

Minutes of this meeting will be confirmed at the Ordinary Meeting
of Gosford City Council to be held in the Council Chamber,
49 Mann Street, Gosford on Tuesday, 24 February 2015.

**ORDINARY MEETING
MINUTES (2015/1)**
Tuesday, 10 February 2015



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ORDINARY MEETING MINUTES (2015/1)



**Gosford City Council
Held in the Council Chamber,
49 Mann Street, Gosford
on Tuesday, 10 February 2015 at 6.31 pm**

OPEN COUNCIL

PRESENT

The Mayor Councillor L McKinna, (Chairman) and Councillors J M Macfadyen, G L Bowles, C G Burke, C L Doyle, V L Scott, J C Strickson and R V Ward.

LEAVE OF ABSENCE

Councillors D M Bocking and H A Morris.

PUBLIC PARTICIPATION - CONFIDENTIAL SESSION

The Mayor advised, in accordance with Section 10A(4) of the Local Government Act 1993, the Council 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.

The item(s) listed below are considered to be confidential for the following reason(s):

- GOV.C1 CONF - ERRONEOUS CHARGES AND THE RECOVERY OF IMPOSTS ACT 1963 (IR 20155173)
 - Section: 10A(2)(a) Personnel matters concerning particular individuals (other than councillors).
 - Section: 10A(2)(g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- CON.C1 CONF - WATER MAINS RENEWAL 2014/15 PACKAGE 1 (P355) (IR 20145201)
- CON.C2 CONF - WATER MAINS RENEWAL 2014/15 PACKAGE 2 (P355) (IR 20145381)
- CON.C3 CONF - TENDER - WATER METER REPLACEMENTS GOSFORD & SURROUNDS 2014-15 (IR 20145598)
- GRO.C1 CONF - TENDER - WOY WOY OVAL PLAYING FIELD RELOCATION (IR 20146622)

GRO.C2 CONF - TENDER - WOY WOY OVAL GRANDSTAND AND FORECOURT RECONSTRUCTION (IR 20146711)
Section: Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.
10A(2)(d)(i)

No representations were received on the above item(s).

2015/1 RESOLVED (Strickson/Bowles) that the meeting be closed to the public to consider the business of the Closed Council Meeting - Confidential.

The meeting closed to the public at 6.31 pm to the Closed Council Meeting - Confidential.

CLOSED COUNCIL MEETING - CONFIDENTIAL

DECLARATION OF PECUNIARY INTEREST

The Chairperson invited Councillors to declare any pecuniary interest they might have, in accordance with Section 451 of the Local Government Act 1993, in respect to the business of this meeting being that part closed to the public.

Councillor Doyle declared his pecuniary interest in relation to Item GOV.C1, under Chapter 14 of the Local Government Act 1993 as he is a Director of a company who provides a fee for service to the properties.

DECLARATION OF NON-PECUNIARY INTEREST

The Chairperson invited Councillors to declare any significant, less than significant or political donation non-pecuniary interest they might have, in accordance with Section 440 of the Local Government Act 1993 and Council's Code of Conduct, in respect to the business of this meeting being that part closed to the public.

No declarations were received.

Councillor Doyle left the meeting at 6.33 pm.

ITEMS NOT STARRED FOR DISCUSSION

The following items have not been starred by Councillors for discussion and/or public participation.

Councillors (Strickson/Bowles) recommend that the following items not starred for discussion be adopted.

MATTER SUBMITTED BY THE DIRECTOR - GOVERNANCE AND PLANNING

GOV.C1 CONF - ERRONEOUS CHARGES AND THE RECOVERY OF IMPOSTS ACT 1963 (IR 20155173)

Department: Governance & Planning
Service Unit: Governance & Business Services

Councillor Doyle declared his pecuniary interest in relation to this item, under Chapter 14 of the Local Government Act 1993, as he is a Director of a company who provides a fee for service to the properties and did not take part in the consideration or discussion of, or vote on any question relating to this item.

Councillor Doyle had left the meeting at 6.33 pm.

2015/2 RESOLVED (Strickson/Bowles) that the Recovery of Imposts Act 1963 be applied, limiting refunds to payments made within the relevant twelve month period for erroneously levied charges.

