

**MIN NO**                    **MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL  
HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD,  
ASHFIELD ON TUESDAY 24 JULY 2012, COMMENCING AT 6:31 PM.**

**PRESENT**                    His Worship the Mayor, Councillor Kennedy in the Chair and Councillors Cassidy, Kelso, Lofts, Mansour, McKenna, Rerceretnam, Stott and Wang.

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**

**240/12                    RESOLVED                    Stott / Rerceretnam**

**An apology for non attendance was received and accepted from Councillor Drury and Wangmann**

Note: Councillor Adams was not present and Council received no formal apology or request for a leave of absence for the meeting.

DEATH OF COLIN GRINHAM. Edward Cassidy - Councillor.

**NM32/2012**

**241/12                    RESOLVED                    Cassidy / Lofts**

**That a letter of condolence be sent to his wife Val Grinham expressing Councils sympathy.**

**DISCLOSURES OF INTEREST**

Councillor Cassidy declared a Less-than significant Non-Pecuniary Interest in item CM 10.1 due to his grandchildren attending the preschool adjacent to the property. Councillor Cassidy has determined to stay in the room to participate in debate and voting on this item as he does not know the applicants.

Councillor Kennedy declared a Less-than significant Non-Pecuniary Interest in item CM 10.12 due to being the respondent in this Code of Conduct report. Councillor Kennedy has determined to stay in the room to participate in debate and voting on this item after having sought advice from the Division of Local Government.

**CONFIRMATION OF MINUTES****242/12****RESOLVED****Mansour / McKenna**

**That the minutes of the Council Meeting held on Tuesday 10 July 2012 be confirmed and the recommendations contained in the Minutes be adopted with the following amendment:**

**That page 10 under the General Business item on Wolseley Street, Haberfield – should state that Councillor Cassidy asked for a report as to why the Land & Environment Court Order in relation to the unauthorised Taxi Changeover use at the Service Station at rear of Cove Street Haberfield Properties was not being put into effect and that the General Manager undertook to report back to Councillors on this matter in the next week**

**243/12****RESOLVED****Stott / Lofts**

**That the minutes of the Ashfield Access Committee Meeting held on Monday 9 July 2012 be confirmed and the recommendations contained in the Minutes be adopted.**

**244/12****RESOLVED****Rerceretnam / Wang**

**That the minutes of the Local Indigenous, Multicultural and Ethnic Affairs Committee Meeting held on Wednesday 23 May 2012 be confirmed and the recommendations contained in the Minutes be adopted.**

**CODE OF CONDUCT REVIEW - REPORT FROM REVIEWER.**

**CM 10.12**

**245/12**

**RESOLVED**

**Stott / Rerceretnam**

**That the Mayor have an opportunity to make a statement prior to members of the public addressing the meeting.**

Members of the public addressed the meeting.

Jamie ParkerMP addressed Council at 6.49pm and concluded at 6.51pm.

David ShoebridgeMLC addressed Council at 6.52pm and concluded at 6.54pm.

Michelle Calvert-Kilburn addressed Council at 6.56pm and concluded at 7pm.

Erol Digiusto addressed Council at 7pm and concluded at 7.02pm.

Madeleine Perrington addressed Council at 7.02pm and concluded at 7.02pm

Nicholas Bron addressed Council at 7.02pm and concluded at 7.11pm

Emma Brooks Maher addressed Council at 7.12pm and concluded at 7.16pm.

Julia Stepowski addressed Council on behalf of Susan Jackson-Stepowski at 7.17pm and concluded at 7.21pm.

Haberfield Association addressed Council at 7.22pm and concluded at 7.25pm.

Margaret Levin addressed Council at 7.26pm and concluded at 7.29pm.

Linda Nuttall addressed Council at 7.30pm and concluded at 7.32pm.

Mark Leck addressed Council at 7.32pm and concluded at 7.33pm.

**246/12**

**RESOLVED**

**McKenna / Stott**

**1/2 That Council notes and receives the report and determines to take no further action on the matter given the evidence cited in the report does not sufficiently support the report's conclusion.**

**2/2 That the induction program for Councillors include a compulsory session on Councillor responsibilities when exercising their regulatory function.**

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

For the Motion

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

Against the Motion

Nil.

