

**MINUTES OF THE ORDINARY MEETING (NO 2004/14)
OF THE COUNCIL OF THE CITY OF GOSFORD
HELD IN THE COUNCIL CHAMBER, 49 MANN STREET, GOSFORD
ON TUESDAY, 3 AUGUST 2004 AT 6.02 PM**

211

COMMITTEE OF THE WHOLE COUNCIL

Report of the Committee of the Whole Council of the City of Gosford
Held in the Council Chambers, 49 Mann Street, Gosford
on Tuesday 3 August 2004 at 6.02 pm.

PRESENT

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors C L Doyle, T H Drake, P J Hale, C D Holstein, T Latella, L J Maher and V Scott.

PUBLIC PARTICIPATION - CONFIDENTIAL SESSION

The Mayor advised, in accordance with Section 10A(4) of the Local Government Act 1993 that the Committee of the Whole is to determine if it wishes to hear public submissions on whether or not a part of a meeting should be closed to the public.

No representations were received.

MOVED (Drake/Hale) that the meeting adjourn to allow members of the press and public to vacate the Chamber prior to commencement of Committee of the Whole Council.

On being put to the meeting the MOTION WAS CARRIED.

163/2004 **RESOLVED** that the meeting adjourn to allow members of the press and public to vacate the Chamber prior to commencement of Committee of the Whole Council.

ADJOURNMENT OF MEETING AT 6.03 PM TO COMMITTEE OF THE WHOLE COUNCIL

COMMITTEE OF THE WHOLE COUNCIL

Meeting No 2004/14C commenced at 6.03 pm. The following Councillors were present:

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors C L Doyle, T H Drake, P J Hale, C D Holstein, T Latella, L J Maher and V Scott.

DECLARATION OF PECUNIARY INTEREST

The Chairperson invited Committee members to declare any interest they might have, in accordance with Section 451 of the Local Government Amendment Act 2000, in respect to the business of this meeting.

No declarations were received.

CONSIDERATION OF ITEM STARRED FOR DISCUSSION BY COUNCILLORS / OR PUBLIC SUBMISSION TO ADDRESS COUNCIL

MATTER SUBMITTED BY THE GENERAL MANAGER

GM.014C DIRECTOR – ENGINEERING OPERATIONS (IR 1065337) BUSINESS UNIT: GENERAL MANAGER

MOVED (Hale/Holstein) that the recommendation of the General Manager be adopted.

On being put to the meeting the MOTION WAS CARRIED.

THE COMMITTEE OF THE WHOLE COUNCIL RECOMMENDS that Council endorse the General Manager's reappointment of Mr Glen to the position of Director – Engineering Operations on a four (4) year performance-based contract.

Councillor Doyle dissented.

LATE ITEM/S

Nil.

The meeting closed at 6.20 pm.

OPEN COUNCIL

Ordinary Council meeting No 2004/14 commenced at 6.46 pm.

PRESENT

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors C L Doyle, T H Drake, P J Hale, C D Holstein, T Latella, L J Maher and V Scott.

OPENING PRAYER

Pastor Tony Rae of the Grace Community Baptist Church read the Council Prayer.

PRESENTATION(S)

Nil.

LEAVE OF ABSENCE

An application for Leave of Absence was tendered by Councillor Macfadyen for 3 August 2004 as he will be attending a meeting in Adelaide. (Minute No 155/2004 – 27 July 2004)

An application for Leave of Absence was tendered by Councillor Holstein for 10 August 2004 as he will be representing Council in Canberra. (Minute No 155/2004 – 27 July 2004)

An application for Leave of Absence was tendered by Councillor Bell for 3 August 2004 as he will be attending a Sister City conference in Noosa. (Minute No 155/2004 – 27 July 2004)

An application for Leave of Absence was tendered by Councillor Bell for 10 August as he will be attending a Water Management conference in Moama. (Minute No 155/2004 – 27 July 2004)

DECLARATION OF PECUNIARY INTEREST

The Mayor invited Councillors to declare any interest they might have, in accordance with Section 451 of the Local Government Amendment Act 2000, in respect to the agenda for this meeting.

Councillor Doyle declared his interest in relation to DH.082 as he resides in an adjoining property.

