital that this matter is resolved because, until it is clarified, the values being generated by some jurisdictions can't be used with confidence to determine population exposure.

Review findings – equivalency, consistency and flexibility of monitoring

The Review Team considers that some flexibility needs to be built into the NEPM framework to allow for adoption of alternative methods to enable a faster response to technological advances in instrumentation. A review of methods for both gaseous pollutants and particles in the NEPM monitoring protocol would be beneficial to ensure they are reflective of international best practice for air quality monitoring and to resolve discrepancies in current monitoring methods, especially for particles.

Extensive work has been carried out internationally to determine equivalency between approved methods used for monitoring particles in ambient air. The Review Team considers that the NEPM should allow the use of any methods that have been tested and approved by the US EPA or the EU as reference or equivalence methods for monitoring ambient air quality. The findings of the PM_{2.5} equivalence program, implemented after the NEPM was varied in 2003, should also be taken into account.

3.3.2.1 Performance assessment and evaluation

Clause 17 of the NEPM sets out the criteria for evaluating performance against the standards and goals set out in Schedule 2 of the NEPM. Jurisdictions are required to assess their annual performance against the NEPM standards and goals at each monitoring station. Performance is assessed as MET, NOT MET, or NOT DEMONSTRATED ('not demonstrated' relates to whether there were sufficient data available for a pollutant at the monitoring station to enable an assessment).

Five of the standards in Schedule 2 have associated goals to be achieved within 10 years of commencement of the NEPM. The goals describe the number of allowable exceedances of the standard in an assessment year. One exceedance day each is allowed for carbon monoxide, nitrogen dioxide, sulfur dioxide and ozone, and 5 exceedance days are allowed for PM₁₀. The 5 days allowed for PM₁₀ was adopted to take account of unmanageable pollution events such as bushfires and dust storms and to allow for essential prescribed burning to be carried out.

Several commentators to the 2007 and 2010 discussion papers expressed concern about the practice of assessing performance against 'not-to-be exceeded' standards and the practice of having an allowable number of exceedances of the standard. There were two primary concerns:

- that not-to-be exceeded standards imply a threshold, and once concentrations are below this threshold, there is no need to do more
- that having an allowable number of exceedance days, especially for particulates, was not providing adequate protection of populations.

A common argument put forward by commentators was that assessing compliance against not-to-be exceeded standards encouraged the perception that compliance with a standard implies 'no risk'. However, given the lack of identified thresholds for health effects of the NEPM pollutants, there is still a risk to communities, and a more risk-based approach to evaluate impacts across regional populations was advocated.

Many commentators, including representatives from the health sector, said that air quality needs to be assessed in terms of population exposure and risk, rather than whether the standards have been exceeded or not. They argued that exceedances of the standard are often biased by single acute (natural) events and values consistently near but below the standard may have a greater influence on population exposure than a single event in an otherwise well-below-threshold data set. In any case, commentators argued that allowing a prescribed number of exceedance days for extreme events ignores their potential health impacts. Commentators further argued that, irrespective of the source of the episode, an exceedance contributes to community exposure and risk, and so should be assessed and reported on this basis.

The current reporting of exceedances on a station-by- station basis has in some cases led to a distorted picture of air quality (e.g. 15 station exceedances on one day is reported as 15 separate exceedances). Changes to the reporting protocols to report on days of exceedances and perhaps secondary reporting of the stations at which the exceedances occurred may overcome some of this misunderstanding of the data. The inclusion of an exposure reduction overlay may also assist in the reporting and understanding of the risk posed by exceedances of air quality standards.

The Review Team considers that the protocols for evaluating and reporting performance should be tightened. Clause 17 of the NEPM provides information on how jurisdictions should evaluate performance as MET, NOT MET and NOT DEMONSTRATED, but is silent on what factors need to be considered. The general approach to date has been to report performance in terms of the number of exceedances of the standards, referenced against the goals for the respective pollutants; that is, the number of allowed exceedances.

In the light of research evidence and comments received, the Review Team considers that the number of exceedances alone is of little real value. This number may incorporate events where concentrations just over the numerical standard are recorded, or where concentrations considerably larger than the standard are recorded, so says little about the impacts on communities, or about the effectiveness of air quality management programs. The Review Team therefore considers that some measure of 'severity of exceedance' should be incorporated into evaluation and reporting of performance rather than, or in addition to, simple statements about whether the standard has been met or not.

The Review Team further notes that this is consistent with clause 18(2)(b) of the NEPM which requires 'an analysis of the *extent* to which the standards of this Measure are, or are not, met in the jurisdiction'.

Review findings – Performance assessment and evaluation

The Review Team considers that clause 17 of the NEPM should be modified to incorporate a measure of 'severity of exceedance' into the evaluation and reporting of performance against the standards. The Review Team also considers that the requirement to express performance as MET, NOT MET and NOT DEMONSTRATED should be removed from the NEPM.

Exposure reduction

As discussed previously in this report, a strong and consistent element of comment from both the health and industry sectors was the need to consider risk-based approaches, such as exposure reduction in air quality management strategies, in line with international trends, underpinned by compliance standards against which air quality can be assessed.

In implementing population risk-based approaches to air quality management, a suite of tools would provide optimal use of resources; that is, a combination of monitoring, inventories and modelling working together in an iterative way. Clause 11 of the NEPM already includes modelling and inventories as examples of alternative methods for assessing pollutant concentrations; this could be expanded upon. Protocols will be required for applying exposure reduction targets and assessing and reporting on progress toward meeting them, including what should happen if targets are not met. In order to assess and report progress on meeting targets, nationally consistent methods will be needed to estimate population exposure. This topic is discussed in more detail below.

Population exposure estimation

Population exposure refers to the exposure of the population as a whole to ambient air pollution. It is not a measure of personal exposure of individuals. Population exposure estimation is foreshadowed under clause 17(2)(a) of the NEPM, but for various practical reasons the focus of monitoring and assessment to date has not been on population exposure. Instead, it has largely been directed towards evaluating compliance with the air quality standards and goals.

Recognising the difficulty in estimating the exposed population, and after considering the feasibility of alternative approaches, the PRC, in its 'Technical paper 08: Annual reports' (2002, revised 2010) advised that the requirements of clause 17(2)(a) of the NEPM can be met through a qualitative statement of the exposed population represented by each site.

In practice, determining population exposure estimates requires information on the average distribution of air pollution and the population density in the area or region of interest, along with other information. The tools to develop such a system would include comprehensive airshed models with detailed source inventories, as well as high-quality consistent data from the existing NEPM monitoring networks. As intimated in the monitoring section of this report, the current NEPM monitoring networks alone cannot give sufficient spatial coverage of all urban airsheds to provide detailed information on the exposure of all the population. Rather, they can only provide an indication of the exposure in the area represented by each performance monitoring site.

Accurate estimation of population exposure requires a significant investment, not only in monitoring and airshed modelling and data assimilation, but also in the development of comprehensive inventories of sources across each airshed. Airshed modelling requires the development of emission inventories at a relatively fine grid to enable predictions of air pollution levels across an entire airshed, including the variability in air pollution levels encountered across the population.

Review findings – population exposure

The Review Team considers that the NEPM monitoring protocols should be changed to enable an assessment of population exposure to be estimated. A range of tools for assessing population exposure and risk will need to be developed and evaluated. The Review Team considers that the role of modelling should be strengthened and appropriate modelling approaches to generate reports on population exposure patterns be incorporated into the clause dealing with evaluation of performance against standards and goals (clause 17).

3.3.2.2 Reporting

Under the NEPC Act, jurisdictions must submit an annual report on the implementation and effectiveness of the NEPM to the NEPC by 30 June in the year following the reporting year (ending 31 December). Reports are tabled in parliaments and made public on the EPHC website at < www.ephc.gov.au >.

Clause 18 of the NEPM establishes the reporting requirements for annual performance reports. The report must include:

- the evaluation and assessment mentioned in clause 17
- an analysis of the extent to which the standards are or are not met, and a statement of the progress made towards achieving the goal (this pertains to the desired outcome)
- a description of the circumstances that led to any exceedances of the standards, including the influence of natural events and fire management.

A number of issues were raised in submissions in relation to the effectiveness of the annual reports in communicating information about air quality to the public, including:

- whether they are pitched appropriately for the intended audience
- the effectiveness of the reporting format and content
- the degree of accountability offered by the reporting protocol.

Other reporting issues in relation to monitoring and assessment (clause 17) have been discussed in previous sections of this report.

Communicating air quality information

The PRC's 'Technical paper 08: Annual reports' (2002, revised 2010) provides guidance to jurisdictions to assist them in preparing their annual monitoring reports to the NEPC and to ensure a nationally consistent approach to reporting. The technical paper requires reporting in a scientific format for the purposes of compliance assessment.

There was a general feeling in submissions that current compliance reporting is largely technical and difficult for the broader community to interpret and understand, and therefore not an effective tool for communicating with the general community about air quality. Most commentators, including industry, highlighted the need for reports to use plain and accessible language.

However, some submissions also emphasised the need for reports to maintain scientific rigour and technical quality, and to retain the detailed tabulation of the monitoring data for the purposes of scientific analysis. It was argued that there is a risk that information in the reports may be simplified to the extent that scientific credibility is lost.

In a comment received from the Chair of the PRC, it was suggested that the formal requirement of the NEPM to ensure the technical quality of data collected under the NEPM protocol was being confused with the need for individual jurisdictions to communicate with the community, and that this was being done through other channels. However, in the view of the Review Team, there is an important role for the NEPM in the reporting of high quality data, explained in plain English, to a broader community.

Commentators suggested that a regular national summary of data would be useful to assist the community to understand air quality in regions throughout Australia. This type of reporting would enable comparison across jurisdictions and could also provide an external review function to ensure that the data was being interpreted and reported correctly.

Review findings – communicating air quality information

The Review Team considers that more explicit requirements need to be incorporated in the reporting protocols to make assessment and reporting on air quality more transparent to the wider community, while preserving the rigour needed to apply comparative methods for trend analysis across the country.

Content of reports

Many commentators indicated that they would like to see the content of annual reports expanded to include additional descriptors such as averages, trend analysis, pollutant distributions, and more contextual information to describe air quality beyond the current compliance approach. It is noted that, as reporting against the NEPM has evolved over its first decade, such descriptors have increasingly been incorporated into annual jurisdictional reports to the NEPC and many are now a standard part of those reports. However, the contextual information is still required, including interpretation of what this information means in terms of impacts on population health.

Review findings – content of reports

The review found that the current NEPM reporting protocols focus too much on reporting compliance with the standard and do not go far enough in interpreting information and communicating what the air quality data means to the community. The Review Team considers that the reporting protocols should be expanded to include more specific reporting criterion that considers:

- summary statistics (e.g. percentiles, averages, and uncertainties)
- the style of data presentation (e.g. graphs, tables, discussion)
- analyses and contextual information (e.g. air quality trends and population exposure and risk)
- interpretation and implications of particular exposure levels in relation to risks to human health and wellbeing
- actions implemented to improve air quality.

Accountability in reporting

The implementation of the NEPM and compliance with the air quality standards is the responsibility of each individual jurisdiction. Under the NEPC Act, accountability for meeting the standards lies in the public reporting; that is, there are no penalties associated with non-compliance. Jurisdictions are only required to evaluate their performance at each monitoring station against the NEPM standards and goals and report the results to the NEPC each year.

The issue was raised during this review as to whether jurisdictions should be made more accountable for implementation and compliance with the standards. Most commentators were of the view that increased accountability and transparency could be achieved by jurisdictions through improvements in the reporting protocol. Two issues in relation to accountability in reporting were highlighted:

- attributing exceedances
- management actions to deal with exceedances

The existing reporting protocol requires jurisdictions to report all exceedances of the standards and provide a description of the circumstances that led to the exceedances; however it does not require jurisdictions to provide information in annual reports on management actions being implemented to deal with non-compliances with the standards. If the data from performance monitoring stations show that some areas in a particular jurisdiction are above the standard, then it is at the discretion of that jurisdiction to decide what action should be taken to manage the problem.

Several commentators asserted that jurisdictions were in some cases misusing the PM₁₀ goal (which allows 5 exceedances for natural events) by reporting only the sixth highest statistic, without any indication of whether the 5 top events were natural or anthropogenic. It was argued that appropriate attribution to sources was not being undertaken and that the reporting requirements should be strengthened in this area. Detailed reasons for all exceedances are needed to determine if a pollution event was beyond the normal management capabilities of the jurisdiction. And, irrespective of the source of the pollution episode, an exceedance contributes to community exposure and risk and so should be assessed and reported on this basis.

A number of submissions emphasised that jurisdictions should also be required to report on what actions have been taken to improve air quality if the standards have been exceeded and on actions being undertaken to reduce pollution generally. There was also strong support for reports to demonstrate through trend analysis whether improvements have been made over time and, accordingly, whether there is lower risk associated with population exposures with respect to air pollution.

Submissions noted that most jurisdictions already have active air quality management programs and implement strategies to reduce pollution, and these could be reported on in more detail. It was generally agreed that the accountability for implementation and compliance with the NEPM should remain a matter for individual jurisdictions, subject to their own policy and political processes and specific air quality concerns and priorities.

In assessing and reporting compliance, the US EPA has both an exceptional events and a natural events policy that enables the removal of unusual events from the data set when determining whether an area is or is not in compliance with the standard. The natural events rule applies to severe events such as volcanic or seismic activity, bushfires and dust storms.

In addition to these events, the exceptional events rule also includes events such as high winds, sandblasting, structural fires, chemical spills and industrial accidents, high pollen counts, construction and demolition, highway construction, agricultural tilling, unusual traffic congestion, prescribed burning, clean-up activities after a major disaster, plus several others. There are strict guidelines for the identification, flagging and reporting of the data and the rules only apply in the assessment of whether an area is in violation of the air quality standards.

There was support in submissions for a natural events rule rather than allowing exceedances of standards. This would enable assessment of the air quality management strategies in improving air quality as it focuses on the manageable sources of pollution. All data would need to be reported; however, when assessing compliance with standards, the natural events data would not be included. There was also a strong view that there would need to be strict guidelines about what defined a natural event.

Review findings – accountability in reporting

The Review Team concluded that increased accountability and transparency could be achieved by jurisdictions through improvements in the reporting protocol. Reports should attribute all exceedances and provide information on management actions being undertaken to deal with non-compliance with the standards. The latter should include trend analysis to demonstrate the effectiveness of management strategies over time. Exceedances are only of limited utility in describing impacts of air pollution on population health, so further descriptors of the underlying distribution of air quality data need to be developed and included in reports.

The Review Team considers that inclusion of a natural events rule would enable identification of issues that impact on air quality to be separated into ‘natural’ events that are not easily managed and ‘anthropogenic’ impacts that are manageable through the implementation of air quality management strategies. Strict guidance would need to be provided to identify what constitutes a ‘natural’ event (similar to the guidance developed by the US EPA). The justification and analysis would need to be included in the annual reporting to NEPC.

Timeliness of reporting

A number of submissions argued that reporting should be more frequent to provide timely information to the public when air quality is unhealthy. It was suggested that exceedances of the standards should be reported in real time as current reports take too long to be made public. Some commentators favoured reporting of daily air quality results. It was argued that immediate reporting and clear justification regarding the source of exceedances would benefit public health and increase public confidence in air quality monitoring.

Review findings – timeliness of reporting

The Review Team considers that reporting could be improved, and satisfy the community’s right to know, if reporting on poor air quality was more timely. The Review Team is of the view that an investigation is warranted into ways to attribute reason for all exceedances in a timely manner; say, within 3 months, with jurisdictions publicly releasing the findings of the event on their respective websites. Several jurisdictions have already taken significant steps to publish information on air quality more frequently, in some cases in real time, on their respective websites, and this should be recognised (e.g. real-time web reporting using the health-related Air Quality Index, to assess and communicate air quality to the community).

3.3.3 *Recommendations relating to national environment protection protocol*

Recommendation 10

Redesign monitoring networks to represent population exposure on a pollutant-by-pollutant basis without compromising data collection for long-term trend analysis. A procedure to determine the location and number of sites similar to EU and/or US EPA is recommended.

Recommendation 11

Remove the population threshold and formula to enable monitoring on potential population risk rather than on population size.

Recommendation 12

Amend requirements of monitoring methods (clause 16 and Schedule 3) to allow appropriate Australian Standards methods; or methods determined by the EU and/or US EPA as Reference or Equivalence Methods.

Recommendation 13

Remove Schedule 5 of the NEPM.

Recommendation 14

Develop nationally consistent approaches to assess population exposure, including appropriate modelling and emissions inventories.

Recommendation 15

Revise the assessment (clause 17) and reporting (clause 18) protocol to include additional performance assessment indicators and expanded reporting requirements to enable inclusion of population exposure determinations, severity of exceedance and effectiveness of management actions undertaken.

Recommendation 16

Revise guidance documents and templates associated with assessment and reporting to accommodate presentation of clear messages, to allow for better communication and more accessible air quality reports.

Recommendation 17

Amend the NEPM protocol (part 4) to incorporate natural event rule including definition of these events and criteria for assessment and reporting.

Recommendation 18

Require timely reporting of all exceedances, with jurisdictions publicly releasing the analysis of these events on their respective websites within 3 months of the event.

3.4 The Peer Review Committee

The PRC was formed by Ministerial Agreement as an unfunded body to provide advice to jurisdictions, through the NEPC, on the implementation of the NEPM. Under its current terms of reference, the PRC has two complementary roles. First, it advises the NEPC on the adequacy of monitoring plans and compliance reports submitted by jurisdictions. Second, it provides ongoing advice on technical issues related to the consistent implementation of the NEPM protocol. Over time, the PRC has developed a series of technical guidance papers to assist with implementation (see bibliography for a list of the PRC's technical papers).

3.4.1 Issues

NEPM implementation has now 'matured' and while there is clearly still a need for a support group to assist jurisdictions in implementing the NEPM, the role and function of the support group will need to change if there is a move, through a NEPM variation, to focus on population exposure and exposure reduction approaches. It is important to ensure that any support body has the appropriate set of skills to provide the support to jurisdictions that will be required.

It would seem that the approaches being used internationally might provide a stronger basis for the design of monitoring networks in Australia to provide a measure of population exposure. Adoption of these approaches with amendments to account for differences in population density and sources is an option for consideration if the focus of the NEPM monitoring changes from strict compliance monitoring to a network that will deliver the original intent of the NEPM – a measure of population exposure. Such an approach may also assist jurisdictions to overcome some of the barriers they have experienced in implementing the NEPM because of the population formula and threshold.

Change to a population exposure approach will require changes to the current monitoring protocols and guidance documents. Air quality modelling will play a much greater role. Such a change may provide smaller jurisdictions with an approach that will overcome some of the problems that they have identified with the population threshold and formula for establishing monitoring stations. An agreed approach to modelling for population exposure will provide a mechanism whereby air pollution levels and associated health risk can be estimated even in centres where populations are small.

3.4.2 Comments, discussion, and findings

The PRC is comprised of government experts from all participating jurisdictions, in addition to representatives from industry and community groups. Some commentators called for an expansion of membership and a broadening of its brief from a purely technical focus on data collection, quality, methods and compliance reporting, to consideration of the whole system, to ensure that it meets the objectives of the NEPMs.

As an example, the concept of population exposure as articulated in the NEPM has not yet been appropriately addressed and an expanded PRC could consider how best to produce a report on air quality for evaluation of population impacts. This may well include integration of modelling and monitoring approaches.

There was general support from commentators to maintain a body with a broader scope of scientific and technical expertise to support implementation of the NEPM. It was argued that clear guidance will be needed on a range of issues, including monitoring, modelling, reporting, exposure assessment and health expertise, arising from this review and any variation to the NEPM, in order to ensure national consistency. This could be a fixed body or working groups convened to deal with specific issues related to the NEPM implementation and the model should be explored through a variation process. Whatever model is adopted, the working groups should report through the Air Quality Working Group to NEPC Committee and Council.

A major industry group suggested that the objectives of the NEPM may be better served through the participation of health professionals to assist in providing advice on monitoring plans and their adequacy in assessing population exposures. Comment from the Chair of the PRC did not support any significant changes to roles or structures, on the basis that the PRC is effective in its role and '...has independent members who are able to make comment without implications, as is the inferred case for jurisdictional representatives'. Whatever arrangements are adopted, it was acknowledged that an appropriate level of funding and support needs to be made available to the PRC or other expert body.

The Review Team considers that the PRC should be disbanded and replaced with a specialist working group or groups with a broader range of expertise to assist with scientific and technical matters, such as nationally consistent methodologies and guidance on population exposure assessment and health risk assessment, modelling, inventories and reporting/communication, in supporting the implementation of the NEPM. This working group would report to the Air Quality Working Group.

3.4.3 Recommendations relating to the Peer Review Committee

Recommendation 19

Disband the existing PRC and replace with a specialist working group or groups with a broader range of expertise to assist with scientific and technical matters. This working group would report to the Air Quality Working Group.

3.5 Research and emerging issues for future consideration

During the consultation process a number of issues were raised that require further investigation and data collection to assess whether they need to be addressed through the NEPM.

3.5.1 Issues and review findings

Regional environmental differences

There is a need to consider regional environmental differences. In making any NEPM or variation to an existing NEPM, the National Environment Protection Council must have regard to, *inter alia*, 'any regional environmental differences in Australia' (Section 15(g) of the NEPC Acts). In addition, Section 17(b)(v) of the Act requires that the impact statement to be prepared with the draft variation include 'a statement of the manner in which any regional environmental differences in Australia have been addressed in the development of the proposed Measure'.

The term 'regional environmental differences' recognises that fundamental environmental characteristics of individual regions may be very different, and that to apply uniform standards would not necessarily further the desired outcome of protection espoused in the legislation.

For ambient air quality, there are no clear-cut differences in the natural state of the atmosphere that could meaningfully be reflected in different ambient air quality standards for the protection of human health. While atmospheric conditions can change rapidly and dramatically across Australia, this provides a challenge for air quality management strategies but cannot, in any practical sense, be reflected in standards. In determining appropriate standards for the protection of human health, available evidence suggests that the variation in physiological response to pollutants within any population is likely to be significantly greater than any potential variation in impact due to meteorological or other differences across Australia.

Air quality standards relate to the protection of human health. It is difficult to argue air quality standards in the NEPM should differ for individual jurisdictions given that physiological response to exposure to air pollution will be the same. Although there may be some differences in the frequency of pollution episodes in some jurisdictions, for example, the duration of ozone events, the same standards should apply uniformly across Australia and these differences should be taken into account in the exposure assessment as part of the derivation of the national standards.

Arguments have been put forward to suggest that the composition of particles may differ in rural areas dominated by windblown dust compared to urban areas in Australia and that different standards for particles could be considered. This was a view put forward in some industry submissions. The evidence from epidemiological studies indicates that there are health effects associated with crustal particles as well as combustion particles. However, at this time there is not sufficient evidence to set separate standards based on particle composition.

Collection of air pollution data in regional areas together with research into the health effects associated with air pollution in these areas would inform any future review of the NEPM and assessment as to whether standards for sub-regions are appropriate. In some situations this could be reflected as a stricter standard that would drive air quality management strategies to improve air quality in these regions.

Links between the NEPM and other policy objectives

Consideration of sustainability issues is fundamental to the approaches that governments are taking to environmental management, including the management of air quality and associated health impacts. Sustainability issues were not explicitly addressed at the time of developing and making the NEPM, perhaps because consideration of sustainability may best be viewed as imperative at a jurisdictional level when developing implementation strategies.

Incorporation of sustainability considerations in the NEPM review requires discussion of what is meant by sustainability in this context. Many definitions of sustainable development have been proposed. Most definitions embody two central ideas. Firstly, development is not sustainable unless it takes a long-term perspective that aims to get the best possible quality of life for both present and future generations. Secondly, economic and social development and environmental quality are interconnected objectives, requiring the integration of economic, social and environmental policies and decision making.

For the purpose of this review, it was agreed by the NEPC that the NEPM's contribution to sustainability objectives would be assessed by consideration of the following:

- a framework that will lead to cleaner air and reductions in health risk
- natural resource issues (e.g. fuel, wood) and their subsequent impact on air quality
- social and economic factors.

The NEPM provides a framework for monitoring and reporting air quality and standards against which air quality is assessed. Air quality management strategies are developed and implemented by individual jurisdictions in accordance with legislation in the respective state or territory. Therefore, it is reasonable to suggest that actions taken to improve air quality contribute to sustainability objectives. They do this through reductions in human health risk and reduced impacts of the use and management of resources, contributing to the attainment of intergenerational equity.

Natural resource use can have significant impacts on air quality. The use of wood for domestic heating has a significant effect on air quality in many parts of Australia and can also impact on our forests. Although the use of firewood may have marginal greenhouse benefits, these are outweighed by the significant negative impact wood heating can have on air quality. Emissions from mining and extractive industries can also have a significant impact on air quality yet the extraction of these resources is important for economic growth and development. The use of water to control dust emissions from these industries is becoming an issue of concern due to prolonged drought conditions in many areas of Australia. However, uncontrolled emissions can lead to high particle levels and potential health issues in local communities.

The use of coal for electricity generation and fossil fuels for motor vehicles also has a significant impact on air quality, the latter on a regional scale. In examining options for alternative fuels the impacts on air quality (and ultimately the health of the Australian population) from these alternatives need to be considered and balanced against natural resource and economic considerations.

An effective response to climate change is emerging as a key area for sustainability. The impact of climate change may affect air quality. Increases in temperature are predicted to lead to an increase in ozone levels in Australian cities.

Drought conditions have increased particle levels in most parts of Australia and have led to an increase in the frequency and severity of bushfires that also impact on air quality. Hazard reduction burning is a critical practice to reduce the risk of bushfires but can in itself impact on air quality. It is important, when considering sustainability in the context of the NEPM, that air quality issues be considered in the context of these other programs. Some air pollutants also contribute to global warming although in the Australian context this is not well understood.

It is the view of the Review Team that further research needs to be undertaken into the links between climate change and air quality to ensure that any future standards address any impacts that arise. In particular, increasing temperatures may increase the vulnerability of the population to air pollution which would lead to health effects being observed at lower pollution levels.

The links between the NEPM and other policy objectives, for example, climate policy actions, should be explored to ensure that actions taken to address climate change do not impact negatively on air quality. The integration of air quality considerations into climate policy should be actively pursued and is consistent with international practice.

Strong views were expressed in submissions about the impact of fire management practices on air quality. Although it was generally accepted that fuel reduction burning for reducing bushfire risk was required, the extent of the burning and the use of fire for other purposes was questioned. In particular, the use of fire for regeneration burns and waste burning without consideration of the impact on air quality and the health of surrounding populations was a significant concern for many stakeholders. This is an issue that requires further work with fire authorities to integrate air quality considerations into fire management practices.

Evaluate the options to assess ozone and secondary particle precursors

Ozone and some particle components are secondary pollutants and to reduce ambient levels there needs to be an understanding of the precursors so that management action can be taken. In the EU and the US, air quality policies require the monitoring of ozone and secondary particle precursors in addition to monitoring ozone and particles per se. It is the view of the Review Team that options to assess ozone and secondary particle precursors need to be explored and consideration should be given to including similar requirements to the US and the EU in future reviews of the NEPM or in jurisdictional monitoring programs.

Initiate research into the composition of particles in Australia and associated health impacts.

The review of the health effects of particles has shown that there is some evidence that composition of particles may play a role in the observed health impacts attributed to total particle mass. At this stage, there is not sufficient health evidence to set standards for individual components. In addition, there is limited monitoring data available in Australia to enable development of standards even if the health data were available. Internationally, this is an area where a significant amount of work is under way. The Review Team considers that research should be initiated in Australia into the composition of particles to enable the setting of air quality standards in the future for specific components, for example, black carbon or metals.

Initiate health research on the impact of air pollution (in particular particles) in regional areas.

The NEPM applies to all people in Australia wherever they live. People in regional areas are significantly impacted by smoke from fires and dust which can impact on their health. The issues around regional environmental differences relate to potential differences in health impacts due to differences in air pollution and, in particular, the types of particles that people living in regional areas are exposed to. The Review Team considers that research should be initiated in Australia into the health effects of air pollution (in particular, particles) to gain an understanding of the impact in regional areas. This would enable an assessment as to whether the standards in the NEPM are adequate to ensure the protection of the health of these communities.

Monitor and report coarse particle fraction (PM_{2.5} to PM₁₀) to inform the future development of air quality standards for this fraction.

There is growing evidence that the coarse fraction of particles, PM_{2.5-10}, has health effects independent of PM_{2.5}. This size fraction makes a significant contribution to total PM₁₀ in Australian cities. Internationally, there are moves to set a separate standard for this size fraction and remove the standard for PM₁₀. As identified in the health reviews, there is not sufficient monitoring data in Australia on this size fraction to enable the setting of a standard. The Review Team considers that monitoring should be undertaken of this size fraction so that health research can be undertaken and data is available to set standards in the future should they be required.

3.5.2 Recommendations relating to research and emerging issues

The following recommendations relate to future research and emerging issues. These recommendations should be considered and prioritised by the EPHC Air Quality Working Group.

Recommendation 20

Evaluate the options to assess ozone and secondary particle precursors.

Recommendation 21

Initiate research into the composition of particles in Australia and associated health impacts.

Recommendation 22

Initiate health research on the impact of air pollution (in particular, particles) in regional areas.

Recommendation 23

Monitor and report coarse particle fraction.

4 BIBLIOGRAPHY

AS 2922-1987, *Ambient air-guide for siting of sampling units*, Standards Australia.

NEPC 1998, *National Environment Protection (Ambient Air Quality) Measure Revised Impact Statement*, National Environment Protection Council Service Corporation, Australia, p. 45.

PRC various years, *Technical papers*, Peer Review Committee, National Environment Protection Council, Australia.

Technical paper 01: Checklist for monitoring plans (2001)

Technical paper 02: Selection of regions (2001)

Technical paper 03: Monitoring strategy (2001)

Technical paper 04: Screening procedures (2007)

Technical paper 05: Data collection and handling (2001)

Technical paper 06: Meteorological measurements (2001)

Technical paper 07: Accreditation of performance monitoring (2001)

Technical paper 08: Annual reports (2002, revised 2010)

Technical paper 09: Lead monitoring (2001)

Technical paper 10: Collection and reporting of TEOM PM10 data (2001)

USEPA 2009. *Integrated Science Assessment for particulate matter*. United States Environment Protection Agency, Research Triangle Park, North Carolina.

WHO (World Health Organization) (2006). *Air Quality Guidelines. Global update 2005. Particulate Matter, Ozone, Nitrogen Dioxide and Sulfur Dioxide*, WHO, Geneva.

5 SHORTENED FORMS

AEI	average exposure indicator
CASANZ	Clean Air Society of Australia and New Zealand
COPD	chronic obstructive pulmonary disease
EPHC	Environment Protection and Heritage Council
GRUB	Generally representative upper bound
JRN	Jurisdictional Reference Network
NEPC	National Environment Protection Council
NEPM	national environment protection measure
NGO	non-government organisation
NHMRC	National Health and Medical Research Council
NPI	national pollutant inventory
PAH	polycyclic aromatic hydrocarbon
PRC	Peer Review Committee
SSWG	Standards Setting Working Group
TEOM sampler	tapered element oscillating microbalance sampler
US EPA	United States Environment Protection Agency
WHO	World Health Organisation

6 GLOSSARY

advisory reporting standard	(Pm2.5)
airshed	a body of air bounded by topography and meteorology in which a substance, once emitted, is contained
compliance standard	(Pm2.5)
enHealth Council	a subcommittee of the National Public Health Partnership, advising on environmental health matters
GRUB	Generally representative upper bound—the upper bound of pollution levels likely to be experienced by the general population in a specified region while avoiding the direct impacts of localised pollutant sources
hot spot	see peak site
jurisdiction	the Commonwealth, a state or a territory
National Public Health Partnership	a subcommittee of the Australian Health Ministers Advisory Council, advising on public health matters
peak site	a location where emissions from one or a number of cumulative sources give rise to elevated levels of particular pollutants
performance monitoring station	a monitoring station used to measure achievement against the NEPM goal. The station is located to measure air quality likely to be experienced by the general population in a region or sub-region
PM₁₀	refers to particulate matter with an equivalent aerodynamic diameter less than or equal to 10 micrometres
PM_{2.5}	refers to particulate matter with an equivalent aerodynamic diameter less than or equal to 2.5 micrometres
population formula	the number of performance monitoring stations for a region with a population of 25,000 people or more must be the next whole number above the number calculated in accordance with the formula: $1.5P + 0.5$ where P is the population of the region (in millions)
priority pollutants	Pollutants prioritised on the basis of risk to the health of the Australian population.

Item dealt with as part of NOMO 02.

NOMO 03

ITEM NO: NOMO 03
FILE NO: 2010/0177
SUBJECT: MOOREBANK INTERMODAL

RECOMMENDATION

That Council:

1. Establishes a taskforce to lead the fight against the Moorebank Intermodal proposals. This taskforce is to be headed by an employee of Council with the ability to organise community resources and protests, lobby all levels of government and stakeholders, facilitate Council's response to any exhibited plans or proposals related to these proposals, and to source appropriate experts to assist in these responses.
2. Allocates \$100k from the Council Reserve to fund the above position and the activities of the task force.

COUNCIL DECISION

Item dealt with as part of NOMO 02.

MOTIONS OF URGENCY

Nil

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2011/0163
SUBJECT: USE OF DELEGATION OF AUTHORITY OVER THE CHRISTMAS /
NEW YEAR RECESS

RECOMMENDATION

That Council receives the report and notes that the Mayor and General Manager did not exercise delegated authority during the 2011-2012 Christmas / New Year recess period.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Gillani**

Clr Stanley left the chambers at 8:28

That the recommendation be adopted.

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

GMRR 02

ITEM NO: GMRR 02
FILE NO: 2011/6344
SUBJECT: 2012 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S
ASSOCIATION CONFERENCE

RECOMMENDATION

That Council nominates delegates to attend the 2012 Australian Local Government Women's Association Conference.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Councillors interested in attending the 2012 Australian Local Government Women's Association Conference advise the General Manager by 10 February 2012.

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

GMRR 03

ITEM NO: GMRR 03
FILE NO: 2007/2426
SUBJECT: MEMORIAL SCHOOL OF ARTS SITE AND WESTPAC BUILDING
SITE DEED OF AGREEMENT

RECOMMENDATION

That Council approves the extension date from which the Liverpool - Fairfield Community Radio Station Co-operative Ltd is required to vacate the School of Arts Building from 10 February 2012 to 31 March 2012.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Clr Mannoun left the chambers at 8:29pm.

Clr Napoletano left the chambers at 8:30pm.

Clr Stanley returned to the chambers at 8:30pm.

Ten minute recess called at 8:30pm.

Motion: **Moved:** **Seconded:**

Meeting called back to order at 8:40pm.

Motion: **Moved:** **Seconded:**

Clr Napoletano returned to the chambers at 8:40pm.

CORS 01

ITEM NO: CORS 01
FILE NO: 2010/2170
SUBJECT: CLASSIFICATION OF LOT 101 DP 630178, 85 LEE & CLARKE ROAD, KEMPS CREEK AS OPERATIONAL LAND IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1993.

RECOMMENDATION

That Council classifies Lot 101 in Deposited Plan 630178, 85 Lee and Clarke Road, Kemps Creek as Operational Land in accordance with the Local Government Act 1993.

COUNCIL DECISION

Motion: **Moved: C/r Hadchiti** **Seconded: C/r Hadid**

That the recommendation be adopted.

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

CORS 02

ITEM NO: CORS 02
FILE NO: 2011/6001
SUBJECT: RELOCATION AND PROVISION OF EASEMENT FOR
PADMOUNT SUBSTATION AND ASSOCIATED NEW
UNDERGROUND CABLES ON PART LOTS 22 AND 23 IN
DP441010 AT 52 SCOTT STREET, LIVERPOOL

RECOMMENDATION

That Council:

1. Grants an easement to Endeavour Energy for the padmount substation installed on Part Lot 23 DP441010.
2. Grants an easement to Endeavour Energy for underground cables laid on Part Lots 22 and 23 DP441010.
3. Approves for the extinguishment of the existing lease for padmount substation on Part Lot 22 and 23 DP441010.
4. Authorises the relevant documentation necessary for the formalisation of the easement to be signed under Power of Attorney by Council's delegated officer.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

CORS 03

ITEM NO: CORS 03
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT DECEMBER 2011

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Napoletano**

That the recommendation be adopted.

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

Clr Lucas arrived at 8:41pm.

Clr Mannoun returned to the chambers at 8:42pm.

PLAN 01

ITEM NO: PLAN 01
FILE NO: DA-346/2009/G
SUBJECT: MODIFICATION "G" TO DEVELOPMENT CONSENT DA346/2009
MALEK FAHD SCHOOL TO DELAY THE CONSTRUCTION OF THE
DRAINAGE CULVERT AND ALTER A COMPONENT OF FENCING

RECOMMENDATION

That Council:

1. Issues a partial approval of DA 346/2009/G in accordance with the attached determination notice (Attachment Three - Under Separate Cover) being an approval of the proposed modification of fencing material between the Malek Fahd Islamic School site and the public reserve.
2. Notes that no approval is to be given for any delay or deferral of the drainage culvert that was sought as part of the subject application DA 346/2009/G.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Gillani**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

PLAN 02

ITEM NO: PLAN 02
FILE NO: DA-346/2009/H
SUBJECT: MODIFICATION "H" TO DEVELOPMENT CONSENT 346/2009 TO AMEND THE TYPE OF A PORTION OF THE FENCING AND DELAY THE COMPLETION OF ALL OF THE BOUNDARY FENCING AT MALEK FAHD SCHOOL

RECOMMENDATION

That Council:

1. Approves Development Application 346/2009/H which seeks to amend the fencing type between the Malek Fahd School and 616-618 Hoxton Park Road from colorbond to palisade fencing, and defers the completion of the boundary fencing to prior to occupation certificate for stage 2.
2. Notifies those who made a submission in relation to this application.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Gillani**

That the recommendation be adopted.

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

Vote for: Mayor Waller, Clr Hadid, Clr Mannoun, Clr Gillani, Clr Stanley, Clr McGoldrick, Clr Karnib, Clr Harle, Clr Napoletano

Vote against: Clr Hadchiti, Clr Lucas

PLAN 03

ITEM NO: PLAN 03

FILE NO:

SUBJECT: HOXTON PARK RESIDENTS ACTION GROUP AND PROCEEDINGS IN THE SUPREME COURT

RECOMMENDATION

That Council:

1. Moves into closed session prior to the conclusion of the meeting with the press and public excluded, for the purpose of consideration of legal advice, pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993.
2. Reverts back to open Council once the confidential aspects of the report have been considered, and Council has determined a position on the matter.

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Lucas

That the recommendation be adopted.

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

PLAN 04

ITEM NO: PLAN 04
FILE NO: 2009/0880
SUBJECT: DRAFT PLAN OF MANAGEMENT PART OF LOT 101
COWPASTURE ROAD ELIZABETH HILLS

RECOMMENDATION

That Council:

1. Places the draft Plan of Management on public exhibition for a statutory period of 28 days.
2. Facilitates a public hearing as per the requirement of the Local Government Act 1993.
3. Receives a further report incorporating the results of public exhibition with a view to adopting the final Plan.

COUNCIL DECISION

Motion: **Moved: Clr Napoletano** **Seconded: Clr McGoldrick**

That the recommendation be adopted.

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

PLAN 05

ITEM NO: PLAN 05
FILE NO: 2010/2259
SUBJECT: INTEGRATED ENVIRONMENTAL SUSTAINABILITY ACTION PLAN
(IESAP)

RECOMMENDATION

That Council adopts the Integrated Environmental Sustainability Action Plan (IESAP).

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

CITS 01

ITEM NO: CITS 01
FILE NO: 2007/1431
SUBJECT: GRAFFITI MANAGEMENT STRATEGY 2012-2015

RECOMMENDATION

That Council:

1. Adopts the Graffiti Management Strategy 2012-2015, dated February 2012 (as circulated under separate cover).
2. Receives a progress update on the Strategy approximately 18 months from implementation and a final report and evaluation upon completion of the Strategy in 2015.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

CITS 02

ITEM NO: CITS 02
FILE NO: 2011/5152
SUBJECT: TENDER 2119 - COMMUNITY BUS SHUTTLE SERVICE

RECOMMENDATION

That Council:

1. Refuses all tender submissions for Tender ST2119 - Community Bus Shuttle Service and writes to all tenderers advising them of this recommendation.
2. Calls for quotations for a month by month continuation of the Community Bus Shuttle Service.
3. Considers future tendering for the Community Shuttle Bus Service pending the outcome of the State Government review of their City Centre free shuttle bus service.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Vote for: Mayor Waller, Clr Lucas, Clr Napoletano, Clr Karnib, Clr McGoldrick, Clr Stanley, Clr Gillani, Clr Mannoun, Clr Hadid, Clr Hadchiti

Vote against: Clr Harle

ASST 01

ITEM NO: ASST 01
FILE NO: 2010/2110
SUBJECT: BERNERA ROAD, PRESTONS - RECONSTRUCTION AND WIDENING BETWEEN KURRAJONG ROAD AND CAMDEN VALLEY WAY (TENDER WT2089)

RECOMMENDATION

That Council:

1. Accepts the tender submitted by Nace Civil Engineering Pty Ltd for the Lump Sum amount of \$8,135,450 (excluding GST) for Contract No WT2089 - Bernera Prestons - Reconstruction and Widening between Kurrajong Road and Camden Valley Way.
2. Notes that Council's designated officer will finalise all details and sign the Letter of Acceptance of the Nace Civil Engineering Pty Ltd's tender, giving it contractual effect, in accordance with his/her delegated authority.
3. Keeps confidential the report supplied under separate cover, containing the tendered prices pursuant to S10A(2)(c) of the Local Government Act 1993 - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or propose to conduct) business.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr McGoldrick**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

ASST 02

ITEM NO: ASST 02
FILE NO: 2011/5776
SUBJECT: CONSTRUCTION OF DETENTION BASIN, ROAD AND DRAINAGE
AT JARDINE DRIVE, EDMONDSON PARK (TENDER WT2129)

RECOMMENDATION

That Council:

1. Accepts the tender submitted by M&M Prpic Pty Ltd for a lump sum amount of \$1,173,737 (Incl. GST) for Contract No. WT2129 - Construction of Detention Basin, Road and Drainage at Jardine Drive, Edmondson Park.
2. Notes that Council's designated officer will finalise all details and sign the Letter of Acceptance for the M&M Prpic Pty Ltd tender, giving it contractual effect, in accordance with his/her delegated authority.
3. Keeps confidential the report supplied under separate cover, containing the tendered prices pursuant to S10A(2)(c) of the Local Government Act 1993 - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or propose to conduct) business.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

ASST 03

ITEM NO: ASST 03
FILE NO: 2010/2214
SUBJECT: PETER MILLER RESERVE (TENDER WT2066)

RECOMMENDATION

That Council:

1. Move into close session prior to the conclusion of the meeting with the press and public excluded, for the purpose of consideration of information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business, pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 and the consideration of legal advice pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993.
2. Reverts back to open Council once the confidential aspects of the report have been considered, and Council has determined a position on the matter.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Napoletano**

That Council:

1. Pursuant to the provisions of Section 55 (3)(i) of the Local Government Act 1993, enter into contracts with sub-contractors for the delivery of the remaining works at Peter Miller Reserve, due to the extenuating circumstances listed in this report, which have arisen.
2. Notes that Council's designated officer will finalise all details and sign the Letters of Acceptance, giving it contractual effect, in accordance with his delegated authority to each individual contractor.

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

Councillors voted unanimously for the motion.

COMM 01

ITEM NO: COMM 01
FILE NO: 2009/1515
SUBJECT: ABORIGINAL CONSULTATIVE COMMITTEE MINUTES OF THE MEETING HELD ON 7 DECEMBER 2011

RECOMMENDATION

That Council receives and notes the minutes of the Aboriginal Consultative Committee meeting held on 7 December 2011.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Hadchiti**

That the Committee reports be moved as a whole with the exception of COMM 06.

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

COMM 02

ITEM NO: COMM 02
FILE NO: 2010/2486
SUBJECT: COMMUNITY AND RECREATION PANEL MINUTES OF MEETING
HELD ON 8 DECEMBER 2011

RECOMMENDATION

That Council receives and notes the minutes of the Community and Recreation Panel meeting held on 8 December 2011.

COUNCIL DECISION

Motion: **Moved: C/r Hadid** **Seconded: C/r Hadchiti**

That the recommendation be adopted.

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2004/0386
SUBJECT: ETHICS AND AUDIT COMMITTEE MINUTES FROM THE MEETING HELD ON 8 DECEMBER 2011 AND PROPOSED MEETING DATES FOR 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the Ethics and Audit Committee meeting held on 8 December 2011.
2. Confirms the meeting dates for the Ethics and Audit Committee, noting that these dates may change due to unforeseen circumstance, as follows:
 - Thursday 23 February 2012
 - Thursday 24 May 2012
 - Thursday 23 August 2012
 - Thursday 25 October 2012.

COUNCIL DECISION

Motion: **Moved: C/r Hadid** **Seconded: C/r Hadchiti**

That the recommendation be adopted.

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

COMM 04

ITEM NO: COMM 04
FILE NO: 2009/1298
SUBJECT: HERITAGE ADVISORY COMMITTEE MINUTES OF 5 DECEMBER
2011 MEETING

RECOMMENDATION

That Council notes the minutes of the Heritage Advisory Committee meeting held on 5 December 2011.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

COMM 05

ITEM NO: COMM 05
FILE NO: 2005/0885
SUBJECT: LIVERPOOL FLOODPLAIN MANAGEMENT COMMITTEE MINUTES
- 6 DECEMBER 2011

RECOMMENDATION

That:

1. Notes the minutes of the Liverpool Floodplain Management Committee Meeting of 6 December 2011 and recommendations contained therein.
2. Adopts the Cabramatta Creek Flood Study and Basin Strategy Review.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

COMM 06

ITEM NO: COMM 06
FILE NO: 2005/0603
SUBJECT: LIVERPOOL TRAFFIC COMMITTEE MINUTES OF MEETING HELD ON 18 JANUARY 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the LTC meeting held on 18 January 2012.
2. Adopts the recommendations of the LTC meeting held on 18 January 2012 as follows:
 - a. Item 1 Ascot Drive and Charlton Avenue, Chipping Norton - Excessive Speed in Charlton (The Avenue)
 - i. Council to review location of existing chevron signs and relocate as appropriate (as per previous advice from RMS).
 - ii. Council to prepare a draft design of the traffic calming scheme to refer back to the LTC for review prior to recommendation to Council for approval and undertaking community consultation.
 - iii. Prior to any construction, residents should be consulted about the proposed traffic calming scheme and identified impacts on adjacent properties.
 - iv. Traffic data should be referred to the Police for surveillance and enforcement actions.
 - b. Item 2 Helles Avenue Vehicle Turning Movements at Moorebank Avenue, Moorebank
 - i. A detailed engineering survey and investigation of the location of the utilities and design vehicle turning paths be undertaken.
 - ii. A draft design of the proposed intersection treatment be submitted to the next available Traffic Committee meeting for consideration.
 - c. Item 3 Moondarra Drive, West Hoxton - Review and Alternate Design Options of Intersections
 - i. The matter be deferred and resubmitted after further investigations.

- d. Item 4 Southern Freight Link Alliance Construction Access Route via Casula Road, Casula
- i. That the Committee approves the use of the routes for the additional traffic to be generated by the new works.
 - ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
 - iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.
- e. Item 5 Southern Freight Link Alliance Construction Access Route via Woodbrook Road, Casula
- i. That the Committee approve the use of the route originally approved in the 2009 Construction Traffic Management Sub Plan for the additional traffic to be generated by the new works.
 - ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments
 - iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.
- f. Item 6 Southern Freight Link Alliance Construction Access Route via Shepherd Street and Speed Street, Liverpool
- i. The use of the approved routes by the additional traffic that will be generated by the new works.
 - ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
 - iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.
 - iv. That the turning path of heavy vehicles turning from Speed Street into Terminus Street be submitted to RMS for approval under delegated authority.

- g. Item 7 Southern Freight Link Alliance Construction Access Route via Leacocks Lane, Casula
- i. That the Committee approve the use of the routes for the additional traffic to be generated by the new works.
 - ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
 - iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.
- h. Item 8 Southern Freight Link Alliance Construction Access Route via Station Street, Liverpool
- i. That the Committee approves the routes for the additional traffic to be generated by the new works.
 - ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
 - iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.
- i. Item 9 Southern Freight Link Alliance Construction Access Route Casula via Casula Powerhouse Car Park
- i. That the Committee approves the routes for the additional traffic to be generated by the new works.
 - ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
 - iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Gillani**

That Council adopts the minutes of the Liverpool Traffic Committee and the recommendations with the exception of the use of local roads by the ARTC.

BUSINESS ARISING

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadchiti**

That Council opposes the ARTC accessing Liverpool City Council local roads.

Amendment: **Moved: Cllr Stanley** **Seconded: Cllr McGoldrick**

That this item be deferred until legal options are explored and advice sought on hours of restrictions.

The motion put by Cllr Lucas was withdrawn.

On being put to the meeting the amendment by Cllr Stanley was declared CARRIED.

The amendment becomes the motion and the motion was CARRIED.

COMM 07

ITEM NO: COMM 07
FILE NO: 2010/1298
SUBJECT: LIVERPOOL YOUTH COUNCIL MINUTES OF MEETING HELD ON
13 DECEMBER 2011

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Youth Council meeting held on 13 December 2011.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

COMM 08

ITEM NO: COMM 08

FILE NO:

SUBJECT: STRATEGIC AND FINANCIAL PLANNING COMMITTEE MINUTES
FROM THE MEETING HELD ON 8 DECEMBER 20

RECOMMENDATION

That Council receives and notes the minutes of the Strategic and Financial Planning Committee meeting held on 8 December 2011.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

COMM 09

ITEM NO: COMM 09
FILE NO: 2010/0331
SUBJECT: STREET NAMING COMMITTEE MINUTES OF MEETING OF 9
DECEMBER 2011

RECOMMENDATION

That Council notes the minutes of the Street Naming Committee Meeting of 9 December 2011

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

CORR 01

ITEM NO: CORR 01

FILE NO:

SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley**

Seconded: Cllr Karnib

That the recommendation be adopted.

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

BOARD REPORTS

Nil

RECEIPT OF INFORMATION DOCUMENTS

Nil

CONFIDENTIAL ITEMS

Nil

QUESTIONS WITH NOTICE

ITEM NO: QWNO 01
FILE NO: 2011/2938
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

1. **Could Council's events officer prepare a report for submission to the next Community Recreational Committee on the holding of the Australia Day events as well as the holding of the Naturalisation Ceremony at the same location? Also the holding of both events in the afternoon after each other with options of venue locations?**

2. **How many DA'S have there been lodged for permission to install charity bins?**

3. **Will action be taken to have those bins that have no DA to be removed as per the Council's policy?**

4. **What is the Council's response to the comments made by Council staff before December 2011 concerning the appointment of contractors when some of the staff stated that they have sometimes nothing to do?**

5. **As part of the fallout from the \$35 million Oasis debacle Council had to take out a loan of \$7 million to repay the \$12 million s94 monies wasted on the Oasis. The questions are:**
 - a. **What was the total cost of taking out the loan?**

 - b. **Has the loan been repaid?**

 - c. **What areas of the LGA was the balance of \$5 million taken from and how is it intended to carry out the works that the s94 was raised for?**

6. **Ballina Shire Council issues, on a one off basis, a small plastic lockable compost bin for the use by the ratepayers of Ballina Shire. My question is**

can the council staff prepare a report to the available briefing session of Council on:

- a. The cost of such bin with the marking that it is from LCC.**
 - b. The funding options such as Environment Levy or General Revenue.**
 - c. Can the results of a and b be referred to the Draft Management Plan 2012-2013 for consideration?**
- 7. Could the Council's Events Officer present a report to a briefing session detailing the logistics for the conducting of the Volunteers expo May 2012?**

QTON 01

ITEM NO: QTON 01
FILE NO: 2011/2939
SUBJECT: QUESTIONS TAKEN ON NOTICE AT THE COUNCIL MEETING ON
19 DECEMBER 2011

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Gillani**

That the recommendation be adopted.

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

Clr Hadchiti left the chambers at 9:11pm.

PRESENTATIONS BY COUNCILLORS

Nil

Clr Hadchiti returned to the chambers at 9:13pm.

On re-opening the meeting to the public the resolution of Council was read to the public by the Chairperson:

That Council seeks to be released from the Supreme Court proceedings and reserves its right to pursue costs. Such costs will be sought at the finalisation of all litigation.

CLOSE

THE MEETING CLOSED AT 9:22 PM

Matters Requiring Further Reports to Council

Date of Meeting	Report Number	Council Resolution/Council Request	Director	Target Date	Status
19 July 2010	COMM 05	A further report comes back to Council recommending a potential site for the Community Nursery and Sustainability Education Centre.	Director City Planning	28 Sept 2011	Council is still waiting for information from the Western Sydney Parklands and also a Master Plan for the Casula Parklands to be finalised before the site can be selected. Once these are finalised, a presentation will be made to the Executive Team followed by a report to Council.
29 Aug 2011	NOMO 03	That a further report comes back to Council regarding Kiss and Drop Zones in Liverpool CBD.	Director City Assets	Feb 2012	Report to Council in February 2012 due to need to obtain LTC comment and concurrence on proposed zones.
29 Aug 2011	NOMO 07	That a further report comes back to Council with a traffic study of the area bounded by Hoxton Park Road, Flowerdale Road and Frangipane Avenue.	Director City Assets	Feb 2012	Report in preparation following Liverpool Traffic Committee. Consideration of Flowerdale Road traffic devices report in February 2012.

29 Aug 2011	PLAN 04	That a further report comes back to Council regarding a planning proposal for 5 Viscount Place, Orange Grove.	Director City Planning	Feb 2012	The Planning Proposal is currently with the Department of Planning and Infrastructure. Council is awaiting Gateway Determination which once granted, will determine the milestones and indicative timing for the rezoning.
21 Nov 2011	CITS 05	That a further report comes back to Council regarding the Valley Community Music Centre.	Director Corporate Services	27 Feb 2012	
19 Dec 2011	NOMO 05	That a further report comes back to Council regarding encouraging a healthier city.	Director City Services	27 Feb 2012	
19 Dec 2011	CORS 06	That a further report comes back to Council following a comprehensive review of the Community Engagement Toolkit, Policy and Procedure.	Director Corporate Services	27 Feb 2012	
29 Aug 2011	NOMO 06	That a further report comes back to Council regarding traffic problems in Warwick Farm.	Director City Assets	26 Mar 2012	
28 Sept 2011	CITS 01	That a further report comes back to Council regarding the construction of a new hockey field at Moorebank.	Director City Services	26 Mar 2012	
21 Nov 2011	PLAN 02	That a further report comes back to Council regarding the Design Review Panel.	Director City Planning	26 Mar 2012	

19 Dec 2011	CITS 02	That a further report comes back to Council regarding the Pye Hill Reserve Plan of Management and Master Plan.	Director City Services	26 Mar 2012	
21 Nov 2011	PLAN 04	That a further report comes back to Council regarding the outcomes of public consultation and EOI for future use of the former Council Administration Building Site.	Director City Planning	30 Apr 2012	
19 Dec 2011	NOMO 02	That a further report comes back to Council regarding the cost of Carbon Tax on ratepayers.	Director Corporate Services	30 April 2012	
6 Feb 2012	PLAN 04	That a further report comes back to Council regarding the Draft Plan of Management of Part of Lot 101 Cowpasture Road Elizabeth Hills.	Director City Planning	30 April 2012	
23 May 2011	CITS 05	That a further report comes back to Council regarding a stadium for Liverpool – potential funding options.	Director City Services	28 May 2012	
19 Dec 2011	PLAN 02	That a further report comes back to Council regarding Warwick Farm horse training precinct.	Director City Planning	28 May 2012	
6 Feb 2012	CITS 01	That a further report comes back to Council with a progress report in the Graffiti Management Strategy 2012-2015.	Director City Services	Aug 2013	
6 Feb 2012	CITS 01	That a further report comes back to Council with a final evaluation upon completion of the Graffiti Management Strategy.	Director City Services	2015	



MINUTES OF THE ORDINARY MEETING HELD ON 27 FEBRUARY 2012

PRESENT:

Mayor Waller
 Councillor Gillani
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Lucas
 Councillor Mannoun
 Councillor Napoletano
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mrs Julie Hatley, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Ms Sandra Kubecka, Acting Director - City Services
 Mr David Tuxford, Acting Director - City Assets
 Ms Jane Ferguson, Executive Officer

The meeting commenced at 7:00 pm

OPENING	7.00pm	
PRAYER	The Prayer of Council was read by Pastor Henry Jacotine of Inspire Church	
APOLOGIES	Clr McGoldrick	
Motion:	Moved: Clr Napoletano	Seconded: Clr Harle

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

CONDOLENCES Nil

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 6 February 2012 be confirmed as a true record of that meeting.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

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

DECLARATIONS OF INTEREST

Clr Harle declared a less than significant, non pecuniary interest on the following item:

Item PLAN 01 CLASS 1 APPEAL IN THE LAND AND ENVIRONMENT COURT -
APPEAL AGAINST THE REFUSAL OF APPLICATION TO MODIFY
DEVELOPMENT CONSENT 1096/2007

Reason: Family residing in the area.

Clr Harle will not leave the Chambers for the duration of this item.

Clr Lucas declared a less than significant, non pecuniary interest on the following item:

Item GMMR 04 ANZAC DAY

Reason: Secretary of the City of Liverpool Sub-Branch RSL

Clr Lucas will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Nil

Clr Stanley left the chambers at 7.04pm

SPEAKERS FORUM

Domogoj Frankic will address Council on the following item:

Item – PLAN 01 CLASS 1 APPEAL IN THE LAND AND ENVIRONMENT
COURT - APPEAL AGAINST THE REFUSAL OF
APPLICATION TO MODIFY DEVELOPMENT CONSENT
1096/2007

Sabrina Coratella would like to address Council on the following items:

Item – NOMO 04 MOOREBANK INTERMODAL

Kate Schouten would like to address Council on the following items:

Item – NOMO 04 MOOREBANK INTERMODAL

Councillor Stanley returned to the chambers at 7:10pm

MOTION OF URGENCY

Councillor Mannoun put forward a Motion to be heard pursuant to section 16, subsection 6 of the Code of Meeting Practice as a Motion of Urgency.

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Lucas**

That Council:

1. Asks the General Manager to urgently investigate the wording on the nointermodal.com website and take appropriate action as necessary including requiring the site administrator to remove the statement and issue an apology.
2. Immediately remove all signs, bumper stickers, and any other paraphernalia that Council has funded to promote the nointermodal.com website.
3. Write to the South West Community Alliance asking them to remove the offensive comments on the website by 3 March 2012.

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

Councillors voted unanimously for the motion.

Note: Cllr McGoldrick was absent from the meeting when this item was voted on.

MAYORAL REPORT

Nil

NOTICES OF MOTION OF RECESSION

NOMR 01

ITEM NO: NOMR 01
FILE NO: 2010/0177
SUBJECT: SCHOOL OF ARTS BUILDING - FUTURE USE

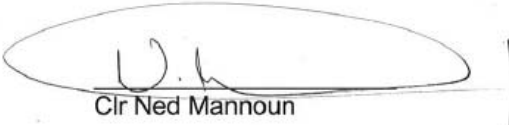
RECOMMENDATION

That Council in respect to item NOMO 12 at Council Meeting 19 December 2011 be rescinded. Should the rescission motion be carried the following motion be put to Council for consideration:

That Council not proceed with a Plan of Management for the Memorial School of Arts site and note that a plan of management is not required for Council operational land.

Signed:


Clr Gary Lucas


Clr Ned Mannoun


Clr Peter Harle

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Mannoun**

That the recommendation be adopted.

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

Mayor Waller, Clr Stanley, Clr Karnib and Clr Gillani requested that their names be recorded as voting against the motion.

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0287
SUBJECT: 19-37 JUDD AVENUE, HAMMONDVILLE

RECOMMENDATION

That Council resolves to issue a stop work order on the site or refuse to issue a final inspection and occupation certificate until the following issues and others outlined by Council have been addressed by the applicant and private certifier to the satisfaction of the Council and concerned residents:

1. Height of dividing fence at rear to Morley Avenue be increased by two metres at DA applicants expense to accommodate known privacy issues from windows and balconies overlooking the back yards of residents especially numbers 28 and 26 Morley Avenue. All overlooking windows should be changed to frosted type.
2. Colorbond fencing at side boundaries to all properties are made to meet the DA applicants fence in the same style as existing fences on Morley Avenue properties at the DA applicants expense.
3. The wire dividing fence that the new Colorbond dividing fence replaced be removed at the DA applicants costs and restoration of property be carried out to an acceptable standard to Council.
4. The ownership of the stormwater pipe at the rear of 26 Morley Avenue be identified as to who is the owner and who is responsible for maintenance.
5. The stormwater pipe at rear of 26 Morley Avenue be identified if to be receiving discharge from any properties or land in the DA-385/2010/c complex. If so have discharge load calculations been done on this pipe to determine pipe is big enough for the extra stormwater entering this pipe.
6. Councillors receive in an expedient manner a copy as requested previously of the DA and all email and other correspondence associated with this DA.
7. Any other concerns that have come to the attention of the General Manager be addressed.
8. All actions by Council officers happen in an expedient manner.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council notes the General Managers comments.

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

NOMO 02

ITEM NO: NOMO 02
FILE NO: 2012/0287
SUBJECT: CHILD CARE CENTRES

RECOMMENDATION

Could Council please investigate the sale to private enterprise of all Council Child Care centres in the LGA. This investigation should include but not be limited to:

- a. Council selling each Centre by an approved tender as a going concern with no guarantee of existing enrolment levels, building condition as is and requirement to maintain the Centre in original condition with costs falling on to tenderer.
- b. Council to charge a competitive fee for rental of premises and retain premises in Council ownership.
- c. A guarantee for work by the new centre owner for all existing staff or the alternative for any staff to remain in council in other employment if they prefer.
- d. All entitlements to be paid to any Child Care staff who wish to leave council employment.
- e. Hours of operation must remain the same or can be extended if required by tenderer.
- f. A report on costs, predicted savings, predicted income, community perceptions, implementation time frame and industry interest is required in a full report to Council by June Council meeting.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded:**

That Council defers the motion to next Council meeting for a decision.

The motion lapsed for lack of seconder.

NOMO 03

ITEM NO: NOMO 03
FILE NO: 2012/0287
SUBJECT: INTERNATIONAL AIRPORT AT BADGERYS CREEK

RECOMMENDATION

That the Council again resolves to continue to oppose any proposal to build the International Airport at Badgerys Creek.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Napoletano**

That Council:

1. Reaffirms its total opposition to the Badgerys Creek Airport proposal, cemeteries in the rural areas and the Intermodal sites proposals at Moorebank.
2. Writes to the affected residents of the Badgerys Creek Airport proposal, cemeteries in the rural areas and the Intermodal sites proposals at Moorebank advising of:
 - a. Council's position.
 - b. What has been done and will continue to do.
 - c. Assuring the residents of Council's continued representation on their behalf.

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

Councillors voted unanimously for the motion.

Note: Clr McGoldrick was absent from the meeting when this item was voted on.

NOMO 04

ITEM NO: NOMO 04
FILE NO: 2012/0287
SUBJECT: MOOREBANK INTERMODAL

RECOMMENDATION

That Council:

1. Develop a significant list of infrastructure upgrades and harm minimisation measures as well as financial compensation for the effects on our city that are to be lobbied for.
2. Requests that the General Manager provide a report to Council at the next Council meeting on how best to establish an organised fight against the Intermodals to prevent the current process of 'thought bubble' activism.
3. Establish an Intermodal fighting reserve and transfer \$100k from the Councillor reserve into the Intermodal fighting reserve.

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Hadchiti**

That Council:

1. Develop a significant list of infrastructure upgrades and harm minimisation measures as well as financial compensation for the effects on our city that are to be lobbied for.
2. Requests that the General Manager provide a report to Council at the next Council meeting on how best to establish an organised fight against the Intermodals to prevent the current process of 'thought bubble' activism. The report is to also explore potential costs of this campaign.
3. Continues to fight against the Intermodal.
4. Reaffirms its opposition to the Intermodal.

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

Councillors voted unanimously for the motion.

Note: Clr McGoldrick was absent from the meeting when this item was voted on.

GENERAL MANAGER'S REPORTS

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2010/2642
SUBJECT: PROGRESS REPORT ON DELIVERY PROGRAM 2011 - 2015

RECOMMENDATION

That Council:

1. Receives and notes the six monthly detailed Progress Report which outlines the progress of all principal activities contained in the Delivery Program 2011-2015 from July to December 2011; and
2. Allows the General Manager to make a presentation on progress made in the October to December 2011 quarter, with a copy of the General Manager's presentation forming part of the minutes of the meeting.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

Councillor Mannoun left the chambers at 8:00pm.

Councillor Mannoun returned to the chambers at 8:02pm.

Councillor Hadid left the chambers at 8:05pm.

Councillor Mannoun returned to the chambers at 8:07pm.

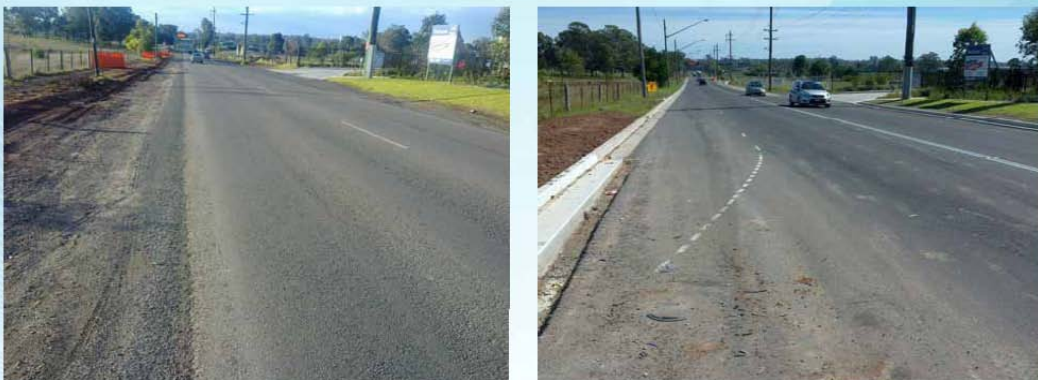
December Quarter Review

1 October – 31 December 2011



Reconstruction and Widening

Bernera Road



Reconstruction and Widening

Kurrajong Road



Reconstruction and Widening

Governor Macquarie Drive, Chipping Norton



Pavement Reconstruction

Whitford Road, Green Valley



Pavement Reconstruction and Resurfacing

Wendouree Street, Busby



Pavement Reconstruction and Resurfacing

Hill Road, Lurnea



Road Restoration

Dalmeny Street, Prestons



Road Restoration

Dalkeith Street, Busby



Road Shoulder Regrading

Greendale Road



Road Restoration

Edmondson Avenue, Austral



Brickmakers Creek at Homepride Avenue

Works involved major improvements to access driveway to facilitate more efficient cleaning of gross pollutants



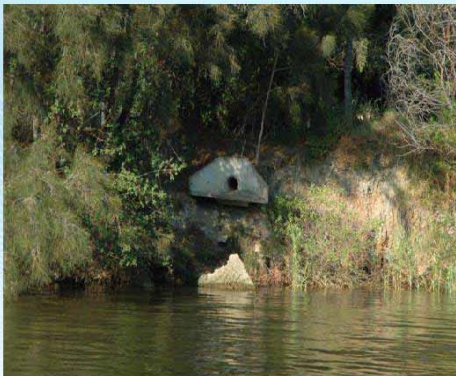
Georges River at Cosford Close, Chipping Norton

Works involved construction of stacked rock stormwater outlet protection works and improvement of overland flow path



Georges River at Childs Park, Chipping Norton

Works involved restoration of stormwater outlet and construction of gabion erosion protection works



Regional Local Community Infrastructure Program

Renovation of Orange Grove Centre



Regional Local Community Infrastructure Program

Renovation of George Bates Community Centre



Regional Local Community Infrastructure Program

Renovation of Bringelly Community Centre



Michael Wenden Aquatic Leisure Centre

Change Room Refurbishment



Landscape Upgrade

Salamaua Park



Landscape Upgrade

Collimore Park



Collingwood Fence Repair Works



Liverpool City Library



Child Care Centre Upgrades



Accessibility at Bus Stops

Removal of trip hazards and provision of increased paved area for improved accessibility, boarding and maneuvering



River Cities Bike Program

Provision of a new cycleway in Elizabeth Drive to increase cycling opportunities



Mayoral Concert

The annual Mayoral Concert was held on 15, 16 and 17 November at the Liverpool Catholic Club with over 1000 seniors in attendance



International Day of People with Disability

A disability forum was held on 2 December 2011 to mark International Day of People with Disability. The event was attended by disability service organisations, carers and individuals.



Twisted Sounds Youth Music Festival

The Twisted Sounds Youth Music Festival was held on 19 November and attracted more than 150 young people



Children's Week

Two events were held as part of National Children's Week with over 580 people attending



Casula Powerhouse Arts Centre

Over 16,100 people visited CPAC during the quarter



New Animal Collection Vehicle

During this quarter Council purchased a Animal Collection vehicle



Operation Enabled 7

“Operation Enabled 7” was conducted during this period. Staff checked 532 mobility permits, spoke to 200 motorists, issued 54 fines and confiscated 7 permits.



CBD Tree Works

Bigge Street Overpass



Gum Removal Vehicle

The Gum Removal Vehicle commenced this quarter and can cover between 800 & 1000 square meters, per day, to remove the chewing gum






Library's On-Line Information Service

The Library is now providing access to the Library's online information services through the Library Anywhere app, which allows customers to access the Library's services through their smart phones or tablets

Now you can search and discover your library anywhere, anytime... on your mobile device

Search the catalogue, view your account information, reserve and renew items, see our latest news and more...

Ask us how or visit mylibrary.liverpool.nsw.gov.au

 LibraryAnywhere  



Miller Library

Preparations for the opening of the Miller Library at its new location in early January 2012 were completed in December 2011



Tree Lighting in the Mall

Over 500 people attended Council's annual tree lighting in the Mall on 1 December 2011



Christmas in the Mall

A number of performances were held in the Mall during December as part of Council's Christmas celebrations. The performances were well attended.



Garden Competition

Council's annual garden competition was held on 15 November 2011 with over 250 people attending



Order of Liverpool Awards

Council's annual Order of Liverpool Awards was held on 7 November 2011 and recognises the excellence, achievements and contributions of people that have enhanced the quality of life in Liverpool City



Environment Volunteer Recognition Event

On Wednesday evening 14 December 2011 Liverpool Council hosted the Annual Environment Volunteer Recognition Event. Over 75 volunteers attended the event.



Community Tree Planting

South Park, Chipping Norton



Planning Statistics

	Number of Applications	Estimated Value
Development Applications Determined	449	\$180,111,918
Construction Certificates Determined	198	



Planning Statistics

Council officers carried out over 520 food shop inspections

Over 60 health inspections (including beauty salons and cooling towers) were carried out by Council officers

Over 1040 building inspections were carried out by Council officers



GIPA Information Requests

Significant increase in GIPA requests this quarter

	Oct	Nov	Dec	TOTAL
2010	40	57	43	140
2011	86	71	47	204



Rates Enquiries

Over 48,100 installment notices issued in October
 Over 9,700 reminder notices issued in December
 Over 1,150 notices of sale processed
 Over 950 Section 603 rating certificates issued (100%
 within 36 hours)

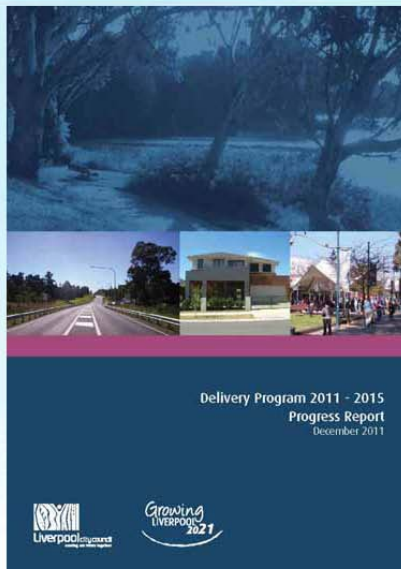


Customer Service

Over 35,700 telephone calls received
Over 11,240 transactions processed customers
Over 15,350 customer requests processed
Over 3,800 after hours calls received



Delivery Program Progress Report



GMRR 02

ITEM NO: GMRR 02

FILE NO:

SUBJECT: RELOCATION OF COUNCIL STAFF FROM THE NORTHERN WING, 1 HOXTON PARK ROAD

RECOMMENDATION

That Council:

1. Approves “in principle” the construction of offices on the first floor at 52 Scott Street, Liverpool subject to further report for funding approval being presented to Council once the costs have been determined.
2. Notes that City Assets staff will be relocated to the offices to be constructed on the first floor at 52 Scott Street from the northern wing at 1 Hoxton Park Road and 33 Moore Street, Liverpool.
3. Approves “in principle” the fit out of the vacant space on the ground floor at 52 Scott Street for the Rangers who will be relocated from 33 Moore Street, Liverpool.

