

DRAFT MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 8 MARCH 2016, COMMENCING AT 6:40 PM.

PRESENT

Her Worship the Mayor, Councillor McKenna OAM in the Chair and Councillors Cassidy PSM, Drury, Lofts, Mansour, Passas, Raciti, A Raiola, M Raiola, Stott and Wangmann

Ms V Chan	General Manager
Ms N Kettle	Director Corporate and Community Services
Mr P Sarin	Director Planning and Environment
Ms C Edwards-Davis	Director Works and Infrastructure
Ms Popy Mourgelas	Manager Corporate Governance
Mr Quinton Kohler	Acting Senior Governance Officer

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

RESOLVED: Mansour/Wangmann

An apology for non attendance was received and accepted from Councillor Wang.

CONDOLENCE AND SYMPATHY MOTIONS

MOMENT OF PRIVATE CONTEMPLATION

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

DISCLOSURES OF INTEREST

Councillor Drury declared a Significant Pecuniary Interest in item CM 10.2 due to being a part owner of a property within the notification area. Councillor Drury will leave the chamber and not participate in this item.

Councillor Cassidy PSM declared a Significant Non-Pecuniary Interest in item NR8/2016 – Notice of Rescission – Ashfield Traffic Committee Minutes Item 005 – on the basis that he and his family have proprietary interest in the property nearby, Councillor Cassidy PSM will leave the chamber and not participate in this item.

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CONFIRMATION OF MINUTES

RESOLVED: Cassidy PSM/Raciti

That the Minutes of the Ordinary Council Meeting held on Tuesday 23 February 2016 be confirmed subject to item NM10/2016 – Suspensions being amended as follows:

“That Councillor Cassidy PSM moved a motion to defer the matter for consideration to the next meeting of Council”.

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

For the Motion

Councillors Wangmann, Cassidy PSM, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Mansour, Lofts, Drury and McKenna OAM.

RESOLVED: Mansour/Lofts

That the minutes of the Works and Services Committee Meeting held on 16 February 2016 be confirmed.

RESOLVED: Drury/Wangmann

That the minutes of the Aquatic Centre Redevelopment Steering Committee Meeting held on 16 February 2016 be confirmed and the recommendations contained in the Minutes be adopted.

NOTICES OF MOTION

NOTICE OF RESCISSION - 425 LIVERPOOL ROAD ASHFIELD

NR9/2016

RESOLVED: Cassidy PSM/Raciti

That the resolution with regard to CM10.1 – DA10.2014.012.2, 425 Liverpool Road Ashfield – passed at the Council meeting held on 23 February 2016, be rescinded.

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

For the Motion

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Councillors Cassidy PSM, Mansour, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Lofts, Drury and McKenna OAM.

Motion to rescind was Carried

NOTICE OF RESCISSION - ASHFIELD TRAFFIC COMMITTEE MINUTES

NR8/2016

Councillor Cassidy PSM left the chambers at 7.08pm having previously declared a Significant, Non-Pecuniary interest in item 005 of this matter.

Members of the public addressed the meeting.

Craig Thornborough addressed Council at 7.11pm and concluded 7.14pm

Daniel Healey addressed Council at 7.17pm and concluded 7.22pm

Graeme Sewell addressed Council at 7.22pm and concluded 7.25pm

Mick Nock addressed Council at 7.25pm and concluded 7.28pm

Sarah Nicholson addressed Council at 7.28pm and concluded 7.31pm

Pavan Sharma addressed Council at 7.31pm and concluded 7.32pm

Adam Harb addressed Council at 7.32pm and concluded 7.38pm

Councillor Passas left the meeting at 7.50pm, returned 7.51pm

Motion: Passas/A Raiola

That resolution of CM10.6 – Ashfield Traffic Committee Minutes of meeting 5 February 2016 – items 005 and 009, passed at the Council meeting of 23 February 2016, be rescinded.

Items 005 and 009 were voted on separately.

Item 005 – Traffic Calming in Waratah Street and Tillock Street, Haberfield

The Motion to rescind Item 005 was put and Carried.

Motion: Lofts/Stott

1/2 That the scheme proceed and that (a) road narrowing speed hump between 1 and 3 Waratah Streets, be further investigated with the view to:

- seeking alternatives such as a chicane;
- the location of the traffic calming device.

2/2 That this be considered as part of the technical review to be bought before the Traffic Committee

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The Motion was Carried

Councillor Cassidy PSM returned to the chambers, the time being 8.02pm

Item 009 – Part time No Stopping along east side of William Street for rear subdivide development of 85 Victoria Street, from opposite No.31 William Street to Clissold Street, Ashfield

The Motion to rescind was put and Lost.

RECOMMITTAL

RESOLVED: Cassidy PSM/Mansour

That Item NR9/2016 – Notice of Rescission: 425 Liverpool Road Ashfield, be recommitted as the motion to rescind was carried.

