

**MINUTES OF THE ORDINARY MEETING OF ASHFIELD COUNCIL HELD ON LEVEL 6, CIVIC CENTRE, 260 LIVERPOOL ROAD, ASHFIELD ON TUESDAY 22 MARCH 2016, COMMENCING AT 6:35 PM.**

**PRESENT**

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

Ms V Chan	General Manager
Mr P Sarin	Director Planning and Environment
Ms K Loveridge	Acting Director Works and Infrastructure
Ms J Anderson	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**

Nil

**CONDOLENCE AND SYMPATHY MOTION**

Nil

**MOMENT OF PRIVATE CONTEMPLATION**

The chairperson invited Councillors, staff, members of the press and gallery to stand and observe a moment of private contemplation.

**DISCLOSURES OF INTEREST**

Councillor Raciti declared a Less-than Significant Non-Pecuniary Interest in item CM10.8 – Tender 15/23046 (Retender) – Hawthorne Canal Floodplain Risk Management Study & Plan and The Dobroyd Canal Floodplain Risk Management Study & Plan - due to Councillor Raciti living in Hawthorne Parade, Haberfield. Councillor Raciti will remain in the chamber and participate in this item as the conflict is such that it will not influence her in carrying out her public duty.

**MINUTES OF ORDINARY MEETING  
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**CONFIRMATION OF MINUTES**

**RESOLVED:**      Lofts/Mansour

That the minutes of the Council Meeting held on Tuesday 8 March 2016 be confirmed.

**RESOLVED:**      Mansour/Lofts

That the minutes of the Community Activities & Functions Committee Meeting held on 15 March 2015 be confirmed.

**RESOLVED:**      Wangmann/Drury

That the minutes of the Ashfield Aquatic Centre Redevelopment Steering Committee Meeting held on 15 March 2015 be confirmed and the recommendations contained in the Minutes be adopted.

**NOTICES OF MOTION**

**NOTICE OF RESCISSION - 425 LIVERPOOL ROAD ASHFIELD**

**NR10/2016**

**Motion:**      Stott/Wangmann

That resolution regarding Item NR9/2016 – 425 Liverpool Road considered at Council Meeting of 08 March 2016, be rescinded.

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

**For the Motion**

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

**Against the Motion**

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

Voting being equal the Mayor used her casting vote in support of the Motion.

**The Motion to Rescind was Carried.**

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**RESOLVED:** Stott/Wangmann

- A. That Council as the consent authority pursuant to section 96(1A) of the Environmental Planning and Assessment Act 1979 (as amended) refuse modification of development application no. 10.2014.12.2 for, construction of a mixed use residential and retail development above basement car parking and strata subdivision on Lot 1, DP 700804, known as 425 Liverpool Road, Ashfield, for the following reasons:
1. The proposed development represents an overdevelopment of the site and is excessive in bulk and scale.
  2. The proposed development does not comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, as follows:
    - a. cl. 28(2)(b), Design Quality Principles: The proposal does not comply with:
      - i. Principle 1: Context and Neighbourhood Character: The proposal is of an inappropriate scale for the context, in particular in its relationship with the adjacent R3 zone to the north.
      - ii. Principle 2: Built form and Scale: The proposal is of an inappropriate scale, in particular in its relationship with the adjacent single storey dwelling house at 20 Beatrice Street and its presentation to the street of seven storeys.
  3. The proposed development does not comply with Ashfield Local Environmental Plan 2013, as follows:
    - a. cl. 4.3(2A), Height of buildings: The proposal includes gross floor area within 3m of height limits for the site;
  4. The proposed development does not comply with Ashfield Interim Development Assessment Policy 2013, as follows:
    - a. Part C1, Access and Mobility, The bathrooms of all additional units are not useable by a person in a wheelchair;
    - b. Part C4, Ashfield West, cl. 2.1, Maximum Building Height: The four storey northern portion of the proposal exceeds the maximum height limit of three storeys by one storey;
    - c. Part C4, Ashfield West, cl. 2.1, Maximum Building Height: The seven storey southern portion of the proposal exceeds the maximum height limit of six storeys by one storey.
  5. Council is not it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.
  6. The proposal is not in the public interest.

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

For the Motion

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

Against the Motion

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

Voting being equal the Mayor used her casting vote in support of the Motion.

**STAFF REPORTS**

**DEVELOPMENT APPLICATION: 10.2016.029.1**  
**4/27 HERCULES STREET ASHFIELD**

**CM 10.1**

**RESOLVED:** Mansour/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. 2016.29.1 for use of shop 4 ground floor fronting Liverpool Road as a Massage Centre including associated fit out and signage on UNT:4 Lot 2 PRT: Lot in DP: 450205 known as shop 4 /27 Hercules Street Ashfield subject to conditions.

