

MIN NO

MINUTES OF ORDINARY MEETING OF ASHFIELD COUNCIL HELD IN THE COUNCIL CHAMBERS, LEVEL 3, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 14 APRIL 2009, COMMENCING AT 6:44 PM.

PRESENT

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

Mr K Gainger General Manager
Ms V Chan Director Corporate and Community Services
Mr P Sarin Director Planning and Environment
Mr S Joannidis Director Works and Infrastructure
Ms G Rennard Manager Governance

ACKNOWLEDGEMENT OF LOCAL INDIGENOUS COMMUNITY

"Let us acknowledge that we are meeting on country for which the members and elders of the local Indigenous 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

An apology for non attendance was received and accepted from Councillor Adams

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

No disclosures were made.

CONFIRMATION OF MINUTES

124/09

RESOLVED

Mansour / Lofts

That the minutes of the Council Committee Meeting held on Tuesday 24 March 2009 be confirmed with the following amendments:-

Pg 6 – 4/7 that a *comma* be included after the word ‘*camber*’.

Pg 8 – NM6/2009 be amended as per the following:-

- 1/5 That Ashfield Council prepare a report on how Council can tackle the issue of excessive pruning of local trees and how such a strategy can be implemented in tandem with external entities.**
- 2/5 That Ashfield Council also review its street tree planting strategy, to ensure plantings made under power lines or other public utilities be appropriately sized at maturity i.e. no tall trees under power lines.**
- 3/5 That as part of this strategy, Ashfield Council investigate the feasibility of phased replacement of unsuitable trees with appropriate species as outlined in 2/5**
- 4/5 That once this feasibility study has been completed, Ashfield Council invite submissions from local residents and/or other concerned parties and incorporate these points of view on this and other aspects of its street tree planting strategy, in a report to be submitted to Council for ratification, within 16 weeks.**
- 5/5 That Ashfield Council request SSROC to convene a workshop with Energy Australia with the aim to:-**
 - a) Develop a mutual understanding of the relationship between local governments and energy authorities and the role they play in vegetation management to achieve community**
 - b) Discuss and develop a Vegetation Management Framework Agreement between individual SSROC members and Energy Australia.**

**Pg 11 – The Foreshadowed Motion should include the wording
*Resolved - Rerceretnam / Kennedy***

125/09

RESOLVED

Stott / Wangmann

That the minutes of the Ashfield Access Committee Meeting held on Monday 2 March 2009 be confirmed.

MAYORAL MINUTES

M4 EAST. Councillor Cassidy - Mayor. Report Submitted with attachment
1.

(14/04/09)

Roads > Reconstruction Projects
h:\reports.bp\Council\Reports\CM140409MM_10.doc

MM10/2009 Attached

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126/09

RESOLVED

Cassidy

That representations be made to the NSW Premier, Deputy Premier and all State Members representing the communities of Ashfield Council requesting Ashfield Council inclusion in any discussions and/or release of information on the revised planning for the M4 East.

ITALIAN EARTHQUAKE DISASTER. Councillor Cassidy - Mayor. Report Submitted.
(14/04/09)

Donations from Council
h:\reports.bp\Council\Reports\CM140409MM_11.doc
MM11/2009 Attached

127/09

RESOLVED

Cassidy

That Council write to the Consul General for the Republic of Italy in Sydney offering sincere sympathy from Ashfield Council and our Communities including that of our large Italian/Australian community of Haberfield, for the tragic loss of life and for those left homeless from the recent earthquake that devastated the city of L'Aquila and surrounding areas.

NOTICES OF MOTION

REDUCING TRAFFIC 'RAT RUNS' IN THE ASHFIELD MUNICIPALITY.
Councillor Rerceretnam. Report Submitted.
(09/03/09)

Traffic & Parking
h:\reports.bp\Council\Reports\CM140409NM_8.doc
NM9/2009 Attached

128/09

RESOLVED

Rerceretnam / Kelso

- 1/5 That Ashfield Council update its review of traffic trends in the municipality.**
- 2/5 That after the completion of this review, that Ashfield Council look at ways to discourage, impede and circumvent the increasing traffic trend of 'rat runs' through the municipality; looking particularly at possible options such as road closures and or traffic calming.**
- 3/5 That Ashfield Council incorporate changes by working with Council's on-going Bicycle Planning Forum where alternative commuting strategies are being presently**

reviewed.

