

**MIN NO**            **MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL  
HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD,  
ASHFIELD ON TUESDAY 28 AUGUST 2012, COMMENCING AT 6:42  
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 Corporate Services

**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**

Councillor Rerceretnam declared a Pecuniary interest in item 10.1, due to owning a property within the notification area for the Development Application 10.2011.139.1. Councillor Rerceretnam will leave the meeting and not be present when voting occurs on the matter.

**CLOSED (PUBLIC EXCLUDED) COMMITTEE**

**288/12                    RESOLVED                    Stott / McKenna**

**That item MM22/2012, be considered in Closed (Public Excluded) Meeting and all Council Officers, the Press and Public be excluded in accordance with Section 10A Subclause (2)(a) of the Local Government Act, the time being 6.45pm.**

Council Officers returned to the closed meeting at 6.48pm

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That items 12.1, 12.2 and attachments to CM10.4 and CM10.7, 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 6.48pm.

289/12

**RESOLVED**

**Mansour / McKenna**

That the meeting revert to an open meeting at 6.58pm.  
The Chairperson reported that the Closed (Public Excluded) meeting passed the following resolutions.

GENERAL MANAGERS PERFORMANCE ASSESSMENT 2011/12.  
Lyll Kennedy - Mayor

**MM22/2012**

290/12

**RESOLVED**

**Kennedy**

That the review findings be noted.

PLANNING APPEAL NO. 10008 OF 2012 59 LIVERPOOL ROAD,  
ASHFIELD.

**C/W 12.1 Attached**

291/12

**RESOLVED**

**Drury / McKenna**

**1/3 That Council agree to enter into consent orders to delete condition A(7) with a view to having the matter resolved as soon as possible and to avoid the need for a hearing which will incur further legal costs.**

**2/3 That Council receive and note the legal advice with relation to condition 12.**

**3/3 That Council's solicitors be advised on this decision.**

The voting was as follows:-

For the Motion

Councillors McKenna, Rercerethnam, Wangmann, Cassidy, Drury, Kelso, Lofts, Adams, Wang, Mansour and Kennedy.

Against the Motion

Councillor Stott.

The Motion was Carried

**DEVELOPMENT APPLICATION 110 RAMSAY STREET, HABERFIELD**  
**C/W 12.2**

**292/12**

**RESOLVED**

**McKenna / Kelso**

- 1/3 That Council enter into without prejudice negotiations with the applicant with a view to having the development consent surrendered.**
- 2/3 That in the event that the objector(s) commence legal proceedings to challenge the validity of the consent, Council instruct its solicitors to advise the Court that it would not object to the Court making orders as to invalidity.**
- 3/3 That Council request the Audit Committee to review Council's revised processes and procedures relating to receipt and processing of submissions relating to development applications.**

The voting was as follows:-  
For the Motion

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

Against the Motion

Nil.

The Motion was Carried

Councillor Rerceretnam left the meeting due to having previously declared a pecuniary interest in item 10.1. The time being 6.59pm.

**DEVELOPMENT APPLICATION: 10.2011.139.1**  
**185 NORTON STREET, ASHFIELD**

**CM 10.1**

Members of the public addressed the meeting.

Benjamin Black addressed Council at 7pm and concluded at 7.02pm.

**293/12**

**RESOLVED**

**Drury / Mansour**

**That Council as the consent authority pursuant to Clause 80(3) and 82A of the Environmental Planning and Assessment Act 1979 (as amended) issue a "Deferred commencement" consent for Development Application No. 10.2011.139.1 for the demolition of the**

existing structures on the site, and the construction of a 6 unit in-fill residential flat building on Lot 1 in DP 1007091, known as 185 Norton Street, Ashfield, subject to the conditions as noted on pages 32 – 47 of the business paper.

The voting was as follows:-

For the Motion

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

Against the Motion

Councillors Stott and Wangmann.

The Motion was Carried

Councillor Rerceretnam returned to the meeting at 7.02pm

DEVELOPMENT APPLICATION: 10.2012.146.1  
37 DUDLEY STREET, HABERFIELD

**CM 10.2**

Members of the public addressed the meeting.

