

MIN NO **MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 14 AUGUST 2012, COMMENCING AT 6:33 PM.**

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

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

Nil

DISCLOSURES OF INTEREST

No disclosures were made.

CONFIRMATION OF MINUTES

264/12 RESOLVED Stott / Mansour

That the minutes of the Ordinary Council Meeting held on 24 July 2012 be confirmed and the recommendations contained in the Minutes be adopted.

265/12 RESOLVED Mansour / Rerceretnam

That the minutes of the Budget & Operations Review Committee Meeting held on 17 July 2012 be confirmed and the recommendations contained in the Minutes be adopted.

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266/12 **RESOLVED** **Kennedy / Mansour**

That the minutes of the Environmental Committee Meeting held on 17 July 2012 be confirmed and the recommendations contained in the Minutes be adopted.

267/12 **RESOLVED** **Stott / Lofts**

That the minutes of the Strategic Planning & Economic Development Committee Meeting held on 17 July 2012 be confirmed and the recommendations contained in the Minutes be adopted.

268/12 **RESOLVED** **Drury / Stott**

That the minutes of the Civic Centre Redevelopment Steering Committee Meeting held on 17 July 2012 be confirmed and the recommendations contained in the Minutes be adopted.

269/12 **RESOLVED** **Kelso / McKenna**

That the minutes of the Ashfield Youth Committee Meeting held on 16 July 2012 be confirmed and the recommendations contained in the Minutes be adopted.

270/12 **RESOLVED** **Drury / Lofts**

That the minutes of the Pratten Park Advisory Committee Meeting held on 07 June 2012 be confirmed and the recommendations contained in the Minutes be adopted.

MAYORAL MINUTES

CAMPAIGN TO IMPROVE FUNDING FOR PALLIATIVE CARE IN NSW.
MM20/2012

271/12 **RESOLVED** **Kennedy**

That Council assist the campaign by placing petitions in our libraries and at the Customer Service Counter.

Councillor Adams and Councillor Wangmann attended the meeting at 6.38pm.

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RESIDENT PARKING SCHEME IN ASHFIELD TOWN CENTRE.

MM21/2012

272/12

RESOLVED

Kennedy

That the General Manager, as a matter of urgency, provide a report to Council on the options for managing parking in residential streets around Ashfield Mall

Councillor Adams left the meeting at 6.53pm

NOTICES OF MOTION

**LEWISHAM ESTATE PROPOSAL CONCEPT APPROVAL MP08_0195
78-80 OLD CANTERBURY ROAD LEWISHAM. Alex Lofts - Councillor.**

NM33/2012

273/12

RESOLVED

Lofts / Stott

1/5 That Council draws Minister Hazzard's attention to our continuing concerns regarding the Lewisham Estate and Summer Hill Flour Mill proposals, as listed and above and gained through amendment.

2/5 That we call on the Minister to engage agencies such as Roads and Maritime Services, City Rail and Sydney buses, to ensure that transport and infrastructure needs, particular to these sites and on a more regional basis, are properly planned for and implemented.

3/5 That it is Council's view that no development should occur on these constrained sites until infrastructure requirements are addressed

4/5 That correspondence regarding the above be sent to The Hon Brad Hazzard MP, Minister for Planning and infrastructure, The Honourable Linda Burney MP, Shadow Minister for Planning, the Honourable Carmel Tebbutt MP Member For Marrickville and David Shoebridge MLC .

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

5/5 That the regional GreenWay Masterplan, Bushcare and Biodiversity strategies be brought to the attention of Minister Hazzard and State agencies.

The motion 1/5 – 5/5 was Carried

MIN NO

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**DEPARTMENT OF EDUCATION AND COMMUNITIES INTENDING TO
RESTRICT THE ACTIVITIES OF THE ARTS UNIT.**

NM34/2012

274/12

RESOLVED

McKenna / Lofts

That the Mayor write to the Premier and the Minister For Education Mr Piccoli, requesting that they reverse the decision for the sake of current and future students throughout the NSW public school system.

