

MIN NO

**MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL
HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD,
ASHFIELD ON TUESDAY 25 NOVEMBER 2014, COMMENCING AT
6:46 PM.**

PRESENT

Her Worship the Mayor, Councillor McKenna OAM in the Chair and Councillors Cassidy PSM, Drury, Lofts, Passas, Raciti, A Raiola, 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 R McMaster Acting Director Works and Infrastructure
Ms L Hopkin Senior Governance Officer

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 Drury / M Raiola

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

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

CONDOLENCE AND SYMPATHY MOTION

WHITE RIBBON DAY

RESOLVED Drury / Raciti

White Ribbon Day is to acknowledge the violence against woman in our community. The police advise us in Australia one woman each week is killed through domestic violence, I believe we should acknowledge that tonight.

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DISCLOSURES OF INTEREST

No disclosures were made.

STAFF REPORTS

**DEVELOPMENT APPLICATION: 10.2014.226.1
86 CHURCH STREET CROYDON**

CM 10.1

MOTION Drury/Stott

- A** That Council as the consent authority pursuant to Clause 80(3) of the Environmental Planning and Assessment Act 1979 (as amended) grant "Deferred Commencement" Consent to Development Application No. 10.2014.226.1 for:

Demolition of the existing dwelling and garage and construction of a two storey dual occupancy development on Lot 1 in DP: 129889, known as 86 Church Street, Croydon.

Part A

This consent shall not operate until such time as the following additional information is provided to Council for its consideration and approval in order to activate the deferred commencement:-

- (1) A Stormwater Drainage Concept Plan demonstrating the proposed stormwater drainage system that complies with Council's "Stormwater Management Code".

The above deferred commencement condition is to be satisfied within 12 month from the date of determination of this deferred commencement consent. Failure to satisfy those conditions within the specified time frame will cause this consent to lapse despite any other statement on this consent.

The correspondence issued by Council, once the above condition is satisfied, and any associated documents submitted to satisfy the deferred commencement conditions are to form part of this consent and the correspondence is to be provided to the Principal Certifying Authority with the Construction Certificate as applicable.

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

For the Motion

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

Against the Motion

Nil.

The Motion was Carried.

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**DEVELOPMENT APPLICATION: 10.2014.202.1
50 CHANDOS STREET ASHFIELD**

CM 10.2

Members of the public addressed the meeting:

Steve Kennedy addressed the meeting at 6.55pm and concluded at 6.57pm.

RESOLVED: Drury/Cassidy PSM

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. 10.2014.202.1 for a residential development comprising 25 units involving demolition of some structures (except the original heritage listed dwelling), removal of trees, change of use of the existing heritage listed dwelling to 2 dwellings construction of two new residential flat buildings including a 3 storey residential flat building containing 6 dwellings; and a part 3 and part 4 storey residential flat building containing 17 dwellings over 2 levels of basement parking on Lots A, B & C, DP 372259, known as 50 Chandos Street, Ashfield subject to conditions.

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

For the Motion

Councillors Cassidy PSM, Wang, Lofts, Drury, McKenna OAM, M Raiola, Passas and Raciti.

Against the Motion

Councillors Wangmann and Stott.

**DEVELOPMENT APPLICATION: 10.2014.183.1
BUS SHELTER/1X BOOMERANG STREET HABERFIELD**

CM 10.3

Members of the public addressed the meeting:

Brigid McLaughlin addressed the meeting at 7.00pm and concluded at 7.01pm.

RESOLVED: Drury/Stott

1/2 That Council support the recommendations of the original report for the removal of existing non advertising bus shelter and erection of a new non advertising bus shelter along Boomerang Street north of Waratah Street on the eastern side known 1X Boomerang Street, Haberfield as shown on the plan subject to conditions.

2/2 That a report be brought back to Council in 12 months detailing any complaints and or safety reasons for this matter to be reconsidered.

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

For the Motion

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

Against the Motion

Nil.

**DEVELOPMENT APPLICATION: 10.2014.127.1
1-15 SMITH STREET SUMMER HILL**

CM 10.4

The matter was not considered as the application has been withdrawn by the applicant.

**DEVELOPMENT APPLICATION: 10.2014.299.1
260 LIVERPOOL ROAD ASHFIELD**

CM 10.5

Members of the public addressed the meeting:

Michael Cummings addressed the meeting at 7.08pm and concluded at 7.09pm.

Councillor Passas left the meeting at 7.10pm.

