

**MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 12 APRIL 2016, COMMENCING AT 6:38 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, Wang and Wangmann

Ms V Chan	General Manager
Ms G Rennard	Acting Director Corporate and Community Services
Mr P Sarin	Director Planning and Environment
Ms C Edwards-Davis	Director Works and Infrastructure
Ms P Mourgelas	Manager Corporate 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**

**RESOLVED:** Mansour / Wangmann

An apology for lateness was received and accepted from Councillor Wang

**CONDOLENCE AND SYMPATHY MOTION**

Nil

**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 Lofts declared a Significant Non-Pecuniary Interest in item CM 10.2 DA 10.2016.032.1, 6-8 Parramatta Road Summer Hill, due to living in the notification area. Councillor Lofts will leave the chamber and not participate in this item.

Councillor Mansour declared a Less than Significant Non-Pecuniary Interest in Urgent Notice of Motion item on Frederick St Ashfield Pedestrian Crossing Safety ruled as matter of urgency due to member of family owns property on Frederick St. Councillor Mansour will remain in the chamber and participate in this item as the conflict is such that it will not influence him carrying out his public duty.

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Councillor Cassidy PSM declared a Significant Non-Pecuniary Interest in item CM 10.1 DA 10.2016.021.1, 98 Kingston Street Haberfield, due to having proprietary interest in a nearby property. Also declared a Less than Significant Non-Pecuniary Interest in item CM 10.3 DA 10.2014.326.2, 7-9 Cavill Avenue, 5 Markham Place Ashfield, due to being a member of the Joint Regional Planning Panel that determines authority for the application. Councillor Cassidy PSM will leave the chamber and not participate in these items.

Councillor Wangmann declared a Less than Significant Non-Pecuniary Interest in item CM 10.3 DA 10.2014.326.2, 7-9 Cavill Avenue, 5 Markham Place Ashfield, due to being a member of the Joint Regional Planning Panel that determines authority for the application. Councillor Wangmann will leave the chamber and not participate in this item.

### **CONFIRMATION OF MINUTES**

**RESOLVED:** Mansour/Stott

That the minutes of the Council Meeting held on Tuesday 22 March 2016 be confirmed.

**RESOLVED:** Stott/Lofts

That the minutes of the Access Committee Meeting held on 14 March 2016 be confirmed and the recommendations contained in the Minutes be adopted.

### **MAYORAL MINUTES**

#### **CARNIVAL OF CULTURES**

**MM10/2016**

**RESOLVED:** McKenna OAM

1/2 That letters of appreciation be sent to the sponsors for their support and letters of thanks be sent to staff and volunteers who organised the event

2/2 That staff be thanked who undertook consultation at the Carnival on the Aquatic Centre project and Parks Plans.

#### **LOCAL GOVERNMENT EXCELLENCE AWARDS**

**MM11/2016**

**RESOLVED:** McKenna OAM

That we congratulate our staff for their outstanding work and receipt of the LG Excellence in Age-Friendly Communities Award.

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

**For the Motion**

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

**Against the Motion**

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Councillors A Raiola, M Raiola, Raciti and Passas.

**LOCAL GOVERNMENT BOARD ELECTIONS**

**MM12/2016**

**RESOLVED:** McKenna OAM

That Councillors Lofts, Stott, Wang and Wangmann who were voting delegates at the Local Government Conference 2015 be reconfirmed as the voting delegates in the forthcoming LG NSW board election.

**WESTCONNEX – URBAN DESIGN REVIEW PANEL**

**MM13/2016**

Councillor Passas left the meeting at 7.20pm and returned at 7.22pm  
Councillor Wang arrived into the meeting at 7.25pm

Members of the public addressed the meeting.

Sharon Laura addressed Council at 7.06pm and concluded at 7.09pm

John Hyate addressed Council at 7.09pm and concluded at 7.11pm

Jo Alley addressed Council at 7.11pm and concluded at 7.13pm

**RESOLVED:** McKenna OAM

- 1 Council advise the Sydney Motorway Corporation (SMC) that its current processes with respect to the engagement of key stakeholders in the M4 East WestConnex project are totally inadequate and should be reviewed as a matter of urgency.