The Motion was Carried

ASHFIELD SKATE PARK EXPANSION.

NM35/2012

275/12

RESOLVED

Kelso / Kennedy

1/2 That Council convene a workshop of interested Councillors, representatives from Ashfield Police, Ashfield Youth Committee and SHARE to investigate community interest in expanding the skate park and potential partnerships with local businesses.

2/2 That local sporting clubs, including all Netball clubs, and local schools be invited to participate to ensure that any unbooked use of the Netball courts is captured.

The motion was Carried

**INDUCTION OF REVEREND ALAN LUKABYO. Lucille McKenna -
Deputy Mayor.**

NM36/2012

276/12

RESOLVED

McKenna / Lofts

That the Mayor send a letter of welcome to Rev Alan Lukabyo and his family.

The motion was Carried

STAFF REPORTS

DEVELOPMENT APPLICATION: 10.2012.019.1
4 BLACKWOOD AVENUE, ASHFIELD.

CM 10.1

Members of the public addressed the meeting.

Michael Wohlfiel addressed Council at 7.10pm and concluded at 7.12pm.

277/12

RESOLVED

Lofts / McKenna

That Council as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) grant deferred commencement consent to Development Application No. 10.2012.19 for alterations and additions to an existing boarding house and its change of use to a residential flat building comprising 9 dwellings, car parking and strata subdivision on Lot 8A in DP 444835, known as 4 Blackwood Avenue, Ashfield, subject to the conditions as noted on pages 31 - 36 of the business paper.

The voting was as follows:-

For the Motion

Councillors McKenna, Wangmann, Cassidy, Kelso, Lofts, Wang and Kennedy.

Against the Motion

Councillors Rerceretnam, Stott, Drury and Mansour.

The Motion was Carried

MIN NO

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DEVELOPMENT APPLICATION: 10.2012.132.1
202 HOLDEN STREET, ASHFIELD.

CM 10.2

Members of the public addressed the meeting.

Lydia Brichta addressed Council at 7.15pm and concluded at 7.16pm.

William Blateledge addressed Council at 7.16pm and concluded at 7.18pm.

278/12

RESOLVED

Mansour / Rerceretnam

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.10.2012.123.1 for the construction of a first floor extension to accommodate a bathroom on Lot 3 in DP: 529, known as 202 Holden Street, Ashfield, subject to the conditions as noted on pages 67 - 74 of the business paper with the deletion of the termite clause.

The voting was as follows:-

For the Motion

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

Against the Motion

Nil.

The Motion was Carried

DEVELOPMENT APPLICATION: 10.2012.134.1
4/95 EDWIN STREET NORTH, CROYDON.

CM 10.3

279/12

RESOLVED

Wangmann / Rerceretnam

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. 10.2012.134 for the change of use of the ground floor front tenancy to a therapeutic massage clinic and replacing existing curtains screening treatment areas with stud walls on Lot 0 in DP: 74482, known as 4/95 Edwin Street, Croydon, for the following reasons:

- 1. Certificate submitted does not qualify applicant to provide therapeutic massage services;**
- 2. Insufficient information submitted which does not enable proper assessment of development application;**
- 3. The change of use, proposed to be carried out without required qualifications being available to operate is not in the public interest.**

The voting was as follows:-

For the Motion

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

Against the Motion

Nil.

The motion was Carried

DEVELOPMENT APPLICATION: 10.2010.301.3
2A BROWN STREET, ASHFIELD.

CM 10.4

Members of the public addressed the meeting.

Russel Olsen addressed Council at 7.24pm and concluded at 7.27pm.

280/12

RESOLVED

McKenna / Kelso

That Development application No. 10.2010.301.3 be approved subject to the conditions as noted on pages 132 - 173 of the business paper.

