

MIN NO **MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL
HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD,
ASHFIELD ON TUESDAY 27 MARCH 2012, COMMENCING AT 6:32
PM.**

PRESENT His Worship the Mayor, Councillor Kennedy in the Chair and Councillors Adams, Cassidy, Drury, Lofts, Mansour, McKenna, Rerceretnam, Stott, Wang and Wangmann

Ms V Chan General Manager
Ms N Kettle Director Corporate and Community Services
Mr P Sarin Director Planning and Environment
Mr T Giunta Acting Director Works and Infrastructure
Ms G Rennard Manager Governance

ACKNOWLEDGEMENT OF LOCAL ABORIGINAL COMMUNITY

"Let us acknowledge that we are meeting on country for which the members and elders of the local Aboriginal community have been custodians for many centuries, and on which Aboriginal people have performed age old ceremonies. We acknowledge their living culture and unique role in the life of this region."

APOLOGIES

77/12 RESOLVED Cassidy / Mansour

An apology for lateness was received and accepted from Councillor Adams.

Councillor Kelso was absent due to having previously been granted a leave of absence.

MOMENT OF PRIVATE CONTEMPLATION

The chairperson invited Councillors, staff, members of the press and gallery to stand and observe a moment of private contemplation.

78/12 RESOLVED Kennedy / McKenna

That Council send a letter of condolence to former Prime Minister Gough Whitlam noting the sad passing of his wife Margaret Whitlam.

79/12**RESOLVED****Wangmann / Stott**

That Council note the passing of local resident Emeritus Professor Fred William Dickes Rost. That a letter be sent to the professors wife and flowers to the funeral being held Friday 30 March 2012 noting Council's condolences.

DISCLOSURES OF INTEREST

Councillor Cassidy declared a Non-Pecuniary, Less than-Significant Interest in item CM 10.2 for the reason that he is a member of the JRPP and has received a briefing on this application.

Councillor Kennedy declared a Non-Pecuniary, Less than-Significant Interest in item CM 10.2 for the reason that he is a member of the JRPP and has received a briefing on this application.

Councillor Drury, declared a Non-Pecuniary, Less than-Significant Interest in item CM 10.2 for the reason that he is a member of the UTS Rowing Club.

Councillor Lofts, declared a Non-Pecuniary, Less than-Significant Interest in item CM 10.2 for the reason that he is a member of the UTS Rowing Club.

SUSPENSION OF STANDING ORDERS**80/12****RESOLVED****Drury / Lofts**

**That standing orders be suspended to deal with item 10.2 and 10.3
The time being 6.41pm.**

Due to having previously declared an interest in Item 10.2, the Mayor, Councillor Kennedy vacated the Chair and left the Council Chambers. The time being 6.42pm.

Due to having previously declared an interest in Item 10.2, Councillor Cassidy left the Council Chambers. The time being 6.42pm.

The Deputy Mayor, Councillor McKenna assumed the Chair. The time being 6.42pm.

DEVELOPMENT APPLICATION: 10.2011.255.1

DOBROYD PARADE, HABERFIELD

Atalay Bas - Manager Development Services. Report Submitted with attachment 1.

(14/03/12)

DA 10.2011.255.

h:\reports.bp\Council\Reports\CM270312SR_3.DOC

81/12 RESOLVED Lofts / Stott

That members of the public be permitted to address the meeting.

Tom Goode addressed Council at 6.44pm and concluded at 6.47pm.

82/12 RESOLVED Drury / Lofts

1/2 That Ashfield Council expresses our support for the Development Application for UTS Haberfield Club on Dobroyd Parade, Haberfield and Council officers report on the same.

2/2 That Council write to UTS requesting they investigate how the clubs rowing facilities could be used by people with a disability.

The voting was as follows:-

For the Motion

Councillors McKenna, Rercerethnam, Stott, Wangmann, Drury, Lofts, Wang and Mansour.

Against the Motion

Nil.

The Motion was Carried

The Mayor, Councillor Kennedy returned to the Council meeting and resumed the Chair. The time being 7pm.

Councillor Cassidy returned to the Council meeting at 7pm.

MCDONALDS - 141 PARRAMATTA ROAD HABERFIELD. Maurice Morsanuto - Manager Regulatory Services. Report Submitted with attachment 1.

(15/03/12)

h:\reports.bp\Council\Reports\CM270312SR_4.DOC
Planning

CM 10.3 Attached

83/12 RESOLVED Kennedy / Mansour

That members of the public be permitted to address the meeting.