That Council request the SMC provide:

- evidence that they have complied with conditions of development approval
- salvaging historical items
- photographing and documenting historical items
- salvaging and reuse for recycling of housing items
- other conditions required of WestConnex and SMC.

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

For the Motion

Councillors Stott, Wangmann, Cassidy PSM, Mansour, Wang, Lofts, Drury and McKenna OAM.

Against the Motion

Councillors A Raiola, M Raiola, Raciti and Passas.

- 2 That Council determine if we want a representative on the Urban Design Review Panel after Council has had the benefit of a briefing at the 19 April 2016 Committee

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Meeting.

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

For the Motion

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

Against the Motion

Nil.

**NOTICES OF MOTION**

**SUSPENSIONS**

**NM17/2016**

**Motion:** Passas/M Raiola

1/2 That a report be given on the attendance record of the Labor and independent Ashfield Councillors, also the validity of the suspensions

2/2 That why one of the Liberal Councillor is permitted to remain on the Audit Committee.

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

For the Motion

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

Against the Motion

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

The Substantive Motion was Lost.

**Foreshadowed Motion:** Lofts/Drury

1/3 That Council notes that the expulsions of certain Councillors from committees were as a result of them breaching Local Government (General) Regulation 268, Absence from committee meetings (made under the Local Government Act 1993, as amended), which states that:

1. A member (other than the mayor) ceases to be a member of a committee if the member:
  - (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

Council notes that there is no discretion in this action i.e. Councillors who, as in this case, have not given any reasons for their lack of attendance, cease to be members of the relevant committee.

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

For the Motion

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

Against the Motion

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

Item 1/3 was Carried.

2/3 That why one of the Liberal Councillor is permitted to remain on the Audit Committee.

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

For the Motion

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

Against the Motion

Nil.

Item 2/3 was Carried.

3/3 That a report also include a list of ALL Councillors who have been expelled from committees and ordinary or extraordinary council meetings for breaches of the regulations, the Code of Meeting Practice or other codes for acts of disorder or other breaches, with the number of breaches and dates incurred.

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

For the Motion

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

Against the Motion

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

Item 3/3 was Carried.

**RESIDENT PARKING SCHEME - ASHFIELD AND SUMMER HILL**

**NM12/2016**

Councillor Raciti left the meeting at 8.06pm and returned at 8.16pm  
Councillor Cassidy PSM left the meeting at 8.30pm and returned at 8.39pm  
Councillor Passas left the meeting at 8.34pm and returned at 8.39pm

Members of the public addressed the meeting.

Liam James addressed Council at 7.52pm and concluded at 8.01pm  
David Hull addressed Council at 8.02pm and concluded at 8.05pm  
Marcus Strom addressed Council at 8.05pm and concluded at 8.08pm

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Toula Chrisafis addressed Council at 8.08pm and concluded at 8.13pm  
Renee Holmes addressed Council at 8.14pm and concluded at 8.15pm  
Philip Svoromas addressed Council at 8.16pm and concluded at 8.17pm

**Motion:** Passas/M Raiola

That Council withdraw the resident parking scheme that was implemented in Ashfield and Summer Hill.

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

For the Motion

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

Against the Motion

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

The Substantive Motion was Lost.

**Foreshadowed Motion:** Lofts/Stott

That Council amend the fees and charges schedule to allow for relevant credits to be given when the Summer Hill Parking Scheme permits are renewed.

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

For the Motion

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

Against the Motion

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

The Foreshadowed Motion was Carried.

**DEVELOPMENT APPLICATION: 10.2016.032.1**  
**6 - 8 PARRAMATTA ROAD SUMMER HILL**

**CM 10.2**

Councillor Lofts left the meeting at 9.08pm having previously declared a Significant Non-Pecuniary Interest in item CM 10.2.

Councillor A Raiola left the meeting at 9.08pm .

Councillor Cassidy PSM left the meeting at 9.08pm and returned at 9.11pm

Councillor Passas left the meeting at 9.08pm and returned at 9.11pm

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**RESOLVED:** Drury/Mansour

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. 10.2016.32 for demolition of the existing structures, lot consolidation and the construction of a three storey motel comprising 48 rooms, a basement car park and landscaping on Lots 7 & 8, DP 4648 known as 6 - 8 Parramatta Road, Summer Hill, subject to conditions as noted on pages 69-91 of the business paper.

