



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**23 February 2021**





# COMMUNITY STRATEGIC PLAN 2018-2028

**ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA**

**ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE**

**ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES**

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

## RESPONSIBLE

**WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.** We value transparent and meaningful

communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.

 **Good governance and great partnerships**

**G2** Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect

There are 5 themes, 12 focus areas and 48 objectives

### COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.

The diagram illustrates the 'COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK'. It is organized into five main themes, each with specific focus areas and objectives:

- BELONGING** (Theme):
  - OUR COMMUNITY (Focus Area): Objectives A1, A2, A3, A4, A5, A6.
  - QUALITY CONNECTION AND LOCAL IDENTITY (Focus Area): Objectives B1, B2, B3, B4.
- SMART** (Theme):
  - A GROWING AND COMPETITIVE REGION (Focus Area): Objectives C1, C2, C3, C4.
  - A PLACE OF OPPORTUNITY FOR PEOPLE (Focus Area): Objectives D1, D2, D3, D4.
- GREEN** (Theme):
  - ENVIRONMENTAL RESOURCES FOR THE FUTURE (Focus Area): Objectives E1, E2, E3, E4.
  - DECREASED AND PROTECTED NATURAL BEAUTY (Focus Area): Objectives F1, F2, F3, F4.
- RESPONSIBLE** (Theme):
  - GOOD GOVERNANCE AND GREAT PARTNERSHIPS (Focus Area): Objectives G1, G2, G3, G4.
  - ESSENTIAL INFRASTRUCTURE (Focus Area): Objectives H1, H2, H3, H4.
  - BALANCED AND SUSTAINABLE DEVELOPMENT (Focus Area): Objectives I1, I2, I3, I4.
- LIVEABLE** (Theme):
  - RELIABLE PUBLIC TRANSPORT AND ECONOMIC LIVES (Focus Area): Objectives J1, J2, J3, J4.
  - SAFE AND SOUND FOR THE FUTURE (Focus Area): Objectives K1, K2, K3, K4.
  - HEALTHY PEOPLE FOR A THRIVING COMMUNITY (Focus Area): Objectives L1, L2, L3, L4.



# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held in the Council Chamber,  
49 Mann Street, Gosford on  
Tuesday 23 February 2021 at 6.30 pm,  
for the transaction of the business listed below:**

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## **4 Infrastructure Reports**

4.1	Construction of Cell 4.4 at Buttonderry Waste Management Facility 21.22 Budget Approval.....	45
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Rik Hart  
**Acting Chief Executive Officer**

**Item No:** 1.1  
**Title:** Disclosures of Interest  
**Department:** Governance

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23 February 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14459349

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- (1) *A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*
- (2) *The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
  - (a) *at any time during which the matter is being considered or discussed by the council or committee, or*
  - (b) *at any time during which the council or committee is voting on any question in relation to the matter.*
- (3) *For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) *Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
  - (a) *the matter is a proposal relating to:*
    - (i) *the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
    - (ii) *the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
  - (a1) *the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person*

## 1.1 Disclosures of Interest (contd)

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*(whose interests are relevant under section 443) in that person's principal place of residence, and*

*(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*

*(5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*

*(a) be in the form prescribed by the regulations, and*

*(b) contain the information required by the regulations.*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

### **Recommendation**

*That Administrator and staff now disclose any conflicts of interest in matters under consideration by Council at this meeting.*



**Item No:** 1.2  
**Title:** Confirmation of Minutes of Previous Meeting  
**Department:** Governance

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23 February 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14459367

### **Summary**

Confirmation of minutes of the Ordinary Meeting of Council held on 8 February 2021.

### **Recommendation**

*That Council confirm the minutes of the Ordinary Meeting of Council held on the 8 February 2021.*

### **Attachments**

<b>1</b> Minutes - Ordinary Meeting - 8 February 2021	Provided Under Separate Cover - Hyperlink	D14465311
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**Item No:** 1.3  
**Title:** Notice of Intention to Deal with Matters in Confidential Session  
**Department:** Governance

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23 February 2021 Ordinary Council Meeting

Trim Reference: F2021/00035 - D14459384

### **Summary**

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in a closed and confidential Session. The report is incorporated in the "Confidential" business paper which has been circulated.

The *Local Government Act 1993* requires the Chief Executive Officer to identify those matters listed on the business paper which may be categorised as confidential in terms of section 10A of the *Local Government Act 1993*. It is then a matter for Council to determine whether those matters will indeed be categorised as confidential.

### **Recommendation**

*That Council receive the report and note that no matters have been tabled to deal with in a closed session.*

### **Context**

Section 10A of the *Local Government Act 1993* (the Act) states that a Council may close to the public so much of its meeting as comprises:

- 2(a) *personnel matters concerning particular individuals (other than Councillors),*
- 2(b) *the personal hardship of any resident or ratepayer,*
- 2(c) *information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,*
- 2(d) *commercial information of a confidential nature that would, if disclosed:*
  - (i) *prejudice the commercial position of the person who supplied it, or*
  - (ii) *confer a commercial advantage on a competitor of the Council, or*
  - (iii) *reveal a trade secret,*
- 2(e) *information that would, if disclosed, prejudice the maintenance of law,*

### **1.3 Notice of Intention to Deal with Matters in Confidential Session (contd)**

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- 2(f) *matters affecting the security of the Council, Councillors, Council staff or Council property,*
- 2(g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- 2(h) *information concerning the nature and location of a place or an item of Aboriginal significance on community land.*
- 2(i) *alleged contraventions of any code of conduct requirements applicable under section 440.*

It is noted that with regard to those matters relating to all but 2(a), 2(b) and 2(d)(iii) it is necessary to also give consideration to whether closing the meeting to the public is, on balance, in the public interest.

Further, the Act provides that Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public (section 10A(3)).

As provided in the Office of Local Government Meetings Practice Note August 2009, it is a matter for the Council to decide whether a matter is to be discussed during the closed part of a meeting. The Council would be guided by whether the item is in a confidential business paper, however the Council can disagree with this assessment and discuss the matter in an open part of the meeting.

#### **Attachments**

Nil



**Item No:** 2.1  
**Title:** 2020-21 Q2 Business Report  
**Department:** Corporate Affairs

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23 February 2021 Ordinary Council Meeting

Trim Reference: F2019/01964 - D14440764

Author: Mellissa McKee, Financial Controller  
Sharon McLaren, Section Manager, Corporate Planning and Reporting  
Michelle Best, Financial Controller

Manager: Scott Cox, Director Environment and Planning

Executive: Natalia Cowley, Acting Director, Corporate Affairs

## **Report Purpose**

This paper reports on Central Coast Council's performance progress as measured against the organisation's Operational Plan for 2020-21 to 31 December 2020 (Q2). The report covers the progress on the operational plan activities and financial performance for the period 1 July 2020 to 31 December 2020.

## **Executive Summary**

Clause 203 of the Local Government (General) Regulation 2005 requires a Council's Responsible Accounting Officer to prepare and submit a quarterly budget review statement to the governing body of Council. The quarterly budget review statement must show, by reference to the estimated income and expenditure that is set out in the Operational Plan adopted by Council for the relevant year, a revised estimate of income and expenditure for that year. It also requires the budget review statement to include a report by the Responsible Accounting Officer as to whether or not they consider the statement indicates Council to be in a satisfactory financial position and if not, to include recommendations for remedial action. Council's Operational Plan sets out the achievements, goals and revenue policy, including estimates of income and expenditure. The quarterly budget review statement plays an important role in monitoring Council's progress against the plan.

### *Operational Plan Action and Target Progress*

At the end of Quarter 2 the overall performance against the Operational Plan actions and targets shows that out of the 108 actions / targets, 3 have been Completed, 67 are on Track, 5 have Not Commenced, and 33 are either Delayed, On Hold or have been Closed. A number of these have been impacted by the financial situation.

### *Financial Performance*

- The year to date (YTD) operating result (excluding capital grants and contributions) is showing a favourable, variance of \$21.5M, consisting of an actual surplus of \$102.3M compared to a budget surplus of \$80.8M.

- The year to date (YTD) operating result (including capital grants and contributions) is showing a favourable variance of \$23.1M, consisting of an actual surplus of \$123.9M compared to a budget surplus of \$100.8M.
- The year to date (YTD) capital expenditure is \$90.3M compared to a year to date budget of \$104.6M.

For more information and details of progress and financial performance please refer to the Attached Q2 Business Report.