COUNCIL DECISION

Motion:

Moved: Cllr Mannoun

Seconded: Cllr Hadid

That the recommendation be adopted.

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

GMRR 03

ITEM NO: GMRR 03

FILE NO:

SUBJECT: SPONSORSHIP OF LIVERPOOL CITY CUP 2012

RECOMMENDATION

That Council:

1. Sponsors the Liverpool City Cup for \$8,500 plus GST.
2. Coordinates a Liverpool City Cup replica to be made to the value of \$1,000 plus GST.
3. Process of the previous years be followed inviting a member of the community.

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Hadid

That the recommendation be adopted.

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

GMRR 04

ITEM NO: GMRR 04
FILE NO: 2006/0685
SUBJECT: ANZAC DAY

RECOMMENDATION

That Council:

1. Allocate \$5,500 towards the Anzac Day commemorative service from the Corporate Sponsorship budget to cater for the various services including:
 - Marquee
 - PA systems, Extension leads
 - Lectern
 - Chairs
 - Security
 - Staging
2. Make provision for in kind assistance including Council officer's time to establish road closures as required, park maintenance, event organisation and logistics.
3. Place this yearly event on the official Corporate Sponsorship recipients list.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

CORPORATE SERVICES REPORTS

CORS 01

ITEM NO: CORS 01
FILE NO: 2007/0300
SUBJECT: DECEMBER 2011 QUARTER BUDGET REVIEW

RECOMMENDATION

That Council:

1. Receives and notes the report.
2. Votes the identified budget variations in accordance with this report.
3. Votes the General Fund Carryovers review savings of \$972K to the Capital Works Reserve to fund works in 2012/2013.
4. Votes the transfer from General Fund Carryovers of \$199K to the Asset Maintenance Reserve.
5. Votes the transfer from General Fund Carryovers of \$80K to the IT Reserve.
6. Creates the Moorebank Voluntary Acquisition Reserve and Votes the transfer from General Fund Carryovers of \$162K to the IT Reserve.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Mannoun**

That Council

1. Receives and notes the report.
2. Votes the transfer of \$250,000 from General Fund carryovers for the construction of either a tar sealed or concrete car park at Hoxton Park Reserve.
3. Votes the transfer of \$110,000 from General Fund carryovers for the construction of a footpath at Strickland Crescent. Council to seek input from residents to establish which side construction is to take place.
4. Votes the transfer of \$36,000 from General Fund carryovers for the construction of foot path at Metcalfe Avenue Moorebank. Council to seek input from residents to establish which side construction is to take place.
5. Votes the transfer of \$16,000 from General Fund carryovers for the replacement of the current street bins located on Macquarie Street between Bathurst and Memorial with 240ltr bins with ash trays attached.

6. Votes the transfer of \$50,000 from General Fund carryovers for the sole purpose of immediately engaging in maintaining road verges on the City's main roads which fall under Council responsibility, with a report back to Council on how many was spent.
7. Votes the transfer of \$20,000 from General Fund carryovers to the Councillor Reserve.
8. Votes the transfer of \$510,000 from General Fund carryovers to the Capital Works Reserve to fund works in the 2012/2013 budget.
9. Votes the transfer of \$199,000 from General Fund carryovers to the Asset Maintenance Reserve.
10. Votes the transfer of \$80,000 from General Fund carryovers to the IT Reserve.
11. Creates the Moorebank Voluntary Acquisition Reserve and votes the transfer from General Fund carryovers of \$162,000 to the reserve.
12. Transfers any left over funds from point 2, 3, 4, 5, 13 and 14 into the Councillor Reserve or use funds in Councillor Reserve if extra funds needed.
13. Votes the transfer of \$10,000 from General Fund carryovers to the construction of the footpath on Hillcrest Avenue Moorebank from Renton Avenue to Hillcrest Park.
14. Votes the transfer of \$20,000 from General Fund carryovers for the replacement of cricket net fencing at Amalfi Park

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

Adjournment of the meeting was called by the Chair for 10 minutes at 8.34pm

Division of Council called by Clr Mannoun and Clr Hachiti.

Vote for: Clr Hadid, Clr Mannoun, Clr Lucas, Clr Napoletano, Clr Harle, Clr Hadchiti.

Vote against: Mayor Waller, Clr Karnib, Clr Stanley, Clr Gillani.

Note: Clr McGoldrick was absent from the meeting when this item was voted on.

Meeting called back to order at 8:43pm.

Motion:

Moved:

Seconded:

CORS 02

ITEM NO: CORS 02
FILE NO: 2012/0670
SUBJECT: PROPOSED DISPOSAL OF LOT 6 IN DP 1062062, LOT 6 RIVER HEIGHTS ROAD, PLEASURE POINT TO THE ADJOINING OWNER LOT 145 IN DP 15226, 12 RIVER HEIGHTS ROAD, PLEASURE POINT

RECOMMENDATION

That Council:

1. Agrees to the disposal of Lot 6 in DP 1062062 to the adjoining owners of Lot 145 in DP 15266, 12 River Heights Road, Pleasure Point for the price and terms outlined in the confidential attachment.
2. Transfers proceeds to the Property Development Reserve.
3. Keeps confidential the attachment supplied under separate cover containing the sale price 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.
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Stanley**

That the recommendation be adopted.

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

CORS 03

ITEM NO: CORS 03
FILE NO: 2011/5670
SUBJECT: PROPOSED EASEMENT FOR 330KV TRANSMISSION LINE OVER PART LOT 101 DP 1158385 AND PART LOT 101 DP 1130459 FROM KEMPS CREEK TO LIVERPOOL

RECOMMENDATION

That Council:

1. Grants an easement to TransGrid for the 330kv Transmission Line over part Lot 101 DP 1158385 and part Lot 101 DP 1130459 as shown on the attached location plan.
2. Keeps confidential the report supplied under separate cover to Council containing details of the valuations and negotiations 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.
3. Authorises the relevant documentation necessary for the formalisation of the easement to be signed under Power of Attorney by Council's delegated officer.
4. Transfers the compensation amount detailed in the confidential attachment to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

CORS 04

ITEM NO: CORS 04
FILE NO: 2008/1042
SUBJECT: REVIEW OF COMMUNITY ENGAGEMENT PRACTICES AND DRAFT
COMMUNITY ENGAGEMENT POLICY

RECOMMENDATION

That Council:

1. Endorses the Draft Community Engagement Policy for consultation and receives a final draft for consideration following the consultation process.
2. Notes that an updated Community Engagement Toolkit will be issued by the General Manager, from time to time, as a guideline for staff.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Napoletano**

That the recommendation be adopted.

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

CORS 05

ITEM NO: CORS 05
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT JANUARY 2011

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

CORS 06

ITEM NO: CORS 06
FILE NO: 2011/6432
SUBJECT: VALLEY COMMUNITY MUSIC CENTRE - 39 HECKENBERG AVENUE
SADLIER

RECOMMENDATION

That Council:

1. Receives and notes the report in relation to the Valley Music Centre.
2. Receives a further report detailing a feasibility study on the three options for the disposal of the site.
3. Approves the demolition of the current improvements with the cost being funded from the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That Council:

1. Receives and notes the report in relation to the Valley Music Centre.
2. Receives a further report detailing a feasibility study on the three options for the disposal of the site.
3. Approves the demolition of the current improvements with the cost being funded from the Property Development Reserve.
4. Advises the 2168 Committee of this motion

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

CITY PLANNING REPORTS

PLAN 01

ITEM NO: PLAN 01
FILE NO: DA-1096/2007/A
SUBJECT: CLASS 1 APPEAL IN THE LAND AND ENVIRONMENT COURT -
APPEAL AGAINST THE REFUSAL OF APPLICATION TO MODIFY
DEVELOPMENT CONSENT 1096/2007

RECOMMENDATION

That Council:

1. Moves into closed session prior to the conclusion of the meeting with the press and public excluded, for the purpose of the consideration of legal advice, pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993.
2. Reverts back to open Council once the confidential aspects of the report have been considered and Council has determined a position on the matter.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Gillani**

That the recommendation be adopted.

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

PLAN 02

ITEM NO: PLAN 02
FILE NO: 2007/0738
SUBJECT: DESIGN REVIEW PANEL

RECOMMENDATION

That Council:

1. Endorses the Design Review Panel Charter.
2. Seeks expressions of interest from suitably qualified industry representatives to become members of Liverpool City Council's Design Review Panel for a three year period.
3. Receives a further report to assess the expressions of interest received and endorse Panel members.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That Council:

1. In keeping with its Community Engagement Policy places the Design Review Panel Charter on public exhibition.
2. Receives a further report on any feedback received.

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

PLAN 03

ITEM NO: PLAN 03
FILE NO: RZ-2/2012
SUBJECT: DRAFT AMENDMENT NO. 27 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - REZONING OF SP2 LAND TO B1, R2 AND R3 AT ELIZABETH HILLS, PROHIBITION OF CEMETERIES IN RURAL AREAS, PROHIBITION OF SEX SERVICE PREMISES IN THE LIVERPOOL CITY CENTRE AND OTHER MINOR ANOMALIES.

RECOMMENDATION

That Council:

1. Resolves to prepare and exhibit Draft Amendment 27 to the Liverpool Local Environmental Plan 2008.
2. Resolves to prepare and exhibit Draft Amendment No 7 to Liverpool Development Control Plan 2008.
3. Forwards a copy of the Planning Proposal to the Department of Planning and Infrastructure seeking a Gateway determination and following that proceed with public authority consultation and public exhibition.
4. Considers a further report that outlines the results of the public authority consultation and public exhibition.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadchiti**

That Council:

1. Resolves to prepare and exhibit Draft Amendment 27 to the Liverpool Local Environmental Plan 2008.
2. Resolves to prepare and exhibit Draft Amendment No 7 to Liverpool Development Control Plan 2008.
3. Forwards a copy of the Planning Proposal to the Department of Planning and Infrastructure seeking a Gateway determination and following that proceed with public authority consultation and public exhibition.
4. Considers a further report that outlines the results of the public authority consultation and public exhibition.
5. Removes the proposed reclassification of Lot 1103 DP1051233 22 Box Road, Casula.

6. Removes the relevant provisions in Liverpool DCP 2008 Moorebank East which refers to the removal of 35,000sqm of fill at 124 Newbridge Road, Moorebank.

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

PLAN 04

ITEM NO: PLAN 04
FILE NO: 2011/6052
SUBJECT: LIVERPOOL CITY COUNCIL BIODIVERSITY MANAGEMENT PLAN

RECOMMENDATION

That Council:

1. Places the Liverpool City Council Biodiversity Management Plan on public exhibition for a period of 28 days.
2. Receives a further report following public exhibition, with a view to adopting the final Plan, incorporating public feedback.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Gillani**

That the recommendation be adopted.

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

PLAN 05

ITEM NO: PLAN 05
FILE NO: DA1544/2010/A
SUBJECT: VEGETATION MANAGEMENT PLAN (VMP) FOR BRAIDWOOD DRIVE
PRESTONS

RECOMMENDATION

That Council:

1. Reaffirms its approval of the application to modify Development Consent 1544/2010, proposing an extension to the time period to satisfy deferred commencement condition and amendments to the wording of the deferred commencement condition.
2. Extends the deferred commencement time period to 12 months.
3. Delegates to the Director City Planning the approval of a Vegetation Management Plan and Offset Management consistent with the development consent granted through item 1.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Napoletano**

That the recommendation be adopted.

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

CITY SERVICES REPORT

CITS 01

ITEM NO: CITS 01
FILE NO: 2011/4500
SUBJECT: REVISED DRAFT NO SMOKING IN PUBLIC PLACES POLICY

RECOMMENDATION

That Council:

1. Places the attached draft No Smoking in Public Places Policy on public exhibition for 28 days and calls for public comments on the draft Policy.
2. Receives a further report on the draft Policy following the public exhibition period which will include details with respect to NOMO 05 from the December 2011.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Lucas**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

Note: Cllr McGoldrick was absent from the meeting when this item was voted on.

CITY ASSETS REPORTS

ASST 01

ITEM NO: ASST 01
FILE NO: 2008/0141
SUBJECT: ACQUISITION OF PART OF LOT 12 IN DP 1108343, 60 HALL
CIRCUIT, MIDDLETON GRANGE FOR DRAINAGE AND OPEN SPACE
PURPOSES

RECOMMENDATION

That Council:

1. Acquires part of Lot 12 in Deposited Plan 1108343, 60 Hall Circuit, Middleton Grange, containing an area of approximately 448.5 square metres for the price and terms outlined in the confidential attachment.
2. Upon settlement of the acquisition, classifies part of Lot 12 in Deposited Plan 1108343, 60 Hall Circuit, Middleton Grange, as Community Land.
3. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Gillani**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

Note: Cllr McGoldrick was absent from the meeting when this item was voted on.

ASST 02

ITEM NO: ASST 02
FILE NO: 2010/2559
SUBJECT: ACQUISITION OF PART OF LOT 247 IN DP 2475, 110 SOUTHERN CROSS AVENUE AND PART OF LOT 267 IN DP 2475, 95 FLYNN AVENUE MIDDLETON GRANGE, FOR DRAINAGE AND OPEN SPACE PURPOSES

RECOMMENDATION

That Council:

1. Acquires a part of Lot 247 in DP 2475, 110 Southern Cross Avenue containing an approximate area of 326 square metres and part of Lot 267 in DP 2475, 95 Flynn Avenue, Middleton Grange, containing an approximate area of 4,126 square metres for the price and terms outlined in the confidential attachment.
2. Upon settlement of the acquisition, classifies part of Lot 247 in DP 2475, 110 Southern Cross Avenue and part of Lot 267 in DP 2475, 95 Flynn Avenue, Middleton Grange, as Community Land.
3. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

Note: Clr McGoldrick was absent from the meeting when this item was voted on.

ASST 03

ITEM NO: ASST 03
FILE NO: 2010/0627
SUBJECT: PRECINCT PARK, WINGATE AVENUE WEST HOXTON

RECOMMENDATION

That Council:

1. Not proceed with the installation of new playground equipment and minor embellishments to Wingate Avenue Reserve in West Hoxton in light of the objections to the project from local residents.
2. Write to all residents who commented on the project advising them of Council's decision.
3. Reallocate the Section 94 funding for this project to Greenway Park as part of Council's 2012/2013 Operational Plan preparation for the provision of an exercise gym circuit to be delivered in the 2012/2013 financial year.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

ASST 04

ITEM NO: ASST 04
FILE NO: 2012/0590
SUBJECT: REQUEST FOR ARCHITECTURAL DESIGN SERVICES FOR THE
CARNES HILL COMMUNITY AND RECREATION PRECINCT (TENDER
PST2149)

RECOMMENDATION

That Council:

1. Accepts the tender submitted by Brewster Hjorth for Tender PST2149 Architectural Design Services for the Carnes Hill Recreation and Community Precinct at a lump sum amount of \$236,500 (GST exclusive).
2. Notes that the delegated Council officer will finalise all details and sign the Letter of Acceptance, giving it contractual effect, in accordance with his delegation.
3. Keeps confidential the attachment pursuant to the provisions of Section 104(2Xc) 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.

COUNCIL DECISION

Motion: **Moved: Clr Napoletano** **Seconded: Clr Harle**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

Note: Clr McGoldrick was absent from the meeting when this item was voted on.

COMMITTEE REPORT

COMM 01

ITEM NO: COMM 01
FILE NO: 2005/0603
SUBJECT: SPECIAL LIVERPOOL TRAFFIC COMMITTEE MINUTES OF MEETING HELD ON 13 FEBRUARY 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the Special LTC meeting held on 13 February 2012.
2. Adopts the recommendations of the Special LTC meeting held on 13 February 2012 as follows:
 - a. Item 1 Bathurst Street, Liverpool - Remove and Replace Existing 2P Parking Area with No Stopping Zone
 - i. The existing 2P (between 10am and 3pm) with 'NO STOPPING' (between 3pm and 10am) in the section of Bathurst Street between Secant and Campbell Streets be removed and replaced with 'NO STOPPING'.
 - ii. The existing 'NO STOPPING' areas in the section of Bathurst Street between Secant and Campbell Streets be left unchanged.
 - iii. All stakeholders be advised of the Council's decision.
 - b. Item 2 Campbell Street, Liverpool - Remove and Replace Existing No Parking Zone with No Stopping Zone
 - i. The existing 'NO PARKING' from 8.30am-5pm MON-FRI and 8.30am-12.30pm SAT on both sides in the section of Campbell Street between Bathurst and Northumberland Streets be removed and replaced with 'NO STOPPING'.
 - ii. The existing 'NO STOPPING' areas in the section of Campbell Street between Bathurst and Northumberland Streets be left unchanged.
 - iii. All stakeholders be advised of the Council's decision.
 - c. Item 3 Macquarie Street, Liverpool - Remove and Replace Existing 1P Parking Area with No Stopping Zone
 - i. Alteration to existing 1P (between 9AM and 6PM) with 'NO STOPPING' (between 6AM and 9AM) MON-SUN (21m) along the western side in the section of Macquarie Street between Bathurst Street and Memorial Avenue to be removed and replaced with 'NO STOPPING'.

- ii. The existing 'NO STOPPING' areas in the section of Macquarie Street between Bathurst Street and Memorial Avenue be left unchanged.
 - iii. All stakeholders be advised of the Council's decision.
- d. Item 4 Liverpool CBD Ring Road - Review of Current Clearways
- i. The review process for the existing peak hour parking restrictions along the CBD Ring Road route to match RMS state road clearway restrictions be reviewed after six months from the date of implementation of the ticket parking scheme.
 - ii. A report of the review of the Ring Road be presented for consideration to the LTC in September 2012.
 - iii. All stakeholders be advised of the Council's decision.
- e. Item 5 Warren Serviceway, Liverpool - Review Current Parking Restrictions on the Northern Side
- i. The existing NO PARKING (12m) along the northern side of Warren Serviceway adjacent to the Bigge Street intersection be removed and replaced with 'NO STOPPING'.
 - ii. The existing NO PARKING between 4PM and 6PM ('ONLY AUTHORISED COUNCIL VEHICLES AT OTHER TIMES') MON-FRI (19m long) be replaced with NO STOPPING 4PM-6:30PM; MON-FRI and NO PARKING at OTHER TIMES.
 - iii. Rangers to be requested for additional surveillance and appropriate enforcement of this location.
 - iv. All stakeholders be advised of the Council's decision.

COUNCIL DECISION

Motion:

Moved: Clr Hadchiti

Seconded: Clr Hadid

That Council:

1. Notes the minutes of the Special LTC meeting held on 13 February 2012.
2. Adopts the recommendations of the Special LTC meeting held on 13 February 2012 as follows:
 - a. Item 1 Bathurst Street, Liverpool - Remove and Replace Existing 2P Parking Area with No Stopping Zone
 - i. The existing 2P (between 10am and 3pm) with 'NO STOPPING' (between 3pm and 10am) in the section of Bathurst Street between Secant and Campbell Streets be removed and replaced with 'NO STOPPING'.
 - ii. The existing 'NO STOPPING' areas in the section of Bathurst Street between Secant and Campbell Streets be left unchanged.

- iii. All stakeholders be advised of the Council's decision.
- b. Item 2 Campbell Street, Liverpool - Remove and Replace Existing No Parking Zone with No Stopping Zone
 - i. The existing 'NO PARKING' from 8.30am-5pm MON-FRI and 8.30am-12.30pm SAT on both sides in the section of Campbell Street between Bathurst and Northumberland Streets be removed and replaced with 'NO STOPPING'.
 - ii. The existing 'NO STOPPING' areas in the section of Campbell Street between Bathurst and Northumberland Streets be left unchanged.
 - iii. All stakeholders be advised of the Council's decision.
- c. Item 4 Liverpool CBD Ring Road - Review of Current Clearways
 - i. The review process for the existing peak hour parking restrictions along the CBD Ring Road route to match RMS state road clearway restrictions be reviewed after six months from the date of implementation of the ticket parking scheme.
 - ii. A report of the review of the Ring Road be presented for consideration to the LTC in September 2012.
 - iii. All stakeholders be advised of the Council's decision.
- d. Item 5 Warren Serviceway, Liverpool - Review Current Parking Restrictions on the Northern Side
 - i. The existing NO PARKING (12m) along the northern side of Warren Serviceway adjacent to the Bigge Street intersection be removed and replaced with 'NO STOPPING'.
 - ii. The existing NO PARKING between 4PM and 6PM ('ONLY AUTHORISED COUNCIL VEHICLES AT OTHER TIMES') MON-FRI (19m long) be replaced with NO STOPPING 4PM-6:30PM; MON-FRI and NO PARKING at OTHER TIMES.
 - iii. Rangers to be requested for additional surveillance and appropriate enforcement of this location.
 - iv. All stakeholders be advised of the Council's decision.

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

BUSINESS ARISING:

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Lucas**

That Council not accept the Item 3 recommendation put forward in the minutes from Traffic Committee.

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

CORRESPONDENCE REPORT

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Napoletano** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

QUESTIONS WITH NOTICE

QWNO 01

ITEM NO: QWNO 01
FILE NO: 2011/2938
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

- 1. Could Council's Events officer prepare a report for submission to the next Community Recreational Committee on the holding of the Australia Day events as well as the holding of the Naturalisation Ceremony at the same location? Also the holding of both events in the afternoon after each other with options of venue locations?**

Council's Communications and Events department recommends that the option to hold both the Australia Day Civic Function (awards and citizenship ceremony) and the Australia Day Festival at the same location is not viable.

During the planning process of the Australia Day celebrations alternative venues were considered but were found to be unsuitable to meet all of the requirements of the celebrations.

Liverpool City Council's Events Coordinator has contacted various councils to see what has been done in surrounding Local Government Areas. Other Councils with large Local Government Areas similar to ours also hold these events separate.

Parramatta Council indicated that in the past they have tried to merge the two events at the same location which deemed to be unsuccessful.

If both Australia Day events were merged together to be held at the same location at Woodward Park or alternative venues the following problems could potentially arise:

- Not enough parking at alternative locations
- Bad weather conditions could cause the outdoor components of any events to be cancelled. Although the festival can be cancelled without being rescheduled the civic function would need to be rescheduled at a later date.
- Occupational Health and Safety concerns would arise on site if both events were held at the same location
- Bump in times for events would clash if they were both held at the same location. The Festival would be bumping in all day up until 4pm start time and would clash with the formalities of the civic function.

- At Woodward Park the ceremony would be in a casual environment and take this would take away from the formalities of the civic event.
- There are no alternative locations big enough to cater to the large crowds that attend the festival.
- Woodward Park is most suitable for the festival and has adequate free parking available.
- The Casula Powerhouse Arts Centre and Woodward Park and both Council owned facilities and therefore there is no venue hire costs required.
- Woodward Park is the ideal location for the festival as it is central for residents across Liverpool City and caters to disabled access.

2. How many DA'S have there been lodged for permission to install charity bins?

Council introduced controls relating to charity bins on 15 September 2010. Since this time Council has not received any applications for new charity bins.

3. Will action be taken to have those bins that have no DA to be removed as per the Council's policy?

Council introduced controls in relation to charity bins on 15 September 2010. These controls relate to any new location addressing the future placement of bins within their sites. The controls do not relate to bins that are currently contained within shopping centres, schools, parks or churches. Council officers direct bin operators to remove any bins that are on public land, such as footpaths or nature strips. However, Council officers can not take action where the bins are existent on private property.

4. What is the Council's response to the comments made by Council staff before December 2011 concerning the appointment of contractors when some of the staff stated that they have sometimes nothing to do?

Council engages contractors on an as needs basis to assist with meeting community expectations and the demands associated with maintaining a local government area the size of Liverpool. There is sufficient work to keep all employees fully engaged in work and the work force will be supplemented by contractors as deemed necessary.

5. As part of the fallout from the \$35 million Oasis debacle Council had to take out a loan of \$7 million to repay the \$12 million s94 monies wasted on the Oasis. The questions are:

a. What was the total cost of taking out the loan?

Council will have incurred interest costs of approximately \$3.8m over the life of the loan (15 years).

b. Has the loan been repaid?

No - the loan is due to mature in June 2017.

c. What areas of the LGA was the balance of \$5 million taken from and how is it intended to carry out the works that the s94 was raised for?

Funds were utilised from the City Wide Facilities account. Following legal advice Council reimbursed s94 \$6.78m plus interest of \$1.36m in 2006, the remaining funds (\$5m) were utilised to forward fund works on the Whitlam Centre and City Library. These funds were to be collected from future contributions over the course of time as development occurred. Funds continue to be collected and works continue to be carried in accordance with the plan.

6. Ballina Shire Council issues, on a one off basis, a small plastic lockable compost bin for the use by the ratepayers of Ballina Shire. My question is can the council staff prepare a report to the available briefing session of Council on:

a. The cost of such bin with the marking that it is from LCC.

b. The funding options such as Environment Levy or General Revenue.

c. Can the results of a and b be referred to the Draft Management Plan 2012-2013 for consideration?

Ballina Shire Council currently has a three bin system that includes a “garden and organics” bin. Residents can put garden trimmings, lawn clippings and food scraps in this bin. Ballina Shire Council has chosen to give each of its residents a small plastic receptacle for the household in order to aid and encourage residents to separate food waste/scraps within the home so this reduces contamination in bins and aims to increase recovery of organics.

Unlike Ballina Council, Liverpool does not have this same system. Our system, while a three bin system, includes a garden waste bin that accepts lawn clippings, flowers and prunings, twigs and small branches and leaves. Residents of Liverpool are asked to place any food waste/scraps they have into the residual garbage bin with other waste that includes general rubbish, foam, plastic bags and nappies. This waste is then sent to a processing facility where the organic waste is converted into compost and mulch products. Recovery is achieved at the sorting facility rather than at source.

There would be no benefit in providing Liverpool residents with a similar receptacle to that of Ballina residents as Council’s system does not require food waste/scraps to be separated from the general waste like that of Ballina Shire Council.

- 7. Could the Council's events officer present a report to a briefing session detailing the logistics for the conducting of the Volunteers expo May 2012?**

Yes, this can occur.

- 8. Can a report on the flying of the Australian Flag at the Council's buildings be prepared and presented to the briefing session in March? Such report to detail:**

- a. What Council buildings fly the Australian Flag?
- b. The cost to install and maintain flag poles for the council buildings.
- c. Upon final presentation the matter is referred to the draft management plan 2012-2013 for consideration.

- 9. Due to the continued congestions around the schools, by vehicles, with narrow streets can a report be prepared that will consider the implementation of DCPs that will ensure the matter of congestions in narrow streets is not repeated in future growth areas?**

- 10. Can a report on the future of the installation of public facility at the area of Bigge Park and the associated drainage problems that are holding up such installation of the public facility be presented to the April briefing session?**

- 11. Council acquired funds to refurbish the Whitlam centre from the Nation Building Economic Stimulus Plan. My questions are:**

- a. Are funds still available from the Stimulus plan?
- b. Can the Council administration put together submissions in preparation for the use of funds should they be available.
- c. Could such submissions be for a modern Athletic Field or a new 50 metre indoor heated pool at a location suitable for all of Liverpool?

- 12. Can a report be submitted to the briefing session in April on:**

- a. The merits in Council jointly running a portable mattress shredder with adjoining councils
- b. The associated costs
- c. A workable system in eliminating the dumping of mattresses
- d. How to best recycle the mattresses

QWNO 02

ITEM NO: QWNO 02

FILE NO: 2012/0275

SUBJECT: QUESTIONS WITH NOTICE - CLR MANNOUN

RECOMMENDATION

- 1. Council adopted a policy on establishing a University in Liverpool and other educational options. Can you please advise what has happened to the recommendations contained within that document and when was the last time something within that document was acted upon?**

- 2. When is Greendale Road going to be upgraded and whose responsibility is it?**

QWNO 03

ITEM NO: QWNO 03

FILE NO: 2012/0275

SUBJECT: QUESTIONS WITH NOTICE - CLR McGOLDRICK

RECOMMENDATION

- 1. Can Council determine the costs and other requirements to instigate Random Drug and Alcohol testing minimum 2 times per person per year on Councillors, General Manager, Directors, Senior Managers and Managers in all Council Departments?**

- 2. How and when could if approved by motion may this policy be implemented?**

- 3. Could this policy include all employees of council and contractors after a two year settling in period for management?**

That Council moves into Closed Session to consider item PLAN 01.

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Hadchiti**

On being put to the meeting the motion was CARRIED.

Public, media representatives and Council officers departed the meeting room.

COUNCIL IN CLOSED SESSION

PLAN 01

ITEM NO: PLAN 01
FILE NO: DA-1096/2007/A
SUBJECT: CLASS 1 APPEAL IN THE LAND AND ENVIRONMENT COURT -
 APPEAL AGAINST THE REFUSAL OF APPLICATION TO MODIFY
 DEVELOPMENT CONSENT 1096/2007

RECOMMENDATION

That Council:

1. Defends the appeal based on the advice provided by Council' legal advice.
2. Receives a subsequent report advising of the progress (and ultimate determination) of the matter and providing an estimate of potential legal costs.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Mannoun**

That Council:

1. File a submitting appearance in relation to DA1096/2007 in the Land and Environment Court.
2. Council notes that it has filed a submitting appearance in all Land and Environment Court appeals since September 2008.

Amendment: **Moved: Cllr Harle** **Seconded: Cllr Stanley**

That Council:

1. Defends the appeal based on the advice provided by Council's legal advice.
2. Receives a subsequent report advising of the progress (and ultimate determination) of the matter and providing an estimate of potential legal costs.

That the amendment be adopted.

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

The amendment becomes the motion and the motion was CARRIED.

Councillors voted unanimously for the motion.

Note: Clr McGoldrick was absent from the meeting when this item was voted on.

Council moved into open session at 9:48pm.

Motion: **Moved: Clr Lucas** **Seconded: Clr Stanley**

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

Open Council resumed at 9:48pm. The meeting room was opened.

On re-opening the meeting to the public the resolution of Council was read to the public by the Chairperson:

That Council:

1. Defends the appeal based on the advice provided by Council's legal advice.
2. Receives a subsequent report advising of the progress (and ultimate determination) of the matter and providing an estimate of potential legal costs.

CLOSE

THE MEETING CLOSED AT 9:48 PM

Matters Requiring Further Reports to Council

Date of Meeting	Report Number	Council Resolution/Council Request	Director	Target Date	Status
19 July 2010	COMM 05	A further report comes back to Council recommending a potential site for the Community Nursery and Sustainability Education Centre.	Director City Planning	28 Sept 2011	Council is still waiting for information from the Western Sydney Parklands and also a Master Plan for the Casula Parklands to be finalised before the site can be selected. Once these are finalised, a presentation will be made to the Executive Team followed by a report to Council.
29 Aug 2011	NOMO 03	That a further report comes back to Council regarding Kiss and Drop Zones in Liverpool CBD.	Director City Assets	Feb 2012	RMS has advised that any regulatory sign must comply with the signs register maintained by RMS. "Kiss and Drop" sign is not on the signs register. "No Parking" is a regulatory sign that permits the pick-up or drop-off of people. A report will be submitted to Council after a survey of the existing "No Parking" zones is completed.
29 Aug 2011	NOMO 07	That a further report comes back to Council with a traffic study of the area bounded by Hoxton Park Road, Flowerdale Road and Frangipane Avenue.	Director City Assets	Feb 2012	Council has received a copy of the Traffic Study report by an independent Consultant in February 2012. A report will be presented to the LTC for its consideration at its next meeting scheduled for 21 March 2012.

29 Aug 2011	PLAN 04	That a further report comes back to Council regarding a planning proposal for 5 Viscount Place, Orange Grove.	Director City Planning	Feb 2012	The Planning Proposal is currently with the Department of Planning and Infrastructure. Council is awaiting Gateway Determination which once granted, will determine the milestones and indicative timing for the rezoning.
29 Aug 2011	NOMO 06	That a further report comes back to Council regarding traffic problems in Warwick Farm.	Director City Assets	26 Mar 2012	
27 Feb 2012	NOMO 04	That a further report be provided Council at the next Council meeting on how best to establish an organised fight against the Intermodals to prevent the current process of 'thought bubble' activism. The report is to also explore potential costs of this campaign.	General Manager	26 Mar 2012	

28 Sept 2011	CITS 01	That a further report comes back to Council regarding the construction of a new hockey field at Moorebank.	Director City Services	26 Mar 2012	The Hockey Club have received grant funding for the construction of a water base synthetic hockey field at Ernie Smith Reserve. To date the Club has been doing due diligence investigation to determine the feasibility of delivering this additional field. Council is waiting to attend a meeting to be convened by the Club to determine if the Club is to proceed. It was agreed by the Club that they would deliver the project and managed the grant funding; Council's involvement was to provide supervision of construction at various key milestone throughout the project
19 Dec 2011	CITS 02	That a further report comes back to Council regarding the Pye Hill Reserve Plan of Management and Master Plan.	Director City Services	26 Mar 2012	

21 Nov 2011	PLAN 04	That a further report comes back to Council regarding the outcomes of public consultation and EOI for future use of the former Council Administration Building Site.	Director City Planning	30 Apr 2012	
19 Dec 2011	NOMO 02	That a further report comes back to Council regarding the cost of Carbon Tax on ratepayers.	Director Corporate Services	30 Apr 2012	
6 Feb 2012	PLAN 04	That a further report comes back to Council regarding the Draft Plan of Management of Part of Lot 101 Cowpasture Road Elizabeth Hills.	Director City Planning	30 Apr 2012	
27 Feb 2012	CORS 06	That a further report comes back to Council detailing a feasibility study on the three options for the disposal of 39 Heckenberg Avenue, Sadlier	Director Corporate Services	30 Apr 2012	
27 Feb 2012	PLAN 02	That a further report comes back to Council regarding feedback received on the Design Review Panel Charter	Director City Planning	30 Apr 2012	
23 May 2011	CITS 05	That a further report comes back to Council regarding a stadium for Liverpool – potential funding options.	Director City Services	28 May 2012	
19 Dec 2011	PLAN 02	That a further report comes back to Council regarding Warwick Farm horse training precinct.	Director City Planning	28 May 2012	
27 Feb 2012	PLAN 01	That a subsequent report comes back to Council advising of the progress (and ultimate determination) regarding the Class 1 Appeal in the Land and Environment Court – Appeal against the refusal to application to modify development consent 1096/2007 and providing an estimate of potential legal costs	Director City Planning	28 May 2012	

27 Feb 2012	CITS 01	That a further report comes back to Council on the revised draft No Smoking in Public Places Policy following the public exhibition period.	Director City Services	28 May 2012	
27 Feb 2012	PLAN 04	That a further report comes back to Council following the public exhibition of the Liverpool City Council Biodiversity Management Plan.	Director City Planning	25 June 2012	
27 Feb 2012	PLAN 03	That a further report comes back to Council outlining the results of the public authority consultation and public exhibition for the draft Amendment No 27 to LLEP	Director City Planning	8 Oct 2012	
6 Feb 2012	CITS 01	That a further report comes back to Council with a progress report in the Graffiti Management Strategy 2012-2015.	Director City Services	Aug 2013	
6 Feb 2012	CITS 01	That a further report comes back to Council with a final evaluation upon completion of the Graffiti Management Strategy.	Director City Services	2015	

CONDOLENCES

1. Mr Lal Greentree - Kemps Creek Post Office
2. His Holiness Pope Shenouda III of Alexandria, Coptic Pope of Egypt

A minutes silence was observed.

Motion: **Moved: Clr Mannoun** **Seconded: Clr Stanley**

That Council sends condolences to the family of Mr Lal and Pope Shenouda III.

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

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 27 February 2012 be confirmed as a true record of that meeting.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted. On being put to the meeting the motion was declared CARRIED.

DECLARATIONS OF INTEREST

Clr Harle declared a less than significant, non pecuniary interest on the following item:

Item ASST 02 WARWICK FARM INDUSTRIAL AREA – ALTERNATIVE ACCESS ROAD

Reason: Family members reside in the area dealing with this issue.

Clr Harle will not leave the Chambers for the duration of this item.

Clr Gillani declared a less than significant, non pecuniary interest on the following item:

Item PLAN 03 VOLUNTARY PLANNING AGREEMENT ACCOMPANYING DEVELOPMENT APPLICATIONS FOR SUBDIVISIONS IN MIDDLETON GRANGE

Reason: The developer is my family doctor.

Clr Gillani will not leave the Chambers for the duration of this item.

Clr Mannoun declared a less than significant, non pecuniary interest on the following item:

Item CORS 03 PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

Reason: Paul Azzo may be involved in a matter on the agenda and is a member of a political party of which I am involved. Others may be involved however I am unable to confirm that information.

Clr Mannoun will not leave the Chambers for the duration of this item.

Clr Stanley declared a less than significant, non pecuniary interest on the following item:

Item PLAN 03 VOLUNTARY PLANNING AGREEMENT ACCOMPANYING DEVELOPMENT APPLICATIONS FOR SUBDIVISIONS IN MIDDLETON GRANGE

Reason: I am acquainted with Dr Sarfraz.

Clr Stanley will not leave the Chambers for the duration of this item.

Clr Hadchiti declared a less than significant, non pecuniary interest on the following item:

Item CORS 03 PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

Reason: It is my knowledge that a speaker who will speak tonight is a member of the Liberal party.

Clr Hadchiti will not leave the Chambers for the duration of this item.

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

Item CORS 03 PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

Reason: It is my knowledge that a speaker who will speak tonight is a member of the Liberal party.

Clr Hadid will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Rosa Burke would like to address Council regarding the Wenden Swimming Squads request for their coach to accompany the swimming squad to the Whitlam Centre for the winter closure.

SPEAKERS FORUM

Joe Romeo would like to address Council on the following items:

Item – CORS 03 PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

Paul Asso would like to address Council on the following items:

Item – CORS 03 PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

Domogoj Frankic would like to address Council on the following items:

Item – ASST 02 WARWICK FARM INDUSTRIAL AREA - ALTERNATIVE ACCESS ROAD

Andrew McDonald would like to address Council on the following items:

Item – GMRR01 MOOREBANK INTERMODAL TERMINALS

MAYORAL REPORT

Nil

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0288
SUBJECT: COUNCILLOR MAILING AND STATIONERY ALLOWANCE

RECOMMENDATION

That Council reduces the Councillor allowance for mailing and stationery from \$500 per month to \$50 per month.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr McGoldrick**

That Council reduces the Councillor allowance for mailing and stationery from \$500 per month to \$50 per month for the last six months of the Council term.

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

NOMO 02

ITEM NO: NOMO 02
FILE NO: 2012/0288
SUBJECT: HELPING OUR OWN CHARITIES

RECOMMENDATION

That:

1. Council makes a provision in its donation budget for the attendance of a corporate Council table at various community charitable functions.
2. The General Manager, at his discretion, decide what events Council should attend.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

NOMO 03

ITEM NO: NOMO 03
FILE NO: 2012/0288
SUBJECT: TELECONFERENCING AND VIDEOCONFERENCING AT BRIEFING SESSIONS

RECOMMENDATION

That Council:

1. Provides teleconferencing and videoconferencing facilities, utilising existing equipment where possible, at briefing sessions by Council's next briefing session.
2. Provides necessary funding for 1 above from the Information Technology budget.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Hadid**

That Council defers the report to the April Council meeting.

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

NOMO 04

ITEM NO: NOMO 04
FILE NO: 2012/0288
SUBJECT: WATTLE GROVE DETENTION POND

RECOMMENDATION

That Council:

1. Provides additional resources to remove the plastic bottles and other rubbish that are on the surface of Wattle Grove detention pond and allocates appropriate funds from Council's maintenance budget for regular timely clean ups.
2. Provides a report back to Council about the health of the lake, quality of the water, and what programs Council is undertaking to address any issues that exist there.
3. Provides extra rubbish and recycling bins around the lake as deemed appropriate.

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: DA-407/2012
SUBJECT: DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A SINGLE STOREY DETACHED DWELLING AND INGROUND CONCRETE SWIMMING POOL

RECOMMENDATION

That Council:

1. Approves DA-407/2012 being for the demolition of existing dwelling and construction of a single storey detached dwelling and inground concrete swimming pool at Lot 1 in DP 10798, 1029 Greendale Road Wallacia subject to conditions of consent.
2. Supports the variation to Clause 4.4 - Floor Space Ratio of Liverpool Local Environmental Plan 2008.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

Note: Cllr Lucas was absent from the meeting when this item was voted on.

IHAP 02

ITEM NO: IHAP 02
FILE NO: DA-375/2012
SUBJECT: PROPOSED INCREASE TO THE NUMBER OF STUDENTS WITHIN
STAGE 1 OF DEVELOPMENT CONSENT 346/2009 FROM 94 TO 138
STUDENTS

RECOMMENDATION

That Council:

1. Refuses DA-375/2012 for an increase in the number of students within Stage 1 of Development Consent 356/2009 from 94 to 138 students, for the following reasons:
 - a) Inadequate parking to satisfy the demand created by the current number of students.
 - b) Inadequate provision for the set-down and pick-up areas for the existing number of students.
 - c) No management plans provided to manage the drop-off and pick-up of students in a safe and efficient manner and to generally manage the pedestrian and vehicular traffic generated by the school.
 - d) No Management Plans provided to manage the communication and interaction with the surrounding community.
 - e) Failure to demonstrate that the current student numbers for Stage 1 as approved under DA-346/2009 and as proposed by this amendment are capable of operating without impacting on the amenity of the immediate locality.

2. Notifies persons who made a submission with regard to the proposal.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Hadid**

That Council not consider the report in accordance with Section 15 (10)(b) of the Code of Meeting Practice.

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

Councillors voted unanimously for the motion.

Note: Cllr Lucas was absent from the meeting when this item was voted on.

GENERAL MANAGER'S REPORT

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2010/1548
SUBJECT: MOOREBANK INTERMODAL TERMINALS

RECOMMENDATION

That Council considers the following available actions in opposing the intermodals:

1. Continue to lobby and protest against the proposals including the use of Council facilities for meetings, printing of material including banners, use of media, production of merchandise, distribution of brochures to residents and other means as deemed necessary to reiterate its stance.
2. Continue to lobby State and Federal Government Ministers and Departments regarding Councils objections to the proposed intermodals.
3. Continue to lobby and seek representation from the WSROC outlining the regional concerns that would result from the proposed intermodals and seek WSROC support in opposing them.
4. Engage a specialist transport consultant with a particular expertise in adequateness of (and weaknesses in) Sydney's freight solution including an assessment of government policy including but not limited to NSW 2021; The NSW long term Transport Master Plan (draft); and the National Ports Strategy..
5. Engage a specialist consultancy firm to collate and critique currently available data regarding the current and future road capacity, the current and future air quality of South-West Sydney compared to other regions of Sydney and other environmental impacts. The consultants would have to undertake their own critical analysis and modelling of constraints and associated impacts. The scope of work would be comparable to that of preparing an EIS.
6. Engage a specialist consultancy firm to critique and evaluate the specific Environmental Impact Statement (EIS) prepared for both intermodal proposals.
7. Engage a legal practice to undertake a judicial review of any determination to approve the intermodal development (concept plan or any other approval).

COUNCIL DECISION**Motion:****Moved: Clr Mannoun****Seconded: Clr Hadid**

That Council:

1. Creates a No Intermodal Working Party that includes representatives from the surrounding Local Government Areas, relevant stakeholders and community members. Liverpool City Council will be the host and coordinator of the Working Party.
2. Continue to lobby and protest against the proposals including the use of Council facilities for meetings, printing of material including banners, use of media, production of merchandise, distribution of brochures to residents and other means as deemed necessary to reiterate its stance.
3. Continue to lobby State and Federal Government Ministers and Departments regarding Councils objections to the proposed intermodals.
4. Liaise with surrounding Local Government Areas to seek to financial contributions to the coordinated No Intermodal campaign as this is an issue that impacts Greater South Western Sydney.
5. Continue to lobby and seek representation from the WSROC outlining the regional concerns that would result from the proposed intermodals and seek WSROC support in opposing them.
6. Receives a further report outlining costings and funding sources.

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

Clr Lucas entered the Chambers at 8.14pm

Clr Gillani left the Chambers at 8.17pm

Clr Gillani returned the Chambers at 8.19pm

GMRR 02

ITEM NO: GMRR 02
FILE NO: 2012/1002
SUBJECT: 2012 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

RECOMMENDATION

That Council:

1. Nominates delegates to attend the 2012 National General Assembly of Local Government will be held in Canberra from Sunday 19 June to Wednesday 22 June 2012.
2. Puts forward the following motions:
 - That the National General Assembly call on the Federal and State Governments to ensure that adequate and appropriate funding mechanisms are in place to provide critical infrastructure and services for growth communities and for these to be put forward as part of any review of State planning legislation and policies.
 - That the National General Assembly lobby the State Governments for the provision of State run cemeteries in strategic locations to provide for the future burial needs of the growing population.
 - That the National General Assembly lobby the Federal and State governments to suspend all detailed planning for proposed Intermodal sites until such time as a comprehensive Freight Strategy be prepared that adequately considers and addresses the environmental, social and economic impact of proposed Intermodal sites on established communities.
 - That the National General Assembly lobby the Federal and State governments to remove unnecessary development restrictions, such as the now defunct Australian Noise Exposure Forecast (ANEF) noise contours associated with the former Badgerys Creek Airport site to facilitate housing supply opportunities.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

Clr Stanley nominated Mayor Waller and Clr Lucas.

On being put to the meeting the nominations were accepted.

Adjournment of the meeting was called by the Chair for 10 minutes at 8.24pm.

Meeting called back to order at 8:34pm.

Motion:

Moved:

Seconded:

Clr Gillani and Clr Mannoun did not return to the Chambers.

CORPORATE SERVICES REPORT

CORS 01

ITEM NO: CORS 01
FILE NO: 2010/0462
SUBJECT: PROPOSED DISPOSAL OF LOT 52 DP 23856, 7C LEWIS ROAD,
LIVERPOOL

RECOMMENDATION

That Council:

1. Approves the sale of Lot 52 DP 23856, 7C Lewis Road, Liverpool for the price and terms outlined in the confidential attachment.
2. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
3. Authorises its delegated officer to execute any document, under power of attorney necessary to give effect to this decision.
4. Transfers the net proceeds from the sale to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

Cllr Mannoun returned to the Chambers at 8.35pm

CORS 02

ITEM NO: CORS 02
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT FEBRUARY 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

Clr Gillani returned to the Chambers at 8.37pm.

CITY PLANNING REPORT

PLAN 01

ITEM NO: PLAN 01
FILE NO: DA-41/2006/A
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT 41/2006

RECOMMENDATION

That Council approves modification application (DA-41/2006/A) which seeks to modify Development Consent DA-41/2006 at Lot 104 DP 794247, No12 Freda Place, Hammondville, subject to the revised Determination Notice.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Harle**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

PLAN 02

ITEM NO: PLAN 02
FILE NO: 2011/6089
SUBJECT: DRAFT AMENDMENT NO 6 TO LIVERPOOL DEVELOPMENT
CONTROL PLAN 2008

RECOMMENDATION

That Council adopts the amendments to the Liverpool Development Control Plan 2008 in accordance with Clause 21 of the Environmental Planning and Assessment Regulations 2000 to come into effect upon date of public notice in the local newspaper.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

PLAN 03

ITEM NO: PLAN 03
FILE NO: DA235/2011, DA-564/2011 and DA-649/2011
SUBJECT: VOLUNTARY PLANNING AGREEMENTS ACCOMPANYING
DEVELOPMENT APPLICATIONS FOR SUBDIVISIONS IN MIDDLETON
GRANGE

RECOMMENDATION

That Council:

1. Reaffirms their approval of DA-235/2011, DA- 649/2011 and DA-564/2011.
2. Imposes relevant conditions of consent to ensure the collection of contributions prior to the release of the Subdivision Certificate.
3. Accepts the offered amended Voluntary Planning Agreement for Part Lot 11 DP 1168716 and delegate to the General Manager to execute the agreement.
4. Accepts the offered amended Voluntary Planning Agreement for Part Lot 5 (created in DA 562/2011) of Lot 248 DP 2475 and delegate to the General Manager to execute the agreement.
5. Accepts the offered amended Voluntary Planning Agreement for Part Lot 5 (created in DA 1216/2010) of Lot 249 DP 2475 and delegate to the General Manager to execute the agreement.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

PLAN 04

ITEM NO: PLAN 04
FILE NO: 2011/5511
SUBJECT: HOUSEHOLD CLEAN UP SERVICE - PROCESSING

RECOMMENDATION

That Council:

1. Declines to accept any of the tenders received for Tender ST2122, Household Cleanup Service - Processing.
2. Authorises the General Manager to enter into a contract with the tenderer recommended by WSROC for processing of mattresses

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr McGoldrick**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

CITY SERVICES REPORT

CITS 01

ITEM NO: CITS 01
FILE NO: 2007/1548
SUBJECT: PYE HILL PLAN OF MANAGEMENT

RECOMMENDATION

That Council adopts the Pye Hill Reserve Plan of Management and Master Plan dated March 2012 (attached under separate cover).

COUNCIL DECISION

Motion: **Moved: C/r Hadchiti** **Seconded: C/r Hadid**

That Council defers this report.

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

CITY ASSETS REPORT

ASST 01

ITEM NO: ASST 01
FILE NO: 2010/0177
SUBJECT: TRAFFIC STUDY - INTERACTION OF TRAFFIC IN THE AREA
 BOUNDED BY FRANGIPANE AVENUE, HOXTON PARK ROAD AND
 FLOWERDALE ROAD

RECOMMENDATION

That Council:

1. Undertakes further investigation to provide an appropriate traffic facility in order to create a slow speed environment targeting a 25km/h speed zone in Frangipane Avenue subject to consultation with the local residents and their acceptance of any proposal such as speed control devices; and endorsement by the Local Traffic Committee.
2. Liaises with the owner of the Service Station to explore the implementation of:
 - a. Option 1 - a restricted access arrangement (bollards) is in place from 11pm-5am in accordance with the DA conditions of the consent. This timing cannot be changed without owner's consent. Council may negotiate with the owner for changing the time as recommended by the consultants; and
 - b. Option 2 - As the DA has already been approved the number of internal parking spaces cannot be changed without owner's consent. Council may negotiate with the owner for changing the number of car parking spaces as recommended by the consultants.
3. Notifies nearby residents of the outcomes of the traffic study and Council's proposed course of action.

COUNCIL DECISION

Motion: **Moved: Cllr Harle** **Seconded: Cllr McGoldrick**

That Council:

1. Undertakes further investigation to provide an appropriate traffic facility in order to create a slow speed environment targeting a 25km/h speed zone in Frangipane Avenue subject to consultation with the local residents and their acceptance of any proposal such as speed control devices; and endorsement by the Local Traffic Committee.

2. Liaises with the owner of the Service Station to explore the implementation of:
 - a. Option 1 - a restricted access arrangement (bollards) is in place from 10pm-7am in accordance with the DA conditions of the consent. This timing cannot be changed without owner's consent. Council negotiate with the owner for changing the time as recommended by the consultants to 10pm to 9pm.
 - b. Option 2 - As the DA has already been approved the number of internal parking spaces cannot be changed without owner's consent. Council may negotiate with the owner for changing the number of car parking spaces as recommended by the consultants.

3. Refers the matter of the slip way and Frangipane Avenue to the Traffic Committee to prevent vehicles using the streets as a thoroughfare.

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

Councillors voted unanimously for the motion.

ASST 02

ITEM NO: ASST 02
FILE NO: 2010/0177
SUBJECT: WARWICK FARM INDUSTRIAL AREA - ALTERNATIVE ACCESS ROAD

RECOMMENDATION

That Council receives and notes the contents of this report.

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Hadchiti**

That Council:

1. Asks the General Manager to write to the Premier and the Minister responsible for Racing and Gaming, the Minister for Roads and Ports and the Minister for Transport asking for the funds necessary to build the access road to the industrial area of the Warwick Farm racing precinct.
2. Notes that the current predicament faced by resident and Council is as a direct result of a former State Government planning initiative that paid little regard to conflicting uses within the Warwick Farm precinct.
3. Investigates external funding sources.

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

Councillors voted unanimously for the motion.

ASST 03

ITEM NO: ASST 03
FILE NO: 2011/6244
SUBJECT: MACQUARIE, SCOTT AND GEORGE STREET STREETScape
UPGRADE (TENDER WT2130)

RECOMMENDATION

That Council:

1. Declines to accept any of the tenders for Tender WT2130 - Macquarie, Scott and George Street streetscape improvement works.
2. In accordance with Section 178, Clause 3(b) of the Local Government (General) Regulation 2005, invite fresh tenders for the streetscape improvement works.
3. Keeps confidential the report supplied under separate cover, containing the tendered prices pursuant to S10A(2)(c) of the Local Government Act 1993 - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or propose to conduct) business.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Mannoun**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

ASST 04

ITEM NO: ASST 04
FILE NO: 2010/1319
SUBJECT: STATE GOVERNMENT GRANTS - CITY CENTRE TRUNK DRAINAGE,
GEORGE AND SCOTT STREETS, LIVERPOOL

RECOMMENDATION

That Council:

1. Accepts the funding allocation of \$1,553,333 offered by the Office of Environment and Heritage for the provision of trunk drainage works in George and Scott Streets in Liverpool.
2. In accepting the grants, write to the Office of Environment and Heritage thanking them whilst acknowledging the contribution the grant will make in advancing critical drainage infrastructure upgrades in Liverpool.
3. Votes to reallocate the amount of \$776,667 from the Brickmakers Creek Flood Mitigation Scheme to fund Council's share of the trunk drainage works in George and Scott Streets, Liverpool.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Mannoun**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

ASST 05

ITEM NO: ASST 05
FILE NO: 2011/0708
SUBJECT: ACQUISITION OF PART LOT 3126 DP1160426 PIONEER DRIVE,
CARNES HILL FOR THE EXTENSION OF KURRAJONG ROAD

RECOMMENDATION

That Council:

1. Acquires part of Lot 3126 in Deposited Plan 1160426, Lot 3126 Pioneer Drive, Carnes Hill for the price and terms outlined in the confidential attachment.
2. Keeps confidential the report supplied under separate cover to Council containing details of the valuations and negotiations pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993.
3. Advertises its intention to classify the drainage and open space area as Community upon settlement.
4. Dedicates the constructed road area as road in accordance with the Roads Act 1993.
5. Authorises its delegated officer to execute any documents, under Power of Attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Harle**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

ASST 06

ITEM NO: ASST 06
FILE NO: 2011/4308
SUBJECT: ACQUISITION OF AN EASEMENT FOR RIGHT OF ACCESS OVER
PART OF LOT 1 DP 613552, FIFTEENTH AVENUE, AUSTRAL

RECOMMENDATION

That Council:

1. Acquires the easement for access for both the proposed footbridge and existing vehicular bridge over Lot 1 DP 613552, Fifteenth Avenue for the price and terms outlined in the confidential attachment.
2. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
3. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

Cllr McGoldrick asked to be excused from the meeting at 9.19pm

ASST 07

ITEM NO: ASST 07
FILE NO: TRIM 2008/0597
SUBJECT: FINALISATION OF MEMORANDUM OF UNDERSTANDING (MOU)

RECOMMENDATION

That Council:

1. Endorse the finalisation of the existing Memorandum of Understanding.
2. Accepts \$237,930 grant from the Department of Planning and Infrastructure for the plant establishment and minor outstanding works within the Environmental Corridor.
3. Notes that Council's designated officer will finalise all details and sign the Deed of Agreement (termination agreement), in accordance with his/her delegated authority.

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2009/1515
SUBJECT: ABORIGINAL CONSULTATIVE COMMITTEE MINUTES OF THE MEETING HELD ON THE 1 FEBRUARY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Aboriginal Consultative Committee meeting held on 1 February 2012.

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Harle**

That the Committee reports be moved as a whole with the exception of COMM 05.

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

COMM 02

ITEM NO: COMM 02
FILE NO: 2011/5690
SUBJECT: CASULA POWERHOUSE ARTS CENTRE BOARD MINUTES OF MEETING HELD ON 17 FEBRUARY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Casula Powerhouse Arts Centre Board meeting held on 17 February 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2010/2486
SUBJECT: COMMUNITY AND RECREATION PANEL MINUTES OF MEETING
HELD ON 16 FEBRUARY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Community and Recreation Panel meeting held on 16 February 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 04

ITEM NO: COMM 04
FILE NO: 2011/0372
SUBJECT: ENVIRONMENT ADVISORY COMMITTEE MEETING MINUTES OF 23 FEBRUARY 2012

RECOMMENDATION

That Council:

1. Notes the reports and minutes from the Environment Advisory Committee Meeting held on 23 February 2012.
2. Endorses the following sites for the 2011/2012 Environment Restoration Plan works:
 - River Walk, Area 2 - Boronia Drive, Voyager Point
 - Murragan Park, Area 3, South Liverpool Road, Hinchinbrook
 - Public Reserve, Area 2 - Rossini Drive, Hinchinbrook
 - Cabrogal Park, Area 2 - Linne Place, Hinchinbrook
 - Tepper Park, Area 1 - Elouera Nature Reserve (adjacent McLean Avenue), Liverpool
 - Miller Park, Area 2 - Cabramatta Avenue, Miller
 - Lehmanns Oval, Area 1 - Access via McLean Street, Liverpool
 - Mannix Park, Area 2 - Tumbarumba Crescent, Heckenberg
 - Nelson Phyllis Reserve, Area 1 - Cape Baron Avenue, Green Valley
3. Endorses the Casula Parklands as the preferred site for the Community Nursery and Environmental Education Centre.
4. Considers increasing the worm and compost bin rebate from \$30 to \$50 per bin as part of the 2012/2013 budget.
5. Adopts the action tables for increasing the recovery of recyclables and food organics as outlined in EAC Report No. 05/12.

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Harle**

That the recommendation be adopted.

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

COMM 05

ITEM NO: COMM 05
FILE NO: 2004/0386
SUBJECT: ETHICS AND AUDIT COMMITTEE MINUTES FROM THE MEETING
HELD ON 8 MARCH 2012

RECOMMENDATION

That Council receives and notes the minutes of the Ethics and Audit Committee meeting held on 8 March 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 06

ITEM NO: COMM 06
FILE NO: 2011/6360
SUBJECT: LIVERPOOL ACCESS COMMITTEE MINUTES OF THE MEETING
HELD ON 9 FEBRUARY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Access Committee held on 9 February 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 07

ITEM NO: COMM 07
FILE NO: 2010/1298
SUBJECT: LIVERPOOL YOUTH COUNCIL MINUTES OF THE MEETING HELD
ON 7 FEBRUARY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Youth Council meeting held on 7 February 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 08

ITEM NO: COMM 08
FILE NO: 2009/1298
SUBJECT: MINUTES OF HERITAGE ADVISORY COMMITTEE MEETING OF 13
FEBRUARY 2012

RECOMMENDATION

That Council:

1. Notes the amendment to point 6 of minutes from 5 December 2011 meeting as follows:
'The first official post office was opened in 1880; the foundation stone was laid in 1879'.
2. Notes the minutes of the Heritage Advisory Committee meeting held on 13 February 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 09

ITEM NO: COMM 09
FILE NO: 2010/0331
SUBJECT: MINUTES OF THE STREET NAMING COMMITTEE MEETING OF 23 FEBRUARY 2012.

RECOMMENDATION

That Council:

1. Notes the minutes of the Street Naming Committee meeting of 23 February 2012.
2. Endorses the following street names for Elizabeth Hills:
 - a. Parklands Circuit
 - b. Herring Avenue
 - c. Clarence Drive
 - d. Gorgon Avenue
 - e. Rowley Street
 - f. Alluvial Lane
 - g. Pipistrelle Avenue

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Harle**

That the recommendation be adopted.

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

CORRESPONDENCE REPORTS

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Gillani** **Seconded: Cllr Mannoun**

That the recommendation be adopted.

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

QUESTIONS WITH NOTICE**QWNO 01**

ITEM NO: QWNO 01
FILE NO: 2011/2938
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

- 1. Can a report on the flying of the Australian Flag at the Council's buildings be prepared and presented to the briefing session in March? Such report to detail:

 - a. What Council buildings fly the Australian Flag?**
 - b. The cost to install and maintain flag poles for the council buildings.**
 - c. Upon final presentation the matter is referred to the draft management plan 2012-2013 for consideration.****

Investigations required by Council officers to respond to this Question With Notice will take more than two hours of staff time.

Therefore as per the Code of Meeting Practice section 31(5) a Notice of Motion will be required to be submitted.

- 2. Due to the continued congestions around the schools, by vehicles, with narrow streets can a report be prepared that will consider the implementation of DCPs that will ensure the matter of congestions in narrow streets is not repeated in future growth areas?**

Investigations required by Council officers to respond to this Question With Notice will take more than two hours of staff time.

Therefore as per the Code of Meeting Practice section 31(5) a Notice of Motion will be required to be submitted.

- 3. Can a report on the future of the installation of public facility at the area of Bigge Park and the associated drainage problems that are holding up such installation of the public facility be presented to the April briefing session?**

The only sewer available to the Bigge Park public facility is located adjacent to the northern footpath of Elizabeth Street. Currently running through the centre of Elizabeth Street is a 1.0m diameter stormwater trunk drainage pipeline which is to be mirrored by Council with a second 1.3m pipe as well as the Sydney Water trunk sewer.

The extension of the board's sewer is currently being investigated by a Sydney Water Coordinator, to determine if it is possible to connect to the sewer, the alternate course of action if it is not possible to gravity feed into the sewer and provide a design for Sydney Water approval (either a gravity sewer or a pump out system).

A commitment to provide the toilets cannot be given until the investigations have been completed and a preferred course of action has been determined.

To facilitate the extension to Sydney Water's sewer will require the road to be closed for a period of time (estimated at four days).

A report will be prepared for the April briefing session.

4. Council acquired funds to refurbish the Whitlam centre from the Nation Building Economic Stimulus Plan. My questions are:

a. Are funds still available from the Stimulus plan?

Contact with Regional Grants confirmed that at this time there is no further funding under the Regional and Local Community Infrastructure Program.

b. Can the Council administration put together submissions in preparation for the use of funds should they be available.

The Building Asset Management Plan would identify suitable projects should funding become available.

c. Could such submissions be for a modern Athletic Field or a new 50 metre indoor heated pool at a location suitable for all of Liverpool?

Athletics fields or a 50m pool are substantial projects in the range of \$1 million and would be dependent on the grant offer and terms and conditions.

5. Can a report be submitted to the briefing session in April on:

- a. The merits in Council jointly running a portable mattress shredder with adjoining councils**
- b. The associated costs**
- c. A workable system in eliminating the dumping of mattresses**
- d. How to best recycle the mattresses**

Investigations required by Council officers to respond to this Question With Notice will take more than two hours of staff time.

Therefore as per the Code of Meeting Practice section 31(5) a Notice of Motion will be required to be submitted.

6. Can appropriate rubbish bins be located adjacent to Pioneer Park on Macquarie Street and Northumberland Street?

7. Can appropriate signage be installed at the Administration Building in the foyer directing the way to the second floor?

8. When will the damaged headstones in the fenced area of Pioneer Park be restored?

9. Can a report be submitted to the briefing session on the possible establishment of a “friends of Pioneer Park” group?
10. When will the dead trees at Johnson Park Miller be replaced?
11. Can an Arborist report on the condition of the trees at 23 Bobbin Road, Sadlier and 7 Moomin Place Busby be undertaken? The residents are concerned for their own safety.
12. Winnal Reserve near the repaired cricket practice nets has glass pieces around it can the outdoor staff clean it up please?
13. Can the matter of a No U Turn please at Cartwright Avenue and Willan Drive be placed onto the agenda of the Traffic Committee?
14. Will there be a complete removal of the post and rail at the Whitlam reserves?
15. What is required for the Council to re-instate Volunteer Park Rangers?
16. Can a report on the removal or future use of the derelict concrete amphitheatre near the Dr O’Brien Centre at Miller be prepared to a briefing session of Council?
17. Can representatives of the 2168 Committee be invited to a Community and Recreational Panel meeting to discuss the possible construction of Skate Ramp at McGirr Park Miller?
18. Is the Council aware of the dead trees along Cartwright Avenue? If so when will they be replaced?

QWNO 02

ITEM NO: QWNO 02
FILE NO: 2012/0275
SUBJECT: QUESTIONS WITH NOTICE - CLR MANNOUN

RECOMMENDATION

- 1. Council adopted a policy on establishing a University in Liverpool and other educational options. Can you please advise what has happened to the recommendations contained within that document and when was the last time something within that document was acted upon?**

At the November 2010 meeting, Council resolved to receive and note an Education Paper (part of the report on the minutes of the Community and Recreation Panel), which included the following recommended action:

Lobby the other tiers of government about the need for a university in Liverpool and consider a campus with a specialised academic focus, such as medicine or nursing, in line with the expansion of the medical precinct.

During the development phase of the Education Paper, Council staff wrote to three universities to canvass interest in expanding their programs to the Liverpool area. Two responses were received and staff are continuing to liaise with the universities on this matter.

The Education Paper also contained other recommended actions in relation to TAFE and other education programs. Council agreed to consider all recommendations in the paper when developing its four year Delivery Program.

In the development of the four year Delivery Program for 2011-2015, an action from the Education Paper was drawn into the current 2011/12 Operational Plan, as follows:

Identify ways to engage at-risk young people in informal settings for education.

This was considered to be a priority at the time requiring action. To date, the following work has been undertaken in relation to this action:

- Council staff have continued to support the Street University, which is a key organisation in Liverpool that provides informal education opportunities to young people and uses these to develop pathways to formal education options. Council staff worked closely with the Street University on events such as CBD Exposed, which supported education activities of the Hiphoperations Program, involving 64 at-risk young people. In addition to this, the Street University were also assisted with information on available grants and other partnership opportunities with local youth services.

- Council staff also worked closely with MTC Work Solutions, providing them with opportunities to promote the range of informal education programs that they operate, targeting at-risk young people. As a result, a new initiative will be commencing in March this year – ‘Unlimited’ – which targets 15-21 year old early school leavers who need assistance to improve their reading, writing and numeracy skills, in an informal education setting. This program complements MTC Work Solutions’ continuing ‘Youth Connections’ and ‘Links To Learning’ classes.

The draft 2012/13 Operational Plan includes four further actions from the Education Paper, as follows:

- Undertake a skills development program for young people focusing on event management;
- Promote opportunities for residents of Liverpool to access local work experience, apprenticeships, traineeships and volunteering to enhance their employment prospects;
- Continue to support and resource The People’s Shed Social Enterprise Hub to deliver employment, training and recreation activities for men and the wider community;
- Deliver the 2168 Employment and Education Expo with Miller TAFE and other key stakeholders in the 2168 area.

These actions will be undertaken in 2012/2013, subject to the adoption of the 2012/13 Operational Plan.

The other recommended actions from the Education Paper can be considered during the development of the next four year Delivery Program.

2. When is Greendale Road going to be upgraded and whose responsibility is it?

The section of Greendale Road, between The Northern Road and Dwyer Road, forms the boundary between Liverpool and Camden Councils and each Council is responsible for the maintenance of half width of the road along this length. Liverpool City Council has care and control of the remaining sections of Greendale Road within the Local Government Area boundary.

With regards to upgrades to Greendale Road, Council has undertaken extensive patching last year to repair failed pavements and further resurfacing works are planned during the current program year to restore severely stripped seals, generally west of Vickery Street.

Council has also identified the need for pavement reconstruction near Tyson Road and a staged reconstruction program, that aims to provide strengthening and resurfacing over a kilometre section of Greendale Road, has been included in Council’s ten-year capital works program. However, the cost to upgrade this section

of Greendale Road is currently estimated to be in excess of \$1.5 million. Due to this substantial cost and the need to maintain the extensive road network across the entire Liverpool LGA area, and the need to allocate limited resources in an effective manner, these works are currently planned for the 2019/20 program year.

Meanwhile, Council will continue to carry out recurrent maintenance in Greendale Road, as required, to ensure the road remains in a serviceable condition until pavement improvements have been completed.

QWNO 03**ITEM NO:** QWNO 03**FILE NO:** 2012/0275**SUBJECT:** QUESTIONS WITH NOTICE - CLR MCGOLDRICK**RECOMMENDATION**

- 1. Can Council determine the costs and other requirements to instigate Random Drug and Alcohol testing minimum 2 times per person per year on Councillors, General Manager, Directors, Senior Managers and Managers in all Council Departments.?**

The cost of a random drug and alcohol testing is approximately \$110 per test, which would equate to approximately \$9,020 per annum for the aforementioned staff and councillors. There are no funds currently allocated for this purpose in the 2012 or draft 2013 budget.

- 2. How and when could if approved by motion may this policy be implemented?**

The introduction of random drug and alcohol testing would require a change in policy, consultation with the Joint Consultative Committee and the Occupational Health and Safety Committee and approval by the General Manager. This process would take up to three months.

- 3. Could this policy include all employees of council and contractors after a two year settling in period for management?**

Yes it could. This would require an additional budget allocation of approximately \$154,000 per annum based on staff numbers of 700.

QWNO 04

ITEM NO: QWNO 04
FILE NO: 2012/0276
SUBJECT: QUESTIONS WITH NOTICE - CLR STANLEY

RECOMMENDATION

- 1. I have noticed that Fairfield Council uses their 'gateway' signs to advertise Council information currently to seek public comment for their draft LEP. It is printed and attached to the sign. As Liverpool's Gateway signs are very similar could consideration be given to doing something similar especially when we need to provide information to our residents.**

Currently our gateways are used to promote information to our residents. Council has 11 gateways in total and historically these signs have never been utilised as they have in the recent past.

Council's last promotional message for these signs was the No Intermodal banner and the Australia Day metal sign. Council was planning on advertising the Open Air Cinemas (through the metal banners) however this event is cancelled.

Council officers have identified these signs are an excellent method to communicate to our residents however consideration of costs is always factored in prior to including it as a tool into our campaigns. At present cost is prohibiting using these signs for every campaign.

By way of background depending on the size of the metal signs (these are preferred to counteract ripping and tearing and for longevity as opposed to the vinyl variety) is a minimum \$2,000.

The Communications Team will endeavour to investigate further opportunities to promote via these signs pending budget availability.

- 2. Does Council have a policy regarding the sale of its assets?**

Yes – the disposal of Council assets is covered in Chapter 10 of Council's Procurement Policy Manual and Section 26 of Council's Purchasing Procedure Manual.

- 3. Will all sales be offered at tender, or only those over a specific amount?**

No, not necessarily - the method of disposal is influenced by a variety of factors including the type of asset, its value, heritage and cultural value, trade-in value and the size of the market.

4. Are different assets treated differently i.e. sales of plant and material and sale of land?

Yes – as noted in question 2 above the method of disposal is influenced by a variety of factors in particular the type of asset. All land acquisitions and disposals must go to Council for approval.

5. Who is responsible for the negotiation of any sales?

This is dependent on the type of asset being sold. For example, Council's Property Manager is responsible for determining the way in which individual properties are placed on the market and he is the person responsible for the negotiations. All properties placed on the market are on the proviso that the negotiated price is subject to approval by Council resolution.

In accordance with the purchasing procedure manual, business unit managers are responsible, as the approving officer, for approving and managing the disposal of surplus, obsolete and worn-out assets. Managers are accountable for all decisions taken in the disposal process. The manager, financial management is to endorse all asset disposals, with the exception of plant and motor vehicles approved for disposal by the manager, plant and fleet.

CLOSE

THE MEETING CLOSED AT 9:25 PM

Matters Requiring Further Reports to Council

Date of Meeting	Report Number	Council Resolution/Council Request	Director	Target Date	Status
29 Aug 2011	PLAN 04	That a further report comes back to Council regarding a planning proposal for 5 Viscount Place, Orange Grove.	Director City Planning	Feb 2012	The Planning Proposal is currently with the Department of Planning and Infrastructure. Council is awaiting Gateway Determination which once granted, will determine the milestones and indicative timing for the rezoning.
19 Dec 2011	NOMO 02	That a further report comes back to Council regarding the cost of Carbon Tax on ratepayers.	Director Corporate Services	30 Apr 2012	
6 Feb 2012	PLAN 04	That a further report comes back to Council regarding the Draft Plan of Management of Part of Lot 101 Cowpasture Road Elizabeth Hills.	Director City Planning	30 Apr 2012	
27 Feb 2012	PLAN 02	That a further report comes back to Council regarding feedback received on the Design Review Panel Charter	Director City Planning	30 Apr 2012	
26 Mar 2012	GMRR 01	That a further report comes back to Council outlining costings and funding sources in relation to the Moorebank Intermodal Terminals	General Manager	30 Apr 2012	
26 Mar 2012	NOMO 03	That Council defers the report to the April Council Meeting on teleconferencing and videoconferencing at Briefing Sessions	Director Corporate Services	30 Apr 2012	

26 Mar 2012	CITS 01	That Council defers the report to the April Council Meeting on Pye Hill Plan of Management	Director City Services	30 Apr 2012	
23 May 2011	CITS 05	That a further report comes back to Council regarding a stadium for Liverpool – potential funding options.	Director City Services	28 May 2012	
29 Aug 2011	NOMO 03	That a further report comes back to Council regarding Kiss and Drop Zones in Liverpool CBD.	Director City Assets	28 May 2012	RMS has advised that any regulatory sign must comply with the signs register maintained by RMS. “Kiss and Drop” sign is not on the signs register. “No Parking” is a regulatory sign that permits the pick-up or drop-off of people. A report will be submitted to Council after a survey of the exiting “No Parking” zones is completed.

