

**MINUTES OF THE ORDINARY MEETING (NO 2004/15)  
OF THE COUNCIL OF THE CITY OF GOSFORD  
HELD IN THE COUNCIL CHAMBER, 49 MANN STREET, GOSFORD  
ON TUESDAY, 24 AUGUST 2004 AT 6.02 PM**

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## **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 24 August 2004 at 6.02 pm.

### **PRESENT**

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors T H Drake, P J Hale, T Latella, J M Macfadyen, 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 (Scott/Drake) 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.

**174/2004**      **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 6.04 PM TO COMMITTEE OF THE WHOLE COUNCIL**

## **COMMITTEE OF THE WHOLE COUNCIL**

Meeting No 2004/15C commenced at 6.04 pm. The following Councillors were present:

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors T H Drake, P J Hale, T Latella, J M Macfadyen, 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.

Councillor Drake declared his interest in relation to Item FS.100C, under Chapter 14 of the Local Government Act 1993, as he is a licensed commercial agent for debt collection.

## **CONSIDERATION OF ITEMS STARRED FOR DISCUSSION BY COUNCILLORS OR PUBLIC SUBMISSION TO ADDRESS COUNCIL**

### **MATTERS SUBMITTED BY THE DIRECTOR – FINANCE AND CORPORATE SERVICES**

**FS.091C CLAIM FOR COMPENSATION FOR A PROPOSED ROAD OVER LOT 72 DP 806497 COPACABANA DRIVE AND LAGUNA AVENUE COPACABANA (IR 1254682)**  
BUSINESS UNIT: LEGAL SERVICES

MOVED (Drake/Hale) that the recommendation of the Director – Finance and Corporate Services be adopted.

On being put to the meeting the MOTION WAS CARRIED.

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

**FS.092C GRANTING OF LEASE TO CROWN CASTLE AUSTRALIA PTY LIMITED FOR TELECOMMUNICATIONS FACILITIES ERECTED OVER PART LOT 1 DP 597770 OFF GLENROCK PARADE (KOOLEWONG WATER RESERVOIR SITE) (IR 1264742)**  
BUSINESS UNIT: PROPERTY SERVICES

MOVED (Brooks/Drake) that the recommendation of the Director – Finance and Corporate Services be adopted.

On being put to the meeting the MOTION WAS CARRIED.

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

**FS.100C      EXPRESSIONS OF INTEREST FOR COLLECTION OF DEBT (IR 1269030)**  
BUSINESS UNIT: FINANCE

Councillor Drake declared his interest in relation to this item, under Chapter 14 of the Local Government Act 1993, as he is a licensed commercial agent for debt collection and did not take part in the consideration or discussion of, or vote on any question relating to item FS.100C of Matters Submitted by the Director – Finance and Corporate Services.

Councillor Drake left the meeting at 6.18 pm.

MOVED (Brooks/Macfadyen) that the recommendation of the Director – Finance and Corporate Services be adopted.

On being put to the meeting the MOTION WAS CARRIED.

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

Councillor Drake returned to the meeting at 6.20 pm.

**FS.101C      KARRABEE – DEMOLITION AND REMOVAL (IR 1265986)**  
BUSINESS UNIT: PROPERTY SERVICES

MOVED (Drake/Hale) that the recommendation of the Director – Finance and Corporate Services be adopted.

On being put to the meeting the MOTION WAS CARRIED.

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

**ITEMS NOT STARRED FOR DISCUSSION BY COUNCILLORS / OR PUBLIC  
SUBMISSION TO ADDRESS COUNCIL**

**MATTERS SUBMITTED BY THE DIRECTOR – FINANCE AND CORPORATE  
SERVICES**

**FS.094C      ACCESS TO PARKSIDE BUILDING LEVEL 1 (IR 1052450)**  
BUSINESS UNIT: LEGAL SERVICES

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

**FS.095C TENDER FOR DESIGN AND CONSTRUCT GOSFORD PUBLIC WHARF (IR 1262089)**  
BUSINESS UNIT: CONTRACT MANAGEMENT

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

**FS.096C APPEAL AGAINST COUNCIL'S DETERMINATION OF MODIFICATION OF CONSENT FOR DA 3926/99 FOR SHOP FITOUT AND DWELLING ALTERATIONS ON LOT 8 DP 9408 NO 10 PATONGA DRIVE, PATONGA - LAND AND ENVIRONMENT COURT APPLICANT: R S OSBORNE (IR 1205462)**  
BUSINESS UNIT: LEGAL SERVICES