### **Environment and Planning Recommendation**

- 1 *That Council note Central Coast Council's Q2 Business Report on progress against Central Coast Council's 2020-21 Operational Plan.*

### **Corporate Affairs Recommendation**

- 2 *That Council note that it is the opinion of the Responsible Accounting Officer that the Quarterly Budget Review Statement for Central Coast Council for the quarter ended 31 December 2020 indicates that Council's projected financial position at 30 June 2021 will be unsatisfactory at year end because the forecast year-end consolidated operating result before capital amounts for Council is a loss of \$107.4M. Council is undertaking the following remedial actions: structural reduction in operating expenditure, seeking special rate variation approval from the Independent Pricing and Regulatory Tribunal, reducing capital expenditure, secured bank loans, generating additional income and selling underperforming assets.*
- 3 *That Council approve the proposed budget amendments included in Central Coast Council's Q2 Business Report for 2020-21.*

### **Context**

The attached report is the 2020-21 Q2 Business Report for Central Coast Council. It incorporates reporting on the progress of actions and targets against the objectives of the Operational Plan and a Quarterly Budget Review Statement.

Clause 203 of the *Local Government (General) Regulation 2005* requires that no later than two months after the end of each quarter (except the June quarter), the Responsible Accounting Officer of Council must prepare and submit to Council a Quarterly Budget Review Statement that shows a revised estimate of the income and expenditure for that year.

Sub-section 404(5) of the *Local Government Act 1993* requires that Council report as to its progress with respect to its actions and targets against the objectives of the Operational Plan,

## 2.1 2020-21 Q2 Business Report (contd)

at least every six months. This report contains progress information for Quarter 2 and is prepared to coincide with the Quarterly Budget Review Statement.

This quarterly report is presented in the necessary format and is considered to satisfy the legislative requirements.

### Current Status

The 2020-21 Q2 Business Report is included as Attachment 1 and reports on progress for the year to 30 December 2020 (Q2 YTD), against the Operational Plan 2020-21, including budget.

#### *Operational Plan Actions and Targets*

The table below is a summary of the overall progress on the actions, measures and projects for Q2. The information contained in the Q2 Business Report includes details of those items that have been *Delayed*, placed *On Hold* or have been *Closed* due to the financial situation.

Theme:	Belonging	Smart	Green	Responsible	Liveable	Total
<b>Completed</b>	0	0	2	0	1	<b>3</b>
<b>On Track</b>	15	11	9	18	15	<b>67</b>
<b>Delayed</b>	2	4	3	12	1	<b>23</b>
<b>Not Commenced</b>	0	0	0	2	3	<b>5</b>
<b>On Hold</b>	1	4	1	3	0	<b>9</b>
<b>Closed</b>	0	1	0	0	0	<b>1</b>
<b>Total</b>	<b>18</b>	<b>20</b>	<b>15</b>	<b>35</b>	<b>20</b>	<b>108</b>

#### *Financial Performance*

The year to date (YTD) operating result (excluding capital grants and contributions) is showing a favourable, variance of \$21.5M, consisting of an actual surplus of \$102.3M compared to a budget surplus of \$80.8M. For more information please refer to sections 1.1 and 2.2 of Attachment 1.

The year to date (YTD) operating result (including capital grants and contributions) is showing a favourable variance of \$23.1M, consisting of an actual surplus of \$123.9M compared to a budget surplus of \$100.8M. For more information please refer to sections 1.1 and 2.2 of Attachment 1.

These results are reported in accordance with the Local Government Code of Accounting Practice and Financial Reporting (Guidelines) which requires Council to recognise rates income at the beginning of the financial year when levied. The impact of this on Council's operating results is a large surplus at the beginning of the financial year which will reduce as the year progresses as Council incurs expenditure from delivering services to the community.

Q2 YTD capital expenditure is \$90.3M compared to a year to date budget of \$104.6M. The variance is the result of a number of factors, including project savings through efficiencies and optimisation of delivery methods; changes in project scope, delivery of projects in stages; and availability of external consultants or contractors.

### **Consultation**

All Units of Council were consulted during the development of this Report and contributed to the information contained in the Report.

### **Options**

Quarterly reporting of Council's financial performance is mandatory under the *Local Government (General) Regulation 2005*.

### **Financial Impact**

Budget adjustments are proposed in this report and are detailed in the attached 2020-21 Q2 Business Report.

The proposed Q2 adjustments will move the adopted 2020/21 budget from an operating deficit (excluding capital grants and contributions) of \$115.1M to an operating deficit of \$107.4M.

The proposed Q2 adjustments will move the adopted 2020/21 budget from an operating deficit (including capital grants and contributions) of \$67.6M to an operating deficit of \$60.2M.

Adjustments proposed to be adopted as part of the Q2 budget review include:

### ***Operating Budget***

Budget adjustments proposed to be adopted as part of the Q2 budget review include:

- **Recognition of \$3.3M additional operating income**
  - \$1.6M user fees and charges predominantly for Holiday Park, Leisure Centres, Pools and Child Care income that has recovered from COVID faster than originally forecast.
  - \$0.3M other revenue including sale scrap metal from Council's waste management facilities and diesel fuel rebates.
  - \$0.5M operating Grants and Contributions - additional funding.
  - \$0.9M gain on disposal from plant and fleet items during the first half of 2020-21.

- **Reduction of \$0.3M in capital income**
  - \$0.3M reduction in S7.11 developer contribution forecast income for 2020-21.
  
- **Reduction of \$4.4M in operational expenditure**
  - \$5.3M reduction in materials and contracts and other expenses as a result of continued expenditure control.
  - \$0.6M loss on disposal from Adcock Park Netball Amenities and Clubhouse, Gosford \$0.4M and plant and fleet items \$0.2M.
  - \$0.2M increase in employee costs, that were offset by additional income and reduction in contract expenses

Council's focus continues to be on reducing expenditure, raising additional income, monitoring incoming cash flow, performing cashflow forecasts and ensuring a more sustainable cash preservation. Council's Business Recovery Plan is a multi-faceted approach to address the current liquidity issues and introduce structural changes aimed at ensuring the longer-term financial sustainability of Council operations. For more information on the proposed budget adjustments please refer to section 3.1 and 3.2 of Attachment 1.

### ***Capital Works Program***

Council's capital works program was extensively reviewed in Q1 and reduced by \$53.3M, resulting in a revised 2020-21 full year capital works program of \$171.7M.

The proposed Q2 budget adjustment is a decrease of \$2.4M, resulting in a revised 2020-21 full year capital works program of \$169.4M.

Significant changes to the capital works program include:

#### **Reductions**

- Sewer Pump Station upgrade – Clarke Rd Norville - \$1.8M – project proceeding however to be delivered across multiple years. Budget included in 2021-22 draft program.
- Adelaide St Oval, Tumbi Umbi amenities upgrade - \$0.8M – project proceeding however to be delivered across multiple years. Budget included in 2021-22 draft program.
- Upgrade Rogers Park Amenities building - project proceeding however to be delivered across multiple years. Budget included in 2021-22 draft program.

#### **Increases**

- Implementation of a consolidated property and rating system - \$1.0M – program previously delayed and now proceeding with a revised timeline

- Ancillary equipment purchases - \$1.0M – replacement of equipment for lifeguards, fire trail maintenance subject to regular failure, to reduce risk and operational disruption
- Malinya Road Shared Path Construction - \$0.9M – new grant funding under Local Roads and Community

For more information please refer to section 3.3 of the Attachment

### **Critical Dates or Timeframes**

Sub-clause 203(1) of the *Local Government (General) Regulation 2005* requires a Council's Responsible Accounting Officer to prepare and submit a quarterly budget review statement to the Council within two months of the end of each quarter (excluding June).

### **Social Impacts**

The Operational Plan 2020-21 Q2 Business Report is a key method for Council to maintain accountability and transparency with the community. The Plan focuses on the delivery of key projects along with essential services and the maintenance of the assets Council utilised to deliver services to the community. It reflects the Community Strategic Plan Themes of *Belonging, Smart, Green, Responsible* and *Liveable*.

### **Environmental Considerations**

The section 'Operational Plan 2020-21 Performance' reflects the Community Strategic Plan Themes of *Belonging, Smart, Green, Responsible* and *Liveable*. It includes progress reporting and achievements around the environment under the Theme of *Green*.

### **Summary**

Councils are required to prepare Quarterly Budget Review Statements, which present a summary of Council's financial position at the end of each quarter.

It is the mechanism whereby the community are informed of Council's progress against the Operational Plan and the budget along with recommended changes and reasons for major variances.

It is recommended that Council adopt the proposed budget adjustments.