Erol Digiusto addressed Council at 7.01pm and concluded at 7.04pm.

Emma Brooks Maher addressed Council at 7.04pm and concluded at 7.08pm.

Carissa Warovski addressed Council at 7.08pm and concluded at

7.10pm.

Nick Bromm addressed Council at 7.10pm and concluded at 7.14pm.

RESOLVED **Stott / Lofts**

That Nick Bromm be granted an extension of time.

84/12

RESOLVED **McKenna / Cassidy**

1/4 That Council note the officers report regarding 141 Parramatta Road, Haberfield as noted on pages 113 – 120 of the business paper.

2/4 That Council engage the services of an acoustic consultant as mentioned in the report.

3/4 That \$30,000 be allocated to undertake further monitoring activities during the twelve month trial period.

4/4 That the General Manager bring back to Council a report on how Council can engage with the community to maximise the effectiveness of the monitoring program.

CONFIRMATION OF MINUTES

85/12

RESOLVED **Mansour / Rerceretnam**

That the minutes of the Council Meeting held on Tuesday 13 March 2012 be confirmed.

86/12

RESOLVED **Mansour / McKenna**

That the minutes of the Library Committee Meeting held on Tuesday 13 March 2012 be confirmed.

87/12

RESOLVED **Mansour / McKenna**

That the Library Committee Meeting minutes of 13 March 2012 be accepted with exception of deletion of Item LC6.5, 2/2 as noted on page 3 of the minutes.

A division was called and the voting was as follows:-

For the Motion

Councillors McKenna, Rerceretnam, Cassidy, Drury, Lofts, Wang, Mansour and Kennedy.

Against the Motion

Councillors Stott and Wangmann.

The Motion was Carried**88/12****RESOLVED****Lofts / McKenna**

That the minutes of the Community Services Committee Meeting held on Tuesday 28 February 2012 be confirmed.

89/12**RESOLVED****Drury / McKenna**

That the minutes of the Civic Centre Steering Committee Meeting held on Tuesday 21 February 2012 be confirmed.

90/12**RESOLVED****Wangmann / Rerceretnam**

That the minutes of the Ashfield Youth Committee Meeting held on Monday 20 February 2012 be confirmed.

91/12**RESOLVED****Rerceretnam / Lofts**

That the minutes of the Aboriginal Consultative Committee Meeting held on Thursday 16 February 2012 be confirmed.

MAYORAL MINUTES

LEWISHAM ESTATE. Lyall Kennedy - Mayor. Report Submitted.
(20/03/12)

Lewisham Estate
h:\reports.bp\Council\Reports\CM270312MM_14.DOC
MM9/2012 Attached

92/12**RESOLVED****Stott / McKenna**

That Councillor Lofts be granted an extension of time.

93/12**RESOLVED****Kennedy**

1/4 That Council receive and note the report regarding Lewisham Estate as provided on page 4 of the business paper.

An Amendment was Moved by Councillor Lofts and accepted by the Mayor

2/4 That Ashfield Council commend The No Lewisham Towers Committee for its effective and professional advocacy on behalf of residents in regard to the Lewisham Estate proposal.

3/4 That this commendation be conveyed in an appropriate letter to the Chair of the committee Ms Tamara Winikoff.

4/4 That the General Manager make enquiries with Marrickville Council on their intentions in relation to the decision of the PAC to approve the concept plan proposal.

Councillor Adams attended the meeting at 7.44pm

REVIEW OF COUNCIL COMMITTEES. Lyall Kennedy - Mayor. Report
Submitted with attachment 1.

(19/03/12)

Governance-Business Papers

h:\reports.bp\Council\Reports\CM270312MM_15.DOC

MM10/2012 Attached

94/12

RESOLVED

Kennedy

1/3 That the General Manager prepare a discussion paper on Council Committees.

2/3 That the General Manager arrange a workshop of councillors to review our committee structure.

A division was called and the voting was as follows:-

For the Motion

Councillors McKenna, Rerceretnam, Stott, Wangmann, Drury, Lofts, Wang and Kennedy.

Against the Motion

Adams, Cassidy and Mansour

The motion 1/3 and 2/3 were Carried

3/3 That the third Tuesday of each month be set aside for Council Committee meetings

The motion 3/3 was Carried unanimously

A Foreshadowed motion was moved by Councillor Cassidy and Seconded by Councillor Mansour

That items 1/3 and 2/3 be deferred for consideration until after the Local Government Elections are held on 8 September 2012.

