



MINUTES OF THE ORDINARY MEETING HELD ON 30 JULY 2014

PRESENT:

- Mayor Ned Mannoun
- Councillor Balloot
- Councillor Hadchiti
- Councillor Hadid
- Councillor Harle
- Councillor Karnib
- Councillor Ristevski (arrived at 6.19pm)
- Councillor Shelton
- Councillor Stanley
- Councillor Waller
- Mr Carl Wulff Chief Executive Officer
- Ms Toni Averay, Acting Executive Director
- Mr Mathew Walker, Group Manager Business Excellence
- Ms Kiersten Fishburn, Group Manager Community and Culture
- Mr Gino Belsito, Group Manager City Presentation
- Ms Nadia Napoletano, Group Manager Governance
- Mr Michael Cullen, Group Manager Economy and Engagement
- Mr Raj Autar, Group Manager Infrastructure and Environment
- Ms Carole Todd, Acting Group Manager Planning and Growth

The meeting commenced at 6.01pm

OPENING 6.01pm

PRAYER The prayer of the Council was read by Reverend Anne Hibbard from Liverpool Uniting Church.

APOLOGIES Nil

CONDOLENCES

Mr Tom Murphy – Cllr Waller

Cllr Waller read the condolences at the Council meeting for the passing of Mr Tom Murphy.

Tom Murphy was a very determined resident who volunteered a huge amount of his time on various committees, spending endless hours and giving up his personal time for the benefit of the community. He always fully supported the committees he was involved in, attending their meetings, going from one committee to another, always being direct and speaking his mind, yet gaining the respect and support from residents, committee members, Council and State Government staff and achieving so much for so many.

An indication of the committees that Tom was involved in are listed below:

- Miller Combined Pensioners as Vice President for over 24 years
- Representative for Miller Combined Pensioners and the Combined Pensioners and Superannuation Association – CPSA
- Heckenberg Hall Committee
- Liverpool District Neighbourhood Centre Association – LDNCA / Liverpool Connections
- Seniors Network
- Foundation member of Over 50's Group for Heckenberg and Busby together with his wife Eileen
- Green Valley Precinct Committee for over 10 years
- Member of 2168 resident action group for over 10 years
- Represented Paul Lynch, State member on Council's Traffic Committee

Tom also attended Council's Community Focus Group for over 15 years as well as Liverpool Transport Task Force, Local Traffic Committee for over 12 years and Council's Neighbourhood and Community Forums for a number of years, raising local issues with Council for actioning and then reporting these outcomes back to the residents and local committees who relayed their concerns to him and always relied upon him. He was well known within the community and always a very viable and very active member of all committees he was involved in and determined to achieve a lot for the community to the best of his ability, putting the needs of the community first.

Council would like to acknowledge his contribution to the community and to Liverpool.

Motion: **Moved: Cllr Waller** **Seconded: Cllr Stanley**

That Council express its deepest condolences for the recent passing of Tom Murphy and a letter of condolence be sent to his family.

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

Mr Tom Murphy – Cllr Stanley

Cllr Stanley made the following comments about Mr Tom Murphy:

On Friday 18th July I along with my colleagues, Councillors Waller, Karnib, and Harle and the Member for Liverpool Hon Paul Lynch attended the funeral for Mr Tom Murphy. Mr Murphy was truly a member of his community serving on many Council and Community committees which have been detailed previously. Tom was passionate about what he believed in and was truly passionate about what he saw to be unfair or wrong.

Tom was born in Scotland on 24th June 1924 and died aged 89 on 13th July 2014. Tom left school at 14 and served an apprenticeship as a boiler maker until he joined the navy during World War Two. Tom was a Morse code operator and was able to translate Morse code in three languages, Japanese, German and English. During his service in the British Navy he made several trip to Australia and decided that if he got married and had children it was here that he would raise his family. He met his wife, Eileen in 1954 and made good his promise to move to Australia in 1961; moving to Busby in 1964 where he has lived ever since.

He joined the Labor party when he was 16 and it is through this organisation that I first met Tom almost 20 years ago. He has been active member of the party and of Council committee bringing issues that are raised with him by residents so that improvements could be made for the community in which he lived. He also served on the Liverpool Traffic committee until recently when ill health made this too difficult to continue. Tom is well known for his vigorous debates and forceful opinions on many topics.

I offer my sincere condolences to his wife Eileen, and Tom's children, grandchildren and great grandchildren at this time.

Marc Arcuri

Mayor Mannoun read the condolences at the Council meeting for the passing of Marc Arcuri.

Marc Arcuri passed away on 19 July 2014 after suffering a suspected heart attack whilst playing for Austral soccer club at WV Scott Memorial Park in Austral.

Marc was a gentle, kind loving and caring young man who always saw the good in others. The happiness and kindness he brought will always be cherished.

Marc's love for football was one of his favourite pass times and he will be sadly missed. His loss has not only affected his family but the lives of many people, his team, mates, friends and the entire community.

Gone too soon, Marc will always be remembered. Our thoughts and prayers are with his family.

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

That Council express its deepest condolences to the Arcuri family after the tragic passing of their son.

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

CONFIRMATION OF MINUTES

Motion: **Moved: Clr Hadid Seconded: Clr Harle**

That the minutes of the Extraordinary Meeting held on 20 June 2014 be confirmed as a true record of that meeting.

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

DECLARATIONS OF INTEREST

Clr Hadchiti declared a non-pecuniary, less than significant interest in the following Item:

Item NOM 05: Quota 50th Birthday July 2014 Presentation by Councillors
Reason: One of the new board members is related to him by marriage.

Clr Hadchiti will not leave the Chambers for the duration of this Item.

Clr Hadchiti declared a non-pecuniary, less than significant interest in the following Item:

Item DAD 03: Modification to DA-492/2008 - Education Establishment at 83-87
 Gurner Avenue, Austral
Reason: One of the applicants has attended a Liberal Party fundraising event.

As Clr Hadchiti was not a personal beneficiary of any donation, he will not leave the Chambers for the duration of this Item.

Clr Balloot declared a non-pecuniary, less than significant interest in the following Item:

Item DAD 02: Modification to Development Consent No. DA-611/2009 at No.1 Mill
 Road Liverpool (Lot 1 100 DP1180561)
Reason: The applicant is a member of the Australian Arab Business Network
 of which the Councillor is a member. The applicant has attended a
 Liberal Party fundraising event.

As Clr Balloot was not a personal beneficiary of any donation, he will not leave the Chambers for the duration of this Item.

Clr Balloot declared a non-pecuniary, less than significant interest in the following Item:

- Item DAD 03:** Modification to DA-492/2008 - Education Establishment at 83-87 Gurner Avenue, Austral
- Reason:** One of the applicants has attended a Liberal Party fundraising event.

As Clr Balloot was not a personal beneficiary of any donation, he will not leave the Chambers for the duration of this Item.

Clr Harle declared a non-pecuniary, less than significant interest in the following Item:

- Item GMEE 02:** Community and Business Representation - Liverpool Council's Badgerys Creek Airport Taskforce
- Reason:** Pauline Rowe is the secretary of his registered political party.

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

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

- Item DAD 03:** Modification to DA-492/2008 - Education Establishment at 83-87 Gurner Avenue, Austral
- Reason:** One of the applicants has attended a Liberal Party fundraising event.

As Clr Hadid was not a personal beneficiary of any donation, he will not leave the Chambers for the duration of this Item.

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

- Item DAD 03:** Modification to DA-492/2008 - Education Establishment at 83-87 Gurner Avenue, Austral
- Reason:** One of the applicants has attended a Liberal Party fundraising event.

As Mayor Mannoun was not a personal beneficiary of any donation, he will not leave the Chambers for the duration of this Item.

PUBLIC FORUM

Presentation – (Items not on agenda)

1. **Rouaida Maskaleh and Delise Kerehona** from The Street University – Ted Noffs Foundation addressed Council in relation to a sponsorship request to support the Pioneers Mega Crew.

Clr Ristevski arrived at the meeting at 6.19pm.

Representation – (Items on agenda)

Three speakers (as listed below) addressed the Council in relation to the following item:

NOM 03 – Liquor related Development Applications

1. **Dr John Crozier**

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

That a two minute extension of time be given to Dr John Crozier.