### **Financial Considerations**

*At its meeting held 19 October 2020, Council resolved the following:*

- 1036/20 *That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

*The following statement is provided in response to this resolution of Council.*

Council's 2020-21 budget to be updated as detailed above, including:

- An operating deficit (excluding capital income) of \$107.4M.
- A revised Capital works budget of \$169.4M.

Ongoing review of costs and opportunities for additional revenue will continue to be implemented during the remaining quarters of 2020-21.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

R-G4: Serve the community by providing great customer experience, value for money and quality services.

### **Attachments**

<b>1</b> Q2 Business Report (October to December)	Provided Under Separate Cover - Hyperlink	D14482708
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**Item No:** 2.2  
**Title:** Investment Report for January 2021  
**Department:** Corporate Affairs

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23 February 2021 Ordinary Council Meeting

Reference: F2004/06604 - D14442758  
Author: Peter Correy, Unit Manager Financial Performance  
Executive: Natalia Cowley, Acting Director, Corporate Affairs

### **Report purpose**

To present Investment Reports on a monthly basis in accordance with cl. 212 of the *Local Government (General) Regulation 2005* which states as follows:

- 1 *The responsible accounting officer of a council*
  - a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented—*
    - i. *if only one ordinary meeting of the council is held in a month, at that meeting, or*
    - ii. *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
  - b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- 2 *The report must be made up to the last day of the month immediately preceding the meeting.*

### **Executive Summary**

This report details Council's investments as at 31 January 2021.

### **Corporate Affairs Recommendation**

*That Council receive the Investment Report for January 2021.*

### **Background**

Council's investments are made in accordance with the Local Government Act 1993, Local Government (General) Regulation 2005, the amended investment policy adopted at the Ordinary Council Meeting on 3 February, Ministerial Investment Order issued February 2011 and Division of Local Government (as it was then known) Investment Policy Guidelines published in May 2010.



**Current Status**

Council’s current cash and investment portfolio totals \$488.72 million at 31 January 2021.

<b>Source of Funds</b>	<b>Jan 2021 Value (\$'000)</b>
Investment Portfolio	\$451,961
Transactional accounts Per Bank Statement and cash in hand	\$36,760
<b>Total</b>	<b>\$488,721</b>

Council’s Investment Portfolio is managed through term deposits and floating rate note maturities and placements.

Total net return on the portfolio for Council, in January was \$368K, comprising entirely of interest earned. The total value of the Council’s investment portfolio as at 31 January 2021 is outlined in Table 1 below.

**Table 1 – Portfolio Movement**

<b>Description</b>	<b>2019-20 Financial Year \$'000</b>	<b>Jul-Sep Qtr 2020/21 \$'000</b>	<b>Oct-Dec Qtr 2020/21 \$'000</b>	<b>Jan-21 2020/21 \$'000</b>	<b>FYTD 2020/21 \$'000</b>
<b>Opening Balance</b>	445,661	348,210	299,678	371,131	348,210
Movement for the period	-97,451	-48,531	71,453	80,830	103,751
<b>Closing Balance</b>	<b>348,210</b>	<b>299,678</b>	<b>371,131</b>	<b>451,961</b>	<b>451,961</b>
Interest earnings	8,547	1,152	1,012	368	2,532

The market value of Council’s investment portfolio at 31 January is \$452.92M.

During January, Council’s cash holdings increased by \$0.57M. This increase, together with cash held in transactional accounts of \$80.26M was transferred to Council’s Investment portfolio.

Council’s investments are evaluated and monitored against a benchmark appropriate to the risk (APRA Standards BBB long term or above) and time horizon of the investment concerned.

## 2.2 Investment Report for January 2021 (contd)

A summary of the term deposit and floating rate notes maturities are listed in Table 2 below.

**Table 2 - Investment Maturities as at 31 January 2021**

Time Horizon	Percentage Holdings	Maturity on or before	Value \$'000
<b>At Call</b>	10.72%	Immediate	48,457
<b>Investments</b>			
0 - 3 months	17.92%	Apr-2021	81,000
4 - 6 months	19.67%	Jul-2021	88,905
7 - 12 months	14.38%	Jan-2022	65,012
1 - 2 years	5.77%	Jan-2023	26,071
2 - 3 years	6.72%	Jan-2024	30,376
3 - 4 years	8.23%	Jan-2025	37,206
4 - 5 years	16.58%	Jan-2026	74,934
<b>Total Investments</b>	<b>89.28%</b>		<b>403,504</b>
<b>Total Portfolio</b>	<b>100.00%</b>		<b>451,961</b>

The investment portfolio is concentrated in AA above (46.29%), A (36.48%), BBB (17.01%) and Unrated (0.22%).

The investments in AA are of a higher credit rating and BBB represented the best returns at the time of investment within Policy guidelines. The amendment to policy adopted on 3 February 2021 allows for greater flexibility to invest in institutions rated BBB as out lined below.

Previous policy		Current Policy From 3 February 2021	
Individual Institutions Limits		Individual Institutions Limits	
Long Term Credit Ratings	Maximum Exposure	Long Term Credit Ratings	Maximum Exposure
AAA Category*	100%	AAA Category*	100%
AA Category*	100%	AA Category*	100%
A+ to A Category	30%	A Category	30%
A- Category	20%		
BBB+ Category	10%	BBB Category	10%
BBB- to BBB Category	5%		
Unrated Category	0%	Unrated Category	0%

Council holds one term deposit parcel that is a "grandfathered" investment in the unrated category. The investment fell out of the most recent Council's Investment Policy by 0.22% - as per Attachment 4. The investment with Unity bank was made as part of meeting community

## 2.2 Investment Report for January 2021 (contd)

expectations to invest in the LGA and offers Council a higher level of interest rate return, which will be lost if the investment is closed prior to maturity and on that basis, it is recommended that it is kept to maturity.

Start Date	Institution	Product	Rating	Maturity Date	Amount
15/02/2020	Unity Bank*	Term Deposit	Unrated	15/02/2021	\$1,000,000

\* Unity Bank is a local credit union and this is a historical rolling investment from pre- amalgamation Wyong Council

Council monitors and manages the portfolio taking into consideration credit ratings of financial institutions, interest rates offered for the maturity dates required and counterparty exposure.

The current spread of investments and counterparty exposure for January 2021 are shown in Graphs 1 and 2 respectively in Attachment 3.

### Environmental, Social and Green (ESG) Investments

Council continues to look for 'ESG' investment opportunities subject to prevailing investment guidelines. A list of current ESG investments held is contained on the investment listing, highlight in green. For the month of January, there have been no new green investments undertaken.

Council currently holds 6.54% or \$29.55 million in ESG investments as at 31 January 2021.

### Portfolio Return

Interest rates on investments in the month, ranged from 0.33% to 3.18%, all of which exceeded the monthly Bank Bill Swap Rate (BBSW) benchmark of 0.01%.

The annualised financial year to date return for January of 1.06% for Central Coast Council is favourable compared to benchmark bank bill swap (BBSW) *financial year to date* Calculated Bank Bill Index of 0.98% as shown in Graph 3 - Portfolio Returns in Attachment 2.

### Council's Portfolio by Source of Funds

Council is required to restrict funds received for specific purposes. Restricted funds consist of funds in the investment portfolio and in transactional accounts as follows:

Source of Funds	Value (\$'000) January 2021
Investment Portfolio	\$451,961
Transactional accounts and cash in hand	\$36,760
<b>Total</b>	<b>\$488,721</b>
Restrictions as at 31 January 2021	\$445,349
Unrestricted Funds as at 31 January 2021	\$43,372

Council is managing the previously reported negative unrestricted funds balance, as part of Council's Business Recovery Plan.

Market values reflected in the Portfolio valuation report in Attachment 5 have been used to record the unrecognised gains in tradeable fixed rate bonds and floating rate notes. Interest accrued has been recorded separately and is not reflected in portfolio valuations.

### Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

*1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

Council's investment portfolio includes rolling maturity dates to ensure that Council has sufficient liquidity to meet its ongoing obligations.

### Link to Community Strategic Plan

Theme 4: Responsible

### Goal G: Good governance and great partnerships

R-G4: Serve the community by providing great customer experience, value for money and quality services.

