

RESUMPTION OF THE REPORT OF THE
REVIEW COMMITTEE OF COUNCIL (73.85)
Held on 14 August 2001

**NOTE: THIS IS THE RESUMPTION OF THE MEETING OF THE REVIEW COMMITTEE OF
COUNCIL RC/2001/14 COMMENCED ON 7 AUGUST 2001**

Inspections for meeting RC/2001/14 commenced at 9.45 am.

PRESENT FOR INSPECTIONS (78.00)

Councillors R A R Bell, M H Brooks, C L Doyle, G R Preece and D D Wales.

**PRIOR TO THE FORMAL COMMENCEMENT OF THE MEETING THE FOLLOWING
INSPECTIONS WERE CONDUCTED**

- DE.121 DEVELOPMENT APPLICATION NO. 10324/2000
APPLICANT: G RICHMOND – SECTION 82A REVIEW - PROPOSED RETAINING
WALL AND EARTHWORKS ON LOT 240 DP 1976, 60 BEAUFORT ROAD WEST
TERRIGAL 2260
PROGRAM: DEVELOPMENT & BUILDING**
- CONSTRUCTION SITE – TERRIGAL SURF CLUB
PROGRAM: RECREATION**
- TR.01.047 930.01
UN-NAMED LANEWAY/PUTTY BEACH DRIVE/ BEACH DRIVE, KILLCARE
PROGRAM: TRANSPORT SERVICES**
- DE.120 DEVELOPMENT APPLICATION NO. 11565/2001
APPLICANT: GEMSTED PTY LTD – PROPOSED NEW JETTY ON LOT: 519 DP:
729020, 0 BRISBANE WATER DRIVE KOOLEWONG 2256
PROGRAM: DEVELOPMENT & BUILDING**
- CS.103 DA19715
APPLICATION TO REMOVE SECTION 88E INSTRUMENT ON LOT 289 DP
714926, 23 THE CITADEL UMINA
PROGRAM: LEGAL SERVICES**
- DE.114 REZONING APPLICATION NO. 2001-109
APPLICANT: MS S SPRANGER
PROPOSED REZONING OF LOT 6 DP 28201 AND LOT 9 DP 261870
LACKERSTEENS ROAD SOMERSBY TO ENABLE A RECREATION AND
SPORTING FACILITY (MOTOR CROSS TRACK)
PROGRAM: ENVIRONMENT**

DE.123 DEVELOPMENT APPLICATION NO. 12081/2001
APPLICANT: M BARNES – PROPOSED BROTHEL ON LOT: 2 DP: 857581, 210
MANN'S ROAD WEST GOSFORD
 PROGRAM: DEVELOPMENT & BUILDING

QWN 3 JULY 2001 CLR BELL- OPPOSITE THE CENTRAL COAST
CONSERVATORIUM OF MUSIC PREMISES IN GEORGIANA TERRACE

Inspections concluded at 4.15 pm.

The meeting resumed at 6.38 pm. The following Councillors were present:

PRESENT (78.00)

The Mayor, Councillor C D Holstein (Chairperson) and Councillors R A R Bell, L M Bockholt, M H Brooks, C L Doyle, J M Penton, G R Preece, A N Sansom and D D Wales.

ITEMS NOT CONSIDERED BY COUNCIL ON 7 AUGUST 2001

MATTERS SUBMITTED BY THE DIRECTOR – WORKS

WK.050 877.50
GOSFORD CITY WIDE SKATE PARK FACILITIES STRATEGY
 PROGRAM: RECREATION

MOVED (Doyle/Sansom) that the recommendation of the Director – Works be adopted subject to the additions of Parts C, D and E as follows:

- C** ***A site in Terrigal/Wamberal be identified for inclusion of a skate facility as a matter of urgency and a source of funding be identified.***
- D** ***Council be advised what sites within the Coastal Valleys Precinct would be identified as possible locations of skate facilities.***
- E** ***A further report be brought back to Council on the best options for the isolated Communities such as Killcare, Patonga, Pretty Beach, etc., and the options of mobile facilities.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A** Council adopt the Gosford City Skate Park Strategy 2001 listed in Attachment A which provides facilities at the district, local and neighbourhood level as well as provision for a mobile facility.
- B** Council adopt Table 4 in Attachment A as the Gosford City Skate Park Strategy 2001 and proposes the initial development of skate parks totalling \$240,000.

