



LITHGOW CITY COUNCIL

AGENDA

POLICY AND STRATEGY COMMITTEE
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

05 NOVEMBER 2007

AT 6.00pm

AGENDA

PRESENT

QUESTIONS FROM THE PUBLIC GALLERY - NIL

PRESENTATIONS - NIL

CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 2 OCTOBER 2007

CONFIRMATION OF THE MINUTES OF THE EXTRA ORDINARY MEETING OF COUNCIL HELD ON 17 SEPTEMBER 2007

DECLARATION OF INTEREST

NOTICE OF MOTION - Councillor Ticehurst - Proposed Rock Crushing Plant at Lidsdale
Councillor Ticehurst - Compulsory acquisition of land, Morrell St Meadow Flat

NOTICE OF RECISSION - Nil

CORRESPONDENCE AND REPORTS

Regional Services Reports

Community and Corporate Services Reports

COMMITTEE MEETINGS - NIL

QUESTIONS WITHOUT NOTICE

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NOTICES OF MOTION

ITEM:1 NOTICE OF MOTION - 05/11/07 - PROPOSED ROCK CRUSHING PLANT AT LIDSDALE

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Lithgow City Council
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NOTICE OF MOTION

24 OCT 2007

MOTION TITLE/TOPIC:

Doc No
CDA Ref
Years

Councillor receipt of a Community Petition against proposed Rock Crushing Plant at Lidsdale.

Listed by Councillor Martin Ticehurst

Date: 20 October 2007

BACKGROUND

I am writing to advise of the Councillor receipt of a Community Petition against a proposed Rock Crushing Plant at Lidsdale.

The Community Petition, signed by some 29 residents of Lidsdale, states that: -

"We, the undersigned wish to object to the construction and operation of a Rock Crushing Plant by AC & HC Collins Transport Pty Ltd of Lidsdale."

The Group Manager, Regional Services, Lithgow City Council Mr Andrew Muir is requested to provide an urgent report to the Council and fellow Councillors at the next Committee Meetings of the Lithgow City Council scheduled for Monday 5 November 2007.

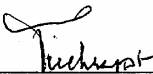
ATTACHMENT:

Community Petition against proposed Rock Crushing Plant at Lidsdale.

RECOMMENDATION

THAT the Community Petition be received and that the Group Manager, Regional Services, Lithgow City Council Mr Andrew Muir provide an urgent report to the Council and fellow Councillors at the next Committee Meetings of the Lithgow City Council scheduled for Monday 5 November 2007.

Signed: _____

MF 

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(We wish this depot to be moved
 To an Industrial site)
 and we are ~~amusement~~ by fly ash .

Petition against proposed Rock Crushing Plant at Lidsdale

We, the undersigned wish to object to the construction and operation of a Rock Crushing Plant by AC and HC Collins Transport Pty Ltd of Lidsdale.

| NAME | ADDRESS | PHONE | SIGNATURE |
|--------------|-----------------------------|-----------|--------------|
| K HORNER | 46 Wolgarr Rd Lidsdale | 63551126 | K Horner |
| G Lambert | 7 Duncan St Lidsdale | 6355 7151 | G Lambert |
| J Connor | 5 Duncan St Lidsdale | 63551356 | J Connor |
| P BRAUN | 115-117 WOLGARR RD LIDSDALE | | P Braun |
| M JACKSON | 47 Wolgarr Rd Lidsdale | 63551463 | M Jackson |
| C Pyle | 47 Wolgarr Rd Lidsdale | 6355 264 | C Pyle |
| G WHEELER | 51 Wolgarr RD LIDSDALE | 63551471 | G Wheeler |
| C MORRIS | 55 Wolgarr RD Lidsdale | 6355 7320 | C Morris |
| L BROWN | 61 Wolgarr RD LIDSDALE | 6355 162 | L Brown |
| S HOWARTH | 1 View St Lidsdale | 63551491 | S Howarth |
| D BISHOP | 65 WOLGARR RD LIDSDALE | 63551403 | D Bishop |
| K HOGG | 68 Wolgarr Rd Lidsdale | | K Hogg |
| P HOWARTH | 1 View St Lidsdale | 6355 1491 | P Howarth |
| A HOLLAND | 57 Wolgarr Lidsdale | 63551096 | A Holland |
| L HOLLAND | " | " | L Holland |
| L HOLLAND | 59 Wolgarr Rd Lidsdale | 63551254 | L Holland |
| P LANE | 61 Wolgarr Rd Lidsdale | | P Lane |
| J LANE | 61 Wolgarr Rd Lidsdale | | J Lane |
| S BEECROFT | 1 Newbeck St LIDSDALE | 63551198 | S Beecroft |
| J BEECROFT | 1 NEWBECK ST LIDSDALE | 63551198 | J Beecroft |
| J ROSEWARNE | 2 Newbeck St LIDSDALE | 63551883 | J Rosewarne |
| E MARSHALL | 2 Newbeck St LIDSDALE | 63551883 | E Marshall |
| B FITZGERALD | 2 Skelly Rd Lidsdale | 63551610 | B Fitzgerald |
| V FITZGERALD | 2 Skelly Rd LIDSDALE | 63551610 | V Fitzgerald |
| E THOMPSON | 18 WOLGARR ROAD LIDSDALE | 63551749 | E Thompson |
| E THOMPSON | 18 WOLGARR ROAD | 63551749 | E Thompson |
| T CONNOR | DUNCAN ST LIDSDALE | 63551356 | T Connor |

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 9

ITEM:2 NOTICE OF MOTION - 05/11/07 - COMPULSORY ACQUISITION OF LAND - MORRELL ST, MEADOW FLAT

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NOTICE OF MOTION

Lithgow City Council

24 OCT 2007

MOTION TITLE/TOPIC:

Request for an update on the compulsory acquisition by the Lithgow City Council of land formerly owned by Thomas Hope Knox in Morrell Street, Meadow Flat, that is the Meadow Flat Community Hall, Rural Fire Shed and Morrell Street itself.

Listed by Councillor Martin Ticehurst

Date: 20 October 2007

BACKGROUND

At the Ordinary Meeting of the Lithgow City Council on the 21 May 2007, I asked the following Question without Notice and received the following Minuted response: -

6. Following the compulsory acquisition by the Lithgow City Council of land formerly owned by Thomas Hope Knox in Morrell Street, Meadow Flat, that is the Meadow Flat Community Hall, Rural Fire Shed and Morrell Street itself, could the Council now advise the community if all the land has subsequently been registered in the Lithgow City Council's asset register and if so, at what monetary value?

Council is in receipt of the Certificate of Titles for Lot 1 and 2 in Deposited Plan 1081225, being the land which the Community Hall and part of the Rural Fire Shed are located upon. These properties have not been included in Council's Assets Register to date, however, the process has commenced. In relation to Morrell Street, this Street was not part of the compulsory acquisition, however, in 2004 there was a partial road closure to formalise the land which the majority of the Rural Fire Shed is located upon. The current status of Morrell Street is being investigated.

An updated report from Council Officers is requested to advise: -

1. After some six months, could Council Officers advise if the Titles of Lot 1 and Lot 2 in Plan 1081225, being the land upon which the Meadow Flat Community Hall and part of the Meadow Flat Rural Fire Service Shed are located, have been included in the Lithgow City Councils Asset Register and is not why the ongoing delay, and if so, on what date were the assets included on Councils register and at what monetary value?
2. After some six months, could Council Officers advise what is the current status of the previously stated legal investigations into Morrell Street?
3. Further, could Council Officers advise what is the current update on the status of the use of the Meadow Flat Community Hall and the Councils previous consideration to initiate and formalise a Section 355 Committee to manage the Community Hall?

RECOMMENDATION

THAT the Group Manager, Corporate Services, Lithgow City Council provide an urgent report on the matters raised in this Notice of Motion to the Council and fellow Councillors at the next Committee Meetings of the Lithgow City Council scheduled for Monday 5 November 2007.

Signed: _____



REGIONAL SERVICES REPORTS

ITEM:3 REG - 05/11/07 - COUNCIL ats AGONIC HOLDINGS PTY LTD

REPORT FROM: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR

REFERENCE

Ordinary Meeting 17/09/2007 - Min 07-422

SUMMARY

To advise Council of the status of this matter currently before the Land and Environment Court.

COMMENTARY

As Council will recall, this is an appeal against the refusal of a development application to subdivide 40 rural lots from a large agricultural holding (Westholme) at Tarana/Meadow Flat. The reasons for the refusal were outlined in the report to Council of 17/09/06.

A non-binding preliminary conference under Section 34 of the Land and Environment Court Act 1979 was held at the property before Commissioner Murrell on 21 September 2007. This conference was attended by representatives of both parties, including a number of experts and a representative of the Department of Primary Industries (Agriculture and Fisheries).

A number of options and opinions were discussed before the Commissioner. Although the conference was successful in reducing the number of contentions before the Court, it was not possible to achieve a final solution acceptable to Council and the Applicant. As a result a hearing date has now been set for 18 and 19 December 2007.

Council officers will continue discussions with the applicant in an attempt to reach an agreed position prior to the hearing date.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Legal costs will be associated with the appeal.

