



**SUSPENSION OF STANDING ORDERS**

**139/11**

**RESOLVED**

**Cassidy/ Mansour**

**That standing orders be suspended to deal with item 10.8, 10.1, 10.2, 10.7, 10.4, 10.5, 10.3, 10.6, 10.9  
The time being 6.43**

DEVELOPMENT APPLICATION: 10.2011.049.1

12 THE AVENUE, ASHFIELD

William Daskalopoulos - Development Assessment Officer. Report

Submitted with attachments 1 to 9.

(12/05/11)

DA 10.2011.049

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**CM 10.8 Attached**

**140/11**

**RESOLVED**

**Cassidy/ Wangmann**

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

Mr Jack O'Reagan addressed the meeting at 6.44pm and concluded at 6.46pm.

Mr Peter Gleadall addressed the meeting at 6.46pm and concluded at 6.47pm.

*Councillor Adams attended the meeting at 6.50pm*

*Councillor Adams left the meeting at 6.53pm*

**141/11**

**RESOLVED**

**Mansour/ Drury**

**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. 2010.244 for demolition of a dwelling house, outbuildings, fence and construction of a four storey boarding house with basement garage on Lot 11, Section 1 in DP: 473, known as 12 The Avenue Ashfield, for the reasons stated in the officer's report and with the following amendments:-**

- (14) The proposed car parking provision is not in accordance with recent amendments to ARHSEPP**
- (15) The proposal is not compatible with the design and character of the area**

The voting was as follows:

For the Motion:

**MIN NO**

**MINUTES OF ORDINARY MEETING  
TUESDAY 24 MAY 2011**

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

Against the Motion:

Nil

The Motion was Carried

DEVELOPMENT APPLICATION 10.2010.102.2

17 HENRY STREET, ASHFIELD. Phil Sarin - Director Planning and Environment. Report Submitted with attachments 1 and 2.

(12/05/11)

DA 10.2010.102

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**CM 10.1 Attached**

**142/11**

**RESOLVED**

**Cassidy/ Lofts**

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

Anita Kumar, CEO Infants Home addressed the meeting at 6.55pm and concluded at 7pm

*Councillor Adams returned to the meeting at 7.04pm*

**MOVED**

**Cassidy/ Mansour**

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2010.102.1 for alterations and additions to the childcare centre on Lot 10 in DP: 129727, known as 17 Henry Street, Ashfield, subject to the conditions as listed in the officer's report, with the amendment that condition C8 be deleted.

The voting was as follows:

For the Motion:

Councillors Wangmann, Adams, Mansour, Cassidy

Against the Motion:

Councillors Lofts, Stott, Wang, Kennedy, McKenna, Rerceretnam, Drury

The Motion was Lost

A Foreshadowed motion was moved by Councillor Drury and Seconded

**MIN NO**

**MINUTES OF ORDINARY MEETING  
TUESDAY 24 MAY 2011**

by Councillor McKenna

**143/11**

**RESOLVED**

**Drury/ McKenna**

**That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2010.102.1 for alterations and additions to the childcare centre on Lot 10 in DP: 129727, known as 17 Henry Street, Ashfield, subject to the conditions as listed in the officer's report**

The voting was as follows:

For the Motion:

Councillors Drury, McKenna, Lofts, Stott, Wang, Kennedy, Rerceretnam

Against the Motion:

Councillors Wangmann, Cassidy, Adams, Mansour

The Foreshadowed Motion was Carried

ASSISTANCE FOR ASHFIELD INFANTS' HOME . Nellette Kettle -  
Director Corporate & Community Services. Report Submitted.  
(06/05/11)

10.2010.102

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**CM 10.2 Attached**

**144/11**

**RESOLVED**

**Drury / Wang**

**That Council note the information in the report**

The voting was as follows:

For the Motion:

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

Against the Motion:

Nil

The Motion was Carried

*Councillor Adams left the meeting at 7.22pm*

DEVELOPMENT APPLICATION: 10.2011.077.1

24 WATTLE STREET, HABERFIELD

Daisy Younan - Development Assessment Officer. Report Submitted with attachments 1 to 5.