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

2. **Ms Allison Keogh**

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

That a two minute extension of time be given to Ms Allison Keogh.

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

3. **Mr Tony Brown** (on behalf of the Casula Community Group for Responsible Planning Inc)

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

That a two minute extension of time be given to Mr Tony Brown.

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

Three speakers (as listed below) addressed Council in relation to the following item:

IHAP 01 – DA790/2013 – Stage 2 development of a court approved masterplan in DA-394/2011 for a non-denominational cemetery at 41 Greendale Road, Bringelly (Lot 5 DP 252040).

1. **Ms Dianne Newell**

Motion: **Moved: Clr Harle** **Seconded: Clr Hadchiti**

That a two minute extension of time be given to Ms Dianne Newell.

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

2. **Ms Cheryl Keane**

Motion: **Moved: Clr Shelton** **Seconded: Clr Hadid**

That a two minute extension of time be given to Ms Cheryl Keane.

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

3. **Mr Phil Coxall** (on behalf of the applicant)

Two speakers (as listed below) addressed Council in relation to the following item:

GMPG 03 - Draft LLEP 2008 Amendment No 32 (Anomalies) Post Exhibition Report

1. **Ms Kathryn Ussia**

Motion: **Moved: Clr Shelton** **Seconded: Clr Hadchiti**

That a two minute extension of time be given to Ms Cheryl Keane.

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

2. **Ms Briona Jovic**

Clr Balloot returned to the Chambers at 6.57pm

MAYORAL MINUTE

Subject: Sponsorship request to support the Pioneers Mega Crew

Council has been approached by the Street University – Ted Noffs Foundation seeking sponsorship for the Pioneers Dance Crew who will represent Australia in the Mega Crew Division at the 2014 World Hip-Hop Championships in Las Vegas, USA. The Championships run from August 5-10, 2014. A shortfall of \$10,000 to fund the tour currently exists and Council’s support has been sought to meet part of this funding gap.

The Pioneers Mega Crew is a socially and culturally inclusive dance group and consists of 20 youth aged between 10 and 22. The members of the crew have suffered from disadvantage and marginalisation. The Crew is based out of the Street University’s premises at 1 Speed Street, Liverpool.

The Pioneers were the feature act at the July Liverpool Night Markets and have also indicated their willingness to perform at other events, for example the upcoming Mayoral Ball.

As the Crew will be performing in the USA in early August, I have brought forward this request for sponsorship as an urgent item for consideration by Council.

I propose that sponsorship of \$5000 be provided by Council to meet part of the Street University’s funding shortfall for the participation of the Pioneers Mega Crew in the World Hip Hop Championships.

The request is consistent with Council’s Corporate Sponsorship guidelines through its community and social development and cultural development objectives. Particular benefits from sponsoring this activity include:

- International exposure for Liverpool as a place of excellence for hip-hop and street dance
- Local media exposure for Liverpool and Council’s partnership with the Street University
- Social benefits in instilling confidence in young people based in Liverpool and providing them with life skills and linkages to employment and educational pathways

Motion: Moved: Mayor Mannoun

That Council provides sponsorship of \$5000 from the Councillor Reserve to the Street University toward the costs of the Pioneers Mega Crew’s participation in the World Hip Hop Championships in Las Vegas from 5 August – 10 August, 2014.

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

3. Provide a report to Council for its September 2014 meeting discussing the findings of this motion.

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

ITEM NO: NOM 02
FILE NO: 164377.2014
SUBJECT: Youth Homeless Services in Liverpool

NOTICE OF MOTION

That Council:

1. Views with serious concern the decision by the NSW government to defund the Liverpool Youth Refuge.
2. Views with concern the defunding of other specialist homeless services through both Liverpool and New South Wales and issues and hardship that will cause.
3. Writes to other services in Liverpool to ascertain how they have been effected by the changes in the funding model by the State Government and advocates similarly for all services.
4. Provides a report to the next Council meeting detailing other effected services.
5. Resolves to write to the Minister for Family and Community Services and the Premier of NSW expressing Council's strong opposition to the defunding of this service and calling on the government to reconsider its decision to defund the Liverpool Youth Refugee and all other effected services in Liverpool LGA; noting this motion.
6. To show Council's commitment to this service provide a one off grant of \$50, 000 from the Councillor reserve to assist the Liverpool Youth Refuge provide services for the youth of Liverpool if the NSW Government reconsiders its decision and decides to fund the service.
7. Write to all local members of Parliament in the Liverpool area seeking their support to lobby Minister and Premier to reconsider this decision.

COUNCIL DECISION

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

That Council:

1. Notes the motion and the information provided by the CEO including a reported 2% increase in funding for homelessness services in south west Sydney.
2. Notes that the Mayor has written to the Minister requesting a review of the tender decision.

Foreshadowed Motion: **Moved: Clr Stanley** **Seconded: Clr Waller**

That Council:

1. Views with serious concern the decision by the NSW government to defund the Liverpool Youth Refuge.
2. Views with concern the defunding of other specialist homeless services through both Liverpool and New South Wales and issues and hardship that will cause.
3. Writes to other services in Liverpool to ascertain how they have been effected by the changes in the funding model by the State Government and advocates similarly for all services.
4. Provides a report to the next Council meeting detailing other effected services.
5. Resolves to write to the Minister for Family and Community Services and the Premier of NSW expressing Council's strong opposition to the defunding of this service and calling on the government to reconsider its decision to defund the Liverpool Youth Refugee and all other effected services in Liverpool LGA; noting this motion.
6. To show Council's commitment to this service provide a one off grant of \$50, 000 from the Councillor reserve to assist the Liverpool Youth Refuge provide services for the youth of Liverpool if the NSW Government reconsiders its decision and decides to fund the service.
7. Write to all local members of Parliament in the Liverpool area seeking their support to lobby Minister and Premier to reconsider this decision.

On being put to the meeting the motion (by Clr Hadchiti) was declared CARRIED and the foreshadowed motion lapsed.

Division Called:

Vote for: Mayor Mannoun
 Clr Balloot
 Clr Hadchiti
 Clr Hadid
 Clr Ristevski

Vote against: Clr Karnib
 Clr Harle
 Clr Shelton
 Clr Stanley
 Clr Waller

The motion was passed on the Mayor's Casting Vote.

ITEM NO: NOM 03
FILE NO: 164468.2014
SUBJECT: Liquor Related Development Applications

NOTICE OF MOTION

1. In order for Councillors to meet their due diligence and statutory obligations, Council and IHAP suspend consideration of DA (1454/2013) – Hume Hwy Hotel Casula until it obtains and provides Councillors with:
 - a) Independent advice from the CEO of ILGA as to the capacity/obligations Councils have to consider the social impacts of liquor related developments. Is the consideration of the general social impact of liquor related DAs and s96 amendments the sole prerogative of OLGR or ILGA?
 - b) Information from Police on the legal compliance record for all De Angelis group hotels, the number of alcohol reported incidents within each hotel and the number and type of alcohol related incidents that are linked to the hotels' patrons after they leave those licensed premises (contained in COPS linking data).
 - c) Advice from FACS as to their intentions for the ongoing provision of emergency/crisis public accommodation provided on site at the Fontainebleau Motel (or elsewhere) – location of the proposed Hume Hwy hotel.
 - d) Advice from the owner and Council of the intended use of the heritage important *Commercial Hotel – Liverpool* if their liquor and poker machine licensees were to be removed to the proposed Hume Hwy hotel.
2. Council notes that the substantial disproportionate negative social impact the introduction and operation of poker and other gambling machines can have on especially socially disadvantaged communities including migrants and person with English as a Second Language (ESL). In particular, that Liverpool LGA pub poker machines have the highest rate of return (losses to community) before tax in NSW (OLGR) and neighbouring Fairfield LGA has the worst rate of gambling losses in NSW.

To address this problem Council:

- a) Requests the NSW Premier to repeal [s209](#) of the NSW *Gaming Machines Act 2001* that precludes Councils from considering the social impact of poker machines imposed upon local communities when determining DA's and related matters

- b) Requests the NSW Premier to provide local government (that is closest to local communities) the planning powers to consider and determine all aspects of the provision of poker machines and other gambling devices in their LGAs, and notes that this request is consistent with Goal “32” of the NSW State Plan 2021 “Increase the opportunity for people to participate in the way government makes decisions..... devolve decision making as close to the people and places affected by decisions”..

