
WYONG SHIRE COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER WYONG CIVIC CENTRE, HELY STREET, WYONG ON 26 AUGUST 2015 COMMENCING AT 5.00PM

PRESENT

Councillors D J Eaton OAM (Chairperson), G P Best, K G Greenwald, L A Matthews, L S Taylor, A Troy, D P Vincent and L D Webster.

IN ATTENDANCE

General Manager, Director Development and Building, Director Infrastructure and Operations, Director Property and Economic Development, Acting Director Community and Recreation Services, General Counsel, Communications Coordinator, Manager Property Development and two administration staff.

The Mayor, Councillor Eaton OAM, declared the meeting open at 5.00pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Councillor Eaton OAM delivered the opening prayer and Councillor Vincent read an acknowledgment of country statement.

APOLOGY

Council, at its meeting held 12 August 2015;

“RESOLVED on the motion of Councillor TAYLOR and seconded by Councillor WEBSTER:

771/15 That Council accept the apologies and grant Councillors Vincent and Nayna leave of absence from the meeting.

772/15 That Council accept the apology and grant Councillor Nayna leave of absence from the 26 August 2015 Ordinary meeting.”

An apology for the inability to attend the meeting was received on behalf of Councillor Graham.

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

823/15 That Council accept the apology and grant leave of absence from the meeting.

At the commencement of the ordinary meeting report nos 1.1, 3.3, 6.2 and 3.1 were dealt with first then the remaining reports in order. However for the sake of clarity the reports are recorded in their correct agenda sequence.

1.1 Disclosures of Interest

Item 3.1 - 2015-16 Sponsorship Allocations from Contestable Funding

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."

Item 3.2 - Central Coast Business Enterprise Centre

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is the Council delegate to CCGT, which has BEC as a business partner and participated in consideration of this matter.

Councillor Eaton stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am only the Council delegate."

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that the BEC and CCGT, that he is General Manager of, have a close working relationship. This item was resolved by the exception method.

Item 3.3 - Graffiti Management Strategy 2015

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that the motion has been designed with the involvement of the NSW Police and participated in consideration of this matter.

Councillor Greenwald stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because although I work for NSW Police, it is another area and unrelated location."

Item 7.2 - Halekulani Oval / Colongra Land Swap and Sports Complex

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity. Delta Electricity own the Colongra Land and now lease the land to Wyong Shire Council for a peppercorn rate and participated in consideration of this matter.

Councillor Vincent stated:

"As this is a planning matter with a commercial element, I choose to leave the chamber and take no part in the voting."

Councillor Vincent left at 6.43pm, returned at 6.54pm, and as a result took no part in voting on this matter.

Item 7.3 - Request to Vary Contract No. CPA/222145 - Upgrade to Mannering Park RFS Station Upgrade

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he is a current RFS member and participated in consideration of this matter.

Councillor Troy stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."

Councillor Best left the meeting at 5.03pm and returned to the meeting at 5.04pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor WEBSTER:

824/15 That Councillors now disclose any conflicts of interest in matters under consideration by Council at this meeting.

PROCEDURAL MOTION

RESOLVED unanimously on the motion of Councillor VINCENT and seconded by Councillor GREENWALD:

825/15 That Council allow meeting practice to be varied.

826/15 That Council use the exception method to deal with the balance of the Agenda.

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

827/15 That with the exception of report numbers 1.6, 3.1, 3.3, 3.6, 6.1, 6.2, 7.2, 7.3 and 7.4 Council adopt the recommendations contained in the remaining reports.

1.2 Proposed Inspections and Briefings

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

That Council receive the report on Proposed Inspections and Briefings.

1.3 Address By Invited Speakers

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

828/15 That Council receive the amended report on Invited Speakers.

829/15 That Council agree meeting practice be varied to allow reports from Directors and/or the General Manager to be dealt with following an Invited Speaker's address.

1.4 Confirmation of Minutes of Previous Meeting

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

830/15 That Council confirm the minutes of the previous Ordinary Meeting of Council held on Wednesday 12 August 2015.

Business Arising

There was no business arising.