Mike Ritchie addressed Council at 7.02pm and concluded at 7.04pm.

*Councillor Adams left the meeting at 7.04pm*

**294/12**

**RESOLVED**

**Cassidy / McKenna**

**That Council approve Development Application No. 10.2012.146.1 for Alterations and addition to dwelling including an attic and new swimming pool on Lot 2 in DP: 5908, known as 37 Dudley Street, Haberfield with the following conditions:-**

- 1) That the roof be re designed in a hipped form without gablet in accord with the advice from Councils heritage advisor report 23/7/2012.**
- 2) That delegation be granted to the General Manager to impose standard conditions of consent.**

The voting was as follows:-

For the Motion

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

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Against the Motion

Nil.

The Motion was Carried

DEVELOPMENT APPLICATION: 10.2012.145.1  
41 BOOMERANG STREET, HABERFIELD

**CM 10.3**

Members of the public addressed the meeting.

Andrew Weisler addressed Council at 7.09pm and concluded at 7.12pm.

*Councillor Adams returned to the meeting at 7.11pm*

James Phillips addressed Council at 7.12pm and concluded at 7.17pm.

**295/12**

**RESOLVED**

**Cassidy / Adams**

- 1/3 That the SEPP 1 objection is reasonable and necessary given the circumstances of the site and proposed works.**
- 2/3 That Council approve Development Application No. 10.2012.145 for alterations and additions to an existing dwelling house including the demolition of an existing garage, alterations and addition to dwelling house, removal of 8 trees, construction of an underground garage within the rear courtyard area with an enclosed carport style garage entry at ground level and a first floor attic addition on Lot 18 in DP: 5908, known as 41 Boomerang Street, Haberfield.**
- 3/3 That delegation be granted to the General Manager to impose standard conditions of consent.**

The voting was as follows:-

For the Motion

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

Against the Motion

Councillors Drury and Lofts.

The Motion was Carried

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DEVELOPMENT APPLICATION 10.2010.018.4  
59 LIVERPOOL ROAD, ASHFIELD

**CM 10.4**

Members of the public addressed the meeting.

Anthony Betros addressed Council at 7.31pm and concluded at 7.33pm.

**296/12**

**RESOLVED**

**Drury / Mansour**

**That Development Application No. 2010.018.4 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 12.**

The voting was as follows:-

For the Motion

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

Against the Motion

Councillors Stott and Wangmann

The Motion was Carried

**CONFIRMATION OF MINUTES**

**297/12**

**RESOLVED**

**Mansour / Stott**

**That the minutes of the Council Meeting held on 14 August 2012 be confirmed and the recommendations contained in the Minutes be adopted.**

**298/12**

**RESOLVED**

**Lofts / Mansour**

**That the minutes of the Budget & Operations Review Committee Meeting held on 21 August 2012 be confirmed and the recommendations contained in the Minutes be adopted.**

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**299/12**                    **RESOLVED**                    **Mansour / Stott**

**That the minutes of the Works & Infrastructure Committee Meeting held on 21 August 2012 be confirmed and the recommendations contained in the Minutes be adopted.**

**300/12**                    **RESOLVED**                    **Cassidy / McKenna**

**That the minutes of the Aboriginal Consultative Committee Meeting held on 16 August 2012 be confirmed and the recommendations contained in the Minutes be adopted with the following amendment:-  
that first point on page 4 be amended to state ..."the Roads and Maritime Services"...**

**301/12**                    **RESOLVED**                    **Wang / McKenna**

**That the minutes of the Works & Infrastructure Committee Meeting held on 19 June 2012 be confirmed and the recommendations contained in the Minutes be adopted.**

**302/12**                    **RESOLVED**                    **Cassidy / McKenna**

**That the minutes of the Seniors' Action Committee Meeting held on 12 June 2012 be confirmed and the recommendations contained in the Minutes be adopted.**

The Mayor, Councillor Kennedy asked Councillor Adams to remove an offensive item of clothing from display and to retract a personal insult he made to the Mayor. Councillor Adams refused to retract his statement. The Mayor issued Councillor Adams with a First Warning for refusing to retract his statement. Councillor Adams retracted his statement and removed the offensive item. The time being 7.40pm.