NOTICE OF RESCISSION - 425 LIVERPOOL ROAD ASHFIELD

NR9/2016

RESOLVED: Cassidy PSM/Mansour

That the application for Section 96 variation to the approved development application be approved and the Section 94 Contribution be varied accordingly.

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

For the Motion

Councillors Cassidy PSM, Mansour, A Raiola, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann, Lofts, Drury and McKenna OAM.

[Note: A Notice of Rescission has been lodged in regard to NR9/2016 – 425 Liverpool Road Ashfield, and will be considered at the next meeting of Council.]

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STAFF REPORTS

**DEVELOPMENT APPLICATION: 10.2015.240.1
11A MOONBIE STREET SUMMER HILL**

CM 10.1

Councillor Passas left the meeting at 8.10pm, returned 8.19pm
Councillor Raciti left the meeting at 8.11pm, returned 8.18pm
Councillor Wangmann left the meeting at 8.28pm, returned 8.32pm

Members of the public addressed the meeting.

Tim Nice addressed Council at 8.09pm and concluded 8.12pm
Sarah Quirk addressed Council at 8.12pm and concluded 8.16pm
Houlia Cullet addressed Council at 8.16pm and concluded 8.18pm
Kylie Hogan addressed Council at 8.18pm and concluded 8.20pm
Mark Sabolch addressed Council at 8.20pm and concluded 8.24pm
Paul Gallagher addressed Council at 8.25pm and concluded 8.27pm
Gerard Turrisi addressed Council at 8.27pm and concluded 8.35pm

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RESOLVED: Lofts/Stott

- A. That the request pursuant to clause 4.6 of the Ashfield Local Environmental Plan 2013 regarding contravention of clauses 4.4 in respect of floor space ratio are not well founded and should not be supported.
- B. That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) refuse Development Application No. 10.2015.240.1 for partial demolition of existing structures and alterations and additions to an existing building and change of use to 32 room boarding House accommodating 43 persons and continuation of the use of part of the building as a medical centre on Lot C, DP 310221, known as 11A Moonbie Street, Summer Hill, for the reasons detailed on pages 26 – 28 of the business paper and with the addition of the following reason.

The Plan of Management does not contain the following:

- Identifying how social support for occupants will be managed and what qualifications the in-house manager requires
- regular monitoring and reporting to the local community and council throughout the life of the boarding house including:
 - how often its performance is reported e.g. annually
 - providing outcomes i.e. focussed on performance indicators
 - how the complaints management system will be accessible to the community

That should the matter go to the Land and Environment Court, Council employ Senior Counsel to conduct the case.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Lofts, Drury, A Raiola, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Nil.

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**DEVELOPMENT APPLICATION: 10.2015.188.1
76 ALT STREET, ASHFIELD**

CM 10.2

Councillor Drury left the chambers at 8.52pm having previously declared a Significant, Non-Pecuniary interest in this item.

Councillor A Raiola left the meeting at 8.54pm, returned 9.04pm

Councillor Lofts left the meeting at 8.57pm, returned 8.58pm

Members of the public addressed the meeting.

Anna Panagakos addressed Council at 8.52pm and concluded 8.56pm

Sarah Arthur addressed Council at 8.56pm and concluded 8.58pm

RESOLVED: Passas/Wangmann

That this Development Application be deferred in order for Council officers to give consideration to the residents' concerns such as parking, bulk, overshadowing, loss of light and overlooking issues.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Lofts, Drury, A Raiola, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Nil.

**DEVELOPMENT APPLICATION: 10.2015.255.1
75 MILTON STREET ASHFIELD**

CM 10.3

Councillor Drury returned to the meeting 9.07pm

Councillor Passas left the meeting at 9.08pm

Councillor Wangmann left the meeting at 9.10pm

Councillor Raciti left the meeting at 9.10pm

Members of the public addressed the meeting.

George Angelopoulos addressed Council at 9.07pm and concluded 9.11pm

Philip Tullerico addressed Council at 9.11pm and concluded 9.14pm

RESOLVED: Drury/Mansour

That the matter be deferred in order for the proponent to address the deficiencies noted in the report.

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

For the Motion

Councillors Stott, Cassidy PSM, Mansour, Lofts, Drury, A Raiola, M Raiola and McKenna OAM.

Against the Motion

Nil.

DEVELOPMENT APPLICATION: 10.2013.114.3
244, 252, 254, 256 & 260A LIVERPOOL ROAD, ASHFIELD

CM 10.4

Councillor Wangmann returned to the meeting 9.20pm
Councillors Raciti and Passas returned to the meeting 9.24pm

Members of the public addressed the meeting.

Sam Down addressed Council at 9.16pm and concluded 9.19pm.

RESOLVED: Drury/Mansour

That Development application no. 10.2013.114.1 for demolition of existing structures on 244-256 Liverpool Road and demolition of parts of existing Ashfield Mall shopping centre at 260A Liverpool Road, Ashfield; additional 6,783.9m² of retail gross floor area (as defined in Ashfield LEP 1985); the additional retail floor space includes new retail premises on the forecourt area and on the Liverpool Road frontage of 244-256 Liverpool Road, be modified in accordance with section 96(1a) of the Environmental Planning and Assessment Act 1979, as per conditions outlined on pages 329 – 333 of the business paper.

