

MIN NO **MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL
HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD,
ASHFIELD ON TUESDAY 11 DECEMBER 2012, COMMENCING AT
6:30 PM.**

PRESENT Councillor Wangmann, Deputy Mayor in the Chair and Councillors Cassidy, Lofts, McKenna, Passas, A Raiola, M Raiola, Stott and Wang.

Ms V Chan General Manager
Ms N Kettle Director Corporate and Community Services
Mr P Sarin Director Planning and Environment
Mr P Cormican 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

435/12 RESOLVED Lofts / McKenna

That Councillor Drury be granted a Leave of Absence for 10 December 2012 to 3 January 2013.

An apology for non attendance was received and accepted from Councillor Mansour and Councillor Raciti.

436/12 RESOLVED Stott/ Lofts

That Council note for the purpose of clarity that the wording regarding Councillor Wang's absence to be amended from 'requested' to 'granted' in the Minutes of the Extraordinary Council Meeting of 8 November and the Council Meeting of 13 November 2012.

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

Councillors Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Councillors Passas, M Raiola and A Raiola.

The Motion was Carried

DISCLOSURES OF INTEREST

Councillor McKenna declared a Significant Non-Pecuniary interest in item 10.17 due to being related to one of the applicants for Young Sports Person of the Year. Councillor McKenna will leave the meeting during discussion and voting.

Councillor Passas declared a Significant Non-Pecuniary interest in item 10.3 due to being related to one of the objectors. Councillor Passas will leave the meeting during discussion and voting.

CONFIRMATION OF MINUTES

437/12

RESOLVED

Stott / McKenna

That the minutes of the Ordinary Council Meeting held on Tuesday 27 November 2012 be confirmed as a true and accurate record

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

Councillors Lofts, McKenna, Wang, Wangmann and Stott.

Against the Motion

Councillors Passas, M Raiola, A Raiola and Cassidy.

The Motion was Carried

A Foreshadowed motion was moved by Councillor Cassidy and Seconded by Councillor Passas

That the minutes of the Ordinary Council Meeting held on Tuesday 27 November 2012 be confirmed as a true and accurate record and be adopted with the following amendment

That Councillors A.Raiola and M.Raiola voted against item 10.2, minute number 426/12.

The Foreshadowed motion was not addressed

MIN NO **MINUTES OF ORDINARY MEETING**
TUESDAY 11 DECEMBER 2012

438/12 **RESOLVED** **Lofts / McKenna**

That the minutes of the Ashfield Youth Committee Meeting held on Monday 19 November 2012 be confirmed and the recommendations contained in the Minutes be adopted.

439/12 **RESOLVED** **Lofts / McKenna**

That the minutes of the Ashfield Youth Committee Meeting held on Monday 5 November 2012 be confirmed and the recommendations contained in the Minutes be adopted.

Councillor Passas left the meeting at 7.05pm

NOTICES OF MOTION

OFF LEASH AREA IN PRATTEN PARK. **NM52/2012**

440/12 **RESOLVED** **Wangmann / Stott**

- 1/4 That Council officers investigate options for a dog off leash area at Pratten Park and bring a report back to Council by March 2013.**
- 2/4 That Ward Councillors, the head petitioner and Cllr Monica Wangmann be kept informed by email of the viable options prior to the return of the report to Council.**
- 3/4 That the Pratten Park Committee be consulted as soon as possible.**
- 4/4 That officers seek comment from the head petitioner, Ward Councillors and Cllr Wangmann after the initial analysis but at least two weeks before the report returns to Council.**

A division in voting was called and the voting was as follows:-
For the Motion

Councillors Lofts, McKenna, Wang, Wangmann and Stott.

Against the Motion

Councillors Cassidy M Raiola and A Raiola.

The Motion was Carried

Councillor Passas returned to the meeting at 7.11pm

DEVELOPMENT APPLICATION: 10.2009.31.4
283 - 285 LIVERPOOL ROAD, ASHFIELD.

CM 10.2

Members of the public addressed the meeting.

Ong Hong Li addressed Council at 7.08pm and concluded at 7.11pm.

