



GOSFORD CITY COUNCIL

LATE AGENDA

NO 2

**ORDINARY
COUNCIL MEETING**

TUESDAY, 4 JUNE 2013

PLEASE RETAIN THIS AGENDA FOR THE
RECONVENED ORDINARY MEETING ON

11 JUNE 2013

GOSFORD CITY COUNCIL - MEETING PROCEDURES

Public Participation

Council encourages members of the community of the City to participate in the decision making process of the Council and provides the following procedures which in part relate to the requirements stipulated in the Local Government Act 1993 (as amended).

Public participation is permitted for business before the Council when in Open Council, and at the Closed Council Meeting for confidential items. This does not allow the public to participate in respect to Petitions and Questions on Notice reports which are "information only" items, nor individual tenderers to participate in respect to tenders; nor reports concerning investigations of allegations of Code of Conduct violations by Councillors, General Manager or other Council employees. The speaker should not make defamatory or insulting statements. The speaker is to ensure they have approvals to discuss other people's personal information.

Ordinary Council Meetings commence at 6.00 pm and immediately close to consider confidential business in the Closed Council Meeting - Confidential.

Closed Council Meeting - Confidential

Council conducts a Confidential Session, commencing at 6.00 pm on Tuesday of Weeks 1 and 4 of each month and, if necessary, Week 2 of the month.

- 1 During these sessions, the Closed Council Meeting - Confidential is required to consider matters deemed confidential in accordance with Section 10A of the Local Government Act.
- 2 Prior to Closed Council Meeting considering these matters, members of the public may indicate reasons why any item listed should not be included in the Confidential Session [section 10A(4)].
- 3 Items to the Closed Council Meeting - Confidential will not be available. However the Table of Contents for the Ordinary Council meeting will identify that an item has been submitted to the Confidential Session.
- 4 The report of the Confidential Session will be included in the Ordinary Minutes for that meeting.
- 5 The Open Session of Council recommences at 6.45 pm.

Open Sessions of the Council Meetings

- 1 An Agenda Paper may be viewed on or collected from the Receptionist's Counter on the ground floor of the Administration Building after 12 noon on the Thursday preceding the meeting and at all Branch Libraries after 10.00 am on the Thursday preceding the meeting. The Agenda Paper is also available on Council's Internet site www.gosford.nsw.gov.au after 12 noon on the Thursday preceding the meeting.
- 2 All requests to address the Council must be submitted by each individual speaker to the Secretariat, or by Telephone on (02) 43258336 and (02) 43258379 or by Email addressed to secretariat@gosford.nsw.gov.au (**with the subject "Public Participation"**) before 12 noon on the Monday preceding the Ordinary meetings of Council, which are on Tuesdays in Weeks 1 and 4 of each month. All presentations must be limited to a maximum of three minutes. Electronic presentations to be given as part of the public participation must be submitted to the Secretariat at the email address above before the 12 noon deadline. If the electronic file is too large to email, contact should be made with the Secretariat on the above telephone numbers and Council's electronic drop box will be utilised. Please note: electronic presentations will not be accepted on the night of the meeting.
- 3 Requests from members of the public to address Council should include reference to the item number in the Agenda, the speaker's name, address, daytime telephone number and whether for or against the recommendation. Where a speaker wishes to address Council on behalf of an organisation, authorisation advice is required from the Organisation.
- 4 Items where Public Participation has been requested will be referred to the Open Council or the Closed Council. The number of participants speaking in favour of any one item is to be balanced by the same number of speaker(s) against the proposal. Council will decide who is to speak from the list of registered requests received and unless decided otherwise, speakers for/against will be in order of registration of intention to speak.
- 5 Registered participants will be invited to comment during Council's consideration of the matter (except the Closed Meeting, unless invited to do so by the Council or the Mayor).
- 6 Council may defer items on the Agenda for inspection or further discussion. Persons who have requested to address Council on any item listed for inspection by a Councillor will be advised, on the afternoon preceding the meeting, that their names have been registered to address Council at the Reconvened Meeting held at 6.45pm on Tuesday of Week 2.
- 7 Where a participant is to address a particular item, the Chairperson may invite that person, as well as any other persons present, to discuss the matter with Council.
- 8 Any proposed variations to the above shall be subject to a resolution of Council.
- 9 The Chairperson may curtail public participation where the information being presented is considered repetitive or irrelevant and may rule a participant or question out of order.

