



Central Coast Council  
Business Paper  
Ordinary Council Meeting  
**14 September 2020**





# 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



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 infographic details the following structure:

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



# Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held remotely - online  
Monday 14 September 2020 at 6.30 pm,  
for the transaction of the business listed below:**

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	• Broadwater Site	

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Gary Murphy  
**Chief Executive Officer**

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

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14 September 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14104914

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 Council 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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14 September 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14104933



### **Summary**

Confirmation of minutes of the Ordinary Meeting of Council held on 24 August 2020.

### **Recommendation**

***That Council confirm the minutes of the Ordinary Meeting of Council held on the 24 August 2020.***

### **Attachments**

- 1 Minutes - Ordinary Meeting - 24 August 2020 D14143453



## Central Coast Council

### Minutes of the Ordinary Meeting of Council

Held remotely - online  
on 24 August 2020

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#### Present

Mayor Lisa Matthews and Councillors Greg Best, Jillian Hogan, Kyle MacGregor, Doug Vincent, Troy Marquart, Chris Burke, Chris Holstein, Bruce McLachlan, Jilly Pilon, Rebecca Gale, Louise Greenaway, Jeff Sundstrom, Richard Mehrtens and Jane Smith.

#### In Attendance

Gary Murphy (Chief Executive Officer), Boris Bolgoff (Director Roads, Transport, Drainage and Waste), Julie Vaughan (Director Connected Communities), Scott Cox (Director Environment and Planning), Jamie Loader (Director Water and Sewer), Ricardo Martello (Executive Manager Innovation and Futures) and Shane Sullivan (Unit Manager Governance and Business Services).

The Mayor, Lisa Matthews declared the meeting open at 6.35pm.

At the request of the Chair, Mr Gary Murphy, Chief Executive Officer advised that the meeting will be held remotely in accordance with section 747A of The Local Government Act 1993 clause 1(a)(i). Councillors were also reminded to adhere to the relevant policies and procedures including the Code of Meeting Practice and Code of Conduct.

The Mayor, Lisa Matthews, advised in accordance with the Code of Meeting Practice that the meeting is being recorded and read an acknowledgement of country statement.

The reports are recorded in their correct agenda sequence.

#### Apologies

**Moved:** **Councillor Holstein**

**Seconded:** **Councillor Gale**

#### Resolved

**789/20** ***That Council note that no apologies or leaves of absence were submitted.***

**790/20** ***That Council note that Councillor Vincent advised that he will be delayed in joining the meeting due to work commitments.***

**For:**

**Unanimous**



**1.1 Disclosures of Interest**

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Time commenced: 6.42pm

Councillor Vincent joined the meeting at 7.07pm and did not vote on this item.

**2.1 Planning Proposal Authority for rezoning proposals and SEPP Aboriginal Land**

Councillor MacGregor declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor MacGregor left the meeting at 6.51pm, returned at 7.05pm and did not participate in discussion on this matter.

Councillor Burke declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor Burke left the meeting at 6.51pm, returned at 7.05pm and did not participate in discussion on this matter.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternative delegate on the Joint Regional Planning Panel. Councillor Sundstrom left the meeting at 6.51pm, returned at 7.05pm and did not participate in discussion on this matter.

Councillor Smith noted that she is also an alternative delegate on the Joint Regional Planning Panel and has not attended a meeting for some years now and as this matter is not determining the application and only determining the consent authority she believes she doesn't need to declare.

**3.8 Update on Gosford Regional Library**

Councillor Holstein declared a less than significant non pecuniary interest in the matter as his employer is currently using the site and they are in the process of procuring another site within the Gosford CBD. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

**Moved:** **Councillor Gale**  
**Seconded:** **Councillor MacGregor**

**Resolved**

**791/20 That Council receive the report on Disclosure of Interest and note advice of disclosures.**

**For:**  
**Unanimous**

**1.2 Confirmation of Minutes of Previous Meeting**

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Time commenced: 6.46pm

Councillor Vincent joined the meeting at 7.07pm and did not vote on this item.

**Moved: Councillor MacGregor**

**Seconded: Councillor Hogan**

**Resolved**

**792/20 That Council confirm the minutes of the Ordinary Meeting of Council held on the 10 August 2020.**

**For:**

**Unanimous**

**1.3 Notice of Intention to Deal with Matters in Confidential Session**

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Time commenced: 6.47pm

Councillor Vincent joined the meeting at 7.07pm and did not vote on this item.

**Moved: Councillor MacGregor**

**Seconded: Councillor Hogan**

**Resolved**

**793/20 That Council receive the report and note that no matters have been tabled to deal with in a closed session.**

**For:**

**Unanimous**

**Procedural Motion – Exception**

Time commenced: 6.48pm

Councillor Vincent joined the meeting at 7.07pm and did not vote on this item.

Councillor MacGregor left at 6.50pm and did not vote on this item.

**Moved: Councillor Gale**

**Seconded: Councillor Hogan**

**Resolved**

**794/20** That Council adopt the following items as a group and in accordance with the report recommendations:

<b>Item #</b>	<b>Item Title</b>
<b>3.7</b>	<b>Request for Memorial Plaque</b>
<b>4.1</b>	<b>Meeting Record of the Town Centre Advisory Committee held on 15 July 2020</b>
<b>4.2</b>	<b>Meeting Record of the Employment and Economic Development Committee meeting held 14 July 2020</b>
<b>4.4</b>	<b>Response to Notice of Motion - Sewerage Issues in Kanwal</b>

**795/20** That Council discuss the following items individually:

<b>Item #</b>	<b>Item Title</b>
<b>2.1</b>	<b>Planning Proposal Authority for rezoning proposals and SEPP Aboriginal Land</b>
<b>3.1</b>	<b>Code of Meeting Practice – Committees</b>
<b>3.2</b>	<b>Local Government NSW Annual Conference - Attendance and Voting</b>
<b>3.3</b>	<b>Grant Funding Update as at 30 June 2020</b>
<b>3.4</b>	<b>Policy revocations related to Environment and Planning</b>
<b>3.5</b>	<b>Environment and Planning Directorate draft policies for community consultation</b>
<b>3.6</b>	<b>Councillors' role in planning matters</b>
<b>3.8</b>	<b>Update on Gosford Regional Library</b>
<b>3.9</b>	<b>Response to Notice of Motion - Soap in Public Toilets</b>
<b>4.3</b>	<b>Activities of the Development Assessment and Environment and Certification Units - April to June 2020 - Quarter 4</b>
<b>6.1</b>	<b>Deferred Item - Notice of Motion - Broadwater Hotel site in Mann St Gosford</b>
<b>6.2</b>	<b>Notice of Motion - Committee Costs Update</b>
<b>6.3</b>	<b>Notice of Motion - Forgotten North Gateway Disgrace</b>

**For:**  
**Unanimous**

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**2.1 Planning Proposal Authority for rezoning proposals and SEPP Aboriginal Land**

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Time commenced: 6.51pm

Councillor Vincent joined the meeting at 7.07pm and did not vote on this item.

Councillor MacGregor declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor MacGregor left the meeting at 6.51pm, returned at 7.15pm and did not participate in discussion on this matter.

Councillor Burke declared a pecuniary interest in the matter as he is a delegate on the Joint Regional Planning Panel. Councillor Burke left the meeting at 6.51pm, returned at 7.05pm and did not participate in discussion on this matter.

Councillor Sundstrom declared a pecuniary interest in the matter as he is an alternative delegate on the Joint Regional Planning Panel. Councillor Sundstrom left the meeting at 6.51pm, returned at 7.05pm and did not participate in discussion on this matter.

Councillor Smith noted that she is also an alternative delegate on the Joint Regional Planning Panel and has not attended a meeting for some years now and as this matter is not determining the application and only determining the consent authority she believes she doesn't need to declare.

**Moved: Mayor Matthews**  
**Seconded: Councillor McLachlan**

**Resolved**

**796/20 That Council request the Chief Executive Office to advise the Acting Group Deputy Secretary for the Department of Planning, Industry and Environment that it does not seek to retain the role of Planning Proposal Authority for the following Planning Proposals and that an alternate Planning Proposal Authority be appointed for the following proposals:**

- a Lots 1, 2 and 3 DP 1156997 (380 Motorway Link Rd) Wallarah. RZ/14/2014 (PP\_2016\_CCOAS\_005\_01).**
- b Lot 642 DP 1027231, Lot 644 DP 1027231 & Lot 100 DP 1044282, (405-415 Pacific Highway Lake Munmorah, 2 Kanangra Drive, Lake Munmorah and 425 Pacific Highway) Crangan Bay, RZ/12/2014 (PP\_2015\_WYONG\_002\_01).**
- c Lots 107-111 DP 755245, Lots 191-193 DP 1032847 & part Lot 204 DP 1117900, (425 Bushells Ridge Rd, Bushells Ridge and 10 Wyee Road) Doyalson, RZ/4/2014 (PP\_2016\_WYONG\_005\_001)**

**797/20 That Council request the Chief Executive Officer to arrange a meeting involving Council staff and the Department Planning, Industry and Environment to discuss:**

- a operational arrangements to transfer the planning proposals listed in Resolution 1 from Council to an alternate Planning Proposal Authority; and**
- b planning proposal processes related to biodiversity certification and Strategic Conservation Planning for the Central Coast.**

**798/20 That Council request the Chief Executive Officer to advise the applicant of the decision.**

**799/20 That Council request the Chief Executive Officer to provide Councillors with a brief report on the discussion and the outcomes of the meeting between Council staff and the Department Planning, Industry and Environment in a future Councillor Support Update.**

**For:  
Mayor Matthews, Councillors Best, Gale,  
Hogan, Marquart, McLachlan, Mehrtens  
and Pilon**

**Against:  
Councillors Greenaway, Holstein and  
Smith**

### **3.1 Code of Meeting Practice - Committees**

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Time commenced: 7.05pm

Councillor MacGregor left the meeting at 6.51pm and returned at 7.15pm.  
Councillor Vincent joined the meeting at 7.07pm.

Moved: Councillor Best  
Seconded: Councillor Gale

- 1 That Council note the report on options for the establishment of Committees under Part 20 of the Code of Meeting Practice and resolve that this matter be deferred for consideration by the Council of September 2021.**
- 2 That Council note the review of the Code of Meeting Practice and now also allow for public comment to accompany Councils' livestream podcast.**

Amendment Moved: Councillor Smith  
Amendment Seconded: Councillor Vincent

*That Council note the report on options for the establishment of Committees under Part 20 of the Code of Meeting Practice and resolve that this matter be considered in conjunction with the resolved presentation of options in terms of Governance models to be developed in consultation with Councillors.*

**For:**  
*Mayor Matthews, Councillors Greenaway,  
Hogan, MacGregor, Mehrstens, Smith,  
Sundstrom and Vincent*

**Against:**  
*Councillors Best, Burke, Gale, Holstein,  
Marquart, McLachlan and Pilon*

The amendment as put to the vote and declared CARRIED and then become the motion.

**Moved:** **Councillor Smith**  
**Seconded:** **Councillor Vincent**

**Resolved**

**800/20** ***That Council note the report on options for the establishment of Committees under Part 20 of the Code of Meeting Practice and resolve that this matter be considered in conjunction with the resolved presentation of options in terms of Governance models to be developed in consultation with Councillors.***

**For:**  
*Mayor Matthews, Councillors Greenaway,  
Hogan, MacGregor, Mehrstens, Smith,  
Sundstrom and Vincent*

**Against:**  
*Councillors Best, Burke, Gale, Holstein,  
Marquart, McLachlan and Pilon*

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**3.2 Local Government NSW Annual Conference - Attendance and Voting**

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Councillor MacGregor left the meeting at 7.34pm and returned at 7.39pm.

Time commenced: 7.34pm

**Moved:** **Councillor Smith**  
**Seconded:** **Mayor Matthews**

**Resolved**

**801/20** ***That Council appoint seven delegates for voting on Policy Motions and for the election of Officer Bearers and the Board at the Local Government NSW Annual Conference 2020 as listed:***

***Mayor Matthews  
Councillor Smith  
Councillor Greenaway  
Councillor Sundstrom  
Councillor Hogan  
Councillor Burke  
Councillor Mehrstens***

**802/20** ***That Council request the Chief Executive Officer notify Local Government NSW of those appointments no later than 5.00pm on Tuesday 3 November 2020.***

- 803/20** *That Council note that the Motion provided in this report will be submitted in accordance with Council's resolution of 10 August 2020.*
- 804/20** *That Council resolve to submit the additional motions to the LGNSW Annual Conference regarding the following issues, noting that they will be finalised and circulated to all Councillors prior to submission:*
- *Call on LGNSW to actively campaign for the NSW Government to restore funding and ensure independence of the Independent Commission Against Corruption (ICAC)*
  - *Call on LGNSW to lobby through the Australian Local Government Association (ALGA) for the Federal government to establish an Independent anti-corruption body with powers similar to those of the NSW ICAC model*
  - *Call on LGNSW to lobby for the Rating Pensioner Discount to be paid in full to Councils*
  - *Call on LGNSW to lobby for the full Waste levy to be funded to Councils*
  - *Call on LGNSW to lobby for an increase in the contribution from the Federal Government through Financial Assistance Grants or alternative funding arrangements*
  - *Call on LGNSW to note concerns around impropriety and conflicts of interest that prevent developers from standing for election at local government level in NSW and investigate if there are other industries that should also be excluded from running for election at local government level.*
- 805/20** *That Council note that the above arrangements remain dependent upon the conference proceeding given the current COVID-19 situation.*

**For:**  
*Mayor Matthews, Councillors Greenaway, Hogan, Holstein, MacGregor, Mehrtens, Smith, Sundstrom and Vincent*

**Against:**  
*Councillors Best, Burke, Gale, Marquart, McLachlan and Pilon*

### **3.3 Grant Funding Update as at 30 June 2020**

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Time commenced: 7.53pm

**Moved:** *Councillor Smith*  
**Seconded:** *Councillor Holstein*

**Resolved**

- 806/20** *That Council receive the Grant Funding Update as at 30 June 2020 report.*
- 807/20** *That Council resolve, pursuant to section 11(3) of the Local Government Act 1993, that Attachment 3 to this report remain confidential in accordance with section 10A(2)(d) of the Local Government Act as it*

***contains commercial information of a confidential nature that would, if disclosed would confer a commercial advantage on a competitor of the Council and because consideration of the matter in open Council would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.***

**808/20** ***That Council request the Chief Executive Officer to also provide an update on Federal and State election promises for the Central Coast as a separate table in this quarterly report on Grants, with it made clear what information has been added since previous updates.***

**For:**  
**Unanimous**

### **3.4 Policy revocations related to Environment and Planning**

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Time commenced: 7.57pm

Moved: Councillor Smith  
Seconded: Councillor MacGregor

1 That Council approve the revocation of the following policies:

- *Incentives for Iconic Development on Key Sites Policy*
- *Policy Determining Development Applications Subject to Significant Public Objection*

2 That Council refer the following policies to relevant Advisory Committee for their consideration:

- *Section 149 Certificate - Natural and Other Hazards Encoding Policy*
- *Setbacks Policy for Creeks, Rivers & Lagoons*

3 That Council request the Chief Executive Officer review the following policy in consultation with Councillors:

- *Matters in the Land and Environment Court Policy*

Amendment Moved: Councillor McLachlan  
Amendment Seconded: Councillor Pilon

1 That Council approve the revocation of the following policy:

- *Policy Determining Development Applications Subject to Significant Public Objection*



- 2 That Council refer the following policies to the relevant Advisory Committee for their consideration:
- Section 149 Certificate - Natural and Other Hazards Encoding Policy
  - Setbacks Policy for Creeks, Rivers & Lagoons
  - Incentives for Iconic Development on Key Sites Policy
- 3 That Council request the Chief Executive Officer review the following policy in consultation with Councillors:
- Matters in the Land and Environment Court Policy

*For:*  
Councillors Best, Burke, Gale, Holstein,  
Marquart, McLachlan and Pilon

*Against:*  
Mayor Matthews, Councillors Greenaway,  
Hogan, MacGregor, Mehrtens, Smith,  
Sundstrom and Vincent

The amendment was put to the vote and declared LOST.

**Moved:** Councillor Smith  
**Seconded:** Councillor MacGregor

**Resolved**

**809/20 That Council approve the revocation of the following policies:**

- **Incentives for Iconic Development on Key Sites Policy**
- **Policy Determining Development Applications Subject to Significant Public Objection**

**810/20 That Council refer the following policies to relevant Advisory Committee for their consideration:**

- **Section 149 Certificate - Natural and Other Hazards Encoding Policy**
- **Setbacks Policy for Creeks, Rivers & Lagoons**

**811/20 That Council request the Chief Executive Officer review the following policy in consultation with Councillors:**

- **Matters in the Land and Environment Court Policy**

**For:**  
Mayor Matthews, Councillors Greenaway,  
Hogan, Holstein, MacGregor, Mehrtens,  
Smith, Sundstrom and Vincent

**Against:**  
Councillors Best, Burke, Gale,  
Marquart, McLachlan and Pilon

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**3.5 Environment and Planning Directorate draft policies for community consultation**

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Time commenced: 8:11pm

**Moved:** Councillor Smith  
**Seconded:** Councillor MacGregor

**Resolved**

**812/20 That Council endorse the following draft policies for the purpose of community consultation:**

- i. Temporary Licensing of a Trade or Business on Open Space Areas Policy**
- ii. Events on Open Space Areas Policy**
- iii. Tree Vandalism Management Policy**
- iv. Keeping of Animals Policy**
- v. Smoke-Free Outdoor Public Places Policy**

**813/20 That Council place the above draft policies on public exhibition for a period of 42 days.**

**814/20 That Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibitions.**

**For:**  
**Unanimous**

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**3.6 Councillors' role in planning matters**

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Time commenced: 8.13pm

**Moved:** Councillor Smith  
**Seconded:** Councillor MacGregor

**Resolved**

**815/20 That Council endorses the draft Policy – “Councillor Procedure in Representing the Community Interest in Planning Matters” at Attachment 1, with a review to be undertaken in July 2021 in consultation with Councillors.**

**816/20 That Council notes the recent amendments to the Central Coast Local Planning Panel’s (CCLPP) Operational Guidelines, which provide a mechanism for Councillors to make a written submission to the CCLPP up to 72 hours before a CCLPP meeting.**

**817/20** That Council requests the Chief Executive Officer draft a Central Coast "Approved Submissions Policy" in accordance with the NSW Department of Planning, Industry and Environment's "Local Planning Panels Submissions Policy Approval Guide", with a report coming back to Council within 3 months, seeking approval to public exhibit the draft policy.

**818/20** That Council request the Chief Executive Officer to;

**a** provide a further report on options and estimated costings for Council to seek an independent assessment on a DA or planning matter that was of community concern including:

- Engaging an independent consultant
- A town planning resource to be located within the Councillor Support area of Council.

**b** That these options be considered as part of the Q1 Budget Review

**For:**  
Mayor Matthews, Councillors Best, Greenaway, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrtens, Pilon, Smith, Sundstrom and Vincent

**Against:**  
Councillor Burke

**Abstained:**  
Councillor Gale

### **3.7 Request for Memorial Plaque**

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This item was resolved by the exception method.

**Moved:** Councillor Gale  
**Seconded:** Councillor Hogan

**Resolved**

**819/20** That Council approve the application by Mr Hignett for a memorial plaque to be installed in memory of Royal Australian Navy Search and Rescue crews and ships.

**For:**  
**Unanimous**

### **3.8 Update on Gosford Regional Library**

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Time commenced: 8.23pm.

Councillor Holstein declared a less than significant non pecuniary interest in the matter as his employer is currently using the site and they are in the process of procuring another

site within the Gosford CBD. He chose to stay in the meeting and participate in discussion and voting on this matter as it does not prejudice or influence his decision on the matter.

Councillor Burke left the meeting at 8.48pm and returned at 8.49pm.

Moved: Mayor Matthews

Seconded: Councillor Hogan

- 1 That Council direct the Chief Executive Officer to proceed with design works and prepare submissions to the Department of Planning for Development Consent.
- 2 That Council direct the Chief Executive Officer to call Tenders for the demolition of 123A Donnison Street Gosford; site of the future Gosford Regional Library.
- 3 That Council resolve, pursuant to 11(3) of the Local Government Act 1993, that Attachment 3 be treated as confidential because it relates to section 10A(2)(c) as this document contains information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business and would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.

Amendment Moved: Councillor Smith

Amendment Seconded: Councillor MacGregor

- 1 That Council direct the Chief Executive Officer to proceed with design works and prepare submissions to the Department of Planning for Development Consent.
- 2 That Council note that the Gosford Regional Library will include the provision of space and facilities to hold Ordinary Meetings of Council.
- 3 That Council request the Chief Executive Officer to arrange a workshop within the next 3 weeks for interested Councillors to understand the design features of the Library.
- 4 That Council direct the Chief Executive Officer to call Tenders for the demolition of 123A Donnison Street Gosford; site of the future Gosford Regional Library.
- 5 That Council resolve, pursuant to 11(3) of the Local Government Act 1993, that Attachment 3 be treated as confidential because it relates to section 10A(2)(c) as this document contains information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business and would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.

For:

Councillors Greenaway, Holstein, MacGregor,  
Smith and Vincent

Against:

Mayor Matthews, Councillors Best, Burke,  
Gale, Hogan, Marquart, McLachlan,  
Mehrtens, Pilon and Sundstrom

The amendment was put to the vote and declared LOST.

**Moved:** *Mayor Matthews*  
**Seconded:** *Councillor Hogan*

**Resolved**

**820/20** *That Council direct the Chief Executive Officer to proceed with design works and prepare submissions to the Department of Planning for Development Consent.*

**821/20** *That Council direct the Chief Executive Officer to call Tenders for the demolition of 123A Donnison Street Gosford; site of the future Gosford Regional Library.*

**822/20** *That Council resolve, pursuant to 11(3) of the Local Government Act 1993, that Attachment 3 be treated as confidential because it relates to section 10A(2)(c) as this document contains information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposing to conduct) business and would on balance be contrary to the public interest as it would affect Councils ability to obtain value for money services for the Central Coast community.*

<b>For:</b>	<b>Against:</b>
<i>Mayor Matthews, Councillors Burke, Gale, Greenaway, Hogan, Holstein, Marquart, McLachlan, Mehrtens, Pilon, Smith and Sundstrom</i>	<i>Councillors Best, MacGregor and Vincent</i>

The meeting adjourned for a period of 5 minutes the time being 9.09pm and resumed at 9.19pm.

**3.9 Response to Notice of Motion - Soap in Public Toilets**

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Time commenced: 9.20pm.

Councillor Burke returned at 9.24pm.

**Moved:** *Councillor Greenaway*  
**Seconded:** *Councillor Vincent*

**Resolved**

**823/20** *That Council receive the report on Response to Notice of Motion - Soap in Public Toilets.*

- 824/20** *That Council endorse the installation of soap dispensers and signage at all council-managed public toilet facilities where possible.*
- 825/20** *That in addition, Council install soap dispenser vandal guards at up to 20 sites identified as being at high risk of vandalism, such sites being identifiable by service requests.*
- 826/20** *That Council now formally allocate the designated monies from the operational plan towards the installation of soap dispensers, guards and signage.*
- 827/20** *That Council proceed with the installation of soap as above and also investigate the possibility for sourcing external funding (eg through COVID related grants), if available, to augment the soap program into the future.*
- 828/20** *That Council request the Chief Executive Officer report back 3 months after installation has been effected, on any positive community feedback and also any issues that may have arisen.*
- 829/20** *That Council acknowledge the fine work of the Mayor's office and communications team in ensuring the messaging around hand-washing and social distancing is regularly and consistently conveyed.*

**For:**

**Mayor Matthews, Councillors Best, Burke, Gale, Greenaway, Hogan, Holstein, MacGregor, McLachlan, Mehrtens, Pilon, Smith, Sundstrom and Vincent**

**Against:**

**Councillor Marquart**

**Procedural Motion**

Time commenced: 9.51pm

**Moved: Councillor MacGregor**

**Seconded: Councillor Greenaway**

**Resolved**

- 830/20** *That Council seek to discontinue the current speaker from speaking any further on item 3.9 – Response to Notice of Motion – Soap in Public Toilets.*

**For:**

**Mayor Matthews, Councillors Hogan, Holstein, MacGregor, Greenaway, Mehrtens, Smith, Sundstrom and Vincent**

**Against:**

**Councillors Best, Burke, Gale, Marquart, McLachlan and Pilon**

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**4.1 Meeting Record of the Town Centre Advisory Committee held on 15 July 2020**

---

This item was resolved by the exception method.

**Moved:** *Councillor Gale*  
**Seconded:** *Councillor Hogan*

**Resolved**

**831/20 That Council receive the report on Meeting Record of the Town Centre Advisory Committee held on 15 July 2020.**

**For:**  
**Unanimous**

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**4.2 Meeting Record of the Employment and Economic Development Committee meeting held 14 July 2020**

---

This item was resolved by the exception method.

**Moved:** *Councillor Gale*  
**Seconded:** *Councillor Hogan*

**Resolved**

**832/20 That Council receive the report on Meeting Record of the Employment and Economic Development Committee meeting held 14 July 2020.**

**For:**  
**Unanimous**

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**4.3 Activities of the Development Assessment and Environment and Certification Units - April to June 2020 - Quarter 4**

---

Time commenced: 10.02pm

Councillor Mehrtens left the meeting at 10.03pm and returned at 10.04pm.

**Moved:** *Councillor Smith*  
**Seconded:** *Councillor MacGregor*

**Resolved**

**833/20 That Council receive the report on Activities of the Development Assessment and Environment and Certification Units - April to June 2020 - Quarter 4.**

**834/20** That future quarterly reports also include the following:

- a** Report on Activities of the Central Coast Local Planning Panel, including a separate table reporting on variations to development standards
- b** Report on Activities of the Regional Planning Panel, including a separate table reporting on variations to development standards
- c** Report on any other DAs where Council is not the consent authority

**For:**

**Unanimous**

#### **4.4 Response to Notice of Motion - Sewerage Issues in Kanwal**

---

This item was resolved by the exception method.

**Moved:** Councillor Gale

**Seconded:** Councillor Hogan

**Resolved**

**835/20** That Council receive and note this report.

**For:**

**Unanimous**

#### **6.1 Deferred Item - Notice of Motion - Broadwater Hotel site in Mann St Gosford**

---

Time commenced: 10.05pm.

**Moved:** Councillor Greenaway

**Seconded:** Councillor MacGregor

- 1 That Council request the Chief Executive Officer provide a report prior to the demolition of the Broadwater Hotel with potential future uses for the site including parking and including whether Council has received any offers to purchase noting that Council has no intention to sell.
- 2 That Council request the Chief Executive Officer provide those interested Councillors with a briefing.

**For:**

Councillors Greenaway, MacGregor,  
McLachlan and Smith

**Against:**

Mayor Matthews, Councillors Best, Burke,  
Gale, Hogan, Holstein, Marquart, Mehrrens,  
Pilon, Sundstrom and Vincent

The motion was put to the vote and declared LOST.



**Procedural Motion – Deferral**

Time commenced: 10.36pm

**Moved:**                **Councillor Best**  
**Seconded:**        **Councillor Sundstrom**

**Resolved**

**836/20**     ***That Council defer consideration of items 6.2 - Notice of Motion - Committee Costs Update and 6.3 - Notice of Motion - Forgotten North Gateway Disgrace to the 14 September 2020 Ordinary Meeting.***

<b>For:</b>	<b>Against:</b>
<b>Mayor Matthews, Councillors Best, Burke, Gale, Hogan, Holstein, MacGregor, Marquart, McLachlan, Mehrstens, Pilon, Smith, Sundstrom and Vincent</b>	<b>Councillor Greenaway</b>

**6.2                Notice of Motion - Committee Costs Update**

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Council deferred the consideration of item 6.2 – Notice of Motion – Committee Costs Update to the Ordinary Meeting to be held on 14 September 2020 (minute 836/20).

**6.3                Notice of Motion - Forgotten North Gateway Disgrace**

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Council deferred the consideration of item 6.3 – Notice of Motion – Forgotten North Gateway Disgrace to the Ordinary Meeting to be held on 14 September 2020 (minute 836/20).

**The Meeting** closed at 10.37 pm.



**Item No:** 1.3  
**Title:** Notice of Intention to Deal with Matters in Confidential Session  
**Department:** Governance

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14 September 2020 Ordinary Council Meeting

Trim Reference: F2020/00039 - D14104950

## **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.*

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:** Reclassification of Land  
**Department:** Governance

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14127401  
Author: Mary-Ellen Wallace, Special Counsel  
Manager: Emma Roberts, General Counsel  
Executive: Gary Murphy, Chief Executive Officer

## Summary

Resolution to reclassify land from operational to community land following completion of public notification requirements under the *Local Government Act 1993*.

## Recommendations

***That Council reclassify the following land from operational to community land:***

- 1 Lot 51 DP 609432 and Lot 3 DP 262772 at 2-18 Newbridge Road, Berkeley Vale**
- 2 Lot 79 DP 241571 at 38W Wombat Street, Berkeley Vale**
- 3 Lot 313 DP 31935 at 19W Marlborough Place, Berkeley Vale**
- 4 Lot 25 DP 869735 at 151W Wyong Road, Berkeley Vale**
- 5 Lot 26 DP 869735 at 153W Wyong Road, Berkeley Vale**
- 6 Lot 190 DP 25586 at 75W Panorama Avenue, Charmhaven**
- 7 Lot 105 DP 805181 at 2W Bundeena Road, Glenning Valley**
- 8 Lots 43 and 44 DP 263868 at 13W Palm Springs Avenue, Glenning Valley**
- 9 Lot 8 DP 825848 at 30W Sandra Street, Jilliby**
- 10 Lot 6 DP 246727 at 32W Sandra Street, Jilliby**
- 11 Lot 16 DP 228750 at 231 Hue Hue Road, Jilliby**
- 12 Lot 73 DP 789413 at 1W Merro Close, Lake Haven**
- 13 Lot 7 DP 255531 at 105W Woodbury Park Drive, Mardi**
- 14 Lot 40 DP 787730 at 60W Burns Road, Ourimbah**
- 15 Lot 58 DP 830706 at 40W Coachwood Drive, Ourimbah**
- 16 Lot 104 DP 876413 at 1 Teralba Street, Ourimbah**
- 17 Lot 22 DP1188257 at 1W Pacific Highway, Ourimbah**
- 18 Lots 210, 211 and 266 DP 830759 at 102W Yeramba Road, Summerland Point**
- 19 Lot 21 DP 806713 at 11W Molsten Avenue, Tumby Umbi**
- 20 Lot 3 DP 793403 at 1W Brittania Drive Watanobbi.**

***That the following properties remain classified as operational land:***

- Lot 2 DP 600350 at 50 Wilfred Barrett Drive, Norah Head**
- Lot 2 DP 810238 at 7 Wyong Road, Tuggerah**
- 8 Titania Avenue, Tuggerah.**

### **Context**

On 9 December 2019 Council resolved:

1260/19    *That Council propose to reclassify the following land from operational to community land ('Proposed Community Land):*

- *2-18 Newbridge Road, Berkeley Vale*
- *38W Wombat Street and 19W Marlborough Place, Berkeley Vale*
- *151W – 153W Wyong Road, Berkeley Vale*
- *75 Panorama Avenue, Charmhaven*
- *2W Bundeena Road, Glenning Valley*
- *13W Palm Springs Avenue, Glenning Valley*
- *30W and 32 Sandra Street, Jiliby*
- *231 Hue Hue Road, Jiliby*
- *1W Merro Close, Lake Haven*
- *105W Woodbury Park Drive, Mardi*
- *50 Wilfred Barrett Drive, Norah Head*
- *60W Burns Road, Ourimbah*
- *40W Coachwood Drive, Ourimbah*
- *1 Teralba Street and 1W Pacific Highway, Ourimbah*
- *102W Yermaba Road, Summerland Point*
- *7 Wyong Road, Tuggerah*
- *11W Molsten Avenue, Tumbi Umbi*
- *1W Britannia Drive Watanobbi*

1261/19    *That Council give public notice of the proposed resolution to reclassify the Proposed Community Land from operational to community land in accordance with s.34 Local Government Act.*

1262/19    *That on completion of the public notification process, Council approval is sought to reclassify the Proposed Community Land from operational to community land and, if necessary, to prepare a planning proposal to remove the Proposed Community Land from Schedule 4 of Wyong Local Environmental Plan.*

1263/19    *That Council propose to reclassify the following properties from operational to community land but that public notice of the proposed resolution is not given until after a Plan of Management has been adopted by Council in relation to those properties:*

- *Chittaway Point Hall, 72-76 Geoffrey Rd, Chittaway Point*
- *Chittaway Bay Hall and oval 91 Chittaway Rd, Chittaway Bay*
- *1-3 Berkeley Road, Berkeley Vale*
- *36-38 Kitchener Road, Long Jetty*
- *1W Wolseley Avenue, Tacoma*

## 2.1 Reclassification of Land (contd)

- 7W Sir Joseph Banks Drive, Bateau Bay
- 19-21 and 29 Keren Avenue, Berkeley Vale
- 15W Footts Road, Ourimbah
- 8 Titania Avenue, Tuggerah
- 375 Pacific Highway Wyong
- 40-50 Pollock Avenue Wyong
- The Tuggerawong Hall site, 326 Tuggerawong Road Tuggerawong

1264/19 That the following properties remain classified as operational land:

- 23 Shirley Street, Ourimbah
- 309 Old Maitland Road, Mardi
- 10 Summerland Road, Summerland Point

### Current Status

A Council may resolve that public land be reclassified as operational land, after giving public notice of the proposed resolution and considering any submissions received.

Council has given public notice in accordance with section 34 of the *Local Government Act*.

### Consultation

Notice of the proposed resolution to reclassify the Proposed Community Land from operational to community land in accordance with section 34 of the *Local Government Act* was published as follows:

- Council website (10 June 2020)
- Coast Community Chronicle (10 June 2020)
- Coast Community News (12 June 2020)

Three submissions were received. One submission was in support of the reclassification. The other two submissions were not in the nature of objections and sought additional information about the reasons and consequences for reclassification. Details of each submission are set out in the following table:

Date	Submission	Staff Comments
16 June 2020	<i>"This is to provide support for the reclassification of all the following lands in this proposal to community land. This is in fact way overdue."</i>	Noted
18 June 2020	<i>"Our interest is around lots 210, 211 and 266 of DP830759 at Summerland Point. 1. We are wondering why lot 52 of DP1014147 and Lot 145 of</i>	Lot 52/DP1014147, Lot 145/DP1054763 and Lot 561/DP259579 are drainage reserves classified as operational land and appear to be of a

## 2.1

## Reclassification of Land (contd)

Date	Submission	Staff Comments
	<p><i>DP1054763 are not included as they adjoin Lot 266 of DP830759 and would appear to be of a similar nature.</i></p> <p><i>2. Also Lot 561 of DP259579 as it adjoins Lot 266 of DP830579 and appears to be of a similar nature.</i></p> <p><i>3. Also Lot 555 of DP 259579 as it is a public park (to our knowledge)."</i></p>	<p>similar nature to the lots being reclassified.</p> <p>Lot 555 of DP 259579 is a public park and is already classified as community land.</p>
3 July 2020	<p><i>I am interested in particular [in] Lot 8 DP82588 at 30W Sandra Street Jilliby and Lot 6 DP26727 at 32W Sandra Street Jilliby.</i></p> <p><i>[Redacted] owns adjacent properties to these blocks and seeks answers to the following:</i></p> <ol style="list-style-type: none"> <li><i>1. Why does there need to be a change to their classification to community land?</i></li> <li><i>2. What does the reclassified land entitle Council or other to do (or prohibit from doing) compared to its current status as operational land?</i></li> <li><i>3. Will they still remain as Council-owned public land in future?</i></li> <li><i>4. How does the reclassification affect rights and interests of adjacent landowners?</i></li> <li><i>5. Do Council's obligations for proper land management – including managing land use(s), bushfire risk management and vermin control etc – continue unaffected?</i></li> </ol>	<ol style="list-style-type: none"> <li>1. The land is considered by Council to be more appropriately classified as community land as it is used by the community as a park/natural area.</li> <li>2. Community land is subject to restrictions in the <i>Local Government Act 1993</i> including restrictions on leasing and licensing and cannot be sold. Community land must be managed in accordance with a Plan of Management. Operational land is not subject to restrictions under the <i>Local Government Act</i>.</li> <li>3. Yes</li> <li>4. No impact</li> <li>5. Yes</li> </ol>

## 2.1 Reclassification of Land (contd)

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During the consultation period Council also received the following additional information in relation to three properties from Council's Water and Sewer Department ('**Water & Sewer Land**')

Lot 2 DP 600350 at 50 Wilfred Barrett Drive, Norah Head	This parcel is part of the Toukley Sewer Treatment Plant Facility operations covered by EPA Licence - EPL 2647, which allows Council to discharge treated effluent into the ponds on the land when maintenance is being carried out to the outfall tunnel. This land is not open to the public and should remain classified as operational land.
Lot 2 DP 810238 at 7 Wyong Road, Tuggerah  8 Titania Avenue, Tuggerah	These properties form part of the Wyong South Sewer Treatment Plant Buffer Zone. This buffer zone was formed as part of the 1991 Wyong LEP, with the buffer area incorporated into the current Special Purpose (Infrastructure) zone which surrounds the STP. This buffer zone is also detailed in June 2020 Central Coast Council Sewage Treatment Plant Buffer Zones Policy. The objective of the policy is to minimise community impacts associated with STP operation and the land should therefore remain classified as operational land.

### Options

Council may resolve to reclassify all or some of the Proposed Community Land from operational to community land and those lands will be reclassified as community land from the date of the resolution.

Council may resolve not to reclassify all or some of the Proposed Community Land and those lands will remain classified as operational land.

### Financial Impact

There are no financial impacts arising from the reclassification.

### 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

Nil.





**Item No:** 2.2  
**Title:** Amendments to the Councillor Expenses and Facilities Policy  
**Department:** Governance

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14 September 2020 Ordinary Council Meeting

Trim Reference: F2020/01829 - D14124276

Author: Sarah Georgiou, Section Manager, Councillor Support

Manager: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Gary Murphy, Chief Executive Officer

### **Report Purpose**

To adopt the proposed amendments to Council's *Councillor Expenses and Facilities Policy* (the Policy) that is Attachment 1 to this report. The amendments are largely the result of a recent audit undertaken in accordance with the Policy and some clarification of ambiguous provisions.

### **Recommendation**

- 1** *That Council resolve, for the purposes of section 253(1) and 252(1) of the Local Government Act 1993, to give public notice of, and to publicly exhibit for not fewer than 28 days, the proposed amendments to the adopted "Councillor Expenses and Facilities Policy" set out in Attachment 1 to this report with a further report to be provided at the conclusion of the exhibition period.*
  
- 2** *That the Council note that the recommended amendments to the "Councillor Expenses and Facilities Policy" as Attached to this report comply with the 'Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW' issued by the Chief Executive of the Office of Local Government pursuant to section 23A of the Local Government Act 1993.*

### **Context**

Council has an adopted *Councillor Expenses and Facilities Policy* ('the adopted Policy'), which prescribes the expenses and facilities that can be provided to the Mayor, Deputy Mayor and to Councillors.

Council is not able to provide facilities or reimbursement for expenses to the Mayor, Deputy Mayor or Councillors other than in accordance with the adopted Policy.

Section 252(1) of the [Local Government Act 1993](#) ('the Act') requires that,

## 2.2 Amendments to the Councillor Expenses and Facilities Policy (contd)

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*...within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*

The Act sets out the requirements for public notice of an intention to adopt or amend the Policy noting that an amended Policy can be amended only after those amendments have been the subject of public notice and public exhibition, and the Council then considers in an open meeting any submissions made in respect to the proposed amendment: ss. 252(4), 253(1), 253(2) and 254 of the [Act](#).

This report recommends that Council publicly exhibit and give public notice of proposed amendments to the adopted Policy as set out in **Attachment 1** to this report, where text identified in ***bold and italic*** are proposed additional provisions and text identified in ~~strikeout~~ are proposed deletions.

### **Previous policy amendments**

The first Central Coast Council Councillor Expenses and Facilities Policy was adopted by the then Administrator, on 26 July 2017, prior to the Council elections in September 2017. This Policy was based upon the template guideline policy set out by the Office of Local Government.

Council adopted an amended policy for the purpose of public exhibition on 23 October 2018. On 18 December 2017, Council adopted the policy.

Further amendments were adopted on 9 April 2018, 9 July 2018 and 27 August 2018. These policy revisions have been set out as an addendum to the revised Policy at Attachment 1.

### **Internal Audit – Councillor Facilities, Expenses and Allowances**

An internal audit was conducted in accordance with the provisions of the policy that state that *the operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.*

The final audit report was provided on 9 April 2020. The audit found the following:

*Overall compliance with the Policy was high. No evidence was found to indicate that Councillors were being provided with goods or reimbursed for claims that were outside the Policy and there is a process of referral to the Director, Governance for disputed claims. It was noted that some Councillors had made a conscious decision not to claim any expenses due to public perception and even those who do claim, are claiming well within the set limits. Consequently, the number and value of claims is low.*

There were some issues identified with regard to internal processes and this has resulted in changed processes and a supporting action plan for implementation.

## 2.2 Amendments to the Councillor Expenses and Facilities Policy (contd)

There were also elements regarding the Policy and for this reason this report is provided to Council for the consideration of some amendments.

### Proposed amendments

#### A Accommodation and meal limits (action 3)

The audit recommended the following:

*The permissible amounts for accommodation and meals expenses for Councillors should be brought into line with the OLG model policy (and therefore the associated taxation directive). If this is not considered appropriate the reasons why the Taxation Directive and relevant Monetary Rates for NSW Employees cannot be met should be explicitly stated in the annex to the Policy and Councillors advised if there are any personal tax implications as a result.*

The Office of Local Government (OLG) suggested template provides that the provision for Accommodation and meals should be *as per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually.*

The Central Coast Council policy provides that there be a provision of \$500 per Councillor per night. This provision is greater than that under the NSW Crown Employees provisions which by way of example provides the following being for three star accommodation.:

Area	Per day
Sydney	\$301.85
Wollongong	\$254.85
Canberra	\$286.86

The provision for meals is as follows for capital cities:

- Breakfast \$24.90
- Lunch \$28.00
- Dinner \$47.75
- Maximum total: \$100.65

As such, according to the OLG template the maximum accommodation and meals allowance under their provision would be \$402.50

In determining the provision of \$500 per Councillor per day, Council at the meeting held 18 December 2017 noted the following:

*The amount of \$500 reflects the reasonable costs of accommodation and meals, particularly in metropolitan Sydney. Providing a specific amount affords greater transparency as to the provision to Councillors for accommodation and meals. This allowance will only be used when the Councillor is undertaking official Council business*

## **2.2 Amendments to the Councillor Expenses and Facilities Policy (contd)**

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*or professional development or attending approved conferences and seminars within NSW.*

*Recent experience supports the increased maximum amount.*

It is recommended that the maximum provision of \$500 per Councillor per day remain for the reasons as provided in December 2017. It is noted that this is a maximum provision.

With regard to the audit comments regarding personal tax implications, it is noted that the obtaining of personal tax advice is a matter for individual Councillors and not something on which Council can provide advice.

### **B Access to Employee Assistance Program (action 4)**

The audit recommended the following:

*Councillors should be permitted to access the EAP scheme or equivalent, as a provision under the Policy.*

Councillors currently have access to the Employee Assistance Scheme and this has been advised to Councillors through the Councillor Support Update on 23 November 2018, 9 August 2019 and 21 February 2020.

It is proposed that an additional clause be included in the Policy as follows:

*52A Council will provide Councillors with access to the Employee Assistance Program as provided to Council employees.*

### **C Typos and ambiguities (action 1)**

The audit recommended the following:

*The policy review process should include a content reviewer with clear responsibility to proof read the policy of typos, divergence from OLG model policy, incorrect references and sections that might benefit from further clarity.*

The policy has been reviewed with typos marked for correction. In addition, the policy has been brought over to the new corporate format and the history of revisions has been added. Including the resolutions of Council with regard to previous revisions ensures greater transparency regarding the decision making processes in adopting various versions of the Policy.

**Clause 22 – ad hoc events**

A clause that is recommended for clarification is clause 22. It is recommended that this clause be extended to specify the circumstances in which it applies by noting that it is for ad hoc events which result in a cost to Council. This includes whether the event is run by Council, run at a Council venue or run by a third party. Examples in the past include Councillor attendance at Chamber of Commerce events, at MP breakfasts held on the Coast and attendance at Central Coast stadium for briefings during events. Council will cover expenses and/or provide facilities deemed appropriate and necessary by the Chief Executive Officer to assist Councillors in the performance of their civic duties. ***This includes but is not limited to ad hoc events for which there is an associated cost such as corporate events, Council events and events at Council facilities.***

**Clause 116 – Time limits for claims**

One of the ambiguous inclusions in the policy is the following Clause 116.

*Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement by the end of the financial year or within three months of an expense being incurred, whichever comes last. Claims made after this time cannot be approved*

This was resolved by Council on the floor at its meeting held 23 July 2018:

649/18      *That Council adopt the amended Councillor Expenses and Facilities Policy set out in Attachment 1 to this report, with the following amendment to Clause 116;*

- *To allow Councillors to claim expenses up until the end of the financial year or within three months of the occurrence of the expense, whichever comes last.*

It is noted that only clause 116 was amended and Clause 6 was not. Clause 6 provides the following

*Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.*

The OLG template provides the following:

*Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.*

The OLG Guidelines - Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW – provide that Council expenses and facilities must include a time limit for Councillors to seek reimbursement for their expenses:

*However, it is up to individual councils to determine the most appropriate procedure for reconciling and reimbursing costs and expenses taking into consideration issues of accountability and transparency as well as internal systems and resourcing.*

The Guidelines are issued under section 23A of the Act and as such Council is required to have consideration of them in adopting the Policy.

It is recommended that Council revert to the provisions under the OLG template.

It is considered that three months is a reasonable timeframe for providing a claim for reimbursement. A longer period makes it harder for costs and claims to be verified. It can affect the ongoing ability to manage the relevant costs and budgets. It also impacts Council's annual reporting requirements under the Local Government Act. The proposed policy has the OLG wording as the recommended wording and it is considered that this represents best practice and provides for accountability and transparency.

It is noted that some Councillors may prefer the longer timeframe. If Council were to determine to have the longer time frame the following wording is proposed:

6. *Councillors must provide claims for in accordance with Clause 116.*

116. *Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement for a financial year within three months after the end of that financial year. In the case of the year of an election, Councillors must provide all claims for reimbursement after 30 June of that year by 30 September of that year. Claims made after this time cannot be approved.*

### **D Emergency provisions (new provision)**

It is recommended that clause 91 be amended as follows to allow the Mayor to obtain equipment as might be required in an emergency situation. There was a recent example where the Mayor was unable to attend to the office and it was necessary for certain equipment to be sourced.

*Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space. **On the rare occasions where the Mayor is unable to attend the office and use the equipment provided due to an emergency situation, Council will meet the reasonable costs of reimbursement for office equipment up to \$500 per occasion as agreed with the Chief Executive Officer.***

**E Access to parking spaces (clarification of provision)**

The Policy currently provides at clause 82(b) that Councillors have:

*access to shared car parking spaces while attending Council offices on official business*

Councillors have access to shared car parking spaces beyond their attendance at Council offices on official business. Councillors have access to shared care parking spaces for when they are undertaking official business, whether or not that business is at the Council offices. As a result, it is recommended that the clause be redrafted as follows:

*access to shared car parking spaces while ~~attending Council offices on~~ **undertaking** official business*

**Consultation**

Council is required to place the proposed amendments to the *Councillor Expenses and Facilities Policy*, as set out in **Attachment 1** to this report, on public exhibition for not fewer than 28 days. The relevant part of the Act is section 253 as follows:

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*

However, if it is considered that the proposed amended to the *Councillors Expenses and Facilities Policy* are not substantial the Policy can be adopted pursuant to s.253(3) of the *Local Government Act 1993* without public exhibition.

**Options**

- 1 Council may determine to place the proposed amendments on public exhibition with a further report to be provided at the conclusion of that period.

This is the recommend option.

- 2 Council may determine not to amend the Policy beyond the correction of typographical errors. If Council resolves in this way it is recommended that the following be resolved:

*That Council resolve that the proposed typographical amendments to the Councillors Expenses are not substantial and pursuant to s.253(3) of the Local Government Act 1993 it is not proposed to place these amendments on public exhibition aside from noting them in this Council Report.*

## **2.2 Amendments to the Councillor Expenses and Facilities Policy (contd)**

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- 3 Council may determine to make additional amendments to the Policy. If Council resolves in this way it is recommended that an indication of the proposed changes is made and staff be permitted to craft the supporting change to ensure they are clear and appropriate prior to public exhibition.

The resolution could be as follows:

*That Council resolve that changes to the policy be crafted by staff for the purpose of public exhibition as follows:*

*<Insert areas for review>*

### **Financial Impact**

There is no financial impact on Council. Appropriate budget provisions have been made in accordance with the current Policy. This report does not recommend any significant changes which would impact these provisions.

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

Theme 4: Responsible

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

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

### **Attachments**

- 1 DRAFT Councillor Expenses and Facilities Policy Sept 2020 D14144762





# Councillor Expenses and Facilities **Policy**

Date to be updated

Policy No: CCC 0020

Policy owner:	Governance and Business Services, Office of the CEO
Approved by:	Council
Date of approval:	Date to be updated
Policy category:	Statutory
Content Manager No:	D#####
Review date:	1 September 2022

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## Policy Summary

1. This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.
2. It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
3. The policy has been prepared in accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005, and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and councillors in NSW.
4. The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed. The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
Corporate Uniform	\$1,000 per Councillor \$500 per Councillor	Upon election Per full twelve months thereafter
General travel expenses	\$12,500 per Councillor	Per year
Interstate, overseas and long-distance intrastate travel expenses	\$15,000 per Councillor	Per year
Accommodation and meals	\$500 per Councillor	Per night
Provision for Partners	\$1000 per Councillor	Per year
Professional development	\$12,000 per Councillor	Per year
ICT expenses	\$4,000 per Councillor \$3,000 per Councillor (equipment)	Per year Upon election
Carer expenses	\$8,000 per Councillor	Per year
Home office expenses	\$300 per Councillor	Per year
Access to facilities in a Councillor room	Provided to all Councillors	Not relevant

5. Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.
6. Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.
7. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.
8. This policy will commence on the declaration of the first election of Councillors to the Central Coast Council.

## Part A - Introduction

### **Introduction**

9. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Central Coast Council.
10. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
11. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
12. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Local Government Act 1993 and reviewed annually. Council must adopt its annual fees within this set range.
13. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.

### **Policy objectives**

14. The objectives of this policy are to:
  - (a) enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties;
  - (b) enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties;
  - (c) ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors;

- (d) ensure facilities and expenses provided to Councillors meet community expectations;
- (e) support a diversity of representation; and
- (f) fulfil Council's statutory responsibilities.

## Principles

15. Council commits to the following principles:

- (a) Proper conduct: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions;
- (b) Reasonable expenses: Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor;
- (c) Participation and access: Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor;
- (d) Equity: There must be equitable access to expenses and facilities for all Councillors;
- (e) Appropriate use of resources: Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations; and
- (f) Accountability and transparency: Clearly stating and reporting on the expenses and facilities provided to Councillors.

## Private or political benefit

16. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

17. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.

18. Such incidental private use does not require a compensatory payment back to Council.

19. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.

20. Campaigns for re-election are considered to be a private interest. The following are examples of what is considered to be a private interest during a re-election campaign:

- (a) production of election material;
- (b) use of Council resources for campaigning;
- (c) use of official Council letterhead, publications, websites or services for political benefit; and
- (d) fundraising activities of political parties or individuals, including political fundraising events.