- c) Requests *Local Government NSW (formerly the Local Government and Shires Associations of NSW (LGSA)* to circulate this motion with a supportive discussion paper to all other Councils to gauge their level of support and response.

COUNCIL DECISION

Motion: **Moved: Clr Harle** **Seconded: Clr Stanley**

That this Item be considered later at this meeting after the recess period.

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

ITEM NO: NOM 04
FILE NO: 164537.2014
SUBJECT: Council Committees

NOTICE OF MOTION

That the charters of all committees of Council be amended such that all Councillors are members of each committee.

COUNCIL DECISION

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

That Council notes the motion and defers consideration of the issues raised to the September Council meeting where committee positions are elected.

Foreshadowed Motion: **Moved: Clr Shelton** **Seconded: Clr Stanley**

That the charters of all committees of Council be amended such that all Councillors are members of each committee.

On being put to the meeting the motion (by Clr Hadchiti) was declared CARRIED and the foreshadowed motion lapsed.

INDEPENDENT HEARING AND ASSESSMENT PANEL REPORT

ITEM NO: IHAP 01

FILE NO: 124503.2014

SUBJECT: DA-790/2013 - Stage 2 development of a court approved masterplan in DA-394/2011 for a non-denominational cemetery at 41 Greendale Road, Bringelly (Lot 5 DP 252040)

RECOMMENDATION

That Council:

1. Approves Development Application DA-790/2013 at 41 Greendale Road, Bringelly (Lot 5 DP 252040) for the Stage 2 development of the court approved master plan in DA-394/2011 for a non-denominational cemetery, subject to the recommended conditions of consent.
2. Notifies in writing, the persons who made a submission with regard to the proposed development.

COUNCIL DECISION

Motion:

Moved: Clr Harle

Seconded: Clr Hadid

That Council defers the item for negotiation regarding the issues raised by both speakers at this Council meeting, Mrs Dianne Newell and Cheryl Keane.

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

Councillors voted unanimously for this motion.

ITEM NO: IHAP 02
FILE NO: 151287.2014
SUBJECT: DA-105/2014 - Torrens title subdivision creating five lots at 54 Nineteenth Avenue, Hoxton Park

RECOMMENDATION

That Council approves Development Application DA-105/2014 at 54 Nineteenth Avenue, Hoxton Park (Lot 536 in DP 865435), subject to the recommended conditions contained within Attachment 2 (under separate cover).

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.

Vote for: Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Karnib
Clr Ristevski
Clr Shelton
Clr Stanley

Vote against: Clr Waller

ITEM NO: IHAP 03
FILE NO: 151949.2014
SUBJECT: DA-1198/2013 - Partial demolition and alterations and additions to the existing dwelling; use of the dwelling as a child care centre; and installation of signage at 4 Bungarra Crescent, Chipping Norton

RECOMMENDATION

That Council:

1. Approve the application DA-1198/2013, subject to the recommended conditions attached to the IHAP Report and the following amendments to the Draft Determination Notice considered by IHAP:

Amend Draft Condition 1 to read as follows:

1. *Development the subject of this determination notice must be carried out strictly in accordance with Development Application No. DA-1198/2013 lodged on 24 October 2013 and accompanying plans and reports listed below and stamped DA-1198/2013, except where modified by the undermentioned conditions and amendments contained within this condition:*

Description	Issue	Job No	Sheet	Date	Prepared By
DA01 - Cover Page, Site Analysis & Site/Roof Plan	B	13011	1 of 5	28 March 2014	De Angelis Taylor + Associates
DA02 - Ground Floor Plan & Sections	B	13011	2 of 5	28 March 2014	De Angelis Taylor + Associates
DA03 -Elevations & Street Elevation	B	13011	3 of 5	28 March 2014	De Angelis Taylor + Associates
DA04 - Demolition Plan & Earthworks Plan	B	13011	4 of 5	28 March 2014	De Angelis Taylor + Associates
L-01 - Landscape Plan	B	3442b		24 March 2014	Ray Fuggle Associates
Exterior Finishes Schedule	C	13011	-	n.d.	De Angelis Taylor + Associates
Childcare Centre Noise Assessment	-	20130747.1	-	26 August 2013	Acoustic Logic

During the meeting a rescission motion was lodged and signed by Mayor Mannoun, Clr Hadchiti and Clr Ristevski in relation to this Item.

In accordance with Clause 38.3 of Council's Code of Meeting Practice the Mayor gave notice of the rescission motion and the motion was dealt with later at this meeting. It is however shown below for easy reference.

The vote on the rescission motion and subsequent resolution is shown below:

Recission Motion: Mayor Mannoun, Clr Hadchiti and Clr Ristevski

That Council rescind the resolution passed earlier at this meeting relating to Item IHAP 03.

Vote for: Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Karnib
Clr Ristevski

Vote against: Clr Shelton
Clr Stanley
Clr Waller

After the rescission motion was carried, the following motion was put and voted on in relation to IHAP 03;

Motion: Moved: Clr Hadchiti Seconded: Clr Hadid

That Council defers IHAP 03 - DA-1198/2013 to the next Council meeting after Councillors have had the opportunity to review the objections received.

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

Vote for: Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Karnib
Clr Ristevski

Vote against: Clr Shelton
Clr Stanley
Clr Waller

DEVELOPMENT APPLICATION DETERMINATION REPORT

ITEM NO: DAD 01
FILE NO: 140655.2014
SUBJECT: Modification to Development Consent No.693/2009 at 320-400 Badgerys Creek Road, Badgerys Creek (Lot 1 DP 1188956)

RECOMMENDATION

That Council approve the application to modify DA-693/2009 at 320-400 Badgerys Creek Road, Badgerys Creek (Lot 1 DP 1188956), pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979 in the following way:

A. New Condition 1A is added to Development Consent No. DA-693/2009 to read as follows:

1A. *Consent is granted for the receipt and stockpiling of screened soil to be used in accordance with the requirements of the Sydney Trains Screened Soil Exemption dated February 2014, or a more recent version, as updated by the EPA. The use of the material is subject to the following:*

- i. Screened soil must only be used to construct acoustic berms, in accordance with Condition 124 and Condition 125, and to construct visual berms adjacent to the eastern boundary of the site.*
- ii. Notwithstanding (i) berms must be finished as indicated within the approved documentation outlined within Condition 1, including the Landscape Plan.*
- iii. Measures for controlling the growth of noxious weeds must be implemented in the stockpile locations.*
- iv. The quantity of screened soil accepted on site must not exceed 85,000 tonnes.*
- v. The material must be stockpiled within the location of proposed Pit 5, and at no time shall exceed 10m in height, or 85m in length.*
- vi. The screened soil must be stored in separate stockpiles of a maximum height of 3 meters.*
- vii. The storage of screened soil must be carried out in a manner which minimises or prevents the emission of dust from the premises.*
- viii. The construction of acoustic and visual berms must be carried out in a manner which minimises or prevents the emission of dust from the premises.*
- ix. Any unused material must be either transported off site to an industrial site authorised to receive the waste as per the resource recovery exemption, or subsequently applied to land as waste, with any required appropriate levy paid.*

B. Condition 9 is deleted from Development Consent No. DA-693/2009.

C. Condition 119 is added to Development Consent No. DA-693/2009.

ITEM NO: DAD 02
FILE NO: 151941.2014
SUBJECT: Modification to Development Consent No. DA-611/2009 at No.1 Mill Road Liverpool (Lot 1 100 DP1180561)

RECOMMENDATION

That Council:

1. Approve the application to modify DA-611/2009, Pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979 in the following way:

A. Condition 1 of Development Consent No. DA-611/2009 is modified to read as follows:

1. *Development must be carried out generally in accordance with Development Application received 4 July 2008 and the following plans and documentation:*

(a) Architectural plans prepared by Tony Owen Prtnrs as follows:

- *Site Plan / Site Analysis Plan – Drawing No. A 001 Revision A and dated 12 February 2014;*
- *Basement 2 Plan – Drawing No. A 101 Revision A and dated 12 February 2014;*
- *Basement 1 Plan – Drawing No. A 102 Revision A and dated 12 February 2014;*
- *Ground Floor Plan – Drawing No. A 103 Revision B and dated 6 May 2014;*
- *Level 1-3 Floor Plan – Drawing No. A 104 Revision A and dated 12 February 2014;*
- *Level 4 Floor Plan – Drawing No. A 105 Revision A and dated 12 February 2014;*
- *Level 5-6 Floor Plan – Drawing No. A 106 Revision A and dated 12 February 2014;*
- *Level 7 Floor Plan – Drawing No. A 107 Revision A and dated 12 February 2014*
- *Roof Plan – Drawing No. A 108 Revision A and dated 12 February 2014;*
- *East Elevation – Drawing No. A 200 Revision A and dated 12 February 2014;*
- *North Elevation – Drawing No. A 201 Revision A and dated 12 February 2014;*
- *West Elevation – Drawing No. A 202 Revision A and dated 12 February 2014;*
- *South Elevation – Drawing No. A 203 Revision A and dated 12 February 2014;*
- *Section A-A – Drawing No. A 300 Revision A and dated 12 February 2014;*

- *Section B – Drawing No. A 301 Revision A and dated 12 February 2014;*
 - *Adaptable Unit – Drawing No. A 110 Revision A and dated 12 February 2014;*
 - *Carpark Ramp Section – Drawing No. A 410 Revision A and dated 6 May 2014;*
- (b) *Engineering and Hydraulic Plans prepared by Australian Consulting Engineers as follows:*
- *Upper Basement Drainage Plan and Details, Drawing No.D02 Revision D, Job No.08AH225 and dated 18 June 2006;*
 - *Ground/Site Stormwater Drainage Plan and Details, Drawing No. D03 Revision E and dated 18 June 2006;*
 - *Erosion and Sediment Control Plan and Drainage Plan and Details, Drawing No.D04 Revision A and dated 31 October 2008; and*
 - *Proposed Easement and existing layout, Drawing No.D05 Revision C, Job No.08AH225 and dated 19 June 2006.*
- (c) *Landscape Works Site Plan prepared by Formed Gardens, Job No. FG 13 235 Drawing No. L_001, Issue D, and dated 6 May 2014;*
- (d) *Soil Salinity Study prepared by Environmental Solutions and dated 24 November 2008;*
- (e) *Access Report prepared by Accessibility Solutions Pty Ltd and dated 19 June 2009;*
- (f) *Assessment of Traffic and Parking Implications prepared by Traffic Impact Services Pty Ltd and dated November 2008;*
- (g) *Safety Management Plan prepared by Tony Owen NDM;*
- (h) *Waste Management Plan dated 5 December 2008;*
- (i) *Schedule of Finishes approved in accordance with Part 1 and generally in accordance with materials schedule board submitted by CMT Architects and dated 19 December 2008, except as updated by plan titled Material Finishes, Drawing No. A 408, Revision A, prepared by Tony Owen Ptnrs, and dated 12 February 2014;*
- (j) *BASIX Certificate 527234M and dated 17 February 2014;*

except where modified by the following conditions.

B. Condition 23 of Development Consent No. DA-611/2009 is modified to read as follows:

2. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 2% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution is **\$205,485**.

A breakdown of the contributions payable is provided in the attached payment form.

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution at the time of payment} = \frac{C \times CPI_2}{CPI_1}$$

Where:

C = Original contributions as shown on the consent

CPI₂ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

CPI₁ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

Payments made prior to the settlement of this amount shall be deducted from the remaining balance, and shall be adjusted to the Consumer Price Index as required.

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool or at www.liverpool.nsw.gov.au.

Please note. Payment must be accompanied by the attached form.

- C. Condition 30 shall be deleted.
- D. Condition 31 shall be deleted.
- E. Attachment 2: Section 94A Payment Form is attached to the Development Consent to read as follows:

ATTACHMENT 2. SECTION 94A PAYMENT FORM

CONTRIBUTIONS PURSUANT TO SECTION 94A OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Liverpool Contribution Plan 2007**Note to the applicant:**

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the CPI September 2013 Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-611/2009

PROPERTY: 1 Mill Road, Liverpool

PROPOSAL: Erection of an eight storey residential flat building comprising of 1 x studio apartment, 30 x 2 bedroom apartments, 16 x 3 bedroom apartments, two levels of basement car parking and associated landscaping

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2007		
Central Library Extensions	\$3,948	GL.10000001870.10112
Whitlam Centre Extensions	\$2,916	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$3,764	GL.10000001870.10099
Woodward and Collimore Parks	\$17,714	GL.10000001869.10093
Georges River Foreshore	\$124,001	GL.10000001869.10105
Bigge Park	\$26,572	GL.10000001869.10105
Pioneer Park	\$26,572	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$0	GL.10000001868.10108
Central Library Extensions	\$3,948	GL.10000001870.10112
Whitlam Centre Extensions	\$2,916	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$3,764	GL.10000001870.10099
Woodward and Collimore Parks	\$17,714	GL.10000001869.10093
Total	\$205,487	

----- **OFFICE USE ONLY** -----

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ **Cashier:** _____

Vote against: Clr Harle
 Clr Shelton
 Clr Stanley
 Clr Waller

After the rescission motion was carried, the following motion was put and voted on in relation to DAD 02;

Motion: **Moved: Mayor Mannoun** **Seconded: Clr Ristevski**

1. That Council approves the application, subject to a satisfactory inspection report compiled by a senior Council Building Surveyor, to be submitted to the CEO.
2. The report shall assess whether the construction on the site is in accordance with the certification issued by the Private Certifier and subject to all the relevant requirements of the Building Code of Australia.
3. The following to also be included in any approval:

A. Condition 1 of Development Consent No. DA-611/2009 is modified to read as follows:

1. *Development must be carried out generally in accordance with Development Application received 4 July 2008 and the following plans and documentation:*

(a) Architectural plans prepared by Tony Owen Prtnrs as follows:

- *Site Plan / Site Analysis Plan – Drawing No. A 001 Revision A and dated 12 February 2014;*
- *Basement 2 Plan – Drawing No. A 101 Revision A and dated 12 February 2014;*
- *Basement 1 Plan – Drawing No. A 102 Revision A and dated 12 February 2014;*
- *Ground Floor Plan – Drawing No. A 103 Revision B and dated 6 May 2014;*
- *Level 1-3 Floor Plan – Drawing No. A 104 Revision A and dated 12 February 2014;*
- *Level 4 Floor Plan – Drawing No. A 105 Revision A and dated 12 February 2014;*
- *Level 5-6 Floor Plan – Drawing No. A 106 Revision A and dated 12 February 2014;*
- *Level 7 Floor Plan – Drawing No. A 107 Revision A and dated 12 February 2014*
- *Roof Plan – Drawing No. A 108 Revision A and dated 12 February 2014;*
- *East Elevation – Drawing No. A 200 Revision A and dated 12 February 2014;*
- *North Elevation – Drawing No. A 201 Revision A and dated 12 February 2014;*

- *West Elevation – Drawing No. A 202 Revision A and dated 12 February 2014;*
 - *South Elevation – Drawing No. A 203 Revision A and dated 12 February 2014;*
 - *Section A-A – Drawing No. A 300 Revision A and dated 12 February 2014;*
 - *Section B – Drawing No. A 301 Revision A and dated 12 February 2014;*
 - *Adaptable Unit – Drawing No. A 110 Revision A and dated 12 February 2014;*
 - *Carpark Ramp Section – Drawing No. A 410 Revision A and dated 6 May 2014;*
- (b) *Engineering and Hydraulic Plans prepared by Australian Consulting Engineers as follows:*
- *Upper Basement Drainage Plan and Details, Drawing No.D02 Revision D, Job No.08AH225 and dated 18 June 2006;*
 - *Ground/Site Stormwater Drainage Plan and Details, Drawing No. D03 Revision E and dated 18 June 2006;*
 - *Erosion and Sediment Control Plan and Drainage Plan and Details, Drawing No.D04 Revision A and dated 31 October 2008; and*
 - *Proposed Easement and existing layout, Drawing No.D05 Revision C, Job No.08AH225 and dated 19 June 2006.*
- (c) *Landscape Works Site Plan prepared by Formed Gardens, Job No. FG 13 235 Drawing No. L_001, Issue D, and dated 6 May 2014;*
- (d) *Soil Salinity Study prepared by Environmental Solutions and dated 24 November 2008;*
- (e) *Access Report prepared by Accessibility Solutions Pty Ltd and dated 19 June 2009;*
- (f) *Assessment of Traffic and Parking Implications prepared by Traffic Impact Services Pty Ltd and dated November 2008;*
- (g) *Safety Management Plan prepared by Tony Owen NDM;*
- (h) *Waste Management Plan dated 5 December 2008;*
- (i) *Schedule of Finishes approved in accordance with Part 1 and generally in accordance with materials schedule board submitted by CMT Architects and dated 19 December 2008, except as updated by plan titled Material Finishes, Drawing No. A 408, Revision A, prepared by Tony Owen Ptnrs, and dated 12 February 2014;*
- (j) *BASIX Certificate 527234M and dated 17 February 2014;*

except where modified by the following conditions.