LEGAL IMPLICATIONS

The subject of this report.

RECOMMENDATION

THAT the information be received and noted.

**ITEM:4 REG - 05/11/07 - LAND AND ENVIRONMENT COURT PROCEEDINGS
- LITHGOW WATER TREATMENT PLANT****REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

REFERENCE

Finance & Services Committee – 5 February 2007 - Min 07- 34

Finance & Services Committee – 6 August 2007 - Min 07-337

Ordinary meeting – 20 August 2007 - Min 07-373

SUMMARY

To advise Council of the judgement handed down in the Land and Environment Court in relation to prosecution proceedings for failure to comply with licence condition requirements for the Lithgow Water Treatment Plant.

COMMENTARY

Council will recall this matter where the Department of Environment and Conservation (DEC) initiated prosecution proceedings for failure to comply with licence condition requirements to provide a backwash options study and line sludge lagoons by December 2005. Specifically, these conditions related to:

- Remedial works to sludge lagoons as recommended in a geotechnical investigation, including the lining of the sludge lagoons by 5pm on 31 December 2005.
- Engage a suitably qualified and experienced person to undertake an Options Study for the Oakey Park Water Treatment Plant such to prevent discharge backwash to Farmers Creek to be submitted by 31 December 2005.

In the proceedings Council entered a plea of guilty and the hearing took place before Justice Preston on 24 July 2007. At the conclusion of the proceedings the Chief Judge advised that he was considering making an order requiring Council to undertake certain works at the plant within a timeframe to be negotiated between Council and DEC. The timeframe and scope of works were then negotiated with DEC which is reflected in Order No 3 of the orders handed down by the Court (attached). Council should note that Order 3(1)(a) has already been complied with. The Court convicted Council and imposed fines of \$37,500 for not completing the works on the sludge lagoons by 31 December 2005 and \$11,250 for not submitting the options study by 31 December 2005. Council is to also pay DEC's costs of \$20,000.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

In addition to Council's legal costs, which are yet to be finalised, the total in fines and costs is \$68,750.

LEGAL IMPLICATIONS

The subject of this report.

ATTACHMENTS

1. The formal Court Orders.

RECOMMENDATION

THAT the information be received and noted.

ITEM:5 REG - 05/11/07 - LAKE LYELL CARETAKERS CONTRACT**REPORT BY: GROUP MANAGER REGIONAL SERVICES - ANDREW MUIR**

REFERENCE

Nil

SUMMARY

To inform Council of advice from the current Caretaker at Lake Lyell indicating that the option to renew the contract will not be exercised.

COMMENTARY

Correspondence has been received from the current caretaker of the Lake Lyell recreation area, Snowy Mountain Adventures Pty Ltd advising that “as per the current Lake Lyell Caretaker’s Contract, dated 27th May 2004: clause **2 - 2.3 Term of Contract**, we are writing to inform Council that we will not be taking up the option to renew the contract, and our intentions would be to vacate Lake Lyell, as per contract, on the 31st March 2008.”

The contractor also advises “as the lake levels began to recede, certain actions by Council made it evident to us that we would not receive the support required for us to make such a large investment.” The actions raised are being investigated to determine their validity and advice will be sought if necessary to protect Council’s position. However, at first instance it will be necessary to seek expressions of interest from parties interested in taking on the caretaking duties.

POLICY IMPLICATIONS

No immediate Policy issues from this report, but may arise further in the process, eg Policy 3.1 Contracts - disclosure on request of information contained in council contracts.

FINANCIAL IMPLICATIONS

Council had been providing an amount of \$20,000 per annum to the current caretaker.

LEGAL IMPLICATIONS

No immediate issues arise. However, the contract is being reviewed and if necessary advice may be sought.

ATTACHMENTS

1. Correspondence from Snowy Mountain Adventures.

RECOMMENDATION

THAT:

1. Expressions of interest be sought from parties interested in undertaking the caretaker duties at Lake Lyell and the General Manager be delegated authority to determine the content of the Expressions of Interest in terms of scope, length of tenure and financial consideration.
2. Expressions of interest received be reported for determination at the appropriate time.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:6 **COMM - 05/11/07 - DRAFT LOCAL ETHNIC AFFAIRS PRIORITY STATEMENT**

REPORT FROM: COMMUNITY AND CULTURE MANAGER - P. Hall

REFERENCE

Min 06-392: Council Meeting 20 November 2006

SUMMARY

Council's Social Plan was adopted in November 2006 and as one of the objectives noted on page 92 of the plan was the creation of a Local Ethnic Affairs Priority Statement (LEAPS) was identified to be undertaken in June 2007.

Council is presented with the attached Draft LEAPS for consideration.

COMMENTARY

The *Local Government Act 1993* requires local councils to include in their Management Plans the proposed access and equity activities to meet the needs of local residents. Council will formalise and achieve this through the proposed LEAPS activities should they be adopted by Council.

The key roles of Council for the LEAPS are:

- Providing equity of access and information to Council services and facilities;
- Leadership;
- Advocacy for activities and services that have been identified within the Social Plan 2006/11;
- Facilitation;
- Providing grants and assistance to source and apply for grants.

In the performance of these key roles and in implementing the LEAPS, Council will provide leadership in fostering the development of collaborative networks and partnerships with other government, non-government and private sector agencies.

The Strategy Framework of this LEAPS will focus on strategies that improve the leadership role that Council has in the community and provide a framework for Council to build a working relationship with the Culturally and Linguistically Diverse (CALD) community and provide access and equity within Council as an organisation, through position recruitment, staff training, and the development of internal procedures.

The Social Plan consultation process and consultation for the development of the LEAPS document highlighted the following key issues within the Lithgow LGA in relation to the CALD community:

- Employment
- Education

- Lack of cultural awareness
- Lack of recognition of cultural diversity within Lithgow

The *Community Relations Commission and Principles of Multiculturalism Act 2000* (Part 1 Section 2(1)) and the *Local Government Act 1993* outline 4 key principles to multiculturalism.

Principle 1 – All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life in which they may legally participate.

Principle 2 – All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.

Principle 3 – All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of New South Wales.

Principle 4 – All institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

Within this framework four key objectives have been developed. The Council LEAPS will deliver outcomes against these objectives. The objectives are:

- Leadership
- Community Harmony
- Access and Equity
- Economic and Cultural Opportunities.

POLICY IMPLICATIONS

The LEAPS will form a framework for Council to follow.

FINANCIAL IMPLICATIONS

The Social Plan 2006/11 included estimated costs for a number of strategies to support actions for the CALD community which are reflected in the LEAPS:

- Ongoing cost of staff training (customer service staff) – social plan estimates \$2500 (\$2000 as one off, and estimated \$500 ongoing as required) – this item will be considered in the creation of Council's 2008/09 Training Plan which provides the dollar amount Council resolves to put into staff development each year
- One off cost of updating procedures – costs would be minimal and can be absorbed into the existing Community and Culture budget;
- Ongoing support Multicultural Newsletter – social plan suggests the consideration of \$1000 annually and this is included in the 2007/08 Management Plan.

Future budgetary processes may consider options arising from the LEAPS such as the following will be presented as suggestions for inclusion in future management plans and budget setting sessions for Council to determine:

- Consider provision for use of the interpreter service in the budget – have estimated an annual cost of \$500 to be considered and monitored to see if service is utilised with spending to be reviewed based on results of monitoring;
- Consider conducting feasibility study for a small scale refugee relocation program (apply for external funding – Grants Officer) – Estimated cost of \$1600;
- Survey Lithgow residents – as a part of the next Social Plan (beyond the current Plan, cost to be considered as a part of this);
- Educate community about the availability of community language collections from the state library to be loaned free through the Lithgow Library – Social Plan estimates \$300 ongoing.

LEGAL IMPLICATIONS

The Community Relations Commission is currently drafting a framework for Local Government to aid in the development of an Ethnic Affairs and Priority Statement. The draft framework has been used in the development of Lithgow City Council's LEAPS. This document will need to be reported on to the Community Relations Commission annually as recommended under the *Community Relations Commission and Principles of Multiculturalism Act 2000*.

CONCLUSION

Consultation from the development of the Social Plan raised some issues affecting the Lithgow CALD community. Council objectives are to increase awareness of cultural diversity, promote community harmony, improve opportunities for people from CALD background to become acquainted with Council and its facilities and services, and improve access to community information. The proposed document provides actions for Council to implement in order to work towards achieving these outcomes.

ATTACHMENTS

1. Draft Local Ethnic Affairs Priority Statement

RECOMMENDATION

THAT the Draft Local Ethnic Affairs Priority Statement be placed on exhibition for a period of 28 days prior to a further report on any submissions being considered in the finalisation of the Statement.

ITEM:7 COMM - 05/11/07 - UPDATE ON PROMOTING BETTER PRACTICE REVIEW**REPORT BY: GROUP MANAGER- COMMUNITY AND CORPORATE – K. WOOLLEY**

REFERENCE

Min 07-286: Council Meeting 16 July 2007

SUMMARY

This report provides an update on the action list that arose from the Department of Local Government Promoting Better Practice review completed in June 2007 and reported to Council in July 2007.