## Part B - Expenses

### General expenses

21. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
22. Council will cover expenses and/or provide facilities deemed appropriate and necessary by the Chief Executive Officer to assist Councillors in the performance of their civic duties. ***This includes but is not limited to ad hoc events for which there is an associated cost such as corporate events, Council events and events at Council facilities.***
23. Expenses not explicitly addressed in this policy will not be paid or reimbursed

### Specific expenses

#### Corporate Uniform

24. Council will cover the costs up to a limit of \$1,000 per Councillor upon the commencement of their term of office to use for the provision of a Council Corporate Uniform as ~~determination~~ ***determined*** by the Chief Executive Officer. This would include the costs of both suitable Council professional attire and Council attire suitable for a site inspection or depot visit.
25. Thereafter Council will cover the costs up to a limit of ~~up to~~ \$500 per Councillor per annum.

### General travel arrangements and expenses

26. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
27. Each Councillor may be reimbursed up to a total of \$12,500 per year for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
  - (a) for public transport fares;
  - (b) for the use of a private vehicle or hire car;
  - (c) for parking costs for Council and other meetings;
  - (d) for tolls;
  - (e) for documented ride-share programs, such as Uber; and
  - (f) by Cabcharge or equivalent.

28. Allowances for the use of a private vehicle will be reimbursed at the rate contained in the Local Government (State) Award.
29. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

### **Interstate, overseas and long-distance intrastate travel expenses**

30. This part includes reference to long distance intrastate travel. At Central Coast Council long distance intrastate travel is travel that is estimated to take more than four hours from the Councillor's residence.
31. In accordance with Clause 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councils should avoid interstate, overseas and long-distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
32. Total interstate, overseas and long-distance intrastate travel expenses for Councillors will be capped at a maximum of \$15,000 per Councillor per year. This amount will be set aside in Council's annual budget.
33. Councillors seeking approval for any interstate and long-distance intrastate travel must submit a business case to, and obtain the approval of, the Chief Executive Officer prior to travel.
34. Councillors seeking approval for any overseas travel must submit a request to, and obtain the approval of, a full Council meeting prior to travel.
35. The request should include:
  - (a) objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result and its relevance to the exercise of the Councillor's civic duties;
  - (b) who is to take part in the travel;
  - (c) duration and itinerary of travel; and
  - (d) a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
36. For interstate and long-distance intrastate journeys of less than three hours the class of air travel is to be economy class.
37. For interstate journeys by air of more than three hours, the class of air travel may be premium economy where it is available.

38. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
39. Bookings for approved air travel are to be made by Council staff on behalf of the Councillor.
40. For travel that is reimbursed as Council business, frequent flyer points will not accrue to Councillors. This is considered a private benefit.

#### **Travel expenses not paid by Council**

41. Council will not pay any traffic or parking fines or administrative charges for toll road accounts.

#### **Accommodation and meals**

42. Council will reimburse costs for accommodation and meals (when meals are not provided) while Councillors are undertaking prior approved travel or professional development.
43. The daily limits for accommodation and meal expenses within Australia is \$500 per Councillor per night.
44. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the Chief Executive Officer.
45. Councillors will not be reimbursed for the purchase of alcoholic beverages.

#### **Refreshments for Council related meetings**

46. Appropriate refreshments may be available for Council meetings, Council Committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the Chief Executive Officer.
47. As an indicative guide for the standard of refreshments to be provided at Council-related meetings, the Chief Executive Officer must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

#### **Professional development**

48. Council will set aside \$12,000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses, conferences, seminars and membership of professional bodies. This is in addition to professional development opportunities identified by the Chief Executive Officer that may be determined appropriate for all Councillors.
49. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which ~~consider~~ **considers** any guidelines issued by the Office of Local



Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.

50. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
51. Approval for professional development activities is subject to a prior written request to the Chief Executive Officer outlining the:
- (a) details of the proposed professional development;
  - (b) relevance to Council priorities and business; and
  - (c) relevance to the exercise of the Councillor's civic duties.
52. In assessing a Councillor request for a professional development activity, the Chief Executive Officer must consider the factors set out in Clause 51, as well as the cost of the professional development in relation to the Councillor's remaining budget.

***52A Council will provide Councillors with access to the Employee Assistance Program as provided to Council employees.***

**Conferences and seminars**

53. Council is committed to ensuring its Councillors are up to date with contemporary issues facing ~~council~~ **Council** and the community, and local government in NSW.
54. Provision for attendance at conferences and seminars is provided as part of Professional Development.
55. Approval to attend a conference or seminar is subject to a written request to the Chief Executive Officer. In assessing a Councillor request, the Chief Executive Officer must consider factors including the:
- (a) relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties; and
  - (b) cost of the conference or seminar in relation to the total remaining budget.
56. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the Chief Executive Officer. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 42 to 45.

57. Council will meet the costs of official conference dinners for an accompanying person of a Councillor up to \$1,000 per Councillor per year.

### **Local Government NSW Annual Conference**

58. Councillors will also be permitted to attend the Local Government NSW Annual Conference. Council will reimburse the cost of registration fees and where the conference is outside the local government area, the cost of travel, accommodation and meals not covered by the conference registration, subject to the provisions in ~~'Accommodation and meals'~~ **Clauses 42 to 45.**

59. For the Local Government NSW Annual Conference only, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.

### **ICT expenses**

60. Council will provide, or reimburse Councillors for expenses associated with, appropriate ICT devices and services up to a limit of \$4,000 per annum for each Councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs. Allowances will only be made for tablets, tablet services and data to tablets where a Councillor consents to receiving communications and business papers from Council by electronic means only.

61. Council may provide appropriate ICT equipment up to a limit of \$3,000 per Councillor upon the commencement of their term of office. The determination as to what equipment will be provided will be made by the Chief Executive Officer based upon Council's general ICT program and identified business needs.

62. Reimbursements will be made only for communications devices and services used for Councillors to undertake their civic duties, such as:

- (a) receiving and reading Council business papers;
- (b) relevant phone calls and correspondence; and
- (c) diary and appointment management.

63. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a Councillor, within the maximum limit.

64. Council may from time to time provide Councillors with upgraded equipment or new facilities where doing so will result in efficiencies and aligns to Council's general ICT program.

### Special requirement and carer expenses

65. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing-impaired Councillors and those with other disabilities.
66. Transportation provisions as outlined in this policy, such as access to Cabcharges, will also assist Councillors who may be unable or unwilling to drive a vehicle.
67. In addition to the provisions above, the Chief Executive Officer may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
68. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to ~~re-imbusement~~ **reimbursement** of carer's expenses up to a maximum of \$8,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
69. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
70. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the Chief Executive Officer that reimbursement is applicable. This may take the form of advice from a medical practitioner.

### Home office expenses

71. Each Councillor may be reimbursed up to \$300 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

### Insurances

72. In accordance with Section 382 of the Local Government Act 1993, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
73. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
74. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

75. Appropriate travel insurances will be provided for any Councillors ~~traveling~~ **travelling** on approved interstate and overseas travel on Council business.

### **Legal assistance**

76. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:

- (a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act 1993;
- (b) a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act; and
- (c) a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Local Government Act 1993 and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.

77. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the Chief Executive Officer to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.

78. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Local Government Act 1993 are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this clause.

79. Council will not meet the legal costs:

- (a) of legal proceedings initiated by a Councillor under any circumstances;
- (b) of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation; and
- (c) for legal proceedings that do not involve a Councillor performing their role as a Councillor.

80. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.

### **ASIC or Relevant Searches**

81. Council will meet the costs of any ASIC or relevant searches undertaken by Councillors to assist in providing appropriate responses in relation to declarations as Key Management Personnel under the Related Party Disclosures requirements of Council's Financial Statements.

## Part C - Facilities

### General facilities for all Councillors

#### Facilities

82. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:

- (a) a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminals, pigeon holes and appropriate refreshments (excluding alcohol);
- (b) access to shared car parking spaces while ~~attending Council offices on~~ **undertaking** official business; and
- (c) a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor; and
- (d) appropriate meeting spaces to allow Councillors to meet with community members as determined by the Chief Executive Officer.

83. The provision of facilities will be of a standard deemed by the Chief Executive Officer as appropriate for the purpose.

84. Council may from time to time provide additional facilities for Councillor use such as protective equipment for use during site visits.

#### Stationery

85. Council will provide the following to Councillors:

- (a) Electronic letterhead template, to be used only for correspondence associated with civic duties; and
- (b) Electronic Christmas or festive message.

86. Council may from time to time provide stationery or branded items for Councillor use.

#### Administrative support

87. Council will provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by the Chief Executive Officer or their delegate.

88. Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

### Additional facilities for the Mayor

89. Council will provide to the Mayor a maintained motor vehicle and appropriate, as determined by the Chief Executive Officer, motor vehicle with a fuel card. The vehicle will be supplied for use in attending official business and professional development and attendance at the Mayor's office. The vehicle can also be used for reasonable private benefit.
90. A parking space at Council's offices will be reserved for the Mayor's Council-issued vehicle for use on official business, professional development and attendance at the Mayor's office.
91. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space. **On the rare occasions where the Mayor is unable to attend the office and use the equipment provided due to an emergency situation, Council will meet the reasonable costs of reimbursement for office equipment up to \$500 per occasion as agreed with the Chief Executive Officer.**
92. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing appropriate support, as determined by the Chief Executive Officer.
93. The number of exclusive staff provided to support the Mayor and Councillors will not exceed the number of full-time equivalents identified in the adopted organisational structure and as provided in the adopted budget.
94. Council staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.
95. The Mayor will be entitled to travel business class up to an additional annual limit of \$15,000 on any travel undertaken.
96. Council will meet the reasonable costs as determined by the Chief Executive Officer, and up to a \$1,000 annual expenditure limit associated with the attendance of the Mayor's spouse or partner whilst the Mayor is undertaking official business at Conferences, functions, award ~~night~~ **nights** and events.
97. Council will also meet the reasonable cost as determined by the Chief Executive Officer and up to a \$2,000 annual expenditure limit, of travel expenses and additional accommodation expenses (in addition to the expenses incurred by the Mayor) for the Mayor's spouse or partner whilst the Mayor is undertaking official business at Conferences, functions and events.
98. The Mayor will also have access to an additional annual limit of up to \$2,000 for the Mayor and the Mayor's spouse or partner attending dinners, non-council functions, charity and fundraising events, community and corporate or industry events which are relevant to Council's interest and where Council's representation would be expected.

99. The Mayor is entitled to digital subscriptions to two daily newspapers and/or delivery of those same newspapers to the Council office.

## Processes

### Approval, payment and reimbursement arrangements

100. Expenses should only be incurred by Councillors in accordance with the provisions of this policy.

101. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.

102. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:

- (a) local travel relating to the conduct of official business;
- (b) carer costs; and
- (c) ICT expenditure.

103. Final approval for payments made under this policy will be granted by the Chief Executive Officer or their delegate.

104. All requests for reimbursement will be reviewed by two staff members and payment will be authorised by a staff member with the appropriate financial delegation.

105. The Chief Executive Officer will provide a system for the request of reimbursements for Councillors. This will include a form whereby Councillors will be required to specifically identify the clause within this policy to which the request relates.

### Direct payment

106. Council may approve and directly pay expenses. Requests for direct payment must be submitted through the appropriate system for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

### Reimbursement

107. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted through the appropriate system.

### Advance payment

108. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.

109. The maximum value of a cash advance is \$200 per day of the conference, seminar or professional development to a maximum of \$600
110. Requests for advance payment must be submitted to the Chief Executive Officer for assessment against this policy with sufficient information and time to allow for the claim to be assessed and processed.
111. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:
- (a) a full reconciliation against the provisions of this policy of all expenses including appropriate receipts and/or tax invoices; and
  - (b) reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

### **Notification**

112. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
113. If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

### **Reimbursement to Council**

114. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
- (a) council will invoice the Councillor for the expense; and
  - (b) the Councillor will reimburse Council for that expense within 14 days of the invoice date.
115. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the Chief Executive Officer. The Chief Executive Officer may elect to deduct the amount out of the Councillor's allowance.

### **Timeframe for reimbursement**

116. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement ***within three months of an expense being incurred*** ~~by the end of the financial year or within three months of an expense being incurred, whichever comes last.~~ Claims made after this time cannot be approved.



## Disputes

117. If the Councillor disputes a determination under this policy, the Councillor should discuss the matter with the Chief Executive Officer.

118. If the Councillor and the Chief Executive Officer cannot resolve the dispute, the Councillor may submit a notice of motion to Council seeking to have the dispute resolved.

## Return or retention of facilities

119. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office.

## Publication

120. This policy will be published on Council's website.

## Reporting

121. Council will report on the provision of expenses and facilities to Councillors as required in the Local Government Act 1993 and Local Government (General) Regulation 2005.

122. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

## Auditing/Review

123. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

## Breaches

124. Suspected breaches of this policy are to be reported to the Chief Executive Officer.

125. In accordance with the Code of Conduct this Councillor Expenses and Facilities Policy is a policy of Council and must not be contravened.

126. Alleged breaches of this policy shall be dealt with by the following processes ~~outlined~~ **outlined** for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

127. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

## Definitions

128. In this policy:

<b>Accompanying person</b>	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor.
<b>Appropriate refreshments</b>	Means food and beverages, excluding alcohol, provided by Council to support Councillors undertaking official business
<b>Act</b>	Means the <a href="#">Local Government Act 1993 (NSW)</a>
<b>Annual Conference</b>	Means Local Government NSW Annual Conference
<b>Clause</b>	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
<b>Code of Conduct</b>	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
<b>Councillor</b>	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
<b>Chief Executive Officer</b>	Means the General Manager of Council and includes their delegate or authorised representative
<b>ICT</b>	Means <del>Telecommunications and</del> <b>telecommunications and is an acronym for</b> Information Communications and Technology
<b>Incidental personal use</b>	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
<b>Long distance intrastate travel</b>	Means travel to other parts of NSW of more than three hours duration by private vehicle
<b>Maximum limit</b>	Means the maximum limit for an expense or facility provided in the text and summarised in the table in Clause 4.
<b>NSW</b>	New South Wales
<b>Official business</b>	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> <li>• meetings of Council and committees of the whole;</li> <li>• meetings of committees facilitated by Council;</li> <li>• civic receptions hosted or sponsored by Council; and</li> <li>• meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council.</li> </ul>

<b>Professional development</b>	Means a seminar, conference, training course or other development opportunity relevant to the role of a Councillor or the Mayor
<b>Regulation</b>	Means the Local Government (General) Regulation 2005 (NSW)
<b>Year</b>	Means the financial year, that is the 12-month period commencing on 1 July each year.

## Related resources

### 129. Legislation:

- a. [Local Government Act 1993 \(NSW\)](#) Sections 252 and 253
- b. [Local Government \(General\) Regulation 2005](#), Clauses 217 and 403

### 130. Associated/Internal documents:

- a. Code of Conduct (found on the intranet)
- b. Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
- c. Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
- d. Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

## History of revisions

Amendment history	Details
Original approval authority details	Council D12757794 26 July 2017 – Minute number 504/17 Policy adopted pursuant to section 253(2) of the Local Government Act.

## Version # 2

23 October 2017 – Minute numbers 669/17 and 700/17 (public exhibition)  
18 December 2017 – adoption

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D12835914

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*Amendments:*

Clause 6.2 General travel arrangements and expenses.

The current provisions in this clause are insufficient given the size of the Central Coast local government area, and the number of residents in that local government area. Taking into consideration the likely travel that the Mayor, Deputy Mayor and Councillors will need to undertake, it is recommended that this clause be amended to provide for up to a total of \$12,500 per Councillor per year.

Reimbursement under this proposed amended clause will require the submission of appropriate documents such as a log book or opal card statement.

Clause 6.7 Interstate, overseas and long distance intrastate travel expenses.

This clause is recommended to be amended to provide for a maximum of \$15,000 per Councillor per year. It is noted that this is a reasonable maximum for this category of travel given the role of the Mayor, Deputy Mayor and Councillors in pursuing the interests of the local government area.

Expenditure in this category requires a Councillor to provide a business case and have the prior approval of the Chief Executive Officer. Overseas travel requires prior approval by way of a Council resolution.

Clause 6.18 Accommodation and meals

This clause is recommended to reflect a maximum of \$500 per Councillor per night for accommodation and meals.

Providing a specific amount gives greater transparency as to the provision to Councillors for accommodation and meals. The amount reflects the reasonable costs of accommodation and meals, particularly in metropolitan Sydney.

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Clause 6.23 Professional development and Clause 6.29 Conferences and Seminars

It is recommended that these two provisions be combined to allow an amount of \$12,000 per Councillor per year.

In practice, attendance at conferences and seminars will almost always be part of a Councillor's professional development and distinguishing the two provisions is arbitrary.

It is noted that s. 232 of the Act provides that Councillors are required to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor. In addition, the Act provides for regulations to be made for induction and other professional development for Mayors and Councillors. The Office of Local Government advised on 22 December 2016 that it has commenced work on development of these regulations and it is appropriate that Council provide adequate funding to facilitate meeting these future regulations.

Clause 6.42 Special requirement and carer expenses.

It is recommended that the provision for carer expenses be \$8,000 per Councillor per year. This is to reflect the current cost of care for children, those with special needs.

It is noted that this clause includes provision for those who may need to care for a dependent over the age of 16 years upon consultation with the Chief Executive Officer.

Part 10: Additional facilities for the Mayor.

To appropriately reflect the size and scale of the role of Mayor of Central Coast Council a number of provisions are recommended in this Part.

This includes travel expenses, provision of an appropriate vehicle for official duties, newspaper subscription and allowances for a small number of spouse/partner attendances at events and the like. These provisions reflect the community expectations of the role of Mayor of Central Coast Council and the likely impact and time demands this important role brings.

Various: Amendment of all references to 'General Manager' to 'Chief Executive Officer', to reflect the current Council corporate structure and nomenclature.

Amendments to the table in the Policy Summary to reflect the proposed changes.

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Version # 3

9 April 2020 – Minute Number 268/18

D13186819

*State reasons for amendments:*

In the table of the new section 4:

Expense or facility	Maximum amount	Frequency
Corporate Uniform	\$1,000 per Councillor	Upon election
	\$500 per Councillor	Per full twelve months there after

In the new section 23 to 24 under Part B – Expenses, Specific Expense:

**Corporate Uniform**

23. Council will cover the costs up to a limit of \$1,000 per Councillor upon the commencement of their term of office to use for the provision of a Council Corporate Uniform as determination by the Chief Executive Officer. This would include the costs of suitable Council professional attire.
- 
24. Thereafter Council will cover the costs up to a limit of up to \$500 per Councillor per annum.

Version # 4

9 July 2020 – Minute Number 649/18

D13186819

*State reasons for amendments*

New Clause 57 under Part B – Expenses, General Expenses –Conferences and Seminars is proposed as follows:

- 57 Council will meet the costs of official conference dinners for an accompanying person of a Councillor up to \$1,000 per Councillor per year.

The proposed addition of a new Clause 81 under the following heading:

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*ASIC or Relevant Searches*

- 81 Council will meet the costs of any ASIC or relevant searches undertaken by Councillors to assist in providing appropriate responses in relation to declarations as Key Management Personnel under the Related Party Disclosures requirements for Council's Financial Statements

New Clause 22 under Part B – Expenses, General Expenses is proposed as follows:

- 22 Council will cover expenses and/or provide facilities deemed appropriate and necessary by the Chief Executive Officer to assist Councillors in the performance of their civic duties.

649/18 That Council adopt the amended Councillor Expenses and Facilities Policy set out in Attachment 1 to this report, with the following amendment to Clause 116;

- To allow Councillors to claim expenses up until the end of the financial year or within three months of the occurrence of the expense, whichever comes last.

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Version # 5

27 August 2018 – Minute Number 850/18

D13259207

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*State reasons for amendments*

New Clause 48 under Part B – Expenses, General Expenses Professional Development is proposed as follows:

- 48 Council will set aside \$12,000 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses, conferences, seminars and membership of professional bodies. ***This is in addition to professional development opportunities identified by the Chief Executive Officer that may be determined appropriate for all Councillors.***

The proposed addition of a new Clause 81 under Part C – Additional Facilities for the Mayor is as follows:

- 92 In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing ***appropriate administrative and secretarial*** support, as determined by the Chief Executive Officer.
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**Item No:** 2.3  
**Title:** Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct  
**Department:** Governance

---

14 September 2020 Ordinary Council Meeting

Reference: F2017/01495 - D14151163  
Author: James Taylor, Section Manager Governance  
Kathy Bragg, Senior Governance Officer  
Manager: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

### Summary

Amendments to the *Model Code of Conduct for Local Councils in NSW* and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* have been prescribed under the [Local Government \(General\) Regulation 2005](#).

### Recommendation

- 1 That Council adopt the Code of Conduct that is Attachment 1 to this report in accordance with section 440(3) of the Local Government Act 1993.**
- 2 That Council adopt the Procedures for the Administration of the Code of Conduct that is Attachment 2 to this report in accordance with section 440AA of the Local Government Act 1993.**

### Context

Sub-section 440(3) of the [NSW Local Government Act 1993](#) (the Act) requires that:

*A council must adopt a code of conduct (the 'adopted code') that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.*

Sub-section 440AA(3) of the [NSW Local Government Act 1993](#) also requires that:

*A council must adopt a procedure (the 'adopted procedure') that incorporates the provisions of the model procedure. The adopted procedure may include provisions that supplement the model procedure.*

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) were amended on 7 August 2020 in response to the decision by the



## 2.3 Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct (contd)

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Supreme Court in the matter of [Cornish v Secretary, Department of Planning, Industry and Environment \[2019\] NSWSC 1134](#). Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

At its meeting held 25 March 2019 Council adopted the Model Code of Conduct and the Procedures. The new prescribed amendments have been made to Council's adopted Code of Conduct and the Procedures and both documents are now in Council's new accessible policy and procedure templates.

### Current Status

#### Amendments to the Model Code of Conduct.

The new additions to the Model Code are highlighted in yellow in the Central Coast Council's amended Code of Conduct (the new Code) which is **Attachment 1** to this report. The previous additions by Central Coast Council are highlighted in green in the attached amended Code.

The NSW Office of Local Government (OLG) provided a *Council Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures* (14 August 2020) which is **Attachment 3** to this report which listed some of the changes made to the Model Code and Procedures. In relation to the Model Code the following changes were noted in the OLG's *Council Circular*:

- 1 *remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant).*
- 2 *update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards*
- 3 *include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.*
- 4 *Amendments to the gifts and benefits provisions in response to feedback from some councils:*
  - a *to lift the \$50 cap on the value of gifts that may be accepted to \$100.*
  - b *clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed.*
  - c *clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not "gifts or benefits" for the purposes of the Model Code of*

## 2.3 Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct (contd)

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*Conduct, and*

- d remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.*

Each of the above changes is explained below with details of the previous provision and the revised provision.

- 1 remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant).*

This entailed the removal from the Code the previous clause 9.9 which stated:

*Where you are a Councillor or the Chief Executive Officer, you must comply with any Council resolution requiring you to take action as a result of a breach of this Code.*

- 2. update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards*

In relation to OLG's change 2 noted above, Clause 3.6 in the new Code has been updated to now read, with the yellow highlighted text the additions:

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.*

The previous clause 3.6 read (words underlined below are no longer included or have been updated in the new clause 3.6):

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.*

- 3. include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.*

## 2.3 Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct (contd)

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In relation to OLG's change 3 noted above, the definition of "council committee" and "council committee member" in the new Code has been updated to now read, with the yellow highlighted text showing the additions:

*council committee*                      *a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee*

*council committee member*                      *a person other than a councillor or member of staff of a council member who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee*

It is noted that once Council has adopted the new Code, the members of Council's Audit Risk and Improvement Committee will be required to complete Pecuniary Interest Returns.

### 4. Amendments to the gifts and benefits provisions in response to feedback from some councils

In relation to OLG's change 4 noted above:

- Clauses 6.8, 6.9, 6.10 and 6.11 have been updated from \$50 to \$100 in the new Code.
- Clause 2 a) has been added to the new Code, which states:

*A reference to a gift or benefit in this Part does not include:*

*a) items with a value of \$10 or less*

- Clause 2 d) has been added to the new Code which states:

*A reference to a gift or benefit in this Part does not include:*

*d) a benefit or facility provided by the council to an employee or councillor*

- Clause 6.2 f) (previous clause 6.2 c)) has been amended to remove the words "of token value":

*A reference to a gift or benefit in this Part does not include:*

## 2.3 Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct (contd)

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- f) *free or subsidised meals, beverages or refreshments ~~of token value~~ provided to council official*

The OLG Council Circular concludes with the following comments:

*Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.*

The new Code has been created based on the Model Code and reflects the increase from \$50 to \$100 for the value of a token gift. It is a matter for Council to determine whether to increase the value of a token gift from \$50 to \$100.

By adopted new Code that is **Attachment 1** to this report, Council will be increasing the value of a token gift from \$50 to \$100. Subject to Council's determination, Council's *Gifts and Benefits Policy* will also be reviewed and will be the subject of a future report to Council.

### *Change – Chief Executive Officer replaced with Minister of Local Government*

There have also been changes in Clauses 4.38, 5.20 and 5.21 of the new Code.

Council's *Chief Executive Officer* has been replaced by the *Minister of Local Government* as the person determining whether Councillors or a Council Committee Member who have a pecuniary interest or a significant non-pecuniary interest are allowed to take part in the consideration or discussion of the matter and to vote on the matter. The relevant clauses are set out below:

- 4.38 The **Minister for Local Government** may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the **Minister** is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 5.20 The **Minister for Local Government** may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the **Minister** is of the opinion:

## 2.3 Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct (contd)

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- a) *that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or*
- b) *that it is in the interests of the electors for the area to do so.*

5.21 Where the **Minister** exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

### *Administrative changes*

In addition to the above comments noted in the *OLG Council Circular* and some rewording and cosmetic changes have been made.

The only other notable change to the new Code has been to update the reference from "general manager" to "*chief executive officer*" to reflect the current structure of Central Coast Council. This minor amendment has not been highlighted in **Attachment 1**.

### **Amendments to the Procedures for the Administration of the Model Code of Conduct**

Consistent with the Supreme Court's decision, councils now have the following options when taking disciplinary action against Councillors for breaches of the Codes of Conduct under the new Procedures:

- that a Councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or
- that a Councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.

The *OLG's Council Circular* also goes on to explain that the process for censuring Councillors for breaches of the Code of Conduct has been significantly strengthened to ensure Councillors are made publicly accountable to their electors for their conduct. When censuring Councillors, Councils are required to specify in their resolution the grounds on which the Councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the Council considers may be relevant or appropriate.

It is noted that Councillors may seek to avoid public censure for breaches of the Code of Conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the Council. Investigators can finalise their investigations without a report to the Council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.

## 2.3 Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct (contd)

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The process for referral Code of Conduct breaches by Councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.

Other notable amendments made to the Procedures include to allow:

- panels of conduct reviewers to be appointed without a resolution of Council; and
- the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where Council will not have a quorum to deal with the matter.

Any new additions to Council's Procedures are highlighted in yellow in **Attachment 2** to this report.

### Consultation

The Office of Local Government has advised all NSW councils that they should adopt a Code of Conduct and Procedures based on the prescribed Model Code of Conduct and Model Procedures as soon as possible. As these amendments are prescribed in legislation or previously exhibited, no public exhibition is required nor recommended.

### Options

Council has the following options:

- 1 Adopt the attached *Code of Conduct* (**Attachment 1** to this report) and *Procedures for the Administration of the Code of Conduct* (**Attachment 2** to this report), which are the Model Code and Procedures with the inclusion of the previous additions made by Central Coast Council to the Code of Conduct (highlighted in green in **Attachment 1**). This is the recommended option as it reflects the previous determination of Council as well as ensuring Council is compliant with the requirements of the Act.
- 2 Adopt the *Model Code of Conduct* and *Model Procedures for the Administration of the Model Code of Conduct* without the inclusion of any previous additions. This is not recommended. Council has previously resolved these inclusions.
- 3 Adopt the *Model Code of Conduct* and the *Model Procedures for the Administration of the Model Code of Conduct* with further additions. If this option is preferred by Council it is recommended that the Amended Code and Procedures be placed on public exhibition. It is also noted that no amendments may be made that reduce the

## 2.3 **Amendments to Code of Conduct and the Procedures for the Administration of the Code of Conduct (contd)**

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provisions of the *Model Code of Conduct* and the *Model Procedures for the Administration of the Model Code of Conduct*.

### **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.

### **Critical Dates or Timeframes**

The new Model Code of Conduct and Procedures take effect immediately. The Office of Local Government requires Council's to adopt the amendments as soon as possible.

### **Attachments**

- |          |  |                           |
|----------|--|---------------------------|
| <b>1</b> | Draft Code of Conduct August 2020  | <a href="#">D14153966</a> |
| <b>2</b> | Draft Administration of the Code of Conduct Procedure August 2020  | <a href="#">D14153971</a> |
| <b>3</b> | Office of Local Government Circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures | <a href="#">D14153977</a> |



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# Code of Conduct

Month 2020

Policy No: CCC 0002

Policy owner:	Governance and Business Services, Office of the CEO
Approved by:	Central Coast Council
Date of approval:	Day/Month/2020
Policy category:	Statutory
Content Manager No:	D#####
Review date:	March 2022 (within 6 months of Local Government Elections)

**Central Coast Council** P: 1300 463 954 E: ask@centralcoast.nsw.gov.au W: centralcoast.nsw.gov.au  
A: Wyong: 2 Hely St / PO Box 20, Wyong NSW 2259 Gosford: 49 Mann St / PO Box 21, Gosford NSW 2250



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# 1 Introduction

- 1.1 This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").
- 1.2 This Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:
  - a) understand and comply with the standards of conduct that are expected of them
  - b) enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
  - c) act in a way that enhances public confidence in local government.
- 1.3 Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).
- 1.4 A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.
- 1.5 Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.
- 1.6 Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

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- 1.7 Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

## 2 Definitions

2.1 In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
chief executive officer	includes the executive officer of a joint organisation
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, contractors, community members of wholly advisory committees, volunteers and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and deputy mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns environmental planning has the same meaning as it has in the Environmental Planning and Instrument Assessment Act 1979
joint organisation	a joint organisation established under section 4000 of the LGA
<b>LGA</b>	<b><i>Local Government Act 1993</i></b>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
<b>mayor</b>	<b>includes the chairperson of a county council or a joint organisation</b>
<b>members of staff</b>	<b>includes members of staff of county councils and joint organisations of a council</b>
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

## 3 General Conduct Obligations

### General conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
  - is contrary to statutory requirements or the council's administrative requirements or policies
  - is improper or unethical
  - is an abuse of power - abuse of power in the form of 'malfeasance in office' or 'official misconduct' is the commission of an unlawful act, done in an official capacity, which affects the performance of official duties
  - causes, comprises or involves intimidation or verbal abuse - intimidation is to frighten or threaten someone, usually in order to persuade the person to do something he or she does not wish to do
  - involves the misuse of your position to obtain a private benefit
  - constitutes harassment or bullying behaviour under this code or, is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly and, exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

### Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

### Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.



- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- is not wanted by the person
  - offends, humiliates or intimidates the person, and
  - creates a hostile environment.
  - causes a person mental or emotional suffering, which includes repeated unwanted contacts without a reasonable purpose, insults, threats, touching or offensive language.

### Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - the behaviour creates a risk to health and safety, which includes but is not limited to:
    - physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects;
    - verbal or written threats to inflict physical harm;
    - stalking someone;
    - physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, physically restraining someone or any other form of physical or sexual assault.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct
  - belittling or humiliating comments
  - spreading malicious rumours
  - teasing, practical jokes or 'initiation ceremonies'
  - exclusion from work-related events
  - unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - displaying offensive material
  - pressure to behave in an inappropriate manner
  - abusive behaviour which is any behaviour or action designed to control, intimidate, threaten or injure another person.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- performance management processes

- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

#### Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
  - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
  - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
  - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
  - e) report accidents, incidents, near misses, to the chief executive officer or such other staff member nominated by the chief executive officer, and take part in any incident investigations
  - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

#### Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

#### Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

#### Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - deliberately seek to impede the consideration of business at a meeting.

#### Public Comment

- 3.23 The mayor or chief executive officer will generally be the spokesperson on council business or matters before council. Only council officials with specific delegations are authorised to make public comment about council business or on matters before

council on behalf of council. All comments are to be made in accordance with council's associated policies and procedures.

3.24 On social media, such as council's Twitter, Instagram and Facebook accounts, the communication and media team are generally the spokesperson on all council business. Other staff can apply to use these sites if a particular project warrants it.

3.25 If a council official makes a comment on council business using their personal social media accounts, they are under a duty to ensure it is clear that it is a personal opinion, that it is not the official position of council and that the comment is not derogative, malicious, vindictive, defamatory or in any way a breach of the State of NSW or Commonwealth of Australian Anti- Discrimination Laws.

3.26 Council officials must not defame other persons, including other council officials. This includes during any meeting of council, meeting of any committee of council, any public meeting conducted by or for council, or in any publication made by or for council.

## 4 Pecuniary Interest

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- a) your interest, or
  - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- a) your interest as an elector

- b) your interest as a ratepayer or person liable to pay a charge
- c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
- d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
  - ii) security for damage to footpaths or roads
  - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,

- l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4 but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- a) the chief executive officer
- b) other senior staff of the council for the purposes of section 332 of the LGA
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the chief executive officer (or if the person is the chief executive officer, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The chief executive officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the chief executive officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the chief executive officer the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the chief executive officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.



4.19 For the purposes of clause 4.18, a “council committee member” includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

4.20 A councillor:

- a) must prepare and submit written returns of interests in accordance with clause 4.21, and
- b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

4.21 A councillor or designated person must make and lodge with the chief executive officer a return in the form set out in schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:

- a) becoming a councillor or designated person, and
- b) 30 June of each year, and
- c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs a) or b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs a) and b) if:

- a) they made and lodged a return under that clause in the preceding 3 months, or
- b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The chief executive officer must keep a register of returns required to be made and lodged with the chief executive officer.

4.25 Returns required to be lodged with the chief executive officer under clause 4.21a) and b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the chief executive officer under clause 4.21c) must be tabled at the next council meeting after the return is lodged.

- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

#### Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member 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.
- 4.29 The councillor or council committee 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.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the chief executive officer in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented 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 council committee member has an interest in the matter of a kind referred to in clause 4.6.

- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does 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 portion 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 portion of the council's area, and
  - b) 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 (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter

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under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## 5 Non-Pecuniary Conflict of Interest

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the chief executive officer, such a disclosure is to be made to the staff member's manager. In the case of the chief executive officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not

it is significant.

- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the chief executive officer, the

decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the chief executive officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10 b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

#### Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the Electoral Funding Act 2018
  - b) "major political donor" has the same meaning as it has in the Electoral Funding Act 2018.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a

reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

#### Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter 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 portion 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 portion of the council's area, and
  - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The **Minister for Local Government** may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the **Minister** is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the **Minister** exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

#### Other business or employment

- 5.23 The chief executive officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the chief executive officer in writing of the employment,



work or business and the chief executive officer has given their written approval for the staff member to engage in the employment, work or business.

- 5.25 The chief executive officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

#### Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

#### Council Officials and future employment

5.30 Councillors and council staff should not use their position to obtain opportunities for future employment.

5.31 You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside council.

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5.32 You must be careful in your dealings with former council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.

5.33 Former council officials must not use or take advantage of confidential information obtained in the course of their official duties at council that may lead to gain or profit.

5.34 At the end of your involvement with council, all council officials must return all council property, documents or items and not make public, or otherwise use, any confidential information gained as a consequence of your involvement with council.

## 6 Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
  - b) a political donation for the purposes of the Electoral Funding Act 2018
  - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - d) a benefit or facility provided by the council to an employee or councillor
  - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - f) free or subsidised meals, beverages or refreshments provided ~~of token value~~ to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - i) the discussion of official business
    - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.

### Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

### How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your

- public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the chief executive officer in writing. The recipient, manager, or chief executive officer must ensure that, at a minimum, the following details are recorded in the council’s gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

#### Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - b) gifts of alcohol that do not exceed a value of \$100
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$100 in value.

#### Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal

use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

#### “Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

#### Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

## 7 Relationships between Council Official

### Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the chief executive officer by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the chief executive officer
  - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the chief executive officer includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
  - b) ensure that their work is carried out ethically, efficiently, economically and effectively
  - c) carry out reasonable and lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies and procedures of the council,

- whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

### Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
  - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
  - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
  - f) councillors and administrators being overbearing or threatening to council staff
  - g) council staff being overbearing or threatening to councillors or administrators
  - h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
  - i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
  - j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
  - k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
  - l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's chief executive officer or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## 8 Access to Information and Council Resources

### Councillor and administrator access to information

- 8.1 The chief executive officer is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The chief executive officer and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The chief executive officer must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

### Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

### Refusal of access to information

- 8.8 Where the chief executive officer or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in



consideration of the matter (see clause 8.6). The chief executive officer or public officer must state the reasons for the decision if access is refused.

#### Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

#### Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
  - b) protect confidential information
  - c) only release confidential information if you have authority to do so
  - d) only use confidential information for the purpose for which it is intended to be used
  - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
  - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
  - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

#### Personal information

- 8.12 When dealing with personal information you must comply with
- a) the [Privacy and Personal Information Protection Act 1998](#);
  - b) the [Health Records and Information Privacy Act 2002](#);
  - c) the Information Protection Principles and Health Privacy Principles;
  - d) Council's [Privacy Management Plan](#);
  - e) the [Privacy Code of Practice for Local Government](#);

f) the *Government Information (Public Access) Act 2009* and Regulation.

#### Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

#### Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

### Council record keeping

- 8.21 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

### Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the chief executive officer.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the chief executive officer (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area, they refrain from conduct that could be perceived to improperly influence council staff decisions.

## 9 Maintaining the Integrity of this Code

### Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

### Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

### Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

#### Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

#### Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the chief executive officer or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the chief executive officer in accordance with the Procedures.

#### General

- 9.16 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this Code or its administration.

## 10 History of revisions

Amendment history	Details
Original approval authority details	<p>Central Coast Council</p> <hr/> <p>25 May 2016 Ordinary Council Meeting</p> <p>Council Resolution Minute Number 11/16</p> <hr/> <p>Creation of policy based on updated Model Code of Conduct issued by NSW State Government</p>
Version 2	<p>25/03/2019 Ordinary Council Meeting</p> <p>Council Resolution Minute Number 223/19</p> <hr/> <p><i>Amended in accordance with the NSW Office of Local Government's Model Code of Conduct for Local Councils in NSW 2018.</i></p>
Version 3 (this version)	<p><b>14 September 2020 Ordinary Council Meeting</b></p> <p><b>Council Resolution Minute No &lt; &gt;</b></p> <hr/> <p><b>CM document number</b></p> <hr/> <p><i>Amended in accordance with the NSW Office of Local Government's Model Code of Conduct for Local Councils in NSW 2020 issued via Government Gazette number 172 on Friday 7 August 2020.</i></p>

## SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

### Part 1: Preliminary

#### Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom

the disposition was made to the person who made the disposition but, does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

### **Matters relating to the interests that must be included in returns**

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2



to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## **Part 2: Pecuniary interests to be disclosed in returns**

### **Real property**

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

### **Gifts**

9. A person making a return under clause
  - a) 4.21 of this code must disclose:

- b) a description of each gift received in the period since 30 June of the previous financial year, and
  - c) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
- a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

### **Contributions to travel**

12. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

### **Interests and positions in corporations**

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

### **Interests as a property developer or a close associate of a property developer**

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- *close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
  - *property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

**Positions in trade unions and professional or business associations**

21. A person making a return under clause 4.21 of the code must disclose:
  - a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

**Dispositions of real property**

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

**Sources of income**

26. A person making a return under clause 4.21 of this code must disclose:
  - a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
  - a) in relation to income from an occupation of the person:
    - (i) a description of the occupation, and
    - (ii) if the person is employed or the holder of an office, the name and address

- of their employer, or a description of the office, and
    - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
  - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
- 28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
- 29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
- 30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

### Debts

- 31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
  - a) on the return date, and
  - b) at any time in the period since 30 June of the previous financial year.
- 32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
- 33. A liability to pay a debt need not be disclosed by a person in a return if:
  - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
  - b) the person was liable to pay the debt to a relative, or
  - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - d) in the case of a debt arising from the supply of goods or services:
    - (i) the goods or services were supplied in the period of 12 months

- immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
- (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

**Discretionary disclosures**

- 34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

## SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

### **'Disclosures by councillors and designated persons' return**

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the chief executive officer after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the chief executive officer and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the chief executive officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the chief executive officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

### **Important information**

8. This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.
9. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct).

Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

10. The information collected on this form will be kept by the chief executive officer in a register of returns. The chief executive officer is required to table all returns at a council meeting.
11. Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
12. You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of Councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[Councillor's or designated person's signature]

[date]

A. Real Property		
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June		Nature of interest
B. Sources of income		
1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June		
Sources of income I received from an occupation at any time since 30 June		
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June		
Sources of income I received from a trust since 30 June		
Name and address of settlor		Name and address of trustee
3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June		
Sources of other income I received at any time since 30 June		
[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]		



<b>C. Gifts</b>			
Description of each gift I received at any time since 30 June		Name and address of donor	
<b>D. Contributions to travel</b>			
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken	
<b>E. Interests and positions in corporations</b>			
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
<b>F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)</b>			
<b>G. Positions in trade unions and professional or business associations</b>			
Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June		Description of position	
<b>H. Debts</b>			
Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June			
<b>I. Dispositions of property</b>			
1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time			
2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property			
<b>J. Discretionary disclosures</b>			

## SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

### **Important information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

**Special disclosure of pecuniary interests by** *[full name of Councillor]*  
 in the matter of *[insert name of environmental planning instrument]*  
 which is to be considered at a meeting of the *[name of Council or Council Committee (as the case requires)]* to be held on the        day of        20 .

<b>Pecuniary interest</b>	
Address of the affected principal place of residence of Councillor or an associated person, company or body (the identified land)	
Relationship of identified land to Councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> Councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of Councillor has an interest in the land. <input type="checkbox"/> An associated company or body of Councillor has an interest in the land.
<b>Matter giving rise to pecuniary interest<sup>1</sup></b>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

*[This form is to be retained by Council's Chief Executive Officer and included in full in the minutes of the meeting]*

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a Councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.



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# Administration of the Code of Conduct Procedure

August 2020

Version: 4 Draft (remove once approved)

Document owner:	Governance and Business Services, Office of the CEO
Approved by:	Central Coast Council
Date of approval:	Day/Month/Year
Content Manager No:	D#####
Review date:	March 2022 (within 6 months of Local Government Elections)

**Central Coast Council** P: 1300 463 954 E: ask@centralcoast.nsw.gov.au W: centralcoast.nsw.gov.au  
A: Wyong: 2 Hely St / PO Box 20, Wyong NSW 2259 Gosford: 49 Mann St / PO Box 21, Gosford NSW 2250

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## Part 1: Introduction

Central Coast Council's (Council) *Administration of the Code of Conduct Procedures* (these Procedures) are prescribed for the purposes of the administration of the of Council's Code of Conduct. They are based on the *Model Procedures for the Administration of the Code of Conduct* (the "Model Code Procedures").

The Model Code of Conduct for Local Councils in NSW (the "Model Code") is made under section 440 of the [Local Government Act 1993](#) ("the LGA") and the [Local Government \(General\) Regulation 2005](#) ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

Council's Procedures may also include provisions that supplement the Model Code Procedures, extend its application and are more onerous than those prescribed in the Model Code. Provisions of these Procedures that are inconsistent with those prescribed under the Model Code Procedures will have no effect.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about Councillors (including the Mayor) or the Chief Executive Officer.

## Part 2: Definitions

**Administrator:** an administrator of a council appointed under the LGA other than an administrator appointed under section 66.

**Code of Conduct:** a code of conduct adopted under section 440 of the LGA.

**Code of Conduct complaint:** a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures.

**Complainant:** a person who makes a code of conduct complaint.

**Complainant Councillor:** a Councillor who makes a code of conduct complaint.

**Complaints coordinator:** a person appointed by the Chief Executive Officer under these procedures as a complaints coordinator.

**Conduct reviewer:** a person appointed under these procedures to review allegations of breaches of the code of conduct by Councillors or the Chief Executive Officer.

**Council committee:** a committee established by a council comprising of Councillors, staff or other persons that the Council has delegated functions to and the Council's Audit, Risk and Improvement Committee.

**Council committee member:** a person other than a Councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of the council's audit, risk and improvement committee.

**Councillor:** any person elected or appointed to civic office, including the Mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations.

**Council official:** any Councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser.

**Delegate of Council:** a person (other than a Councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated.

**External agency:** a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police.

**ICAC:** the Independent Commission Against Corruption.

**Joint organisation:** a joint organisation established under section 4000 of the LGA



**LGA:** the Local Government Act 1993.

**Mayor:** includes the chairperson of a county council or a joint organisation.

**Members of staff of a Council:** includes members of staff of county councils and joint organisations.

**Model Code:** the Model Code of Conduct.

**Model Code Procedures:** the Model Procedures for the Administration of the Code of the Conduct.

**The Office:** the Office of Local Government.

**Investigator:** a conduct reviewer.

**The Regulation:** the Local Government (General) Regulation 2005.

**Respondent:** a person whose conduct is the subject of investigation by a conduct reviewer under these procedures.

**Wholly advisory committee:** a council committee that the council has not delegated any functions to.

## Part 3: Administrative Framework

### The establishment of a panel of conduct reviewers

- 3.1. The council must establish a panel of conduct reviewers.
- 3.2. The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3. The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4. An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5. To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
  - a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i. investigations
    - ii. law
    - iii. public administration
    - iv. public sector ethics
    - v. alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6. A person is not eligible to be a conduct reviewer if they are:
  - a) a Councillor, or
  - b) a nominee for election as a Councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

- f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7. A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8. An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9. A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10. The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter
- 3.11. When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12. A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

### **The appointment of an internal ombudsman to a panel of conduct reviewers**

- 3.13. Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14. To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15. An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

- 3.16. Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

### **The appointment of complaints coordinators**

- 3.17. The Chief Executive Officer must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18. The Chief Executive Officer may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19. The Chief Executive Officer must not undertake the role of complaints coordinator.
- 3.20. The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21. The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
  - b) liaise with and provide administrative support to a conduct reviewer
  - c) liaise with the Office, and
  - d) arrange the annual reporting of code of conduct complaints statistics.

## Part 4: How May Code of Conduct Complaints be Made?

### **What is a code of conduct complaint?**

- 4.1. For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2. The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official

- b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
- c) complaints about the policies or procedures of the council
- d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3. Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

### **When must a code of conduct complaint be made?**

- 4.4. A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 4.5. A complaint made after 3 months may only be accepted if the Chief Executive Officer or their delegate, or, in the case of a complaint about the Chief Executive Officer, the Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct

### **How may a code of conduct complaint about a council official other than the Chief Executive Officer be made?**

- 4.6. All code of conduct complaints other than those relating to the Chief Executive Officer are to be made to the Chief Executive Officer in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7. Where a code of conduct complaint about a council official other than the Chief Executive Officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8. In making a code of conduct complaint about a council official other than the Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9. The Chief Executive Officer or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10. Notwithstanding clauses 4.6 and 4.7, where the Chief Executive Officer becomes aware of a

possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

### **How may a code of conduct complaint about the Chief Executive Officer be made?**

- 4.11. Code of conduct complaints about the Chief Executive Officer are to be made to the Mayor in writing. This clause does not operate to prevent a person from making a complaint about the Chief Executive Officer to an external agency.
- 4.12. Where a code of conduct complaint about the Chief Executive Officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13. In making a code of conduct complaint about the Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14. The Mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15. Notwithstanding clauses 4.11 and 4.12, where the Mayor becomes aware of a possible breach of the council's code of conduct by the Chief Executive Officer, they may initiate the process for the consideration of the matter under these procedures without a written complaint

## Part 5: How are Code of Conduct Complaints to be Managed?

### **Delegation by Chief Executive Officers and Mayors of their functions under this Part**

- 5.1. A Chief Executive Officer or Mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the Chief Executive Officer or Mayor are also to be taken to be references to their delegates.

### **Consideration of complaints by Chief Executive Officers and Mayors**

- 5.2. In exercising their functions under this Part, Chief Executive Officers and Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

### **What complaints may be declined at the outset?**

- 5.3. Without limiting any other provision in these procedures, the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
  - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
  - c) is trivial, frivolous, vexatious or not made in good faith, or
  - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
  - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

### **How are code of conduct complaints about staff (other than the Chief Executive Officer) to be dealt with?**

- 5.4. The Chief Executive Officer is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5. The Chief Executive Officer must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6. The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7. Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a member of staff of council, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8. Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9. Sanctions for breaches of the code of conduct by staff depend on the severity, scale and

importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

### **How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?**

- 5.10. The Chief Executive Officer is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11. The Chief Executive Officer must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12. The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint
- 5.13. Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14. Where the Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15. Where the Chief Executive Officer resolves a code of conduct complaint under clause 5.14 to the Chief Executive Officer's satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16. Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:



- a) censure
  - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the Chief Executive Officer
  - c) prosecution for any breach of the law
  - d) removing or restricting the person's delegation
  - e) removing the person from membership of the relevant council committee.
- 5.17. Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the Chief Executive Officer or any person making enquiries on behalf of the Chief Executive Officer must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
  - b) the person must be given an opportunity to respond to the allegation, and
  - c) the Chief Executive Officer must consider the person's response in deciding whether to impose a sanction under clause 5.16.

### **How are code of conduct complaints about administrators to be dealt with?**

- 5.18. The Chief Executive Officer must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19. The Chief Executive Officer must notify the complainant of the referral of their complaint in writing.

### **How are code of conduct complaints about Councillors to be dealt with?**

- 5.20. The Chief Executive Officer must refer the following code of conduct complaints about Councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
  - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

- 5.21. Where the Chief Executive Officer refers a complaint to the Office under clause 5.20, the Chief Executive Officer must notify the complainant of the referral in writing.
- 5.22. The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a Councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint
- 5.23. Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a Councillor, the Chief Executive Officer must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24. Where the Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer may seek to resolve code of conduct complaints about Councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25. Where the Chief Executive Officer resolves a code of conduct complaint under clause 5.24 to the Chief Executive Officer's satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26. The Chief Executive Officer must refer all code of conduct complaints about Councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

### **How are code of conduct complaints about the Chief Executive Officer to be dealt with?**

- 5.27. The Mayor must refer the following code of conduct complaints about the Chief Executive Officer to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

- 5.28. Where the Mayor refers a complaint to the Office under clause 5.27, the Mayor must notify the complainant of the referral in writing.
- 5.29. The Mayor may decide to take no action in relation to a code of conduct complaint about the Chief Executive Officer, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30. Where the Mayor decides to take no action in relation to a code of conduct complaint about the Chief Executive Officer, the Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31. Where the Mayor considers it to be practicable and appropriate to do so, the Mayor may seek to resolve code of conduct complaints about the Chief Executive Officer, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32. Where the Mayor resolves a code of conduct complaint under clause 5.31 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33. The Mayor must refer all code of conduct complaints about the Chief Executive Officer, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

### **How are complaints about both the Chief Executive Officer and the Mayor to be dealt with?**

- 5.34. Where the Chief Executive Officer or Mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the Chief Executive Officer and the Mayor, the Chief Executive Officer or Mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the Chief Executive Officer where the allegation is not serious, or to a person external to the council, or
  - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

### **Referral of code of conduct complaints to external agencies**

- 5.35. The Chief Executive Officer, Mayor or a conduct reviewer may, at any time, refer a code of conduct

complaint to an external agency for its consideration, where they consider such a referral is warranted.

- 5.36. The Chief Executive Officer, Mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37. Where the Chief Executive Officer, Mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38. Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency

### **Disclosure of the identity complainants**

- 5.39. In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so
- 5.40. Clause 5.39 does not apply to code of conduct complaints made by Councillors about other Councillors or the Chief Executive Officer.
- 5.41. Where a Councillor makes a code of conduct complaint about another Councillor or the Chief Executive Officer, and the complainant Councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed
- 5.42. A request made by a complainant Councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43. The Chief Executive Officer or Mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing

information that identifies or tends to identify the complainant Councillor, but they are not obliged to comply with the request.