MATTERS SUBMITTED BY THE DIRECTOR - CONSTRUCTION AND OPERATIONS

CON.C1 CONF - WATER MAINS RENEWAL 2014/15 PACKAGE 1 (P355) (IR 20145201)

Department: Construction & Operations
Service Unit: Construction Delivery

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/3 RESOLVED (Strickson/Bowles) that the information be received and noted.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Scott, Strickson and Ward.

**CON.C2 CONF - WATER MAINS RENEWAL 2014/15 PACKAGE 2 (P 355)
(IR 20145381)**

Department: Construction & Operations
Service Unit: Construction Delivery

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/4 RESOLVED (Strickson/Bowles) that the information be received and noted.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Scott, Strickson and Ward.

**CON.C3 CONF - TENDER - WATER METER REPLACEMENTS GOSFORD &
SURROUNDS 2014-15 (IR 20145598)**

Department: Construction & Operations
Service Unit: Construction Delivery

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/5 RESOLVED (Strickson/Bowles) that the information be received and noted.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Scott, Strickson and Ward.

MATTERS SUBMITTED BY THE DIRECTOR - COMMUNITY GROWTH

**GRO.C1 CONF - TENDER - WOY WOY OVAL PLAYING FIELD RELOCATION
(IR 20146622)**

Department: Community Growth
Service Unit: Culture

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/6 RESOLVED (Strickson/Bowles) that the information be received and noted.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Scott, Strickson and Ward.

GRO.C2 CONF - TENDER - WOY WOY OVAL GRANDSTAND AND FORECOURT RECONSTRUCTION (IR 20146711)

Department: Community Growth
Service Unit: Culture

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/7 RESOLVED (Strickson/Bowles) that the information be received and noted.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Scott, Strickson and Ward.

Councillor Doyle returned to the meeting at 6.34 pm.

LATE ITEMS

Nil.

2015/8 RESOLVED (Macfadyen/Strickson) that the meeting be open to the public.

2015/9 RESOLVED (Burke/Macfadyen) that the meeting be adjourned until 6.45 pm.

The meeting adjourned at 6.34 pm.

OPEN COUNCIL

Ordinary Council meeting No 2015/1 resumed at 6.45 pm.

PRESENT

The Mayor Councillor L McKinna, (Chairman) and Councillors J M Macfadyen, G L Bowles, C G Burke, C L Doyle, V L Scott, J C Strickson and R V Ward.

LEAVE OF ABSENCE

Councillors D M Bocking and H A Morris.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor gave an Acknowledgement of Country to the original inhabitants of this land.

OPENING PRAYER

Reverend Greg Woolnough of the Gosford Uniting Church read the Council Prayer.

PRESENTATIONS

Nil

LEAVE OF ABSENCE

An application for Leave of Absence was tendered by Councillor Burke for 24 February 2015 as he will be attending a conference.

2015/10 RESOLVED (Strickson/Macfadyen) that the above Leave of Absence/s be granted.

Councillor Bocking was granted Leave of Absence for 10 February and 17 February 2015.
(Minute No 2014/669 – 9 December 2014)

Councillor Morris was granted Leave of Absence for 10 February 2015.
(Minute No 2014/669 – 9 December 2014)

DECLARATION OF PECUNIARY INTEREST

The Chairperson invited Councillors to declare any pecuniary interest they might have, in accordance with Section 451 of the Local Government Act 1993, in respect to the agenda for this meeting.

No declarations were received.

DECLARATION OF NON-PECUNIARY INTEREST

The Chairperson invited Councillors to declare any significant, less than significant or political donation non-pecuniary interest they might have, in accordance with Section 440 of the Local Government Act 1993 and Council's Code of Conduct, in respect to the business of this meeting.

No declarations were received.

CONFIRMATION OF MINUTES

2015/11 RESOLVED (Macfadyen/Strickson) that the Minutes of Ordinary Meeting 2014/22 held on 9 December 2014 be received and confirmed.

I, Lawrie McKinna as Chairperson of this meeting, sign these Minutes.