The Foreshadowed Motion was not addressed

MIN NO**MINUTES OF ORDINARY MEETING
TUESDAY 27 MARCH 2012**

PROTECT ASHFIELD FROM COAL SEAM GAS MINING AND ITS EFFECTS. Lyall Kennedy - Mayor. Report Submitted with attachments 1 to 3.

(19/03/12)

Coal Seam Gas
h:\reports.bp\Council\Reports\CM270312MM_16.DOC
MM11/2012 Attached

95/12**RESOLVED****Kennedy**

- 1/4 Oppose coal seam gas exploration and mining until it can be proved to be sustainable and not interfere with aquifers.**
- 2/4 Call on the Premier of NSW to ban Coal Seam Gas Mining and Exploration in the Sydney basin.**
- 3/4 Write to our local members of parliament (both state and federal) seeking support for Council's position.**
- 4/4 Support other Councils in NSW in their opposition to Coal Seam Gas Mining.**

NOTICES OF RESCISSION

OUTDOOR DINING AND FOOTPATH TRADING POLICY. Edward Cassidy - Councillor. Report Submitted.

(19/03/12)

Policy
h:\reports.bp\Council\Reports\CM270312NM_12.DOC
NM12/2012 Attached

It is noted that rescission motion item NM12/2012 was withdrawn.

STAFF REPORTS

DEVELOPMENT APPLICATION: 10.2010.248.2

215-217 ELIZABETH STREET CROYDON

Haroula Michael - Development Assessment Officer. Report Submitted with attachments 1 to 5.

(14/03/12)

DA 10.2010.248
h:\reports.bp\Council\Reports\CM270312SR_2.DOC
CM 10.1 Attached

96/12**RESOLVED****Kennedy / Mansour**

That members of the public be permitted to address the meeting.

Denise Taylor addressed Council at 7.51pm and concluded at 7.53pm.

97/12**RESOLVED****Cassidy / Adams**

That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) grant 'deferred commencement' consent to Development Application No. 10.2010.248 for alterations and additions to the existing building to create mixed-use development consisting of five (5) residential units and two (2) commercial/retail tenancies on Lot 1 in DP: 303366, known as 215-217 Elizabeth Street, Croydon in accordance with the conditions as noted in the officers report on pages 31 – 35 of the business paper.

The voting was as follows:-

For the Motion

Councillors Adams, McKenna, Rerceretnam, Stott, Cassidy, Drury, Lofts, Wang, Mansour and Kennedy.

Against the Motion

Councillor Wangmann

The Motion was Carried

DEVELOPMENT APPLICATION CUSTOMER SURVEY. Phil Sarin -
Director Planning and Environment. Report Submitted with attachment 1.
(19/03/12) Development Application
h:\reports.bp\Council\Reports\CM270312SR_7.DOC
CM 10.4 Attached

MOVED Cassidy / Mansour

- 1/3 That the General Manager survey all applicants for development and, persons who have made submissions for the period incorporating 2009 to 2011.
- 2/3 That the survey consist of a letter addressed to the applicant and persons who have made a submission asking the questions "Are you satisfied with the way Council determined your application or submission Yes or No? "If not why not?, please explain. How could Council improve its processes?"
- 3/3 That the survey also include a pre-paid letter envelope for response and a 28 day time frame for responses.

A division was called and the voting was as follows:-

For the Motion

Councillors Stott, Wangmann, Cassidy, Adams and Mansour.

Against the Motion

Councillors McKenna, Rerceretnam, Drury, Lofts, Wang and Kennedy.

The Motion was Lost

A Foreshadowed Motion was Moved by Councillor Drury and Seconded by Councillor Lofts.

98/12

RESOLVED

Drury / Lofts

1/2 That the officer's report regarding the development application customer survey as noted on pages 121 – 129 of the business paper be received and noted.

2/2 That consideration be given to increasing the size of the survey sample.

A division was called and the voting was as follows:-

For the Motion

Councillors McKenna, Rerceretnam, Stott, Wangmann, Drury, Lofts, Wang and Kennedy.

Against the Motion

Adams, Cassidy and Mansour

The Motion was Carried

Councillor Adams left the meeting at 8.33pm.

Councillor Stott left the meeting at 8.35pm and returned at 8.41pm.

GENERAL BUSINESS

POTHOLE

Councillor Drury – noted a significant pothole along Park Lane behind Pratten Park.

Councillor Mansour – has also previously supplied this information to staff through the CRM process and noted that the Acting Director of Works and Infrastructure Services has noted the item is on the works program.

Acting Director of Works and Infrastructure Services - has taken the matter on notice.