- 5.44. Where a complainant Councillor makes a request under clause 5.41, the Chief Executive Officer or Mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the Councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information

### **Code of conduct complaints made as public interest disclosures**

- 5.45. These procedures do not override the provisions of the Public Interest Disclosures Act 1994. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46. Where a Councillor makes a code of conduct complaint about another Councillor or the Chief Executive Officer as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant Councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47. Where a complainant Councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the Chief Executive Officer or the Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

### **Special complaints management arrangements**

- 5.48 The Chief Executive Officer may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  - b) impeded or disrupted the effective administration by the council of its code of conduct, or
  - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the

following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the Chief Executive Officer, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

## Part 6: Preliminary Assessment of Code of Conduct Complaints About Councillors or the Chief Executive Officer by Conduct Reviewers

### **Referral of code of conduct complaints about Councillors or the Chief Executive Officer to conduct reviewers**

- 6.1. The complaints coordinator must refer all code of conduct complaints about Councillors or the Chief Executive Officer that have not been referred to an external agency or declined or resolved by the Chief Executive Officer, Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the Chief Executive Officer or the Mayor.
- 6.2. For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:

- a) a panel of conduct reviewers established by the council, or
  - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3. In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4. A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
  - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
  - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
  - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5. For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6. For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7. Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8. The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9. Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10. The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:

- a) comply with these procedures in their consideration of the matter, or
- b) comply with a lawful and reasonable request by the complaints coordinator, or
- c) exercise their functions in a timely or satisfactory manner.

6.11. Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

### **Preliminary assessment of code of conduct complaints about Councillors or the Chief Executive Officer by a conduct reviewer**

6.12. The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

6.13. The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:

- a) to take no action
- b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- c) to refer the matter back to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- d) to refer the matter to an external agency
- e) to investigate the matter.

6.14. In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

6.15. The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.

6.16. The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

6.17. The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.



- 6.18. The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19. The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20. Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21. Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22. The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a Councillor under section 440G of the LGA or disciplinary action against the Chief Executive Officer under their contract of employment if it were to be proven, and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23. In determining whether a matter is sufficiently serious to warrant formal censure of a Councillor under section 440G of the LGA or disciplinary action against the Chief Executive Officer under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
  - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24. The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25. The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

## Referral back to the Chief Executive Officer or Mayor for resolution

- 6.26. Where the conduct reviewer determines to refer a matter back to the Chief Executive Officer or to the Mayor to be resolved by alternative and appropriate means, they must write to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.27. The conduct reviewer must consult with the Chief Executive Officer or Mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28. The Chief Executive Officer or Mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29. Where the conduct reviewer refers a matter back to the Chief Executive Officer or Mayor under clause 6.13(c), the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30. Where the conduct reviewer refers a matter back to the Chief Executive Officer or Mayor under clause 6.13(c), the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

## Complaints assessment criteria

- 6.31. In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
  - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
  - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

## Part 7: Investigations of Code of Conduct Complaints about Councillors or the Chief Executive Officer

### What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or **do not** arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the Chief Executive Officer, or, in the case of alleged conduct on the part of the Chief Executive Officer, to the Mayor.
- 7.3 The Chief Executive Officer or the Mayor or their delegate is to deal with a matter reported to them by an investigator under clause as if it were a new code of conduct complaint in accordance with these procedures.

### How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
  - a) disclose the substance of the allegations against the respondent, and
  - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
  - c) advise of the process to be followed in investigating the matter, and

- d) advise the respondent of the requirement to maintain confidentiality, and
  - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
  - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the complainant, the complaints coordinator and the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

### Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to

address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.

- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

### **How are investigations to be conducted?**

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

### **Referral or resolution of a matter after the commencement of an investigation**

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
  - b) refer the matter to the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, to the Mayor, for resolution by alternative

- c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the respondent, the complainant, the complaints coordinator and the Mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures

### Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse

comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the code of conduct, or
    - ii. does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
  - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
  - e) a description of any attempts made to resolve the matter by use of alternative means
  - f) the steps taken to investigate the matter
  - g) the facts of the matter

- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer's contract of employment for the breach, or
- b) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a Councillor, that the council resolves as follows:
  - i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
  - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those



findings

- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the Chief Executive Officer or, where the report relates to the Chief Executive Officer's conduct, to the Mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

### Consideration of the final investigation report by council

7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.

7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.48 Where the complainant is a Councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant Councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.

7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a Councillor, take no part in any discussion or voting on the matter.

- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
  - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the Chief Executive Officer, that disciplinary action be taken under the Chief Executive Officer's contract of employment for the breach, or
  - b) in the case of a breach by a Councillor, that the Councillor be formally censured for the breach under section 440G of the LGA, or
  - c) in the case of a breach by a Councillor:
    - i. that the Councillor be formally censured for the breach under section 440G of the LGA, and
    - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a Councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the Councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.

- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

## Part 8: Oversight and Rights of Review

### The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

### Complaints about conduct reviewers

- 8.4 The Chief Executive Officer or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The Chief Executive Officer must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The Chief Executive Officer must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

### Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice

in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.

- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

### **Review of decisions to impose sanctions**

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
  - b) the council must:
    - i. review its decision to impose the sanction, and
    - ii. consider the Office's recommendation in doing so, and
    - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

## Part 9: Procedural Irregularities

- 9.1. A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2. A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
  - b) reasonable steps are taken to correct the non-compliance, or
  - c) reasonable steps are taken to address the consequences of the non-compliance.

## Part 10: Practice Directions

- 10.1. The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2. The Office will issue practice directions in writing, by circular to all councils.
- 10.3. All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

## Part 11: Reporting Statistics on Code of Conduct Complaints About Councillors and the Chief Executive Officer

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about Councillors and the Chief Executive Officer under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about Councillors and the Chief Executive Officer during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

## Part 12: Confidentiality

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the Chief Executive Officer or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

- 12.3 Prior to seeking the Office's consent under clause 12.2, the Chief Executive Officer or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the Chief Executive Officer or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the Chief Executive Officer or their delegate
- 12.5 The Chief Executive Officer or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the Chief Executive Officer or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the Chief Executive Officer or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

## History of revisions

Amendment history	Details
Approval authority	<p>25 May 2016 Ordinary Council Meeting Council Resolution Minute Number 12/16</p> <hr/> <p>Central Coast Council</p> <hr/> <p>Creation of Central Coast Council Procedures for the Administration of the Code of Conduct</p>
Version 2	<p>25/03/2019 Ordinary Council Meeting Council Resolution Minute Number 224/19</p> <hr/> <p>D13466157</p> <hr/> <p><i>Amended in accordance with the NSW Office of Local Government's Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW 2018.</i></p>
Version 3 (this version)	<p><b>14 September 2020 Ordinary Council Meeting</b> <b>Council Resolution Minute Number &lt; &gt;</b></p> <hr/> <p><b>CM document number</b></p> <hr/> <p><i>Amended in accordance with the NSW Office of Local Government's Procedures for the Administration of The Model Code of Conduct for Local Councils in NSW 2020</i></p>





Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	20-32 / 14 August 2020 / A708384
<b>Previous Circular</b>	19-25 – Penalties available to councils for code of conduct breaches by councillors
<b>Who should read this</b>	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
<b>Contact</b>	Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

### Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

#### What's new or changing

- The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.
- Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.
- The new prescribed Model Code of Conduct and Procedures are available on the Office of Local Government's (OLG) website.

#### What this will mean for your council

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.
- Councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

#### Key points

##### Amendments to the Procedures

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
  - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468

- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
  - allow panels of conduct reviewers to be appointed without a resolution of the council, and
  - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

#### ***Amendments to the Model Code of Conduct***

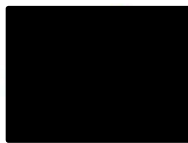
- The Model Code of Conduct has been amended to:
  - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
  - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
  - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
  - lift the \$50 cap on the value of gifts that may be accepted to \$100
  - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed

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5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468

- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

**Where to go for further information**

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468



**Item No:** 2.4  
**Title:** Open Pile Burning Policy - Hawkesbury River Communities  
**Department:** Innovation and Futures

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14 September 2020 Ordinary Council Meeting

Reference: F2018/00105-003 - D14102262  
Author: Kendal Caynes, Strategic Environmental Planner  
Manager: Anumitra Mirti, Section Manager, Environmental Strategies  
Executive: Ricardo Martello, Executive Manager Innovation and Futures

### **Report Purpose**

The purpose of this report is for Council to consider amending the adopted Open Pile Burning Policy to include the riverine communities of the Hawkesbury River. The amendment has been prompted at the request of members from these riverine communities. Consideration and assessment of these communities for open pile burning has been undertaken in consultation with the NSW Rural Fire Service.

The report recommends that Council adopt the revised Open Pile Burning Policy, as amended in recommendation 1.

### **Recommendation**

- 1 That Council adopt the revised Central Coast Open Pile Burning Policy, as amended. Specific amendments include provisions for the riverine communities of the Hawkesbury River and are based on site restrictions:**
  - a Policy Item D1 now includes parcels of land less than 4,000m<sup>2</sup> in areas and located within the Hawkesbury River communities of Little Wobby, Wondabyne, Cogra Bay, Bar Point, Marlow Creek and Patonga Creek and zoned either as an E2 Environmental Conservation Zone under the Gosford Environmental Plan 2014 or 7(a) Conservation under the Gosford Interim Development Order 122 as part of a self approval process.**
  - b Policy Item D3 only allows for a 1m pile diameter for these riverine communities.**
  - c Policy Item D6 allows an open pile burn fire to be reduced to at least 3 metres from any dwelling structure, building or unmanaged vegetation (native or non-native for these riverine communities).**
  - d All other provisions of the Open Pile Burning Policy remain unaltered.**

- 2 That Council require the Chief Executive Officer to write to the Minister for Energy and Environment and the Parliamentary Secretary for the Environment and request an extension to their 12 month Government Gazette approval dated 27 September 2019 for Council's Open Pile Burning Policy.**
- 3 That Council write to all residents within the Hawkesbury River communities of Little Wobby, Wondabyne, Cogra Bay, Bar Point, Marlow Creek and Patonga Creek and advise them of Council's decision.**
- 4 That Council continue to review the Central Coast Open Pile Burning Policy every three years.**

### **Background**

At its meeting of 27 May 2019, the Council resolved to adopt the draft Open Pile Burning Policy, as amended (the Policy).

The Policy is essential for the land management and safety of vegetation waste for owners of large allotments of land. The Policy has been developed to allow burning of dead and dry vegetation on the Central Coast under the provisions of the *Protection of the Environment Operations (Clean Air) Regulation 2010*. Under this Regulation, local councils voluntarily choose the level of control over burning that is best suited to their local government area.

The Policy does not replace the NSW Rural Fire Service's requirements for hazard reduction burning or the requirement for fire permits during the bushfire danger period in summer which generally runs from 1 October to 31 March each year. These requirements are regulated by the *Rural Fires Act 1997*. Hazard reduction includes controlled burning, mechanical clearing, slashing undergrowth or reducing fuel load by hand.

There has been recent representation made to Council for the residents within the riverine communities of the Hawkesbury River to be included in the Policy. These communities are only assessable by boat, are without green waste bin service and include Little Wobby, Wondabyne, Cogra Bay, Bar Point, Marlow Creek and Patonga.

A desktop assessment has been undertaken of these riverine communities and a site assessment was undertaken by boat with NSW Rural Fire Service to assess the likelihood of permitted open pile burning in these remote areas.

### **Hawkesbury River communities**

Several land parcels from the Hawkesbury River communities are currently excluded from open pile burning as land parcels must be greater than 4000m<sup>2</sup> under the provisions of the Policy.

## 2.4 Open Pile Burning Policy - Hawkesbury River Communities (contd)

There are approximately, 360 land parcels on the Hawkesbury River that are with a land area less than 4000m<sup>2</sup> and are zoned either:

- E2 Environmental Conservation under the Gosford Local Environment Plan, or
- 7(a) Conservation under the Gosford Interim Development Order No. 122, includes:

The total number of land parcels within the Hawkesbury River with boat only access seeking approval to undertake open pile burning of dead and dry vegetation material include:

Hawkesbury River community (boat only access)	Land parcels below 4000m <sup>2</sup>
Little Wobby	74
Wondabyne	8
Cogra Bay	55
Bar Point	129
Marlow Creek	39
Patonga Creek	58
<b>TOTAL</b>	<b>360</b>

Under the Gosford Bushfire Risk Plan (2011) the following risk ratings have been applied to the following Hawkesbury River communities:

Hawkesbury River community	Bushfire Risk Rating
Little Wobby	very high
Wondabyne	low
Cogra Bay	extreme
Bar Point	very high & areas of low
Marlow Creek	very high
Patonga Creek	low

This amendment will include an additional 360 land parcels which have a genuine need to manage dead and dry vegetation through open pile burning on their land, beyond what is practicable to manage through Council's green waste services or transport waste via boat to Council's landfill facility.

### The Report

Following the adoption of the Open Pile Burning Policy last year, Council received written representation from community members residing on the Hawkesbury River for their land parcels to be included in the Policy.

## **2.4 Open Pile Burning Policy - Hawkesbury River Communities (contd)**

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The amendments to the adopted Policy recommended by staff are as follows:

- a Policy Item D1 now includes land parcels less than 4000m<sup>2</sup> in area, located in Cogra Bay, Wondabyne, Little Wobby, Bar Point, Marlow Creek and Patonga Creek, and zoned E2 Environmental Conservation under the Gosford Environmental Plan 2014 or 7(a) Conservation under the Gosford Interim Development Order 122, as part of a self-approval process.*
- b Policy Item D3 only allows a 2m pile diameter to be consistent with the NSW Rural Fire Service and NSW Fire Brigade 'Standards for Pile Burning', however due to site constraints for these land parcels, pile sizes are recommended to be reduced to 1m.*
- c Policy Item D6 requires an open pile burn fire to be 20m from any dwelling structure, building, or unmanaged vegetation (native or non-native), however due to site constraints for these land parcels, a distance from these built and natural assets are recommended to be reduced to 3m.*

All other provisions of the adopted Policy remain unaltered.

### **Consultation**

#### *Public exhibition*

Prior to the adoption of the Policy, Council received a submission from the residents of Bar Point community. The submission raises concerns that there are no green waste services as Bar Point is accessible by boat access only (no road access). There is a 40-metre bushland reserve between the high-water mark and residential homes that is maintained by the community to reduce fuel load and managing weeds.

In consideration of this submission, Council recognised the limitation of green waste management through a fortnightly green bin collection and six kerbside collections per year for many rural property owners. It was acknowledged that green waste bins are an additional provision to the disposal of vegetation waste however this matter has been brought to the attention of Council following the adoption of the Policy and forms the basis of this current amendment.

#### *Rural Fire Service*

The NSW Rural Fire Service affirms Council to allow open pile burning under the *Protection of the Environment Operations (Clean Air) Regulation 2010* and allowing residents to manage dead and dry vegetation accumulated on their land. The RFS acknowledges that in some instances, Council's green waste services are not practical for residents who own large properties with considerable amounts of accumulated vegetation as part of their general property maintenance. Overall, the RFS supports the Policy amendments as it allows the effective property maintenance, land management and assists land owners to mitigate bush fire risk.

A joint site inspection was undertaken by Council and the NSW Rural Fire Service earlier this year. The Hawkesbury River communities require access by boat and include Little Wobby, Wondabyne, Cogra Bay, Bar Point, Marlow Creek and Patonga Creek.

While Patonga Creek was not included in the inspected, the NSW Rural Fire Service has recommended that this riverine community also be included in the Policy amendment. Council has collaborated with the NSW Rural Fire Service's and their advice has been included in the development of this amendment.

The following observations were made during the site inspection of these Riverine communities:

- 1 Residents have boat only access.
- 2 Residents do not have access to green waste bins.
- 3 The majority of land parcels are less than 4000m<sup>2</sup>.
- 4 Land parcels are dominated by domestic gardens around the curtilage of existing dwelling houses.
- 5 The Exposed Hawkesbury Woodland is the dominant vegetation community and occurs in areas undisturbed by human habitation.
- 6 Residents have established fire pits within the curtilage of their dwelling houses.
- 7 Dead and dry vegetation is often stockpiled in cleared areas surrounding the dwelling house.
- 8 Residents also utilise dead and dry vegetation as a source of heating and cooking.
- 9 Unauthorised open pile burning is currently undertaken in these areas in an attempt control fuel loads and manage domestic green waste.

The NSW Rural Fire Service has reviewed the recommended Policy amendments and have no objection to land parcels with an area less than 4000m<sup>2</sup> that are located on the Hawkesbury River, to undertake open pile burning. The NSW Rural Fire Service supports this recommendation as the remote boat access only communities, have little scope to mitigate fuel levels legally.

### **Compliance**

Previous advice provided by the NSW Rural Fire Service states they receive approximately 1200 calls regarding open pile burning each year. The majority of these calls were landowners notifying the RFS of their intention to burn as required in the former Wyong Shire Council Policy, and less than 1% of the calls were issues that required further investigation. Breaches of the Policy are considered under the *Protection of the Environment Operations Act 1997*, with reference to Council's *Compliance and Enforcement Policy*.

Compliance matters relating to the adopted Open Pile Burning Policy will be reported separately by the Directorate of Environment & Planning.



### Other Options

- 1 Exclude the Hawkesbury River communities from the Open Pile Burning Policy.

#### *Response*

This option is contrary to the support provided by NSW Rural Fire Service and requests made by members of the riverine communities.

- 2 Provide an interim 12-month trial period for the Hawkesbury River communities to be included in Open Pile Burning Policy and review by October 2021.

#### *Response*

This option would take a precautionary approach to open pile burning within an areas subject to extreme and high bushfire risks and will be subject to a review over the 12-month period.

### Financial Impact

There is no financial impact to Council.

### Link to Community Strategic Plan

Theme 3: Green

### Goal E: Environmental resources for the future

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

### Social Impacts

It is unlikely that the amendment to the adopted Policy will have any social impacts subject to landowners complying with the conditions outlined in Section D of the Policy. The amended Policy will have a positive impact as it will allow Hawkesbury River landowners with restricted boat only access to economically manage their land.

### Environmental Considerations

Reducing the fuel load for the riverine communities that are inaccessible by road will have an insignificant impact on air quality for the region under the adopted Policy. Reducing fuel loads will reduce bushfire risks for these remote communities.

Open pile burning is not a significant contributor to climate change when compared with hazard reduction burns and wildfires.

### **Risk Management**

It is unlikely that this amendment to the adopted Policy would cause additional risk for Council as this has been assessed in consultation with NSW Rural Fire Service.

Between the period from 2015-2019, the NSW Rural Fire Service attended approximately 12 calls for fire escapes. The NSW Rural Fire Service have advised that these fires were illegally lit, did not comply with the pile size requirements and failed to notify to NSW Rural Fire Service of the intent to burn.

These fires represent 1% of the NSW Rural Fire Service call log. The NSW Rural Fire Service received nuisance smoke complaints primarily from residential areas. Open pile burning is not permitted in residential areas.

### **Conclusion**

This Policy amendment will provide Hawkesbury River landowners with land parcels with an area less than 4000m<sup>2</sup> to be included in the Open Pile Burning Policy. These properties are without road access and generate large volumes of dry and dead vegetation waste within the prescribed zones. The amendment will permit these land owners to lawfully open pile burn in accordance with the *Protection of the Environment (Clean Air) Regulation 2010*.

### **Critical Dates or Timeframes**

Nil

### **Attachments**

- |          |   |              |
|----------|---|--------------|
| <b>1</b> | Hawkesbury River Site Photos                                    | D14117422    |
| <b>2</b> | Revised Open Pile Burning Policy (Hawkesbury River communities) | D14117416    |
| <b>3</b> | Adopted Open Pile Burning Policy                                | ECMD25027121 |

**ATTACHMENT ONE – Open Pile Burning Policy  
(Hawkesbury River Communities)  
Site Photographs**

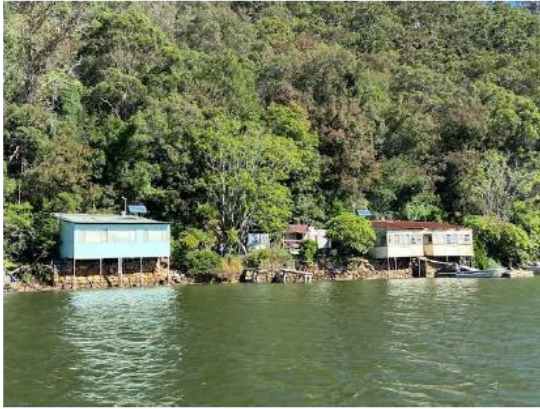
**Cogra Bay**



Cogra Bay (cont)



Wondabyne



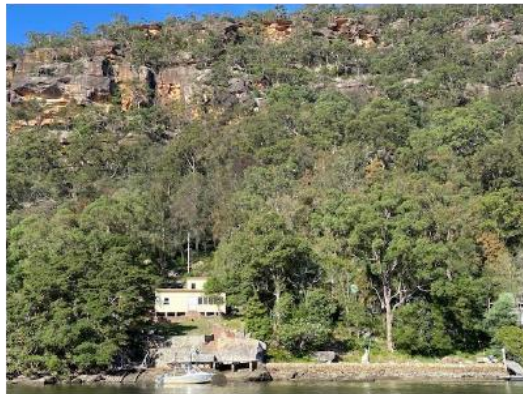
Little Wobby



Little Wobby (cont)



Marlow Creek





Bar Point



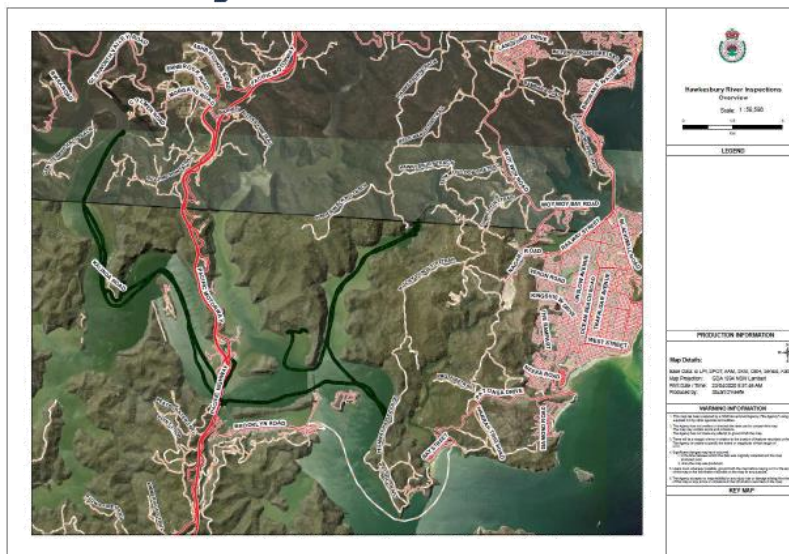
Bar Point (cont)



Bar Point (cont)



Site Inspection Track Log



**POLICY NO: CCC043**

**CENTRAL COAST COUNCIL**  
**OPB 2019**

**OPEN PILE BURNING POLICY**

Issue Date: **SEPTEMBER 2020**

<b>AUTHORITY</b>	<b>NAME &amp; TITLE</b>
<b>AUTHOR</b>	Kendal Caynes, Senior Strategic Environmental Planner, Environmental Strategies Section
<b>MANAGER</b>	Anumitra Mirti, Section Manager, Environmental Strategies Shari Driver, Unit Manager, Strategic Planning
<b>EXECUTIVE MANAGER</b>	Ricardo Martello, Innovation and Futures
<b>CHIEF EXECUTIVE OFFICER</b>	Gary Murphy, Chief Executive Officer

**History of Revisions:**

<b>Version</b>	<b>Date</b>	<b>TRIM Doc. #</b>
1	20 September 2017	D12848304
2	23 October 2017	D12829337
3	9 July 2018	D13237485
4	November 2018	D13509826
5	March 2019	D13460813
6	27 May 2019	D13548866
7	5 June 2019	D13570494
8	14 September 2020	D14117416

**Schedule of Amendments**

<b>Effective Date</b>	<b>Amendment</b>	<b>Reason</b>
2018	N/A	Initial Adoption by Council for the purposes of public exhibition
2018	9 July 2018	Reported to Council - Amendments post public exhibition
2018	9 July 2018	Adopted by Council with amendments Minute No. 641/18
2018	November 2018	Amended post rescission motion for public exhibition, 13 August 2018
2019	March 2019	Reported to Council - Amendments post public exhibition
2019	March 2019	Adopted by Council Minute No. 422/19, 27 May 2019
2019	5 June 2019	Finalised Policy in the Council policy register
2020	14 September 2020	Reported to Council - Amendments Hawkesbury River communities

**A. POLICY SUMMARY**

- A1 Council is authorised to grant approval for the purposes of open pile burning of vegetation under Schedule 8, Parts 2 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- A2 The Policy specifies conditions of consent to pile burn dead and dry vegetation material in rural zoned lands.
- A3 The Policy provides details of other legislative provisions relevant to burning vegetation.

**B. POLICY BACKGROUND**

- B1 The Central Coast Council and the NSW Rural Fire Service (RFS) receive numerous requests from rural landowners to burn dead vegetation in order to carry out routine maintenance of their land.
- B2 Open pile burning is regulated across NSW by the *Protection of the Environment Operations (Clean Air) Regulation 2010 (POEO (Clean Air) Regulation)* under the *Protection of the Environment Operations Act 1997 (POEO Act 1997)*. Under this regulation, local councils voluntarily choose the level of control over burning that is best suited to their Local Government Area (LGA).
- B3 For pile burning of vegetation to be permissible within a LGA, it must be listed under Parts 2 of *POEO (Clean Air) Regulation, 2010*. Most regional local councils permit open pile burning, for example Hornsby, Hawkesbury City, Blue Mountains City, Maitland City, Port Stephens and Lake Macquarie.
- B4 Open pile burning is also permitted within the former Wyong LGA. The former Wyong Shire Council Policy for Control of Open Burning and 'Notice of Approval to Burn Dead and Dry Vegetation (Pile Burning)' permits certain rural residential landowners/managers to carry out pile burning of dry and dead vegetation in the open on their property subject to a number of conditions.
- B5 The former Gosford City Council publicly exhibited a Draft Open Pile Burning Policy in September 2015, but it was never adopted.
- B6 On 12 May 2016, the former Gosford City and Wyong Shire Councils amalgamated forming the Central Coast Council.
- B7 On 23 October 2017, the Council adopted the draft Open Pile Burning Policy for the purposes of public exhibition.
- B8 On 27 May 2019, the Council resolved to adopt the draft Open Pile Burning Policy.

**C. THE POLICY**

- C1 The burning of anything in the Central Coast local government area is prohibited except in accordance with an approval under Schedule 8 Part 2, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- C2 Council will provide deemed approval for the open burning of dead and dry vegetative material on parcels of land that meet the conditions of consent. Such approval is intended for properties not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris.
- C4 Council cannot provide approval for the burning of non-vegetative waste.
- C5 Burning must minimise smoke impacts by avoiding green, damp and compacted piles.
- C6 Burning must be undertaken in a safe manner by complying with the consent conditions.
- C7 In the making of this Policy Council has taken into consideration the following issues, the:
- o impact on regional air quality;
  - o impact on local air quality;
  - o feasibility of re-use, recycling, or other alternative means of disposal;
  - o views of the sector of the public likely to be affected by the proposed approval;
  - o views of the Environment Protection Authority in relation to the self-approval process; and
  - o Views of the NSW Rural Fire Service in support of this Policy.

**D. CONDITIONS OF CONSENT**

Open pile burning may be carried out as a self-approval process for rural zones whereby deemed approval is granted from Council for the burning of dead and dry vegetative material in piles in the open, subject to the following conditions:

- D1 Parcels of land must be:
- a. Greater than 4,000m<sup>2</sup> in area; and
  - b. E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, RE2 Private Recreation, R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscape, RU5 Village or RU6 Transition under the Local Environment Plan.
  - c. Zoned 7(a) Conservation or 7(c2) Scenic Protection under Gosford interim Development Order No. 122
  - d. OR less than 4000m<sup>2</sup> in area, located in Cogra Bay, Wondabyne, Little Wobby, Bar Point, Marlow Creek and Patonga Creek, and zoned E2 Environmental Conservation under the Gosford Environmental Plan 2014 or 7(a) Conservation under the Gosford Interim Development Order 122.
- D2 Only one pile of vegetation may be burnt at any one time.
- D3 Pile size may be up to 2 metres in diameter and a maximum height of 1.5 metres. Vegetation may be added as the pile burns down for land parcels greater than 4000m<sup>2</sup>. For land parcels less than 4000m<sup>2</sup>, pile size may be up to 1 metre in diameter and a maximum height of 1.5 metres.

- D4 Deemed approval is only granted for the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew.
- D5 Vegetation must be of a diameter of 150mm or less.
- D6 For land parcels greater than 4000m<sup>2</sup>, an open pile burn fire must be at least 20 metres from any dwelling structure, building, or unmanaged vegetation (native or non-native), or at least 3 metres for land parcels less than 4000m<sup>2</sup>.
- D7 All combustible material within 4.5 metres of the fire must be removed.
- D8 Adequate water supplies and/or firefighting equipment must be immediately on hand to extinguish the fire if required.
- D9 Adjacent property occupiers (or, if there are no occupiers, the owners) must be given 24 hours notice, unless specified otherwise in a Fire Permit, either in writing or verbally. Adjacent properties include land separated by a lane, road or waterway from the land on which the fire is to be lit. Details to be provided include name of the person/s proposing to light the fire, location, purpose, period and time of the fire.
- D10 For land in a Rural Fire District, the NSW Rural Fire Service (Central Coast Fire Control Centre) must be provided 24 hours notice, unless specified otherwise in a Fire Permit, either in writing or verbally. Details to be provided include name of the person/s proposing to light the fire, location, purpose, period and time of the fire. For land in a Fire District, this notice must be provided to Fire & Rescue NSW. For further details seek advice from the NSW Rural Fire Service (Central Coast Fire Control Centre).
- D11 An open fire must be supervised by a responsible adult at all times.
- D12 Burning should only take place when weather conditions are suitable with winds under 15km/h.
- D13 Burning should not cause nuisance to neighbours or a smoke hazard to traffic. Where nuisance or smoke hazard occurs, the fire is to be immediately extinguished.

## **E. OTHER LEGISLATIVE PROVISIONS**

Approval to burn under this policy is only for the purpose of disposal of dead and dry vegetative material through pile burning in the open on large rural zoned land [Clause D1]. The provisions below set out additional requirements under NSW State Legislation.

- E1 The burning of non-vegetative waste is not permitted.
- E2 This policy does NOT provide approval to:
- burn the land for bush fire hazard reduction;
  - clear vegetation;
  - burn vegetation resulting from the clearing of land related to development consent under the *Environmental Planning and Assessment Act 1979*;
  - undertake an ecological burn; or
  - undertake an Aboriginal cultural burn.
- E3 This policy does NOT provide approval to the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew may also include burning for the course of carrying out agricultural operations including:



- a. Vegetation for the purposes of lawful clearing (other than for construction);
- b. Stubble, orchard pruning's, diseased crops, weeds or pest animal habitats on farms; or
- c. The burning of pasture for regenerative purposes.

- E4 This policy does NOT provide approval for the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew may also include burning to cook or barbecue in the open, or to light, maintain or use a fire for recreational purposes such as camping, picnicking, scouting or other similar outdoor activities, so long as only dry seasoned wood, liquid petroleum gas (LPG), natural gas or proprietary barbecue fuel (including a small quantity of fire starter) is used.
- E5 A Fire Permit must be obtained from the NSW Rural Fire Service for open pile burning in a Rural Fire District during the Bushfire Danger Period (usually 1 October to 31 March, however, this period may vary due to local conditions). A Fire Permit must be obtained from the Fire and Rescue NSW for open pile burning in a Fire District all year round. For further details seek advice from the NSW Rural Fire Service (Central Coast Fire District Office).
- E6 This deemed approval does not remove the obligation to comply with other legislation including the *Rural Fires Act 1997*, *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016* or the *Local Land Services Act 2013*.
- E7 No open burning can be undertaken on declared 'No Burn Days' (related to air pollution) or 'Total Fire Bans' (related to bush fire safety) on any such days.
- E8 It is the responsibility of the person lighting the fire to identify whether a 'No Burn Day' or a 'Total Fire Ban' is occurring prior to lighting their fire. Further information can be found on the NSW Environment Protection Authority [website](#) or the [NSW Rural Fire Service website](#).
- E9 An open burn fire must not be lit, or must be extinguished, if the closest air monitor exceeds an Air Quality Index (AQI) of 66 (fair – yellow) or worse for particulate matter PM10 or PM2.5. Further information can be found on the NSW Office of Environment & Heritage [website](#).
- E10 Burning should minimise smoke impacts and air pollution associated with open burning in order to protect local and regional air quality, local amenity, and human health.
- E11 Approval for bushfire hazard reduction burns can be sought from the NSW Rural Fire Service.
- E12 Approval for ecological burns or Aboriginal cultural heritage burns can be sought from the NSW Office of Environment and Heritage.
- E13 Council will investigate reported breaches of this policy, and undertake enforcement action under the provisions of the *Protection of the Environment Operations Act 1997*, with reference to Council's Compliance and Enforcement Policy.

**F. POLICY IMPLEMENTATION**

- F1 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.
- F2 This policy should be read in conjunction with the Central Coast Council Code of Conduct.
- F3 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- F4 The Policy outlines a self-approval provided compliance with the conditions of consent outlined in Section D are met.

**G. CONTACT DETAILS**

To notify the intention to undertake an open pile burn contact:

G1 The NSW Rural Fire Service online burn notification tool at [www.rfs.nsw.gov.au/notify](http://www.rfs.nsw.gov.au/notify).

G2 The Fire and Rescue NSW Central Coast Office on 4337 9700 or your local fire station.

**POLICY NO: CCC043**

**CENTRAL COAST COUNCIL**  
**OPB 2019**

**OPEN PILE BURNING POLICY**

Issue Date: **MAY 2019**

<b>AUTHORITY</b>	<b>NAME &amp; TITLE</b>
<b>AUTHOR</b>	Dr Anumitra Mirti, Section Manager, Environmental Strategies Section
<b>MANAGER</b>	Matthew Prendergast, Executive Manager, Innovation and Futures
<b>GROUP LEADER</b>	Scott Cox, Director, Environment and Planning
<b>CHIEF EXECUTIVE OFFICER</b>	Gary Murphy, Chief Executive Officer

**History of Revisions:**

<b>Version</b>	<b>Date</b>	<b>TRIM Doc. #</b>
1	20 September 2017	D12848304
2	23 October 2017	D12829337
3	9 July 2018	D13237485
4	November 2018	D13509826
5	March 2019	D13460813
6	27 May 2019	D13548866
7	5 June 2019	D13570494

**Schedule of Amendments**

<b>Effective Date</b>	<b>Amendment</b>	<b>Reason</b>
2018	N/A	Initial Adoption by Council for the purposes of public exhibition
2018	9 July 2018	Reported to Council - Amendments post public exhibition
2018	9 July 2018	Adopted by Council with amendments Minute No. 641/18
2018	November 2018	Amended post rescission motion for public exhibition, 13 August 2018
2019	March 2019	Reported to Council - Amendments post public exhibition
2019	March 2019	Adopted by Council Minute No. 422/19, 27 May 2019
2019	5 June 2019	Finalised Policy in the Council policy register

**A. POLICY SUMMARY**

- A1 Council is authorised to grant approval for the purposes of open pile burning of vegetation under Schedule 8, Parts 2 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- A2 The Policy specifies conditions of consent to pile burn dead and dry vegetation material in rural zoned lands.
- A3 The Policy provides details of other legislative provisions relevant to burning vegetation.

**B. POLICY BACKGROUND**

- B1 The Central Coast Council and the NSW Rural Fire Service (RFS) receive numerous requests from rural landowners to burn dead vegetation in order to carry out routine maintenance of their land.
- B2 Open pile burning is regulated across NSW by the *Protection of the Environment Operations (Clean Air) Regulation 2010 (POEO (Clean Air) Regulation)* under the *Protection of the Environment Operations Act 1997 (POEO Act 1997)*. Under this regulation, local councils voluntarily choose the level of control over burning that is best suited to their Local Government Area (LGA).
- B3 For pile burning of vegetation to be permissible within a LGA, it must be listed under Parts 2 of *POEO (Clean Air) Regulation, 2010*. Most regional local councils permit open pile burning, for example Hornsby, Hawkesbury City, Blue Mountains City, Maitland City, Port Stephens and Lake Macquarie.
- B4 Open pile burning is also permitted within the former Wyong LGA. The former Wyong Shire Council Policy for Control of Open Burning and 'Notice of Approval to Burn Dead and Dry Vegetation (Pile Burning)' permits certain rural residential landowners/managers to carry out pile burning of dry and dead vegetation in the open on their property subject to a number of conditions.
- B5 The former Gosford City Council publicly exhibited a Draft Open Pile Burning Policy in September 2015, but it was never adopted.
- B6 On 12 May 2016, the former Gosford City and Wyong Shire Councils amalgamated forming the Central Coast Council.
- B7 On the 23 October 2017, the Council adopted the draft Open Pile Burning Policy for the purposes of public exhibition.

**C. THE POLICY**

- C1 The burning of anything in the Central Coast local government area is prohibited except in accordance with an approval under Schedule 8 Part 2, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- C2 Council will provide deemed approval for the open burning of dead and dry vegetative material on parcels of land that meet the conditions of consent. Such approval is intended for properties not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris.
- C4 Council cannot provide approval for the burning of non-vegetative waste.
- C5 Burning must minimise smoke impacts by avoiding green, damp and compacted piles.
- C6 Burning must be undertaken in a safe manner by complying with the consent conditions.
- C7 In the making of this Policy Council has taken into consideration the following issues, the:
- o impact on regional air quality;
  - o impact on local air quality;
  - o feasibility of re-use, recycling, or other alternative means of disposal;
  - o views of the sector of the public likely to be affected by the proposed approval;
  - o views of the Environment Protection Authority in relation to the self-approval process; and
  - o Views of the NSW Rural Fire Service in support of this Policy.

**D. CONDITIONS OF CONSENT**

Open pile burning may be carried out as a self-approval process for rural zones whereby deemed approval is granted from Council for the burning of dead and dry vegetative material in piles in the open, subject to the following conditions:

- D1 Parcels of land must be:
- a. Greater than 4,000m<sup>2</sup> in area; and
  - b. E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, RE2 Private Recreation, R5 Large Lot Residential, RU1 Primary Production, RU2 Rural Landscape, RU5 Village or RU6 Transition under the Local Environment Plan.
  - c. Zoned 7(a) Conservation or 7(c2) Scenic Protection under Gosford interim Development Order No. 122
- D2 Only one pile of vegetation may be burnt at any one time.
- D3 Pile size may be up to 2 metres in diameter and a maximum height of 1.5 metres. Vegetation may be added as the pile burns down.
- D4 Deemed approval is only granted for the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew.
- D5 Vegetation must be of a diameter of 150mm or less.

- D6 An open pile burn fire must be at least 20 metres from any dwelling structure, building, or unmanaged vegetation (native or non-native).
- D7 All combustible material within 4.5 metres of the fire must be removed.
- D8 Adequate water supplies and/or firefighting equipment must be immediately on hand to extinguish the fire if required.
- D9 Adjacent property occupiers (or, if there are no occupiers, the owners) must be given 24 hours notice, unless specified otherwise in a Fire Permit, either in writing or verbally. Adjacent properties include land separated by a lane, road or waterway from the land on which the fire is to be lit. Details to be provided include name of the person/s proposing to light the fire, location, purpose, period and time of the fire.
- D10 For land in a Rural Fire District, the NSW Rural Fire Service (Central Coast Fire Control Centre) must be provided 24 hours notice, unless specified otherwise in a Fire Permit, either in writing or verbally. Details to be provided include name of the person/s proposing to light the fire, location, purpose, period and time of the fire. For land in a Fire District, this notice must be provided to Fire & Rescue NSW. For further details seek advice from the NSW Rural Fire Service (Central Coast Fire Control Centre).
- D11 An open fire must be supervised by a responsible adult at all times.
- D12 Burning should only take place when weather conditions are suitable with winds under 15km/h.
- D13 Burning should not cause nuisance to neighbours or a smoke hazard to traffic. Where nuisance or smoke hazard occurs, the fire is to be immediately extinguished.

**E. OTHER LEGISLATIVE PROVISIONS**

Approval to burn under this policy is only for the purpose of disposal of dead and dry vegetative material through pile burning in the open on large rural zoned land [Clause D1]. The provisions below set out additional requirements under NSW State Legislation.

- E1 The burning of non-vegetative waste is not permitted.
- E2 This policy does NOT provide approval to:
- a. burn the land for bush fire hazard reduction;
  - b. clear vegetation;
  - c. burn vegetation resulting from the clearing of land related to development consent under the *Environmental Planning and Assessment Act 1979*;
  - d. undertake an ecological burn; or
  - e. undertake an Aboriginal cultural burn.
- E3 This policy does NOT provide approval to the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew may also include burning for the course of carrying out agricultural operations including:
- a. Vegetation for the purposes of lawful clearing (other than for construction);
  - b. Stubble, orchard pruning's, diseased crops, weeds or pest animal habitats on farms; or
  - c. The burning of pasture for regenerative purposes.
- E4 This policy does NOT provide approval for the burning of dry and dead vegetation that was generated on the premises on which the vegetation grew may also include burning to cook or barbecue in the open, or to light, maintain or use a fire for recreational purposes such as camping, picnicking, scouting or other similar outdoor activities, so long as only dry seasoned wood, liquid petroleum gas (LPG), natural gas or proprietary barbecue fuel (including a small quantity of fire starter) is used.

- E5 A Fire Permit must be obtained from the NSW Rural Fire Service for open pile burning in a Rural Fire District during the Bushfire Danger Period (usually 1 October to 31 March, however, this period may vary due to local conditions). A Fire Permit must be obtained from the Fire and Rescue NSW for open pile burning in a Fire District all year round. For further details seek advice from the NSW Rural Fire Service (Central Coast Fire District Office).
- E6 This deemed approval does not remove the obligation to comply with other legislation including the *Rural Fires Act 1997*, *Protection of the Environment Operations Act 1997*, *Biodiversity Conservation Act 2016* or the *Local Land Services Act 2013*.
- E7 No open burning can be undertaken on declared 'No Burn Days' (related to air pollution) or 'Total Fire Bans' (related to bush fire safety) on any such days.
- E8 It is the responsibility of the person lighting the fire to identify whether a 'No Burn Day' or a 'Total Fire Ban' is occurring prior to lighting their fire. Further information can be found on the NSW Environment Protection Authority [website](#) or the [NSW Rural Fire Service website](#).
- E9 An open burn fire must not be lit, or must be extinguished, if the closest air monitor exceeds an Air Quality Index (AQI) of 66 (fair – yellow) or worse for particulate matter PM10 or PM2.5. Further information can be found on the NSW Office of Environment & Heritage [website](#).
- E10 Burning should minimise smoke impacts and air pollution associated with open burning in order to protect local and regional air quality, local amenity, and human health.
- E11 Approval for bushfire hazard reduction burns can be sought from the NSW Rural Fire Service.
- E12 Approval for ecological burns or Aboriginal cultural heritage burns can be sought from the NSW Office of Environment and Heritage.
- E13 Council will investigate reported breaches of this policy, and undertake enforcement action under the provisions of the Protection of the Environment Operations Act 1997, with reference to Council's Compliance and Enforcement Policy.

**F. POLICY IMPLEMENTATION**

- F1 This policy does not confer any delegated authority upon any person. All delegations to staff are issued by the Chief Executive Officer.
- F2 This policy should be read in conjunction with the Central Coast Council Code of Conduct.
- F3 It is the personal responsibility of all Council employees and agents thereof to have knowledge of, and to ensure compliance with this policy.
- F4 The Policy outlines a self-approval provided compliance with the conditions of consent outlined in Section D are met.

**G. CONTACT DETAILS**

To notify the intention to undertake an open pile burn contact:

- G1 The NSW Rural Fire Service Central Coast District Office on 1300 661 401.
- G2 The Fire and Rescue NSW Central Coast Office on 4353 2351 or your local fire station.





**Item No:** 2.5  
**Title:** Revised Community Participation Plan  
**Department:** Innovation and Futures

---

14 September 2020 Ordinary Council Meeting

Reference: F2018/01659 - D14013873  
Author: Peter Kavanagh, Senior Strategic Planner  
Scott Duncan, Section Manager, Land Use and Policy  
Manager: Shari Driver, Unit Manager, Strategic Planning  
Executive: Ricardo Martello, Executive Manager Innovation and Futures

### **Report Purpose**

In adopting Council's Community Participation Plan (CPP), Council resolved to review the Plan at a Councillor Planning workshop within 4 months.

Council also resolved to receive a further report on the CPP by the first meeting in April, 2020. However, with significant business scheduled for consideration by Council and COVID19 considerations, the report was deemed non-essential and therefore deferred.

This report requested by Council, identifies the results of the Workshop held on Monday 2 March 2020, suggests amendments which address the issues raised by Councillors and recent legislative changes, and recommends Council exhibit the revised Draft Community Participation Plan.

### **Recommendation**

- 1 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.**
- 2 That Council place the (revised) draft Central Coast Community Participation Plan on public exhibition for a period of 28 days.**

**3 That Council consider a further report on results of the community consultation.**

**4 That Council improve website information, connectivity, and search capabilities, to improve public access to the CPP.**

### **Background**

On 25 November 2019, Council resolved:

1137/19 That Council adopt the draft Central Coast Community Participation Plan (CPP) (Attachment 2) as amended as per the following items outlined in response to the exhibition period;

- Contents Table was expanded for easier reference.
- A clear Intention Statement for the Central Coast CPP was inserted.
- Information was included to clarify the relationship between the CPP (produced under the EP&A Act) with other Corporate strategy documents,
- Types of Exhibition Table was developed and expanded to include Council's intended exhibition periods for planning documents produced by Council which do not have a Statutory public exhibition period.
- A section was included to clearly identify how a formal submission is made in relation to policies, plans and developments.
- Key Points in relation to the Community Participation Principles from Council's Engagement Framework were added to the document.

1138/19 That Council publish the Central Coast Community Participation Plan on the NSW Planning Portal by 1 December 2019;

1139/19 That Council publish the Central Coast Community Participation Plan on the Central Coast Council website;

1140/19 That Council advise those who made submissions to the draft Central Coast Community Participation Plan of Council's decision.

1141/19 That Council further review the CPP at a Councillor Planning workshop within 4 months in order to:

- Include a description of the role of Councillors
- Provide a description of the different categories of development and opportunities for community participation
- Improvements to ease of access to planning information
- Consider how the CPP will be implemented

1142/19 That Council request the Chief Executive Officer provide a further report by the first meeting in April, 2020.

### **Councillor Workshop 2 March 2020**

In accordance with Council's Resolution 1141/19, Councillors were invited to attend and participate in a Workshop regarding the CPP on Monday 2 March, 2020. The Workshop was attended by Mayor Matthews, and Councillors Burke, Smith, Holstein, Greenaway, Hogan, Sundstrom, and Mehrtens. During the workshop, Councillors raised matters for inclusion within the adopted CPP, and methods to increase the ease of public access to planning information on the website. The following matters were noted in relation to the four parts of the Council Resolution, which have been appropriately addressed within the revised document proposed for public consultation:

*Include a description of the role of Councillors:*

- Insert more detailed information into the CPP regarding the role of Councillors in planning matters, particularly relating to:
  - Consideration of community views;
  - Objective decision-making;
  - Local and Regional Planning Panels;
  - State Significant Development – what is the role, and how residents can access that process;
  - In Strategic Planning and the LSPS – the Ward-based process – how are we obtaining feedback;

*Provide a description of the different categories of development and opportunities for community participation:*

- Identify that the days cited are Calendar days, not weekdays, and that the period for public exhibitions cannot end on a Saturday, a Sunday or a public holiday, and the period must exclude the dates between 20 December and 10 January;
- Identify which matters are determined by the Local Planning Panel;

*Improvements to ease of access to planning information:*

- Improve links to the CPP, such that it is accessed more directly;
- Improve links to exhibition pages and materials;
- Improve links to search DAs;
- Include a warning that the exhibition material will be removed, and on which date;

*Consider how the CPP will be implemented:*

- Provide a FAQ's document to support the CPP, and
- Provide additional links between our CPP document and Council's Engagement Framework, and other parts of our website; and
- Council will apply the adopted CPP to ensure effective engagement with the community on planning matters.

A new *Part Three: Consideration and Determination of Planning Matters* has been added to the document to more fully explain the role of Councillors, the Central Coast Local Planning Panel, the Hunter/Central Coast Joint Regional Planning Panel, and the Minister for Planning and Public Spaces in the planning system.

Those Councillors present also indicated that the CPP should contain details regarding the NSW Planning Portal [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au), which is a web platform operated by the NSW DPIE, which permits Applicants to lodge and track their applications. It can be noted that the Planning Portal does not currently provide any opportunity for members of the public to view application details or lodge submissions, and they must refer to Council's website for this information. The Planning Portal, not being administered by Council, has no direct relevance to Council's Community Participation Plan.

### **Consultation**

Council already has an adopted Central Coast CPP in place. This document 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.

Based on feedback from Councillors at the 2 March 2020 Council workshop, further revisions have been undertaken to produce a new draft CPP. Should Council so resolve, the draft CPP will be exhibited as required and a further report provided to Council on the results at the conclusion of the community consultation.

### **Impact of COVID19 Pandemic**

It is considered that Council should also include new advice released as a result of the COVID19 Pandemic. The NSW Government, on 17 April 2020, amended the *Local Government (General) Regulation 2005*, to provide that Council will not be in breach of the CPP exhibition requirements by publishing notices and making exhibition materials available electronically.

The following text has been added:

*Regulations have been made under section 747B of the Local Government Act 1993 to modify the application of the Act in response to the COVID 19 pandemic. The Regulations remove the requirement for documents to be made available for inspection at Council offices, if the document is published on the Council's website or available electronically.*

*Amendments have also been made to remove the requirement for Council notices to be advertised in newspapers and instead allow the relevant notice to be published on the Council's website.*

*This is not a temporary measure and will be ongoing.*

**Financial Impact**

There would be no financial impact associated with the exhibition 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**

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

**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.

**Conclusion**

A CPP is a mandatory requirement for all planning authorities as per the EP&A Act, 1979.

The draft Central Coast 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).

Council has revised, and will exhibit its CPP, in accordance with the recent legislative changes and Councillor input addressed within the report.

**Attachments**

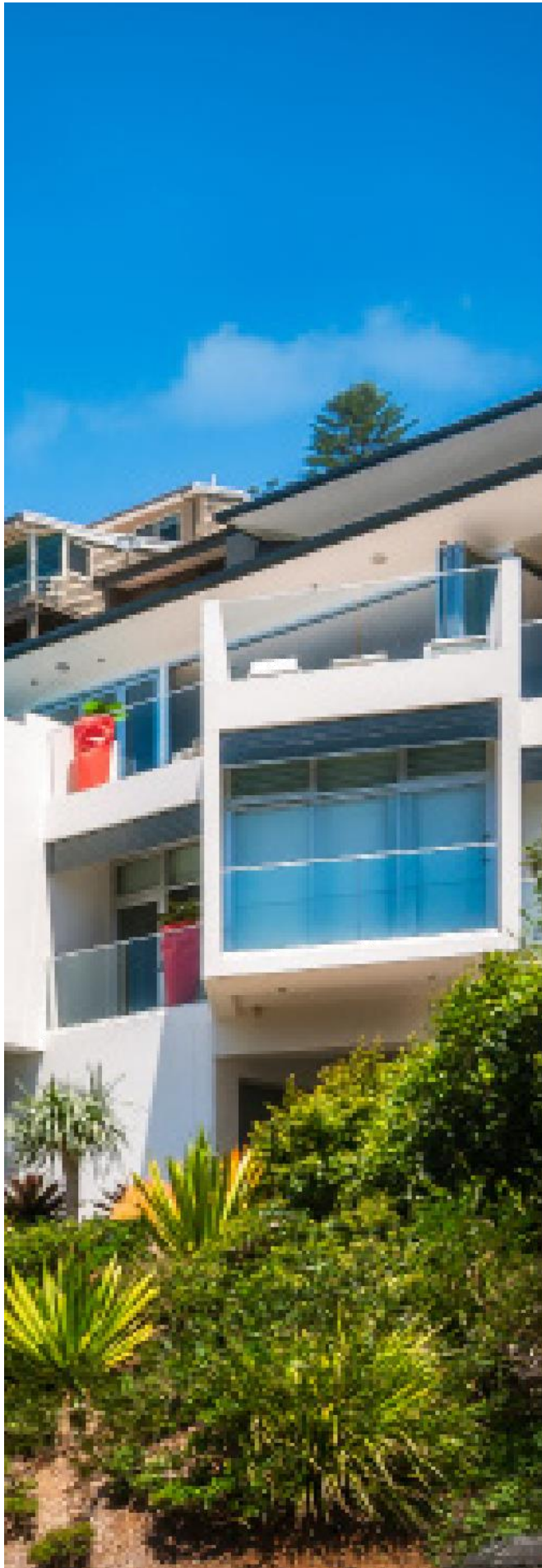
- 1 Community Participation Plan (For Public Exhibition) [D14028496](#)





# COMMUNITY PARTICIPATION PLAN





## CENTRAL COAST COUNCIL

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Central Coast Council Community Participation Plan  
Author: Peter Kavanagh, Senior Strategic Planner  
Date: June 2020  
Approved by: Karen Tucker  
Date of Approval: June 2020  
Assigned review period: 5 years  
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CENTRAL COAST COUNCIL

## INTRODUCTION

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### Community Participation in Corporate Planning:

Central Coast Council is constituted under the Local Government Act, 1993 (LG Act), which requires that Council engage with its community in corporate strategic planning. It is important for the community to know how Council operates, including how it plans and spends its budget, and how this connects to what the community has told us is important. Our key plans developed under the LG Act outline how we'll identify and plan funding priorities, manage regional challenges and plan for a sustainable future.

