

MIN NO **MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL
HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD,
ASHFIELD ON TUESDAY 12 MARCH 2013, COMMENCING AT 6:30
PM.**

PRESENT His Worship the Mayor, Councillor Mansour in the Chair and Councillors Cassidy, Drury, Lofts, McKenna, Passas, Raciti, M Raiola, 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 P Cormican Director Works and Infrastructure
Ms L Pascuzzo Minute Taker

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

87/13 RESOLVED Cassidy / Lofts

An apology for lateness was received and accepted from Councillor Wangmann.

An apology for non attendance was received and accepted from Councillor A Raiola.

DISCLOSURES OF INTEREST

Councillor Raciti declared a Pecuniary Interest in item CM 10.11 as she owns a restaurant at 96 to 100 Ramsay Street Haberfield. Councillor Raciti will leave the meeting during discussion and voting of this item.

Councillor Mansour declared a Less- than Significant, Non-Pecuniary interest in item CM 10.3 as he has a property in the notification area. Councillor Mansour will remain and participate in this item as the conflict is such that it will not influence him in carrying out his public duty.

CONFIRMATION OF MINUTES

88/13 RESOLVED Stott / Drury

That the minutes of the Extraordinary Council Meeting held on 28 February 2013 be confirmed and the recommendations contained in the Minutes be adopted with the following amendment:

Councillor Drury's special disclosure of interest be noted at the following address:

- **11/85 Alt Street, Ashfield as opposed to 11/19 Alt Street, Ashfield**

Councillor Wangmann attended the meeting at 6:36pm.

89/13 RESOLVED Cassidy / McKenna

That the minutes of the Council Meeting held on 26 February 2013 be confirmed and the recommendations contained in the Minutes be adopted with the following amendment:

That on page 5 of the minutes, Sarah Elliot addressed Council at 7.35pm and concluded at 7.40pm.

90/13 RESOLVED Drury / Stott

That the minutes of the Extraordinary Council Meeting held on 21 February 2013 be confirmed and the recommendations contained in the Minutes be adopted with the following amendment:

Councillor Drury's special disclosure of interest be at the following address:

- **11/85 Alt Street, Ashfield as opposed to 11/19 Alt Street, Ashfield**

FIRST WARNING

The Mayor issued a first warning to Councillor Passas for not respecting the Chairperson of the meeting.

91/13 RESOLVED Cassidy / Lofts

That the minutes of the Aboriginal Consultative Committee Meeting

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held on 21 February 2013 be confirmed and the recommendations contained in the Minutes be adopted.

92/13 **RESOLVED** **Drury / McKenna**

That the minutes of the Civic Centre Redevelopment Steering Committee Meeting held on 19 February 2013 be confirmed and the recommendations contained in the Minutes be adopted.

MAYORAL MINUTES

MAYORAL MORNING TEA TO LAUNCH SENIORS WEEK.

MM10/2013

93/13 **RESOLVED** **Mansour**

That letters of thanks be sent to the General Manager and the Manager of Metro Migrant Resource Centre for the support of their staff at the Senior's Morning Tea.

The Motion was Carried

INTERNATIONAL WOMENS DAY.

MM11/2013

94/13 **RESOLVED** **Mansour**

1/3 That the General Manager Vanessa Chan, Mr Lou Bacchiella be congratulated on the success of the International Women's Day Event along with the volunteers.

2/3 That Ashfield Boys High Band be thanked for providing the entertainment.

3/3 That the Older Women's Network Theatre Group be thanked for their contribution to the success of the event.

The Motion was Carried

NOTICES OF MOTION

CIVIC FUNCTION COMMITTEE.

NM5/2013

MOVED Passas / M Raiola

1/2 That Council establish a Civic Functions committee chaired by the Mayor or his delegate and that the committee comprises of all

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interested Councillors.

2/2 That this committee convene and meet every two months from the date of the adoption of this motion or as requested by three Councillors.