1.5 Notice of Intention to Deal with Matters in Confidential Session

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

831/15 That Council consider the following matters in Confidential Session, pursuant to Sections 10A (2)(g), 10A (2)(c), 10A (2)(d)(i) and 10A (2)(a) of the Local Government Act 1993:

7.1 Warnervale Airstrip Maintenance Progress Report

7.2 Halekulani Oval / Colongra Land Swap and Sports Complex

7.3 Request to Vary Contract No. CPA/222145 - Upgrade to Mannering Park RFS Station Upgrade

7.4 Mayoral Minute – Appointment of an Acting General Manager (Chief Executive Officer) and Related Matters

832/15 That Council note its reason for considering Report No 7.1 – Warnervale Aerodrome Runway Maintenance Progress Report, as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

833/15 That Council note its reason for considering Report No 7.2 – Halekulani Oval / Colongra Land Swap and Sports Complex, as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

834/15 That Council note its reason for considering Report No 7.3 – Request to Vary Contract No. CPA/222145 - Upgrade to Mannering Park RFS Station Upgrade, as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

835/15 That Council **note** its reason for considering Report No 7.4 – Appointment of an Acting General Manager (Chief Executive Officer) and Related Matters, as it contains personnel matters concerning particular individuals (other than Councillors).

836/15 That Council **request** the General Manager to report on these matters in open session of Council.

1.6 Mayoral Minute - Vandalism Reward Doubling

Councillor Vincent left the meeting at 6.04pm and returned to the meeting at 6.07pm during consideration of this item.

Councillor Taylor left the meeting at 6.05pm and returned to the meeting at 6.06pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor EATON:

837/15 That Council **double** its current reward under its Policy for Reporting Vandalism in respect of the EDSAAC Bateau Bay amenities/clubhouse building destroyed by fire last weekend.

838/15 That Council **publicise** this increased reward extensively through Council's media and communication channels.

839/15 That Council **publicise** the names of those convicted, subject to any prosecution.

2.1 CPA/256304 – Construction of Landscaping including Granite Paving, The Waterfront Plaza, The Entrance

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

840/15 That Council **accept** the tender from Quality Management and Constructions Pty Ltd, for the lump sum amount of \$2,726,600 (excl GST) for Contract CPA/256304 – Construction of Landscaping including Granite Paving, The Waterfront Plaza, The Entrance.

841/15 That Council **determine** the Tender Evaluation Report in Attachment A, remains confidential in accordance with Section 10A (2) (d) of the Local Government Act 1993 as the report contains commercial information of a confidential nature, except for the name of the successful tenderer, which may be disclosed after Council has resolved to accept that tender.

842/15 That Council **approve** the contingency sum as detailed in the Tender Evaluation Report in Attachment A.

3.1 2015-16 Sponsorship Allocations from Contestable Funding

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is a member of the Budgewoi Scouts and participated in consideration of this matter.

Councillor Vincent stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor WEBSTER:

843/15 That Council rescind the offer of sponsorship made after the 2014-15 Sponsorship EOI to Triathlon NSW to run The Entrance Triathlon in 2015-16 and 2016-17 and that these funds be returned to the contestable sponsorship funding pool for these years.

844/15 That Council allocate the below combined cash and in-kind funds from the Sponsorship Program as follows:

- 2015-16: \$45,000.00
- 2016-17: \$32,000.00

Initiative	Background of Applicant	Aim of Initiative	Recommended Funding
CULTURAL INITIATIVES			
Long Jetty Street Festival	The applicant has previously worked on successful local events such as Cast Off Food and Wine Festival in Woy Woy which had 4,000 attendees in 2014. The Long Jetty event will be held in conjunction with local businesses in Long Jetty.	To hold an inaugural festival on November 22nd in the same year as the Long Jetty's 100th anniversary. The event is a street fair to be curated by the passionate and driven local business owners of the area.	2015-16: \$5,000 2016-17: NA TOTAL: \$5,000
Mingara Orchid Festival	An established event attracting upwards of 500 registered orchids on display for judging and 4,000 visitors over a two day event at Mingara Recreation Club.	To attract more visitors and grow the event to become a key event for Orchid enthusiasts in Wyong Shire. To encourage attendees to stay longer and enjoy other attractions in Wyong Shire thus supporting spend dispersal to local businesses.	2015-16: \$2,500 2016-17: NA TOTAL: \$2,500
Sculptures on the	An established sculptural exhibition event held for	To increase the profile and reputation of the	2015-16: \$2,500