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

**FS.097C EXPRESSION OF INTEREST SALE OF LAND FOR UNPAID RATES (IR 1269985)**  
BUSINESS UNIT: FINANCE

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

**FS.099C CURRENT APPEALS IN THE LAND AND ENVIRONMENT COURT (IR 1264797)**  
BUSINESS UNIT: LEGAL SERVICES

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

MOVED (Macfadyen/Maher) that the recommendations in those items listed above be adopted.

**LATE ITEMS**

Nil.

The meeting closed at 6.26 pm.

## **OPEN COUNCIL**

Ordinary Council meeting No 2004/15 commenced at 6.46 pm.

### **PRESENT**

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors R A R Bell, T H Drake, P J Hale, T Latella, J M Macfadyen, L J Maher and V Scott.

### **OPENING PRAYER**

Reverend Penny Jones of the Christ Church Anglican, Gosford read the Council Prayer.

### **PRESENTATION**

Nil.

### **LEAVE OF ABSENCE**

An application for Leave of Absence was tendered on behalf of Councillor Holstein for 24 August 2004 due to illness.

An application for Leave of Absence was tendered on behalf of Councillor Doyle as he had an urgent family matter.

An application for Leave of Absence was tendered by Councillor Latella for 14 September 2004 to 21 September 2004 for personal reasons.

An application for Leave of Absence was tendered by Councillor Bell for 14 September 2004 as he will be in Canberra meeting the new Slovakian Ambassador.

**175/2004      RESOLVED** (Maher/Drake) that Leave of Absence be granted.

### **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 Drake declared his interest in relation to Item FS.100, as he is a licensed commercial agent for debt collection.

## **CONFIRMATION OF MINUTES**

- 176/2004**      **RESOLVED** (Maher/Drake) that the Minutes of Ordinary Meeting 2004/14 held on 3 August 2004 be received and confirmed.
- 177/2004**      **RESOLVED** (Macfadyen/Maher) that the Minutes of Reconvened Ordinary Meeting 2004/14 held on 10 August 2004 be received and confirmed.

## **MATTERS OF URGENCY**

Nil.

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

Held on 24 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.

- 178/2004**      **RESOLVED** (Hale/Drake) that the Report of the Committee of the Whole Council 2004/15C held on 24 August 2004 be received and the recommendations made be adopted.

## **ITEMS NOT STARRED BY COUNCILLORS OR PUBLIC FOR PUBLIC PARTICIPATION**

### **PETITIONS**

- P.060**            **PROPOSED DEVELOPMENT ON LOT 1 DP 784716 REEVES STREET, SOMERSBY (DN 1231534, DN 1231535)**
- P.061**            **EMPIRE BAY TAVERN – EXCESSIVE NOISE (DN 1227352)**
- P.062**            **BARKING DOG AT 18A MARGARET STREET, POINT CLARE (DN 1231345)**
- P.063**            **DISCONTINUED TREE PROTECTION COMMITTEE (DN 238426)**
- P.064**            **ST HUBERTS ISLAND – REZONING OF CANALS (DN 1240042)**
- P.065**            **221 WATTLE TREE ROAD, HOLGATE (DN 1242109)**

- P.066**            **PROPOSED ADDITIONS AND ALTERATIONS TO EXISTING SCHOOL AT 37-39 BUNDALEER CRESCENT, BENSVILLE (DN 1242885)**
- P.067**            **BARKING DOGS AT A PROPERTY IN SUNLAND PLACE, WYOMING (DN 1258418)**
- P.068**            **BARKING DOGS AT PROPERTIES IN TRAVES PLACE, KINCUMBER (DN 1258212)**
- P.069**            **PROPOSED MULTI-STOREY BUILDING AT 17 MANN STREET, GOSFORD (DN 1265863)**