*The One – Central Coast, Community Strategic Plan 2018-2028* is a 10-year plan developed by Council under the LG Act – but it isn't Council's Plan. It was developed through engagement with the community to help set the priorities and confirm strategies and activities that best achieve the community's desired outcomes for the future. It is Council's contract with the community.

### Land Use Planning Matters:

Council has a responsibility to deliver the objectives of the Environmental Planning and Assessment Act 1979 (EP&A Act), including the promotion of the orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing. Community participation is an overarching term covering how we engage the community in our work under the EP&A Act, including strategy development, plan making and assessing proposals and related submissions to permit appropriate decisions on proposed development.

Our 15 Councillors, 3 per Ward, make objective decisions on behalf of the community at Council Meetings. Councillors also sit on Advisory Committees, which report to the Council.

With the advent of Local Planning Panels (see Part 3), Councillors are predominantly involved with strategic planning and policy matters. Development Applications (DAs) are no longer determined by Councillors – they will either be determined by the Local or Regional Planning Panel, or by staff under delegation from Council. It remains the responsibility of Council to carry out a proper and professional assessment of a proposal prior to a Panel's determination of a relevant DA. This will include the public exhibition of the application and the assessment of submissions received from relevant stakeholders.



“ The planning system seeks to effectively leverage local knowledge, ideas and expertise

The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision. The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, other local government, and State and Commonwealth government agencies.

Community participation in planning matters is important because:

- It contributes to building community confidence in the planning system;
- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character; and
- It provides an improved process that generates two-way engagement that recognises and embraces community knowledge, ideas and expertise.

**Intention Statement:**

The Central Coast Community Participation Plan (CPP) is designed to make participation in planning clearer for the Central Coast community. It does this by setting out in one place how and when you can participate in the planning system, our functions and different types of proposals. This CPP also reaffirms our community participation objectives which we use to guide our approach to community engagement (detailed within the Central Coast Engagement Framework (EF), adopted January 2017).

The CPP is separated into three parts:

**PART ONE: An outline of Council's community participation principles**

**PART TWO: Minimum community participation requirements.**

**PART THREE: Consideration and Determination of Planning Matters**

**PART FOUR: Definitions of Planning Terms**



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## PART ONE COMMUNITY PARTICIPATION PRINCIPLES

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Council has the very important responsibility of making decisions for and on behalf of the community, and as such, we are required to ensure that appropriate community input and/or statutory requirements are considered in that process. Operating as an 'open government' that prioritises transparency, collaboration and participation is a key priority for Council.

The following principles are designed to support Council's values and guide its approach to all community engagement activities under Council's Engagement Framework:

### ENGAGEMENT MODEL

Engagement is led by both organisation and the community



## 01 Respect and Transparency

- We will consult when needed and use the information gathered in a meaningful way
- We will respect your time and listen to you
- We will engage at a level that is appropriate to the possibility to influence
- We will share the responsibility, trust and transparency

## 02 Access and Inclusion

- We will seek a diversity of views and perspectives
- We will provide feedback to the community as to how their input contributed to decision-making
- We will endeavour to identify and remove barriers to participation
- We will use a range of opportunities and techniques to encourage participation, and increase awareness and understanding for all who may be affected by or interested in the outcome
- We will work in partnership with relevant community groups, State and Federal government, local government partners, and / or other stakeholders internally within Council

## 03 Clarity

- We will have genuine and open dialogue with the community
- We will clearly communicate the intention, scope and outcomes of the consultation
- We will use plain language and avoid jargon to provide clear explanation
- We will make information available in accessible formats

## 04 Accountability and Improvement

- We will seek to maintain consistent standards and levels of quality
- We will share results internally and work together to avoid duplication and 'over consultation'
- We will evaluate engagement efforts and consistently seek to learn and improve practice

## 05 Capacity

- We will build the community's capacity to contribute, by educating and empowering both the community and staff so that they may participate in meaningful, two-way collaboration.

# PART TWO



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## PART TWO

### MINIMUM COMMUNITY PARTICIPATION REQUIREMENTS

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#### Public Exhibitions

Schedule 1 of the EP&A Act identifies minimum requirements for the public exhibition of strategic planning and policy documents, and for applications submitted to Council for determination. These minimum requirements are set out below in Table 1. It should be noted that the days cited are "Calendar Days", not weekdays, and that the period for public exhibitions cannot end on a Saturday, a Sunday or a public holiday. The period must also exclude the dates between 20 December and 10 January.

Strategic Plans, Policy proposals and major developments are displayed on Council's web site ([www.yourvoiceourcoast.com/](http://www.yourvoiceourcoast.com/)). A variety of engagement tools may be utilised for consultations regarding strategic and policy matters, dependant on the scale of the proposal. For example, in developing Council's LGA-wide Local Strategic Planning Statement (LSPS), Council utilised the following:

- On line submissions;
- Explanatory power point presentation;
- On line Character Statement survey;
- On line discussions – Ward Based;
- 5 Ward Based Live Webinars; and
- A Frequently Asked Questions (FAQ) document.

On occasions, specific arrangements to the proposal would be identified in a notification letter.

Submissions relating to applications and other exhibited documents must be made in writing and be lodged with the Council within the period specified in the notice (the exhibition period). Note that the material is generally removed on the day following the expiration of the public exhibition period.

#### Impact of COVID19 Pandemic

Having regard to the current COVID19 Pandemic, the NSW Government has amended the Local Government (General) Regulation 2005, to provide that Council will not be in breach of the CPP exhibition requirements by publishing notices and making exhibition materials available electronically.



Amendments have also been made to remove the requirement for Council notices to be advertised in newspapers and instead allow the relevant notice to be published on the Council's website.

This is not a temporary measure and will be ongoing.

#### Notification Provisions Currently in DCPs

Following the merger of the Gosford City Council with the Wyong Shire Council to form Central Coast Council in May 2016, Council adopted a Notifications Policy (January 2017), which consolidates the provisions previously relating to the Gosford Local Environmental Plan (LEP) 2014 and the Wyong LEP 2013. The relevant Development Control Plans (DCPs) currently contain Notification Chapters with identical provisions:

- Gosford DCP, 2013 – Chapter 7.3; and
- Wyong DCP, 2013 – Chapter 1.2.

Council is in the process of preparing a consolidated LEP for the Central Coast. The draft Development Control Plan Chapter 2.1 – Notification of Development Proposals, which is proposed to support this consolidated LEP, includes minor updates to address the following:

- changes made to the EP&A Act in 2018; and
- Council's practice of advertising all development applications for secondary dwellings.

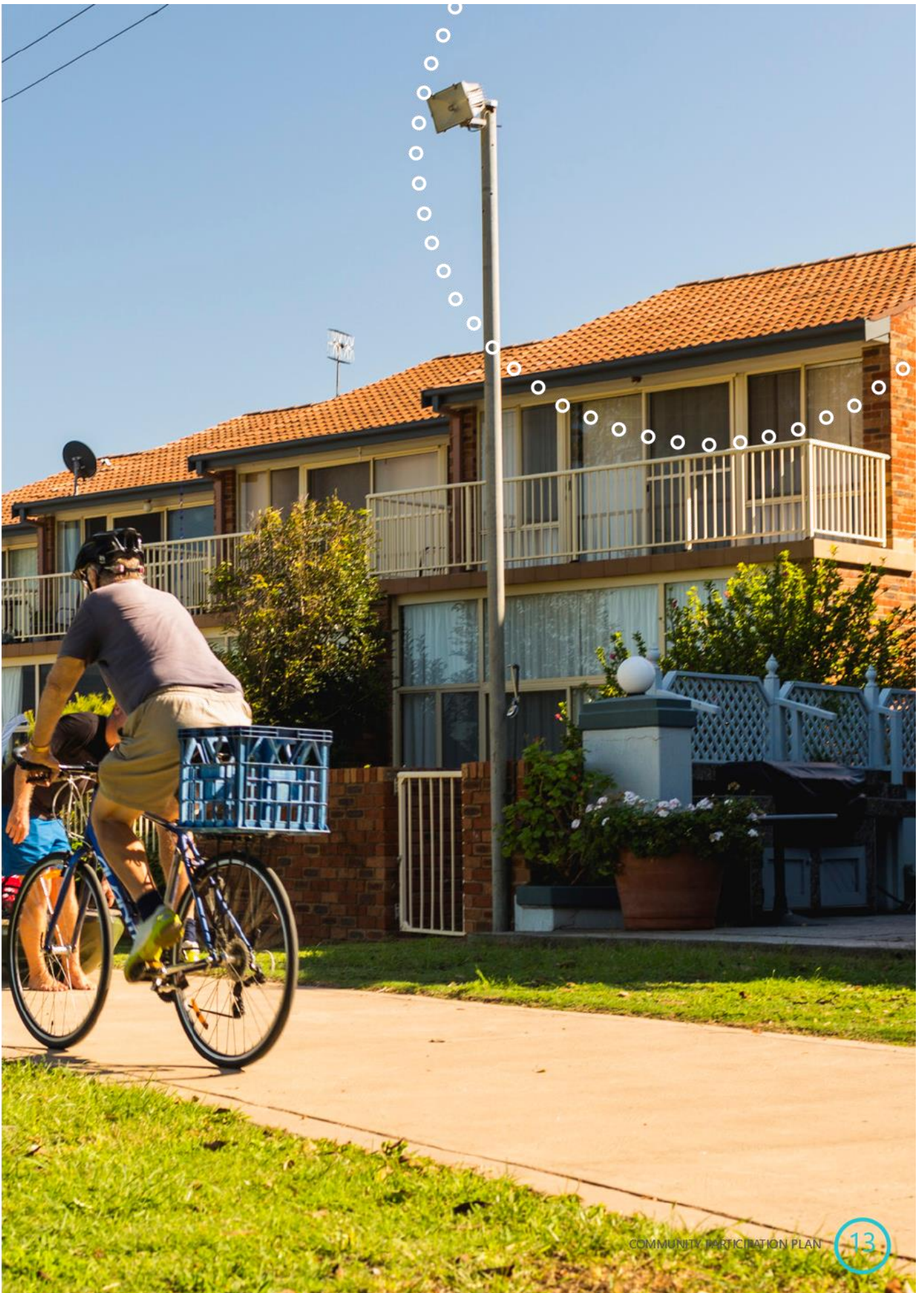
#### Post Determination

In relation to applications for development consent, and applications for the modification of a development consent which were publicly exhibited, Council will place notification on Council's website of:

- The land and the proposed development; and
- the decision; and
- the date of the decision; and
- the reasons for the decision (having regard to any statutory requirements applying to the decision); and
- how community views were considered in making the decision. This requirement may be satisfied by reference to any document that contains the reasons for the decision.









This public notification is prescribed in cl.124 and cl.137 of the EP&AR 2000 to confirm the validity of a development consent or a complying development certificate pursuant to s.101 of EP&A Act 1979.



Table 1 identifies Council requirements for the public exhibition of documents and proposals.



PART TWO

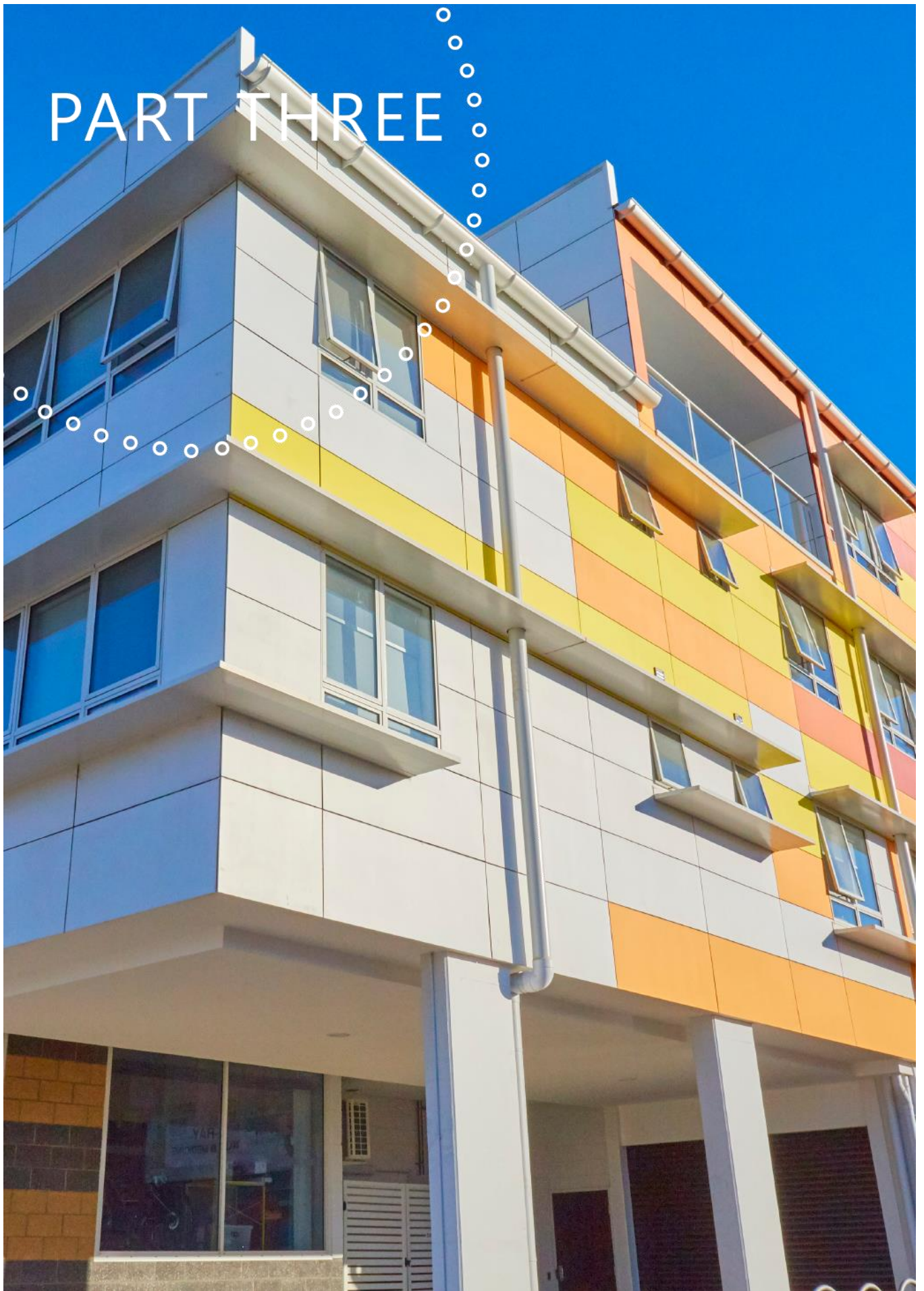
TABLE 1: MINIMUM COMMUNITY PARTICIPATION REQUIREMENTS

MANDATORY REQUIREMENTS (Schedule 1, Part 1, Division 1 (1) of the EP&A Act, 1979)	MINIMUM COMMUNITY PARTICIPATION REQUIREMENT
Draft community participation plans	
Draft local strategic planning statements	
Planning proposals for local environmental plans subject to a gateway determination	 <p>or:</p> <ul style="list-style-type: none"> <li>a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or</li> <li>b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.</li> </ul>
Draft development control plans	
Draft contribution plans	
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	 or: <ul style="list-style-type: none"> <li>a) if a different period of public exhibition is specified for the application in the relevant community participation plan—the period so specified, or</li> <li>b) if the relevant community participation plan specifies that no public exhibition is required for the application—no public exhibition.</li> </ul>
Application for development consent for designated development	
Application for modification of development consent that is required to be publicly exhibited by the regulations	The period (if any) determined by the consent authority in accordance with the relevant community participation plan.
Environmental impact statement obtained under Division 5.1	

FROM COUNCIL'S NOTIFICATION DCP	MINIMUM COMMUNITY PARTICIPATION REQUIREMENT
<p>The instances and terms for the provision of Notification are identified within Appendix A to Council's Development Control Plans:</p> <ul style="list-style-type: none"> <li>Gosford DCP, 2013 – Chapter 7.3; and</li> <li>Wyong DCP, 2013 – Chapter 1.2.</li> </ul> <p>These DCPs are intended to be superceded by Development Control Plan Chapter 2.1 – Notification of Development Proposals upon enactment of the Central Coast Consolidated Local Environmental Plan.</p>	<p>Appendix A is presented in a Table format and identifies for various types of Development:</p> <ol style="list-style-type: none"> <li>Whether a Notice of Exhibition will be published on Council's website);</li> <li>Whether a Notice will be issued to adjoining owners; and</li> <li>The minimum period for exhibition and submissions</li> </ol> <p>Council's practice of advertising all development applications for secondary dwellings will also be included in the Consolidated DCP Chapter 2.1.</p>
NON-MANDATORY TIMEFRAMES	MINIMUM COMMUNITY PARTICIPATION REQUIREMENT
Planning Strategies	
Area / Structure Plans	
Precinct / Masterplans	
Public Domain Plans	

Notes:

- Clause 17 in Schedule 1 to the Act states that if a particular matter has a different exhibition or notification period that applies under Part 1 of Schedule 1, the longer period applies.
- The days cited are "Calendar Days", not weekdays.
- The period for public exhibitions cannot end on a Saturday, a Sunday or a public holiday.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- The exhibition material is generally removed on the day following the expiration of the public exhibition period.



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## PART THREE

### CONSIDERATION AND DETERMINATION OF PLANNING MATTERS

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#### Local and Regional Planning Panels

The Central Coast Local Planning Panel (CCLPP) was constituted by Central Coast Council at the Ordinary Meeting of 11 May 2020 and held its first meeting on 11 June 2020. The Panel is responsible to determine a range of development applications on behalf of Council, including applications under the following criteria:

- Conflicts of interest
- Contentious Developments
- Departure from Development Standards
- Sensitive Developments

The Local Planning Panel also provides advice on a range of strategic planning matters, including Planning Proposals. A Ministerial Direction (dated 27 September 2018) outlines the planning proposal applications that are to be considered by the Local Planning Panel. In summary, a Planning Proposal must be referred to the Local Planning Panel for advice prior to the elected Council considering whether to forward the planning proposal to the Minister in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.

When the Planning Proposal comes before the Local Planning Panel it must be accompanied by an assessment report prepared by the council officers setting out recommendations in relation to the matter, including whether or not the council officers recommend that the proposal should be forwarded to the Minister.

The Local Planning Panel is an independent panel comprised of four members:

- The Chair (appointed by the Minister)
- Two professionals (with expertise in urban design, urban planning or other related field)
- One community representative (selected from a pool of members appointed by Council)

Local Planning Panel Meetings are run in accordance with the [Local Planning Panels Best Practice Meeting Procedures](#) and [Local Planning Panels Operational Procedures](#). In addition, there are a range of operational procedures set out in various Ministerial Directions and guidance notes published by the NSW Department of Planning Industry & Environment.

The CCLPP operates concurrently with the Hunter/Central Coast Joint Regional Planning Panel (HCCJRPP). Regional Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making on regionally significant development applications (DAs) and certain other planning matters, including:

- Determine regionally significant development applications (DAs), certain other DAs (including coastal protection works on land within the coastal zone (within the meaning of the Coastal Management Act 2016)), and s4.55(2) and s4.56 modification applications
- Act as the Planning Proposal Authority (PPA) when directed
- Undertake rezoning reviews
- Provide advice on other planning and development matters when requested
- Determine site compatibility certificates under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Joint Regional Planning Panel deals with the larger, more 'regionally significant' proposals whilst the Local Planning Panel generally deals with smaller, more localised Development Applications and Planning Proposals (refer Table 2 below).

Section 4.8 of the Environmental Planning & Assessment Act 1979 sets out the role of Councillors in local government areas where a Local Planning Panel has been constituted. In summary, **no applications will be determined by the elected Council – they will either be determined by the Local Planning Panel, the Joint Regional Planning Panel, or by staff under delegation.** However, it is the responsibility of Council to carry out a proper and professional assessment of a proposal prior to a Panel's determination of a relevant development application. This will include the public exhibition/notification of the application and assessment of submissions received.

The public Panel meeting is an important part of the determination process for a development application and meetings for both Regional and Local Planning Panels are public meetings. The purpose of the meeting is for the Panel to hear those who wish to express their view on a matter before a determination/decision is made.

Developments which meet State Significant Development (SSD) or State Significant Infrastructure (SSI) criteria are determined by either the Minister for Planning & Public Spaces (or the Ministers delegate), or the Independent Planning Commission. Further information on the legislation is outlined on the [Department of Planning and Environment's](#) website.

#### Criteria for Applications

The following Table 2 identifies the criteria which determine the appropriate Panel to consider and determine the Development Application.

PART THREE

TABLE 2: MINIMUM COMMUNITY PARTICIPATION REQUIREMENTS

Criteria for Development Applications for Council/LPP/RPP	
<b>Council</b>	<ul style="list-style-type: none"> <li>No Development Applications are now determined by the elected Council.</li> <li>Minor applications, not required to be referred to the Panels, are determined by Council staff under delegation.</li> </ul>
<p><b>JRPP</b> (Regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications)</p>	<ul style="list-style-type: none"> <li><b>General development CIV &gt; \$30M</b> – Development that has a capital investment value of more than \$30 million.</li> <li><b>General development CIV of 10 – 30 million</b> – as requested by Applicant where the application has not been determined within 120 days.</li> <li><b>Council related development over CIV \$5 million</b> Development that has a capital investment value of more than \$5 million if—                         <ul style="list-style-type: none"> <li>(a) a council for the area in which the development is to be carried out is the applicant for development consent, or</li> <li>(b) the council is the owner of any land on which the development is to be carried out, or</li> <li>(c) the development is to be carried out by the council, or</li> <li>(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).</li> </ul> </li> <li><b>Crown development over CIV \$5 million</b> Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million.</li> <li><b>Private infrastructure and community facilities over CIV \$5 million</b> Development that has a capital investment value of more than \$5 million for any of the following purposes—                         <ul style="list-style-type: none"> <li>(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, road infrastructure facilities, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,</li> <li>(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.</li> </ul> </li> <li><b>Eco-tourist facilities over CIV \$5 million</b> Development for the purpose of eco-tourist facilities that has a capital investment value of more than \$5 million.</li> </ul>



Criteria for Development Applications for Council/LPP/RPP	
<p><b>JRPP</b> (Regionally significant development applications (DAs), certain other DAs and s4.55(2) and s4.56 modification applications)</p>	<ul style="list-style-type: none"> <li>• <b>Particular Designated Development</b> Development for the purposes of—               <ul style="list-style-type: none"> <li>(a) extractive industries, which meet the requirements for designated development under clause 19 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or</li> <li>(b) marinas or other related land and water shoreline facilities, which meet the requirements for designated development under clause 23 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000, or</li> <li>(c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.</li> </ul> </li>   <li>• <b>Coastal subdivision</b> Development within the coastal zone for the purposes of subdivision of the following kind—               <ul style="list-style-type: none"> <li>(a) subdivision of land for any purpose into more than 100 lots, if more than 100 of the lots will not be connected to an approved sewage treatment work or system,</li> <li>(b) subdivision of land for residential purposes into more than 100 lots, if the land—                   <ul style="list-style-type: none"> <li>(i) is not in the metropolitan coastal zone, or</li> <li>(ii) is wholly or partly in a sensitive coastal location,</li> </ul> </li> <li>(c) subdivision of land for rural-residential purposes into more than 25 lots, if the land—                   <ul style="list-style-type: none"> <li>(i) is not in the metropolitan coastal zone, or</li> <li>(ii) is wholly or partly in a sensitive coastal location;</li> </ul> </li> </ul> </li>   <li>• <b>Certain coastal protection works</b> The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean—               <ul style="list-style-type: none"> <li>(a) development for the purpose of coastal protection works carried out by a person other than a public authority, other than coastal protection works identified in the relevant certified coastal management program,</li> <li>(b) development for the purpose of coastal protection works carried out by or on behalf of a public authority (other than development that may be carried out without development consent under clause 19(2)(a) of State Environmental Planning Policy (Coastal Management) 2018).</li> </ul> </li> </ul>

<b>LPP</b>	<ul style="list-style-type: none"> <li>• <b>Conflict of Interest</b> – Development Applications where the land owner or applicant is either Council, a Councillor, a Member of Parliament, some Council staff.</li> <li>• <b>Contentious Development</b> – Development Application which is subject to 10 or more unique submissions (across all notification periods in the assessment).</li> <li>• <b>Departure from Development Standards</b> – Development Applications that contravenes a development standard within an Environmental Planning Instrument by more than 10% or non-numerical standards; and</li> <li>• <b>Sensitive Development</b> – Development Applications for a range of nominated ‘sensitive development’ uses, including those involving heritage items, licenced premises, residential apartments (SEPP 65) of 4 or more storeys in height and the like as well as developments where the applicant has proposed to enter into a planning agreement.</li> </ul>
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Rezoning Reviews

The Planning Panels may undertake independent reviews of some Council and Department of Planning, Industry and Environment decisions in the plan making process. By providing an opportunity for an independent body to give advice on LEPs, the review processes allow Councils and proponents to have decisions about the strategic merits of proposed amendments reconsidered.

A request for a rezoning review can be submitted by a proponent where Council:

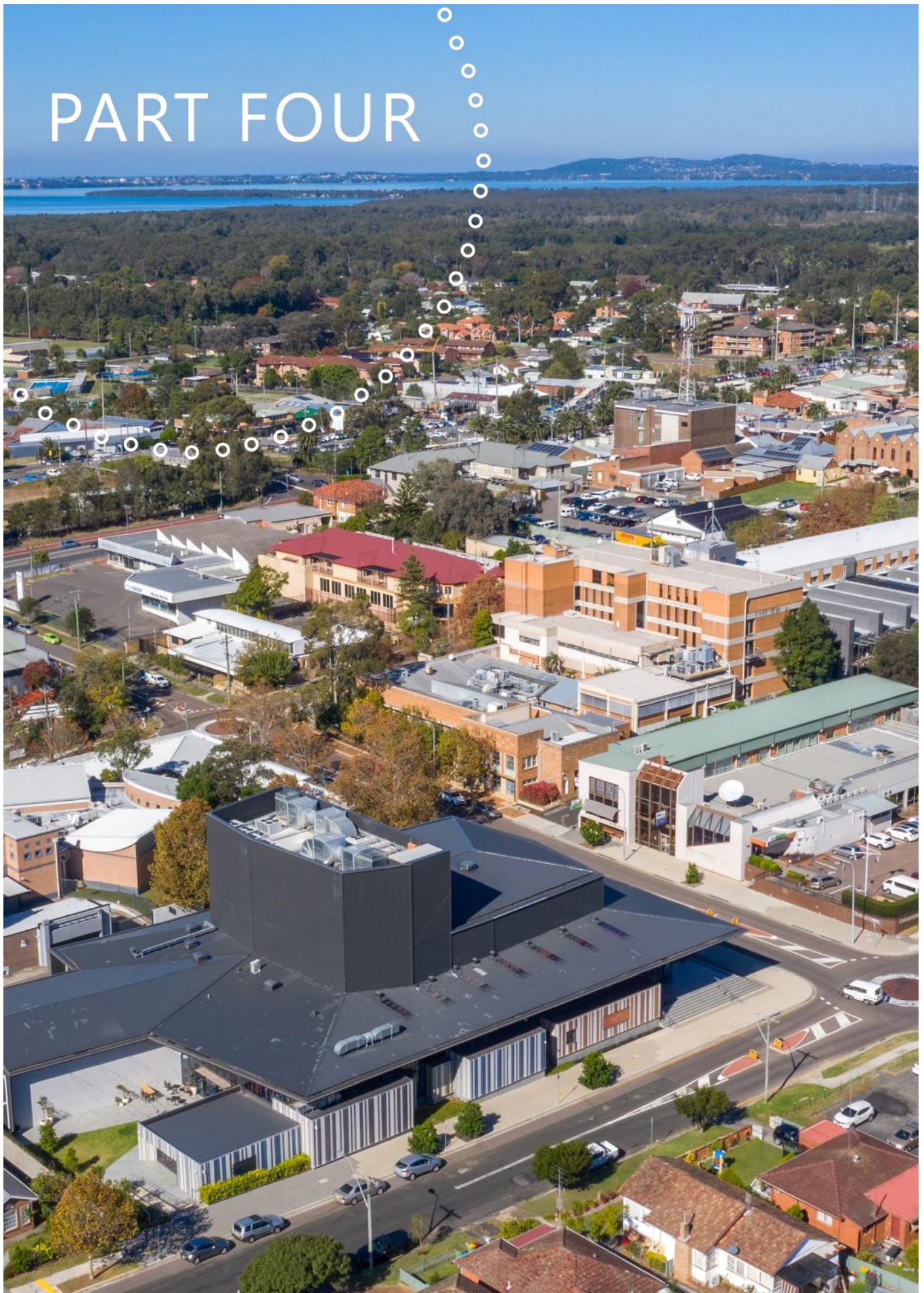
- has notified the proponent that the request to prepare a planning proposal is not supported, or
- has not indicated its support 90 days after the proponent submitted a request accompanied by the required information, or
- has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

The review and determination should be in accordance with the Planning Circular PS 18-012 (or as updated).

The Planning Panel will determine whether the planning proposal should proceed, or not proceed, for a Gateway determination. The Panel’s decision will be based on the strategic and site specific merits of a proposal.

The Panel will only review the planning proposal initially considered by Council, rather than any amended or updated version.

Further detail on the rezoning review process can be found in the Department’s publication: A Guide to Preparing Local Environmental Plans.



## PART FOUR

### DEFINITION OF PLANNING TERMS

PLANNING TERM	DEFINITION
Capital Investment Value (CIV)	The Capital Investment Value (CIV) of a project includes all costs necessary to establish and operate the project (including design and construction costs, but not including land costs or GST).
Contribution plan	A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development
Designated development	Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland)
Development control plan	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP
Gateway determination	A gateway determination is issued by DPIE following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition
Local environmental plan (LEP)	An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area
Local Planning Panel	Local Planning Panels assume specified consent authority functions on behalf of Councils. Panels determine certain types of development applications referred to them and those development applications not delegated by Council to Council staff. Panels provide advice on planning proposals prepared by Councils and may also provide advice on any other planning or development matters referred to them by Councils
Regional Planning Panel	Regional Planning Panels were introduced to strengthen decision making on regionally significant development applications (DAs) and certain other planning matters, including: <ul style="list-style-type: none"> <li>Determine regionally significant development applications (DAs), certain other DAs (including coastal protection works on land within the coastal zone (within the meaning of the Coastal Management Act 2016)) and s4.55(2) and s4.56 modification applications</li> <li>Act as the Planning Proposal Authority (PPA) when directed</li> <li>Undertake rezoning reviews</li> <li>Provide advice on other planning and development matters when requested</li> <li>Determine site compatibility certificates under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</li> </ul>
Regional strategic plan	20-year plans prepared by DPIE, that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPIE Region
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the DPIE, that relates to planning matters that are state significant or are applicable across the state
State significant development (SSD)	Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities
State significant infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants

PLANNING TERM	DEFINITION
Planning Strategy	Broadly applicable documents prepared by Council that help shape the vision for the Central Coast region. They generally relate to a specific issue.
Area / Structure Plan	<p>Sets the future land use structure and identifies the preferred urban structure for a precinct.</p> <p>They are prepared by Council, and provide illustrative layouts of future land use structure</p> <p>A moderately detailed plan, i.e. provides recommendations for location of public facilities, but does not detail specific to the format of facilities or the material with which such facilities should be constructed.</p>
Precinct / Master Plan	<p>Prepared by Council, and providing guidance for potential development of a particular area within a precinct with development concepts and illustrations.</p> <p>Most often applies to commercial/retail centres</p> <p>A highly detailed plan, e.g. provides recommendations for specific public facilities (such as a public boardwalk), but does not detail the material with which such facilities should be constructed.</p>
Public Domain Plan	<p>Prepared by Council, these plans establish design direction and general criteria to apply to design of the public space network.</p> <p>They provide illustrations of street furniture, materials to be used in public domain such as paving, street plantings and planter boxes etc.</p> <p>A very highly detailed plan, e.g. working towards implementation of public facilities recommended within a Masterplan, including selection of landscaping, paving and street furniture.</p>

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All levels of government have an intention to actively involve the community in planning for their places and communities.

SUBMISSION PROCESS FOR APPLICATIONS

Submission is made to Council and assigned to corresponding DA	Submission author or lead petitioners details are recorded, and submission is acknowledged	Council officer receives notification of submission	Submission is considered in assessing the DA	Submitter is formally notified of outcome
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TO QUALIFY AS A SUBMISSION, THE SUBMISSION MUST:



be in writing by email or letter



be submitted within the nominated exhibition time period



reference the application, policy or plan being exhibited



be based on planning grounds in support or objection to the proposal



include the name, address and daytime telephone of the author

Submissions must be lodged with Council by 5pm on the final day of the exhibition period.





**Item No:** 2.6  
**Title:** Drinking Water Quality Policy and Recycled Water Quality Policy August 2020  
**Department:** Water and Sewer

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14 September 2020 Ordinary Council Meeting

Reference: F2017/01400 - D14124707  
Author: Bala Vigneswaran, Section Manager, Compliance  
Manager: Danielle Hargreaves, Unit Manager Headworks and Treatment  
Executive: Jamie Loader, Director Water and Sewer

## Summary

This report seeks Council's endorsement to adopt the following statutory policies with amendments based on feedback received from the community:

- Recycled Water Quality Policy; and
- Drinking Water Quality Policy

## Recommendation

- 1 That Council note and consider submissions received during the exhibition period**
- 2 That Council adopt the amended Recycled Water Quality Policy and Drinking Water Quality Policy as set out in Attachments 1 and 2 to this report.**

## Background

At the Ordinary Meeting of 22 June 2020, the following was resolved:

- 562/20 *That Council endorse the following draft policies for the purpose of community consultation:*
- Drinking Water Quality Policy*
  - Recycled Water Quality Policy*
- 563/20 *That Council place the above draft policies on public exhibition for a period of 28 days*
- 564/20 *That Council also refer the draft policies to the Water Advisory Committee for their review and input*
- 565/20 *That Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibitions*



## **2.6 Drinking Water Quality Policy and Recycled Water Quality Policy August 2020 (contd)**

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### *Recycled Water Quality Policy*

The revised Recycled Water Quality Policy is included as Attachment 1. This policy is primarily based upon the Recycled Water Quality Policy of the former Gosford City Council with references to current guidelines and standards. The intent of the revised policy remains the same. It demonstrates Council's commitment to the responsible and sustainable management and use of recycled water that is consistent with the Australian Guidelines for Recycled Water.

### *Drinking Water Quality Policy*

The revised Drinking Water Quality Policy is included as Attachment 2. This policy is primarily based upon the *Drinking Water Quality Policy* of the former Gosford City Council and the *Policy for Drinking Water Quality* of the former Wyong Shire Council (WSC125) with references to current guidelines and standards. The intent of the revised policy remains the same. It demonstrates Council's commitment to providing a continuous supply of drinking water that is consistent with the requirements of the Australian Drinking Water Guidelines in consultation with NSW Health.

### **Community Consultation**

In accordance with the Council resolution, the Policies were placed on public exhibition from 3 July until 31 July 2020 (28 days). The Policies were also provided to the Water Advisory Committee on 30 June 2020.

Four submissions were received during the public exhibition period including feedback from two members of the Water Advisory Committee. Detailed comments and associated Council responses are included in Attachment 3.

The Recycled Water Quality Policy and Drinking Water Quality Policy have been amended following revision of the submissions, to include a task to 'undertake regular audits to ensure the robustness and operational preparedness of the processes associated with policy and guidelines to manage critical events.'

No other changes to the Policies are proposed.

### **Implementation**

Council aims to implement these statutory policies as soon as practicable in the new financial year.

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

Theme 4: Responsible

**Goal H: Delivering essential infrastructure**

R-H4: Plan for adequate and sustainable infrastructure to meet future demand for transport, energy, telecommunications and a secure supply of drinking water.

**Attachments**

- |   |  |                           |
|---|--|---------------------------|
| 1 | Recycled Water Quality Policy - September 2020 - Final for Council approval                                    | D14125401                 |
| 2 | Drinking Water Quality Policy - September 2020 - Final for Council approval                                    | D14125399                 |
| 3 | Responses to feedback comments by Water Advisory Committee and public on Water Quality Policies September 2020 | <a href="#">D14125407</a> |



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# Recycled Water Quality Policy

September 2020

Policy No: CCC054

Policy owner:	Headworks and Treatment Unit, Water and Sewer
Approved by:	Central Coast Council
Date of approval:	TBA
Policy category:	Statutory
Content Manager No:	D13995140 (draft policy)
Review by:	March 2022

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## Purpose

1. The purpose of this policy is to demonstrate Central Coast Council's (Council's) commitment to responsible and sustainable management and use of recycled water that is consistent with the requirements of the [National Water Quality Management Strategy: Australian Guidelines for Water Recycling](#), and other regulatory requirements.

## Scope

2. This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities, and all activities of the Council.
3. All managers, employees and contractors involved in the supply of recycled water are responsible for understanding, implementing, maintaining and continuously improving the recycled water management system. Membership and participation in professional associations dealing with management and use of recycled water is encouraged.

## Background

4. This Policy is based on a template developed for the water industry under the [Australian Guidelines for Water Recycling](#).
5. The Australian Guidelines for Water Recycling are designed to provide an authoritative reference that can be used to support beneficial and sustainable recycling of waters generated from sewage, grey water and stormwater.

## General

6. Council supports and promotes the responsible and sustainable management and use of recycled water, and the application of a best practice multi-barrier management approach that consistently meets the [Australian Guidelines for Water Recycling](#), as well as recycled water user and regulatory requirements.
7. To achieve this, in collaboration and consultation with stakeholders and relevant agencies, Council will:
  - a. ensure that protection of public and environmental health is paramount
  - b. apply the principles of sustainability at all points along the delivery chain from source to recycled water use

- c. use a multi-barrier risk-based approach in which potential threats to water quality are identified, assessed and controlled
- d. integrate the needs and expectations of users of recycled water, community stakeholders, regulators and employees into planning and decision-making processes
- e. manage recycled water quality at all points along the delivery chain from source to recycled water user
- f. prepare, implement and periodically review end-user recycled water management plan and recycled water risk management plan to guide our activities and end-users on the safe use and handling of recycled water to minimise risks
- g. maintain communication and partnerships with all relevant stakeholders
- h. provide training to employees associated with the recycled water system
- i. carryout regular monitoring of control measures and recycled water quality and establish effective reporting mechanisms to provide relevant and timely information, and promote confidence in the recycled water supply and its management
- j. develop and maintain appropriate contingency planning and incident response capability, including investigation of incidents and review of response plans, procedures and protocols
- k. participate in and support relevant research and development activities and join professional associations and industry peak organisations to ensure continued understanding of recycled water quality issues and improvement of performance
- l. undertake regular audits to ensure the robustness and operational preparedness of the processes associated with policy and guidelines to manage critical events
- m. contribute to the development and setting of industry regulations, guidelines and other standards relevant to recycled water
- n. continually improve our practices by regularly assessing performance against regulatory requirements, corporate commitments and stakeholder expectations

## Compliance, monitoring and review

- 8. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.

9. This Policy will be reviewed, at a minimum, within 6 months of each local government election.
10. Staff must maintain all records relevant to administering this policy in a recognised Council recordkeeping system.

## Definitions

11. In this policy:

- a. **Council:** Central Coast Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies.
- b. **National Water Quality Management Strategy:** Strategy to protect the Australia's water resources by maintaining and improving water quality, while supporting dependent aquatic and terrestrial ecosystems, agricultural and urban communities, and industry.
- c. **The Australian Guidelines for Water Recycling:** Guidelines are designed to provide an authoritative reference that can be used to support beneficial and sustainable recycling of waters generated from sewage, grey water and stormwater.

## Related resources

12. Legislation:

- a. Local Government Act 1993 (NSW)

13. Associated/Internal documents:

- a. Council's Code of Conduct
- b. Australian Guidelines for Water Recycling

## History of revisions

Amendment history	Details
Original approval authority details	<p data-bbox="608 517 1038 562">Chief Executive Officer / Council</p> <hr/> <p data-bbox="608 651 1439 734">XX/XX/20XX &lt;insert Council Meeting date and minute number of resolution adopting the policy (TBA)&gt;</p> <hr/> <p data-bbox="608 786 1439 1021">This policy demonstrates Central Coast Council's commitment to responsible and sustainable management and use of recycled water that is consistent with the requirements of the <a href="#">National Water Quality Management Strategy: Australian Guidelines for Water Recycling</a>, and other regulatory requirements.</p>





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# Drinking Water Quality Policy

September 2020

Policy No: CCC053

Policy owner:	Headworks and Treatment Unit, Water and Sewer
Approved by:	Central Coast Council
Date of approval:	TBA
Policy category:	Statutory
Content Manager No:	D13995141 (draft policy for public exhibition)
Review by:	March 2022

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## Purpose

1. The purpose of this policy is to demonstrate Central Coast Council's (**Council's**) commitment to providing drinking water that is consistent with the requirements of the *Australian Drinking Water Guidelines (ADWG)*, except to the extent that NSW Health specifies otherwise, and other regulatory requirements.
2. This Policy documents Council's commitment to providing continuous supply of safe high-quality drinking water by implementing a Drinking Water Management System (**DWMS**).

## Scope

3. This Policy covers all elected members of Council, all personnel employed by Council, any person or organisation contracted to or acting on behalf of Council, any person or organisation employed to work on Council premises or facilities, and all activities of the Council.
4. All managers, employees, and contractors involved in the supply of drinking water are responsible for understanding, implementing, maintaining and continuously improving the DWMS.

## Background

5. This Policy is based on a Framework for Management of Drinking Water Quality developed for the water industry under the ADWG.
6. Council developed its DWMS consistent with the *Framework for Management of Drinking Water Quality* required under the ADWG in 2018.
7. The DWMS is mandated by the *Public Health Act 2010* (NSW) and *Public Health Regulation 2012*. The intent of the DWMS is to effectively facilitate the management of risks to drinking water quality.

## General

8. Council is committed to managing its water supply effectively to provide continuous supply of safe drinking water that consistently meets the ADWG, except to the extent that NSW Health specifies otherwise, and regulatory requirements.
9. To achieve this, in collaboration and consultation with stakeholders and relevant agencies, Council will:
  - a. implement, maintain and periodically revise the DWMS consistent with the ADWG
  - b. use multiple barrier and risk-based approaches to identify and appropriately manage potential threats to water quality
  - c. manage water quality at all points along the delivery chain from the source to the consumer
  - d. maintain regular monitoring of the quality of drinking water at appropriate locations and effective reporting mechanisms to provide relevant and timely information, and promote confidence in the water supply and its management
  - e. participate in relevant research and development activities and join professional associations and industry peak organisations to ensure continued understanding of drinking water quality issues and improvement of performance
  - f. maintain appropriate contingency planning and incident response capability, including investigation of incidents and review of response plans, procedures and protocols
  - g. contribute to the development and setting of industry regulations and guidelines, and other standards relevant to public health and the water cycle
  - h. provide training to employees associated with the catchment, water resources and drinking water systems
  - i. undertake regular audits to ensure the robustness and operational preparedness of the processes associated with policy and guidelines to manage critical events
  - j. integrate the needs and expectations of our consumers, stakeholders, regulators and employees into our planning and decision-making process
  - k. continually improve our practices by regularly assessing performance against regulatory requirements, corporate commitments and stakeholder expectations

## Compliance, monitoring and review

10. Suspected breaches or misuse of this policy are to be reported to the Chief Executive Officer. Alleged breaches of this policy shall be dealt with by the processes outlined for breaches of the Code of Conduct, as detailed in the Code of Conduct and in the Procedures for the Administration of the Code of Conduct.
11. This Policy will be reviewed, at a minimum, within 6 months of each local government election.
12. Staff must maintain all records relevant to administering this policy in a recognised Council record-keeping system.

## Definitions

13. In this policy:
  - a. **Council:** Central Coast Council, being the organisation responsible for the administration of Council affairs and operations and the implementation of Council policy and strategies
  - b. **Drinking Water Management System (DWMS):** Documents, procedures and other supporting information for the safe supply of drinking water that satisfies the requirement for a quality assurance program in the *Public Health Act 2010*
  - c. **The Australian Drinking Water Guidelines (ADWG):** Guidelines promulgated by the National Health and Medical Research Council in 2011, and the ongoing updates and revisions

## Related resources

14. Legislation:
  - a. Local Government Act 1993 (NSW)
  - b. Public Health Act 2010 (NSW)
  - c. Public Health Regulation 2012 (NSW)
15. Associated/Internal documents:
  - a. Council's Code of Conduct
  - b. Australian Drinking Water Guidelines

## History of revisions

Amendment history	Details
Original approval authority details	Chief Executive Officer / Council
	<p>XX/XX/20XX &lt;insert Council Meeting date and minute number of resolution adopting the policy (TBA)</p>
	<p>This Policy affirms Central Coast Council's commitment to providing continuous supply of safe high-quality drinking water by implementing a Drinking Water Management System. This policy replaces equivalent policies of the former Wyong Shire Council and the former Gosford City Council.</p>

**Attachment 3****Community feedback and Council responses to proposed Drinking Water Quality Policy and Recycled Water Quality Policy**

Chief Executive Officer sought Council approval for public exhibition of draft Drinking Water Quality Policy and Drinking Water Quality Policy. Council endorsed the public exhibition of these draft policies as part of the ongoing efforts to consolidate Council policy and practice in 2020. Council resolved in its Ordinary Meeting on 22 June 2020,

- 1/20 that Council endorse the above draft policies for the purpose of community consultation
- 2/20 that Council place the above draft policies on public exhibition for a period of 28 days
- 3/20 that Council also refer the draft policies to the Water Advisory Committee for their review and input
- 4/20 that Council request the Chief Executive Officer provide a further report back to Council on the outcomes of the public exhibitions

Two members of Water Advisory Committee provided feedback regarding the draft Policy. Two comments were received from the residents during the public exhibition period.

Drinking Water Quality Policy and Recycled Water Quality Policy have been amended to include a task to 'undertake regular audits to ensure the robustness and operational preparedness of the processes associated with policy and guidelines to manage critical events.'

Feedback by the members of the Water Advisory Committee and comments from the residents are presented in this Attachment. Council responses are shown in *italics*.

Water Advisory Committee Member 01

- I support the approach to base the policies on the Framework for Management of Drinking Water Quality developed for the water industry under the ADWG.

*Council appreciates the comments by the Member of the Water Advisory Committee.*

Water Advisory Committee Member 02

- Drinking Water Quality Policy, add a dot point along the lines "ensure that the policy, guidelines and processes etc are regularly (physically) tested". That is we develop all these processes etc but how do we know that they will work the way we think that they will in a critical event (say drinking water contamination and boil water alerts for example),

- Recycled Water Quality Policy, essentially same comment for water policy.

*Council appreciates the comments by the Member of the Water Advisory Committee, and include a new task to, "undertake regular audits to ensure the robustness and operational preparedness of the processes associated with policy and guidelines to manage critical events."*

Resident 01

- Is it the case that Council could potentially consider the introduction of recycled water into the drinking / potable water system? If so, this would be a seemingly retrograde step in a huge degree. Clear, simple & concise community consultation would be an absolute necessity before an implementation.

*Council does not intend to consider introducing recycled water into drinking / potable system.*

Resident 02

- I wish to raise 2 items that I think are missing from your Draft Drinking Water Quality Policy. They are:
  - The ADWG are quite generous in their allowances for impurities in drinking water. In my opinion council should consider adding to the policy an intention to take action where problems with the drinking water are detected even if technically those problems are within the ADWG.

*Council notes the comment.*

*The NSW Government has endorsed the Australian Drinking Water Guidelines 2011. The guidelines provide a solid foundation for assessing drinking water quality, by specifying health-based and aesthetic criteria as well as the philosophy of a "multiple barrier approach" from catchment to tap, so to ensure safety of the water. Council is committed to managing its water supply effectively to provide continuous supply of safe drinking water that consistently meets the ADWG, except to the extent that NSW Health specifies otherwise, and regulatory requirements.*

*This Policy is based on a Framework for Management of Drinking Water Quality developed for the water industry under the ADWG.*

*Council developed its DWMS consistent with the Framework for Management of Drinking Water Quality required under the ADWG in 2018. The DWMS is mandated by the Public Health Act 2010 and Public Health Regulation 2012. The intent of the DWMS is to effectively facilitate proactive management of risks to drinking water quality.*



- In my opinion if council wishes to be believed that safe drinking water is its priority there should be a policy objective that complaints regarding drinking water quality by residents will be responded to promptly. These submissions arose from a complaint I made to council on 28 February 2020 regarding water coming from the tap in my house being a discoloured (blue) and also that this blue water was staining the taps inside the house. I lodged a complaint in writing to notify council of the issue (ref 200228-000351), and also called to discuss it. Jake Nilson from council tested the water and detected that there were very significantly elevated levels of copper in the town water feeding our house. The copper in this water was approximately 10 times more concentrated than what your Annual Summary of Drinking Water Quality Report says is the average for the Central Coast. Despite these very increased copper levels, and despite the water being blue, and us refusing to drink it, and despite many many emails and phone calls to Jake asking if council will fix this problem, I was told by Jake on 22 July, some 20 weeks later, that council's official response to me was that council will not "undertake any works on CCC infrastructure at this location". For 20 weeks we were not drinking the blue water council was feeding into our house because it was blue and very elevated in copper. The reason given was that the very concentrated amounts of copper in our water is within ADWG. How could it possibly take council 20 weeks to make this decision. There is clearly no priority given to complaints from residents about discoloured drinking water in this council. After receiving this email I then received a follow up call from Bala from council saying they will look into what they can do for us but that this may take a few more weeks. My submission is you need to amend your policy to deal with issues like I am experiencing where the copper levels are 10 times higher than the average and the water is coming out of the taps blue, and it is damaging the taps in our house, even if it is technically safe to drink and within the ADWG. And I can't fathom how it could take council 20 weeks to think about whether or not it will assist in a situation like mine. Obviously the existing policies don't send a strong enough message to the staff to cause them to take water quality issues seriously.

*Council notes the comment.*

*This is an operational issue. These issues are dealt with appropriately according to Council procedures.*



**Item No:** 2.7  
**Title:** Public Exhibition of draft Waste Resource Management Strategy  
**Department:** Roads Transport Drainage and Waste

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14 September 2020 Ordinary Council Meeting

Reference: F2019/00874 - D14156962  
Author: Joanna Murray, Personal Assistant to Unit Manager, Waste and Business  
Manager: Andrew Pearce, Unit Manager, Waste Services and Business Development  
Executive: Boris Bolgoff, Director Roads Transport Drainage and Waste

## Summary

Central Coast Council's draft Waste Resource Management Strategy provides a strategic framework, action plan and recommendations for waste and resource recovery across the Local Government Area.