**NOTICES OF MOTION**

**OFFER BY ASHFIELD POLISH CLUB TO PROVIDE EXTRA PARKING SPACES FOR RESIDENTS. Morris Mansour - Councillor**

**NM37/2012**

**303/12**                    **RESOLVED**                    **Mansour / Rerceretnam**

**That the General Manager approach the Polish Club as a matter of priority to explore its offer further and report to Council about the outcome of the discussions.**

**The Motion was Carried**

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**UNAUTHORISED TREE REMOVAL - 2-32 SMITH STREET, SUMMER HILL (FORMER ALLIED MILLS SITE).**

**CM 10.5**

**304/12**

**RESOLVED**

**Lofts / Stott**

**That Council instruct the General Manager to provide a further report back to Council regarding pursuing legal options.**

The Motion was Carried

**FOURTH QUARTER REVIEW AGAINST THE MANAGEMENT PLAN 2011 - 2015.**

**CM 10.6**

**305/12**

**RESOLVED**

**Lofts / Drury**

**That Council's performance over the Fourth Quarter 2011/12 be noted and the report be published on Council's website.**

The Motion was Carried

*Councillor Adams left the meeting at 7.48pm*

**SUNDRY GRANTS - REQUESTS TO COUNCIL FOR FINANCIAL ASSISTANCE.**

**CM 10.7**

**306/12**

**RESOLVED**

**Wangmann / Drury**

**1/4 That Council note the information contained in the report.**

**2/4 That Council provides \$300 to Applicant One to assist with her attending the National Student Leadership Forum.**

**3/4 That Council provide \$1000 to Applicant Two to assist with her attending the National Youth Science Forum in Perth.**

**4/4 That Council provide \$200 to De Le Salle Ashfield to assist with the August Walkathon Fundraiser.**

The Motion was Carried



**NSW PLANNING SYSTEM GREEN PAPER.****CM 10.8****307/12****RESOLVED****Lofts / McKenna**

- 1/2 That Council note that the State Government is undertaking a comprehensive review of the NSW Planning System.**
- 2/2 That Council advise the State Government prior to the close of the public exhibition period on 14 September 2012 that any legislative review needs to address the following:**
- i. Retain a meaningful role for local communities through their Councillors to be involved in the development assessment and decision making process.**
  - ii. Incorporate mechanisms to ensure the community is adequately consulted and represented in the strategic plan making process and that this process needs to be the subject of further discussion with local government.**
  - iii. Code based assessment systems only be Implemented if they can achieve good urban design outcomes and incorporate detail design controls agreed to by the community “upfront” as distinct from purely numerical standards.**
  - iv. Ensure that Code based assessment processes for substantial developments should consider the neighbours amenity, privacy and protect solar access.**
  - v. Allow applications for substantial developments to be determined by Council**
  - vi. Ensure determination of State Significant proposals adequately considers environmental impacts at the local level and that local Council representation on panels convened to assess such proposals is desirable to provide a balanced approach to decision-making.**
  - vii. Council does not support reviews of rezoning decisions**
  - viii. Reconsider proposals to establish an “enterprise zone” which does not have meaningful planning controls and apply appropriate development standards such as amenity, privacy and solar access impacts to ensure that good standards of urban design are achieved and adverse environmental impacts avoided.**

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- ix. Ashfield Council does not support the ongoing role of JRPP in the planning system as they take away local decision making from Councils.

The Motion was Carried

COUNCIL RESOLUTIONS UPDATE - JANUARY - JUNE 2012.

**CM 10.9**

**308/12**

**RESOLVED**

**Stott / Lofts**

**That Council receive and note the status report of Council resolution actions for January – June 2012.**

The Motion was Carried

COMMUNITY PROGRAMS AND SERVICES.

**CM 10.10**

**309/12**

**RESOLVED**

**Stott / McKenna**

**That the information contained in the report be noted.**

The Motion was Carried

ENHANCING COUNCIL'S MURAL PROGRAM VIA THE USE OF  
'STREET ART' TO DISCOURAGE GRAFFITI.