MAYORAL MINUTE

MM.1 MAYORAL MINUTE - STATEMENT OF OPINION BY COUNCIL ON GOSFORD WATER SUPPLY AUTHORITY 2013/2014 (IR 20257579)

Mayor: Lawrie McKinna

MOVED (McKinna) that the recommendation in MM.1 be adopted.

On being put to the meeting the MOTION WAS CARRIED.

2015/12 RESOLVED that Council adopt the attached Statement by Councillors and Management on the Gosford Water Supply Authority 2013/2014 Financial Statements and the Mayor, the Deputy Mayor or one other Councillor, the Chief Executive Officer and the Responsible Accounting Officer sign the statement.

MATTERS OF URGENCY

In accordance with Clause 241(3)(b) of the Local Government (General) Regulation 2005, the Mayor ruled the following to be a matter of urgency.

2015/13 RESOLVED on the motion of Councillor McKinna that the Motions of Urgency be considered by Council.

UM.1 URGENCY MOTION - REJECTION OF COAL SEAM GAS PROPOSAL (IR 12409364)

Councillor: Craig Doyle

MOVED (Doyle/Bowles) that the recommendation in UM.1 be adopted.

On being put to the meeting the MOTION WAS CARRIED.

2015/14 RESOLVED that Council reaffirm its 2012 resolution (NM 02/10/12 – IR: 12409364 Minute No: 2012/543) Protect Gosford Local Government Area from any Coal Seam Gas Exploration or Mining Activity, and support the community not to allow the mining of coal seam gas in the Gosford LGA.

UM.2 URGENCY MOTION - REVIEW OF TRAFFIC AT ROUNDABOUT ON HENRY PARRY DRIVE & PACIFIC HIGHWAY WYOMING (IR 20251012)

Councillor: Craig Doyle

MOVED (Doyle/Macfadyen) that the recommendation in UM.2 be adopted.

On being put to the meeting the MOTION WAS CARRIED.

2015/15 RESOLVED that the Chief Executive Officer be requested to contact the Roads and Maritime Services (RMS) and the Member for Gosford, Chris Holstein to seek a review of the current traffic arrangements at the roundabout on Henry Parry Drive and the Pacific Highway at Wyoming.

ITEMS STARRED FOR DISCUSSION

The following items have been starred by Councillors or the Public for discussion or public participation.

MATTER SUBMITTED BY THE DIRECTOR - GOVERNANCE AND PLANNING

GOV.9 AMENDMENT TO GOSFORD DCP 2013 RE COASTAL FRONTAGE AND PROPOSED REVETMENT WALL (IR 19310758)

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

MOVED (Bowles/Doyle) that the recommendation of the Director - Governance and Planning be adopted.

On being put to the meeting the MOTION WAS CARRIED.

2015/16 RESOLVED that:

A DCP 2013 be amended by deletion of Clause 6.2.5.1d (outlined above) and replacement with suitable wording at the end of Clause 6.2.5.1 as follows:

NOTATION: On Wamberal Beach, building is not permitted seaward of the 2045 hazard line.

The proposed revetment/Terminal Protection Structure for Wamberal Beach has not yet been able to be funded or constructed in the twenty years since it was first proposed, and requires redesign to meet the updated coastal processes hazard information provided by the Open Coast and Broken Bay Beaches Coastal Processes and Hazard Definition Study endorsed by Council on 25 March 2014.

Council will only consider reintroduction of the special exemption for Wamberal Beach once:

1. *updated and appropriate design has been finalised; and*
2. *full funding is guaranteed for construction and ongoing maintenance of the revetment wall; and*
3. *once relevant approvals have been obtained as required by legislation.*

Until there is certainty about the construction of the proposed revetment wall, Wamberal Beach will be subject to the same controls as other coastal beaches.

- B Council place the revised Gosford Development Control Plan 2013 Chapter 6.2 on public exhibition for 28 days as outlined in A.

MATTER SUBMITTED BY THE DIRECTOR - COMMUNITY GROWTH

GRO.3 STATUS OF FAIRVIEW COTTAGE (IR 20133727)

Department: Community Growth
Service Unit: Property & Economic Development

Councillor Strickson left the meeting at 7.29 pm.

MOVED (Bowles/Macfadyen) that the recommendation of the Director - Community Growth be adopted.