B. Condition 23 of Development Consent No. DA-611/2009 is modified to read as follows:

2. *As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 2% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.*

*The total contribution is **\$205,485**.*

A breakdown of the contributions payable is provided in the attached payment form.

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution at the time of payment} = \frac{C \times CPI_2}{CPI_1}$$

Where:

C = *Original contributions as shown on the consent*

CPI₂ = *Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid*

CPI₁ = *Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent*

Payments made prior to the settlement of this amount shall be deducted from the remaining balance, and shall be adjusted to the Consumer Price Index as required.

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool or at www.liverpool.nsw.gov.au.

Please note. Payment must be accompanied by the attached form.

- C. Condition 30 shall be deleted.**
- D. Condition 31 shall be deleted.**
- E. Attachment 2: Section 94A Payment Form is attached to the Development Consent to read as follows:**

ATTACHMENT 2. SECTION 94A PAYMENT FORM

CONTRIBUTIONS PURSUANT TO SECTION 94A OF THE ENVIRONMENTAL

PLANNING & ASSESSMENT ACT, 1979**Liverpool Contribution Plan 2007**

Note to the applicant: When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the CPI September 2013 Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-611/2009

PROPERTY: 1 Mill Road, Liverpool

PROPOSAL: Erection of an eight storey residential flat building comprising of 1 x studio apartment, 30 x 2 bedroom apartments, 16 x 3 bedroom apartments, two levels of basement car parking and associated landscaping

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2007		
Central Library Extensions	\$3,948	GL.10000001870.10112
Whitlam Centre Extensions	\$2,916	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$3,764	GL.10000001870.10099
Woodward and Collimore Parks	\$17,714	GL.10000001869.10093
Georges River Foreshore	\$124,001	GL.10000001869.10105
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Pioneer Park	\$26,572	GL.10000001869.10105
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Central Library Extensions	\$3,948	GL.10000001870.10112
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District Community Facility upgrade (Central area)	\$3,764	GL.10000001870.10099
Woodward and Collimore Parks	\$17,714	GL.10000001869.10093
Total	\$205,487	

----- **OFFICE USE ONLY** -----

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ **Cashier:** _____

2. Write to the applicant to advise of the remaining balance of the Section 94A Contributions.

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

Vote for: Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Karnib
Clr Ristevski

Vote against: Clr Harle
Clr Shelton
Clr Stanley
Clr Waller

Motion of Dissent against Mayor’s ruling

During discussion on this Item, Clr Shelton raised a point of order that the motion proposed by the Mayor was unworkable. The Mayor disagreed and advised that his motion, the wording of which was reviewed by Council officers, was workable.

Clr Shelton then moved a motion of dissent against the Mayor’s ruling.

Motion: **Mover: Clr Shelton** **Seconder: Clr Stanley**

That a motion of dissent be moved against the Mayor’s ruling.

One being put to the meeting the motion was declared LOST.

The vote for and against Clr Shelton’s motion of dissent against the Mayor’s ruling is shown below:

Vote for: Clr Harle
Clr Shelton
Clr Stanley
Clr Waller

Vote against: Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Karnib
Clr Ristevski

ITEM NO: DAD 03
FILE NO: 143905.2014
SUBJECT: Modification to DA-492/2008 - Education Establishment at 83-87 Gurner Avenue, Austral

RECOMMENDATION

That Council:

- Approves modification application DA-492/2008/A which seeks to modify DA-492/2008 at 83-87 Gurner Avenue, Austral subject to amendments to Conditions No. 1 and No. 157 of the development consent and additional conditions of consent, as follows:

- Condition No.1 of DA-492/2008 is amended to read as follows:**

Development must be carried out generally in accordance with Development Application received 30 November 2007 and Modification Application DA-492/2008/B received on 24 December 2014, except where amended by DA-492/2008/A as follows:

Architectural Drawings

<i>Drawing No.</i>	<i>Issue</i>	<i>Title</i>	<i>Author</i>	<i>Date</i>
2836-A01	5	Site plan and construction stages	Acrom Holdings Pty Ltd	16 October 2009
2836-A02	4	Ground Floor Plan 1 of 2	Acrom Holdings Pty Ltd	8 October 2009
2836-A03	4	Ground Floor Plan 2 of 2	Acrom Holdings Pty Ltd	8 October 2009
2836-A04	4	First Floor Plan 1 of 2	Acrom Holdings Pty Ltd	8 October 2009
2836-A05	4	First Floor Plan 2 of 2	Acrom Holdings Pty Ltd	8 October 2009
2836-A06	2	Sections and Elevations 1	Acrom Holdings Pty Ltd	14 September 2008
2836-A07	2	Sections and Elevations 2	Acrom Holdings Pty Ltd	14 September 2008
2836-A08	4	Sections and Elevations 3	Acrom Holdings Pty Ltd	8 October 2009
LC01/1-R13802	-	Concept Landscape Plan	Michael Siu Landscape Architects	5 November 2008

2	CC	Admin Building Ground & First Floor	Acrom Holdings Pty Ltd	11 September 2013
S96-02	-	Detail Plan	Millennium Design Consultants Pty Ltd	April 2013

Note: Drawing No. 2, issue CC, prepared by Acrom Holdings Pty Ltd, supersedes Drawings 2836-A02, 2836-A03, 2836-04 and 2836-05 as it relates to the floors of the Administration Building.

Documents

Title	Author	Date
Traffic and Car Parking Assessment Report Reference No.07197	Transport and Traffic Associates	September 2007
Supplementary Report	Transport and Traffic Associates	11 June 2008
Noise Acoustic Assessment Reference No. R020708nk1589.wpd	Koikas Acoustics Pty Ltd	4 July 2008
Bush Fire Hazard Assessment Report	Building Code and Bushfire Hazard Solutions	September 2008
Wastewater Management Report Report No. 16908-8	Enviro Tech Environmental and Engineering Consultants	29 October 2008
Contamination Assessment Phase 1 and 2 Report No.11908-4	Enviro Tech Environmental and Engineering Consultants	4 August 2008
Salinity Report Report No.REP-16408-4	Enviro Tech Environmental and Engineering Consultants	14 September 2008
Concept Management Plan for the Educational Establishment		
Document entitled "To demolish all existing buildings on site and construct a school (Qaadiri College), catering for 1000 students with ancillary facilities	D-Plan Urban Planning Consultants Pty Ltd	March 2008

<i>and a child care centre catering for 29 children"</i>		
Acoustic assessment report	SLR Consulting Australia Pty Ltd (reference No: 610.13781 S96 L01 20140304)	5 March 2014

- **Condition No. 157 is amended to read as follows:**

Acoustic

157. An acoustic fence is to be constructed along the entire western side boundary and part of the eastern side boundary of the site, as indicated on the approved plans. A qualified acoustic consultant is to certify that the acoustic fence has been constructed in accordance with the approved acoustic assessment reports. Note: the acoustic fencing is permitted to be constructed on (meaning a zero setback from the property boundary) the eastern and western boundary.

- **The following conditions of consent are inserted into DA-492/2008:**

Prior to the release of a Construction Certificate

Amended Fencing Detail Plan

1A. Elevation plans detailing the construction type, materials and colours of the proposed fencing along the entire northern, eastern and western boundary of the subject site, are required to be submitted and approved by Council prior to the release of any Construction Certificate. The plans shall be accompanied by a statement prepared by a qualified and practicing acoustic person, detailing that the fencing will be consistent with the approved noise acoustic assessment and acoustic assessment report listed within Condition No. 1 of this development consent.