The Motion was Carried

DEVELOPMENT APPLICATION: 10.2012.059.1  
11 WETHERILL STREET CROYDON

**CM 10.4**

Members of the public addressed the meeting.

Katherine Ruschen addressed Council at 8.07pm and concluded at 8.46pm.

Elizabeth McMullen addressed Council at 8.46pm and concluded at 8.49pm.

Ian Jeremy addressed Council at 8.49pm and concluded at 8.52pm

Colin Filmer addressed Council at 8.52pm and concluded at 8.54pm.

Peter Nube addressed Council at 8.54pm and concluded at 8.55pm

Adam Flanagan addressed Council at 8.55pm and concluded at 8.57pm.

MOVED Mansour /Cassidy

That Council approve Development Application No. 10.2012 for 10.2012.59.1 on Lot 1 in DP: 170419, known as 11 Wetherill Street, Croydon and that the General Manager be granted delegated authority to apply the standard conditions of consent.

The voting was as follows:-

For the Motion

Councillors Rerceretnam, Cassidy and Mansour.

Against the Motion

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

The Motion was Lost

A Foreshadowed Motion was Moved by Councillor Stott and Seconded by Councillor Kelso

**247/12**

**RESOLVED**

**Stott / Kelso**

**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. 10.2012 for 10.2012.59.1 on Lot 1 in DP: 170419, known as 11 Wetherill Street, Croydon for the following reasons:**

- 1. The proposed development fails to comply with Section 3 of Part C10 of Ashfield DCP 2007 which requires development in the Wetherill Street Heritage Conservation Area to retain a single storey scale and to avoid additions higher than existing ridgeline.**
- 2. The proposed development fails to comply with the aims of Part 4 of Ashfield LEP 1985 as listed under Clause No. 30 (a) & 30(d) which aim to retain the identity of Ashfield by conserving its environmental heritage, and to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings as well as landscapes and streetscapes and the distinctive character that they impart to the land to which this plan applies.**
- 3. The proposed development, in its two storey form, fails to comply with the Clause 2.2 of Section 2 of Part C15 - Ashfield DCP 2007 which requires proposals to demonstrate an appropriately sympathetic building scale.**
- 4. The proposed development, in its two storey form, fails to comply with Clause 3.5 of Section 2 of Part C15 - Ashfield DCP 2007 which requires extensions to the upper parts of a house to respect the scale and aesthetics of the context including the streetscape so that when viewed from the opposite side of the street they are both visually appropriate to scale of the existing house and sympathetic or complementary in architectural style.**

- 5. The proposed development, given the non-compliance with Council's controls as indicated above, is not considered to be in the public interest.**

The voting was as follows:-

For the Motion

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

Against the Motion

Councillors Rerceretnam, Cassidy and Mansour.

The Foreshadowed Motion was Carried

DEVELOPMENT APPLICATION: 10.2012.106.1  
260A LIVERPOOL ROAD ASHFIELD

**CM 10.5**

Members of the public addressed the meeting.

Jodie Vandermeer addressed Council at 9.04pm and concluded at 9.07pm.

Kate Griffiths addressed Council at 9.07pm and concluded at 9.08pm.

Ian Cady addressed Council at 9.09pm and concluded at 9.15pm.

Gerard McSpadden addressed Council at 9.16pm and concluded at 9.20pm.

Rhonda Pilkington addressed Council at 9.34pm and concluded at 9.35pm.

**248/12**

**RESOLVED**

**Cassidy / Kelso**

- 1/2 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. 10.2012.106.1 for the change of use of levels 1 and 2 of the existing car park to a public (paid) car park and the installation of boom gates and parking control equipment on Lot 1 in DP: 736779, known as 260A Liverpool Road, Ashfield, subject to the conditions as noted on pages 19 – 29 of the business paper.**
- 2/2 That Council determine that developer contribution levy S94A be applied.**

The voting was as follows:-

For the Motion

Councillors McKenna, Stott, Cassidy, Kelso, Wang and Kennedy.

Against the Motion

Councillors Rerceretnam, Lofts and Mansour.