On being put to the meeting the MOTION WAS CARRIED.

2015/17 RESOLVED that:

- A Notes this report, particularly the property updates and the intent of the Friends of Fairview to seek owners consent for a DA.
- B Endorses the provision of Council's consent as landowner, to lodge the DA, consistent with the three year period granted to the Friends of Fairview in August 2012.
- C Advises the Friends of Fairview of its position, noting the DA assessment will consider (among other relevant issues) the requirements of the water catchment zone and the Local Heritage significance of the building.
- D Otherwise maintains its position as resolved in (2011/629) and (IR 11982855).
- E Reassess its position in August 2015 reflecting all factors relevant at that time, but including the DA, Heritage Status physical condition of the cottage and future maintenance requirements.

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

SW/14/10 STATUS OF WOMEN COMMITTEE REPORT DATED 9 DECEMBER 2014 (IR 20000394)

Department: Community Growth
Service Unit: Library & Community

MOVED (Scott/Macfadyen) that the recommendation of the Status of Women Committee be adopted subject to the amendment of Part B as follows:

B SW.026 Committee Resolutions

~~Funds raised by the White Ribbon Day Working Party be allocated as advertised and Council matches, dollar for dollar, donations made by the White Ribbon Day Working Party and donate the matched funds to the local community project, Central Coast Domestic Violence Committee.~~

This matter be referred back to the Status of Women Committee for further discussion.

On being put to the meeting the MOTION WAS CARRIED.

2015/18 RESOLVED that:

A The Minutes of the Status of Women Committee dated 9 December 2014 be received and noted.

B This matter be referred back to the Status of Women Committee for further discussion.

ITEMS NOT STARRED FOR DISCUSSION

The following items have not been starred by Councillors for discussion and/or public participation.

Councillors (Ward/Burke) recommend that the following items not starred for discussion be adopted.

MATTERS SUBMITTED BY THE DIRECTOR - GOVERNANCE AND PLANNING

GOV.2 DA46188/2014 PART 1 APPLICANT: DONFORD PTY LTD PROPOSED RESIDENTIAL FLAT BUILDING (43 UNITS) AND DEMOLITION OF EXISTING DWELLINGS ON LOTS 7 & 8 SEC 94 DP 758466, NO 66 & 68 DONNISON STREET WEST, GOSFORD (IR 20130799)

Department: Governance & Planning
Service Unit: Development & Compliance

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

2015/19 RESOLVED (Ward/Burke) that:

- A Council as consent authority grant consent to Development Application No 46188/2014 for a Residential Flat Building (43 units) on Lots 7 & 8 SEC 94 DP 758466, 66-68 Donnison St West, Gosford, subject to the conditions attached.
- B In accordance with Section 95(1) of the Environmental Planning & Assessment Act 1979, this consent shall be valid for a period of **two (2) years**.
- C The objectors are notified of Council's decision.
- D That in accordance with Councils previous resolution on the Development Incentives, Council's S94 Officer be advised of the S94 Contribution of \$288,759.66 required to be reimbursed to CP94A – Gosford City Centre.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

GOV.3 DA42963/2012 PART 3 APPLICANT: TESMAR PROJECTS PTY LTD PROPOSED SECTION 96 (1A) - MINOR INTERNAL AMENDMENTS AND CORRECTION TO DA CONDITIONS ON LOT 1, 2, 3, 4, 5 & 6 SEC 92 DP 758466, NO 6, 8, 10, 12, 14 & 16 HARGRAVES STREET GOSFORD (IR 20146507)

Department: Governance & Planning
Service Unit: Development & Compliance

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

2015/20 RESOLVED (Ward/Burke) that:

- A Council as consent authority approve the Section 96 (1A) Part 3 application to modify Development Consent No 42963 to the approved Residential Flat Building on Lot: 1, 2, 3, 4, 5 & 6 SEC: 92 DP: 758466, 6, 8, 10, 12, 14 & 16 Hargraves Street GOSFORD.

The Development Consent No 42963 be modified as follows:

- i The replacement of Condition 1.1 in Stages 1, 2 & 3 with the following;

1.1 Approved Plans and Supporting Documents

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "Development Consent" unless modified by any following condition.