COMMENTARY

The Promoting Better Practice review generated a list of 38 recommendations and the attached list and responses indicates the significant progress made on items on the list.

POLICY IMPLICATIONS

A number of policies will be altered or created arising from this report.

FINANCIAL IMPLICATIONS

There are financial implications from some actions which will be accommodated in the actioning of the recommendations.

LEGAL IMPLICATIONS

NIL

CONCLUSION

The Council's progression on the majority of the recommendations indicates a commitment to the improvement of the operations of the Council and illustrates the progressive approach Council is taking in improving its performance.

ATTACHMENTS

- 1.Lithgow City Council Action List October 2007.

RECOMMENDATION**THAT:**

1. Council note the actions achieved to date arising from the recommendations in the Department of Local Government's Promoting Better Practice Review
2. A copy of the updated action list be provided to the Department to illustrate the progress that has been made on the recommendations.

ITEM:8 COMM - 05/11/07 - NEW / UPDATED POLICIES**REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. WOOLLEY**

REFERENCE

Nil

SUMMARY

New policies recommended to Council to be placed on exhibition.

COMMENTARY

In continuing to improve the governance processes within Council, the attached policies are provided to Council with a recommendation to place these on exhibition for a period of 28 days and to provide Council with comments and suggested amendments at the conclusion of the exhibition should there be any recommended changes.

Enforcement Policy – this policy is based upon the NSW Ombudsman’s guidelines for council enforcement policies and has also been formulated after consideration of other council's policy position on such matters. The creation of this policy provides the framework for Council’s compliance work and it is recommended to Council.

Records Management Policy – This is an amendment and simplification of the existing policy. The other significant change is to appoint the Records Manager as the Corporate Records Officer. This task was previously the responsibility of the Internal Services Manager but it is more appropriate that the most senior specialist records officer fulfils this requirement.

POLICY IMPLICATIONS

These are new or amended policies for Council’s consideration.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

Consideration of legal implications and legislative compliance is considered in the creation of policies.

CONCLUSION

The policies attached to this report are recommended to Council to be placed on exhibition.

ATTACHMENTS

1. Draft Enforcement Policy
2. Draft Records Management Policy

RECOMMENDATION

THAT Council place the policies entitled Draft Enforcement Policy and Draft Records Policy on exhibition for 28 days and receive a report at the conclusion of the exhibition period summarising any submissions made on the policies:

ITEM:9 COMM - 05/11/07 - SISTER CITY COMMITTEE TERMS OF REFERENCE AND COMMITTEE ESTABLISHMENT

REPORT BY: GROUP MANAGER – COMMUNITY AND CORPORATE – K. WOOLLEY

REFERENCE

Min 07-254: Council meeting 18 June 2007

SUMMARY

In order to seek expressions of interest for the community representatives to re-establish the Sister City Committee, the draft terms of reference for the committee are provided to Council and a recommendation to place advertisements in the local media to determine nominations for the committee is made.

COMMENTARY

In June 2007, Council resolved to create Committees under s355 of the Local Government Act who are charged with providing the Council with assistance in particular areas.

The Sister City Committee was one of these committees with Councillor and staff membership determined at that meeting to be the Mayor, Councillor Castle, Councillor Wilson, the General Manager and another staff member, determined subsequently by the General Manager to be the Group Manager – Community and Corporate. The General Manager has also determined the staff alternates will be the Group Manager – Regional Services and the Policy and Planning Manager to ensure support is supplied to the committee.

A draft Terms of Reference document is attached to this report which suggests the makeup of the other members of the committee and operational matters such as meeting frequency and recommended delegations for Council to consider.

It is recommended that Council advertise the Committee membership in the local media and to formally invite the Lithgow Business Association to seek an interested member to participate on the Committee.

The aim of the Sister City Committee is to advise Council on sister city issues, to draft and propose policy positions on sister city establishment issues to Council, to assess and provide information to Council on the benefits and opportunities of creating new sister city relationships, to manage the sister city relationships

In terms of the delegations Council may like to make to the Committee, the following are recommended:

- To assess and present to Council proposals for the creation of Sister City friendships
- To interview and meet in the Lithgow Local Government Area with representative of other cities interested in becoming Sister Cities

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

ATTACHMENTS

1. Draft Terms of Reference for the Sister City Committee

RECOMMENDATION

THAT:

1. Council delegate to the Sister City Committee the following functions:
 - To assess and present to Council proposals for the creation of Sister City friendships
 - To interview and meet in the Lithgow Local Government Area with representatives of other cities interested in becoming Sister Cities;
2. Council adopt the Draft Terms of Reference for the Sister City Committee attached to the report and update the document to finalise it with the inclusion of the minute number adopting the Terms of Reference and delegations to the Committee;
3. Council advertise for expressions of Interest for membership of the Committee for a period of 28 days from 8 November 2007 until 7 December 2007;
4. Consideration of applications received to be undertaken by Councillors Castle and Wilson, the General Manager and the Group Manager – Community and Corporate.

DELEGATES REPORTS

ITEM:10 DELEGATES REPORT - 05/11/07 - LOCAL GOVERNMENT CONFERENCE 2007 - COFFS HARBOUR

REPORT FROM: THE MAYOR - NEVILLE CASTLE

COMMENTARY

Lithgow City Council had a number of motions before the recent Local Government Conference. Of those motions we were successful on most but unfortunately also lost on one motion. The motion regarding having the LGA support the non privatisation of the power industry was passed nearly unanimously by around 400 voting delegates. This should add to the motion that we passed at Council and I have already informed the State Member, Gerard Martin of this outcome.

Possibly the most important motion for Lithgow was the one regarding the expansion to the Mount Piper Power Station. After much debate particularly against the Greens Councillors, the motion that was carried was *"if the governments response to the Owen report is for a coal fired power station to be able to be built, then the LGA seeks State Government confirmation and commitment to an expansion to the Mount Piper Power Station to assist in the management of the NSW base load power supply"*. This motion was passed and is now the LGA policy. This information has already been passed on to the State Member, Gerard Martin, as well as Steve Saladine, General Manager Western for Delta Electricity, who is responsible for the expansion of the Mount Piper option.

A motion regarding the Model Code of Conduct and the Code of Conducts that have been accepted by Councils around NSW and the difficulties that a number of councils has had with implementing these Codes was also put to the Conference, with the motion looking for the Government to review / rescind these Codes of Conducts because of their ineffectiveness, as well as the cost involved.

Lithgow's motion regarding Pecuniary Interests and our attempt to have Councillors put on the same footing as State and Federal Politicians was lost. In State and Federal politics the parliamentarians have their written declarations of interest at the start of a term and are then allowed to vote on all issues within parliament. In local Council however, if someone has a pecuniary interest (financial) in a matter before council they are not able to vote on this matter. Lithgow Councillors have wanted to vote on all issues that come before Council, keeping in mind that people would still be able to find out what interest they do have. However in many cases in Sydney councils people hide behind the fact that have an interest in an item, so as to avoid being in the debate and not wishing to make a decision on a particular item. It seems that the majority of interest of those wishing to hide behind this legislation has won out on this particular occasion.

Finally, the Bells Line Expressway also came under considerable debate. The main opposition was from Hawkesbury Council and some of the Greens Councillors who don't wish for any expansion to the roads network. Interestingly enough the same Greens Councillors benefited from being able to drive to the Conference on the much improved Pacific Highway.

Even though the Bells Line Expressway is actually one of the policies of the LGA, having been agreed to a few years ago at the LGA Conference in Wollongong, it was disappointing that on this occasion full support was not given to the road. Some who opposed the road wanted additional rail transport and unfortunately these people were not aware that the Bells Line Project is intended to have land set aside for a rail corridor as well but debate was "gagged" before this information could be given. The one pleasing thing regarding this project was that it was being referred to the Executive rather than being defeated, especially in line with the fact that on the Executive is Bruce Miller, the Mayor of Cowra, as well as being the President of the Shires Association, knows the value of the road and fought for it and has pledged its support for this project when it comes before the executive.

RECOMMENDATION

THAT the information be received.

QUESTIONS WITHOUT NOTICE

Item 4.

**In the Land and
Environment Court
of New South Wales**

Nos. 50046 of 2006
50047 of 2006

**Environment Protection
Authority**
Applicant

Lithgow City Council
Respondent

Order

**The Court makes the following orders and
directs that:**

1. Lithgow City Council is convicted of each of the offences in proceedings no 50046 of 2006 and proceedings no 50047 of 2006 with which it is charged.
2. Lithgow City Council is fined \$37,500 for the offence in proceedings no 50046 of 2006 and \$11,250 in proceedings no 50047 of 2006.
3. Lithgow City Council is to:
 1. Undertake the following work at the Oakey Park Water Treatment Plant, Lithgow in accordance with the specifications annexed hereto and marked "A":
 - (a) Reline and commission sludge lagoon No 1 by 31 December 2007.
 - (b) Commission Backwash Diversion system to sludge lagoon No 1 and discontinue backwash discharge into Farmers Creek by 3 March 2008.
 - (c) Decommission and dry and remove sludge from lagoon No 2 by 1 April 2008.
 - (d) Reline and recommission sludge lagoon No 2 to enable the commissioning of the Backwash Diversion system to sludge lagoon No 2 by 9 June 2008.