441/12

RESOLVED

Passas / Lofts

Section 96(1A) Application No. 2009.31.4 to delete condition A (3), to allow for the permanent use of the first floor of the premises as a karaoke lounge on Lot B in DP190714 at 283- 285 Liverpool Road, Ashfield be refused in accordance with section 80(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:-

- (1) Condition A(4) of the development consent has not been complied with as the applicant has not contacted Ashfield Police for additional security measures to be implemented on the premises.**
- (2) Condition H(5) of the development consent has not been complied with as the management are not maintaining an unfettered control over the operation of the business and the patrons attending the premises.**
- (3) There have been 6 recorded incidents by Ashfield Police of drunken behaviour from patrons who have consumed alcohol at the premises and therefore the continuation of the use is not in the public interest.**

The voting was as follows:-

For the Motion

Councillors Passas, M Raiola, A Raiola, Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Nil.

The Motion was Carried

Due to having previously declared an interest in item 10.3 Councillor Passas left the meeting. The time being 7.16pm.

MIN NO

**MINUTES OF ORDINARY MEETING
TUESDAY 11 DECEMBER 2012**

DEVELOPMENT APPLICATION: 10.2006.39.5
119 PROSPECT ROAD, ASHFIELD.

CM 10.3

442/12

RESOLVED

Cassidy / M.Raiola

That development application no. 10.2006.5 for Section 96(2) amendments to delete the playing surface and increase the height of the enclosed swimming pool structure at 113 Prospect Road SUMMER HILL, 115 Prospect Road SUMMER HILL, 117 Prospect Road ASHFIELD, 44 Seaview Street ASHFIELD, 42 Seaview Street ASHFIELD, 40 Seaview Street ASHFIELD, 40A Seaview Street ASHFIELD, 38 Seaview Street ASHFIELD, 36 Seaview Street ASHFIELD, 34 Seaview Street ASHFIELD, 32 Seaview Street ASHFIELD, 119 Prospect Road SUMMER HILL, 113-119 Prospect Road SUMMER HILL, 117 Prospect Road SUMMER HILL, be deferred to allow the applicant to undertake further discussions with Council Officers.

The voting was as follows:-

For the Motion

Councillors M Raiola, A Raiola, Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Nil

The Motion was Carried.

Councillor Passas returned to the meeting at 7.28pm

DEVELOPMENT APPLICATION: 10.2012.216.1
75 PARK AVENUE, ASHFIELD.

CM 10.4

Members of the public addressed the meeting.

Adam Sims addressed Council at 7.29pm and concluded at 7.32pm.

443/12

RESOLVED

Passas / M.Raiola

That Council as the consent authority pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2012.216.1 for alterations and two storey addition to an existing semi-detached dwelling house on Lot B in DP: 85825, known as 75 Park Ave, Ashfield, subject to conditions as noted on pages 108 – 118 of the business paper and with the following amendment:-

- That the proposed kitchen window on the west elevation be lowered by 70 centimetres as noted in the amended plan as tabled by the applicant at the Council meeting on 11 December 2012.

The voting was as follows:-

For the Motion

Councillors Passas, M Raiola, A Raiola, Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Nil.

The Motion was Carried

DEVELOPMENT APPLICATION: 10.2012.161.1
150 DALHOUSIE STREET, HABERFIELD.

CM 10.5

Members of the public addressed the meeting.

Rosario Aversa addressed Council at 7.34pm and concluded at 7.42pm.

444/12

RESOLVED

McKenna / Cassidy

- 1/3 That the objection to Clause 35(2)(b) 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
- 2/3 That Council as the consent authority pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2012.161.1 for the construction of a new open covered structure in the rear yard on Lot B in DP: 442367, known as 150 Dalhousie Street, Haberfield, subject to conditions as noted on pages 146 – 151 of the business paper.
- 3/3 That condition B(1) be deleted and that no further action be taken regarding the front fence and the awning.

The voting was as follows:-

MIN NO

**MINUTES OF ORDINARY MEETING
TUESDAY 11 DECEMBER 2012**

For the Motion

Councillors Passas, M Raiola, A Raiola, Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Nil.

The Motion was Carried

DEVELOPMENT APPLICATION: 10.2012.204.1
49 CROYDON ROAD, CROYDON.

CM 10.6

445/12

RESOLVED

Stott /A.Raiola

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. 10.2012.204 for the demolition of the rear portion of the existing terrace and construction of two storey rear addition on Lot 2 in DP: 215854, known as 49 Croydon Road, Croydon, subject to conditions as noted on pages 172 – 181 of the business paper.

The voting was as follows:-

For the Motion

Councillors Passas, M Raiola, A Raiola, Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Nil.

The Motion was Carried

DEVELOPMENT APPLICATION: 10.2011.144.1
120C OLD CANTERBURY ROAD SUMMER HILL

CM 10.7

Members of the public addressed the meeting.