Recommendations of Acoustic Report

71A. The recommendations provided in the approved acoustic assessment report prepared by SLR Consulting Australia Pty Ltd (reference No: 610.13781 S96 L01 20140304), dated 5 March 2014 shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

During Construction Works

Pollution Control

98A. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

E. Prior to the issue of an Occupation Certificate

Recommendations of Acoustic Report

107A.A *Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:*

- (a) *The recommendations contained within the acoustic assessment report by SLR Consulting Australia Pty Ltd (reference No: 610.13781 S96 L01 20140304), dated 5 March 2014*

Use of the site

238A. *Any public address system or sound amplifying equipment shall be installed so as to not emit an offensive noise as defined by the Protection of the Environment Act 1997.*

238B. *Noise associated with the use of the premises including but not limited to children playing, alarm systems and the bell shall not give rise to offensive noise as is defined within the Protection of the Environment Operations Act 1997.*

COUNCIL DECISION

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

That the recommendation be adopted.

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

Vote for: Mayor Mannoun
 Clr Balloot
 Clr Hadchiti
 Clr Hadid
 Clr Harle
 Clr Ristevski

Vote against: Clr Karnib
 Clr Shelton
 Clr Stanley
 Clr Waller

Mayor Mannoun called for recess of Council at 7.59pm

Mayor Mannoun resumed the meeting at 8.27pm.

SUSPENSION OF ORDER OF BUSINESS

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

That the Order of Business be suspended and Item GMPG 02 be brought forward and dealt with now.

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

ITEM NO: GMPG 02
FILE NO: 117224.2014
SUBJECT: Draft Liverpool LEP 2008 Amendment 35 Post Exhibition Report

RECOMMENDATION

That Council resolves to proceed with the making of Draft Liverpool Local Environmental Plan Amendment 35.

COUNCIL DECISION

Motion: **Moved:Clr Hadchiti** **Seconded: Clr Balloot**

That the recommendation be adopted.

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

Vote for: Mayor Mannoun
 Clr Balloot
 Clr Hadchiti
 Clr Hadid
 Clr Harle
 Clr Karnib
 Clr Ristevski
 Clr Shelton
 Clr Waller

Vote against: Clr Stanley

SUSPENSION OF THE ORDER OFF BUSINESS

Motion: **Moved: Clr Harle** **Seconded: Clr Hadid**

That NOM 03 be brought forward and dealt with now.

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

ITEM NO: NOM 03
FILE NO: 164468.2014
SUBJECT: Liquor Related Development Applications

NOTICE OF MOTION

1. In order for Councillors to meet their due diligence and statutory obligations, Council and IHAP suspend consideration of DA (1454/2013) – Hume Hwy Hotel Casula until it obtains and provides Councillors with:
 - a) Independent advice from the CEO of ILGA as to the capacity/obligations Councils have to consider the social impacts of liquor related developments. Is the consideration of the general social impact of liquor related DAs and s96 amendments the sole prerogative of OLGR or ILGA?
 - b) Information from Police on the legal compliance record for all De Angelis group hotels, the number of alcohol reported incidents within each hotel and the number and type of alcohol related incidents that are linked to the hotels' patrons after they leave those licensed premises (contained in COPS linking data).
 - c) Advice from FACS as to their intentions for the ongoing provision of emergency/crisis public accommodation provided on site at the Fontainebleau Motel (or elsewhere) – location of the proposed Hume Hwy hotel.
 - d) Advice from the owner and Council of the intended use of the heritage important *Commercial Hotel – Liverpool* if their liquor and poker machine licensees were to be removed to the proposed Hume Hwy hotel.
2. Council notes that the substantial disproportionate negative social impact the introduction and operation of poker and other gambling machines can have on especially socially disadvantaged communities including migrants and person with English as a Second Language (ESL). In particular, that Liverpool LGA pub poker machines have the highest rate of return (losses to community) before tax in NSW (OLGR) and neighbouring Fairfield LGA has the worst rate of gambling losses in NSW.

To address this problem Council:

- a) Requests the NSW Premier to repeal [s209](#) of the *NSW Gaming Machines Act 2001* that precludes Councils from considering the social impact of poker machines imposed upon local communities when determining DA's and related matters
- b) Requests the NSW Premier to provide local government (that is closest to local communities) the planning powers to consider and determine all aspects of the provision of poker machines and other gambling devices in their LGAs, and notes that this request is consistent with Goal "32" of the NSW State Plan 2021 "Increase the opportunity for people to participate in the way government makes decisions..... devolve decision making as close to the people and places affected by decisions"...

- c) Requests *Local Government NSW (formerly the Local Government and Shires Associations of NSW (LGSA))* to circulate this motion with a supportive discussion paper to all other Councils to gauge their level of support and response.

COUNCIL DECISION

Motion:

Moved: Cllr Harle

Seconded: Cllr Hadid

1. In order for Councillors to meet their due diligence and statutory obligations, Council and IHAP consider the following issues when considering liquor related DA's.
 - a) Independent advice from the CEO of ILGA as to the capacity/obligations Councils have to consider the social impacts of liquor related developments. Is the consideration of the general social impact of liquor related DAs and s96 amendments the sole prerogative of OLGR or ILGA?
 - b) Information from Police on the legal compliance record for all the applicants, the number of alcohol reported incidents within each hotel and the number and type of alcohol related incidents that are linked to the hotels' patrons after they leave those licensed premises (contained in COPS linking data).
2. Council notes that the substantial disproportionate negative social impact the introduction and operation of poker and other gambling machines can have on especially socially disadvantaged communities including migrants and person with English as a Second Language (ESL). In particular, that Liverpool LGA pub poker machines have the highest rate of return (losses to community) before tax in NSW (OLGR) and neighbouring Fairfield LGA has the worst rate of gambling losses in NSW.

To address this problem Council:

- a) Requests the NSW Premier to repeal [s209](#) of the *NSW Gaming Machines Act 2001* that precludes Councils from considering the social impact of poker machines imposed upon local communities when determining DA's and related matters.
- b) Requests the NSW Premier to provide local government (that is closest to local communities) the planning powers to consider and determine all aspects of the provision of poker machines and other gambling devices in their LGAs, and notes that this request is consistent with Goal "32" of the NSW State Plan 2021 "Increase the opportunity for people to participate in the way government makes decisions..... devolve decision making as close to the people and places affected by decisions"...
- c) Requests *Local Government NSW (formerly the Local Government and Shires Associations of NSW (LGSA))* to circulate this motion with a supportive discussion paper to all other Councils to gauge their level of support and response.

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

ITEM NO: DAD 04
FILE NO: 161067.2014
SUBJECT: Modification to DA-1552/2006 - Road Bridge at Newbridge Road, Moorebank
(Lot 6 & 7 DP 1065574 & Pt Lot 105 DP 1070029)

RECOMMENDATION

That Council:

1. Approves the application to modify DA-1552/2006 at Lots 6 & 7 DP 1065574 & Pt Lot 105 DP 1070029 pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 in the following way:

A. Condition 1 is amended to read as follows:

Development must be carried out strictly in accordance with DA-1552/2006 and accompanying plans, except where modified by the undermentioned conditions.

Modification application DA-1552/2006/B and plans:

Worley Parsons

101015-00561-CI-FIG 3, Worley Parsons, Issue B, dated 21.08.13

Cardno

SK1001, Cardno, Revision L, dated 15.08.13

SK1003, Cardno, Revision E, dated 01.08.13

SK1004(E) – Cross Sections

SK2001, Cardno, Revision D, dated 15.08.13

SK2003, Cardno, Revision D, dated 05.08.13

SK2004 (C) – Cross Sections Layout

Report “Assessment of the Impact of the Proposed Bridge on Flooding in the Vicinity of the Georges Cove Marina, Moorebank. Cardno (NSW/ACT) Pty Ltd Ref: NA49913037:BCP/bcp dated 23 May 2014, except where modified by the undermentioned conditions.

B. Condition 14 is amended to read as follows:

The bridge is to be designed and constructed such that it is able to comply with the Orders of the NSW Court of Appeal (Tanlane’s easement over Moorebank Recyclers land) and the Orders of the NSW Land and Environment Court (Moorebank recyclers Pty Ltd easement over Council Land).