Green	<i>the last six years at Kooindah Waters Golf Club. 4,000 people are expected to attend the 2016 event.</i>	<i>event and align with other Sculpture events outside of the local region to ensure the event is a landmark event for Wyong Shire. The event also supports education programs in primary and secondary schools as well as post-secondary mentorships for emerging artists.</i>	2016-17: \$2,500 TOTAL: \$5,500
Sundays at the Old School	<i>The Yarramalong Old School has previously held small yet successful events on the grounds of the Heritage Listed property that are focused on the rich artistic history of the area. This event expects to turn these one-off occasions into regular bespoke events with 500 people and 40 stall holders expected to attend each event.</i>	<i>To create an annual, free entry, two-day art, sculptural and musical event held in the grounds and heritage buildings at the Yarramalong Old School. To feature local artists and encourage emerging artists to work alongside and learn from leaders in the local artistic community to ensure the longevity of the artistic community in the Wyong Shire.</i>	2015-16: \$2,500 2016-17: \$2,500 TOTAL: \$5,000
SPORTING INITIATIVES			
Take a Stroke for Stroke	<i>The applicant is holding the inaugural Take a Stroke for Stroke: Million Dollar Hole in One golf challenge event with 100,000 people expected to take part at their local clubs nationally. The national finals are to be staged in Wyong Shire with 50 finalists and a guest expected to attend. The applicant is currently working with other Sponsors and an array of stakeholders including the Stroke Foundation which has endorsed this activity as a national fundraiser on their behalf.</i>	<i>To grow the size of the event and number of participants over the next two years with the long term goal of being self-sufficient. The national final would remain in Wyong Shire for the life of the event. To promote Wyong Shire as a key golfing destination for the more than 1million golfers in Australia.</i>	2015-16: \$7,500 2016-17: \$5,000 TOTAL: \$12,500

SHIMANO Mountain Bike Grand Prix	<i>An established Mountain Bike racing series consisting of three events made up of a mix of four to seven hour races held at Ourimbah in June each year. Approx. 350 participants to take part in the race in 2016 plus 200 spectators and accompanying family. Plus advertising to a database of 6,000 and combined social media following of 5,000.</i>	<i>To grow the established race to be a flagship event for Wyong and establishing Wyong as a key destination within the Mountain Biking community.</i>	2015-16: \$5,000 2016-17: \$5,000 TOTAL: \$10,000
Wyong Triathlon Festival	<i>Elite Energy holds a series of ten Triathlons across NSW called the triSeries. On average at past events in other areas attendees stay 2 nights per event and spend \$164 per person per overnight stay and \$90 per person per day competitor. 1,500 competitors are expected at the first event.</i>	<i>To hold an annual triathlon event in Wyong Shire, specifically at Budgewoi that offers 5 distance events to cater for all ages and abilities. This triathlon will fall under the banner of the Wyong Shire Council Lakes Festival in 2015.</i>	2015-16: \$15,000 2016-17: \$12,000 TOTAL: \$27,000
VISITOR MARKETING INITIATIVES			
Coastal Chic	<i>Coastal Chic is a digital platform including a Blog and Instagram account with nearly 40,000 followers used to boost the visitor economy by promoting local activities and businesses in a fresh context for a modern audience.</i>	<i>To expand the marketing of Coastal Chic digital tools to attract more followers and to add to the suite with an upgraded website and new Coastal Chic app which can be downloaded for regular use by residents and visitors to the area.</i>	2015-16: \$5,000 2016-17: \$5,000 TOTAL: \$10,000

845/15 That Council decline applications for the reasons indicated in the table below, the applicants be advised and where relevant are directed to alternate funding programs:

Initiative	Requested	Applied for Tier level	Assessment
Parkrun Budgewoi	\$12,858	Tier 2 Multi year	<i>Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required</i>
Inaugural Australian Archery Tag	\$3,000	Tier 3 Single year	<i>Initiative does not meet the visitation requirements, potential for growth or ROI through economic development</i>