**LATE
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**Ordinary Meeting (2013/10) of Gosford City Council
to be held in the Council Chamber, Level 1, 49 Mann Street, Gosford
on Tuesday, 4 June 2013 at 6.00 pm**

MATTER SUBMITTED BY THE DIRECTOR - CORPORATE SERVICES 105

COR.46 CREATION OF EASEMENT AFFECTING COUNCIL LAND AND RELOCATION OF
 A COUNCIL EASEMENT - BUNNING'S SITE, WEST GOSFORD (IR 13732483)
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MATTER SUBMITTED BY THE DIRECTOR - CORPORATE SERVICES

COR.46 CREATION OF EASEMENT AFFECTING COUNCIL LAND AND RELOCATION OF A COUNCIL EASEMENT - BUNNING'S SITE WEST GOSFORD (IR 13732483)

Directorate: Corporate Services
Business Unit: Legal Services

BACKGROUND

Council granted development consent for the Bunning's store Yallambee Road, West Gosford on Lot 52, DP 1108800. To enable reliable sewerage services to the development, the pump station requires upgrading.

Ausgrid requests Council grant an easement affecting Lot 1622, DP 831364.

The sewer main within an easement required relocation to be clear of the buildings, therefore modification of the easement is necessary.

REPORT

Development consent 41384 for Bunning's Warehouse included conditions:

Satisfactory arrangements must be made for the provision of water and sewer services to the land. A copy of the Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority (Council) prior to the issue of the Construction Certificate. Contributions may be applicable to the Section 307 Certificate.

Relocation of the existing WG/3 sewer rising main, electrical supply and associated infrastructure located on Lot 51 and Lot 52 DP 1108800 to the satisfaction of the Gosford Water Supply Authority, and creation of easement 7.0 metres wide over the relocated sewer rising main and electrical assets. Engineering works shall not be carried out within the existing easements for sewerage pipeline or electrical services prior to satisfactory relocation of rising main and electrical supply infrastructure, without written approval from the Water Supply Authority.

The developer's agent informs Council that Ausgrid is to install new mains to service the pump station, and Ausgrid requires an easement that affects Council's sewage pump station site, Lot 1622 DP, 831364. It is proposed to create a cable easement 2 metres wide, which will affect about 10m² of the site. Due to the minimal effect of the easement for an underground cable that will have a material benefit to a Council's asset, no compensation should apply.

Relocation of the sewer requires modification of easements over the Bunning's site, Lot 52, DP 1108800. Council granted approval to relocate the main. Council must take action to modify the easement to encompass the new sewer main location. Council should recover its costs from the developer.