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

For the Motion

Councillors Wangmann, Cassidy PSM, Mansour, Wang, Drury and McKenna OAM.

Against the Motion

Councillors Stott, M Raiola, Raciti and Passas.

**TREE REMOVAL REQUEST**

**NM13/2016**

Councillor Lofts returned to the meeting at 9.16pm and chaired this item.  
Councillor McKenna OAM left the meeting at 9.16pm and returned 9.18pm.

Members of the public addressed the meeting

Mr Cavallaro addressed the meeting at 9.16pm and concluded at 9.17pm

**Motion:** Cassidy PSM/Passas

That approval be granted for removal of a Liquidambar Tree at 22 Boomerang Street, Haberfield subject of Tree Preservation Order report of 23/03/2016 and that the owner of the premises plant replacement trees as specified in the applicant's Arboriculturist's report of 10 March 2015.

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

For the Motion

Councillors Cassidy PSM, M Raiola, Raciti and Passas.

Against the Motion

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

The Substantive Motion was Lost.

First Warning to Councillor Cassidy PSM at 9.22pm for refusing to obey the chair and continue to disrupt the meeting.

Second Warning to Councillor Cassidy PSM at 9.23pm for refusing to obey the chair and

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continue to disrupt the meeting.

First Warning to Councillor M Raiola at 9.23pm for refusing to obey the chair and continue to disrupt the meeting.

**Foreshadowed Motion:** Stott/Wangmann

That the applicant be requested to lodge a new S96 application for the removal of the original condition.

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

For the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Councillor Cassidy PSM.

The Foreshadowed Motion was Carried.

The Mayor resumed Chair.

**DEVELOPMENT APPLICATION:10.2016.021.1  
98 KINGSTON STREET HABERFIELD**

**CM 10.1**

Councillor Cassidy PSM left the meeting at 9.29pm as having previously declared a Significant Non-Pecuniary Interest in item CM 10.1.

**RESOLVED:** Raciti/Mansour

That Development Application No. 2016.21, for alterations and additions to a dwelling house, in order to modify B/A No.136/87 and BA 259/84 be approved under the Environmental Planning and Assessment Act 1979 with additional conditions as noted on pages 32-39 of the business paper.

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

For the Motion

Councillors Stott, Wangmann, Mansour, Wang, Lofts, Drury, M Raiola, Raciti, Passas and McKenna OAM.

Against the Motion

Nil.

**ONGOING TREE DAMAGE TO PRIVATE PROPERTY**

**NM15/2016**

Councillor Cassidy PSM returned to the meeting at 9.30pm

Councillor Wangmann left the meeting at 9.30pm and returned at 9.35pm



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Councillor Raciti left the meeting at 9.32pm and returned at 9.34pm

Members of the public addressed the meeting.

Phillip Caruana addressed Council at 9.36pm and concluded at 9.42pm

**RESOLVED:** Passas/Stott

1/2 That the General Manager request officers to seek an acceptable outcome for the residents involved as a matter of urgency.

2/2 That Council investigate as soon as possible the condition of all trees on the nature strip at both ends of Seaview Street with a view to their replacement.

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

For the Motion

Councillors Stott, Cassidy PSM, Mansour, Wang, Lofts, Drury, M Raiola, Raciti and Passas.

Against the Motion

Councillors Wangmann and McKenna OAM.

**CHILDREN'S SAFETY**

**NM14/2016**

Councillor Raciti left the meeting at 9.56pm

**Motion:** Passas/M Raiola

1/2 That, as a matter of urgency, Council install a safety fence around the play area in William Street Ashfield as well as signage alerting drivers of the children in the area.

2/2 That Council upgrade/replace the play equipment at time of installing the safety fence.

Amendment to the Motion: Lofts/Mansour

In consultation with the local community.

The Amendment to the Motion was put to the meeting.

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

For the Motion

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

Against the Motion

Councillors Cassidy PSM, M Raiola and Passas.

The Amendment to the Motion was Carried.

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The Motion was put to the meeting.