The voting was as follows:-

For the Motion

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

Against the Motion

Councillors Rerceretnam and Wangmann.

The Motion was Carried

A Foreshadowed motion was Moved by Councillor Rerceretnam and Seconded by Councillor Wangmann

MOVED Rerceretnam / Wangmann

The Development application No. 10.2010.301.3 be deferred to seek further information regarding the measurements for the carpark spaces in relation to the original plans in comparison to the current plans.

The Foreshadowed Motion was Not addressed

YASMAR - DRAFT PLAN OF MANAGEMENT.

CM 10.5

Members of the public addressed the meeting.

Emma Brooks Maher, Haberfield Association addressed Council at 7.42pm and concluded at 7.58pm.

Emma Brooks Maher, addressed Council at 7.58pm and concluded at 8.12pm.

281/12

RESOLVED

Cassidy / McKenna

- 1/6 That Council welcomes the Yasmar plan of Management and Conservation Plan, however Council is of the opinion that the Yasmar Plan of Management does not reflect the community expectations for the Conservation of the whole of the site and also the Ashfield Council community desire for a low impact, low intensity community use for the whole of the site and that Council Officers liaise with the Executive of the Haberfield Association to elicit further information to strengthen our case for future use of the site.**
- 2/6 That Council advise the Department of Primary Industry that it should be represented on the future Reserve Trust to be formed to consider future land use/ development options for the site.**
- 3/6 That the Department of Primary Industry be requested to produce a maintenance plan and implement its requirements as a matter of priority in order to halt any further deterioration of the building fabric of the historic buildings on the site**
- 4/6 That the Haberfield Association and Ashfield and District Historical Society be advised of Council's decision.**
- 5/6 That the Mayor write to the Department of Primary Industries thanking them for facilitating the Yasmar Open Day.**

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6/6 That Council Officers prepare a revised submission based on the issues raised at the council meeting and expressed above and that it be circulated to Councillors and the Haberfield Association prior to its submission

The motion was Carried

COMMUNITY GARDENING POLICY.

CM 10.6

282/12

RESOLVED

Lofts / Kelso

That Council adopts the Ashfield Community Gardening Policy.

The motion was Carried

**AMENDMENTS TO COUNCILLOR EXPENSES AND FACILITIES
POLICY.**

CM 10.7

283/12

RESOLVED

Kelso / Wang

1/2 That Council adopt the proposed amendments to the Expenses and Facilities Policy to facilitate planning for the new Council term for the purposes of public exhibition.

2/2 That the amended policy undergo public exhibition in accordance with the Local Government Act 1993.

**SECTION 449 RETURNS - PECUNIARY INTEREST RETURNS FOR
PERIOD 1 JULY 2011 - 30 JUNE 2012.**

CM 10.8

284/12

RESOLVED

Drury / McKenna

1/2 That it be noted the Pecuniary Interest Returns have been tabled in accordance with Section 450A of the Local Government Act.

2/2 That the Division of Local Government be given a copy of the report.

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SPONSORSHIP PROPOSAL - WESTFIELD BURWOOD.

CM 10.9

285/12

RESOLVED

Kelso / McKenna

That Council approve the sponsorship of \$8000 from Westfield Burwood for the Feast of Festivals food festivals.

PROPOSED CHANGES TO COMMITTEE STRUCTURE.

CM 10.10

Members of the public addressed the meeting.

Emma Brooks Maher, Haberfield Association addressed Council at 8.32pm and concluded at 8.39pm.

286/12

RESOLVED

Drury / Stott

1/5 That Council adopt the proposed Committee Structure with the 3 Standing Committees as outlined in the report to commence from October 2012.

2/5 That terms of reference be developed for each of the new Standing Committees and presented to the first Council meeting in October for adoption.

3/5 That new terms of reference be developed for each of the Advisory Committees within 3 months.

4/5 The Shopping Trolley working party continue into the new Council term and that Council's Working Parties be formally reviewed on an annual basis or as needs arise.