MOTION OF WHICH NOTICE HAS BEEN GIVEN

- NM.018**          **CONFIDENTIAL MEETING FOR MATTERS IN LAND AND ENVIRONMENT COURT (IR 1260192)**  
COUNCILLOR: PETER HALE
- NM.020**          **PLASTIC BAG SUNSET WORKING COMMITTEE (IR 1267936)**  
COUNCILLOR: TERRI LATELLA
- NM.021**          **TRAFFIC CONDITIONS ON SERPENTINE ROAD (IR 1265146)**  
COUNCILLORS: C L DOYLE AND V SCOTT

MATTERS SUBMITTED BY THE DIRECTOR – FINANCE AND CORPORATE SERVICES

- FS.087**          **REPORT ON QUESTIONS WITHOUT NOTICE (IR 1262650)**  
BUSINESS UNIT: FINANCE AND CORPORATE SERVICES
- FS.088**          **REQUEST TO MODIFY RESTRICTION AS TO USER – LOT 31 DP 1052441, 321 AVOCA DRIVE, GREEN POINT (IR 1225830)**  
BUSINESS UNIT: LEGAL SERVICES
- FS.089**          **ASSIGNMENT OF CONTRACTS - JACBAH PTY LIMITED (ANACONDA WASTE SERVICES) (IR 1212089)**  
BUSINESS UNIT: LEGAL SERVICES
- FS.090**          **INVESTMENT OF COUNCIL FUNDS 31 JULY 2004 (IR 1264259)**  
BUSINESS UNIT: FINANCE
- FS.093**          **BUDGET REVIEW – AS AT 30 JUNE 2004 (IR 1255619)**  
BUSINESS UNIT: FINANCE

- FS.095 TENDER FOR DESIGN AND CONSTRUCT GOSFORD PUBLIC WHARF (IR 1262089)**  
BUSINESS UNIT: CONTRACT MANAGEMENT
- A The alternative tender for Design and Construct Gosford Public Wharf from Sea-Slip Marinas Pty Ltd (\$171,876.00 excluding GST) be accepted.
- B The common seal of Council be affixed to the contract document if required.
- FS.096 APPEAL AGAINST COUNCIL'S DETERMINATION OF MODIFICATION OF CONSENT FOR DA 3926/99 FOR SHOP FITOUT AND DWELLING ALTERATIONS ON LOT 8 DP 9408 NO 10 PATONGA DRIVE, PATONGA - LAND AND ENVIRONMENT COURT APPLICANT: R S OSBORNE (IR 1205462)**  
BUSINESS UNIT: LEGAL SERVICES
- FS.097 EXPRESSION OF INTEREST SALE OF LAND FOR UNPAID RATES (IR 1269985)**  
BUSINESS UNIT: FINANCE

MATTERS SUBMITTED BY THE DIRECTOR - COMMUNITY SERVICES

- CS.029 REQUEST TO ESTABLISH LICENCE AGREEMENT WITH AVOCA BOARD RIDERS INC (IR 1267152)**  
BUSINESS UNIT: RECREATION SERVICES
- CS.030 SARATOGA RECREATION AREA AND WETLAND PLAN OF MANAGEMENT REPORT FOLLOWING PUBLIC EXHIBITION (IR 1267219)**  
BUSINESS UNIT: RECREATION SERVICES
- CS.031 LOCAL STUDIES ASSISTANCE GRANT (IR 1267174)**  
BUSINESS UNIT: LIBRARY SERVICES
- CS.032 KILLCARE SURF CLUB RECONSTRUCTION (IR 1272083)**  
BUSINESS UNIT: RECREATION SERVICES

MATTERS SUBMITTED BY THE DIRECTOR – ENVIRONMENTAL PLANNING

- EP.040 CENTRAL COAST REGIONAL PROFILE AND SOCIAL ATLAS (IR 1257724)**  
BUSINESS UNIT: INTEGRATED PLANNING
- EP.041 FUNDING FOR CENTRES STRATEGY (IR 1237791)**  
BUSINESS UNIT: INTEGRATED PLANNING