Challenge			benchmarks that are required
2015 Central Coast Eisteddfod	\$5,000	Tier 3 Single year	Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required
Aboriginal Gambling: Our Stories	\$5,000	Tier 3 Single year	Fails to meet the eligibility criteria as more than 50% of the cost of the initiative has been requested. Initiative also does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required
Camp Breakaway	\$3,610	Tier 3 Single year	Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required
Children's Music and Play Development	\$5,000	Tier 3 Single year	Fails to meet the eligibility criteria by requesting more than 50% of the funds required to run the initiative and using the funds to purchase equipment (private property). Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required
Documentary and Arts in the Community	\$30,000	Tier 1 Single year	Ineligible by failing to provide answers to the majority of criteria
Embrace Life Festivals	\$3,000	Tier 3 Single year	Initiative does not meet the ROI through economic development benchmark that is required. Will recommend this initiative applies for sponsorship again for the following year as it has been outlined that the initiative should show significant growth by this time
Girls on Guard	\$30,000	Tier 1 Multi year	Initiative does not meet the visitation requirements, potential for self-sustainability and growth or ROI through economic development, benchmarks that are required
Lakes Fest Paddle	\$6,000	Tier 2 Single year	Fails to meet the eligibility criteria by requesting over 50% of the funds required to hold the event
Lymphedema Exercise Classes	\$16,000	Tier 1 Single year	Fails to meet many of the eligibility criteria. More than 50% of the cost of the initiative has been requested and the funds requested would be used to purchase equipment (private property). Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required.
Mardi Gras	\$105,930	Tier 1 Multi year	The amount of funding requested exceeds the potential the initiative has to produce ROI for the community.

Mingara Relay for Life	\$12,000	Tier 2 Multi year	Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required
Our Lady of the Rosary Public School Fete	\$3,500	Tier 3 Single year	Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required
Scouts Open Day	\$350	Tier 3 Single year	Initiative does not meet the visitation requirements, potential for growth or ROI through economic development benchmarks that are required
UDIA NSW Partnership Program	\$14,900	Tier 2 Single year	Not deemed good value for money and therefore unlikely to return the ROI required. No ability to tailor Wyong Shire Council sponsorship deliverables as the funds requested are for a readymade set of deliverables offered to all potential sponsors.

846/15 That Council grant, in principle, the application from The Entrance Mardi Gras for \$5,000 subject to the appropriate documentation being provided to Council.

3.2 Central Coast Business Enterprise Centre

Councillor Eaton declared a non-pecuniary insignificant interest in the matter for the reason that he is the Council delegate to CCGT, which has BEC as a business partner and participated in consideration of this matter.

Councillor Eaton stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because I am only the Council delegate."

Councillor Best declared a non-pecuniary significant conflict of interest in the matter for the reason that the BEC and CCGT, that he is General Manager of, have a close working relationship. This item was resolved by the exception method.

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

847/15 That Council receive the report on activities of the Central Coast Business Enterprise Centre in 2014-15.

848/15 That Council agree to renew the funding for Central Coast Business Enterprise Centre for \$30,000 per annum for a period of 12 months to 30 June 2016, with payments made quarterly, and with agreed deliverables detailed in a signed funding agreement.

849/15 That Council delegate to the General Manager to investigate with Gosford City Council a joint competitive tender for small business mentoring and coaching services on the Central Coast for the 2016-17 financial year and future years, with a report back to Council by March 2016.

3.3 Graffiti Management Strategy 2015

Councillor Greenwald declared a non-pecuniary insignificant interest in the matter for the reason that the motion has been designed with the involvement of the NSW Police and participated in consideration of this matter.

Councillor Greenwald stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty because although I work for NSW Police, it is another area and unrelated location."

Councillor Matthews arrived at 5.21pm during consideration of this item.

Ms Janet Holmesby, Manager of Greater Toukley Vision addressed Council at 5.09pm, answered questions and retired at 5.18pm.

It was MOVED on the motion of Councillor VINCENT and seconded by Councillor GREENWALD:

That Council adopt the 2015 Graffiti Management Strategy for Wyong Shire.