- C** *A site in Terrigal/Wamberal be identified for inclusion of a skate facility as a matter of urgency and a source of funding be identified.*
- D** *Council be advised what sites within the Coastal Valleys Precinct would be identified as possible locations of skate facilities.*
- E** *A further report be brought back to Council on the best options for the isolated Communities such as Killcare, Patonga, Pretty Beach, etc., and the options of mobile facilities.*

MATTERS SUBMITTED BY THE DIRECTOR – CORPORATE AND COMMUNITY SERVICES

CS.139 **PP2679**
APPLICATION TO MODIFY LAND AND ENVIRONMENT COURT CONSENT FOR LOT 9 DP 801417 NAGARI ROAD SOUTH WOY WOY BEING DEVELOPMENT APPLICATION 21212/95 – APPLICANT: BRUCE KERR PTY LIMITED
PROGRAM: LEGAL SERVICES

Councillor Wales declared her interest in relation to this item, under Chapter 14 of the Local Government Act 1993, as her husband is a consultant in this matter and did not take part in the consideration or discussion of, or vote on any question relating to item CS.139 of Matters Submitted by the Director - Corporate/Community Services.

Councillor Wales left the meeting at 6.51 pm.

MOVED (Bockholt/Preece) that ***Council instruct its Solicitors to defend the Appeal.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that ***Council instruct its Solicitors to defend the Appeal.***

CS.140 **400.25 & 410.45**
THE GOSFORD FOUNDATION TRUST
PROGRAM: CORPORATE/COMMUNITY SERVICES

MOVED (Bell/Bockholt) that the recommendation of the Director – Corporate/Community Services be adopted.

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A** Council appoint Mr A W Evans and Mrs B Strom as Board members to the Gosford Foundation Trust.
- B** Mr A W Evans and Mrs B Strom be advised that their appointment to the Board will terminate 12 months after a general election of the Council unless the newly constituted Council reappoints them.

- C A meeting of the Gosford Foundation Trust Board be convened as required in order to make recommendations to Council.

Wales returned to the meeting 6.54 pm.

MATTERS SUBMITTED TO COUNCIL BY INTER-DEPARTMENTAL AND ADVISORY COMMITTEES OF COUNCIL

REPORT OF THE COASTAL OPEN SPACE SYSTEM MANAGEMENT COMMITTEE MEETING (373.40.02)

Held on 3 July 2001

OS.028 CHAMBERS LAND LOT 72 806497 SCENIC ROAD, MACMASTERS BEACH

MOVED (Bell/Preece) that the recommendation of the Coastal Open Space System Management Committee be adopted.

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that the information be noted.

REPORT OF THE STRATEGY/POLICY (73.89)

Held on 31 July 2001

SF.035 377.00.00
COMMUNITY PLAN
PROGRAM: COMMUNITY DEVELOPMENT

MOVED (Bockholt/Doyle) that the recommendation of the Strategy/Policy Forum be adopted subject to the addition of Part F as follows:

F The staff involved in the investigation and preparation of the Community Plan be congratulated on an excellent report and a job well done.

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A Council endorse the Community Plan.
- B Council as part of its' requirements to the Department of Local Government forward a copy of the Community Plan to the Minister, Mr Ernie Page.
- C The Community Plan be launched in conjunction with the opening of the Narara Community Centre on Saturday 25th August.
- D Public comment regarding the Community Plan be included as attachments to the document.

- E On completion of the community consultation process a report be provided to Council which:
- i details the results of community consultation, and
 - ii includes cost estimates and project timeframes for the various recommendations.

F *The staff involved in the investigation and preparation of the Community Plan be congratulated on an excellent report and a job well done.*

SF.022

170.50
MANAGEMENT STRUCTURE AUDIT
PROGRAM: GENERAL MANAGER

MOVED (Doyle/Bockholt) that the recommendation of the Strategy/Policy Forum be adopted subject to the amendment of Part D as follows:

D The contract period for Functional Unit Managers be **three (3)** years.