The purpose of this report is to seek Council's adoption of the draft Waste Resource Management Strategy.

## Recommendation

- 1 That Council adopts the Waste Resource Management Strategy as exhibited.***
- 2 That Council notifies those persons who made submissions of its decision and thanks them for their input.***

## Background

Waste management is an essential service that plays a key role in minimising impacts on our environment, community amenity and public health. These factors combined with its direct linkage to the way our society produces and consumes resources have led to growing community interest in waste management issues and opportunities.

In response to this, Central Coast Council has developed its inaugural solid waste and resource recovery strategy, titled the draft Waste Resource Management Strategy (draft Strategy). This document will become key driver for improved waste management and resource recovery across the Central Coast Local Government Area. The draft Strategy covers a term of ten years until 2030 and will include periodic reviews to ensure it remains targeted and relevant.

After extensive public consultation and exhibition, the adoption of the final Strategy will enable the progression and implementation of the key objectives and actions to be undertaken.

All previous feedback and comments have been addressed and incorporated into the Strategy the section in this report below titled Consultation, provides an overview of the entire consultation process including commentary on the final public exhibition process and outcomes.

A summary report of the most recent public exhibition and feedback (11 May until 21 June 2020) listed as Attachment 2 (*Public Exhibition: Draft Waste Resource Management Strategy - CONSULTATION REPORT*).

### Strategy

Central Coast waste management is complex and in terms of tonnes under management and households served, is a large and diverse waste management service. There are significant benefits of this scale, including efficiency payoffs, greater resilience to external shocks and a capacity to develop and underwrite innovation in waste and recycling solutions.

Central Coast Council's draft Waste Resource Management Strategy articulates a balance between aspiration and risk, external dynamics and local priorities, short-term pressures and long-term asset optimisation and best value, taking into account both economic, social and environmental cost. Above all, it recognises that waste is a resource of value.

To deliver a step change towards improved resource management and recovery that meets these goals, Council is, and will continue to, consider options to divert residual red bin waste from landfill and develop and implement innovative solutions to target other waste streams, including those streams generated by Council's own activities, businesses and other institutions.

The vision guiding the draft Waste Resource Management Strategy is:

*Promote the Central Coast as a creative environment for developing a local circular economy that values the recovery of resources and advocates prevention of waste.*

Its overarching priorities are to:

- Reduce the waste generated on the Central Coast
- Increase recycling options available on the Central Coast
- Utilise funding opportunities to facilitate waste avoidance and diversion
- Encourage and support the development and delivery of sustainable local circular economy
- Reduce remaining residual waste landfilled on the Central Coast

These priorities are oriented around the four objectives contained within the Strategy, which work together to provide waste services that improve the community and customer experience, are safe, secure, cost-effective and deliver the recovery outcomes desired by the Central Coast community. These strategic objectives are supported by a suite of actions and sub actions that are to be delivered over the life of the Strategy.

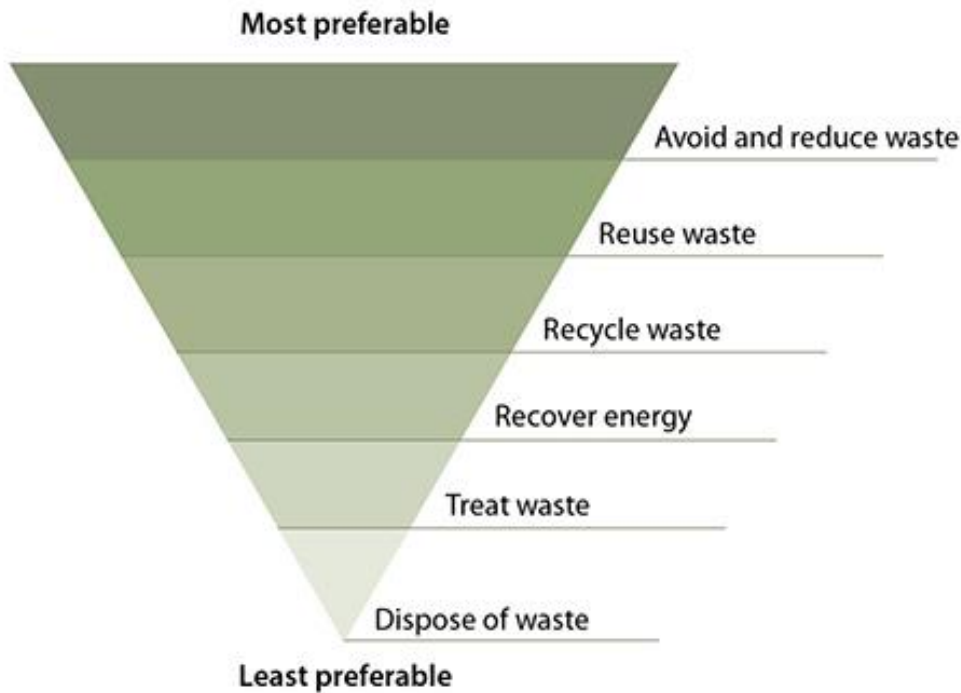
### Objective 1 – Drive Waste Avoidance

The Central Coast community is environmentally conscious and aware of waste management issues. Almost 90% of those who participated in the survey said that it is very important to reduce the amount of waste that households generate and subsequently landfill.

A convenience lifestyle and throw-away mindset has led to an increasing volume of unnecessary, single-use waste. Some common materials that make up a large proportion of avoidable waste are coffee cups, plastic bags, plastic food-ware, single portion packets (e.g. sugar) and junk mail.

Our first objective is to drive a higher level of waste avoidance. This aligns with the Waste Hierarchy (fig. 1) as avoiding waste in the first instance and addresses the life cycle impacts of consumption, from supply chain to end of life.

Figure 1: Waste Hierarchy



Where product consumption cannot be avoided, Council and the community need encouragement and support to break the single use habit and explore reusable options and consider repurposing materials. Council intends to lead by example by addressing its own single use footprint, such as auditing and reviewing single use items at Council premises and events, and work with other stakeholders to help them embrace a similar change.

The following actions which are supported by sub actions detailed in the Strategy document:

- 1.1 Enhance community awareness and action around waste avoidance and reuse through targeted education campaigns

## **2.7 Public Exhibition of draft Waste Resource Management Strategy (contd)**

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- 1.2 Engage local businesses to support uptake of opportunities for avoidance waste and increase recycling
- 1.3 Identify avoidable Council waste streams and improve waste management behaviours
- 1.4 Enhance the sustainability focus in Council procurement to close the local loop

### ***Objective 2 – Deliver a step change in Resource Recovery and build a circular economy***

With 59% of our kerbside waste sent to landfill in 2018-19, increased resources management delivering higher value (both economical and environmental) outcomes is a critical step in reducing the waste footprint of the Central Coast community.

The community consultation demonstrated a high level of interest in diverting waste from landfill, including a willingness to pay more for processing of red bin waste and, among other things, to drop-off household items at a resale shop to be given another useful life.

Council needs to operate at varying scales, from major infrastructure through to targeted solutions to divert and recover value from key streams going to landfill. Key barriers to resource recovery are access to and availability of services and facilities and subsequently, finding viable end markets for the recycled products or materials.

Stimulating and increasing local demand for recovered materials will not only support a sustainable circular economy but generate flow-on effects such as new jobs and development of innovative solutions.

Key actions which are supported by detailed sub actions in the strategy document:

- 2.1 Investigate large-scale waste processing solutions for mixed residual waste
- 2.2 Explore the viability of an integrated resource recovery precinct(s) to maximise recovery of resources from a wide range of local waste streams
- 2.3 Assess targeted recovery options for a broader range of household items, including salvage from kerbside collection and waste dropped off at landfills, and the viability of a resale or hire shop
- 2.4 Optimise existing waste management facilities to better sort, extract and recycle dry wastes
- 2.5 Improve and expand community recycling practices through education and promotion
- 2.6 Facilitate and utilise local end markets for recycled products and materials

### ***Objective 3 – Strengthen triple bottom line outcomes***

Solutions are strengthened when developed and delivered by multiple parties, bringing high levels of commitment and participation. Council also recognises that recycling and reuse projects offer opportunities for local engagement, delivering economic and social benefits while continuing to act as a steward for the environment.

Empowering and supporting the community to drive waste avoidance and resource recovery will enhance the effectiveness of Council initiatives.

## **2.7 Public Exhibition of draft Waste Resource Management Strategy (contd)**

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Council's Waste Resource Management team is committed to working with stakeholders within and outside of Council, including the formation of mutually beneficial partnerships, to achieve meaningful triple bottom line outcomes. The actions under this objective focus on strengthening relationships with stakeholders to improve efficiencies and to benefit all parties involved.

Key actions which are supported by sub actions detailed in the Strategy document:

- 3.1 Collaborate with social enterprises and not-for-profit groups in mutually beneficial partnerships
- 3.2 Develop an ongoing dialogue with the community, business and other stakeholders with regards to waste management
- 3.3 Work with other levels of government, stakeholders and NGOs, to advocate for policies and programs that support Council's Waste Resource Management Strategy
- 3.4 Continue to optimise waste facilities and services through delivery of efficient and cost-reflective operations

### ***Objective 4 – Enhance street and open space appeal***

Waste resource management is an essential service that, at its core, is designed to support neighbourhoods that are healthy, safe and attractive. Council are adding smart technology and a focus on public places to shape and improve the experience for the local community.

This includes maintaining clean streetscapes and waste infrastructure that fosters pride and encourages inclusive behaviours. Council also aims to optimise the servicing of public place services, bins and bulky waste and improve convenience to support resource recovery.

New solutions will emerge as technology and practices evolve. Council aims to lead by being open to new solutions and opportunities through active review and trials of smart city technologies, supported by a detailed understanding of the waste context, challenges and opportunities on the Central Coast.

Key actions which are supported by sub actions detailed in the Strategy document:

- 4.1 Enhance public place waste and recycling services
- 4.2 Explore smart city technology to enhance waste processes
- 4.3 Audit kerbside bins, bulky waste and public place bins to target opportunities to improve recovery
- 4.4 Review best practice bulky waste collection services, including service delivery and education
- 4.5 Review best practice waste storage design and service delivery for residential development, commercial / industrial development and subdivisions

**Consultation***Public*

Large scale community consultation was undertaken to build the Central Coast's Waste Resource Management Strategy, a 10-year plan for reducing our waste, circulating our resources and optimising our facilities and services to deliver environmental, social and economic benefits.

The comprehensive consultation program included surveys, workshops, online discussions and pop-up information sessions. With more than 1,300 surveys submitted and 151 residents attending workshops, the future of waste and resources management is a clear community priority.

This community feedback has been brought together with Council priorities, waste sector expertise, a review of local and global trends and detailed analysis of our major infrastructure options to set the strategic direction and develop an action plan to manage waste generated from households and Council activities, including civil works and public places and buildings. Council waste facilities also underpin essential waste services for the Central Coast business and construction sectors.

*Public Exhibition*

The draft Strategy was placed on public exhibition 11 May until 21 June 2020 and was widely publicised through a range of media outlets. Council received a total of 61 submissions with 131 comments made.

The majority of comments were in favour of the key items mentioned in the Strategy or were reiterations of items raised during previous consultation phases, which were included in the development of the Strategy. Notably 21 submissions were in favour of a food waste collection service in some form. As this item is included in the Strategy as an action, no change to the Draft Strategy was recommended.

Another key item raised was a potential reduction in the red bin pick up service. This item will become a component for consideration in the delivery of the Strategy and any change would require community engagement of any future service delivery model. As the Strategy includes actions on both the need to consider a wide range of service options and developing an ongoing dialogue with the community before making any recommendations on service changes, no change to the draft Strategy was recommended.

Concerns about energy from waste were also raised. As with the above items, there are a wide range of items, options and issues that need to be considered when assessing possible service improvements and environmental outcomes. These aspects are already identified and included as part of the review process in the Strategy action items and no change to the Draft Strategy was recommended.

## **2.7 Public Exhibition of draft Waste Resource Management Strategy (contd)**

A further summary of the engagement conducted throughout the final public exhibition process has been documented as Attachment 2 (*Public Exhibition: Draft Waste Resource Management Strategy – Consultation Report*).

### *Councillors*

Staff held three Councillor Briefings and incorporated valuable feedback from several Councillors into the development of the draft Strategy.

Councillors raised 18 key points to include or address within the draft Strategy.

The key themes raised were related to the four objectives listed above and contained within the draft Strategy. Where required the actions related to the objectives were updated to include Councillor feedback.

Key areas of feedback included review of kerbside collections and additional waste management facilities or services related to increase recovery of resources and diversion of waste from landfill.

The draft Strategy has also included opportunities to explore and assess contemporary waste treatment and collection methods that align with the waste hierarchy and Council's existing Community Strategic Plan.

Although some feedback included commentary around detailed technical solutions such as alternative waste treatments and waste to energy, the draft Strategy at this time does not favour a particular or detailed technical solution but, commits to conducting further research and assessments into finding a favourable long term outcome that aligns with the key objectives and, community acceptability and expectations.

Further advice and clarity were provided to Councillors at the Ordinary Council Meeting 13 July 2020, in response to item 6.2 Titled: Notice of Motion - Ruling out rotting red bins.

### *Staff*

All staff were given the opportunity to attend draft Strategy information sessions and provide feedback after the event. Staff who are noted stakeholders of Council's waste activities were also given further opportunities to contribute.

### **Critical Dates or Timeframes**

Present draft Strategy to Councillors at Councillor Meeting and seek approval from Councillors to present draft Strategy for Public Exhibition	23 Mar 20
Release draft Strategy for Public Exhibition utilising the following; <ul style="list-style-type: none"><li>• Your Voice Our Coast website</li><li>• Media releases</li><li>• Direct notification of previous Strategy participants</li></ul>	11 May until 21 June 2020



## 2.7 Public Exhibition of draft Waste Resource Management Strategy (contd)

• Council's 1 Coast waste services website	
Public Exhibition Report provided as Attachment 2 ( <i>Public Exhibition: Draft Waste Resource Management Strategy – Consultation Report</i> ).	August 2020
Staff review Public Exhibition Report and determine no change to draft Strategy required as noted in report	August 2020
Present draft Strategy to Councillors at Councillor Meeting and seek approval for Adoption	14 September 2020

### Financial Impact

Waste management costs across Local Government have been increasing due to increasing volumes of waste, rising contract costs for the collection and processing or landfilling of waste, and increasing state landfill levies. These costs in addition to the cost to implement the wide range of actions within the adopted Strategy will be accommodated within forward waste budgets.

The source of funds for the forward waste budgets to enable implementation of the Strategy will predominantly be provided through the existing Domestic Waste Management Charge and through pursuing the significant grant funding opportunities available, including those funded through the waste levy. The adoption of the draft Waste Resource Management Strategy is a key step towards Council meeting grant funding criteria and submitting successful applications into the future.

Adequate budget provision to commence implementation of the Strategy has been made in Central Coast Council's 2020-21 operating budget.

Future major step increases to our community's landfill diversion and resource recovery rates will require investment into the processing of bulk kerbside and red lid bin waste, with actual costs dependent on the technology pathway and procurement methodology selected. Details in relation to these changes would be subject to future Council approval and future budget considerations.

### Link to Community Strategic Plan

Theme 3: Green

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

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

### Risk Management

Failing to adopt the draft Waste Resource Management Strategy will leave Central Coast Council without a strategic plan and direction on the management of waste and resources.

## **2.7 Public Exhibition of draft Waste Resource Management Strategy (contd)**

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Further comment, feedback and advice will need to be provided to staff and the community on Council's vision for waste and resource management.

### **Attachments**

- |          |   |                           |
|----------|---|---------------------------|
| <b>1</b> | Central Coast Resource Management Strategy 2020 | <a href="#">D13860851</a> |
| <b>2</b> | Waste Strategy - Consultation Report            | D14157189                 |



**CENTRAL COAST**  
**WASTE RESOURCE**  
**MANAGEMENT**  
**STRATEGY**  
2020-2030



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# GLOSSARY

Acronym	Meaning
AWT	Alternative Waste Technologies
C&D	Construction and Demolition
C&I	Commercial and Industrial
CDS	Container Deposit Scheme
CPP	Cities Power Partnership
CRC	Community Recycling Centre
DCP	Development Control Plan
DPIE	NSW Department of Planning, Industry and Environment
EfW	Energy from Waste
EPA	Environment Protection Authority
FOGO	Food Organics and Garden Organics
MLA	Metropolitan Levy Area
MSW	Municipal Solid Waste
MRF	Materials Recovery Facility
MUDs	Multi-Unit Dwellings
POEO Act	Protection of the Environment Operations Act 1997
RDF	Refuse Derived Fuel
ROCs	Regional Organisation of Councils
RVM	Reverse vending machine
SUDs	Single Unit Dwellings
VWMGs	Voluntary Waste Management Groups
WARR	Waste Avoidance and Resource Recovery

# 1 INTRODUCING OUR STRATEGY

A century ago, in 1920, Frederick Talbot in his book 'Millions From Waste' wrote that "Waste is merely raw material in the wrong place". Our Central Coast 2030 Strategy is underpinned by the modern view of that same philosophy from 100 years ago – "waste is a resource to be managed and not a problem to be rid of".

The key drivers and actions identified in this Strategy have been developed from extensive community feedback and reflect a modern community's needs and aspirations for a sustainable circular economy.

Throughout the world there is an increased understanding of the negative impacts that waste and wasteful behaviours have on our environment and available resources. It has been well documented that the current linear (take – make – use – throw) use of valuable resources is unsustainable in the long term and society needs to move to the circular economy.



In addition to the positive environmental impacts associated with the principles of a circular economy, there are significant local economic benefits gained by transitioning to resource recovery.

The National Waste Policy 2018 noted the waste management and resource recovery industry is no longer just an essential service; it is now a significant contributor to Australia's economy, with an annual turnover of \$15 billion and 50,000 full time equivalent employees across the country.

Modelling by the Centre for International Economics (2017) suggests that a 5% increase in the recycling rate could add \$1 billion to Australia's Gross Domestic Product (GDP). If we look only at the domestic waste stream and aspire to the higher performance levels being achieved by some councils in Australia, there is the potential to add \$4 billion to the Australian GDP just by all councils achieving the same levels of Resource Management.

The National Waste Policy 2018 also noted that just over 9 jobs are created for each 10,000 tonnes of waste recycled. If we apply that to the additional 3 million tonnes that could be recovered by all councils achieving the same as the best performers, we have the potential to create almost 3,000 new jobs in the recycling industry and even more if we utilised those recycled materials by developing the circular economy within Australia instead of export. That's at least 1 new job for each 3,000 households that could be created locally.

It is this feedback, together with society's increased interest and desire to mitigate our negative environmental impacts, that has underpinned our Resource Management Strategy and objectives.

The vision guiding the Central Coast Waste Resource Recovery Strategy is:

**Promote the Central Coast as a creative environment for developing a local circular economy that values the recovery of resources and advocates prevention of waste**

Overarching priorities:

- Reduce the waste generated on the Central Coast
- Reduce waste landfilled on the Central Coast
- Increase recycling options available on the Central Coast
- Explore funding opportunities to facilitate waste avoidance and diversion.

These overarching priorities are oriented around four objectives, which work together to provide waste services that are safe, secure, cost-effective and deliver the recovery outcomes desired by the Central Coast community. These four objectives are supported by a suite of actions that are to be delivered over the life of the Strategy. They are summarised below and presented more fully in Section 5.

## OBJECTIVES

## ACTIONS

**01.****Drive waste avoidance**

- 1.1 Enhance community awareness and action around waste avoidance and reuse through targeted education campaigns
- 1.2 Engage local businesses to support uptake of opportunities for avoidance waste and increase recycling
- 1.3 Identify avoidable Council waste streams and improve waste management behaviours
- 1.4 Enhance the sustainability focus in Council procurement to close the local loop

**02.****Deliver a step change in diversion from landfill and build a circular economy**

- 2.1 Investigate large-scale waste processing solutions for mixed residual waste
- 2.2 Explore the viability of an integrated resource recovery precinct(s) to maximise recovery of resources from a wide range of local waste streams
- 2.3 Assess targeted recovery options for a broader range of household items, including salvage from kerbside collection and waste dropped off at landfills, and the viability of a resale or hire shop
- 2.4 Optimise existing waste management facilities to better sort, extract and recycle dry wastes
- 2.5 Improve and expand community recycling practices through education and promotion
- 2.6 Facilitate and utilise local end markets for recycled products and materials

**03.****Strengthen triple bottom line outcomes**

- 3.1 Collaborate with social enterprises and not-for-profit groups in mutually beneficial partnerships
- 3.2 Develop an ongoing dialogue with the community, business and other stakeholders with regards to waste management
- 3.3 Work with other levels of government, stakeholders and NGOs, to advocate for policies and programs that support Council's waste strategy
- 3.4 Continue to optimise waste facilities and services through delivery of efficient and cost-reflective operations

**04.****Enhance street and open space appeal**

- 4.1 Improve public place waste and recycling services
- 4.2 Explore smart city technology to enhance waste processes
- 4.3 Audit kerbside bins, bulky waste and public place bins to target opportunities to improve recovery
- 4.4 Review best practice bulky waste collection services, including service delivery and education
- 4.5 Review best practice waste storage design and service delivery for residential development, commercial / industrial development and subdivisions

**2 KEY DRIVERS****The challenges and opportunities**

With the NSW Waste and Resource Recovery (WARR) Strategy coming to an end in 2021-22 and rapid evolution in the global challenge around recycling, the State Government has embarked on development of a 20-year Waste Strategy to generate a long-term direction, integrate new thinking and facilitate new technology. Given NSW is already well short of its 2021 resource recovery goals – currently recovering 41% of municipal solid waste (MSW) against a target of 70% – it may well embrace concepts such as the circular economy, the co-collection of food organics and garden organics (FOGO) and a new framework to consider technologies such as energy from waste and small-scale reprocessing of kerbside recyclables and other streams.

Wasted resources are not just an operational issue for Council to manage. It has many direct and indirect impacts on the sustainability of our lifestyles and environment as landfills are Australia's seventh largest source of greenhouse gases with clear linkages to climate change, which is a focus area in our own Community Strategic Plan 2018-2028.

In July 2019, Council adopted its Climate Change Policy to accelerate actions to reduce greenhouse emission from Council operations to support the transition towards a net zero emissions region by 2050.

There are clear social benefits too. Transforming so called wastes into secondary resources with additional life not only cleans our community and protects the environment, import replacement helps our balance of trade and builds local resilience. Council understands that transitioning to new skills is of vital importance to keep up with the new technology and processes that will emerge in the evolving waste and resource recovery industry. Council will support the upskilling of the industry, as well as ensuring Council staff receive the training required to remain innovative.

The need and the opportunity are clear. Building on the foundations of our waste system with new approaches, views and principles that avoid, reuse, recycle or recover resources from waste delivers benefits across the triple bottom line.



## Community aspirations

The Central Coast community is very clear in its views about the goals and issues around managing Resources and Waste. Almost 90% of surveyed residents rated reducing waste to landfill as 'very important'. To inform this Strategy, Council undertook extensive consultation in mid-2019, engaging the community via workshops, pop-up information sessions, surveys, online quizzes and promotion through both traditional and social media.

With more than 1,300 surveys completed and 151 residents attending the four workshops, the outcome is a clear picture of community priorities, pressures and aspirations.

### Changing household behaviours

- More than 75% of survey respondents are likely to change the way they manage waste at home to reduce waste going to landfill. The top suggestions to do this were:
  - Improving recycling rates through the yellow lid recycling bin:

- Consistently using the green lid garden organics bin for garden organics; and
- Taking advantage of the opportunities to recycle through the Return and Earn Container Deposit Scheme (CDS).
- A need for more education to promote waste avoidance, diversion and bin usage was identified as a top priority. Council websites and social media should be supported by community-based education campaigns, such as at schools, libraries and community events. Information should target specific audiences and highlight the relevant short term and long-term benefits.
- Encourage behavioural change through bin inspections and rewarding correct use.

### Drop-off opportunities

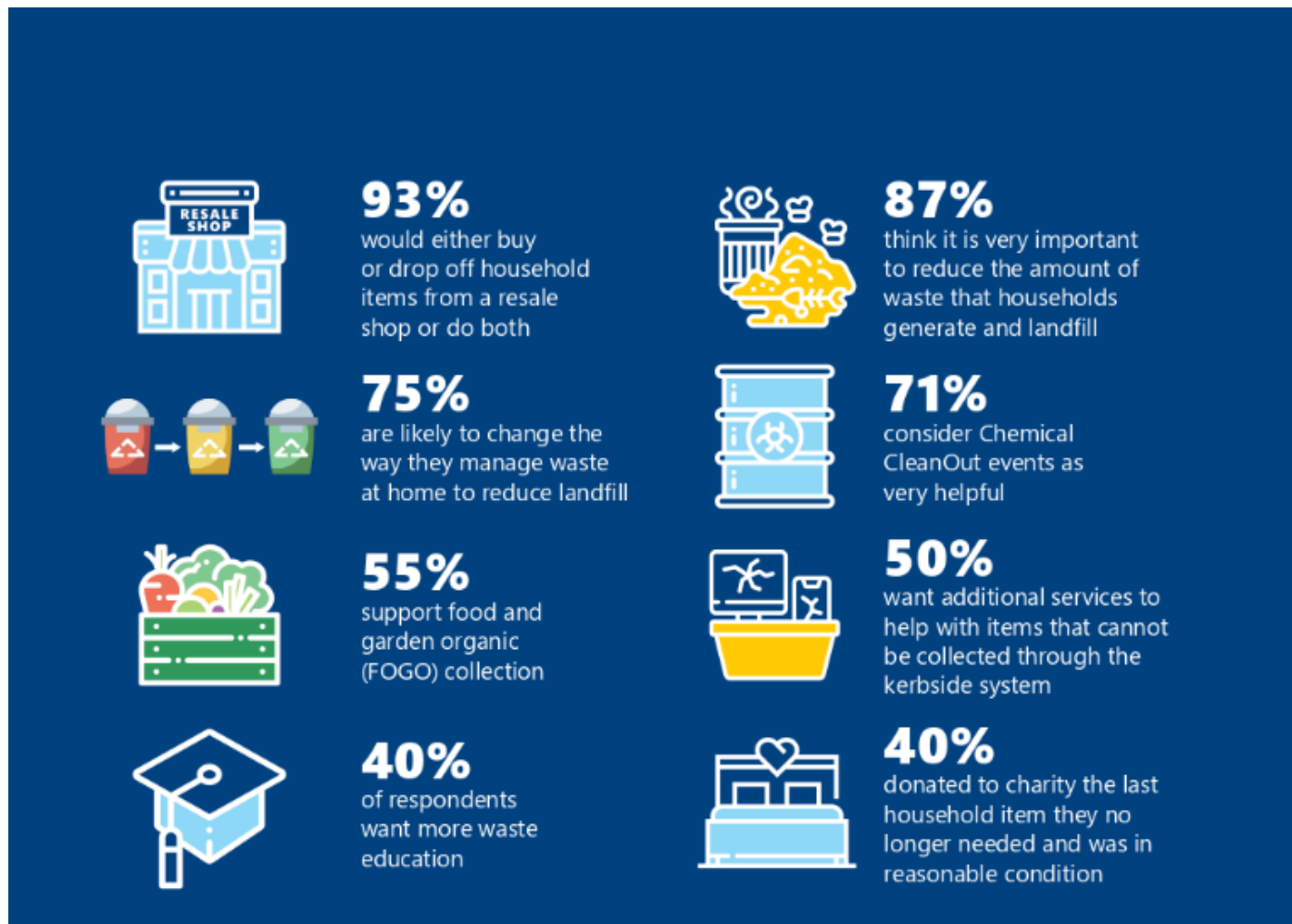
- Almost half of survey respondents would consider dropping off and buying used household items from a resale shop, while the online discussion forum also elicited strong support for a tip shop or resale shop. There was particularly strong support from residents under 25 years old, who identified this as the highest priority for managing bulky waste.
- A very high 75% of people said they would drop off soft plastic packaging at Council facilities, such as libraries, customer service centres and waste management facilities.
- Drop off opportunities and collection events for household hazardous wastes were also identified as high value in terms of promoting recycling and managing problem waste. Key opportunities include:
  - 71% supported Chemical CleanOut events.
  - 56% supported light globe, battery and mobile phone recycling, which are common problem household wastes.
  - 50% supported e-waste recycling in general, which includes computers, lighting equipment, electronic tools, telecommunication equipment and small appliances, etc.

### Improve kerbside recycling

- The following ideas from the community aim to reduce red lid general waste going to landfill:
  - Reduce the size of the red lid general waste bin to help residents think about the amount of waste they generate and encourage avoidance.
  - Change collection frequency to once a fortnight to promote waste avoidance
  - Introduce a separate collection for compostable (FOGO) material.
- The following ideas from the community address the yellow lid recycling bin:
  - Consider additional services to help manage materials that are potentially recoverable but not currently collected through the kerbside system, such as e-waste, light bulbs, solar panels and polystyrene. These are examples of materials that can be recycled through tailored systems. Unfortunately, the current yellow lid recycling bin kerbside collection doesn't have a system that can efficiently and safely manage and sort these materials to ensure the material is recycled and repurposed responsibly.
  - Provide more educational material to help reduce contamination through better sorting.
- The key green waste solutions identified by the community were:
  - Introduce a FOGO collection.
  - Develop or commission a compost or mulch service / facility, to improve conversion of the FOGO material into a beneficial product.
  - Promote composting, which could include introducing a community compost service or provide workshops on how to compost at home.

### Perspectives on technology

- The following criteria were identified by the community as the highest priority in assessing potential waste processing technologies:
  - Certainty of diversion from landfill
  - Minimal greenhouse gas emissions to minimise environmental impact
  - Produce an output material with sufficient local market scale and appetite.
- Almost 60% of respondents would be prepared to pay an additional \$50 per year on their household rates to reduce waste going to landfill through new technologies or processes.



**Waste policy and principles**

Waste policies are ever evolving and adapt to reflect the changing industry. Planning for waste management should consider both well-established principles and emerging trends. Governing bodies will be required to be responsive and agile as waste management becomes more challenging and the community becomes more alert to issues and impacts of waste.

**Waste Governance**

All levels of government throughout Australia have a role in appropriately managing waste and encouraging resource recovery, with a collective framework of responsibilities that cascades from the Commonwealth through to the states and on to regional council groups and local government. These roles are evolving as waste becomes increasingly viewed as a fully domestic responsibility (with no exports) and a valued resource that can be reinjected into the Australian economy.

In terms of waste management, the Commonwealth has been active in international treaties related to hazardous wastes and a small number of national programs, including carbon emissions programs and product stewardship schemes for targeted products including electronic waste.

However, there is growing pressure for more direct national leadership on the strategic challenges and common issues that affect all states and territories.

Historically, state and territory regulators have led the way in defining the opportunities and constraints for waste management. The NSW Environment Protection Authority (EPA) sets the long-term direction via the state Waste and Resource Recovery (WARR) Strategy, while as the regulator it significantly influences the present industry operating environment. The economic drivers for resource recovery have been driven through the Waste Levy, which is set by the State Government.

Local government operates within this state context to provide the on-the-ground operations and waste services to the community. Waste management services are one of the most significant financial commitments Councils make on behalf of the community. Council must ensure that these services are fit for purpose and offer the ratepayer value for money.

Table 1 summarises the roles and responsibilities of Commonwealth, State, Regional and Local Government.

Table 1: The hierarchy of responsibility for waste management

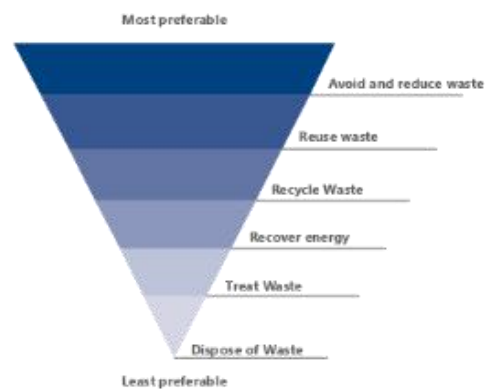
Government level	Responsibility
<b>Commonwealth</b>	<ul style="list-style-type: none"> <li>National Waste Policy 2018</li> <li>National Packaging Covenant</li> <li>National Packaging Targets</li> <li>National Food Waste Strategy</li> <li>National Television and Computer Recycling Scheme</li> </ul>
<b>State</b>	<ul style="list-style-type: none"> <li>Protection of the Environment Operations (POEO) Act 1997 and Waste Regulation 2015</li> <li>NSW Waste Avoidance and Resource Recovery (WARR) Strategy and 2020-21 targets</li> <li>NSW 20 Year Waste Strategy 2020 (currently in development)</li> <li>Energy from Waste Policy Statement</li> <li>NSW Circular Economy Policy Statement</li> <li>Return and Earn Container Deposit Scheme (CDS)</li> </ul>
<b>Regional</b>	<ul style="list-style-type: none"> <li>Local governments may join an urban Regional Organisation of Councils (ROCs) or non-urban Voluntary Waste Management Groups (VWMGs)</li> <li>In early 2017, Central Coast Council participated with the Hunter Joint Organisation of Councils, to develop the Hunter / Central Coast Regional Waste Avoidance &amp; Resource Recovery Strategy 2017-2021</li> </ul>
<b>Local</b>	<ul style="list-style-type: none"> <li>Local government provides waste education to the community to inform waste behaviours and ensure residents know how to use the waste systems provided</li> <li>Councils are responsible for collection, treatment and disposal of municipal waste (through in-house operations or contracted services), including kerbside, council generated and illegally dumped or littered waste</li> <li>Councils are encouraged to meet state targets (with some state funding for waste programs), however each councils' appetite to meet these targets is usually a function of their politics and priorities and the available infrastructure and services</li> <li>Central Coast Community Strategic Plan (CSP) 2018-2028 – Maintaining our natural assets is a core community value. Keys to our approach are: ongoing education (such as reducing litter and minimising waste); inviting the community to take a hands-on role in environmental conservation, protection and remediation; and championing renewable energy in our future design and planning to minimise the impacts of climate change in our region.</li> <li>Green objectives – Two CSP objectives have specifically informed the Waste Strategy: Reduce littering, minimise waste to landfill and educate to strengthen positive environmental behaviours (E3); and Improve enforcement for all types of environmental non-compliance, including littering and illegal dumping, and encourage excellence in industry practices to protect and enhance environmental health (F3).</li> </ul>



**Waste Hierarchy**

The waste hierarchy is the core guide used globally to prioritise approaches to waste management on the basis of environmental impacts and sustainability (Figure 2). The hierarchy is the core conceptual framework behind the NSW WARR Strategy and helps to inform this Strategy. It recognises the benefits across the supply chain of avoiding consumption and reuse, the materials benefits in recycling waste back into new products and the energy value when all other recovery is exhausted.

Figure 2: The waste hierarchy guides preferred outcomes



Typically, local governments have more control over the lower portion of the waste hierarchy as the responsible entity for providing waste collection, processing and disposal services for municipal waste. However, councils are starting to consider how they can address the higher order options in response to the emerging challenges in managing waste. As a result, the first objective within this Strategy is to drive waste avoidance.

**Circular Economy**

Recognition of the need for a less linear approach to materials flow through the economy has led to development of the circular economy model, which aligns with the hierarchy but seeks to present a more active indication of pathways and priorities (Figure 3).

To establish a more self-sustaining circular economy, all aspects of the economy need to be considered, from the extraction of resources, to design and manufacturing all the way through to the consumers who use these products and end of life management.

The concept is based on seven principles outlined in the NSW Circular Economy Policy Statement;

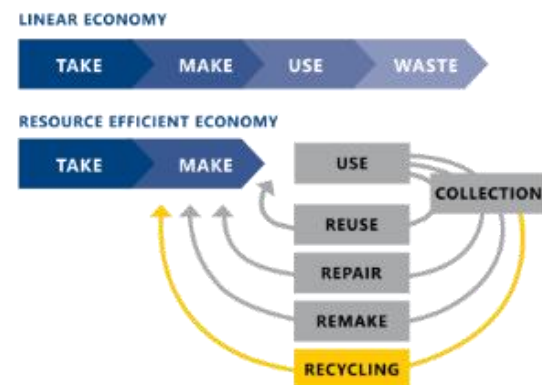
1. Sustainable management of all resources
2. Valuing resource productivity
3. Design out waste and pollution
4. Maintain the value of products and materials
5. Innovate new solutions for resource efficiency
6. Create new circular economy jobs
7. Foster behaviour change through education and engagement.

In general, the earlier in the circle the more effective the intervention, with 90% of the lifecycle impact of many products determined at the design stage. While Council has limited influence on how products are designed and manufactured, it has a key role in providing the capability to reuse or recycle materials and keep them 'circulating' in the productive economy for as long as possible.

Practical examples of initiatives at each stage of the circle are outlined below:

- Manufacturers use recycled materials in their processes and design products for disassembly to further promote product repair and material recycling, extending their lifetimes.
- Retailers advocate for, and are open to, new business models, whether selling second hand and refashioned items or selling a service rather than the product.
- Consumers, including businesses and Council, consider sustainability in their procurement and for unwanted items pursue the highest feasible outcomes in the waste hierarchy.
- Council prioritises resource and energy recovery through the waste services it contracts on behalf of the community.

Figure 3: A circular economy retains materials in their highest productive use



## 3 WHERE ARE WE NOW?

### The Central Coast in profile

The Central Coast Council area is approximately 1,681 km<sup>2</sup>, over half of which is classified as national park or protected areas.

It has 80km of coastline and neighbours the local government areas Lake Macquarie and Cessnock to the north, Hawkesbury to the west and Hornsby to the south.

The area is easily accessible by the M1 (Pacific Motorway) and the Central Coast and Newcastle Line of intercity rail. The largest population centres are Gosford, Tuggerah-Wyong, Erina, Woy Woy and The Entrance, all of which are located in the eastern region.

West of the M1 is low density and primarily classified as natural asset, productive land and rural lifestyle and National Park and Reserve / State Forest.

The Central Coast population is 342,047<sup>1</sup> and mostly English speaking. Some 35.8% speak a language other than English at home, including Mandarin, Arabic, Cantonese, Greek, Spanish, Italian and Filipino.

Growth has been steady over the last decade at an average 0.914% per year. There are more than 130,000 residential premises in the council area, predominately comprised of stand-alone houses (76.6%), followed by medium density homes (18.3%) and a small proportion of high-density dwellings (3.4%). Reference: <https://profile.id.com.au/>

<sup>1</sup> <https://economy.id.com.au/central-coast-nsw>, June 2018

However, density is growing. By 2036 the population is expected to grow by 19.67% to 414,615 people (Figure 5), with an additional 41,500 dwellings needed to meet this new demand, including a higher proportion of residents living in multi-unit dwellings (MUDs).

The 2016 census showed that there are around 22,000 registered businesses on the Central Coast, creating 115,443 jobs. The top three industries within the local government area are health care & social assistance, retail and accommodation & food services, which are key waste generating sectors. There were more than 7.8 million visitors to the local government in 2017/18, accounting for 3.07% of all visitors to the state and around 9% of total tourism expenditure in regional NSW.



Figure 6: The standard bin configuration for stand-alone houses east of the M1

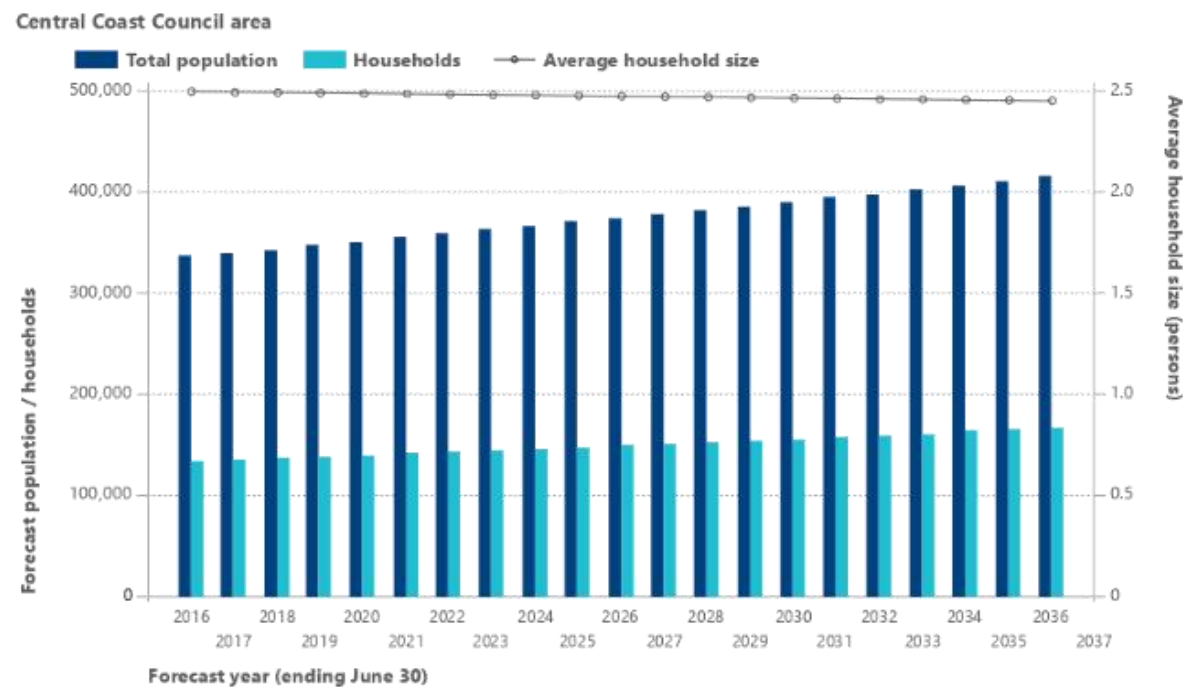


Figure 5: Population and household forecasts, 2016 to 2036

### Our waste services

#### Household waste collection

Collection of waste and recyclables from households is a core local government responsibility. Waste collection contracts are long-term commitments due to the significant investment by the contractor in vehicles, facilities and staff. A collection contract commenced in 2018 covering all household waste streams and the entire Central Coast region, one of the largest waste collection systems in Australia.

The services are tailored to the diverse needs of the region, with different bin configurations in urban and rural locations. The higher density areas east of the M1 contain stand-alone single unit dwellings and multi-unit dwellings (MUDs) that include townhouses and apartment blocks.

The standard service offers the following collections:

- One 140 litre red lid general waste bin, collected weekly
- One 240 litre yellow lid recycling bin, collected fortnightly
- One 240 litre green lid garden organics bin, collected fortnightly
- On-call bulky waste collections, six (6) per year.

The rural areas west of the M1 are characterised by single unit dwellings and often larger block sizes. The standard services are:

- One 140 litre red lid general waste bin, collected weekly
- One 240 litre yellow lid recycling bin, collected fortnightly
- On-call bulky waste collections, six (6) per year.

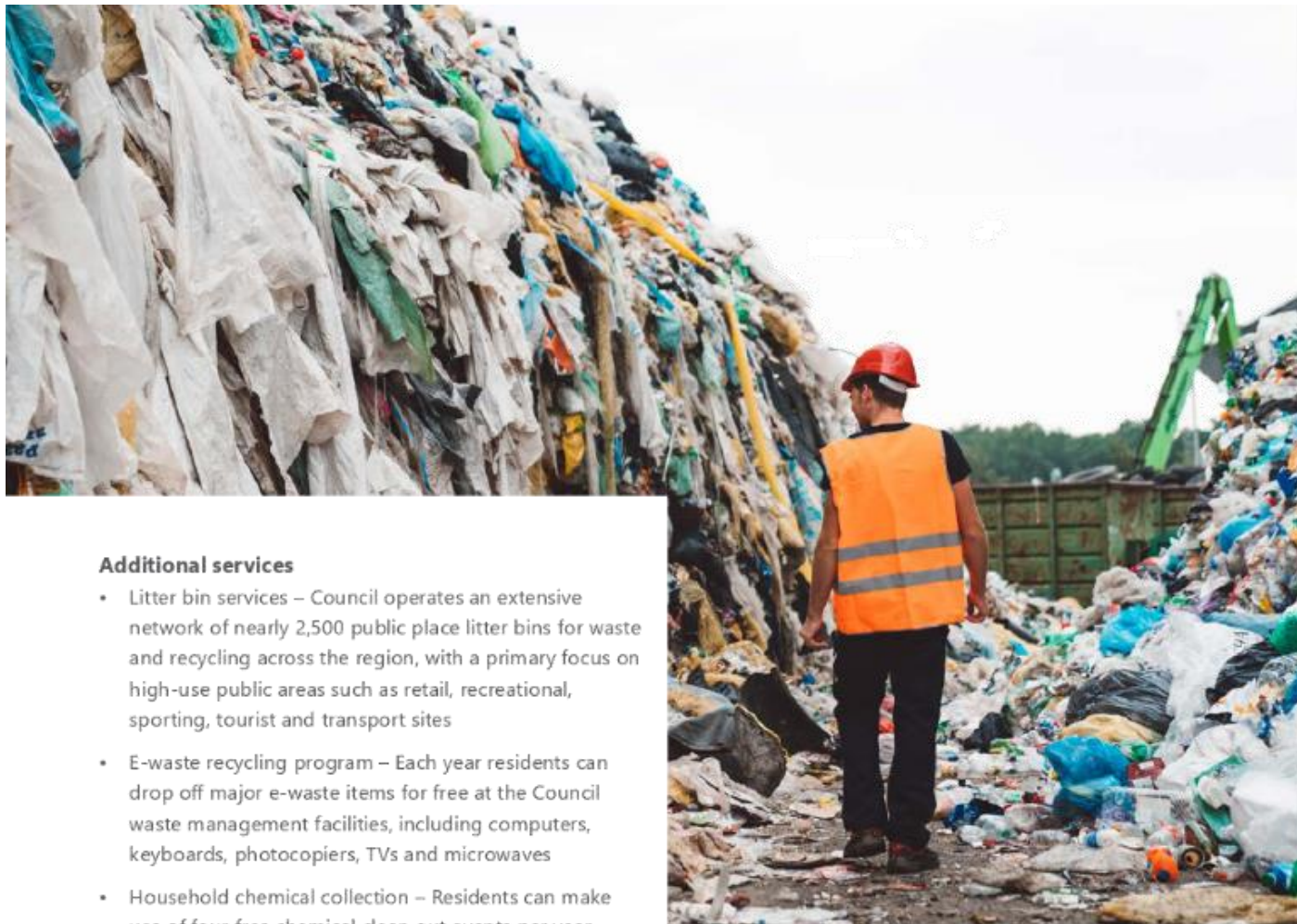
Variations to the standard bin services are offered to suit the wide diversity of residential areas and individual needs within the Central Coast region. For a small additional fee, residents can increase the frequency of, or upsize their red lid general waste bin to 240L and 360L. Residents can also increase the frequency or size of their yellow lid recycling or green lid garden organics bin service (360L). In addition, MUDs may also share larger bulk bins for their waste and recycling.

#### Commercial waste collection

Council waste services are offered to some small businesses, including restaurants, cafes, food outlets, retailers and offices, as well as schools, pre-schools and surf lifesaving clubs.

Collection is available as part of the household waste collection run and only picks up kerbside wheelie bins.

However, most commercial and construction waste on the Central Coast is collected by private operators directly contracted by the waste generator. Commercial and construction generators and their operators make the decisions on the collection, transport, and ultimate destinations for their waste. It does not fall within Council responsibilities and there is no local data on these waste streams.



#### Additional services

- Litter bin services – Council operates an extensive network of nearly 2,500 public place litter bins for waste and recycling across the region, with a primary focus on high-use public areas such as retail, recreational, sporting, tourist and transport sites
- E-waste recycling program – Each year residents can drop off major e-waste items for free at the Council waste management facilities, including computers, keyboards, photocopiers, TVs and microwaves
- Household chemical collection – Residents can make use of four free chemical clean out events per year, covering items such as paint, pesticides, motor oils, gas bottles, pool chemicals, fluorescent tubes and unwanted medical items
- A Community Recycling Centre (CRC) – A CRC is under construction at Buttonderry Waste Management Facility and when open will accept wastes such as paint, motor oils, cylinders, lead acid batteries, household batteries, fluorescent tubes and globes
- Waste education – While not a conventional service, waste education is a critical Council function to avoid waste and optimise recovery. Council operates popular waste education centres at Woy Woy and Buttonderry Waste Management facilities, but this Strategy will expand these education programs through new channels and across numerous demographic groups
- Scrap metal drop off – Residents and businesses can drop-off scrap metals for free at Council waste management facilities, including ferrous and nonferrous metals, car bodies, white goods and all other primarily metal containing products such as barbeques, trampoline frames and bikes.

#### Planning approvals for waste services

Increasing building density in our urban centres influences the design and amenity impact of waste services. An important control over new apartment development is Council's control over the configuration of waste services for the building through the Development Approval process.

The Development Control Plan (DCP) stipulates aspects such as waste storage area and collection regime, depending on the scale of the building. Each development proposal is subject to detailed review of its adequacy for waste services, support for recycling, impact on streetscapes and mitigation of safety risks.

A revised DCP currently under development will update controls for the modern Central Coast and support Council's ability to mandate and monitor building development.

## CASE STUDY

### Closing the loop on mattresses

In 2018-19, Central Coast Council implemented a mattress recycling program allowing residents to either include mattresses in their booked kerbside collection (free of charge), or drop them off at the Council waste facilities (fee charged). In the last 12 months, more than 22,000 mattresses from the Central Coast area have been recycled, diverting this bulky waste stream away from landfill into new products.

Recently, some of these mattresses have been processed by a social enterprise in country NSW, which has provided valuable work experience and skills to people with indigenous backgrounds, including school leavers and long term unemployed. The mattresses are deconstructed and components such as metal, foam, wood, plastic and textile flocking are recycled. The metals go into new train wheels, the foam becomes carpet underlay and the remaining components are used as biofuel.

## Where does your waste go?

### Current infrastructure

The Central Coast is well supplied with household waste and recycling infrastructure. Council operates three major waste management facilities across the local government area to cater for household and commercial waste. All are open to the public seven days a week, except for Christmas, New Year's Day and Good Friday.

Garden organics are collected and processed at a composting facility located at Councils Buttonderry Waste Management Facility.

Recyclables are processed locally under contract at a Materials Recovery Facility (MRF) located at Somersby, which accepts both household and commercial recyclables.

There are also a limited number of privately-operated waste facilities, primarily smaller sites focused on construction waste. There are no other facilities licenced to accept putrescible household residual waste in the local government area. There are however a number of commercial operators who transport commercial, construction and putrescible waste for disposal at facilities outside of the local government area.

Buttonderry	
Type of Facility	Integrated Waste Management Facility encompassing: <ul style="list-style-type: none"> <li>• Landfill</li> <li>• Green waste processing facility</li> <li>• Drop-off facility for batteries, motor oil, tyres and other specific types of waste including e-waste</li> <li>• Sorting and recycling area for scrap metal waste</li> <li>• Materials recovery area for sorting and recovery of concrete, bricks and tiles</li> <li>• Biosolids processing</li> <li>• Waste education centre and garden</li> <li>• Community Recycling Centre for problem household wastes due to open in 2020</li> </ul>
Capacity	Licenced to receive 250,000 tonnes per annum (140,000 tonnes to landfill and 110,000 tonnes to recovery)
Primary Wastes Accepted (see website for more)	<ul style="list-style-type: none"> <li>• Putrescible waste</li> <li>• Non-putrescible waste</li> <li>• Asbestos</li> <li>• Tyres</li> </ul>
Primary Direct Users	Residents and businesses in the northern part of the LGA, and potential to service Sydney and the Hunter region due to proximity to the M1
Remaining Life	Approximately 30 years in the current operational area (at current disposal rates), with the potential for further expansion within the site
Opportunities for Future Development	Approved landfill capacity extension and resource recovery expansion potential
Landfill Gas	Landfill gas extraction, flaring and electricity generation activities undertaken. Two 1.1 MW generators currently annually generate around 18,000 MWh's of electricity per delivering to the grid the equivalent power needs of around 3200 homes and the abatement of 114,000 tonnes of CO <sub>2</sub> equivalent.