CONFIRMATION OF MINUTES

- 164/2004** **RESOLVED** (Holstein/Maher) that the Minutes of Ordinary Meeting 2004/13 held on 27 July 2004 be received.
- 165/2004** **RESOLVED** (Holstein/Drake) that the Minutes of Ordinary Meeting 2004/13 held on 27 July 2004 be confirmed subject to:
- 1 Item CS.024, Part F, Page R 431, Minute No 162/2004 being amended to read:
 - F 1 *These grounds be signposted to advise users that they do not meet the Australian standard, and;***
 - 2 *All user groups sign disclaimers stating that they understand the lighting conditions and provide a waiver on contractual duty of care for recreational activities as outlined in the Civil Liabilities Bill 2002.***
 - 2 Item SF.021, Page 425, Minute No 162/2004 being amended to record Councillor Brooks in dissent.

MATTERS OF URGENCY

Nil.

REPORT OF THE COMMITTEE OF THE WHOLE COUNCIL OF THE CITY OF GOSFORD

Held on 3 August 2004

The General Manager reported the business transacted in the Committee of the Whole Council, including the Committee's recommendations, to the Open Council.

- 166/2004** **RESOLVED** (Hale/Drake) that the Report of the Committee of the Whole Council 2004/14C held on 3 August 2004 be received and the recommendations made be adopted.

ITEMS STARRED FOR INSPECTION

- DH.067** **DEVELOPMENT APPLICATION NO. 17461/2002**
APPLICANT: HOWARD PHILLIPS DESIGN PARTNERS – 82A REVIEW OF DETERMINATION OF REFUSAL OF PROPOSED TWO (2) UNIT RESIDENTIAL FLAT BUILDING ON LOT: 5 DP: 14628, 60 BARNHILL ROAD TERRIGAL (IR 1135331)
BUSINESS UNIT: PLANNING & DEVELOPMENT

- DH.071** **DEVELOPMENT APPLICATION NO. 23273/2004**
APPLICANT: M ZEATER – MOTEL ON LOT: 14 PRT: PT1 DP: 237060, 90
COPACABANA DRIVE COPACABANA (IR 1049591)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.078** **DEVELOPMENT APPLICATION NO. 21688/2003**
APPLICANT: BRAD FITZPATRICK BUILDING DESIGN – PROPOSED
DEMOLISH EXISTING UNITS & BUILD 7 UNIT RESIDENTIAL FLAT BUILDING
ON LOT 1, LOT 2 AND LOT 3 SP: 10648, 7, 1/7, 2/7 AND 3/7 STATION STREET
WOY WOY (IR 907881)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.079** **SUBMISSION TO DEPT OF INFRASTRUCTURE, PLANNING & NATURAL**
RESOURCES - PROPOSED EXTRACTIVE INDUSTRY ON LOT 2 DP 229889 AND
LOT 121 DP 755221, NOS 1215 & 185 PEATS RIDGE ROAD CALGA
(IR 1216184)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.080** **DEVELOPMENT APPLICATION NO 24107/2004**
APPLICANT: C M BOURKE – PROPOSED DWELLING ADDITION ON LOT: 2 DP:
204472, 490 ORANGE GROVE ROAD BLACKWALL (IR 1144970)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.081** **DEVELOPMENT APPLICATION NO. 14472/2001**
APPLICANT: STANTON DAHL & ASSOC PTY LTD – PROPOSED ADDITIONS
AND ALTERATIONS TO EXISTING SCHOOL WITH ASSOCIATED EXTERNAL
WORKS ON LOT: 2 DP: 843038 & LOT 3 DP 843038, 37 - 39 BUNDALEER
CRESCENT BENSVILLE (IR 884119)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.082** **DEVELOPMENT APPLICATION NO. 20624/2003**
APPLICANT: NEOMETRO ARCHITECTS – PROPOSED DWELLING-HOUSE
(NEW) ON LOT: 2 DP: 221085, 137A OCEAN VIEW DRIVE WAMBERAL
(IR 1243793)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- Councillor Doyle declared his interest in relation to this item, under Chapter 14 of the Local Government Act 1993, as he resides in an adjoining property and did not take part in the consideration or discussion of, or vote on any question relating to item DH.082 of Matters Submitted by the Director - Development and Health.
- DH.055** **DEVELOPMENT APPLICATION NO. 21831/2003**
APPLICANT: RAYBAL DEVELOPMENTS PTY LTD – PROPOSED PLACE OF
PUBLIC WORSHIP ON LOT: 1 DP: 557258, 125 SERPENTINE ROAD ERINA
HEIGHTS (IR 1242199)
BUSINESS UNIT: PLANNING & DEVELOPMENT

167/2004 **RESOLVED** (Scott/Drake) that:

- A Those items listed above be deferred to a Resumption of the Review Committee Meeting for inspection and consideration.
- B The applicant(s) in Items DH.071, DH.082 and DH.055 be required to have skeletal framework erected on site in accordance with Council's policy.