MOVED AS AN AMENDMENT (Brooks/Preece) that the recommendation of the Strategy/Policy Forum be adopted.

On being put to the meeting the AMENDMENT WAS LOST with the following votes being recorded:

For the Amendment: Councillors Brooks, Preece, Bell, Holstein.

Against the Amendment: Councillors Bockholt, Wales, Sansom, Penton and Doyle.

MOVED AS A FURTHER AMENDMENT (Sansom/Wales) that ***consideration of this matter be deferred to allow further discussions between Council and officers on terms and justification of the number of Functional Unit Heads and their jurisdiction.***

On being put to the meeting the FURTHER AMENDMENT WAS LOST with the following votes being recorded:

For the Further Amendment: Councillors Sansom, Wales, Penton and Brooks.

Against the Further Amendment: Councillors Bockholt, Bell, Doyle, Preece and Holstein.

On being put to the meeting the MOTION WAS LOST with the following votes being recorded:

For the Motion: Councillors Doyle and Bockholt.

Against the Motion: Councillors Sansom, Wales, Brooks, Bell, Preece, Penton and Holstein.

MOVED (Brooks/Bell) that the recommendation of the Strategy/Policy Forum be adopted.

On being put to the meeting the MOTION WAS CARRIED with the following votes being recorded:

For the Motion: Councillors Sansom, Wales, Brooks, Bockholt, Bell, Preece, Penton and Holstein.

Against the Motion: Councillor Doyle.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A The Job Descriptions and position titles shown in Attachment A be adopted.
- B A base salary of \$110,000 per annum and the breakdown of the value of the remuneration package shown in Attachment B be adopted.
- C The existing Directors maintain their current remuneration package value until expiration of their employment contracts and the base salary reverts to the general rate of remuneration that applies at the time to the other Directors.
- D The contract period for Functional Unit Managers be four (4) years.

CONSIDERATION OF ITEMS STARRED FOR INSPECTION FROM 26 JUNE 2001

MATTER SUBMITTED BY THE DIRECTOR – CORPORATE/COMMUNITY SERVICES

CS.103 DA 1995.19715
APPLICATION TO REMOVE SECTION 88E INSTRUMENT ON LOT 285
DP 714926, 23 THE CITADEL UMINA
PROGRAM: LEGAL SERVICES

MOVED (Bell/Preece) that:

- A *Council not consent to the removal of the 88E restriction affecting Lot 285 DP 714926, 23 The Citadel Umina.***
- B *The owner be informed that the site is within an area defined as high fire hazard in the Bush Fire Planning Review. It is Council policy to retain the existing restrictions and require the creation of similar restrictions before it approves new buildings.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A *Council not consent to the removal of the 88E restriction affecting Lot 285 DP 714926, 23 The Citadel Umina.***

- B** *The owner be informed that the site is within an area defined as high fire hazard in the Bush Fire Planning Review. It is Council policy to retain the existing restrictions and require the creation of similar restrictions before it approves new buildings.*

MATTER SUBMITTED TO COUNCIL BY INTER-DEPARTMENTAL AND ADVISORY COMMITTEES OF COUNCIL

EXTRACT FROM REPORT OF THE TRAFFIC COMMITTEE (73.55)

Held on 4 June 2001

TR.01.047 UN-NAMED LANEWAY/PUTTY BEACH DR/BEACH DR, KILLCARE (930.01)

MOVED (Bell/Sansom) that:

- A** *Council apply to the Geographical Names Board requesting that the name of the un-named laneway be Colleens Way.*
- B** *The Traffic Section investigate options for traffic calming including a one way option.*
- C** *A further report come back to Council identifying those options.*

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A** *Council apply to the Geographical Names Board requesting that the name of the un-named laneway be Colleens Way.*
- B** *The Traffic Section investigate options for traffic calming including a one way option.*
- C** *A further report come back to Council identifying those options.*

CONSIDERATION OF ITEMS STARRED FOR INSPECTION FROM 7 AUGUST 2001

MATTERS SUBMITTED BY THE DIRECTOR – DEVELOPMENT/ ENVIRONMENT

DE.114 **REZONING APPLICATION NO. 2001-109**
APPLICANT: MS S SPRANGER - PROPOSED REZONING OF LOT 6 DP 28201 AND LOT 9 DP 261870 LACKERSTEENS ROAD SOMERSBY TO ENABLE A RECREATION AND SPORTING FACILITY (MOTOR CROSS TRACK)
PROGRAM: ENVIRONMENT

MOVED (Bell/Preece) that the recommendation of the Director – Development/Environment be adopted.