RESOLVED: Stott/Lofts

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. 2014.000299 to fit out and use the existing basement level and a portion of first floor of the Ashfield Council Civic Centre building for counselling and general practice rooms with associated office and ancillary areas and the erection of two site identification signs on Lot 1 in DP: 736779, known as No 260 Liverpool Road Ashfield, subject to conditions.

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

For the Motion

Councillors Cassidy PSM, Wang, Lofts, Drury, McKenna OAM, M Raiola, Raciti, Wangmann and Stott.

Against the Motion

Nil.

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**DEVELOPMENT APPLICATION: 10.2014.019.1
260A LIVERPOOL ROAD ASHFIELD**

CM 10.6

Members of the public addressed the meeting:

Ian Kirby and his colleague addressed the meeting at 7.11pm and concluded at 7.15pm.

Councillor Passas returned to the meeting at 7.14pm.

MOTION Drury/Lofts

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. 10.2014.019 for construction of a new Mall entrance canopy structure, new canopy structure over proposed pavilion and signage including new illuminated pylon sign at entrance to forecourt at Ashfield Mall on Lot 1 in DP: 736779, known as 260A Liverpool Road, Ashfield, subject to conditions.

An Amendment was moved by Councillor Wangmann and seconded by Councillor Stott:

That at least one native tree which reaches a height of at least 10 metres at maturity be planted.

Councillor M Raiola left the meeting at 7.39pm and returned at 7.40pm.

Councillor A Raiola joined the meeting at 7.40pm.

The Amendment was put to the vote:

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

For the Motion

Councillors Stott and Wangmann.

Against the Motion

Councillors Cassidy PSM, Wang, Lofts, Drury, McKenna OAM, A Raiola, M Raiola, Passas and Raciti.

The Amendment was Lost.

The substantive Motion was put to the vote:

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

For the Motion

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

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Against the Motion

Nil.

**DEVELOPMENT APPLICATION: 10.2014.230.1
319 LIVERPOOL ROAD ASHFIELD, 331 LIVERPOOL ROAD ASHFIELD
CM 10.7**

RESOLVED: Drury/Wangmann

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. 10.2014.230.1 for demolition, construction of a 7 storey shop top housing development containing 3 shops at ground level and 15 dwellings above basement car parking and associated landscaping on Lots 2, 3 & 4 DP 10284, known as 319-321 Liverpool Road, Ashfield, for the following reasons:

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

For the Motion

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

Against the Motion

Nil

**DEVELOPMENT APPLICATION: 10.2014.007.1
202 PARRAMATTA ROAD, ASHFIELD**

CM 10.8

Councillor Passas left the meeting at 7.45pm.

Members of the public addressed the meeting:

Sara Arthur addressed the meeting at 7.45pm and concluded at 7.50pm
Rachel Davies addressed the meeting at 7.50pm and concluded at 7.53pm.
Lilian Rose addressed the meeting at 7.53pm and concluded at 7.55pm.
Sharon Laura addressed the meeting at 7.55pm and concluded at 7.58pm.
Colin Jones addressed the meeting at 8.58pm and concluded at 8.02pm.
Stephen Paigewood addressed the meeting at 8.02pm and concluded at 8.05pm.

Councillor Passas returned at 7.47pm.

Councillor Raciti left the meeting at 7.47pm and returned at 7.56pm.

Councillor Cassidy left the meeting at 7.59pm and returned at 8.00pm.

MOTION Wangmann / Stott

That the Recommendation on the Business Paper be adopted with additional conditions of consent as described:

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- 1/10 The entrance and exit to the Bland street car park have traffic lights installed prior to the occupation certificate being issued – be referred to the Roads and Maritime Services.
- 2 /10 That Council requests the RMS support a 40 km/hr speed limit be placed in Bland St between Parramatta Rd and Julia St – be referred to the Roads and Maritime Services.
- 3 /10 That Council investigates a 40 km/hr speed limit in the precinct bounded by Ashfield Station, Chandos St, Parramatta Rd and Bland St – be referred to the Roads and Maritime Services.
- 4 /10 Bland and Parramatta Road footpaths to be kept at grade i.e. the entries and exits are not cut through the footpaths.
- 5 /10 Delete the cut-back of eastern corner at the intersection of Parramatta Rd and Bland St.
- 6 /10 The phasing of the signalised crossing is to be reviewed, prior to the occupation certificate being released, to ensure an appropriate separation of the pedestrian crossing and turning phases for vehicles. Refer to the Roads and Maritime Services.
- 7 /10 Redesign of the narrow and badly aligned footpath near the Bland St exit, to resolve the squeeze point. The exit layback / return and footpath interface and transition required redesign where it joins the existing footpath. The exit may need to move east to improve alignment and available width.
- 8 /10 That Condition of Consent A(2) Paragraph 2 be amended to the following: Deliveries including loading and unloading of goods or waste management shall not occur between 10.00 pm to 7.00 am at any time and shall not occur during school days from 8.00 am to 9.30 am and from 2.30 pm to 4.00 pm.
- 9/10 That the pylon is to be a maximum of 9 metres.
- 10/10 Add to A7 Page 250 dropoff and pickup.