### Attachments

1	Summary of Investments as at 31 January 2021	Provided Under Separate Cover - Hyperlink	D14487579
2	Summary of Restrictions as at 31 January 2021	Provided Under Separate Cover - Hyperlink	D14487580
3	Investment Report for January 2021 - Graph 1, 2 & 3	Provided Under Separate Cover - Hyperlink	D14487581
4	Treasury Direct Trading Limits Report January 2021	Provided Under Separate Cover -Hyperlink	D14487582
5	Treasury Direct Portfolio Valuation Report January 2021	Provided Under Separate Cover - Hyperlink	D14487583



**Item No:** 2.3  
**Title:** Pecuniary Interest Disclosure Returns - Newly Appointed Designated Persons  
**Department:** Corporate Affairs

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23 February 2021 Ordinary Council Meeting

Reference: F2020/00080 - D14452666  
Author: Kathy Bragg, Senior Governance Officer  
James Taylor, Section Manager Governance  
Manager: Shane Sullivan, Unit Manager, Governance and Risk  
Executive: Natalia Cowley, Acting Director, Corporate Affairs

### **Report purpose**

To meet Council's Code of Conduct requirements for Pecuniary Interest Disclosure Returns for Council Officials who have commenced with Council and who are deemed to be Designated Persons.

### **Executive Summary**

Council's Code of Conduct, at clauses 4.8 to 4.27, require each Designated Person to lodge a Pecuniary Interest Disclosure Return (as specified in Schedule 2 Council's Code of Conduct) with the Chief Executive Officer:

- 1 Annually; or
- 2 Within three months of joining Council; or
- 3 When becoming aware of a change in circumstances of "a designated person's interest as specified in Schedule 1 Council's Code of Conduct of personal".

Four people joined Council in Designated roles in the last three months and have completed Returns within the required timeframe. The Returns are now tabled at Council.

### **Corporate Affairs Recommendation**

*That Council receive the report on Pecuniary Interest Disclosure Returns – Newly Appointed Designated Persons and note that the Acting Chief Executive Officer has tabled the Pecuniary Interest Disclosure Returns as required by Clause 4.25 of Council's Code of Conduct.*

### **Background**

Four new Council Officials have commenced with Council who are deemed to be Designated Persons have commenced with Council. These positions are:

## 2.3 Pecuniary Interest Disclosure Returns - Newly Appointed Designated Persons (contd)

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- 1 Interim Administrator,
- 2 Acting Chief Executive Officer,
- 3 Chief Operating Officer; and
- 4 Acting Director Corporate Affairs.

### Current Status

Council's Code of Conduct requires each Designated Person to lodge a Pecuniary Interest Disclosure Return with the Chief Executive Officer within three months of joining Council. In accordance with the Code of Conduct, all four Returns were lodged before the required date.

### Report

The [GIPA Act](#) defines Pecuniary Interest Returns as open access information. Section 6 of the [GIPA Act](#) provides for the mandatory proactive release of open access information. The [GIPA Act](#) provides that open access information must be made publicly available free of charge on Council's website.

The Information and Privacy [Commission's Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of Councillors and designated persons](#) states at 3.10:

- 3.10 *Section 6(4) of the GIPA Act requires agencies 'must facilitate public access to open access information contained in a record by deleting matter from a copy of the record if disclosure of the matter would otherwise be prevented due to an overriding public interest against disclosure, and it is practicable to delete the matter'.*

As such the residential address and signature (information which is classified as [personal information](#)) has been redacted from each published Return on Council's website. Any requests for further redactions to a Return have been assessed under the [Local Government Act](#) and the [GIPA Act](#).

Clause 4.25 of Council's Code of Conduct further requires that Returns lodged with the Chief Executive Officer need to be tabled at the "first meeting of Council after the last day that the Return is required to be lodged".

The four completed returns are tabled at this Council Meeting.

The unredacted Returns will subsequently be available for view only inspection by application, as per Council's current practice.

The redacted published Returns can be viewed at this [link](#) on Council's Website.

## **2.3 Pecuniary Interest Disclosure Returns - Newly Appointed Designated Persons (contd)**

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### **Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

*1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

There are no financial implications associated with this report.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

### **Attachments**

Nil.



**Item No:** 2.4  
**Title:** Update on Actions in Response to Resolution - Integrity and Ethical Standards  
**Department:** Corporate Affairs

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23 February 2021 Ordinary Council Meeting

Reference: F2018/00028-002 - D14411363  
Author: Shane Sullivan, Unit Manager, Governance and Risk  
Executive: Natalia Cowley, Acting Director, Corporate Affairs

### **Report purpose**

To provide Council with an update on actions taken in response to the resolution Integrity and Ethical Standards and to assess if the actions identified have achieved the desired outcomes.

### **Executive Summary**

This information report provides an update on actions that have been taken in response to resolution Integrity and Ethical Standards. It is provided in response to a resolution of Council made 27 July 2020 requiring a further report to Council in early 2021.

The further report was to identify whether actions taken in response to a Council report – Integrity and Ethical Standards had achieved the desired outcomes. In the current climate and with the ongoing structural changes it is challenging to address this and this report sets out some related background and information on actions taken.

It is recommended that Council note the report on the update on actions.

### **Corporate Affairs Recommendation**

*That Council note the report Update on Actions in Response to Resolution – Integrity and Ethical Standards.*

### **Background**

At its meeting held 28 October 2019, Council considered a report in response to a Notice of Motion which has recommended the establishment of an Integrity and Ethical Standards Unit. In considering that report Council resolved, in part, as follows:

*1014/19 That Council note that the Audit, Risk and Improvement Committee (ARIC) recommends that Council review the resourcing of the current structure, as well as the preparation and distribution of regular reports from that functional area to Council.*



## 2.4 Update on Actions in Response to Resolution - Integrity and Ethical Standards (contd)

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- 1015/19 *That Council direct the Chief Executive Officer to:*
- a *Develop a Governance Dashboard for Quarterly Reporting to Council;*
  - b *Increase the transparency associated with the Internal Ombudsman function by:*
    - i *Developing a Charter for the Internal Ombudsman (IO) to clearly describe the role and function of the IO, and the types of complaints that are investigated;*
    - ii *Annual reporting by the IO in Council's Annual Report;*
    - iii *Development of an internet page to clearly describe the IO's role and how the community can interact with them.*
  - c *Establish an internal forum to monitor the Dashboard and enhance communication between key functions such as Governance, People and Culture, Customer Service, Internal Ombudsman, Internal Audit, and Finance; and*
  - d *Ensure mechanisms a), b) and c) are in place by the end of 2019 and the outcomes reviewed by mid-2020 so that a report can be provided to Council to determine if these activities have achieved the desired outcomes.*

A report on the actions taken in response to this resolution was presented to Council at its meeting held 27 July 2020. In response to the report, Council resolved the following:

- 695/20 *That Council receive and note the report on Actions in response to Resolution – Integrity and Ethical Standards.*
- 696/20 *That Council request the Chief Executive Officer provide a further report to Council in early 2021 assessing if the actions identified have achieved the desired outcomes.*
- 697/20 *That the Dashboard be discussed at a Councillor Briefing before the end of September 2020 for the purpose of ensuring the dashboard includes appropriate Governance focused measures and process for reporting to Council.*

## 2.4 Update on Actions in Response to Resolution - Integrity and Ethical Standards (contd)

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### Current Status

Below are each of the resolved actions and an update on their status and impact where possible.

*That the Audit, Risk and Improvement Committee (ARIC) recommends that Council review the resourcing of the current structure, as well as the preparation and distribution of regular reports from that functional area to Council.*

This resolution related to the Office of the Internal Ombudsman.

At its Ordinary Meeting 30 November 2020, Council adopted a revised organisational structure, including the position of Director Corporate Affairs. The proposed structure for Corporate Affairs includes the functions of Governance, People and Culture, Finance, Internal Audit and Customer Service. To date there is no proposed change to the resourcing of the current structure of the Office of the Internal Ombudsman function.

While the resourcing of the structure has not been reviewed or changed, it is noted that there has not been a decrease in the resourcing level for the Office of the Internal Ombudsman during the recent structural review.

The Office of the Internal Ombudsman, Chief Internal Auditor and Governance area continue to provide quarterly reports to the Audit, Risk and Improvement Committee and monthly reports to the CEO.

*Develop a Governance Dashboard for Quarterly Reporting to Council.*

A Governance report has been created reporting against measures using the structure of the NSW Audit Office Governance Lighthouse. As well as quantitative information, the document includes commentary to provide context. It is also planned to provide rolling data for the purpose of identifying trends and patterns.

The first report was presented to Council at its Ordinary Meeting of 30 November 2020, providing data for the first quarter of 2020/21 and second quarter data is presented in a report included in this agenda. The report will be updated at the end of each quarter and be provided to the Audit, Risk and Improvement Committee and then to Council. It is proposed to seek regular feedback regarding the report and the measures included so that improvements can be made as required.