2. Notify Mr Richard Whyte, Regional Manager, Bathurst Climate Change and Environment Protection Group, Department of Environment and Climate Change, PO Box 1388 Bathurst NSW 2795 within 7 days of the completion of each work milestone referred to in paragraphs 1(a) to (d) hereof.
3. Provide a written report to Mr Richard Whyte, Regional Manager, Bathurst Climate Change and Environment Protection Group, Department of Environment and Climate Change, PO Box 1388 Bathurst NSW 2795 within 14 days of the completion of all of the works specified in paragraph 1(a)-(d) hereof that includes:
 - (a) the date the works were completed;
 - (b) the permeability achieved by the works (in metres per second),
 - (c) documents that demonstrate or certify the permeability achieved by the works.
4. Lithgow City Council is to pay to the Registrar of the Court, for payment to the prosecutor, costs in the sum of \$20,000.

Ordered: 26 October 2007

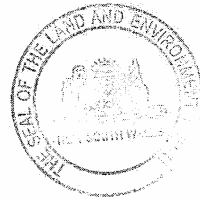
By the Court


Susan Dixon

Registrar

ANNEXURE "A"

- Excavation of 300mm of unsuitable material from inner surface of sludge lagoons No 1 and No 2.
- Council will arrange for the classification and disposal of the sludge and excavated material in accordance with the 'Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-liquid Wastes', Department of Environment and Conservation, 1 July 1999.
- Clay is to be imported to the site and tested to ensure a minimum permeability of 1×10^{-9} m/s.
- Placement and construction of clay liner 400mm thick to 100mm above the current floor level.
- In-process construction testing of compaction shall be undertaken to demonstrate that the necessary compaction level has been achieved.



Item 5 .

Lake Lyell Recreation Area

Snowy Mountain Adventures Pty Ltd

ABN: 34 003 812 502

Magpie Hollow Road

PO Box 472

Lithgow NSW 2790

Phone: 02-63556347

Email: lakelyell@bigpond.com

30th September 2007

General Manager
Lithgow City Council
Mort Street
Lithgow NSW 2790

Dear Sir:

As per the current Lake Lyell Caretaker's Contract, dated 27th May 2004: clause **2 - 2.3 Term of Contract**, we are writing to inform Council that we will not be taking up the option to renew the contract, and our intentions would be to vacate Lake Lyell, as per contract, on the 31st March 2008.

It had been our intention to stay on as the caretaker's of Lake Lyell as we have always seen great potential in the area as a tourist attraction. We had planned to build up the business and invest in cabins and other forms of infrastructure; however as the lake levels began to recede, certain actions by Council made it evident to us that we would not receive the support required for us to make such a large investment.

Lithgow Council's repeated decision over the past four years not to meet their contractual obligation to maintain a safe and usable boat ramp in Area 2 (re: clause 10.8 a of current contract) and the decision in collaboration with Delta electricity to create a close of boating level in Lake Lyell made it apparent that we needed to reassess our future plans.

While these issues are not the only reason we are not renewing the contract, they are certainly the main contributors to what has been a painful decision. Over the years we have become involved in the local community and made many wonderful friends and business associates. We had always dreamed that Lake Lyell would be our legacy and we would be here for many years to come. Unfortunately we feel no security in a future at Lake Lyell and under the present circumstances feel that leaving is the only financially wise decision we can make.

We would appreciate if Council could inform us who we should refer camping and booking inquiries to for 2008.

We will wait to hear from Council in relation to the contract and vacating the residence.

Sincerely

Sean & Nicole Browning
Caretaker/Manager
Lake Lyell Recreation Area

Item 6 .



LITHGOW CITY COUNCIL
LOCAL ETHNIC AFFAIRS PRIORITY STATEMENT
(LEAPS)

DRAFT OCTOBER 2007

Contents

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1. Introduction

The need for a Local Ethnic Affairs Priority Statement (LEAPS) was identified in the Social Plan 2006/11 and ties into the Community vision statement from the Strategic Plan 2007 which states that:

"We retain, respect and strengthen both our overall sense of community, and the unique linked communities of groups, rural areas, villages and towns that make up the Lithgow LGA."

This 3 year strategy framework will provide a starting point for Council to work from into the future. The strategies identified in this LEAPS will be considered in future Council Management Plans, to be implemented and reported upon.

2. Aim of LEAPS

The development of the LEAPS is an acknowledgement of the contribution that culturally and linguistically diverse (CALD) communities can provide to the community.

The aims of the LEAPS 2007 are to:

- Create an environment where people from CALD communities have equitable access to Council services and are able and encouraged to participate in Council's planning processes.
- Recognise, value, and promote the CALD community and its contribution to the community through increasing community awareness of cultural diversity and promoting community harmony as outlined as an action in the Social Plan 2006/11.

3. Objectives

The Community Relations Commission and Principles of Multiculturalism Act 2000 (Part 1 Section 2(1)) and the Local Government Act 1993 s.8 (1) outline 4 key principles to multiculturalism.

Principle 1 – All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life in which they may legally participate.

Principle 2 – All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.

Principle 3 – All individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programs provided or administered by the Government of New South Wales.

Principle 4 – All institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.

Four key objectives have been developed from these principles. Council's LEAPS will deliver outcomes against these objectives. The objectives are as follows:

Leadership

Council will provide leadership to "influence, endorse and support the promotion of the equal rights and responsibilities of all the people" in the Lithgow Community, as outlined in the NSW Government, Green Paper, "Cultural Harmony: The next decade 2002-2012". Council will recognise cultural diversity as an important aspect of the organisation through its planning, development and implementation of policies and programs.

Multiculturalism is viewed as an active policy aimed at delivering benefits to the whole community. Council will work towards increasing community awareness of cultural diversity and promote community harmony.

Community Harmony

Council supports a "climate of mutual respect within a cohesive and harmonious multicultural society", as outlined in the NSW Government, Green Paper, Cultural Harmony: The next decade 2002-2012. This is through information, education and communication strategies that promote and maintain community harmony and respect.

Access and Equity

Council will work towards improving access and equity so that all individuals have the greatest opportunity to make use of and participate in Council activities, facilities, and services, and will work to improve community consultation.

Economic and Cultural Opportunities

Cultural diversity should be promoted as it can aid in the development of economic opportunities and enrich the community through social and cultural activities. Through valuing the diverse nature of its residents, Council can assist in utilising the skills of all individuals in the community, and making use of them for the benefit of individuals, business, and the community as a whole.

4. Context

Council Environment

Consultation from the development of the Social Plan 2006/11 raised some issues affecting the CALD community. Council objectives are to:

- Increase awareness of cultural diversity
- Promote community harmony
- Improve opportunities for people from CALD background to become acquainted with Council and its facilities and services
- Improve access to community information
- Improve Council's capacity to meet the needs from CALD backgrounds

CALD Demographics

The 2006 Census recorded 19,756 persons in the Lithgow Local Government Area. People from Culturally and Linguistically Diverse backgrounds make up 3.4% of the Lithgow Local Government Area. There are 34 different languages other than English spoken at home in the Lithgow LGA. Some of the main languages spoken are: Italian; Cantonese; German; and Tagalog Filipino. However, this does not take into consideration the myriad of other languages and dialects that are spoken within the community.

5. Key Issues

The Social Plan 2006/11 consultation process and consultation for the development of the LEAPS document highlighted a number of key issues:

- Employment
- Education
- Lack of cultural awareness
- Lack of recognition of cultural diversity within Lithgow

6. Policy Development Process

The Council LEAPS development process commenced mid 2007 through the gathering of a LEAPS Development Group. The Development Group consisted of representatives from various government agencies, local community support workers, and Council Staff. After a review of various LEAPS documents from other LGAs, an initial workshopping of ideas from within the Development Group itself, input from staff within Council was sought.

The workshops and invited input produced general and specific actions and strategies for Council to work towards implementing. These were further refined through internal staff consultation and developed into the strategy framework (attached).

7. Monitoring

This document will be reported on annually as recommended under the *Community Relations Commission and Principles of Multiculturalism Act 2000*. The *Local Government Act 1993* s.8 (1) also requires local councils to include in their management plans the proposed access and equity activities to meet the needs of local residents.

The actions from this process will be considered in future Social Plans and the implementation of this policy will be considered in Operational/Management Plans and will be reported on within Council's Annual Report. It is envisaged that the Council LEAPS will be revisited and updated on a regular basis, the next one in 3 years to be included into the planning process of the next Social Plan.

8. Role of Council

The key roles of Council are:

- Providing equity of access and information to Council services and facilities
- Leadership
- Advocacy for activities and services that have been identified within the Social Plan 2006/11
- Facilitation
- Providing grants and assistance to source and apply for grants

In the performance of these key roles and in implementing the LEAPS, Council should provide leadership in fostering the development of collaborative networks and partnerships with other government, non-government and private sector agencies.

The Strategy Framework of the LEAPS will focus on strategies that improve the leadership role that Council has in the community and provide a framework for Council to build a working relationship with the CALD community.