5/5 That a letter of thanks be sent to all (non Councillor) current term Committee members thanking them for their contributions over the last four years.

ASHFIELD RESPONSE TO THE INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL CONSULTATION PAPER.

CM 10.11

287/12

RESOLVED

Stott / McKenna

1/3 That Council submit the responses to the questions put by the Local Government Review Panel as noted on pages 239 – 240 of the business paper with amendments as noted by

Councillors.

- 2/3 That the General Manager forward a copy of Councils submission to all Councillors and the SSROC President.**
- 3/3 That Council agree to the SSROC President making a presentation on behalf of the ROC Councils to the Local Government Review Panel Listening Tour.**

The Motion was Carried

GENERAL BUSINESS

BILL PETERS RESERVE

Councillor Kelso – would like to thank staff for swift response to recent vandalism of equipment in Bill Peters Reserve.

Councillor Kelso also noted that the drinking bubbler is not working and needs to be replaced as it is well utilised by park patrons. It is requested that Council advise the Ashfield Local Area Police Command of recent spate of vandalism in the park.

Acting Director Works and Infrastructure – the matter has been taken on notice.

73 MORRIS STREET, SUMMER HILL

Councillor Lofts - the Neighbours of 73 Morris Street, Summer Hill have report to Council their concern that number 73 are advertising their property on Stayz.com and have not yet received a response from Council regarding the matter.

Director Planning and Environment – the matter has been taken on notice.

GOBLIN CAFÉ, 6 SLOANE STREET SUMMER HILL

Councillor Lofts – raised concerns regarding the prevalence of pigeons nesting on the roof of the neighbour's property and sought clarification if there were any requirement that could be placed upon the neighbour property to implement spikes.

Director Planning and Environment - advised that Council can issue an Order to the property owner to take measures to prevent pigeons from nesting on the roof.

REMOVE OF PARKING ZONE SIGN

Councillor Lofts - Five minute parking zone outside Summer Hill Public School in Moonbie Street Summer Hill was determined to be removed, yet it is still in place.

Acting Director Works and Infrastructure – the matter has been taken on notice.

RESTORATION OF FOOTPATH BY AUSGRID IN HABERFIELD

Councillor Cassidy - requested the General Manager to provide a report to future meeting on options available to Council regarding the restoration of footpaths by Ausgrid particularly in Haberfield. Including how funding could be best applied, so resurfacing retains heritage character when restoring the footpath.

General Manager – has taken the matter on notice.

Councillor McKenna - further noted since Ausgrid have dug up the town centre in Haberfield footpaths, including tables and chairs on footpaths are in filthy state as they have not been cleaned.

Acting Director of Works and Infrastructure – noted that Council staff had been cleaning the areas with the green street sweeper; however this was causing problems with loose debris flicking into the front of businesses. Consequently staff reverted to manually sweeping which has not had the same impact. Will review the situation to see if there is a better solution.

NO JUNK MAIL SIGN

Councillor Wangmann - Noticed real estate flyers are being placed in all letter boxes even when 'no advertising material' is displayed. Noted will be submitting a Notice of Motion on the matter.

2A BROWN STREET, ASHFIELD

Councillor Wangmann - sought clarification if there was there a requirement for containment of trolleys in the Development Application for 2A Brown Street, Ashfield.

Director of Planning and Environment - advised there is a requirement in the Development Application and further information will be supplied to Council on this matter.

NAMES OF STREET ON FOOTPATH

Councillor Sott - understands Council had a way of reproducing and protecting signage such as the names of street on footpath.

Acting Director Works and Infrastructure - Staff are preserving signage wherever possible.

WATER LEAK OUTSIDE ST DAVIDS CHURCH, HABERFIELD

Councillor McKenna – advised of a water leak outside St. David's Church in Dalhousie Street Haberfield.

PROCEEDINGS TERMINATED AT 9.55PM

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

Chairperson

Date