28 Sept 2011	CITS 01	That a further report comes back to Council regarding the construction of a new hockey field at Moorebank.	Director City Assets	28 May 2012	The Hockey Club have received grant funding for the construction of a water base synthetic hockey field at Ernie Smith Reserve. To date the Club has been doing due diligence investigation to determine the feasibility of delivering this additional field. Council is waiting to attend a meeting to be convened by the Club to determine if the Club is to proceed. It was agreed by the Club that they would deliver the project and managed the grant funding; Council's involvement was to provide supervision of construction at various key milestone throughout the project
21 Nov 2011	PLAN 04	That a further report comes back to Council regarding the outcomes of public consultation and EOI for future use of the former Council Administration Building Site.	Director City Planning	28 May 2012	
19 Dec 2011	PLAN 02	That a further report comes back to Council regarding Warwick Farm horse training precinct.	Director City Planning	28 May 2012	

27 Feb 2012	CORS 06	That a further report comes back to Council detailing a feasibility study on the three options for the disposal of 39 Heckenberg Avenue, Sadlier	Director Corporate Services	28 May 2012	
27 Feb 2012	PLAN 01	That a subsequent report comes back to Council advising of the progress (and ultimate determination) regarding the Class 1 Appeal in the Land and Environment Court – Appeal against the refusal to application to modify development consent 1096/2007 and providing an estimate of potential legal costs	Director City Planning	28 May 2012	
27 Feb 2012	CITS 01	That a further report comes back to Council on the revised draft No Smoking in Public Places Policy following the public exhibition period.	Director City Services	28 May 2012	
27 Feb 2012	PLAN 04	That a further report comes back to Council following the public exhibition of the Liverpool City Council Biodiversity Management Plan.	Director City Planning	25 June 2012	
26 Mar 2012	NOMO 04	That a further report comes back to Council about the health of the lake (Wattle Grove Detention Pond), quality of the water and what programs Council is undertaking to address any issues that exist there	Director City Planning	25 June 2012	
27 Feb 2012	PLAN 03	That a further report comes back to Council outlining the results of the public authority consultation and public exhibition for the draft Amendment No 27 to LLEP	Director City Planning	8 Oct 2012	
6 Feb 2012	CITS 01	That a further report comes back to Council with a progress report in the Graffiti Management Strategy 2012-2015	Director City Services	Aug 2013	
6 Feb 2012	CITS 01	That a further report comes back to Council with a final evaluation upon completion of the Graffiti Management Strategy.	Director City Services	2015	



**MINUTES OF THE ORDINARY MEETING HELD ON
30 APRIL 2012**

PRESENT:

Mayor Waller
 Councillor Gillani
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Lucas
 Councillor Mannoun
 Councillor Napoletano
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mrs Julie Hately, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Ms Sandra Kubecka, Acting Director - City Services
 Mr David Tuxford, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7:00 pm

OPENING 7:00pm

PRAYER The Prayer of Council was read by Reverend Bruce Hammonds of Liverpool Presbyterian Church.

APOLOGIES Cllr McGoldrick

Motion: **Moved: Cllr Karnib** **Seconded: Cllr Mannoun**

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

CONDOLENCES

Brother Michael McIntyre

Brother Michael McIntyre was a longtime resident of Cartwright and served in the Australian Airforce and worked in the Department of Defence until he retired.

He was a staunch supporter of the City of Liverpool Sub Branch and was granted Life Membership, he was also a member of the Board of Directors for John Edmondson VC Memorial Club for over 15 years and was awarded Life Membership. He served the community well and will be sorely missed.

A minutes silence was observed.

Motion: **Moved: Clr Mannoun** **Seconded: Clr Hadid**

That Council sends condolences to the family of Brother Michael McIntyre.

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

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 26 March 2012 be confirmed as a true record of that meeting with the following amendment:

Page 6 NOMO 01 to read "of any Council term".

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

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

DECLARATIONS OF INTEREST

Clr Hadchiti declared a less than significant, non pecuniary interest on the following item:

Item CORS 02	PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL
Reason:	Previous speaker against the item is a member of the Liberal Party but Councillor Hadchiti has no dealings with the Liberal Party Member.

Clr Hadchiti will not leave the Chambers for the duration of this item.

Clr Mannoun declared a less than significant, non pecuniary interest on the following item:

Item CORS 02 PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

Reason: Previous Speaker against the item is a member of the Liberal Party but Councillor Mannoun has no dealings with the Liberal Party Member.

Clr Mannoun will not leave the Chambers for the duration of this item.

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

Item CORS 02 PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

Reason: Previous speaker against the item is a member of the Liberal Party but Councillor Hadid has no dealings with the Liberal Party Member.

Clr Hadid will not leave the Chambers for the duration of this item.

David Tuxford declared a less than significant, non pecuniary interest on the following item:

Item NOMO 06 WENDEN SWIMMING CLUB

Reason: Nephew is engaged as a contractor by the Whitlam Centre.

David Tuxford will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Nil

SPEAKERS FORUM

Narelle Van Den Bos would like to address Council on the following items:

Item – GMRR 01 MOOREBANK FREIGHT INTERMODAL

John Anderson would like to address Council on the following items:

Item – NOMO 05 MOOREBANK INTERMODAL

Chris Weston would like to address Council on the following items:

Item – IHAP 01 REVIEW OF DETERMINATION OF DA-129/2012 WHICH
REFUSED THE PROPOSED DEMOLITION OF THE
EXISTING DWELLING AND CONSTRUCTION OF A THREE
STOREY RESIDENTIAL FLAT BUILDING

Michael Byrne would like to address Council on the following items:

Item – GMRR 01 MOOREBANK FREIGHT INTERMODAL

MAYORAL REPORT

Nil

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0289
SUBJECT: PARKING METERS IN LIVERPOOL CBD

RECOMMENDATION

That Council:

1. Changes the parking fee structure for the Parking meters in the CBD to the first hour free, effective immediately.
2. Implements a communication strategy for each parking meter clearly stating that payment is only required for the amount of time the space is used.
3. Advertises changes on all Council communication.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That the recommendation be adopted.

Foreshadowed Motion: **Moved: Clr Hadid** **Seconded: Clr Mannoun**

That Council ceases the operation of parking meters in the Liverpool City Centre.

Foreshadowed Motion: **Moved: Clr Lucas** **Seconded: Clr Napoletano**

That Council:

1. Requests that Luxmore Parking Consultants evaluate the CBD Pay and Display and consider:
 - a. Provision of a period of free parking before charging commences.
 - b. Consideration to provide concession cards to ratepayers of the Liverpool LGA to reduce the cost of parking who are concession card holders and unemployed.
 - c. Reinstating of timed parking in the serviceways of the CBD.
2. Refers the revised parking strategy be referred to the Council Meeting in October.

3. Advises the Liverpool Chamber of Commerce and Industry be advised of Council's decision.
4. Notes where they knowingly instruct Council staff to enter into an arrangement where financial waste is quantifiable and apparent and in contravention of the Council Charter in the Local Government Act then Councillors note this decision may be capable of being dissolved under the surcharge and provisions of the Local Government Act and may have personal consequences with respect to surcharging if any deficiency and losses incur as a result of negligent actions.

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

On being put to the meeting the foreshadowed motion moved by Clr Hadid was declared CARRIED.

Division of Council called by Clr Napoletano and Clr Mannoun.

Vote for: Mayor Waller, Clr Hadchiti, Clr Hadid, Clr Karnib, Clr Mannoun, Clr Stanley

Vote against: Clr Gillani, Clr Harle, Clr Lucas, Clr Napoletano

The foreshadowed motion moved by Clr Lucas lapsed.

Clr Hadid left the chambers at 7:40pm.

Clr Hadid returned to the chambers at 7:41pm.

Clr Mannoun left the chambers at 8:06pm.

Clr Mannoun returned to the chambers at 8:07pm.

NOMO 02

ITEM NO: NOMO 02
FILE NO: 2010/0177
SUBJECT: CCTV

RECOMMENDATION

That Council commence the calling of expressions of interest in the installation and servicing of the CCTV in strategic locations in the Liverpool CBD after consultation with the LAC of Liverpool to determine the location, number and monitoring of the CCTV.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadchiti**

That:

1. The General Manager arrange for consultation be with the Local Area Commander regarding the preferred locations and monitoring times for the CCTV system.
2. An independent CCTV specialist consultant be engaged utilising funds held in the CCTV reserve to:
 - a. Review the information provided by the Police as per point 1 above; and
 - b. Provide all the information required by Council to enable a thorough expression of interest process to occur;
3. A process of community engagement to look at other ways to introduce CCTV into the business community.
4. Following the completion of points 1-3 above, the General Manager report back to Council in respect of possible options for the potential installation of CCTV in the CBD.

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

NOMO 03

ITEM NO: NOMO 03

FILE NO: 2010/0177

SUBJECT: CORONER'S REPORT ON 1 HOXTON PARK RD FIRE

RECOMMENDATION

That a copy of the Coroner's Report on the fire that destroyed the Council Administration Centre be made available to the Councillors on request.

COUNCIL DECISION

Motion: **Moved:** Cllr Lucas

Seconded: Cllr Hadchiti

That the recommendation be adopted.

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

NOMO 04

ITEM NO: NOMO 04
FILE NO: 2010/0177
SUBJECT: FIJI FLOODS

RECOMMENDATION

That Council donate \$5,000 to a charity chosen by the General Manager to assist with the devastating floods in Fiji.

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Hadid**

That Council donate \$5,000 from the Community Donations Budget to a charity chosen by the General Manager to assist with the devastating floods in Fiji.

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

NOMO 05

ITEM NO: NOMO 05
FILE NO: 2010/0177
SUBJECT: MOOREBANK INTERMODAL

RECOMMENDATION

That representatives of the Moorebank Intermodal proposal be asked to address the Council at a briefing session, within one month of the Council resolution, to advise Council of the proposal in relation to:

- a. The route of the railway line across Council controlled land.
- b. Construction of noise walls at the railway link.
- c. Compensation to Council on loss of land.
- d. Payment of easement across Council's parklands.
- e. Future of access to the Casula Powerhouse if any at all.
- f. A commitment from the Federal Government, to the Council, on full consultation on all matters in relation to the Intermodal proposal.
- g. The Federal Member for Hughes be advised of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

That:

1. Representatives of the Moorebank Intermodal proposal be asked to address the Council at a briefing session, as soon as practicable of the Council resolution, to advise Council of the proposal in relation to:
 - ii. The route of the railway line across Council controlled land.
 - ii. Construction of noise walls at the railway link.
 - ii. Compensation to Council on loss of land.
 - ii. Payment of easement across Council's parklands.
 - ii. Future of access to the Casula Powerhouse if any at all.

- ii. A commitment from the Federal Government, to the Council, on full consultation on all matters in relation to the Intermodal proposal.
 - ii. The Federal Member for Hughes be advised of Council's decision.
2. Council organises Narelle Van Den Bos to address Councillors at a briefing session as soon as practical.

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

NOMO 06

ITEM NO: NOMO 06
FILE NO: 2010/0177
SUBJECT: WENDEN SWIMMING CLUB

RECOMMENDATION

That Council:

1. Supports the Wenden Swimming Club in the dedicated use of three lanes at the Whitlam Centre in the winter season by facilitating discussions with the lease holder Belgravia and the Wenden Swimming Club to achieve this use.
2. Supports the use by the Wenden Swimming Club for the winter training in the lease renewal for Belgravia until the Wenden Pool is reopened for the winter season.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Mannoun**

That Council:

1. Proceeds to allocate funding for the heating of the Wenden Pool for the 2012 winter season.
2. Funding to be allocated from the March Quarter Review.

Foreshadowed Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That Council:

1. Supports the Wenden Swimming Club in the dedicated use of three lanes at the Whitlam Centre in the winter season by facilitating discussions with the lease holder Belgravia and the Wenden Swimming Club to achieve this use.
2. Supports the use by the Wenden Swimming Club for the winter training in the lease renewal for Belgravia until the Wenden Pool is reopened for the winter season.

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

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

Clr Hadchiti left the chambers at 8:52pm.

Clr Hadchiti returned to the chambers at 8:53pm.

Adjournment of the meeting was called by the Chair for 10 minutes at 8:57pm.

Meeting called back to order at 9:14pm.

NOTICE OF MOTION OF RESCISSION

NOMO 01

ITEM NO: NOMO 01
 FILE NO: 2012/0289
 SUBJECT: PARKING METERS IN LIVERPOOL CBD

That the Council's resolution relating to NOMO 01 to cease the operation of parking meters in the Liverpool City Centre, carried at the meeting of the Council held today 30 April 2012, be rescinded.

Signed by Clr Napoletano, Clr Harle and Clr Lucas.

Consequential Motion:

Should the Rescission Motion be carried, notice is given of the intention to move the following motion in lieu thereof:

That Council:

1. Keeps the parking strategy in place with the following actions to occur:
 - a. Council to introduce and communicate the availability of concession parking permits, resident parking permits, disability access permits for eligible ratepayers and visitor parking for residents.
 - b. Council communicates the part per hour cost of parking by table noting cost in 15 minute increments
 - c. Luxmore Parking Consulting be requested to provide a report that considers:
 - the impacts and strategies of providing a proportionate time available of free parking and that report be made available to Council as soon as practicable but not before community consultation.
 - a community meeting inviting all land owners and shop owners in the CBD and residents in Liverpool to discuss the impact of parking meters.

COUNCIL DECISION

Rescission Motion: Moved Clr Napoletano Seconded: Clr Harle

That the rescission motion be adopted.

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

Consequential Motion: Moved: Clr Napoletano Seconded: Clr Stanley

That the consequential motion be adopted.

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

Vote for: Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Lucas, Clr Napoletano, Clr Stanley

Vote against: Clr Karnib, Clr Mannoun

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: RD-1/2012
SUBJECT: REVIEW OF DETERMINATION OF DA-129/2012 WHICH REFUSED THE PROPOSED DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF A THREE STOREY RESIDENTIAL FLAT BUILDING

RECOMMENDATION

That Council:

1. Pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, the Refusal Notice of Determination dated 28 October 2011 for DA-129/2010 for the demolition of existing dwelling and construction of a three storey residential flat building comprising eight residential units, basement car parking and landscaping be reaffirmed for the following reasons:
 - Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to satisfy the objectives of the R4 High Density Residential zone under Liverpool Local Environmental Plan, 2008. In particular, "To provide for the housing needs of the community within a high density residential environment" and "to provide a variety of housing types within a high density residential environment".
 - Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to satisfy the objectives and development standard of Clause 7.14 Minimum Building Frontage of Liverpool Local Environmental Plan, 2008, as the site has a building frontage less than 24 metres; and a form which is visually disproportionate in terms of the horizontal and vertical proportion.
 - Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal fails to satisfy Clause 4.6 Exceptions to Development Standards of Liverpool Local Environmental Plan, 2008, as the written variation request fails to satisfy the provisions of Clause 4.6. The request does not demonstrate that the development standard to be varied is unreasonable or unnecessary, or that there are sufficient environmental planning grounds to justify contravening the standard, or that the development will be in the public interest.
 - Pursuant to Section 79C(a)(i) of the Environmental Planning and Assessment Act, 1979 the proposal fails to satisfy the objectives of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development. In particular, the proposal remains fundamentally unsatisfactory due to the excessive size, height, scale and bulk; inadequate landscape screening along

all site boundaries; unsatisfactory impacts on amenity of neighbouring dwellings; and unsatisfactory amenity for the proposed dwellings.

- Pursuant to Section 79C(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate compliance with the Liverpool Development Control Plan, 2008, in particular:
 - (a) Part 3.7 Setbacks
 - (b) Part 3.7 Landscaped Area and Private Open Space
- Pursuant to Section 79C(i)(c) of the Environmental Planning and Assessment Act, 1979, the proposed development is unsuitable for the subject site as the development is unable to be satisfactorily accommodated at the site due to the site width and existing character of surrounding medium density development.
- Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act, 1979, approval of the proposed development would not be in the public interest as it is inconsistent with: the objectives of the R4 High Density Residential zone, the objectives of Clause 4.6 Exception to Development Standards and Clause 7.14 Minimum Building Frontage of the Liverpool Local Environmental Plan, 2008, and the objectives of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Lucas**

That Council:

1. Pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 change the determination of Development Application DA-129/2012 by granting consent for the demolition of existing dwelling and construction of a three storey residential flat building comprising eight residential units, basement car parking and landscaping as amended by RD-1/2012.
2. Delegates the function of imposing appropriate conditions of consent in the determination notice to the Director of City Planning.

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

Vote For: Clr Hadchiti, Clr Hadid, Clr Harle, Clr Lucas, Clr Mannoun, Clr Napoletano,

Vote Against: Mayor Waller, Clr Gillani, Clr Karnib, Clr Stanley

This Resolution was considered later in the meeting as a Recommittal of Item as set out in these Minutes.

IHAP 02

ITEM NO: IHAP 02
FILE NO: DA-1517/2010/A
SUBJECT: SECTION 96(1A) APPLICATION SEEKING TO MODIFY DEVELOPMENT CONSENT 1517/2010

RECOMMENDATION

That Council:

1. Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 approves the modification to Condition 22 to allow for the 24 hour operation of the service station only subject to the revised Determination Notice.
2. Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 refuses the modification to Condition 22 to extend the hours of operation for tenancies 2-6.
3. Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 refuses the modification to delete Condition 74.
4. Notifies persons who made a submission with regard to the proposal.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Vote for: Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Karnib, Clr Lucas, Clr Mannoun, Clr Napoletano, Clr Stanley

Councillors voted unanimously for this motion.

GENERAL MANAGER'S REPORT

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2010/1548
SUBJECT: MOOREBANK FREIGHT INTERMODAL

RECOMMENDATION

That Council:

1. Engages a consultancy firm to undertake a detailed review of the SIMTA Concept Plan and Environmental Assessment currently on public exhibition.
2. Allocates \$70,000 from the Council reserve to fund the engagement of a consultant as per point 1 above.
3. Seeks to engage a consultancy firm to undertake a detailed review of the imminent Federal Government intermodal Concept Plan and Environmental Assessment.
4. Seeks to engage a consultant to chair the No Intermodal Working Party meetings.
5. Develops and undertakes a comprehensive communications strategy.
6. Allocates funding for points 3, 4 and 5 above as a priority from any identified surplus resulting from the March Quarterly Budget Review.
7. Nominates two Councillors to participate in the No Intermodal Working Party.
8. Notes that the terms of reference (attached) will guide the No Intermodal Working Party.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Clr Hadchiti, nominated himself.
Clr Mannoun, nominated by Clr Hadid.

On being put to the meeting the nominations were accepted.

CORPORATE SERVICES REPORT

CORS 01

ITEM NO: CORS 01
FILE NO: 2011/5832
SUBJECT: EXHIBITION OF COUNCIL'S DRAFT DELIVERY PROGRAM 2011-2015 AND OPERATIONAL PLAN 2012-2013 (INCLUDING BUDGET, CAPITAL WORKS PROGRAM AND REVENUE PRICING POLICY)

RECOMMENDATION

That Council:

1. Places the draft Delivery Program and Operational Plan on public exhibition from Wednesday 2 May until Wednesday 30 May 2012 to allow for public comments and submissions.
2. Receives a further report after a review of public submissions at its meeting scheduled to be held on Monday 25 June 2012.
3. Agrees in principle to borrow funds if the Local Infrastructure Renewal Scheme applications are successful.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Hadchiti**

That Council:

1. Places the draft Delivery Program and Operational Plan on public exhibition from Wednesday 2 May until Wednesday 30 May 2012 to allow for public comments and submissions.
2. Receives a further report after a review of public submissions at its meeting scheduled to be held on Monday 25 June 2012.
3. Agrees in principle to borrow funds if the Local Infrastructure Renewal Scheme applications are successful.
4. Notes the amendment of information distributed at the meeting as Part Four of the draft Delivery Program and Operational Plan.
5. Considers the inclusion for car parking provision for a 600 plus car parking spaces as per the adopted Car Parking Strategy of February 2010 for investigation and possible construction, subject to review of the Parking Strategy after six months.

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

CORS 02

ITEM NO: CORS 02
FILE NO: 2007/1138
SUBJECT: PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

RECOMMENDATION

That Council:

1. Approves the sale of Lot 1 DP 534648, 181 Elizabeth Drive, Liverpool for the price and terms outlined in the confidential attachment.
2. Keeps confidential the attachment supplied under separate cover containing the offers and purchase price 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.
3. Authorises its delegated officer to execute any document, under power of attorney necessary to give effect to this decision.
4. Transfers the net proceeds from the sale to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Napoletano**

That Council:

1. Does not proceed with the sale of Lot 1 DP 534648, 181 Elizabeth Drive, Liverpool for the price and terms outlined in the confidential attachment.
2. Officers prepare an option where parking is available and there is an option for part of the remaining land to be sold off.
3. Any parking arrangement that may be come available be subject to a license agreement on terms to be negotiated and that that license agreement runs with the land.

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

CORS 03

ITEM NO: CORS 03
FILE NO: 2012/1101
SUBJECT: TENDER FOR ARCHITECTURAL SERVICES FOR OFFICE
 CONVERSION OF PART OF THE CAR PARK AT 52 SCOTT STREET,
 LIVERPOOL (PST2169)

RECOMMENDATION

That Council:

1. Accepts the tender submitted by Project Sites Architecture Pty Ltd for Tender PST2169 - Architectural Services for Office Conversion of Part of the Car Park at 52 Scott Street, Liverpool at a lump sum price of \$98,100 (exclusive of GST).
2. Notes that Council's designated officer will finalise all details and sign the Letter of Acceptance of the Project Sites Architecture Pty Ltd tender, giving it contractual effect, in accordance with his/her delegated authority.
3. Keeps confidential the report supplied under separate cover, containing the tendered prices pursuant to Section 10A(2)(c) of the Local Government Act 1993 - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or propose to conduct) business.
4. Notes that a further report will be submitted to Council advising of anticipated construction costs based on the Quantity Estimators assessment, prior to the commencement of Phase 2.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Harle**

That the recommendation be adopted.

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

Vote for: Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr
 Karnib, Clr Lucas, Clr Mannoun, Clr Napoletano, Clr Stanley

Councillors voted unanimously for the motion.

CORS 04

ITEM NO: CORS 04
FILE NO: 2007/3033
SUBJECT: PROPOSED DISPOSAL OF LOT 2028 DP 809931, 24 BULBUL AVENUE, GREEN VALLEY

RECOMMENDATION

That Council:

1. Approves the sale of Lot 2028 DP 809931, 24 Bulbul Avenue, Green Valley for the price and terms outlined in the confidential attachment;
2. Keeps confidential the attachment supplied under separate cover containing the purchase price 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;
3. Authorises its delegated officer to execute any document, under power of attorney necessary to give effect to this decision;
4. Transfers the net proceeds from the sale to the relevant Section 94 Contribution fund.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

CORS 05

ITEM NO: CORS 05
FILE NO: 2008/1300
SUBJECT: ACQUISITION OF PART OF LOT 318 DP 2475, 100 FLYNN AVENUE, MIDDLETON GRANGE FOR DRAINAGE AND OPEN SPACE PURPOSES

RECOMMENDATION

That Council:

1. Acquires part of Lot 318 DP 2475, 100 Flynn Avenue, Middleton Grange, containing an area of approximately 2,841 square metres for the price and terms outlined in the confidential attachment;
2. Upon settlement of the acquisition, classifies part of Lot 318 DP 2475, 100 Flynn Avenue, Middleton Grange, as Community Land;
3. Keeps confidential the attachment supplied under separate cover containing the purchase price 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;
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Clr Mannoun left the meeting at 9:38pm.

CORS 06

ITEM NO: CORS 06
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT MARCH 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Gillani**

That the recommendation be adopted.

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

CORS 07

ITEM NO: CORS 07

FILE NO: 2012/0288

SUBJECT: THE USE OF TELECONFERENCING AND VIDEOCONFERENCING
FACILITIES FOR COUNCIL BRIEFING SESSIONS

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Napoletano**

Seconded: Clr Hadid

That the recommendation be adopted.

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

CITY PLANNING REPORT

PLAN 01

ITEM NO: PLAN 01
FILE NO: 2009/0880
SUBJECT: ELIZABETH HILLS PLAN OF MANAGEMENT

RECOMMENDATION

That Council adopts the Elizabeth Hills Plan of Management prepared for part of Lot 101 Cowpasture Road, Elizabeth Hills.

COUNCIL DECISION

Motion: **Moved: Clr Napoletano** **Seconded: Clr Harle**

That the recommendation be adopted.

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

PLAN 02

ITEM NO: PLAN 02
FILE NO: DA-882/2011
SUBJECT: STAGED SUBDIVISION OF EXISTING LOT INTO 35 LOTS WITH ASSOCIATED ROAD CONSTRUCTION

RECOMMENDATION

That Council accepts the offered Voluntary Planning Agreement and delegate the General Manager to execute the deed and affix the seal of Council.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Vote for: Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Karnib, Clr Lucas, Clr Napoletano, Clr Stanley

Councillors voted unanimously for the motion.

CITY SERVICES REPORT

CITS 01

ITEM NO: CITS 01
FILE NO: 2007/1548
SUBJECT: PYE HILL PLAN OF MANAGEMENT AND MASTER PLAN

RECOMMENDATION

That Council adopts the Pye Hill Reserve Plan of Management and Master Plan dated March 2012.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Gillani**

That the recommendation be adopted.

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

CITY ASSETS REPORT

ASST 01

ITEM NO: ASST 01

FILE NO: 2012/0833

SUBJECT: DEVELOPER CONTRIBUTIONS - WORKS IN KIND DRAFT POLICY

RECOMMENDATION

That Council:

1. Places on public exhibition the Developer Contribution Works-In-Kind Draft Policy and Procedure document for a period of 40 days seeking submissions from developers and the general public.
2. Receives a further report following the exhibition period incorporating the comments received for adoption.

COUNCIL DECISION

Motion: Moved:Clr Hadchiti

Seconded: Clr Harle

That the recommendation be adopted.

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

ASST 02

ITEM NO: ASST 02
FILE NO: 2005/0603
SUBJECT: LIVERPOOL TRAFFIC COMMITTEE MEETING MINUTES DEFERRED
 6 FEBRUARY 2012 - ITEM NO. COMM 06

RECOMMENDATION

That Council:

1. Receives and notes the information contained within this report.
2. Adopts the recommendations of the LTC meeting held on 18 January 2012, which pertain to the Southern Freight Link Alliance Construction works as follows:
 - a. **Item 4 Southern Freight Link Alliance Construction Access Route via Casula Road, Casula**
 - i. That the Committee approves the use of the routes for the additional traffic to be generated by the new works.
 - ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
 - iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.
 - b. **Item 5 Southern Freight Link Alliance Construction Access Route via Woodbrook Road, Casula**
 - i. That the Committee approve the use of the route originally approved in the 2009 Construction Traffic Management Sub Plan for the additional traffic to be generated by the new works.
 - ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments
 - iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.
 - c. **Item 6 Southern Freight Link Alliance Construction Access Route via Shepherd Street and Speed Street, Liverpool**
 - i. The use of the approved routes by the additional traffic that will be generated by the new works.

- ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
- iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.
- iv. That the turning path of heavy vehicles turning from Speed Street into Terminus Street be submitted to RMS for approval under delegated authority.

d. Item 7 Southern Freight Link Alliance Construction Access Route via Leacocks Lane, Casula

- i. That the Committee approve the use of the routes for the additional traffic to be generated by the new works.
- ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
- iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.

e. Item 8 Southern Freight Link Alliance Construction Access Route via Station Street, Liverpool

- i. That the Committee approves the routes for the additional traffic to be generated by the new works.
- ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
- iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.

f. Item 9 Southern Freight Link Alliance Construction Access Route Casula via Casula Powerhouse Car Park

- i. That the Committee approves the routes for the additional traffic to be generated by the new works.
- ii. The Alliance should provide a letter addressed to each household fronting each route informing them of the works, hours of operation, dust control where applicable, and contact numbers and addresses where residents can obtain further information and make complaints or comments.
- iii. All signs or markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.

COUNCIL DECISION

Motion:

Moved: Clr Lucas

Seconded: Clr Harle

That the recommendation be adopted.

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

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2011/6197
SUBJECT: ABORIGINAL CONSULTATIVE COMMITTEE MINUTES OF THE MEETING HELD ON 7 MARCH 2012

RECOMMENDATION

That Council receives and notes the minutes of the Aboriginal Consultative Committee meeting held on 7 March 2012.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

COMM 04**ITEM NO:** COMM 04**FILE NO:** 2005/0603**SUBJECT:** LIVERPOOL TRAFFIC COMMITTEE MINUTES OF MEETING HELD ON 21 MARCH 2012**RECOMMENDATION**

That Council:

1. Notes the minutes of the LTC meeting held on 21 March 2012.
2. Adopts the recommendations of the LTC meeting held on 21 March 2012 as follows:
 - a. **Item 1 Access Road off Hoxton Park Road to Dorrigo Avenue, Hoxton Park - Proposed Speed Humps**
 - i. Approval be granted to RMS for the installation of 2 x rubber speed cushions and associated sign postings on the access road between Hoxton Park Road and Dorrigo Avenue, Hoxton Park at no cost to Council, subject to the following:
 - The RMS obtains the concurrence of all adjoining affected residents/owners for the provision rubber speed humps on the access road.
 - The RMS to provide appropriate level of street lighting at the speed cushions and along the full length of the access road as per AS 1158.
 - ii. Council to request RMS to remove the unauthorised zebra crossing before he installation of the speed humps.
 - b. **Item 2 Ascot Drive and Charlton Avenue, Chipping Norton - Excessive Speed in Charlton Avenue**
 - i. This Item is submitted for information only as no recommendation is required.
 - c. **Item 3 Cabramatta Avenue, Miller, Combined Crossing**
 - i. The existing Children's Crossing and line marking be approved as a location for a combined crossing.
 - ii. That associated signs be approved under delegated authority

- iii. That all stakeholders be advised.
- d. **Item 4 Crawford Serviceway, Liverpool - Moore Street to Railway Street - Proposed Shared Zone and Speed Control Devices**
 - i. The matter be investigated further with alternative treatments options other than a Shared Zone.
 - ii. Report back to the next LTC meeting.
- e. **Item 5 Forbes Street, Liverpool - Preferential Parking**
 - i. Council investigates alternative options to preferential parking in Forbes Street.
 - ii. Council consults with Liverpool Cancer Therapy Centre on opportunities to provide patient on-site set-down and pick-up facilities.
 - iii. Further advice be provided to the LTC on the outcome of the above investigations.
- f. **Item 6 Helles Avenue Changes to Intersection at Moorebank Avenue, Moorebank to Facilitate Turning Movements by Articulated Vehicles**
 - i. The kerb returns at the Helles Avenue intersection with Moorebank Avenue as shown on the attached plans be costed and the cost estimate be reported to the next LTC meeting
 - ii. RMS be requested to install advisory signs G9-237 "Do Not Queue Across Intersection" in Moorebank Avenue on both approaches to the intersection.
 - iii. Investigate banning right-hand turns from Helles Avenue at peak times
- g. **Item 7 Moondarra Drive, West Hoxton - Review and Alternate Design Options of Intersections**
 - i. The amendments for the road signs and line-markings in Greenway Views Estate, West Hoxton made by the Liverpool Development Committee on 6 September 2007 and 7 February 2008 not be implemented.
 - ii. The amendments be implemented by reviewing the existing road signs and line-markings in Greenway Views Estate under delegated authority.

- iii. The current design layout and kerbing configuration of intersections along Moondarra Drive to remain unchanged.

h. Item 8 Nineteenth Avenue, Hoxton Park - Review of Speed Reduction Treatment

- i. The existing speed reduction scheme be retained.
- ii. Council officer to meet with the concerned residents to discuss the issues raised and write back to residents advising the outcome of the discussions.

i. Item 9 Stockton Avenue, Moorebank - Traffic Conditions

- i. Advance pedestrian advisory signs at both approaches of the existing marked pedestrian crossing on Stockton Avenue be approved.
- ii. All recorded speed profile of Stockton Avenue be referred to the NSW Police for appropriate surveillance and enforcement actions.
- iii. All residents along Stockton Avenue between Dredge Avenue and Maddecks Avenue be consulted by letter drop for their comments concerning provision of speed cushions on both approaches of the pedestrian crossing.
- iv. After the consultation process the matter be presented to LTC for consideration.
- v. All stake holders be advised accordingly of Council's resolution.

j. Item 10 Intersection of Junction Road and Stockton Avenue, Moorebank - T-Junction Treatment

- i. The existing 'Stop' Sign and 'T-Junction Channelisation' treatment at the intersection of Junction Road and Stockton Avenue be retained.
- ii. Advance intersection warning signs be provided on the southern approach in Junction Road.

COUNCIL DECISION

Motion: Moved: Clr Napoletano

Seconded: Clr Harle

That Council:

1. Adopts the recommendation, except for **Item 7 Moondarra Drive, West Hoxton - Review and Alternate Design Options of Intersections.**
2. Refers **Item 7 Moondarra Drive, West Hoxton - Review and Alternate Design Options of Intersections** to a future Council meeting for discussion.

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

QUESTIONS WITH NOTICE**QWN 01**

ITEM NO: QWNO 01
FILE NO: 2011/2938
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

1. Can the matter of speeding on Wilson Rd, by cars, again be referred to the Traffic Committee? There was a survey carried out 3-4 years ago that indicated the average speed was in excess of the limit.
2. What is the Council's official stand on the building of the Airport at Badgerys Creek?
3. Rubbish pick up and dumping:
 - a. What is the response time for the picking up of household rubbish?
 - b. What is the cost to council to remove dumped mattresses?
 - c. What is the cost to the community for the removal of illegal dumping?
 - d. Could the council investigate the implementation of providing tip voucher/s, on request, to help the council in removing the household rubbish?
 - e. How many successful convictions has there been for illegal dumping in the past 12 months?
4. Can a report be submitted to the next briefing session on:
 - a. Establishment of a rubbish recycling facility/s for the residents to take their recycling rubbish to 6-7 days per week.
 - b. Cost for the implementation of a contractor/s to assist with the household rubbish removal.
5. How many outstanding matters are there in relation to the adopted car parking strategy of February 15th 2010?
6. Objection 7 of the adopted car parking strategy in part;

"Prepare an in-confidence report providing council with a range of possible options for a new car park in the Southern City Centre"
It also states "Commence the design process for the new Car Park" has this been commenced?

QWNO 02

ITEM NO: QWNO 02
FILE NO: 2012/0277
SUBJECT: QUESTIONS WITH NOTICE - CLR MANNOUN

RECOMMENDATION

- 1. On page 34 of the Liverpool Traffic Committee, there is mention of a 'Liverpool Development Committee' making recommendations on the 7 February 2008. What was the purpose of this committee?**

The Liverpool Development Committee was an informal committee set up to discuss planning issues and make appropriate recommendations to the Local Traffic Committee on traffic generating new developments, with significant traffic impacts. It consists of:

- Project Planner (Liverpool City Council)
- Traffic and Transport Planning Coordinator (Liverpool City Council)
- NSW Police
- NSW Roads and Traffic Authority (now RMS).

- 2. What is the charter of the committee?**

The committee does not require a charter as it is an informal committee with no delegation.

- 3. Why was the committee established?**

The committee was established to discuss and obtain necessary information on new developments with significant traffic generating potential.

- 4. Why and when was it abolished?**

The committee can meet any time to discuss issues relating to traffic generating new developments that require input from Council Planners in conjunction with other Liverpool Traffic Committee members. The committee has not been abolished.

- 5. Can you please provide the minutes of the council meeting when this committee was abolished?**

Refer to answer of Question 4.

QWNO 03

ITEM NO: QWNO 03
FILE NO: 2012/0277
SUBJECT: QUESTIONS WITH NOTICE - CLR STANLEY

RECOMMENDATION**1. Why did the Court find that DA 346/2009 was invalid?**

Justice Biscoe in delivering his decision regarding the validity of development consent DA346/2009, outlined that the development consent was invalid because Council had failed to consider a matter prescribed by S79C(1)(b) of the Environmental Planning and Assessment Act 1979.

Specifically, the conditions of consent granted under this application required the construction of the bridge over a site which was not subject of this application. Further, Council failed to consider the likely environmental impacts of the construction of the bridge on the vegetation on that site.

The construction of the bridge would require the clearance of about 998 square metres of an Endangered Ecological Community which did not form part of the development application and therefore was not technically considered and approved under the application.

2. If as rumours suggest it was because the Culvert was treated separately why was this decision taken?

Council has not had to rely on rumours as officers have provided advice in regard to the progress of the appeal as well as the nature of the appeal.

It is acknowledged that the impact of the bridge was not taken into consideration in the assessment of the development application. Rather a condition of consent was imposed requiring the construction and connection of the two disconnected arms of Pacific Palms Circuit, where the bridge was to form part of this connecting road.

The assessment of the application was undertaken in 2009. Current Council staff were not party to the assessment and decision making process.

In relation to the bridge, Council could have considered the environmental impacts through the Part 5 assessment process and relied upon that assessment to support the conditions of consent imposed under this development application. However, this did not occur in this case.

3. Why did Council officers recommend approval of the DA?

As already indicated the assessment of the application was undertaken in 2009 by previous staff no longer with Council. It should also be noted that the application was considered by Council's Independent Hearing and Assessment Panel, IHAP (comprising independent experts in various fields) supporting the then Council officers recommendations and then reported to Council for determination.

4. Was legal advice relied upon when Council officers made their recommendation?

A review of electronic records did not indicate that legal advice was sought in relation to this application prior to determination.

5. Has a review of the advice (on which the application's validity was based) been made? What is the result of such a review? Why were Councillors led to believe there was no problems?

A review of electronic records did not indicate that legal advice was sought in relation to this application prior to determination. The report to Council's meeting of 15 June 2009 recommended approval following the consideration of the Council's officer's and IHAP's recommendation.

As stated within the report, there were merits and objections to the application. It is acknowledged that the environmental impacts were not thoroughly assessed. The application was assessed in 2009 and the staff dealing with this application are no longer with Council. As such it is difficult to ascertain why the recommendations were formed as reported.

It should be noted however, that Councillors have a responsibility as community advocates to probe and satisfy themselves of information put to them before making a decision. If councillors vote endorsing a recommendation, it is because they have exercised due diligence and are entirely comfortable with, and can justify their decision, the responsibility rests with them and are not abrogated by recommendations by Council officers or the IHAP.

6. What process improvements have been implemented to ensure that there is no likely hood that current DA's will be deemed invalid by the Courts?

It should be noted that any decision made by Council can be challenged in the courts. Due diligence must be exercised by staff and councillors to minimise risks to Council.

Operationally, since 2011 ongoing procedural reviews of the assessment process have been undertaken in relation to assessments under Part 4 and 5 of the Environmental Planning and Assessment Act 1979. These reviews relate to the whole assessment process including pre-lodgement, quality of development applications, internal referrals,

preliminary assessment, review of standard letters, reporting standards, introduction of a peer review and record keeping.

Staff have and will continue to seek independent external specialist support as required to ensure the best available information is provided to councillors.

Councillors should also attend councillor briefing and training sessions so that they are aware of what their roles and responsibilities are, as well as what the specific details or nature of any issue of contention may be.

QWNO 04

ITEM NO: QWNO 04
FILE NO: 2012/0277
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

1. Can appropriate rubbish bins be located adjacent to Pioneer Park on Macquarie Street and Northumberland Street?

A Council officer has inspected this location and has advised that one x 140 litre bin will be installed on the corner of Macquarie Street and Northumberland Street. Due to the redesign of the motive, etched into the side of these bins, Council's supplier has advised that the design will not be ready until May. Therefore, the bin will be installed by the end of May 2012.

2. Can appropriate signage be installed at the Administration Building in the foyer directing the way to the second floor?

An updated directory was installed in the foyer in late January 2012. Three free standing banners have been in place in the foyer since December 2010 directing Council customers to level 2. There is signage on the walls of all three lifts and there is a metal label next to the level two button in each of the lifts.

3. When will the damaged headstones in the fenced area of Pioneer Park be restored?

Works to repair and return monuments stored at the depot and the repair of in-situ monuments at Liverpool Pioneers' Memorial Park is on an ongoing program. The project has been identified in Council's ten year forward works program and included annually in the Building and Open Space Capital Budget.

All monuments have now been condition audited and currently a return and repair priority program is being developed by Council Officers with works to be divided between returning stored monuments and repairing those on site. This year priorities include the investigation and repair of an underground crypt, which is collapsing and the return and installation to Pioneers' of 20 – 30 repaired monuments stored at the depot

4. Can a report be submitted to the briefing session on the possible establishment of a "friends of Pioneer Park" group?

Could you please provide more information as to what you believe the 'Friends of Pioneer Park' would be responsible for? Council currently have a number of environmental groups that work at various parks throughout the Local Government Area

such as Elouera Nature Reserve that we could possibly utilise as a model for Pioneer Park.

5. When will the dead trees at Johnson Park Miller be replaced?

A Council officer has inspected Johnson Park and has advised that the trees will be replaced with suitable species by the end of May 2012.

6. Can an Arborist report on the condition of the trees at 23 Bobbin Road, Sadlier and 7 Moomin Place Busby be undertaken? The residents are concerned for their own safety.

In regards to the condition of the trees at the above two locations, Council's Arborist will conduct an inspection and following the inspection, will prepare a report for corrective action to be taken by the end of May 2012.

7. Winnal Reserve near the repaired cricket practice nets has glass pieces around it can the outdoor staff clean it up please?

The glass pieces near the cricket practice nets at Winnal Reserve were removed on 26 March 2012. Council will continue to monitor this area to ensure it is kept clean of debris.

8. Can the matter of a No U Turn please at Cartwright Avenue and Willan Drive be placed onto the agenda of the Traffic Committee?

The request for the provision of No U Turn restrictions at the intersection of Cartwright Avenue and Willan Drive will be investigated. A report will be presented to the next Liverpool Local Traffic Committee for consideration, scheduled to be held on 16 May 2012.

The outcome of this request will be presented to the Council meeting, which will be held on 25 June 2012, as part of the Traffic Committee Minutes.

9. Will there be a complete removal of the post and rail at the Whitlam reserves?

The metal post and rail around the soccer field will be removed and not replaced. The timber log fence behind the amenities building will be replaced with a 600m high fence. These works will be completed by end of July 2012.

10. What is required for the Council to re-instate Volunteer Park Rangers?

As you would be aware, Council has not maintained a Voluntary Park Ranger program for some time. This is due to liability and other issues that became apparent after several years of providing such service. However, Council does provide other volunteer groups such as the Bush Care Group and further details on the work this group undertakes can be obtained from Council's Sustainable Environment team. Council has no intention, at this stage, of re-instating this type of program, due to the reasons outlined above.

Council Rangers do patrol parks and deal with vandalism and anti-social behaviour, such as alcohol consumption and noise management, as well as pollution incidents such as illegal dumping and littering.

11. Can a report on the removal or future use of the derelict concrete amphitheatre near the Dr O'Brien Centre at Miller be prepared to a briefing session of Council?

The Miller Safety Audit report, which has just been received from the Police, recommends that the outdoor amphitheatre in Lady Woodward Park be removed, as it does not get used presently and provides the people who are loitering with a place to sit. The report further suggests that gym equipment be installed in the park area where the amphitheatre currently is, as that may see different people entering the Miller CBD and using the facilities, increasing natural surveillance and encouraging positive use of the space.

If a decision is taken to implement part or all of the audit's recommendations in relation to this matter, it would be prudent to undertake community consultation prior to taking any action, using the Community Engagement Tool Kit as a guide. This would help to ensure there are no community uses that would be adversely affected.

12. Can representatives of the 2168 Committee be invited to a Community and Recreational Panel meeting to discuss the possible construction of Skate Ramp at McGirr Park Miller?

\$65,000 has been allocated in the 2012/2013 Section 94 Capital Works Program budget for the design of a skate park at McGirr Park, Miller and a further \$740,000 has been allocated in 2013/2014 budget for construction. These figures are subject to Council's budget approval process for the proposed periods.

If the design budget is approved by Council, an extensive process of community engagement would be undertaken that would include Council's Community and Recreation Panel, the Liverpool Youth Council and the Community 2168 committees.

13. Is the Council aware of the dead trees along Cartwright Avenue? If so when will they be replaced?

The dead trees along Cartwright Avenue have been inspected by a Council officer and he has advised that the trees will be removed and replaced with suitable species by the end of May 2012.

CLOSE

THE MEETING CLOSED AT 10:00 PM

Matters Requiring Further Reports to Council

Date of Meeting	Report Number	Council Resolution/Council Request	Director	Target Date	Status
29 Aug 2011	PLAN 04	That a further report comes back to Council regarding a planning proposal for 5 Viscount Place, Orange Grove.	Director City Planning	Feb 2012	The Planning Proposal is currently with the Department of Planning and Infrastructure. Council is awaiting Gateway Determination which once granted, will determine the milestones and indicative timing for the rezoning.
19 Dec 2011	NOMO 02	That a further report comes back to Council regarding the cost of Carbon Tax on ratepayers.	Director Corporate Services	30 Apr 2012	
6 Feb 2012	PLAN 04	That a further report comes back to Council regarding the Draft Plan of Management of Part of Lot 101 Cowpasture Road Elizabeth Hills.	Director City Planning	30 Apr 2012*	
27 Feb 2012	PLAN 02	That a further report comes back to Council regarding feedback received on the Design Review Panel Charter	Director City Planning	30 Apr 2012	
26 Mar 2012	GMRR 01	That a further report comes back to Council outlining costings and funding sources in relation to the Moorebank Intermodal Terminals	General Manager	30 Apr 2012*	
26 Mar 2012	NOMO 03	That Council defers the report to the April Council Meeting on teleconferencing and videoconferencing at Briefing Sessions	Director Corporate Services	30 Apr 2012*	

** These items will be presented at this Council meeting*

26 Mar 2012	CITS 01	That Council defers the report to the April Council Meeting on Pye Hill Plan of Management	Director City Services	30 Apr 2012*	
23 May 2011	CITS 05	That a further report comes back to Council regarding a stadium for Liverpool – potential funding options.	Director City Services	28 May 2012	
29 Aug 2011	NOMO 03	That a further report comes back to Council regarding Kiss and Drop Zones in Liverpool CBD.	Director City Assets	28 May 2012	RMS has advised that any regulatory sign must comply with the signs register maintained by RMS. “Kiss and Drop” sign is not on the signs register. “No Parking” is a regulatory sign that permits the pick-up or drop-off of people. A report will be submitted to Council after a survey of the exiting “No Parking” zones is completed.

** These items will be presented at this Council meeting*

28 Sept 2011	CITS 01	That a further report comes back to Council regarding the construction of a new hockey field at Moorebank.	Director City Assets	28 May 2012	The Hockey Club have received grant funding for the construction of a water base synthetic hockey field at Ernie Smith Reserve. To date the Club has been doing due diligence investigation to determine the feasibility of delivering this additional field. Council is waiting to attend a meeting to be convened by the Club to determine if the Club is to proceed. It was agreed by the Club that they would deliver the project and managed the grant funding; Council's involvement was to provide supervision of construction at various key milestone throughout the project
21 Nov 2011	PLAN 04	That a further report comes back to Council regarding the outcomes of public consultation and EOI for future use of the former Council Administration Building Site.	Director City Planning	28 May 2012	
19 Dec 2011	PLAN 02	That a further report comes back to Council regarding Warwick Farm horse training precinct.	Director City Planning	28 May 2012	

** These items will be presented at this Council meeting*

27 Feb 2012	CORS 06	That a further report comes back to Council detailing a feasibility study on the three options for the disposal of 39 Heckenberg Avenue, Sadler	Director Corporate Services	28 May 2012	
27 Feb 2012	PLAN 01	That a subsequent report comes back to Council advising of the progress (and ultimate determination) regarding the Class 1 Appeal in the Land and Environment Court – Appeal against the refusal to application to modify development consent 1096/2007 and providing an estimate of potential legal costs	Director City Planning	28 May 2012	
27 Feb 2012	CITS 01	That a further report comes back to Council on the revised draft No Smoking in Public Places Policy following the public exhibition period.	Director City Services	28 May 2012	
27 Feb 2012	PLAN 04	That a further report comes back to Council following the public exhibition of the Liverpool City Council Biodiversity Management Plan.	Director City Planning	25 June 2012	
26 Mar 2012	NOMO 04	That a further report comes back to Council about the health of the lake (Wattle Grove Detention Pond), quality of the water and what programs Council is undertaking to address any issues that exist there	Director City Planning	25 June 2012	
27 Feb 2012	PLAN 03	That a further report comes back to Council outlining the results of the public authority consultation and public exhibition for the draft Amendment No 27 to LLEP	Director City Planning	8 Oct 2012	
6 Feb 2012	CITS 01	That a further report comes back to Council with a progress report in the Graffiti Management Strategy 2012-2015	Director City Services	Aug 2013	
6 Feb 2012	CITS 01	That a further report comes back to Council with a final evaluation upon completion of the Graffiti Management Strategy.	Director City Services	2015	

** These items will be presented at this Council meeting*



**MINUTES OF THE ORDINARY MEETING HELD ON
28 MAY 2012**

PRESENT:

Mayor Waller
 Councillor Gillani
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Mannoun
 Councillor McGoldrick
 Councillor Napoletano
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mrs Julie Hatley, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Ms Sandra Kubecka, Acting Director - City Services
 Mr David Tuxford, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7:00 pm

OPENING 7:00pm

PRAYER The Prayer of Council was read by Pastor Henry Jacotine from Inspire Church.

APOLOGIES Cllr Lucas

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

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

CONDOLENCES Nil

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 30 April 2012 be confirmed as a true and accurate record of that meeting.

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

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

DECLARATIONS OF INTEREST

Clr Harle declared a less than significant, non pecuniary interest on the following item:

Item IHAP 01 DEVELOPMENT APPLICATION DA-1260/2011:
CONSTRUCTION OF NINETEEN HORSE STABLES

Reason: Family member resides in the area.

Clr Harle will not leave the Chambers for the duration of this item.

Clr Napoletano declared a less than significant, non pecuniary interest on the following item:

Item PLAN 04 LAND AND ENVIRONMENT COURT CLASS 1 APPEAL
AGAINST REFUSAL OF DEVELOPMENT APPLICATION
DA-394/2011

Reason: Was a member of the Joint Regional Planning Panel that
determined the application.

Clr Napoletano will leave the Chambers for the duration of this item.

Clr Hadchiti declared a less than significant, non pecuniary interest on the following item:

Item PLAN 04 LAND AND ENVIRONMENT COURT CLASS 1 APPEAL
AGAINST REFUSAL OF DEVELOPMENT APPLICATION
DA-394/2011

Reason: Was a member of the Joint Regional Planning Panel that
determined the application.

Clr Hadchiti will leave the Chambers for the duration of this item.

Clr Stanley declared a less than significant, non pecuniary interest on the following item:

Item CORS 04 PROPOSED DISPOSAL OF LOT 35 DP 651316 AND 36 DP 661567, 626 HUME HIGHWAY, CASULA

Reason: Mosca and Scott Solicitors are personal solicitors.

Clr Stanley will not leave the Chambers for the duration of this item.

Clr Mannoun declared a less than significant, non pecuniary interest on the following item:

Item CITS 02 DONATIONS AND SPONSORSHIP REPORT

Reason: Knows the father of one of the applicants.

Clr Mannoun will not leave the Chambers for the duration of this item.

Mayor Waller declared a less than significant, non pecuniary interest on the following item:

Item CORS 04 PROPOSED DISPOSAL OF LOT 35 DP 651316 AND 36 DP 661567, 626 HUME HIGHWAY, CASULA

Reason: One of the bidders is personal solicitor and professional services are purchased when required.

Mayor Waller will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Nil

SPEAKERS FORUM

Nil

MAYORAL REPORT

Nil

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0290
SUBJECT: GOVERNMENT BUSINESS ACTIVITY IN CENTRAL BUSINESS DISTRICT

RECOMMENDATION

That Council:

1. Writes to Mr Barry O'Farrell, Premier of NSW confirming his Government's commitment to Liverpool as a Regional City.
2. Requests the Premier confirms his Government's continuing support to Liverpool by locating its Departments such as Businesslink, Housing NSW, DOCs in our City.
3. Asks the Manager, Economic Development to further explore opportunities for Government related functions to be located in Liverpool.
4. Explores opportunities which may be available for Federal Government functions to locate offices in Liverpool.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That Council:

1. Writes to Mr Barry O'Farrell, Premier of NSW confirming his Government's commitment to Liverpool as a Regional City.
2. Requests the Premier confirms his Government's continuing support to Liverpool by locating its Departments such as Businesslink, Housing NSW, DOCs in our City.
3. Asks the Manager, Economic Development to further explore opportunities for Government related functions to be located in Liverpool.
4. Explores opportunities which may be available for Federal Government functions to locate offices in Liverpool

5. Writes to the Prime Minister Julia Gillard requesting an undertaking that no jobs will be lost in the Liverpool Local Government Area as a result of the introduction of her Government's Carbon Tax.

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

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: DA-1260/2011
SUBJECT: DEVELOPMENT APPLICATION DA-1260/2011: CONSTRUCTION OF NINETEEN HORSE STABLES

RECOMMENDATION

That Council:

1. Refuses DA-1260/2011 for the demolition of existing stables, construction of 19 horse stables, work shop area, covered facilities for parading and external care of horses and for the washing of horse floats with associated car parking, staff amenities and landscaping at Lot 1 Section 11 DP 758620 being No. 6 Bull Street, Warwick Farm be refused for the following reasons:
 - a. The application is deficient in that it fails to address critical matters which require assessment under the Act; therefore any assessment undertaken would not be lawful based on a failure to fully consider all relevant matters.
 - b. The information supplied as part of the application is considered to be inadequate to properly assess the potential traffic safety impacts of the proposal.
 - c. The information supplied as part of the application is considered to be inadequate to properly assess the acoustic impacts of the proposal.
 - d. On the basis of the reasons specified above, the proposal is not in the public interest.
2. Notifies persons who made a submission with regard to the proposal.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Vote for: **Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Karnib, Clr Mannoun, Clr McGoldrick, Clr Napoletano, Clr Stanley**

Councillors voted unanimously for the motion.

IHAP 02

ITEM NO: IHAP 02
FILE NO: DA-1234/2011
SUBJECT: SUBDIVISION OF EXISTING THREE LOTS INTO SIX LOTS

RECOMMENDATION

That Council:

1. Approves Development Application DA1234/2011 for the subdivision of the existing three lots into six lots at Lots 1, 2 and 3 in DP 239468 being No. 15 and 17 Green Street and 32 Pleasure Point Road subject to conditions of consent.
2. Supports the variation to Clause 7.13 made pursuant to Clause 4.6 of LLEP 2008.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr McGoldrick**

That the recommendation be adopted.

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

Vote for: Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Karnib, Clr Mannoun, Clr McGoldrick, Clr Napoletano, Clr Stanley

Councillors voted unanimously for this motion.

GENERAL MANAGER'S REPORT

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2010/2644
SUBJECT: PROGRESS REPORT ON DELIVERY PROGRAM 2011-2015 AND OPERATIONAL PLAN 2011-2012

RECOMMENDATION

That Council:

1. Allows the General Manager to make a presentation on progress made in the January to March 2012 quarter on the Delivery Program 2011-2015.
2. Receives and notes the report, including a copy of the General Manager's presentation which will form part of the minutes of the meeting.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

March Quarter Review

1 January – 31 March 2012



Land development works



Subdivision works at Elizabeth Hills



Middleton Grange, construction works in progress.



Land development works



Foundation works for the dam wall for the Jardine Drive flood detention basin.



Subdivision works at Carnes Hill



Park Upgrades




Webster Park



Roberts Park



Renewal of Collimore Park



- Development of the Park Square
- Installation of a Synthetic Futsal Court
- Installation of Parkour equipment
- Brand new Trike Road Track



Park Upgrades

Cameron Park

Improvements include:

- Pathways
- Seating
- Accessibility upgrades
- Contemplation areas



Before



After

Throsby Park

Improvements include:

- Park entry upgrade
- Cycle way
- Landscaping



Before



After



Park Upgrades

Salamaua Park

Improvements include:

- Site landscaping
- Pathways
- Accessibility upgrades



Before *After*

Bringelly Recreation Reserve

- Upgrade of sports field floodlighting





Community Facilities Upgrade

Bringelly Community Centre

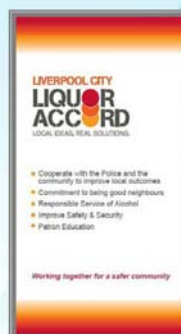
"Bringelly Community Centre has re-opened for use by hirers. The residents of Bringelly are very pleased with the works to the centre."



Safer Roads

Highlights include:

- Choose Right Buckle Right
- Helping Learner Drivers Become Safer Drivers
- Traffic Offender Intervention Program
- Liverpool Liquor Accord



Road Maintenance



Roads include:

- Cross Street, Kemps Creek
- Hill Road, Lurnea
- Wilson Road, Hinchinbrook
- Ramsay Road, Rossmore



Road Maintenance



Roads include:

- Fifteenth Avenue
- Western Road
- Access road to the Cecil Hills Farm House



Road Maintenance

- Regent Crescent, Moorebank



- Wattle Grove Drive, Wattlegrove



Road Upgrades

Benera Road:

- Kurrajong Rd to M7 – works completed totaling \$1.3M
- Camden Valley Way to Kurrajong Rd – reconstruction and widening





Road Upgrades

- Commencement of reconstruction and road widening at Kurrajong Road
- Roundabout at Gill and Atkinson Street intersection





Pedestrian Upgrades

- Macquarie St Mall, City Centre
- Greendale Road, Bringelly



Before *After*

Before *After*



Liverpoolcitycouncil
creating our future together

Parking and Pathway Upgrades

- Childs Park, Chipping Norton
- Maxwells Ave, Ashcroft



Before *After*

Before *After*



Liverpoolcitycouncil
creating our future together

Pathway Upgrades

- Collimore Park, Moore Street
- River Cities Bike Program, Elizabeth Drive




The 'Before' images show narrow, uneven concrete paths with some grass and debris. The 'After' images show wide, smooth, modern concrete paths with clear edges and improved drainage.



Storm water

- Storm water piped drainage system rehabilitation



The 'Before' image shows a severely damaged and blocked pipe with debris and roots. The 'After' image shows a clean, clear pipe with a smooth interior lining. Text overlays in the 'Before' image include: 'OSBORNE STREET CHIPPING NORTON', '16332 C - 16333', '275', '05.09.2011', and 'Breaking pipe pieces are missing, length of break 300, several concrete REINFORCEMENT INTRODUCED, pipe is blocked'. The 'After' image includes a timestamp '00:39:16', 'LINE 08', and 'DIRECTION: DOWN'.



Partnerships

Council and TAFE Memorandum of Understanding Signing



Children's Services Trainees



Strategic land planning

- Public Exhibition of LEP amendment for 1 Hoxton Park Road
- Development Control Plan updated
- Liverpool Local Environmental Plan amendment 12 was gazetted
- Warwick Farm Strategic Review publicly exhibited



Planning Statistics

Development applications lodged	299
Value of development applications lodged	\$217.2m
Development applications determined	313
Value of development applications determined	\$95.7m
New residential dwellings approved	269
New residential lots approved	411



Planning Statistics

Construction Certificates	Lodged	127
	Determined	118
	Value	\$19.9m
Complying Development	Lodged	6
	Determined	6
	Value	\$161,000
Building Inspections	In total	604
Health Inspections	Total	449
	Food Safety Supervisor Certificates obtained	206



Liverpool City Courthouse Approval



Sustainable Environment

- Bin Inspection Program
- Sustainability Blitz Workshop Series
- Green Grants Program
- Environment Citizen of the Year
- Growing Green Thumbs
- Public Place Recycling Trial



Community Tree Planting

Mihajlovic Park, Green Valley

- 400 plants
- 10 community volunteers



2168 Health and Family Day in Miller



*'The event featured
over 35 information
and market stalls'*



Harmony Day



'Everyone Belongs'



Community Safety Initiatives

- Graffiti Hotspot Program - \$129,000 funding
- Violent Assault (Non Domestic) Risk Minimisation Project - \$49,000 funding
- Operation Bounce Back - \$10,000 funding plus free car immobiliser vouchers valued at \$20,000
- Miller Square Safety Audit



Enforcement and Parking

- Parking Meters Education Program
- Waste Surveillance Cameras
- Heavy Vehicles in Residential Areas
- Program Illegal Landfill – Joint Agency Operation



'Photo taken by surveillance camera?'



'Illegally parked truck'



Casula Powerhouse Arts Centre




Exhibitions

- **Panorama**
- **I Want To Know What Love Is**
- **Marsden Gallery**




Casula Powerhouse Arts Centre



Exhibitions

- **Kids Gallery Postcard Panorama**
- **Beyo (My sweetheart)**
- **Synergy**



Casula Powerhouse Arts Centre

Visitation - 11,022 in total

General Attendance	1,606
Exhibition	1,820
Theatre	1,879
Workshops	640
External hire	3,553
Legal Art Wall	393
Other	1,131



Casula Powerhouse Arts Centre

Performance Art

- Afro Latino Festival
- Casulahahaha
- White
- Syncopation
- Platters to Poppera
- Mindfield



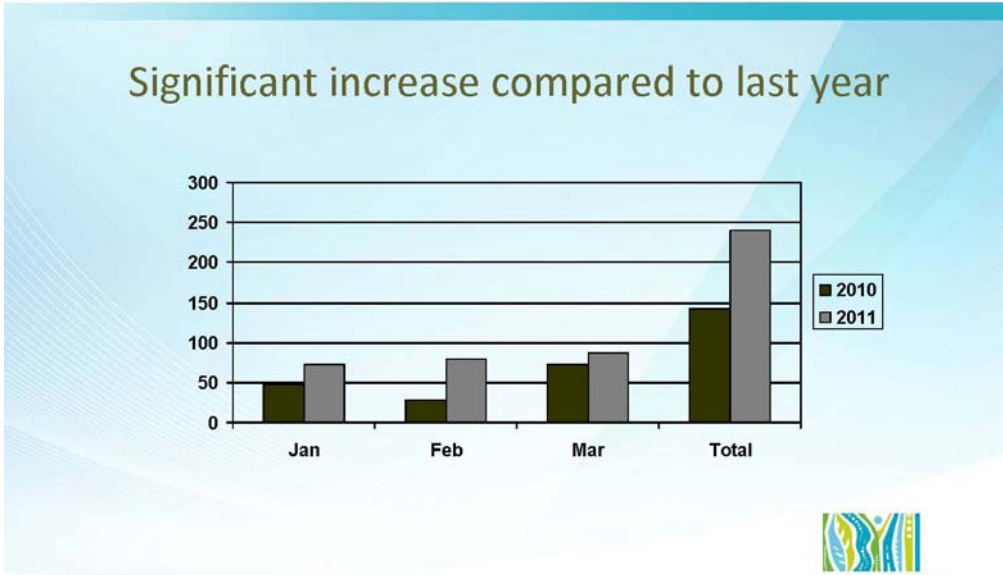
Library

- Senior's Week activities
- Nowhere People Exhibition
- Miller Library re-opened
- RFID tagging completed

Information Technology

- 1,399 Help Desk calls recorded
- New Depot Admin Centre Server Relocation Project continues
- Public Branch Library Internet bandwidth upgrade
- Email archival system implemented
- Public library PC roll out commenced
- Network Core System upgrade at Depot Server Room

GIPA Information Requests



Customer Service

Calls received	40,864
Counter, reception and transaction customers	11,948
Customer requests received	17,628
After hours calls received	3,084



GMRR 02

ITEM NO: GMRR 02
FILE NO: 2012/0369
SUBJECT: VOTING DELEGATES FOR THE PROPOSED ONE ASSOCIATION
FOR LOCAL GOVERNMENT IN NSW

RECOMMENDATION

That Council:

1. Nominates seven Councillors as voting delegates to take part in the forthcoming secret postal ballot to deal with the matter of One Association for local government in NSW.

2. Forwards the names and personal postal addresses of nominated voting delegates to the Local Government Association to form the Roll of Voters.

COUNCIL DECISION

Motion: Moved: Clr Napoletano Seconded: Clr McGoldrick

That the recommendation be adopted.

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

The Councillors nominated are:

1. Clr Hadchiti
2. Clr Harle
3. Clr Karnib
4. Clr McGoldrick
5. Clr Mannoun
6. Mayor Waller
7. Clr Napoletano

On being put to the meeting the nominations were accepted.

CORPORATE SERVICES REPORT

CORS 01

ITEM NO: CORS 01
FILE NO: 2011/0013
SUBJECT: DETERMINATION OF LOCAL GOVERNMENT REMUNERATION
TRIBUNAL FOR 2012-2013

RECOMMENDATION

That Council:

1. Receives and notes the report.
2. Resolves to fix the fees payable to the Mayor and Councillors for the period 1 July 2012 to 30 June 2013 in accordance with the maximum for a Metropolitan Centre as determined by the Local Government Remuneration Tribunal on 27 April 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

CORS 02

ITEM NO: CORS 02
FILE NO: 2007/0300
SUBJECT: MARCH 2012 QUARTER BUDGET REVIEW

RECOMMENDATION

That Council:

1. Receives and notes the report.
2. Votes the identified budget variations in accordance with this report.
3. Maintains the current forecast level of working funds of \$3.06m as a buffer for any further balance sheet adjustments that may have a material negative impact.
4. Approves the transfer to Capital Works Reserve of \$369k for the deferred general fund projects identified in the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Receives and notes the report.
2. Votes the \$13k surplus into the council reserve and other variations as per report.
3. Maintains the current forecast level of working funds of \$3.048m as a buffer for any further balance sheet adjustments that may have a material negative impact.
4. Approves the transfer to Capital Works Reserve of \$369k for the deferred general fund projects identified in the report.

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

CORS 03

ITEM NO: CORS 03
FILE NO: 2012/1034
SUBJECT: PROPOSED RECLASSIFICATION AND DISPOSAL OF LOT 1 DP 805582, 16A COONONG STREET, BUSBY

RECOMMENDATION

That Council:

1. Approves the reclassification and disposal of Lot 1 DP 805582, 16A Coonong Street, Busby, for the price and terms outlined in the confidential attachment.
2. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
3. Authorises its delegated officer to execute any document, under power of attorney necessary to give effect to this decision.
4. Transfers the net proceeds from the sale to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Gillani**

That the recommendation be adopted

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

CORS 04

ITEM NO: CORS 04
FILE NO: 2009/1150
SUBJECT: PROPOSED DISPOSAL OF LOT 35 DP 651316 AND 36 DP 661567, 626 HUME HIGHWAY, CASULA

RECOMMENDATION

That Council:

1. Approves the sale of Lot 35 DP 651316 and 36 DP 661567, 626 Hume Highway, Casula, for the price and terms outlined in the confidential attachment.
2. Keeps confidential the attachment supplied under separate cover containing the offers and purchase price pursuant to the provisions of Section 10A(2) of the Local Government Act 1993 as this information could, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
3. Authorises its delegated officer to execute any document, under power of attorney necessary to give effect to this decision.
4. Transfers the net proceeds from the sale to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That Council defers this item until the next meeting of Council to allow further negotiations in this area.

Foreshadowed Motion: **Moved: Clr Hadchiti** **Seconded: Clr Harle**

That Council moves this item into closed session to discuss the amounts.

On being put to the meeting the motion moved by Clr Stanley was declared CARRIED.

Vote for: **Mayor Waller, Clr McGoldrick Clr Stanley, Clr Gillani, Clr Karnib**

Vote against: **Clr Harle, Clr Napoletano, Clr Hadchiti, Clr Hadid, Clr Mannoun**

The Mayor's casting vote was for the motion moved by Clr Stanley.

The foreshadowed motion moved by Clr Hadchiti lapsed.

CORS 05

ITEM NO: CORS 05
FILE NO: 2007/2809
SUBJECT: PROPOSED DISPOSAL OF PART LOT 42 DP 230194 TO THE REAR OF LOT 40 DP 711956, 37 CARBONI STREET, LIVERPOOL

RECOMMENDATION

That Council:

1. Approves the sale of part Lot 42 DP 230194 via a boundary adjustment for the price and terms outlined in the confidential attachment.
2. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
3. Authorises its delegated officer to execute any document, under power of attorney necessary to give effect to this decision.
4. Transfers the net proceeds from the sale to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved:** Clr Stanely **Seconded:** Clr Karnib

That the recommendation be adopted

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

CORS 06

ITEM NO: CORS 06
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT APRIL 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: Moved: Clr Stanley Seconded: Clr Napoletano

That the recommendation be adopted

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

CITY PLANNING REPORT

PLAN 01

ITEM NO: PLAN 01
FILE NO: 2009/1578
SUBJECT: AUSTRAL LEPPINGTON NORTH CONTRIBUTIONS PLAN

RECOMMENDATION

That Council:

1. Places the draft contributions plan on public exhibition for a period of 28 days.
2. Writes to the Premier of NSW and to the Minister for Planning and Infrastructure seeking an undertaking by the NSW Government to provide funding for any shortfall in the provision of local infrastructure in the Austral and Leppington North Precincts.

COUNCIL DECISION

Motion: **Moved: Clr McGoldrick** **Seconded: Clr Harle**

That the recommendation be adopted

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

Vote for: Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Karnib, Clr Mannoun, Clr McGoldrick, Clr Napoletano, Clr Stanley

Councillors voted unanimously for this motion.

PLAN 03

ITEM NO: PLAN 03
FILE NO: 2007/0734
SUBJECT: CLAUSE 4.6 (SEPP 1) QUARTERLY REPORT

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

Motion: **Moved:** Cllr Stanley **Seconded:** Cllr Harle

That the recommendation be adopted

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

Vote for: **Mayor Waller, Cllr Gillani, Cllr Hadchiti, Cllr Hadid, Cllr Harle, Cllr Karnib, Cllr Mannoun, Cllr McGoldrick, Cllr Napoletano, Cllr Stanley**

Councillors voted unanimously for this motion.

PLAN 04

ITEM NO: PLAN 04
FILE NO: DA-394/2011
SUBJECT: LAND AND ENVIRONMENT COURT CLASS 1 APPEAL AGAINST REFUSAL OF DEVELOPMENT APPLICATION DA-394/2011

RECOMMENDATION

That Council:

1. Moves into closed session prior to the conclusion of the meeting with the press and public excluded, for the purpose of the consideration of legal advice, pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993.
2. Reverts back to open Council once the confidential aspects of the report have been considered and Council has determined a position on the matter.

COUNCIL DECISION

Clr Hadchiti left the room at 7.47pm.

Clr Napoletano left the room at 7.47pm.

Motion: **Moved: Clr Stanley** **Seconded: Clr McGoldrick**

That Council:

1. Defends the appeal based on the advice provided by Council's legal solicitors.
2. Receives a subsequent report advising of the progress (and ultimate determination) of the matter and providing an estimate of potential legal costs.

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

Vote for: **Mayor Waller, Clr Gillani, Clr Hadid, Clr Harle, Clr Karnib, Clr Mannoun, Clr McGoldrick, Clr Stanley**

Councillors voted unanimously for this motion.

Clr Hadchiti returned to the room at 7.48pm.

Clr Napoletano returned to the room at 7.48pm.

PLAN 05

ITEM NO: PLAN 05
FILE NO: 2011/4242
SUBJECT: TENDER ST2139 FOR THE MANUFACTURE AND SUPPLY OF CBD
BIN ENCLOSURES

RECOMMENDATION

That Council:

1. Accepts the tender submitted by Emerdyn Pty Limited.
2. Notes that the delegated Council Officer will finalise all details and sign the letter of acceptance, giving contractual effect, in accordance with their delegation.
3. Keeps confidential the attachment supplied under separate cover containing the tendered prices 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.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Stanley**

That the recommendation be adopted.

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

Vote for: **Mayor Waller, Clr Gillani, Clr Hadid, Clr Harle, Clr Karnib, Clr Mannoun, Clr McGoldrick, Clr Stanley**

Councillors voted unanimously for this motion.

CITY SERVICES REPORT

CITS 01

ITEM NO: CITS 01
FILE NO: 2007/1445
SUBJECT: COMMUNITY STRATEGIES AND PLANS

RECOMMENDATION

That Council:

1. Places the draft Liverpool Youth Strategy 2012-2017 and Action Plan 2012-2013, draft Disability Strategy 2012-2017 and Action Plan 2012-2013 and the draft LEAPS Multicultural Action Plan 2012-2013 on public exhibition for a period of 28 days inviting public submissions.
2. Receives a further report on the community strategies and plans, following the public exhibition period, incorporating public feedback.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Harle**

That the recommendation be adopted.