An Amendment was Moved by Councillor Lofts and Accepted by the Mover and Seconder

4/5 That as part of the forthcoming Councillor workshop on traffic and parking issues, Council consider that this review of traffic trends be given priority over individual requests for parking changes and traffic controls. The potential schemes that would emanate from the analysis will need similar priority.

5/5 That such an analysis, having significant budget implications, should be placed into the Management Plan for resourcing and public awareness. In addition, Council itself will need to consider the additional funding that would be required for works to implement any schemes, as outlined in this motion.

SUSPENSION OF STANDING ORDERS**129/09****RESOLVED**

Stott/Wangmann

That standing orders be suspended to deal with item NM16/2009. The time being 7.15pm.

HELPING LOCAL SMALL BUSINESS DURING THE GLOBAL ECONOMIC CRISIS. Marc Rerceretnam - Councillor. Report Submitted. (02/04/09)
Economic Development
h:\reports.bp\Council\Reports\CM140409NM_16.doc
NM16/2009 Attached

130/09**RESOLVED**

Stott / Cassidy

That Members of the public be permitted to address the meeting

Doug Carter, Business Owner, Summer Hill addressed the meeting at 7.18pm and concluded at 7.21pm

Ellen Wolf, Business Owner, Summer Hill, addressed the meeting at 7.22pm and concluded at 7.23pm

John Kounis, Business Owner, Summer Hill addressed the meeting at 7.27pm and concluded at 7.29pm

131/09**RESOLVED**

Rerceretnam / Kennedy

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- 1/6 That Ashfield Council request a report by Planning Officers, the Economic Development Officer, in conjunction with Council's Community Services section, to examine ways Council can assist local businesses.
- 2/6 That points A to C in this motions preamble, be considered in this report.
- 3/6 That the report to come back to Council for determination within 6 weeks.
- 4/6 That any initiatives be implemented for a trial period of 12 months, and reassessed by a full sitting of Council at the end of this period.
- 5/6 That Ashfield Council consult associated peak Chamber of Commerce within the different Town Centres.
- 6/6 That the Mayor initiate discussion on this issue in his Mayoral column.

SUSPENSION OF STANDING ORDERS

132/09

RESOLVED

Stott/McKenna

That standing orders be suspended to deal with item 10.2. The time being 8pm.

OUTDOOR DINING & FOOTPATH TRADING POLICY. Phil Sarin - Director Planning and Environment. Report Submitted with attachment 1. (06/04/09)
T01/53
h:\reports.bp\Council\Reports\CM140409SR_6.doc
CM 10.2 Attached

133/09

RESOLVED

Stott / Cassidy

That Members of the public be permitted to address the meeting

John Kounis, Business Owner, Summer Hill addressed the meeting at 8pm and concluded at 8.02pm

134/09

RESOLVED

McKenna / Stott

1/2 That Council consult with all key stakeholders on the current Outdoor Dining and Footpath Trading policy and a report be prepared for the further consideration of the Council on the outcome of the consultation process.

An Amendment was Moved by Councillor Stott and Accepted by the

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Mover

- 2/2 That a moratorium on DA fees for footpath use be put in place from 1 May 2009, until any revisions of the policy are adopted by Council**

RESUMPTION OF STANDING ORDERS

135/09

RESOLVED

Stott/Mansour

That standing orders were resumed at 8.21 pm.

Councillor Wangmann left the meeting, the time being 8:23 pm and returned to the meeting at 8.28pm.

RECONCILIATION ACTION PLAN. Councillor Rerceretnam. Report Submitted.
(25/03/09)

Multiculturalism
h:\reports.bp\Council\Reports\CM140409NM_14.doc
NM14/2009 Attached

136/09

RESOLVED

Kennedy / Rerceretnam

- 1/3 That in order to support Aboriginal and Torres Strait Islander people achieve equality in all aspects of life - particularly closing the 17 year gap in life expectancy - Ashfield Council develop a Reconciliation Action Plan.**

- 2/2 That the General Manager initiate discussions with Reconciliation Australia and establish a Reconciliation Action Plan Working Group.**

- 3/3 That the General Manager report regularly to LIMEAC on the progress of the Reconciliation Action Plan.**

ASHFIELD GETS ENVIRONMENTALLY SMART ABOUT SAVING ELECTRICITY. Alex Lofts - Councillor. Report Submitted.
(31/03/09)

Environmental Issues
h:\reports.bp\Council\Reports\CM140409NM_15.doc
NM15/2009 Attached

137/09

RESOLVED

Lofts / Rerceretnam

- 1/3 That Council purchase a power usage meter and conduct in-house testing to ensure that it is safe and easy to use.**

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- 2/3 That upon successful testing of the meter, Council is to make the meter available for loan through the library
- 3/3 That the lending program be publicised through the Council's newsletter and the website, as appropriate.