Architectural Plans by J. S. Architects

Drawing	Description	Sheets	Issue	Date
DA0.00	Coversheet	1	D	8/05/2014
DA1.00	Site Analysis	1	A	25/09/2012
DA1.00B	Site Analysis 2	1	A	01/03/2012
DA1.02	Site Plan	1	F	8/05/2014
DA2.00	Level 01	1	H	December 2014
DA2.01	Level 02	1	I	December 2014
DA2.02	Level 03	1	I	December 2014
DA2.03	Level 04	1	H	December 2014
DA2.04	Level 05	1	H	December 2014
DA2.05	Level 06	1	H	December 2014
DA2.06	Level 07	1	H	December 2014
DA2.07	Level 08	1	H	December 2014
DA2.08	Level 09	1	G	December 2014
DA2.09	Level Roof	1	G	8/05/2014
DA3.00	Elevation East & North	1	I	December 2014
DA3.01	Elevation West & South	1	I	December 2014
DA4.00	Section AA, BB, CC	1	I	December 2014
DA4.01	Section DD, EE	1	I	December 2014
DA7.00	Materials and Finishes Board	1	B	01/03/2013

LP01/C	Landscape Plan	1	C	26/05/2014
LP02/C	Rooftop Landscape Plan	1	C	26/05/2014
LP03/B	Landscape Area	1	B	27/02/2013
DA3.02	Colour Elevation	1	F	8/05/2014
DA2.01	Floor Level 2 s.96 Waste Management	1	A	30/06/2014
DA2.02	Floor Level 3 s.96 Waste Management	1	A	30/06/2014

Supporting Documentation

Document	Title	Date
	Statement of Environmental Effects	Oct 2012 and 12/03/2013
	Bushfire Assessment Report	13/12/2011
7014a	Aboriginal Impact Assessment	20/08/2011
75382.00	Contamination Assessment	March 2012
11179 Rev B	Assessment of Traffic and Parking Implications	February 2013
75811.0	Geotechnical Investigation	June 2014
	Waste Management Plan	30/06/2014
	Amended Access Review	4/03/2013
Certificate No 469054M-02	BASIX Certificate	23/05/2014
	Drainage Concept	01/03/2013

- ii The replacement of Condition 5.10 in Stage 2 with the following;

- 5.10. The payment to Council of a contribution in accordance with the Gosford City Council Section 94A Development Contribution Plan – Gosford City Centre as follow:

The payment of **\$66,353.00** in accordance with Gosford City Council Section 94A Development Contribution Plan - Gosford City Centre (Account No D9001.823 - Hot Key 710), **if the development commences within 2 years of the date of consent.**

The total contribution amount of **\$66,353.00** is to be paid prior to the issue of any Occupation Certificate.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Gosford City Council Section 94A Development Contribution Plan - Gosford City Council. The basis of the calculation and the total amount due is to be indexed quarterly in accordance with the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician as outlined in the contribution plan.

Any Occupation Certificate is not to be issued by a Certifying Authority until the developer has provided the certifying authority with a copy of a receipt issued by Council that verifies that the Section 94 contributions have been paid in accordance with the wording of the condition. A copy of this receipt is to accompany the documents required to be submitted by the certifying authority to Council under Clause 104 of the Environmental Planning and Assessment regulation 2000.

The original development consent is therefore replicated incorporating amendment/s and/or deletion/s.

- B The applicant be advised that the approved amendment does not extend the terms of the original consent.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

GOV.4 DA42456/2012 PART 2 APPLICANT: R HART PROPOSED SECTION 96 - MODIFICATION OF APPROVED NEW DWELLING ON LOT 714 DP 30049, 203 DEL MONTE PLACE COPACABANA (IR 20120144)

Department: Governance & Planning
Service Unit: Development & Compliance

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

2015/21 RESOLVED (Ward/Burke) that:

- A Council assume the concurrence of the Director-General of the Department of Planning under clause 4.6 of Gosford Local Environmental Plan 2014 for the variation to the development standards of Clause 4.3 Height of Buildings to permit the proposed development.
- B Council as consent authority approve the Section 96 (2) Part 2 application to modify Development Consent No 42456 to the approved **Dwelling House (New)** on LOT: 714 DP: 30049, 203 Del Monte Place COPACABANA. The Development Consent No 42456 be modified as follows:
- i Replace Condition 1.1
 - ii Add Condition 4.8

The original development consent is therefore replicated incorporating amendment/s and/or deletion/s.