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

CITS 02

ITEM NO: CITS 02
FILE NO: 2009/0010
SUBJECT: DONATIONS AND SPONSORSHIP REPORT

RECOMMENDATION

That Council:

1. Endorses the Financial Contribution Panel's recommendations for the provision of \$3,200 under the Sporting Donations Program as summarised in the table below:

Sporting Donations	Amount
Liverpool Touch Football Association	\$500
Daniel Oud	\$500
Bradley Oud	\$500
Nicolas Marie-Louise	\$500
Tyler Pendergast	\$200
Melissa Mangion	\$500
Marcelo Daniel Locardi-Rauth	\$500

2. Endorses the Financial Contribution Panel's recommendations for the events summarised in the table below and makes provision of \$21,500 through the quarterly budget review:

Corporate Sponsorship	Amount
Shree Santab Dharma Pratinidhi Sabha of Australia Inc	\$5,000
Southern Districts Soccer Football Association Inc	\$5,000
Combined Missions Inc	\$4,500
Vedic Festival Inc	\$4,500
Precedent Productions	\$2,500

3. Endorses \$7,000 to be allocated to Corporate Sponsorship requests as summarised in the table below:

Corporate Sponsorship	Amount
Friends of India Incorporated	\$2,500
Sanatan Satsang Sabha of NSW	\$2,500
Friends of FIJI Inc	\$2,000

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Gillani**

That the recommendation be adopted.

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

CITS 03

ITEM NO: CITS 03
FILE NO: 2011/4500
SUBJECT: DRAFT NO SMOKING IN PUBLIC PLACES POLICY

RECOMMENDATION

That Council:

1. Adopts the No Smoking In Public Places Policy (as attached).
2. Makes an internal bid to the Operational Plan for \$20,000 to meet the cost of installing signage to effect the ban.
3. Receives a further report containing details of a plan to offer discounted outdoor café permits to outdoor dining operators, who agree to go smoke free.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr McGoldrick**

That the recommendation be adopted

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

Vote for: **Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Karnib, Clr Mannoun, Clr McGoldrick, Clr Napoletano, Clr Stanley**

Councillors voted unanimously for this motion.

CITS 04

ITEM NO: CITS 04
FILE NO: 59245924.2011
SUBJECT: TENDER RCL2132 - ASBESTOS WASTE SERVICES

RECOMMENDATION

That Council:

1. Accepts the tenders submitted by the following five companies for inclusion on a panel of contractors to collect, contain, transport and dispose of asbestos contaminated waste within the Liverpool LGA.

Company

Ross Mitchell & Associates
 Enviropacific Services
 ATS Australian Technical
 Australian Demolition Industries
 Affective Services (Aust) Pty Ltd

2. Notes that the delegated Council officer will finalise all details and sign the letter of acceptance, giving contractual effect, in accordance with their delegation.
3. Keeps confidential the attachment supplied under separate cover containing the tendered prices 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.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Gillani**

That the recommendation be adopted

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

Vote for: **Mayor Waller, Clr Gillani, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Karnib, Clr Mannoun, Clr McGoldrick, Clr Napoletano, Clr Stanley**

Councillors voted unanimously for this motion.

CITY ASSETS REPORT**ASST 01**

ITEM NO: ASST 01
FILE NO: 2012/0061
SUBJECT: CONTRACT FOR THE CONSTRUCTION OF CITY CENTRE TRUNK DRAINAGE - GEORGE AND SCOTT STREETS, LIVERPOOL (TENDER WT2150)

RECOMMENDATION

That Council:

1. Accepts the tender submitted by Celtic Civil Pty Ltd for the Lump Sum amount of \$1,598,525 (excluding GST) for Tender WT2150 - Contract for the Construction of City Centre Trunk Drainage Works George and Scott Streets, Liverpool.
2. Authorise the General Manager to enter into a contract with Celtic Civil Pty Ltd in accordance with his delegated authority.
3. Keeps confidential the report supplied under separate cover, containing the tendered prices pursuant to S10A(2)(c) of the Local Government Act 1993 - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COUNCIL DECISION

Motion: **Moved: Clr Napoletano** **Seconded: Clr Gillani**

That the recommendation be adopted.

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

Vote for: **Mayor Waller, Clr Gillani, Clr Hadid, Clr Harle, Clr Karnib, Clr Mannoun, Clr Napoletano, Clr Stanley**

Vote against: **Clr Hadchiti, Clr McGoldrick**

ASST 02

ITEM NO: ASST 02
FILE NO: 2010/0177
SUBJECT: KISS AND DROP ZONES IN LIVERPOOL CBD

RECOMMENDATION

That Council:

1. Received and notes the content of this report.
2. Develops an education and communication strategy that will inform visitors to Liverpool's City Centre of the current locations of No Parking, 1/4P, Loading, Work and Truck zones and the rules associated with using these zones by motorists, with the strategy occurring before the 30 June 2012.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadid**

That Council:

1. Reviews and explores more adequate pick up and drop off zones which address particularly the needs of the residents, the needs of users of the CBD to access medical and specialist centres and chemists.
2. Develops an education and communication strategy that will inform visitors to Liverpool's City Centre of the current locations of No Parking, 1/4P, Loading, Work and Truck zones and the rules associated with using these zones by motorists, with the strategy occurring before the 30 June 2012.

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

ASST 03

ITEM NO: ASST 03
FILE NO: 2008/0662
SUBJECT: MOONDARRA DRIVE INTERSECTIONS TREATMENTS

RECOMMENDATION

That Council:

1. Approves the installation of double barrier line marking and Give Way signs at the four intersections (namely the intersections at Conway Avenue, Manton Avenue (north and south) and Dryander Avenue (south)).
2. Requests installation of the required linemarking and Give Way signs at the four intersections by the Roads and Maritime Services (RMS) through its Traffic Facilities Fund.

COUNCIL DECISION

Motion: **Moved: Clr Napoletano** **Seconded: Clr Stanley**

That Council:

1. Approves the installation of double barrier line marking and Give Way signs at the four intersections (namely the intersections at Conway Avenue, Manton Avenue (north and south) and Dryander Avenue (south)).
2. Requests installation of the required linemarking and Give Way signs at the four intersections by the Roads and Maritime Services (RMS) through its Traffic Facilities Fund within two to three weeks.
3. Notes it has referred this traffic issue to the local traffic committee to consider a kerb and gutter design reconfiguration and that the RMS has declined to accept that proposal as a viable alternative given the volume of traffic within the estate at the present time.
4. Notes representations made by residents of the proposed course of action regarding intersection line marking in point one may assist with traffic flow in the area but will not remedy the real issues that would have been addressed by a kerb and gutter design reconfiguration.
5. Consider the traffic issues within the Greenway Views Estate when considering future master planning of estates.

6. That the traffic issues within Greenway Views Estate be revisited within 12 months of the linemarkings being drawn and those findings be remitted to Council for review to ascertain the efficacy of the remediation works proposed.

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

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2011/6197
SUBJECT: ABORIGINAL CONSULTATIVE COMMITTEE MINUTES OF
THE MEETING HELD ON 4 APRIL 2012

RECOMMENDATION

That Council receives and notes the minutes of the Aboriginal Consultation Committee meeting held on 4 April 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Gillani** **Seconded: Cllr McGoldrick**

That the recommendation be adopted

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

COMM 02

ITEM NO: COMM 02
FILE NO: 2011/5690
SUBJECT: CASULA POWERHOUSE ARTS CENTRE BOARD MINUTES
MEETING HELD ON 19 APRIL 2012

RECOMMENDATION

That Council receives and notes the minutes of the Casula Powerhouse Arts Centre Board meeting held on 19 April 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Gillani** **Seconded: Cllr McGoldrick**

That the recommendation be adopted

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2008/1548
SUBJECT: CBD COMMITTEE MINUTES OF THE MEETING HELD ON 30
APRIL 2012

RECOMMENDATION

The Council receives and notes the minutes of the CBD Committee held on Monday 30 April 2012.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Mannoun**

That the recommendation be adopted

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

COMM 04

ITEM NO: COMM 04
FILE NO: 2010/2486
SUBJECT: COMMUNITY AND RECREATION PANEL MINUTES OF MEETING HELD ON 19 APRIL 2012

RECOMMENDATION

That Council receives and notes the minutes of the Community and Recreation Panel meeting held on 19 April 2012.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Receives and notes the minutes.
2. Notes the 10 parking spots granted to cancer patients has been gratefully accepted and that Council has written to the hospital requesting they match Council's 10 free parking spots.
3. Notes that the parking provided at Warren Serviceway is the closest Council owned parking station.
4. Writes to the State Government requesting that they provide parking at a low cost to hospital patients and requesting that they match the 10 spots provided by Council.

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

Councillors voted unanimously for this motion.

COMM 05

ITEM NO: COMM 05
FILE NO: 2011/6360
SUBJECT: LIVERPOOL ACCESS COMMITTEE MINUTES OF THE
MEETING HELD ON 19 APRIL 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Access Committee held on 19 April 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Gillani** **Seconded: Cllr McGoldrick**

That the recommendation be adopted

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

COMM 06

ITEM NO: COMM 06
FILE NO: 2010/1298
SUBJECT: LIVERPOOL YOUTH COUNCIL MINUTES OF THE MEETING
HELD ON 24 APRIL 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Youth Council meeting held on 24 April 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Gillani** **Seconded: Cllr McGoldrick**

That the recommendation be adopted

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

COMM 07

ITEM NO: COMM 07
FILE NO: 2010/0331
SUBJECT: STREET NAMING COMMITTEE MINUTES OF MEETING OF
27 APRIL 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the Street Naming Committee meeting of 27 April 2012.
2. Proceeds with the minor boundary adjustments between Cobbitty and Greendale, and between Lurnea and Casula with Land and Property Information.
3. Holds the name "Robert Newman" for a park within Edmondson Park, when a park becomes available.
4. Proceeds with the naming of Airfield Park in Len Waters Estate.
5. Proceeds with an erratum gazettal to correct spelling mistakes in the following streets in Middleton Grange:
 - a. Aflick Gardens should be correctly spelt as Affleck Gardens
 - b. Lonergan Avenue should be correctly spelt at Loneragan Avenue
 - c. Purius Street should be correctly spelt as Purvis Street
 - d. Richie Terrace should be correctly spelt as Ritchie Terrace
 - e. Richie Lane should be correctly spelt as Ritchie Lane
 - f. Shaw Lane should be correctly spelt as Shawe Lane
 - g. Shortbridge Avenue should be correctly spelt as Shortridge Avenue

COUNCIL DECISION

Motion: **Moved: Cllr Gillani** **Seconded: Cllr McGoldrick**

That the recommendation be adopted

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

CORRESPONDENCE REPORTS

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That the recommendation be adopted

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

QUESTIONS WITH NOTICE

QWNO 01

ITEM NO: QWNO 01
FILE NO: 2011/2938
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

1. **Can the matter of speeding on Wilson Rd, by cars, again be referred to the Traffic Committee? There was a survey carried out 3-4 years ago that indicated the average speed was in excess of the limit.**

The speeding issue along Wilson Road was investigated previously, with speed enforcement undertaken by the Police between 2008 and 2010. Additional investigation will be carried out and presented to the Liverpool Traffic Committee meeting scheduled for 11 July 2012.

As part of the investigation, additional speed classification will be carried out. The results of this investigation will be provided to the Police for further traffic speed enforcement along Wilson Road. If required, a local area traffic management scheme will be considered along Wilson Road.

2. **What is the Council's official stand on the building of the Airport at Badgerys Creek?**

Council at its meeting of 27 February 2012 resolved as follows:

"That Council reaffirms its total opposition to Badgerys Creek airport proposal, cemeteries in the rural areas and the Intermodal sites proposals at Moorebank."

The Federal Government released the *National Aviation Policy White Paper* in December 2009, which stated that Badgerys Creek would no longer be considered as a potential airport.

Since that time, Council has been proactive in advocating for the removal of the Australian Noise Exposure Forecasts (ANEF) restrictions relating to the Badgerys Creek Airport site.

While government policy is to not support an airport on this site the Council believes that the planning restrictions should be removed. Council wrote to all landowners on 19 March 2012 advising of its continued lobbying of both State and Federal Government regarding the removal of planning restrictions associated with the airport.

3. Rubbish pick up and dumping:

a. What is the response time for the picking up of household rubbish?

The average response time is within 5 weeks in summer, and within 2 weeks in winter. There is currently a high demand for household pick ups, and the 5 week waiting time is still in place. There has been an increase in demand from previous years.

b. What is the cost to council to remove dumped mattresses?

Up to 240 mattresses per week can be collected, with 40 to 50 mattresses per tonne. The cost per tonne is \$700, with collections ranging from \$3,500 to \$4,000 per week. This is an annual estimated cost of \$180,000.

c. What is the cost to the community for the removal of illegal dumping?

To date, Council has collected approximately 1,000 tonnes of illegal waste (330 on MUDS and 661 tonnes on the illegal waste truck). Additionally, approximately half of the litter crew collection of 640 tonnes could be classified as illegal waste.

At an average of \$133.00 per tonne (as tyres/soil/garbage/green waste are all costed differently) Council has spent about \$175,000 to date this year. This figure could be an underestimate as all collection crews regularly collect illegal waste that is not identified separately.

d. Could the council investigate the implementation of providing tip voucher/s, on request, to help the council in removing the household rubbish?

Council currently provides two free household pickups per year for each household and unlimited metal and white goods pickup. Council also has a contract for tipping where all household items collected are taken for processing.

Implementation of a voucher system would result in an increase in the waste charge. Tipping of waste to landfill attracts a high government levy and will also be subject to the price increases as a result of carbon pricing. It is therefore more effective for household items to be collected through a booked Council service, where waste is processed and appropriately disposed to landfill at contracted rates.

If a resident wishes to get an additional household collection service in excess of the two provided by Council, they can get this service from Council at a very cost effective fee of \$50 per pickup. This is a subsidised rate where residents do not have to hire a trailer or pay high gate fee for disposal of waste.

e. How many successful convictions has there been for illegal dumping in the past 12 months?

From 1 January 2011, Council's Enforcement Officers have issued the following penalty notices for waste dumping related offences:

- Forty-nine infringements were issued to persons for offences relating to the transporting of waste to an unlawful waste facility. These offences specifically relate to persons illegally dumping waste within the local government area, being an offence under the Protection of the Environment Operations (PEOEO) Act. These fines generally range from \$750 to \$1,500 (on the spot) for individuals and up to \$5,000 for corporations.
- Twenty-two infringements were issued for offences relating to littering. Fines range from \$60 to \$220 depending on circumstances, for example, littering from motor vehicle or small items.
- Six infringements were issued to persons failing to comply with requirements under Chapter 7 of the POEO Act, with fine amounts as outlined above. These fines are generally in relation to persons not responding to legal notices for waste dumping matters or investigations.

4. Can a report be submitted to the next briefing session on:

a. Establishment of a rubbish recycling facility/s for the residents to take their recycling rubbish to 6-7 days per week.

Further information can be provided at a briefing session on the recycling drop off centre. This will be provided at a briefing session in June 2012. A summary of this information is provided below.

The Australian Government, under the Product Stewardship Act 2011, is introducing the National Computer and Television Recycling Scheme that will provide Australia households and small businesses with access to free collection and recycling services for televisions and computers. The scheme will recycle televisions, computers, printers and computer products (such as keyboards, mice and hard drives), regardless of their brand or age.

The scheme will be funded by the television and computer industry and is expected to be functional by the end of 2012.

Council is currently looking at suitable sites and opportunities to link the television and computer drop off area with other large recyclables drop off.

b. Cost for the implementation of a contractor/s to assist with the household rubbish removal.

Household rubbish collection is currently being undertaken by Council staff. Council is currently investigating ways of reducing the lead time for household collection by increasing the number of pickups per week at the peak times.

Introduction of contractors will have an impact on the current workforce; however, all options are being considered to reduce the lead time for household pick ups while keeping the cost down. Further information can be provided at a briefing session in June 2012.

5. How many outstanding matters are there in relation to the adopted car parking strategy of February 15th 2010?

The adopted Car Parking Strategy identifies a number of objectives aimed at achieving a range of beneficial parking and traffic management outcomes for the City Centre. The recommendations and actions with respect to of these objectives are divided into those which need to be undertaken in the short term, the medium term and the long term. The following provides progress on the achievement of the short term objectives.

Objective	Description	Status
Objective 1	Establish two free all day at-grade car parks at Collimore Park and at the Old Pool Site on Memorial Avenue outside the City Centre.	Complete - Collimore Park car park complete and operational with regular shuttle service between car park and the City Centre. Council has signed a five year lease with the owners of the land but this includes a provision which allows a one month notice of cessation. On this basis, Council will not commit to substantial capital works. A directional signage strategy will be introduced to guide drivers to the second area of parking.
Objective 2	Line marking on-street car parking spaces throughout the City Centre enabling users to park efficiently and maximise potential capacity by eliminating poor parking.	Complete - A feasibility study to assess the merits of marking out parking spaces to improve parking efficiency and capacity, found that marking of on-street parking spaces did not result in any significant gains in parking spaces overall. Further, it found that the initial and the ongoing costs associated with providing and maintaining marked parking bays did not justify the limited gains in parking spaces that were being made across the City Centre.
Objective 3	Increase parking turnover by rationalising existing time limits with increasing time allocations allowed further away from the inner core.	Complete - the 1P and 2P parking restrictions have been implemented and is now operational within the core commercial and retail precincts. The extended parking time limits of 4P and 5P within the periphery areas will be implemented following community

Objective	Description	Status
		consultation, which will include consultation to establish, if necessary, a Resident Permit Parking Scheme.
Objective 4	Reduce driver confusion by providing one consistent duration of timed restrictions applying throughout the City Centre.	Complete - 8:00am-6:00pm Monday to Friday and 8:30am - 12:30pm Saturday now implemented within inner core. The periphery areas comprising the 4P and 5P areas to follow as part of Objective 3 above.
Objective 5	Increase higher levels of efficient turnover in Council owned off-street car parks by introducing fees in Northumberland and Bathurst Streets car parks.	Complete - Pay and display scheme now in operation within the off-street parking stations.
Objective 6	Ensure the maximum possible car parking turnover efficiency for on-street parking in the inner core by introducing pay parking scheme, calibrated at a \$2 per hour fee.	Complete - On-street pay and display implemented and now operational.
Objective 7	<p>The Northumberland Street Car Park is reaching the end of its practical life and will need to be demolished in the near future.</p> <p>Strategy recommendations:</p> <ul style="list-style-type: none"> • Undertake a comprehensive investigation into the practical and commercial feasibility of locating a new car park to replace the existing Northumberland Street Car Park in an appropriate location either on the same site, or more preferably in the peripheral areas of the southern City Centre. 	Progressing

Objective	Description	Status
	<ul style="list-style-type: none"> • Develop a financial model for a new multi-storey car park in the Southern City Centre area to permanently replace and if possible significantly supplement the car park currently located in Northumberland Street. • Prepare an in-confidence report providing Council with a range of possible options for a new car park in the Southern City Centre. • Decide on the most practical and commercially efficient site for the replacement of the Northumberland Street Car Park. • Commence the design process for the new Car Park. 	
Objective 8	Minimise the impact on the City Centre of new parking restrictions in a predominately residential area by introducing a Residential Parking Permit Scheme in suitable and defined parking zones close to residences.	To be undertaken in conjunction with the next stage of Objectives 3 and 4.
Objective 9	Improve entry into the periphery of the City Centre by removing the bottleneck caused by the interchange of Terminus Street, Hoxton Park Road and the Hume Highway by lobbying the State Government for a grade separated interchange of Hoxton Park Road,	Progressing

Objective	Description	Status
	Terminus Street and Hume Highway and a link from the Cumberland Highway to the South Western Freeway.	
Objective 10	Investigate the options for locating as many temporary car parking spaces in or in proximity to the City Centre as possible to replace the loss of parking during the construction of the replacement Northumberland Street Car Park.	Progressing

6. Objection 7 of the adopted car parking strategy in part;

“Prepare an in-confidence report providing council with a range of possible options for a new car park in the Southern City Centre”

It also states “Commence the design process for the new Car Park” has this been commenced?

Refer to answer of Question 5.

QWNO 02

ITEM NO: QWNO 02
FILE NO: 2012/0278
SUBJECT: QUESTIONS WITH NOTICE - CLR STANLEY

RECOMMENDATION

1. **Has any progress been made with negotiations for the T-way Stop at Collimore Park?**

2. **have Council approved and built the further bus stops required by the 'Free Green Bus' in Liverpool to allow for a wider range of Liverpool's residents to have access to the service? If not when is this likely to happen?**

CLOSE

THE MEETING CLOSED AT 8:35 PM

Matters Requiring Further Reports to Council

Date of Meeting	Report Number	Council Resolution/Council Request	Director	Target Date	Status
29 Aug 2011	NOMO 03	That a further report comes back to Council regarding Kiss and Drop Zones in Liverpool CBD.	Director City Assets	28 May 2012*	
28 Sept 2011	CITS 01	That a further report comes back to Council regarding the construction of a new hockey field at Moorebank.	Director City Assets	28 May 2012	Awaiting further negotiations with sporting group.
27 Feb 2012	PLAN 01	That a subsequent report comes back to Council advising of the progress (and ultimate determination) regarding the Class 1 Appeal in the Land and Environment Court – Appeal against the refusal to application to modify development consent 1096/2007 and providing an estimate of potential legal costs.	Director City Planning	28 May 2012	Matter still pending in Land and Environment Court.
27 Feb 2012	CITS 01	That a further report comes back to Council on the revised draft No Smoking in Public Places Policy following the public exhibition period.	Director City Services	28 May 2012*	
30 April 2012	COMM 04	That a further report comes back to Council for discussion on 7 Moondarra Drive, West Hoxton - Review and Alternate Design Options of Intersections.	Director City Assets	28 May 2012*	
21 Nov 2011	PLAN 04	That a further report comes back to Council regarding the outcomes of public consultation and EOI for future use of the former Council Administration Building Site.	Director City Planning and Director Corporate Services	25 Jun 2012	Amendment to Local Environmental Plan has been publicly exhibited and will be reported back to Council for resolution.
19 Dec 2011	PLAN 02	That a further report comes back to Council regarding Warwick Farm horse training precinct.	Director City Planning	25 Jun 2012	Community consultation has been undertaken, to be reported to Council for resolution.

** These items will be presented at this Council meeting*

Minutes of the Ordinary Council Meeting held on Monday 28 May 2012 and confirmed on 25 June 2012

.....
Chairperson

27 Feb 2012	PLAN 02	That a further report comes back to Council regarding feedback received on the Design Review Panel Charter.	Director City Planning	25 Jun 2012	
26 Mar 2012	NOMO 04	That a further report comes back to Council about the health of the lake (Wattle Grove Detention Pond), quality of the water and what programs Council is undertaking to address any issues that exist there.	Director City Planning	25 Jun 2012	
30 April 2012	CORS 01	That a further report comes back to Council on Delivery Program and Operational Plan following public exhibition.	Director Corporate Services	25 Jun 2012	
27 Feb 2012	CORS 06	That a further report comes back to Council detailing a feasibility study on the three options for the disposal of 39 Heckenberg Avenue, Sadlier.	Director Corporate Services	23 Jul 2012	
30 April 2012	CORS 03	That a further report be submitted to Council advising of anticipated construction costs for the office conversion of part of 52 Scott Street, Liverpool.	Director Corporate Services	23 Jul 2012	
30 April 2012	NOMR 01	That a report by Luxmore Parking Consulting on the impacts and strategies of providing a proportionate time available of free parking be provided to Council.	Director City Assets	23 Jul 2012	
23 May 2011	CITS 05	That a further report comes back to Council regarding a stadium for Liverpool – potential funding options.	Director City Services	20 Aug 2012	
30 April 2012	ASST 01	That a further report comes back to Council on the Works in Kind Policy following the exhibition period.	Director City Assets	20 Aug 2012	

** These items will be presented at this Council meeting*

27 Feb 2012	PLAN 03	That a further report comes back to Council outlining the results of the public authority consultation and public exhibition for the draft Amendment No 27 to LLEP.	Director City Planning	8 Oct 2012	Planning Proposal is currently with the Department of Planning and Infrastructure. Council is awaiting Gateway Determination which once granted, will determine the milestones and indicative timing for the rezoning.
30 April 2012	NOMO 02	That a further report comes back to Council in respect of possible options for the potential installation of CCTV in the CBD.	Director City Services	TBA	Awaiting appointment of Specialist Consultant
19 Dec 2011	NOMO 02	That a further report comes back to Council regarding the cost of Carbon Tax on ratepayers.	Director Corporate Services	TBA	Awaiting further industry investigations.
6 Feb 2012	CITS 01	That a further report comes back to Council with a progress report in the Graffiti Management Strategy 2012-2015.	Director City Services	Aug 2013	
6 Feb 2012	CITS 01	That a further report comes back to Council with a final evaluation upon completion of the Graffiti Management Strategy.	Director City Services	2015	

** These items will be presented at this Council meeting*



MINUTES OF THE ORDINARY MEETING HELD ON 25 JUNE 2012

PRESENT:

Mayor Waller
 Councillor Gillani
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Lucas
 Councillor Mannoun
 Councillor McGoldrick
 Councillor Napoletano
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mrs Julie Hately, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Ms Sandra Kubecka, Acting Director - City Services
 Mr David Tuxford, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7.00pm

OPENING 7.00pm

PRAYER The prayer of Council was read by Pastor Tevita Cakataka from Liverpool City Church.

APOLOGIES Nil

CONDOLENCES

Walid El-Helou

A minutes silence was observed.

Motion: **Moved: Clr Mannoun** **Seconded: Clr Karnib**

That Council sends a condolence to the family of Mr Walid El-Helou.

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

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 28 May 2012 be confirmed as a true record of that meeting with the following amendment:

Page 31, Item - CORS 04 to record Clr McGoldrick as voting For, Clr Napoletano as voting Against and the Foreshadowed Motion as being moved by Clr Hadchiti.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

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

DECLARATIONS OF INTEREST

Clr Harle declared a less than significant, non pecuniary interest on the following item:

Item PLAN 04 STRATEGIC REVIEW OF THE HORSE TRAINING
PRECINCT IN WARWICK FARM

Reason: Family member resides in the area.

Clr Harle will not leave the Chambers for the duration of this item.

Clr Stanley declared a less than significant, non pecuniary interest on the following item:

Item CORS 06 ACQUISITION OF PART LOT 101 DP 1005111,
FIRST AVENUE, HOXTON PARK FOR DRAINAGE
AND OPEN SPACE PURPOSES

Reason: Mosca and Scott are personal solicitors.

Clr Stanley will not leave the Chambers for the duration of this item.

Clr Mannoun declared a less than significant, non pecuniary interest on the following item:

Item GMRR 03 CODE OF CONDUCT COMPLAINTS

Reason: Named in the report.

Clr Mannoun will not leave the Chambers for the duration of this item.

Mayor Waller declared a less than significant, non pecuniary interest on the following item:

Item CORS 06 ACQUISITION OF PART LOT 101 DP 1005111,
FIRST AVENUE, HOXTON PARK FOR DRAINAGE
AND OPEN SPACE PURPOSES

Reason: Mosca and Scott are personal solicitors.

Mayor Waller will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Nil

SPEAKERS FORUM

Marella Harris addressed Council on the following items:

Item GMRR 03 **CODE OF CONDUCT COMPLAINTS**

Mauro Poletti addressed Council on the following items:

Item PLAN 04 **STRATEGIC REVIEW OF THE HORSE TRAINING
PRECINCT IN WARWICK FARM**

Ronal Leeman addressed Council on the following items:

Item PLAN 04 **STRATEGIC REVIEW OF THE HORSE TRAINING
PRECINCT IN WARWICK FARM**

MAYORAL REPORT

Subject: Junction Works Concert and Twentieth Anniversary Celebration

The Mayor congratulated the Junction Works for their 20th anniversary and concert held on 25 June 2012 at Casula Powerhouse. The families, participants and staff genuinely need to be congratulated for the concert and the anniversary. Congratulations to everybody involved.

Motion: **Mayor Waller**

That the Mayoral Report be noted.

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

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0291
SUBJECT: SPORTS HALL OF FAME

RECOMMENDATION

That Council:

1. Supports the establishment of a "Sports Hall of Fame"
2. Refers to the Sports Committee the possible establishment of a "Sports Hall of Fame" seeking input from the committee on the establishment of the "Sports Hall of Fame".
3. Receives a report indicating the Council location and costs of operating a "Sports Hall of Fame" with the recommendations from the Sports Committee.
4. Seeks community expression of interest in the establishment of a "Sports Hall of Fame"

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

GENERAL MANAGER'S REPORT

GMRR 01

ITEM NO: GMRR 01

FILE NO: 2011/4555

SUBJECT: EXHIBITION OUTCOMES FOR DRAFT AMENDMENT 23, REZONING OF 1-3 HOXTON PARK ROAD, LIVERPOOL TO B6 ENTERPRISE CORRIDOR AND THE OUTCOME OF THE 'EXPRESSIONS OF INTEREST' CAMPAIGN FOR 1-3 HOXTON PARK ROAD, LIVERPOOL

RECOMMENDATION

That Council:

1. Proceed with the making of Liverpool Local Environmental Plan Amendment 23 to rezone 1-3 Hoxton Park Road Liverpool.
2. Does not proceed with the Expressions of Interest received for 1-3 Hoxton Park Road, Liverpool at this time.
3. Keeps confidential the attachment supplied under separate cover containing information on the expression of interest 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.
4. Informs the applicant of Council's decision.

COUNCIL DECISION

Motion:

Moved: Cllr Stanley

Seconded: Cllr Gillani

That Council:

1. Does not proceed with the Expressions of Interest received for 1-3 Hoxton Park Road, Liverpool at this time.
2. Keeps confidential the attachment supplied under separate cover containing information on the expression of interest 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.
3. Informs the applicant of Council's decision.

Amendment:

Moved: Cllr Lucas

Seconded: Cllr Harle

That Council:

1. Proceed with the making of Liverpool Local Environmental Plan Amendment 23 to rezone 1-3 Hoxton Park Road Liverpool.
2. Does not proceed with the Expressions of Interest received for 1-3 Hoxton Park Road, Liverpool at this time.
3. Keeps confidential the attachment supplied under separate cover containing information on the expression of interest 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.
4. Informs the applicant of Council's decision.

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

The amendment became the motion and the motion was CARRIED.

Vote for:

Cllr Hadchiti, Cllr Hadid, Cllr Harle, Cllr Lucas, Cllr Mannoun, Cllr Napoletano, Cllr McGoldrick

Vote Against:

Mayor Waller, Cllr Gillani, Cllr Karnib, Cllr Stanley

GMRR 02

ITEM NO: GMRR 02
FILE NO: 2010/0053
SUBJECT: ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

GMRR 03

ITEM NO: GMRR 03
FILE NO: 2012/1841
SUBJECT: CODE OF CONDUCT COMPLAINTS

RECOMMENDATION

That Council:

1. Receives and notes the report.
2. Notes the actions recommended to be taken by the General Manager.
3. Receives a further report upon completion of the review by the Sole Conduct Reviewer in regards to complaint number 2 in the Council report.
4. Amends the minutes of 21 November 2011 Council meeting to accurately record the name of the organisation to which it provided a donation under Section 356 of the Local Government Act as the "South West Community Alliance".
5. Notes that the General Manager will consider the recommendations of the Sole Conduct Reviewer when revising the Payment of Expenses and Provision of Facilities to Mayor and Councillors policy:
 - To provide guidance to Councillors on the appropriate reasons for combining their monthly allocations for mailing and stationery; and
 - To establish reasonable provisions for recovering Council funds where expenditure by the Mayor and/or Councillors is not in accordance with the performance of their duties as stated in the Local Government Act 1993.
6. In relation to the complaint dated 15 March 2012 against the Mayor:
 - Receives and notes the report of the Sole Conduct Reviewer;
 - Censures the Mayor for misbehaviour;
 - Requires the Mayor to make a public apology at an open Council meeting for her inappropriate behaviour; and
 - Ensures that the censuring and apology are completed within 30 days of the date of this resolution of Council.

COUNCIL DECISION

Mayor Waller declared a Conflict of Interest and vacated the chair.

Mayor Waller left the chambers at 7.28pm.

Deputy Mayor Cllr Napoletano accepted the Chair at 7.28pm.

Cllr Mannoun left the chambers at 7.29pm.

Cllr McGoldrick left the chambers at 7.29pm.

Motion:

Moved: Cllr Lucas

Seconded: Cllr Harle

That Council:

1. Receives and notes the report.
2. Notes the actions recommended to be taken by the General Manager.
3. Receives a further report upon completion of the review by the Sole Conduct Reviewer in regards to complaint number 2 in the Council report.
4. Amends the minutes of 21 November 2011 Council meeting to accurately record the name of the organisation to which it provided a donation under Section 356 of the Local Government Act as the "South West Community Alliance".
5. Notes that the General Manager will consider the recommendations of the Sole Conduct Reviewer when revising the Payment of Expenses and Provision of Facilities to Mayor and Councillors policy:
 - To provide guidance to Councillors on the appropriate reasons for combining their monthly allocations for mailing and stationery; and
 - To establish reasonable provisions for recovering Council funds where expenditure by the Mayor and/or Councillors is not in accordance with the performance of their duties as stated in the Local Government Act 1993.
6. In relation to the complaint dated 15 March 2012 against the Mayor:
 - Receives and notes the report;
 - Censures the Mayor for misbehaviour for the reasons as determined by the independent conduct reviewer, namely:
 - The breaches the subject of the complaint are of a serious nature and are not trivial

- The Mayor did no remedy or alter her conduct when provided with advice
- The breaches suggest a degree for reckless intention of the subject
- The Mayor has not expressed contrition
- The breaches have the potential to harm Councils reputation
- The breaches have the potential to harm the reputation of Local Government
- The recommended action arising from this investigation are in the public interest
- Requires the Mayor to make a public apology at an open council meeting for the inappropriate behaviour, within 30 days of this resolution.
- In the event the Mayor does not apologise then the complaint and investigations findings be referred to the Director General pursuant to s440H of the Local Government Act 1993, noting:
 - That the Mayor's pattern of behaviour has the potential to harm council and local government;
 - That there may be grounds to warrant the Mayor's suspension.

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

Vote for: **Clr Hadchiti, Clr Hadid, Clr Harle, Clr Lucas, Clr Napoletano,**

Vote Against: **Clr Gillani, Clr Karnib, Clr Stanley**

Mayor Waller returned to the chambers at 7.50pm.

Clr Mannoun returned to the chambers at 7.50pm.

Clr McGoldrick returned to the chambers at 7.50pm.

Mayor Waller resumed the Chair at 7.50pm.

CORPORATE SERVICES REPORT

CORS 01

ITEM NO: CORS 01
FILE NO: 2011/5834
SUBJECT: 2011-2015 DELIVERY PROGRAM AND 2012-2013 OPERATIONAL PLAN (INCLUDING BUDGET, CAPITAL WORKS PROGRAM AND STATEMENT OF REVENUE POLICY)

RECOMMENDATION

That Council:

1. Adopts the 2011-2015 Delivery Program and 2012-2013 Operational Plan placed on public exhibition during the period Wednesday 2 May and Wednesday 30 May 2012 with minor changes as outlined in this report.
2. Makes the rates and charges for the financial year commencing 1 July 2012 as outlined in Attachment 1 and exhibited in the draft 2011-2015 Delivery Program and 2012-2013 Operational Plan.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Mannoun**

That Council:

1. Includes in the next newsletter sent with the Rates Notice a disclaimer stating:

“That as the cost of service delivery is expected to increase in the Carbon Tax environment at levels above what main revenue source (Rates) will, Council will need to consider implementing a review of services and how these services are delivered over the next two years. This review will need to look at how the user pays for these services, level of Council subsidy and if they are core to Council strategic plans and objectives”.
2. Adopts the 2011-2015 Delivery Program and 2012-2013 Operational Plan placed on public exhibition during the period Wednesday 2 May and Wednesday 30 May 2012 with minor changes as outlined in this report.
3. Makes the rates and charges for the financial year commencing 1 July 2012 as outlined in Attachment 1 and exhibited in the draft 2011-2015 Delivery Program and 2012-2013 Operational Plan.

Amendment: **Moved: Clr Stanley** **Seconded: Clr McGoldrick**

That Council:

1. Adopts the 2011-2015 Delivery Program and 2012-2013 Operational Plan placed on public exhibition during the period Wednesday 2 May and Wednesday 30 May 2012 with minor changes as outlined in this report.
2. Makes the rates and charges for the financial year commencing 1 July 2012 as outlined in Attachment 1 and exhibited in the draft 2011-2015 Delivery Program and 2012-2013 Operational Plan.

On being put to the meeting the amendment was declared LOST.

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

A division of Council was called by Clr Karnib.

Vote for: **Clr Hadchiti Clr Hadid, Clr Harle, Clr Lucas, Clr Mannoun,
Clr McGoldrick, Clr Napoletano**

Vote Against: **Mayor Waller, Clr Gillani, Clr Karnib, Clr Stanley**

CORS 02

ITEM NO: CORS 02
FILE NO: 2012/0822
SUBJECT: ACQUISITION OF LOT 213 DP 280030, MCINTYRE AVENUE,
MIDDLETON GRANGE FOR DRAINAGE PURPOSES

RECOMMENDATION

That Council:

1. Approves the acquisition of Lot 213 DP 280030, McIntyre Avenue, Middleton Grange, containing an area of approximately 6,027 square metres for the price and terms outlined in the confidential attachment.
2. Upon settlement of the acquisition, classifies Lot 213 DP 280030, McIntyre Avenue, Middleton Grange as 'Community' land.
3. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Lucas**

That the recommendation be adopted.

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

CORS 03

ITEM NO: CORS 03
FILE NO: 2011/0651
SUBJECT: ACQUISITION OF LOT 267 DP 1011867 BERNERA ROAD,
PRESTONS FOR ROAD RESERVE

RECOMMENDATION

That Council:

1. Acquires Lot 267 in DP 1011867 Bernera Road, Prestons for the price and terms outlined in the confidential attachment.
2. Upon settlement of the acquisition dedicates the subject land as public road.
3. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
4. Authorises its delegated officer to execute any documents, under power of attorney, necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

CORS 04

ITEM NO: CORS 04
FILE NO: 2012/0821
SUBJECT: ACQUISITION OF LOT 75 DP 280030, LOCKHEED AVENUE,
MIDDLETON GRANGE FOR OPEN SPACE PURPOSES

RECOMMENDATION

That Council:

1. Approves the acquisition of Lot 75 DP 280030, Lockheed Avenue, Middleton Grange, containing an area of approximately 7,836 square metres for the price and terms outlined in the confidential attachment.
2. Upon settlement of the acquisition, classifies Lot 75 DP 280030, Lockheed Avenue, Middleton Grange as 'Community' land.
3. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

CORS 05

ITEM NO: CORS 05
FILE NO: 2011/4313
SUBJECT: ACQUISITION OF PART LOT 100 DP 815575, 598 HOXTON PARK ROAD, HOXTON PARK FOR DRAINAGE AND OPEN SPACE PURPOSES

RECOMMENDATION

That Council:

1. Approves the acquisition of part Lot 100 DP 815575, 598 Hoxton Park Road, Hoxton Park, containing an area of approximately 1,839 square metres for the price and terms outlined in the confidential attachment.
2. Upon settlement of the acquisition, classifies those parts of Lot 100 DP 815575, 598 Hoxton Park Road, Hoxton Park, zoned 'SP2 Infrastructure (Drainage)' and part 'RE1 Public Recreation' with an approximate area of 1,481 square metres as 'Community' land.
3. Upon settlement of the acquisition, classifies those parts of Lot 100 DP 815575, 598 Hoxton Park Road, Hoxton Park, zoned 'R2 Low Density Residential' with an area of approximately 358 square metres as 'Operational' land.
4. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
5. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

CORS 06

ITEM NO: CORS 06
FILE NO: 2011/4312
SUBJECT: ACQUISITION OF PART LOT 101 DP 1005111, FIRST AVENUE, HOXTON PARK FOR DRAINAGE AND OPEN SPACE PURPOSES

RECOMMENDATION

That Council:

1. Approves the acquisition of part Lot 101 DP 1005111, First Avenue, Hoxton Park, containing an area of approximately 4,927 square metres for the price and terms outlined in the confidential attachment.
2. Upon settlement of the acquisition, classifies those parts of Lot 101 DP 1005111, First Avenue, Hoxton Park, zoned 'SP2 Infrastructure (Drainage)' and part 'RE1 Public Recreation' with an approximate area of 4,725 square metres as 'Community' land.
3. Upon settlement of the acquisition, classifies those parts of Lot 101 DP 1005111, First Avenue, Hoxton Park, zoned 'B1 Neighbourhood Centre' and 'R2 Low Density Residential' with an approximate combined area of 202 square metres as 'Operational' land.
4. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
5. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

CORS 07

ITEM NO: CORS 07
FILE NO: 2011/5818
SUBJECT: ACQUISITION OF PART OF LOTS 169, 171 AND 202 DP 2475
SOUTHERN CROSS DRIVE, MIDDLETON GRANGE FOR DRAINAGE
AND OPEN SPACE PURPOSES

RECOMMENDATION

That Council:

1. Acquires part Lots 169, 171 and 202 in DP 2475, Southern Cross Drive, Middleton Grange containing an area of approximately 2.5 hectares for the price and terms contained in the confidential attachment.
2. Upon settlement of the acquisition, classifies part of Lots 169, 171 and 202 DP 2475, Southern Cross Drive, Middleton Grange as Community Land.
3. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

CORS 08

ITEM NO: CORS 08
FILE NO: 2010/0455
SUBJECT: PROPOSED DISPOSAL OF LOT 536 DP 865435, 54 NINETEENTH AVENUE, HOXTON PARK

RECOMMENDATION

That Council:

1. Approves the method of sale of Lot 536 DP 865435, 54 Nineteenth Avenue, Hoxton Park to be by public auction to be held on Saturday 4 August 2012 with a reserve price as outlined in the confidential attachment.
2. Agrees that the General Manager or his nominee be authorised to negotiate the sale of Lot 536 DP 865435, 54 Nineteenth Avenue, Hoxton Park, if not sold under the hammer, for a sale price of not less than ten percent below the reserve price, on the day of auction, and execute the contract for sale to facilitate the exchange of contracts on the day of the auction.
3. Agrees that if the property is not sold at auction it is immediately placed on the open market for sale by private treaty.
4. Keeps confidential the attachment supplied under separate cover containing the auction reserve price, 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.
5. Transfers the net proceeds from the sale into the relevant Section 94 Contribution Fund as per Section 32(5) of the Local Government Act 1993.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That Council moves into Closed Session to consider item CORS 08.

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

CORS 09

ITEM NO: CORS 09
FILE NO: 2012/1348
SUBJECT: PROPOSED EASEMENTS FOR UNDERGROUND ELECTRICITY CABLES OVER LOT 77 DP 27242, 'DISCOVERY PARK', 40 ATKINSON STREET, LIVERPOOL

RECOMMENDATION

That Council:

1. Grants two easements for underground electricity cables to Endeavour Energy over Lot 77 DP 27242, 'Discovery Park' 40 Atkinson Street, Liverpool as shown on the attached plan of easements.
2. Keeps confidential the attachment supplied under separate cover containing the compensation amount 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.
3. Authorises the relevant documentation necessary for the formalisation of the easement to be signed under Power of Attorney by Council's delegated officer.
4. Transfers the compensation amount detailed in the confidential attachment to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Gillani**

That the recommendation be adopted.

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

CORS 10

ITEM NO: CORS 10
FILE NO: 2012/1101
SUBJECT: APPROVAL TO PROCEED WITH STAGE 2 FOR THE OFFICE
 CONVERSION OF PART OF THE CAR PARK AT 52 SCOTT STREET,
 LIVERPOOL

RECOMMENDATION

That Council:

1. Approves to proceed with Stage 2 of the Office Conversion of Part of the Car Park at 52 Scott Street, Liverpool involving the preparation and lodgement of the development application, coordination of sub consultants and the calling of tenders for the construction of the project.
2. Keeps confidential the report supplied under separate cover, containing the Quantity Surveyor's preliminary budget, pursuant to 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.
3. Notes that a further report will be submitted to Council seeking approval to proceed with the tender for the construction of Stage 3 upon completion of Stage 2

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

A division of Council was called by Clr Stanley.

Vote for: **Clr Hadchiti, Clr Hadid, Clr Harle, Clr Lucas, Clr Mannoun, Clr McGoldrick, Clr Napoletano**

Vote Against: **Mayor Waller, Clr Gillani, Clr Karnib, Clr Stanley**

CORS 11

ITEM NO: CORS 11
FILE NO: 2005/0628
SUBJECT: RATES DEBT RECOVERY POLICY

RECOMMENDATION

That Council adopts the revised Rates Debt Recovery Policy.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Lucas**

That Council defers the revised Rates Debt Recovery Policy.

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

CORS 12

ITEM NO: CORS 12
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT MAY 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Mannoun**

That the recommendation be adopted.

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

CORS 13

ITEM NO: CORS 13
FILE NO: 2008/1100
SUBJECT: WRITING OFF BAD DEBTS

RECOMMENDATION

That Council:

1. Approves the write off of bad debts in the amount of \$6,246.45 as outlined in the confidential report attached.
2. Maintains the amount of \$2,000, above which debts to the Council can only be written off by resolution of the Council.
3. Keeps confidential the report supplied under separate cover containing debtor details pursuant to the provisions of section 10A (2) (a) of the Local Government Act 1993.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

CITY PLANNING REPORT

PLAN 01

ITEM NO: PLAN 01
FILE NO: 2007/0738
SUBJECT: DESIGN REVIEW PANEL CHARTER

RECOMMENDATION

That Council:

1. Endorses the Design Review Panel Charter.
2. Seeks expressions of interest from suitably qualified industry representatives to become members of Liverpool City Council's Design Review Panel for a three year period.
3. Receives a further report to assess the expressions of interest received and endorse Panel members.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

PLAN 02

ITEM NO: PLAN 02
FILE NO: RZ-2/2012
SUBJECT: DRAFT AMENDMENT 27 TO LIVERPOOL LOCAL ENVIRONMENTAL
PLAN 2008 - GATEWAY DETERMINATION CONDITION 1 -
CEMETERIES AND CREMATORIA

RECOMMENDATION

That Council notes and supports sending the attached letters to the Director-General of the Department of Planning and Infrastructure requesting that the Gateway Determination be amended to remove Condition 1.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr McGoldrick**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

PLAN 03

ITEM NO: PLAN 03
FILE NO: 2011/6052
SUBJECT: LIVERPOOL CITY COUNCIL BIODIVERSITY MANAGEMENT PLAN

RECOMMENDATION

That Council adopt the Liverpool City Council Biodiversity Management Plan.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

PLAN 04

ITEM NO: PLAN 04
FILE NO: 2011/5948
SUBJECT: STRATEGIC REVIEW OF THE HORSE TRAINING PRECINCT IN WARWICK FARM

RECOMMENDATION

That Council:

1. Adopts the Warwick Farm Strategic Review and actions the recommendations of the review.
2. Notes the outcomes of the community consultation.
3. Prepares a Local Area Traffic Management Plan that will address parking issues, speed limits, signage, truck driver training and the possible bypass road.
4. Prepares an amendment to the Liverpool Development Control Plan 2008 to introduce controls which address land use conflicts between horse trainers, residential and industrial land uses.
5. Continues to provide enforcement and manage inappropriate activities, and operation of business outside of conditions of consent within the Warwick Farm Training Precinct.
6. Prepares and sends a letter to Liverpool Police requesting increase policing of speed limits within the Warwick Farm Training Precinct, in particular Manning and Munday Streets.
7. Notes that additional community consultation will occur with the exhibition of the draft amendment to the Development Control Plan and the Local Area Traffic Management Plan.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Harle**

That the recommendation be adopted.

Amendment:

Moved: Cllr Mannoun

Seconded: Cllr Hadid

That Council:

1. Receives a further report which responds to the issues and suggestions in the report tabled by Mr Mauro Poletti.
2. Adopts the Warwick Farm Strategic Review and actions the recommendations of the review.
3. Notes the outcomes of the community consultation.
4. Prepares a Local Area Traffic Management Plan that will address parking issues, speed limits, signage, truck driver training and the possible bypass road.
5. Prepares an amendment to the Liverpool Development Control Plan 2008 to introduce controls which address land use conflicts between horse trainers, residential and industrial land uses.
6. Continues to provide enforcement and manage inappropriate activities, and operation of business outside of conditions of consent within the Warwick Farm Training Precinct.
7. Prepares and sends a letter to Liverpool Police requesting increase policing of speed limits within the Warwick Farm Training Precinct, in particular Manning and Munday Streets.
8. Notes that additional community consultation will occur with the exhibition of the draft amendment to the Development Control Plan and the Local Area Traffic Management Plan.

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

The amendment became the motion and the motion was CARRIED.

Councillors voted unanimously for this motion.

CITY SERVICES REPORT**CITS 01**

ITEM NO: CITS 01
FILE NO: 2012/1938
SUBJECT: DONATIONS REPORT

RECOMMENDATION

That Council:

1. Endorses the Financial Contribution Panel's recommendations for the provision of \$2,900 under the Sporting Donations Program as summarised in the table below:

Sporting Donations	Amount
Courtney Thompson	\$200
Brady Moore	\$200
Sina Wildraut	\$200
Jayden Lach	\$200
Dione Kind	\$200
Vanessa Petero	\$500
Blake Goodman	\$500
Benjamin Bainy	\$200
Cherish Manumaleuga	\$100
Blake Jackson	\$100
Bradley Tolliday	\$500

2. Endorses the Financial Contribution Panel's recommendations for the provision of \$500 under the Youth Donations Program as summarised in the table below.

Youth Donations	Amount
Hatice Tekin	\$500

COUNCIL DECISION

Motion: **Moved: C/r Hadid** **Seconded: C/r Stanley**

That the recommendation be adopted.

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

CITY ASSETS REPORT

ASST 01

ITEM NO: ASST 01
FILE NO: 2012/1561
SUBJECT: TENDER WT2172 - CONTRACT FOR STREETScape
 IMPROVEMENTS OF MACQUARIE, SCOTT AND GEORGE STREETS,
 LIVERPOOL

RECOMMENDATION

That Council:

1. Accepts the tender submitted by The Glascott Group Pty Ltd for the Lump Sum amount of \$660,053.21 (GST exclusive) for Tender WT2172 - Contract for Streetscape Improvements of Macquarie, Scott and George Streets, Liverpool.
2. Authorises the General Manager to enter into a contract with The Glascott Group Pty Ltd in accordance with his delegated authority.
3. Keeps confidential the report supplied under separate cover, containing the tendered prices pursuant to S10A(2)(C) of the Local Government Act 1993 - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Mannoun**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Clr Hadchiti left the chambers at 8.41pm

Clr Hadchiti returned to the chambers at 8.42 pm.

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2011/0372
SUBJECT: ENVIRONMENT ADVISORY COMMITTEE MEETING MINUTES OF 24 MAY 2012

RECOMMENDATION

That Council:

1. Notes the reports and minutes from the Environment Advisory Committee Meeting held on 24 May 2012.
2. Resolves to support sustainable purchasing and commit Council to participate in the SustainableChoice program which includes economic, environment, and social considerations.
3. Accepts the Local Government and Shires Association's invitation to join the SustainableChoice program.
4. Liaises with the Local Government and Shires Association to implement actions of the SustainableChoice program.
5. Accepts and endorses the Liverpool City Council 2012 Water Efficiency Plan.
6. Endorses the following sites for the 2012/2013 Environment Restoration Plan works:
 - Hoxton Park Reserve Area 3, Hoxton Park Road, Hinchinbrook
 - Lot 10 Heathcote Road, Parkwood Drive, Holsworthy
 - Pye Hill Reserve, Leopold Place, Cecil Hills
 - Ernie Smith Recreation Reserve Area 3, Junction Road, Moorebank
 - Nelson Phillis Park Area 2, Cape Baron Avenue, Green Valley
 - Dunumbral Park, Spencer Road, Cecil Hills
 - Maxwells Creek Area 3, Willan Drive, Cartwright
 - Haigh Park, Bridges Road, Moorebank

COUNCIL DECISION

Motion: **Moved: Clr McGoldrick** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

COMM 02

ITEM NO: COMM 02
FILE NO: 2009/1298
SUBJECT: HERITAGE ADVISORY COMMITTEE MINUTES OF 4 JUNE 2012

RECOMMENDATION

That Council

1. Notes the minutes of the Heritage Advisory Committee held on 4 June 2012.
2. Notes that the minutes of the previous Heritage Advisory Committee meeting held on 2 April 2012 are to be altered to note the attendance of Norma Shelley and make minor grammatical changes including capitalisation and the change of the word 'would' to 'could'.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2011/6360
SUBJECT: LIVERPOOL ACCESS COMMITTEE MINUTES OF THE MEETING
HELD ON 17 MAY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Access Committee held on 17 May 2012.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

COMM 04

ITEM NO: COMM 04
FILE NO: 2005/0603
SUBJECT: LIVERPOOL TRAFFIC COMMITTEE MINUTES FROM THE MEETING HELD ON 16 MAY 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the LTC meeting held on 16 May 2012.
2. Adopts the recommendations of the LTC meeting held on 16 May 2012 as follows:

a. Item 1 - Intersection of Cartwright Avenue and Willan Drive, Cartwright – Proposed ‘No U Turn’ Restriction

- i. The provision of No U-Turn restrictions on Cartwright Avenue at its intersection with Willan Drive, Cartwright be approved.
- ii. Council to investigate the above intersection improvements and implement under delegated authority.
- iii. All stakeholders be advised accordingly of Council’s resolution.

b. Item 2 - Kingsford Smith Avenue, Middleton Grange – Thomas Hassall Anglican College - Request for Children’s Crossing

- i. Children’s Crossing with associated sign posting and line markings as per AS 1742.10-2009 and the RMS Supplementary Guidelines be approved on Kingsford Smith Avenue, Middleton Grange.
- ii. Pram ramps associated with the Children’s Crossing be approved.
- iii. Council’s City Assets Directorate be requested to include the installation of pram ramps on Kingsford Smith Avenue into their future civil construction program.
- iv. Council’s City Assets Directorate be requested to ask the developer of the Middleton Grange site to construct footpath on the eastern side of Kingsford Smith Avenue prior to the installation of the Children’s Crossing.
- v. The Principal of Thomas Hassall Anglican College be notified of this recommendation and be requested to sign the Children’s Flags agreement.
- vi. Council’s City Assets Directorate be requested to investigate early installation of traffic signals at the Kingsford Smith Avenue/Flynn Avenue intersection.
- vii. All stake holders be advised of Council’s resolution.

c. Item 3 - Kurrajong Road, Prestons – Request for Traffic Calming and Pedestrian Crossing near Casula Mall

- i. Existing refuges be retained as the warrants for marked foot crossings are not met for an upgrade.
- ii. Provision of additional warning signs and markings and kerb ramps, kerb extension and edge lines to facilitate pedestrian safety and traffic calming be investigated and implemented under delegated authority.
- iii. Council to investigate removal of the existing tree (on the southern side of Kurrajong Road) close to the western pedestrian refuge.
- iv. Council to carry out maintenance at existing refuge facility, road pavement and linemarkings.
- v. Roads and Maritime Services to be requested to investigate/review of the existing speed profile in front of Casula Mall and Carnes Hill Shopping Centre in conjunction with the construction of the extension of Kurrajong Road to Cowpasture Road.

d. Item 4 - Walder Road, Hammondville – Hammondville Public School - Request for Combined Children’s Crossing

- i. The existing marked foot crossing on Walder Road be retained.
- ii. A Children’s Crossing be installed at the location of the existing marked foot crossing.
- iii. Hammondville Public School be notified of the upgrade and that the School Principal be requested to sign the Children’s Crossing Flags agreement.

e. Item 5 - Willan Drive, Cartwright – Cartwright Public School - Request for Combined Crossing

- i. No change to the existing Children’s Crossing.
- ii. That the school be notified of the outcome.

f. Item 6 - Balmain Street, Cartwright – Request for Traffic Calming

- i. Request Traffic and Transport section to investigate the imposition of a three tonne load limit in Balmain Street.
- ii. Subject to the outcome of community consultation, a Traffic Management Plan (TMP) be submitted for RMS approval as part of any proposed 3 tonne load limit and matter be resubmitted to the Liverpool Traffic Committee for final consideration.
- iii. In consultation with RMS Council investigate options to improve turning movements in and out of the service roads along Hoxton Park Road.

g. Item 7 - Busby Road, Busby – Busby Public School - Request for Removal of Unwarranted Pedestrian Crossing Markings

- i. RMS be requested to remove the existing marked foot crossing.
- ii. The crossing be retained with appropriate signage and linemarking as "Children's Crossing".
- iii. That appropriate linemarking and signage including Cross Walk lines.
- iv. School Principal be requested to sign the Children's Crossing Flags agreement.
- v. Notify residents in the street of Council's resolution.

h. Item 8 - Lucas Avenue, Moorebank – Parking Issues

- i. City Assets investigate and implement installation of "No Stopping" signs under delegated authority, subject to community consultation.
- ii. Council to write to Church requesting that they advise church patrons to consider local residents in the area when parking.

i. Item 9 - Dotterel Street, Hinchinbrook – "No Parking" Restrictions

- i. No Parking in the Dotterel Street cul-de-sac head be approved.

j. Item 10 - Liverpool CBD – Festival of Chariots, Approval of Traffic Aspects of Festival

- i. That the traffic aspect of the annual Festival of Chariots be approved for two years on 23 June 2012 and 13 July 2013, subject to annual provision of the public liability insurance and appropriate approval conditions by the NSW Police.
- ii. New application be submitted for 2014-2016 (in 2014).

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr McGoldrick**

That the recommendation be adopted.

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

Clr Mannoun left the chambers at 8.42pm

Clr Mannoun returned the chambers at 8.43pm.

COMM 05

ITEM NO: COMM 05
FILE NO: 2010/1298
SUBJECT: LIVERPOOL YOUTH COUNCIL MINUTES OF MEETING HELD ON 22
MAY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Youth Council meeting held on 22 May 2012.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

COMM 06

ITEM NO: COMM 06
FILE NO: 2006/0983
SUBJECT: SPORTS COMMITTEE MEETING MINUTES

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool City Sports Committee meeting held on Thursday 29 March 2012.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

CORRESPONDENCE REPORTS

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

QUESTIONS WITH NOTICE**QWNO 01**

ITEM NO: QWNO 01
FILE NO: 2012/027
SUBJECT: QUESTIONS WITH NOTICE - CLR STANLEY

RECOMMENDATION**1. Has any progress been made with negotiations for the T-way Stop at Collimore Park?**

Representation was made on this issue to the State Transit Authority and the then Department of Transport. Council has been advised that Transport NSW will continue to monitor the free shuttle service and investigate the provision of a T-Way bus stop at Collimore Park.

Unfortunately, Council has not received information on the monitoring and review. As a follow up, Council will contact Transport NSW to obtain an update on the review and the need for a T-Way bus stop at Collimore Park. Council will be further advised of the outcome.

2. Have Council approved and built the further bus stops required by the “Free Green Bus” in Liverpool to allow for a wider range of Liverpool’s residents to have access to the service. If not when is this likely to happen?

Similar to the negotiations for a T-Way bus stop at Collimore Park, Transport NSW is yet to confirm locations for additional bus stops for the “Free Green Bus”. A copy of the latest correspondence from the Minister for Transport, The Hon Gladys Berejiklian MP, is attached for your information. You will be further advised as soon as an additional response is received.



The Hon Gladys Berejiklian MP
Minister for Transport

Your ref: 015377 2012
ML12/00676

Mr Farooq Portelli
General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Received by
23 MAR 2012
Archives & Records

Dear Mr Portelli,

Thank you for your letter of 30 January 2012 regarding the Liverpool free shuttle bus. I apologise for the delay in responding.

I am advised that Transport for NSW is aware of Council's preferred option to extend the shuttle route to Collimore Park. Please be assured that feedback, including that received from Liverpool Council, will be considered when Transport for NSW is reviewing the Liverpool Free Shuttle.

Thank you for taking the time to write to me.

Yours faithfully,

Gladys Berejiklian MP
Minister for Transport

21 MAR 2012

Level 35, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone: (61 2) 9228 5266 Fax: (61 2) 9228 3744 Email: office@berejiklian.minister.nsw.gov.au

QWNO 02

ITEM NO: QWNO 02
FILE NO: 2012/0279
SUBJECT: QUESTIONS WITH NOTICE - CLR HADCHITI

RECOMMENDATION

- 1. Can Council be held responsible if an emergency vehicle is unable to respond to an emergency due to not being able to access the location whilst vehicles are legally parked on either side of the street?**

A response will be provided at the July meeting.

- 2. What process do residents need to follow if their rubbish bins are not picked up due to the garbage collection truck being unable to access their street because vehicles are legally parked on either side of the street?**

Generally, if a garbage truck is unable to access the bins, the truck driver moves the bins to empty them. If the street is not accessible, due to cars parked on the street (either legally or illegally), then the truck returns at a later time to service those bins. If the bins are missed, the residents can call Council's customer service number (1300 36 2170) and the trucks will return to service the bins.

In rare circumstances where the problem persists, Council asks residents to place the bins at an alternate location (wherever possible) for pickup so it can be accessed by the truck.

On some occasions, when there are no other options, Council seeks to get "No Parking" sign posting approved through the Traffic Committee to prevent cars being parked on the mornings of waste collection.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council not enforce vehicles that are parked on verges where the verge is rolled and the vehicle is not obstructing a concrete footpath and is obeying other road rules.

The motion was ruled Out of Order as it is unlawful.

Clr Hadchiti asked for his motion to be recorded.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council receives a report at the July meeting which details information on the full avenues of Council's alternatives to this problem.

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

QWNO 03

ITEM NO: QWNO 03
FILE NO: 2012/0279
SUBJECT: QUESTIONS WITH NOTICE - CLR HARLE

RECOMMENDATION

1. **Concerning illegal dumping and land fill activities in rural areas. Can Council provide a summary of operations its enforcement section has conducted since January 2010, the results of that action, the number of fines issued and effects on the activity?**
2. **Can Council provide an update of the status of construction works carried out at the Al Amanah College in Speed Street Liverpool and have these works been approved by current DA's?**
3. **Can Council provide an update of the extent of construction works and land fill carried out at Bellfield College in Rossmore and do these works comply with current DA certificates?**
4. **Concerning the abandoning of shopping trolleys, can Council enforcement officers legally issue fines to persons that knowingly abandon shopping trolleys in residential areas?**
5. **Concerning Paramour Reserve in Hinchinbrook, what is the status of programmed works for the reserve?**
6. **The Liverpool Regional Museum has had problems with vandalism and related security issues. What does Council propose to do to address these issues?**
7. **To what extent can the Environment Levy be used to construct and install Gross Pollution Traps at stormwater drains feeding into creeks and rivers?**

QWNO 04

ITEM NO: QWNO 04
FILE NO: 2012/0279
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

1. Can I be advised of:

- a. **The condition of the footpath in Wonga Road**
- b. **The remedial work that has been undertaken and over what length of time has the temporary patching been carried out**
- c. **Why the footpath has not been fully restored.**

2. Can I be advised:

- a. **How many Liverpool residents will be representing Australia at the London Olympics?**
- b. **Are funds available from Council for a possible financial contribution to those Olympians?**

COUNCIL IN CLOSED SESSION**CORS 08**

ITEM NO: CORS 08
FILE NO: 2010/0455
SUBJECT: PROPOSED DISPOSAL OF LOT 536 DP 865435, 54 NINETEENTH AVENUE, HOXTON PARK

This item is classified CONFIDENTIAL under Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

“As this information would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business”.

RECOMMENDATION

Motion: **Moved: Clr McGoldrick** **Seconded: Clr Napoletano**

That Council moves into Closed Session to consider item CORS 08.

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

Public and media representatives departed the room.

Council moved into Closed Session at 9.00pm.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr McGoldrick**

That Council:

1. Approves the method of sale of Lot 536 DP 865435, 54 Nineteenth Avenue, Hoxton Park to be by public auction to be held on Saturday 4 August 2012 with a reserve price as outlined in the confidential attachment.
2. Agrees that the General Manager or his nominee be authorised to negotiate the sale of Lot 536 DP 865435, 54 Nineteenth Avenue, Hoxton Park, if not sold under the hammer, for a sale price of not less than ten percent below the reserve price, on the day of auction, and execute the contract for sale to facilitate the exchange of contracts on the day of the auction.
3. Agrees that if the property is not sold at auction, it is immediately placed on the open market for sale by private treaty for a sale price of not less than 10 percent below the reserve price on the day of auction.

4. If a price as determined above is not achievable, that the determination of sale be returned for consideration by Council.
5. Keeps confidential the attachment supplied under separate cover containing the auction reserve price, 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.
6. Transfers the net proceeds from the sale into the relevant Section 94 Contribution Fund as per Section 32(5) of the Local Government Act 1993.

Amendment: **Moved: Clr Hadchiti** **Seconded: Clr Mannoun**

That Council:

1. Approves the method of sale of Lot 536 DP 865435, 54 Nineteenth Avenue, Hoxton Park to be by public auction to be held on Saturday 4 August 2012 with a reserve price as outlined in the confidential attachment.
2. Agrees that the General Manager or his nominee be authorised to negotiate the sale of Lot 536 DP 865435, 54 Nineteenth Avenue, Hoxton Park, if not sold under the hammer, for a sale price of not less than ten percent below the reserve price, which is to be determined by Council at the next Council meeting subject to a formal valuation being undertaken, and execute the contract for sale to facilitate the exchange of contracts on the day of the auction.
3. Agrees that if the property is not sold at auction it is immediately placed on the open market for sale by private treaty.
4. Keeps confidential the attachment supplied under separate cover containing the auction reserve price, 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.
5. Transfers the net proceeds from the sale into the relevant Section 94 Contribution Fund as per Section 32(5) of the Local Government Act 1993.

The amendment put forward by Clr Hadchiti was withdrawn.

Amendment: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That Council defers the item until the July meeting and that a report to Council outlining all the available options, including a formal valuation of the site and sub-division of the land by Council is received for consideration

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

The amendment became a motion and the motion was CARRIED.

Open Council resumed at 9.15pm. The public and media entered the chamber.

On re-opening the meeting to the public the resolution of Council was read to the public by the Chairperson:

CORS 08

That Council defers the item until the July meeting and that a report to Council outlining all the available options, including a formal valuation of the site and sub-division of the land by Council is received for consideration.

CLOSE

THE MEETING CLOSED AT 9:17PM



MINUTES OF THE ORDINARY MEETING HELD ON 23 JULY 2012

PRESENT:

Mayor Waller
 Councillor Gillani
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Lucas
 Councillor McGoldrick
 Councillor Napoletano
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mr Matthew Walker, Acting Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Ms Sandra Kubecka, Acting Director - City Services
 Mr David Tuxford, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7:00pm

OPENING 7.00PM

PRAYER The prayer of Council was read by Reverend David O'Mara from St Mark's Anglican Church

APOLOGIES Cllr Mannoun

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Gillani**

CONDOLENCES Nil

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 25 June 2012 be confirmed as a true record of that meeting.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Stanley**

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

DECLARATIONS OF INTEREST

Clr Hadchiti declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 05 SECTION 82A REVIEW OF DETERMINATION OF DA-491/2012: DEMOLITION OF EXISTING MEDICAL CENTRE AND ERECTION OF NEIGHBOURHOOD SHOPS DEVELOPMENT

Item IHAP 06 SUBDIVISION OF EXISTING LOT INTO FOUR TORRENS TITLE ALLOTMENTS

Reason: Liverpool branch of the Liberal Party leases a property on a month to month basis from a company of which the applicant is either a shareholder or director

Clr Hadchiti will not leave the Chambers for the duration of this item.

Clr Hadid declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 05 SECTION 82A REVIEW OF DETERMINATION OF DA-491/2012: DEMOLITION OF EXISTING MEDICAL CENTRE AND ERECTION OF NEIGHBOURHOOD SHOPS DEVELOPMENT

Item IHAP 06 SUBDIVISION OF EXISTING LOT INTO FOUR TORRENS TITLE ALLOTMENTS

Reason: Liverpool branch of the Liberal Party leases a property on a month to month basis from a company of which the applicant is either a shareholder or director

Clr Hadid will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Signe Westerberg made a presentation on the Coal Seam Gas Moratorium.

Linda Bardo made a presentation on Tavistock Road.

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr McGoldrick**

That a five minute extension of time be given to Linda Bardo.

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

SPEAKERS FORUM

Peter Ristevski addressed Council on the following items:

Item – NOMO 04 –PARKING STRATEGY

Correy Harrington addressed Council on the following items:

Item – NOMO 04 –PARKING STRATEGY

Roslyn Fagan addressed Council on the following items:

Item – IHAP 04 - MODIFICATION TO DEVELOPMENT CONSENT DA-106/2005/C

Raffaele Catanzariti addressed Council on the following items:

Item – CITS 04 – TENDER ST2114 RURAL ROADSIDE RUBBISH AND DEAD ANIMAL REMOVAL

MAYORAL MINUTE

Subject: GMRR 03 – Section 6 from Council Meeting, 25 June 2012

Given the legal advice I have received in my capacity as Mayor I am referring GMRR 03, section six from the Council Meeting of the 25 June 2012, to the Director General of Local Government. This referral to include but not be limited to all reports and information including the Sole Reviewer's report, the Council minutes of GMRR 03 from the Council meeting including the Council resolution carried on the 25 June 2012.

Motion: **Moved: Mayor Waller**

That the Mayoral Minute be noted.

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

NOTICES OF MOTION**NOMO 01**

ITEM NO: NOMO 01
FILE NO: 2012/0292
SUBJECT: CODE OF CONDUCT REVIEW - THE FACTS

RECOMMENDATION

That Council resolves to go into an open committee of the Council so that the Mayor can explain public statements made by her in regard the Independent Reviewers Code of Conduct Report and Findings.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Clr Stanley left the room at 7.39pm.

Mayor Waller declared a Conflict of Interest and vacated the Chair.

Mayor Waller left the room at 7.44pm.

Clr Gillani left the room at 7.44pm.

Clr Karnib left the room at 7.44pm

Deputy Mayor Clr Napoletano accepted the Chair at 7.44pm.

Clr McGoldrick left the room at 7.46pm

The Chair called for the meeting to be adjourned for 5 minutes at 7.50pm.

Mayor Waller returned to the room at 7.52pm and resumed the Chair.

Clr Gillani returned to the room at 7.52pm.

Clr Stanley returned to the room at 7.52pm

Clr Karnib returned to the room at 7.52pm

Clr McGoldrick returned to the room at 7.52pm

Motion:

Moved: Clr Stanley

Seconded: Clr Karnib

That the meeting be called back to order and NOMO 01 be deferred to the end of the meeting.

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

NOMO 02

ITEM NO: NOMO 02
FILE NO: 2012/0292
SUBJECT: GATEWAY AT WARWICK FARM RACECOURSE FROM CABRAMATTA CREEK UP TO THE FIRST ACCESS ROAD ON THE EASTERN SIDE OF THE HUME HIGHWAY

RECOMMENDATION

That Council:

1. Directs the General Manager to authorise the immediate removal of the existing privet trees
2. Has the design section of the council draw up plans for the landscaping of the area in question
3. The ATC be consulted of council's decision and be invited to participate in designing and possible funding
4. The results of b & c be referred to the June quarter review for consideration of funding
5. The Council's environment section prepares a report to the briefing session in August on the procedure for the listing of the privet tree as noxious weed

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

1. That Council's design section prepares concept plans for the enhancement of the Hume Highway from Cabramatta Creek to the first main access to the ATC on the eastern side.
2. That Council's environment section prepares a report to the briefing session after the elections on the procedures for the listing of the privet tree as a noxious weed.
3. That the ATC be advised of the Council's decision on 1 and be invited to participate in the design and possible funding.
4. That the estimated costing for 1 be referred to the September quarter review for consideration.

Amendment: **Moved: Cllr McGoldrick** **Seconded: Cllr Gillani**

That Council seeks costings for the proposal before the motion is carried.

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

The amendment becomes the motion and the motion was declared CARRIED.

NOMO 03

ITEM NO: NOMO 03
FILE NO: 2012/0292
SUBJECT: ILLEGAL FILLING AND DUMPING IN THE RURAL AREAS

RECOMMENDATION

That Council:

1. Engage the services of an Environmental Legal Consultant to assist the Council in collating all known outstanding illegal dumping and land filling in the rural areas of the Liverpool Local Government Area with a view of taking those matters to the Land and Environment Court for final resolution.

2. The Environment Legal Consultant to also assist the Council in the preparation of a policy that will ensure that all land owners in the rural areas are informed of their legal responsibilities and that the rural landscape is properly maintained and managed in relation to land fill.