### Woy Woy

Type of Facility	Integrated Waste Management Facility encompassing: <ul style="list-style-type: none"> <li>• Putrescible landfill</li> <li>• Garden organics sorting and transfer</li> <li>• Drop-off facility for recyclables and specific waste types, including e-waste</li> <li>• Sorting and recycling area for scrap metal waste</li> <li>• Materials recovery area for sorting and recovery of concrete, bricks and tiles</li> <li>• Biosolids processing</li> <li>• Waste education centre</li> </ul>
Capacity	Licenced to receive 100,000 tonnes per annum
Primary Wastes Accepted (see website for more)	<ul style="list-style-type: none"> <li>• Putrescible waste</li> <li>• Non-putrescible waste</li> <li>• Asbestos</li> <li>• Tyres</li> </ul>
Primary Direct Users	Residents and businesses in the southern end of the LGA
Remaining Life	14 years at current disposal rates
Opportunities for Future Development	<ul style="list-style-type: none"> <li>• Development Approval to develop an alternative waste treatment facility on-site with the potential to process up to 115,000 tonnes per annum</li> <li>• Near-term relocation of the garden organics facility</li> <li>• Expansion of the current landfill cell to extend the landfill design by up to 10 years</li> </ul>
Landfill Gas	Landfill gas extraction, flaring and electricity generation activities undertaken. A 1.1 MW generator annually generates around 7,200 MWh's of electricity delivering to the grid the equivalent power needs of around 1,200 homes and the abatement of 34,000 tonnes of CO <sub>2</sub> equivalent

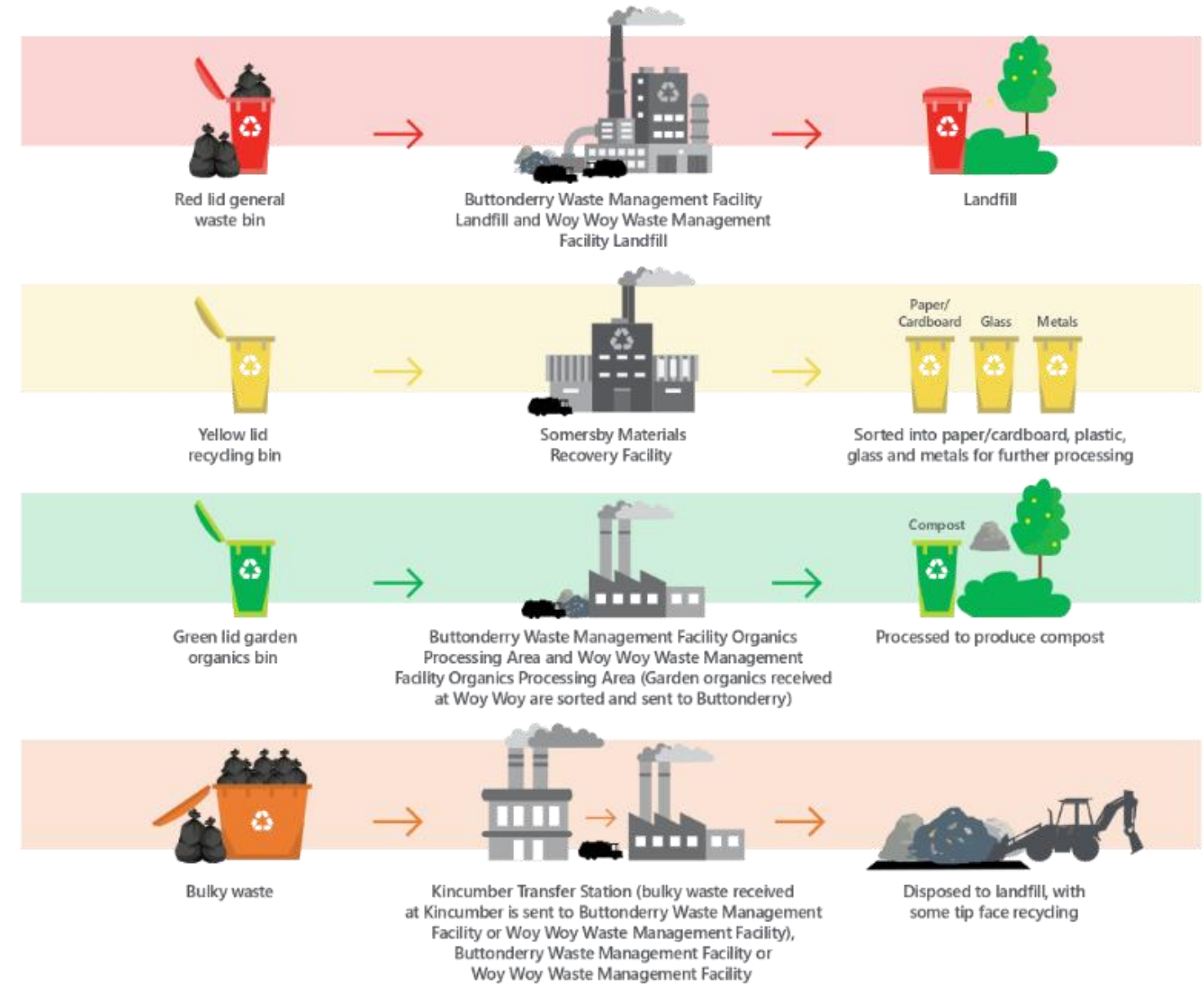




**Kincumber**

Type of Facility	Transfer Station (public and commercial drop-off). The site also retains contingency landfill airspace and its landfill licence.
Capacity	Licensed to receive 100,000 tonnes per annum
Primary Wastes Accepted (see website for more)	<ul style="list-style-type: none"> <li>• Dry inert waste</li> <li>• Green waste</li> </ul>
Primary Direct Users	Residents and businesses in the eastern part of the LGA
Remaining Life	Not applicable for a transfer station. The site has approximately 600,000 m3 of contingency landfill space.
Opportunities for Future Development	Potential to develop an enclosed facility to process dry waste streams, subject to viable volumes.
Landfill Gas	Landfill gas extraction, flaring and electricity generation activities undertaken. A 1.1 MW generator annually generates around 1,900 MWh's of electricity delivering to the grid the equivalent power needs of around 320 homes and the abatement of 12,000 tonnes of CO <sub>2</sub> equivalent.

**The waste management pathways for household waste.**



**Waste and recycling performance**

**Municipal waste flows**

Across all household collections on the Central Coast, residents generated 168,243 tonnes of waste in 2018-19, of which 59% (98,511 tonnes) was sent to landfill and 41% (69,732 tonnes) was recovered. Another 106,763 tonnes of drop-off material was received at our three waste facilities.

Total waste generation fluctuated between 2011-12 and 2017-18, with a peak in 2014-15 due to a spike in bulky and garden waste after severe storms caused extensive property damage and tree loss. Residual waste in the red lid general waste bin has remained relatively constant over the last five years while recycling volumes have declined, reducing our overall landfill diversion rate by 3% over the last five years from nearly 44%.

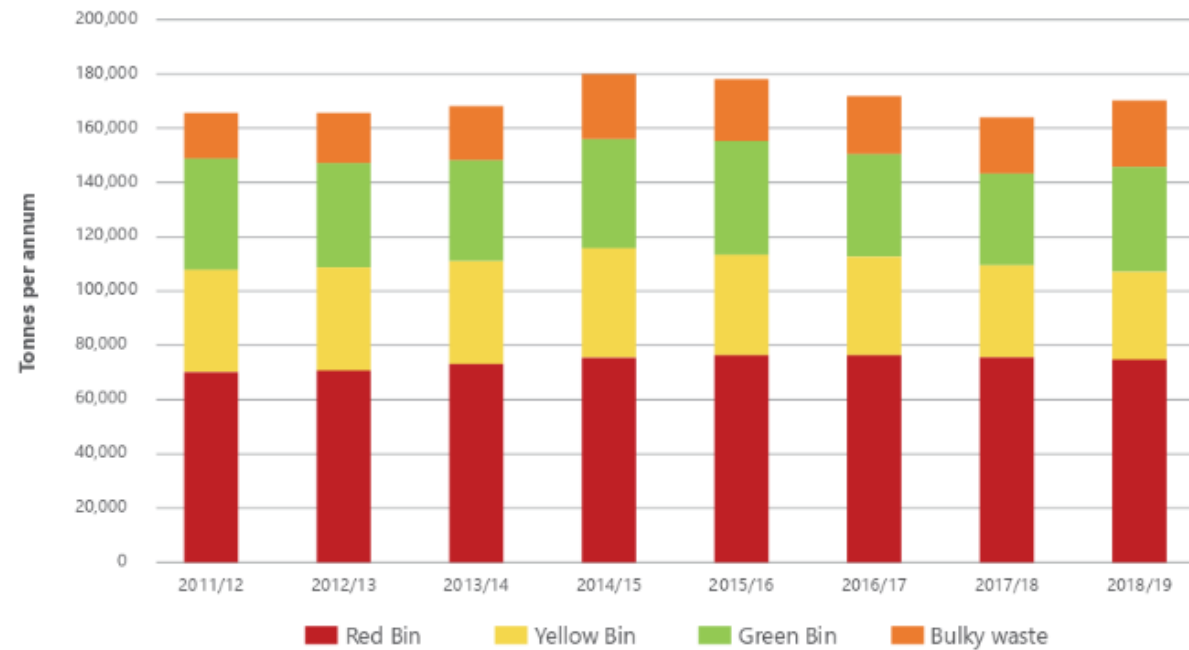


Figure 7 Total waste and recycling collected by Council

To achieve the current state-wide 70% landfill diversion target for municipal waste by 2021-22, the Central Coast will need to recover an additional 48,038 tonnes from the 98,511 tonnes a year that are currently sent to landfill. There are real opportunities to extract value from the red lid general waste bin and to improve recovery from bulky and drop-off waste.

Central Coast households on average generated nearly 20 kg per week of waste and recycling, in addition to 12 bulky waste items per year.

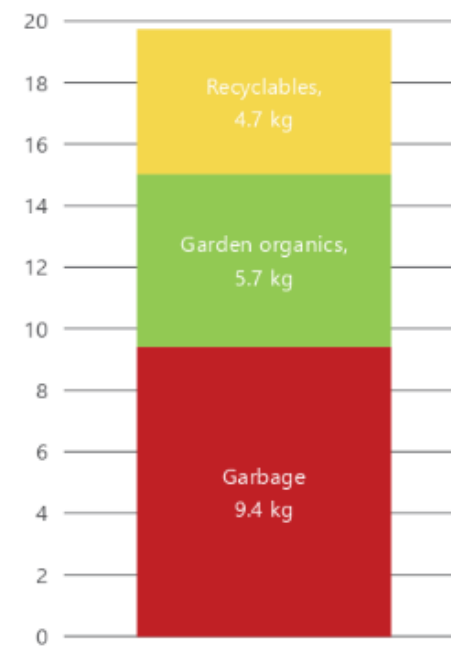


Figure 8: Typical kilograms of kerbside waste per household per week

Household bins

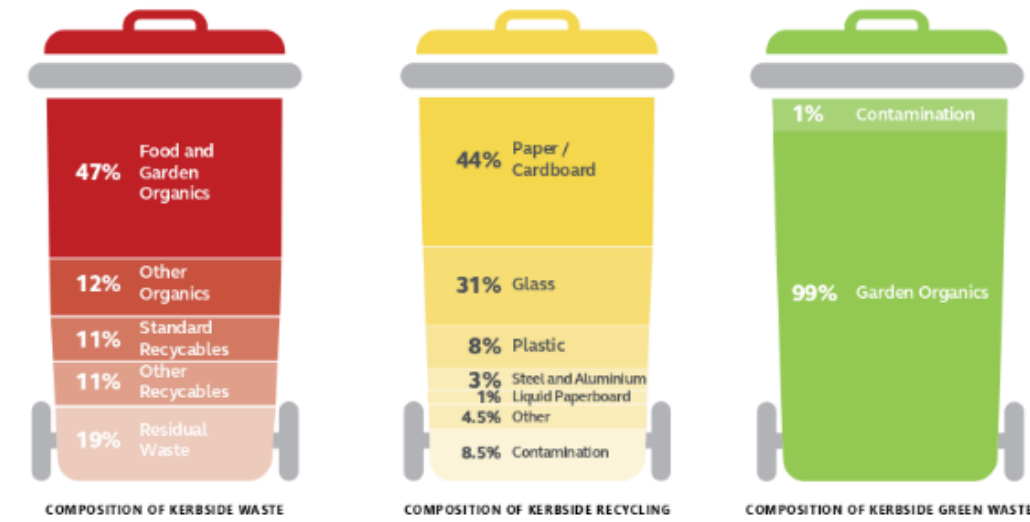


Figure 9: The typical composition of Central Coast red lid general waste bins, yellow lid recycling bins and green lid garden organic bins(2018)

Assessment of the composition of our kerbside waste and recycling streams helps to zero in on opportunities to improve recovery and reduce contamination.

A significant 22% of material in our red lid general waste bins (by weight) was recyclable items that should be captured in yellow lid recycling bins or other existing recycling services.

A further 59% is organic, including food waste and other organic wastes. A variety of alternative waste treatment options could recover some value from this organic fraction, whether through a dedicated collection service or extracted from the mixed waste stream (see Section 4 for more on waste processing technologies).

Altogether, there is potential to recover more than 61,000 tonnes of additional resources from the general waste stream by improving capture rates and expanding waste services (Table 2). Detailed analysis is required to assess the viability of new service options (Section 4).

Table 2: Recovery potential in Central Coast bins.

Material	Items Per Household	Recovery Potential
Standard recyclables	Divert standard recyclables still in our red lid general waste bin into the yellow lid recycling bin.	8,300
Other recyclables	Target soft plastics, expanded polystyrene (EPS) and similar plastics in the red lid general waste bin.	8,300
Food and garden organics	Target food and garden organics in the red lid general waste bin by introducing a FOGO collection.	35,500
Other organics	Target other organics in red bin by sending to a mixed waste AWT processing plant.	9,000
<b>Total</b>		<b>61,100</b>

In terms of the yellow lid recycling bin, 8.5% of its content is contamination, including soiled paper, non-recyclable glass (mixed glass and glass fines), non-recyclable plastic, plastic film and containerised food. While marginally better than the NSW average, contamination with non-recyclable items can lead to rejection of valuable recyclables by the recycler, increasing community costs and reducing our recovery rate. Further education and community support is required to support Council in minimising contamination.

The green lid garden organics bin has low contamination at 1%, with the main contaminants including treated timber, glass containers, food, textiles, ceramics and earth-based materials. Ongoing education will continue to drive contamination performance.



**Bulky waste**

Household items that are too large or too heavy for regular kerbside bin collection are defined as bulky waste, which is collected through an individually booked service (Section 3.2).

The audit indicated 44% of the items in our bulky waste stream could be reused, equivalent to 5.2 reusable items per pile. The most common items with reuse potential were kitchenware, furniture, carpet, building materials, clothing and toys. It also revealed that 7% of items were not acceptable within bulky waste and should not have been placed on the kerbside for disposal.



**Drop-off waste**

In addition to kerbside collections, residents and businesses dropped off more than 106,000 tonnes of waste materials in 2018/19. Of this, 13% (13,500 tonnes) was salvaged and sent to recovery, a baseline performance from which Council aims to improve.



Figure 10: Standard return and earn reverse vending machine station

CDS collected containers are less contaminated than kerbside collected material and as a result attracts higher prices and more robust end markets, including the potential to turn them back into bottles.

**Container deposit scheme soars**

In 2017, the NSW Government introduced a state-wide Container Deposit Scheme (CDS) to reduce littering of beverage containers, which had made up 44% of the volume of litter and cost more than \$162 million a year to manage.

The scheme, which refunds a 10 cent deposit paid on each eligible container returned at an approved collection depot or reverse vending machine (RVM), has been popular across NSW and on the Coast.

There are multiple RVMs and automated depots across the Central Coast, including in Wyong, Tuggerah, Lake Haven, Gosford, Umina, Toukley, Charmhaven and Kincumber. The volume of the commingled recycling stream dropped 25% in 2018, almost certainly due to the impact of the CDS. While a very positive outcome, a perverse impact is the reduction in Council's waste diversion performance by reducing recovery through the kerbside system.

In the first half of 2019, more than 43 million containers were recovered, either returned by Central Coast residents through these facilities or collected in kerbside recycling. This is the second largest number of any local government area in NSW, after Blacktown in Western Sydney.

**Commercial waste flows**

Council also provides an essential disposal option for both commercial and industrial (C&I) and construction and demolition (C&D) waste streams in the region.

Commercial waste is generated by more than 22,000 businesses on the Central Coast and disposed at the owner's discretion, with 8,500 tonnes taken to Council-run facilities in 2018-19. Council also collects waste from small businesses as part of the household waste collection run.

Some 13,500 tonnes of C&D waste was delivered by private contractors to the Council waste facilities in 2018-19, of which 99% was landfilled and 1% recovered.

Traditionally, C&I and C&D waste streams have a low recovery rate, presenting opportunities to divert the waste currently deposited at Council facilities and to create an attractive recovery solution for wastes currently disposed outside the LGA. Additionally, large waste generators and transporters outside the Central Coast have expressed interest in utilising Council facilities, which could provide the volumes required to support innovative resource recovery infrastructure.



## 4 RESOURCE RECOVERY OPPORTUNITIES

Growth in waste generation, the limited remaining life of landfilling at Woy Woy and the community and Council objective to increase resource recovery, drives the need to explore resource recovery opportunities.

Analysis of our waste data clearly indicates that the key opportunity to deliver a step-change in waste outcomes on the Coast is to:

1. Recover value from the red lid general bin waste, which is the largest waste stream and currently goes directly to landfill; and
2. Enhance the bulky waste processes to avoid and divert more waste from landfill.

### Recovery options for general waste

The two broad approaches to diverting more material from the red lid general waste bin are some variety of alternative waste treatment (AWT) facility that extracts viable value from mixed waste, or to separate food waste for collection and processing with garden organics.

The primary technology options are:

- Mechanical Biological Treatment: A process that combines mechanical separation of dry and organic fractions, with further sorting of dry recyclables and biological processing of the organics into low-grade soil improver (compost) and/or Refuse Derived Fuel (RDF)

- EFW (Energy from Waste): The primary options are combustion, which burns the carbon-based components of the waste in a purpose-built furnace to generate electricity (and heat), and gasification by burning the waste in a limited oxygen environment so that it is partially oxidised into a combustible synthetic gas (syngas).

- Food Organics and Garden Organics (FOGO): A modification to the current kerbside garden organics service offered east of the M1, by establishing a co-collected food and garden organics service for processing into high value compost.

To understand the costs and diversion rate implications of these options within the Central Coast context, these technologies and their associated collection scenarios have been modelled to provide an indicative assessment of impacts and benefits.

## Options

### Business as Usual (BAU)

The standard BAU service provided by Council consists of:

- Weekly collection and disposal of a 140L red lid general waste bin
- Fortnightly collection and processing of a 240L yellow lid recycling bin
- Fortnightly collection and processing of a 240L green lid garden organics bin, provided to the eastern area only
- Landfilling at Woy Woy and Buttonderry

### Food Organics and Garden Organics Collection and Processing (FOGO)

Introduction of a weekly FOGO service to co-collect food and garden organics, with a fortnightly red lid general waste bin collection, and development of a FOGO processing facility.

Introduction of a weekly FOGO service, with a weekly red lid general waste bin collection, and development of a FOGO processing facility.

### A mixed waste processing energy from waste (EfW) facility

Residual waste is directed to an EfW facility that employs conventional combustion (mass burn) of residual waste.

Residual waste is directed to an EfW facility that employs gasification with at least a basic level of pre-treatment.

### A mixed waste processing mechanical biological treatment (MBT) facility

Residual waste is directed to an MBT facility, with mixed waste compost as the primary product

Residual waste is directed to an MBT facility producing RDF and compost as products.

*Note: All options continue to use a fortnightly 240L yellow lid recycling bin and bulky waste collection*

## Comparing results

To inform discussion of long-term waste management, the four waste service scenarios were defined and modelled to compare the costs and outcomes that each might deliver. For each option, the cost to Council and diversion rate potential between 2020 and 2045 were compared in net present value terms. There are several models to investigate which include Council either investing Capital to construct required facilities, or seeking a third party contractor to build and operate the facilities.

### Business as Usual

Landfill is the most expensive option due to the significant costs associated with the landfill levy. If Council keeps the current services, costs will increase in line with levy increases, with no benefits in terms of improved resource recovery.

### FOGO System

The current 10-year collection contract allows Council to establish a FOGO service, with food and garden organics co-collected weekly in the current green lid garden organics bin, with the service rolled out to all residents across the LGA.

FOGO delivers the lowest diversion given it only targets the organic fraction, resulting in landfill diversion rates of between 14-26%. It is the second most costly alternative scenario given collection costs increase and a significant volume is still sent to landfill, where it incurs the waste levy.

In addition, Council will need to determine whether to collect the organics-depleted red lid general waste bin either weekly or fortnightly. FOGO is most successful (high capture, low contamination rate) when the red lid bin is collected fortnightly, however community acceptance may be a challenge.

### Mixed Waste to EfW

Another option is to process general waste in some type of alternative waste treatment facility, including at Woy Woy Waste Management Facility or another location. Of these options, energy-from-waste treatment technologies offer the lowest cost per tonne and accept the widest range of wastes, including bulky waste.



Technical diversion rates are 80-90%, although the NSW Energy from Waste Policy sets a 40% limit on the proportion of red bin general waste allowed to go to EfW where a council runs a 3-bin system that includes garden organics (as on the Coast). The modelling has also captured the above FOGO scenario, in which case there is no limit on residual waste to EfW.

**Mixed Waste to MBT**

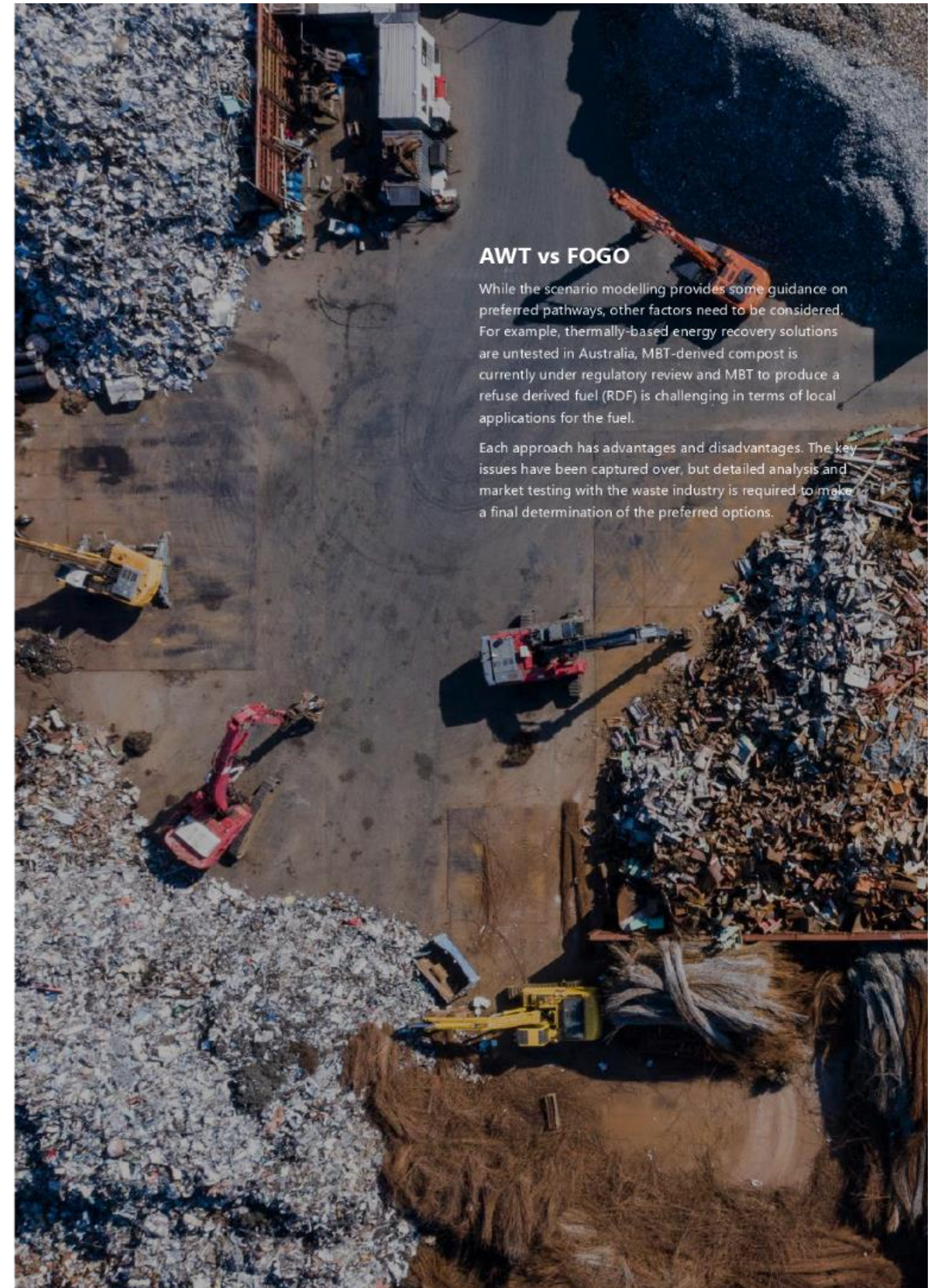
MBT for processing mixed waste delivers competitive outcomes compared to EfW scenarios in cost and diversion (55-85%). However, this is dependent on securing a market for the lower grade compost, which is set to be permanently prevented by the EPA from 2020, effectively eliminating this option.

**Diversion rates**

Table 4 provides the indicative recovery rates of each scenario.

Table 4: Diversion rates under various service scenarios for red-lid general waste and overall domestic waste.

Description	Red Lid General Waste Diversion Rate	Overall Diversion
Business as usual	0%	41%
FOGO with fortnightly red bin	26%	54%
FOGO with weekly red bin	14%	49%
MBT producing compost	55%	67%
MBT producing RDF	85%	81%
EfW Combustion	34%	58%
EfW Combustion - FOGO, fortnightly red	90%	82%
EfW Combustion - FOGO, weekly red	88%	82%
EfW Gasification	32%	57%
EfW Gasification - FOGO, fortnightly red	86%	80%
EfW Gasification - FOGO, weekly red	84%	80%



**AWT vs FOGO**

While the scenario modelling provides some guidance on preferred pathways, other factors need to be considered. For example, thermally-based energy recovery solutions are untested in Australia, MBT-derived compost is currently under regulatory review and MBT to produce a refuse derived fuel (RDF) is challenging in terms of local applications for the fuel.

Each approach has advantages and disadvantages. The key issues have been captured over, but detailed analysis and market testing with the waste industry is required to make a final determination of the preferred options.

	Advantages	Disadvantages
<b>Business as Usual</b>	No change to existing household waste practices.	Costs will increase over time due to the rising cost of landfill, including the landfill levy
	A proven service with high community acceptance	No improvement in resource recovery
		Maintains different services provided east and west of the M1
<b>FOGO (Food and Garden Organics)</b>	Leverages the existing garden organics bin and collection service (for those east of the M1)	Separated food waste can be contaminated by plastics from packaging, kitchen caddy liners and other plastics
	The concept of closing the loop on organics back into soil fertility is powerful and easy to understand	Average capture rates of food (into the FOGO bin) are currently only 35% among NSW councils, reducing diversion from landfill
	Targets food waste within the general waste bin, which is the largest single fraction (14-26%) and generates greenhouse gas and liquid leachate in landfill	High impact on the garden organics stream, with higher collection costs and contamination rates from the merged service
	Creates nutrient-rich compost, which expands the range of end use options and increases revenue	Higher overall costs, especially if general waste service remains weekly
	Extracting the primary degradable waste type from the red lid bin service allows consideration of switching to fortnightly general waste collection to reduce service costs	Potential for high community sensitivity if the general waste service is reduced in frequency
Mature, low risk technology		
<b>Mechanical Biological Treatment (MBT)</b>	No change to household waste practices as it uses the current collection system	MBT composted product is lower quality due to contamination from the red lid bin materials
	Can be provided to all residents equally (east and west of the M1) without change	Recent regulatory changes have effectively eliminated the end markets for MBT composted product, resulting in uncertainty about overall viability
	Achieves a medium recovery rate (40-85%) by targeting all recyclable materials in the general waste bin, including compostable organics and conventional recyclables incorrectly disposed	The end market for the alternative refuse derived fuel (RDF) product is not mature
	Protects clean, low-cost garden organics compost by avoiding contamination with plastics from FOGO	
	There are existing facilities	
	Relatively low cost due to avoidance of the landfill levy	
	Mature, low risk technology	
<b>Energy from Waste</b>	No change to household waste practices as it uses the current collection system	High community and regulator sensitivity, particularly around air emissions
	Can be provided to all residents equally (east and west of the M1) without change	Not proven in Australia
	Achieves a high recovery rate (up to 90%) by targeting all material with energy value in the general waste bin	May require partnering with other councils to achieve minimum tonnes for viability
	Protects clean, low-cost garden organics compost by avoiding contamination with plastics from FOGO	Potential for longer approval and development timeframes
	Could work in tandem with a FOGO system, processing only the non-organic residual waste	
	Relatively low cost due to avoidance of the landfill levy	
	Combustion is a mature technology globally; gasification is less mature	



### Bulky waste resource recovery

Nearly 25,000 tonnes of bulky waste was generated in 2018/19. With a recovery rate of 17% (4,300 tonnes), there is significant scope to improve performance. The Strategy has identified a range of options to lift the bar, including:

- A tip shop, hire shop and / or repair shop to give new life to unwanted products
- Repair workshops
- Education
- Provide alternative collection options for specific items, such as electronics, to divert such waste streams from kerbside collections
- Explore additional recycling avenues and then energy from waste.

Any configuration of these options could be combined to amplify diversion performance.

## 5 THE ACTION PLAN

### KEY OBJECTIVES AND ACTIONS

#### OBJECTIVES

### 01. Drive waste avoidance

- #### ACTIONS
- 1.1 Enhance community awareness and action around waste avoidance and reuse through targeted education campaigns
  - 1.2 Engage local businesses to support uptake of opportunities for avoidance waste and increase recycling
  - 1.3 Identify avoidable Council waste streams and improve waste management behaviours
  - 1.4 Enhance the sustainability focus in Council procurement to close the local loop

### 02. Deliver a step change in diversion from landfill and build a circular economy

- 2.1 Investigate large-scale waste processing solutions for mixed residual waste
- 2.2 Explore the viability of an integrated resource recovery precinct(s) to maximise recovery of resources from a wide range of local waste streams
- 2.3 Assess targeted recovery options for a broader range of household items, including salvage from kerbside collection and waste dropped off at landfills, and the viability of a resale or hire shop
- 2.4 Optimise existing waste management facilities to better sort, extract and recycle dry wastes
- 2.5 Improve and expand community recycling practices through education and promotion
- 2.6 Facilitate and utilise local end markets for recycled products and materials

### 03. Strengthen triple bottom line outcomes

- 3.1 Collaborate with social enterprises and not-for-profit groups in mutually beneficial partnerships
- 3.2 Develop an ongoing dialogue with the community, business and other stakeholders with regards to waste management
- 3.3 Work with other levels of government, stakeholders and NGOs, to advocate for policies and programs that support Council's waste strategy
- 3.4 Continue to optimise waste facilities and services through delivery of efficient and cost-reflective operations

### 04. Enhance street and open space appeal

- 4.1 Improve public place waste and recycling services
- 4.2 Explore smart city technology to enhance waste processes
- 4.3 Audit kerbside bins, bulky waste and public place bins to target opportunities to improve recovery
- 4.4 Review best practice bulky waste collection services, including service delivery and education
- 4.5 Review best practice waste storage design and service delivery for residential development, commercial / industrial development and subdivisions



## OBJECTIVE 1 – DRIVE WASTE AVOIDANCE

The Central Coast community is environmentally conscious and aware of waste management issues. Almost 90% of those who participated in the survey said that it is very important to reduce the amount of waste that households generate and landfill.

A convenience lifestyle and 'throw-away' mindset has led to an increasing volume of unnecessary, single-use waste. Some common materials that make up a large proportion of avoidable waste are coffee cups, plastic bags, plastic footwear, single portion packets (e.g. sugar) and junk mail.

Our first priority is to drive a higher level of waste avoidance. This aligns with the Waste Hierarchy as avoiding waste in the first instance addresses the life cycle impacts of consumption, from supply chain to end of life.

Where product consumption cannot be avoided, Council and the community should explore reusable options and consider repurposing materials. Council intends to lead by example by addressing its own single use footprint, such as reviewing single use items at Council run events, and work with other stakeholders to help them embrace a similar change.

*“Together, we can move away from being a society of convenience and begin to create a culture of reuse”*

## KEY ACTIONS

### 1.1 Enhance community awareness and action around waste avoidance and reuse through targeted education campaigns

Council will promote waste avoidance through multiple avenues, including online campaigns, community groups and direct messages to household and businesses. Online initiatives will include leveraging the existing online footprint, including more than 35,500 'likes' of the Council Facebook page and 7,000 followers of the Instagram account. Community outreach will target community and church groups, sports clubs, aged care residences, industry groups and the like.

1.1.1 Develop and deliver waste avoidance education campaigns with residents and businesses to support behavioural change.

1.1.2 Target education in schools to reach the region's 29,200 primary school students and 24,130 secondary school students, establishing long-term behaviours and recognising the influence of our younger residents in transferring knowledge and facilitating change.

1.1.3 Promote the reuse, repair, repurposing of household items.

### 1.2 Engage local businesses to support uptake of opportunities for avoidance waste and increase recycling

Council will work with local businesses including key waste generators and influencers within the community to encourage them to identify, support and implement waste reduction, as well as establishing a local focus on waste solutions.

1.2.1 Engage with large waste generators, such as the fast food, supermarket and health care industries, to keep them accountable and encourage them to minimise waste that can be avoided, in particular the generation of unnecessary waste streams.

1.2.2 Work with smaller businesses to help identify collective waste solutions and consider opportunities to leverage the work of bigger businesses.

1.2.3 Identify particular problematic and unnecessary waste streams and work with the industry to identify alternative products and materials.

1.2.4 Advocate for the Commonwealth and NSW governments, stakeholders and NGOs to develop policies and programs that support this action.

1.2.5 Encourage and support, where appropriate, local businesses in undertaking waste audits, as an ongoing activity, to identify waste reduction opportunities and continuous improvement.

## KEY ACTIONS

### 1.3 Identify avoidable Council waste streams and improve waste management behaviours

Council has committed to assessing the waste streams generated through its day-to-day activities and the practices that drive that waste, to identify opportunities to avoid waste. This will reduce Council's lifecycle impact, reduce waste generation on the Central Coast, support local solution providers and build capacity around waste wise behaviours and promote that to the community. Council will enforce its event waste policy across all Council-run events to avoid waste, where possible, and maximise the diversion of unavoidable waste.

1.3.1 Undertake a 12 month program of waste audits in Council buildings to establish a baseline understanding of the streams that are potentially avoidable. The portfolio of buildings is likely to encompass libraries, childcare centres, depots and administration buildings.

1.3.2 Prioritise waste avoidance within Council buildings, projects and Council-run events, where possible, by identifying key internal stakeholders and solutions that improve waste practices and support a circular economy. Key departments within Council will be engaged to identify and implement solutions tailored to their individual operating context, barriers, scale, material inputs and waste outputs.

1.3.3 Where Council waste cannot be avoided, explore local solutions that support reuse, repair and recycling.

1.3.4 Council will lead by example to advocate for sustainable events. Where Council has control or influence over waste-generating aspects, such as use of single-use plastics, it will promote avoidance.

1.3.5 Improve event waste management infrastructure e.g. wash up stations and cup exchanges.

### 1.4 Enhance the sustainability focus in Council procurement to close the local loop

Sustainability is already a criterion in the Council procurement policy. Council will work across departments to raise the profile of sustainable procurement opportunities within its own operations and projects.

1.4.1 Enhance implementation of the sustainability assessment in the existing procurement policy within Council.

1.4.2 Promote and preference (where viable) local recyclers, reprocessors and end users when managing Council-generated waste.

### OBJECTIVE 2 – DELIVER A STEP CHANGE IN DIVERSION FROM LANDFILL AND BUILD A CIRCULAR ECONOMY

With 59% of our kerbside waste sent to landfill in 2018-19, increased diversion to higher value outcomes is a critical step in reducing the waste footprint of the Central Coast community.

The community consultation demonstrated a high level of interest in diverting waste from landfill, including a willingness to pay more for processing of red bin waste and, among other things, to drop-off household items at a resale shop to be given another useful life.

Council need to operate at varying scales, from major infrastructure through to targeted solutions to divert and recover value from key streams going to landfill. A key barrier to resource recovery is finding viable end markets for the recycled products or materials.

Increasing local demand for recovered materials will not only support a sustainable circular economy but generate flow-on effects such as new jobs and stimulate development of innovative solutions.



## KEY ACTIONS

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### 2.1 Investigate large-scale waste processing solutions for mixed residual waste

Processing of red bin general waste is the biggest opportunity to deliver a step change in the Central Coast landfill diversion rate. While Council will prioritise initiatives higher in the waste hierarchy, such as improved waste behaviours and investigating recycling solutions for specific streams, there will always be a significant volume of waste that cannot be conventionally recycled back into new materials.

2.1.1 Council will investigate waste technology options, and the associated collection requirements, that can deliver safe, secure and cost effective processing of residual waste into beneficial use. Solutions may include some form of energy-from-waste facility or co-collection and composting of food and garden organics (Section 4).

2.1.2 Council will investigate the suitability of Council-owned facilities for potential development of an advanced waste processing facility, noting that other sites both inside and outside the LGA may also offer value.

### 2.2 Explore the viability of an integrated resource recovery precinct(s) to maximise recovery of resources from a wide range of local waste streams

Another option to increase recycling is through an integrated, one-stop recycling park or precinct(s) to expand the suite of recycling services on the Central Coast.

2.2.1 Co-locating recycling and reprocessing facilities for different material types in a recycling park, or in clusters of facilities, may create synergies that increase viability and expand the range of services on offer. Consider the potential to develop an integrated resource recovery park at an existing Council waste facility to take advantage of its existing use, or the merits of facilitating development of a strategically located industrial estate(s).

2.2.2 Investigate drop-off solutions for problem household wastes such as chemicals, light globes, batteries and mobile phones.

### 2.3 Assess targeted recovery options for a broader range of household items, including salvage from kerbside collection and the viability of a resale or hire shop

There is a high level of community support for an outlet to resell or hire out second-hand goods in order to provide another life for valuable products and reduce demand for new products, together with their associated supply chain impacts. In addition to drop-off at a second hand goods shop, there is considerable recyclable material in kerbside bulky waste that could be salvaged for recovery. While some recovery already occurs when loads are tipped at the landfill, this is less efficient and has a greater likelihood of contamination.

2.3.1 Investigate the viability of establishing a second hand goods shop, such as a tip shop at one of the Council waste facilities, to accept items in good condition that can be resold. This may include a repair room to undertake minor repairs, and potentially conduct education workshops to engage and re-skill the community in repairs.

2.3.2 Consider introducing a bookable pick-up service to collect reusable products, in tandem with any reuse shop.

2.3.3 Trial a service to recover recyclable materials from kerbside bulky waste before it is collected, focusing on traditional recyclables rather than items that can be repurposed at a tip shop (e.g. furniture). The standard collection run would be preceded by a dedicated recovery run to separate cardboard, metals and other recyclable materials.

2.3.4 Consider viable options to ban specific products from disposal via bulky waste collection where they can be managed in a more sustainable manner, such as e-waste and suitable recoverable resources.

### 2.4 Optimise existing waste management facilities to better sort, extract and recycle various dry wastes

With significant volumes of waste dropped off at Council facilities and high value components in the bulky waste stream, recovery of dry wastes represents a key opportunity as it is easier to sort and less likely to be soiled.

2.4.1 Investigate equipment, infrastructure and resources required at Council's waste management facilities to increase resource recovery of dry wastes including domestic kerbside and self-hauled wastes, Commercial & Industrial (C&I) waste and Construction and Demolition (C&D) waste.

### 2.5 Improve and expand community recycling practices through education

Council has one of the largest collection contracts in Australia and has the potential to reach a broad range of people to educate them to correctly use waste management services.

2.5.1 Educate community on source-separation and move towards a standardised approach to ensure a level of understanding is maintained throughout the region.

2.5.2 Investigate how to decrease contamination in kerbside bins through ongoing audits and using the data to determine what materials should be targeted in education campaigns.

2.5.3 Provide all residents with educational materials on existing Council services, including kerbside collection, bulky waste pick-up and waste management facilities to improve resource recovery and reduce contamination rates.

2.5.4 Maintain a clear understanding of the challenges in Multi-Unit Dwellings (MUDs) to increase participation in correct waste management and therefore improving waste behaviours

### 2.6 Facilitate and utilise local end markets for recycled products and materials

Investment in recycling infrastructure requires end market applications for the recovered materials to create market demand, underpinning both materials flow and the economics of recycling. End markets on the Central Coast, where sensible, foster a local circular economy that supports local businesses, reduces transport costs and boosts resilience.

2.6.1 Council will look to support viable local end markets for recycled materials by exploring procurement of locally recycled products for use in local amenities, such as in playgrounds, benches and roads.

2.6.2 Council will support and facilitate trials of local applications for products and materials, particularly those managed or generated by Council, to encourage innovation in local recycling, reprocessing and reuse.

2.6.3 Work with and support local businesses to develop local markets for recovered materials and in turn, consider developing initiatives to attract new business to the region.

CASE STUDY



**Constructing roads from plastic and recycled glass**

In 2019, Council produced an alternative road surfacing material made from processed soft plastics such as shopping bags and chip wrappers, crushed glass and waste toner from printer cartridges.

Every kilometre of two-lane road made from recycled materials contains the following waste products:

- 530,000 plastic bags
- 168,000 glass bottles
- 12,500 cartridges worth of waste toner.

Rather than sending these materials to landfill or long term stockpiling (in the case of glass), these waste products are added to bitumen. Results have shown that the alternative road surfacing product has the strength and resistance to deformation that is equal or superior to traditional asphalt, which improves its longevity and capacity to handle heavy vehicle traffic.

Figure 12: First road being laid in the Central Coast comprised of soft plastics

Council's first major projects to be delivered using this alternative product were:

- Wards Hill Road, Empire Bay – to stabilise and seal a 260 metre section of road
- Boomerang Road, Long Jetty – installation of a cul-de-sac road and road upgrade

Due to the success of this product, Council is keen to expand the collection of these wastes. Given 75% of surveyed residents said they would drop off soft plastics to a convenient collection point, Council support for an innovative application on the Central Coast could help close the loop on a recognised problem waste stream.

**OBJECTIVE 3 – STRENGTHEN TRIPLE BOTTOM LINE OUTCOMES**

Solutions are strengthened when developed and delivered by multiple parties, bringing high levels of commitment and participation. Council also recognises that recycling and reuse projects offer opportunities for local engagement, delivering economic and social benefits while continuing to act as a steward for the environment.

Empowering the community to drive waste avoidance and improve diversion will enhance the effectiveness of Council initiatives.

Council is committed to working with stakeholders within and outside of Council, including the formation of mutually beneficial partnerships, to achieve triple bottom line outcomes. The actions under this objective focus on strengthening relationships with stakeholders to improve efficiencies and to benefit all parties involved.

*“To create a vibrant, inclusive and sustainable community, we must encourage innovation and value individual forms of creativity”*

## KEY ACTIONS

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### 3.1 Collaborate with social enterprises and not-for-profit groups in mutually beneficial partnerships

Social enterprises have long been involved in the resource recovery sector, improving recovery rates while providing a pathway to engage people with a disability or long-term disadvantage in meaningful work. Council will seek to facilitate this win-win scenario. Council will also explore programs developed by environment and community groups to engage business and the community in waste reduction behaviours.

3.1.1 Consider opportunities to work with social enterprises such as disability groups, correctional centres and women / men's shed groups to recover resources from targeted waste streams and create local jobs and wellbeing.

3.1.2 Explore opportunities to partner with interest groups to encourage community engagement, such as the Plastic Free Places program, Take 3 for the Sea, community gardens and other groups.

3.1.3 Engage and support local community groups to implement programs and campaigns that align with this Waste Strategy.

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### 3.2 Develop an ongoing dialogue with the community, businesses and other stakeholders with regards to waste management

The strong community response to the consultation (Section 2.2) highlights an appetite for an ongoing dialogue around waste management practices and processes. Council will continue to engage with the community around the broad agenda of waste and resource management.

3.2.1 Support community-based sustainability and circular economy initiatives that are in line with this Strategy.

3.2.2 Continue community engagement to assess and enhance waste awareness, behavioral patterns and satisfaction with Council's direction.

3.2.3 Capture the required data to report on internally and also to the community, to demonstrate how the targets have been met and to promote transparency.

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### 3.3 Work with other levels of government to advocate for policies and programs that support Council's waste strategy

Council will work with other levels of government, key waste generators and influencers within the community to encourage them to identify, support and implement waste reduction, as well as establishing a local focus on waste solutions.

3.3.1 Engage with large waste generators, such as fast food chains, supermarkets and health care, to keep them accountable and encourage them to minimise waste that can be avoided, in particular the generation of unnecessary waste streams.

3.3.2 Work with smaller businesses to help identify collective waste solutions and consider opportunities to leverage the work of bigger businesses.

3.3.3 Identify particular problematic and unnecessary waste streams and work with the industry to identify alternatives.

3.3.4 Advocate for the Commonwealth and NSW government to develop policies and programs that support this Strategy.

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### 3.4 Continue to optimise waste facilities and services through delivery of efficient and cost-reflective operations

Council will continue to focus on efficient operations of waste management facilities, services and new opportunities in order to reduce costs and optimise ratepayer value.

3.4.1 Council will continue to pursue best practice, operational efficiencies and regulatory compliance at all waste facilities.

3.4.2 Council is committed to ensuring that future initiatives achieve value for money and take into consideration the triple bottom line outcomes of all decisions and actively seek grant funding opportunities.

3.4.3 Raise awareness and promote existing initiatives such as the Container Deposit Scheme (CDS).

3.4.4 Consider reviews in current pricing models for waste management facilities and in rates, taking into consideration dwelling type (e.g. SUDs vs MUDs)





## OBJECTIVE 4 – ENHANCE STREET AND OPEN SPACE APPEAL

Waste management is an essential service that, at its core, is designed to support neighbourhoods that are healthy, safe and attractive. Council are adding smart technology and a focus on public places to shape and improve the experience of waste management for the local community.

This includes maintaining clean streetscapes that foster pride and encourage inclusive behaviours. Council also aim to optimise the servicing of public place bins and bulky waste and improve convenience to support resource recovery.

New solutions will emerge as technology and practices evolve. Council aims to lead by being open to new solutions through active review and trials of smart city technologies, supported by a detailed understanding of the waste context, challenges and opportunities on the Central Coast.

## KEY ACTIONS

### 4.1 Enhance public place waste and recycling services

Council will investigate ways to improve the capacity and convenience of public place waste and recycling bins through enhancing public waste infrastructure, to increase diversion of public waste from landfill.

4.1.1 Increase the number of public place recycling bins to increase capture rates.

4.1.2 Strategically reconfigure the current network and location of public place waste and recycling bins, where appropriate, to increase capture rates.

### 4.2 Explore smart city technology to enhance waste processes

As part of a broader commitment to exploring smart city technologies, Council will assess the potential application of relevant technologies across all its waste practices, installing them where and when they offer the greatest value and effectiveness.

4.2.1 Evaluate the current trial of smart sensors monitoring the capacity of conventional public place bins for consideration of further roll-out.

4.2.2 Pilot the use of solar-powered public place bins to reduce the frequency, cost and amenity impact of collection.

4.2.3 Consider the suitability of other smart technologies and models as they emerge, including benefits, barriers, risks and community appetite.

4.2.4 Develop an open access digital platform to collect, verify and publish waste and recycling data in real time.

### 4.3 Audit kerbside bins, bulky waste and public place bins to target opportunities to improve recovery

Household 'wheelie' bins and public waste bins are essential features of waste services in modern society. Along with the rest of the waste system, this collection infrastructure needs to be optimised to meet the needs of the Central Coast community. Bulky waste is collected from each household on a scheduled basis, six times per year. While the value of the service is recognised by Council and the community, there is an opportunity to assess its efficiency and effectiveness in maintaining street appeal and supporting recovery.

4.3.1 Audit the composition of the kerbside and public waste bins to identify opportunities to improve service delivery and recycling and implement the opportunities as determined.

4.3.2 Ongoing review of the public place bin network to maintain an effective and adequate network and service that reduces litter across the council area, particularly in high traffic areas and litter hot spots such as parks and beaches.

4.3.3 Audit the composition of the bulky waste stream to identify opportunities to improve service and recycling performance.

4.3.4 Where relevant, consider collection/recovery options to optimise servicing and recycling of kerbside bulky waste.

## KEY ACTIONS

### 4.4 Review best practice bulky waste collection services, including service delivery and education

Council will actively promote information sharing and feedback from various sources, including; other local councils, industry and the community, in order to deliver best practice bulky waste collection services.

4.4.1 Review collection servicing options around bulk waste at the kerbside to identify opportunities to move towards best practice

4.4.2 Consider drop-off events and locations for specific household products (e.g. e-waste and mattresses).

4.4.3 An education campaign, including targeted information around problem locations and for tenants (through real estate agents).

### 4.5 Review best practice waste storage design and service delivery for residential development, commercial / industrial development and subdivisions

Delivery of waste services in an increasingly urbanised community requires active influence over the design of waste storage and collection in new buildings to protect streetscapes, ensure safety, optimise recycling and minimise waste to landfill.

4.5.1 Council will finalise and implement a new Development Control Plan (DCP) and associated Waste Control Guidelines for new buildings to support Council's ability to mandate and monitor the design and development of new buildings.



#### Smarter litter bins

Council has rolled out new generation public place waste and recycling bins which will use compaction and networked technology to deliver an optimised collection solution.

Big Belly bins are fitted with compaction technology that condenses the waste they receive down to 20% of its original volume, on average. The integrated solar cell on the top side of the bin powers the compaction equipment, as well as sensors that signal when the bin is 85% full and ready for collection. The bins will deliver a significant pay-off in terms of reduced collection frequency.

Council are also pursuing a sensor-based public place bin network, with the intent to retrofit 20 conventional public place bins with sensors that send alerts when the bin requires emptying.

This initiative contributes to the achievement of Action 4.2, expanding smart city technology to enhance waste processes.

## 6 IMPLEMENTATION PLAN

Action	1-3 years	4-6 years	7-10 years
<b>1 Drive waste avoidance</b>			
1.1 Enhance community awareness and action around waste avoidance and reuse through targeted education campaigns	■		
1.2 Engage local businesses to support uptake of opportunities for avoidance waste and increase recycling	■		
1.3 Identify avoidable Council waste streams and improve waste behaviours, including at Council run events	■	■	■
1.4 Enhance the sustainability focus in Council procurement to close the local loop	■		
<b>2 Deliver a step change in diversion from landfill and build a circular economy</b>			
2.1 Investigate large-scale waste processing solutions for mixed residual waste	■	■	■
2.2 Explore the viability of an integrated Regional Resource Recovery Park to maximise recovery of resources from a wide range of local waste streams	■	■	■
2.3 Investigate opportunities at Council waste management facilities to increase recovery of dry wastes	■		
2.4 Assess targeted recovery options for a broader range of household items, including salvage from kerbside collection and the viability of a resale or hire shop	■	■	■
2.5 Improve and expand community recycling practices through education	■		
2.6 Facilitate and utilise local end markets for recycled products and materials	■		
<b>3 Strengthen triple bottom line outcomes</b>			
3.1 Collaborate with social enterprises and not-for-profit groups in mutually beneficial partnerships	■	■	
3.2 Develop an ongoing dialogue with the community, business and other stakeholders with regards to waste management	■		
3.3 Work with other levels of government to advocate for policies and programs that support Council's waste strategy	■		
3.4 Continue to optimise waste facilities and services through delivery of efficient and cost-reflective operations	■		
<b>4 Enhance street and open space appeal</b>			
4.1 Enhance public place waste and recycling services	■	■	
4.2 Explore smart city technology to enhance waste processes	■	■	
4.3 Audit kerbside bins, bulky waste and public place bins to target opportunities to improve recovery	■		
4.4 Review collection servicing options around bulk waste at the kerbside to identify opportunities to move towards best practice	■	■	
4.5 Use the Development Control Plan (DCP) and associated Waste Control Guidelines for all developments	■		

■ Plan/implement ■ Investigate ■ Potential timeframe if investigation is positive ■ Maintain

## 7 WHAT DOES SUCCESS LOOK LIKE?

### Vision

Promote the Central Coast as a creative environment for developing a local circular economy that values the recovery of resources and advocates prevention of waste.