- C The applicant be advised that the approved amendment does not extend the terms of the original consent.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

GOV.5 PLANNING PROPOSAL 65/2014 LOT 121 DP 1179469, 1 FASSIFERN STREET ETTALONG BEACH TO RECLASSIFY THE LAND TO OPERATIONAL LAND. APPLICANT: GOSFORD CITY COUNCIL (IR 19467629)

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.

2015/22 RESOLVED (Ward/Burke) that:

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report to reclassify Lot 121 DP 1179469 Maitland Bay Drive/Fassifern Street Ettalong Beach from "community land" to "operational land"
- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report.
- C The Planning Proposal/draft Local Environmental Plan be processed in accordance with the requirements of the Part 2 Division 1 of the Local Government Act, 1993, and the Environmental Planning and Assessment Act, 1979.
- D The draft Local Environmental Plan be exhibited in accordance with the Department of Planning and Environment's Practice Note PN 09-003 "Classification and reclassification of public land through a local environmental plan".
- E A public hearing be held in accordance with Section 57(6) of the Environmental Planning and Assessment Act after the close of the exhibition period.
- F Council seeks delegations from the Department of Planning & Environment for this Planning Proposal.

Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

GOV.6 PLANNING PROPOSAL 2014 - 67. LOT 1 AND 2 DP 8861 (303 AND 305) OCEAN BEACH ROAD UMINA BEACH. REZONE FROM R2 - LOW DENSITY RESIDENTIAL TO B5 - BUSINESS DEVELOPMENT. APPLICANT: PROGRESSIVE PROPERTY SOLUTIONS (IR 19943814)

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979

2015/23 RESOLVED (Ward/Burke) that:

- A Council initiate the Local Environmental Plan 'Gateway' process pursuant to Section 55 Environmental Planning and Assessment Act by endorsing the preparation of a Planning Proposal as outlined in this report for Lot 1 and 2 DP 8861 (303 and 305) Ocean Beach Road Umina Beach to rezone from R2 - Low Density Residential to B5 - Business Development.
- B Council notify the Department of Planning & Environment of Council's resolution requesting a 'Gateway' determination pursuant to Section 56(1) Environmental Planning and Assessment Act and forward the Planning Proposal and all necessary documentation according to their requirements and this report .
- C Council requests that the Gateway determination include a requirement to undertake an acid sulphate soils study in accordance with the Minister's Section 117 Direction 4.1 Acid Sulfate Soils, which will be required to be carried out by the applicant.
- D After public exhibition of the Planning Proposal, should the Minister for Planning support it, if no submissions objecting to the Planning Proposal are received, the Planning Proposal is to be processed in order to make the plan.
- E The applicant be advised of Council's resolution.
- F Council seeks delegations from the Department of Planning & Environment for this Planning Proposal. Any delegation to Council is to be delegated to the Chief Executive Officer - Paul Anderson, per s381 of the *Local Government Act 1993*, who will complete the "Authorisation" on behalf of Council and submit to the Department of Planning & Environment.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

GOV.7 SOMERSBY INDUSTRIAL PARK - REVIEW OF OUTSTANDING INFRASTRUCTURE WORKS WITHIN THE PARK (IR 1350409)

Department: Governance & Planning
Service Unit: Development & Compliance

2015/24 RESOLVED (Ward/Burke) that:

- A The priority lists for the Somersby Industrial Park infrastructure projects as shown in Attachments A, B and C to this report be adopted for future capital expenditure from the Somersby Industrial Park Development Fund, and that this list supersedes any previously adopted lists.
- B The Chief Executive Officer be assigned delegated authority to approve works proceeding and ensure implementation of the infrastructure development works are in accordance with the adopted priorities.
- C Water, Sewer and Drainage infrastructure be prioritised as funds become available.
- D The unfunded road works identified in attachment B priority list to be listed and ranked for consideration for funding in a future Capital Works Program on their overall priority ranking against all other projects.