In accordance with resolution 697/20 a Councillor Briefing was conducted on 21 September 2020. As a result, a report was prepared and provided to Councillors for comment in the Councillor Support Update on 23 October 2020.

Feedback about the report is that it is not an effective reporting mechanism and as a result, opportunities for a more useful reporting method will be investigated. For example,

## **2.4 Update on Actions in Response to Resolution - Integrity and Ethical Standards (contd)**

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work has been undertaken on a Corporate Performance Dashboard. There is an opportunity for this Dashboard to replace the manual report provided.

*Increase the transparency associated with the Internal Ombudsman function by:*

- i Developing a Charter for the Internal Ombudsman (IO) to clearly describe the role and function of the IO, and the types of complaints that are investigated;*
- ii Annual reporting by the IO in Council's Annual Report;*
- iii Development of an internet page to clearly describe the IO's role and how the community can interact with them.*

The Internal Ombudsman Charter was adopted by Council at its meeting held 11 May 2020. The Charter is available on the internet page with additional information about the Internal Ombudsman's office.

While annual reporting was not provided in the 2019/20 Annual Report. Annual statistics have been provided to NSW Ombudsman and Office of Local Government as part of usual reporting practices.

*Establish an internal forum to monitor the Dashboard and enhance communication between key functions such as Governance, People and Culture, Customer Service, Internal Ombudsman, Internal Audit, and Finance.*

A Governance Forum was established and first met on 2 December 2019. In 2020 the Forum met in February, March, April, June, August, September and November.

The composition of the roles involved in the Governance Forum will change with the Director Corporate Affairs, replacing the Director Governance role.

The revised organisational structure includes the position of Director Corporate Affairs. With the exception of the Office of the Internal Ombudsman, the key functions identified – Governance, People and Culture, Customer Service, Internal Audit and Finance – will be part of the Corporate Affairs directorate providing further enhancement to communication between these functions.

*696/20 That Council request the Chief Executive Officer provide a further report to Council in early 2021 assessing if the actions identified have achieved the desired outcomes.*

In the period, from July 2020 there have been a number of impacts organisationally. As a result, there has been a shift in focus and resources to responding to the financial situation and undertaking structural changes. This has involved some of the key people involved in the delivery of actions in response to the report on Integrity and Ethical Standards.

## **2.4 Update on Actions in Response to Resolution - Integrity and Ethical Standards (contd)**

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While many of the actions have been taken, there has not been a focus on determining or measuring whether they have achieved the desired outcome. This will necessarily be a focus in the coming period as the relevant areas review their resource levels and service levels.

### **Consultation**

Consultation with Councillors, the Audit, Risk and Improvement Committee and Governance Forum regarding the Governance Lighthouse report content has occurred.

The Governance Forum provides an avenue for ongoing consultation in relation to the reporting and monitoring of actions relating to the Integrity and Ethical Standards resolution. The Forum has not met since late 2020 but it is planned to have future meetings once the structural changes have been enacted.

### **Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

*1108/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

There are no financial implications in the noting of this report.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

### **Attachments**

Nil.



**Item No:** 2.5  
**Title:** Governance Lighthouse report as at 31 December 2020  
**Department:** Corporate Affairs

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23 February 2021 Ordinary Council Meeting

Reference: F2020/02182 - D14446964  
Author: Shane Sullivan, Unit Manager, Governance and Risk  
Executive: Natalia Cowley, Acting Director Corporate Affairs

### **Report purpose**

To provide a Governance Lighthouse report as at 31 December 2020 for the information of Council.

### **Executive Summary**

As resolved by Council, a quarterly Governance Lighthouse report is now provided to Council for information.

The key points noted in the report are:

- Three instances of failure to meet a statutory deadline (although the information was subsequently provided).
- Risk review meetings with Unit Managers to further develop Council's Enterprise Risk Management Framework.
- Work on reviewing audit actions with plans to prioritise the open actions against strategic priorities.

### **Corporate Affairs Recommendation**

*That Council note the Governance Lighthouse report as at 31 December 2020 as provided as an Attachment to this report.*

### **Background**

At its meeting held 27 July 2020, Council resolved as follows:

- 695/20 *That Council receive and note the report on Actions in response to Resolution – Integrity and Ethical Standards.*
- 696/20 *That Council request the Chief Executive Officer provide a further report to Council in early 2021 assessing if the actions identified have achieved the desired outcomes.*

697/20 *That the Dashboard be discussed at a Councillor Briefing before the end of September 2020 for the purpose of ensuring the dashboard includes appropriate Governance focused measures and processes for reporting to Council.*

In response to this resolution, the attached report was created in consultation with Councillors. The report uses measures in the NSW Audit Office Governance Lighthouse. As well as quantitative information, there is commentary to provide context.

The report is updated at the end of each quarter and provided to the Audit, Risk and Improvement Committee and then to Council.

### **Consultation**

The report was also provided to the Audit, Risk and Improvement Committee for comment on 20 January 2021. No feedback was received.

### **Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

1036/20 *That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

There is no financial impact as a result of this report.

### **Link to Community Strategic Plan**

Theme 4: Responsible

### **Goal G: Good governance and great partnerships**

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

### **Attachments**

<b>1</b> Governance Lighthouse - Report as at 31 December 2020	Provided Under Separate Cover - <a href="#">Hyperlink</a>	D14446934
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**Item No:** 2.6  
**Title:** Decline all tenders associated with the Broadwater Demolition Contract CPA/3361  
**Department:** Corporate Affairs

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23 February 2021 Ordinary Council Meeting

Reference: CPA/3361 - D14462218  
Author: Ben Brown, Property Development Manager  
Manager: Jamie Barclay, Unit Manager, Economic Development and Project Delivery  
Executive: Natalia Cowley, Acting Director, Corporate Affairs

### **Report purpose**

To seek approval to decline all tenders associated with the Broadwater Demolition contract CPA/3361, in accordance with NSW Local Government Act 1993.

### **Executive Summary**

At the Ordinary Council Meeting held on 30 November 2020, Council resolved in part:

- 1257/20 That Council resolve to sell the following properties for not less than market value as determined by an independent valuer;*
- a) 200 Thompson Vale Road Doyalson 2262 (Lot 762 DP 746526)  
740 Thompson Vale Road Doyalson 2262 (Lot 32 DP 586913)  
740 Thompson Vale Road Doyalson 2262 (Lot 78 DP 755245)  
1550 Thompson Vale Road Doyalson 2262 (Lot 31 DP 586913)*
  - b) 15-23 Hely St Wyong 2259 (PT 1 Sec1 DP 3136)  
15-23 Hely St Wyong 2259 (PT 2 Sec1 DP 3136)  
15-23 Hely St Wyong 2259 (PT 3 Sec1 DP 3136)  
15-23 Hely St Wyong 2259 (PT 4 Sec1 DP 3136)  
15-23 Hely St Wyong 2259 (PT 5 Sec1 DP 3136)*
  - c) 49-51 Mann Street Gosford 2250 (Lot 1 DP 251476)  
49-51 Mann Street Gosford 2250 (Lot 1 DP 564021)  
53 Mann Street Gosford 2250 (Lot 3 DP 129268)  
55-57 Mann Street Gosford (Lot 2 DP 129268)  
59-71 Mann Street Gosford (Lot 1 DP 129268)*

Due to the proposed sale of Lots 1, 2, and 3 DP129268 (inclusive of improvements), the demolition of the improvements located on these lots is no

## **2.6 Decline all tenders associated with the Broadwater Demolition Contract CPA/3361 (contd)**

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longer required as the previous safety risk associated with these properties will be transferred from Council to the purchaser under any proposed sale.

As such, Council recommends declining all tenders associated with contract CPA/3361 and ceasing further action associated with the demolition.

### **Corporate Affairs Recommendation**

*That Council request the Chief Executive Officer (or his representative) to decline all tenders in relation to the Broadwater Demolition Contract CPA/3361 under Section 55(3)(i) of the Local Government Act 1993.*

### **Background**

The tender was advertised through the TenderLink website during the period 12 August 2020 to 27 October 2020. Council received 12 tenders. Council was in the process of evaluating the tender submission. Since the Council resolution of 30 November 2020, the evaluation of tenders to demolish the subject lots has been placed on hold.

### **Financial Considerations**

Selling the subject lots with improvements to a prospective purchaser will negate Council's capital contributions to demolish the improvements.

### **Link to Community Strategic Plan**

Theme 2: Smart

### **Goal C: A growing and competitive region**

S-C2: Revitalise Gosford City Centre, Gosford Waterfront and town centres as key destinations and attractors for business, local residents, visitors and tourists.