George Karavanas addressed Council at 7.47pm and concluded at 7.50pm.

446/12

RESOLVED

Passas / Lofts

1/2 That the objection to Clause 23 of the Ashfield Local

Environmental Plan 1985 (as amended), lodged pursuant to State Environmental Planning Policy No. 1, be supported; and

2/2 That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) grant a Deferred Commencement Consent to Development Application No. 10.2011.144 for:

- 1. The construction of a factory/warehouse building, with associated offices, car-parking and caretaker's residence;**
- 2. The reconstruction of the bridge located over the open stormwater channel;**
- 3. The use of the building for the purposes of an industry involving the manufacturing of replacement building features used predominately in the restoration of heritage buildings;**
- 4. The use of site for the storage of equipment, not being slabs of stones or any other quarry materials, used for emergency work such as structurally stabilising heritage buildings.**

on Lot 100 in DP 875660 zoned 4(b) Light Industrial and Lot 1 in DP 817359 zoned 5(b), known as 120C Old Canterbury Road, Summer Hill, subject to conditions as noted on pages 210 – 223 of the business paper.

The voting was as follows:-

For the Motion

Councillors Passas, M Raiola, A Raiola, Lofts, McKenna, Wang, Cassidy, Stott and Wangmann.

Against the Motion

Nil.

The Motion was Carried

Councillor A.Raiola left the meeting at 7.53pm.

DEVELOPMENT APPLICATION: 10.2012.159.1
22 LOUDON AVENUE HABERFIELD

CM 10.8

Members of the public addressed the meeting.

Michael Zangovsky addressed Council at 7.54pm and concluded at 7.57pm.

447/12

RESOLVED

McKenna / Cassidy

- 1/3 That the objection to Clause 35(2)(b) of the Ashfield Local Environmental Plan 1985 (as amended), lodged pursuant to State Environmental Planning Policy No. 1, being well founded, be supported; and
- 2/3 That Council as the consent authority support S82A review by granting consent pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) and approve Development Application No. 10.2012.159 for the construction an in-ground swimming pool and timber deck on Lot 111 in DP: 6668 known as 22 Loudon Ave, Haberfield subject to conditions as noted on pages 243 – 249 of the business paper.
- 3/3 That an appropriate noise attenuation enclosure be placed around the swimming pool pump to assist with minimising noise omitted from the pump.

The voting was as follows:-

For the Motion

Councillors Passas, M Raiola, Lofts, McKenna, Wang, Cassidy, Stott and Wangmann.

Against the Motion

Nil.

The Motion was Carried

Councillor A.Raiola returned to the meeting at 8.01pm.

DEVELOPMENT APPLICATION: 10.2012.222.1
644 - 654 PARRAMATTA ROAD CROYDON

CM 10.9

448/12

RESOLVED

Lofts / M.Raiola

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. 10.2012.222.1 for the demolition of existing structures and the construction of a new motor showroom with ancillary offices and car parking on Lots 3-9, DP 11461 and Lot D, DP 308408, known as 644-654 Parramatta Road, Croydon, subject to conditions as noted on pages 277 – 294 of the business paper.

The voting was as follows:-

For the Motion

MIN NO

**MINUTES OF ORDINARY MEETING
TUESDAY 11 DECEMBER 2012**

Councillors Passas, M Raiola, A Raiola, Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Nil.

The Motion was Carried

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

CM 10.1

449/12

RESOLVED

McKenna / Passas

That Council as the consent authority pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 (as amended) confirm its determination to refuse Development Application No.2012.134 for use of the premises as a massage clinic on Lot 4 in SP: 74482, known as unit 4 /95 Edwin Street North Croydon, for the following reasons:

- 1. The applicant's Certificate of Qualification submitted does not qualify the applicant to provide therapeutic massage services;**
- 2. Insufficient information submitted which does not enable proper assessment of the development application;**
- 3. The change of use, proposed to be carried out without the required qualified massage therapists, is not in the public interest;**
- 4. Qualifications of the female staff employed to work at the premises have not been submitted;**
- 5. The intended use of the premises does not promote the orderly and economic development of the local government area of Ashfield in a manner consistent with the need to protect the environment.**

The voting was as follows:-

For the Motion

Councillors Passas, M Raiola, A Raiola, Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Nil.

The Motion was Carried

CIVIC CENTRE REDEVELOPMENT.