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

For the Motion

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

Against the Motion

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

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**DEVELOPMENT APPLICATION: 10.015.237.1  
244, 252, 254, 256 & 260A LIVERPOOL ROAD ASHFIELD**

**CM 10.3**

Councillor Passas left the meeting at 7.00pm and returned at 7.02pm.

**RESOLVED:** Drury/Stott

- A 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. 10.2015.237.1 to:-
- (i) Consolidate Lot 1 DP 736779, Lot 100 DP 734467, Lot A DP 405790, Lot A & B DP 404055 into one (1) allotment.
  - (ii) Create two (2) new Stratum lots to be occupied by the components of the approved development (10.2013.114.1) to create:-
    - Lot 100 – Commercial
    - Lot 101 – Residential.
  - (iii) Create new easements and release certain existing easements;
  - (iv) Amend the existing Ashfield Mall car parking deed.

On Lot 1 DP 736779, Lot 100 DP 734467, Lot A DP 405790, Lot A & B DP 404055, known as 260A Liverpool Road Ashfield, 244 Liverpool Road Ashfield, 252 Liverpool Road Ashfield, 254 Liverpool Road Ashfield and 256 Liverpool Road Ashfield subject to the conditions detailed on pages 201 – 205 of the business paper.

- B That authority be given to the General Manager to sign and execute all relevant documents to put the development consent into effect.

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

**For the Motion**

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

**Against the Motion**

Nil.

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**INVESTMENT REPORT FEBRUARY 2016**

**CM 10.4**

**RESOLVED:** Drury/Mansour

That the Investment Report for February 2016 be received and noted.

**COUNCILLOR MEMBERSHIP OF INTERNAL AUDIT COMMITTEE**

**CM 10.5**

**Motion:** Lofts/Stott

That Council re-affirm the existing Councillor representatives on the Internal Audit Committee, being Councillor M Raiola and Councillor Wang, until the end of the current Council term.

Foreshadowed Motion: Passas/Raciti

That Council appoint Councillor M Raiola and Councillor Cassidy PSM as Councillor representatives on the Internal Audit Committee until the end of the current Council term.

The Substantive Motion was put and the voting was as follows:

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

For the Motion

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

Against the Motion

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

The Substantive Motion was Carried.

The foreshadowed motion was not addressed.

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**REPORT ON INTERNAL AUDIT COMMITTEE MEETING 29 FEBRUARY 2016**

**CM 10.6**

Motion: M Raiola/Passas

That the matter be deferred to the next Council meeting.

Foreshadowed Motion: Lofts/Stott

That the report be received and noted.

The substantive motion was put:

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

For the Motion

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

Against the Motion

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

The Substantive motion was Lost.

The foreshadowed motion therefore became the motion and was put to the vote.

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

For the Motion

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

Against the Motion

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

The Motion was Carried:

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**DEVELOPMENT APPLICATION: 10.2016.030.1  
27 BOOMERANG STREET HABERFIELD**

**CM 10.2**

Councillor Passas left the meeting at 7.34pm.

Members of the public addressed the meeting.

Mr Rick D'Amico addressed Council at 7.34pm and concluded at 7.37pm.

Mr Steven Simmonds addressed Council at 7.37pm and concluded at 7.41pm.

Ms Catherine Chesterman addressed Council at 7.42pm and concluded at 7.43pm.

**RESOLVED:** Cassidy PSM/Raciti

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. 10.2016.30 for alterations and two storey rear addition to an existing dwelling and the use of unauthorised attic area, created within the existing roof space, for habitable purposes on Lot 2 in DP: 211673, known as 27 Boomerang Street HABERFIELD, subject to conditions.

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

For the Motion

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

Against the Motion

Councillors Stott and Wangmann.

**PUBLIC ART POLICY**

**CM 10.7**

**RESOLVED:** Drury/Mansour

1/2 That Council adopt the Ashfield Public Art Policy.

2/2 That Council adopt the Ashfield Public Art in Private Developments – Developer Guidelines.



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**TENDER 15/23046 (RETENDER) - HAWTHORNE CANAL FLOODPLAIN RISK  
MANAGEMENT STUDY & PLAN AND THE DOBROYD CANAL FLOODPLAIN RISK  
MANAGEMENT STUDY & PLAN.**

**CM 10.8**

**RESOLVED:** Drury/Lofts

- 1/2 That this report be noted and accepted.
- 2/2 That Council appoint WMAwater Pty Ltd to provide consultancy services for The Hawthorne Canal Floodplain Risk Management Study & Plan and The Dobroyd Canal Floodplain Risk Management Study & Plan under Contract Number 15/23046 (Retender).
- 3/3 That Council inform the unsuccessful Tenderers of the resolution to decline to accept those tenders.

**PROCEEDINGS TERMINATED AT 7.45PM**

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

Chairperson

Date