- C The applicant(s) in Items DH.078, DH.081, DH.082 and DH.055 be required to flag the trees on site that are to be retained.
- D Item DH.081 be deferred to the Resumption of the Review Committee Meeting to be held on 14 September 2004 for inspection and consideration.

ITEMS NOT STARRED BY COUNCILLORS OR PUBLIC FOR PUBLIC PARTICIPATION

MATTERS SUBMITTED BY THE DIRECTOR – DEVELOPMENT AND HEALTH

- DH.074 DEVELOPMENT APPLICATION NO. 23368/2004**
APPLICANT: ASTORIA PLATINUM VILLAGES PTY LTD – PROPOSED SEPP 5 - SELF-CARE AGED UNITS ON PART LOT 3 DP 883933, TAYLORS ROAD LISAROW (IR 1210817)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.075 DEVELOPMENT APPLICATION NO. 23372/2004**
APPLICANT: M POIRIER – SEPP 5 - NURSING HOME ON PART LOT 3 DP 883933, 25 TAYLORS ROAD LISAROW (IR 1210848)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.076 DEVELOPMENT APPLICATION NO. 23303/2004**
APPLICANT: NU-STEEL HOMES PTY LTD - PROPOSED DWELLING-HOUSE (NEW) ON LOT 25 DP 9435 NO 31 PATONGA DRIVE PATONGA (IR 1053115)
BUSINESS UNIT: PLANNING & DEVELOPMENT
- DH.077 DEVELOPMENT APPLICATION NO. 22137/2003**
APPLICANT: MANGROVE MOUNTAIN INC – PROPOSED COMMUNITY FACILITY (TECHNOLOGY CENTRE) ON LOT: 93 DP: 755235, 306 WISEMANS FERRY ROAD MANGROVE MOUNTAIN (IR 1225004)
BUSINESS UNIT: PLANNING & DEVELOPMENT

MATTERS SUBMITTED BY THE GENERAL MANAGER

- GM.012 2004-2005 SISTER CITY CULTURAL/SPORTING EXCHANGE PROGRAM (IR 1240219)**
BUSINESS UNIT: GENERAL MANAGER
- GM.013 2004 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (ALGA) REGISTRATION AND CALL FOR MOTIONS (IR 1248096)**
BUSINESS UNIT: GENERAL MANAGER

MATTERS SUBMITTED BY THE DIRECTOR – ENVIRONMENTAL PLANNING

- EP.034 PROPOSED DRAFT LOCAL ENVIRONMENTAL PLAN IN RESPECT OF LOT 3 DP 829025 PAINTERS LANE TERRIGAL (IR 947859)**
BUSINESS UNIT: INTEGRATED PLANNING

- EP.035 EMPLOYMENT LANDS AND RETAIL CENTRES STUDIES FOR CENTRAL COAST (IR 1241031)**
BUSINESS UNIT: INTEGRATED PLANNING
- EP.036 TRAVEL SMART PROJECT (IR 1241449)**
BUSINESS UNIT: ENVIRONMENTAL EDUCATION AND PROTECTION
- EP.037 REZONING APPLICATION NO. 2002-141**
APPLICANT: GOSFORD CITY COUNCIL - PROPOSED RENUMBERING OF CLAUSE 49DJ IN GOSFORD PLANNING SCHEME ORDINANCE RELATING TO THE CARAVAN PARK PROVISIONS (IR 1241024)
BUSINESS UNIT: INTEGRATED PLANNING
- EP.039 REVIEW OF NIAGARA PARK CONTRIBUTIONS PLAN NO. 7C – RECREATION FACILITIES (IR 840630)**
BUSINESS UNITS: INTEGRATED PLANNING & RECREATION SERVICES (EP.027/2003)

MATTER SUBMITTED BY THE DIRECTOR – ENGINEERING OPERATIONS

- EO.020 APPROVAL TO LODGE DEVELOPMENT APPLICATION – ERINA DEPOT COMPRESSED NATURAL GAS REFUELLING STATION (IR 1184461)**
BUSINESS UNIT: FLEET SERVICES

MATTER SUBMITTED BY THE DIRECTOR – FINANCE AND CORPORATE SERVICES

- FS.085 LOCAL GOVERNMENT ASSOCIATION OF NSW (LGA) - 2004 ANNUAL CONFERENCE AND SUBMISSION OF MOTIONS (IR 1239709)**
BUSINESS UNIT: CORPORATE SERVICES

- 168/2004 RESOLVED** (Holstein/Hale) that the recommendations in those items listed above be adopted.