NM53/2012

MOVED Passas / M.Raiola

- 1/2 For the above reasons I move that Council request the Minister of Local Government carry out a full and comprehensive independent inquiry pertaining to the whole project to ascertain why the urgency, how it came about and was the project warranted.
- 2/2 Were alternatives to the development of the administration centre canvassed, and fully investigated. Given the fact that residents were told at meetings that the project would cost ratepayers in the vicinity of \$10m which to date has doubled and still not completed. This motion is in the interest of open and transparent expenditure of public funds and good governance.

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

Councillors Passas, M Raiola and A Raiola.

Against the Motion

Councillors Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

The Motion was Lost

A Foreshadowed Motion was Moved by Councillor McKenna and
Seconded by Councillor Lofts

450/12

RESOLVED McKenna / Lofts

- 1/2 Council notes that full inquiries have already been undertaken into the Civic Centre project and that the Division of local Government was kept fully informed**
- **Council has acted upon the findings and advice, from both the inquiries and responses from the Division of Local Government. The actions are as follows.**
 - **Following a resolution proposed by Clr Cassidy and supported by Council, a request was forwarded to the Division of Local government on 7th March 2011, to carry out an inquiry into the Civic Centre project.**

- On 24th March 2011, a response was received from the Chief Executive Division of Local Government declining that request.
- Subsequently a further resolution proposed by Cllr Cassidy and carried by Council sought an independent review of the project. This review was undertaken by Ernst and Young.
- The Ernst and Young report was reviewed by Council's Internal Audit Committee and was made publicly available.
- The Ernst and Young report was reviewed by the Chief Executive, Division of Local Government. His comments were also made available to Council.

2/2 The original project budget was \$12 million for Phase 1 and phase 2 (stages 1, 2 and 3). The Regional and Community Infrastructure Programme (Federal Government) Grant of \$2.3 million was included; thereby increasing the original total budget to \$14.3 million. The revised budget is \$18.868 million.

Council moved effectively to bring the project to the point that Stage 3 of the project is expected to be delivered ahead of schedule and below the above budget.

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

For the Motion

Councillors Lofts, McKenna, Wang, Wangmann and Stott.

Against the Motion

Councillors Passas, M Raiola, A Raiola and Cassidy.

The Motion was Carried

Councillor Passas left the meeting at 8.53pm

CLOSED (PUBLIC EXCLUDED) COMMITTEE

451/12

RESOLVED

Lofts / McKenna

That items CM10.12, 10.10, 10.11 and 10.13 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 8.54pm.

MIN NO

**MINUTES OF ORDINARY MEETING
TUESDAY 11 DECEMBER 2012**

452/12

RESOLVED

Stott/ A.Raiola

**That the meeting revert to an open meeting at 9.55pm.
The Chairperson reported that the Closed (Public Excluded) meeting passed the following resolutions.**

SSROC TENDER- PROVISION OF ADVANCED WASTE TREATMENT SERVICES.

CM 10.12

453/12

RESOLVED

McKenna / Lofts

- 1/6 That Council accept, receive and note the SSROC Report regarding the preferred AWT Waste Provider.**
- 2/6 That Council keep confidential all matters and information in accordance with Section 10A(2)(D) of the Local Government Act 1993.**
- 3/6 That Council, under Regulation 178 (1) (a) of the Local Government (General) Regulation 2005, accept the tender submission offered by Veolia Environmental Services for the provision of an Advanced Waste Treatment Service.**
- 4/6 That Council agree to the Memorandum of Understanding with Veolia Environmental Services (Confidential Attachment 2) setting out the principles for developing a contract, contingent on final price (which will change if any of the eight participating Councils do not enter into the Contract).**
- 5/6 That Council delegate to the General Manager the authority to agree the contract terms on behalf of Council.**
- 6/6 That to support recommendations 1-6, Council accept the recommendation in Attachment 3 regarding the processing of Food and Garden Organics.**

The Motion was Carried

WASTE MATTRESS COLLECTION AND PROCESSING TENDER.

CM 10.10

454/12

RESOLVED

McKenna / Stott

That Council accept the SSROC recommendation to appoint both Mission Australia and Landsavers as the preferred supplier of the collection and processing of mattresses.

The Motion was Carried

Councillor M.Raiola left the meeting at 9.25pm

SSROC TENDER PLAYGROUND EQUIPMENT.