A motion was foreshadowed by Councillor Cassidy PSM and seconded by Councillor Passas:

That the application be refused for the following reason:

The location of the WestConnex road tunnel proposal, entry portals and ventilation shafts has not been determined at this time and as such the location may have a detrimental bearing on the proposed development and the safety of the users of the building and traffic associated with the proposed use.

The Foreshadowed Motion was not addressed.

Councillor Passas left the meeting at 8.20pm and returned at 8.21pm.

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MEETING ADJOURNED

The Mayor adjourned the meeting for a period of 10 minutes due to disorder in the public gallery, the time being 8.25pm.

MEETING RESUMED

MOTION Cassidy / Stott

That the meeting be resumed, the time being 8.37pm. Councillors in the Chamber at the time of resumption:

Her Worship the Mayor, Councillor McKenna OAM and Councillors Stott, Wangmann, Cassidy PSM, Wang, Lofts, Drury, A Raiola, M Raiola, Raciti, and Passas.

Voted in Seriatim:

Parts 1-4 and Parts 6-10:

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

For the Motion

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

Against the Motion

Councillors Cassidy PSM, A Raiola, M Raiola, Passas and Raciti.

The Motion was Carried.

Part 5/10:

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

For the Motion

Councillors Wangmann and Stott.

Against the Motion

Councillors Cassidy PSM, Wang, Lofts, Drury, McKenna OAM, A Raiola, M Raiola, Passas and Raciti.

The Motion was Lost.

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YOUR SAY YOUR FUTURE CAMPAIGN.

CM 10.19

Members of the public addressed the meeting:

Brian Howle addressed the meeting at 8.49pm and concluded at 9.52pm.
Allan Cameron addressed the meeting at 8.52pm and concluded at 8.56pm.
Phil De Gail addressed the meeting at 8.56pm and concluded at 9.00pm.
Toula Chrisafis addressed the meeting at 9.01pm and concluded at 9.18pm.
Tim Simpson addressed the meeting at 9.18pm and concluded at 9.37pm.
Georgia Cosamos addressed the meeting at 9.37pm and concluded at 9.40pm.
Rene Holmes addressed the meeting at 9.40pm and concluded at 9.48pm.
Miss Pilkington addressed the meeting at 9.48pm and concluded at 9.50pm.

FIRST WARNING:

The Mayor issued Councillor Passas with her first warning for disrupting the meeting and not obeying the Chairperson.

Councillor A Raiola left the meeting at 9.14pm and returned at 9.29pm.

RESOLVED Lofts / Drury

- 1/4 That Council note the process undertaken and consider the feedback provided by the community on the proposed options being put forward to fund future infrastructure works.
- 2/4 That Council proceed with an application to IPART for a Special Rate Variation as outlined in Option 3.
- 3/4 That Council increase the voluntary pensioner rebate to \$75 from 2015/16 and provide year round free access to the Ashfield Aquatic Centre and its programs to resident pensioners, if Council applies and is successful in receiving a special rate variation as outlined in Option 3.
- 4/4 That Council adopt the draft Rates Hardship Policy for public exhibition, irrespective of whether it decides to proceed with a special rate variation application.

Councillor Passas left the meeting at 10.30pm and returned to the meeting at 10.36pm.
Councillor Passas left the meeting at 10.41pm and returned to the meeting at 10.44pm.
Councillor Raciti left the meeting at 10.44pm.

SECOND WARNING:

The Mayor issued Councillor Passas with her second warning for disrupting the meeting and not obeying the Chairperson.

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THIRD WARNING:

The Mayor issued Councillor Passas with a third warning for interjecting and disrupting the meeting. Having issued three warnings to Councillor Passas, the Mayor then asked Councillor Passas to leave the meeting, the time being 10.55pm. Councillor Passas refused to leave the meeting.