MATTER SUBMITTED BY THE DIRECTOR – WATER AND SEWERAGE

**WS.009 WATER SUPPLY CATCHMENT AREA DEVELOPMENT POLICY D.051  
(IR 1269372)**  
BUSINESS UNIT: ASSET MANAGEMENT

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

**REPORT OF THE CONSULTATIVE COMMITTEE (IR 1247032)**

Held on 8 July 2004

MATTERS FOR CONSIDERATION

CC.041 REQUEST FOR INCREASE IN PERMANENT HOURS – WOY WOY LIBRARY

CC.042 REQUEST FOR REDUCTION IN PERMANENT HOURS – ERINA LIBRARY

CC.043 REQUEST FOR REDUCTION IN PERMANENT HOURS – GOSFORD LIBRARY

CC.045 RISK TREATMENT SCHEDULE – SAFE DRIVING COMMITTEE

CC.032 IM&T SECTION

CC.044 TRANSFER OF POSITION – CULTURAL DEVELOPMENT OFFICER

LATE ITEMS

CC.046 TEMPORARY CHANGE FROM JOB SHARE TO FULL TIME POSITION

CC.047 CHANGE OF HOURS – PART TIME UNTRAINED POSITIONS (2) – KARIONG  
CHILD CARE CENTRE

**REPORT OF THE ENVIRONMENTAL HERITAGE ADVISORY COMMITTEE (IR 1252283)**

Held on 14 July 2004

EH.001 COMMITTEE CHANGES

EH.030 LETTER FROM FRIENDS OF PATONGA

DEVELOPMENT APPLICATIONS REFERRED FOR COMMENT

EH.003 DA22138/2003 – 15 BRISBANE WATER DRIVE KOOLEWONG (HERITAGE  
ITEM NO 114(a)) – PROPOSED DEMOLITION & RECONSTRUCTION

SMALL GRANTS

EH.037 ST PAULS CHURCH, KINCUMBER (HERITAGE ITEM 81)

EH.015 ITEM 192 – “OLD FIRE SHED” MANGROVE MTN FIRE STATION

- EH.038 LOWER HAWKESBURY WESLYAN CHAPEL, WISEMANS FERRY RD,  
GUNDEMAN
- EH.039 LETTER RECEIVED FROM MT PENANG PARKLANDS
- EH.040 BOARD REPORT - CONVICT TRAIL PROJECT
- EH.041 SHIPBUILDERS MEMORIAL
- EH.042 LETTER RECEIVED FROM MANGROVE MOUNTAIN AND DISTRICTS  
COMMUNITY GROUP RE MANGROVE MTN HALL
- EH.032 LETTER FROM MINISTER FOR THE ENVIRONMENT AND HERITAGE

**REPORT OF THE ENVIRONMENTAL HERITAGE ADVISORY COMMITTEE (IR 1120084)**

Held on 11 August 2004

- EH.001 COMMITTEE CHANGES
- EH.043 DA24336/2004 – LOT 522 DP1017579 PACIFIC HIGHWAY, KARIONG -  
PROPOSED PYLON SIGN
- EH.044 DA24433/2004 - 40-42 COMO PARADE, PRETTY BEACH - PROPOSED NEW  
RESIDENCE
- EH.045 PROPOSAL FOR SECOND STOREY ADDITION - ITEM 203 42 THE  
ESPLANADE, ETTALONG BEACH
- EH.046 DA24792 - PEATS FERRY ROAD, MOONEY MOONEY - PROPOSAL FOR  
BOAT RAMP EXTENSION PLUS FINGER PONTOON
- EH.047 DA24708/2004 - LOT 51 DP715094 MASONS PARADE, EAST GOSFORD -  
PROPOSED RESIDENTIAL FLAT BUILDING