CM 10.11

455/12

RESOLVED

McKenna / Wang

1/3 That Council adopt the SSROC recommendation and appoint the following companies as panel members for the Playground Design and Supply, Delivery, Installation and Inspection of Playground Equipment contract to participating SSROC Councils:

- **A-Play**
- **Moodie Outdoor Products**
- **Playrope**
- **Play by Design**
- **Forpark**
- **Viva Recreation**
- **ParkEquip**
- **Moduplay**

2/3 That the contract run for a period of three (3) years subject to satisfactory performance with an option to extend for two further one year periods at the discretion of participating Councils.

An Amendment was Moved by Councillor Stott and Accepted by the Mover and Secunder

3/3 That Council make further enquiries regarding the possibility of including equipment for all abilities and seeking options for outdoor adult gym equipment.

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

For the Motion

Councillors Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Councillors Passas and A Raiola.

The Motion was Carried

MIN NO

**MINUTES OF ORDINARY MEETING
TUESDAY 11 DECEMBER 2012**

**SSROC TENDER - SUPPLY OF GENERAL HARDWARE AND
ASSOCIATED PRODUCTS.**

CM 10.13

456/12

RESOLVED

Lofts / McKenna

1/2 That Corporate Express Australia Pty Ltd, and Bakers Construction and Industrial Ltd/Blackwood & Son Ltd are endorsed by SSROC panel providers for the Supply and Delivery of General Hardware and Associated Products to participating SSROC Councils.

2/2 That the agreement run for a period of three (3) years subject to satisfactory performance and an option to extend for a further 2 one year periods at the discretion of participating Councils.

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

Councillors Lofts, McKenna, Wang, Cassidy, Wangmann and Stott.

Against the Motion

Councillors Passas and A Raiola.

The Motion was Carried

Councillor M.Raiola returned to the meeting at 9.29pm

AUSTRALIA DAY REPORT.

CM 10.17

457/12

RESOLVED

Lofts / Wang

That Council determined the recipient of the Citizen of the Year Award, Young Citizen of the Year Award, Young Sportsperson of the Year Award and Young Artist of the Year Award, and that the recipients be announced at the Australia Day Award Ceremony.

The Motion was Carried

RECORDING OF COUNCIL MEETINGS.

NM54/2012

458/12

RESOLVED

McKenna / Lofts

1/2 That the General Manager investigate the audio recording of Council meetings.

2/2 That a report be brought to the first meeting in 2013.

MIN NO

**MINUTES OF ORDINARY MEETING
TUESDAY 11 DECEMBER 2012**

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

Councillors Passas, M Raiola, A Raiola, Lofts, McKenna, Wang, Wangmann and Stott.

Against the Motion

Councillor Cassidy.

The Motion was Carried

Councillor Passas left the meeting. The time being 10.04pm.

TREE POLICY UPDATE.

CM 10.14

459/12

RESOLVED

Stott / Lofts

1/2 That Council received and noted the report.

2/2 That the draft Tree Policy be presented to a working party of interested Councillors early in 2013

The Motion was Carried

TRAFFIC AND PARKING STUDY - RESIDENT PARKING SCHEME.

CM 10.15

460/12

RESOLVED

Lofts / McKenna

1/2 That the information in the traffic and parking study report as presented on pages 310 – 313 of the business paper be noted.

2/2 That traffic parking schemes be implemented.

The Motion was Carried

UTS UNION LIMITED LEASE AGREEMENT.

CM 10.16

461/12

RESOLVED

McKenna / Lofts

1/4 That Council agree to enter into a lease with UTS Union Limited for a minimum of 15 years plus 5 year option.

2/4 That Council agree to the terms of the lease with UTS Union Limited to be consistent with the lease the UTS is concurrently

developing with the Roads and Maritime Services noting that there needs to be a commonality of purpose and structure in the lease arrangements, having regard to the fact that the building straddles two areas, with two lessors.

3/4 That the General Manager be granted delegation to finalise a lease agreement with the UTS Union Ltd as the Reserve Trust Manager of the Robson Park Reserve Trust in accordance with the provisions of the Local Government Act 1993 and upon final approval of Councils lawyers.

4/4 That any agreement or lease for the Robson Park Reserve Trust be sent to the Department of Primary Industries, Crown Land Division to seek the Minister's approval.

The Motion was Carried

PRATTEN PARK BOWLING CLUB IRRIGATION.

CM 10.18

462/12

RESOLVED

Lofts / Wang

To receive and note the report.

The Motion was Carried

GENERAL BUSINESS

STREET SWEEPING

Councillor Stott – noted a previous notice of motion requesting a report regarding street sweeping, and requested information on when this report would be provided to Council.