RUBBISH REMOVAL

Councillor Cassidy – pleased to report that Orpington, Alt, Bland and Loftus streets are looking much cleaner and it is hoped that the momentum of diligently removing dumped rubbish is maintained.

HAWTHORNE CANAL BRIDGE

Councillor Cassidy – it was raised at the last Council meeting that Council's website requires updating regarding dates as to when the Hawthorne Canal Bridge was built, noting this matter remains outstanding.

Director of Corporate & Community Services – has taken the matter on notice.

INTERNAL AUDIT COMMITTEE

Councillor Cassidy –noted that he raised a CRM last week requesting that all Minutes and Business papers associated with the Internal Audit Committee be placed in the public domain on Council's website.

General Manager – the matter has been taken on notice.

WEST STREET, CROYDON - PROPERTY ADJACENT TO DOBROYD CANAL

Councillor Wangmann –Queried materials and debris remaining on the site following recent demolition works. Requested Council officers to check as to whether there are any toxic liquids on the site.

Director Planning and Environment - has taken the matter on notice.

NATIVE BIRD POISONING

Councillor Wangmann – noted a spate of native bird poisoning occurring in Rawson Street, WIRES are aware and currently undertaking research on the matter. Council may want to consider a campaign to educate residents regarding the potential fall-out of this action such as the resulting poisoning of vegetable gardens etc.

Director Planning and Environment - has taken the matter on notice.

LOOSE PAVERS IN SUMMER HILL

Councillor Lofts – raised safety concerns regarding loose pavers at the front of Da Vinci's Restaurant in Summer Hill.

Acting Director of Works and Infrastructure Services – the pavers are routinely maintained and repaired, however the matter has been taken on notice.

POSSUMS AROUND ASHFIELD PARK

Councillor Lofts – residents have raised concerns at the proliferation of possums around Ashfield Park.

Councillor Cassidy – noted that people should contact WIRES.

MARKHAM PLACE LIFT

Councillor Rerceretnam – raised concerns at the state of the lift at Markham Place with light not working, proliferation of litter and tiles falling off.

Acting Director of Works and Infrastructure Services - has taken the matter on notice

CIVIC CENTRE FORECOURT

Councillor Rerceretnam – requested bicycle racks be placed in the Civic Centre Forecourt area.

Acting Director of Works and Infrastructure Services - has taken the matter on notice

ANTI-DUMPING POSTER

Councillor Rerceretnam – requested that the anti-dumping poster be collected from 272 Holden Street, Ashfield.

CLEANING OF FOOTPATHS

Councillor Rerceretnam – suggested stronger cleaning of footpaths fronting fruit and seafood shops along Liverpool Road and Hercules Street.

Acting Director of Works and Infrastructure Services - has taken the matter on notice

CLEANING OF FOOTPATHS

Councillor Rerceretnam – requested officers to expedite the Development Application for the painting of Ashfield Cycles.

Director Planning and Environment - has taken the matter on notice.

TRUCK MOVEMENTS ON ST DAVIDS ROAD, HABERFIELD

Councillor Kennedy - raised concern at the increased level of truck movements along St David's Road, Haberfield it suggested from the McDonald's development. Could staff please continue to monitor the issue to ensure compliance.

Director Planning and Environment - has taken the matter on notice.

OFFENSIVE SMELLS EMANATING FROM HERCULES STREET

Councillor Kennedy – noted concerns at the level of offensive smells emanating from the shops along Hercules Street in recent weeks.

Director Planning and Environment - has taken the matter on notice.

OUTDOOR DINING AND FOOTPATH TRADING POLICY

99/12

RESOLVED

Cassidy / Stott

That the following items be considered in Closed (Public Excluded) Meeting and the Press and Public be excluded in accordance with Section 10A Subclause (2)(a) of the Local Government Act, the time being 8.47pm.

100/12

RESOLVED

McKenna / Stott

That the meeting revert to an open meeting at 9.08pm. The Chairperson reported that the Closed (Public Excluded) meeting passed the following resolutions

101/12

RESOLVED

Drury / McKenna

That Council note the information tabled at the meeting as received from Council's lawyers.

A division was called and the voting was as follows:-

For the Motion

Councillors Cassidy, McKenna, Rerceretnam, Stott, Wangmann, Drury, Lofts, Wang, Mansour and Kennedy.

Against the Motion

Nil

The Motion was Carried

PROCEEDINGS TERMINATED AT 9.09pm

Chairperson of the meeting of Ordinary Meeting
when the Minutes were confirmed

Chairperson

Date