### **Risk Management**

The proposal transfers the risk associated with the dilapidated building to a prospective purchase.



## **2.6 Decline all tenders associated with the Broadwater Demolition Contract CPA/3361 (contd)**

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### **Options**

The following options are available:

- 1 Withdraw the tender as recommended;
- 2 Choose to proceed with contract CPA/3361. However, if Council desires to proceed then Council must allocate budget to the contract prior to award of the contract. The timeframe to complete the contract may also interfere with the timeline for selling the affected lots.

### **Critical Dates or Timeframes**

We should notify all tenderers as soon as possible of the Council's decision to withdraw from the Tender process and sell the Lots.

### **Attachments**

Nil.



**Item No:** 3.1  
**Title:** Outcomes of Exhibition of Draft Tree and Vegetation Vandalism Management Policy  
**Department:** Environment and Planning

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23 February 2021 Ordinary Council Meeting

Reference: F2020/02982 - D14294956  
Author: Scott Irwin, Section Manager, Sustainable Environments  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To consider adoption of draft Tree and Vegetation Vandalism Management Policy

### **Executive Summary**

The purpose of the draft Tree and Vegetation Vandalism Management Policy is to provide a consistent approach across the Central Coast Council Local Government Area (LGA) in deterring and responding to unlawful damage of trees and vegetation on private and public land where Council is the appropriate regulatory authority.

The draft policy is based on the Regional Tree and Vegetation Vandalism Policy developed by Hunter Joint Organisation (HJO) as part of its Hunter & Central Coast Regional Environmental Management Strategy (HCCREMS) Program, due to increasing tree and vegetation vandalism being experienced by councils across the region.

The draft policy was placed on public exhibition between 14 September 2020 and 29 October 2020. A total of six submissions were received during this period with no objections and many comments of support and congratulations on the intent of the draft policy.

The draft policy has been revised where appropriate to reflect the intent of community submissions. This report therefore recommends:

### **Environment and Planning Recommendation**

*That Council adopt the Central Coast Council Draft Tree and Vegetation Vandalism Management Policy in accordance with the changes identified in 'Attachment 3' which include amendments made in response to feedback received during public exhibition.*

### **3.1 Outcomes of Exhibition of Draft Tree and Vegetation Vandalism Management Policy (contd)**

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#### **Context**

The Tree and Vegetation Vandalism Management Policy is designed to provide a consistent approach in deterring and responding to unlawful damage of trees and vegetation on private and public land. The policy was exhibited as the "draft Tree Vandalism Management Policy", following feedback from the exhibition period, one of the proposed changes to the policy is the naming. The policy is recommended to be renamed the Tree and Vegetation Vandalism Management Policy and is referred to as that throughout the remainder of this report.

This Policy review forms part of the ongoing program to review 68 policies from the Environment and Planning Directorate in order to consolidate all former Wyong Shire Council or Gosford City Council policies following the amalgamation.

#### **Current Status**

The former Gosford City Council had a Tree Vandalism Management Policy however, no policy was in place for the former Wyong Shire Council.

It is important to note that the absence of a policy does not prevent compliance undertakings in relation to tree vandalism proceedings. The policy does allow for consideration of a suite of approaches in order to try and reduce the amount of tree vandalism. Tree compliance undertakings do still proceed in accordance with the Central Coast Policy for Compliance and Enforcement adopted 22 February 2017.

The draft Tree and Vegetation Vandalism Management policy is the consolidated Policy for the Central Coast Council Local Government Area (LGA) to better guide appropriate organisational response to tree vandalism.

#### **Report**

The draft policy aims to provide a consistent approach across the Central Coast Council Local Government Area (LGA) in deterring and responding to unlawful damage of trees and vegetation.

This is achieved by:

- Education and promoting the value of trees and vegetation
- Community encourage to the report tree and vegetation vandalism
- Consistency in investigation of tree and vegetation vandalism

#### **Consultation**

The draft Tree and Vegetation Vandalism Management Policy was on public exhibition for a 42-day period from Monday 14 September 2020 to Thursday 29 October 2020. The draft

### **3.1 Outcomes of Exhibition of Draft Tree and Vegetation Vandalism Management Policy (contd)**

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Policy was exhibited online through Your Voice Our Coast to ensure the community was aware of the opportunity to provide feedback. Attachment 1 provides a copy of the release.

A total of six submissions were received. Four submissions were from individuals and two submissions from community groups. No objection to the draft Tree and Vegetation Vandalism Management Policy was received although many comments of support and congratulations were received. Attachment 2 provides a copy of the community comments and feedback received.

Submissions were reviewed by staff for consideration. Following from this, the draft policy has been amended to incorporate recommended changes, which is provided via Attachment 3.

Staff in Council's Environment and Certification Unit were also specifically consulted in relation to the draft policy and confirmed this policy would not compromise large scale investigations into illegal clearing, or any other investigation that may include the removal of trees without consent or unlawful use of land within the LGA.

#### **Link to Community Strategic Plan**

Theme 3: Green

#### **Goal F: Cherished and protected natural beauty**

G-F1: Protect our rich environmental heritage by conserving beaches, waterways, bushland, wildlife corridors and inland areas, and the diversity of local native species.

#### **Risk Management**

The adoption of the draft Tree Vandalism Management Policy will assist Council manage the wilful vandalism of trees and vegetation across the Central Coast through a consistent approach across in deterring and responding to the vandalism of trees and vegetation on private and public land where Council is the appropriate regulatory authority.

#### **Options**

**Option 1:** That Council adopts the draft Tree Vandalism Management Policy including the following amendments to the exhibited draft as highlighted in Attachment 3. **Recommended**

**Option 2:** That Council does not adopt the draft Tree Vandalism Management Policy. **Not recommended due to strong community support following the exhibition period.**

### 3.1 Outcomes of Exhibition of Draft Tree and Vegetation Vandalism Management Policy (contd)

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#### Financial Considerations

Successful regulatory enforcement actions in response to the policy may derive income for Council and offset costs associated with the implementation and maintenance of any physical deterrents.

The implementation and maintenance of physical deterrents such as screens and use of technology for surveillance may have direct impacts on financial and existing staff resources. This use of deterrent actions may be implemented when appropriate regulatory actions have been exhausted by staff. Any use of physical deterrents, is not a mandatory requirement of the policy, would be undertaken in accordance with Council's operational budgetary commitments, staff resourcing limitations and in consideration of the existing Central Coast Council Compliance and Enforcement Policy.

At its meeting held 19 October 2020, Council resolved the following:

*1036/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

There is no direct financial impact resulting from the adoption of the recommendation. The policy itself does not commit Council to any additional activities, but rather provides appropriate measures to better manage tree vandalism across the Central Coast. Some of the management measures may carry costs and will only be able to be implemented in accordance with available funding and resources. Conversely, implementation of some of these approaches may act as a significant deterrent to tree vandalism, which may reduce costs associated with vandalism, which may reduce the costs associated with vandalism of these assets and the costs required to follow up on tree vandalism matters.

#### Critical Dates or Timeframes

It is a corporate initiative to consolidate all former Wyong Shire Council or Gosford City Council policies for Central Coast Council.

#### Attachments

<b>1</b>	Consolidated Consultation - Your Voice Our Coast	Provided Under Separate Cover	D14334015
<b>2</b>	Community responses to Tree Vandalism Management Policy	Provided Under Separate Cover	D14334037
<b>3</b>	Draft Tree and Vegetation Vandalism Management Policy	Provided Under Separate Cover	D14334071



**Item No:** 3.2  
**Title:** Outcomes of Draft Keeping of Animals Policy  
**Department:** Environment and Planning

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23 February 2021 Ordinary Council Meeting

Reference: F2020/00039 - D14388705  
Author: Shann Mitchell, Senior Environmental Health Officer  
Manager: Sara Foster, Unit Manager Business Support and Systems  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To consider the outcomes of the draft Keeping of Animals Policy and seek Council resolution to adopt the Policy.

### **Executive Summary**

- The purpose of the Policy is to recommend minimum standards for the keeping of animals in residential areas to maintain public health and safety.
- The draft Keeping of Animals Policy was on public exhibition for forty-two days from Monday 14 September to Thursday 29 October, 2020.
- During that time, twenty-one submissions were received from community members.
- In response to the submissions, two minor changes have been made to the draft Policy to address small farm animals and beekeeping concerns.
- The Policy does not apply to cats or dogs managed under the Companion Animals Act.
- The report recommends that the Keeping of Animals Policy be adopted by Council.