9. References

- Newcastle City Council, 2004 Ethnic Affairs Policy
- Lithgow City Council 2006 Social Plan: A Social Plan for the Lithgow LGA 2006/11
- Lithgow City Council Management Plan 2007/08 – 2009/10
- NSW Government, Green Paper, Cultural Harmony: The Next Decade 2002 – 2012.
- NSW Government, White Paper, Cultural Harmony: The Next Decade 2002 – 12

LITHGOW CITY COUNCIL LEAPS 2007/12 STRATEGY FRAMEWORK

The Local Ethnic Affairs Priority Statement (2007) aims to:

1. Provide an environment where people from CALD communities have equitable access to Council services and are able and encouraged to participate in Council's planning processes
2. To promote a culture with a welcoming attitude that involves new and existing migrants in the Lithgow community.
3. To recognise, value, and promote the CALD community and its contribution to the greater Lithgow community.

Key Objective 1. Leadership

| Priority | Strategy | Implemented By | Timeframe | Notes | Performance Indicator | Estimated Cost |
|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Provide leadership in developing effective community networks | Strengthen networks, develop partnerships with government, non-government, private sector agencies | Council, government, non-government, and private sector agencies | Ongoing | May also involve attendance at multicultural specific meetings as the need arises | Attendance at interagency meetings | \$1,250 – already accounted for in other budget components |
| Provide leadership in providing a community information network | Develop a comprehensive information network for all residents, including the CALD community | Council. | Collate residents kit June 2008 | New residents kit available to all new residents (both rental and home owners), comprehensive community information website | Produce and update resident information kit | This item to be considered in future management plans |
| | Support existing multicultural newsletter | BINC multicultural Officer | End 2007 update website information | On council website provide links to local, regional, state, and national multicultural contacts and services | Provide financial support to newsletter production | \$1,000 as outlined in Social Plan |
| | Distribute existing Multicultural Services Directory | Council | Annually | | Distribute multicultural services directory to Libraries | \$50 annually |
| Provide leadership in learning about and from the CALD community | Collect ethnicity data on clients (part of modelling the population and assessing its needs as outlined in the Strategic Plan 2007) | Council and the community | Annually | Conduct a survey to collect information to provide a clearer picture on the community | Production and conducting survey to initiate CALD participation in Council processes | This item to be considered in future management plans |
| Showing leadership by making Council's multicultural strategies available to the public | Make the EAPS available online | Council | End 2007 | | Information available on Council website | No expense as covered in the \$6,500 as outlined in Social Plan for total process. |

Key Objective 2. Community Harmony

| Priority | Strategy | Implemented By | Timeframe | Notes | Performance Indicator | Estimated Cost |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provide support for initiatives that foster community harmony and celebrate cultural diversity within the community | Consider financial or in kind support for public events and days where there is an opportunity to celebrate cultural diversity including: Harmony Day (21 March), Celebrate Lithgow, and Australia Day (26 Jan) | Council | Ongoing | Promote participation in CALD specific events at broader community activities and celebrations | Participation and/or contribution to events that promote diversity and harmony | \$2,000 – allocation already included in Council's budget. |
| Provide appropriate training to Council staff | Consider the provision in budget for appropriate staff training for their role within Council e.g. cultural competence training, awareness raising of availability of services, use of services | Council | Review annually | Consider appropriate staff with training e.g. customer service staff provided with cultural competence training and training relating to the use of available services eg interpreter service | New and current staff provided with training | Cultural awareness training \$2000 as one off as outlined in the Social Plan and \$500 annually there after – to be considered in future Management plan creation |

Key Objective 3. Access and Equity

| Priority | Strategy | Implemented By | Timeframe | Notes | Performance Indicator | Cost |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| To provide access and equity to Council services and facilities, planning, policy etc. | Consider funds for the use of interpreter services | Council | Ongoing (subject to annual review) | Amount determined initially from community survey results and annually adjusted according to need. | Consider making funds available for interpreter services and monitor usage as an item in the annual budget processes. | This item to be considered in future management plans |
| Provide access and equity in the recruitment process | Develop and implement a recruitment strategy that encourages diversity within Council | Council | Review need in August to provide training in Sept-Oct | Strategies such as wording of job advertisements and selection criteria | Changes to the recruitment process | Nil |
| Promote service availability to the CALD community effectively | Develop an information network to promote service and facility availability to the CALD community, that is sensitive to their needs and encourages participation | Council, government, non-government, and private sector | Ongoing | Promote programs including: <ul style="list-style-type: none"> order books from the State Library in other languages CALD services link on Community website posters in Council facilities publicising service availability (interpreters, help with finding information aid with funding, referral to services) | Record the usage of services | \$400 - \$1000 some outlined in Social Plan – remaining to be investigated in preparation of future budgets |
| Promote service availability to the CALD community effectively | Provide information on services for visitors to the LGA | Council – website and Tourist Information Centre, hospital, prisons | Ongoing | Such as those visiting relatives/friends in hospital or in prison etc | Local information made available (website) | Accommodate in current operational budgets |
| Encourage involvement by residents from CALD background in Council Committees | Invite the community to be involved, modify wording to welcome any interested | Council – all departments seeking community involvement | Ongoing | | CALD community participation | No additional cost to these activities |

LITHGOW CITY COUNCIL LEAPS 2007/12 STRATEGY FRAMEWORK

| | | | | | | |
|-----------------------------------------------------------------------------|----------------------------------|--------------------|-------------|------------------------------------------------|-------------------------------------------------------------|-----------------------------------------|
| | community members to be involved | | | | | |
| Provide opportunity to CALD residents to provide input into social planning | Encourage community consultation | Council, community | As required | E.g. Morning tea at Council with the community | Input from CALD community in community consultation process | \$100 - \$200 for community morning tea |

Key Objective 4. Economic and Cultural Opportunities

| Priority | Strategy | Implemented By | Timeframe | Notes | Performance Indicator | Cost |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Promote Lithgow as a community that welcomes cultural diversity | Study examples and conduct a feasibility study on a relocation program for migrants or refugees (2-3 families) | Council, government, non-government, private sector agencies | Something to consult the community with for inclusion in the next Social Plan | Is an idea that some Councils have undertaken and was something that was suggested to look into as a possibility | Completion of background research and feasibility study | This item to be considered in future management plans |
| Promote leadership within the local business community | Suggest a CALD business award. Or perhaps promote traineeship or apprenticeship for new resident (from CALD background) | Council, LBA | Annually | Look into the feasibility of such programs | Outcome of feasibility study and implementation of programs | Linked to above |
| Promote Lithgow LGA as a welcoming community | Host international events/visitors | Council, government, non-government, and private sector organisations | As opportunity arises | E.g. host/support community talks by visiting religious or cultural leaders to schools and the community | Acceptance of offers from dignitaries | \$100 per activity (e.g. for a small morning tea/lunch) – to be developed in future budgets |
| Provide assistance in obtaining funding | Actively promote and provide assistance in obtaining funding for cultural events and activities | Council – Grants Officer, non-government organisations | Ongoing | CALD funding available within Lithgow Council's Donations Program. Council Grants Officer to provide assistance in obtaining external funding. | The uptake of Council grants offered and uptake of assistance service | Within existing donations funding – suggest allocation of \$500 annually. \$100 per activity (cost of staff) |

**LITHGOW CITY COUNCIL
REVIEW ACTION PLAN**

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Council needs to ensure quarterly reviews are reported to Council within two months of the end of each quarter, as required under section 407 of the Local Government Act. | Inclusion in Managers' strategic action list which generates an email reminder. | Immediate | Policy and Planning | Complete |
| 2. Council should undertake a comprehensive risk assessment of potential risks arising from its strategic alliance with Oberon and Mid-Western Regional Councils as part of the development of a risk management plan. | Undertake risk assessment of the Alliance as part of an overall risk management plan. | Jul08 | Executive | Gap analysis of OHS systems of the 3 councils has been initiated to determine commonality of control mechanisms. |
| 3. Council should provide ongoing training to both councillors and staff to promote awareness of the policies contained in its new policy register relevant to their respective roles, obligations and functions. | 3.1 Develop a councillor training program that incorporates a section on policies and the respective role of councillors and staff in determining and implementing policies. 3.2 Develop a staff training program that incorporates a section on policies and the respective role of councillors and staff in determining and implementing policies. | 3.1 Aug08 3.2 Apr08 | 3.1 Executive 3.2 Organisational Development | 3.1 Matter has been discussed at the Strategic Alliance level with Oberon and Mid-Western for possible inclusion in councillor training package to be developed prior to next election. Also identified as an issue for examination at the ROC level. 3.2 develop as part of the training plan for 2008/09 through induction and general staff training programs. |

Item 7.