3. A report to be presented to the August briefing session on the progress of points one and two.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded:**

The motion put by Clr Lucas lapsed due to lack of a seconder.

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That Council brings forward GMRR 04 - CBD PARKING STRATEGY REVIEW.

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

GMRR 04

ITEM NO: GMRR 04
FILE NO: 2006/1041
SUBJECT: CBD PARKING STRATEGY REVIEW

RECOMMENDATION

That Council:

1. Receive and notes the report.
2. Notes and approves the following amendments to Pay and Display parking in the Liverpool City Centre.

On-street parking

- Tariff to remain at \$2.00 per hour.
- Hours of operation reduced from 8.00am to 6.00pm to 9.00am to 6.00pm Monday to Friday and 8.00am to 12:30pm to 9.00am to 12:30pm Saturday except areas affected by other restrictions (Bus Zones, Clearways, etc.).

Bathurst Street Car Park

- Tariff reduced from \$2 per hour to \$1.50 per hour.
- Hours of operation to remain unchanged.

Northumberland Street Car Park

- Levels three and four - provide three hours free parking (without ticket).
- Permit all-day paid parking at \$1 per hour or \$7.00 all-day.
- Ground, levels one and two reduce the tariff to \$1.50 per hour.

3. Approves the issuing of 5 parking permits, free of charge, to the Australian Red Cross Blood Bank. These permits will be issued by the Blood Bank and to be only used by their donors whilst donating blood to exempt them from paying for parking meter fees in the immediate vicinity of their premises at 50 Macquarie Street, Liverpool.
4. Notes that an additional 130 all-day free car parking spaces will be provided at Collimore Car Park.
5. Be provided with the Education and Communication strategy, which is to include the location of all Council car parks, time restrictions and tariffs that apply, shuttle bus service and motorcycle parking.
6. Prepares a Draft Permit Parking Policy to be presented to Council at its meeting to be held on 20 August 2012.
7. Allows motorcyclist to park without the need to display a parking machine ticket, as per the current practice.

8. Carries out a signage audit to improve parking signage, with appropriate corrective action to be taken accordingly.
9. Conducts a survey of on-street and off-street parking usage with amendments to tariffs and reduction of free parking where occupancy approaches eighty five per cent occupancy.
10. Informs ratepayers of the car parking and transport improvements created through ticketed parking income and reported through Council's annual report.
11. Conducts future surveys on businesses and consumer attitudes towards ticketed parking.
12. Continues to implement the Liverpool CBD Parking Strategy with a further report to be presented to Council.

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Hadid

That Council:

1. Receive and notes the report.
2. Notes and approves the following amendments to Pay and Display parking in the Liverpool City Centre.

On-street parking

- Tariff to remain at \$2.00 per hour.
- Hours of operation reduced from 8.00am to 6.00pm to 10.00am to 6.00pm Monday to Friday and 8.00am to 12:30pm to 10.00am to 12:30pm Saturday except areas affected by other restrictions (Bus Zones, Clearways, etc.).

Bathurst Street Car Park

- Tariff reduced from \$2 per hour to \$1.50 per hour.
- Hours of operation to remain unchanged.

Northumberland Street Car Park

- Levels three and four - provide three hours free parking (without ticket).
- Permit all-day paid parking at \$1 per hour or \$7.00 all-day.
- Ground, levels one and two reduce the tariff to \$1.50 per hour.

3. Approves the issuing of 8 parking permits, free of charge, to the Australian Red Cross Blood Bank. These permits will be issued by the Blood Bank and to be only used by their donors whilst donating blood to exempt them from paying for parking meter fees in the immediate vicinity of their premises at 50 Macquarie Street, Liverpool.

4. Notes that an additional 130 all-day free car parking spaces will be provided at Collimore Car Park.
5. Be provided with the Education and Communication strategy, which is to include the location of all Council car parks, time restrictions and tariffs that apply, shuttle bus service and motorcycle parking.
6. Prepares a Draft Permit Parking Policy to be presented to Council at its meeting to be held on 20 August 2012.
7. Allows motorcyclist to park without the need to display a parking machine ticket, as per the current practice.
8. Carries out a signage audit to improve parking signage, with appropriate corrective action to be taken accordingly.
9. Conducts a survey of on-street and off-street parking usage with amendments to tariffs and reduction of free parking where occupancy approaches eighty five per cent occupancy.
10. Informs ratepayers of the car parking and transport improvements created through ticketed parking income and reported through Council's annual report.
11. Conducts future surveys on businesses and consumer attitudes towards ticketed parking.
12. Continues to implement the Liverpool CBD Parking Strategy with a further report to be presented to Council.
13. Investigates a Pensioner Parking Scheme (a free/concession system where pensioners can park for free in the CBD in accordance with Council signage).
14. Investigates a Business Owner Parking Scheme (For business owners wishing to pay a premium)
15. Investigates a Resident Parking Scheme for residents who live in the CBD, so that residents are able to park for free outside their dwellings.

Amendment:

Moved: Cllr Stanley

Seconded: Cllr Gillani

That Council:

1. Receive and notes the report.
2. Notes and approves the following amendments to Pay and Display parking in the Liverpool City Centre.

On-street parking

- Tariff to remain at \$2.00 per hour.

- Hours of operation reduced from 8.00am to 6.00pm to 9.00am to 6.00pm Monday to Friday and 8.00am to 12:30pm to 9.00am to 12:30pm Saturday except areas affected by other restrictions (Bus Zones, Clearways, etc.).

Bathurst Street Car Park

- Tariff reduced from \$2 per hour to \$1.50 per hour.
- Hours of operation to remain unchanged.

Northumberland Street Car Park

- Levels three and four - provide three hours free parking (without ticket).
 - Permit all-day paid parking at \$1 per hour or \$7.00 all-day on levels 3 and four
 - Ground, levels one and two reduce the tariff to \$1.50 per hour.
3. Approves the issuing of 8 parking permits, free of charge, to the Australian Red Cross Blood Bank. These permits will be issued by the Blood Bank and to be only used by their donors whilst donating blood to exempt them from paying for parking meter fees in the immediate vicinity of their premises at 50 Macquarie Street, Liverpool.
 4. Notes that an additional 130 all-day free car parking spaces will be provided at Collimore Car Park.
 5. Be provided with the Education and Communication strategy, which is to include the location of all Council car parks, time restrictions and tariffs that apply, shuttle bus service and motorcycle parking.
 6. Prepares a Draft Permit Parking Policy to be presented to Council at its meeting to be held on 20 August 2012.
 7. Allows motorcyclist to park without the need to display a parking machine ticket, as per the current practice.
 8. Carries out a signage audit to improve parking signage, with appropriate corrective action to be taken accordingly.
 9. Conducts a survey of on-street and off-street parking usage with amendments to tariffs and reduction of free parking where occupancy approaches eighty five per cent occupancy.
 10. Informs ratepayers of the car parking and transport improvements created through ticketed parking income and reported through Council's annual report.
 11. Conducts future surveys on businesses and consumer attitudes towards ticketed parking.
 12. Continues to implement the Liverpool CBD Parking Strategy with a further report to be presented to Council.

13. Provides a Resident Parking Scheme for residents who live in the CBD, so that residents are able to park for free outside their dwellings.

14. Investigates a Pensioner Parking Scheme (a free/concession system where pensioners can park in the CBD for free in accordance with Council signage).

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

The amendment became the motion and the motion was declared CARRIED.

NOMO 04

ITEM NO: NOMO 04
FILE NO: 2012/0292
SUBJECT: PARKING STRATEGY

RECOMMENDATION

That Council:

1. Implement a 'pay as you stay' parking payment system similar to the Warren Serviceway Carpark on all levels except the ground floor of Northumberland st Carpark as well as providing 2 hours free parking. The ground floor to remain pay and display.
2. Offer weekly/monthly all day parking on the top level of Northumberland Street for a \$4 daily fee. This is to be limited to 3 passes per business
3. Allow 15 minute free parking on the streets where parking meters exist. Tickets will have to still be displayed
4. Change the hours that meters operate to 10am to 3pm weekdays only and all day free parking on the weekends
5. Allow free parking in Scott Street car park on Friday night from 6pm and all day Saturday and Sunday. This is subject to it not interfering with council moving there and the current tenants. There currently is no boom gate in operation there
6. To commence the process of identifying potential sites for a new car park(s) in the Southern end of the CBD to be paid for using income received from the parking meters and Northumberland and Bathurst Street car parks. This is either for grade or multi-level car park or both
7. Creates parking permits for residents of Bathurst Street
8. Use funds from the parking meter fund to pay for the above

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Receive and notes the report.
2. Notes and approves the following amendments to Pay and Display parking in the Liverpool City Centre.

On-street parking

- Tariff to remain at \$2.00 per hour.
- Hours of operation reduced from 8.00am to 6.00pm to 10.00am to 6.00pm Monday to Friday and 8.00am to 12:30pm to 10.00am to 12:30pm Saturday except areas affected by other restrictions (Bus Zones, Clearways, etc.).

Bathurst Street Car Park

- Tariff reduced from \$2 per hour to \$1.50 per hour.
- Hours of operation to remain unchanged.

Northumberland Street Car Park

- Levels three and four - provide three hours free parking (without ticket).
 - Permit all-day paid parking at \$1 per hour or \$7.00 all-day.
 - Ground, levels one and two reduce the tariff to \$1.50 per hour.
3. Approves the issuing of 8 parking permits, free of charge, to the Australian Red Cross Blood Bank. These permits will be issued by the Blood Bank and to be only used by their donors whilst donating blood to exempt them from paying for parking meter fees in the immediate vicinity of their premises at 50 Macquarie Street, Liverpool.
 4. Notes that an additional 130 all-day free car parking spaces will be provided at Collimore Car Park.
 5. Be provided with the Education and Communication strategy, which is to include the location of all Council car parks, time restrictions and tariffs that apply, shuttle bus service and motorcycle parking.
 6. Prepares a Draft Permit Parking Policy to be presented to Council at its meeting to be held on 20 August 2012.
 7. Allows motorcyclist to park without the need to display a parking machine ticket, as per the current practice.
 8. Carries out a signage audit to improve parking signage, with appropriate corrective action to be taken accordingly.
 9. Conducts a survey of on-street and off-street parking usage with amendments to tariffs and reduction of free parking where occupancy approaches eighty five per cent occupancy.
 10. Informs ratepayers of the car parking and transport improvements created through ticketed parking income and reported through Council's annual report.
 11. Conducts future surveys on businesses and consumer attitudes towards ticketed parking.
 12. Continues to implement the Liverpool CBD Parking Strategy with a further report to be presented to Council.

13. Investigates a Pensioner Parking Scheme (a free/concession system where pensioners can park in the CBD for free in accordance with Council signage)
14. Investigates a Business Owner Parking Scheme (For those wishing to pay a premium)
15. Investigates a Resident Parking Scheme for residents who live where there are parking meters, so that people are able to park for free outside their dwellings.

Amendment:

Moved: Cllr Stanley

Seconded: Cllr Gillani

1. Receive and notes the report.
2. Notes and approves the following amendments to Pay and Display parking in the Liverpool City Centre.

On-street parking

- Tariff to remain at \$2.00 per hour.
- Hours of operation reduced from 8.00am to 6.00pm to 9.00am to 6.00pm Monday to Friday and 8.00am to 12:30pm to 9.00am to 12:30pm Saturday except areas affected by other restrictions (Bus Zones, Clearways, etc.).

Bathurst Street Car Park

- Tariff reduced from \$2 per hour to \$1.50 per hour.
- Hours of operation to remain unchanged.

Northumberland Street Car Park

- Levels three and four - provide three hours free parking (without ticket).
- Permit all-day paid parking at \$1 per hour or \$7.00 all-day on levels 3 and four
- Ground, levels one and two reduce the tariff to \$1.50 per hour.

3. Approves the issuing of 8 parking permits, free of charge, to the Australian Red Cross Blood Bank. These permits will be issued by the Blood Bank and to be only used by their donors whilst donating blood to exempt them from paying for parking meter fees in the immediate vicinity of their premises at 50 Macquarie Street, Liverpool.
4. Notes that an additional 130 all-day free car parking spaces will be provided at Collimore Car Park.
5. Be provided with the Education and Communication strategy, which is to include the location of all Council car parks, time restrictions and tariffs that apply, shuttle bus service and motorcycle parking.
6. Prepares a Draft Permit Parking Policy to be presented to Council at its meeting to be held on 20 August 2012.
7. Allows motorcyclist to park without the need to display a parking machine ticket, as per the current practice.

8. Carries out a signage audit to improve parking signage, with appropriate corrective action to be taken accordingly.
9. Conducts a survey of on-street and off-street parking usage with amendments to tariffs and reduction of free parking where occupancy approaches eighty five per cent occupancy.
10. Informs ratepayers of the car parking and transport improvements created through ticketed parking income and reported through Council's annual report.
11. Conducts future surveys on businesses and consumer attitudes towards ticketed parking.
12. Continues to implement the Liverpool CBD Parking Strategy with a further report to be presented to Council.
13. Provides a Resident Parking Scheme for residents who live in the CBD, so that residents are able to park for free outside their dwellings.
14. Investigates a Pensioner Parking Scheme (a free/concession system where pensioners can park in the CBD for free in accordance with Council signage)

On being put to the meeting, the motion moved by Cllr Hadchiti was declared LOST.

One being put to the meeting, the amendment moved by Cllr Stanley was declared CARRIED.

The amendment became the motion and the motion was declared CARRIED.

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: DA-714/2012
SUBJECT: SUBDIVISION OF ONE EXISTING RESIDENTIAL LOT INTO FOUR TORRENS TITLE LOTS AND RETENTION OF THE EXISTING DWELLING

RECOMMENDATION

That Council:

1. Approves DA-741/2012 proposing the subdivision of an existing residential lot into four Torrens Title Lots at 238 - 240 North Liverpool Road, Green Valley, subject to the attached conditions of consent
2. Supports the variation to Clause 7.13 - Minimum lot width in Zones R1, R2, R3 and R4 made pursuant to Clause 4.6 of LLEP 2008.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Stanley**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

IHAP 02

ITEM NO: IHAP 02
FILE NO: DA-941/2012
SUBJECT: RESUBDIVISION OF TWO EXISTING LOTS

RECOMMENDATION

That Council:

1. Approves DA-941/2012 proposing the re-subdivision of Lots 310 and 311 into two residential lots at Lots 310 and 311 Melrose Street, Middleton Grange, subject to the attached conditions of consent; and
2. Supports the variation to Clause 4.1 - Minimum subdivision lot size made pursuant to Clause 4.6 of LLEP 2008.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

IHAP 03

ITEM NO: IHAP 03
FILE NO: DA-506/2012
SUBJECT: ALTERATIONS AND ADDITIONS TO EXISTING DWELLING TO CONVERT INTO A BUSINESS PREMISES (SECURITY COMPANY) INCLUDING PROVISION OF CAR PARKING, AND INSTALLATION OF BUSINESS IDENTIFICATION SIGNAGE

RECOMMENDATION

That Council:

1. Approves Development Application DA-506/2012 proposing alterations and additions to existing dwelling to convert into a business premises (security company) including provision of car parking and installation of business identification signage at 216 Leacocks Lane, Casual subject to the deferred commencement conditions of consent and for a 12 month trial period.
2. Notifies persons who made a submission to the proposal.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Approves Development Application DA-506/2012 proposing alterations and additions to existing dwelling to convert into a business premises (security company) including provision of car parking and installation of business identification signage at 216 Leacocks Lane, Casual subject to the deferred commencement conditions of consent
2. Notifies persons who made a submission to the proposal.
3. Remove Condition 45 and on Condition 56.3 after Sunday add “excluding employees”.

Amendment **Moved: Clr Stanley** **Seconded: Clr Gillani**

That Council:

1. Approves Development Application DA-506/2012 proposing alterations and additions to existing dwelling to convert into a business premises (security company) including provision of car parking and installation of business identification signage at 216 Leacocks Lane, Casual subject to the deferred commencement conditions of consent and for a 12 month trial period.

2. Notifies persons who made a submission to the proposal.

One being put to the meeting the amendment was declared CARRIED.

The amendment became the motion and the motion was declared CARRIED.

Vote For: Mayor Waller, Clr Gillani, Clr Karnib, Clr McGoldrick, Clr Stanley

Vote Against: Clr Hadchiti, Clr Hadid, Clr Harle, Clr Lucas, Clr Napoletano

The Mayor used her casting vote for the amendment.

IHAP 04

ITEM NO: IHAP 04
FILE NO: DA-106/2005/C
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT
DA-106/2005/C

RECOMMENDATION

That Council:

1. Approves modification application (DA-106/2005/C) which seeks to modify Development Consent DA-106/2005 at Lot 1 in DP 1125413 No. 85 - 111 Alfred Road, Chipping Norton subject to amendments to the conditions contained within original determination notice.
2. Notifies persons who made a submission with regard to the proposal.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr McGoldrick**

That Council:

1. Defers modification application (DA-106/2005/C) which seeks to modify Development Consent DA-106/2005 at Lot 1 in DP 1125413 No. 85 - 111 Alfred Road, Chipping Norton subject to amendments to the conditions contained within original determination notice until the applicant addresses concerns that it will increase the volume of the traffic in and out of the area
2. Notifies persons who made a submission with regard to the proposal.

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

Councillors voted unanimously for the motion.

IHAP 05

ITEM NO: IHAP 05
FILE NO: RD-2/2012
SUBJECT: SECTION 82A REVIEW OF DETERMINATION OF DA-491/2012: DEMOLITION OF EXISTING MEDICAL CENTRE AND ERECTION OF NEIGHBOURHOOD SHOPS DEVELOPMENT

RECOMMENDATION

That Council:

1. Pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, support Review Application RD-2/2012 .
2. Pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, Council's Refusal Notice of Determination dated 5 March 2012 for the demolition of existing medical centre and erection of neighbourhood shops at Lot 215 DP 1104356, 20 Mustang Close Middleton Grange be changed.
3. Approve Development Application DA-491/2012 for the demolition of existing medical centre and erection of neighbourhood shops at Lot 215 DP 1104356, 20 Mustang Close Middleton Grange subject to Council's Officers imposing conditions of consent.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

IHAP 06

ITEM NO: IHAP 06
FILE NO: DA-841/2012
SUBJECT: SUBDIVISION OF EXISTING LOT INTO FOUR TORRENS
TITLE ALLOTMENTS

RECOMMENDATION

That Council:

1. Approves DA-841/2012 proposing the subdivision of an existing lot into four Torrens Title allotments at 20 Mustang Close, Middleton Grange.
2. Supports the variation made pursuant to Clause 4.6 of LLEP 2008 to vary the minimum lot size prescribed by Clause 4.1 of LLEP 2008.
3. Supports the variation made pursuant to Clause 4.6 of LLEP 2008 to vary the minimum lot width prescribed by Clause 7.13 of LLEP 2008.
4. Delegates to the Director of City Planning to impose appropriate conditions of consent for DA-841/2012.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

GENERAL MANAGER'S REPORT**GMRR 01**

ITEM NO: GMRR 01
FILE NO: 2010/1979
SUBJECT: LOCAL GOVERNMENT ASSOCIATION ANNUAL
CONFERENCE MOTIONS

RECOMMENDATION

That Council adopts the following motions and notes that they will be sent to the Local Government Association of New South Wales for inclusion in the 2012 Conference business paper:

1. That the Local Government Association advocate to the NSW Government for significantly increased funding for public library services to support both capital and recurrent library projects and services.
2. That the Local Government Association lobby the NSW Government to reconsider the Section 94 Cap in light of the significant shortfall in the provision of infrastructure that will occur as a result of capped contributions.
3. That the Local Government Association establishes a State Infrastructure Delivery Committee to assist in the efficient and coordinated delivery of infrastructure across the State.
4. That the Local Government Association lobby the NSW Government to adopt a more fair and consistent approach to the spread of intermodal, freight and logistics facilities around the Sydney metropolitan area, rather than focus significant intermodal, freight and logistics centres in only a few locations.
5. That the Local Government Association establishes a State Government Agency Location Strategy which provides a coordinated approach for the repositioning of State Government agencies to match National and State government employment targets.
6. That the Local Government Association lobby the NSW Government to acknowledge the impact that noise restrictions have on land owners surrounding the airport, and be proactive about removing unnecessary restrictions that are associated with the Badgerys Creek airport that is no longer proceeding.
7. That the Local Government Association lobby the NSW Government to create a consistent legislative and policy direction for land use planning.
8. That Governor Macquarie Drive in Chipping Norton be reclassified from a Regional Road to a State Road.

9. That the Hume Highway and Hoxton Park Road Intersection to be upgraded to a graded separated intersection.

COUNCIL DECISION

Motion:

Moved: Cllr Napoletano

Seconded: Cllr Hadchiti

That the recommendation be adopted.

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

GMRR 02

ITEM NO: GMRR 02
FILE NO: 2011/0083
SUBJECT: MEMBERSHIP OF KIAMA MUNICIPAL COUNCIL INTO METRO
POOL AND UNITED INDEPENDENT POOLS

RECOMMENDATION

That Council:

1. Receives and notes the information.
2. Notes that the General Manager will execute all necessary legal documents associated with the inclusion of Kiama Municipal Council to Metro Pool and United Independent Pools.

COUNCIL DECISION

Motion: **Moved: Clr Napoletano** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

GMRR 03

ITEM NO: GMRR 03
FILE NO: 2012/2112
SUBJECT: NO INTERMODAL WORKING PARTY MINUTES OF MEETING
OF 3 JULY 2012

RECOMMENDATION

That Council notes the minutes of the No Intermodal Working Party of 3 July 2012.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

GMRR 05

ITEM NO: GMRR 05
FILE NO: 2007/0442
SUBJECT: REQUEST FOR ACCESS LICENCE OVER LOT 6 DP 803038, SIRIUS ROAD, VOYAGER POINT BY THE ADJOINING OWNER OF LOT 68 DP 752034, SIRIUS ROAD, VOYAGER POINT

RECOMMENDATION

That Council:

1. Rescind the 28 November 2005 resolution granting an access licence to the adjoining owner of Lot 68 DP 752034 upon Lot 6 DP 803038 as it cannot be lawfully implemented and would constitute a breach of the Local Government Act;
2. Notes that a response letter was sent to the Solicitor acting for the owner of Lot 68 DP 752034, Sirius Road, Voyager Point advising that the 28 November 2005 resolution cannot be lawfully implemented.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Gillani**

That the recommendation be adopted.

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

GMRR 06

ITEM NO: GMRR 06
FILE NO: 2010/1548
SUBJECT: COMMONWEALTH INTERMODAL FREIGHT TERMINAL

RECOMMENDATION

That Council writes to the Department of Finance and Deregulation:

1. Allowing access to the Casula Powerhouse Parklands to undertake the requested studies and assessments required to determine an appropriate Georges River crossing for the freight line connection between the Southern Sydney Freight Line and the proposed Commonwealth Intermodal Terminal site conditional on full and complete access to all data gathered from the studies and assessments undertaken being provided to Council;
2. Reaffirming its objection to the proposed Moorebank Intermodal Freight Terminal and expressing serious concerns over the potential impacts of a freight line on the adjoining Casula residents and ensuring that the potential impacts on the residential community are fully investigated.

COUNCIL DECISION

Motion: Moved: Clr Hadchiti Seconded: Clr Lucas

That Council writes to the Department of Finance and Deregulation:

1. Refusing access to the Casula Powerhouse Parklands to undertake the requested studies and assessments required to determine an appropriate Georges River crossing for the freight line connection between the Southern Sydney Freight Line and the proposed Commonwealth Intermodal Terminal site conditional on full and complete access to all data gathered from the studies and assessments undertaken being provided to Council until information is forthcoming from the relevant authorities that can:
 - a) Articulate the impact of the noise and what attenuation measures are planned.
 - b) Articulate the effects and impact on the surrounding land including Casula Powerhouse as a cultural facility and access.
 - c) Provide detailed concept plans for remedial measures they propose to mitigate any negative impacts.
2. Reaffirming its objection to the proposed Moorebank Intermodal Freight Terminal and expressing serious concerns over the potential impacts of a freight line on the adjoining Casula residents and ensuring that the potential impacts on the residential community are fully investigated.

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

CORPORATE SERVICES REPORT

CORS 01

ITEM NO: CORS 01
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT JUNE 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Motion: **Moved: Clr McGoldrick** **Seconded :Clr Hadchiti**

That Council brings forward CITS 04 - TENDER ST2114 - RURAL ROADSIDE RUBBISH AND DEAD ANIMAL REMOVAL.

On being put to the meeting the motion was declared CARRIED

CITS 04

ITEM NO: CITS 04
FILE NO: 2011/5016
SUBJECT: TENDER ST2114 - RURAL ROADSIDE RUBBISH AND DEAD ANIMAL REMOVAL

RECOMMENDATION

That Council:

1. Accepts the tender submitted by Johnwood Pty Ltd for Contract ST2114 - Rural Roadside Rubbish And Dead Animal Removal for a period of two years.
2. Notes that Council's designated officer will finalise all details and sign the Letter of Acceptance of the Johnwood Pty Ltd tender, giving it contractual effect, in accordance with his delegated authority.
3. Keeps confidential the attachment supplied under separate cover containing the tendered prices 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 proposing to conduct business.

COUNCIL DECISION

Motion: **Moved: Clr McGoldrick** **Seconded: Clr Napoletano**

That Council:

1. Rejects all tenders as there is a current Industrial Relations dispute taking place and enters into negotiations with any or all of the tenderers.
2. In the intervening time, Council continues to use contractors to undertake the work.

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

Vote for: **Clr Hadchiti, Clr Hadid, Clr Harle, Clr Karnib, Clr Lucas, Clr McGoldrick, Clr Napoletano, Clr Stanley**

Vote Against: **Mayor Waller, Clr Gillani**

Adjournment of the meeting was called by the Chair for 5 minutes at 9.39pm

The meeting was called back to order at 9.45pm

CORS 02

ITEM NO: CORS 02
FILE NO: 2012/0998
SUBJECT: TENDER FOR THE CLEANING OF 33 MOORE STREET,
LIVERPOOL (ST2168)

RECOMMENDATION

That Council:

1. Accepts the tender submitted by Storm International Pty Ltd for Tender ST 2168 - Cleaning of 33 Moore Street, Liverpool for the price contained in the confidential attachment
2. Notes that Council's designated officer will finalise all details and sign the Letter of Acceptance of the Storm International Pty Ltd tender, giving it contractual effect, in accordance with his/her delegated authority.
3. Keeps confidential the report supplied under separate cover, containing the tendered prices pursuant to S10(2)(C) of the Local Government Act 1993, information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

CORS 03

ITEM NO: CORS 03
FILE NO: 2007/1138
SUBJECT: PROPOSED DISPOSAL OF LOT 1 DP 534648, 181 ELIZABETH DRIVE, LIVERPOOL

RECOMMENDATION

That Council:

1. Approves the sale of Lot 1 DP 534648, 181 Elizabeth Drive, Liverpool for the price and terms outlined in the confidential attachment;
2. Agrees to entering into a lease agreement for the portion of Lot 1 DP 534648, 181 Elizabeth Drive, Liverpool comprising of the 15 public car spaces for the amount and terms outlined in the confidential attachment;
3. Keeps confidential the attachment supplied under separate cover containing the purchase price and conditions 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;
4. Authorises its delegated officer to execute any document, under power of attorney necessary to give effect to this decision;
5. Transfers the net proceeds from the sale to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Cllr Napoletano** **Seconded: Cllr McGoldrick**

That the recommendation be adopted.

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

CORS 04

ITEM NO: CORS 04
FILE NO: 2011/5817
SUBJECT: ACQUISITION OF PART LOT 201 DP 2475, 155 SOUTHERN CROSS DRIVE, MIDDLETON GRANGE FOR OPEN SPACE PURPOSES

RECOMMENDATION

That Council:

1. Acquires part Lot 201 DP 2475, 155 Southern Cross Drive, Middleton Grange containing an area of approximately 693.7 square metres for the price and terms contained in the confidential attachment;
2. Upon settlement of the acquisition, classifies part Lot 201 DP 2475, 155 Southern Cross Drive, Middleton Grange as Community Land;
3. Keeps confidential the attachment supplied under separate cover containing the purchase price 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.
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

CITY PLANNING REPORT

PLAN 01

ITEM NO: PLAN 01
FILE NO: 2011/4255
SUBJECT: 2012 GREEN GRANTS PROGRAM

RECOMMENDATION

That Council:

1. Endorses the following applications for the 2012 Green Grants Program as outlined in this report.

Recipient	Project Description	Amount
1. Australian Foundation for Disability	At the Green Valley Day Program facility, the provision of a water tank, worm farm systems and vegetable gardens will strengthen participants understanding and confidence in their ability to practice sustainable behaviours and play a more active role in the community.	\$3,000.00
2. Vishwa Hindu Parishad of Australia	Students of the BalaSamskar Kendra of the Vishwa Hindu Parishad of Australia school will participate in an environmental education program that addresses sustainability practices around vegetation, water reduction and the natural environment. They will learn about the Australian relationship with the environment through field visits and workshops.	\$3,000.00
3. Cecil Hills High School	An environmental awareness program for the Special Education unit within the school. Students will develop an understanding of why the environment needs to be protected through the participation in field trips and developing hands-on gardening skills.	\$1,897.80
4. Miller Public School	Establishment of a fruit garden that will support sustainability practices within the school. Students will be encouraged to reduce, reuse and recycle their organic waste from the fruit garden and existing vegetable gardens and will have practical examples to demonstrate the importance of growing and consuming food locally.	\$1,905.00

5. Casula Public School	Establishment of a native garden and restoration of existing native garden areas within the school grounds. Students will be involved in the planning, planting and ongoing maintenance of the gardens.	\$3,000.00
6. Holsworthy Public School	Restoration of the school's native garden entrance and Lone Pine tree beds. Students and staff will engage with the broader community, such as the local Defence Force as the Lone Pine trees have great significance for the ANZAC. Students will participate in educational programs to raise their awareness of the Lone Pine tree and its significance and develop a sense of environmental stewardship through their involvement in planting and maintaining the gardens.	\$3,000.00
7. Warwick Farm Public School	The creation of a bush tucker garden will be used for storytelling by local elders and as an outdoor learning area. Students will be involved in the planting of the garden and develop skills and environmental awareness of the importance of locally grown food and its environmental benefits. Students will work closely with local Aboriginal elders in the establishment and maintenance of the garden.	\$2,150.00
8. Good Samaritan Catholic College	The installation of a rainwater tank will provide a practical sustainable action to managing their existing vegetable gardens and increase produce from the vegetable and herb garden. School organic waste will be reduced through the implementation of a composting system for the students and staff to use.	\$3,000.00
9. Hoxton Park Public School	'Grow with the Bunya's' is a project designed to enhance the school environment by planting trees and establishing gardens within the school. Students will be involved in the establishment, planting and maintaining of the gardens.	\$3,000.00
10. Cecil Hills Public School	Creation of a vegetable garden, orchard and an outdoor covered learning area. The design will incorporate water minimisation principles. Indigenous plants and artefacts	\$4,300.00

	will also be included in the garden area.	
11. Nuwarra Public School	The development of a sustainable vegetable garden and outdoor learning area will involve students, staff and parents. Students will be responsible for the researching and design of the garden, incorporating various sustainability principles.	\$3,080.00
Heckenberg Primary School	Students will be involved in the establishment of vegetable gardens in sites throughout the school. Students will also be working with the local Aboriginal community to establish a bush tucker garden.	\$4,000.00
Total funds allocated:		\$35,332.80

2. Notifies all applicants of the outcome of their application.

COUNCIL DECISION

Motion:

Moved: Clr Hadid

Seconded: Clr Hadchiti

That the recommendation be adopted.

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

PLAN 02

ITEM NO: PLAN 02
FILE NO: 2011/5948
SUBJECT: RESPONSE TO LETTER FROM GADENS LAWYERS
REGARDING WARWICK FARM

RECOMMENDATION

That Council:

1. Receives and notes this report.
2. Keeps confidential the attachment supplied under separate cover as per Section 10A(1)(e) of the Local Government Act 1993 as this information would, if disclosed, prejudice the maintenance of the law.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Gillani**

That the recommendation be adopted.

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

PLAN 03

ITEM NO: PLAN 03
FILE NO: RZ-9/2011
SUBJECT: DRAFT AMENDMENT NO 25 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - NEW BRIGHTON GOLF COURSE NUWARRA ROAD MOOREBANK DEVELOPMENT CONTROL PLAN AMENDMENT NO 7 AND DRAFT VOLUNTARY PLANNING AGREEMENT

RECOMMENDATION

That Council:

1. Proceed with the making of Draft Liverpool Local Environmental Plan 2008 Amendment No. 25 to:
 - a) Rezone the western portion of the New Brighton Golf Club site from RE2 Private Recreation to R1 General Residential.
 - b) Rezone a section of foreshore land 40 metres wide (including a 5 metre wide strip of land connecting the foreshore land to existing Council owned land) from RE2 Private Recreation to RE1 Public Recreation.
 - c) Reclassify part of Lt Cantello Reserve from community to operational and rezone that land from RE1 Public Recreation to RE2 Private Recreation.
 - d) Rezone a portion of land south of the M5 Motorway from RE2 Private Recreation to RE1 Public Recreation to assist in strengthening core support of that vegetation community.
 - e) Rezone a portion of land near Brickmakers Drive from RE2 Private Recreation to E2 Environmental Conservation to assist in strengthening core support of that vegetation community.
2. Writes to the Director-General of Department of Planning and Infrastructure requesting the making of Draft Liverpool Local Environmental Plan 2008 Amendment No. 25.
3. Adopts the amended draft Liverpool Development Control Plan 2008 (Amendment No 7) to introduce a chapter relating to the development of the New Brighton Golf Course lands.
4. Endorses the draft Voluntary Planning Agreement in its current form noting that it requires the developer to dedicate land, remediate the designated land, construct a shared bicycle and pedestrian paths and relocate and reconstruct an off leash dog park in Lt Cantello Reserve.

5. Delegates to the General Manager the functions of the Council in relation to deciding whether to enter into and entering into the voluntary planning agreement in the form that is publicly exhibited or with such alterations as the General Manager thinks fit provided that the General Manger is satisfied that no significant alterations are required to the voluntary planning agreement as publicly exhibited after considering any submissions made about the voluntary planning agreement. It is noted that this delegation is within the powers that can be dedicated under Section 633 of the Local Government Act 1993.
6. Notes the reclassification and rezoning of land mentioned in resolution 1(c) does not infer sale of the land as part of this report.

COUNCIL DECISION

Motion: **Moved: Cllr Napoletano** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

CITS 02

ITEM NO: CITS 02
FILE NO: 2012/1326
SUBJECT: ALLOCATION OF SPORTING GRANTS 2011-2012

RECOMMENDATION

That Council:

1. Adopts the following recommendations for Sporting Grants, as supported by the Liverpool City Sports Committee Grants Assessment Panel:

Sporting Club	Amount
South West Tigers Australian Football Club	\$3,185
Western Fury Football Club	\$1,844
Holy Family Bears	\$1,665
Moorebank Soccer Club	\$3,500
Moorebank/Liverpool District Hockey Club	\$1,350
Liverpool BMX Club	\$1,500
Liverpool Angels Baseball Club	\$2,850
Moorebank Baseball Softball Club	\$3,000
Liverpool Junior Oztag Sports Association	\$1,365
Liverpool City Cougars Rugby Club	\$800
Moorebank Sports Netball Club	\$600
Prestons Netball Club	\$785
Wildcats Softball Club	\$2,557
Total	\$25,000

2. Allocates the sport funding, which is specifically for people with a disability, to applicants who were identified as next eligible for available funding this year.

Sporting Club	Amount
Moorebank Baseball Softball Club	\$2,000
South West Tigers Australian Football Club	\$640
Western Fury Football Club	\$500
Prestons Netball Club	\$1,860
Total	\$5,000

3. Writes to advise unsuccessful clubs explaining why their application was unsuccessful and invite them to participate in the 2013 Sporting Grant Program.
4. Allocates the funds from the 2011/2012 budget allocation for the payment of grants.

COUNCIL DECISION

Motion:

Moved: Cllr Hadid

Seconded: Cllr Stanley

That the recommendation be adopted.

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

CITS 03

ITEM NO: CITS 03
FILE NO: 2012/0982
SUBJECT: TENDER ST2162 STREETScape WEED CONTROL

RECOMMENDATION

That Council:

1. Accept the tender submitted by Garden Growing Solutions for contract ST2162 for the price contained in the confidential attachment.
2. Notes that its designated officer will finalise all details and sign the Letter of Acceptance of the Garden Growing Solutions tender, giving it contractual effect, in accordance with his delegated authority.
3. Keeps confidential the attachment supplied under separate cover containing the tendered prices 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 proposing to conduct business.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for the motion.

CITY ASSETS REPORT

ASST 01

ITEM NO: ASST 01
FILE NO: 2011/4457
SUBJECT: LIVERPOOL CITY CENTRE RING ROAD

RECOMMENDATION

That Council receives and notes the contents of the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr McGoldrick**

That the recommendation be adopted.

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

Cllr Lucas requested his name to be recorded as voting against the motion.

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2011/6197
SUBJECT: ABORIGINAL CONSULTATIVE COMMITTEE MINUTES OF
THE MEETING HELD ON 6 JUNE 2012

RECOMMENDATION

That Council receives and notes the minutes of the Aboriginal Consultation Committee meeting held on 6 June 2012

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

COMM 02

ITEM NO: COMM 02
FILE NO: 2011/6360
SUBJECT: LIVERPOOL ACCESS COMMITTEE MINUTES OF THE MEETING HELD ON 14 JUNE 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Access Committee held on 14 June 2012.

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2010/1298
SUBJECT: LIVERPOOL YOUTH COUNCIL MINUTES OF THE MEETING HELD ON 19 JUNE 2012 AND LIVERPOOL YOUTH COUNCIL 2012 - 2014 MEMBERSHIP

RECOMMENDATION

That Council:

1. Receives and notes the minutes of the Liverpool Youth Council meeting held on 19 June 2012.
2. Endorses the following young people as members of the Liverpool Youth Council for the 2012 - 2014 term:

Daniel Conifer
Mikaela Connors
Katherine Fausset
Audrey Fignes
Sachin Kinger
Stanley M'mangwa
Paola Patti
Sindhu Ravichandar
Sarah Yahya
Nikole Vamarasi
Adrian Vincent

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

COMM 04

ITEM NO: COMM 04
FILE NO: 2012/1997
SUBJECT: MINUTES FOR CBD COMMITTEE MEETING HELD 25 JUNE 2012

RECOMMENDATION

The Council receives and notes the minutes of the CBD Committee meeting held on 25 June 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Harle** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

CORRESPONDENCE REPORTS

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

QUESTIONS WITH NOTICE

QWNO 01

ITEM NO: QWNO 01
FILE NO: 2012/0279
SUBJECT: QUESTIONS WITH NOTICE - CLR HADCHITI

RECOMMENDATION

- 1. Can Council be responsible if any emergency vehicle is unable to respond to an emergency due to not being able to access the location whilst vehicles are legally parked on either side of the street?**

If a vehicle is parked parallel to the kerb and fails to leave 3 metres of clear road alongside for another vehicle to pass, that vehicle is considered to be illegally parked and Council is not liable.

An extract from the 2008 Road Rules relating to this matter is provided below:

Division 8 Parallel parking:

(7) If the road does not have a continuous dividing line or a dividing strip, the driver must position the vehicle so there is at least 3 metres of the road alongside the vehicle that is clear for other vehicles to pass, unless otherwise indicated by information on or with a parking control sign.

(8) The driver must position the vehicle so the vehicle does not unreasonably obstruct the path of other vehicles or pedestrians.

- 2. What process do residents need to follow if their rubbish bins are not picked up due to the garbage collection truck being unable to access their street because vehicles are legally parked on either side of the street?**

Generally, if a garbage truck is unable to access the bins, the truck driver moves the bins to empty them. If the street is not accessible, due to cars parked on the street (either legally or illegally), then the truck returns at a later time to service those bins.

If the bins are missed, the residents can call Council's customer service number (1300 36 2170) and the trucks will return to service the bins.

In rare circumstances where the problem persists, Council asks residents to place the bins at an alternate location (wherever possible) for pickup so it can be accessed by the truck.

On some occasions, when there are no other options, Council seeks to get “No Parking” sign posting approved through the Traffic Committee to prevent cars being parked on the mornings of waste collection mornings.

Please note that at the Council meeting held on 25 June 2012, Council considered the response to Question 2 and resolved to receive a report which details information on the full avenues of Council’s alternatives to this problem.

QWNO 02

ITEM NO: QWNO 02
FILE NO: 2012/0279
SUBJECT: QUESTIONS WITH NOTICE - CLR HARLE

RECOMMENDATION

- 1. Concerning illegal dumping and land fill activities in rural areas. Can Council provide a summary of operations its enforcement section has conducted since January 2010, the results of that action, the number of fines issued and effects on the activity?**

Both Council and the Western Sydney Regional Illegal Dumping (RID) Squad officers patrol and enforce illegal landfill dumping within the rural areas of Liverpool.

The RID Squad officers are contracted to Council to investigate illegal waste dumping incidents around the urban fringes of Western Sydney. This includes tracking illegal landfills and taking enforcement action against identified offenders.

Over the past two years Council has conducted several joint illegal landfill operations with the RID Squad, Office Environment and Heritage and the Environmental Planning Authority (EPA). These operations combine officers together in both covert and overt surveillance operations. The operations have resulted in the identification of offenders and enforcement actions. Since January 2010, the RID squad has issued 12 infringement notices to offenders in relation to illegal landfill activity. The investigations relating to illegal land fill are usually lengthy.

Recent operations in rural areas such as Rossmore, West Hoxton, Greendale and Badgerys Creek, have also involved EPA Enforcement officers. Council officers have now established a partnership with the EPA to share information in relation to known offenders and landowners currently under investigation for illegal land filling. The RID Squad and Council have worked together on a number of subject properties and have issued seven formal Clean Up Notice directions to person(s) believed to be responsible for illegal landfill dumping. Regular patrols are also conducted within this part of the local government area to ensure compliance.

- 2. Can Council provide an update of the status of construction works carried out at the Al Amanah College in Speed Street Liverpool and have these works been approved by current DA's?**

The NSW Nation Building and Jobs Plan Taskforce authorised the construction of a new school hall and associated works at Al Amanah College on 10 April 2012. This approval was issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

As such the development was authorised directly by the State Government and no development application was approved by Council in relation to this development. A copy of this approval can be made available at your request.

3. Can Council provide an update of the extent of construction works and land fill carried out at Bellfield College in Rossmore and do these works comply with current DA certificates?

The NSW Nation Building and Jobs Plan Taskforce authorised delivery of an infrastructure project at the site in October 2010. This approval was issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

The approved works are as described below:

Demolition of existing site structures and construction of a new school complex comprising: a multi-purpose hall, a library, computer laboratories, school administration and classrooms; landscaping including tree removal; modification to dams and stormwater/drainage and associated works.

As such the development was authorised directly by the State Government and no development application was approved by Council in relation to this development. A copy of this approval can be made available at your request.

The private certifier conducted a site visit and advised that it appears that the works undertaken on the site, with respect to the playing fields and site filling, were outside the scope of the Construction Certificate issued, and is non-compliant with conditions of the Taskforce Consent. The private certifier also raised issues with respect to sedimentation. These concerns have been raised with management at the school and appropriate Notices are currently being prepared and issued.

4. Concerning the abandoning of shopping trolleys, can Council enforcement officers legally issue fines to persons that knowingly abandon shopping trolleys in residential areas?

Council officers have powers under the NSW Impounding Act 1993. Section 32 of the Act provides for the abandoning of an article or leaving an animal unattended in a public place. A person who abandons an article in a public place is guilty of an offence.

Council officers are authorised to issue a \$110.00 fine in relation to any persons observed abandoning any article (which includes shopping trolleys) in a public place. Enforcement of this provision is difficult as the Act requires that the person responsible has to be observed.

Council recognises that abandoned trolleys create a hazard for people walking on footpaths and are unsightly. As a result, Council holds regular meetings with local supermarkets and retailers, including Trolley Tracker, to ensure that procedures and resources are in place to expedite the collection of trolleys from public areas.

In the event that officers observe or receive complaints regarding abandoned trolleys, Trolley Tracker contractors are notified. The contractors guarantee a 24 hour turnaround once notified. This is effective as trolleys are promptly removed.

5. Concerning Paramour Reserve in Hinchinbrook, what is the status of programmed works for the reserve?

Further to Council's resolution at its meeting held on 19 December 2011, the financial provision of \$75,000 from Section 94 reserves to complete Stage One embellishment at Paramor Park has been included in the Draft 2012/2013 Open Space Construction Capital Budget. Council officers, with the community's input, have finalised the detailed design.

Tender drawings and documentation have been prepared for Stage One works, and subject to funding being approved, works are proposed to be delivered by December 2012.

Council will continue to investigate grant opportunities to provide funding for the future provision of Stage Two works which includes construction of jogging and cycling circuit footpaths along the banks of Paramor Park.

6. The Liverpool Regional Museum has had problems with vandalism and related security issues. What does Council propose to do to address these issues?

Incidences of vandalism and related security issues have declined over the last twelve months. This is attributed to the trimming of gardens and complete removal of the hedge, which now allows high visibility of the Museum and its surrounds.

Council officers are currently investigating the installation of boom gates towards the back of the car parking area which will prevent vehicles from parking behind the Museum outside the opening hours of the Museum.

7. To what extent can the Environment Levy be used to construct and install Gross Pollution Traps at stormwater drains feeding into creeks and rivers?

Whilst the Environment Levy is used to undertake works on the creek lines which improves waterways, it is not set up to construct Gross Pollutant Traps. Council has a specific Stormwater Levy that can be utilised for this purpose.

QWNO 03

ITEM NO: QWNO 03
FILE NO: 2012/0279
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION**1. Can I be advised of:****a) The condition of the footpath in Wonga Road**

Council has carried out an extensive survey of the concrete footpath in Wonga Road from Webster Road to Kurrajong Road. The recent survey has revealed that, in general, the condition of the footpath is very good except for a few isolated sections of footpath that have been raised or broken due to street trees.

The locations for repairs have been identified and programmed for priority repairs. It is expected these repairs will be completed by the end of August 2012.

b) The remedial work that has been undertaken and over what length of time has the temporary patching been carried out

When members of the public or Council staff report trip hazards caused by raised sections of footpaths, temporary repairs are carried out to ensure public safety until permanent repairs can be undertaken. As the footpath in Wonga Road is categorised as low usage, the repairs are generally completed within four to six months of it being reported.

c) Why the footpath has not been fully restored.

Following a request by the public, the site has been made safe by temporary repairs until permanent repairs can be undertaken. It is expected these permanent repairs will be completed by the end of August 2012.

2. Can I be advised:**a) How many Liverpool residents will be representing Australia at the London Olympics?**

To date, a number of sports have announced their teams for the 2012 Olympic Games. The following athletes, with a connection to Liverpool, have been selected to compete for Australia:

Name	Sport
Chloe Esposito	Modern Pentathlon (Chloe was a past recipient of a Liverpool City Council Sporting Donation)
Safwan Khalil	Taekwondo
Ali Khalil	Taekwondo Coaching Staff
Suzanne Balogh	Shooting

Further information about other local athletes with a connection to Liverpool competing in the Olympic Games will be forwarded when the remaining sports announce their teams and in consultation with the sports reporters of Liverpool local papers.

b) Are funds available from Council for a possible financial contribution to those Olympians?

Council's Sporting Donations are currently available to people who achieve national selection. Applicants must meet criteria, including current residence in Liverpool Local Government Area, be in receipt of one sporting donation per financial year, and need to apply before the event in order to be considered.

QWNO 04

ITEM NO: QWNO 04
FILE NO: 2012/0280
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

1. The residents of Antares Ave are still experiencing the problem with feral cats. Can the Council be proactive in writing to the residents and advise of methods to eradicate the feral cats or engage a contractor to eradicate the feral cats?
2. Can a report be presented to the briefing session on the removal costs and replacement costs of the old brick bus shelter at Balmain St. Cartwright? It is set back off the road and the user have difficulty in seeing the buses coming.
3. Residents are complaining about the stormwater runoff from the Liverpool General Cemetery at the bottom gate in Moore St. It exits from the bottom gate of the cemetery and down the council's footpath. Can this problem be fixed?
4. Can the Ordinance inspectors carry out a blitz in the Lehmanns Ave and Flowerdale Rd area on the illegal parking of trucks on the footpaths?
5. Is Council empowered to serve notice on those Multi Units fronting Copeland St that have furniture inside their properties creating an eyesore to the passing traffic. If refer specifically to number 47 Copeland St.
6. Council has been carry out drainage works at Brickmakers Creek at the Cumberland Highway my questions are:
 - a) What is the works being carried out?
 - b) When will the works be completed?
 - c) How are the works being funded?
 - d) In what budget were these works approved?
7. What has been allocated to Rosedale Park for infrastructure embellishment for the past 3 financial years including turf wicket preparation?
8. What is the costing of the fencing under construction at Rosedale Park and in what budget was it approved?
9. Can a report from the Events Officer be presented to the August briefing session on the outcome of the Volunteers thankyou of the 29th May. Such report to be on final costing, future invitees and ongoing yearly or bi yearly event.
10. Is it feasible to build a child care facility into the Main Library on a leasing arrangement?

- 11. A trench has been dug across Memorial Ave at Ireland park and is causing problems to the traffic movements. Who is responsible for the restoration of the road works?**
- 12. A stormwater lid has been barricaded off at the intersection of Elizabeth Drive and Bigge St since May. When will it be repaired and by whom?**
- 13. To assist Council when the Biodiversity Management Plan is reviewed can the Cumberland Observers Club be consulted on the bird species in the Liverpool LGA?**
- 14. Can a report be presented to the next appropriate briefing session on the intersection of 16th Ave and 2nd Ave advising:**
 - a) Safety of the intersection**
 - b) Plans for the intersection**
 - c) Funding for the intersection**
 - d) When planned works will be done**
 - e) RMS and Police reports on the safety of the intersection**
- 15. Will the council be applying for grants to assist with the introduction of fish species into Clinches Pond, Lake Bedwell and Georges River in the freshwater section.**
- 16. Can an update on the success of the poster removals and the annual costing (worthwhile) be presented at the next briefing session?**

COUNCILLOR PRESENTATION

Clr Lucas presented Council with four copies of the book, 'The Last Gamble and The Years in Between" by Tony Stevens', he requested they be placed in Council's library.

Clr Lucas congratulated staff for returning the John Edmondson VC portrait to the wall and requested that the plaque be placed next to it.

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0292
SUBJECT: CODE OF CONDUCT REVIEW - THE FACTS

RECOMMENDATION

That Council resolves to go into an open committee of the Council so that the Mayor can explain public statements made by her in regard the Independent Reviewers Code of Conduct Report and Findings.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

Mayor Waller declared a Conflict of Interest and vacated the Chair.

Mayor Waller left the room at 10.06pm.

Clr Stanley left the room at 10.06pm.

Clr Gillani left the room at 10.06pm.

Clr McGoldrick left the room at 10.06pm.

Deputy Mayor Clr Napoletano accepted the chair at 10.06pm

The motion lapsed due to the absence of a quorum.

CLOSE

THE MEETING CLOSED AT 10:08 PM



MINUTES OF THE ORDINARY MEETING HELD ON 20 AUGUST 2012

PRESENT:

Deputy Mayor Napoletano
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Lucas
 Councillor Mannoun
 Councillor McGoldrick
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mrs Julie Hatley, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Mr David Tuxford, Director - City Services
 Mr Gino Belsito, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7:00pm

OPENING	7.00PM	
PRAYER	The prayer of Council was read by Pastor Bill Valevatu of Liverpool City Church	
APOLOGIES	Mayor Waller Clr Gillani	
Motion:	Moved: Clr Hadchiti	Seconded: Clr Lucas
CONDOLENCES	Nil	

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 23 July 2012 be confirmed as a true record of that meeting.

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

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

Cllr Hadid left the room at 7.17pm.

Cllr Hadid returned to the room at 7.17pm.

DECLARATIONS OF INTEREST

Cllr Hadchiti declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 01 SUBDIVISION OF EXISTING LOT INTO THREE LOTS WITH RETENTION OF THE EXISTING DWELLING ON PROPOSED LOT 2, MODIFICATIONS TO DWELLING, REMOVAL OF TREES AND DEMOLITION OF EXISTING OUTBUILDINGS

Reason: Director is a fellow Councillor and Liberal Party member.

Cllr Hadchiti will leave the Chambers for the duration of this item.

Item PLAN 07 MODIFICATION TO DEVELOPMENT CONSENT DA-424/2008/A

Item PLAN 08 MODIFICATION TO DEVELOPMENT CONSENT DA-1328/2003/C

Reason: Liverpool branch of the Liberal Party leases a property at market rate from the applicant.

Cllr Hadchiti will not leave the Chambers for the duration of these items.

Cllr Hadid declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 01 SUBDIVISION OF EXISTING LOT INTO THREE LOTS WITH RETENTION OF THE EXISTING DWELLING ON PROPOSED LOT 2, MODIFICATIONS TO DWELLING, REMOVAL OF TREES AND DEMOLITION OF EXISTING OUTBUILDINGS

Reason: Director is a fellow Councillor and Liberal Party member.

Clr Hadid will leave the Chambers for the duration of this item.

Item PLAN 07 MODIFICATION TO DEVELOPMENT CONSENT
DA-424/2008/A

Item PLAN 08 MODIFICATION TO DEVELOPMENT CONSENT
DA-1328/2003/C

Reason: Liverpool branch of the Liberal Party leases a property at market rate from the applicant.

Clr Hadid will not leave the Chambers for the duration of these items.

Clr Mannoun declared a less than significant, non-pecuniary interest on the following items:

Item PLAN 07 MODIFICATION TO DEVELOPMENT CONSENT
DA-424/2008/A

Item PLAN 08 MODIFICATION TO DEVELOPMENT CONSENT
DA-1328/2003/C

Reason: Liverpool branch of the Liberal Party leases a property at market rate from the applicant.

Clr Mannoun will not leave the Chambers for the duration of these items.

Clr Mannoun declared a significant, pecuniary interest on the following item:

Item IHAP 01 SUBDIVISION OF EXISTING LOT INTO THREE LOTS
WITH RETENTION OF THE EXISTING DWELLING ON
PROPOSED LOT 2, MODIFICATIONS TO DWELLING,
REMOVAL OF TREES AND DEMOLITION OF
EXISTING OUTBUILDINGS

Reason: This is Clr Mannoun's family home and he is the Director of the company that own the property along with other members of his family

Clr Mannoun will leave the Chambers for the duration of this item.

PUBLIC FORUM Nil

SPEAKERS FORUM

Ali Hosain addressed Council on the following items:

Item – NOMO 02 – BELFIELD COLLEGE

Roslyn Fagan addressed Council on the following items:

**Item – IHAP 03 - MODIFICATION TO DEVELOPMENT CONSENT
DA-106/2005/C**

Pauline Rowe addressed Council on the following items:

Item – PLAN 04 - RURAL LANDS STUDY 2012

MAYORAL REPORT

MAYR 01

ITEM NO: MAYR 01
FILE NO:
SUBJECT: GENERAL MANAGER PERFORMANCE REVIEW

RECOMMENDATION

That in accordance with Section 10A(2)(a) of the Local Government Act, Council move into closed session to allow the Mayor to brief the Council on the outcome of the General Manager's performance review and determine any adjustments to his remuneration package as a consequence.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Lucas**

That the recommendation be adopted.

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

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0293
SUBJECT: AUSTRALIAN ROLLER SKATING CLUB

RECOMMENDATION

1. Prepares a report to the briefing session in October 2012 for the new Councillors all information on:
 - a. Brief history as to why the club land at Memorial Av was needed for the Oasis project and the circumstances leading up to the forced vacating of the building.
 - b. Council's legal responsibility in relation to all decisions made by the Oasis Foundation in relation to the need for the skating rink site and as to whether those decisions were made on behalf of the Council.
 - c. The structural condition of the building and a suitable community use at no cost to Council.

2. That Council notes the comments To Mr T. Stevens by Council's General Manager Mr Brian Carr in letter dated 14th July 1998 "As General Manager, I give you a commitment that Skateland will either be re-located or incorporated into the proposed facility in such a manner that your users have access to similar or improved skating facilities" reference HB 1282.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

NOMO 02

ITEM NO: NOMO 02
FILE NO: 2012/0293
SUBJECT: BELFIELD COLLEGE

RECOMMENDATION

That Council:

1. Engages an outside Consultant specialising in filling and effects of filling on natural runoff along with the possible effects of effluent on the downstream properties on the storage dams that are used for irrigation.
2. Provides all documentation of the development along with all information received from the effected residents to the Consultants relating to the Bellfield College development.
3. Receive a report of the results of the Consultant at the Council meeting in October for further consideration.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Mannoun**

That Councillors be invited to inspect the site after the elections and the adjoining neighbours be advised of Council's decision.

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

NOMO 03

ITEM NO: NOMO 03
FILE NO: 2012/0293
SUBJECT: MOTION OF THANKS

RECOMMENDATION

That Council receive and note the thanks.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

NOMO 04

ITEM NO: NOMO 04
FILE NO: 2012/0293
SUBJECT: JOSEPH BERT CASTLES - BROWNES FARM RESERVE

RECOMMENDATION

That Council:

1. Name the area of wetland at/besides Brownes Farm Reserve Hoxton Park 'Castles Wetland' or to that effect.
2. Place a plaque within that area giving a brief history of the Castles' family.
3. Allocate funds from Working Funds to cover the cost and installation of the plaque.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That Council:

1. Name the area of wetland at/besides Brownes Farm Reserve Hoxton Park 'Castles Wetland' or to that effect, subject to approval by the Geographical Names Board.
2. Place a plaque within that area giving a brief history of the Castles' family.
3. Allocate funds from Working Funds to cover the cost and installation of the plaque.

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

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: DA-811/2012
SUBJECT: SUBDIVISION OF EXISTING LOT INTO THREE LOTS WITH RETENTION OF THE EXISTING DWELLING ON PROPOSED LOT 2, MODIFICATIONS TO DWELLING, REMOVAL OF TREES AND DEMOLITION OF EXISTING OUTBUILDINGS

RECOMMENDATION

That Council:

1. Approves Development Application DA-811/2012 application for the subdivision of the existing residential lot into three Torrens Title lots, including retention of the existing dwelling with alterations and the demolition of existing outbuildings at Lot 1211 DP 800559, 157 Leacocks Lane, Casula be approved subject to the attached deferred commencement conditions of consent.
2. Supports the variation to Clause 7.13 - minimum lot width made pursuant to Clause 4.6 of LLEP 2008.
3. Notifies the persons who made a submission with regard to the proposed development in writing of Council's decision.

COUNCIL DECISION

Clr Mannoun left the room at 7.44pm.

Clr Hadid left the room at 7.44pm

Clr Hadchiti left the room at 7.44pm

Motion: **Moved: Clr McGoldrick** **Seconded: Clr Harle**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Clr Mannoun returned to the room at 7.46pm.

Clr Hadid returned to the room at 7.46pm

Clr Hadchiti returned to the room at 7.46pm

IHAP 02

ITEM NO: IHAP 02
FILE NO: DA-847/2010/A
SUBJECT: MODIFICATION APPLICATION SEEKING TO MODIFY
DEVELOPMENT CONSENT DA-847/2010

RECOMMENDATION

That Council:

1. Approves modification application (DA-847/2010/A) as amended, which seeks to amend Development Consent DA-847/2010 at Lot 352 DP 2475, 275 Fifteenth Avenue, Austral subject to amendments to the conditions contained within the original determination notice.
2. Notifies the persons who made a submission with regard to the proposed development in writing of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

IHAP 03

ITEM NO: IHAP 03
FILE NO: DA-106/2005/C
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT DA-106/2005

RECOMMENDATION

That Council:

1. Approves modification application (DA-106/2005/C) which seeks to modify Development Consent DA-106/2005 at Lot 1 in DP 1125413 No. 85-111 Alfred Road, Chipping Norton subject to amendments to the conditions contained within the original determination notice.
2. Notifies a person who made a submission with regard to the proposal.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded:**

That the recommendation be adopted.

The motion lapsed due to the absence of a seconder.

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That this item be deferred to later in the meeting.

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

GMRR 02

ITEM NO: GMRR 02
FILE NO: 2012/1841
SUBJECT: CODE OF CONDUCT COMPLAINTS ANNUAL REPORT JULY
2011 - JUNE 2012

RECOMMENDATION

That Council receive this report and note that there were ten (10) Code of Conduct complaints lodged and subsequently actioned during the 2011/2012 financial year.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

CORS 02

ITEM NO: CORS 02
FILE NO: 2005/2473
SUBJECT: REFERRAL OF COUNCIL'S 2011/2012 FINANCIAL
REPORTS TO AUDIT

RECOMMENDATION

That Council refer the draft 2010/2011 financial reports to audit and that the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign the statements as required by Section 413(2) of the Local Government Act 1993.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

CORS 03

ITEM NO: CORS 03
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT JULY 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Mannoun**

That the recommendation be adopted.

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

PLAN 02

ITEM NO: PLAN 02
FILE NO: 2011/5663
SUBJECT: LIVERPOOL CITY COUNCIL ENERGY MANAGEMENT PLAN

RECOMMENDATION

That Council adopt the Liverpool City Council Energy Management Plan.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

PLAN 03

ITEM NO: PLAN 03
FILE NO: DA-10/2012/A
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT DA-10/2012/A

RECOMMENDATION

That Council approves modification application (DA-10/2012/A) which seeks to modify Development Consent DA-10/2012 at Lot 21 DP 616119, No. 180 Green Valley Road, Green Valley subject to amendments to the conditions contained within the original determination notice.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Mannoun**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

PLAN 05

ITEM NO: PLAN 05
FILE NO: 2007/0734
SUBJECT: CLAUSE 4.6 (SEPP 1) QUARTERLY REPORT

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

PLAN 06

ITEM NO: PLAN 06
FILE NO: 2006/2017
SUBJECT: DELEGATION OF PLANNING DECISIONS AUGUST TO OCTOBER 2012

RECOMMENDATION

That Council:

1. Delegates to the General Manager the determination function for all development applications which would otherwise be determined by Council during the period 20 August and 8 October 2012, excluding those applications which have received 25 or more submissions by way of objection,
2. Notes that normal assessment processes will continue to be applied, including referral to IHAP where necessary.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Mannoun**

That the recommendation be adopted.

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

PLAN 07

ITEM NO: PLAN 07
FILE NO: DA-424/2008/A
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT
DA-424/2008/A

RECOMMENDATION

That Council approves modification application (DA-424/2008/A) as amended, which seeks to amend Development Consent DA-424/2008 at Lot 100 DP 1143458 and Lot 101 DP 1143458, No. 296 and 306-310 Macquarie Street Liverpool subject to amendments to conditions contained within the original determination notice.

COUNCIL DECISION

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

PLAN 09

ITEM NO: PLAN 09
FILE NO: 2012/0288
SUBJECT: WATTLE GROVE LAKE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Mannoun**

That the recommendation be adopted.

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

Clr Hadchiti left the room at 8.48pm.

CITS 02

ITEM NO: CITS 02
FILE NO: 2012/0291
SUBJECT: SPORTS HALL OF FAME

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadchiti**

That Council

1. Receives and notes this report
2. Allocates \$28,000 from the General Working Funds to establish The Sports Hall of Fame in the Liverpool City Library.

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

CITS 03

ITEM NO: CITS 03
FILE NO: 2010/1621
SUBJECT: STADIUM FEASIBILITY STUDY OPTIONS UPDATE

RECOMMENDATION

That Council:

1. Defers plans for the completion of a feasibility study in 2012/2013.
2. Continues to monitor progress of the NSW Government analysis of stadium provision and corresponds with possible sporting, commercial and government partners to establish necessary support, as required.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Lucas**

That the recommendation be adopted.

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

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Harle**

That item IHAP 03 be put to the meeting.

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

The Chair called for the meeting to be adjourned for 5 minutes at 8.55pm.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the meeting be called back to order.

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

IHAP 03

ITEM NO: IHAP 03
FILE NO: DA-106/2005/C
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT DA-106/2005

RECOMMENDATION

That Council:

1. Approves modification application (DA-106/2005/C) which seeks to modify Development Consent DA-106/2005 at Lot 1 in DP 1125413 No. 85-111 Alfred Road, Chipping Norton subject to amendments to the conditions contained within the original determination notice.
2. Notifies a person who made a submission with regard to the proposal.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded:**

That Council:

1. Defers the determination of modification application (DA-106-2005-C) which seeks to modify Development Consent DA-106-2005 at Lot 1 in D.P. 1125412 No. 85-111 Alfred Road to allow for the following:
 - a. Council officer's write to the applicant to request the applicant to lodge separate Development Application(s) for the usage of all six units within block four at the industrial development.

- b. The applicant be given two weeks to confirm they will lodge subsequent Development Applications for usage.
2. Should the applicant confirm that they will lodge subsequent Development Applications for usage, the applicant be given a time-frame of six weeks for Development Application lodgement or within other such timeframe as negotiated with the applicant.
3. Upon receipt of the Development Application(s), Council Officer's consider their impacts concurrently with the subject application.
4. Should the applicant confirm that they will not lodge subsequent Development Applications for usage, that Council officers report the modification application back to Council for determination.
5. Notifies the person(s) who made a submission with regards to the proposal.

The motion lapsed due to the absence of a seconder.

Motion: **Moved: Clr Lucas** **Seconded: Clr Hadid**

That Council:

1. Refuses modification application (DA-106/2005/C) which seeks to modify Development Consent DA-106/2005 at Lot 1 in DP 1125413 No. 85-111 Alfred Road, Chipping Norton for the following reasons, the applicant has not satisfied that there will not be an increase in traffic movements and does not comply with the original intent of the Development Application.
2. Notifies a person who made a submission with regard to the proposal.

RECOMMITTAL OF ITEM : IHAP 03

Motion: **Moved: Clr Harle** **Seconded: Clr McGoldrick**

That item IHAP 03 is recommitted.

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

ITEM NO: IHAP 03
FILE NO: DA-106/2005/C
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT DA-106/2005

RECOMMENDATION

That Council:

1. Approves modification application (DA-106/2005/C) which seeks to modify Development Consent DA-106/2005 at Lot 1 in DP 1125413 No. 85-111 Alfred Road, Chipping Norton subject to amendments to the conditions contained within the original determination notice.

2. Notifies a person who made a submission with regard to the proposal.

COUNCIL DECISION

Motion:

Moved: Clr Harle

Seconded: Clr Karnib

That the recommendation be adopted.

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

Vote For:

Deputy Mayor Napoletano, Clr Harle, Clr Karnib, Clr McGoldrick and Clr Stanley

Vote Against:

Clr Hadchiti, Clr Hadid, Clr Lucas and Clr Mannoun

CITY ASSETS REPORT

ASST 01

ITEM NO: ASST 01
FILE NO: 2011/5071
SUBJECT: DRAFT PERMIT PARKING POLICY

RECOMMENDATION

That Council:

1. Receives and notes the report.
2. Approves to place on public exhibition and obtain community comment on the draft Permit Parking Policy including the fees and charges for a period of 28 days in accordance with the Local Government Act 1993, Sect 160.
3. Approves to promote the public exhibition of the draft Permit Parking Policy in the local media and Council's website.
4. Be provided with a further report in November 2012 following the public exhibition period of 28 days that include community comments and any amendments to the draft Parking Permit Policy .
5. Be provided with a report on a Pensioner Parking Scheme in November 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

ASST 02

ITEM NO: ASST 02
FILE NO: 2010/0177
SUBJECT: PICK-UP AND DROP-OFF ZONES LIVERPOOL CITY CENTRE

RECOMMENDATION

That Council:

1. Receives and notes the report.
2. Subject to Liverpool Traffic Committee concurrence, relocate the No Parking space outside 265 Macquarie Street to 279 Macquarie Street and convert this space to 15 minute parking.
3. Provides one 15 minute parking zone outside following Liverpool City Centre locations subject to Liverpool Traffic Committee concurrence.
 - 234 -236 Macquarie Street
 - 279 Macquarie Street
 - 51 Goulburn Street
 - 20 - 22 Bigge Street
 - 211 - 231 Northumberland Street (Centrelink)
 - 181 Bigge Street
 - 17-21 Moore Street (10:00am - 3:00pm and 7:00pm - 6:00am Mon-Fri and all day Sat-Sun)
4. That stakeholders be advised of Council's decision.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

ASST 03

ITEM NO: ASST 03
FILE NO: 2012/0833
SUBJECT: DEVELOPER CONTRIBUTIONS - WORKS-IN-KIND POLICY

RECOMMENDATION

That Council:

1. Adopts the amended Works-in-Kind Policy for immediate implementation.
2. Receives a further report following an observatory period of 12 months from the date of implementation.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2005/0603
SUBJECT: LIVERPOOL TRAFFIC COMMITTEE MINUTES OF THE MEETING HELD ON 11 JULY 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the LTC meeting held on 11 July 2012.
2. Adopts the recommendations of the LTC meeting held on 11 July 2012 as follows:

a. Item 1 Ascot Drive and Charlton Avenue, Chipping Norton – Proposed Traffic Calming

1. A detailed design of the proposed traffic calming devices between Ascot Drive and Wolverton Avenue, as well as the remaining section of Charlton Avenue, be presented to the next available LTC meeting for review and approval.
2. Prior to implementation of the traffic calming devices, affected residents should be consulted about the scheme and associated traffic impact on the local area.
3. Implementation of traffic calming devices along Charlton Avenue and Ascot Drive to be prioritised and funded from Council's Assets delivery program budget.

b. Item 2 Frangipane Avenue, Liverpool – Proposed Rubber Speed Cushions

1. The installation of rubber speed cushions and associated sign postings on Frangipane Avenue in line with the common boundary of property Nos. 3 and 5 Frangipane Avenue is not supported.
2. Council's City Assets Directorate be requested to investigate and liaise with RMS for the possibility to review lane configuration at the traffic signals intersection of Hoxton Park Road and Flowerdale Road.
3. Council notes that its resolution for the provision of a low speed environment (with the installation of speed cushions) was not supported by the LTC.
4. Following investigation of lane configuration at the signalised intersection of Hoxton Park Road and Flowerdale Road a report be brought back to the LTC.

5. All stakeholders be advised accordingly of Council's resolution.

c. Item 3 Memorial Avenue, Liverpool – Request for Traffic Calming

1. Installation of rubber speed cushions and associated linemarking and sign postings on Memorial Avenue in line with common side boundaries of house Nos. 273 and 275 Memorial Avenue, Liverpool be approved.
2. A modified layout of the rubber cushions be submitted to the RMS and Police for their review, prior to installation.
3. All stake holders be advised accordingly.

d. Item 4 Mornington Residential Precinct – Request for Parking Restrictions

1. Approval be given for amendment of the previously recommended 2P parking to 3P (8:30am-6:00pm Monday to Friday, resident permit excepted) parking restriction in according with RMS Austroads supplements and Austroads Guidelines subject to the Mornington Community Strata Manager entering into a MOU with Council for appropriate enforcement by Council Rangers.
2. Mornington Community Strata Manager to consult with its stakeholders regarding the marked parking bays and associated parking restrictions.
3. The final parking scheme be submitted to Council for approval under delegated authority.
4. The applicant to advise Mornington Community of the outcome.

e. Item 5 Nagle Street, Liverpool – Request for Traffic Calming

1. As Nagle Street is carrying a low traffic volume, and the current speed profile is below the signposted speed limit, the need for traffic calming devices does not appear to be warranted, at this time.
2. Council's City Assets Directorate to continue monitoring traffic conditions along Nagle Street and if there are any concerns regarding speeding vehicles and unsafe driving behaviour, this location be referred to Liverpool Police for appropriate surveillance and enforcement actions.
3. All stake holders be advised accordingly.

f. Item 6 Casula Powerhouse Art Centre New Access Road – Proposed Directional Signage

1. ARTC to confirm the timing for the proposed closure of the level crossing and the associated provision of the new access road to CPAC.
2. ARTC be requested to install appropriate directional signage to and from the CPAC, subject to RMS approval.