General Manager – Council can expect a report early 2013

FLAGS IN EXPLORERS PARK

Councillor Cassidy – noted that both the Australian and NSW flag in Explorers Park are in tatters from the recent winds and requested they be replaced prior to Christmas.

General Manager – has taken the matter on notice.

110 RAMSAY STREET, HABERFIELD

Councillor Cassidy – sought an update on the class action addressed last week in the Land and Environment Court regarding the development application for a proposed child care centre at 110 Ramsay Street. Requested that Councillors be provided with further information on the outcomes and costs involved.

Director Planning and Environment – noted case withdrawn with no further action to be taken. Councillors will be provided with further information on the matter once the court report has been released.

COUNCIL MINUTE 426/12

Councillor Cassidy – requested the General Manager seek legal advice regarding any legal ramifications of the disputed minutes of the council meeting on 27/11/12 and any implications for Development Application 10.2011.100.2, given that both councillors A. Raiola and M. Raiola dispute the accuracy of Minute No. 426/12 and their assertion that they both voted against the development.

General Manager – has taken the matter on notice

33 TILLOCK STREET, HABERFIELD

Councillor Cassidy – sought a review of the outcome/issue regarding the payment of a penalty by the property owner regarding the installation of a grey water system.

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

LUNAR NEW YEAR

Councillor Wang – noted that Lunar New Year commences on 10 February 2013 and suggested that Council consider what celebration to be undertaken.

Director Corporate and Community Services – Council is planning to hold an event to celebrate Lunar New Year.

STREET FURNITURE

Councillor Lofts – sought clarification as to when the street furniture is expected to be relocated to the kerbside of the footpath as per the Outdoor Dining Policy.

General Manager – expecting to present Council with a report in February 2013 outlining the commitment to outdoor dining.

LEWISHAM ESTATE & MILL DEVELOPMENT

Councillor Lofts – noted that Meriton now own the McGill Street side of the area and that he believed a voluntary planning agreement was currently being considered by Marrickville Council.

Director Planning and Environment – understood that approval had been granted and council staff were currently preparing comment.

5 HERCULES STREET, ASHFIELD

Councillor M.Raiola– noted that a roller shutter had recently been installed on the shop premises.

Director Planning and Environment – noted that he was aware the shutter had been installed without consent and that the matter was currently being addressed by enforcement officers as Council does not currently support such structure on shopfronts.

Councillor M.Raiola– noted that he may suggest to the owner that they lodge a development application on the matter.

Director Planning and Environment – noted the owner is able to lodge a development application, although Council encourages talking with applicants about alternatives that are less sightly than shutters.

DA LODGEMENT PROCESS

Councillor Passas – sought clarity as to the process for lodgement of a development application.

Director Planning and Environment – noted the current process involves a pre-lodgement advisory service of which has been in place for the past 3 years, this is of no cost to the applicant and people are encourage to use this service prior to lodging an application.

BUCKLES COURT CASE

Councillor Passas – sought feedback on the outcome of the Buckles Court case and requested a report on the legal costs involved.

Director Planning and Environment – determined the application to be approved with substantial changes made to the proposal. It was further noted that all councillors receive regular reports on Council expended legal costs.

MARKHAM PLACE CARPARK

Councillor Passas – noted an article in today's local paper regarding the Markham Place carpark where she noted the concerns of a broken lift and exit sign and extensive rubbish. The article noted comment from a Council spokesperson that the carpark was in fact cleaned on a daily basis, however Councillor Passas wanted it noted that she is intending on providing photographic evidence to the contrary.

Director Works and Infrastructure Services – noted that work has commenced, and that an insurance claim was underway regarding the recent lift fire and that the insurers were needing to undertake more assessment of the damage.

CIVIC CENTRE SECURITY MEASURES

Councillor Passas – noted that she had received a response from the General Manager with respect to a recent request regarding responsibility for security measures with the Civic Centre premises and council meetings. However she is seeking more detailed information including who is securing our building after hours.

General Manager – has taken the matter on notice.

CITIZENSHIP CEREMONIES

Councillor Passas – stated her preference that Citizenship ceremonies be held in the Council Chambers on level 6, rather than the Activity Rooms on upper ground floor.

General Manager – this matter was noted by the General Manager.

Councillors Lofts, McKenna, Wang and Stott left the meeting, the time being 10.45pm.

PROCEEDINGS TERMINATED AT 10.45PM DUE TO LACK OF QUORUM.

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

Chairperson

MIN NO

**MINUTES OF ORDINARY MEETING
TUESDAY 11 DECEMBER 2012**

Date