GOV.8 EXTINGUISHMENT OF UNNECESSARY RESTRICTION AS TO USER LOT 46 SECTION N DP 9391 NO 65 KARINGI STREET ETTALONG (IR 20079052)

Department: Governance & Planning
Service Unit: Legal & Risk

2015/25 RESOLVED (Ward/Burke) that:

- A Council consent to the extinguishment of the unnecessary Restriction as to User (restrictive covenant) D284493 affecting Lot 46 Section N DP 9391 subject to:
 - 1 Payment to Council an administrative fee of \$305.
 - 2 Payment of Council's legal costs.
- B The common seal be affixed to the document if required.

GOV.10 RESPONSE TO QUESTIONS ON NOTICE (IR 8211686)

Department: Governance & Planning
Service Unit: Governance & Business Services

2015/26 RESOLVED (Ward/Burke) that the information be received and noted.

MATTERS SUBMITTED BY THE CHIEF EXECUTIVE OFFICER**CEO.1 ORGANISATION STRUCTURE UPDATE (IR 19880552)**

Department: Chief Executive Officer
Service Unit: Chief Executive Officer

2015/27 RESOLVED (Ward/Burke) that the information be received and noted.

CEO.2 COUNCIL INVESTMENT REPORT NOVEMBER 2014 (IR 19997992)

Department: Chief Executive Officer
Service Unit: Performance & Strategy

2015/28 RESOLVED (Ward/Burke) that the information be received and noted.

CEO.3 COUNCIL INVESTMENT REPORT DECEMBER 2014 (IR 20098067)

Department: Chief Executive Officer
Service Unit: Performance & Strategy

2015/29 RESOLVED (Ward/Burke) that the information be received and noted.

MATTERS SUBMITTED BY THE DIRECTOR - CONSTRUCTION AND OPERATIONS**CON.1 WATER MAINS RENEWAL 2014/15 PACKAGE 1 (P355) (IR 20145201)**

Department: Construction & Operations
Service Unit: Construction Delivery

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/30 RESOLVED (Ward/Burke) that:

- A Tender for Water Main Renewal 2014/15 Package 1 from Milbant Constructions Pty Ltd be accepted in the sum of \$185,881.00 excluding GST.
- B It is recommended to include contingency and project management and ancillary costs. Therefore approval is sought for a total project funding of \$291,881.00.
- C The Common Seal of Council be affixed to the contract if required.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

**CON.2 WATER MAINS RENEWAL 2014/15 PACKAGE 2 (P355)
(IR 20145381)**

Department: Construction & Operations
Service Unit: Construction Delivery

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/31 RESOLVED (Ward/Burke) that:

- A Tender for Water Main Renewal 2014/15 Package 2 from Kanal Construction Pty Ltd be accepted in the sum of \$96,000.00 excluding GST.
- B It is recommended to include contingency and project management and ancillary costs. Therefore approval is sought for a total project funding of \$160,000.00 excluding GST.
- C The Common Seal of Council be affixed to the contract if required.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

**CON.3 TENDER - WATER METER REPLACEMENTS GOSFORD AND
SURROUNDS 2014/15 (IR 20145598)**

Department: Construction & Operations
Service Unit: Construction Delivery

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/32 RESOLVED (Ward/Burke) that:

- A Schedule of Rates Tender for Water Meter Replacements Gosford & Surrounds 2014-15 from Limeblue Plumbing & Civil Pty Ltd be accepted in the sum of \$165,216.00 excluding GST.
- B It is recommended to include contingency, project management and ancillary costs. Therefore approval is sought for a total project funding of \$332,216.00 excluding GST.
- C The common seal of Council be affixed to the contract if required.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

MATTERS SUBMITTED BY THE DIRECTOR - COMMUNITY GROWTH**GRO.1 TENDER - WOY WOY OVAL PLAYING FIELD RELOCATION (IR 20146622)**

Department: Community Growth
Service Unit: Culture

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/33 RESOLVED (Ward/Burke) that:

- A Tender for Woy Woy Oval Playing Field Relocation from Turspec Pty Ltd be accepted in the sum of \$354,260.00 excluding GST.
- B The Common Seal of Council be affixed to the contract if required.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

GRO.2 TENDER - WOY WOY OVAL GRANDSTAND AND FORECOURT RECONSTRUCTION (IR 20146711)

Department: Community Growth
Service Unit: Culture

This item is defined as a tender report pursuant to Regulation 177 of the Local Government (General) Regulation 2005.