### **Environment and Planning Recommendation**

*That Council adopt the Central Coast Council draft Keeping of Animals in Residential Areas Policy amended as follows:*

- *Revised wording to include 'in residential areas' in title to read 'Keeping of Animals in Residential Areas Policy';*
- *Revised wording for keeping of bees in the Advisory Table to be consistent with Department of Primary Industries requirements.*

### **Background**

At its meeting held 24 August 2020, Council resolved the following:

- 885/20 *That Council endorse the following draft policies for the purpose of community consultation:*
- Temporary Licensing of a Trade or Business on Open Space Areas Policy*

## 3.2 Outcomes of Draft Keeping of Animals Policy (contd)

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- ii. Events on Open Space Areas Policy*
- iii. Tree Vandalism Management Policy*
- iv. Keeping of Animals Policy*
- v. Smoke-Free Outdoor Public Places Policy*

- 886/20 *That Council place the above draft policies on public exhibition for a period of 42 days.*
- 887/20 *That Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibitions.*

### **Current Status**

The current Keeping of Animals Policy was adopted by the former Wyong Shire Council in 2015. The former Gosford City Council did not have a Policy. The draft Policy, which is the subject of the report, has been updated and will align the requirements for keeping of animals in residential areas across the Central Coast region.

### **Report**

The draft policy aims to provide minimum standards for keeping animals and applies to animals kept on residential land within the Local Government Area. The aim of the Policy is to reduce adverse impacts to neighbouring property owners and native wildlife from the keeping of animals.

### **Consultation**

The draft Keeping of Animals Policy was on public exhibition forty-two days from Monday 14 September to Thursday 29 October, 2020. The draft Policy was exhibited online through Your Voice Our Coast to ensure the community were aware of the opportunity to provide feedback. Attachment 3 provides a copy of the release.

A total of twenty-two submissions were received, which are summarised as follows:

- Concerns over animal welfare due to animal numbers stated in the Advisory Table;
- Concerns the animal numbers stated in the Advisory Table are restrictive especially for breeders;
- Issues with animals roaming on neighbouring property not addressed in the Policy;
- More clarification regarding the type and number of beehives; and
- The keeping of dogs and cats is not addressed in the Policy and needs urgent attention.

## 3.2 Outcomes of Draft Keeping of Animals Policy (contd)

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The draft Policy has been revised to include 'in residential areas' in the title to read 'Keeping of Animals in Residential Areas Policy'. The Advisory Table for the keeping of bees has been revised to be consistent with the Department of Primary Industries requirements..

Furthermore, the number of animals stated in the Advisory Table does not apply to registered breeders. In regards to the keeping of cats and dogs, a Responsible Pet Ownership Policy is being prepared to address issues and concerns relating to cats and dogs within the Central Coast LGA.

### Financial Considerations

At its meeting held 19 October 2020, Council resolved the following:

*1036/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

It is not considered that there would be any financial impact through the implementation of the draft Keeping of Animals Policy.

### Link to Community Strategic Plan

Theme 4: Responsible

### Goal G: Good governance and great partnerships

R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

### Risk Management

The adoption of the draft Keeping of Animals Policy will support Council in maintaining public health and safety by managing animals' kept in residential areas.

### Attachments

<b>1</b>	Review of comments received relating to the draft Keeping of Animals Policy in Residential Areas following Public Exhibition	Provided Under Separate Cover	D14480498
<b>2</b>	Amended Policy incorporating recommended changes	Provided Under Separate Cover	D14449114
<b>3</b>	Exhibition of Policy through Your Voice Our Coast	Provided Under Separate Cover	D14449116





**Item No:** 3.3  
**Title:** Results of Public Exhibition of Draft Community Participation Plan  
**Department:** Environment and Planning

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23 February 2021 Ordinary Council Meeting

Reference: F2018/01659 - D14312801  
Author: Peter Kavanagh, Senior Strategic Planner  
Manager: Scott Duncan, Section Manager, Land Use and Policy  
Executive: Scott Cox, Director Environment and Planning

### **Report purpose**

To report on the results of public exhibition of the revised Central Coast Community Participation Plan and adopt the plan.

### **Executive Summary**

This report analyses the feedback received during the public exhibition of the updated Community Participation Plan (CPP), which occurred between 15 October and 12 November 2020. The level of community interest was only very limited with 4 submissions being received. This feedback focused on:

- 1 Council's financial position,
- 2 The role of Councillors in decision making, and methods of engagement with ratepayers, and
- 3 Access to information throughout Council processes.

The CPP had been amended to address changes requested by Councillors at a workshop on 2 March 2020 and exhibited by Council resolution of 14 September 2020. It was updated to reference NSW Government advice released as a result of the COVID19 Pandemic on public exhibition requirements and processes for giving of public notice via electronic means. The revised CPP also addressed the role of the Local Planning Panel in determining development applications (DAs).

This report recommends that Council adopt the draft CPP (Attachment 1) as exhibited, with minor additions which have been made to address an issue raised in submissions, to identify Council's procedure when exhibiting Council's strategic and statutory Policies.

The revised CPP is considered to be more informative and comprehensive than the adopted CPP, and it is recommended for adoption.

### 3.3 Results of Public Exhibition of Draft Community Participation Plan (contd)

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#### Environment and Planning Recommendation

*That Council adopt the draft Central Coast Community Participation Plan (CPP) (Attachment 1).*

#### Background

At its meeting of 14 September 2020, Council resolved as follows:

- 856/20 *That Council endorse the amendments to the current Community Participation Plan for the purposes of community consultation, being:*
- a Detail the role and responsibilities of Councillors in the advocacy and consideration of community views, and their role in relation to the various decision-making bodies, which are responsible for objective decision making within the NSW planning system;*
  - b Identify which matters are determined by the Council, Accredited Certifiers, the Local Planning Panel, the Joint Regional Planning Panel, the Planning Assessment Commission, and the relevant Minister;*
  - c Clarify which calendar days are included within the various exhibition timeframes; and*
  - d Updated in line with recent legislation changes in regard to advertising and notification requirements.*
- 857/20 *That Council place the (revised) draft Central Coast Community Participation Plan on public exhibition for a period of 28 days.*
- 858/20 *That Council consider a further report on results of the community consultation.*
- 859/20 *That Council improve website information, connectivity, and search capabilities, to improve public access to the CPP.*

#### Current Status

On 25 November 2019 Council adopted a CPP which is currently in place. The updated draft CPP will replace this document.

#### Report

A CPP is a mandatory requirement for all planning authorities as per the EP&A Act, 1979. It's purpose is to identify the minimum public exhibition timeframes, notification and submission procedures, and identify the relevant decision-making authorities for strategic and statutory planning matters.

### **3.3 Results of Public Exhibition of Draft Community Participation Plan (contd)**

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Council resolved to publicly exhibit the revised draft CPP on 14 September 2020. This document incorporated changes requested by Councillors at a workshop which was held 2 March 2020 where suggestions were made to improve the currently adopted version of the CPP. It also incorporated new advice released as a result of the COVID19 Pandemic to update public exhibition requirements and giving public notice. It also addressed other matters to reflect legislative changes, such as the role of the Local Planning Panel in determining development applications (DA).

The draft CPP reaffirms the Central Coast Council's Community Strategic Plan (CSP) objectives and these will be used to guide and inform our community approach for community engagement, as detailed within the Central Coast Engagement Framework (EF) 2017.

#### **Consultation**

The Central Coast Council CPP identifies that any proposed amendment to the CPP must be placed on public exhibition for a period of 28 days, in accordance with Schedule 1, Part 1, Division 1 (1) of the EP&A Act, 1979.

The draft (revised) Central Coast CPP was exhibited on Council's website between 15 October to 12 November 2020. Three community submissions and one staff submission were received, which are detailed and addressed within Attachment 2. The staff submission addressed areas where the CPP could be improved. This resulted in the inclusion of the period for public exhibitions for Council's draft Strategic and Statutory Planning Policies, as well as Council's draft Local Approvals Policy (LAP) and draft Local Orders Policy (LOP) under the Local Government Act, 1993.

#### **Financial Considerations**

At its meeting held 19 October 2020, Council resolved the following:

*1036/20 That any motions put before Council for the remainder of this term of Council that have financial implications require the Chief Executive Officer to provide a report on how those additional costs will be met.*

The following statement is provided in response to this resolution of Council.

There would be no financial impact associated with the adoption of the draft Central Coast CPP which is not covered within existing unit budgets.