### Priorities

- Reduce the waste generated on the Central Coast
- Reduce the waste landfilled on the Central Coast
- Increase recycling options available on the Central Coast
- Explore funding opportunities to assist with achieving waste avoidance and diversion.

The Central Coast Resource Recovery Strategy sets a 10-year direction for the Central Coast in optimising resource use and recovery, evolving our waste facilities, managing our residual waste and continuing to facilitate a clean and healthy environment. This is captured in the Strategy's overarching vision:

Promote the Central Coast as a creative environment for developing a local circular economy that values the recovery of resources and advocates prevention of waste

Over the life of the Strategy, we strive to deliver the following achievements:

- Clean culture – Residents, businesses and Council eliminate the concept of waste by recognising that products and materials are valuable resources by making conscious choices about their consumption, use, recovery and end-of-life treatment
- Sustainable services – Our waste management facilities and services are fit for purpose in terms of service offerings, recovery performance, cost, longevity and overall satisfaction
- Recycling revolution – Opportunities to reuse products and recycle materials are maximised, including development of facilities and end markets on the Central Coast that build local industry and support the resilience of Australian recycling
- Red bin recovery – We have secured a solution to divert a significant portion of red lid general waste from landfill to higher value use
- Liveable lifestyle – The Central Coast retains its status as a healthy, attractive and liveable region.
- Active leadership – Council will continue to monitor, pursue and advocate for best practice in waste and resource management.

To track the progress against these objectives and the specific goals of the Waste Strategy, Council will release a report each year.

## 8 ONLINE RESOURCES

### Local initiatives and services

- Local waste and recycling service information - [www.centralcoast.nsw.gov.au/residents/waste-and-recycling](http://www.centralcoast.nsw.gov.au/residents/waste-and-recycling) and <https://1coast.com.au/>
- Our Coast, Our Waste - [www.yourvoiceourcoast.com/our-coast-our-waste](http://www.yourvoiceourcoast.com/our-coast-our-waste)
- Council operated waste facilities in the LGA - [www.centralcoast.nsw.gov.au/residents/waste-and-recycling/find-waste-facility](http://www.centralcoast.nsw.gov.au/residents/waste-and-recycling/find-waste-facility)
- Return and Earn (container deposit scheme) - <https://returnandearn.org.au/return-points/>
- The Hunter / Central Coast Waste Avoidance and Resource Recovery Strategy 2017-21 - [www.hccrems.com.au/product/2017-hunter-central-coast-waste-avoidance-resource-recovery-strategy-2017-21/](http://www.hccrems.com.au/product/2017-hunter-central-coast-waste-avoidance-resource-recovery-strategy-2017-21/)

### State initiatives and programs

- Love Food Hate Waste program - [www.lovefoodhatewaste.nsw.gov.au](http://www.lovefoodhatewaste.nsw.gov.au)
- Sustainable events - [www.lgns.gov.au/events-training/event-sustainability](http://www.lgns.gov.au/events-training/event-sustainability)
- NSW EPA BinTrim program (for business audits) - [www.epa.nsw.gov.au/your-environment/recycling-and-reuse/business-government-recycling/bin-trim](http://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/business-government-recycling/bin-trim)
- NSW OEH Sustainability Advantage program - [www.environment.nsw.gov.au/sustainabilityadvantage/](http://www.environment.nsw.gov.au/sustainabilityadvantage/)
- NSW EPA Circulate industrial ecology program - [www.epa.nsw.gov.au/your-environment/recycling-and-reuse/business-government-recycling/circulate-business](http://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/business-government-recycling/circulate-business)

### National initiatives and services

- Recycling Near You - <https://recyclingnearyou.com.au/>
- Planet Ark business recycling tool - <https://businessrecycling.com.au/>
- Plastic free July - [www.plasticfreejuly.org/](http://www.plasticfreejuly.org/)
- Buy Nothing New Month - [www.buynothingnew.com.au/](http://www.buynothingnew.com.au/)
- Garage Sale Trail - [www.garagesaletrail.com.au/](http://www.garagesaletrail.com.au/)
- War on Waste television series - [www.abc.net.au/tv/programs/war-on-waste/](http://www.abc.net.au/tv/programs/war-on-waste/)
- Take 3 for the Sea - [www.take3.org/](http://www.take3.org/)
- Plastic Free Places - <https://www.plasticfreeplaces.org/>

### Litter and illegal dumping

- RIDOnline (Report Illegal Dumping) - <https://ridonline.epa.nsw.gov.au/#/home>
- Keep Australia Beautiful NSW - [www.kabnsw.org.au/](http://www.kabnsw.org.au/)
- Clean Up Australia Day - [www.cleanup.org.au/](http://www.cleanup.org.au/)

### Education

- Getting started with Sustainability in schools - [sustainabilityinschools.edu.au/](http://sustainabilityinschools.edu.au/)
- Sustainable schools NSW - [www.sustainableschoolsnsw.org.au/](http://www.sustainableschoolsnsw.org.au/)
- Cool Australia learning resources - [www.coolaustralia.org/](http://www.coolaustralia.org/)
- Schools Recycle Right challenge - <https://schoolsrecycle.planetark.org/>
- 'Waste Not' film and educational tools (for schools and adult education) - [www.wastenot.org.au/](http://www.wastenot.org.au/)

### Circular economy

- Ellen MacArthur circular economy foundation - [www.ellenmacarthurfoundation.org/](http://www.ellenmacarthurfoundation.org/)
- European Union 2018 circular economy package - <http://ec.europa.eu/environment/circular-economy/>
- NSW EPA Circular Economy discussion paper - [www.epa.nsw.gov.au/publications/recyclereuse/18p1061-too-good-to-waste-circular-economy-discussion-paper](http://www.epa.nsw.gov.au/publications/recyclereuse/18p1061-too-good-to-waste-circular-economy-discussion-paper)





Council Offices 2 Hely St Wyong | 49 Mann St  
Gosford | 8.30am - 5.00pm Monday to Friday |  
T 1300 463 954

[centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au)



# Public Exhibition: Draft ~~Waste~~ Resource Management Strategy

## CONSULTATION REPORT

Central Coast Council

August 2020



# Introduction

Central Coast Council has developed a draft Waste Resource Management Strategy for the Central Coast Local Government Area.

Waste is everyone's issue – we all have a role to play in reducing the amount of waste generated and its impacts on our community.

The draft Strategy assesses current initiatives and seeks to encourage change to help minimise the amount of Valuable Resources sent to landfill and their impact on the environment. This is an important step in finding solutions that support the Circular Economy and keep our resources out of landfill.

Through the consultation process Council was able to discover the community's priorities for improving our management of waste, recognise potential gaps and work with the community to identify solutions.

As a result of community feedback, we have been able to develop a draft Central Coast Waste Resource Management Strategy that has been informed by the Central Coast community.

Consultation for the draft Strategy has been undertaken in three phases:

Phase 1:	7 May to 5 June 2019	Consultation/data collecting on proposed themes and solutions
Phase 1a:	25 June to 3 July 2019	Community workshops
Phase 2:	11 May until 21 June 2020	Public exhibition

This document reports on the results of public exhibition.

For information on the Phase 1 and Phase 1a consultation please visit <https://www.yourvoiceourcoast.com/our-coast-our-waste>



# Engagement Approach

## Aims and objectives of consultation

The purpose of consultation to develop the Strategy was to:

- Inform the community of how Central Coast Council is currently performing in the area of waste management and landfill diversion
- Test proposed themes and solutions with the community
- Seek ideas from the community and identify potential gaps

## Our engagement framework

Consultation to develop the Strategy has been designed in accordance with Central Coast Council's Engagement Framework. This framework is available to view at

<https://cdn.centralcoast.nsw.gov.au/sites/default/files/documents/policies-register/community-engagement/engagement-framework/engagementframework.pdf>

For information on the Phase 1 and Phase 1a consultation please visit

<https://www.yourvoiceourcoast.com/our-coast-our-waste>

## Promotion and engagement methods

We carried out promotion of the public exhibition to ensure the community and stakeholders were aware of the opportunity to review the draft Strategy and given enough notice to make a submission.

Media release	<p><b>Public exhibition promotion:</b></p> <ul style="list-style-type: none"> <li>• 'Council's draft Waste Resource Management Strategy now on exhibition' – 13 May 2020</li> </ul> <p>A copy of the media release can be found in <b>Appendix A.</b></p>
Print advertising	<p><b>Public exhibition promotion</b></p> <ul style="list-style-type: none"> <li>• Peninsula News, 18 May 2020</li> <li>• Wyong Regional Chronicle, 20 May 2020</li> <li>• Coast Community News, 22 May and 29 May 2020</li> </ul> <p>A copy of the advertisements can be found in <b>Appendix B.</b></p>
Coast Connect E-News	<p><b>Public exhibition promotion</b></p>





	Article in Coast Connect E-News issued on 26 May 2020 linking to the <a href="http://yourvoiceourcoast.com">yourvoiceourcoast.com</a> page hosting the draft Waste Management Resource Strategy.
Social media	<p><b>Public exhibition promotion</b></p> <ul style="list-style-type: none"> <li>• Facebooks posts on 14 May and 15 June 2020</li> <li>• Instagram posts on 14 May and 15 June 2020</li> <li>• Twitter tweets on 14 May and 15 June 2020</li> </ul> <p>Total social media reach was 18536, with 304 reactions, comments and shares.</p> <p>Copies of the posts can be found in <b>Appendix C.</b></p>
Direct email	<p><b>Public exhibition promotion</b></p> <ul style="list-style-type: none"> <li>• Bulk email sent out to community members on 20 May 2020</li> </ul> <p>A copy of the bulk email can be found in <b>Appendix D.</b></p>
Your Voice – Our Coast website	<ul style="list-style-type: none"> <li>• The draft Strategy was published on Council’s Your Voice Our Coast site for community consultation: <a href="https://www.yourvoiceourcoast.com/our-coast-our-waste">https://www.yourvoiceourcoast.com/our-coast-our-waste</a></li> <li>• The page received 894 visits during the public exhibition period.</li> <li>• Feedback on the draft Strategy was accepted via email, an online submission form or post.</li> </ul>



## Engagement summary

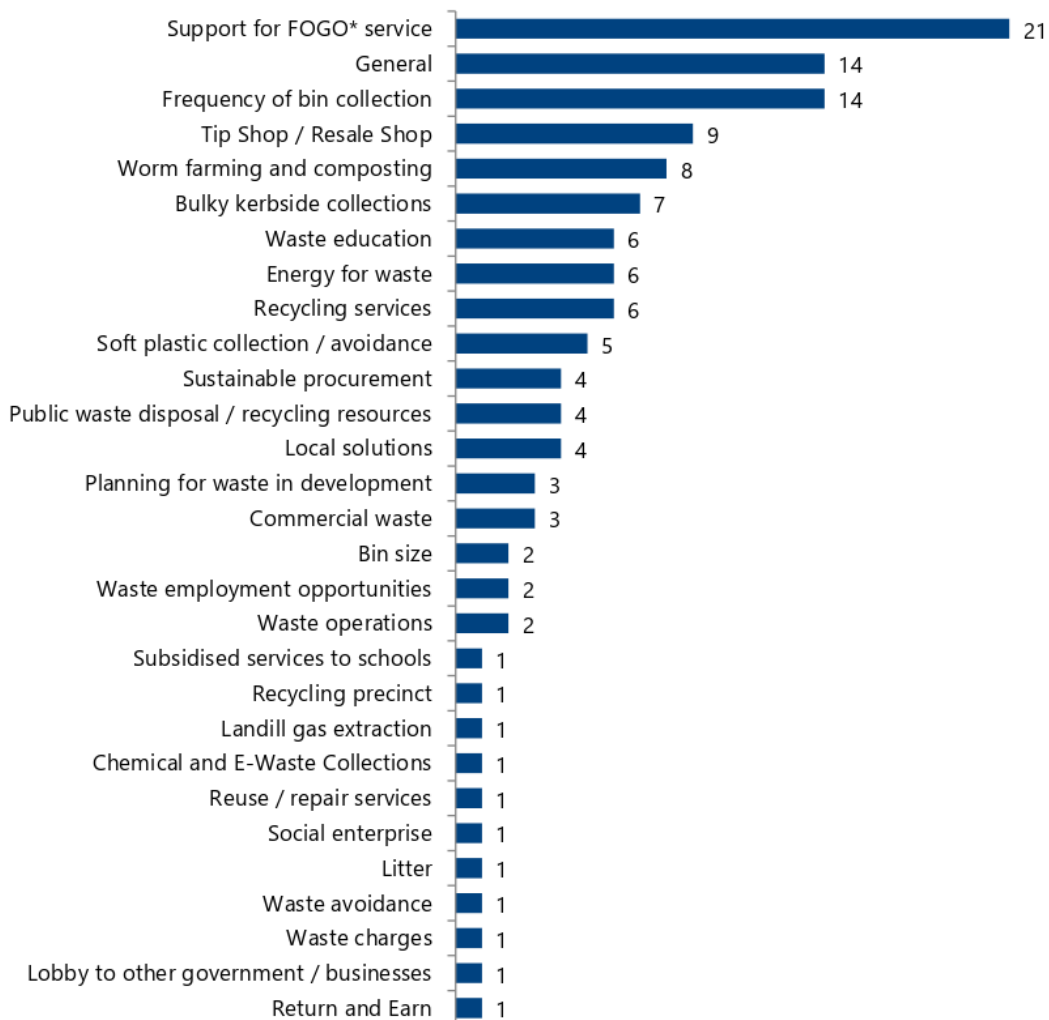
### Overview

Council invited submissions on the draft Strategy between 11 May and 21 June 2020.

We received **61** submissions, and within these submissions **131** different comments and suggestions were made.

The comments and suggestions raised in the submissions have been coded and presented in the chart below.

**Figure 1** Number of comments and suggestions





\*FOGO (Food organics and garden organics) is kerbside collection service that allows **food** to be added to the green lid **garden** waste bin. The actual method and service levels will be based on further research, community engagement, business case and Council adoption.

Most submissions included ideas and opinions previously provided by the community in the initial phases of consultation. These have already been considered and/or incorporated into the draft Strategy.

Key new issues, or ongoing concerns raised through the submissions are addressed in the following table.

**Table 1** Key issues and responses

Issue category	Issues raised	Council's response
Frequency of bin collection	Will Council reduce red bin pick up?	Currently there are no plans to change the waste collection system. Any significant change to method and service levels will be based on further research, community engagement, business case and Council adoption.
Support for FOGO service	Is Council introducing a FOGO service? (Food Organics and Garden Organics)	Statistics show that 32 percent of red-lidded bin waste is made up of food organics, and as part of the Waste Resource Management Strategy, Council is investigating a range of new initiatives which could see more food waste being diverted, home composted or even potentially put in the green-lidded bin under a FOGO system. Each of these initiatives would reduce material ending up in landfill.
Energy from Waste	Concerns about Energy from Waste (EfW)	Currently there are no plans to change the waste collection system. Any significant change to method and service levels will be based on further research, community engagement, business case and Council adoption.



# Consultation outcomes and next steps

Thank you to everyone who took the time to read the draft Strategy and make a submission.

Council and the Central Coast community are committed to minimising the amount of resources sent to landfill and the impact on the environment.

It is inspiring to see that 87% of community members surveyed in phase 1 think it is very important to reduce the amount of waste that households generate and dispose of, and we believe that it is important to continue actively looking for new opportunities that help our community do this.

We are currently reviewing the submissions we received for this phase, which will help shape the final Strategy. Once finalised, the draft Strategy will be presented to Council for adoption. We will inform the community on the outcome when this occurs.

To stay up-to-date, please register for our e-news at [www.yourvoiceourcoast.com](http://www.yourvoiceourcoast.com).



# Appendices

## Appendix A

Media release

11 May 2020

### **Council's draft Waste Resource Management Strategy now on exhibition**

Central Coast Council are inviting community members to have their say on the first draft Waste Resource Management Strategy, now available online for final public review until 21 June.

Developed after extensive community consultation last year, the draft Strategy assesses current waste initiatives and seeks to encourage change to help minimise the amount of waste sent to landfill and its impact on the environment.

Council Unit Manager Waste Services and Business Development, Andrew Pearce said with the constantly evolving challenges around waste, there has been a massive push both from our community and at a global level to find solutions that close the loop.

"Thank you to everyone who took the time to let us know your ideas on waste reduction, which alongside our report information, has helped us formulate our first draft Strategy," Mr Pearce said.

"This information has underpinned the strategy's key objectives - to drive waste avoidance, divert waste from landfill by increasing local recycling and reuse options, explore funding and collaborative opportunities over the next 10 years, and keep our streets and public spaces clean and clear."

"We also want to change the view that what is traditionally known as 'waste' is actually a valuable resource to be managed."

"As technology is advancing so rapidly in this field, our planning for waste management must consider both well-established principles and emerging trends."

The vision of this 10-year plan is on promoting our region as a creative environment for developing a local circular economy that values the recovery of resources and advocates prevention of waste.



Council Mayor Lisa Matthews said the Strategy outlines key objectives and actions that will ensure Council provides waste services that are safe, secure and cost-effective.

“Waste is everyone’s issue – we all have a role to play in reducing the amount of waste generated and its impacts on our community and the environment” Mayor Matthews said.

“I encourage everyone to go online and provide feedback on our draft Strategy so we can ensure we deliver the future waste resource recovery outcomes the community want and expect.”

Visit [yourvoiceourcoast.com/our-coast-our-waste](http://yourvoiceourcoast.com/our-coast-our-waste) for further information and to have your say.



## Appendix B

## Print advertising examples



Central Coast Council are inviting community members to have their say on the first draft Waste Resource Management Strategy.

Thank you to everyone who took the time to let us know your ideas on waste reduction which alongside our report information, has helped us formulate our draft Strategy.

The draft Strategy assesses current waste initiatives and seeks to encourage change to help minimise the amount of waste sent to landfill and its impact on the environment. This is an important step in finding solutions that close the loop on waste.

Don't let your say go to waste! To have your say and find out more, visit [yourvoiceourcoast.com/our-coast-our-waste](http://yourvoiceourcoast.com/our-coast-our-waste)



**Submissions close 21 June.**



Appendix C

Social media examples



**centralcoastcouncil**  
Central Coast NSW



**centralcoastcouncil** Don't let your say go to waste – submissions close this Sunday 21 June! 🗳️ Your ideas on waste reduction helped shape our draft Waste Resource Management Strategy. Now you can help us close the loop on waste by providing feedback on the draft Strategy at [yourvoiceourcoast.com/our-coast-our-waste](http://yourvoiceourcoast.com/our-coast-our-waste)

Please note: comments provided in social media feeds will not be considered as formal feedback. Make a submission using the online link provided above to ensure your feedback is captured appropriately.... More





## Appendix D

Bulk email example

Sent 20 May 2020

### **Have your say on Council's first ever draft Waste Resource Management Strategy**

Thank you to everyone who took the time to let us know your ideas on waste reduction. By attending workshops and pop up events, and participating in online discussions you have helped shape the future of waste on the Central Coast.

Central Coast Council has drafted the first Waste Resource Management Strategy and it is now on public exhibition.

You can have your say on the draft Waste Resource Management plan by visiting [yourvoiceourcoast.com](http://yourvoiceourcoast.com)

The strategy will be on public exhibition until 21 June 2020.

*You have received this email because you have previously participated in waste initiatives or consultation with Central Coast Council. To be removed from this list please reply with "unsubscribe".*



**Item No:** 2.8  
**Title:** Community Support Grant Program - June 2020  
**Department:** Connected Communities

---

14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14167892  
Author: Stuart Slough, Team Leader, Community Planning and Funding  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Phil Cantillon, Acting Director, Connected Communities

## Summary

This report considers the applications and recommendations for the Community Support Grant Program, which supports the community to deliver community activities which require a small amount of funding and/or in-kind support.

## Recommendation

- 1 That Council support the recommendations in principle to allocate \$31,188.61 from the 2020/21 grants budget to the Community Support Grant program, as outlined in the following report and Attachment 1.**
- 2 That Council decline applications for the reasons indicated in Attachment 2, the applicants be advised and where relevant, directed to alternate funding.**
- 3 That Council request the CEO to review the proposals and identify those that may not be able to proceed at this stage due to the COVID-19 pandemic and only allocate to those able to deliver proposed projects.**

## Context

Council's grant programs are provided to support the community to deliver quality programs, projects or events that build connections, celebrate our local community, that align with the One-Central Coast Community Strategic Plan and build capacity across the entire Central Coast community.

The Community Support Grant Program is provided to support the community to deliver activities which require a small amount of funding and/or in-kind support. The Community Support Grant Program remains open throughout the year to provide assistance for community activities that require:

- 1 In-kind support through the provision of subsidised access to Council services.
- 2 Financial assistance for community activities that require a smaller amount of support.

## 2.8 Community Support Grant Program - June 2020 (contd)

The Community Support Grant Program provides a combined budget of \$300,000 annually as detailed in table one below.

**Table one: Community Support Grant Program**

<b>Program</b>	<b>Budget</b>	<b>Opening Period</b>	<b>2020/2021 allocation to date</b>	<b>Recommendation allocation within this report</b>	<b>Allocation to date + Recommendation within report</b>
Community Support Grant Program	\$300,000	Ongoing	\$20,177.00	\$31,188.61	\$51,365.61
<b>TOTAL</b>			<b>\$20,177.00</b>	<b>\$31,188.61</b>	<b>\$51,365.61</b>

### **Current Status**

The Community Support Grant Program remains open for applications throughout the year and the closing date for each assessment period is the last day of each month.

The Community Support Grant Program provides up to \$5,000 per project per financial year in combined funding and in-kind Council services to applicants who are a legally constituted not-for profit organisations, or auspiced by one.

### **Assessment**

Eleven applications were received and assessed by 30 June 2020 with eight recommended for funding in this Council report.

The Community Support Grant applications were assessed by Council's Unit Manager Community Partnerships and the Community Planning and Funding Team, against the Community Support Grant Program guidelines

### **Consultation**

Information on Council's Community Grants program is provided on Council's website and promoted through Council's social media platforms.

Regular emails with relevant information were provided to the community grants database.

Council staff also provided information and individual appointments with interested applicants to assist with their submissions where required.

### **Options**

- 1 Approval of all recommended applications as submitted will provide a community benefit to residents of the Central Coast Local Government Area.
- 2 Non approval of some or all applications, as recommended, may result in projects not being undertaken if the respective proponents are unable to secure alternate funding.

### **Financial Impact**

Council's 2020/2021 Council Operational Expenditure budget allocates \$300,000 to the Community Support Grant Program.

Expenditure is approved until the end of the 2020-21 financial year. Unspent funds will lapse on 30 June 2021.

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

Theme 1: Belonging

### **Goal A: Our community spirit is our strength**

B-A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

### **Risk Management**

All successful applications will receive a letter of offer outlining Council's requirements of funding, service delivery and accountability for both Council and the funded organisation.

All successful applicants are required to submit a final project acquittal report no later than twelve weeks after the agreed completion date of the activity/project with copies of any photos, promotional materials and evidence of payment/purchase for each funded item.

### **Critical Dates or Timeframes**

Many of these grant applications are dependent upon support via Council's grant program. Should decisions be delayed or not supported projects may not be undertaken.

### **Attachments**

- |   |   |           |
|---|---|-----------|
| 1 | Community Support Grant - June 2020 - Recommended for Funding       | D14168260 |
| 2 | Community Support Program - June 2020 - Not Recommended for Funding | D14168262 |

## Recommended for Funding – June 2020

Organisation Name	Project Title and Summary	Staff Funding Recommended	Staff Assessment
Gosford City East Gosford Lions Club Inc	Defibrillator Purchase and Training – A defibrillator for the Lions Community Hall and training to all Lions Club members	\$2,534.37	Recommended for funding as community benefit is demonstrated and all required information is provided.
Country Women's Association Umina Beach	Media Package - Television/Speakers/ Installation of NBN	\$3,988.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Art At Work Incorporated	Art At Work Event - Annual showcase exhibition of a broad spectrum of arts	\$4,100.00	Recommended for part funding for all budget items except the non-event based items of website and business cards as per application. Community benefit is demonstrated and all required information is provided.
The Uniting Church in Australia Property Trust (NSW) on behalf of UCA Gosford Uniting Church	Christmas Eve Community Carols in Kibble Park 24 Dec 2020 – Multicultural community and family Christmas event	\$5,000.00	Recommended for funding as community benefit is demonstrated and all required information is provided.

Organisation Name	Project Title and Summary	Staff Funding Recommended	Staff Assessment
We Care Connect Limited	Promotional materials to increase support for local vulnerable children	\$4,880.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
Toukley and Districts Art Society Inc.	Toukley Arts and Craft Fair By The Lake - The Society's 6th Annual Arts & Craft Fair as part of the Lakes Festival	\$3,023.24	Recommended for funding as community benefit is demonstrated and all required information is provided.
Central Coast Primary Care	Mental Health-Art Works! 2020 - Annual Mental Health Art Exhibition	\$3,395.00	Recommended for part funding for all budget items except certificates / framing as per application. Community benefit is demonstrated, and all required information is provided.
Cerebral Palsy Alliance	Replacement neurological treatment plinth for people with disability - Purchase of a new neurological treatment table at Cerebral Palsy Alliance Tuggerah	\$4,268.00	Recommended for funding as community benefit is demonstrated and all required information is provided.
	<b>Total</b>	<b>\$31,188.61</b>	

## Not Recommended for Funding – June 2020

Organisation Name	Project Title and Summary	Staff Funding Recommended	Staff Assessment
PP Quilters Wyong	Charity Quilts - Financial support for making quilts for those in need in our local area	\$0.00	Not recommended for funding as the applicant is ineligible as per Community Support Grant Program Guideline 6.1: Applicants must be a legally constituted not-for-profit organisation or be auspiced by a legally constituted not-for-profit organisation.
Copacabana Surf Life Saving Club	Copacabana board riders – Purchase of equipment	\$0.00	Not recommended for funding as the applicant is ineligible as per Community Support Grant Program Guideline 7.15: Applicants who have an outstanding debt to Council or are seeking funds for debt payment.
Central Coast Bonsai Club	Online Bonsai Courses for CC Residents - Funding for photographic equipment and a photographer, for the production of two Online Bonsai Courses	\$0.00	Not recommended for funding as currently proposed as insufficient information is provided to make an accurate assessment. Recommend applicant liaise with Council Grants Officers and consider resubmitting in a subsequent round.



**Item No:** 3.1  
**Title:** Meeting Record of the Protection of the Environment Trust Management Committee held on 18 August 2020  
**Department:** Governance

---

14 September 2020 Ordinary Council Meeting

Reference: F2018/00732 - D14161223  
Author: Kelly Drover, Advisory Group Support Officer  
Manager: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

### **Summary**

The purpose of this report is for Council to note the Meeting Record of the Protection of the Environment Trust Management Committee held on 18 August 2020.

### **Recommendation**

***That Council receive the report on Meeting Record of the Protection of the Environment Trust Management Committee held on 18 August 2020.***

### **Background**

The Protection of the Environment Trust Management Committee held a meeting on 18 August 2020. The Meeting Record of that meeting is Attachment 1 to this report.

There are no actions recommended to Council. The Meeting Record is being reported for information only in accordance with the Terms of Reference.

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

Theme 4: Responsible

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

G3: Engage with the community in meaningful dialogue and demonstrate how community participation is being used to inform decisions.

### **Attachments**

- 1 Protection of the Environment Management Committee Meeting Record - 18 August 2020

[D14158505](#)



# Protection of the Environment Trust (PoET) Management Committee Meeting Record 18 August 2020



Location:	Zoom Meeting	
Date:	18 August 2020	
Time	Started at: 2.07pm	Closed at: 2.55pm
Chair	Councillor Jane Smith	
File Ref	F2018/00732	

**Present:**

Councillor Jane Smith, Gary Murphy – Chief Executive Officer (arrived 2.13pm), Joy Cooper, Barbara Wills

**Staff present:**

Vivienne Louie – Unit Manager Financial Performance (left 2.53pm), Luke Sulkowski – Unit Manager Natural and Environmental Assets (left 2.18pm), Shane Sullivan – Unit Manager Governance and Business Services, Larry Melican – Section Manager Natural Assets and Biodiversity (left 2.18pm), Kelly Drover – Advisory Group Support Officer

## **Item 1 Welcome, Apologies and Acknowledgement of Country**

---

Apologies received: Gary Chestnut

The Chairperson, Councillor Jane Smith, declared the meeting open and completed an Acknowledgement of Country and Connection to Land statement.

## **Item 2 Disclosure of Interest**

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The Chairperson called for any declarations of interest.

No disclosures were received.

## **Item 3 Confirmation of Previous Meeting Record and Action Log**

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The Committee confirmed the Meeting Record from 26 May 2020.

The Committee discussed the Action Log, noting that all actions were listed for discussion at this meeting.



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**Item 4 Update on stand-alone website for the Trusts (Action 86)**

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Shane Sullivan (Unit Manager Governance and Business Services) provided an update on the stand-alone website for the Trusts. The website is yet to go live with the primary issue being the documentation of process required by the bank to enable us to have the donation link to place on the website.

The website should be live soon, at which point a Media Release should be sent out with a link to the website along with a reminder of the PoET Grants.

**Action:** Once the Trust website is live, staff to draft a media release which will include a link to the Trust website and a reminder about the grants program.

---

**Item 5 Update on Annual Strom Talk (Action 88)**

---

The Annual Strom Talk is not able to occur as planned at this stage due to COVID-19. Councillor Smith indicated she is happy to explore the option of an online event to be held later this year and will liaise with the Connected Communities team on costs and staff involvement. Councillor Smith will follow up with potential speakers.

---

**Item 6 Confirmation that separating the accounts will not change current practice of the Committee (Action 84)**

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Shane Sullivan (Unit Manager Governance and Business Services) provided confirmation that separating the accounts will not change the current practice of the Committee.

The Committee is accountable for making recommendations to Council on allocation of monies in the Public Fund component of the Trust.

There is currently no Management Committee for the Trust Fund component of the Trust. The Protection of the Environment Trust Management Committee can make recommendations to Council on allocation of Trust funds. The Committee is operating within the requirements of the deed and can continue to make recommendations to Council as Trustee. In both instances, Council as Trustee makes the final determination.

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**Item 7 Update from Finance**

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Vivienne Louie (Unit Manager Financial Performance) discussed the finance reports which have split the public fund and the trust fund components. There currently aren't two separate bank accounts. Council is in the process getting another account set up however there is a delay with the bank requesting additional information.

The Committee noted that interest has decreased due to the current economic climate.

Joy Cooper raised the question of the Umina Coastal Sandplain Woodland and as the provision of \$225,000 was towards an environmental fund, should the money sit in the Trust fund and not the Public fund, as the Public fund has a tax deductibility status and they should not be receiving a tax benefit from making that donation.



The Committee thanked Viv for such a detailed and well explained report.

**Action:** Staff to investigate and provide further clarification around the \$225,000 donation, whether there was a DGR benefit and which fund the money should go into.

**Action:** Advisory Group Support Officer to prepare a thank you letter for signature of the Chair to donors to the POET.

The Committee discussed the Grants program which is funded by the Coastal Open Space System (interest on \$1.5 million). The Committee agreed with proceeding with \$60,000 for the grants program and as grants are received, making a recommendation to Council to use expenditure from the Trust fund. It is a rolling grants program and the Committee will continue to monitor expenditure.

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**Item 8 Grants Program (Standing Agenda Item)**

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*This item was brought forward and discussed at the beginning of the meeting.*

Larry Melican (Section Manager Natural Assets and Biodiversity) advised that grants opened on 1 June 2020 and will remain open till 31 May 2021. There have been a few enquiries however at this stage there is only one partially completed application in the system.

Shane Sullivan met with Mr Robert Bell recently to discuss the resolution of the Committee regarding his grant. It was noted that this project has previously been resolved by Council.

**Action:** Advisory Group Support Officer to resend the media release on the grants program to Committee members for re-circulation.

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**Item 9 General Business and Close**

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No general business was discussed.

The meeting closed at 2.55pm

**Next Meeting:           Tuesday 10 November 2020**  
**2pm – 3pm**  
**Location TBC**



**Item No:** 3.2  
**Title:** Warnervale Working Group Update  
**Department:** Governance

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14 September 2020 Ordinary Council Meeting

Reference: F2020/01705 - D14118171  
Author: Shane Sullivan, Unit Manager, Governance and Business Services  
Executive: Gary Murphy, Chief Executive Officer

## Summary

At its meeting held 27 April 2020, Council established the Warnervale Working Group. One of the requirements of that resolution was that a report be provided to Council no later than the first Ordinary meeting in September 2020.

## Recommendation

***That Council receive the report on Warnervale Working Group Update .***

## Background

At its meeting held 27 April 2020, Council resolved as follows, in part:

- 345/20     *That Council form a working group to;*
- a     Oversee the activities to permanently protect Porters Creek wetland in keeping with the resolutions of 25 November 2019 (Resolutions 1213/19, 1214/19, 1215/19, 1216/19, 1217/19, 1219/19)*
  - b     Progress the development of cleared land currently available and zoned Industrial or Business in the Warnervale area as an employment precinct focused around the following sectors: health, manufacturing, food production, renewable energy and/or waste.*
  - c     Engage the following;*
    - a     a Project Manager with a proven track record, for an initial period of 18 months, to oversee the development of the employment lands*
    - b     a consultant to progress the activities required to put in place a Conservation Agreement on Porters Creek Wetland*

### 3.2 Warnervale Working Group Update (contd)

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- 346/20 *That Council appoint the following as members of the working group;*
- *Mayor*
  - *Deputy Mayor*
  - *Wyong Ward Councillors*
  - *CEO, Gary Murphy*
  - *Invited representatives from relevant State agencies and focus sectors, as appropriate*
  - *Support Staff as follows: Administration support, Governance staff member and Legal Counsel*
- 347/20 *As per resolution 844/19, reserve the balance of funds from savings from the Emergency Services Levy increase for the implementation of actions to protect Porters Creek Wetland including;*
- *Funds adjusted to a project budget (24866) to progress the conservation agreement (\$100,000).*
  - *Porters Creek Wetland and Catchment Restoration and Monitoring Planning Project is being scoped (delivery by June 2019) to also be funded from these savings.*
  - *\$345,000 for the establishment of a Conservation Agreement.*
- 348/20 *That Council in keeping with resolution 761/17, that Council reserve funds to progress employment generating projects.*
- 349/20 *That Council note that the Working Group initially meet on a fortnightly basis for 3 months to progress these initiatives.*
- 350/20 *That Council provide a further report to Council no later than the first Ordinary Council meeting in September 2020.*

#### **Report**

This report provides an update against the resolution of Council at **350/20**. The draft report and attachments was provided to Working Group members on 27 August 2020. This report is current as at 28 August 2020 and does not include any action or information from meetings held between 28 August 2020 and 14 September 2020.

The Warnervale Working Group first met on 22 May 2020. The group has met fortnightly as far as practicably, in accordance with resolution **349/20**. The group has met for three months in accordance with resolution 349/20.

At its meeting held 26 August 2020, it was proposed that the Working Group continue to meeting with a further review of the meeting cycle at the first Working Group meeting to be conducted in November 2020. This draft report and attachments were provided to Working Group members for comment.

## 3.2 Warnervale Working Group Update (contd)

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Membership of the group is the following in accordance with resolution **346/20**:

- Mayor Matthews
- Deputy Mayor, Councillor Smith
- Councillors Burke, Greenaway and MacGregor
- Chief Executive Officer, Gary Murphy
- General Counsel
- Unit Manager, Governance and Business Services

No administrative staff have been allocated to the group in an effort to reduce the impact on current operational resource levels.

Minutes, Agendas and supporting documentation from the Working Group is available to all Councillors on the Councillor Hub.

At its meeting held 26 August 2020 the Working Group endorsed Terms of Reference which are provided as Attachment 1. At this meeting the Working Group determined that the Director, Innovation and Futures attend Working Group meetings.

With regard to progressing against resolution **345/20** the Working Group had undertaken the following:

- Works and consultation to progress a Biodiversity Conservation Trust Agreement including a presentation from the Biodiversity Conservation Trust and review of relevant maps.
- Site inspection on 24 September 2020.
- Obtained information regarding what grant funding may be available for establishing services to support employment generating activities, including digital infrastructure.
- Received a presentation on an overview of planning applications relating to Warnervale Town Centre.
- Received a presentation on the Warnervale Education and Business Precinct, following Council resolving on 9 June 2020:
  - *475/20 That in recognition of the establishment of the Warnervale Working Group as resolved by Council that this matter be deferred to allow consultation with the Working Group prior to a further report being provided to Council.*
- Discussion and review of the process and scope for the engagement of a Project Manager including presentations from relevant staff.
- Arranged a presentation on Circular Economy from Newcastle Institute for Energy and Resources on 19 August 2020, cancelled due to a lack of quorum. This was then subsequently held on 26 August 2020.

In addition, the Action Log from the Working Group (as at 26 August 2020) is provided as Attachment 2

## 3.2 Warnervale Working Group Update (contd)

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With regard to progression against resolution **347/20**, the following is noted:

The NSW Government provided Council with grant funding to offset a portion of the increase in the Emergency Services Levy for 2019/20. Council resolved on 9 September 2019 to request the Chief Executive Officer to consider allocating funds from the Emergency Services Levy (ESL) savings for the implementation of actions to protect Porters Creek Wetland and other priority actions identified in the Tuggerah Lakes Estuary Management Plan.

The funding provided by the NSW Government for the increase in the ESL was only for a component of the increase and not for the full increase. The amount received was \$445,299. As at 30 June 2020 an amount of \$432,019 is reserved for use in accordance with Council's resolution 844/19:

*844/19 That Council request the Chief Executive Officer to consider allocating funds, from the unallocated budget as a result of savings from the Emergency Services Levy increase, for the implementation of actions to protect Porters Creek Wetland and other priority actions identified in the Tuggerah Lakes Estuary Management Plan (TLEMP).*

With regard to progressing against resolution **348/20** the following is noted:

From the \$6 million originally allocated to the Warnervale Airport Masterplan in accordance with the resolution of 18 December 2017 there have been costs of \$2,844,824.25 (as at 30 June 2020). The balance of \$3,155,175.75 will be restricted in the 2019/20 financial statements.

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

Theme 4: Responsible

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

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

### **Attachments**

- 1 Warnervale Working Group Terms of Reference - 26 August 2020 D14163967
- 2 Warnervale Working Group Actions Log [D14168159](#)

## Terms of Reference – Warnervale Working Group

### 1. Project Objective

To deliver the permanent protection of Porters Creek Wetland and the progression of employment generating activities in the Warnervale area in sectors focused on health, manufacturing, food production, renewable energy and / or waste.

### 2. Purpose of the Warnervale Working Group

The Warnervale Working Group is established in accordance with resolution of Council of 27 April 2020 (Attachment 1). The purpose of the Working Group is to:

- a** Oversee the activities to permanently protect Porters Creek wetland in keeping with the resolutions of 25 November, 2019 (Resolutions 1213/19, 1214/19, 1215/19, 1216/19, 1217/19, 1219/19)*
- b** Progress the development of cleared land currently available and zoned Industrial or Business in the Warnervale area as an employment precinct focused around the following sectors: health, manufacturing, food production, renewable energy and/or waste.*
- c** Engage the following;*
  - a** a Project Manager with a proven track record, for an initial period of 18 months, to oversee the development of the employment lands*
  - b** a consultant to progress the activities required to put in place a Conservation Agreement on Porters Creek Wetland*

The Project Working Group does not have delegation under s377 of the Local Government Act, 1993 and does not formally exercise Council's powers and functions. Hence, the group cannot make decisions on behalf of Council however has a role in working with the CEO and relevant staff in progressing the resolutions of Council.

It is noted that the CEO is the only member of the Working Group that may direct staff and plays a critical role in progressing the objectives of the Working Group in accordance with resolutions of Council.

### 3. Tasks of the Working Group

The tasks of the WG are initially to undertake actions as required to meet the requirements of the Council resolution establishing the Working Group including, but not limited to:

- Oversee the activities to permanently protect Porters Creek wetland



- Consider actions to progress the development of cleared land currently available and appropriately zoned as an employment district, including Warnervale Education and Business Precinct
- Oversee the engagement of a project manager to oversee the development of employment lands
- Oversee the engagement of a consultant to progress the activities required to protect Porters Creek Wetland

#### 4. Working Group Members

Permanent members of the Working Group are:

##### *Councillors*

- Mayor, Lisa Matthews
- Councillor Smith (Chair)
- Councillor Burke
- Councillor MacGregor
- Councillor Greenaway

##### *Staff*

- Chief Executive Officer
- General Counsel
- Unit Manager Governance and Business Services
- Administrative Support staff as available and if required

Council officers will provide professional advice and administrative support as approved by the Chief Executive Officer. Staff attendance is at the request of the working group and the discretion of the Chief Executive Officer.

The following subject matter experts will attend Working Group meetings as required:

Director, Innovation and Futures  
Senior Ecologist – Natural Assets and Biodiversity  
Section Manager – Natural Assets and Biodiversity  
Property Development Manager  
Unit Manager – Economic Development and Project Delivery  
Unit Manager – Business Enterprise

Other staff will attend at the discretion of the Chief Executive Officer and as required.

External parties will be invited as agreed by the Working Group.

#### 5. Project Working Group Operating Protocols

##### *Facilitation*

- All questions should be directed through the Chair.
- Questions requiring support information should be directed to the Chair/Meeting

Support out of session (where able) in order to allow them to be directed to the appropriate people for preparing answers prior to the meeting.

#### *Knowledge and Skills*

- It is expected that all members will be familiar with the relevant Council resolutions, reports and supporting studies.

#### *Disclosure*

- Conflicts of interest are to be managed in accordance with the Code of Conduct.

#### *Administration*

- Meeting Agendas will be prepared in advance of any meetings
- Agendas shall be well planned and, once approved by the Chair, provided to all members at least three working days before the meetings.
- Attendance at Working Group meetings will be limited to Working Group Members and invited guests only (through the Chair)
- Attendance, actions and recommendations from meetings will be documented.
- Meeting Agendas will be public documents available upon request.
- Meeting records shall include copies of presentation materials as appropriate.
- Any issues originating from non-members shall be raised through the Chair.
- Meeting records shall be accepted by the working group at the subsequent meeting.

#### *Attendance at meetings*

- Attendance by guest members will be as agreed by the Working Group.
- Notice of inability to attend is to be made to the Chair. Alternates are not permitted.

#### *Media*

- Members of the media will not be allowed to attend meetings.
- Any media specific to the Working Group meetings should be managed through agreement with the Working Group
- For the avoidance of doubt, individual members of the Working Group are not permitted to speak to the media or make representations on social media on behalf of the Working Group or Council unless approved by the Working Group.

#### *Meeting Timing*

- Meetings shall be appropriately timed, at the discretion of the Chair in consultation with the Working Group, noting that the resolution of Council was for fortnightly meetings for an initial period of three months.

#### *Meeting Venue*

- Meetings will be held remotely or at a venue agreed by the Working Group.

## Attachment: Resolution of Council – 27 April 2020

- 343/20** *That Council note the report of Council highlighting the complexity of the process in protecting Porters Creek wetland, the level of consultation required, delays due to the diversion of staff resources to significant events facing our community and the need for consideration of other resolutions of Council.*
- 344/20** *That Council note the expected impact of the COVID-19 will have a significant impact on unemployment and the economy of the Central Coast.*
- 345/20** *That Council form a working group to;*
- d* **Oversee the activities to permanently protect Porters Creek wetland in keeping with the resolutions of 25 November, 2019 (Resolutions 1213/19, 1214/19, 1215/19, 1216/19, 1217/19, 1219/19)**
  - e* **Progress the development of cleared land currently available and zoned Industrial or Business in the Warnervale area as an employment precinct focused around the following sectors: health, manufacturing, food production, renewable energy and/or waste.**
  - f* **Engage the following;**
    - a* **a Project Manager with a proven track record, for an initial period of 18 months, to oversee the development of the employment lands**
    - b* **a consultant to progress the activities required to put in place a Conservation Agreement on Porters Creek Wetland**
- 346/20** *That Council appoint the following as members of the working group;*
- **Mayor**
  - **Deputy Mayor**
  - **Wyong Ward Councillors**
  - **CEO, Gary Murphy**
  - **Invited representatives from relevant State agencies and focus sectors, as appropriate**
  - **Support Staff as follows: Administration support, Governance staff member and Legal Counsel**

- 347/20** *As per resolution 844/19, reserve the balance of funds from savings from the Emergency Services Levy increase for the implementation of actions to protect Porters Creek Wetland including;*
- *Funds adjusted to a project budget (24866) to progress the conservation agreement (\$100,000).*
  - *Porters Creek Wetland and Catchment Restoration and Monitoring Planning Project is being scoped (delivery by June 2019) to also be funded from these savings.*
  - *\$345,000 for the establishment of a Conservation Agreement.*
- 348/20** *That Council in keeping with resolution 761/17, that Council reserve funds to progress employment generating projects.*
- 349/20** *That Council note that the Working Group initially meet on a fortnightly basis for 3 months to progress these initiatives.*
- 350/20** *That Council provide a further report to Council no later than the first Ordinary Council meeting in September, 2020.*

#	Meeting Date	Advisory Group	Action		Action Update	Completed	Status
1	22/05/2020	Wamervale Working Group	Map that shows industrial and business zoning in the Warnervale Area. Also showing Council owned and business owned (and zoning of industrial and business). Map showing cleared lands and the area for biocertification. Might be best to get a map of the whole area under consideration so that it is clear what the extent is: zoning, biocertification etc.	UM Governance and Business Services	Maps provided	5/06/2020	Completed
2	22/05/2020	Wamervale Working Group	Project Scope draft to be provided to the Working Group around the engagement of Project Manager in accordance with the resolution of Council	UM Governance and Business Services	Scope provided - further actions identified - see Actions 8 and 9	5/06/2020	Completed
3	22/05/2020	Wamervale Working Group	Site Visit to be organised noting the shorter days currently. Key Planning staff member to be present as well as someone from Water and Sewer to speak to infrastructure requirements.	UM Governance and Business Services	Date confirmed as 24 June 2020 - location to be confirmed at meeting 19 June 2020. Further information sought. Unit Manager Development Assessment attended meeting to provide an update.	5/08/2020	Completed
4	22/05/2020	Wamervale Working Group	Financial reporting - a report on the financial status of the monies from the Emergency Services Levy for the implementation of actions to protect Porters Creek Wetland. (Resolution 844/19). Also seeking a report of reserved funds in accordance with (Resolution 761/17). Understood that this was to require that the funds going into a reserve and seeking understanding that this has happened	UM Governance and Business Services	Update provided to meeting of 5 June 2020. Further action identified - see action 10	5/06/2020	Completed
5	22/05/2020	Wamervale Working Group	Consultant engagement – has the consultant been engaged to progress the biocertification of the WEZ.	UM Governance and Business Services	Update provided to meeting of 5 June 2020. Further action identified - see action 11	5/06/2020	Completed
6	22/05/2020	Wamervale Working Group	Biodiversity Conservation Trust to address the Working Group about the Porters Creek Wetland.	Chair	BCT addressed the meeting - 5 June 2020	5/06/2020	Completed
7	22/05/2020	Wamervale Working Group	Terms of Reference to be developed using the Wamervale Working Group template as a base and addressing what a quorum is (if one is required) and whether meetings can be participated in remotely.	Chair	Draft Terms of Reference provided to the Chair - 28 May 2020. Recommended for inclusion on agenda for 3 July 2020. Included on Agenda for 3 July 2020. Included on Agenda for 22 July 2020. Included on Agenda for 5 August. Included on Agenda for 19 August. Meeting postponed. Included on Agenda for 26 August 2020. Endorsed on 26 August 2020 with some amendments. To be updated and distributed	27/08/2020	Completed

#	Meeting Date	Advisory Group	Action		Action Update	Completed	Status
8	5/06/2020	Wamervale Working Group	Senior Ecologist to be asked to follow up with relevant staff regarding the yellow hashed areas prior to meeting with the BCT regarding the CA.	UM Governance and Business Services	Update provided to meeting of 19 June 2020	19/06/2020	Completed
9	5/06/2020	Wamervale Working Group	Further work to be done on stakeholder groups identified in the project scope provided. Councillor Smith will review and provide something to the Working Group.	Chair	Included on Agenda for 17 July 2020. Meeting postponed to 22 July 2020. Circulated for preliminary discussion with Councillors on 5 August 2020. To be discussed at meeting of 19 August 2020. Meeting postponed to 26 August 2020. Seeking feedback from Councillors.		Pending
10	5/06/2020	Wamervale Working Group	Allocation to be made in accordance with Council resolution as per the intent of the resolution of Council. UM Governance and Business Services to follow up with the acting CFO at the time as to her recollection.	UM Governance and Business Services	Update to be provided at meeting - 19 June 2020. Financial update to be a standing Agenda item	19/06/2020	Completed
11	5/06/2020	Wamervale Working Group	Shane to follow up at who the relevant staff member is regarding the engagement of the consultant for the Conservation Agreement and ask that they present at the next meeting.	UM Governance and Business Services	Update provided to meeting of 19 June 2020	19/06/2020	Completed
12	5/06/2020	Wamervale Working Group	Need clarification of the Wyong Settlement Strategy and Warnervale Business Park and its impact on the potential Conservation Agreement as per the map on slide 8 of the pack provided to the Group.	UM Governance and Business Services	Revised mapping sent 11 June 2020	11/06/2020	Completed
13	5/06/2020	Wamervale Working Group	Seeking an update on the Biodiversity Certification relating to Lisarow and Kangy Angy.	Director, Environment and Planning	Update to meeting held 19 June 2020. Email sent 6 July 2020, follow up sent on 13 July 2020. Email sent to Working Group providing an update on 15 July 2020	15/07/2020	Completed
14	5/06/2020	Wamervale Working Group	Emma Roberts to advise on up the need to consult with the BCT to develop the excluded areas of a CA. Wanting to understand the practical implications	General Counsel	Verbal Update provided at the meeting held 19 June 2020	19/06/2020	Completed
15	5/06/2020	Wamervale Working Group	Any matters relating to the scope of the Working Group are to be brought to the Working group prior to reporting to Council.	UM Governance and Business Services	Relevant ELT members advised by email of this requirement on 5 June 2020	5/06/2020	Completed
16	5/06/2020	Wamervale Working Group	Amended report to be prepared relating to the Employment Precinct seeking deferral to allow it to be referred to the Working Group.	UM Governance and Business Services	Amended report issued 9 June 2020	9/06/2020	Completed

#	Meeting Date	Advisory Group	Action		Action Update	Completed	Status
17	19/06/2020	Warnervale Working Group	Establishment of reserve to be progressed.	UM Governance and Business Services	Update to be provided from Finance for each meeting - report to be provided for 17 July 2020 meeting. To be sent as a report due to postponement of meeting. Advised that reserve will be established as part of the end of year process.	Ongoing	Pending
18	19/06/2020	Warnervale Working Group	Large scale map print version to be made available for the Site inspection to be held 24 June 2020, and Senior Ecologist be asked to attend.	UM Governance and Business Services	Completed and provided at site inspection	26/06/2020	Completed
19	19/06/2020	Warnervale Working Group	Presentation to be given to the Working Group with a detailed overview of the applications in Warnervale Town Centre in general - from Planning staff (Two meetings time)	Director I&F	Listed for Agenda on 17 July 2020. Meeting moved to 22 July 2020.	22/07/2020	Completed
20	19/06/2020	Warnervale Working Group	Seeking an update on the potential site of an aquatic centre or leisure centre at Warnervale - has this progressed or was it determined that it would not progress.	UM Governance and Business Services	Update provided 2 July 2020 - Follow up action. Seeking further advice as to whether another site has been considered or had been considered. What that site may have been - email sent 3 July 2020. Further information provided as requested on 7 July 2020	2/07/2020 and 7/7/2020	Completed
21	19/06/2020	Warnervale Working Group	Draft process for consultation, visibility and engagement between Project Manager and Working Group to be provided (one page reference document).	Director, I&F	Draft sent to Working Group Members on 30 June 2020. Included on Agenda for 3 July 2020.	30/06/2020	Completed
22	19/06/2020	Warnervale Working Group	Specific concerns about the deferred report are to be provided to the Chair over the weekend (by Monday 22 June 2020) for further discussion noting the Chair will collate them for discussion.	Members	Nothing received.	22/06/2020	Completed
23	19/06/2020	Warnervale Working Group	Warnervale Precinct Structure 7A plan to be provided to Working Group Members	Director, I&F	Provided to working group members on 2 July 2020	2/07/2020	Completed
24	19/06/2020	Warnervale Working Group	Update on Kiar Ridge site to be provided by Emma Roberts at the next meeting – status of legal advice, status of works completed prior to sale and were any services established on the land in question.	General Counsel	Verbal update provided at site inspection. Update to be provided at next meeting (17 July 2020 - postponed to 22 July 2020). Update provided 22 July 2020 and further documentation sent 31 July 2020	31/07/2020	Completed
25	19/06/2020	Warnervale Working Group	Meeting time to be reviewed to see if an alternate time can be agreed.	UM Governance and Business Services	New meeting time of 5pm Wednesdays has been suggested and sent out to members	17/07/2020	Completed

#	Meeting Date	Advisory Group	Action		Action Update	Completed	Status
26	24/06/2020	Warnervale Working Group - Site Inspection	When there is a draft agreement on the BCT, this is to come back to the Working Group for consultation	Director, Environment and Planning	Pending draft agreement. Noting that information as to any risks associated with the BCT are also to be articulated.		Pending
27	24/06/2020	Warnervale Working Group - Site Inspection	Seeking constraint mapping to assist with understanding of the hierarchy of land constraints	Director, Environment and Planning	Provided to members 2 July 2020	2/07/2020	Completed
28	24/06/2020	Warnervale Working Group - Site Inspection	Update to be provided on Precincts 11 and 13 and what proportion of land has already been cleared.	Director, Environment and Planning	Provided to members 2 July 2020	2/07/2020	Completed
29	24/06/2020	Warnervale Working Group - Site Inspection	Update on trees as relating to the requirements for clearance at the airport	Director, RTDW	Provided to members 2 July 2020	2/07/2020	Completed
30	24/06/2020	Warnervale Working Group - Site Inspection	Advice on the zoning of a parcel of land adjacent to the airport (depicted on the map) and its ability to be used for employment prospects	General Counsel	Verbal update provided at meeting 3 July 2020. Requested that a short briefing paper to be provided to the Working Group. Provided to meeting of 22 July 2020 and emailed to members.	22/07/2020	Completed
31	24/06/2020	Warnervale Working Group - Site Inspection	Advise if the land occupied by the Building Recyclers Depot P/L and Tricon located adjacent to the airport is privately owned.	General Counsel	Verbal update provided at meeting 3 July 2020	3/07/2020	Completed
32	3/07/2020	Warnervale Working Group	Second Site visit to be considered to allow Councillors unable to attend previously to attend a further inspection.	UM Governance and Business Services	Pending Councillor attendance at meeting to schedule a time		Pending



#	Meeting Date	Advisory Group	Action		Action Update	Completed	Status
33	3/07/2020	Warnervale Working Group	Education Precinct and Reference to Masterplan: Seeking a presentation regarding further background regarding recommendation to adopt a Concept Plan (rather than a Master Plan). Clarification as to whether staff are seeking approval for that Masterplan. If the intention is to pick up the previous Masterplan the Working Group should be consulted. If the intention is to start again, this should be explicit. It is noted that the Attachment 3 provided with the report is a page from the Masterplan on the Department's website. Also seeking some understanding as to the cost of the development of the Concept Plan.	Director I&F	Presentation to be provided to meeting of 5 August 2020.	5/08/2020	Completed
34	3/07/2020	Warnervale Working Group	Engagement of project manager. Seeking an update/information on the process that would be followed. Also seeking to understand the brief under which they would be engaged.	Director I&F	Further information provided 22 July 2020 to inform this action. Update provided 5 August 2020	5/08/2020	Completed
35	3/07/2020	Warnervale Working Group	Seeking information on suitable industry advisors to present to the Working Group regarding circular economy	Director I&F	Presentation arranged for 19 August 2020. Meeting postponed. Rescheduled to 26 August 2020	26/08/2020	Completed
36	3/07/2020	Warnervale Working Group	Grants Coordinator to be asked to provide advice as to what grant funding may be available for establishing services to support employment generating activities. This could include digital infrastructure.	Director I&F	Briefing note provided to Working Group on 3 August 2020	3/08/2020	Completed
37	3/08/2020	Chair	Update on Conservation agreement (by email)	Director, Environment and Planning	Email sent to Working Group	4/08/2020	Completed
38	5/08/2020	Warnervale Working Group	Request for confirmation of information in Councillor Briefing (Confidential) as to the services provided. Particular in regard to sites A and B sites on the maps provided as part of the Presentation by Unit Manager Development Assessment at the meeting of 5/8/2020	Director, Environment and Planning	Shared to all Councillors on the Hub - 7 August 2020. Working Group advised	7/08/2020	Completed
39	5/08/2020	Warnervale Working Group	Request for a desktop Ecological review of the A and B sites as shown on the maps provided as part of the Presentation by Unit Manager Development Assessment at the meeting of 5/8/2020	Director I&F	Provided to the Working Group on 19 August 2020. Re-opened on 26 August 2020. Presentation to be provided to the Group at a future meeting.		Pending
40	26/08/2020	Warnervale Working Group	Seeking information on any current Development applications in relation to the Airport site.	Unit Manager, Business Enterprise	Sent 27/8/2020		
41	26/08/2020	Warnervale Working Group	Seeking an update on discussions as resolved by Council with Newcastle Airport.	Director I&F	Sent 27/8/2020		



**Item No:** 3.3  
**Title:** Council Tree Planting Initiatives  
**Department:** Environment and Planning

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14107639  
Author: Scott Irwin, Section Manager, Sustainable Environments  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Andrew Roach, Acting Director, Environment and Planning

## Summary

This report provides information to Council regarding initiatives and/or changes in practice to encourage and facilitate street tree plantings in existing and new areas.