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

For the Motion

Councillors Stott, Cassidy PSM, Mansour, Lofts, Drury, A Raiola, M Raiola, Raciti and McKenna OAM.

Against the Motion

Councillors Wangmann and Passas.

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**DEVELOPMENT APPLICATION: 10.2014.019.2
260A LIVERPOOL ROAD ASHFIELD**

CM 10.5

RESOLVED: Drury/Mansour

That Development Application No. 10.2014.019.1 for construction of a new Mall entrance canopy structure, new canopy structure over the approved Pavilion and signage including a new illuminated pylon sign at the entrance to the forecourt of the Ashfield Mall shopping centre be modified in accordance with section 96(2) of the Environmental Planning and Assessment Act 1979, as per conditions outlined on pages 353 – 354 of the business paper.

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

For the Motion

Councillors Stott, Cassidy PSM, Mansour, Lofts, Drury, A Raiola, M Raiola, Raciti and McKenna OAM.

Against the Motion

Councillors Wangmann and Passas.

PUBLIC ART POLICY

CM 10.6

RESOLVED: Drury/Lofts

That consideration of the draft Public Art Policy be deferred in order for Council officers to investigate ways to actively discourage graffiti; and to consider the inclusion of a clause regarding protection of existing public art.

That the matter be reported back to Council with the draft Policy.

NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

CM 10.7

RESOLVED: Lofts/Mansour

1/3 That Council note the report.

2/3 That Councillors Wangmann and McKenna OAM attend as delegates to the 2015 National General Assembly of Local Government in Canberra between 19-22 June 2016.

3/3 That any motions be submitted on behalf of Council before the deadline

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**TENDER 15 / 55715- SPORTS FIELD IRRIGATION AT ASHFIELD COUNCIL
CENTENARY, ASHFIELD, HAMMOND, ALGIE PARKS AND BEDE SPILLANE DOG
PARK**

CM 10.8

RESOLVED: Drury/Lofts

- 1/2 That Council appoint Brooks Irrigation Pty Ltd as the Principal Contractor under Contract Number 15/55715 subject to satisfactory outcome of the financial assessment.
- 2/2 That the General Manager inform the unsuccessful tenderers of Council's resolution to decline to accept those tenders.

Foreshadowed Motion: Cassidy PSM/Passas

That the matter be deferred for advice from Office of Local Government that the matter complies with their guidelines, Council Decision Making During Merger Proposal Periods December 2015, in connection with proposed amalgamation of Councils.

The Substantive Motion was put to the Meeting.

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

For the Motion

Councillors Stott, Wangmann, Mansour, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Cassidy PSM, A Raiola, M Raiola, Raciti and Passas.

The Substantive Motion was Carried

The Foreshadowed motion was not addressed.

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**DESIGN AND CONSTRUCTION OF AMENITIES BUILDING AT CENTENARY PARK,
CROYDON. CONTRACT NUMBER: 16/1830**

CM 10.9

Councillor Passas left the meeting at 9.49pm

RESOLVED: Drury/Mansour

- 1/2 That Council appoint J&CG Constructions as the Principal Contractor under the Contract Number 16/1830, subject to satisfactory outcome of the financial assessment.
- 2/2 That the General Manager inform the unsuccessful tenderers of Council's resolution to decline to accept their tenders.

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

For the Motion

Councillors Stott, Wangmann, Mansour, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors Cassidy PSM, A Raiola, M Raiola and Raciti.

MAYORAL MINUTES

DONATION TO ASSIST THE RECOVERY OF FIJI

MM7/2016

RESOLVED: McKenna OAM

That Council supports the Australian Red Cross in the humanitarian support by donating \$5,000 to the recovery of Fiji.

INTERNATIONAL WOMEN'S DAY

MM8/2016

Councillor Passas returned to the meeting 9.52pm

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RESOLVED: McKenna OAM

- 1/3 That a letter of thanks be sent to Reverend Bridget Ocean and Ms Kelly Loveridge for their presentation to a very appreciative audience.
- 2/3 That a letter of thanks be sent to OZ Hair Ashfield Mall for their generous donation of lucky door prizes.
- 3/3 That a letter of thanks be sent to Brian Barrett, General Manager, Marrickville Council for inviting Ashfield staff to participate in the event.

**SUPPORT OF GENERATIONAL CHANGE TO END DOMESTIC AND FAMILY
VIOLENCE**

MM9/2016

RESOLVED: McKenna OAM

That Council support this initiative and work with Leichhardt Council & Marrickville Council to develop the Memorandum of Understanding and an ongoing program.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Lofts, Drury, A Raiola, M Raiola and McKenna OAM.

Against the Motion

Councillor Passas and Raciti

PROCEEDINGS TERMINATED AT 9.59pm

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

Chairperson

Date