**SMALL GRANTS**

- EH.019 ITEM 204 - MANASSEH FROST HOUSE

**OTHER BUSINESS**

- EH.048 BELLTREES
- EH.049 BRANGA - ITEM 148 - BRANGA AVENUE, COPACABANA
- EH.050 HERITAGE EDUCATION

**REPORT OF THE STRATEGY/POLICY WORKSHOP**

Held on 17 August 2004

- SF.023        2004/2005 CAPITAL WORKS PROGRAM (IR 1189226)  
BUSINESS UNIT: ENGINEERING SERVICES
- SF.024        GOSFORD CITY VEGETATION MAPPING (IR 1274485)  
BUSINESS UNIT: NATURAL RESOURCES
- SF.025        COMMUNITY WILDLIFE SURVEY - WHAT CAN YOU FIND IN YOUR  
BACKYARD? (IR 1274524)  
BUSINESS UNIT: NATURAL RESOURCES UNIT
- SF.026        REVIEW OF CHILDRENS SERVICES (IR 1261688)  
BUSINESS UNIT: COMMUNITY DEVELOPMENT

**179/2004**        **RESOLVED** (Bell/Scott) that the recommendations in those items listed above be adopted.

**ADJOURNMENT OF MEETING AT 6.52 PM TO REVIEW COMMITTEE OF COUNCIL**

**180/2004**        **RESOLVED** (Hale/Macfadyen) that the meeting adjourn to Review Committee of Council to allow Public Participation and to consider all starred 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/2004/15 held on 24 August 2004. (Refer pages R 521 - R 538)

**RESUMPTION OF ORDINARY COUNCIL MEETING**

The meeting resumed at 8.02 pm. The following Councillors were present:

The Mayor, Councillor M H Brooks OAM (Chairman), and Councillors R A R Bell, T H Drake, P J Hale, T Latella, J M Macfadyen, L J Maher and V Scott.

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

**181/2004**        **RESOLVED** (Scott/Drake) that the Report of the Review Committee of Council Meeting RC/2004/15 held on 24 August 2004 be received and the recommendations made be adopted.

**QUESTIONS WITHOUT NOTICE**

- Q.85**            **Councillor Latella:** to Director – Community Services  
Can I be informed on the status of the dog exercise trial period of plan and also management of appropriate signage in relevant areas and maintenance of those signs?
- Response** Director – Community Services: I will take the question on notice and advise.
- Q.86**            **Councillor Latella:** to Director – Environmental Planning  
Can I be provided with a report on the illegal removal of trees along 183-187 The Scenic Road, Killcare Heights?
- Response** Director – Environmental Planning: I will take the question on notice and advise.
- Q.87**            **Councillor Macfadyen:** to Director – Development and Health  
Can you please advise what Council's policy is regarding subdivision in the Mooney Mooney area given that it is a permissible Development Application under the current 2A zoning and pump outs are allowable as an interim measure?
- Response** Director – Development and Health: I will take the question on notice and advise.
- Q.88**            **Councillor Macfadyen:** to Director – Development and Health  
Can an officer of the Council please inspect and provide a report on the construction fencing around the construction site at Peridon Village Complex, Empire Bay Drive, Daleys Point, and ascertain if it is dangerous to pedestrians or children and adults riding bikes along this roadway?
- Response** Director – Development and Health: I will take the question on notice and advise.
- Q.89**            **Councillor Scott:** to Director – Community Services  
Can you please advise Council on the status of the re-siting of the Wondabyne sculptures?
- Response** Director – Community Services: Council resolved to write to the Minister for Transport on this matter. This has been done and we have vigorously followed up with the Minister's office regarding when we can expect a response to this letter. As of last week, the Minister's office is still unable to tell us when we can expect a response.

**Q.90**

**Councillor Scott:** to Director – Finance and Corporate Services

Can you please inform Council of the legality of political advertising on street signs?

**Response** Director – Finance and Corporate Services: I will take the question on notice and advise.

## **NEXT MEETING**

An Ordinary Meeting of Council (2004/16) will be held on Tuesday, 7 September 2004 at 6.45 pm.

The meeting closed at 8.05 pm.

This is page 235 of the Minutes of the Ordinary Meeting (2004/15) of the Council of the City of Gosford held on 24 August 2004.

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CHAIRPERSON

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DATE