

MIN NO **MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL
HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD,
ASHFIELD ON TUESDAY 11 NOVEMBER 2014, COMMENCING AT
6:37 PM.**

PRESENT Her Worship the Mayor, Councillor McKenna OAM in the Chair and
Councillors Cassidy PSM, Drury, Lofts, Mansour, Passas, Raciti, A 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 R McMaster Acting Director Works and Infrastructure
Mr B Andrews Manager Corporate Governance

ACKNOWLEDGEMENT OF REMEMBRANCE DAY

The meeting stood for one minute's silence in honour of Remembrance Day.

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

RESOLVED: Passas/A Raiola

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

DISCLOSURES OF INTEREST

No disclosures were made.

CONFIRMATION OF MINUTES

RESOLVED: Lofts/Mansour

That the minutes of the Council Meeting held on 28 October 2014 be confirmed and the recommendations contained in the Minutes be adopted.

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RESOLVED: Lofts/Stott

That the minutes of the Ashfield Youth Committee Meeting held on 13 October 2014 be confirmed and the recommendations contained in the Minutes be adopted.

STAFF REPORTS

DEVELOPMENT APPLICATION: 10.2014.235.1
44 LUCY STREET ASHFIELD

CM 10.1

Members of the public addressed the meeting.

Mr Alan Jones addressed Council at 6:42pm and concluded at 6:45pm
Mr Bob Honeybrook addressed Council at 6:46pm and concluded at 6:48pm
Mr Hans Buchler addressed Council at 6:49pm and concluded at 6:56pm.

MOTION Wangmann/Passas

1/3. 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. 10.2014.235.1 for alterations and addition to the existing dwelling house, demolition of existing garage and construction of a new garage/tool shed on Lot 3 in DP: 339294, known as 44 Lucy Street, ASHFIELD subject to conditions.

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

For the Motion

Councillors Cassidy PSM, Mansour, Wang, Lofts, Drury, McKenna OAM, A Raiola, Passas, Raciti, Wangmann and Stott.

Against the Motion

Nil.

Part 1/3 of the Motion was Carried.

2/3 That the privacy screen is to use fixed opaque glazing (as indicated in the plans) and include an additional permanently fixed 2 meter return extending from the top of the balustrade and of the same height and material as the proposed adjacent privacy screen and material as those appearing on the current plans.

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

For the Motion

Councillors Cassidy PSM, Mansour, Wang, Lofts, Drury, McKenna OAM, A Raiola, Passas, Raciti, Wangmann and Stott.

Against the Motion

Nil.

Part 2/3 of the Motion was Carried.

3/3 That the fireplace must be reinstated.

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

For the Motion

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

Against the Motion

Councillors Cassidy PSM, Mansour, Drury, A Raiola, Passas and Raciti.

Part 3 of the Motion was Lost

DEVELOPMENT APPLICATION: 10.2014.10.1
618 PARRAMATTA ROAD CROYDON

CM 10.2

Councillor A Raiola left the meeting at 7.15pm.

Councillor Passas left the meeting at 7:15pm and returned at 7:18pm.

Councillor Passas left the meeting at 7:23pm and returned at 7:25pm.

Members of the public addressed the meeting.

Mr Peter Prasad addressed Council at 7:15pm and concluded at 7:16pm.

RESOLVED: Lofts/Stott

- A. That no requests pursuant to clause 4.6 of the Ashfield Local Environmental Plan 2013 regarding contravention of clause 4.4 in respect of floor space ratio and clause 4.3 in respect of building height has been submitted and as such Council is unable to grant consent.
- B. 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. 10.2014.210.1 for demolition of the existing building, construction of a 3 storey serviced apartment building containing 6 apartments; a cafe; and car parking for 6 cars on Lot D, DP 23631, known as 618 Parramatta Road, Croydon, for the reasons detailed on pages 75 – 78 of the business paper.

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

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For the Motion

Councillors Cassidy PSM, Mansour, Wang, Lofts, Drury, McKenna OAM, Passas, Raciti, Wangmann and Stott.

Against the Motion

Nil.