MOVED AS AN AMENDMENT (Bockholt/Doyle) that ***this matter be deferred to allow the applicant to hold discussions with the RTA, DUAP and EPA to ascertain what their requirements are for the proposal together with associated costings for the work required by each Agency***

On being put to the meeting the AMENDMENT WAS CARRIED and the MOTION LOST with the following votes being recorded:

For the Amendment: Councillors Sansom, Wales, Brooks, Bockholt, Bell, Penton, Doyle and Holstein.

Against the Amendment: Councillor Preece.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that ***this matter be deferred to allow the applicant to hold discussions with the RTA, DUAP and EPA to ascertain what their requirements are for the proposal together with associated costings for the work required by each Agency.***

DE.120

**DEVELOPMENT APPLICATION NO. 11565/2001
 APPLICANT: GEMSTED PTY LTD – PROPOSED NEW JETTY ON LOT: 519 DP:
 729020, 0 BRISBANE WATER DRIVE KOOLEWONG 2256
 PROGRAM: DEVELOPMENT & BUILDING**

MOVED (Bockholt/Doyle) that the recommendation of the Director – Development Environment be adopted.

MOVED AS AN AMENDMENT (Sansom/Wales) that:

A ***This matter be deferred to allow a meeting between Council, the applicant, NSW Fisheries, Department of Land and Water Conservation and Waterways to enable the applicant to present his revised plans detailing the usage, management, operation, moorings, environmental impact and enforcement as it affects the various structures and seek comments and requirements from these agencies.***

B ***A further report come back to Council detailing the requirements of the above agencies and that these requirements be incorporated as draft conditions of consent or draft reasons for refusal.***

C ***The matter be referred to the CLP Committee for comment.***

On being put to the meeting the AMENDMENT WAS CARRIED and the MOTION LOST with the following votes being recorded:

For the Amendment: Councillors Penton, Brooks, Wales, Sansom and Holstein.

Against the Amendment: Councillors Bell, Doyle, Preece and Bockholt.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that

- A** *This matter be deferred to allow a meeting between Council, the applicant, NSW Fisheries, Department of Land and Water Conservation and Waterways to enable the applicant to present his revised plans detailing the usage, management, operation, moorings, environmental impact and enforcement as it affects the various structures and seek comments and requirements from these agencies.*
- B** *A further report come back to Council detailing the requirements of the above agencies and that these requirements be incorporated as draft conditions of consent or draft reasons for refusal.*
- C** *The matter be referred to the CLP Committee for comment.*

ADJOURNMENT OF MEETING AT 8.54 PM

The Mayor, in accordance with Minute No 78/99 dated 27 April 1999, adjourned the meeting for five (5) minutes.

The meeting resumed at 9.05 pm. The following Councillors were present:

The Mayor, Councillor C D Holstein, (Chairman), and Councillors R A R Bell, L M Bockholt, M H Brooks, C D Doyle, J M Penton, G R Preece and D D Wales.