**CM 10.11**

**310/12**

**RESOLVED**

**Rerceretnam / Mansour**

**That Council endorse the Kensington Street basketball site for 'street art'.**

The Motion was Carried

FOURTH QUARTER BUDGET REVIEW.

**CM 10.12**

**311/12**

**RESOLVED**

**Drury / McKenna**

**That Council adopt the draft financial statements, including:**

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- \$5,844,462 4<sup>th</sup> Quarter Budget Adjustments
- \$3,412,623 carryover for committed works and projects
- \$2,392,884 Civic Centre Carry Over
- \$500,000 transfer to Civic Centre General Reserve

The Motion was Carried

**ASHFIELD AQUATIC CENTRE SWIM SCHOOL - 2012-2013 FEES AND CHARGES.**

**CM 10.13**

**312/12**

**RESOLVED**

**Drury / Kelso**

**That Council adopt the Swim School Fees and Charges for 2012 – 2013 as outlined in this report, and that they be added to Council’s Schedule of Fees and Charges 2012 – 2013**

The Motion was Carried

**GENERAL BUSINESS**

**ACKNOWLEDGEMENT AND THANK YOU**

Councillor Drury – would like to thank all Council officers for all the hard work and assistance during the Council term. Would also like to take the opportunity to thank Councillors for the conciliatory work on various projects undertaken during the Council term.

Councillor Rerceretnam – expressed gratitude to both Council staff and Councillors for working together over the past few years.

Councillor Mansour – thanked fellow Councillors for the honour and pleasure of working together over the past few years. Further thanked Council officers particularly for significant work undertaken in the past six months with significant number of customer requests submitted.

Councillor McKenna – thanked fellow Councillors for a good term with significant achievements of which became evident at the recent Councillor function through the visual presentation produced by staff. Councillor officers were also thanked for all their work with particular appreciation noted regarding the stringent assessment of tasks.

Councillor Wangmann - regret not being able to attend the recent function for Councillors. Noted what an amazing experience the last 13 years had been in the role as Councillor and thanked Council staff for their assistance and generosity of time with the understanding of processes. Further thanked Councillors for their time, learning's and experience of working together.

Councillor Lofts – thanked Council officers and noted enjoyment working together. Further thanked Councillors as believed achieved much for the community when worked constructively and particular appreciation was afforded to his fellow Ward Councillors.

Councillor Stott – noted appreciation to the General Manager and Council officers as enjoyed the time working together and appreciated advice received. Further thanked Mayor Kennedy for the conduct of the Council over the past twelve months and previous Mayor Cassidy for his leadership in the preceding three years of the term; believed this Council worked cohesively.

Councillor Kelso– noted appreciation to both staff and Councillors for the assistance and advice received during his term.

Councillor Kennedy – thanked the staff and General Manager for organising the end of term function for Councillors recently. It is appreciated that Ashfield is a well run Council. Noted he had enjoyed his time on the Council and enjoyed being Mayor, and would like to note particular thanks to Deputy Mayor Councillor McKenna for her support.

#### LIGHTING – FOX LANE

Councillor Rerceretnam – noted a request from a resident regarding the poor lighting in Fox Lane, Ashfield.

General Manager – the matter is taken on notice and would like to inform Councillors that staff are currently working with design students from UTS Sydney looking at the amenity and functionality of the laneways in the Ashfield town centre.

#### PRATTEN PARK – CRICKET NETS

Councillor Rerceretnam – had received a resident complaint regarding young people climbing on the top of the cricket nets late at night in Pratten Park, residents have notified the Police of incidences.

Acting Director Works and Infrastructure – the matter is taken on notice

**DYING TREE – CHURCH STREET**

Councillor Wang – resident has requested that the dying tree on the footpath in Church Street be replaced.

Acting Director Works and Infrastructure – the matter is taken on notice

**BROWN STREET CARPARK**

Councillor Wang – business owners on Liverpool Road have requested that the 9 paid for reserved car spaces in the Brown Street carpark be released for community access.

**PROCEEDINGS TERMINATED AT 8.52PM**

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

Chairperson

Date