DEVELOPMENT APPLICATION: 10.2014.252.1
2 JOHN STREET ASHFIELD

CM 10.3

RESOLVED: Mansour/Passas

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. 2014.252.1 for demolition of an existing single storey dwelling house, construction of two semi-detached two storey dwelling houses, construction of two semi detached single storey outbuildings containing a bathroom and storage / hobby room, Torrens title subdivision of land into two lots, removal of a Lemon Scented Gum Tree and pruning of branches of a Blueberry Ash Tree on Lot 9 DP:929 known as 2 John Street Ashfield, subject to conditions.

Councillor A Raiola returned to the meeting at 7.28pm

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

For the Motion

Councillors Cassidy PSM, Mansour, Wang, Lofts, Drury, McKenna OAM, A Raiola, Passas, Raciti, Wangmann and Stott.

Against the Motion

Nil.

HERITAGE ADVISORY SERVICE AND SEPP 65 DESIGN ADVICE REVIEW.

CM 10.4

Ms Sharon Laura addressed Council at 7:28pm and concluded at 7:29pm.

Ms Emma Brooks Maher addressed Council at 7:29pm and concluded at 7:35pm

Ms Renee Holmes addressed Council at 7:35pm and concluded at 7:38pm

Councillor Cassidy PSM left the meeting at 7.29 pm and returned at 7.41pm.

Councillor Raciti left the meeting at 7.30pm and returned at 7.44pm

FIRST WARNING: The Mayor issued Councillor Passas with her first warning for refusing to accept the ruling of the Chair. The time being 7:55PM.

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RESOLVED: Lofts/Stott

- 1/3 That the provision of heritage and SEPP 65 design advice be procured through a panel of contractors' model, as outlined in the report.
- 2/3 That expressions of interest be sought from suitably qualified and experienced contractors to become a panel member for a three year period.
- 3/3 That the expressions of interest be reported to Council for Council determination of the panel members.

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

For the Motion

Councillors Cassidy PSM, Mansour, Wang, Lofts, Drury, McKenna OAM, A Raiola, Passas, Raciti, Wangmann and Stott.

Against the Motion

Nil.

SECOND **WARNING**: The Mayor issued Councillor Passas with a second warning for disruption. The time being 7:58PM.

139A QUEEN STREET, ASHFIELD - FOOTPATH RECONSTRUCTION.

CM 10.5

Members of the public addressed the meeting.

Ms Kerrie Bush addressed Council at 8:00pm and concluded at 8:00pm.

MOTION Drury/Mansour

- 1/3 That Council noting the footpath outside 139A Queen St has a flattened 'v' profile sloping some 10-14% upwards determines to accept the public domain design to improve the footpath in order to increase the public safety of users of the footpath and to provide for outdoor dining consistent with Ashfield Council's outdoor dining policy.
- 2/3 That funding for these works is to come from the Council's Infrastructure reserve.
- 3/3 That this work be completed as early within the 2014-15 financial year as possible and that Council be advised of the commencement date as soon as the work has been scheduled.

MOTION OF DISSENT

MOTION: Passas/A Raiola

That this meeting dissents from the ruling of the Chair in not requiring Councillor Stott to withdraw her remarks.

Councillor Wang left the meeting at 8.16pm and returned at 8.18pm.

Councillor Raciti left the meeting at 8.17pm.

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

For the Motion

Councillors Cassidy PSM, A Raiola and Passas.

Against the Motion

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

The motion was Lost.

THIRD WARNING:

The Mayor issued Councillor Passas with a third warning for disruption and refusing to accept the ruling of the Chair. The time being 8:19PM. Having issued three warnings to Councillor Passas, the Mayor then asked Councillor Passas to leave the meeting, the time being 8:20PM.

The Mayor adjourned the meeting for a period of 6 minutes due to disorder the time being 8:21PM.

The meeting resumed at 8:27pm.

Councillors in the Chamber at the time of resumption:

Her Worship the Mayor, Councillor McKenna OAM in the Chair and Councillors Cassidy PSM, Drury, Lofts, Stott, Wang and Wangmann

Councillor Mansour returned to the meeting at 8.28pm.

The substantive Motion was put to the vote:

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

For the Motion

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

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Against the Motion

Nil.

SMALL DONATIONS AND SPONSORSHIP POLICY UPDATE AND REQUESTS FOR APPROVAL.