(12/05/11)

DA 10.2011.077

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**CM 10.7 Attached**

**145/11**

**RESOLVED**

**Cassidy/ Drury**

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

Adam Grasso addressed the meeting at 7.24pm and concluded at 7.27pm

**146/11**

**RESOLVED**

**Kennedy/ Rerceretnam**

**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 for Development Application No. 10.2011.77.1 for:**

- 1. Demolition of a rear portion of existing dwelling and the existing carport located at the rear of the property;**
- 2. Alterations and additions to an existing dwelling house including the construction of a rear addition;**
- 3. Construction of a new garage and a secondary dwelling (otherwise known as a granny flat); and**
- 4. The removal of 6 fruit trees**

**on Lot 17 in DP: 4612, known as 24 Wattle Street, Haberfield, subject to the conditions as listed in the officer's report.**

The voting was as follows:

For the Motion:

Councillors Lofts, Stott, Wangmann, Wang, Kennedy, McKenna, Mansour, Rerceretnam, Drury

Against the Motion:

Councillor Cassidy

The Motion was Carried

**DEVELOPMENT APPLICATION: 10.2011.050.1 27 HUGH STREET,  
ASHFIELD**

**Haroula Michael - Development Assessment Officer. Report Submitted  
with attachments 1 to 3.  
(11/05/11)**

DA 10.2011.050

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**CM 10.4 Attached**

**147/11**

**RESOLVED**

**Cassidy/ Rerceretnam**

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

Tony Buxey addressed the meeting at 7.30pm and concluded at 7.37pm

Roy Disavo addressed the meeting at 7.37pm and concluded at 7.40pm

*Councillor Adams returned to the meeting at 7.43pm*

**MOVED**

**Rerceretnam/ Kennedy**

1/3 That the matter be deferred.

2/3 That an on site meeting be organised within 4 weeks to determine the veracity of the submitted shadow diagrams

3/3 That this issue be brought back to Council immediately after the shadow diagram assessment is completed

The voting was as follows:

For the Motion:

Councillors Stott, Wangmann, Kennedy, Rerceretnam, Cassidy

Against the Motion:

Councillors Lofts, Adams, Wang, McKenna, Mansour, Drury

The Motion was Lost

A Foreshadowed Motion was Moved by Councillor Drury and Seconded by Councillor Mansour

**148/11**

**RESOLVED**

**Drury/Mansour**

**That the matter be deferred in order to allow for Council Officers to review the issues put before Council by the objectors with respect**

**to the shadow diagrams as addressed at the Council meeting 24 May 2011.**

The voting was as follows:

For the Motion:

Councillors Lofts, Stott, Wangmann, Adams, Wang, Kennedy, McKenna, Mansour, Rerceretrnam, Drury, Cassidy

Against the Motion:

Nil

The Foreshadowed Motion was Carried

*Councillor Drury left the meeting at 8.06pm*

DEVELOPMENT APPLICATION: 10.2011.075.1 103 RAMSAY STREET, HABERFIELD

Luma Araim - Planning & Building Technical Officer. Report Submitted with attachments 1 to 4.

(11/05/11)

DA 10.2011.075

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**CM 10.5 Attached**

**149/11**

**RESOLVED**

**Cassidy/ Adams**

**1/2 That the objection to Clause 17(2) of the Ashfield Local Environmental Plan 1985 (as amended), lodged pursuant to State Environmental Planning Policy No. 1, is considered to be well-founded and it is recommended that the objection be supported; and**

**2/2 That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No.10.2011.75.1 for alterations and addition to existing building to include a first floor addition to create a new dwelling on Lot 1 in DP: 176180 , known as 103 Ramsay Street, Haberfield, subject to the conditions as listed in the officer's report.**

The voting was as follows:

For the Motion:

Councillors Lofts, Stott, Wangmann, Adams, Wang, Kennedy, McKenna, Mansour, Rerceretrnam, Cassidy

Against the Motion:

Nil

The Motion was Carried

*Councillor Lofts left the meeting at 8.07pm*

DEVELOPMENT APPLICATION: 10.2010.214.1 15 BRUNSWICK  
PARADE, ASHFIELD

Andrew Johnston - Development Assessment Officer. Report Submitted  
with attachment 1.