BILL POSTERS ARE NOT SO INNOCENT. Mark Drury - Councillor.

Report Submitted.

(06/04/09)

Outdoor Advertising

h:\reports.bp\Council\Reports\CM140409NM_17.doc

NM17/2009 Attached

138/09

RESOLVED

Drury / Kelso

- 1/4 That Ashfield Council review the current practice of graffiti control and the operation of the clean team and codify a graffiti and commercial advertising bill poster policy.
- 2/4 That in the first instance a review be conducted by a team of council officers from each of the directorates. That Council invite adjoining Councils to develop a joint Graffiti Control Policy.
- 3/4 That the review team also consider the approach to commercial advertising bills and posters taken by the Sydney City Council and any other approach that might be effective in Ashfield.
- 4/4 That a report be brought forward to a council committee meeting and that the Council provide notice to residents and AshBiz to advise them that they may address the committee about the draft policy, in order to assist council in determining an effective policy.

MAYOR'S COLUMN IN LOCAL PRESS. Lucille McKenna - Councillor.

Report Submitted with attachments 1 and 2.

(06/04/09)

Advertising

h:\reports.bp\Council\Reports\CM140409NM_18.doc

NM18/2009 Attached

139/09

RESOLVED

McKenna / Lofts

That subject to the provisions of the Local Government Act 1993, in relation to the role of the Mayor:

- a) That all comment in the Mayoral Column be consistent with the role of the Mayor as defined by the Local Government Act.

- b) That any issue subject to a resolution of Council – that position as per the resolution should be reflected in the Mayor’s Column.
- c) That any comment in any Council publication must reflect the position of Council.

PART 3A APPLICATION FOR 14 STOREY RESIDENTIAL TOWERS AND SUPERMARKET COMPLEX AT LONGPORT STREET AND OLD CANTERBURY ROAD LEWISHAM. Marc Rerceretnam - Councillor.

Report Submitted.
(14/04/09)

Other Council Developments
h:\reports.bp\Council\Reports\CM140409NM_22.doc
NM22/2009 Attached

140/09

RESOLVED

McKenna / Kennedy

That Councillor Lofts be granted an extension of time. The time being 9.32pm

141/09

RESOLVED

Rerceretnam / Kelso

That Ashfield Council notes:

- 1/9** That an application has been lodged with and accepted by the Department of Planning for assessment under Part 3A of the *Environmental Planning and Assessment Act 1979* of a proposed development at Longport Street and Old Canterbury Road Lewisham;
- 2/9** That the proposed development includes large residential towers and substantial retail space that is likely to have major effects on the local community, traffic generation and flow;
- 3/9** That the large amount of retail space in this development has potentially detrimental effects on main street shopping strips within the Ashfield LGA, particularly the Summer Hill village;
- 4/9** That 99% of applications accepted for assessment under Part 3A of the *Environmental Planning and Assessment Act 1979* have been approved.
- 5/9** That Council write to the member for Marrickville, Carmel Tebbutt, the member for Strathfield, Virginia Judge, the member for Canterbury, Linda Burney and to the member for Balmain, Verity Firth, asking them to oppose the part 3A application and for the application be assessed by

Marrickville Council.

An Amendment was Moved by Councillor Lofts and Seconded by the Mover and the Seconder

- 6/9** That Ashfield Council write to the Department of Planning making relevant parties aware of the concerns of the residents and businesses in regard to the Old Canterbury Rd, Lewisham proposal and that Ashfield Council must be included if this proposal reaches the notification stage.
- 7/9** That if the proposal reaches an Environmental Impact stage, that a community forum be held in an appropriate location to raise public awareness of the proposal.
- 8/9** That the co-operation of Marrickville Council be sought in organising this forum.
- 9/9** That Ashfield Council write to the member for Marrickville, Carmel Tebbutt, the member for Strathfield, Virginia Judge, the member for Canterbury, Linda Burney, the member for Balmain, Verity Firth, the Minister for Planning, Christina Keneally and the Department of Planning, making relevant parties aware of the concerns of residents and businesses in regards to this proposal.