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

Councillors Cassidy, M Raiola, Raciti and Passas.

Against the Motion

Councillors Mansour, Stott, Wangmann, Wang, McKenna, Lofts and Drury.

The motion was lost.

SECOND WARNING

The Mayor issued a second warning to Councillor Passas for not respecting the Chairperson of the meeting.

95/13

RESOLVED

Lofts / Stott

1/3 Council notes that under the Local Government Act, first moved by the Greiner Government in 1993, the detailed planning and organisation of Civic events is an operational matter and that Councillors cannot act as an organising committee.

However, Council's Community Activities Committee can provide a suitable forum to which reports, as necessary, can be submitted and discussion of such matters can take place. A majority of Councillors are already members of this committee and all interested Councillors can attend.

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

Councillors Mansour, Stott, Wangmann, Wang, McKenna, Lofts and Drury.

Against the Motion

Councillors Cassidy, M Raiola, Raciti and Passas.

The Motion 1/3 was Carried

2/3 That Council request that the matter of civic functions be listed for discussion at the next available meeting of the Community Activities Committee.

3/3 That the Community Activities Committee be renamed the Community Activities and Functions Committee.

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

For the Motion

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

Against the Motion

Councillors M Raiola, Raciti and Passas.

The Motion 2/3 and 3/3 was Carried

COUNCILLOR CONTACTS.

NM6/2013

MOVED Passas / Cassidy

That Councillors photos and contact details be published in all future Newsletters and Reports.

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

For the Motion

Councillors Cassidy, M Raiola, Raciti and Passas.

Against the Motion

Councillors Mansour, Stott, Wangmann, Wang, McKenna, Lofts and Drury.

The motion was lost.

A Motion was moved by Councillor Lofts and seconded by Councillor Wangmann

96/13

RESOLVED Lofts / Wangmann

Council notes that that under the heading 'Contact Your Local Councillor' contact details are already printed in our newsletter. This practice should continue.

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

Councillors Mansour, Stott, Wangmann, Wang, McKenna, Lofts and Drury.

Against the Motion

Councillors Cassidy, M Raiola, Raciti and Passas.

The motion was carried

BRESCIA 202 PARRAMATTA ROAD ASHFIELD.

NM7/2013

97/13

RESOLVED

Wangmann / Lofts

1/3 That Council write immediately to Mr Brescia and the property managers of 202 Parramatta Road seeking their assistance with the construction of appropriate traffic management devices to take into account the high volume of young pedestrians crossing the Parramatta Road and Bland Street entries and exists to their site.

2/3 That Council immediately contact Mrs Davies, Haberfield Primary School and any other interested persons to advise them of the letter to Mr Brescia and keep them informed about the process and progress of the proposed traffic management devices. That any interested persons be provided with a copy of the current conditions of consent.

3/3 That Council officers provide any assistance required to the land owners at 202 Parramatta Road, to identify the most appropriate, feasible and practical traffic management pedestrian safety device solutions for the entries and exists to the Brescia site.

The motion was carried.

Councillor Passas left the meeting, the time being 7:29pm.

STAFF REPORTS

DEVELOPMENT APPLICATION: 10.2012.160.2
33 TILLOCK STREET HABERFIELD

CM 10.1

98/13

RESOLVED

Cassidy / McKenna

That condition A4 be deleted and the Section 96 (1A) application fee be reimbursed to the applicant and this is not to be taken as a

precedent.

The voting was as follows:-
For the Motion

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

Against the Motion

Councillor Drury.

The Motion was Carried

The following amendment was moved by Councillor Drury but lapsed for lack of a seconder

That the condition A4 unauthorised work fee be reimbursed but the s96 Application Fee of \$145.80 remain.

DEVELOPMENT APPLICATION: 10.2013.016.1
5 HERCULES STREET ASHFIELD

CM 10.2

Councillor Passas returned to the meeting, the time being 7:41pm.

Members of the public addressed the meeting.