(11/05/11)

DA 10.2010.214

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**CM 10.3 Attached**

**150/11**

**RESOLVED**

**Mansour/ Adams**

**1/3 That the Recommendation contained within Council Report CM10.3, considered by Council on 23 November 2010, be altered to reflect the correct development application reference of DA: 10.2010.214.1 as opposed to DA: 10.2010.82.1.**

**2/3 That Council Minute 461/10 be altered to refer to Development Application No. 10.2010.214.1.**

**3/3 That Condition A(1) of the prepared conditions be altered to refer to the correct date of the architectural plans as noted in the officer's report.**

The voting was as follows:

For the Motion:

Councillors Stott, Wangmann, Adams, Wang, Kennedy, McKenna, Mansour, Rerceretnam, Cassidy

Against the Motion:

Nil

The Motion was Carried

*Councillor Lofts returned to the meeting at 8.10pm*

*Councillor Drury returned to the meeting at 8.15pm*

DEVELOPMENT APPLICATION: 10.2011.063.1



4/95 EDWIN STREET NORTH, CROYDON

William Daskalopoulos - Development Assessment Officer. Report

Submitted with attachments 1 to 4.

(11/05/11)

10.2011.063

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**CM 10.6 Attached**

MOVED

Mansour/ Adams

Part A

1/1 Pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) Council grants "Deferred Commencement" consent in relation to Development Application No.10.2011.63.1 for the use and construction of alterations to a commercial building to be used for remedial massage on the ground floor on Lot 4 in DP: 74482, known as 4/95 Edwin Street Croydon.

The deferred commencement condition is as follows:

1. The applicant shall submit to Council written confirmation from Australian College of Massage that all the required subjects to obtain the qualification to practice therapeutic massage have been completed successfully.

Upon Council's written approval of satisfactory compliance with the deferred commencement matter listed in Part A above, the development consent will become operative, subject to the conditions in Part B below. The matter stated above shall be complied within 6 months from the date the deferred commencement being issued.

An Amendment was Moved by Councillor Wangmann and accepted by the Mover and Seconder

That the storeroom wall be deleted

The above Motion was withdrawn

Councillor Wangmann Moved an alternative Motion seconded by Councillor Adams

**151/11**

**RESOLVED**

**Wangmann/Adams**

**That the Development Application be deferred pending the submission of a Police report regarding this proposal**

The voting was as follows:

For the Motion:

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

Against the Motion:

Nil

The Motion was Carried

DEVELOPMENT APPLICATION: 10.2003.076.6

204 LIVERPOOL ROAD, ASHFIELD

Daisy Younan - Development Assessment Officer. Report Submitted with attachment 1.

(12/05/11)

DA 10.2003.076

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**CM 10.9 Attached**

**152/11**

**RESOLVED**

**Adams/ Mansour**

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

Dion Manca addressed the meeting at 8.26pm and concluded at 8.29pm

**153/11**

**RESOLVED**

**Drury/ Adams**

**The premises shall operate under the Management Plan submitted with the application stamped by Council 26 June 2008, and subject to the following:**

- i) One (1) licensed security personnel is to be employed each evening on Thursday through to Saturday from 10:00pm until the last person leaves the vicinity of the premises once the Hotel is closed. The security personnel are to be at the subject premises during these times.**
- ii) In addition to the one (1) security personnel already mentioned, one (1) further licensed uniformed security personnel is to be employed inside the premise from 9:00pm on any night that a function is held at the premises.**

**This condition is time limited for a period of twelve (12) months commencing from 24 May 2011. Once the twelve (12) month period has expired, Condition 5 will revert back to the previous condition approved pursuant to DA2003.76.2 granted on 3/11/2005.**

The voting was as follows:

For the Motion:

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

Against the Motion:

Nil

The Motion was Carried

**RESUMPTION OF STANDING ORDERS**

**154/11                      RESOLVED                      Cassidy/ Mansour**

**That standing orders were resumed at 8.47pm.**  
Councillors present at the time of resumption were Councillors Lofts, Stott, Wangmann, Adams, Wang, Kennedy, McKenna, Mansour, Rerceretnam, Drury, Cassidy

**CONFIRMATION OF MINUTES**

**155/11                      RESOLVED                      Mansour/McKenna**

**That the minutes of the Ordinary Council Meeting held on Tuesday 10 May 2011 be confirmed.**

**156/11                      RESOLVED                      Rerceretnam/Kennedy**

**That the minutes of the Local Indigenous, Multicultural and Ethnic Affairs Committee Meeting held on Wednesday 4 May 2011 be confirmed.**