## Recommendation

***That Council receive the report on Council Tree Planting Initiatives.***

## Background

At its Ordinary Meeting of 25 May 2020, Council resolved:

- 422/20 *That Council note that National Tree Day falls on Sunday, 2 August 2020.*
- 423/20 *That Council request the Chief Executive Officer congratulate staff on the two proposed community planting events to be held at;*
- *Alison Road, Wyong, adjoining Porters Creek*
  - *Runway Park, Trafalgar Avenue, Woy Woy*
- 424/20 *That Council request the Chief Executive Officer to ensure that there are alternate arrangements are made for the day should these events not be able to proceed due to COVID-19 – such as plant giveaways (local provenance native plants) at a pick up point for residents in both the north and south.*
- 425/20 *That Council request the Chief Executive Officer provide an update on what these alternate arrangements might be in a Councillor update.*
- 426/20 *That Council request the Chief Executive Officer provide a report at the 24 August 2020 Ordinary Meeting on Council initiatives and/or changes in practice to encourage and facilitate street tree plantings in existing and new areas.*

### **3.3 Council Tree Planting Initiatives (contd)**

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Council staff provided a Councillor update on 28 July 2020 addressing resolution 424/20 and 425/20. This report addresses resolution 426/20.

At its Ordinary Meeting on 6 July 2018, Council resolved:

- 634/18 That Council note the deferred Free Shade Tree Program report which is Attachment 1 to this report.*
- 635/18 That Council notes that the Central Coast is a national outlier in not having a free tree policy.*
- 636/18 That Council continues its preparation of an Urban Forest Policy.*
- 637/18 That Council supports increasing the shade canopy across the LGA, with a more developed Free Shade Tree Policy to form part of that strategy, including consideration of ways to facilitate easier planting of trees on residential nature strips and road reserves.*
- 638/18 That in the short term, Council makes available at least 1,500 items of native tube stock for distribution at public events (such as Lakes Festival, or National Tree Day) and on application from interested residents, with a limit of two per resident or block.*
- 639/18 That Council notes the reduction of nursery staff employed by Council over recent years, and requests a review of the number of and training of staff to better reflect the importance of the work done by nursery staff in maintaining and growing our natural environment.*
- 640/18 That Council request the Chief Executive Officer implement the above subject to appropriate provision in the adopted 2018/19 budget.*

At its Ordinary Meeting on 8 July 2019, Council resolved:

- 627/19 That Council endorse the draft Central Coast Greener Places Strategy for the purpose of public exhibition.*
- 628/19 That Council exhibit the draft Central Coast Greener Places Strategy for a period of 28 days.*
- 629/19 That Council consider a further report on the outcomes of the community consultation by the end of November 2019.*
- 630/19 That the report to come back to Council also identifies two pilot projects (one in the north and one in the south) to undertake in partnership with communities focused on greening their neighbourhoods within the current financial year (2019/2020).*

In response to resolution 636/18 Council staff have been preparing the Draft Greener Places Strategy, which was exhibited in draft form in August 2019. The public exhibition of the Draft Greener Places Strategy was very positive, with 97 of the 99 submissions supporting the Strategy. The community feedback received from public submissions informed the finalisation of the Greener Places Strategy.

In relation to Resolution 629/19, due to the bushfire events that were taking place in November 2019, the amended Greener Places Strategy was rescheduled to be considered by Council in 2020. As set out in the 20/21 Operational Plan, the Greener Places Strategy will now be considered by Council before November 2020 followed by implementation.

In relation to street tree planting, the following actions are included in the amended Greener Places Strategy:

- Action 1.4 - Develop a tree planting / replacement procedure for Council, to ensure replacement at 2:1
- Action 1.6 - Develop a tree management system to track the success of plantings over time
- Action 2.1 - Completing detailed planting plans for suburbs that are subject to Urban Heat Island Effects
- Action 2.4 - Where six or more residents in an individual street approach Council, Council will assess the street for its suitability for planting and if suitable, provide and plant trees with assistance from the community for future watering and observations.

Pending adoption of the Strategy, actions identified within the amended Strategy will be implemented with consideration of resource availability, grant opportunities and future operational budget allocations. No changes in practice for street tree planting have been implemented to date, but will be progressively implemented in accordance with the Greener Places Strategy following adoption.

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

Theme 3: Green

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

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

#### **Attachments**

Nil.



**Item No:** 3.4  
**Title:** Bushfire Roles and Responsibilities  
**Department:** Environment and Planning

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00037 - D14109811  
Author: Scott Irwin, Section Manager, Sustainable Environments  
Manager: Luke Sulkowski, Unit Manager, Environmental Management  
Executive: Andrew Roach, Acting Director, Environment and Planning

## Summary

This report outlines Council's responsibilities and functions relating to the bush fire event over the summer period 2019 – 2020.

## Recommendation

***That Council receive the report on Bushfire Roles and Responsibilities.***

## Background

At its Ordinary Meeting on 10 February 2020, in response *Notice of Motion - Central Coast Council to Recognise the Work of Local Firefighters and Emergency Service Workers in Response to the Recent Bushfires*, Council resolved:

- 44/20 *That Council formally thank the Rural Fire Services (RFS), Fire and Rescue New South Wales (NSW) and Emergency Services for their outstanding efforts in preventing loss of life, land, wildlife and properties during the recent bushfire emergency.*
- 45/20 *That Council acknowledges and thanks staff from all directorates and their teams for their diligence and outstanding efforts in responding to the recent bushfires.*
- 46/20 *That Council acknowledges that the impact on communities before, during and after a natural disaster is different depending on the type of disaster; storm, wind, flood, fire and the location. Therefore, a more coordinated 'localised' response is needed.*
- 47/20 *That Council request the Chief Executive Officer to prepare a report outlining our roles and responsibilities before, during and after an event, in addition to identifying areas for improvement.*

### 3.4 Bushfire Roles and Responsibilities (contd)

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- 48/20 *That Council acknowledges that fire trails are essential for preventing loss and vital for firefighters to be able to access areas and contain fires safely and requests that the Chief Executive Officer to investigate the current staffing levels and the capacity to continue to build suitable fire trails to the level that is needed.*
- 49/20 *That Council formally congratulate Viki Campbell, Superintendent of the Rural Fire Service for her appointment as Australia Day Ambassador for the Central Coast.*
- 50/20 *On behalf of Council, our thoughts are with those who are suffering and our actions will reflect change and policy. I would also like to thank our broader community, residents and community groups who in the spirit of being Australian, have come together to support and protect our people, our property, our wildlife and our landscape.*
- 51/20 *That Council note the tragic loss of human life, wildlife, property and our natural environment over this bushfire season and the tireless and heroic efforts of the firefighters, emergency service workers and all those involved in responding to the recent bushfires not only across our LGA but NSW and our nation as a whole.*
- 52/20 *That Council formally express our appreciation and gratitude for the hard work and dedication of the many volunteers and workers who have so far responded to the recent bushfires.*
- 53/20 *That Council write to locally based RFS brigades and relevant parties to formally thank them on behalf of our local community.*
- 54/20 *That Council note that Shoalhaven LGA upon passing a similar motion resolved to hold a thank you event for volunteers and workers who were involved in responding to the Bushfires and that Council consider doing the same.*

This report addresses resolutions 47/20, 48/20 and 54/20.

In relation to resolution 47/20, the following information is provided:

Council has responsibilities and functions relating to emergency and bush fire events as defined in a range of legislation, plans, policies and guidelines. These responsibilities include action to be undertaken before, during and after a bushfire event.

#### **Activities Prior to Bushfire Events (Being Prepared)**

Before a bush fire event, Council actively participates on several committees with the Rural Fire Service (RFS) including the Bushfire Management Committee and the Local Emergency

### **3.4 Bushfire Roles and Responsibilities (contd)**

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Management Committee (LEMC). These committees also include representation from a range of emergency response agencies across the Central Coast Local Government Area (LGA).

The Bush Fire Management Committee is convened by the RFS and provides advice on bush fire management issues, including the preparations of Bush Fire Risk Management Plan and Fire Access and Fire Trail Plans.

Council is a significant landowner and land manager and is responsible for the management of bush fire risk. This includes responsibilities for on-ground bush fire mitigation works such as the establishment and maintenance of fire trails and asset protection zones (fire breaks). This is discussed in more detail in the response to resolution 48/20.

The Emergency Management Committee (LEMC) provides cooperative interaction between emergency services and responsible for preparing plans in relation to the prevention of, preparation for, response to, and recovery from emergencies within the LGA including the preparation of the Central Coast Local Emergency Management Plan. Council staff chair the LEMC and provide executive support facilities to the LEMC and the Local Emergency Controller (LEOCON) by way of meeting services, including the distribution of agenda and minutes, managing correspondence plus the management of an Emergency Operations Centre (EOC) for a multi-agency coordinated response to an emergency.

Council is responsible for the management of RFS buildings and equipment under the RFS District Service Level Agreement (SLA). This SLA provides for administrative accounting and maintenance services of 36 RFS buildings including the payment of all rates, electricity, water and insurances. Council also maintains repairs and services the RFS district equipment, including 158 firefighting appliances and vehicles. The RFS offsets Councils costs for the management and maintenance of RFS equipment through a the RFS Rural Fire Fighting Fund. In 2019/20 RFS contributed \$765,523 to Council for the management of the RFS buildings and equipment.

Council also has financial obligations to contribute to an Emergency Services Levy. NSW Revenue collects funds for providing emergency services including RFS, State Emergency Service and NSW Fire & Rescue. In 2019/20 Council contributed a total of \$4,825,320 towards this levy and RFS proportion of this levy was \$1,476,684.

#### **During Bushfire Events**

During a bush fire event, the RFS may request Council support firefighting activities in accordance with Councils responsibilities including the management of traffic and the removal of debris from roadways. Additional support was requested by RFS to establish a forward staging area at Councils Mangrove Mountain depot to complement RFS operations associated with the Three Mile Fire. This staging area was operational for emergency services from 3-16 December 2019. During event staff implemented traffic management activities, repaired and serviced RFS vehicles and the removed of debris from roadways.

### **3.4 Bushfire Roles and Responsibilities (contd)**

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Councils Emergency Operations Centre within the Charmhaven RFS headquarters was also activated nine times by the LEOCON over the 2019/20 bush fire season to support RFS activities across the Central Coast.

As previously noted Council supports the Local Emergency Controller (LEOCON) by way of meeting services, including the distribution of agenda and minutes, managing correspondence plus the management of an Emergency Operations Centre (EOC) for a multi-agency coordinated response during an emergency.

#### **Following Bushfire Events**

After a bush fire events, Council has a lead role in Local Recovery efforts to support the impacted and disrupted communities. Following the Three Mile and Charmhaven bush fire emergencies, Council appointed a Local Recovery Officer to chair and coordinate the Local Bush Fire Recovery Committee. Council staff provided executive support to the Local Recovery Committee and Recovery Coordinator including recording and distribution of agendas and minutes. Council staff also participated with the broader Greater Sydney Regional Bush Fire Recovery Committee established by the Office of Emergency Management, now Resilience NSW. As part of local recovery, Council staff convened Community Recovery meetings at Kulnura, Spencer and Blue Haven x 2 to support communities directly impacted by bush fire events.

Council has received Commonwealth funding of \$1.275M for the recovery and renewal of the Central Coast community impacted by bush fires. The projects and activities currently being undertaken are divided into 4 themes which include, Community Resilience, Recovery, Preparedness and Coordination. Councils program of works has been provided to Local Recovery Committee and Office of Local Government and is progressively being delivered by Council staff.

#### **Opportunities for Improvement**

As with any local and significant emergency event the lead combat agency facilitates a series of multi-agency debriefs following the event. The purpose for debrief is to enable all agencies involved in the event to contribute their observations and learnings. These learnings are then incorporated into revised planning processes, strategies and tactics such that processes and actions can be improved.

Council also conducts briefings at three levels:

- Executive level including the Council's Incident Management Team (IMT),
- Emergency Operations Centre (EOC) Staff, and
- Field Operations Staff.



### **3.4 Bushfire Roles and Responsibilities (contd)**

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Council's staff are currently developing a series of guidance practices in order to enhance council's capability and capacity across planning preparation response and recovery spectrum, this includes education, training, exercising, identification and upskilling of staff to support emergency management;

- Training the Council's IMT in Incident Control Systems (ICS) under the Australian Qualification Framework (AQF)
- Training existing employees to works in EOC and IMT in the leadup to and during emergency Response and Recovery operations
- Providing training to EOC recruits in ICS under the AQF
- Facilitating emergency exercises for all employees trained in ICS

This model is being developed with consideration of other known best practice models interstate, and at completion is expected to be at the forefront of local government incident management systems in NSW. Staff from Resilience NSW have been engaged in the process and are following Council's progress in the area as a potential best practice model to be considered more broadly across the state.

In relation to resolution 48/20, relating to fire trails:

The management of bush fire risk includes a range of activities delivered across several of Council's functions including strategic planning, development assessment, bush fire risk planning, natural area management, water catchment management and communications.

As the owner and manager of more than 20,000 hectares of bushland and native vegetation, with many of the Council controlled bushland areas are at or near the urban-bushland interface where the management of bush fire risk is of particular concern to residents.

A large part of Council's responsibilities is for on-ground bush fire mitigation works including the establishment and maintenance of fire trails and asset protection zones (fire breaks). Fire trails are constructed to provide access to bushland areas for emergency vehicles – typically for fire trucks undertaking hazard reduction burning or bush fire suppression. Asset protection zones (APZs) or fire breaks are an area of land where the vegetation has been cleared or modified to create a buffer between constructed assets such as houses and a bushland area.

Currently Council's fire trails network consists of approximately 217 trails totaling approximately 225 km. Council's works include upgrading of existing fire trails to meet Rural Fire Service Standards and establishing new sections of trails where required.

Controlling unauthorised access to the fire trails is important for minimising erosion and damage to trails which may impact on the serviceability of the fire trails. Over the past 5 years, for example, approximately 45 trails have been upgraded which have included access control works.

### **3.4 Bushfire Roles and Responsibilities (contd)**

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Options for building Council's capacity to deliver cost effective fire trail upgrade and maintenance works continue to be investigated and developed. Council applies annually for grant funding from the Rural Fire Service to reduce the impact on general revenue. The reuse of materials has been trialled and is being investigated further to reduce costs since up to 95% of the cost of fire trail construction and maintenance works can be in the buying and transporting of material. The contracting of the NSW government's Soil Conservation Service has reduced the procurement timeframes and increased the cost effectiveness of fire trail upgrade and construction works. While fire trails construction and maintenance work are done almost exclusively by contractors, options for building the capacity of inhouse teams to streamline the delivery of works is currently being investigated.

In addition to the fire trail network, Council manages approximately 260 asset protection zones (APZs) most of which are located between residential properties and Council managed bushland. The vegetation within APZs is slashed up to four times per year.

Preventing unauthorised access and controlling encroachments, such as storing caravans, extending gardens and the construction of garden sheds on APZs is essential in maintaining their effectiveness and accessibility during fire events.

Works also include establishing new APZs as required, some in response to notices from the Rural Fire Service, and the upgrading of existing APZs to meet contemporary standards. APZ maintenance works are delivered by the two in-house bush fire mitigation teams

Council's funding of bush fire mitigation works is supported by successful grant applications to the Rural Fire Service for capital works such as fire trail construction and operational works such as APZ maintenance. The Rural Fire Service funding models are subject to change; the amount available is subject to change; and the success of grant applications is not certain. A full analysis of the success of Council's grant applications is yet to be undertaken, however many applications for priority bush fire mitigation works do not receive grant funding. Reliance on the Rural Fire Service grant funding alone to implement Council's bush fire risk mitigation works would result in a substantial backlog in the fire trail upgrade and maintenance programs. Certainty of Council funding for the bush fire mitigation program would allow for improved forward planning of the bush fire mitigation program. Further analysis of funding options and models will be part of a review of the program scheduled to commence this financial year.

#### **Other Bushfire Management Information**

Current staff allocations specifically for bush fire management are:

- 2 x senior bush fire positions – duties include planning bush fire mitigation works programs, assessing specific and more general bush fire risk associated with Council land, represent Council on the Bush Fire Management Committee (BFMC) and subcommittees which includes collaborating with the BFMC in the development strategic documentation for the bush fire district such as the

### 3.4 Bushfire Roles and Responsibilities (contd)

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Central Coast Bush Fire Risk Management Plan, Fire Access and Fire Trail Plan and the annual Central Coast hazard reduction plan.

- 1 x temporary bush fire mitigation project officer – duties include project management of the delivery of capital and operational works such as fire trail upgrades, asset protect zones upgrades, access control management
- 2 x bush fire mitigation teams
  - Bush Fire Mitigation Crew Leader
  - Bush Fire Mitigation Plant Operator
    - duties of these teams include maintaining bush fire related infrastructure such as APZs, fencing and fire gates. The 260 APZs are typically slashed up to four times per year but can vary between years.

The Water and Sewer Directorate also manages significant responsibilities across large areas such as Mangrove Creek and Mooney Mooney Creek Catchments and land surrounding some treatments plants (managed by staff from the Treatment Plants and Catchment Section). Although the primary focus and expertise of these officers is not bush fire risk management, their work aids in maintenance of fire trails and APZs for these assets.

Following the council amalgamation in 2016 the Central Coast Bush Fire Management Committee was formed for the strategic management of bush fire risk across all land tenures in the Central Coast and Lake Macquarie Local Government Areas. The Bush Fire Management Committee has prepared and submitted the Bush Fire Risk Management Plan and the Fire Access and Fire Trail Plan to the Bush Fire Co-ordinating Committee for approval.

In addition to changes at the bush fire district level, Council's delivery of bush fire risk management must be responsive to legislative changes, updates to industry standards and increased knowledge of fire behaviour and risk mitigation. As a large local government area that saw extensive bush fire impact in the 2019-20 fire season as well as in past bush fire events, Central Coast Council needs to ensure that all of its bush fire risk management functions have appropriate levels of qualified and experienced staff resources and also have complementary processes and financial resources in place to minimise the impact of bush fire on the community. The diverse bush fire risk management functions that Council delivers have however not been comprehensively reviewed since the council amalgamations.

A review of Council's approach to bush fire risk management will commence with benchmarking against comparable organisations and councils. The review will be extended to develop recommendations for the funding and staff resource allocations required to adequately deliver all of Council's responsibilities for bush fire mitigation.

**'Thank You' Events for the RFS**

In relation to resolution 54/20, in relation to 'thank you' events for RFS:

As a result of the current COVID-19 pandemic, the Rural Fire Service Central Coast District have suspended all mass gatherings including volunteer appreciation days in order to mitigate potential risks and in line with NSW Health advice. With consideration of these health risks, staff have not advanced any plans for an RFS thank you event.

**Link to Community Strategic Plan**

Theme 1: Belonging

**Goal A: Our community spirit is our strength**

A4: Enhance community safety within neighbourhoods, public spaces and places.

**Attachments**

Nil.



**Item No:** 3.5  
**Title:** Working Together Staying Strong COVID Grants - July 2020  
**Department:** Connected Communities

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14167595  
Author: Stuart Slough, Team Leader, Community Planning and Funding  
Manager: Glenn Cannard, Unit Manager, Community Partnerships  
Executive: Phil Cantillon, Acting Director, Connected Communities

## Summary

This report provides an update on the Working Together Staying Strong Grant Program for applications funded in July 2020.

## Recommendation

***That Council receive the report on the Working Together Staying Strong Grant Program July 2020 applications as outlined in the following report and Attachments 1 and 2.***

## Background

Council, at its Ordinary Meeting on 27 April 2020 resolved part thereof the following:

- 341/20 *That Council authorise the Chief Executive Officer (or their delegate) through delegated authority to make final determination and allocation of funding on each application based on staff assessment to ensure quick allocation of funds.*
- 342/20 *That Council receive a monthly report provide an update on the program and details on funded applicants.*

This report provides a monthly update to Council on the applications received, and funds granted during July 2020.

The Working Together Staying Strong grant program has been developed in response to the increased local demand on critical support services due to the COVID-19 situation. The aim of this program is to assist organisations, which deliver essential support to vulnerable and at-risk groups, during the COVID-19 pandemic.

It is a time-limited, rapid response funding program for service providers who are currently facing increased demand and/or operational difficulties supporting vulnerable and at-risk

### 3.5 Working Together Staying Strong COVID Grants - July 2020 (contd)

Central Coast community members. This grant program also allows service providers to adjust their delivery methodologies so they can still support their clients while complying with social distancing requirements.

The Working Together Staying Strong Grant Program provides a combined budget of \$300,000 between 1 May and 30 September 2020 as detailed in table one below.

**Table one: Working Together Staying Strong Grant Program**

<b>Program</b>	<b>Budget</b>	<b>Opening Period</b>	<b>2019/2020 allocation to date</b>	<b>Allocation within this report</b>	<b>Allocation to date + Funding within report</b>
Working Together Staying Strong Grant Program	\$300,000	1 May – 30 September 2020	\$128,833.90	\$14,099.00	\$142,932.90
<b>TOTAL</b>			<b>\$128,833.90</b>	<b>\$14,099.00</b>	<b>\$142,932.90</b>

Four applications were received and assessed between 1 and 31 July with two granted funding.

The Working Together Staying Strong grant program applications were assessed by Council's Unit Manager Community Partnerships and the Community Planning and Funding Team, against the Working Together Staying Strong Grant Program guidelines. The final determination and allocation of funding has been made by the Director Connected Communities.

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

Theme 1: Belonging

#### **Goal A: Our community spirit is our strength**

B-A1: Work within our communities to connect people, build capacity and create local solutions and initiatives.

#### **Attachments**

- |  |           |
|--|-----------|
| <b>1</b> Working Together, Staying Strong COVID Grants - July 2020 - Recommended for Funding | D14167619 |
| <b>2</b> Working Together, Staying Strong - July 2020 Not Recommended for Funding            | D14167629 |

## Recommended for Funding July 2020

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Gosford City Community & Information Service Ltd	Community SOS Foodbank - Lockable shelving cabinets, commercial fridge/freezer, food packaging	\$9,149.00	Recommended for funding as project meets the program requirements.
Berkeley Vale Neighbourhood Centre Association Inc	Food Relief - Funds to purchase food to distribute to our local community	\$4,950.00	Recommended for funding as project meets the program requirements.
TOTAL		\$14,099.00	

## Not Recommended for Funding July 2020

Organisation Name	Project Title and Summary	Staff Funding Recommendation	Staff Assessment
Volunteering Central Coast	My story, your story, our history - A pen pal project between local children and seniors, connecting generations through stories of life past present and future	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable grant programs.
Lions Club of Woy Woy Peninsula Inc	Car Boot Sale and Markets - Cover Costs of Council Rental Fees for site in Dunban Road Woy Woy	\$0.00	Not recommended for funding as the application is not suited to this grant program. Recommendation is for the applicant to liaise with Council Grants Officers and identify more suitable grant programs.



**Item No:** 4.1  
**Title:** Questions with Notice  
**Department:** Governance

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14104960

### **Questions with Notice**

The following question was submitted by Councillor MacGregor at the Ordinary Meeting 27 July 2020:

#### **Tree removal over the last four years**

*In the last 4 years, since amalgamation, how many trees in parks and reserves have been removed due to 'poor health' or 'poor condition'? What is the cost to the council for removing these trees? How many '2 for 1' trees have been planted and are 'like for like' trees planted when natives are removed and is there a record kept by council?*

The response was provided by the Director, Environment and Planning:

This is a complex question requiring research and resources to provide an appropriate response. As a result, it is not possible to provide a response for the Council meeting of 14 September 2020 as previously stated in the Business Papers for the Council Meeting of 27 July 2020. It is proposed to provide the response for inclusion in the Business Paper for the meeting of 28 September 2020.

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The following question was submitted by Councillor Gale:

#### **Projects to State Government**

*What projects have been put forward to the State Government to use our existing developer contributions?*

The response will be provided by the Executive Manager, Innovation and Futures on or before the 14 September 2020 meeting.

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The following questions were submitted by Councillor MacGregor:

#### **Council staffs current and future plans for the Broadwater hotel site:**

*What are council staffs current and future plans for the Broadwater hotel site?*

The response will be provided by the Executive Manager, Innovation and Futures on or before the 14 September 2020 meeting.

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**Adherence to councils budgeted operational plan in the previous 12 months:**

*Can council staff please provide an update on the following,*

- 1 a list of total projects by directorate that were included in the previous years operational plan,*
- 2 how many of these projects by directorate came in either over or under budget,*
- 3 a table or appropriate format to clearly identify this information in the business paper?*

The response will be provided by the Executive Manager, Innovation and Futures on or before the 14 September 2020 meeting.

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The following questions were submitted by Councillor Greenaway:

**Notice of Motion, Question with Notice and Councillor Requests**

*Given comments in the chamber, that many Notices of Motion could just as readily have been addressed by a Councillor Request or a Question with Notice, would staff please differentiate between the three in terms of resources expended, time-frames for response and outcomes that can be achieved, and also provide some general comment as to what circumstances would be render each the most appropriate to utilise?*

*Councillor note: this is as much for the understanding of the public as it is for the assistance of Councillors.*

The response provided by Shane Sullivan, Unit Manager Governance and Business Services:

A Notice of Motion is a written request made by a Councillor to provide notice of any business they wish to be considered by Council at its next ordinary meeting, in accordance with clause 3.12 of Council's Code of Meeting Practice. A Councillor must give the necessary notice as set out in the Code of Meeting Practice, being seven business days before the Ordinary Council Meeting is to be held. If the Chief Executive Officer considers that a Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, a report is prepared in relation to the Notice of Motion for inclusion with the Business Paper for the meeting at which the Notice of Motion is to be considered. A Notice of Motion is considered by Council, and where a motion is adopted by Council, it is the role of the Chief Executive Officer to implement, without undue delay, the

## **4.1 Questions with Notice (contd)**

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decisions of the Council. The resources expended are dependent on the action required as a result of Council's decision relating to the Notice of Motion.

In summary, a Notice of Motion is the mechanism by which a Councillor can progress a matter for determination by way of Council resolution.

A Question with Notice is a written request by a Councillor to the Chief Executive Officer for information about the performance or operations of Council, in accordance with clause 3.15 of the Code of Meeting Practice. A Councillor must give the necessary notice as set out in Council's Code of Meeting Practice, being seven business days before the Ordinary Council Meeting is to be held. A Question with Notice, is something that if notice had been given, is able to be answered at the meeting at which it has been submitted for. Although in some instances more complex questions may be answered at subsequent meetings, which will be advised in the initial response included in the report for the meeting in which the Question was asked. Questions with Notice and responses are provided in writing in the business papers for the Ordinary Meeting but are not considered by Council.

In summary, a Question with notice is the mechanism by which a Councillor can pose a question to the Chief Executive Officer and have both the question and response entered into the public record by publication in the Business Paper.

A Councillor Request is submitted by a Councillor to the Councillor Support team, who log the request and seek a response from staff. The requests are usually for the information of Councillors or a request on behalf of a member of the public seeking a response to a specific issue. Councillor Requests are expected to be responded to within five business days. The performance measure is that 80% of requests are responded to within five business days.

The response is provided to the Councillor who submitted the request. Where a request has been on behalf of a member of the public, the Councillor will be advised of the action taken or that a response has been provided to the member of the public.

In summary a Councillor request is an internal process (it is not prescribed in legislation) by which questions from Councillors are addressed.

Questions with Notice and Councillor Requests are appropriate for the provision of information about the operation or performance of Council or a specific issue raised by members of the public with Councillors. Questions with Notice and responses are publicly available through the Business Papers for Ordinary Meetings. Responses to Councillor Requests are provided only to the Councillor who has submitted the request.

A Notice of Motion may be submitted where a Councillor is seeking a matter to be considered by Council, and if adopted, that a specific action or actions will be taken in response to the matter raised.

## **4.1 Questions with Notice (contd)**

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Councillors must, in submitting Councillor Requests, Questions with Notice and Notice of Motion, balance their civic responsibility for representing the interests of their community, with their obligation to use Council's resources effectively and efficiently.

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### **Broadwater Site**

*Council has not resolved to sell the Broadwater Hotel site but would staff please advise as to whether they have been approached by, had discussions with, or fielded inquiries from, anyone (individuals/ companies/entities etc) in the last three years about purchasing the site?*

The response will be provided by the Executive Manager, Innovation and Futures on or before the 14 September 2020 meeting.

### **Attachments**

Nil



**Item No:** 5.1  
**Title:** Deferred Item - Notice of Motion - Committee Costs Update  
**Department:** Councillor

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14160006

Author: Rebecca Gale, Councillor

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

*836/20 That Council defer the following items to the 14 September 2020 Ordinary Meeting:*

*Item 6.2 - Notice of Motion - Committee Costs Update*

*Item 6.3 - Notice of Motion - Forgotten North Gateway Disgrace*

- 1 That the Chief Executive Officer report on all the costs accumulated from the committee groups since the commencement of this elected Council board by end of September 2020.**
- 2 That the Chief Executive Officer report on the estimated costs for all current committees to continue operation for the final year of this elected Council.**
- 3 That Councillors be given the opportunity to resign from involvement in such committee groups effective immediately.**

### **CEO Response**

The Chief Executive Officer has provided a response to this Notice of Motion at Attachment 1.

### **Attachments**

- 1 CEO Response - Notice of Motion - Committee Costs Update D14160882**

**Title:** CEO Response - Notice of Motion - Committee Costs Update

**Department:** Governance

14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14160882

Author: Shane Sullivan, Unit Manager, Governance and Business Services

Executive: Gary Murphy, Chief Executive Officer



### Summary

This report provides a response to Item 5.1 - Notice of Motion – Committee Costs Update.

### Motion:

- 1 That the Chief Executive Officer report on all the costs accumulated from the committee groups since the commencement of this elected Council board by end of September 2020.***

### Staff Comments:

It is assumed that this relates to the costs for all current Advisory Groups.

It is unlikely that a report on all costs could be provided to Council. Staff would be able to provide indicative costs based on Councillor and staff attendance, as well as meeting length. Details of costs related to preparation and follow up would be estimates.

Staff have been collecting most data since the election but there may be some gaps. An estimate of the associated costs with the methodology for that calculation could be provided to Council for any instances for which data is not held.

This information could be provided to the meeting of 26 October 2020.

If information beyond this is required it would result in the diversion of resources from business as usual and compliance activities.

- 2 That the Chief Executive Officer report on the estimated costs for all current committees to continue operation for the final year of this elected Council.***

### Staff Comments:

It is assumed that this relates to the estimated costs for all current Advisory Groups. This information could be provided to the meeting of 26 October 2020.

**3 That Councillors be given the opportunity to resign from involvement in such committee groups effective immediately.**

**Staff Comments:**

In April and May 2020, interviews were conducted with the Councillor Chairs of Advisory Groups. One suggestion discussed in a number of those interviews was that all Councillors should be given the opportunity to review their membership of Advisory Groups, which aligns to this part of the Motion.

**Link to Community Strategic Plan**

Theme 4: Responsible

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

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

**Item No:** 5.2  
**Title:** Deferred Item - Notice of Motion - Forgotten North Gateway Disgrace  
**Department:** Councillor

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14160018  
Author: Greg Best, Councillor  
Bruce McLachlan, Councillor

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

*836/20 That Council defer the following items to the 14 September 2020 Ordinary Meeting:*

*Item 6.2 - Notice of Motion - Committee Costs Update  
Item 6.3 - Notice of Motion - Forgotten North Gateway Disgrace*

- 1 That Council notes with great concern the continuing deterioration in the visual amenity and overall public safety in and around the Toukley Bridge Gateway precinct due to:**
  - a The RMS graffiti laden worksite known locally as the 'RMS Shanty Town'.***
  - b The concrete shell known as the 'Toukley Taj Mahal' and its dilapidated abandoned wharf.***
  - c The remnant collapsing and highly dangerous foundations of the old Toukley Bridge (now local Heritage listed).***
  - d The abandoned asbestos laden and dilapidated Gorokan Fish Coop building (including stylish fencing) controlled by Department of Lands.***
  - e The abandoned and again dangerous Coop Wharf.***
  - f The Rotting seaweed removal platform and gaol like fencing.***
- 2 That further Council notes the disappointment/complaints and local outrage at such a disgraceful display in the gateway to our Scenic North.**
- 3 That Council write to the RMS and Department of Lands on behalf of our Local Community demanding that their areas of responsibilities be immediately addressed.**
- 4 That Council request the Chief Executive Officer provide a thorough report for Council and indeed the Community's consideration as to the best way forward to beautify and take more seriously this important gateway.**



**5.2 Deferred Item - Notice of Motion - Forgotten North Gateway  
Disgrace (contd)**

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**5 Further in contrast Council congratulates Staff on the recent installation of the state-of-the-art Community Exercise and Play Area installed in the Gorokan Bridge Silver Playground Area.**

**Councillors Note**

I have attached a series of photos to assist you and making it abundantly clear that the continued deterioration of The Toukley Bridge precinct must now end.

The long list above in this Motion is a failed Report Card on every level. From a visual amenity, travelling into our Scenic North, it is a disgrace. From a public safety perspective it is dynamite.

I have personally witnessed large groups of children playing and jumping from the dilapidated, nail-infested foundations of the old Toukley Bridge. We have multiple wharves abandoned in the area, again real navigation hazards, compounded by dilapidating buildings on both sides.

I appreciate the Department of Lands is in a DA process for demolishing the Fish Coop however this building has been dilapidated for nearly a decade and even if they receive a DA there is nothing compelling them to pull down this fibro bomb immediately.

With regard to the Toukley Taj Mahal on the eastern side of the Bridge, these ruins have been the subject of numerous Notice of Motions by myself in the former Wyong Council and legal action has been taken against the owners. As the deterioration has escalated and public safety is clearly an issue, I would appreciate Staff commentary around what further options may be available to Council.

On the issue of the locally known RMS Shanty Town, it is an irony that on the bunting around the graffiti laden demountables is the slogan "Investing in Regional Roads." In my view this third world village is an absolute slap in the face to our local Community and to all those that try and make Toukley and Gorokan a destination. The hard work of our shopkeepers and all those they employ rely on a good impression when people come to visit. I appreciate the RMS is conducting works under the Toukley Bridge and they have been I believe for almost two years now, however this is no excuse for such an ad hoc and poorly maintained worksite that is a blight on our Community.

In conclusion the most staggering observation is that the dilapidated rotting remnant, Toukley Bridge studded with two inch rusting spikes protruding from it (see photos attached) has by this Council been identified as a Local Heritage Item. If it collapses killing unsuspecting fisherpersons, who will be held responsible?

## 5.2 Deferred Item - Notice of Motion - Forgotten North Gateway Disgrace (contd)

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Councillors, simply put, we can do better for our Community and I appeal to you to give the above Motion the 'unanimous' attention that the Community demands.

Finally I would like to take this opportunity to genuinely thank our Staff for their excellent efforts in bringing to life such a wonderful Community installation that of the Public Exercise and Play Equipment recently installed that is a glaring contrast to the disgrace that is literally across the road. Also, we should not forget the extraordinary efforts by the Veterans Community to beautify and memorialise the southern adjoining park areas that the Community now enjoy.



5.2 Deferred Item - Notice of Motion - Forgotten North Gateway  
Disgrace (contd)

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5.2 Deferred Item - Notice of Motion - Forgotten North Gateway Disgrace (contd)

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**5.2 Deferred Item - Notice of Motion - Forgotten North Gateway  
Disgrace (contd)**

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**CEO Response**

The Chief Executive Officer has provided a response to this Notice of Motion at Attachment 1.

**Attachments**

- 1** CEO Response - Notice of Motion - Forgotten North Gateway Disgrace D14160892

**Title:** CEO Response - Notice of Motion - Forgotten North Gateway Disgrace

**Department:** Environment and Planning

14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14160892

Author: Brian Jones, Unit Manager, Environment and Certification

Executive: Scott Cox, Director Environment and Planning



## Summary

This report provides a response to Item 5.2 - Notice of Motion – Forgotten North Gateway Disgrace.

## Motion:

- 1 That Council notes with great concern the continuing deterioration in the visual amenity and overall public safety in and around the Toukley Bridge Gateway precinct due to:**
  - a The RMS graffiti laden worksite known locally as the 'RMS Shanty Town'.**
  - b The concrete shell known as the 'Toukley Taj Mahal' and its dilapidated abandoned wharf.**
  - c The remnant collapsing and highly dangerous foundations of the old Toukley Bridge (now local Heritage listed).**
  - d The abandoned asbestos laden and dilapidated Gorokan Fish Coop building (including stylish fencing) controlled by Department of Lands.**
  - e The abandoned and again dangerous Coop Wharf.**
  - f The Rotting seaweed removal platform and gaol like fencing.**
- 2 That further Council notes the disappointment/complaints and local outrage at such a disgraceful display in the gateway to our Scenic North.**
- 3 That Council write to the RMS and Department of Lands on behalf of our Local Community demanding that their areas of responsibilities be immediately addressed.**
- 4 That Council request the CEO provide a thorough report for Council and indeed the Community's consideration as to the best way forward to beautify and take more seriously this important gateway.**
- 5 Further in contrast Council congratulates Staff on the recent installation of the state-of-the-art Community Exercise and Play Area installed in the Gorokan Bridge Silver Playground Area.**

**Staff Comments:**

The matters raised in the Notice of Motion are complex and involve numerous land parcels, some with detailed histories (extending back many years) and previous involvement of regulatory action by Council – including the issuing of warnings, formal regulatory/enforcement action by Council as well as proceedings in the Land & Environment Court.

For example, Council has previously issued Orders on the owners of the property know as 2 Main Road, Toukley (Lot 11 DP 1209844 – the site containing the partially completed structure to the immediate north-east of the bridge). The Order required completion of the development approval and was subsequently appealed in the Land & Environment Court. Given that the Orders were eventually issued by the Court, the ability of Council to take unilateral enforcement action without referring the matter back to the Land & Environment Court is unclear. Legal advice on this aspect is being sought to inform a path forward.

In the interim, Council officers have attempted to make contact with the current owner of the site to discuss the matters. The owner, to date, has not been receptive and no response has been forthcoming.

Other sites mentioned in the Notice of Motion are not under the direct control of Council, including properties held/utilised by Transport for NSW (formerly Roads & Maritime Services) and the former NSW Department of Lands. These sites are held and utilised by various agencies under a range of legislative frameworks. They may be subject to lease or other management/use arrangements not known to Council.

Given the detailed and complex nature of the properties involved, as well as the extensive legal/regulatory history of some of the land parcels, appropriate investigations will need to be undertaken by Council staff in order to enable a thorough report to be prepared.

Should the motion be endorsed, Council officers could:

- Seek legal advice as to the process of enforcing Orders issued by the Land & Environment Court;
- Send correspondence to Transport for NSW in relation to properties/lands held in their ownership/use seeking a resolution to issues identified;
- Send correspondence to NSW Department of Lands in relation to properties/lands held in their ownership/use seeking a resolution to issues identified; and
- Identify other options available to Council.

Council staff could present a more detailed evaluation of the options available to Council no later than November 2020.

**Link to Community Strategic Plan**

Theme 4: Responsible

**Goal A: Our community spirit is our strength**

A4: Enhance community safety within neighbourhoods, public spaces and places.





**Item No:** 5.3  
**Title:** Notice of Motion - Saving the Mariners/Convening a crisis meeting  
**Department:** Councillor

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14165005  
Author: Greg Best, Councillor  
Bruce McLachlan, Councillor

Councillors Best and McLachlan have given notice that at the Ordinary Council Meeting to be held on 14 September 2020 they will move the following motion:

- 1 That Council notes with great concern that the owners of the Mariners are now taking expressions of interests up until 15 September 2020 for the sale of the club that may well result in the Mariners leaving their home base here on the Central Coast.**
- 2 That further Council recognises the significant economic, social, educational and public health contribution this organisation has provided over many years to our region.**
- 3 That Council notes it took strong support from the former Wyong and Gosford Councils over more than ten years to establish a national sporting team for this region. Further these Councils developed a strong partnership with the Mariners and their supporter base through sponsoring and actively supporting the Mariners over many years.**
- 4 That Council now urgently seek to convene a crisis meeting of the Mariner's executives, our federal and state representatives and key representatives of our regional business organisations with a view to identifying options moving forward to maintain the Mariners as our peak regional sporting organisations on a national stage**

#### **Chief Executive Officer Response**

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

#### **Attachments**

Nil.



**Item No:** 5.4  
**Title:** Notice of Motion - Warnervale Train Station  
**Department:** Councillor

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14176455

Author: Kyle MacGregor, Councillor

Councillor MacGregor has given notice that at the Ordinary Council Meeting to be held on 14 September 2020 he will move the following motion:

- 1** *That Council note that for well over a decade current and future residents of the broader Warnervale region have been aware of plans for a new Warnervale railway station in close proximity to the Warnervale town centre.*
- 2** *That Council request the Chief Executive Officer write to Andrew Constance the Minister for Transport regarding an update on the state governments plans for the Warnervale train station.*
- 3** *That subsequent to a response to the letter being received that Councillors receive a briefing on the future of the Warnervale train station and its implication for both the Warnervale town centre and the greater Warnervale region.*

#### **Attachments**

Nil.



**Item No:** 5.5  
**Title:** Notice of Motion - The Future of Kincumber Waste Transfer Station  
**Department:** Councillor

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14176530

Author: Jeff Sundstrom, Councillor

Councillor Sundstrom has given notice that at the Ordinary Council Meeting to be held on 14 September he will move the following motion:

- 1** *That Council note the amount of illegal dumping since and possibly directly related to the temporary closure of the Kincumber Waste Transfer Station Facility.*
- 2** *That Council note the number of interested residents seeking the re-opening of this facility.*
- 3** *That Council notes the opportunity that the temporary closure has presented for maintenance of the facility.*
- 4** *Council notes that even though Woy Woy tip is 16km away from the Kincumber facility that this adds to the burden for many residents that are committed to going the right thing with their waste.*
- 5** *That within a reasonable time frame, the Chief Executive Officer brings to the chamber, a comprehensive report on the future of Kincumber Waste Transfer Station or in the case of its permanent closure what may be viable alternative uses for the land commonly referred to as the Kincumber Tip.*

#### **Chief Executive Officer Response**

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

#### **Attachments**

Nil.



**Item No:** 5.6  
**Title:** Notice of Motion - A Tourism gift or wasted opportunity?  
**Department:** Councillor

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14177009  
Author: Bruce McLachlan, Councillor  
Jilly Pilon, Councillor  
Greg Best, Councillor

Councillors McLachlan, Pilon and Best have given notice that at the Ordinary Council Meeting to be held on 14 September they will move the following motion:

- 1** *That Council now recognise the never before opportunity the current interstate and overseas travel restrictions has presented Council, with the opportunity to reset the Central Coast, as a tourism destination.*
- 2** *That Council ensures this opportunity is not squandered, and that adequate promotion of the Central Coast as a Regional destination is undertaken, especially now that Councils previous 800k Tourism budget, is now done in house.*
- 3** *That Council recognise first impressions are important, and that gate way entries with untidy, litter strewn, overgrown road side verges, and graffiti ridden public areas do not create a positive reputation as a destination.*
- 4** *That many of these gateway entries are NSW State owned assets, and Council via the Chief Executive Officer, write to local State MPs asking for these areas of concern be addressed.*
- 5** *That Council recognises overflowing bins in our beaches and reserves are a common sight at holiday periods, and that Council via the CEO, ensure that adequate resources are made available, to cater for this increased demand.*
- 6** *That Council recognise this 2020 year's summer influx of tourism may well be record, and that Council via the CEO, ensure adequate resources be made available in the current budget for staff to pro-actively prepare, for the predicted extra pressure on our public amenities.*

**Councillors Note**

Covid 19 travel restrictions to popular Australian destinations such as Qld and Bali, has now given local Tourism the opportunity for many first time, and previous visitors returning to the Central Coast.

What promotion has been done to capitalise on this unique circumstance, now that Council is no longer out sourcing its @ 800k Tourism promotional budget, or has this money just been returned to general revenue, to help the current financial trading losses?

We may well see 2020 visitation, especially day visitation, return to the Central Coast glory days of yesteryear. Are we as a Region taking steps to capitalise on this. Are we prepared, given added Covid precautions are required?

There has been few positives come from Covid 19, and 2020 as a year has been extraordinarily challenging, however domestic tourism may be the one benefit we can as a Region, going forward, take advantage of, and reset our tourism promotions.

**Chief Executive Officer Response**

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

**Attachments**

Nil.



**Item No:** 5.7  
**Title:** Notice of Motion - Budgewoi Masterplan - Review and Update  
**Department:** Councillor

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14 September 2020 Ordinary Council Meeting

Reference: F2020/00039 - D14177029

Author: Jillian Hogan, Councillor

Councillor Hogan has given notice that at the Ordinary Council Meeting to be held on 14 September 2020 she will move the following motion:

- 1 That Council notes that the first Budgewoi Masterplan which was driven by the community was adopted in 2013.**
- 2 That Council notes that although there has been some work carried out under the current Masterplan, that the demographics and environment has now changed significantly since the adoption of this Masterplan.**
- 3 Could staff please review and update the Masterplan taking into consideration past recommendations, current knowledge of the area, current needs of the residents and tourists, pathway connectivity and the natural environment.**
- 4 Could staff please ensure that community consultation is meaningful and representative of a broad range of community interest groups.**

#### **Councillors Note**

Budgewoi is a unique town nestled between the lakes and the sea and surrounded by natural habitat. Budgewoi is a tourist destination which attracts thousands of people to the Central Coast every year and the residents are looking to Council to help plan and shape their future.

#### **Chief Executive Officer Response**

The Chief Executive Officer considers that this Notice of Motion has legal, strategic, financial or policy implications which should be taken into consideration by the meeting. As a result, the Chief Executive Officer will provide a report in relation to the Notice of Motion. This report will be provided as a Late Item and will be made available by close of business on the Friday prior to the Council Meeting.

#### **Attachments**

Nil.