The Motion was Carried

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

MOVED Rerceretnam / Mansour

1/2 That the Development Application No. 10.2012.106.1 for the change of use of levels 1 and 2 of the existing car park to a public (paid) car park and the installation of boom gates and parking control equipment on Lot 1 in DP: 736779, known as 260A Liverpool Road, Ashfield be deferred for a period of 2 months.

2/2 That officers report back to Council regarding the potential impact on local streets with the introduction of paid parking in Ashfield Mall, highlighting strategies and/or plans to help mitigate parking problems. to return with a report that assess

The Foreshadowed motion was not addressed

DEVELOPMENT APPLICATION: 10.2012.117.1  
99 SMITH STREET, SUMMER HILL

**CM 10.3**

Members of the public addressed the meeting.

Heshram Ajari addressed Council at 10.12pm and concluded at 10.13pm

Kit Chung addressed Council at 10.14pm and concluded at 10.20pm

Colin Filmer addressed Council at 10.20pm and concluded at 10.23pm.

MOVED Cassidy / Mansour

That the SEPP1 objection is reasonable and accepted and that the application be approved as a deferred commencement and delegation be granted to the General Manager to impose the standard conditions of consent.

Deferred commencement condition:-

- A) The applicant satisfies Council that the easement has been legally extinguished
- B) Standard Condition of Consent

The voting was as follows:-

For the Motion

Councillors Cassidy and Mansour.

Against the Motion

Councillors McKenna, Rerceretnam, Stott, Kelso, Lofts, Wang and Kennedy.

The Motion was Lost

A Foreshadowed motion was Moved by Councillor Lofts and Seconded by Councillor Stott

**249/12**

**RESOLVED**

**Lofts / Stott**

**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. 10.2012.117 for alterations to the existing mixed use development and the construction of an attached and linked two storey mixed use development comprising two additional commercial units on ground floor and one additional residential unit on first floor on Lot A in DP: 437936, known as 99 Smith Street, Summer Hill, for the following reasons:**

- 1. The proposed development fails to comply with Council's Floor Space Ratio (FSR) controls of Clause 17 and of Clause 40(2) of Ashfield LEP 1985.**
- 2. No objection under the provisions of State Environmental Planning Policy No. 1 has been provided justifying the non compliance with the FSR controls of clause No. 17 and Clause No. 40(2) of Ashfield LEP 1985.**
- 3. The proposed development fails to demonstrate compliance with the Access and Mobility and Universal Accessible Design requirements and Part C1 of Ashfield DCP 2007.**
- 4. The proposed development fails to comply with Council's Stormwater Management Code.**

5. The proposed development does not comply with the car parking requirements of Part C11 of Council's DCP 2007.
6. The proposed development, having a height of approximately 7.9m at the proposed first floor bedroom 2 and existing first floor bedroom 1, fails to comply with the height controls of Clause 2.4 of section 2- Part C14 of Ashfield DCP 2007 (Summer Hill Urban Village) which allows a maximum height of 7m.
7. In employing a roof form that is not sympathetic to the existing roof form, the proposed development fails to comply with Clause No. 2.10 and Clause No. 2.9 of section 2 - Part C14 of Ashfield DCP 2007.
8. The proposed first floor bay window does not match or sympathetically relate to the design characteristics of the first floor bay window of the existing building located on site which is contrary to the controls of Clause 2.15 and Clause 2.16 of section 2- Part C14 of Ashfield DCP 2007.
9. The proposed first floor outdoor patio, given its proportion and depth into the building, does not provide adequate outdoor area for the proposed first floor residence which is not a sustainable living environment for the occupant;
10. The location of the proposed first floor outdoor patio will adversely impact upon the amenity of the occupants of the existing first floor residence;
11. The proposed development provides inadequate separation between the existing and proposed first floor residential units.
12. The proposed development is not in the public interest.

The voting was as follows:-

For the Motion

Councillors McKenna, Rerceretnam, Stott, Kelso, Lofts, Wang and Kennedy.

Against the Motion

Councillors Cassidy and Mansour.

The Foreshadowed Motion was Carried

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DEVELOPMENT APPLICATION: 10.2012.079.1  
110 RAMSAY STREET HABERFIELD

**CM 10.1**

Members of the public addressed the meeting.