Mr Tony He addressed Council at 7:41pm and concluded at 7:46pm.

99/13

RESOLVED

Passas / M Raiola

That Council as the consent authority pursuant to Clause 80(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No.2013.16 for removal of shop glass and installation of roller shutters to shop front on Lot E in DP: 108117, known as 5 Hercules Street Ashfield with the condition that the roller shutter be kept free of graffiti and that no penalty is imposed and that this is not to be taken as precedent.

The voting was as follows:-
For the Motion

Councillors Mansour, Cassidy, Wang, McKenna, Lofts, M Raiola, Raciti and Passas.

Against the Motion

Councillors Stott, Wangmann and Drury.

The motion was Carried

A Motion was foreshadowed by Councillor Wangmann and seconded by Councillor Stott as follows:

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.2013.16 for removal of shop glass and installation of roller shutters to shop front on Lot E in DP: 108117, known as 5 Hercules Street Ashfield, for the reasons outlined on page 32 of the business papers.

The Foreshadowed Motion was not Addressed

DEVELOPMENT APPLICATION: 10.2013.024.1
30 KING STREET ASHFIELD

CM 10.3

Members of the public addressed the meeting.

James Honan addressed Council at 8:09pm and concluded at 8:12pm.

Councillor Passas left the meeting, the time being 8:09 pm.

100/13

RESOLVED

Lofts / Drury

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. 10.2013.24.1 for the replacement of a side boundary fence with a timber paling fence along the northern boundary between 28 and 30 King Street on Lot 42 in DP: 112361; and Lot 3 in DP: 263, known as 30 King Street and Lot 0 in SP: 30139 known as 28 King Street , Ashfield, subject to conditions as detailed on pages 53 – 56 of the business papers, excepting condition D4 which is to be deleted.

Councillor Passas returned to the meeting, the time being 8:15 pm.

The voting was as follows:-

For the Motion

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

Against the Motion

Nil.

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The motion was Carried

SECOND QUARTER REVIEW AGAINST THE COUNCIL PLAN.

CM 10.4

101/13

RESOLVED

Drury / McKenna

That Council's performance over the Second Quarter 2012/13 be noted and the report be published on Council's website.

The motion was Carried

NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT.

CM 10.5

102/13

RESOLVED

Wangmann / McKenna

That Council:

1/3 notes the report;

2/3 nominates Councillor Mansour to attend the 2013 National General Assembly of Local Government in Canberra between 16 and 19 June 2013; and

3/3 considers any potential motions at a future meeting.

The motion was Carried

ADHOC DONATIONS.

CM 10.6

103/13

RESOLVED

Cassidy / McKenna

That a donation of \$5,000 be made to the Australian Red Cross Disaster relief funds.

The motion was Carried

THIRNING VILLA ARTIST IN RESIDENCE PROGRAM - APRIL 2013 TO MARCH 2014.

CM 10.7

104/13

RESOLVED

McKenna / Lofts

That Council endorse the offers of residencies to Mr Scott Towney, Ms Irene Ridgeway, Ms Elizabeth Slottje, Ms Lara Scolari and Ms Ossi Yalon.

The motion was Carried

SUSPENSION OF STANDING ORDERS

105/13

RESOLVED

Passas / Lofts

That standing orders be suspended to deal with item 10.11.
The time being 8:59pm.

Due to having declared a pecuniary interest in item 10.1, Councillor Raciti left the meeting, the time being 8:59 pm.

POLICY - OUTDOOR DINING AND FOOTPATH TRADING.

CM 10.11

Members of the public addressed the meeting.

Kerrie Bush addressed the meeting at 8:59pm and concluded at 9:03pm.