Councillor Passas left the meeting at 10.56pm and returned at 10.57pm.

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

For the Motion

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

Against the Motion

Councillors Cassidy PSM, A Raiola, M Raiola, and Passas.

FIRST QUARTER REVIEW BUDGET REVIEW 2014-15.

CM 10.9

RESOLVED Lofts / Stott

That Council receives the Quarterly Budget Review Statement for the period 1 July 2014 to 30 September 2014 and adopts the recommended budget adjustments outlined in the report.

Councillor A Raiola left the meeting at 10.56pm.

INVESTMENT REPORT OCTOBER 2014.

CM 10.11

RESOLVED Drury/Lofts

That the Investment Report for October 2014 be received and noted.

Councillor Raciti returned to the meeting at 10.57pm.

MAYORAL MINUTES.

Fit for the Future Research

Councillor and Mayor Lucille McKenna OAM

MM 31/2014

That Council sign the attached Memorandum of Understanding (MOU) and contribute \$20k toward business case analysis and \$10k toward community education and information, in line with out six neighbouring Councils.

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

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For the Motion

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

Against the Motion

Councillors Cassidy PSM, M Raiola, and Raciti.

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL

RESOLVED Drury / Stott

That the minutes of the Meeting held on 11 November 2014 be confirmed and the recommendations contained in the Minutes be adopted subject to an amendment on page 7 final point 4/4 replace the words 'That Council consider allocation of up to' with the words 'That Council allocate'.

CONFIRMATION OF MINUTES OF THE COMMUNITY ACTIVITIES AND FUNCTIONS COMMITTEE

RESOLVED Drury / Stott

That the minutes of the Community Activities and Functions Committee held on 18 November 2014 be confirmed and the recommendations contained in the Minutes be adopted.

LICENCE RENEWAL HABERFIELD COMMUNITY GARDEN.

CM 10.17

RESOLVED Stott / Cassidy PSM

That Council approve the extension of the licence agreement for a three year period at Haberfield Community Garden and the General Manager is granted delegation to execute this agreement.

ESTABLISHMENT OF ALCOHOL FREE ZONES.

CM 10.18

RESOLVED Drury / Wangmann

That this Item be deferred to next Ordinary Council Meeting scheduled to be held on 9 December 2014.

REPORT OF INTERNAL AUDIT COMMITTEE MEETING HELD ON 10 NOVEMBER 2014.

CM 10.12

RESOLVED WANGMANN / STOTT

THAT THE REPORT BE RECEIVED AND NOTED.

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NOTICES OF MOTION

PROGRAM OF IMPROVEMENT TO SUMMER HILL COMMUNITY CENTRE.

RESOLVED Lofts / Stott

NM23/2014

- 1/2 That Council requests our officers negotiate a programme of improvement for the Summer Hill Community Centre with the centre's management and committee. Further that the installation of appropriate air conditioning be approved as a matter of priority
- 2/2 That the installation of security cameras should occur before 30/6/2015.

PARRAMATTA RIVER CATCHMENT GROUP.

CM 10.13

RESOLVED Wangmann / Drury

- 1/2 That Council notes the Parramatta River Catchment Group's new vision, purpose, mission and communications campaign.
- 2/2 That Council support the upcoming media launch for this new initiative and nominate Councillor Drury to attend the media launch and become a campaign ambassador.

AUSTRALIAN GOVERNMENT REFORM OF THE FEDERATION WHITE PAPER.

CM 10.14

RESOLVED Drury/Lofts

That Council note the Commonwealth Government's Reform of the Federation White Paper process.

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL 2014.

CM 10.15

RESOLVED Stott / Drury

- 1/2 That Council note the report.
- 2/2 That Ashfield Council does not support an exclusive option of postal voting for Ashfield elections.

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LOCAL GOVERNMENT AMENDMENT (RED TAPE REDUCTION) BILL 2014.
CM 10.16

RESOLVED Lofts/Stott

That Council note the report on the Local Government Amendment (Red Tape Reduction) Bill 2014 currently before NSW Parliament.

FIRST QUARTER REVIEW AGAINST COUNCIL PLAN 2014 - 2018.

CM 10.10

RESOLVED Lofts / Stott

That Council's performance over the First Quarter 2014/15 be noted and the report be published on Council's website.

GENERAL BUSINESS

Nil.

PROCEEDINGS TERMINATED AT 11.10PM

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

Chairperson

Date