2015/34 RESOLVED (Ward/Burke) that:

- A Tender for Woy Woy Oval Grandstand and Forecourt Reconstruction from North Construction and Building Pty Ltd be accepted in the sum of \$5,167,280.00 excluding GST.
- B The Common Seal of Council be affixed to the contract if required.

For the Resolution: Councillors McKinna, Macfadyen, Bowles, Burke, Doyle, Scott and Ward.

MATTERS SUBMITTED TO COUNCIL BY INTER-DEPARTMENTAL AND ADVISORY COMMITTEES OF COUNCIL**CCC/14/5 REPORT OF THE CATCHMENTS & COAST COMMITTEE MEETING 25 NOVEMBER 2014 (IR 19646912)**

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

2015/35 RESOLVED (Ward/Burke) that:

- A The Minutes of the Catchments & Coast Committee be received and noted.
- B CCC.022 NARARA CREEK FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN
A Technical Subcommittee be established to provide feedback to Council officers prior to the exhibition of the Narara Creek Floodplain Risk Management Study & Plan.
- C CCC.018 COASTAL ZONE MANAGEMENT IMPLEMENTATION UPDATE
Council undertake a full and thorough feasibility and costs benefits study of all options available for the long-term management of Ettalong Beach, taking into consideration climate change predictions.

HC/14/08 HERITAGE ADVISORY COMMITTEE REPORT DATED 19 NOVEMBER 2014 (IR 19897995)

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

2015/36 RESOLVED (Ward/Burke) that:

- A The Minutes of the Heritage Advisory Committee be received and noted.
- B HC.039 Gosford Public School & Waterfront Redevelopment
Council seek further assurances regarding the CCRDC plans to protect the School of Arts Building & Police Sergeants footings in light of the wording in the EOI.
- C HC.087 Kibble Park
Councillors be briefed by the Heritage Program Officer on the heritage significance of both the Park and the Library
- D HC.097 Peat Island
Councillors be alerted to the presence of heritage buildings in this precinct that are yet to be listed and that some may be of State Heritage Significance.

**HC/14/09 REPORT OF THE HERITAGE ADVISORY COMMITTEE MEETING
HELD 17 DECEMBER 2014 (IR 20073589)**

Department: Governance & Planning
Service Unit: Sustainable Corporate & City Planning

2015/37 RESOLVED (Ward/Burke) that the Minutes of the Heritage Committee be received and noted.

**SW/14/09 STATUS OF WOMEN COMMITTEE REPORT DATED
11 NOVEMBER 2014 (IR 19870401)**

Department: Community Growth
Service Unit: Library & Community

2015/38 RESOLVED (Ward/Burke) that:

- A The Minutes of the Status of Women Committee dated 11 November 2014 be received and noted.
- B SW.017 White Ribbon Day Walk
Council determine where funds raised from the 2014 White Ribbon Day Working Party be donated given that all promotional material for the events advised money raised would be donated to White Ribbon which is contradictory to the recommendation of Status of Women Committee.

**TR/14/06 REPORT OF THE LOCAL TRAFFIC COMMITTEE HELD ON
1 DECEMBER 2014 (IR 19914139)**

Department: Construction & Operations
Service Unit: Construction Planning & Management

2015/39 RESOLVED (Ward/Burke) that the Minutes of the Local Traffic Committee be received and noted.

LATE ITEMS

Nil.

QUESTIONS ON NOTICE

Nil

NEXT MEETING

An Ordinary Meeting of Council (2015/2) will be held on Tuesday, 24 February 2015.

CLOSE OF BUSINESS

The meeting closed at 7.38 pm.

This is page 23 of the Minutes of the Ordinary Meeting (2015/1) of the Council of the City of Gosford held on Tuesday, 10 February 2015.