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. Council should prepare an induction training program for councillors prior to the next local government elections. | Develop a councillor induction program. | Aug08 | Executive | Council has initiated discussions with Alliance partners (see 3.1) and identified this as an issue for discussion at ROC level. Will also consult with LGSA re overall training programs being developed at industry level. Electoral Commission also to be consulted as they have a program which may suit. |
| 5. Council should consider developing a formal ongoing training program for councillors in conjunction with other members of the strategic alliance. | A formal ongoing program for councillors to be developed | Aug08 | Executive | See 3.1 and 4 |
| 6. Council should amend its conduct committee procedures to set out criteria to guide the general manager in determining whether or not to report a matter to the committee and to be used by the committee in assessing allegations of breaches of the code of conduct. | Amended Code of Conduct appendix that relates to the criteria for referrals to the Code of Conduct Committee | Oct07 | Executive | Report to October 07 Council meeting with suggested criteria produced. |
| 7. Council should provide information to councillors and designated staff on the completion of written returns of interests to ensure they are completed accurately and in a timely manner. | Advice to councillors and designated staff on completion of forms – include in training/induction materials (see item 3.1) | Dec07 | Public Officer | COMPLETE OCT07 Review of forms to inform of any issues with form to be undertaken with drafting of memo to be sent to councillors and designate persons on correct information on forms. |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>8. In the interests of assisting Council to get through its business in a more efficient manner, Council should consider trialling regular briefing sessions for councillors on business to be considered at Council and committee meetings.</p> | <p>Regular briefings held.</p> | <p>Immediate</p> | <p>Planning and Policy</p> | <p>Briefing sessions have been held for major documents (Policies register, Management plan – multiple meetings, Strategic Plan, PPB review etc). Consideration of briefing now done on major projects – for example new s64 and s94 plans, capital works projects for the 2008/09 budget preparation, quarterly reviews all considered as key components in these types of projects.</p> |
| <p>9. Councillors should make works requests using council's established processes for doing so and desist from doing so in meetings.</p> | <p>Process to facilitate works requests re-iterated and used more frequently by councillors</p> | <p>Immediate</p> | <p>Executive</p> | <p>Addition of works requests form into Code of Meeting Practice and advice on the need for business to have adequate notice has been achieved. Notice of Motion template and processes for actioning has also been incorporated into the Code of Meeting Practice with Councillors now submitting Notices of Motion to be included in the Business papers for meetings.</p> <p>Resulted in radically reduced number of non-urgent items being raised at meetings. Mayor is now considering each item raised at meetings and determining urgency of the item on each occasion.</p> <p>COMPLETE OCT07</p> |
| <p>10. Council should amend its complaint handling policy to establish procedures for making and dealing with requests for internal review.</p> | <p>Review and amendment to Complaints handling policy</p> | <p>Jan08</p> | <p>Policy and Planning</p> | <p>Review of guidelines from DLG, Ombudsman and other Councils has been initiated.</p> |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11. Council should provide ongoing training on its complaint handling procedures to staff. | Inclusion in induction and refresher course for all staff | Aug08 | Organisational Development | To be considered in creation of 2008/09 Training Plan. |
| 12. Council should provide regular training to both staff and councillors on its protected disclosures policy to promote awareness of their rights and obligations under it. | Development of training materials on Protected Disclosures Policy | Dec07 | Executive | ICAC materials obtained and distributed to alert staff to options for reporting concerns. |
| 13. Council should consider improving access to the public documents on its website. | Redeveloped website. | Jul08 | Information Technology | Review of website and re-development scheduled in Management Plan to be completed by July08. |
| 14. Council should consider adopting a formal policy for dealing with requests for access to documents under section 12 of the <i>Local Government Act</i> . | Policy to be developed | Jul08 | Policy and Planning | Already have some coverage in Code of Conduct where documents are listed. Standard Working Procedure developed to draft stage with Management Team input which assigns responsibility for the provision of s12 documents to Customer Service Unit so they can make them available to the public. It includes a regular audit of the documents to ensure the current version is available to the public as required under the <i>Act</i> . |
| 15. Council should develop a formal policy or procedures for managing contracts. | Policy to be developed | Jul08 | Policy and Planning | Draft policy under development – expectation to be presented to Council by Dec07. |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16. Council should amend its asset disposal policy to define the value of the assets it applies to. Council should also adopt a policy for the disposal of minor assets to compliment it. | Policy to be amended | Dec07 | Policy and Planning | Preliminary assessment of categorisation of assets to deliver categories and advise on how they will be disposed of (for example PC equipment or small value assets having a predetermined disposal regime thus not requiring Council to determine in every instance) and consideration of asset categorisation has been initiated to set \$ amount for inclusion in the policy. Consideration of one policy covering both aspects is preferred. |
| 17. Council should develop a risk management plan that addresses both insurable and other types of risk. | Risk Management plan to be developed | Jul08 | Organisational Development | Review of several models for Risk Management plan/Business continuity plans has been initiated. Consideration with Alliance partners also being undertaken to reduce duplication in common areas – potential to formulate a template for the plan for each Council to use. |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18. Council should consider developing an internal audit program. | Internal Audit Program developed | Jul08 | Executive | Proposal for internal audit program to be considered at Nov meeting of the Alliance GMs. Have already implemented business process review having completed Records and Customer Service. . Significant changes to processes in financial management has occurred in areas such as authorised signatories, on-line banking arrangements and management of cash at Council's various sites. Ongoing review of all departments identified to Management Team to ensure their participation in improving their processes has occurred. . Review of models such as Sutherland Shire Council's Internal Ombudsman and NSW Ombudsman guidelines on the issue have been consulted to date to determine some likely frameworks for consideration. |
| 19. As part of the development of an internal audit program, Council should consider undertaking a fraud risk assessment and developing a fraud control policy or strategy. | To be included in the Internal Audit Program | Jul08 | Executive | Software purchased for management of investigations as part of the Strategic Alliance Council has with Mid-Western Regional and Oberon Councils. Will be used in the creation of the Internal Audit project. The Alliance will also consider a joint internal audit team at the November meeting of General Managers. |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
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| <p>20. Council needs to review its existing contribution plans and explore all the options now offered under the <i>Environmental Planning and Assessment Act</i> for the collection and use of development contributions.</p> | <p>20.1 s94 plans - New plans developed.</p> <p>20.2 s64 Plans updated</p> | <p>20.1 Dec07</p> <p>20.2 Dec07</p> | <p>20.1 Policy and Planning</p> <p>20.2 Policy and Planning</p> | <p>20.1 Consultant appointed to prepare new plans. Significant progress. Timetable adopted by Executive Council of draft s94 plan by Dec07. Development of plans has been done in consultation with management team in particular Development and Operations. Consideration of Rural Fire Service contributions also being considered.</p> <p>20.2 Review of draft plans prepared by Dept Commerce highlighted errors in assumptions data particularly relating to lot development and population. Assets information also identified to be in need of review. Review 80% complete with timetable for completion scheduled for Dec07.</p> |
| <p>21. Council needs to take a more strategic approach to the collection and use of development contributions. Council needs to more clearly link its approach to development contributions with its strategic plan and to its capital works program and long-term financial plan.</p> | <p>Implementation of new plans to achieve strategic linkages and improve collection processes</p> | <p>Dec07</p> | <p>Policy and Planning</p> | <p>See item 20 – draft works programs for projects to be partly funded through developer contributions have been developed – to be presented to Council Dec07.</p> |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>22. Council should make its DA guide, information sheets and DA checklists more accessible to applicants by displaying them in its customer service area and publishing them on its website.</p> | <p>More accessible DA information made available.</p> | <p>Mar08</p> | <p>Development</p> | <p>DA "Sample Bag" concept developed and partially implemented. Smartforms (online PDF versions that are web based) has been purchased. Many other councils are signed up but product has stalled in development. To accommodate this delay, Council has completed an audit of the forms Customer Service hands out to update these in the first instance. Intranet being developed which will house the forms electronically to ensure currency of all information given out. These will be easily transported to the council website. Plans to upgrade the council's website are being developed with implementation of new website planned for mid 2008</p> |
| <p>23. In the interests of promoting public confidence in the assessment and determination of DAs in which it is an applicant or has an interest, Council should explore the option of making use of its strategic alliance partners to undertake independent assessments of such DAs.</p> | <p>Consideration and development of MOU with Alliance partners on peer assessments.</p> | <p>Jul08</p> | <p>Development</p> | <p>Discussion will be considered in light of alliance opportunities. Council has a policy in place that specifies how Council owned land development is to be handled. This also applies to Councilor and senior staff when they are applicants for developments.</p> |
| <p>24. As part of the preparation of its new comprehensive LEP and the review of its DCPs, council should develop more comprehensive and nuanced notification procedures.</p> | <p>Updated Notifications Policy developed.</p> | <p>Nov07</p> | <p>Policy and Planning</p> | <p>Draft Notifications Policy hearing completion.</p> |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25. Council needs to review its companion animals management plan to ensure that it continues to be relevant. | Updated Companion Animal Management Plan. | Dec07 | Community and Culture | Review commenced. |
| 26. Council should consider implementing a proactive program for monitoring compliance with environmental and planning requirements. | Environmental and Compliance monitoring program to be developed. | Jul08 | Development/Community and Culture | Reviewed and assigned compliance responsibilities to divisions within Council. Draft enforcement Policy prepared. Split responsibilities between regulatory and compliance |
| 27. Council should develop an enforcement policy as a matter of priority. | Enforcement Policy implemented | Nov07 | Community and Culture | Draft Policy has been prepared and will be presented to November round of Council meetings following consultation internally and desktop review of other Councils policies. NSW Ombudsman's guidelines used as basis for the policy with clear identification of where warnings will be issued, which items will result in immediate issuing of fines, how complaints will be registered in Council's Action Request system. Training will be provided when implemented. |
| 28. Council should provide training to staff on its enforcement policy and relevant investigation skills. | Training to be incorporated in 2008/09 training plan – refer item 3.2 | Jul08 | Organisations Development | See 3.2 |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|-------------------------------------------------------------------------------|---------------------------------------------------------|------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 29. Council should increase the unrestricted current ratio to 1.5:1 or above. | Unrestricted current ratio maintained at 1.5:1 or above | Jun08 | Internal Services | <p>Results from 2006/07 financial year show improvement. Implementation of reserve building program has greatly enhanced Council's performance. Preliminary result for 2006/07 indicates the ratio will be in excess of 3:1 showing the impact of the program of enhanced financial management has already started to take effect.</p> <p>Upgrade to Finance system to be completed Jan08 will provide desktop tools for managers to monitor their budgets much more closely. Managers are now expected to deliver monthly variance analysis to ensure management of their areas of responsibility are in hand.</p> |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>30. Council should continue to assess the provision of funds for infrastructure works, the capacity to borrow and their ability to service loans.</p> | <p>30.1 Appointment of grants officer to seek funding opportunities.</p> <p>30.2 Funding opportunities through Fed grants (Roads the Recovery etc) and State grants (RTA black spots etc) to be fully exploited</p> <p>30.3 Development of long term financial planning strategic plans</p> | <p>30.1 Nov07</p> <p>30.2 Jun08</p> <p>30.3 Jun08</p> | <p>30.1 Policy and Planning</p> <p>30.2 Operations</p> <p>30.3 Internal Services</p> | <p>30.1 Applications have closed. First round interviews held. Position to be shared with Alliance partners. Will enhance applications processes and awareness of available funds.</p> <p>30.2 Assets assessments have highlighted erroneous and incomplete data which is being rectified. Used as the basis for Fed and State funding applications the importance of this information's accuracy has been identified and issues now been rectified.</p> <p>30.3 Review of some models for long term financial planning have been initiated. New version of financial system will provide better modelling tools and budget management processes. IBIS rates modelling tool implemented Oct07 to assist in developing long term financial modelling</p> |
| <p>31. Council needs to develop a longer-term financial plan that is integrated with the strategic plan, asset management plan, management plan and other Council plans.</p> | <p>See 30.3</p> | | | |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 32. Council should develop an asset management policy and strategy. | Assets Management Policy and Strategy to be implemented. | Jun08 | Operations | Product to store assets information currently being collated has been purchased. Audit of water and sewer assets using fair value completed for 2006/07 financial reports. Measuring and assets data collection and collation has commenced. Review of available assets systems that are complimentary to the corporate systems has commenced. The need to integrate with financial system identified as key objective. Review of Alliance partners decisions re Assets systems has occurred. |
| 33. Following the development of an asset management policy and strategy, a comprehensive asset management plan that links to Council's strategic documents and long-term financial plan should be developed. | See 32 | | | |
| 34. Council should review its land register to ensure that all information required in section 53 of the <i>Local Government Act</i> is included. | Review of land register to be done. | Jun08 | Policy and Planning | Preliminary works to include in the Council's GIS have occurred internally. |