106/13

RESOLVED

Stott / Wangmann

- 1/4 That Council notes the enforcement action steps outlined in the report and that officers will commence these actions immediately.**
- 2/4 That no amendments be pursued to the Outdoor Dining and Footpath Trading Policy in relation to Smith Street, Summer Hill.**
- 3/4 That the Outdoor Dining & Footpath Trading Policy be amended to reduce the trafficable pedestrian area width on the western side of Lackey Street, Summer Hill from 2.8 to 1.8 meters and related maps be amended to reflect this change with the exception of the recommendation in relation to 1 – 11 Charlotte Street. That advice be brought back to Council as to whether the seats could be placed further down Charlotte Street before the seats are removed.**
- 4/4 Council notes the issues regarding outdoor dining on the pavement in Smith St Summer Hill. Council also notes that a ‘brief for the appointment of a consultant to examine cost effective streetscape improvements for our village centres is expected to be finalised shortly.’ Footpath dining, by**

businesses already trading in Smith Street, Summer Hill, should be allowed to continue on the kerbside where a trafficable path of 1.5 metres can be maintained, pending advice from the appointed consultant. The further matter of trading in Smith St can then be considered by Council.

Councillor Passas left the meeting, the time being 9:30 pm and returned to the meeting at 9:33 pm.

An amendment was moved by Councillor Cassidy and seconded by Councillor Passas

MOVED Cassidy / Passas

That the policy be amended to give discretion to applicants to nominate as to whether they want to trade against the window or against the kerb.

The Amendment was put to the vote. A division was called and the voting was as follows:-

For the Motion

Councillors Cassidy, M Raiola and Passas.

Against the Motion

Councillors Mansour, Stott, Wangmann, Wang, McKenna, Lofts and Drury.

The amendment was Lost

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

For the Motion

Councillors Mansour, Stott, Wangmann, Wang, McKenna, Lofts and Drury.

Against the Motion

Councillors Cassidy, M Raiola and Passas.

The motion was Carried

Councillor M Raiola left the meeting, the time being 9:43 pm.

Councillor Passas left the meeting, the time being 9:43 pm.

REPORT ON FEAST OF FLAVOURS FESTIVALS.

CM 10.8

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Kerri Bush addressed the meeting at 9:44pm and concluded at 9:46pm

107/13

RESOLVED McKenna / Stott

That Council notes the outcomes of the Feast of Flavours festivals.

The Motion was Carried

Councillor M Raiola returned to the meeting, the time being 9:46 pm.

**ASHFIELD TRAFFIC COMMITTEE-MINUTES OF MEETING HELD ON 8
FEBRUARY 2013.**

CM 10.10

108/13

RESOLVED Lofts / McKenna

**1/ 2 That Council adopt the minutes of the Ashfield Traffic
Committee Meeting held on 8 February 2013.**

**2/2 That Council adopt the recommendations contained in the
minutes, except the following:**

- **In regards to Item 013, with officers to provide a further report
on this item**
- **Item 003, in relation to the two 15 minute parking spots.**

The Motion was Carried

**SUNDRY GRANT - REQUEST TO COUNCIL FOR FINANCIAL
DONATION.**

CM 10.9

109/13

RESOLVED Stott / McKenna

1/2 That Council note the information contained in the report.

**2/2 That Council provide \$1,000 to assist with the worthwhile work
carried out by the Angel Flight charity.**

The Motion was Carried

GENERAL BUSINESS

HALF ROAD CLOSURE OF CITY-WEST LINK AND MARTIN STREET

Councillor Cassidy – noted that he has received a number of complaints of cars diverting into Martin noted that he has received a number of complaints of cars

turning into Martin Street despite the half road closure of the street. Requested this be referred back to the Traffic Committee to look at the success of the current arrangement.

Director Works and Infrastructure Services – has taken the matter of notice

GRAFFITI AT SUMMER HILL

Councillor Lofts – has lodged an RFA seeking graffiti to be removed at Summer Hill.

Director Works and Infrastructure Services – has taken the matter of notice

LIGHTS OUT AT FORREST STREET

Councillor M Raiola – noted that the lights are out at Forrest Street, Haberfield.

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

PROCEEDINGS TERMINATED AT 10:12pm.

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

Chairperson

Date