Emma Brooks Maher, Haberfield Association addressed Council at 10.34pm and concluded at 10.42pm.

Yuri Reznik addressed Council at 10.42pm and concluded at 10.46pm.

**250/12**

**RESOLVED**

**Cassidy / McKenna**

**1/2 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. 10.2012.79.1 for alterations and additions to an existing building for use as a child care centre on Lot 1 in DP: 588626, known as 110 Ramsay Street, Haberfield, subject to the conditions as noted on pages 6-27 of the business paper.**

An Amendment was Moved by Councillor Kennedy and Seconded by Councillor Rerceretnam

**MOVED**

**Kennedy / Rerceretnam**

**2/2 That condition 10 is to include the front fence**

The voting was as follows:-  
For the Motion

Councillors McKenna, Rerceretnam, Kelso, Lofts, Wang and Kennedy, Cassidy, Mansour

Against the Motion

Councillor Stott

The Motion was Carried

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**EXTENSION OF TIME**

251/12

**RESOLVED**

**Stott / Wang**

**That the meeting be extended until 11:30pm**

DEVELOPMENT APPLICATION: 10.2010.018.3  
59 LIVERPOOL ROAD, ASHFIELD

**CM 10.2**

252/12

**RESOLVED**

**Lofts / Stott**

**That Development Application No. 2010.18 for construction of a boarding house at 59 Liverpool Road Ashfield to delete Condition A(7) be refused and conditions for DA 2010.18 be retained as approved.**

The voting was as follows:-

For the Motion

Councillors McKenna, Rercerethnam, Kelso, Lofts, Wang and Kennedy and Stott

Against the Motion

Councillor Cassidy and Mansour

The Motion was Carried

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

**MOVED** Mansour / Cassidy

That Development Application No. 2010.18 for construction of a boarding house at 59 Liverpool Road Ashfield be modified in accordance with section 96(1a) of the Environmental Planning and Assessment Act 1979 by deleting Condition A(7).

The foreshadowed motion was not addressed

**CLOSED (PUBLIC EXCLUDED) COMMITTEE****253/12                    RESOLVED                    Mansour / Stott**

**That the following items 10.13 and 10.14 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 11.04pm.**

**254/12                    RESOLVED                    Cassidy / McKenna**

**That the meeting revert to an open meeting at 11.08pm.  
The Chairperson reported that the Closed (Public Excluded) meeting passed the following resolutions.**

**LANDFILL TENDER FOR WASTE DISPOSAL SERVICES.****CM 10.13****255/12                    RESOLVED                    Kelso / Lofts**

**1/3    That Council delegate authority to the General Manager to execute the contract with the successful tenderer.**

**2/3    That under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender from Veolia Environmental Service for execution by the General Manager.**

**3/3    That Council notify SSROC of its decision.**

**The motion was Carried**

**TENDER FOR THE PROVISION OF LAWN MOWING & ASSOCIATED SERVICES.****CM 10.14****256/12                    RESOLVED                    Kelso / McKenna**

**1/3    That Council delegate authority to the General Manager to negotiate and execute the contract with the successful tenderer.**

**2/3    That, under Section 178 (1) (a) of the Local Government (General) Regulation 2005, Council accept the tender responses from *Horticultural Services Australia – HAS Landscapes* to maintain the parks and verges for the Southern Zone only, AND *Starline Contractors Pty Ltd* to maintain the parks and verges in the Northern and Central Zones, and execute the contract(s), subject to the General Managers successful negotiations.**

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**3/3 That Council inform the unsuccessful tenderers of their decision.**

The Motion was Carried

INVESTMENT REPORT JUNE 2012.

**CM 10.6**

**257/12**

**RESOLVED**

**Stott / Lofts**

**That the investment report be received and noted.**

ASHFIELD TRAFFIC COMMITTEE-MINUTES OF MEETING HELD ON 1 JUNE 2012.

**CM 10.7**

**258/12**

**RESOLVED**

**Stott / Rerceretnam**

**That Council adopt the minutes of the Ashfield Traffic Committee Meeting held on 1 June 2012, and that Council adopt the recommendations contained in the minutes.**

LOCAL GOVERNMENT ASSOCIATION 2012 CONFERENCE SUBMISSIONS.