| RECOMMENDATION | ACTION PROPOSED | TIME FRAME | RESPONSIBLE DIVISION | PROGRESS REPORT |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 35. Plans of management for all community land holdings should be completed as a matter of priority. | Plans of Management for Community land to be finalised. | Jun08 | Policy and Planning | The preparation of community land plans of management has commenced with a review of community land. Meetings with stakeholders has occurred. Timetable to produce plans of management have been developed with Sportsgrounds, Red Cross House and Union theatre to be completed by Dec07. Remaining items to be done by Jun08 |
| 36. In establishing a community engagement framework, Council should explore a range of different models adopted by other councils. | Community engagement options to be explored. | Sep08 | Policy and Planning | Range of tools being trialled in Management Plan and Strategic Plan, Cultural plan, Social Plan development processes. Notifications policy developed to draft stage. |
| 37. Council should seek to promote awareness of its new customer service policy by providing training on it to councillors and staff. | Training to be incorporated into councillor training program (see item 3.1) and staff training program (see item 3.2) | | | |
| 38. Council needs to develop a human resources strategy that is linked to Council's strategic plan and management plan. | Development of human resources strategy | Sept08 | Organisational Development | Extracted workforce information on age, gender etc. Preliminary discussions with survey provider for attitude/culture survey, money allocated for 07/08 budget. |

Item 8.



LITHGOW CITY COUNCIL

Policy 5.5

ENFORCEMENT POLICY

Version 1

5.5 COMPLIANCE – ENFORCEMENT POLICY

OBJECTIVES:

To establish clear guidelines for dealing with action requests or complaints alleging unlawful activity.

POLICY:

- The Policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with terms or conditions of approvals, licenses or orders.
- **Unlawful activity** means any activity or work that has been or is being carried out:
 - a. Contrary to an environmental planning instrument that regulates the activity(ies) or work that can be carried out on particular land;
 - b. Contrary to the terms or conditions of a development consent, approval, permission or licence;
 - c. Contrary to a legislative provision regulating a particular activity or work
 - d. Without a required development consent, approval, permission or licence.
- The policy covers, but is not limited to, compliance issues in operational areas such as regulation of development activity, pollution control, regulation of parking and control of animals.

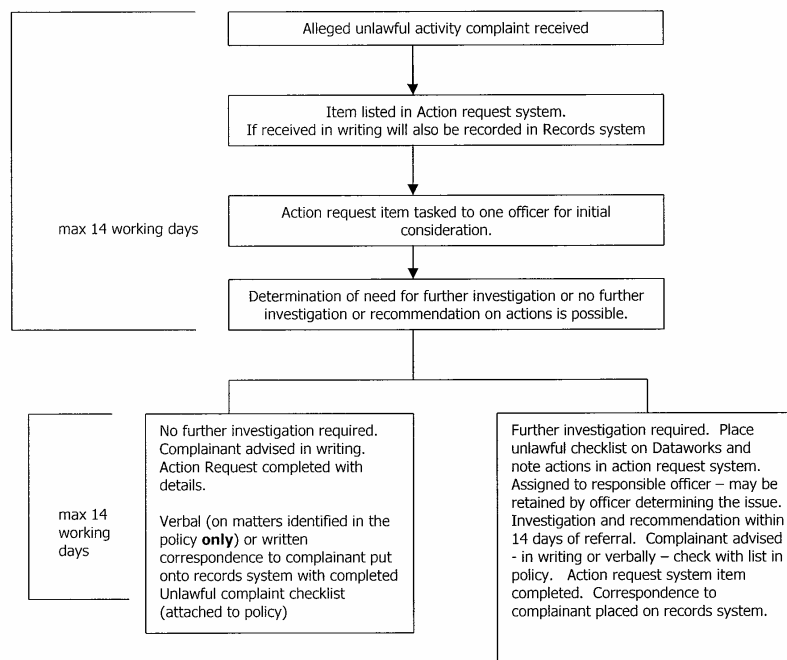
1. COMPLAINTS REGISTRATION

- All alleged unlawful complaints are to be registered in the Action Request system.
- Every complaint is to be assigned to one officer for consideration and determination if further investigation is required. Many complaints received by Council have neighbourhood disputes at their origin and therefore establishing the initial facts is essential before determining if further investigation is needed;
- If further investigation is required, the officer may recommend another section undertake the task and nominate who is to become the responsible officer or continue with the process themselves;
- The responsible officer should conduct investigations into alleged unlawful activity in accordance with this policy;
- As a complaint proceeds, the responsible officer must complete the Action Request item by providing details of the actions and conclusion of the investigation throughout the processes undertaken;
- Responses to the complainant will be in writing with the exception of minor items specifically listed in Appendix 2.
- Where a verbal response is given to a complainant, the content, date and officer providing the information is to records the date, their name and the content of the advice in the Action Request system including specifically identifying the advice was given verbally.
- At all times Council must observe privacy and not provide information to any party details where another party could be identified.
- Responses are to be noted in the Action request system identifying the content;
- Where letters are sent confirming actions, a full copy or all correspondence is to be placed on the Records management system by the responsible officer.
- Response times will be in accordance with Council's levels of service however matters of a serious nature may be escalated for priority treatment.

Filename when finalised

2. INVESTIGATION PRINCIPLES AND REPORTS

- The checklist attached is to be completed when investigating unlawful activity to determine the next steps and further investigation is needed.
- The complainant will be responded to within 14 days of the reporting of unlawful activity indicating the actions to be undertaken – i.e. if further investigation will occur or not;
- The responsible officer shall provide a report to their immediate supervisor within 14 days of the report of alleged unlawful activity and this report shall include their recommendation on actions, if any are to be taken, regarding the alleged unlawful activity and the need for further investigation if required.
- Council will establish itself through collection of appropriate processes and assessing facts if there is a need for further investigation after the initial consideration of an allegation of unlawful activity. Council may seek an external body's comments but will not rely solely on those comments without satisfying itself of the facts in the issue.
- Anonymous complaints or those that may be withdrawn by the complainant should still be investigated to ensure no unlawful activity exists.
- Conflicts of interest will be considered in investigation processes.
- Privacy and confidentiality matters will be considered in the investigation processes used.
- The principle of procedural fairness will be observed and applied to ensure those allegations are made against are made aware of the allegations and full investigation and establishment of facts are pursued.