CM 10.6

RESOLVED: Lofts/Mansour

- 1/4 That Council note the update regarding requests under the Small Donations and Sponsorship Policy.
- 2/4 That Council note the message from Ms Weijin Win thanking Council for donation towards the NSW Badminton Representative at June Bevan Trophy and Under 17 Nationals in Auckland, New Zealand.
- 3/4 That Council does not approve the Mayors for Peace donation valued at \$864.47.
- 4/4 That Council agrees to donate \$2,000 to Ashfield Croydon Centenary Cricket Club and \$2,500 to Family Resource and Network Support Incorporated.

FUNDING RECOMMENDATIONS FOR 2014 ARTS, COMMUNITY AND ENVIRONMENT GRANTS SCHEME.

CM 10.7

RESOLVED: Wangmann/Wang

- 1/4 That Council approve the funding recommendations for projects as outlined in Attachment 1.
- 2/4 That Council increase the maximum grant amount to be applied for to \$4,000 for the following financial year, 2015/16.
- 3/4 That Council increase the funding allocation for Arts and Culture grants to \$10,000 for the following financial year, 2015/16.
- 4/4 That Council consider allocation of up to \$1,000 funding from the Councillor Fund to support the Senior Chinese Carefree Group.

WASTE AND RECYCLING COLLECTION CONTRACT RENEWAL PROCESS.**CM 10.8**

RESOLVED: Wangmann/Stott

That \$200,000 be made available from the Domestic Waste Reserve for the purpose of preparing tender documents for the next Waste and Recycling Collection Contract.

DELEGATED AUTHORITY, MEETING ARRANGEMENTS & COUNCIL OPENING HOURS OVER THE CHRISTMAS PERIOD.**CM 10.9**

RESOLVED: Stott/Wangman

1/3 That during the period between 10 December 2014 and 9 February 2015 both dates inclusive:-

(a) That in respect of matters that are not excluded by Section 377 of the Local Government Act 1993 and normally referred to Council or other Committees that the Mayor or Deputy Mayor or in the absence of both, the General Manager or Acting General Manager as the case may be, are hereby authorised and delegated authority to determine matters deemed by them to be matters of urgency.

(b) The Mayor or Deputy Mayor or in the absence of both, the General Manager or Acting General Manager as the case may be are hereby authorised and delegated authority pursuant to Section 377 of the Local Government Act 1993 to approve, with or without amendment, or disapprove, applications for Development Consent or activity under section 68 of the local Government Act 1993, where such delegation has not been given by Council to the General Manager to sub-delegate.

(c) A minimum of three (3) days written notice of business be given to all Councillors prior to exercise of these delegations.

2/3 That having regard to the Christmas/New Year period, that meetings only be held as follows, unless specifically convened in accordance with Council's Code of Meeting Practice:-

(a) That the first meeting of 2015 be the Ordinary Council meeting on 9 February 2015

3/3 That the hours of operation for Council's Customer Service and both Ashfield and Haberfield Library Services during the Christmas / New Year period be adopted as noted in the officer's report.

SCHEDULE OF COUNCIL AND STANDING COMMITTEE MEETINGS - 2014
CALENDAR YEAR.

CM 10.10

RESOLVED: Stott/Mansour

That Council note the attached meeting schedule for Council and Standing Committee meetings for 2015.

LICENSE AGREEMENT FOR ASHFIELD BOWLING CLUB.

CM 10.11

RESOLVED: Drury/Mansour

That the General Manager be authorised, on behalf of Council as the Reserve Trust Manager of the Ashfield Park (P500001) Reserve Trust, to finalise a temporary licence agreement with Ashfield Bowling Club in accordance with the provisions of the Local Government Act 1993 and the Crown Lands Act 1989 and during this 12 month period that the General Manager arrange for the negotiation of a new lease.

UPDATING COUNCIL'S OUTDOOR DINING AND FOOTPATH TRADING POLICY.

CM 10.12

RESOLVED: Stott/Lofts

That Council adopt the updated Outdoor Dining and Footpath Trading Policy (with an amendment to the plan shown on page 230 of the business papers by re-locating the footpath dining area of for 1-3 Charlotte St Ashfield from Station St to Charlotte St).

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

For the Motion

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

Against the Motion

Councillor Cassidy PSM.

PROCEEDINGS TERMINATED AT 9:05PM

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

Chairperson

Date