3. All redundant signs be removed.
4. ARTC to carryout appropriate public notification in consultation with Council prior to the closure of the level crossing.

g. Item 7 Stockton Avenue, Moorebank – Traffic Calming

1. Installation of rubber speed cushions and associated sign postings at the property boundaries of house Nos. 25 and 37 Stockton Avenue be approved and funded from Council's Traffic & Transport Budget.
2. Funding of this facility be made available from the Traffic and Transport 2012/2013 budget.
3. A modified layout of the rubber cushions be submitted to the RMS and Police for their review, prior to installation.
4. All stake holders be advised accordingly.

h. Item 8 Stuart Road, West Hoxton - Traffic Calming

1. All residents along Stuart Road between Greenway Park Drive and southern end of residential area be consulted by letter drop for their comments concerning provision of speed cushions on both approaches to the residential area.
2. After the consultation process the matter be presented to LTC for approval.
3. The layout be submitted back to LTC for approval subject to completion of consultation.
4. All stake holders be advised accordingly.

i. Item 9 Southern Freight Link Alliance Construction Access Route - Request for use of Mill Road via Speed Street, Liverpool

1. That the Committee approves the route for the additional traffic to be generated by the new works.
2. The Alliance should provide a letter to each household fronting Mill Road informing them of the proposed use of the road during construction works, hours of operation, dust control where applicable, contact numbers and addresses where residents can obtain further information and make complaints or comments.
3. All signs or line markings required to signpost the route or address safety are to be maintained in a clean condition, with damaged or illegible signs replaced immediately the condition becomes known.

j. Item 10 Intersection of Marsden Road and O'Brien Parade, Liverpool – Request for Intersection Treatment

1. The installation of appropriate splitter islands at all approaches of the T-intersection of O'Brien Parade and Marsden Road, Liverpool, be submitted to the LTC for approval.

2. All adjoining residents be consulted by letter drop for their comments prior to the installation of the proposed treatment.
3. All stake holders be advised accordingly.

COUNCIL DECISION

Motion:

Moved: Cllr Mannoun

Seconded: Cllr Harle

That the recommendation be adopted.

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

COMM 02

ITEM NO: COMM 02
FILE NO: 2006/0983
SUBJECT: LIVERPOOL CITY SPORTS COMMITTEE MINUTES OF MEETING HELD ON 31 MAY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool City Sports Committee meeting held on 31 May 2012.

COUNCIL DECISION

Motion: **Moved: Clr Mannoun** **Seconded: Clr Harle**

That the recommendation be adopted.

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2004/0386
SUBJECT: ETHICS AND AUDIT COMMITTEE MEETING HELD ON 26 JULY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Ethics and Audit Committee meeting held on 26 July 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 04

ITEM NO: COMM 04
FILE NO: 2010/0331
SUBJECT: STREET NAMING COMMITTEE MINUTES OF MEETING OF
5 JULY 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the Street Naming Committee meeting of 5 July 2012.
2. Continues with the renaming of Kanzo Avenue, Middleton Grange to DeKanzo Avenue, Middleton Grange.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 05

ITEM NO: COMM 05
FILE NO: 2011/6360
SUBJECT: LIVERPOOL ACCESS COMMITTEE MINUTES OF THE MEETING HELD ON 12 JULY 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Access Committee held on 12 July 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

COMM 06

ITEM NO: COMM 06
FILE NO: 2011/5690
SUBJECT: CASULA POWERHOUSE ARTS CENTRE BOARD MINUTES
OF MEETING HELD ON 21 JUNE 2012

RECOMMENDATION

That Council receives and notes the minutes of the Casula Powerhouse Arts Centre Board meeting held on 21 June 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Mannoun** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

CORRESPONDENCE REPORTS

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

QUESTIONS WITH NOTICE

QWNO 01

ITEM NO: QWNO 01
FILE NO: 2012/0280
SUBJECT: QUESTIONS WITH NOTICE - CLR LUCAS

RECOMMENDATION

1. **The residents of Antares Ave are still experiencing the problem with feral cats. Can the Council be proactive in writing to the residents and advise of methods to eradicate the feral cats or engage a contractor to eradicate the feral cats?**

Council's records indicate that no other complaints have been lodged with Council to date in relation to feral cats. A letter has been sent to all residents of Antares Avenue advising them that Council will assist with the trapping and removal of feral cats. A letter has been attached for your information.

2. **Can a report be presented to the briefing session on the removal costs and replacement costs of the old brick bus shelter at Balmain St. Cartwright? It is set back off the road and the user has difficulty in seeing the buses coming.**

The cost to replace the existing concrete bus shelter with a modern equivalent is estimated to be approximately \$30,000. This includes demolition of the concrete structure and installation of a new shelter closer to the bus stop in Hoxton Park Road.

3. **Residents are complaining about the stormwater runoff from the Liverpool General Cemetery at the bottom gate in Moore St. It exits from the bottom gate of the cemetery and down the council's footpath. Can this problem be fixed?**

Council's investigations have found that a lack of proper onsite drainage within the cemetery results in large volumes of surface runoff being discharged into Council's footpath in Moore Street. Council is liaising with the cemetery operator to develop an appropriate onsite stormwater management strategy and once a solution has been developed, a further report will be provided.

4. **Can the Ordinance inspectors carry out a blitz in the Lehmanns Ave and Flowerdale Rd area on the illegal parking of trucks on the footpaths?**

Council Officers will carry out random patrols to ensure compliance with the Road Rules 2008. Should parking issues be identified, appropriate warning notices and/or infringement notices may be issued against all offending vehicles.

5. Is Council empowered to serve notice on those Multi Units fronting Copeland St that have furniture inside their properties creating an eyesore to the passing traffic. If refer specifically to number 47 Copeland St.

Council cannot issue a compliance order to a property where rubbish and debris is located inside the property line.

No household pickups have been previously booked for this address. If the rubbish is placed outside of the property, the MUDs crew will be able to pick it up, otherwise authorisation would be required to enter the property.

6. Council has been carry out drainage works at Brickmakers Creek at the Cumberland Highway my questions are:

- **What is the works being carried out?**
- **When will the works be completed?**
- **How are the works being funded?**
- **In what budget were these works approved?**

The works at the intersection of Cumberland and Hume Highway involves widening of Cumberland Highway to provide a left turning slip lane. The works that are currently underway involves the extension of the existing box culverts to support the new lane.

The works are being funded by the NSW Government under its Pinch Point Program, which aims to reduce delays, manage congestion and maintain travel times on Sydney's main roads during weekday peak periods. The works are being constructed by the Roads and Maritime Services (RMS). Based on advice from the RMS, the works are scheduled to be completed by October 2012.

7. What has been allocated to Rosedale Park for infrastructure embellishment for the past 3 financial years including turf wicket preparation?

Rosedale Oval is one of two turf wickets that Council maintains, the other is based at Greenway Park. Approximately \$141,000 has been allocated to infrastructure embellishment for these turf wickets each year, for the last three years with \$84,600 per year being spent at Rosedale Oval and \$56,400 per year spent at Greenway Park.

8. What is the costing of the fencing under construction at Rosedale Park and in what budget was it approved?

The replacement fence works were \$33,000 and were approved as part of the 2011/2012 financial budget.

9. Can a report from the Events Officer be presented to the August briefing session on the outcome of the Volunteers thankyou of the 29th May. Such report to be on final costing, future invitees and ongoing yearly or bi yearly event.

The volunteer's event was very successful with 260 recipients attending the Gala on 29 May 2012 at the Liverpool Catholic Club.

The final event costing was \$30,000 and this covered the venue hire, three Course meal for 300 people, raffle prizes, entertainment, hall decorations flowers and Invitations, certificates, small gift for each attendee(pen and chocolate)

Future invitees will be those already on Council's list plus other volunteer groups that are forwarded to Council officers for inclusion. Council officers regularly requests groups to register with council through our advertising pages.

The event occurrence is based on budget and there is a further \$30,000 approved for this financial year. The event is at this stage scheduled for April/ May 2013.

10. Is it feasible to build a child care facility into the Main Library on a leasing arrangement?

It is not feasible for Council to build a child care facility in the City Library on a leasing arrangement as the facility and equipment requirements for child care would have a negative impact on the Library's services in that some aspects of the Library's services would be reduced or cut. The City Library, which was purpose built as a Library, is the busiest library in the state and all of its spaces are well used by customers.

The facility and equipment requirements for child care facility, in brief, are as follows:

1. A room that is solely used for the administration of the service
2. A separate staff room for child care staff
3. An area that is used only for sleeping children under 2 years, if the service was to provide for this age group
4. 3.25sqm of unencumbered indoor play space per child not including passage ways, kitchen, cot rooms, toilets or shower areas
5. At least 7 square metres of outdoor play space per child, can be negotiated for full indoor services
6. Laundry services
7. Craft preparation areas
8. Food preparation area
9. Age appropriate toileting areas
10. Stable nappy change areas with hand washing facilities, including sanitary facilities for the disposal of nappies
11. Sleeping facilities with an adequate number of cots, beds, stretchers or sleeping mats together with waterproof covers for all children who sleep while at the premises

There are also other requirements, but these are the main ones, which negate the feasibility of providing a child care facility within the City Library.

- 11. A trench has been dug across Memorial Ave at Ireland park and is causing problems to the traffic movements. Who is responsible for the restoration of the road works?**

According to Council records it appears that this trench was repaired in 2005 after Sydney Water had completed maintenance on their asset. At a recent inspection it was identified that this trench has now subsided and requires further attention. Temporary repairs have been carried out to ensure that the site is safe and further remedial works will be programmed for completion by the end of September 2012.

- 12. A stormwater lid has been barricaded off at the intersection of Elizabeth Drive and Bigge St since May. When will it be repaired and by whom?**

Due to the heavy traffic conditions in this area, repairs to the access lid have been scheduled to be completed by the end of September 2012.

- 13. To assist Council when the Biodiversity Management Plan is reviewed can the Cumberland Observers Club be consulted on the bird species in the Liverpool LGA?**

Next time Council undertakes its review of the Biodiversity Management Plan, it will ensure that Cumberland Observers Club is consulted.

- 14. Can a report be presented to the next appropriate briefing session on the intersection of 16th Ave and 2nd Ave advising:**

- **Safety of the intersection**
- **Plans for the intersection**
- **Funding for the intersection**
- **When planned works will be done**
- **RMS and Police reports on the safety of the intersection**

As part of the residential development of Middleton Grange, the existing rural roads are in the local area including Sixteenth and Second Avenues are being reconstructed and intersection treatment have been planned to improve road safety and traffic efficiency. The adopted traffic management plan for the residential development includes a proposal to signalise the Sixteenth Avenue and Second Avenue intersection.

The RMS crash data for the last five years indicates that there have been three recorded crashes including two injury and non-injury crashes. The current four way intersection has appropriate sight distance however, Council has been receiving a number of representations from for the planned signalised intersection to be installed to improve road safety at the intersection. Investigation has identified that the current traffic conditions does not meet the warrant for RMS approval of the proposed traffic signals. Council has collected up to \$300,000 for the signalised intersection to be constructed

and application is being prepared to the RMS for consideration and approval for the signals to be installed in the short term.

A detailed memo on this question will be forwarded to the Mayor and Councillors.

15. Will the council be applying for grants to assist with the introduction of fish species into Clinches Pond, Lake Bedwell and Georges River in the freshwater section.

The Department of Primary Industries Fish Stocking Program was introduced to benefit anglers with the primary aim of enhancing recreational freshwater fishing opportunities. In particular, it enables community groups to apply for funds derived from the recreational fishing fee to purchase native fish.

Consistent with previous advice, the most suitable applicants for the restocking program would be a local fishing club. Further information regarding the grant is available on <http://www.dpi.nsw.gov.au/fisheries/recreational/info/fish-stocking>.

16. Can an update on the success of the poster removals and the annual costing (worthwhile) be presented at the next briefing session?

Yes, this information can be provided.

QWNO 02

ITEM NO: QWNO 02
FILE NO: 2012/0281
SUBJECT: QUESTIONS WITH NOTICE – CLR LUCAS

RECOMMENDATION

- 1. Can the Council block the emails from the Greens and a Senator Matt Thistlewaite from being forwarded to my own private email. I find them to be totally useless and political.**

- 2. Can a report be prepared for the first briefing session after the elections formulating a policy on:**
 - a. Council support for a combined Senior Citizens and Men's Sheds.**
 - b. Locating suitable sites.**
 - c. Applying for grants for the Senior Citizens and Men's Sheds.**
 - d. Establishment of a community group based organisation to be responsible for the Senior Citizens and Men's Sheds.**

QWNO 03

ITEM NO: QWNO 03
FILE NO: 2012/0281
SUBJECT: QUESTIONS WITH NOTICE - CLR MCGOLDRICK

RECOMMENDATION

1. **Will council plan for community celebrations on 25th of April 2015, being the 100th anniversary of the commemoration of the ANZAC landings at ANZAC COVE Gallipoli, this being a most significant date on that year's calendar, to bring the community together, and if so will there be an allocation of funds made to the organizing committee to make this indeed a stupendous occasion where we, as a community reconnect with our history and pay tribute to our great forebears, who departed from the Holsworthy army base with their horses, many of whom did not return after paying the supreme sacrifice, all those years ago?**

2. **Could the Liverpool traffic committee be asked to refer the following questions to Roads and Maritime Services (RMS) for response in a timely manner?**
 - a. **What are the statistics related to road deaths & trauma involving B-doubles?**

 - b. **What are the statistics related to road deaths & trauma involving single unit (no-B-double) heavy vehicles?**

 - c. **The figures should include the numbers that are attributable to the heavy vehicle being the cause as well as not being the cause.**

 - d. **Have theoretical numbers been determined related to potential "road trains" being permitted to use the same roads as B-doubles including the Hume Highway at Liverpool?**

COUNCILLOR PRESENTATIONS

Councillor Lucas

Thank you to Council for having the Lighthouse print displayed in the Council Chambers.

Councillor Mannoun

Thank you to Councillors and best wishes, in particular Councillor Napoletano and Clr Gillani as they are not recontesting at the election. Thank you to all Council Officers for their support during his term.

Councillor Harle

Thank you to Council staff for their co-operation and fellow Councillors for working together to make Liverpool a better place.

Councillor Lucas

Thank you to fellow Councillors for the time they have served.

Councillor Napoletano

Thank you to Councillors and Council staff for their well wishes and all the best in the upcoming election.

Councillor Karnib

Thank you to Councillors, Council staff and the community.

Councillor McGoldrick

Wished farewell, goodbye and good luck to everybody.

COUNCIL IN CLOSED SESSION**MAYORAL REPORT****MAYR 01**

ITEM NO: MAYR 01
FILE NO:
SUBJECT: GENERAL MANAGER PERFORMANCE REVIEW

This item is classified CONFIDENTIAL under Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

“Personnel matters concerning particular individuals (other than Councillors).”

RECOMMENDATION

Motion: **Moved: Cllr McGoldrick** **Seconded: Cllr Harle**

That Council moves into Closed Session to consider item MAYR 01.

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

The public, media representatives and Council Officers departed the room.

Council moved into Closed Session at 9.47pm.

COUNCIL DECISION

Motion: **Moved: Cllr Lucas** **Seconded: Cllr Hadid**

That:

1. Council approves a discretionary increase to the General Manager’s remuneration package of 5.5 per cent for the following reasons:
 - a. Above average performance based on KPI’s.
 - b. Independent advice on monies to be awarded for performance.
 - c. Monies to commence at contract anniversary.
2. The Mayor writes to the General Manager, Mr Farooq Portelli advising him of the outcome of the review and the adjustments to his remuneration package.

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

Vote For: Deputy Mayor Napoletano, Clr Hadchiti, Clr Hadid, Clr Harle, Clr Lucas, Clr Mannoun and Clr McGoldrick

Vote Against: Clr Karnib and Clr Stanley

Open Council resumed at 9.57pm

On re-opening the meeting to the public, the resolution of Council was read by the Chairperson:

MAYR 01

That:

1. Council approves a discretionary increase to the General Manager's remuneration package of 5.5 per cent for the following reasons:
 - a. Above average performance based on KPI's.
 - b. Independent advice on monies to be awarded for performance.
 - c. Monies to commence at contract anniversary.
2. The Mayor writes to the General Manager, Mr Farooq Portelli advising him of the outcome of the review and the adjustments to his remuneration package.

CLOSE

THE MEETING CLOSED AT 10:01PM



MINUTES OF THE ORDINARY MEETING HELD ON 8 OCTOBER 2012

PRESENT:

Mayor Ned Mannoun
 Councillor Balloot
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Mamone
 Councillor Ristevski
 Councillor Shelton
 Councillor Stanley
 Councillor Waller
 Mr Farooq Portelli, General Manager
 Mrs Julie Hatley, Director - Corporate Services
 Ms Tanya O'Brien, Acting Director - City Planning
 Mr David Tuxford, Director - City Services
 Mr Gino Belsito, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7:00pm

OPENING 7:00pm

PRAYER The prayer of Council was read by Pastor Henry Jacotine from Inspire Church

APOLOGIES Nil

CONDOLENCES

Lance Corporal Mervyn McDonald

Private Nathanael Galagher

A minutes silence was observed.

Motion:

Moved: Clr Waller

Seconded: Clr Karnib

That Council sends a letter of condolence to the family of Lance Corporal Mervyn McDonald and Private Nathaniel Galagher.

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

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 20 August 2012 be confirmed as a true record of that meeting.

Motion:

Moved: Clr Hadid

Seconded: Clr Hadchiti

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

DECLARATIONS OF INTEREST

Clr Waller declared a less than significant, non-pecuniary interest on the following items:

Item CORS 03

PROPOSED DISPOSAL OF LOT 35 DP 651316 AND
LOT 36 DP 661567, 626 HUME HIGHWAY, CASULA

Reason:

One of the bidders is personal solicitor and professional services are purchased when required.

Clr Waller will leave the Chambers for the duration of this item.

Item GMRR 04

ORDER OF LIVERPOOL AWARDS

Reason:

Knows several of the applicants for the awards

Clr Waller will not leave the Chambers for the duration of this item.

Clr Stanley declared a less than significant, non-pecuniary interest on the following items:

Item CORS 03 PROPOSED DISPOSAL OF LOT 35 DP 651316 AND LOT 36 DP 661567, 626 HUME HIGHWAY, CASULA

Reason: Previously declared a non- pecuniary less than significant interest in relation to this item, unable to ascertain current status as to whether I know anyone involved in transaction as Council Officers unable to provide information, therefore intend to leave the Chambers

Clr Stanley will leave the Chambers for the duration of this item.

Item GMRR 04 ORDER OF LIVERPOOL AWARDS

Reason: Knows several of the applicants for the awards

Clr Stanley will not leave the Chambers for the duration of this item.

Clr Harle declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 01 INTERSECTION UPGRADE ROAD WORKS OF GOVERNOR MACQUARIE DRIVE AND MUNDAY STREET, WARWICK FARM

Reason: Family member resides in Warwick Farm.

Clr Harle will not leave the Chambers for the duration of this item.

Item GMRR 04 ORDER OF LIVERPOOL AWARDS

Reason: Was a member of the committee for the Order of Liverpool Awards

Clr Harle will leave the Chambers for the duration of this item.

PUBLIC FORUM

Faustina Nickel made a presentation on the Sydney Alliance District Announcement.

SPEAKERS FORUM

Mauro Poletti addressed Council on the following item:

Item – IHAP 01 INTERSECTION UPGRADE ROAD WORKS OF GOVERNOR MACQUARIE DRIVE AND MUNDAY STREET, WARWICK FARM

Ron Leemon addressed Council on the following item:

Item – IHAP 01 INTERSECTION UPGRADE ROAD WORKS OF GOVERNOR MACQUARIE DRIVE AND MUNDAY STREET, WARWICK FARM

Tony Stevens addressed Council on the following item:

Item – CORS 01 COUNCIL TO SEEK EXPRESSIONS OF INTEREST FOR THE FORMER COUNCIL ADMINISTRATION BUILDING SITE AT 1-3 HOXTON PARK ROAD, LIVERPOOL

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Ristevski

That Council brings forward GMRR 01 – Election of Deputy Mayor and Appointment of Councillors to Community Committees and Affiliated Bodies.

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

GENERAL MANAGER'S REPORT

GMRR 01

ITEM NO: GMRR 01

FILE NO:

SUBJECT: ELECTION OF DEPUTY MAYOR AND APPOINTMENT OF COUNCILLORS TO COMMUNITY COMMITTEES AND AFFILIATED BODIES

RECOMMENDATION

That Council:

1. Proceeds with the election of the Deputy Mayor to be conducted by the Returning Officer.
2. Appoints Councillors as representatives to the following community committees and affiliated bodies and notifies of their representatives:
 - a. Westpool
 - b. Western Sydney Regional Organisation of Councils
 - c. Liverpool Migrant Resource Centre
 - d. Macarthur/Liverpool Community Relations Commission Regional Advisory Council
 - e. Georges River Combined Councils Committee
 - f. The South West Sydney Academy of Sport
 - g. Joint Regional Planning Panel
 - h. Traffic Committee
 - i. Macarthur Bushfire Management Committee
 - j. Macarthur Zone Bushfire Liaison Committee
 - k. NSW Metropolitan Public Libraries Association
3. Receives a further report on Council Committees.

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Hadid

That Council:

1. Proceeds with the election of the Deputy Mayor to be conducted by the Returning Officer and that voting be by a show of hands.

2. Appoints Councillors as representatives to the following community committees and affiliated bodies and notifies of their representatives:
 - a. Westpool
 - b. Western Sydney Regional Organisation of Councils
 - c. Liverpool Migrant Resource Centre
 - d. Macarthur/Liverpool Community Relations Commission Regional Advisory Council
 - e. Georges River Combined Councils Committee
 - f. The South West Sydney Academy of Sport
 - g. Joint Regional Planning Panel
 - h. Traffic Committee
 - i. NSW Metropolitan Public Libraries Association

3. Establish the following Committees:
 - a. Budgets and Finance
 - b. Economic Development Committee
 - c. Tourism and Events

4. Receives a further report on Council Committees

5. Defers the election of nomination for the Macarthur Bushfire Management Committee and Macarthur Zone Bushfire Liaison Committee until the November meeting.

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

Election of Deputy Mayor

Nominations were called for the position of Deputy Mayor by the General Manager as the Returning Officer.

Nominees for Deputy Mayor:	Clr Karnib
	Clr Hadid

Clr Hadid was declared Deputy Mayor for the next year, by seven votes to four

Community Committees and Affiliated Bodies

- a. Westpool
Declared elected: Mayor Mannoun

- b. Western Sydney Regional Organisation of Council
Declared elected: Clr Hadchiti and Mayor Mannoun

- c. Liverpool Migrant Resource Centre
Declared elected: Clr Balloot

Macarthur/Liverpool Community Relations Commission Regional Advisory
Council
Declared elected: Clr Hadid
- d. Georges River Combined Councils Committee
Declared elected: Clr Ristevski
- e. The South West Sydney Academy of Sport
Declared elected: Clr Mamone
- f. Joint Regional Planning Panel
Declared elected: Clr Hadid and Clr Hadchiti,
Alternative delegate Clr Harle
- g. Traffic Committee
Declared elected: Mayor Mannoun
- h. NSW Metropolitan Public Libraries Association
Declared elected: Clr Mamone

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Waller**

That Council moves back into the normal agenda.

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

MAYORAL MINUTE

SUBJECT: THANK YOU TO FORMER COUNCILLORS

As the new Mayor of Liverpool City, I would like to take a moment to acknowledge the work, dedication and commitment of the previous Council who held office from September 2008 to September 2012.

During that time, the Council were successful in achieving a number of milestones, including:

- ensuring that Council was in a sound and stable financial position with most indicators improving
- becoming the top performing NSW Council in recycling
- delivering over \$200m of diverse capital works
- approving over 5,000 development applications
- signing significant Memorandum of Understandings with local stakeholders such as TAFE and NSW Health to support better outcomes for the Liverpool community

I particularly would like to recognise the outgoing Councillors for their contribution to the community over the past four years:

- Nadia Napoletano
- Ghulam Gillani
- Gary Lucas
- Jim McGoldrick

I wish them well in their future endeavours and look forward to their continued contribution to civic and community life.

In appreciation of the previous Council's services, I would like to move that a Certificate of Recognition be forwarded to the members of the former Council, to acknowledge their contribution to the Liverpool community.

Motion: Moved: Mayor Mannoun

That the Mayoral Minute be noted.

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

MAYORAL MINUTE**SUBJECT: MANAGER MARKETING AND COMMUNICATIONS**

Liverpool Council is Sydney's 3rd Regional City and will require significant investment from both the private and public sector to maximise the opportunities this status represents for the people of Liverpool.

In order to do this Liverpool Council must allocate more resources to its current marketing team, who are doing great job with the resources that they have.

Promoting a positive image of our wonderful city to the rest of Australia is vital to our success and will help us achieve the much needed growth in jobs the people of Liverpool require.

Motion Moved: Mayor Mannoun

That Council instruct the GM to appoint a new "Manager Marketing and Communications" immediately, to be funded from General Fund with a view to finding offset salary savings

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

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0294
SUBJECT: CHRISTMAS AND NEW YEAR CELEBRATIONS

RECOMMENDATION

That Council:

1. Review and present options for either a Christmas or New Year's Eve event in Liverpool
2. Consider the establishment of an events and tourism committee

COUNCIL DECISION

Motion

Moved: Cllr Hadchiti

Seconded: Cllr Ristevski

That Council:

1. Review and present options for either a Christmas or New Year's Eve event in Liverpool
2. Advertise on Council's website for community input.
3. Consider Chipping Norton Lakes as the preferred site.
4. Consider engaging a third party to organise the events.

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

NOMO 02

ITEM NO: NOMO 02
FILE NO: 2012/0294
SUBJECT: ISSUING PENALTY INFRINGEMENT NOTICE POLICY

RECOMMENDATION

That Council:

1. Revise its policy immediately in order to allow Council the authority to conduct fine reviews.
2. Formulate, submit and have guidelines approved by the Attorney General's department and needs to ensure consistency with guidelines already approved by the department.
3. If funding is required this to be provided from working funds. Total amount if any to be reported to Council.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Mamone**

That Council:

1. Establish the Infringement Review Committee and revise the policy immediately in order to allow Council the authority to conduct fine reviews.
2. Develops guidelines which are in line with the Attorney General's existing approved guidelines and submits these to the Attorney General's department.
3. If funding is required this is to be provided from working funds. Total amount if any to be reported to Council.

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

NOMO 03

ITEM NO: NOMO 03
FILE NO: 2012/0294
SUBJECT: PARKING ENFORCEMENT POLICY

RECOMMENDATION

That Council:

1. Review other Councils Parking Enforcement Policies and to adopt a policy of the same.
2. Utilise working funds if funds are required.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Review other Councils Parking Enforcement Policies, with a view to adopt a policy which permits parking on rolled back kerbing such as Parramatta Council's Parking Policy.
2. Utilise working funds if funds are required.

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

Clr Balloot left the room at 8.21pm

Clr Balloot returned to the room at 8.22pm

NOMO 04

ITEM NO: NOMO 04
FILE NO: 2012/0294
SUBJECT: PLANNING DELEGATIONS

RECOMMENDATION

That Council:

3. Be supplied with a full list of delegated authorities relating to the planning department including when and by whom they were implemented.
4. Implement a policy immediately that allows only Council to reject a development application.
5. In lieu of the above may prefer to set up a planning committee to review DA's prior to their rejection.

COUNCIL DECISION

Motion: **Moved:** Clr Hadchiti **Seconded:** Clr Hadid

That Council:

6. Be supplied with a full list of delegated authorities relating to the planning department including when and by whom they were implemented.
7. Implement a policy immediately that allows only Council to refuse a development application of value greater than \$50,000 and establish a planning committee to carry out that function.
8. Does not allow any Council officer the authority to refuse to accept a complete development application from being lodged in accordance with the regulation.

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

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: DA-28/2012
SUBJECT: INTERSECTION UPGRADE ROAD WORKS OF GOVERNOR
MACQUARIE DRIVE AND MUNDAY STREET, WARWICK FARM

RECOMMENDATION

That Council:

1. Approves DA-28/2012 for intersection upgrade road works of Governor Macquarie Drive and Munday Street, Warwick Farm at Lot 1 in DP 1040353 and portion of road reserve of Governor Macquarie Drive and Munday Street, Warwick Farm, subject to the attached draft conditions of consent.
2. Notifies the persons who made a submission with regard to the proposed development in writing of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Balloot**

That Council defers this report to allow Councillors to receive further information on this issue.

Foreshadowed Motion: **Moved: Clr Waller** **Seconded: Clr Stanley**

That Council:

1. Approves DA-28/2012 for intersection upgrade road works of Governor Macquarie Drive and Munday Street, Warwick Farm at Lot 1 in DP 1040353 and portion of road reserve of Governor Macquarie Drive and Munday Street, Warwick Farm, subject to the attached draft conditions of consent.
2. Notifies the persons who made a submission with regard to the proposed development in writing of Council's decision.

On being put to the meeting the motion was declared CARRIED and the foreshadowed motion lapsed.

Vote for: Mayor Mannoun, Clr Balloot, Clr Hadid, Clr Hadchiti, Clr Mamone,
Clr Ristevski

Vote against: Clr Harle, Clr Karnib, Clr Shelton, Clr Stanley, Clr Waller

IHAP 02

ITEM NO: IHAP 02
FILE NO: DA-1249/2012
SUBJECT: DEVELOPMENT APPLICATION DA-1249/2012: SUBDIVISION OF EXISTING LOT INTO THREE LOTS

RECOMMENDATION

That Council approves Development Application DA-1249/2012 for the subdivision of the existing lot into three lots at Part Lot 3 DP 1045043, Ash Road Prestons subject to conditions of consent.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Waller**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

GMRR 02

ITEM NO: GMRR 02
FILE NO: 2010/1979
SUBJECT: LOCAL GOVERNMENT ASSOCIATION OF NEW SOUTH WALES
ANNUAL CONFERENCE 2012

RECOMMENDATION

That Council nominates seven delegates and two alternate delegates to attend the 2012 Local Government Association of New South Wales Annual Conference.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Nominates the following delegates to attend the 2012 Local Government Association of New South Wales Annual Conference:
 - Mayor Mannoun
 - Clr Harle
 - Clr Hadid
 - Clr Ristevski
 - Clr Mamone
 - Clr Balloot

2. Allows other Councillors whom approach the General Manager within a week to attend the conference.

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

GMRR 03

ITEM NO: GMRR 03
SUBJECT: COUNCIL MEETING DATES - NOVEMBER 2012 TO DECEMBER 2013

RECOMMENDATION

That Council:

9. Notes the Council meeting time as 7.00pm and meeting dates for the remainder of 2012 as follows:

Monday 5 November 2012
 Monday 26 November 2012
 Monday 17 December 2012

10. Confirms Council meeting time as 7.00pm and Council meeting dates for the 2013 calendar year as follows:

Wednesday 6 February 2013
 Wednesday 27 February 2013
 Wednesday 27 March 2013
 Wednesday 24 April 2013
 Wednesday 29 May 2013
 Wednesday 26 June 2013
 Wednesday 31 July 2013
 Wednesday 28 August 2013
 Wednesday 25 September 2013
 Wednesday 30 October 2013
 Wednesday 27 November 2013
 Wednesday 18 December 2013

11. Places appropriate notices in the local newspapers advising the community of the dates and commencing times of Council meetings for the 2013 calendar year.

COUNCIL DECISION

Motion: **Moved:** **Clr Hadchiti** **Seconded:** **Clr Hadid**

That Council:

1. Notes the Council meeting time as 7.00pm and meeting dates for the remainder of 2012 as follows:

Monday 5 November 2012
 Wednesday 28 November 2012
 Wednesday 19 December 2012

2. Confirms Council meeting time as 7.00pm and Council meeting dates for the 2013 calendar year as follows:

Wednesday 6 February 2013
Wednesday 27 February 2013
Wednesday 27 March 2013
Wednesday 24 April 2013
Wednesday 29 May 2013
Wednesday 26 June 2013
Wednesday 31 July 2013
Wednesday 28 August 2013
Wednesday 25 September 2013
Wednesday 30 October 2013
Wednesday 27 November 2013
Wednesday 18 December 2013

3. Places appropriate notices in the local newspapers advising the community of the dates and commencing times of Council meetings for the 2013 calendar year.

12. Creates a Charter specifically relating to Councillor Briefing Sessions.

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

Adjournment of the meeting was called by the Chair for 15 minutes at 9.06pm.

Motion: **Moved: Cllr Waller** **Seconded: Cllr Hadchiti**

That the meeting be called back to order.

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

The meeting was resumed at 9.20pm

Cllr Stanley left the room at 9.20pm

Cllr Harle left the room at 9.20pm

GMRR 04

ITEM NO: GMRR 04
FILE NO: 2006/0685
SUBJECT: ORDER OF LIVERPOOL AWARDS

RECOMMENDATION

That Council:

1. Adopts the award recipients as recommended by the 2012 Order of Liverpool Advisory Committee as set out in the confidential attachment.
2. Thanks the members of the Advisory Committee for their time and efforts deliberating this year's nominations.
3. Resolves to affix the Common Seal of Council to the Award Certificates.
4. Keeps confidential the report supplied under separate cover containing the recommended award recipients until they are officially announced on 7 November 2012.
5. Reviews the Order of Liverpool Awards Policy for the purpose of providing guidelines for Group Award eligibility.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Adopts the award recipients as recommended by the 2012 Order of Liverpool Advisory Committee as set out in the confidential attachment.
2. Thanks the members of the Advisory Committee for their time and efforts deliberating this year's nominations.
3. Resolves to affix the Common Seal of Council to the Award Certificates.
4. Keeps confidential the report supplied under separate cover containing the recommended award recipients until they are officially announced on 7 November 2012.
5. Reviews the Order of Liverpool Awards Policy for the purpose of providing guidelines for Group Award eligibility.
6. Provide under closed cover a list of all applicants and their scoring.

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

Clr Stanley returned to the room at 9.23pm

Clr Harle returned to the room at 9.23pm

CORS 02

ITEM NO: CORS 02
FILE NO: 2009/1571
SUBJECT: CLASSIFICATION OF LOT 39 DP 2359, KURRAJONG ROAD,
PRESTONS AS OPERATIONAL LAND

RECOMMENDATION

That Council classifies Lot 39 DP 2359, Kurrajong Road, Prestons, as 'Operational' land in accordance with the Local Government Act 1993.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Waller**

That the recommendation be adopted.

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

Clr Stanley and Clr Waller left the room at 9.26pm.

CORS 08

ITEM NO: CORS 08
FILE NO: 2011/6207
SUBJECT: COMMUNITY ENGAGEMENT STRATEGY 2012-13

RECOMMENDATION

That Council endorses the Draft Community Engagement Strategy 2012.

COUNCIL DECISION

Motion: **Moved: Clr Waller** **Seconded: Clr Harle**

That the recommendation be adopted.

Foreshadowed Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council defers the item to allow Councillors more time to review the strategy.

On being put to the meeting the motion was declared LOST, the foreshadowed motion moved by Clr Hadchiti became the motion and the motion was declared CARRIED.

CORS 09

ITEM NO: CORS 09
FILE NO: 2009/0179
SUBJECT: UPDATE AND REVIEW OF COUNCILLOR RELATED POLICIES

RECOMMENDATION

That Council:

1. Receives and notes the changes to the policies presented in Attachment 1 to this report
2. Adopts the following policies as attached:
 - Mayor's Policy Making Functions Between Council Meetings
 - Media Representation Policy
 - Councillor Access to Information Interaction with Staff Policy
 - Use of Council Branded Administrative Policy
 - Civic and Ceremonial Functions and Representation Policy

COUNCIL DECISION

Motion: **Moved: Clr Ristevski** **Seconded: Clr Mamone**

That Council:

1. Receives and notes the changes to the policies presented in Attachment 1 to this report.
2. Adopts the following policies with amendment where noted:
 - Mayor's Policy Making Functions Between Council Meetings

DELEGATIONS TO THE MAYOR

Subject to Section 377 and Section 379 of the Local Government Act 1993 and as a matter of policy, Council delegates to the Mayor, on an ongoing basis, the following functions (to be exercised in a manner consistent with Council’s policies and decisions as applicable from time-to-time), additional to those contained in the Local Government Act 1993.

INTERPRETATION OF DELEGATIONS

- a) *This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993*
- b) *References to the decisions of the Council are references to decisions made by the Council from time-to-time*
- c) *References to policies of the Council are references to policies adopted by Council from time-to-time*
- d) *These delegations are not intended to limit the Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time-to-time or as may be functions of the Mayor under the Local Government Act 1993 or Regulations*

DELEGATIONS

- (1) *General and Policy Direction*
 - (a) *To direct the General Manager, except as otherwise provided by the Local Government Act*
- (2) *Management of Council Meetings and Business*
 - (a) *The authority to call and schedule meetings of the Council and Council Committees, briefings of Councillors and inspections by Councillors*
 - (b) *To request the General Manager include items on agendas for Council and Committee Meetings subject to the requirements of the Code of Meeting Practice and in accordance with any resolution of the Council*
- (3) *Authority to Obtain Legal Services*
 - (a) *To instruct Council's legal representatives through the General Manager*
 - a. *Providing the instruction is not inconsistent with Council policies or decisions; or*
 - b. *Where there is an inconsistency (such as advice to settle court proceedings where Council's prospects are considered poor or legal advice is received in respect of an action in order to protect the interest of the Council) in consultation with the General*

Manager, the Mayor may authorise the General Manager to issue an instruction to Council's legal representatives

(4) Mayoral and Civic Role

- (a) In respect of the Office of the Mayor (the unit), and in consultation with the General Manager, to*
- a. Determine the structure of the unit*
 - b. Allocate expenditure within the unit, not exceeding the budget approved by the Council*
 - c. Determine the number and description of staffing positions*
 - d. To be consulted in respect of the appointment or dismissal of staff at the unit*
 - e. To direct unit staff and allocate tasks*
 - f. Organise civic receptions when deemed appropriate by the Mayor*

(5) General Authority of Council during Recesses

- (a) To exercise, during recesses of Council, the powers, authorities, duties and functions of the Council other than: -*
- a. Those reserved to Council itself by Section 377 and Section 379 of the Local Government Act*
 - b. Those powers and functions delegated to the General Manager by Council or conferred by the Local Government Act 1993 or other legislation*
- (b) In respect of such matters, such delegation is to be exercised following the receipt of a report in a manner similar to a report submitted to a Council or Committee Meeting*
- (c) In respect of Development matters, those reports or business papers are to be circulated to Councillors at least three business days prior to the exercising of the delegation*

- (d) *Where a Councillor requests that an item be referred to a meeting of the Council, the item is to be deferred until the next appropriate Council or Committee Meeting*
- (e) *Any such matters determined under delegated authority are to be reported to the next available Council or Committee Meeting*
- Media Representation Policy
 - Amends the words on p136, point 4.7 to read, “All media statements of an operational nature are to be prepared by the General Manager and civic matters be delegated to the Mayor”.
 - Councillor Access to Information Interaction with Staff Policy
 - Delete the words on page p140 point 6b “where possible”.
 - Delete the words on page p140 point 6c “if necessary”.
 - Use of Council Branded Administrative Policy
 - Civic and Ceremonial Functions and Representation Policy
 - Adds information on p153, point 4.1.8 “that a plaque is to be placed for relevant openings and launches and is to include information on when it was opened and the names of Council”.

Foreshadowed Motion:

Moved: Cllr Harle

Seconded: Cllr Stanley

That this item be deferred to allow Councillors more time to review the proposed changes.

On being put to the meeting the motion was declared LOST, the foreshadowed motion moved by Cllr Harle became the motion and the motion was declared CARRIED.

CORS 10

ITEM NO: CORS 10
FILE NO: 2009/0109
SUBJECT: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY

RECOMMENDATION

That Council:

1. Provides public notice of 28 days for the making of public submissions of Council's intention to amend the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy as attached to this report; and
2. Be provided with a further report at its meeting on 26 November 2012, following the receipt and review of any public submissions.

COUNCIL DECISION

Motion: **Moved:** Clr Hadchiti **Seconded:** Clr Hadid

That Council:

1. Amends the existing Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy with the following:
 - Adds the following under Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors for Local Councils in NSW:

Guidelines provided by the Division (formerly Department) of Local Government

This Policy takes into account the following Circulars:

- *Circular 08/03 Findings from review of Councillor Expenses and Facilities policies*
- *Circular 08/24 Misuse of Council resources*
- *Circular 08/37 Council decision making prior to ordinary elections*
- *Circular 09/36 Release of Revised Councillor Expenses and Facilities guidelines*
- *Circular 10/26 Misuse of Council Resources*

The Model Code of Conduct for Local Councils in NSW

This Policy is consistent with the Model Code of Conduct for Local Councils in NSW, Department of Local Government – June 2008. The following parts of the Code are particularly relevant to s252 policies:

Use of Council Resources (pp. 23-24)

- 10.12** *You must use Council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.*
- 10.14** *You must be scrupulous in your use of Council property including intellectual property, official services and facilities and should not permit their misuse by any other person or body.*
- 10.15** *You must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.*
- 10.16** *The interests of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, Council crests and other information that could give the impression it is official Council material must not be used for these purposes.*
- 10.17** *You must not convert any property of the Council to your own use unless properly authorised.*

ICAC Publication – No Excuse for Misuse, preventing the misuse of Council resources

This Policy takes into account the Independent Commission Against Corruption (ICAC) publication No Excuse for Misuse, preventing the misuse of Council resources (Guidelines 2) November 2002.

This publication is available on the ICAC website at www.icac.nsw.gov.au

- Adds the following in the Policy Statement:

Dispute Resolution

Any disputes that arise in relation to this Policy will be resolved as follows:

- 1. With the Councillor and the General Manager; if unresolved,*
- 2. With the Mayor; if unresolved,*
- 3. The Full Council will be asked to review the dispute*

General Allowance

It is not appropriate or lawful for Council to pay general allowances unrelated to actual expenses incurred and which are designed to supplement councillors' annual fees (DLG Guidelines 2009 page 6). All expenses provided under this policy will be for a purpose specific to the functions of holding civic office.

Support to Mayor

- (b) *A dedicated vehicle selected from that available under the NSW state contract and be of a type deemed suitable to carry out Mayoral duties.*
- (e) *Ceremonial clothing including mayoral robes, chains of office to be worn at civic and ceremonial functions.*

Support to Councillors

- (d) *Replace '2012' with 'prior to an election'*

Hardware

7 (a) ii Where a Councillor does not require a desk top Personal Computer or a Laptop as they already have one Council will reimburse the cost of associated consumables such as toner, ink cartridges for their private computer if used in the performance of their civic duties up to \$500 per annum. The appropriate claim form with receipts will need to be completed and submitted for reimbursement to occur.

Carer and related expenses

Council endeavours to encourage and facilitate wide community involvement for persons nominating or holding the position of civic office. Accordingly, this Policy allows for fair and reasonable re-imbusement of carers expenses in relation to attendance at Council and Committee Meetings, and other official Civic functions. This applies to Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member. Child care expenses may be claimed for children up until and including the age of 16 years.

Councillors who require access to childcare in order to attend Council meetings, events and activities will be provided with child care through a registered and accredited child care provider, at Council's expense.

Should Councillors wish to arrange their own child care this is permissible and reimbursement will be provided on completion of the appropriate claim form.

Councillors will need to provide suitable evidence to the General manager that reimbursement is applicable, such as advice from a medical practitioner in the event of caring for an adult person.

Upon submission of receipts and tax invoices and completion of a formal claim (Appendix A) to the General Manager within three (3) months of the expense being incurred, reasonable reimbursement may be available.

Expenses and Facilities for Councillors with Disabilities

In addition to the above provisions, for any Councillor with a disability, Council may resolve to provide reasonable additional facilities and expenses, in order to allow that Councillor to perform their civic duties.

- Other minor grammatical corrections.

2. Provides public notice of 28 days for the making of public submissions of Council's intention to amend the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy as attached to this report; and
3. Be provided with a further report at its meeting on 26 November 2012, following the receipt and review of any public submissions.

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

CORS 11

ITEM NO: CORS 11
FILE NO:
SUBJECT: PERFORMANCE AGREEMENT WITH THE GENERAL MANGER

RECOMMENDATION

That Council:

1. Nominates the Mayor, Deputy Mayor and one other Councillor as members of the General Manager's Performance Review Panel.
2. Requests the General Manager to nominate a Councillor of his choice as a representative on the Performance Review Panel.
3. Following a review by the Panel adopts and signs the General Manager's Performance Agreement in accordance with his contract of employment.
4. Undertakes a performance review against the agreed criteria on 27 September 2013, the third anniversary of his appointment to the position.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

Councillors requested that they be recorded as voting unanimously for this motion.

Councillor Delegate Nominated: Cllr Ristevski

General Manager Delegate Nominated: Cllr Harle

CORS 12

ITEM NO: CORS 12
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT AUGUST 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Shelton**

That the recommendation be adopted.

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

CORS 13

ITEM NO: CORS 13
FILE NO: 2012/1995
SUBJECT: PECUNIARY INTEREST RETURNS

RECOMMENDATION

That Council notes that the Pecuniary Interest Returns of Councillors and Designated Persons, holding office as at 30 June 2012, are tabled before Council under Section 450A of the Local Government Act 1993.

COUNCIL DECISION

Motion: **Moved: Cllr Waller** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

PLAN 02

ITEM NO: PLAN 02
FILE NO: DA-309/2011
SUBJECT: VOLUNTARY PLANNING AGREEMENT FOR 124-144
NEWBRIDGE ROAD MOOREBANK

RECOMMENDATION

That Council:

1. Enters into the voluntary planning agreement as shown in Attachment 2 requiring the developer to provide a \$450,000 contribution in addition to land remediation, embellishment and dedication and other works.
2. Notes the conditions of consent to be applied to the development shown in Attachment 4

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Enters into the voluntary planning agreement as shown in Attachment 2 requiring the developer to provide a \$450,000 contribution in addition to land remediation, embellishment and dedication and other works.
2. Amends the conditions of consent as follows:
 - Adds the words, "or will receive written consent from the adjoining owner that there is no need to build an additional levy" to the last sentence in Condition 25.
 - Adds the words "if applicable" to the end of Condition 26.
 - Revises the second sentence in Condition 27 to read "The Certificate shall also confirm that *if applicable* the flood levee has been constructed under stage 1...."
 - Removes Conditions 20, 30, 43, 63, 64, 65, 93 and 94.

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

For: Mayor Mannoun Clr Balloot, Clr Hadchiti, Clr Hadid, Clr Harle,
Clr Mamone, Clr Ristevski

Against: Clr Karnib, Clr Shelton, Clr Stanley, Clr Waller

Motion: **Moved: Clr Hadid** **Seconded: Clr Hadchiti**

That an extension of time be granted until 11.30pm.

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

CITY SERVICES REPORT

CITS 01

ITEM NO: CITS 01
FILE NO: 2012/1909
SUBJECT: CLOSED CIRCUIT TELEVISION - CCTV FOR LIVERPOOL
 CBD

RECOMMENDATION

That Council:

1. Conducts a public community meeting to discuss with business and the general public what options may be available for them to participate in the CCTV implementation process.
2. Further considers joint CCTV funding and operative arrangements following the public meeting and in discussions with interested stakeholders.
3. Keeps confidential the pricing details and reports supplied under separate cover by Connley Walker Pty Ltd pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as the information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
4. Receives a further report at its 26 November 2012 Council meeting with findings from the public consultation process.

COUNCIL DECISION

Motion:

Moved: Clr Ballot

Seconded: Clr Hadchiti

That Council

1. Invites expressions of interest to:
 - Install and maintain CCTV in the Liverpool CBD based on an approximate budget of \$400,000
 - Monitor CCTV in the CBD
 - Potentially conduct trials of CCTV in the CBD
2. Direct the General Manager to work with the Police on the roll out and implementation of CCTV.
3. Supports the installation of CCTV in the Liverpool CBD.

4. Conducts a public community meeting to discuss with business and the general public what options may be available for them to participate in the CCTV implementation process.
5. Further considers joint CCTV funding and operative arrangements following the public meeting and in discussions with interested stakeholders.
6. Keeps confidential the pricing details and reports supplied under separate cover by Connley Walker Pty Ltd pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993 as the information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
7. Receives a further report at its 26 November 2012 Council meeting with findings from the public consultation process.

Amendment

Moved: Clr Waller

Seconded by Clr Stanley

That the recommendation be adopted.

Motion:

Moved: Clr Hadchiti

Seconded: Clr Balloot

That Council moves into Committee of the Whole to discuss item CITS 01 - Closed Circuit Television for - CCTV for Liverpool CBD.

Motion:

Moved: Clr Waller

Seconded: Clr Stanley

That Council moves back into open session.

On being put to the meeting the amendment was declared LOST and the motion was declared CARRIED.

Division was called

For: Mayor Mannoun, Clr Balloot, Clr Hadchiti, Clr Hadid, Clr Mamone,
Clr Ristevski,

Against: Clr Harle, Clr Karnib, Clr Shelton, Clr Stanley, Clr Waller

CITS 02

ITEM NO: CITS 02
FILE NO: 2012/1326
SUBJECT: MOOREBANK HOCKEY CLUB SYNTHETIC FIELD

RECOMMENDATION

That Council:

1. Receives and notes the information contained within this report.
2. Receives updates on the progress of the development.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Waller**

That the recommendation be adopted.

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

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2011/6197
SUBJECT: ABORIGINAL CONSULTATIVE COMMITTEE MINUTES OF THE MEETING HELD ON 1 AUGUST 2012

RECOMMENDATION

That Council receives and notes the minutes of the Aboriginal Consultation Committee meeting held on 1 August 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Waller**

That Council:

1. Receives and notes the minutes of the Aboriginal Consultation Committee meeting held on 1 August 2012.
2. Delegates to the Mayor the authority to appoint Councillors to internal Council Committees whilst the review is being completed and until committee members are chosen by Council.

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

COMM 02

ITEM NO: COMM 02
FILE NO: 2011/5690
SUBJECT: CASULA POWERHOUSE ARTS CENTRE BOARD MINUTES
OF MEETING HELD ON 16 AUGUST 2012

RECOMMENDATION

That Council receives and notes the minutes of the Casula Powerhouse Arts Centre Board meeting held on 16 August 2012.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Waller**

That Council:

1. Receives and notes the minutes of the Casula Powerhouse Arts Centre Board meeting held on 16 August 2012.
2. Delegates to the Mayor the authority to appoint Councillors to internal Council Committees whilst the review is being completed and until committee members are chosen by Council.

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2010/2486
SUBJECT: COMMUNITY AND RECREATION PANEL MINUTES OF MEETINGS
HELD ON 19 JUNE AND 30 AUGUST 2012

RECOMMENDATION

That Council receives and notes the minutes of the Community and Recreation Panel meetings held on 19 June 2012 and 30 August 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Waller**

That Council:

1. Receives and notes the minutes of the Community and Recreation Panel meeting held on 19 June 2012 and 30 August 2012.
2. Delegates to the Mayor the authority to appoint Councillors to internal Council Committees whilst the review is being completed and until committee members are chosen by Council.

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

COMM 04

ITEM NO: COMM 04
FILE NO: 2009/1298
SUBJECT: HERITAGE ADVISORY COMMITTEE MINUTES OF 6 AUGUST 2012

RECOMMENDATION

That Council notes the minutes of the Heritage Advisory Committee held on 6 August 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Waller**

That Council:

1. Receives and notes the minutes of the Heritage Advisory Committee meeting held on 16 August 2012.
2. Delegates to the Mayor the authority to appoint Councillors to internal Council Committees whilst the review is being completed and until committee members are chosen by Council.

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

COMM 05

ITEM NO: COMM 05
FILE NO: 2011/6360
SUBJECT: LIVERPOOL ACCESS COMMITTEE MINUTES OF THE MEETING
HELD ON 16 AUGUST 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Access Committee held on 16 August 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Waller**

That Council:

1. Receives and notes the minutes of the Liverpool Access Committee meeting held on 16 August 2012.
2. Delegates to the Mayor the authority to appoint Councillors to internal Council Committees whilst the review is being completed and until committee members are chosen by Council.

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

CORRESPONDENCE REPORTS

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Waller** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

QUESTIONS WITH NOTICE

QWNO 01

ITEM NO: QWNO 01
FILE NO: 2012/0282
SUBJECT: QUESTIONS WITH NOTICE - CLR HARLE

RECOMMENDATION

- 13. Does Council incorporate, as part of its planning policies for DA applications, the positioning of shrubs and trees in relation to street lighting? It is evident that there are many instances where trees have been planted without taking into consideration their long term effect on street lighting as they mature.**

- 14. As part of its planning policies, does Council ensure that high efficiency street lighting such as LEDs are incorporated into DA's in preference to less economical lighting that will have a significant impact on Councils' future energy and maintenance costs?**

- 15. Many residents of Luddenham have been subjected to major increases in their sewerage pump out charges due to a lack of available competitive contractors. Penrith Council has been subsidising their residents on the bordering Luddenham area. If Liverpool Council were to do the same, what would be the annual costs to Council for those affected residents?**

QWNO 02

ITEM NO: QWNO 02
FILE NO: 2012/0281
SUBJECT: QUESTIONS TAKEN ON NOTICE - FORMER CLR LUCAS

RECOMMENDATION

16. Can the Council block the emails from the Greens and a Senator Matt Thistlewaite from being forwarded to my own private email. I find them to be totally useless and political.

Your request is specific to your private email account. Council can only block emails, with approval, for Council email accounts.

17. Can a report be prepared for the first briefing session after the elections formulating a policy on:

- a. Council support for a combined Senior Citizens and Men's Sheds.**
- b. Locating suitable sites.**
- c. Applying for grants for the Senior Citizens and Men's Sheds.**
- d. Establishment of a community group based organisation to be responsible for the Senior Citizens and Men's Sheds.**

A report can be prepared, as requested, for a briefing session after the Council elections. The report will detail the support that can be provided to community groups seeking to establish new services, such as a Men's Shed or a Senior Citizens Centre. It will clarify the advice that can be provided regarding potential sites/locations, sources of funds such as grants, opportunities for developing partnerships, networking with existing groups, information about incorporation and other relevant matters. Council provides this kind of support on a regular basis to community groups through interagencies, referrals and responses to general approaches for assistance. The ultimate responsibility for establishing and operating a new service remains with the community groups.

Council is not responsible for formulating a specific policy in relation to this matter, however there are Council policies and strategies, which relate to supporting the establishment of new community services, such as the Social Justice Policy, the Ageing Strategy (currently under development) and the Disability Strategy. Council is also developing a Community Facilities Strategic Plan to guide the development, enhancement and allocation of Council-owned community facilities.

QWNO 03

ITEM NO: QWNO 03
FILE NO: 2012/0281
SUBJECT: QUESTIONS WITH NOTICE - FORMER CLR MCGOLDRICK

RECOMMENDATION

18. Will council plan for community celebrations on 25th of April 2015, being the 100th anniversary of the commemoration of the ANZAC landings at ANZAC COVE Gallipoli, this being a most significant date on that year's calendar, to bring the community together, and if so will there be an allocation of funds made to the organizing committee to make this indeed a stupendous occasion where we, as a community reconnect with our history and pay tribute to our great forebears, who departed from the Holsworthy army base with their horses, many of whom did not return after paying the supreme sacrifice, all those years ago?

The Liverpool RSL Club organises the commemoration of the ANZAC landings at ANZAC COVE Gallipoli and Council supports this event.

In February this year, Council resolved to support the Liverpool RSL Club's 2012 ANZAC Day commemorations by contributing \$5,500 to be used for the equipment required for the event. Council's Event's team is responsible for allocating the funds according to the requirements of the event.

Please see attached report.

19. Could the Liverpool traffic committee be asked to refer the following questions to Roads and Maritime Services (RMS) for response in a timely manner?

a) What are the statistics related to road deaths & trauma involving B-doubles?

Liverpool Council receives information on recorded road crashes every calendar year. In 2010 heavy vehicles were involved in 77 crashes that resulted in two people killed and 35 injured. These crashes may also have involved other vehicles (i.e. cars) however RMS do not record cause or responsibility against a vehicle. In addition, it should be noted that heavy vehicles include B-doubles, rigid vehicles and other articulated vehicles. Unfortunately, Council does not have the statistics for road deaths and trauma involving B-doubles across the state. The RMS road crash data unit has been requested to provide advice on your request, however, the agency requires clarification on the information requested (with regards to location, years of accidents, type of vehicles) before a response can be provided.

b) What are the statistics related to road deaths & trauma involving single unit (no-B-double) heavy vehicles?

The RMS, under its crash data, categorise heavy vehicles as either heavy rigid trucks (rigid lorry or rigid tanker excess of 4.5 tonnes) or articulated trucks (articulated tanker, semi-trailer, low loader, road-train and B-double). Crashes involving these vehicles are all grouped together as crashes involving heavy vehicles. The data base does not provide statistics on death and trauma involving single unit or B-double heavy vehicles. If required the RMS will be requested again to see whether this information can be provided for Liverpool LGA and/or across the State.

c) The figures should include the numbers that are attributable to the heavy vehicle being the cause as well as not being the cause.

As indicated above, the crash data provided by the RMS does not provide detailed information on the number of crashes that are attributable to vehicle type. Such information is therefore not readily available. However, if required, further representation will be made to the RMS to see whether the requested information can be provided.

d) Have theoretical numbers been determined related to potential "road trains" being permitted to use the same roads as B-doubles including the Hume Highway at Liverpool?

From July 2012, the Minister for Roads approved changes to the use of road trains on a number of specified roads in NSW. The permits allow longer vehicles (tri-axle vehicles) to use specified roads. Since the approval, RMS has not carried out traffic modelling to forecast the number of road trains that would be using the specified roads within all of the Sydney metropolitan area. RMS and Transport for NSW are still working on forecast traffic volumes from a number of major origins and destinations including Port Botany. When additional information becomes available it will be provided.

Clr Waller left the room at 11:14pm

Clr Waller returned to the room at 11:16pm.

THE MEETING CLOSED AT 11:19PM



MINUTES OF THE ORDINARY MEETING HELD ON 5 NOVEMBER 2012

PRESENT:

Mayor Ned Mannoun
 Councillor Balloot
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Mamone
 Councillor Ristevski
 Councillor Shelton
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mrs Julie Hatley, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Mr Paul Scully, Acting Director - City Services
 Mr Gino Belsito, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7:00 pm

OPENING 7:00pm

PRAYER The prayer of Council was read by the Acting Director City Services Mr Paul Scully.

APOLOGIES Cllr Wendy Waller

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Karnib**

CONDOLENCES

The Hon. George Paciullo (Mayor Mannoun and Cllr Stanley)
 Sapper Jordan Penpraze
 Australian Soldier (name withheld)

The Hon. George Paciullo (read by Mayor Mannoun)

On Tuesday 9 October 2012, it was with great regret that we learnt of the passing of the Hon. George Paciullo, former State Member of Liverpool and Mayor of Liverpool City Council.

Mr Paciullo was an Alderman of Liverpool City Council from 1959 – 1970 during which he served as the Mayor of Liverpool from 1968 – 1969. He was again elected as Mayor from 1994 – 2003 when he returned to local politics after an illustrious career in State politics.

In 1971 Mr Paciullo entered State politics as the Member for Liverpool and held a number of portfolios including Sport, Recreation and Tourism, Roads, Industry and Small Business, Consumer Affairs, Aboriginal Affairs and finally Police and Emergency Services.

He is best known for introducing random breath testing in the early 1980s.

He was also honoured and awarded:

- The Order of the President of the Solidarity Star of Italy in 1972,
- The Companion of the Order of Liverpool in 1990.
- The Medal of the Order of Australia - General Division (OAM) in 1999.
- The Centenary Medal - general list in 2003.

Mr Paciullo was instrumental to Liverpool's development and a significant figure in the local community as well as the political sphere.

We conveyed our sincere condolences to Mr Paciullo's family and friends at the time of their great loss.

The Hon. George Paciullo (read by Cllr Stanley)

I second the condolence motion for Hon George Paciullo who passed away on 9th October 2012. George represented Liverpool and the interests of its residents for almost 40 years from 1959 until 2003. He was the Member for Liverpool in the State Parliament for 18 years until his retirement in 1989, serving as a Minister over several portfolios, he was instrumental in the introduction random breath testing. Although by no way his only achievement in politics it certainly has saved countless lives and families and changed the culture of drink driving not only in our State.

George was first elected to Liverpool Council in 1959; serving until 1971 when he was elected to the State seat. He was re-elected to Council in 1994 and served until 2003. He was Mayor for nine years; being our second popularly elected Mayor. He received an Order of Australia in 1999.

George was made a life member of the Australian Labor Party in 2002 and had been an active member of the party for 50 years at the time of his death. He was passionate about Liverpool and its people and what it could achieve. I was lucky enough to run for election on the Labor Party Council ticket in 1999 with George and he spoke to me at length about Liverpool and his vision for our city and its people. He was indeed passionate about Liverpool and its potential. He believed that our city was great place and deserved the best; he was always looking for ways to improve the community for the future. He listened to others and took on board their ideas, he was very generous with me and assisted and provided advice during my first foray into the political sphere, for which I am grateful.

Other than Liverpool, George was passionate about sport and tennis in particular, but also his family. I know he was very proud of his son Murray, and that his grandchildren were very special to him. It is to his family I and my colleagues offer our sincere condolences and thoughts.

I would ask that Council send the appropriate letters of condolence noting this motion to his son, Murray and his family.

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

Sapper Jordan Penpraze (Read by Mayor Mannoun)

On Monday 8 October 2012, Sapper Jordan Penpraze from the School of Military Engineering at Moorebank sustained critical head injuries and sadly passed away on 11 October 2012.

He was one of 18 soldiers injured when a camouflaged, open-roof vehicle crashed and rolled on to its side, throwing soldiers from the vehicle, after a training exercise.

Originally from Victoria, Sapper Penpraze was a trainee combat engineer who had been just days away from graduating from his training.

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

**The passing of an Australian Soldier killed in action during a mission in Afghanistan
(read by Mayor Mannoun)**

A 24 year old Australian soldier, serving with the Special Operations Task Group, was killed in action by an explosive device detonated when conducting a partnered clearance operation against an insurgent network that directly influences insurgent activity in southern Afghanistan.

General Hurley from the Australian Army stated "The Special Operations mission remains ongoing so I cannot provide specific details about the location or the mission itself without risking the safety of this young man's comrades" but did state "he was a highly qualified soldier with operational experience."

His Commanding Officer described the deceased as an exceptional soldier who will be remembered as genuine, honest and dedicated. His loss will be felt deeply by all who knew him.

The soldier's family has asked that Defence not release his personal or service details at this time.

A minutes silence was observed.

Motion: **Moved: Mayor Mannoun** **Seconded: Clr Shelton**

That Council sends condolences to the families of the Hon George Paciullo, Sapper Jordan Penpraze and the Australian Soldier when his name is released.

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

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 8 October 2012 be confirmed as a true record of that meeting with the following amendments:

Page 3 – CORS 03 Clr Stanley reason should read "Previously declared a non-pecuniary less than significant interest in relation to this item, unable to ascertain current status as to whether I know anyone involved in transaction as Council Officers unable to provide information, therefore intend to leave the Chambers".

Page 22 – CORS 01 Notes down the bottom of page, Clr Hadchiti left the room at 9.24pm and returned at 9.24pm. Councillor would like it made clear in the minutes that he was not in the Chambers when voting took place.

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

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

DECLARATIONS OF INTEREST

Clr Hadchiti declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 02 & PLAN 06 MODIFICATION TO DEVELOPMENT CONSENT
DA-787/2005
MODIFICATION TO DEVELOPMENT CONSENT
DA-491/2012

Reason: The applicant is the owner of a premise that the Liberal party leased at commercial rates during the 2012 Council elections.

Clr Hadchiti will not leave the Chambers for the duration of this item.

Clr Balloot declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 02 & PLAN 06 MODIFICATION TO DEVELOPMENT CONSENT
DA-787/2005
MODIFICATION TO DEVELOPMENT CONSENT
DA-491/2012

Reason: The applicant is the owner of a premise that the Liberal party leased at commercial rates during the 2012 Council elections.

Clr Balloot will not leave the Chambers for the duration of this item.

Clr Mamone declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 02 & PLAN 06 MODIFICATION TO DEVELOPMENT CONSENT
DA-787/2005
MODIFICATION TO DEVELOPMENT CONSENT
DA-491/2012

Reason: The applicant is the owner of a premise that the Liberal party leased at commercial rates during the 2012 Council elections.

Clr Mamone will not leave the Chambers for the duration of this item.

Clr Ristevski declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 02 & PLAN 06 MODIFICATION TO DEVELOPMENT CONSENT
DA-787/2005
MODIFICATION TO DEVELOPMENT CONSENT
DA-491/2012

Reason: The applicant is the owner of a premise that the Liberal party leased at commercial rates during the 2012 Council elections.

Clr Ristevski will not leave the Chambers for the duration of this item.

Clr Hadid declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 02 & PLAN 06 MODIFICATION TO DEVELOPMENT CONSENT
DA-787/2005
MODIFICATION TO DEVELOPMENT CONSENT
DA-491/2012

Reason: The applicant is the owner of a premise that the Liberal party leased at commercial rates during the 2012 Council elections.

Clr Hadid will not leave the Chambers for the duration of this item.

Clr Harle declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 01 INTERSECTION UPGRADE ROAD WORKS OF
GOVERNOR MACQUARIE DRIVE AND MUNDAY
STREET, WARWICK FARM

Reason: Family members residing in the adjacent area.

Clr Harle will not leave the Chambers for the duration of this item.

Mayor Mannoun declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 02 & PLAN 06 MODIFICATION TO DEVELOPMENT CONSENT
DA-787/2005
MODIFICATION TO DEVELOPMENT CONSENT
DA-491/2012

Reason: The applicant is the owner of a premise that the Liberal party leased at commercial rates during the 2012 Council elections.

Mayor Mannoun will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Allan Corben addressed Council regarding the Intermodal Proposal.

SPEAKERS FORUM

Vladimir Skataric addressed Council on the following item:

Item – NOMO 01	ESTABLISH COMMUNITY CONSULTATIVE COMMTTEES
-----------------------	---

John Anderson addressed Council on the following item:

Item – MAYR 01	MOOREBANK INTERMODAL
-----------------------	----------------------

Brian Bruce addressed Council on the following item:

Item – MAYR 01	MOOREBANK INTERMODAL
-----------------------	----------------------

Andy Trigas addressed Council on the following item:

Item – MAYR 01	MOOREBANK INTERMODAL
-----------------------	----------------------

Goran Jadraski addressed Council on the following item:

Item – NOMO 01	ESTABLISH COMMUNITY CONSULTATIVE COMMTTEES
-----------------------	---

Tracey Armstrong addressed Council on the following item:

Item – PLAN 01	LIVERPOOL RETAIL CENTRES HIERARCHY REVIEW
-----------------------	--

Clr Hadid left the Chambers at 7.42pm

George Mandilis addressed Council on the following item:

Item – PLAN 01	LIVERPOOL RETAIL CENTRES HIERARCHY REVIEW
-----------------------	--

Clr Hadid returned to the Chambers at 7.44pm

Julie Bindon addressed Council on the following item:

Item – PLAN 01 & PLAN 02 LIVERPOOL RETAIL CENTRES HIERARCHY
REVIEW
DRAFT AMENDMENT NO.22 TO LIVERPOOL
LOCAL ENVIRONMENTAL PLAN 2008 –
BRAND OUTLET PREMISES AT 5 VISCOUNT
PLACE WARWICK FARM

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That a five minute extension of time be given to Julie Bindon.

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

Harshane Kahagalle addressed Council on the following item:

Item – PLAN 02 DRAFT AMENDMENT NO.22 TO LIVERPOOL
LOCAL ENVIRONMENTAL PLAN 2008 –
BRAND OUTLET PREMISES AT 5 VISCOUNT
PLACE WARWICK FARM

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Shelton**

That a five minute extension of time be given to Harshane Kahagalle.

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

Peter Leyshon addressed Council on the following item:

Item – PLAN 01 & PLAN 02 LIVERPOOL RETAIL CENTRES HIERARCHY
REVIEW
DRAFT AMENDMENT NO.22 TO LIVERPOOL
LOCAL ENVIRONMENTAL PLAN 2008 –
BRAND OUTLET PREMISES AT 5 VISCOUNT
PLACE WARWICK FARM

Mayor Mannoun left the chambers at 8:07pm and vacated the Chair.

Deputy Mayor Clr Hadid accepted the Chair at 8.07pm.

Mayor Mannoun returned to the room at 8.09pm and resumed the Chair.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Shelton**

That a five minute extension of time be given to Peter Leyshon.

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

1) Wayne Gersbach addressed Council on the following item:

Item – PLAN 05 607 – 611 (LOTS 5-7 DP 15667) HUME HIGHWAY
CASULA PROPOSED REZONING TO PERMIT THE
DEVELOPMENT OF A 4300SQM SUPERMARKET,
WITH CONSENT

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Shelton**

That a five minute extension of time be given to Wayne Gersbach.

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

Clr Hadid left the chambers at 8.23pm

2) Paul Hume addressed Council on the following item:

Item – IHAP 01 INTERSECTION UPGRADE ROAD WORKS OF
GOVERNOR MACQUARIE DRIVE AND MUNDAY
STREET, WARWICK FARM

Clr Hadid returned to the chambers at 8.24pm

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That item CORS 06 be brought forward.

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

CORS 06

ITEM NO: CORS 06
FILE NO: 2005/2473
SUBJECT: ANNUAL FINANCIAL REPORTS 2011/2012

RECOMMENDATION

That Council:

1. Allows Council's auditor, Mr Dennis Banicevic from PricewaterhouseCoopers to make a presentation with regard to Council's audited 2011/2012 Financial Reports.
2. Approves a transfer of \$293k to the Capital Works Reserve (for the redevelopment of the Depot and other capital projects) from the working funds balance as at 30 June 2012.
3. Receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Allows Council's auditor, Mr Dennis Banicevic from PricewaterhouseCoopers to make a presentation with regard to Council's audited 2011/2012 Financial Reports.
2. Create a Tourism and Events Reserve.
3. Approve the following transfers of:
 - \$100k to the Tourism and Events Reserve,
 - \$35K to the construction of a footpath on Tooma Place, Heckenberg,
 - \$100k to Councillor Reserve,
 - \$58k to the Intermodal Fighting Fund.
4. Receives and notes the report.

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

Clr Anne Stanley left the Chambers at 8.33pm.

Clr Balloot left the Chambers at 8.39pm.

Clr Anne Stanley returned to the Chambers at 8.40pm.

Clr Balloot returned to the Chambers at 8.42pm.

Clr Hadchiti left the Chambers at 8.46pm.

Clr Hadchiti returned to the Chambers at 8.48pm

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council resumes the meeting agenda at 8.48pm.

On being put to the meeting the motion was CARRIED

MAYORAL MINUTE

Subject: Conduct of Local Government Election – September 2012

Report:

Council, at its meeting on 17 October 2011, resolved that the NSW Electoral Commission would conduct the September 2012 election on behalf of Council. Mr Jack Somers was subsequently appointed as the Returning Officer.

The election was managed and administered efficiently in Liverpool. Mr Somers and his team were highly experienced and knowledgeable in regards to all election matters, with advice and support provided in a timely and professional manner.

I would like to thank Mr Somers and his team for the service they provided to Council and local candidates.

I note that a letter from the General Manager has been sent to Mr Colin Barry, NSW Electoral Commissioner, acknowledging the exemplary service provided to Council.

Motion: Mayor Mannoun

That this Mayoral Minute be received and noted.

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

MAYORAL MINUTE

Subject: Certificate of Recognition to Former Councillors September 2008 to September 2012

Report:

As the Mayor of Liverpool City, I would like to recognise and acknowledge the former Councillors for their hard work, dedication and commitment as elected members throughout the previous Council term (September 2008 to September 2012).

During that time, the Council were successful in achieving a number of milestones, including:

- ensuring that Council was in a sound and stable financial position with most indicators improving
- becoming the top performing NSW Council in recycling
- delivering over \$200m of diverse capital works
- approving over 5,000 development applications
- signing significant Memorandum of Understandings with local stakeholders such as TAFE and NSW Health to support better outcomes for the Liverpool community

Motion: Mayor Mannoun

In appreciation of the former Council's services, I would like to move that:

1. Council allows the General Manager and I to present a Certificate of Recognition to former Councillors, to acknowledge their contribution to the Liverpool community.
2. The Certificate of Recognition be forwarded to former Councillors who were not available to attend the meeting tonight.

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

MAYORAL MINUTE**Subject: Car Donation****Report:**

As part of the opening of the newly renovated building at Liverpool City Council's Depot, Casula Powerhouse Arts Centre donated a disused car (which was originally donated to Casula Powerhouse Arts Centre to be used as an old Powerhouse prop for an exhibition) to two Council staff members from the Civil and Maintenance Team, Mr Craig Matthews and Mr Duncan Odgers, to enter into the "Camp Quality" charity bash.

The car has been sitting in storage for some time as numerous attempts to find a new home for the car have failed. It is currently unregistered and will require repairs so it can be made roadworthy and eligible for registration.

In their own time and at their own cost, Mr Matthews and Mr Odgers will modify the car and enter it into the "Camp Quality" charity bash.

Camp Quality is an Australian organisation that believes in improving the quality of life for children living with cancer. Since it was established in 1983, Camp Quality has been synonymous with bringing laughter, fun therapy and optimism to children living with cancer and their families.

Mr Matthews and Mr Odgers have plans for a "beach theme" and will paint the car and add accessories to go along with this idea, such as waves and surfboards.

Both Liverpool Council and Casula Powerhouse Arts Centre logos will be added to the car as sponsors.

I congratulate Mr Matthews and Mr Odgers for instigating this highly valuable initiative and sharing their time and resources for a worthwhile charity.