STAFF REPORTS

DRAFT SECTION 94A CONTRIBUTIONS PLAN. Phil Sarin - Director
Planning and Environment. Report Submitted with attachment 1.

(27/03/09)

Section 94 Contributions

h:\reports.bp\Council\Reports\CM140409SR_2.doc

CM 10.1 Attached

142/09

RESOLVED

Drury / Stott

- 1/5** That the Council adopt the draft Section 94A Plan for public exhibition purposes.
- 2/5** That the draft plan be exhibited in accordance with Council policies and procedures for a 28 day period.
- 3/5** That a further report be prepared for the consideration of Council on the draft plan following the conclusion of the public exhibition period.

An Amendment was Moved by Councillor Stott, Seconded by Councillor Wangmann and Not accepted by the Mover.

- 4/5 That in order to contain the impost on residents, two officers of Council be assigned to summarily assess the value of the DA's, using Cordells or similar QS publications. This is to occur in the pre-lodgement period. If Officers are not satisfied with the valuation, then the applicant be required to submit a QS assessment from a qualified and practising QS.**

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

For the Motion

Councillors Kelso, Stott, Wangmann, Cassidy, Kennedy, Rerceretnam and Mansour.

Against the Motion

Councillors McKenna, Drury, Lofts and Wang.

The Motion was Carried

An Amendment was Moved by Councillor Wangmann and Not accepted by the Mover

- A) That as a matter of highest priority, Council prepare a S94 plan and that this be returned to Council no later than 1 August 2009. That Councillors receive past copies of business papers relating to the progress of the S94 plan.
- B) That a working party of Councillors and officers be formed to review our section 94 policy with a view to strengthening it. A report of the working party to come back to Council by 31 May 2009.

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

For the Motion

Councillors Rerceretnam, Stott, Wangmann, Cassidy and Mansour.

Against the Motion

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

The Motion was Lost

An Amendment was moved by Councillor Kennedy and Accepted by the Mover and Seconder

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5/5 That the General Manager bring a report back to the next Council meeting on the status of Councils current section 94 plans

FURTHER INFORMATION ON ENVIRONMENTAL LEVY PROJECTS

09/10. Janene Harris - Team Leader Sustainability. Report Submitted with attachment 1.

(07/04/09)

Environmental Committee

h:\reports.bp\Council\Reports\CM140409SR_7.doc

CM 10.3 Attached

143/09

RESOLVED

Wangmann / Kelso

That Council endorse the Environmental Levy Projects and budget allocations as described in table 1 of this report.

SECURITY PROCEDURES FOR COUNCIL MEETINGS. Ken Gainger - General Manager. Report Submitted.

(30/03/09)

Council Meetings & Arrangements

h:\reports.bp\Council\Reports\CM140409SR_3.doc

CM 10.4 Attached

144/09

RESOLVED

Drury / Kelso

That the report be noted and that no action be taken at this point to upgrade or change existing security arrangements for Council meetings.

ASHFIELD COMPANION ANIMALS MANAGEMENT PLAN. Ken McKew - Team Leader Environmental Health. Report Submitted with attachment 1.

(30/03/09)

Companion Animals Register

h:\reports.bp\Council\Reports\CM140409SR_4.doc

CM 10.5 Attached

145/09

RESOLVED

Wangmann / Kennedy

1/3 That Council adopts the Companion Animals Management Plan 2009.

2/3 That by 1 July 2009, Councillors be provided with:-

- a) the number of dogs, cats and other animals, per annum, sent to our pound, Belmore Veterinary Hospital, for 2007, 2008 and 2009;**

- b) the numbers PA in each category returned to owners;
- c) the numbers PA in each category re-homed;
- d) the numbers PA put down or disposed of in other ways such as being used for research;
- e) cost and charges to Council, annually, for all services provided by Belmore Vets;
- f) fees recovered for re-homed for returned animals and
- g) annual income from licences and animal registrations

3/3

That in future, Council look at ways to re-home animals listed for euthanasia or research including:

- a) **That Council immediately write to all veterinary practices and pet shops within Ashfield and within a two kilometre range of Ashfield, seeking their assistance in re-homing Ashfield's "lost" companion animals. That Councillors be kept informed of the progress of this strategy including being provided with a copy of the Council letter sent out, a list of organisations contacted and a copy of their responses if any.**
- b) **That Council advertise on our front web page via a link and permanently on all notice boards, a request for Ashfield residents to consider providing a home for an abandoned companion animal and how to contact Council to arrange its purchase. That Council's re-homing fees, if any, should be cost neutral.**
- c) **Seeking comment from our Officers on any other strategy Council could undertake to limit the euthanizing of abandoned companion animals. That these comments return to Council by 1 August 2009.**