ADJOURNMENT OF MEETING AT 6.53 PM TO REVIEW COMMITTEE OF COUNCIL

- 169/2004 RESOLVED** (Hale/Latella) that the meeting adjourn to Review Committee of Council to allow Public Participation and to consider all starred non-inspection items.

**REVIEW COMMITTEE OF COUNCIL
ITEMS STARRED FOR DISCUSSION AND/OR PUBLIC PARTICIPATION**

Note: Refer to the attached Report of the Review Committee of Council RC/2004/14 held on 3 August 2004. (Pages R 435 to R 474)

RESUMPTION OF ORDINARY COUNCIL MEETING

The meeting resumed at 8.43 pm. The following Councillors were present:

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors C L Doyle, T H Drake, P J Hale, C D Holstein, T Latella, L J Maher and V Scott.

The General Manager reported the business transacted in the Review Committee, including the Review Committee's recommendations, to the Open Council Meeting.

170/2004 **RESOLVED** (Doyle/Scott) that the Report of the Review Committee of Council Meeting RC/2004/14 held on 3 August 2004 be received and the recommendations made be adopted.

QUESTIONS WITHOUT NOTICE

Q.79 **Councillor Holstein:** to Acting Director – Community Services
Last Saturday's Telegraph Extra noted in an article that Suncorp Stadium has available cheap floodlighting for sale. Can we investigate?

Response Acting Director – Community Services: I will investigate and advise.

Q.80 **Councillor Holstein:** to Director – Engineering Operations
What is the status of the CARES funding?

Response Director – Engineering Operations: The facility is now known as the Central Coast Lifetime Learning Centre. An application under the Regional Partnerships Program has been submitted with Area Consultative Committee and Newcastle Department of Transport and Regional Services (DOTARS) and to the Federal local Member of Parliament to take to Canberra to push for funding.

Q.081 **Councillor Doyle:** to Director – Engineering Operations
Could the Director please advise when Council will be able to consider the plans for the additional egress from Adcock now that the Roads & Traffic Authority have provided feedback on the "McDonalds" intersection.

Response Director – Engineering Operations: I will take this on notice and advise. Meetings have been organised with the General Manager on the program of that egress.

Q.82 **Councillor Drake:** to Director – Engineering Operations
How is the grant application processing in regard to the Roads to Recovery program for footpath funding?

Response Director – Engineering Operations: An advertisement has been placed in the paper asking residents to nominate projects for Council's consideration for inclusion under this Program. A report will be coming to Council once these submissions have been received.

Q.83 **Councillor Latella:** to Director – Environmental Planning
When will a report on the Section 94 Contributions Plan for Kincumber be available?

Response Director – Environmental Planning: Council is still waiting on the results of the State Government review on levies and plans and cannot advise when they will be released. It should have been released by now. The integrated planning projects will be discussed at the Strategy/Policy Workshop on 21 September 2004. This report will prioritise actions to be undertaken.

Q.84 **Councillor Latella:** to Director – Development and Health
Can community organisations request that copies of development applications in their areas be sent to them?

Response Director - Development and Health: No that would be a large burden on Council staff and an enormous cost to Council. Anyone can access this information on their area through Council's web page. Council still gives notification of development applications to adjoining neighbours.

171/2004 **RESOLVED** (Doyle/Scott) that the meeting stand adjourned until 6.45 pm on Tuesday 10 August 2004 to reconvene as a Review Committee of Council to consider all outstanding items.

NEXT MEETING

A Reconvened Ordinary/Review Meeting of Council 2004/14 will be held on Tuesday, 10 August 2004 at 6.45 pm.

The meeting adjourned at 8.50 pm.

This is page 219 of the Minutes of the Ordinary Meeting 2004/14 of the Council of the City of Gosford held on 3 August 2004.

CHAIRPERSON

DATE