**157/11                      RESOLVED                      Kennedy/Wangmann**

**That the minutes of the Ashfield Youth Committee Meeting held on Monday 2 May 2011 be confirmed.**

**158/11                      RESOLVED                      Stott/Wang**

**MIN NO**

**MINUTES OF ORDINARY MEETING  
TUESDAY 24 MAY 2011**

**That the minutes of the Ashfield Access Committee Meeting held on Monday 2 May 2011 be confirmed.**

**159/11 RESOLVED Kennedy/Wang**

**That the minutes of the Aboriginal Consultative Committee Meeting held on Tuesday 27 April 2011 be confirmed.**

**160/11 RESOLVED McKenna/Wangmann**

**That the minutes of the Women in Local Government Committee Meeting held on Tuesday 23 November 2010 be confirmed.**

CONGRATULATIONS TO EMMA BROOKS MAHER FOR 2010 HERITAGE VOLUNTEERS AWARDS. Edward Cassidy - Mayor. Report Submitted.  
(19/05/11)

Public Relations>Congratulations  
h:\reports.bp\Council\Reports\CM240511MM\_15.doc  
**MM15/2011 Attached**

NOTED

The Mayor withdrew this Mayoral Minute as the Motion had previously been resolved by the Council

OUR HARBOUR AGREEMENT. Monica Wangmann - Councillor. Report Submitted.  
(24/05/11)

Notice of Motion  
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**NM7/2011 Attached**

*Councillor Adams left the meeting at 9.03pm*

**161/11 RESOLVED Wangmann/Kennedy**

**1/2 That Ashfield Council supports the updated Our Harbour Agreement, actions and concerns listed below in parts 1, 2 and 3 and**

**2/2 That Council promptly responds to the General Manager Hunters Hill, confirming our ratification.**

PART 1

The Sydney Harbour Councils agree 'in-principle' to support the 'Our

Harbour' Agreement and its eight core issues.

- 1 ***The harbour is the focus of Sydney.*** Sydney Harbour is of fundamental importance to the residents, and workers of the harbour catchment, to the people of the Sydney region and its visitors, to all of New South Wales and to all the people of Australia. All spheres of government need to work as one to protect and manage all aspects of the harbour without favouring single sectors or special interests at the expense of the harbour's integrity and sustainability.
- 2 ***The quality of the physical and natural environments is under pressure.*** The urgent and continuing attention of all levels of government is needed for the protection and restoration of the terrestrial and aquatic environments and for the rehabilitation and maintenance of infrastructure, both through new programs and the concerted implementation of existing action and management plans.
- 3 ***The harbour is a key cultural and recreational resource.*** Projects in the *Sharing Sydney Harbour Regional Action Plan* – particularly the cultural audit and the Sydney Harbour Dreaming project *Tuhbowgule Nangamay* – provide enhanced opportunities for community involvement and for links to the full range of cultural, educational, and recreational resources.
- 4 ***Our maritime industries are in danger of disappearing from the Harbour.*** All spheres of government, acting together, need to act to ensure that Sydney Harbour remains a working harbour with (a) suitable zones and policies administered by councils on land which is appropriate for a wide range of water related activities and (b) a stock of well located government-owned land available for water related activities under secure tenure and affordable terms.
- 5 ***There is concern over the privatisation of the harbour foreshore.*** All spheres of government need to enhance the ecological and urban qualities of the shoreline, to seize every opportunity to increase the public ownership of foreshore land, and to progressively remove impediments to access to and from the water, for instance through the foreshore and access improvement program of the *Sharing Sydney Harbour Regional Action Plan*.
- 6 ***Foreshore developments should display the highest possible quality of design.*** All spheres of government must adopt consistent standards for the design of all elements added to the harbour environment, must share a commitment to quality, must maintain and enhance views to and from the water, and must actively and consistently re-establish the

native plant communities of the harbour catchment.

- 7** ***A complex arrangement of administrative responsibilities has developed around the harbour.*** In Sydney Harbour there are necessarily a very large number of distinct roles and responsibilities, technical, administrative, regulatory, financial, local and central. Inter-agency and inter-government coordination mechanisms must continue to be developed as the only way to enable the planning and place management outcomes to be achieved with efficiency and effectiveness. Of highest priority are the mechanisms established under this agreement.
- 8** ***Proactive consultation is essential.*** Forums are needed for the resolution of issues between all harbour councils and agencies, based on the principles of this agreement. The sustainable management of Sydney Harbour is not achieved through unilateral action but through meaningful prior consultation between agencies and the Sydney Harbour Councils.

PART 2

The agreement is amended to remove those matters that are no longer relevant and the revised document is forwarded to all Sydney Harbour Council members requesting endorsement by Ashfield Council.