C. New Condition 17A is added to Development Consent DA-1552/2006 to read as follows:

- 17A There shall be no net loss of floodplain storage volume below the 1% Annual

Exceedance Probability (AEP) flood. The compensatory flood storage volume shall be no less than 4,780cum. The flood compensatory storage shall be provided as shown in Drawing No DA-001, Job No. 0914, Issue C by Micheal Fountain Architects Pty Ltd (Amendment June 2014).

D. New Condition 31A is added to Development Consent DA-1552/2006 to read as follows:

31A *Prior to the issue of the construction certificate, the plans identified in Condition 1 are to be amended to exclude the central bridge pier and to ensure the minimum bridge clear span is 32m.*

E. New Condition 34A is added to Development Consent DA-1552/2006 to read as follows:

34A The approved intersection treatment of Brickmakers Drive and the bridge with the associated road link is to be constructed to Councils satisfaction prior to opening the bridge to traffic.

F. New Condition 34B is added to Development Consent DA-1552/2006 to read as follows:

34B The developer is required to provide detailed analysis (Sidra Modelling) and design of the required urban channelised interim intersection treatment off Brickmakers Drive.

G. Condition 39 is amended to read as follows:

39 The height clearance of the bridge is affected with the flood level and the use of the underpass. Appropriate information about the flood levels should be used along with the future use of the underpass to determine the height clearance. This assessment should be carried out and included in the design to the satisfaction of Council, prior to construction certificate.

H. Condition 45 is amended to read as follows:

45. *The bridge design shall be undertaken in accordance with Bridge Design Code AS5100. The design shall include impact of blockage and loading from debris.*

I. New Condition 45A is added to Development Consent DA-1552/2006 to read as follows:

45A. Timber formworks shall not constitute a structural component of the bridge. To facilitate inspection and maintenance, all formworks shall be removed from the built structure prior to handover to Council.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Waller**

That Council refuse the application to modify DA-1552/2006 at Lots 6 & 7 DP 1065574 & Pt Lot 105 DP 1070029 based upon the previous position of Council on this matter.

Foreshadowed Motion: **Moved: Clr Hadchiti** **Seconded: Clr Risteovski**

- 1. That the recommendation be adopted (as shown on pages 42-43 of the minutes) in addition to points 2 and 3 below.
- 2. That Council reaffirms the opposition to the concrete recyclers application currently before the PAC.
- 3. That Council notes that the bridge has been approved by a court order.

Vote for: Clr Stanley

Vote against: Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Karnib
Clr Risteovski
Clr Shelton
Clr Waller

On being put to the meeting the motion (by Clr Stanley) was declared LOST and the forshadowed motion (by Clr Hadchiti) then became the motion and on being put to the meeting was declared CARRIED.

Vote for: Mayor Mannoun
Clr Balloot
Clr Hadchiti
Clr Hadid
Clr Harle
Clr Karnib
Clr Risteovski
Clr Shelton
Clr Waller

Vote against: Clr Stanley

9:30pm EXTENSION OF TIME TO CONTINUE MEETING

Motion: **Moved: Clr Hadid** **Seconded: Clr Balloot**

That an extension of time of 30 minutes be granted to continue the meeting.

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

CHIEF EXECUTIVE OFFICER REPORT

ITEM NO: CEO 01
FILE NO: 155618.2014
SUBJECT: Local Government NSW Annual Conference

RECOMMENDATION

That Council endorse the key issues to be submitted for consideration at the Local Government NSW Annual Conference 2014.

COUNCIL DECISION

Motion: **Moved: Clr Stanley** **Seconded: Clr Waller**

1. That Council endorse the key issues to be submitted for consideration at the Local Government NSW Annual Conference 2014 as listed in the report.
2. In addition to the motions submitted in this report, Council also submit the motions as outlined in the resolution relating to NOM 03 on page 41 of these minutes.

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

Council moved into Closed Session at 9.45pm. The public and the media left the Chambers.

Clr Hadchiti and Clr Balloot left the Chambers at 9.45pm.

Motion: **Moved: Mayor Mannoun**

That Council move out of Closed Session and into Open Council.

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

Open session resumed at 9:47pm.

Motion: **Moved: Clr Stanley** **Seconded: Clr Ristevski**

That the recommendation as listed below be adopted;

That Council:

1. Adopts the organisation structure as provided in Attachment 1 of this report in accordance with Section 333 of the *Local Government Act 1993*.
2. Notes the effective date for implementation of the revised executive structure for senior staff positions as 1 August 2014.
3. Determines the positions of Directors 'Senior Staff' positions subject to performance based contracts in accordance with Section 332 of the *Local Government Act 1993*.
4. Notes the draft Executive Structure as provided in Attachment 1.
5. Notes the termination of the senior staff positions of Executive Directors and 2 Group Managers.
6. Notes that the proposed structure will finance the new positions of Property and Commercial Development, Business Improvement and Chief Financial Officer.

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

Clr Hadchiti and Clr Balloot returned to the Chambers at 9.47pm.

Clr Hadchiti retired from the meeting at 9.49pm.

ITEM NO: CEO 03
FILE NO: 162656.2014
SUBJECT: Adoption of the exhibited amendments to the Revenue Policy (Fees and Charges) 2014-15

RECOMMENDATION

That Council:

Considers any submissions received and adopts the following amendments to the Statement of Revenue Policy (Fees and Charges) 2014-2015:

1. Changes to the fee structure for onsite sewerage fees.
2. New fee structure for construction certificates for Class 2-9 Commercial / Industrial, Class 10A Outbuildings over \$5,000 Residential and Class 2-9 and 10A Commercial over \$5,000 if the application is lodged as a combined Development Application and Construction Certificate including registration.
3. Change in cost of after-hours venue hire for the Michael Wenden Aquatic Leisure Centre from not applicable in 2013-14 to subject to negotiation in 2014-15.

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.

SUSPENSION OF THE ORDER OF BUSINESS

Motion: **Moved: Mayor Mannoun** **Seconded: Clr Harle**

That Item GMGO 01 be brought forward and dealt with now.

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

ITEM NO: GMGO 01
FILE NO: 134681.2014
SUBJECT: Proposed Deed of Agreement to facilitate the acquisition of a part of Lot 1 DP 1175057, Progress Circuit, Prestons and the construction of the Lyn Parade, Prestons extension

RECOMMENDATION

That Council:

1. Agrees to enter into a Deed of Agreement with the landowner on terms outlined in the confidential attachment including:
 - 1.1 Approve the acquisition of a part of Lot 1 DP 1175057, Progress Circuit, Prestons, containing an area of approximately 13,684 square metres for drainage purposes (drainage land);
 - 1.2 Upon acquisition of the drainage land, classifies a part of Lot 1 DP 1175057, Progress Circuit, Prestons as 'Community' land;
 - 1.3 Approve the acquisition of a two metre wide middle strip of land within the proposed Lyn Parade road extension, comprising an area of approximately 616 square metres (road extension portion);
 - 1.4 Dedicates the road extension when completed as a public road in accordance with the *Roads Act 1993*;
 - 1.5 Reimburse the landowner the cost of construction of the two metre wide middle strip of road extension as outlined point 1.3;
2. Notes the linear and/or square metre areas stated are approximate and subject to final survey. Council approves acquisition and construction costs on a dollar per square/linear metre basis as outlined in the confidential attachment;
3. Keeps confidential the attachment supplied under separate cover containing the purchase price and details of the deed of agreement pursuant to the provisions of Section 10A(2)(c) of the *Local Government Act 1993* as this information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; and
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 Shelton****Seconded: Cllr Karnib**

That Council:

1. Agrees to enter into a Deed of Agreement with Maraya Holdings Pty Ltd on the terms outlined in this report including:
 - 1.1 Approve the acquisition of a part of Lot 1 DP 1175057, Progress Circuit, Prestons, (drainage land) containing an area of approximately 13,684 square metres for drainage purposes for approximately \$1,747,280 plus GST if applicable;
 - 1.2 Upon acquisition of the drainage land, classifies a part of Lot 1 DP 1175057, Progress Circuit, Prestons as 'Community' land;
 - 1.3 Approve the acquisition of a two metre wide middle strip of land within the proposed Lyn Parade road extension, comprising an area of approximately 616 square metres (road extension portion) for approximately \$184,800 plus GST if applicable;
 - 1.4 Dedicates the road extension when completed as a public road in accordance with the *Roads Act 1993*;
 - 1.5 Reimburse Maraya Holdings Pty Ltd the cost of construction of the two metre wide middle strip of road extension at an amount of approximately \$252,560 plus GST if applicable;
2. Notes the linear and/or square metre areas stated are approximate and subject to final survey. Council approves acquisition and construction costs on a dollar per square/linear metre basis as outlined in this confidential attachment;
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; and
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.