Attachment: DP 831364

Tabled Items: Nil

FINANCIAL IMPACT STATEMENT

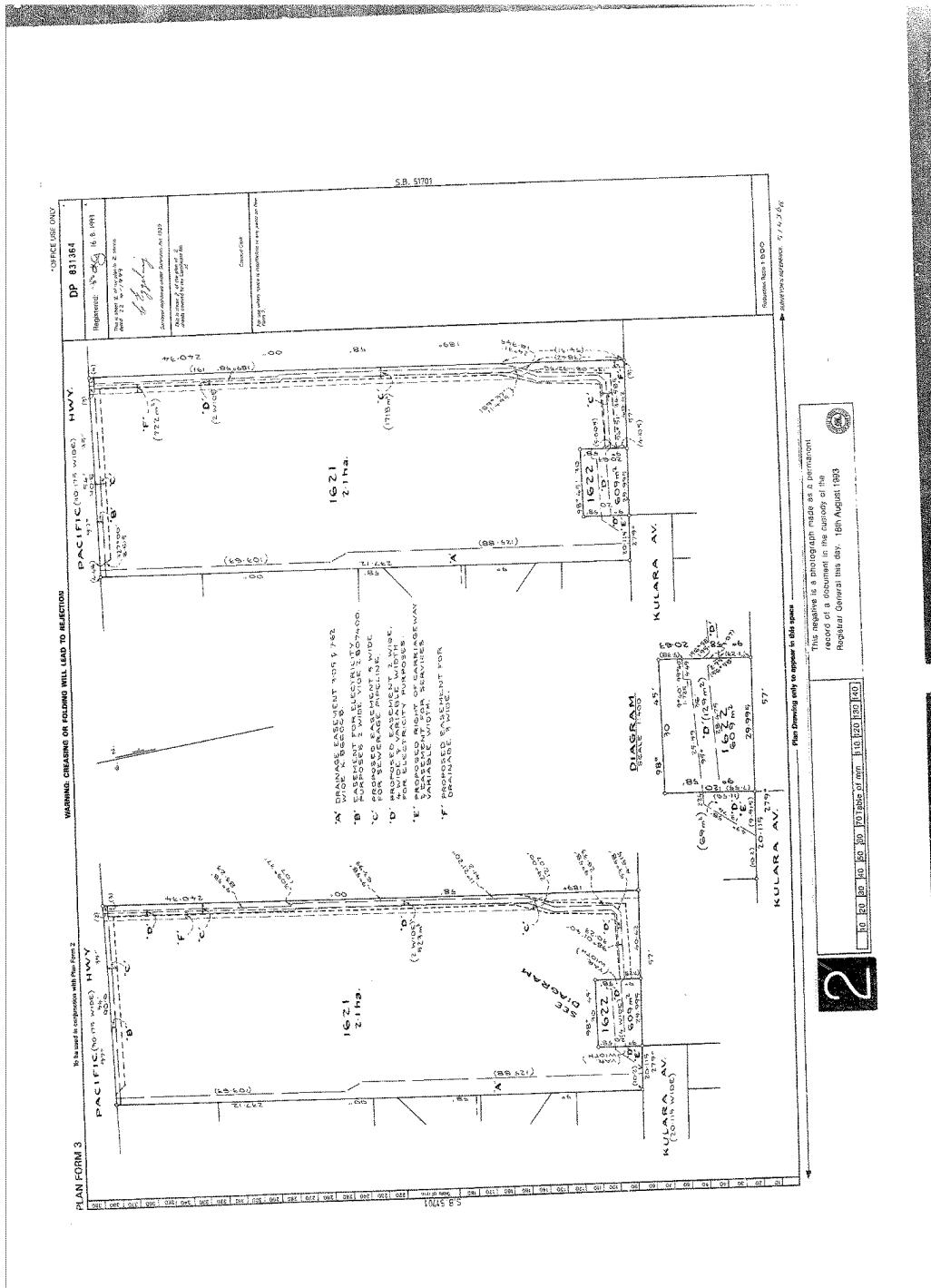
The recommendation does not impact on Council's financial position.

RECOMMENDATION

- A Council grant to Ausgrid a cable easement 2 metres wide affecting Lot 1622, DP 831364, subject to the developer bearing Council's legal costs.
- B Relocation of the easement to drain sewage affecting Lot 52, DP 1108800 be approved subject to the developer bearing Council's legal costs.
- C The common seal be affixed if required.

ATTACHMENT

DP 831364



This requires a photograph made as a permanent record of a document in the custody of this Registrar General has date: 18th August 1999

Plan Drawing only to appear in this space

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