STANDARD DEVELOPMENT APPLICATION CONDITION TO SPECIFY GUTTERING TYPE. Michael Kountourogianis - Team Leader

Construction Assessment. Report Submitted.
(30/03/09)

Building Code of Australia

h:\reports.bp\Council\Reports\CM140409SR_5.doc

CM 10.6 Attached

146/09

RESOLVED

Kelso / Kennedy

That Council endorse new condition E114a Guttering Requirements – BCA for all development consents for building work requiring the installation of guttering and/or down pipes.

POLICY ON AD-HOC REQUESTS TO COUNCIL FOR FINANCIAL ASSISTANCE. Gerard Howard - Manager Community Services. Report

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Submitted.
(08/04/09)

Financial Management, Donations from Council
h:\reports.bp\Council\Reports\CM140409SR_8.doc
CM 10.7 Attached

147/09

RESOLVED

Mansour / Kelso

That Council adopt the procedures outlined in this report when determining 'sundry' requests for financial assistance from organisations and individuals.

GENERAL BUSINESS

SECTION 94 POLICY

Councillor Stott - That a working party of Councillors and officers be formed to review our section 94 policy with a view to strengthening it. A report of the working party to come back to Council by 31 May 2009.

LIGHTING & PLANTER BOXES

148/09

RESOLVED

Stott / Lofts

1/2 That Council investigate the feasibility of placing planter boxes on Smith Street, Summer Hill

2/2 That Council investigate the feasibility of installing under-awning lighting in Summer Hill village, commencing with Smith Street.

LITTER ON MILTON STREET

Councillor Rerceretnam – That Council investigate the alleged litter and un-mowed lawn on the Council nature strip on Milton Street, near Palace Street, Ashfield

WESTS DCP

149/09

RESOLVED

Wangmann / Rerceretnam

1/2 That a link to the Wests DCP currently on public exhibition be immediately added to Councils homepage and that it remain there until the matter comes to Council.

2/2 That reference to the applicant's point of view be deleted immediately from the website.

SCHOOL HOLIDAY PROGRAM

Councillor Wangmann – mentioned how great the current April school holiday program is, however suggested that there may be potential to hold some of the events at the Ashfield Aquatic Centre in future.

GRAFFITI

Councillor Wang – significant amount of graffiti on both sides of the street, particularly colour bond fence on Elizabeth Street, near Wallace Street, Ashfield. Also of concern on Alt street with an entire wall of graffiti.

Councillors Mansour and Cassidy – concern at level of graffiti prevalent at 42 Orpington Street, Ashfield.

ILLEGAL DUMPING

Councillor Wang – concerned at the significant level of illegal dumping currently prevalent near 31 Elizabeth Street, Ashfield.

MOWING

Councillor Kennedy – would like to thank staff for having undertaken the recent mowing of Richard Murden Reserve and removal of graffiti on the commemorative plaque. However it was noted by both Councillors Kennedy and McKenna that the mowing continues to be of poor quality – particularly on the canal side of the park.

Councillor Kennedy – requested that the nature strip at the front of the Yasmar site on Parramatta Road be mowed as the grass was over a foot high.

General Manager – informed Councillors that he had met with staff today and Council was currently confirming with our Lawyers in order to cease the existing mowing contract.

Councillor Wangmann – sought clarification as to the mowers being able to catch the grass clippings and could this be considered in any future contract.

Director Works and Infrastructure – not aware of any contractors that ‘catch’ the grass but rather ‘gather’ the clippings.

Councillor Rerceretnam – seeking feedback on a RFA placed about 3 weeks ago in relation to the mowing of the nature strip opposite Canterbury Boys High, as not aware of any action having occurred to date.

Director Works and Infrastructure – staff are currently in the process of writing to all schools informing them that it is their responsibility to mow the nature strip adjacent to the individual school.

POTENTIAL FUNDING OPPORTUNITY

Councillor Drury – informed the Council that he had forwarded an email highlighting access to potential funding opportunities regarding cleaning of our neighbourhoods.

PROCEEDINGS TERMINATED AT 10.59pm

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

Chairperson

Date