DE.121 **DEVELOPMENT APPLICATION NO. 10324/2000**
APPLICANT: G RICHMOND – SECTION 82A REVIEW - PROPOSED RETAINING WALL AND EARTHWORKS ON LOT 240 DP 1976, 60 BEAUFORT ROAD WEST TERRIGAL 2260
PROGRAM: DEVELOPMENT & BUILDING

MOVED (Brooks/Doyle) that ***Council adhere to its previous decision.***

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that ***Council adhere to its previous decision.***

DE.123 **DEVELOPMENT APPLICATION NO. 12081/2001**
APPLICANT: M BARNES – PROPOSED BROTHEL ON LOT: 2 DP: 857581, 210 MANNS ROAD WEST GOSFORD
PROGRAM: DEVELOPMENT & BUILDING

MOVED (Doyle/Bockholt) that:

- A** *The application be refused for the following reasons:*
- 1** *The social effect of the development in the locality (Section 79(c) of the Environmental Planning and Assessment Act).*

- 2** *The relationship of the development to adjoining lands and its impacts on the potential of an existing building on the same Lot 2 DP 857581 Manns Road, West Gosford to achieve its full potential for job creation.*
 - 3** *The location on a main road with high visual effect.*
 - 4** *Approval in the circumstances is not in the public interest (Section 79(c) of the Environmental Planning and Assessment Act).*
- B** *Council review DCP 118 – Brothels in conjunction with interested Councillors.*
- C** *Council pursue the aspect of all illegal Brothels in the Gosford Local Government Area with a view to closing them down.*

On being put to the meeting the MOTION WAS CARRIED.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A** *The application be refused for the following reasons:*
- 1** *The social effect of the development in the locality (Section 79(c) of the Environmental Planning and Assessment Act).*
 - 2** *The relationship of the development to adjoining lands and its impacts on the potential of an existing building on the same Lot 2 DP 857581 Manns Road, West Gosford to achieve its full potential for job creation.*
 - 3** *The location on a main road with high visual effect.*
 - 4** *Approval in the circumstances is not in the public interest (Section 79(c) of the Environmental Planning and Assessment Act).*
- B** *Council review DCP 118 – Brothels in conjunction with interested Councillors.*
- C** *Council pursue the aspect of all illegal Brothels in the Gosford Local Government Area with a view to closing them down.*

MATTER DEFERRED FOR INSPECTION AND FURTHER CONSIDERATION

MATTER SUBMITTED BY THE DIRECTOR – DEVELOPMENT/ ENVIRONMENT

DE.127 **DEVELOPMENT APPLICATION NO. 6282/1999**
APPLICANT: JOHN HANCOCK CONSULTING PTY LTD – PROPOSED
ALTERATIONS & ADDITIONS TO AN EXISTING AMENITY BUILDING ON
RESERVE NO 74175 [EVE WILLIAMS MEMORIAL OVAL] ON LOT: 2 DP: 832588,
PATONGA DRIVE PATONGA
PROGRAM: DEVELOPMENT & BUILDING [DE.105/2000]

MOVED (Bockholt/Penton) that:

- A** ***Council approve in principle of the new plan for Patonga shown in the Attachment.***
- B** ***The current development application DA6282/99 be amended to reflect a change to a rotunda.***
- C** ***Council allocate \$250,000 towards the initial implementation of the plan from Job Number F2140.009 Ettalong Oval amenities, and a budget review be undertaken to replace these funds in the 02/03 budget.***
- D** ***Approval be granted to lodge a new development application for the amenities block as outlined in this report.***
- E** ***Representations to the appropriate parties be undertaken to enable the Federal grant to be retained.***
- F** ***As part of the consultation process of the Development Application a public meeting be held to inform residents.***

On being put to the meeting the MOTION WAS CARRIED UNANIMOUSLY.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that:

- A** ***Council approve in principle of the new plan for Patonga shown in the Attachment.***
- B** ***The current development application DA6282/99 be amended to reflect a change to a rotunda.***
- C** ***Council allocate \$250,000 towards the initial implementation of the plan from Job Number F2140.009 Ettalong Oval amenities, and a budget review be undertaken to replace these funds in the 02/03 budget.***
- D** ***Approval be granted to lodge a new development application for the amenities block as outlined in this report.***
- E** ***Representations to the appropriate parties be undertaken to enable the Federal grant to be retained.***
- F** ***As part of the consultation process of the Development Application a public meeting be held to inform residents.***

MOVED (Brooks/Doyle) that the meeting move into Ordinary Council.

THE REVIEW COMMITTEE OF COUNCIL RECOMMENDS that the meeting move into Ordinary Council.

ADJOURNMENT OF BUSINESS

The meeting adjourned at 9.48 pm.