An AMENDMENT was MOVED by Councillor BEST and seconded by Councillor TROY:

- 1 That Council thank staff and all those involved in developing the 2015 Graffiti Management Strategy.*
- 2 That Council urgently seek, further to the address by the Greater Toukley Vision, assistance from the Local Area Command on dealing with the issue of rampant graffiti attacks.*
- 3 That Council request the General Manager report on what exactly happened to the rate payer funded graffiti removal trailer.*
- 4 That Council adopt the 2015 Graffiti Management Strategy for Wyong Shire.*

The AMENDMENT was put to the VOTE and declared CARRIED.

FOR: CRS GB BEST, DE EATON, LT TAYLOR, AT TROY AND LW WEBSTER

AGAINST: CRS KG GREENWALD, LM MATTHEWS AND DV VINCENT

The AMENDMENT became the MOTION.

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TROY:

- 850/15 That Council thank staff and all those involved in developing the 2015 Graffiti Management Strategy.***
- 851/15 That Council urgently seek, further to the address by the Greater Toukley Vision, assistance from the Local Area Command on dealing with the issue of rampant graffiti attacks.***
- 852/15 That Council request the General Manager report on what exactly happened to the rate payer funded graffiti removal trailer.***
- 853/15 That Council adopt the 2015 Graffiti Management Strategy for Wyong Shire.***

3.4 Payment of Public Liability Professional Indemnity Insurance Policy

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

- 854/15 That Council approve the renewal of Council's Public Liability/Professional Indemnity insurance policy with Statewide Mutual for the period 30 June 2015 to 30 June 2016.
- 855/15 That Council approve the premium payment of \$534,644.35 ex GST.
- 856/15 That Council determine in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the Australian insurance market does not offer the level of cover required by Council.

3.5 Payment of Industrial Special Risk Insurance Policy

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

- 857/15 That Council approve the renewal of Wyong Shire Council's Property insurance policy with Statewide Mutual for the period 30 June 2015 to 30 June 2016.
- 858/15 That Council approve the premium payment of \$507,793.84 ex GST.
- 859/15 That Council determine, in accordance with s. 55(3)(i) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for these insurances, for the reason that the Australian insurance market does not offer the level of cover required by Council.

3.6 Initiatives to Improve Roadside Vegetation Amenity Including Roads and Maritime Services Roads

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TROY:

- 860/15 That Council approve the following options provided in this report:
- a. Option 1 – Continue to lobby the Roads and Maritime Services for an appropriate level of funding to maintain State roads.
 - b. Option 2 – Provide \$100,000 through quarter one review for contractor support at peak times.
- 861/15 That Council reconsider this issue in planning for 2016/17 financial year.
- 862/15 That Council request the General Manager to make representation to the Minister to increase funding to the RMS roads of the Shire.

4.1 Investment Report for July 2015

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

863/15 That Council receive the Investment Report for July 2015.

4.2 Draft Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee - 6 August 2015

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

864/15 That Council receive the Minutes of the Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee meeting held on 6 August 2015.

4.3 Wyong Water - Works in Progress

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

865/15 That Council receive the report on Wyong Water - Works in Progress.

4.4 Results of Water Quality Testing for Beaches and Lake Swimming Locations

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

866/15 That Council receive the report on Results of Water Quality Testing for Beaches and Lake Swimming Locations.

4.5 Activities of the Development and Rezoning and Building Certification Compliance and Health Units

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

867/15 That Council receive the report on Activities of the Development and Rezoning and Building Certification Compliance and Health Units for the month of July 2015 and related job creation.

4.6 Outstanding Questions on Notice and Notices of Motion

RESOLVED unanimously on the motion of Councillor GREENWALD and seconded by Councillor TROY:

868/15 That Council receive the report on Outstanding Questions on Notice and Notices of Motion.

6.1 Notice of Motion - Free Wi-Fi The Entrance Memorial Park Precinct

Councillor Best left the meeting at 6.33pm and returned to the meeting at 6.35pm during consideration of this item.

Councillor Matthews left the meeting at 6.34pm and returned to the meeting at 6.35pm during consideration of this item.