Motion: Mayor Mannoun

That Council match the funds raised by Mr Craig Matthews and Mr Duncan Odger as part of the "Camp Quality" charity bash to a value of \$5,000.

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

MAYORAL MINUTE

Subject: Ingham Institute

Report:

As the Mayor of Liverpool City, I would like to inform you of the recent opening of the Ingham Institute. The Ingham Institute was conceived through the foresight and generosity of Bob Ingham AO, who wanted to address health challenges facing south-western Sydney.

The Ingham Institute is a collaboration between the University of New South Wales, the South Western Sydney Local Health District and the University of Western Sydney, and is based at Liverpool Hospital. The Institute will house 200 researchers and has received \$46.9 million in funding from the federal government.

The Ingham Institute is focused on seven key areas of health that most impact the local south-western Sydney community:

- Cancer Research
- Cardiovascular Disease
- Community and Population Health
- Early Years (childhood diseases)
- Infectious and Inflammatory Disease
- Injury (trauma)
- Mental Health

In appreciation, I would like to thank Bob Ingham AO, investors in the Ingham Institute and the federal government for investing in Liverpool and acknowledge their future contribution to Liverpool and the broader communities.

Motion: Mayor Mannoun

That Council receives and notes the report.

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

MAYORAL MINUTE

Subject: The Biggest Loser

Last week the producers of the national TV show, The Biggest Loser, Shine Australia, signed an agreement with Belgravia Leisure to film the opening episode of upcoming season of the Biggest Loser in Liverpool Council's Whitlam Centre.

This represents an exciting opportunity for Council to showcase itself as Sydney's third regional City and to provide hundreds of thousands of dollars of free advertising for our City.

This is a major achievement for our City.

This event is to be filmed on December 8th 2012 and the producers of the show would like the 2500 seats that are available to be filled by residents or employees within the Liverpool area.

This Mayoral Minute calls upon Council to support this event and to delegate to the General Manager and Mayor the authority to assist the filming of the Biggest Loser as efficient and welcoming as possible for Channel Ten and Shine Australia as guests of our City and to action other opportunities relating to this that can benefit the people of Liverpool.

Motion: Mayor Mannoun

That Council:

1. Write to Belgravia Leisure congratulating them and their staff on a job well done in securing this event for Liverpool
2. Support this event and to delegate to the General Manager and Mayor the authority to assist the filming of the Biggest Loser as efficient and welcoming as possible for Channel Ten and Shine Australia as guests of our City and to action other opportunities relating to this that can benefit the people of Liverpool.

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

MAYORAL MINUTE

Subject: Delegations to the Mayor

Subject to Section 377 and Section 379 of the Local Government Act 1993 and as a matter of policy, Council delegates to the Mayor, on an ongoing basis, the following functions (to be exercised in a manner consistent with Council's policies and decisions as applicable from time-to-time), additional to those contained in the Local Government Act 1993.

INTERPRETATION OF DELEGATIONS

- (a) This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993
- (b) References to the decisions of the Council are references to decisions made by the Council from time-to-time
- (c) References to policies of the Council are references to policies adopted by Council from time-to-time
- (d) These delegations are not intended to limit the Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time-to-time or as may be functions of the Mayor under the Local Government Act 1993 or Regulations

DELEGATIONS

(1) Management of Council Meetings and Business

- (a) The authority to call and schedule meetings of the Council and Council Committees, briefings of Councillors and site inspections by Councillors
- (b) To request the General Manager to include items on agendas for Council and Committee Meetings subject to the requirements of the Code of Meeting Practice and in accordance with any resolution of the Council.
- (c) The authority to request the General Manager to brief the Mayor when requested about the upcoming Council agenda
- (d) To request the General Manager to invite certain guests to briefing sessions or Council committees to make presentations that the Mayor deems to be in the best interest of Council.

(2) External Relations and Representations

- (a) To determine which events Council will sponsor in consultation with the General Manager and within Councils approved budget.

(3) Authority to Obtain Legal and other Professional or Expert Services

- (a) Where there is a situation (such as a planning, financial, or investment matter) and the Mayor determines that it is in the best interest of the Council to seek a second opinion to assist Council in making a decision, the Mayor, in consultation with the General Manager, may direct the General Manager to obtain such independent advice and provide it to Councillors using the General Manager.

(4) Mayoral and Civic Role

- (a) To use the Council Crest on Mayoral stationary or other formats of communication such as email, website, etc.
- (b) The Mayor is to hold 'mobile offices' at locations and frequency at their discretion and to be provided with the resources to assist with this including but not limited to staffing, mailing and advertising of the mobile office, tables, chairs etc funded from the Councillor Reserve

(5) In Between Meetings

- (a) To approve committee meeting minutes and recommendations after the minutes of the committee have been circulated to all Councillors and no objection within 3 business days from a Councillor has been received.

Motion: Mayor Mannoun

That the Mayoral Minute regarding delegations to the Mayor be considered under CORS 01.

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

Mayoral minute was withdrawn and discussed under CORS 01.

MAYORAL REPORT

ITEM NO: MAYR 01
FILE NO: 2008/1534
SUBJECT: MOOREBANK INTERMODAL

RECOMMENDATION

That Council change the No Intermodal Working Party to the No Intermodal Committee.

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun**

That Council:

1. Changes the No Intermodal Working Party to the No Intermodal Committee.
2. Acknowledges that the committee's purpose is to assist the residents in their fight against the Intermodal.
3. Acknowledges the goal of the committee is oppose the proposed Intermodals and ensure they Intermodals are placed in more appropriate locations for the benefit of all of Sydney, rather than areas that are close to residential homes and already significantly affected by traffic congestion.
4. Delegates to the Mayor the ability to appoint up to 5 voting community members to the committee and up to 5 alternate community members.
5. Nominates the Mayor and 4 Councillors to the committee as voting.
6. Delegates to the General Manager the authority to nominate themselves or any number of Council staff whom they determine to attend the committee as non-voting members.
7. Distributes all minutes and agendas for the Committee electronically only in order to minimise Council resources or in written form if requested.
8. Replaces the Charter of the No Intermodal Working Party to reflect the above changes.

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

Nominations were called for the No Intermodal Committee.

Declared elected: Clr Hadchiti, Clr Mamone, Clr Harle, Clr Ristevski

Clr Hadchiti requested that his name be recorded as voting for the motion.

Adjournment of the meeting was called by the Chair for 15 minutes at 9.11pm.

Council resumed at 9:31pm.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That all City Planning Reports be brought forward.

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

PLAN 02

ITEM NO: PLAN 02
FILE NO: RZ-7/2011
SUBJECT: DRAFT AMENDMENT NO. 22 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - BRAND OUTLET PREMISES AT 5 VISCOUNT PLACE WARWICK FARM

RECOMMENDATION

That Council:

1. Supports the use of the site as a 'brand outlet premises' and proceeds with the making of Liverpool Local Environmental Plan 2008 (draft Amendment No.22);
2. Forwards the Planning Proposal to the regional branch of the Department of Planning and Infrastructure for Parliamentary Counsel consideration and requests that the wording of the amendments be confirmed with Council prior to being made.
3. Writes to the Department of Planning and Infrastructure requesting clearer policy direction in relation to outlet centre retailing in NSW.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Defers the decision on the making of LLEP 2008 Draft Amendment No. 22 to the next Council meeting.
2. Provides a legal opinion on any recommendation on this matter.

Vote for: Clr Hadchiti, Clr Balloot, Clr Mamone, Clr Shelton, Clr Ristevski, Clr Karnib, Clr Harle, Clr Hadid, Mayor Mannoun

Vote against: Clr Stanley

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

Note: Clr Waller was absent from the meeting when this item was voted on.

PLAN 03

ITEM NO: PLAN 03
FILE NO: RZ-1/2012
SUBJECT: DRAFT AMENDMENT NO. 26 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - PUBLIC EXHIBITION OUTCOMES

RECOMMENDATION

That Council proceed with the making of draft amendment 26 to Liverpool Local Environmental Plan 2008 and forward the Planning Proposal to the Department of Planning and Infrastructure for finalisation.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That the recommendation be adopted.

For: Clr Stanley, Clr Karnib, Clr Shelton, Clr Mamone,

Against: Mayor Mannoun, Clr Harle, Clr Ristevski, Clr Hadchiti, Clr Hadid, Clr Balloot

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the item be resubmitted.

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

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council defers this item.

Clr Stanley foreshadowed an intention to put forward a motion to adopt the recommendation.

For: Mayor Mannoun, Clr Balloot, Clr Hadchiti, Clr Mamone, Clr Shelton, Clr Ristevski Clr Hadid, Clr Harle

Against: Clr Stanley, Clr Karnib

On being put to the meeting the motion was declared CARRIED and the foreshadowed motion LAPSED.

PLAN 05

ITEM NO: PLAN 05
FILE NO: RZ-3/2012
SUBJECT: 607-611 (LOTS 5-7 DP 15667) HUME HIGHWAY CASULA PROPOSED REZONING TO PERMIT THE DEVELOPMENT OF A 4300SQM SUPERMARKET, WITH CONSENT.

RECOMMENDATION

That Council:

1. Refuses the application to amend the Liverpool Local Environmental Plan 2008 to rezone land at 607-611 (Lots 5-7 DP 15667) Hume Highway, Casula from B6 - Enterprise Corridor to B2 Local Centre.
2. Refuses the application to amend the Liverpool Local Environmental Plan 2008 to add a clause to Schedule 1 to allow and additional permitted use for 607-611 (lots 5-7 DP 15667) Hume Highway, Casula, being that, "Development for the purpose of commercial premises is permitted with consent up to a maximum of 4300sqm."
3. Writes to the applicant outlining Council's resolution in this regard.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

Clr Ristevski foreshadowed an intention to put forward a motion to defer this item.

On being put to the meeting the motion was declared CARRIED and the foreshadowed motion LAPSED.

Vote for: Clr Stanley, Clr Shelton, Clr Hadchiti Clr Balloot, Clr Hadid,
Clr Karnib

Vote against: Mayor Mannoun, Clr Ristevski, Clr Harle, Clr Mamone

Note: Clr Waller was absent from the meeting when this item was voted on.

PLAN 06

ITEM NO: PLAN 06
FILE NO: DA-491/2012/A
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT DA-491/2012

RECOMMENDATION

That Council approves modification (DA-491/2012/A) which seeks to modify Development Consent DA-491/2012 at Lot 215 DA 1104356, 20 Mustang Close, Middleton Grange subject to the amendments contained within the draft Notice of Determination.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Clr Waller was absent from the meeting when this item was voted on.

PLAN 07

ITEM NO: PLAN 07
FILE NO: 2007/0734
SUBJECT: CLAUSE 4.6 (SEPP 1) QUARTERLY REPORT

RECOMMENDATION

That Council receives and notes this report.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That GMMR 01 be deferred to the end of the meeting.

On being put to the meeting the motion was CARRIED

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0295
SUBJECT: ESTABLISH COMMUNITY CONSULTATIVE COMMITTEES

RECOMMENDATION

That Council establish culturally and linguistically diverse community consultative committees that meet twice a year in the following languages:

- Arabic
- Indian
- Vietnamese
- Macedonian
- Serbian
- Bosnian
- Spanish
- Philippines

COUNCIL DECISION

Motion: **Moved: Clr Ristevski** **Seconded: Clr Hadchiti**

That Council

1. Establish a multicultural advisory committee open to all that meets annually.
2. Council then establish up to 10 sub committees at the first multicultural advisory committee based on demand of the various ethnic groups that meets annually.
3. Appoints five Councillors to the committees.

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

Mayor Mannoun, Clr Hadchiti, Clr Ristevski, Clr Balloot, Clr Mamone requested that their names be recorded as voting for the motion.

Nominations were called for the Multicultural Advisory Committee.

Declared elected: Mayor Mannoun, Clr Mamone, Clr Ristevski, Clr Balloot,
Clr Hadchiti

Clr Hadid left the room at 10:02pm

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: DA-28/2012
SUBJECT: INTERSECTION UPGRADE ROAD WORKS OF GOVERNOR
MACQUARIE DRIVE AND MUNDAY STREET, WARWICK FARM

RECOMMENDATION

That Council:

1. Approves DA-28/2012 for intersection upgrade road works of Governor Macquarie Drive and Munday Street, Warwick Farm at Lot 1 in DP 1040353 and portion of road reserve of Governor Macquarie Drive and Munday Street, Warwick Farm, subject to the attached draft conditions of consent.
2. Notifies the persons who made a submission with regard to the proposed development in writing of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Shelton**

That the recommendation be adopted.

Vote for: Clr Stanley, Clr Shelton, Clr Hadchiti, Clr Balloot, Clr Karnib

Vote against: Mayor Mannoun, Clr Harle, Clr Hadid, Clr Ristevski,
Clr Mamone

The Mayor's used his casting vote and declared the motion by Clr Stanley was LOST.

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Stanley**

That the item be resubmitted.

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

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That an extension of time be granted until 11:30pm.

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

Motion:

Moved: Clr Hadchiti

Seconded: Clr Stanley

That Council:

1. Approves DA-28/2012 for intersection upgrade road works of Governor Macquarie Drive and Munday Street, Warwick Farm at Lot 1 in DP 1040353 and portion of road reserve of Governor Macquarie Drive and Munday Street, Warwick Farm, subject to the attached draft conditions of consent.
2. Notifies the persons who made a submission with regard to the proposed development in writing of Council's decision.

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

Vote For:

Mayor Mannoun, Clr Stanley, Clr Shelton, Clr Mamone,
Clr Balloot, Clr Karnib, Clr Hadchiti

Vote Against:

Clr Harle, Clr Ristevski, Clr Hadid

IHAP 02**ITEM NO:** IHAP 02**FILE NO:** DA-787/2005/B**SUBJECT:** MODIFICATION TO DEVELOPMENT CONSENT DA-787/2005**RECOMMENDATION**

That Council:

1. Approves modification application DA-787/2005/B which seeks to modify Development Consent DA-787/2005 pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979, subject to the modified conditions of consent contained within the draft Notice of Determination.
2. Supports the variation to Clause 4.4 - Floor Space ration made pursuant to Clause 4.6 of Liverpool Local Environmental Plan 2008.

COUNCIL DECISION**Motion:****Moved: Clr Hadchiti****Seconded: Clr Stanley**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Clr Waller was absent from the meeting when this was voted on.

3. Adopts the Delegations to the Mayor Policy, as follows:

Subject to Section 377 and Section 379 of the Local Government Act 1993 and as a matter of policy, Council delegates to the Mayor, on an ongoing basis, the following functions (to be exercised in a manner consistent with Council's policies and decisions as applicable from time-to-time), additional to those contained in the Local Government Act 1993.

INTERPRETATION OF DELEGATIONS

- (a) This instrument of delegation should be construed as operating in a manner which is valid and within the powers conferred on the Council under the Local Government Act 1993
- (b) References to the decisions of the Council are references to decisions made by the Council from time-to-time
- (c) References to policies of the Council are references to policies adopted by Council from time-to-time
- (d) These delegations are not intended to limit the Mayor's ability to carry out such other functions and exercise such other powers as the Council may determine from time-to-time or as may be functions of the Mayor under the Local Government Act 1993 or Regulations

DELEGATIONS

(1) Management of Council Meetings and Business

- (a) The authority to call and schedule meetings of Council Committees, briefings of Councillors and site inspections by Councillors
- (b) To request the General Manager to include items on agendas for Council and Committee Meetings subject to the requirements of the Code of Meeting Practice and in accordance with any resolution of the Council.
- (c) The authority to request the General Manager to brief the Mayor when requested about the upcoming Council agenda
- (d) To request the General Manager to invite certain guests to briefing sessions or Council committees to make presentations that the Mayor deems to be in the best interest of Council.

(2) External Relations and Representations

- (a) To determine which events Council will sponsor in consultation with the General Manager and within Councils approved budget.

(3) Authority to Obtain Legal and other Professional or Expert Services

- (a) Where there is a situation (such as a planning, financial, or investment matter) and the Mayor determines that it is in the best interest of the Council to seek a second opinion to assist Council in making a decision, the Mayor, in consultation with the General Manager, may direct the General Manager to obtain such independent advice and provide it to Councillors using the General Manager.

(4) Mayoral and Civic Role

- (a) To use the Council Crest on Mayoral stationary or other formats of communication such as email, website, etc.
- (b) The Mayor is to hold 'mobile offices' at locations and frequency at their discretion and to be provided with the resources to assist with this including but not limited to staffing, mailing and advertising of the mobile office, tables, chairs etc funded from the Councillor Reserve

(5) In Between Meetings

- (a) To approve committee meeting minutes and recommendations after the minutes of the committee have been circulated to all Councillors and no objection within 3 business days from a Councillor has been received.

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

Clr Stanley and Clr Karnib requested that their names be recorded as voting against the Motion.

CORS 02

ITEM NO: CORS 02
FILE NO: 2011/6207
SUBJECT: COMMUNITY ENGAGEMENT STRATEGY 2012-13

RECOMMENDATION

That Council endorses the Draft Community Engagement Strategy 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

CORS 03

ITEM NO: CORS 03
FILE NO: 2010/0455
SUBJECT: PROPOSED DEVELOPMENT OF LOT 536 DP 865435, 54
NINETEENTH AVENUE, HOXTON PARK

RECOMMENDATION

That Council:

1. Proceeds with the subdivision of Lot 536 DP 865435, 54 Nineteenth Avenue, Hoxton Park into 5 single residential lots;
2. Keeps confidential the attachment supplied under separate cover containing Council's development strategies and analysis, 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;
3. Apportions the net proceeds from the sale between the relevant Section 94 Contribution Fund and the Property Development Reserve on the basis of their contribution to the development;
4. Approves the expenditure required to fund the development of the property as outlined in the confidential attachment.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Ballot**

That the recommendation be adopted.

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

CORS 05

ITEM NO: CORS 05
FILE NO: 2010/2562
SUBJECT: ACQUISITION OF PART OF LOT 265 AND 266 DP 2475, 75 AND 85 FLYNN AVENUE, MIDDLETON GRANGE FOR DRAINAGE PURPOSES

RECOMMENDATION

That Council:

1. Approves the acquisition of part of Lot 265 and 266 DP 2475, 75 and 85 Flynn Avenue, Middleton Grange, containing an area of approximately 2,011.75 square metres for the price and terms outlined in the confidential attachment;
2. Upon settlement of the acquisition, classifies part of Lot 265 and 266 DP 2475, 75 and 85 Flynn Avenue, Middleton Grange as 'Community' land;
3. Keeps confidential the attachment supplied under separate cover containing the acquisition price 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;
4. Authorises its delegated officer to execute any documents, under power of attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Shelton**

That the recommendation be adopted.

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

CORS 07

ITEM NO: CORS 07
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT SEPTEMBER 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Balloot**

That the recommendation be adopted.

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

CITY SERVICES REPORT**CITS 01**

ITEM NO: CITS 01
FILE NO: 2012/1938
SUBJECT: DONATIONS AND SPONSORSHIP

RECOMMENDATION

That Council:

1. Endorses the Financial Contribution Panel's recommendations for the provision of \$11,900 under the Sporting Donations Program as summarised in the table below:

1. Sporting Donations	2. Amount
Natalie Tuialii	\$200
Shivani Murti	\$500
Cameron Parsons	\$200
Jeremy Smith	\$200
Matthew Doorey	\$200
Meg Vandenheuvel	\$500
Joshua Tuialii	\$200
Madison Maxwell	\$100
Luis Rauth	\$200
Jade Martin	\$200
Connor Welch	\$200
Chipping Norton FC	\$500
Renee Small	\$200
Joseph Mawson	\$500
Meegan Jimenez	\$100
Jayden Jimenez	\$100
Alexandra Ussia	\$100
Thomas Ussia	\$100
John P A Albarico	\$100
Kim A Albarico	\$100
Anthea Michael	\$100
Jon Cox	\$100
Paul Icho	\$100
Rhys Henriques	\$100
Ashish Narayan Singh	\$500
Shivam Swamy	\$500
Shane Shelvin Kumar	\$500
Trushal Nath Prabhakar	\$500
Ashwin Shandil	\$500
Sumendra Veer Singh Pooni	\$500
Devashnil Prasad	\$500

Rohitendra Ritesh Kant Sharma	\$500
Pritish Pameel Charan	\$500
Prashant Prashikar Charan	\$500
Sudhir Lal	\$500
Anand Swamy	\$500
Richard Sharma	\$500
Ram Kumar	\$500

2. Endorses the Financial Contribution Panel's recommendations for the provision of \$500 under the Youth Donations Program as summarised in the table below:

Youth Donations	Amount
Natasha Lay	\$500

3. Endorses the Financial Contribution Panel's recommendations for the provision of \$1,100 under the School Donations Program as summarised in the table below:

School Donations	Amount
Ashcroft High School	\$100
Cecil Hills High School	\$100
Christadelphian Heritage College	\$100
Hoxton Park High School	\$100
James Busby High School	\$100
John Edmondson High School	\$100
Lawrence Hargrave School	\$100
Liverpool Girls High School	\$100
Miller Technology High School	\$100
Moorebank High School	\$100
William Carey Christian School	\$100

4. Endorses the Financial Contribution Panel's recommendations for the provision of in-kind support under the Corporate Sponsorship Program as summarised in the table below:

Corporate Sponsorship	Amount
Hunts Charity Christmas Party	In-Kind

CITS 03

ITEM NO: CITS 03
FILE NO: 2012/0294
SUBJECT: PARKING ENFORCEMENT POLICY

RECOMMENDATION

That Council adopts the proposed Penalty Infringement Notice Policy.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Mamone**

That the recommendation be adopted.

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

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2011/0372
SUBJECT: ENVIRONMENT ADVISORY COMMITTEE MEETING MINUTES OF 6 SEPTEMBER 2012

RECOMMENDATION

That Council notes the reports and minutes from the Environment Advisory Committee Meeting held on 6 September 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2005/0603
SUBJECT: LIVERPOOL TRAFFIC COMMITTEE MINUTES OF THE MEETING
 HELD ON 5 SEPTEMBER 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the LTC meeting held on 5 September 2012.
2. Adopts the following recommendations of the LTC meeting held on 5 September 2012:

a. Item 1 Bathurst Street, Liverpool – Replacement of No Stopping Zone, Across a Redundant Driveway, Opposite 53 Bathurst Street

- i. The No Stopping zone, across the redundant driveway opposite 53 Bathurst Street, Liverpool be replaced with 2P ticket zone, 9am-6pm Monday to Friday and 9am-12.30pm Saturday.
- ii. The existing kerb to be replaced with an SA as per the Australian Standard at the redundant driveway.
- iii. Funding for the sign replacement be made available from the Traffic and Transport 2012/2013 budget.
- iv. All stakeholders (including the Ingham Enterprises Property Manager) be advised of Council's decision.

b. Item 2 Pick-Up and Drop-Off Zones Liverpool City Centre

- i. Installation of one 15 minute parking space in the Liverpool City Centre at the following locations is approved:
 - 234-236 Macquarie Street
 - 279 Macquarie Street
 - 51 Goulburn Street
 - 20-22 Bigge Street
 - 211-231 Northumberland Street (Centrelink)
 - 181 Bigge Street.
- ii. The proposed space in front of 17-21 Moore Street be investigated further and reported back to the LTC members for approval.
- iii. The relocation of the existing No Parking space from 265 Macquarie Street to 279 Macquarie Street and conversion of this space to 15 minute parking be approved.
- iv. That all stakeholders be advised of Council's decision.

c. Item 3 Intersection of Marsden Road and O'Brien Parade, Liverpool – Proposed Intersection Treatment

- i. The installation of appropriate splitter islands at all approaches of the T-intersection of O'Brien Parade and Marsden Road, Liverpool, be deferred.
- ii. All adjoining residents be consulted by letterbox drop for their comments prior to the installation of the proposed treatment.
- iii. All stakeholders be advised of the continuing investigation.
- iv. After the recommended design amendments the treatment is to be reported to the LTC for approval.

d. Item 4 Parking Restriction to Prohibit Vehicles for Sale Along a Local Street

- i. One Hour (1P) parking restrictions be installed on both sides of Kurrajong Road between Box Road and Napier Avenue as per attached scheme.
- ii. Council to monitor effectiveness of enforcement of parking restrictions on illegal sale of motor vehicles.

e. Item 5 Alfred Road, Chipping Norton - Request for Parking Restriction in front of 85–111 Alfred Road

- i. Council further investigate parking restrictions and if required report to LTC.
- ii. All stakeholders be advised of the outcome.

f. Item 6 Wilson Road, Hinchinbrook – Request for BB Line Marking and No Stopping on the Western Side of Wilson Road

- i. Approve installation of 'No Stopping' signs along the western side of Wilson Road, between Hoxton Park Road and Topnot Avenue, Hinchinbrook.
- ii. The RMS be requested to install the above signposting.
- iii. LAC Police be requested to enforce illegal U-turn movements in Wilson Road at Hoxton Park Road performed by parents after dropping off school children in the morning.
- iv. Consider installation of bollards along the eastern side of Wilson Road and a median island with pedestrian refuge island for school children, at Hoxton Park Road.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

GENERAL MANAGER'S REPORT

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2011/6267
SUBJECT: COUNCIL COMMITTEES AND APPOINTMENT OF COUNCILLORS TO COMMITTEES

RECOMMENDATION

That Council:

1. Endorses and appoints Councillors as representatives to the following committees:
 - i. Aboriginal Consultative Committee
 - ii. Casula Powerhouse Arts Centre Board
 - iii. Environment Advisory Committee
 - iv. Ethics and Audit Committee
 - v. Floodplain Management Committee
 - vi. Heritage Advisory Committee
 - vii. Liverpool Access Committee
 - viii. Liverpool Sports Committee
 - ix. Order of Liverpool Committee
 - x. Street Naming Committee
 - xi. Youth Council

2. Appoints Councillors as representatives to the following endorsed committees:
 - i. Budgets and Finance Committee
 - ii. Economic Development Committee
 - iii. Tourism and Events Committee
 - iv. Planning Committee

3. Receives a further report to consider and endorse the charters for the nominated committees.

COUNCIL DECISION

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Harle

That Council:

1. Endorses and appoints Councillors as representatives to the following committees:
 - i. Aboriginal Consultative Committee
 - ii. Casula Powerhouse Arts Centre Board
 - iii. Environment Advisory Committee
 - iv. Ethics and Audit Committee
 - v. Floodplain Management Committee
 - vi. Heritage Advisory Committee

- vii. Liverpool Access Committee
 - viii. Liverpool Sports Committee
 - ix. Order of Liverpool Committee
 - x. Street Naming Committee
 - xi. Youth Council
2. Appoints Councillors as representatives to the following endorsed committees:
- i. Budgets and Finance Committee
 - ii. Economic Development Committee
 - iii. Tourism and Events Committee
3. Receives a further report to consider and endorse the charters for the nominated committees.

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

NOMINATIONS:

- i. Aboriginal Consultative Committee
Declared elected – Mayor
- ii. Casula Powerhouse Arts Centre Board
Declared elected – Mayor, Clr Stanley, Clr Ristevski
- iii. Environment Advisory Committee
Declared elected – Clr Harle, Clr Stanley,
- iv. Ethics and Audit Committee
Declared elected – Clr Shelton, Clr Harle, Clr Ballot
- v. Floodplain Management Committee
Declared elected – vacant
- vi. Heritage Advisory Committee
Declared elected – Mayor
- vii. Liverpool Access Committee
Declared elected – Clr Mamone
- viii. Liverpool Sports Committee
Declared elected – Mayor
- ix. Order of Liverpool Committee
Declared elected – Clr Harle, Clr Karnib
- x. Street Naming Committee
Declared elected – Mayor
- xi. Youth Council
Declared elected – Clr Mamone, Clr Harle

- i. Budgets and Finance Committee
Declared elected – Clr Ristevski, Clr Mamone, Clr Harle
- ii. Economic Development Committee
Declared elected – Clr Waller, Clr Stanley, Clr Karnib, Clr Shelton,
Clr Balloot,
- iii. Tourism and Events Committee
Declared elected – Clr Mamone, Clr Ristevski

CLOSE

THE MEETING CLOSED AT 11:30PM

Note: The following reports will be included in the Council meeting agenda on 28 November 2012:

- CORS 04 ACQUISITION OF PART LOT DP 1170977 KURRAJONG ROAD,
PRESTONS FOR THE EXTENSION OF KURRAJONG ROAD
- CORR 01 INCOMING AND OUTGOING CORRESPONDENCE
- QWNO 01 QUESTIONS WITH NOTICE – CLR HARLE
- QWNO 02 QUESTIONS WITH NOTICE – CLR SHELTON
- QWNO 03 QUESTIONS WITH NOTICE – MAYOR MANNOUN



MINUTES OF THE ORDINARY MEETING HELD ON 28 NOVEMBER 2012

PRESENT:

Mayor Ned Mannoun
 Councillor Balloot
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Mamone
 Councillor Ristevski
 Councillor Shelton
 Councillor Stanley
 Councillor Waller
 Mr Farooq Portelli, General Manager
 Mrs Julie Hatley, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Mr David Tuxford, Director - City Services
 Mr Gino Belsito, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7:00 pm

OPENING	7:00pm
PRAYER	The prayer of Council will be read by Pastor John King from Combined Churches Committee of Liverpool.
APOLOGIES	Nil
CONDOLENCES	Nil

SPEAKERS FORUM

Michael Rutherford will address Council on the following item:

Item – COMM 01 LIVERPOOL YOUTH COUNCIL ANNUAL REPORT
2011-2012

Tony Dimasi will address Council on the following item:

Item – PLAN 05 SECTION 96(2) APPLICATION SEEKING TO
MODIFY DEVELOPMENT CONSENT 691/1998

James Stavroulakis will address Council on the following item:

Item – IHAP 02 DEVELOPMENT APPLICATION DA-474/2012
CONSTRUCTION OF MCDONALDS

Serdar Mustafa will address Council on the following item:

Item – IHAP 05 PRIVATE USE OF 12 KENNELS WITHIN AN EXISTING
FARM SHED BUILDING

Richard Lonza will address Council on the following item:

Item – IHAP 04 MODIFICATION TO DEVELOPMENT CONSENT
D/130/1998 PURSUANT TO SECTION 96AA OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT
ACT 1979.
THE APPLICATION SEEKS TO AMEND CONDITION
NO. 11 OF THE CONSENT TO EXTEND THE HOURS
OF OPERATION OF AN EXISTING BROTHEL.

Andrew Duggan will address Council on the following item:

Item – PLAN 03 DRAFT AMENDMENT NO. 26 TO LIVERPOOL
LOCAL ENVIRONMENTAL PLAN 208 – PUBLIC
EXHIBITION OUTCOMES.

Question Vertigan will address Council on the following item:

Item – IHAP 04

MODIFICATION TO DEVELOPMENT CONSENT D/130/1998 PURSUANT TO SECTION 96AA OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.

THE APPLICATION SEEKS TO AMEND CONDITION NO. 11 OF THE CONSENT TO EXTEND THE HOURS OF OPERATION OF AN EXISTING BROTHEL.

MOTION OF URGENCY

Councillor Mamone put forward a motion to be heard pursuant to section 16, subsection 6 of the Code of Meeting Practice as a Motion of Urgency.

Motion:

Moved: Cllr Mamone

Seconded: Cllr Balloot

That Council:

1. Provides temporary use of the Southern end of Macquarie Street mall to allow outdoor dining on days it is not being used for organised events, through a short term lease agreement from 1 December 2012 until the end of January 2013 for the Christmas season.
2. Undertakes a review of the outdoor dining policy to encourage the active use of our footpaths within the city centre.

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

Motion:

Moved: Clr Hadchiti

Seconded: Clr Hadid

That the following items be brought forward:

- GMRR 02
- CORS 01
- COMM 01
- PLAN 01
- PLAN 02
- NOMR 02
- PLAN 03
- PLAN 08
- QWN's 01 – 05
- PLAN 05

That the following items be deferred to the end of the meeting:

- GMRR 01
- NOMR 03
- GMRR 03
- Addendum

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

GENERAL MANAGER'S REPORT

GMRR 02

ITEM NO: GMRR 02
FILE NO: 2011/5835
SUBJECT: PROGRESS REPORT ON DELIVERY PROGRAM 2011-2015 AND OPERATIONAL PLAN 2012-2013

RECOMMENDATION

That Council:

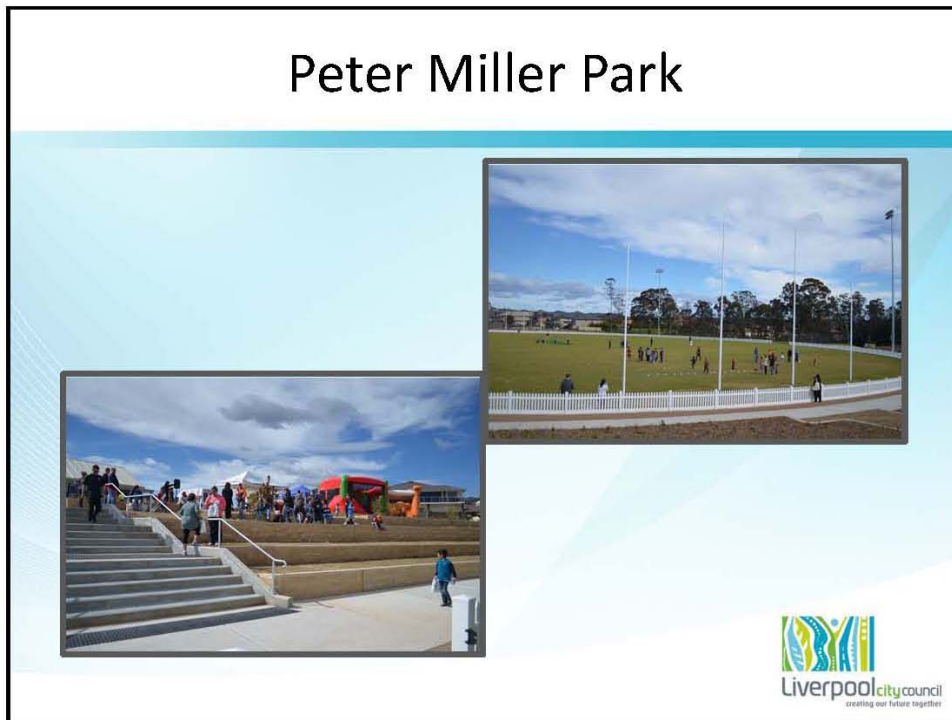
1. Allows the General Manager to make a presentation on progress made in the July to September 2012 quarter on the Delivery Program 2011-2015.
2. Receives and notes the report, including a copy of the General Manager's presentation which will form part of the minutes of the meeting.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

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



Michael Wenden Stadium



Before



After



City Centre Streetscape Upgrade

- Moore Street



Before



After

- George & Moore Streets



Before



During



City Centre Trunk Drainage



'George Street trunk drainage – drainage construction works at night'



Benera and Kurrajong Roads, Prestons

- Benera Road



- Kurrajong Road



Edmondson Park – Jardine Drive Basin



'The objective of the basin is to mitigate the impacts of increased catchment runoff'



Road Pavement Reconstruction and Resurfacing



- Grove Street, Casula



- St Johns Road, Busby



- Fourth Ave, Austral



Hart Street Liverpool



'Road and Footpath Upgrade'



Brickmakers Drive



'The main collector road through the Georges Fair Estate'



Road Maintenance



- Roads include:*
- Gerroa Place, Prestons
 - Wynyard Ave, Rossmore
 - Victor Road, Kemps Creek
 - Mary Crescent, Liverpool



Road Safety Initiatives

- Child Restraint Checking
- School Road Safety
- Workshops for Learner Drivers
- Ride2Work Day
- Workshops for new migrants

From Friday 28 September 2012 to Monday 1 October 2012 (inclusive), double demerit points apply for:

- speeding
- not wearing a seatbelt
- not wearing a helmet (if you're riding a motorcycle)



Georges Fair stages 4B & 4C, Investa



Middleton Grange



Elizabeth Hills Stages 1,2 & 3 Mirvac



Street Tree Planting



Braidwood Dr, Prestons



Ringarooma Cl, West Hoxton



Strzlecki Dr, Horningsea Park



Wagga Wagga St, Prestons



Street Entrance Planting in Wattle Grove



Castle Rock Court, Wattle Grove



Entrance Island Wattle Grove



Street Island, Wattle Grove



Torrens Court, Wattle Grove



National Tree Day



'Tree planting at Helles Park, Moorebank'



21st Annual Mil-Pra AECG Exhibition and Art Award



'Nyree Reynolds won the \$1500 Mil-Pra AECG Award for 'A Mother Remember'



Way out West Children's Festival 11-14th July

'Over 3500 people attended across four days'



Liverpool Community Kitchen and Hub Launch and MOU Signing



Community Strategies and Plans

- Liverpool Youth Strategy 2012 – 2017
- LEAPS Multicultural Action Plan 2012 – 2013
- Disability Strategy 2012 – 2017 and Action Plan 2012 – 2013



Liverpool Youth Council



Community Service Award



2168 Employment and Education Expo



'More than 600 people attended the Expo'



Community 2168 MOU Signing Ceremony



Ashcroft Community Education and Safety Project



'Street art gallery at Ashcroft Shops'



Whitlam Centre Train Show



'50th Anniversary of the Australian Model Railway Association'



Graffiti Removal Day



'Graffiti Removal Day was held on 23 September 2012'



Significant acquisitions to Liverpool Heritage Library



'Currency used in the Holsworthby Internment Camp during World War 1'



'Donations from Brad Fittler's personal collection'



Local Government Week 2012



'A marquee was setup in Macquarie Street Mall with Council Staff answering enquiries from residents'

Liverpoolcitycouncil
creating our future together

Development Applications

- 322 Development Applications lodged with a estimated value of \$104.7m
- 348 Development Applications determined with an estimated value at \$128.7m
- 184 new dwellings approved.
- 267 new residential lots approved.

Liverpoolcitycouncil
creating our future together

Construction and Complying Development Certificates

Construction Certificates

- 138 applications were received by Council
- 175 certificates were determined worth \$27.7m

Complying Development Certificates

- 6 applications were received by Council
- 9 certificates were determined worth \$1.9m



Sustainable Events Management



Customer Services

- 39,200 - Calls
- 13,578 - Customers served
- 15,187 - Customer requests
- 2,592 - After hours calls
- 47,535 – Letters sent



CORPORATE SERVICES REPORTS

CORS 01

ITEM NO: CORS 01
FILE NO: 2007/0300
SUBJECT: SEPTEMBER 2012 QUARTER BUDGET REVIEW

RECOMMENDATION

That Council:

1. Receives and notes the report.
2. Transfers the surplus of \$153k working funds to the capital works reserve.
3. Votes the identified budget variations in accordance with this report.

COUNCIL DECISION

Motion: **Moved: Cllr Mamone** **Seconded: Cllr Hadid**

That Council:

1. Receives and notes the report.
2. Allocates \$153k from Working Funds to finance additional resources to process the current backlog of Development Applications.
 - b) The use of the funds be effective immediately.
 - c) That City Planning reports back to Council in March 2013 with the results on the number of development applications processed and the amount of funds used.
3. Votes the identified budget variations in accordance with this report.

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

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2006/0660
SUBJECT: LIVERPOOL YOUTH COUNCIL ANNUAL REPORT 2011-2012

RECOMMENDATION

That Council:

1. Allows representatives from the 2010-2012 Youth Council to present the Liverpool Youth Council Annual Report 2011-2012 in open session of Council.
2. Receives and notes the Liverpool Youth Council Annual Report 2011-2012 and thanks its members for their contributions, including those of Mayor Ned Mannoun and Councillor Wendy Waller.
3. Endorses Marcelo Lacardi-Rauth as a member of the Liverpool Youth Council for the 2012-2014 term.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Shelton**

That the recommendation be adopted.

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

CITY PLANNING REPORTS

PLAN 01

ITEM NO: PLAN 01
FILE NO: 2011/5401
SUBJECT: LIVERPOOL RETAIL CENTRES HIERARCHY REVIEW

RECOMMENDATION

That Council:

1. Moves into closed session prior to the conclusion of the meeting with the press and public excluded for the purpose of considering legal advice, and keeps confidential the attachment supplied under separate cover pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993, being advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Adopts the Liverpool Retail Hierarchy Review (October 2012).
3. Updates the Liverpool Business Centres and Corridors Strategy in line with the findings of the Liverpool Retail Hierarchy Review (October 2012) and make the Strategy available through Councils website.
4. Notes the submissions to the Draft Liverpool Retail Hierarchy Review 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That Council:

1. Adopts the Liverpool Retail Hierarchy Review (July 2012) and classifies the Orange Grove Centre as a Stand Alone Centre (in line with the standard definitions provided in Table 1 of the NSW Government Draft Centres Policy 2009) and correct spelling and grammatical errors in the study.
2. Updates the Liverpool Business Centres and Corridors Strategy in line with the findings of the Liverpool Retail Hierarchy Review (July 2012), with the exception of the findings for the Orange Grove Centre and 1975-1985 Camden Valley Way, Prestons and make the strategy available through Council's website.
3. Agrees to consider a Planning Proposal for a rezoning of the Mega Centre site in the Orange Grove Centre (Lot 101 DP 104316) to accommodate a broader range of retail uses.

4. Considers a planning proposal for the rezoning of the site 1975-1985 Camden Valley Way, Prestons to B2 'Local Centre'.
5. Acknowledges that Council can consider future planning proposals for retail and commercial opportunities which are supported by a recognised Economic Impact Study.
6. Notes the submissions to the Draft Liverpool Retail Centres Hierarchy Review (July 2012).

Amendment:

Moved: Cllr Stanley

Seconded: Cllr Karnib

That Council:

1. Adopt the Liverpool Retail Hierarchy Review (July 2012)
2. Updates the Liverpool Business Centres and Corridors Strategy in line with the findings of the Liverpool Retail Hierarchy Review (July 2012), with the exception of the findings for the Orange Grove Centre and 1975-1985 Camden Valley Way Prestons make the strategy available through Council's website.
3. Acknowledges that Council can consider future planning proposals for retail and commercial opportunities which are supported by a recognised Economic Impact Study.
4. Notes the submissions to the Draft Liverpool Retail Centres Hierarchy Review (July 2012).

On being put to the meeting the amendment was declared LOST, the motion moved by Cllr Hadchiti was declared CARRIED.

PLAN 02

ITEM NO: PLAN 02
FILE NO: RZ-7/2011
SUBJECT: DRAFT AMENDMENT NO. 22 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - BRAND OUTLET PREMISES AT 5 VISCOUNT PLACE, WARWICK FARM

RECOMMENDATION

That Council:

1. Moves into closed session prior to the conclusion of the meeting with the press and public excluded for the purpose of considering legal advice, and keeps confidential the attachment supplied under separate cover pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993, being advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
2. Supports the use of the site as a 'brand outlet premises' and proceeds with the making of Liverpool Local Environmental Plan 2008 (draft Amendment No.22).
3. Forwards the Planning Proposal to the regional branch of the Department of Planning and Infrastructure for Parliamentary Counsel consideration and requests that the wording of the amendments be confirmed with Council prior to being made.
4. Writes to the Department of Planning and Infrastructure requesting clearer policy direction in relation to outlet centre retailing in NSW.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Proceeds with the making of draft amendment 22 to Liverpool Local Environmental Plan 2008 (as per Table 1 in the publicly exhibited planning proposal of July 2012), being:
 - a. Maintain the current 'B5 Business Development Zone' and provide an additional use on the site for 'retail premises';
 - b. Limit the gross floor area of 'retail premises' on the subject site to 19,000sqm and;
 - c. Limit the gross floor area of any single tenancy to 1,200sqm.
2. Forward the Planning Proposal to the Department of Planning and Infrastructure for finalisation.

For: Mayor Mannoun, Clr Shelton, Clr Mamone, Clr Hadchiti, Clr Balloot,
Clr Waller, Clr Karnib, Clr Harle, Clr Hadid, Clr Ristevski.

Against: Clr Stanley

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

Clr Hadchiti and Clr Hadid left the Chambers at 8.39pm

NOMR 02

ITEM NO: NOMR 02
FILE NO: 2012/0307
SUBJECT: PLAN 05 - 607-611 (LOTS 5-7 DP 15667) HUME HIGHWAY CASULA
PROPOSED REZONING TO PERMIT THE DEVELOPMENT OF A
4300SQM SUPERMARKET, WITH CONSENT

RECOMMENDATION

That Council rescinds the resolution relating to item PLAN 05 from the 5 November 2012 Council meeting regarding the proposed rezoning of 607-611 (Lots 5-7 DP 15667) Hume Highway, Casula.

Signed by Mayor Mannoun, Clr Hadid and Clr Ristevski.

COUNCIL DECISION

Rescission Motion: Moved Clr Ristevski Seconded: Clr Balloot

That the rescission motion be adopted.

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

For: Clr Balloot, Clr Mamone, Clr Harle, Clr Ristevski, Mayor Mannoun

Against: Clr Stanley, Clr Shelton, Clr Karnib, Clr Waller.

Consequential Motion:

Motion: Moved: Clr Ristevski Seconded: Clr Balloot

That Council:

1. Approves the application to amend the LLEP 2008 to add a clause to schedule 1 to allow an additional permitted use for 607-611 (Lots 5-7 DP 15667) Hume Highway, Casula being that “development for the purpose for commercial premises is permitted with consent up to a maximum 4300sqm”.

2. Prepares and forwards a planning proposal to the Minster for Planning & Infrastructure seeking gateway approval in accordance with Sect 56 of the Environmental Planning Act 1979.

For: Mayor Mannoun, Clr Balloot, Clr Mamone, Clr Harle, Clr Ristevski,

Against: Clr Stanley, Clr Shelton, Clr Karnib, Clr Waller.

That the consequential motion be adopted.

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

Note: Clr Hadchiti and Clr Hadid were not in the chambers when this item was voted on.

Adjournment of the meeting was called by the Chair for 10 minutes at 8.59pm.

Council resumed at 9:14pm.

Clr Hadid and Clr Hadchiti returned to the Chambers at 9:14 pm.

PLAN 03

ITEM NO: PLAN 03
FILE NO: RZ-1/2012
SUBJECT: DRAFT AMENDMENT NO. 26 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - PUBLIC EXHIBITION OUTCOMES

RECOMMENDATION

That Council proceed with the making of draft amendment 26 to Liverpool Local Environmental Plan 2008 and forward the Planning Proposal to the Department of Planning and Infrastructure for finalisation.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Stanley**

That Council:

1. Proceeds with the making of draft amendment 26 to Liverpool Local Environmental Plan 2008 and forward the Planning Proposal to the Department of Planning and Infrastructure for finalisation.
2. Supports to increase the gross floor area cap from 13500sqm to 14000sqm.

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

Councillors voted unanimously for this motion.

CITY PLANNING REPORTS

PLAN 08

ITEM NO: PLAN 08
FILE NO: 2011/5948
SUBJECT: ADOPTION OF LIVERPOOL DEVELOPMENT CONTROL PLAN 2008
AMENDMENT NO 8 - WARWICK FARM EAST

RECOMMENDATION

That Council:

1. Adopts the amendments to the Liverpool Development Control Plan 2008.
2. Places a notice in the local paper in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 to enact the amendment.

COUNCIL DECISION

Motion: **Moved: Cllr Harle** **Seconded: Cllr Hadchiti**

That Council:

1. Receives and notes the report.
2. Forms the Warwick Farm Racing Precinct Steering Committee with its members made up from all effected stakeholders within the area including Council. Its purpose is to:
 - a) Look at all aspects of the impact trading hour restriction on the racing community and industrial area.
 - b) Determine appropriate economical means of minimising that impact on the majority of its stakeholders.
 - c) Formulate a means of achieving that outcome in particular achievable timeframe including the possible construction of suitable access road to the industrial area.

Amendment: **Moved: Clr Waller** **Seconded: Clr Stanley**

That Council:

1. Adopts the amendments to the Liverpool Development Control Plan 2008.
2. Forms the Warwick Farm Racing precinct steering committee with its members made up from all effected stakeholders within the area including Council.
Its purpose is to:
 - a) Look at all aspects of the impact trading hour restriction on the racing community and industrial area.
 - b) Determine appropriate economical means of minimising that impact on the majority of its stakeholders.
 - c) Formulate a means of achieving that outcome in particular achievable timeframe including the possible construction of suitable access road to the industrial area.
3. Places a notice in the local paper in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000 to enact the amendment.

On being put to the meeting the amendment was declared LOST.

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

Vote for Amendment:

For: Clr Waller, Clr Shelton, Clr Waller, Clr Karnib

Against: Mayor Mannoun, Clr Mamone, Clr Ristevski, Clr Balloot, Clr Harle,
Clr Hadid, Clr Hadchiti

Vote for Motion:

For: Mayor Mannoun, Clr Mamone, Clr Ristevski, Clr Balloot, Clr Harle,
Clr Hadid, Clr Hadchiti

Against: Clr Stanley, Clr Shelton, Clr Waller, Clr Karnib

QUESTIONS WITH NOTICE

QWNO 01

ITEM NO: QWNO 01
FILE NO: 2012/0284
SUBJECT: QUESTION WITH NOTICE - CLR HADCHITI

RECOMMENDATION

1. Council officers have previously present options for a possible road from Governor Macquarie Drive to Scrivener Street in Warwick. Have any of the options been formally costed?
2. In relation to the above, has Council commissioned any reports ie. Geotech etc?
3. Can an update be given on the progress of the L&E Court proceedings between Council and Bencluth (Direct Freight) relating to the DA refusal for opening hours?

COUNCIL DECISION

Motion moved from Questions 1 and 2:

Moved: Clr Hadchiti

Seconded: Clr Hadid

That Council:

1. Prepares a cost estimate to undertake the detailed design investigations and State Government approvals to construct a new Warwick Farm Horse Trainer Precinct bypass road between Scrivener Street and Governor Macquarie Drive via the southern and eastern boundaries of Rosedale Oval.
2. Seeks in-principle approval from the relevant State Government agencies to allow the construction of the new link road as identified in 1 above.

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

Motion moved from Questions 3:

Moved: Cllr Hadchiti

Seconded: Cllr Waller

That Council:

1. Acknowledges that the Court has granted approval for extended hours of operations for Direct Freight.
2. Instructs Council's solicitor to negotiate conditions of consent in lieu of the 12 month trial that ensures:
 - a. A maximum acoustic wall height of 3.8 metres.
 - b. The installation and monitoring of a GPS device into all trucks that relate to the extended hours to demonstrate compliance with the extended hours of operation.
 - c. Council is provided with a Validation Report to demonstrate compliance with the number and time of all truck movements. Relating to extended hours of operation.
 - d. Council be provided with written request, a report on all truck movements relating to the extended hours to demonstrate compliance with the conditions of consent.

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

Councillors voted unanimously for this motion.

QWNO 02

ITEM NO: QWNO 02
FILE NO: 2012/0284
SUBJECT: QUESTION WITH NOTICE - CLR STANLEY

RECOMMENDATION

1. What criteria are normally considered before infrastructure such as footpath are added to the list of planned works?

Council has established a priority selection system for ranking and programming the provision of new footpaths within the LGA. The need for new footpaths is established using many factors including safety, public transport nodes, links between schools and residential catchments, public reserves, shopping centres and other community facilities. The aim is to provide linkages between existing pedestrian generating facilities and existing footpath network.

However, over the immediate future and due to budgetary constraints, priority for Council footpath funding is being given to providing new footpaths on arterial roads and built up urban areas that have significant pedestrian and traffic volumes and hence rank highly compared to most other locations within the LGA.

2. When or has a cost estimate been done for the provision of a footpath at Tooma Place Heckenberg.

In response to a request from Clr Tony Hadchiti dated 9 October 2012, Council investigated and provided a cost estimate to construct a paved footpath in Tooma Place in Heckenberg. This advice was provided on 19 October 2012.

3. How much was that estimate?

The cost to provide a paved concrete footpath on one side of Tooma Place is estimated to be \$16,000.

4. If such an estimate was requested at whose request was it made?

As in 2 above.

5. If there has been no such estimate will the allocation made at the Council meeting of 5/11/2012 be sufficient to complete works?

As in 3 above.

6. What is the planned location of the footpath?

The footpath will be located along the eastern side of Tooma Place to provide a fully accessible link between Snowy Park and Heckenberg Avenue.

7. What is its length?

156 metres.

8. If applicable can I be provided with the assessment that was completed.

Please find below advice provided to Councillor Hadchiti on 19 October 2012.

Tooma Place is a cul-de-sac servicing 19 residential properties. The cost to provide a paved concrete footpath on one side of this road is estimated to be \$16,000. However, it is to be noted that priority for Council footpath funding is currently being given to providing new footpaths on main and secondary roads that have significant pedestrian and traffic volumes and hence rank highly compared to cul-de-sacs that normally carry very low volumes of pedestrian and vehicular traffic.

With regards to its condition, Council's assessment has found Tooma Place to be in a poor condition with substantial reconstruction and resurfacing required to bring this road to a satisfactory standard. The necessary reconstruction works are estimated to cost over \$200,000. While Tooma Place has already been identified in Council's ten year capital works program for full reconstruction, due to other competing priorities, these works are currently planned during the latter part of the ten year program.

Council's maintenance strategy for Tooma Place involves continuing recurrent maintenance works to ensure Tooma Place remains in a serviceable condition until such time as full reconstruction can be undertaken.

9. Was a footpath on Tooma Place currently planned for in our Strategic Plan; if so when was it planned to be delivered?

While the need for a paved footpath in Tooma Place as well as adjoining streets has been identified in Council's long term footpath program, due to other competing priorities, the footpath is currently not planned for construction in the short to medium term.

QWNO 03

ITEM NO: QWNO 03
FILE NO: 2012/0282
SUBJECT: QUESTION WITH NOTICE – MAYOR MANNOUN

RECOMMENDATION

1. Can you please provide council with a breakdown of how many applications were made for the facade upgrade program and how many we're successful? Can the results please be broken down per year.

Address	Description of work	Total Cost to owner	FUS Subsidy	Date
192 Macquarie Street	Painting of two walls above and below the awning + awning	\$4800	\$2400	Dec. 2003
85 - 87 Moore Street	Painting above and below awning + awning	\$9460	\$4750	Feb 2004
13 -15 Memorial Avenue	Upgrade of façade above and below awning + awning	\$3300	\$1650	May 2004
21 – 27 Memorial Avenue Cnr Northumberland Street.	Painting above and below the awning on two sides + awning on two sides	\$35,902	\$9500	Aug 2004
3/32 Memorial Avenue	Replacement of shopfront below awning	\$4712	\$2000	May 2005
240 George Street	Facade above awning	\$4200	\$2000	June 2006
242 - 250 George Street	Façade above awning	\$3520	\$1760	August 2006
242 -250 George Street	Façade below awning + awning	\$4801	\$2000	June 2007
185 Northumberland Avenue	Façade below awning + awning Façade above awning	\$8325 \$20,378	\$2000 \$2000	February 2009
97 Moore Street	Facade below awning + awning Façade above awning	\$8175 \$18,000	\$2000 \$2000	February 2009

99 Moore Street	Façade below awning + awning	\$8175.20	\$2000	February
	Facade above awning	\$19,798	\$2000	2009
14 -20 Railway Street	Redesign of façade including aluminium panels, tiling and painting + tiling below awning and repair to awning – Agreement signed work still to be undertaken	\$35,000	\$16,000	June 2010
Totals		\$188,546	\$54,060	

QWNO 04

ITEM NO: QWNO 04
FILE NO: 2012/0282
SUBJECT: QUESTIONS WITH NOTICE - CLR HARLE

RECOMMENDATION

- 1. Does Council incorporate, as part of its planning policies for DA applications, the positioning of shrubs and trees in relation to street lighting? It is evident that there are many instances where trees have been planted without taking into consideration their long term effect on street lighting as they mature.**

Street tree planting is often required with the creation of a new street or the extension of an existing street. While the relevant provisions of Liverpool Development Control Plan 2008 (LDCP 2008) currently nominates the types of species to be planted within certain areas across the local government area, LDCP 2008 is silent on the distances that street trees would be located from street lights.

Given that street lighting and street trees are often provided at subdivision stage, rather than amending the LDCP 2008 to detail certain spatial requirements, a standard condition could be imposed for any future subdivision development application requiring that the preparation of the street tree plan be reflective of and take into consideration the road lighting plan.

- 2. As part of its planning policies, does Council ensure that high efficiency street lighting such as LEDs are incorporated into DA's in preference to less economical lighting that will have a significant impact on Councils' future energy and maintenance costs?**

Council's current policy is for street lighting to be designed and installed subject to Endeavour Energy's approval. The current approval process does not specify the installation of LED lights. However, Council has discussed with Endeavour Energy options for including LED lighting in new developments. The company has advised that LED lights are currently not cost effective but Endeavour Energy is trialling the use of LED lights in an existing residential street in the Blacktown Local Government Area.

Subject to the outcome of this trial Endeavour Energy would be advising its Council customers including Liverpool Council on the appropriate use and requirements of such lighting. A further advice would be provided to Council after this trial.

- 3. Many residents of Luddenham have been subjected to major increases in their sewerage pump out charges due to a lack of available competitive contractors. Penrith Council has been subsidising their residents on the bordering Luddenham area. If Liverpool Council were to do the same, what would be the annual costs to Council for those affected residents?**

Liverpool City Council (LCC) does not provide a pump out service. Sewerage pump outs are carried out by private providers and Council has no control of the costs they charge. Penrith City Council (PCC) provides the service and the annual charge is included on the rate notice of the affected properties, they do not use contractors. All charges are included in PCC Schedule of Fees and Charges and are adopted by Council on an annual basis.

LCC has approximately 3,074 residential properties with an on-site sewerage management system and 76 business properties. The cost for LCC to introduce a similar service to PCC was not available at the time of printing this report, however, costings are being sort with regard to capital equipment requirements, staffing, disposal costs etc., and will be reported to Council as soon as practicable.

QWNO 05

ITEM NO: QWNO 05
FILE NO: 2012/0283
SUBJECT: QUESTIONS WITH NOTICE - CLR SHELTON

RECOMMENDATION

1. On page twenty-seven of the Council's publication Resourcing Strategy, 1 July 2011 the following is stated:

The two Long Term Financial Plan models, Scenario 1 and Scenario 2 have been prepared from forecast information in the Asset Management Plan, the Workforce Management Plan, various Council strategies and from general and industry specific economic assumptions to project revenue and expenses for the next ten years.

Please further particularise:

1. **the 'various council strategies',**
 As part of the development of the Long Term Financial Plan Council staff reviewed all strategies and plans to assess any impact they may have on Council and to assist in capturing all known financial implications. In particular, the following key Council strategies were utilised to inform the Long Term Financial Plan:

Debt Management – Loans

Maturing debt savings transferred to an Infrastructure Sinking Fund to provide funds for future infrastructure needs, including potential to service any new debt required to fund capital works.

Parking Strategy

Council adopted a parking strategy in February 2010 with any additional revenue being quarantined in the Parking Strategy reserve for the first five years to be utilised to improve car parking and transport in the city centre. Revenue from subsequent years will form part of Council's general revenue used in the provision of ongoing services and facilities to the Liverpool community.

Property Strategy

Assesses property holdings and investigates potential strategic property disposals and acquisitions to improve Council's portfolio of income generating assets and reduce reliance on rate revenue and the burden on the rate payer.

Section 94 Contribution Plans

Identify the types of works needed in new land release areas and funding that will need to be collected to provide these works.

2. the 'general economic assumptions' and

The key economic assumptions are outlined on pages 25 and 26 of Council's Resourcing Strategy and include the following:

- Fees & Charges – 3 per cent increase per annum
- Other Operating Revenues – 3 per cent increase per annum
- Materials and Contracts Other – 5 per cent increase per annum
- Electricity – 15.8 per cent increase in year 1, 23 per cent increase in year 2 and 3 per cent increase per annum for remaining years
- Insurances Motor Vehicles – 5 per cent increase per annum
- Insurances: Industrial Special Risk – 10 per cent increase per annum for 3 years and then 5 per cent increase per annum
- Insurance: Public Liability – 10 per cent increase per annum
- Other Expenses – 3 per cent increase per annum
- Superannuation Costs – provision of 9 per cent for first 2 years then rising incrementally to new cap of 12 per cent in 2019

3. the 'industry specific economic assumptions'

The following assumptions could be classified as industry specific:

- Rates Revenue – 3 per cent annually plus expected 14,800 lots to be released over the period of the long term financial plan
- Domestic Waste Charge – 3 per cent annually
- Investment Revenue – 6 per cent annually
- Financial Assistance Grant – 2.14 per cent annually
- Employee Costs – 3.25 per cent annually
- Materials and Contracts Roads – 4.33 per cent annually

Underpinning this statement, given the expectation of a balanced budget contained in this document for the 2011/2012 financial year and escalating deficits under either 'Scenario 1' or 'Scenario 2' thereafter please provide or confirm the latest projections as to deficits for the next three years on present assumptions under these Scenarios.

General Comment

The deficits highlighted in the Long Term Financial Plan (LTFP) scenarios reflect the funding shortfall to deliver the services and works programs as included in the model. The funding strategies for these deficits are outlined in the LTFP and include potential future loan borrowings, the need to maintain the current special rate variation and potentially seeking future rate variations.

On an annual basis the Council determines the budget for the next financial year and this process does not normally result in the adoption of budget deficits to the magnitude highlighted in the LTFP. The works included in the LTFP will either be funded from other sources, such as borrowings, or the planned works and services would be scaled back to fit within the available budget capacity.

Council's current Resourcing Strategy (being the LTFP, Asset Management Plan and Workforce Management Plan) have been subject to an independent review by NSW TCorp as part of the NSW State Government's review of the local government sector and in relation to the application for funding in round one of the Local Infrastructure Renewal Scheme. NSW TCorp has confirmed that the assumptions used in council's LTFP were reasonable and that the proposed funding options would be viable over the period of the LTFP.

Council staff are currently finalising a further update of the LTFP, and a detailed review of the resourcing strategy will be undertaken once the community strategic plan has been reviewed and adopted by Council. It is anticipated that the review of the Community Strategic Plan "*Growing Liverpool 2021*" will be finalised in early 2013 following engagement with the Liverpool community, councillors and staff.

Clr Hadid left the room at 9.41pm

PLAN 05

ITEM NO: PLAN 05

FILE NO: D/691/1998/A

SUBJECT: SECTION 96(2) APPLICATION SEEKING TO MODIFY DEVELOPMENT CONSENT 691/1998

RECOMMENDATION

That Council:

1. Approves modification application DA-691/1998/A (as amended) made pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, which seeks to modify Development Consent DA-691/1998 at Lot 1 DP 1052613, No. 2094 Camden Valley Way, Edmondson Park subject to conditions contained within the amended determination notice.
2. Notifies any person who made a submission.

COUNCIL DECISION

Motion:

Moved: Clr Hadchiti

Seconded: Clr Karnib

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Clr Hadid was not in the chambers when this item was voted on.

Clr Hadid returned to the chambers at 9.42pm

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO:
SUBJECT: CBD CLEAN UP DAY

RECOMMENDATION

That Council investigates the hosting of a clean-up day in the Liverpool City Centre that engages and involves the councillors, community, local businesses and council staff.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Balloot**

That the recommendation be adopted.

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

NOTICES OF MOTION OF RESCISSION

NOMR 01

ITEM NO: NOMR 01
FILE NO: 2012/0307
SUBJECT: IHAP 01 – INTERSECTION UPGRADE ROAD WORKS OF GOVERNOR MACQUARIE DRIVE AND MUNDAY STREET WARWICK FARM

RECOMMENDATION

That Council rescinds the resolution relating to item IHAP 01 – Intersection upgrade road works of Governor Macquarie Drive and Munday Street, Warwick Farm from the 5 November 2012 Council meeting.

Signed by Mayor Mannoun, Clr Harle and Clr Ristevski.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Harle**

That Council withdraws the rescission motion.

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

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: DA-449/2012
SUBJECT: DEMOLITION OF EXISTING BUILDING AND STRUCTURES ON LOT 2 AND LOT 23, CONSOLIDATION OF EXISTING FOUR LOTS INTO TWO LOTS, INSTALLATION OF TRAFFIC SIGNALS AND ASSOCIATED CIVIL WORKS AT THE INTERSECTION OF HUME HIGHWAY, GRAHAM AVENUE AND HOLSTON STREET, RELOCATION OF BUS SHELTER AND REMOVAL OF UNDERGROUND PETROLEUM STORAGE SYSTEM

RECOMMENDATION

That Council:

1. Approves Development Application DA449/2012 which seeks consent for the demolition of existing building and structures on Lot 2 and 23, consolidation of existing four lots into two lots, installation of traffic signals and associated civil works at the intersection of Hume Highway, Graham Avenue, Holston Street, relocation of bus shelter and removal of underground petroleum storage system at 3 Graham Avenue and 449, 451 and 453 Hume Highway Casula subject to conditions of consent.
2. Supports the variation to Clause 4.1 of LLEP 2008 pertaining to minimum subdivision lot size made pursuant to Clause 4.6.
3. Notifies interested parties of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Waller** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

IHAP 02

ITEM NO: IHAP 02
FILE NO: DA-474/2012
SUBJECT: DEVELOPMENT APPLICATION DA-474/2012 : CONSTRUCTION OF MCDONALDS

RECOMMENDATION

That Council:

1. Approves Development Application DA474/2012 which seeks consent for the construction of a McDonalds and McCafe with an associated drive-through facility, signage, car parking and landscaping at 449, 451 and 453 Hume Highway, Casula subject to conditions of consent.
2. Approves the 24 hour operation of the development.
3. Supports the variation to Clause 7.15 of LLEP 2008 pertaining to minimum building street frontage, made pursuant to Clause 4.6.
4. Notifies interested parties of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Shelton**

That Council:

1. Approves Development Application DA474/2012 which seeks consent for the construction of a McDonalds and McCafe with an associated drive-through facility, signage, car parking and landscaping at 449, 451 and 453 Hume Highway, Casula subject to conditions of consent.
2. Approves hours of operation 6.30am to 11.30pm seven days a week.
3. Supports the variation to Clause 7.15 of LLEP 2008 pertaining to minimum building street frontage, made pursuant to Clause 4.6.
4. Notifies interested parties of Council's decision.

Foreshadowed Motion: Moved: Clr Ristevski

That Council

1. Defers Development Application DA474/2012 which seeks consent for the construction of a McDonalds and McCafe with an associated drive-through facility, signage, car parking and landscaping at 449, 451 and 453 Hume Highway, Casula.
2. Undertakes a site visit.
3. Reports back to Council Meeting on the 19 December 2012.

On being put to the meeting the motion was declared CARRIED and the foreshadowed motion LAPSED.

For: Clr Waller, Clr Mamone, Clr Shelton, Clr Balloot, Clr Karnib, Clr Stanley,
Clr Hadid, Clr Hadchiti

Against: Clr Harle, Clr Ristevski, Mayor Mannoun

IHAP 03

ITEM NO: IHAP 03
FILE NO: DA-1382/2012
SUBJECT: FIT OUT AND OCCUPATION OF UNIT NO: 1 FOR THE PURPOSES OF A RECREATION FACILITY (GYMNASIUM) TO OPERATE 24 HOURS A DAY, 7 DAYS A WEEK

RECOMMENDATION

That Council:

1. Approves DA-1382/2012 for the fit out and occupation of unit no: 1 for the purposes of a recreation facility (gymnasium) to operate 24 hours a day, 7 days a week located at Cnr Lot 132 DP 746133, 167 Newbridge Road (corner of Governor Macquarie Drive) Chipping Norton NSW 2170 subject to conditions of consent.
2. Notifies the persons who made a submission with regard to the proposed development in writing of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Waller**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

IHAP 04

ITEM NO: IHAP 04
FILE NO: D/130/1998/B
SUBJECT: MODIFICATION TO DEVELOPMENT CONSENT D/130/1998 PURSUANT TO SECTION 96AA OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.
 THE APPLICATION SEEKS TO AMEND CONDITION NO. 11 OF THE CONSENT TO EXTEND THE HOURS OF OPERATION OF AN EXISTING BROTHEL

RECOMMENDATION

That Council:

1. Approves the Section 96(AA) modification of Development Application D30/1998 to permit extended hours of operation of the brothel at Lot 2 SPSP 52064 Suite 2 No. 24 Railway Street Liverpool subject to the modified conditions of consent contained within Draft Notice of Determination.
2. The person who made a submission with regard to the proposed development is notified in writing of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Harle**

That Council:

1. Refuse the Section 96(AA) modification of Development Application D30/1998 to permit extended hours of operation of the brothel at Lot 2 SPSP 52064 Suite 2 No. 24 Railway Street Liverpool for the following reasons:
 - a) Close proximity to the primary school;
 - b) A thoroughfare from the railway to the City Centre.
 - c) By the potential of putting the public at risk by using the back entrance as per the conditioning requirements.
 - d) Council previously resolved to prohibit brothels in the City Centre.
2. Notes that the court has already imposed hours of operation.

Clr Waller left the chambers at 10:00pm.

Clr Waller returned to the chambers at 10:02pm

For: Mayor Mannoun, Clr Waller, Clr Mamone, Clr Ristevski, Clr Balloot,
Clr Harle, Clr Karnib, Clr Stanley, Clr Hadid, Clr Hadchiti

Against: Clr Shelton

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

IHAP 05

ITEM NO: IHAP 05
FILE NO: DA-919/2012
SUBJECT: PRIVATE USE OF 12 KENNELS WITHIN AN EXISTING FARM SHED BUILDING

RECOMMENDATION

That Council:

1. Development Application DA-919/2012 which proposes the use of 12 kennels within an existing farm shed at Lot 11 DP 2650, No. 27 Greendale Road, Bringelly be refused for the following reasons:
 - The subject Development Application has not sufficiently demonstrated consistency with RU1 - Primary Production zone objectives prescribed Liverpool Local Environmental Plan 2008 in that the development will not reduce land use conflict within the zone (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
 - The subject Development Application has not demonstrated that the proposed development would not result in adverse acoustic impacts on the adjoining properties as a consequence of the operation of the development. (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
 - The subject Development Application has not demonstrated that the proposed development would not result in adverse environmental impacts in regards to waste water management, drainage and waste management as a consequence of the operation of the development. (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
 - The subject Development Application has not demonstrated that the site is suitable for the proposed development given the acoustic impacts associated with the operation of the proposed development. (Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979).
 - The proposed development would be inappropriate having regard to the submissions received in respect to the subject Development Application (Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979).
2. Notifies interested parties of Councils decision.

COUNCIL DECISION

Motion: **Moved: Cllr Harle** **Seconded: Cllr Stanley**

That Council:

1. Development Application DA-919/2012 which proposes the use of 12 kennels within an existing farm shed at Lot 11 DP 2650, No. 27 Greendale Road, Bringelly be refused for the following reasons:
 - The subject Development Application has not sufficiently demonstrated consistency with RU1 - Primary Production zone objectives prescribed Liverpool Local Environmental Plan 2008 in that the development will not reduce land use conflict within the zone (Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
 - The subject Development Application has not demonstrated that the proposed development would not result in adverse acoustic impacts on the adjoining properties as a consequence of the operation of the development. (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
 - The subject Development Application has not demonstrated that the proposed development would not result in adverse environmental impacts in regards to waste water management, drainage and waste management as a consequence of the operation of the development. (Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).
 - The subject Development Application has not demonstrated that the site is suitable for the proposed development given the acoustic impacts associated with the operation of the proposed development. (Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979).
 - The proposed development would be inappropriate having regard to the submissions received in respect to the subject Development Application (Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979).
2. Undertakes a site inspection of the property in consultation with the land owner to ensure all environmental standards concerning the management of waste and waste water are being adhered to concerning the approved four kennels under DA610/1987.
3. Notifies interested parties of Councils decision.

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

Councillors voted unanimously for this motion.

GENERAL MANAGERS REPORT

GMRR 04

ITEM NO: GMRR 04
FILE NO: 2012/0369
SUBJECT: DELEGATION OF AUTHORITY - CHRISTMAS / NEW YEAR RECESS

RECOMMENDATION

That Council:

1. Subject to the restrictions under Section 377 of the Local Government Act 1993, grants delegated authority to the Mayor and General Manager to determine matters reserved for Council from 19 December 2012 until the first scheduled Ordinary Meeting on 6 February 2013.
2. Receives a report from the General Manager of matters determined under this delegation at its meeting on 6 February 2013.

COUNCIL DECISION

Motion: **Moved: Cllr Waller** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

CORPORATE SERVICES REPORT

CORS 02

ITEM NO: CORS 02
FILE NO: 2009/0179
SUBJECT: CODE OF MEETING PRACTICE

RECOMMENDATION

That Council:

1. Gives public notice of the revised Code;
2. Places the revised Code on exhibition for a period of 28 days;
3. Receives submissions for a period of not less than 42 days after the date on which the revised Code is placed on public exhibition;
4. Be provided with a further report following the receipt and review of any public submissions.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Gives public notice of the revised Code;
2. Places the revised Code on exhibition for a period of 28 days with the following amendments:
 - a) Make provision to allow a public forum for non - agenda items with each speaker limited to 3 minutes
 - b) Cut-off time for all speakers is 5pm a day prior to the Council Meeting.
3. Receives submissions for a period of not less than 42 days after the date on which the revised Code is placed on public exhibition;
4. Be provided with a further report following the receipt and review of any public submissions.