PART 3

Following receipt of endorsement (parts 1 and 2 above) from members of the Sydney Harbour Councils, Ashfield Council supports

- (a) Sydney Harbour Councils expressing its concern at the apparent lack of commitment from the government to the eight core issues and request The Minister for Planning and the Minister for Ports and Waterways to renew the 'Our Harbour Agreement' (as amended); and
- (b) That the Leader of the Opposition is requested to consider accepting the revised 'Our Harbour' Agreement as part of their party's planning policy.

PART 3A PLANNING REFORMS. Phil Sarin - Director Planning and Environment. Report Submitted with attachments 1 and 2.  
(16/05/11)

Planning  
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**CM 10.10 Attached**

**MIN NO**

**MINUTES OF ORDINARY MEETING  
TUESDAY 24 MAY 2011**

162/11

**RESOLVED**

**Stott/ Kennedy**

**1/3 That the report be received and noted.**

**2/3 That Council write to the Minister for Planning, Brad Hazzard, seeking a meeting with the Minister , the Mayor and interested Councillors and 2 representatives from the Summer Hill Action Group regarding the redevelopment of the Mills site.**

**3/3 That Council request Minister Hazzard to remove the Mills site from Part 3A and return it to Ashfield Council for determination**

A division was called and the voting was as follows:

For the Motion:

Councillors Lofts, Stott, Wangmann, Wang, Kennedy, Mansour, Rerceretnam, Cassidy

Against the Motion:

Councillors Drury and McKenna

The Motion was Carried

**CLOSED (PUBLIC EXCLUDED) COMMITTEE**

163/11

**RESOLVED**

**Mansour / Kennedy**

**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)(g) of the Local Government Act, the time being 10.11pm.**

164/11

**RESOLVED**

**Kennedy/Rerceretnam**

**That the meeting revert to an open meeting at 10.11pm.  
The Chairperson reported that the Closed (Public Excluded) meeting passed the following resolutions.**

DEVELOPMENT APPLICATION: 10.2011.077.1

24 WATTLE STREET, HABERFIELD

Daisy Younan - Development Assessment Officer. Report Submitted with attachments 1 to 5.

(12/05/11)

DA 10.2011.077

165/11

**RESOLVED**

**Kennedy / Lofts**

**That the Legal advice be received & noted**

**GENERAL BUSINESS**

**ASHFIELD PARK**

Councillor Kennedy – Congratulations to staff working on Ashfield Park as it is looking fabulous.

**MCDONALDS DEVELOPMENT APPLICATION**

Councillor Kennedy – attended the Land and Environment Court hearing last Friday, along with Local MP Jamie Parker and approximately twenty community members.

**ELECTION POSTERS**

Councillor Kennedy – note that many election posters from the March election are still visible across the LGA

General Manager – noted that all concerned candidates had been sent at least one round of letters requesting removal of the material.

**DEFENCE DEPARTMENT LAND, HABERFIELD**

Councillor Kennedy – sought an update on what is happening with the defence land

Director Works and Infrastructure – no progression of works to date, Council has a meeting with the Defence Department tomorrow.

**PARKING OF SALES YARD CARS ON RESIDENTIAL STREETS IN HABERFIELD**

Councillor McKenna – as reported at the end of 2010, the parking of sales yard cars on residential streets in Haberfield including Northcote St, Orpington St, Loftus St remains an issue



Director Works and Infrastructure – the matter has been taken on notice  
**COUNCILLOR REQUESTS FOR ACTION**

Councillor Mansour – it is appreciated that staff receive numerous  
Councillor requests for action and timely responses are appreciated

**CARNIVAL OF CULTURES**

Councillor Mansour –remains concerned that Council has not fully  
refunded all Organisations who booked a stall at the recently cancelled  
Carnival of Cultures the full amount of the cost for the registration

**PLACEMENT OF AIRCONDITIONERS**

Councillor Rerceretnam– seeking further information from Council Officers  
regarding businesses placing air-conditioning compressors above shop  
awnings.

Director Planning and Environment – taken the matter on notice and will  
provide Councillors with further information

**VARACITY OF DA APPLICANTS REPORTS**

Councillor Rerceretnam–sought clarification as to whether Council  
Officer's verify the veracity of DA applicants reports such as shadow  
diagrams and noise measurements.

**PROCEEDINGS TERMINATED AT 10.12PM**

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

Chairperson

Date

**MIN NO**

**MINUTES OF ORDINARY MEETING  
TUESDAY 24 MAY 2011**