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor EATON:

869/15 That Council, in principle, seek to install free Wi-Fi in the Entrance Memorial Park Precinct as part of the multimillion dollar refurbishment starting next month.

870/15 That Council request the General Manager to report on the cost of such an installation, ongoing operating costs, benefits to the local retailers and the wider community and any other relevant issues.

6.2 Notice of Motion - \$3.4million Litter Land

Mr Ralph Peters, Chairperson of Norah Head Ratepayers addressed Council at 5.40pm, answered question and retired at 5.55pm.

RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TROY:

871/15 That Council note with concern, despite the excellent efforts of Staff, the escalation of roadside litter on our main corridors and particularly on our beach road accesses.

872/15 That Council recognise the unacceptable cost to our ratepayers of this deliberate litter that is now exceeds more than \$3,400,000 in this term of Council alone.

873/15 That Council consider far more strident enforcement options including publishing those offenders prosecuted to combat the emerging tag of 'Litter Land'.

874/15 That Council request the General Manager, in the lead up to the summer litter season, to provide a litter reduction report exploring education and enforcement options, with a view to limiting the outrageous cost of deliberate litter to our ratepayers.

875/15 That Council request the General Manager to make representations to Mr Harris, Ms Catley, Mr Mehan the Local State Members and call on them to gain support for this initiative.

CONFIDENTIAL SESSION

RESOLVED unanimously on the motion of Councillor WEBSTER and seconded by Councillor GREENWALD:

876/15 *That Council move into Confidential Session.*

At this stage of the meeting being 6.42pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993.

OPEN SESSION

RESOLVED unanimously on the motion of Councillor TROY and seconded by Councillor WEBSTER:

894/15 *That Council move back into Open Session.*

Council resumed in open session at 7.30pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

7.1 **Warnervale Airstrip Maintenance Progress Report**

877/15 *That Council receive and note the report and endorse the actions taken to date.*

7.2 **Halekulani Oval / Colongra Land Swap and Sports Complex**

Councillor Vincent declared a non-pecuniary insignificant interest in the matter for the reason that he is an employee of Delta Electricity. Delta Electricity own the Colongra Land and now lease the land to Wyong Shire Council for a peppercorn rate and participated in consideration of this matter.

Councillor Vincent stated:

“As this is a planning matter with a commercial element, I choose to leave the chamber and take no part in the voting.”

Councillor Vincent left at 6.43pm, returned at 6.54pm, and as a result took no part in voting on this matter.

- 878/15 *That Council support the land swap project including the construction of a sports complex at Colongra, upgrade of Halekulani Hall, Town Park and associated works.*
- 879/15 *That Council endorse the funding request of \$6,000,000 for Stage 1 Colongra works across 2015/2016 and 2016/2017.*
- 880/15 *That Council endorse the funding request of \$3,575,000 to be allocated in the Q1 review for 2015/16 (\$2,475,000 + \$1,100,000 for the Access Road to be found within the 2015/16 Capital Works Budget).*
- 881/15 *That Council request the General Manager, subject to the endorsement of the recommendations above, to issue a press release and associated plans in relation to this proposal.*
- 882/15 *That Council direct the General Manager to investigate what options are available to Council for the balance of Halekulani Oval which is currently proposed to be rezoned General Residential R1/seniors living and report to Council.*

7.3 Request to Vary Contract No. CPA/222145 - Upgrade to Mannering Park RFS Station Upgrade

Councillor Troy declared a non-pecuniary insignificant interest in the matter for the reason that he is a current RFS member and participated in consideration of this matter.

Councillor Troy stated:

"I choose to remain in the chamber and participate in discussion and voting as the conflict has not influenced me in carrying out my public duty."

- 883/15 *That Council approve to vary Contract No. CPA/222145 – Upgrade to Mannering Park RFS Station for the total amount of \$105,000 (excl GST) which includes a contingency of 10% for the additional works.*
- 884/15 *That Council approve a total contract value of \$445,000 (excl GST).*

At this stage of the meeting, the Mayor requested all staff to vacate the Chamber with the exception of the General Manager.

7.4 Confidential Mayoral Minute – Appointment of Acting General Manager (Chief Executive Officer) and Related Matters

Councillor Best left the meeting at 7.28pm, returned to the meeting at 7.30pm and as a result took no part in voting.