#### **Link to Community Strategic Plan**

Theme 4: Responsible

#### **Goal G: Good governance and great partnerships**

### 3.3 Results of Public Exhibition of Draft Community Participation Plan (contd)

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R-G2: Communicate openly and honestly with the community to build a relationship based on transparency, understanding, trust and respect.

#### Risk Management

There are no risks to Council adopting the revised CPP.

#### Options

- 1 Adopt the exhibited (revised) CPP (Attachment 1)  
*Comment:* This option is recommended, as the revised CPP has been updated and is more comprehensive than the current CPP. The document incorporates changes requested by Councillors at a workshop held 2 March 2020. It also incorporates new advice released as a result of the COVID19 Pandemic, updates public exhibition requirements and details the process for giving public notice on planning, policy and development matters. It also addresses other matters to reflect legislative changes, such as the role of the Local Planning Panel in determining development applications (DA's).
- 2 Refuse to adopt the exhibited (revised) CPP.  
*Comment:* This option is not recommended, as the existing CPP is an improvement on the existing document.

#### Critical Dates or Timeframes

Council was required to have a CPP finalised, uploaded to the Department Planning, Industry and Environment (DPIE) ePlanning portal and in effect by 1 December 2019. Council met this requirement and has a CPP in place. The revised CPP is considered to be more informative and comprehensive, however there are no relevant critical dates or timeframes.

#### Attachments

- |   |  |   |           |
|---|--|---|-----------|
| 1 | Community Participation Plan_February 2021 | Provided Under Separate Cover - Hyperlink | D14412901 |
| 2 | Submissions Table                          | Provided Under Separate Cover - Hyperlink | D14413079 |



**Item No:** 4.1  
**Title:** Construction of Cell 4.4 at Buttonderry Waste Management Facility 21.22 Budget Approval  
**Department:** Infrastructure

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23 February 2021 Ordinary Council Meeting

Reference: F2004/06768 - D14483523  
Author: Joanna Murray, Personal Assistant to Unit Manager, Waste and Business  
Manager: Andrew Pearce, Unit Manager, Development Assessment  
Executive: Boris Bolgoff, Director Infrastructure

### **Report purpose**

To approve project budget for the construction of Landfill Cell 4.4 at Buttonderry Waste Facility including for the construction contract, internal project management and third-party quality assurance services in the 2021/2022 financial year.

### **Executive Summary**

The contract is for the construction of landfill cell 4.4 at Buttonderry Waste Management Facility (BWMF). The program for construction is 10 months, what will fall across the 20/21 and 21/22 financial years. This has been budgeted for in this financial year and planned in next financial year within the \$170M capital works cap. The construction is scheduled to commence in March 2021 in order to be ready to accept waste by the end of December 2021.

Tendering has been undertaken for the construction of Cell 4.4 and is currently being evaluated.

<b>Financial Year</b>	<b>Budget Amount</b>
20/21	\$3,385,000
21/22	\$5,615,000
Total contract budget	\$9,000,000

This report recommends that Council endorses the 21/22 financial year budget including 15% contingency for the contract of \$5,615,000 for this continuing project.

### **Infrastructure Recommendation**

*That Council approves the Construction of Cell 4.4 at Buttonderry Waste Management Facility as a continuing project and allocates in the draft budget for the 2021-22 capital works program the sum of \$5,615,000 for these works.*

## **4.1 Construction of Cell 4.4 at Buttonderry Waste Management Facility**

### **21.22 Budget Approval (contd)**

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#### **Background**

Council owns and operates Buttonderry Waste Management Facility, which is a Class 1 Solid Waste landfill licensed to landfill up to 140,000 tonnes of waste per annum.

The landfill at Buttonderry Waste Management Facility caters for a wide range of waste types and customers derived from across the Central Coast. This includes household putrescible wastes, commercial and industrial wastes, and construction wastes delivered by a range of residents, commercial businesses, government departments and Council's operations.

Council has an ongoing program for the construction of new landfill cells to ensure capacity to manage wastes from across the Local Government Area is maintained. Landfill cells at Buttonderry Waste Management Facility are constructed and staged in accordance with the Buttonderry Waste Management Facility, Area 4 Development Strategy, 2012.

Landfill cells are required to be engineer designed and constructed in accordance with environmental guidelines issued by the NSW Environmental Protection Authority. Their construction typically involves such elements as bulk excavation, vehicle access roads, the installation of specialist low permeability leachate barriers/lining, and a leachate collection and management system.

Council also has a wide range of resource recovery programs in place or in planning to divert waste from landfill. Currently approximately 41% of household waste collected by Council is currently diverted from landfill through resource recovery activities. Landfilling however currently represents the most economical solution for residual wastes and is also a statutory requirement for several waste types, including asbestos wastes.

The current landfill cell 4.3 was constructed in 2012/13 at a cost of approximately \$10M and was planned to provide capacity until 2021. Consistent with forecasts, the existing landfill cell is nearing capacity and Council is required to construct the next new cell in order to continue landfilling operations at the site.

Council completed the engineering design and approvals for the new cell 4.4 during 2020 as well as completing concept designs for the future adjoining cells 4.5 and 4.6, which will provide for sufficient landfill capacity at current consumption levels to approximately 2043. Tenders for the construction of cell 4.4 were called in November 2020 and closed in January 2021. The contract is now at award stage.

#### **Current Status**

The Contract Plan for CPA/3184 for the construction of cell 4.4 went to tender in November 2020 and closed on 12 December 2020 and is now pending award. Award of the tender is

## **4.1 Construction of Cell 4.4 at Buttonderry Waste Management Facility 21.22 Budget Approval (contd)**

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scheduled for early March 2021 with a commencement date thereafter. The construction stage of the project has always been planned to commence in 20/21 and continue into 2021/22.

### **Consultation**

The project is proceeding under Part 5 of the Environmental Planning Act 1979. The NSW Environmental Protection Authority have been consulted through the design stage of the project and are satisfied with the final designs and associated systems.

### **Financial Considerations**

The capital cost for the construction of Cell 4.4 will be funded from internal restrictions. The internal restriction exists for the purpose of funding future waste facilities as existing waste facilities reached the end of their life and has been funded from part of the profits from the operation of Councils waste facilities.

The cost of both annual depreciation of cell 4.4 and associated operating costs will be directly apportioned annually between Council's domestic waste management fund and general fund based on the percentage of total tonnages received at the waste facility.

Council's landfill cells and associated resource recovery activities also deliver significant commercial returns to Council, with approximately 60% of waste tonnages to be landfilled in the new cell 4.4 forecast to come from outside Council's domestic waste collection service through customers paying commercial gate fees.

The depreciation and operation of landfill cell 4.4 will accordingly be fully funded annually from income received from the operation of Council's waste management facilities whilst also delivering significant surplus income to Council's general fund.

The 2020/2021 financial year capital works budget has been committed to the value of \$3,385,029 including 15% contingency for the phased commencement of the multi-year construction.

The draft 2021/22 capital works program includes the provision for the phased completion of \$5,615,000 for the construction of cell 4.4. This budget is within the proposed capital/expenditure budget cap for the Infrastructure Services Directorate and the Council cap of \$170M.

### **Link to Community Strategic Plan**

Theme 3: Green

## **4.1 Construction of Cell 4.4 at Buttonderry Waste Management Facility 21.22 Budget Approval (contd)**

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### **Goal E: Environmental resources for the future**

G-E3: Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours.

### **Risk Management**

This contract has been assessed as a medium to high risk contract principally based on the critical timeframe, complexity and potential for latent conditions endemic on waste and bulk earthworks.

If the new cell is not completed prior to the current cell reaching capacity other options for the disposal of waste from Council's domestic waste collection service will need to be considered. Disposal would most likely be to other Waste Management facilities at significant additional transport and disposal cost. The opportunity for maintaining or increasing existing income levels from gate fees from commercial customers would also be lost.

### **Options**

#### **1 Approve the 2021/2022 Financial Year Budget.**

Recommend due to the existing cell 4.3 nearing design capacity, the proposal being consistent with the strategic planning and staging for Buttonderry Waste Management Facility, and the associated financial consequences of not completing the project.

#### **2 Not approve the 2021/2022 Financial Year Budget.**

Not recommended due to the existing cell 4.3 nearing design capacity, and the associated financial consequences of not having an active landfill at Buttonderry Waste Management Facility.

### **Critical Dates or Timeframes**

The program for construction is 10 months and will fall across the 20/21 and 21/22 financial years as planned in accordance with the 2020/21 capital works budget. The construction is scheduled to commence in March 2021, in order to be ready to accept waste by the end of December 2021.

### **Attachments**

Nil.