ITEM NO: ED 02
FILE NO: 156893.2014
SUBJECT: IHAP Members

RECOMMENDATION

That Council:

1. Approves the extension of the current IHAP appointments for a period of 12 months.
2. Authorises the Chief Executive Officer to finalise all appointment details and letters of acceptance for panel members.

COUNCIL DECISION

Motion: **Moved: Clr Shelton** **Seconded: Clr Waller**

That the recommendation be adopted.

Foreshadowed Motion: **Moved: Clr Ristevski** **Seconded: Clr Stanley**

That Council conduct an expression of interest process to establish a new panel of IHAP members

On being put to the meeting the motion (by Clr Shelton) was declared LOST.

The forshadowed motion (by Clr Ristevski) then became the motion and was declared CARRIED.

BUSINESS EXCELLENCE REPORT

ITEM NO: GMBE 01
FILE NO: 147029.2014
SUBJECT: Affixation of the Common Seal of Council

RECOMMENDATION

That Council authorises the Common Seal of Council to be affixed to the loan refinancing agreement with National Australia Bank for \$4.78m which was drawn on 30 June 2014.

COUNCIL DECISION

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

That the recommendation be adopted.

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

ITEM NO: GMBE 02
FILE NO: 149826.2014
SUBJECT: Statutory Investment Report June 2014

RECOMMENDATION

That Council receives and notes this report.

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.

COMMUNITY AND CULTURE REPORT

ITEM NO: GMCC 01
FILE NO: 130642.2014
SUBJECT: Quarterly Report on Compliments and Complaints

RECOMMENDATION

That Council receives and notes this 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.

ECONOMY AND ENGAGEMENT REPORT

ITEM NO: GME01
FILE NO: 155177.2014
SUBJECT: Donations, Grants and Sponsorship

RECOMMENDATION

That Council:

1. Endorses the Financial Contributions Panel's recommendations for the provision of \$10,000 from the 2014/15 Corporate Sponsorship Program as summarised in the table below:

Applicant name	Amount
Igbo Community Australia	\$5,000 + GST
Future Achievement Australia Foundation	\$4,000 + GST
Thomas Hassall Anglican College Parents and Friends Association	\$1,000

COUNCIL DECISION

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

That Council endorses the Financial Contributions Panel's recommendations for the provision of \$10,000 from the 2014/15 Corporate Sponsorship Program as summarised in the table below:

Applicant name	Amount
Igbo Community Australia	\$5,000 + GST
Future Achievement Australia Foundation	\$4,000 + GST
Thomas Hassall Anglican College Parents and Friends Association	\$2,500

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

ITEM NO: GMEE 02
FILE NO: 155980.2014
SUBJECT: Community and Business Representation - Liverpool Council's Badgerys Creek Airport Taskforce

RECOMMENDATION

That Council appoints the two representatives recommended in the confidential report to positions on the Badgerys Creek Airport Taskforce.

COUNCIL DECISION

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

That Council defers the appointments to this committee, broadening the membership to ensure that we have the important stakeholders and to ensure true community representation and to include a solicitation of Kathryn Ussia and Briona Jovic as prospective candidates as community representatives if they prove appropriate in the nomination process.

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

GOVERNANCE REPORT

ITEM NO: GMGO 02
FILE NO: 148552.2014
SUBJECT: Acquisition of Lot 358 DP 1184144, 80 Inverell Avenue, Hinchinbrook for drainage purposes

RECOMMENDATION

That Council:

1. Approves the acquisition of Lot 358 DP 1184144, 80 Inverell Avenue, Hinchinbrook, containing an area of 5,077 square metres for the price and terms outlined in the confidential attachment;
2. Upon settlement of the acquisition, classifies Lot 358 DP 1184144, 80 Inverell Avenue, Hinchinbrook 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; and
4. Authorises its delegated officer to execute any document, under Power of Attorney necessary to give effect to this decision.

COUNCIL DECISION

Motion: **Moved: Clr Waller** **Seconded: Clr Karnib**

That Council:

1. Approves the acquisition of Lot 358 DP 1184144, 80 Inverell Avenue, Hinchinbrook, containing an area of 5,077 square metres for \$250,000 plus GST if applicable;
2. Upon settlement of the acquisition, classifies Lot 358 DP 1184144, 80 Inverell Avenue, Hinchinbrook 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; and
4. Authorises its delegated officer to execute any document, under Power of Attorney necessary to give effect to this decision.

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

ITEM NO: GMGO 03
FILE NO: 151176.2014
SUBJECT: Acquisition of Lot 200 DP 1194243, Kurrajong Road, Carnes Hill for the purposes of extending Kurrajong Road

RECOMMENDATION

That Council:

- 1. Agrees to the acquisition of Lot 200 DP 1194243, Kurrajong Road, Carnes Hill for the increased purchase price outlined in the confidential attachment;
- 2. 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; and
- 3. Authorises its delegated officer to execute any document, under Power of Attorney necessary to give effect of this decision.

COUNCIL DECISION

Motion: **Moved: Clr Waller** **Seconded: Clr Karnib**

That Council:

- 1. Agrees to the acquisition of Lot 200 DP 1194243, Kurrajong Road, Carnes Hill for the revised purchase price of \$2,499,763 plus GST if applicable;
- 2. Keeps confidential this 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; and
- 3. Authorises its delegated officer to execute any document, under Power of Attorney necessary to give effect of this decision.

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

ITEM NO: GMGO 04
FILE NO: 157890.2014
SUBJECT: Authorisation of Remediation Works, Lot 2 DP 719245, 33 Moore Street, Liverpool

RECOMMENDATION

That Council:

1. Delegate to the CEO authority to utilise funds from the Administration Building Reserve to remediation works;
2. Authorises the Chief Executive Officer or his delegate to enter into contracts for remediation works within Lot 2 DP 719245, 33 Moore Street, Liverpool;
3. Notes that in the event that funds are allocated for remediation works a report outlining the works undertaken and costs of works will be submitted to the next available Council meeting.

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.

ITEM NO: GMIE 02
FILE NO: 151206.2014
SUBJECT: Liverpool City Centre Traffic Study - Findings and next steps

RECOMMENDATION

That Council:

1. Notes the study findings and recommendations contained in the attached report;
2. Undertakes detailed consultation with the Roads and Maritime Services (RMS) and Transport for NSW to secure their support for implementation of the study recommendations;
3. Makes representation to the Minister for Roads and Ports to seek State Government funding to enable the provision of a grade-separated intersection at Hume Highway and Hoxton Park Road intersection;
4. Undertakes community consultation on the study findings and recommendations; and
5. Be presented with a further report on an implementation plan following the initial consultation with the community and RMS.

COUNCIL DECISION

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

That the recommendation be adopted.

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

CONSIDERATION OF REMAINING ITEMS ON COUNCIL AGENDA

Motion: **Moved: Clr Waller** **Seconded: Mayor Mannoun**

That all remaining items (as listed below) be deferred to the August Council meeting:

GMPG 01, GMPG 03, GMPG 04, CTTE 01, CTTE 02, CTTE 03, CTTE 04, CTTE 05, CTTE 06, CTTE 07, CTTE 08, CTTE 09, CTTE 10, CORR 01, QWN 01, QWN 02, QWN 03 and the presentation by Clr Balloot on his recent trip to China.

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

The Mayor declared the meeting closed at 10.00pm.

<Signature>

Name: Ned Mannoun

Title: Mayor

Date: 27 August 2014

I have authorised a stamp bearing my signature to be affixed to the pages of the Minutes of the Council Meeting held on 30 July 2014. I confirm that Council has adopted these Minutes as a true and accurate record of the meeting.