885/15 *That the Council endorse the creation of the position of “Assistant General Manager” in the organisational structure of Council, noting that position is to be within the General Manager’s Unit and report directly to the General Manager.*

886/15 *That the Council declare that the position of “Assistant General Manager” is the position of a designated person for the purposes of s. 441 of the Local Government Act 1993.*

887/15 *That the Council note and endorse the position description and contract of employment for the position of “Assistant General Manager”.*

888/15 *That the Council note and endorse the appointment of Mr Rob Noble to the position of Assistant General Manager by the current General Manager, such appointment to take effect on 11 September 2015.*

889/15 *That the Council appoint Mr Rob Noble as the Acting General Manager from 14 September 2015 until 14 March 2016, subject to satisfactory reference checks, and that the position be titled “Chief Executive Officer”.*

890/15 *That the total remuneration package (including superannuation and all motor vehicle costs associated with the chosen Council lease back vehicle) be set at \$7000 per week.*

891/15 *That an accommodation allowance be given to Mr Noble of \$500 per week*

892/15 *That the Council delegate to Mr Rob Noble, pursuant to s. 377 of the Local Government Act 1993, the functions and powers set out in the attached Instrument of Delegation for such period as Mr Noble is appointed to the position of Acting General Manager.*

893/15 *That the Council determine that this Mayoral Minute and the following attachments only are to remain confidential after the closing of this meeting, for the reasons that those documents include personnel matters concerning individuals (s. 10A(2)(a) of the Local Government Act 1993) and/or include commercial information of a confidential nature that would prejudice the commercial position of the person who supplied it (s. 10A(2)(d) of the Local Government Act 1993):*

- a Validation report provided to Council by Davidson Executive;*
- b Proposed Contract of employment between Council and Mr Rob Noble for the position of Assistant General Manager.*

At this stage of the meeting, staff were invited to return to the Chamber.

QUESTIONS ON NOTICE

**Q32/15 Disabled Fishing Platform
Councillor Doug Vincent**

“Are Council staff aware of the community project to install a disabled fishing platform and hoist proposed for the Josh Porter reserve at Chain Valley Bay South.

Are staff supportive of this project applying for state government funding?”

**Q33/15 Rates for Parks
Councillor Doug Vincent**

“Could staff please advise what rates residential parks pay?”

**Q34/15 Community Litter Statistics and Education
Councillor Ken Greenwald**

“Does Council have any demographic statistics on what age groups maybe causing litter in Wyong Shire and what options may be used to target and educate the community on littering. Can the General Manager please advise how such statistics can be used?”

**Q35/15 Osbourne Park
Councillor Greg Best**

“Mr Mayor,

As the local Independent Councillor for Toukley, I’ve been approached by the Leonard Avenue community, who were quite frustrated with anti-social behaviour in and around their park. Clearly this is a police matter, however, as often is the case it falls back to Council to try and assist.

In this particular case, as you can see by the memo below, the community is very satisfied with Council and indeed staff’s efforts in assisting them, in particularly the efforts of our Manager for Open Space, Mr Brett Sherar.

Would you please pass on to all those involved our appreciation in assisting the Toukley community?

“For and on behalf of the Residents of Leonard Ave.

Congratulations to Wyong Council.

For years we have had a problem with hoons and antisocial behaviour in Osbourne Park. We arranged a meeting with Councillor Greg Best and Mr Brett Sherar to find a solution to this problem. Within days we had answers. A big thank you to Wyong Council who operated in a professional and courteous manner.”

**Q36/15 Video Conferencing Facilities
Councillor Lloyd Taylor**

"Mr General Manager,

Council is at the forefront of upgrading IT processes and has been working actively to bring the IT up to 2015 standards. Part of this process has been a full review and upgrade of software and hardware systems.

Council have just completed a rigorous process of recruiting an Acting General Manager for Wyong Shire Council. Part of the recruitment process has been to interview the prospective General Managers by Skype video conference interview.

Could the General Manager please advise if Council has the ability to currently utilise this technology in house and if not what is the cost for Council to setup this technology at Council?"

THE MEETING closed at 7.38pm.