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

For the Motion

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

Against the Motion

Nil.

The Motion was Carried.

**INTERNAL AUDIT COMMITTEE**

**NM16/2016**

Councillor Raciti returned to the meeting at 10.04pm

**Motion:** M Raiola/Passas

That the agenda of the last meeting of Internal Audit Committee, including the latest Audit reports, be referred to a closed committee meeting of Council for Councillors' information.

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

For the Motion

Councillors M Raiola, Raciti and Passas.

Against the Motion

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

The Motion was Lost.

Third Warning to Councillor Cassidy PSM at 10.23pm for refusing to obey the chair and continue to disrupt the meeting. Having issued third warning to Clr Cassidy PSM the Mayor asked Clr Cassidy PSM to leave the meeting.

Second Warning to Councillor M Raiola at 10.23pm for refusing to obey the chair and continue to disrupt the meeting.

First Warning to Councillor Passas at 10.33pm for refusing to obey the chair and continue to disrupt the meeting.

*At its meeting of 26 April 2016, Council resolved to amend Item NM16/2016 to reflect that Councillor M Raiola had advised he resigned from the Internal Audit Committee.*

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**STAFF REPORTS**

**DEVELOPMENT APPLICATION: 10.2014.326.2  
7 - 9 CAVILL AVENUE, 5 MARKHAM PLACE ASHFIELD**

**CM 10.3**

Councillor Wangmann left the meeting at 10.34pm, having previously declared a Less than Significant Non-Pecuniary Interest in item CM 10.3.  
Councillors Passas and Raciti left the meeting at 10.35pm.

**RESOLVED:** Drury/Mansour

That Council determine whether it wishes to make a submission to the Joint Regional Planning Panel in relation to the proposal, 7-9 Cavill Avenue, 5 Markham Place Ashfield, and if so, the contents of such submission.

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

**For the Motion**

Councillors Stott, Mansour, Wang, Lofts, Drury, M Raiola and McKenna OAM.

**Against the Motion**

Nil.

**NAMING OF TWO PRIVATE ROADS IN ALLIED MILLS SITE - 2-32 SMITH STREET,  
SUMMER HILL**

**CM 10.4**

Councillor Wangmann returned to the meeting at 10.37pm

**RESOLVED:** Drury/Mansour

That Council support the proposed names "Flour Mill Way" and "Mungo Scott Place" for the two private roads in the Allied Mills site at 2-32 Smith Street, Summer Hill.

**SUPPLY OF MATTRESS COLLECTION AND PROCESSING SERVICES- REQUEST  
FOR DEED OF NOVATION**

**CM 10.5**

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**RESOLVED:** Drury/Stott

- 1/3 That Council receives and notes the attached Confidential Attachment Recommendation Report for the Novation of the Supply of Mattress Collection.
- 2/3 That Council accepts TIC (Mattress Recycling) Pty Ltd as the new provider to this contract for the remaining term and approves the Novation.
- 3/3 That Council resolves to authorize SSROC to enter the Deed of Novation on its behalf under Section 355 of the Local Government Act.

**APPOINTMENT OF LOCAL RESIDENT TO PRATTEN PARK ADVISORY COMMITTEE**  
**CM 10.6**

**RESOLVED:** Drury/Mansour

That Council appoint Ms Lindy Higgins as the local resident to the Pratten Park Advisory Committee.

**MATTER OF URGENCY**

The Mayor ruled that this Notice of Motion on Frederick Street Ashfield: Pedestrian Crossing Safety Issues be heard as a matter of urgency.

**RESOLVED:** Wangmann/ Stott

**Frederick Street Ashfield: Pedestrian Crossing Safety Issues**

That Council seek assistance and advice from the Ashfield Local Traffic Committee, Ashfield LAC, Local State MPs and RMS, as soon as possible, to examine and implement further safety measures at the Frederick St pedestrian crossings, such as building the pavements out at the crossings so there simply isn't room for two cars in each lane and providing barriers near the footpath and at the centre of the road, to protect pedestrians from cars overtaking from the left or right hand side of the road.

The Motion was Carried.

**PROCEEDINGS TERMINATED AT 10.40pm**

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

Chairperson

Date