Amendment: Moved: Cllr Stanley Seconded: Cllr Karnib

That Council:

1. Gives public notice of the revised Code;
2. Places the revised Code on exhibition for a period of 28 days;
3. Receives submissions for a period of not less than 42 days after the date on which the revised Code is placed on public exhibition;
4. Be provided with a further report following the receipt and review of any public submissions.
5. Page 299 item 9 voting on all planning matters...

On being put to the meeting the amendment was declared LOST, the motion moved by Cllr Hadchiti was declared CARRIED.

CORS 03

ITEM NO: CORS 03
FILE NO: 2010/0786
SUBJECT: PROPOSED EASEMENT FOR 33KV OVERHEAD POWERLINES
OVER LOT 10 DP 881265, MILL PARK, CASULA

RECOMMENDATION

That Council:

1. Grants an easement for overhead powerlines to Endeavour Energy over Lot 10 DP 881265, Mill Park, Casula, as shown on the attached plan of easements;
2. Keeps confidential the attachment supplied under separate cover containing the compensation amount, 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;
3. Authorises the relevant documentation necessary for the formalisation of the easement to be signed under Power of Attorney by Council's delegated officer;
4. Transfers the compensation amount detailed in the confidential attachment to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Clr Waller** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

CORS 04

ITEM NO: CORS 04
FILE NO: 2012/0308
SUBJECT: ACQUISITION OF PART LOT 1 DP 1170977 KURRAJONG ROAD,
 PRESTONS FOR THE EXTENSION OF KURRAJONG ROAD

RECOMMENDATION

That Council:

1. Moves into closed session prior to the conclusion of the meeting with the press and public excluded, for the purpose of further discussion, pursuant to the provisions of Section 10A(2)(C) of the Local Government Act 1993.
2. Approves the acquisition of part Lot 1 DP 1170977 Kurrajong Road, Prestons, containing an area of approximately 420 square metres for the price and terms outlined in the confidential attachment;
3. Dedicates the constructed road area as road in accordance with the Roads Act 1993;
4. Keeps confidential the report supplied under separate cover containing the acquisition price 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;
5. Authorises its delegated officer to execute any documents, under Power of Attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Waller**

That Council:

1. Approves the acquisition of part Lot 1 DP 1170977 Kurrajong Road, Prestons, containing an area of approximately 420 square metres for the price and terms outlined in the confidential attachment;
2. Dedicates the constructed road area as road in accordance with the Roads Act 1993;
3. Keeps confidential the report supplied under separate cover containing the acquisition price 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;

4. Authorises its delegated officer to execute any documents, under Power of Attorney necessary to give effect to this decision.

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

Councillors voted unanimously for this motion.

CORS 05

ITEM NO: CORS 05
FILE NO: 2012/2695
SUBJECT: ACQUISITION OF PART LOT 312 DP 2475, 160 FLYNN AVENUE,
MIDDLETON GRANGE FOR DRAINAGE PURPOSES

RECOMMENDATION

That Council:

1. Approves the acquisition of part Lot 312 DP 2475, 160 Flynn Avenue, Middleton Grange, containing an area of approximately 750.1 square metres for the price and terms outlined in the confidential attachment;
2. Upon settlement of the acquisition, classifies part Lot 312 DP 2475, 160 Flynn Avenue, Middleton Grange as 'Community' land;
3. Keeps confidential the attachment supplied under separate cover containing the acquisition price 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;
4. Authorises its delegated officer to execute any document, under Power of Attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

CORS 06

ITEM NO: CORS 06
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT OCTOBER 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

CITY PLANNING REPORTS

PLAN 04

ITEM NO: PLAN 04
FILE NO: RZ-2/2012
SUBJECT: DRAFT AMENDMENT NO. 27 TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - REVISED PLANNING PROPOSAL

RECOMMENDATION

That Council:

1. Forwards a copy of the revised Planning Proposal to the Department of Planning and Infrastructure seeking a revised Gateway Determination.
2. Following receipt of the Gateway determination proceeds with public exhibition.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

PLAN 06

ITEM NO: PLAN 06
FILE NO: DA-591/2012
SUBJECT: VOLUNTARY PLANNING AGREEMENT ACCOMPANYING
DEVELOPMENT APPLICATION DA-591/2012

RECOMMENDATION

That Council:

1. Accepts the offer of a Voluntary Planning Agreement accompanying DA-591/2012.
2. Delegates to the General Manager to execute the deeds and affix the seal of Council.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

PLAN 07

ITEM NO: PLAN 07
FILE NO: DA-590/2012
SUBJECT: VOLUNTARY PLANNING AGREEMENTS ACCOMPANYING
DEVELOPMENT APPLICATION FOR SUBDIVISION IN MIDDLETON
GRANGE

RECOMMENDATION

That Council:

1. Accepts the offer of a Voluntary Planning Agreement accompanying DA-590/2012.
2. Delegates to the General Manager to execute the deeds and affix the seal of Council.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Waller**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

CITY SERVICES REPORT

CITS 01

ITEM NO: CITS 01
FILE NO: 2012/1909
SUBJECT: CLOSED CIRCUIT TELEVISION (CCTV) IN LIVERPOOL CBD

RECOMMENDATION

That Council receive and note this report

COUNCIL DECISION

Motion: **Moved: Cllr Waller** **Seconded: Cllr Shelton**

That Council:

1. Receives and notes the report.
2. Considers as an option paying for the installation of at least one camera facing the mall within business within the CBD.
3. Considers the option of future CBD businesses as a requirement of their DA they install at least one working camera facing the mall or street.

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

Councillors voted unanimously for this motion.

Motion: **Moved: Cllr Waller** **Seconded: Cllr Harle**

That an extension of time be granted until 11.30pm.

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

CITY ASSETS REPORT

ASST 01

ITEM NO: ASST 01
FILE NO: 2011/5071
SUBJECT: DRAFT PERMIT PARKING POLICY

RECOMMENDATION

That Council:

1. Receives and notes the report.
2. Adopts the amended Draft Permit Parking Policy and associated fees.
3. Install appropriate signage in consultation with RMS for the implementation of the resident parking scheme.
4. In the first year provides parking permits to eligible residents free of charge and thereafter applies full cost recovery.
5. Includes the introduction of the Permit Parking Policy in its communication strategy.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That Council defers reports ASST 01 and 02 for a discussion at the next briefing session and prepare a report to the next Council Meeting.

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

ASST 02

ITEM NO: ASST 02
FILE NO: 2012/0949
SUBJECT: PENSIONER PARKING SCHEME

RECOMMENDATION

That Council:

1. Notes the contents of this report.
2. Seek formal legal advice on a Pensioner Permit Scheme.
3. Carries out further consultation with organised Aged Pensioner Groups in the Liverpool LGA, such as the Liverpool Seniors Network, Heckenberg - Busby Over-50 Group and Sydney Alliance to assess other options of providing free parking for pensioners in the City Centre, and report back in March 2013.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That Council defers reports ASST 01 and 02 for a discussion at the next briefing session and prepare a report to the next Council Meeting.

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

ASST 03

ITEM NO: ASST 03
FILE NO: 2012/0139
SUBJECT: TENDER ST2206 - SPORTSFIELD FLOODLIGHT UPGRADES -
JARDINE, AMALFI AND HAMMONDVILLE PARKS

RECOMMENDATION

That Council:

1. Accepts the tender submitted by Premier Lighting and Electrical Pty Ltd for Portion 1 - Jardine Park, Portion 2 - Amalfi Memorial Park and Portion 3 - Hammondville Park for the Lump Sum amount of \$307,230.00 (including GST).
2. Notes that the Acting Director City Assets will finalise all details and sign the Letter of Acceptance of the Premier Lighting and Electrical Pty Ltd tender, giving it contractual effect, in accordance with his delegated authority.
3. Keeps confidential the attachment pursuant to the provisions of Section 104(2Xc) 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.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Hadchiti**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

CORRESPONDENCE REPORTS

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Waller**

That the recommendation be adopted.

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

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2012/1841
SUBJECT: CODE OF CONDUCT COMPLAINTS

RECOMMENDATION

That Council:

1. Receives and notes this report.
2. Adopts the recommendations of the Conduct Reviewers and of the General Manager.
3. Council, in relation to the complaint dated 26 June 2012 against Councillors Karnib and Stanley and former Councillor Gillani,;
 - Receives and notes the report of the Conduct Reviewer
 - Requires Councillors Karnib and Stanley to make a public apology at an open Council meeting for their breaches of Council's Code of Conduct within 30 days of the date of this resolution of Council.
4. Council, in relation to the complaints against (the now) Mayor Mannoun dated 1 July, 4 July and 12 July 2012:
 - Receives and notes the report of the Conduct Reviewer
 - Censures Mayor Mannoun for misbehaviour
 - Requires Mayor Mannoun to make a public apology at an open Council meeting for his breaches of the Code
 - Provides annual Code of Conduct training for staff and Councillors
 - Ensures that the censure of Mayor Mannoun and his apology are completed within 30 days of the Council decision on the report.

If no apology is received from Councillor Waller at the next Council meeting at which she is present, the matter be referred to the Chief executive Officer of the Division of Local Government pursuant to section 440H of the *Local Government Act 1993*.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council:

1. Receives and notes the report.
2. Allows any current Councillor named in the report to make a statement to clear up any points.

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

Councillors voted unanimously for this motion.

NOTICE OF MOTION OF RESCISSION**NOMR 03**

ITEM NO: NOMR 03
FILE NO: 2012/0307
SUBJECT: GMRR 01 - COUNCIL COMMITTEES

RECOMMENDATION

That Council rescinds the resolution relating to item GMRR 01 from the 5 November 2012 Council meeting regarding the endorsement of Council committees and appointment of representatives.

Signed by Mayor Mannoun, Clr Hadid and Clr Ristevski.

COUNCIL DECISION

Rescission Motion: **Moved Clr Hadchiti** **Seconded: Clr Ristevski**

That the rescission motion be adopted.

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

Note: The General Manager acted as the returning officer for conducting nominations for committees under Schedule 7 Local Government (General) Regulation 2005.

Committee elections were then conducted with the General Manager being the Returning Officer. The following Councillors were declared elected to the following committees:

Council Committees:

Aboriginal Consultative Committee Clr Waller

Casula Powerhouse Art Centre Board Mayor Mannoun, Clr Hadid,
 Clr Ristevski, Clr Mamone, Clr Waller

Motion: That Council amends the Charter to reflect the number of Councillors nominated.

Moved: Mayor Mannoun **Seconded: Clr Waller**

Environmental Advisory Committee: Clr Ristevski, Clr Harle, Clr Ballot

Ethics & Audit Committee Clr Hadid, Clr Shelton, Clr Harle,
Clr Balloot

Floodplain Management Mayor Mannoun, Clr Balloot

Heritage Advisory Committee: Mayor Mannoun

Liverpool Access Committee: Clr Mamone, Clr Waller

Motion: That Council amends the Charter to reflect the number of Councillors nominated.

Moved: Clr Waller

Seconded: Clr Hadchiti

Liverpool Sports Committee: Mayor Mannoun

Order of Liverpool Committee: Mayor Mannoun, Clr Hadid, Clr Harle

Street Naming Committee: Mayor Mannoun, Clr Balloot

Motion: That Council amends the Charter to reflect the number of Councillors nominated.

Moved: Mayor Mannoun

Seconded: Clr Balloot

Youth Council Clr Mamone, Clr Waller, Clr Harle

Motion: That Council amends the Charter to reflect the number of Councillors nominated.

Moved: Mayor Mannoun

Seconded: Clr Hadchiti

Budget & Finance Committee: Mayor Mannoun, Clr Hadid, Clr Harle,
Clr Mamone, Clr Ristevski Clr Balloot,
Clr Hadchiti, Clr Shelton

Motion: That Council amends the Charter to reflect the number of Councillors nominated.

Moved: Mayor Mannoun

Seconded: Clr Hadchiti

Economic & Development Committee

Mayor Mannoun, Clr Hadid, Clr Harle
Clr Mamone, Clr Ristevski,
Clr Balloot, Clr Hadchiti, Clr Stanley

Motion: That Council amends the Charter to reflect the number of Councillors nominated.

Moved: Clr Waller

Seconded: Clr Hadchiti

Tourism and Events

Mayor Mannoun, Clr Hadid,
Clr Ristevski, Clr Hadchiti,
Clr Mamone, Clr Harle, Clr Karnib,
Clr Balloot

Motion: That Council amends the Charter to reflect the number of Councillors nominated.

Moved: Mayor Mannoun

Seconded: Clr Waller

External Committees:

Macarthur Bushfire Management Committee Clr Harle

Macarthur Zone Bushfire Liaison Committee Clr Harle

Floodplain Management Clr Harle

Motion: That Clr Harle be nominated for all three vacant external committee positions.

Moved: Mayor Mannoun

Seconded: Clr Hadchiti

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

GENERAL MANAGERS REPORT

GMRR 03

ITEM NO: GMRR 03
FILE NO: 2011/6267
SUBJECT: COUNCIL COMMITTEE CHARTERS

RECOMMENDATION

That Council adopt the committee charters as attached to this report for the:

1. Aboriginal Consultative Committee
2. Budgets and Finance Committee
3. Casula Powerhouse Arts Centre Board
4. Economic Development Committee
5. Environment Advisory Committee
6. Ethics and Audit Committee
7. Floodplain Management Committee
8. Heritage Advisory Committee
9. Liverpool Access Committee
10. Liverpool Sports Committee
11. Liverpool Youth Council
12. Multicultural Advisory Committee
13. No Intermodal Committee
14. Order of Liverpool Committee
15. Street Naming Committee
16. Tourism and Events Committee

COUNCIL DECISION

Motion: **Moved: Cllr Shelton** **Seconded: Cllr Waller**

That Council:

1. Adopts the committee charters as attached (subject to the deletion of the words 'unless given a specific delegated authority from Council', where these words appear in the proposed charters as follows:
 - a. Aboriginal Consultative Committee 7(b),
 - b. Casula Powerhouse Arts Centre Board 7(b),
 - c. Economic Development Committee 7(b),
 - d. Environment Advisory Committee 7(c),
 - e. Floodplain Management Committee 7(b),
 - f. Heritage Advisory Committee 7(b),
 - g. Liverpool Access Committee 7(b),
 - h. Liverpool Sports Committee 7(b),
 - i. Liverpool Youth Council 7(b),
 - j. Multicultural Advisory Committee 7(b),

- k. No Intermodal Committee 7(f),
- l. Order of Liverpool Committee 7(b), and
- m. Tourism and Events Committee 7(b).

2. Adopts the committee charters with the following amendments; provided they do not contravene Local Government legislation.

a. For all committees make the following changes:

- Declare all community representative positions vacant except for Youth Council and Sports Committee, Access and Aboriginal Consultative Committee
- All committee members to be elected for a 2 year term
- Budget and Finance, Economic Development, Tourism and Events to meet monthly
- All committee meeting times and dates to be set by the Chair in consultation with other committee members
- The Chair to have the ability to invite external subject matter experts to participate in meetings from time to time as non-voting members.

b. Include the following functions in the charters of the identified committees:

CPAC

- Endorsed the Budget prior to presentation to Council for their approval
- Develop short, medium, and long term plans to ensure the promotion of arts and entertainment in the LGA in a financially effective and sustainable manner

Budget and Finance:

- Prepare and review the annual budget before submitting to Council
- Receive all applications for funding from staff, Councillors, and community members and make recommendations to Council for funding either through the annual budget or at any normal council meeting
- Develop strategies to address Council's infrastructure backlog
- Add 2 members who have experience in financial budgeting and or asset optimisation with voting rights

Economic Development:

- Create, seek, and lobby for an opportunity that can provide an economic benefit to Liverpool
- Make comments and recommendations on development applications, planning proposals, or any other proposal addressed to the committee that will create no less than 20 full time jobs if a member of the committee

chooses for the committee to do so. The outcome to be provided to Council as part of the report to Council for its consideration

- Manage all TIF all boundaries, expenditure recommendations, and strategies and other elements as per and instead of the TIF Management steering group
- Make 3 community members instead of 2

Tourism and Events:

- To increase tourism and events within the LGA
- Hold its own events and sponsor events with other providers
- Develop strategies that streamline event applications
- Lift the standard of events held within the LGA
- Provide marketing assistance to events held within the LGA
- Make recommendations to Council of what events and amounts should be sponsored

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

Clr Balloot left the chambers at 11:13pm.

Clr Balloot left the chambers at 11:15pm.

Note: Clr Ballot was not in the chambers when this item was voted on.

That Council moves into Closed Session to consider item CORS 07.

Motion: Moved: Clr Hadchiti Seconded: Clr Waller

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

The public, media representatives and Council Officers departed the room.

Council moved into Closed Session at 11.15pm.

Clr Hadchiti left the room at 11:15pm.

Clr Hadchiti returned to the room at 11.18pm

CORS 07

ITEM NO: CORS 07

FILE NO: 2012/3518

SUBJECT: SUMMONS IN THE SUPREME COURT OF NSW BY MOOREBANK
RECYCLERS PTY - SEEKING A COURT IMPOSED EASEMENT OVER
COUNCIL LAND

RECOMMENDATION

That Council:

1. Moves into closed session prior to the conclusion of the meeting, with the press and public excluded, for the purpose of consideration of legal advice, pursuant to the provisions of Section 10A(2)(g) of the Local Government Act 1993.
2. Reverts back to open Council once the confidential aspects of the report have been considered and Council has determined a position on the matter.

COUNCIL DECISION

Motion: Moved: Clr Waller Seconded: Clr Hadchiti

That Council provides Sparkes Helmore with instructions to oppose the orders sought in the summons filed on 27 September 2012.

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

Open Council resumed at 11.29pm

On re-opening the meeting to the public, the resolution of Council was read by the Chairperson:

CORS 07

That Council provides Sparkes Helmore with instructions to oppose order sought in the summons filed on 27 September 2012.

CLOSE

THE MEETING CLOSED AT 11:30PM



MINUTES OF THE ORDINARY MEETING HELD ON 19 DECEMBER 2012

PRESENT:

Mayor Ned Mannoun
 Councillor Balloot
 Councillor Hadchiti
 Councillor Hadid
 Councillor Harle
 Councillor Karnib
 Councillor Mamone
 Councillor Ristevski
 Councillor Shelton
 Councillor Stanley
 Mr Farooq Portelli, General Manager
 Mrs Julie Hatley, Director - Corporate Services
 Mr Milan Marecic, Director - City Planning
 Mr Gino Belsito, Acting Director - City Assets
 Ms Billie Sankovic, Manager - Council and Executive Support

The meeting commenced at 7:02pm

OPENING 7:02pm

PRAYER The prayer of council was read by Pastor Henry Jacotine from Inspire Church.

APOLOGIES Clr Waller

Motion: **Moved: Clr Hadchiti** **Second: Clr Karnib**

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

Condolence Mr Peter Keith Roach

Peter Keith Roach known to most of these who knew him as Keith, was born in Armidale on the 5 February 1926. After the family moved to the area he attended school at Badgery's Creek in a small school building which is still there today.

He had a great capacity for hard work even at the age of 14 taking on extra work as well as helping on his parents farm.

He then got employment making deliveries with his motor bike and side cart, until with the advent of war, he had the job of respraying the motorbikes which the army had acquired for their use.

After enlisting at age 18 he was stationed at Cowra but was transferred north on the very day there was a prisoner outbreak there.

He served in the Philippines and helped with liberating prisoners of war.

After the war he began driving taxis and won a ballot to obtain a taxi license becoming chairman of Southern District Radio Cabs. He was the first taxi to cross the new Liverpool Bridge.

His parents had brought a property at Prestons on which he built a home for his wife Olive who he married in 1954. His wife started a chicken farm on the property and Keith would help with this as well as driving the taxis.

Keith actively served in first the Methodist Church, then was one of those responsible for buying the land and building what became the Uniting Church in Pirie Street.

He set up a support ministry for the boat people who were arriving in the area at that time.

He became the leader of the youth group at age 70 earning the lasting love and respect of those in the group.

He put his Ford-transit truck to use in all sorts of ways including Christmas Carols at Bigge Park over the past few years.

He was a staunch supporter of the Christian Democratic Party and was always ready to help.

He pushed for his Scottish Heritage to be reflected in some of the street names of the new area of Prestons which had been part of their land.

He passed away on 7 December 2012 at his home in Prestons and is survived by his wife Olive and four children, many grandchildren and great grandchildren.

Condolence Mr Colin Hugh Sanders

Colin Hugh Sanders was born on 26 April 1927 at his parent's family home at Cambridge Avenue, Glenfield.

He was the fifth child of Robert and Beryl Sanders and brother and sister to Rob, Gwen, Ray, Betty, Graeme, Malcolm and Paul who have since passed away except Betty who now resides in a nursing home in Victoria.

Colin's grandparents were also Glenfield residents and lived at Belmont Road. His father served during WW and because of his experiences during this time he would not give permission for any of his sons to enlist during WWII.

Colin attended Glenfield Public Primary School and then Liverpool Boys High School. He obtained an apprenticeship in plumbing, gas fitting and draining and branched out into his own business.

He lived at the family home for over 30 years until he married and moved to Reserve Road, Casula where he lived for a further 50 years until his recent passing.

Colin married Anne and they made a happy life together in Casula where they lived for just over 50 years. They had two children Colleen and Robert who are both married now and have given them five grandchildren in total.

Colin recently passed away at the age of 85 where a Masonic Service was held in conjunction with Colin's funeral.

A minute silence was observed.

Motion: Moved: C/r Hadchiti Seconded: C/r Shelton

That Council sends a letter of condolence to the families of the late Mr Peter Keith Roach and the Mr Colin Hugh Sanders.

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

CONFIRMATION OF MINUTES

That the minutes of the Ordinary Council meeting held on 28 November 2012 be confirmed as a true record of that meeting.

Amendments: Page 79 – Item GMRR 03 point ‘1d’ refers to the Economic Advisory Committee this should read Environment Advisory Committee.

Page 80 – Item GMRR 03 point ‘k’ clause 7(e) should read clause 7(f).

Motion: **Moved: Cllr Shelton** **Seconded: Cllr Stanley**

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

DECLARATIONS OF INTEREST

Cllr Harle declared a less than significant, non-pecuniary interest on the following items:

Item IHAP 02 ANIMAL BOARDING AND TRAINING ESTABLISHMENT

Reason: Family members residing in the adjacent area.

Cllr Harle will not leave the Chambers for the duration of this item.

Mayor Mannoun declared a less than significant, non-pecuniary interest on the following items:

Item GMRR 01 AUSTRALIA DAY AWARDS

Reason: Nominated an applicant who has been recorded to be a winner.

Mayor Mannoun will not leave the Chambers for the duration of this item.

PUBLIC FORUM

Mehmet Tirnova addressed Council regarding his concern with Council's approach to voluntary acquisition/ DA approval with properties on Newbridge Road.

SPEAKERS FORUM

Jessica Thomas addressed Council on the following item:

Item – NOMR 01 DEVELOPMENT APPLICATION DA 474/2012
CONSTRUCTION OF MCDONALDS

Brad McAndrew addressed Council on the following item:

Item – PLAN 03 LEN WATERS ESTATE DRAFT AMENDMENT NO.24
TO LIVERPOOL LOCAL ENVIRONMENTAL PLAN
2008 – PUBLIC EXHIBITION OUTCOMES

Garry Chapman addressed Council on the following item:

Item – IHAP 04 CONSTRUCTION OF A RESIDENTIAL FLAT
BUILDING COMPRISING A TOTAL OF 28 UNITS
WITH ASSOCIATED BASEMENT PARKING,
VEHICULAR ACCESS PROVIDED FROM
DONCASTER AVENUE AND THE SUBDIVISION OF
ONE LOT INTO TWO TORRENS TITLE LOTS

Kevin Figueroa addressed Council on the following item:

Item – IHAP 03 CONSOLIDATION OF PROPOSED LOTS 410-417
CREATING ONE LOT (LOT 800) AND THE
CONSTRUCTION OF SIX DETACHED DWELLINGS
WITH STRATA SUBDIVISION THEREOF

Elise Crameri addressed Council on the following item:

Item – IHAP 02 ANIMAL BOARDING AND TRAINING
ESTABLISHMENT

MAYORAL MINUTE

Subject: TVS documentary on Green Valley - Sequel

Report:

I have been informed by Television Sydney (TVS), a non-profit company with a community television licence, that they are currently producing a documentary that will be a snapshot of life in Green Valley in 2013, called 'Whatever Happened to Green Valley'. The documentary is a sequel to an original documentary produced in 1973.

Producer Scott Richardson, who previously lived in Green Valley, would like to revisit the documentary in Green Valley 40 years on.

Mr Richardson said it had always been in his mind to do a follow up and felt that this was the perfect timing due to the 40-year anniversary of the film next year.

The original documentary in 1973 focused on the views of local residents. They were given camera equipment to capture and film glimpses of their lives in Green Valley at that time.

The sequel will revisit Green Valley and portray the changes and progress that has occurred since that time.

The sequel represents an opportunity for the community and Council to support a positive national image of Green Valley and Liverpool, as a place of opportunity and progress.

The documentary is due to be completed in early 2013, with a launch date set for 6 April 2013.

Recommendation:

That Council:

1. Supports the production of the Green Valley documentary 'Whatever Happened to Green Valley'.
2. Request that the Mayor and General Manager work with the producers to determine how Council can assist.
3. Refers the documentary to the General Manager for consideration as part of a broad promotion and marketing strategy for Liverpool.
4. Reports back to Council on this matter in February 2013.

Motion: Mayor Mannoun

That the recommendation be adopted.

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

Mayoral Minute

Subject: Mayoral Christmas Reception

Report:

On 10 December 2012, I forwarded a memo to fellow Councillors to seek their support to hold a Mayoral Christmas Reception on Thursday 20 December 2012.

The purpose of the Reception is to build Council's relationship with the community, business and agencies within the Liverpool local government area at this significant time of year.

I received the support of the majority of Councillors, who agreed that such a function would benefit and was in the best interests of the residents and ratepayers of Liverpool.

The Mayoral Reception will be held on Thursday 20 December 2012 from 6.00pm to 8.00pm on the Level 4 Balcony at 33 Moore Street, Liverpool.

Invitations have been forwarded to state and federal members of parliament as well as representatives from local community groups, agencies, businesses and other stakeholders.

The cost of the function will be approximately \$2,000.

Recommendation:

That Council supports the Mayoral Christmas Reception to be held on Thursday 20 December 2012 from 6.00pm to 8.00pm at a cost of approximately \$2,000.

Motion: Mayor Mannoun

That the recommendation be adopted.

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

Mayoral Minute

Subject: Better, Stronger Local Government - The Case for Sustainable Change

Report:

The NSW State government has announced a major review of local government. An Independent Local Government Review Panel was formed in May 2012. The role of the panel is to develop options to improve the strength and effectiveness of local government in NSW and they will investigate and identify options for governance models, structural arrangements and boundary changes for local government.

The Panel has held consultations with Councils, industry stakeholders and the community and Council officers have prepared submissions during the consultation phases.

The Panel released a paper in November 2012 called "Better, Stronger Local Government - The Case for Sustainable Change". This document outlines the Review Panel's approach for local government reform and the need for fresh thinking and new approaches in NSW local government.

The work of the Panel is likely to mean significant changes to local government in the future and this will impact on Liverpool Council. Therefore, it is imperative that Council understand, be actively involved and contribute to this work.

The Panel is scheduled to present its final report to the State Government in July 2013.

Recommendation:

That the General Manager prepares a report to Council in early 2013 on the "Better, Stronger Local Government - The Case for Sustainable Change" paper.

Motion: Mayor Mannoun

That the recommendation be adopted.

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

Mayoral Minute

Subject: Cyclone Evan

Report:

On 17 December 2012 Cyclone Evan left a trail of destruction smashing into Fiji, destroying homes and lashing the Pacific nation with strong winds and heavy rain.

Thousands fled to emergency evacuation centres as the storm - the strongest to hit the nation in 20 years - cut power and caused flooding.

Homes were simply blown to pieces and possessions lay scattered in the rain.

Trees had their branches snapped and foliage was shredded as the gusts surged to 150 kilometres per hour.

A state of natural disaster has been declared for parts of Fiji as the clean-up from Cyclone Evan begins.

The Fiji Spearhead Disaster Group are holding fundraising events on Friday 21 and Saturday 22 December 2012.

This mayoral minute recommends that Council assist the Fiji Spearhead Disaster Group by waiving the hire fee for the Hilda M Davis Centre on Friday 21 and Saturday 22 December 2012.

Recommendation:

That Council waiver the hire fee for the Hilda M Davis Centre for a full day between now and February 2013 at a time suitable to all and subject to availability in support of the Fiji Spearhead Disaster Group fundraising event.

Motion: Mayor Mannoun

That the recommendation be adopted.

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

Mayoral Minute

Subject: Outdoor Dining

Recommendation:

That Council:

1. Extends the temporary use of the southern end of Macquarie Street Mall to allow outdoor dining on days it is not being used for organised events until the end of March 2013.
2. Receives a report on the potential of making this permanent in February 2013 meeting.

Motion: Mayor Mannoun

That the recommendation be adopted.

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

MAYORAL REPORT

ITEM NO: MAYR 01
FILE NO: 2012/4177
SUBJECT: REQUEST TO HOLD A COMMUNITY CABINET MEETING IN LIVERPOOL

RECOMMENDATION

That Council writes a letter of invitation to the Premier and NSW Cabinet to hold a Community Cabinet meeting within Liverpool during 2013.

COUNCIL DECISION

Motion: **Moved: Mayor Mannoun**

That the recommendation be adopted.

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

Clr Balloot left the chambers at 7:40pm.

Clr Balloot returned to the chambers at 7.42pm.

**NOTICE OF MOTION OF RESCISSION
NOMR 01**

ITEM NO: NOMR 01
FILE NO:
SUBJECT: DEVELOPMENT APPLICATION DA 474/2012 CONSTRUCTION OF
MCDONALDS

RECOMMENDATION

That Council rescinds the resolution relating to IHAP 02 – Development application DA-474/2012 : Construction of McDonalds - from the 28 November 2012

Signed:



Clr Gus Ballot



Clr Sabrina Mamone



Clr Peter Ristevski

COUNCIL DECISION

Motion: **Moved: Clr Ristevski** **Seconded: Clr Mamone**

That the recommendation be adopted.

Vote for: Mayor Mannoun, Clr Hadid, Clr Hadchiti, Clr Mamone, Clr Ristevski,
Clr Harle, Clr Stanley, Clr Ballot, Clr Karnib

Vote Against: Clr Shelton

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

Consequential Motion

Motion: **Moved: Clr Ristevski** **Seconded: Clr Hadchiti**

That Council:

1. Approve Development Application DA474/2012 which seeks consent for the construction of a McDonalds and McCafe with an associated drive-through facility, signage, car parking and landscaping at 449, 451 and 453 Hume Highway, Casula subject to conditions of consent.
2. Approve the 24 hour operation of the development.
3. Formation of a consulting committee made up of a member of the Council, McDonalds, adjoining residents and a member of the Local Area Command. Meetings are to be every four months during the first 12 months.
4. Supports the variation to Clause 7.15 of LLEP 2008 pertaining to minimum building street frontage, made pursuant to Clause 4.6.
5. Amend the conditions of consent to require eight litter patrols per day.

Vote For: Mayor Mannoun, Clr Balloot, Clr Hadchiti, Clr Mamone, Clr Shelton, Clr Stanley, Clr Ristevski, Clr Harle, Clr Karnib

Vote Against: Clr Hadid

Note: Clr Waller was absent from the meeting when this was voted on.

Amendment: **Moved: Clr Hadid** **Seconded: Clr Harle**

That Council:

1. Approve Development Application DA474/2012 which seeks consent for the construction of a McDonalds and McCafe with an associated drive-through facility, signage, car parking and landscaping at 449, 451 and 453 Hume Highway, Casula subject to conditions of consent.
2. Approve the normal operational hours from 6am to 11pm and drive thru only operation from 11pm to 6am of the development.
3. Formation of a consulting committee made up of a member of the Council, McDonalds, adjoining residents and a member of the Local Area Command. Meetings are to be every four months during the first 12 months.
4. Supports the variation to Clause 7.15 of LLEP 2008 pertaining to minimum building street frontage, made pursuant to Clause 4.6.

5. Amend the conditions of consent to require eight litter patrols per day.

Vote For: Clr Hadid

Vote Against: Mayor Mannoun, Clr Hadchiti, Clr Balloot, Clr Mamone, Clr Shelton,
 Clr Stanley, Clr Harle, Clr Karnib, Clr Ristevski.

Note: Clr Waller was absent from the meeting when this was voted on.

On being put to the meeting the amendment was declared LOST and the motion was declared CARRIED.

NOTICES OF MOTION

NOMO 01

ITEM NO: NOMO 01
FILE NO: 2012/0297
SUBJECT: FREE PARKING FOR CHRISTMAS EVE UNTIL MIDNIGHT

RECOMMENDATION

That Council to turn off meters for a day and make paid parking in the CBD free on Christmas Eve until midnight.

COUNCIL DECISION

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

That Council turn off meters for a day and make paid parking in the CBD free on Christmas Eve and New Year's Eve until midnight annually as per option three in the report, being to affix an A4 decal to each meter, covering the coin and credit slots, stating "Free Parking Today, Monday 24 December 2012, Time Restrictions Still Apply".

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

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

IHAP 01

ITEM NO: IHAP 01
FILE NO: DA-1461/2012
SUBJECT: ALTERATIONS & ADDITIONS TO EXISTING COMMERCIAL BUILDING INVOLVING CONVERSION OF PART CAR PARK INTO COMMERCIAL OFFICE SPACE, CONSTRUCTION OF CENTRAL CONCRETE MEDIAN STRIP IN TERMINUS STREET AND WIDENING OF DRIVEWAY SPLAY

RECOMMENDATION

That Council:

1. Approves Development Application DA-1461/2012 which seeks which seeks consent for the alterations and additions to an existing commercial building at Lot 17 DP 81842, Lot 1 DP 229979, Lot 2 DP 229979, Lot 3 DP 229979, Lot 22 DP 441010, Lot 23 DP 441010, Lot 1 DP 50707052, No. 52 Scott Street, Liverpool.
2. Notifies any interested party of the decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That the recommendation be adopted.

Vote For: Mayor Mannoun, Clr Hadid, Clr Hadchiti, Clr Harle, Clr Shelton, Clr Mamone, Clr Balloot, Clr Ristevski

Vote Against: Clr Stanley, Clr Karnib

Note: Clr Waller was absent from the meeting when this was voted on.

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

IHAP 02

ITEM NO: IHAP 02
FILE NO: DA-1181/2012
SUBJECT: ANIMAL BOARDING AND TRAINING ESTABLISHMENT

RECOMMENDATION

That Council:

1. Refuses Development Application DA-1181/2012 which proposes an Animal Boarding and Training Establishment at Sec 6 Lot 7 DP 758620, No.17 Manning Street, Warwick Farm for the following reasons:
 - The proposed development is inconsistent with the land use definition 'animal boarding and training establishment' and is suitably defined as 'general industry' which is prohibited in the R2 Low Density Residential zone under the Liverpool Local Environmental Plan 2008 (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
 - The proposed development contains a number of unauthorised structures which negatively contributes towards an excessive built scale and its use of the site would be of an intensive nature which are unable to be suitably managed and therefore, be inconsistent with the objectives of the R2 Low Density Residential zone of the Liverpool Local Environmental Plan 2008 (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
 - The subject Development Application has not sufficiently demonstrated consistency with respect to floodplain storage and impact on neighbouring properties as stipulated in Clause 7.8 – Flood Planning of the Liverpool Local Environmental Plan 2008 (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
 - The subject Development Application does not contain sufficient information in respect to on-site detention and water quality devices relating to the appropriate discharge of water and therefore Council is unable to carry out a detailed and accurate assessment in respect to Part 2 Planning Principles within the Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).
 - The subject Development Application does not contain sufficient information in respect to contamination of the site pursuant to Clause 7 of State Environmental Planning Policy No.55 – Remediation of Land (*Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979*).

- The subject Development Application does not contain sufficient information that would demonstrate consistency with the Liverpool Development Control Plan 2008 in respect to:
 - Part 1.1 General Controls for all development:
 - Part 1.2 Additional General Controls for Development
 - Part 3.8 Non-Residential Development in Residential Zones – Section 9. Large Vehicle, Vessel and/or Trailer Parking

(Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979).

- The built form and use of the proposed development would significantly diminish the intrinsic value of the Warwick Farm Training Precinct and would undermine the inherent low density scale and use of the area as a result of the excessive built form and traffic and noise generated from the site and impinge on facilitation and promotion the co-existence of the residential use of land which complements and supports the equine industry within the Warwick Farm Training Precinct *(Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979).*
 - The proposed development contains a significant number of issues that would contribute towards the cumulative impact of the Warwick Farm Training Precinct by virtue of excessive built form and associated traffic and noise generation and is therefore unsuitable for the site *(Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979).*
 - The proposed development would be inappropriate having regard to the submissions received in respect to the subject Development Application *(Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979).*
 - The proposed development would cause an undesirable precedent for inappropriate development within the Warwick Farm Training Precinct that would undermine the unique residential context of the area and impinge on the spirit and intent of the precinct in respect to the facilitation and promotion of the prevailing equine industry together with the residential use of land, which is not in the public interest *(Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979).*
2. Enforcement action continues to proceed so as to address the unauthorised use of the site and structures erected without Development Consent.
 3. Council notifies interested parties of it's decision.

COUNCIL DECISION

Motion:

Moved: Clr Hadchiti

Seconded: Clr Hadid

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Cllr Waller was absent from the meeting when this was voted on.

IHAP 03

ITEM NO: IHAP 03
FILE NO: DA-1393/2012
SUBJECT: CONSOLIDATION OF PROPOSED LOTS 410-417 CREATING ONE LOT (LOT 800) AND THE CONSTRUCTION OF SIX DETACHED DWELLINGS WITH STRATA SUBDIVISION THEREOF

RECOMMENDATION

That Council

1. Approves DA-1393/2012 subject to the imposition of conditions.
2. Notifies interested parties of the decision.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Clr Waller was absent from the meeting when this was voted on.

IHAP 04

ITEM NO: IHAP 04
FILE NO: DA-975/2012
SUBJECT: CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING A TOTAL OF 28 UNITS WITH ASSOCIATED BASEMENT PARKING, VEHICULAR ACCESS PROVIDED FROM DONCASTER AVENUE AND THE SUBDIVISION OF ONE LOT INTO TWO TORRENS TITLE LOTS

RECOMMENDATION

That Council:

1. Approves Development Application DA-975/2012 proposing the construction of a residential flat building comprising a total of 28 units with associated basement parking, vehicular access provided from Doncaster Avenue and the subdivision of one lot into two Torrens title lots at 2 Kurrajong Road Casula, subject to the revised conditions of consent.
2. The persons who made a submission with regard to the proposed development be notified in writing of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Stanley**

That:

1. Council defers this item for further discussion regarding access.
2. A further report comes back to Council regarding this issue.

Clr Ristevski left the chambers at 8.36pm

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

For: Mayor Mannoun, Clr Hadchiti, Clr Hadid, Clr Mamone, Clr Balloot, Clr Harle, Clr Karnib, Clr Stanley

Against: Clr Shelton

Note: Clr Waller & Clr Ristevski were absent from the meeting when this was voted on.

IHAP 05

ITEM NO: IHAP 05
FILE NO: DA-1584/2012
SUBJECT: FITOUT AND USE OF A ROOM WITHIN AN EXISTING DWELLING HOUSE FOR A HAIR SALON BUSINESS

RECOMMENDATION

That Council:

1. Approves DA-1584/2012 for the fit out and use of a room within an existing dwelling house as a home business (hair salon) at Lot 1417 DP 1132393, 14 Schulten Street, Moorebank subject to conditions.
2. Notifies interested parties of Council's decision.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Shelton**

Clr Ristevski returned to the chambers at 8.37pm

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Clr Waller was absent from the meeting when this was voted on.

IHAP 06

ITEM NO: IHAP 06
FILE NO: DA-894/2011
SUBJECT: SUBDIVISION OF EXISTING LOT INTO FIVE TORRENS TITLE LOTS (AND ONE RESIDUE) AND CONSTRUCTION OF A ONE TAKEAWAY FOOD AND DRINK PREMISES, ONE NEIGHBOURHOOD SHOP, TWO INDUSTRIAL UNITS AND SERVICE STATION WITH ASSOCIATED CAR PARKING, LANDSCAPING AND SIGNAGE ON THREE OF THE LOTS

RECOMMENDATION

That Council:

1. Approves Development Application DA-894/2011 which seeks consent for the subdivision of an existing lot into five torrens title lots and the construction of a takeaway food and drink premises, a neighbourhood shop, two industrial units and a service station at Lot 29 DP1044841 Cowpasture Road, Len Waters.
2. Notifies any interested party of the decision.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Shelton**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Clr Waller was absent from the meeting when this was voted on.

IHAP 07

ITEM NO: IHAP 07
FILE NO: DA-1321/2012
SUBJECT: TWO LOT TORRENS TITLE SUBDIVISION

RECOMMENDATION

That Council:

1. Approves DA-1321/2012 for the proposed two lot Torrens Title subdivision at Lot 19 DP 192828, 93 Atkinson Street, Liverpool subject to the recommended conditions of consent.
2. Supports variation to Clause 7.13 - minimum lot width in zones R1, R2, R3 and R4 of LLEP 2008, made pursuant to Clause 4.6 - Exceptions to Development Standards.

COUNCIL DECISION

Motion: **Moved: Clr Hadid** **Seconded: Clr Karnib**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Clr Waller was absent from the meeting when this was voted on.

GENERAL MANAGER'S REPORT

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2012/3188
SUBJECT: AUSTRALIA DAY AWARDS

RECOMMENDATION

That Council:

1. Endorses the recommended award recipients as proposed in the confidential attachment.
2. In the spirit of the Awards, keeps confidential the report supplied under separate cover containing the recommended award recipients until they are announced on Australia Day.

COUNCIL DECISION

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

That Council:

1. Endorses the recommended award recipients as proposed in the confidential attachment.
2. In the spirit of the Awards, keeps confidential the report supplied under separate cover containing the recommended award recipients until they are announced on Australia Day.
3. Creates a new *Mayoral Macquarie Award* for Australia Day, to be determined by the Mayor, for the purpose of recognising a body or group who have made a significant contribution to servicing the needs of and/or advancing Liverpool no more than two awards provided per year.
4. Amends the Australia Day Guidelines to include the annual Mayoral Macquarie Award.

Amendment:

Moved: Cllr Stanley

Seconded: Cllr Shelton

That Council:

1. Defers this item until the end of the Council agenda.
2. In accordance with Section 10A(2)(a) of the Local Government Act, Council moves into closed session to allow discussion about this items as that discussion may concern the performance of staff of Council.

On being put to the meeting the amendment was declared carried.

Councillors voted unanimously for this motion.

Note: Cllr Waller was absent from the meeting when this item was voted on.

CORPORATE SERVICES REPORT

CORS 01

ITEM NO: CORS 01
FILE NO: 2007/1433
SUBJECT: LOCAL INFRASTRUCTURE RENEWAL SCHEME (LIRS) LOAN
 BORROWING AND SUBSIDY FUNDING AGREEMENT

RECOMMENDATION

That Council:

1. Approves the borrowings of \$9.59 million in accordance with the Local Infrastructure Renewal Scheme subsidy assistance program.
2. Authorises the General Manager to accept the lowest quote received and execute the loan agreement.
3. Authorises the Mayor and General Manager to sign the Local Infrastructure Renewal Scheme agreements for Mechanical Services Renewal and Road Pavement Reconstruction and Rehabilitation.
4. Authorises the Common Seal of Council to be affixed to the Local Infrastructure Renewal Scheme Funding Agreements.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Hadid**

That Council declines the borrowings of \$9.59 million in accordance with the Local Infrastructure Renewal Scheme subsidy assistance program.

Foreshadowed Motion: **Moved: Clr Harle** **Seconded: Clr Ristevski**

That Council:

1. Approves the borrowings of \$9.59 million in accordance with the Local Infrastructure Renewal Scheme subsidy assistance program.
2. Authorises the General Manager to accept the lowest quote received and execute the loan agreement.
3. Authorises the Mayor and General Manager to sign the Local Infrastructure Renewal Scheme agreements for Mechanical Services Renewal and Road Pavement Reconstruction and Rehabilitation.

4. Authorises the Common Seal of Council to be affixed to the Local Infrastructure Renewal Scheme Funding Agreements.

On being put to the meeting the motion was declared LOST and the foreshadowed motion was declared CARRIED.

Clr Hadchiti requested that his name be recorded as voting against the motion.

Adjournment of the meeting was called by the Chair for 15 minutes at 9.05pm.

That the meeting be called back to order.

Council resumed at 9.24pm

MOTION OF URGENCY

Councillor Hadchiti put forward a motion to be heard in closed session at the end of the meeting under section 10A(2)(b) Local Government Act 1993 as it relates to a ratepayer/resident .

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

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

CORS 02

ITEM NO: CORS 02
FILE NO: 2011/5599
SUBJECT: ACQUISITION OF PART OF LOT 317 DP 2475, 110 FLYNN AVENUE,
MIDDLETON GRANGE FOR DRAINAGE PURPOSES

RECOMMENDATION

That Council:

1. Approves the acquisition of part of Lot 317 DP 2475, 110 Flynn Avenue, Middleton Grange, containing an area of approximately 844.2 square metres for the price and terms outlined in the confidential attachment;
2. Upon settlement of the acquisition, classifies part of Lot 317 DP 2475, 110 Flynn Avenue, Middleton Grange as 'Community' land;
3. Keeps confidential the attachment supplied under separate cover containing the acquisition price 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;
4. Authorises its delegated officer to execute any document, under Power of Attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

CORS 03

ITEM NO: CORS 03
FILE NO: 2011/4312
SUBJECT: CLASSIFICATION OF LOTS 9, 10 AND 11 DP 1163836, FIRST AVENUE, HOXTON PARK AS OPERATIONAL LAND

RECOMMENDATION

That Council classifies Lots 9, 10 and 11 DP 1163836, First Avenue, Hoxton Park, as 'Operational' land in accordance with the Local Government Act 1993.

COUNCIL DECISION

Motion: **Moved: C/r Hadchiti** **Seconded: C/r Mamone**

That the recommendation be adopted.

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

CORS 04

ITEM NO: CORS 04
FILE NO: 2012/2154
SUBJECT: PROPOSED DEDICATION OF PART LOT 7001 DP 1169480, AIRFIELD DRIVE, LEN WATERS ESTATE FOR ROAD WIDENING

RECOMMENDATION

That Council:

1. Approves the dedication of part Lot 7001 DP 1169480, Airfield Drive, Len Waters Estate with an approximate area of 213 square metres for road widening purposes for the compensation amount and terms outlined in the confidential attachment;
2. Keeps confidential the attachment supplied under separate cover containing the compensation amount, 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;
3. Authorises its delegated officer to execute any document, under Power of Attorney, necessary to give effect to this decision;
4. Transfers the net proceeds from the dedication to the Property Development Reserve.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

CORS 05

ITEM NO: CORS 05
FILE NO: 2005/0628
SUBJECT: RATES DEBT RECOVERY POLICY

RECOMMENDATION

That Council adopts the revised Rates Debt Recovery Policy as attached to this report.

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Mamone**

That the recommendation be adopted.

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

CORS 06

ITEM NO: CORS 06
FILE NO: 2007/1892
SUBJECT: STATUTORY INVESTMENT REPORT NOVEMBER 2012

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Mamone**

That the recommendation be adopted.

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

CITY PLANNING REPORT

PLAN 01

ITEM NO: PLAN 01
FILE NO: 2009/1578
SUBJECT: AUSTRAL LEPPINGTON NORTH PRECINCTS - REQUEST FOR COUNCIL TO BE ACQUISITION AUTHORITY

RECOMMENDATION

That Council writes to the NSW Department of Planning and Infrastructure advising that it declines the request to be the land acquisition authority under the State Environmental Planning Policy (Sydney's Growth Centres) in the Austral and Leppington North Precincts.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Cllr Waller was absent from the meeting when this item was voted on.

PLAN 02

ITEM NO: PLAN 02
FILE NO: 2005/0541
SUBJECT: GEORGES RIVER ESTUARY COASTAL ZONE MANAGEMENT PLAN

RECOMMENDATION

That Council:

1. Notes the minutes of the Georges River Estuary Management Committee Meeting held on 30 May 2012.
2. Endorse the draft Georges River Estuary Coastal Zone Management Plan for the purposes of undertaking public exhibition of the plan.
3. Authorises the General Manager to provide a written commitment on behalf of Council to adopt the final Coastal Zone Management Plan for the purposes of seeking certification of the plan by the Minister for the Environment under the Coastal Protection Act 1979.

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Hadid**

That the recommendation be adopted.

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

PLAN 03

ITEM NO: PLAN 03
FILE NO: RZ-8/2011
SUBJECT: LEN WATERS ESTATE DRAFT AMENDMENT NO. 24 TO LIVERPOOL
LOCAL ENVIRONMENTAL PLAN 2008 - PUBLIC EXHIBITION
OUTCOMES

RECOMMENDATION

That Council proceeds with the making of draft amendment 24 to Liverpool Local Environmental Plan 2008 and forwards the Planning Proposal to the Department of Planning and Infrastructure for finalisation.

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Harle**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Cllr Waller was absent from the meeting when this item was voted on.

PLAN 04

ITEM NO: PLAN 04
FILE NO: 2009/0880
SUBJECT: SUBMISSION TO THE DEPARTMENT OF PLANNING AND
INFRASTRUCTURE OPPOSING THE PROPOSED CAMDEN GAS
PROJECT NORTHERN EXPANSION

RECOMMENDATION

That Council:

1. Opposes the proposed Camden Gas Project Northern Expansion for the reasons outlined in this report.
2. Makes a submission to the public exhibition of the proposed development by the Department of Planning and Infrastructure opposing the proposed Camden Gas Project Northern Expansion for the reasons outlined in this report.

COUNCIL DECISION

Motion: **Moved: Cllr Harle** **Seconded: Cllr Stanley**

That the recommendation be adopted.

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

Councillors voted unanimously for this motion.

Note: Cllr Waller was absent from the meeting when this item was voted on.

CITY SERVICES REPORT**CITS 01**

ITEM NO: CITS 01
FILE NO: 2012/1939
SUBJECT: DONATIONS REPORT

RECOMMENDATION

That Council endorses the Financial Contribution Panel's recommendations for the provision of \$74,075 under the General Community Donations Program as summarised in the table below:

General Community Donations	Amount
City of Liverpool Meals on Wheels	\$3,250
Liverpool District Combined Senior Citizens Progress Association Inc	\$5,500
Fairfield Liverpool Youth Health Team auspiced by Yfoundations	\$6,500
Disability South West Inc	\$3,500
Outer Liverpool Community Services Inc	\$2,000
Liverpool Migrant Resource Centre	\$6,500
Liverpool Migrant Resource Centre	\$6,500
Liverpool Family and Children's Services Interagency auspiced by Liverpool City Council	\$5,000
Liverpool Migrant Resource Centre	\$9,000
South West Child, Adolescent and Family Services	\$6,000
Miller Art and Fact Inc	\$2,500
The Junction Works Ltd	\$2,325
Treehouse Theatre Inc	\$6,000
Miller Art and Fact Inc	\$4,500
Liverpool Community Kitchen and Hub auspiced by Inspire Community Services Inc	\$5,000

COUNCIL DECISION

Motion: **Moved: Cllr Hadid** **Seconded: Cllr Karnib**

That Council:

1. Endorses the Financial Contribution Panel's recommendations for the provision of \$57,075 under the General Community Donations Program as summarised in the table below:

General Community Donations	Amount
City of Liverpool Meals on Wheels	\$3,250
Liverpool District Combined Senior Citizens Progress Association Inc	\$5,500
Fairfield Liverpool Youth Health Team auspiced by Y foundations	\$6,500
Disability South West Inc	\$3,500
Outer Liverpool Community Services Inc	\$2,000
Liverpool Family and Children's Services Interagency auspiced by Liverpool City Council	\$10,000
South West Child, Adolescent and Family Services	\$6,000
Miller Art and Fact Inc	\$2,500
The Junction Works Ltd	\$2,325
Treehouse Theatre Inc	\$6,000
Miller Art and Fact Inc	\$4,500
Liverpool Community Kitchen and Hub auspiced by Inspire Community Services Inc	\$5,000

2. Considers the allocation of funds recommended by Council staff to the Liverpool Migrant Resource Centre directly to the proposed beneficiaries rather than through the (LMRC).
3. Refers future requests for financial assistance for "General Community Donations" that are multicultural based to the newly established Multicultural Advisory Committee for consideration rather than the existing Financial Contributions Panel.
4. Invites the LMRC be a member to the Multicultural Advisory Committee.

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

CITS 02

ITEM NO: CITS 02
FILE NO: 2010/1497
SUBJECT: LIVERPOOL NEIGHBOURHOOD CONNECTIONS WAIVER OF
COUNCIL FEES AND CHARGES FOR COMMUNITY PROGRAMS

RECOMMENDATION

That Council:

1. Approve the waiver of fees and charges for Liverpool Neighbourhood Centre for the term of the licence agreement, being 1 January 2013 to 31 December 2014, for the use of the various Council community facilities as per the attached list.
2. Further reviews the needs of Liverpool Neighbourhood Centre for running its community programs at the expiry of the 2 year licence agreement.

COUNCIL DECISION

Motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Hadid**

That the recommendation be adopted.

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

COMMITTEE REPORTS

COMM 01

ITEM NO: COMM 01
FILE NO: 2011/6251
SUBJECT: LIVERPOOL YOUTH COUNCIL MINUTES OF THE MEETINGS HELD
ON 19 JUNE, 18 SEPTEMBER AND 23 OCTOBER 2012

RECOMMENDATION

That Council receives and notes the minutes of the Liverpool Youth Council meetings held on 19 June, 18 September and 23 October 2012.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Karnib**

That the committee reports be moved as a whole.

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

COMM 02

ITEM NO: COMM 02
FILE NO: 2005/0603
SUBJECT: LOCAL TRAFFIC COMMITTEE MINUTES OF THE MEETING HELD ON 7 NOVEMBER 2012

RECOMMENDATION

That Council:

1. Notes the minutes of the LTC meeting held on 7 November 2012.
2. Adopts the following recommendations of the LTC meeting held on 7 November 2012:
 - a. **Item 1 M5 Widening - Traffic Construction Management Plan for the Use of Graham Reserve**
 - i. The proposed construction management plan be modified to restrict heavy vehicle movements to the following roads:
 - Compounds 2 and 3 - Reilly Street, between the Hume Highway and Liverpool Street, as well as Liverpool Street between the compounds.
 - Compound 1 – Graham Avenue, between the Compound and the Hume Highway.
 - ii. Traffic movements at the Hume Highway/Graham Avenue intersection be restricted to left in/left out and the applicant to provide a strategy including advisory signage approved by the RMS for this configuration.
 - iii. Applicant to provide sealed shoulder along the section of Graham Avenue fronting the proposed Compound 1.
 - iv. Applicant to provide Council with a detailed dilapidation report and undertake required remedial works (including the removal of all signage) after the use of the affected local streets, at no cost to Council.
 - v. The Construction Traffic Management Plan for the use of Compounds 1, 2 and 3 be reviewed after three months by the LTC.
 - vi. Abigroup to use the M5 for entry and exit when appropriate/possible to and from the Compounds to minimise heavy vehicle movements on the local roads.
 - vii. All residents along the affected local roads be notified and copies of the notification and any complaints received and treatment strategies be provided to Council.
 - viii. Abigroup to remove all signage associated with the construction traffic management plan at the end the road widening.
 - ix. In consultation with the Transport Management Centre the applicant is to limit heavy vehicle movements along the local streets to a total

of 25 trucks movements per day; that is 10 trucks during day-time hours and 15 trucks during night-time.

b. Item 2 Ascot Drive and Charlton Avenue, Chipping Norton – Proposed Traffic Calming

- i. The proposed traffic calming devices in Charlton Avenue (between Ascot Drive and Wolverton Avenue) be supported for Council's approval.
- ii. Design for traffic calming devices for the remaining section of Charlton Avenue be forwarded to RMS and the Police for review and approval by the LTC.
- iii. Prior to any construction, affected residents should be consulted about the scheme and the impact on their individual properties.
- iv. The existing chevron markers in front of the property opposite Charlton Avenue is to be relocated (in accordance with the RMS standards).
- v. Council should assess whether a turning path of a 12.5m vehicle can be accommodated at the proposed intersection treatment.

c. Item 3 Brickmakers Drive, Moorebank - Five (5) Tonne Load Limit

- i. Council submit TMP for the proposed load limit to the RMS for its approval.
- ii. Council refer the proposed load limit to the LTC following RMS approval.

d. Item 4 Airfield Drive, Len Waters Estate – B-Double Route

- i. LTC notes that Council has approved a 25m B-Double route along the following roads:
 - Airfield Drive between Cowpasture Road and Aviation Road,
 - Aviation Road between Airfield Drive and Blackbird Close, and
 - Blackbird Close, Len Waters Estate be approved for operation 7.00am-9.30am, 4.00pm-6.30pm Mon-Fri (and if required traffic conditions be reviewed on Saturdays).
- ii. The Roads and Maritime Services be requested to publish the route in the Government Gazette.
- iii. The applicant be advised accordingly of Council's decision.

e. Item 5 Stuart Road, West Hoxton – Traffic Calming

- i. Installation of rubber speed cushions and associated kerb blisters/garden beds and sign postings at the following two locations on Stuart Road:
 - 12m north of property side boundary of House No. 2 Stuart Road and

- 6m south of property side boundary of House No. 18 Stuart Road be approved.
- ii. Funding of these facilities be made available from the Traffic and Transport 2012/2013 budget.
- iii. The effectiveness of the rubber speed cushions be monitored and reported back to the LTC in approximately 12 months time.
- iv. All stake holders be advised accordingly of Council's resolution.

f. Item 6 Proposed Local Traffic Committee Meeting Dates for 2013

- i. The LTC meet on the following dates in 2013:
 - 6 February
 - 13 March
 - 15 May
 - 17 July
 - 18 September
 - 6 November
- ii. The LTC meeting dates be placed in the Corporate Diary.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

COMM 03

ITEM NO: COMM 03
FILE NO: 2012/4152
SUBJECT: BUDGET AND FINANCE COMMITTEE MINUTES OF THE MEETING
HELD ON 10 DECEMBER 2012

RECOMMENDATION

The Council:

1. Receives and notes the minutes of the Budget and Finance Committee meeting held on 10 December 2012.
2. Endorses an amendment to the Budget and Finance Committee Charter to read half plus one as the quorum.
3. Endorses that future options for the Scott Street premises be explored and works proposed for Scott Street to be postponed until this is completed.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

COMM 04

ITEM NO: COMM 04
FILE NO: 2012/4153
SUBJECT: ECONOMIC DEVELOPMENT COMMITTEE MINUTES OF THE MEETING HELD ON 10 DECEMBER 2012

RECOMMENDATION

The Council:

1. Receives and notes the minutes of the Economic Development Committee meeting held on 10 December 2012.
2. Endorses that unspent funding from the TIF program be suspended and that the Council consider using these funds to fund an urban redevelopment program, including the development of the Georges Riverbank areas and Liverpool Weir and other future actions resulting from the strategic review of the city centre.
3. Endorses the delivery of business forums in 2013.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

COMM 05

ITEM NO: COMM 05
FILE NO: 2012/4153
SUBJECT: TOURISM AND EVENTS COMMITTEE MINUTES OF THE MEETING
HELD ON 10 DECEMBER 2012

RECOMMENDATION

The Council:

1. Receives and notes the minutes of the Tourism and Events Committee meeting held on 10 December 2012.
2. Endorses an amendment to the Tourism and Events Committee Charter to include a representative from the management body of Council's Whitlam Centre.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Karnib**

That the recommendation be adopted.

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

CORRESPONDENCE REPORTS

CORR 01

ITEM NO: CORR 01
FILE NO: 2011/0467
SUBJECT: INCOMING AND OUTGOING CORRESPONDENCE

RECOMMENDATION

That Council receives and notes the report.

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Hadchiti**

That the recommendation be adopted.

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

QUESTIONS WITH NOTICE

QWNO 01

ITEM NO: QWNO 01
FILE NO: 2012/0284
SUBJECT: QUESTIONS WITH NOTICE - CLR HADCHITI

RECOMMENDATION

1. **Council officers have previously presented options for a possible road from Governor Council officers have previously presented options for a possible road from Governor Macquarie Drive to Scrivener Street in Warwick. Have any of the options been formally costed?**

As stated in the Council Report of 26 March 2012 and as advised at a Council briefing of 9 July 2012, three preliminary road alignment options have been developed for possible bypasses to Manning Street and the horse trainer precinct. The subsequent cost estimates are for concept designs to assess the broader financial viability of the bypass.

The estimates have not been peer reviewed by external Quantity Surveyors, however, as reported during the Councillor briefing, the costs are based on current contractor rates for similar works and broadly represents the challenging environmental and engineering constraints that exist at this site.

2. **In relation to the above, has Council commissioned any reports i.e. Geotech etc?**

Following selection of an option, numerous technical studies and investigations will need to be undertaken to inform the detailed design process. At this stage, no studies have been undertaken as there are no budget provisions in the current program year to commission the relevant studies and designs.

3. **Can an update be given on the progress of the L&E Court proceedings between Council and Bencluth (Direct Freight) relating to the DA refusal for opening hours?**

As you may be aware, Commission Hussey handed down his judgement on 15 October 2012, where approval was granted to extend the hours of operation for a 12 month trial basis. It is important to note that the approval was not given for the full 24 hours as originally sought by the applicant. Rather the Court approved an extension in hours of operation in the evening until 10pm and an extension to the morning hours of operation which commence at 4am.

The Commissioner was of the view that this would be an acceptable balance between the competing interests of the existing residents and operators within the industrial area.

The Commissioner thought that a 12 month trial be appropriate to allow opportunity for the following to occur:

- The traffic management plan prepared by the applicant could be implemented and the trial would provide opportunity for the effectiveness of the plan to be reviewed;
- Allow opportunity for the development of a noise and traffic monitoring plan which would assist Council in any future enforcement issues; and
- Enable Council to progress the strategic planning for this area particularly the development and implementation of a Local Traffic Management Plan (as per Council resolution) which could include restrictions on B-Double route.

The Commissioner in his judgement did allow for both the Applicant and Council to make submissions in regards to his findings which would include the preparations of draft conditions of consent.

Council in accordance with the Commissioners directions prepared draft conditions which was reflective of the above Commissioners findings. While the applicant has disputed some of the conditions, Council's legal representation is maintaining dialogue between the applicant's legal officers to ensure appropriate conditions are imposed.

Specific concern was raised in relation to the following conditions put forward by the applicant:

- The applicant's submission of a 2.5m minimum acoustic wall gives Council no certainty as to the finished height of the acoustic wall.
- The applicant's submission of "substantial compliance" is concerning to Council. The condition as drafted by the applicant gives no certainty to Council or concerned residents who have objected to the development.

However, it will be for the Court to now impose the conditions that are reflective of his judgement in the final Court orders. A further report to Council will be prepared once the final orders have been made and when the matter is finalised.

ADDENDUM BOOKLET REPORTS

GMRR 02

ITEM NO: GMRR 02
FILE NO: 2008/0302
SUBJECT: AMENDMENT TO THE INDEPENDENT HEARING AND ASSESSMENT
 PANEL CHARTER

RECOMMENDATION

That Council adopts the following amendments to the IHAP Charter:

1. Amendments Clause 1.3 of the IHAP Charter to read as:

"1.3 Any building over three (3) storeys that is in the Liverpool CBD area, as defined in Liverpool Development Control Plan 2008. Unless, where there are less than three (3) unresolved objections and where the Director of City Planning is satisfied the planning objectives pertaining to architectural design quality as prescribed by Liverpool Local Environmental Plan 2008 are achieved."

2. Adds a new Definition Clause to the IHAP Charter as follows:

"10.0 Definitions

10.1 Unresolved Objection

A written submission in response to Council's notification/exhibition of a development application, which in the opinion of the Director of City Planning and/or Manager of Statutory Planning raises specific issues for the refusal of the application or would otherwise require significant changes or restrictions to the proposed development."

COUNCIL DECISION

Motion: **Moved: Cllr Stanley** **Seconded: Cllr Shelton**

That Council defers this item due to the late notice of addendums.

Foreshadowed motion: **Moved: Cllr Hadchiti** **Seconded: Cllr Harle**

That Council adopts the following amendments to the IHAP Charter:

1. Amendments Clause 1.3 of the IHAP Charter to read as:

"1.3 Any building over three (3) storeys that is in the Liverpool CBD area, as defined in Liverpool Development Control Plan 2008. Unless, where there are less than three (3) unresolved objections and where the Director of City Planning

is satisfied the planning objectives pertaining to architectural design quality as prescribed by Liverpool Local Environmental Plan 2008 are achieved."

2. Adds a new Definition Clause to the IHAP Charter as follows:

"10.0 Definitions

10.1 Unresolved Objection

A written submission in response to Council's notification/exhibition of a development application, which in the opinion of the Director of City Planning and/or Manager of Statutory Planning raises specific issues for the refusal of the application or would otherwise require significant changes or restrictions to the proposed development."

On being put to the meeting the motion was declared LOST. The foreshadowed motion became the motion was declared CARRIED.

CORS 07

ITEM NO: CORS 07
FILE NO: 2009/0109
SUBJECT: LOCAL INFRASTRUCTURE RENEWAL SCHEME - ROUND 2

RECOMMENDATION

That Council:

1. Submits an application for an interest rate subsidy in Round 2 of the Local Infrastructure Renewal Scheme by 5.00pm on 31 December 2013.
2. Prioritises the identified works for inclusion in the application noted in point 1.
3. Reports back in 2013 on the outcome of the application.

COUNCIL DECISION

Motion: **Moved: Clr Balloot** **Seconded: Clr Ristevski**

That Council:

1. Submits an application for an interest rate subsidy in Round 2 of the Local Infrastructure Renewal Scheme for \$10 million by 5.00pm on 31 December 2013 to construct additional car parking in the City Centre.
2. Reports back in 2013 on the outcome of the application.

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

CORS 08

ITEM NO: CORS 08
FILE NO: 2009/0109
SUBJECT: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO
MAYOR AND COUNCILLORS POLICY

RECOMMENDATION

That Council:

1. Adopts the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy, as exhibited and as attached to this report, subject to the following amendments:
 - After the words *"NSW State Contract"* in Clause 2 (a) add *"to a maximum amount of \$59,000 including GST"*.
 - Insert the words *"up to a maximum of \$30,000 per annum"* to clause 2(n) of the Policy.
2. Considers the resources required for the efficient running of the mayoral office and identifies an appropriate level and source of funding.

Motion:

Moved: Clr Hadchiti

Seconded: Clr Mamone

That Council:

1. Adopts the Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy, as exhibited and as attached to this report, subject to the following amendments:
 - That Clause 2(a) read: *"A dedicated vehicle of a type deemed suitable to the position of Mayor of Liverpool to a maximum amount of \$59,000 excluding GST"*.
 - Insert the words *"up to a maximum of \$30,000 per annum"* to clause 2(n) of the Policy.
 - Amend the mailing allowance to read \$6,000 per annum instead of \$500 per month.
2. Directs the General Manager to recruit a professional senior assistant/policy advisor in "Councillor and Executive Support" similar to the Parramatta Council approach, to enable the efficient and effective running of the Mayoral Office due to the significant increase in workload, to be funded from the existing salaries budget.

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

Clr Stanley and Clr Karnib requested that their names be recorded as voting against the motion.

That Council moves into Closed Session to consider items GMRR 01 and Motion of Urgency.

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Hadid

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

The public, media representatives and Council officers departed the Chambers.

Council moved into Closed Session at 9.51pm.

GENERAL MANAGER'S REPORT

GMRR 01

ITEM NO: GMRR 01
FILE NO: 2012/3188
SUBJECT: AUSTRALIA DAY AWARDS

RECOMMENDATION

That Council:

1. Endorses the recommended award recipients as proposed in the confidential attachment.
2. In the spirit of the Awards, keeps confidential the report supplied under separate cover containing the recommended award recipients until they are announced on Australia Day.

COUNCIL DECISION

That Council:

1. Endorses the recommended award recipients as proposed in the confidential attachment for the Awards: - Citizen of the Year; Young Citizen of the Year and the Fraser Environment Award.
2. Reconvenes the Australia Day Award Committee to consider the Sports Award because a nomination was not received by Council.
3. Allows the Mayor and General Manager to determine the award winner in this instance due to the short time before Australia Day.
4. Review the submission process of both the Australia Day and Order of Liverpool Awards with a view to ensuring that all awards submitted are considered. That the process be available on line and that in future all nominators have their nominations acknowledged on receipt. (Notification is provided that nominators should check nominations are received if such acknowledgment is not received.)
5. Provide a report to Council regarding item 4 at its meeting in April 2013.
6. In the spirit of the Awards, keeps confidential the report supplied under separate cover containing the recommended award recipients until they are announced on Australia Day.

7. Creates a new *Mayoral Macquarie Award* for Australia Day, to be determined by the Mayor, for the purpose of recognising a body or group who have made a significant contribution to servicing the needs of and/or advancing Liverpool no more than two awards provided per year.
8. Amends the Australia Day Guidelines to include the annual Mayoral Macquarie Award.

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

Motion: **Moved: Clr Hadchiti** **Seconded: Clr Harle**

That an extension of time be granted until 11.30pm.

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

Motion of Urgency was discussed and deemed to be an operational matter which will be investigated by the General Manager.

Motion:

Moved: Cllr Hadchiti

Seconded: Cllr Stanley

Open Council resumed at 10.34pm

On re-opening the meeting to the public, the resolution of Council was read by the Chairperson:

GMRR 01

That Council:

1. Endorses the recommended award recipients as proposed in the confidential attachment for the Awards: - Citizen of the Year; Young Citizen of the Year and the Fraser Environment Award.
2. Reconvenes the Australia Day Award Committee to consider the Sports Award because a nomination was not received by Council.
3. Allows the Mayor and General Manager to determine the award winner in this instance due to the short time before Australia Day.
4. Review the submission process of both the Australia Day and Order of Liverpool Awards with a view to ensuring that all awards submitted are considered. That the process be available on line and that in future all nominators have their nominations acknowledged on receipt. (Notification is provided that nominators should check nominations are received if such acknowledgment is not received.)
5. Provide a report to Council regarding item 4 at its meeting in April 2013.
6. In the spirit of the Awards, keeps confidential the report supplied under separate cover containing the recommended award recipients until they are announced on Australia Day.
7. Creates a new *Mayoral Macquarie Award* for Australia Day, to be determined by the Mayor, for the purpose of recognising a body or group who have made a significant contribution to servicing the needs of and/or advancing Liverpool no more than two awards provided per year.
8. Amends the Australia Day Guidelines to include the annual Mayoral Macquarie Award.

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

NOTICE OF MOTION OF RESCISSION

ITEM: IHAP 04
SUBJECT: CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING A TOTAL OF 28 UNITS WITH ASSOCIATED BASEMENT PARKING, VEHICULAR ACCESS PROVIDED FROM DONCASTER AVENUE AND THE SUBDIVISION OF ONE LOT INTO TWO TORRENS TITLE LOTS

RECOMMENDATION

That Council rescinds IHAP 04 19 December 2012 - Construction of a residential flat building comprising a total of 28 units with associated basement parking, vehicular access provided from Doncaster Avenue and the subdivision of one lot into two torrens title lots.

Signed:



Clr Anne Stanley



Clr Sabrina Mamone



Clr Ali Karnib

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Mamone**

That the recommendation be adopted.

On being put the meeting the motion was declared CARRIED.

Clr Ristevski left the chambers at 8.36pm

For: Mayor Mannoun, Clr Hadchiti, Clr Hadid, Clr Mamone, Clr Balloot, Clr Harle, Clr Karnib, Clr Ristevski, Clr Stanley

Against: Clr Shelton

Clr Hadid left the chambers at 10:41pm.

Clr Hadid returned to the chambers at 10:43pm

Consequential Motion: Moved: Clr Stanley Seconded: Clr Hadid

That Council refuse DA-9754/2012 due to inappropriate vehicular access into Doncaster Avenue, Casula and notifies the person who make submission with regards to the proposed development in writing of Council's decision.

Vote for: Mayor Mannoun, Clr Hadchiti, Clr Hadid, Clr Stanley, Clr Balloot, Clr Mamone, Clr Ristevski, Clr Karnib

Vote Against: Clr Harle, Clr Shelton

Note: Clr Waller was absent from the meeting when this item was voted on.

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

Meeting closed at 10:48pm.