**CM 10.8**

**259/12**

**RESOLVED**

**Kelso / Stott**

**That Council adopt the following motions to be submitted to the 2012 Local Government Association Conference prior to the closing date on 15 August 2012.**

**1/4 That the Local Government Association calls upon the State Government to develop a policy dealing with respect to development assessment that requires the State to:**

- **To develop policy guidelines to promote "best practice" development assessment models which provide for an appropriate balance between "tick the box" simple complying development types and merit based assessments for proposals that will have more substantial environmental impacts.**

- Review the type of development applications that are dealt with at State level with the aim of restoring accountability and transparency to the planning assessment process, to maximise public involvement at the grass roots level and to ensure the perception of probity.
- Provide federal funding to implement a single on-line computerised development application lodgement and tracking and determination system (similar to that adopted in the United Kingdom).
- Prepare model planning legislation which can be adopted by all States so that the regulatory environment is standardised.

**2/4 That the Local Government Association calls upon the State Government to develop a sustainable population policy that is supported by:**

- Investment in key physical and social infrastructure needs identified as part of thorough analysis for regions that are likely to experience high population growth;
- An emphasis on balanced migration program with humanitarian, family reunion and a ethical skilled migration program and an employment policy that promotes "knowledge centres" aimed at increasing Australia's proportion of high technology industries;
- Increasing use of renewable energy and reviewing the Building Code of Australia to achieve "greener" buildings;
- Protecting valuable agricultural land; and
- Long term funding for the establishment of satellite cities and continued regional development to reduce development pressures within existing urban areas.

**3/4 That the Local Government Association calls on the Council of Australian Governments to ensure that Local Government is realistically compensated by State Health Authorities for the provision of Early Childhood Health Services within Council Facilities.**

**4/4 That the Local Government Association calls upon the State Government to take meaningful steps to reverse the trend to casualisation of the Australian workforce particularly for youth, and work collaboratively with local government to develop local and regional strategies to address this issue.**

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**SYDNEY HARBOUR CATCHMENT STORMWATER QUALITY  
IMPROVEMENT PROGRAM.**

**CM 10.9**

**260/12**

**RESOLVED**

**Lofts / Rerceretnam**

- 1/3 That Council agree to join the Sydney Harbour Water Quality Improvement Project.**
- 2/3 That Council allocates \$7,500/year for the next three years to the Sydney Harbour WQIP and that these funds be derived from the sources outlined in this report.**
- 3/3 That the General Manager be delegated to sign the Sydney Harbour WQIP Memorandum of Understanding on behalf of Council.**

**URBAN ACTIVATION PROGRAM.**

**CM 10.10**

**261/12**

**RESOLVED**

**Lofts / Kelso**

- 1/2 That Council receive and note the Urban Activation Program report and a copy be forwarded to The Department of Planning and Infrastructure as Council's policy response to the proposed Urban Activation Precincts Program.**
- 2/2 The Director General of the Department of Planning and Infrastructure (or nominee) be advised that in Ashfield Council's opinion there are no suitable areas in the Ashfield Local Government Area that would meet the requirements for inclusion in the Urban Activation Program for the reasons as detailed in this report as noted on pages 218 – 224 of the business paper.**

**COMMUNITY SATISFACTION SURVEY 2012.**

**CM 10.11**

**262/12**

**RESOLVED**

**Lofts / Kelso**

**That the results of the 2012 Community Satisfaction Survey be noted.**

**GENERAL BUSINESS**

**LEWISHAM ESTATE**

Councillor Lofts – noted that Meriton has purchased the Lewisham Estate site for 47 million.

**BUS STOP – BROWN STREET**

Councillor Cassidy – noted that the bus stop on Brown Street leading to Haberfield requires further seating and a shelter.

**NEW SHANGHAI RESTAURANT**

Councillor Rerceretnam – noted that the New Shanghai Restaurant on Liverpool Road, Ashfield have recently opened after having undertaken another refurbishment.

**PROCEEDINGS TERMINATED AT 11.27PM**

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

Chairperson

Date