Filename when finalised

3. ACTIONS AVAILABLE TO COUNCIL IN CASES OF ALLEGED UNLAWFUL ACTIVITY

Consideration of the principles of reasonableness will be at the heart of the actions taken – options include:

- A warning may be given prior to the issuing of any enforcement action in some situations. Appendix 2 lists such instances;
- Matters where actions without warning will be taken are listed in Appendix 3;
- Referral to an external agency for further investigation or prosecution;
- Taking no action on the basis of a lack of information or evidence;
- Counselling the subject of the investigation to educate them on the relevant council requirements;
- Negotiating a course of actions to address the areas of concern;
- Advising of the processes of seeking a modification to the development consent conditions;
- Issuing a letter advising the work to be done or the activity to cease in lieu of more formal action;
- Issuing a notice of intention to serve an order or notice under relevant legislation followed by the serving of that notice;
- Issuing a notice requiring work to be done under various legislation;
- Recommendations may include starting legal action such as proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulations;
- Seeking an injunction from the Land and Environment Court or the Supreme Court;
- Issuing a summons in the local court;
- Issuing a penalty infringement notice;
- Taking proceedings for an offence against the relevant Act or Regulation;
- Carrying out the works specified in an order under the Local Government Act at the cost of the person served with the order;
- All enforcement actions will be monitored and a decision made in relation to non-compliance within a 2 week period of any deadline imposed.

4. TAKING ENFORCEMENT ACTION

When taking enforcement action. Council will consider the circumstances of the case, including these issues:

- Has the Council created an estoppel situation? ¹
- Council will consider the reasonableness and proportionality of actions and consider the issue in terms of the public interest;
- The effects of the unlawful activity will be considered with regard to the local area taking into consideration the impact on amenity, health, safety, environmental issues for example.
- Is the breach a technical one only? For example a minor or inconsequential change to the plans done during construction.
- If considering prosecution action, Council will consider if there is admissible evidence that establishes the offence beyond all reasonable doubt, is there a reasonable prospect of conviction and are there discretionary factors to consider?
- If consent had been sought, would it have been given? This would be a particular consideration if the owner has sought approval of their own volition.
- Are there particular circumstances of hardship which should be considered?
- Does the person who is the subject of the complaint show due contrition?

¹ Estoppel prevents a person from later denying conduct or words which have been relied upon previously. For example, if Council had previously advised no action would be taken, or despite being advised of the issue no action was taken.

- Council will consider if an educative process would yield better results however will continue to monitor the situation to ensure it is satisfied with the case.
- If there is a draft local environmental plan or other planning instrument on exhibition that would allow the activity the Council will consider deferring any actions giving the owner time to lodge an application that would be compliant with the new instrument.

5. DELEGATIONS

Delegations of Council staff are reflected in their individual delegations and authorities.

| | | | | | |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------|------------------------|------------|
| Maintained by Department: | Development/Community and Culture | Approved by: | Council | | |
| Reference: | Dataworks: Policy Register | Council Policy No: | 5.5 | Effective Date: | Dd/mm/yyyy |
| Min No: | XX-XXX (VX) | Version No: | 1 | Review Date: | October |
| Attachments: | 1. Unlawful Complaint checklist 2. Offences where a warning may be given 3. Offences where a warning will not be given | | | | |

UNLAWFUL COMPLAINT CHECKLIST**Issue:** _____

Officer investigating: _____ **Date:** _____**DA number:** _____ **Property number:** _____**Customer Acton request number:** _____ **Dataworks doc number:** _____

| Issue | Y/N – circle one | Response/comments |
|-------------------------------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Is the matter within the jurisdiction of the Council? | Y / N | If yes proceed with investigation checklist. If no note and ensure complainant is advised in writing and if possible identify for them who is the appropriate authority. |
| Is the complaint premature – eg does it relate to some unfinished aspect of work that is still in progress? | Y / N | If yes, identify is premature note on action request system. It may highlight the need for a follow up inspection and the officer should note that for future action and schedule in their diary. The complainant is to be notified in writing and a copy of the correspondence placed in the Council's records system. If not premature proceed with investigation assessment. |
| Is the activity or work permissible with or without consent? | With consent / without consent | If permissible without consent note on the Action Request file and provide written confirmation of this to the complainant File on Council's Records System a copy of the correspondence. If requires consent check to determine if consent has been given. |
| Is the complaint frivolous, vexatious or trivial? | Y / N | If yes identify as such noting on the Action Request file and providing written confirmation of this to the complainant. A copy of the written correspondence needs to be authorised by the departmental manager and placed on the Records system. Actions are to be completed with 7 days of complaint. |
| How much time has elapsed since the events the subject of the complaint took place? | Note number of days/weeks | _____ days / weeks have elapsed |
| Is the activity having a significant detrimental environmental effect? | Y / N | If yes review in terms of relevant legislation to determine appropriate action and immediacy |
| Is the activity causing a risk of public safety? | Y / N | If yes review in terms of relevant legislation to determine appropriate action and immediacy |
| Does the complaint indicate one of a series of complaints on the same or similar matters? | Y / N | If yes, this may establish a pattern of conduct that requires immediate attention by the officer depending on the issues involved. |
| Is there a public interest to investigate the complaint? | Y / N | If yes proceed with investigation. Even if the answer to this is no, there may be a council priority or policy that indicates this is an area of focus and the investigation should proceed. |

Filename when finalised

RECOMMENDATION:

Is further Investigation needed?

YES NO

If yes, Who will undertake the further investigation? _____

Date issue tasked to the officer: ____ / ____ / ____

If no, What reason(s) is (are) noted for not proceeding:

Signed:

Position:

ACTION REQUEST SYSTEM FILES COMPLETED:

Date: ____ / ____ / ____

Officer completing: _____

CORRESPONDENCE TO COMPLAINANT:

If verbal advice given: Date: ____ / ____ / ____ Noted on Action Request: _____

Letter sent: Date ____ / ____ / ____ Dataworks Doc number: _____

Action request system item completed: Date ____ / ____ / ____

Offences which may result in prior warning being given before enforcement action is taken.

Council **may** determine to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

Advice to the **Complainant** on the actions Council will take/has taken will be in writing except in the following circumstances, which are of a minor nature, where advice may be given verbally. All verbal advice is to be noted (date, time, officer advising, advice given) in the Council's Action Request system:

- Advertising signs without approval or that are unsightly
- Air pollution – smoky chimney
- Barking/Roaming/Unregistered dog
- Commercial swimming pool not properly maintained
- Erosion or sediment control matters
- Noise pollution arising from air conditioner, Intruder alarm, Musical instruments or sound equipment, power tools, motor vehicles on residential premises or the use of refrigeration equipment fitted to a motor vehicle –each requires a warning to be issued.
- Obstruction of a public place/Road where is a minor matter
- Residential swimming pool issue – not serious (example – failure to display resuscitation chart)
- Deposit litter from a vehicle
- Deposit litter/ Dumping rubbish
- Dilapidated building
- Fire hazard threatening an asset
- Land clearing of a minor nature
- Littering
- Not comply with condition of development consent/ approval to operate
- Open burning without approval or not in accordance with an approval or cause excessive smoke
- Pollute waters
- Parking offences
- Remove and or damage trees
- Swimming pool fence/gate open
- Street trading without consent
- Minor hygiene or cleanliness non-compliance for Skin Penetration Premises
- Minor food premises matter

With regard to the person alleged to have been acting unlawfully, Council **may** determine to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

- Annual Fire Safety Statement – non-submission by owner – subject to submission within 7 days of request
- Advertising signs without approval or that are unsightly – subject to lodgement of DA within 7 days and/or removal
- Air pollution – smoky chimney
- Barking/Roaming/Unregistered dog
- Commercial swimming pool not properly maintained – subject to compliance in 7 days
- Development/Activity without consent or not in accordance with consent conditions where there is minor development or an old unauthorised development or where there is a minor breach of conditions

- Erosion or sediment control matters (owner/builder/ no prior warning) – subject to compliance in 14 days
- Fire hazard of a minor nature
- Noise pollution arising from air conditioner, Intruder alarm, Musical instruments or sound equipment, power tools, motor vehicles on residential premises or the use of refrigeration equipment fitted to a motor vehicle –each requires a warning to be issued.
- Non compliance with an Order/Notice/Direction where works partially completed and demonstrated mitigating circumstances can be specified which have caused delay in completion.
- Obstruction of a public place/Road where is a minor matter
- Residential swimming pool issue – not serious (example – failure to display resuscitation chart)
- Revocation of approval – example footpath dining/ public place entertainment – subject to compliance in 7 days
- Minor non-compliance with Food Standards Code provided no previous warning given
- Failure to have wastewater system serviced in accordance with approval to operate – subject to service report received with 7 days of requests and no previous warning.
- Onsite wastewater system not registered.
- Minor hygiene or cleanliness non-compliance for Skin Penetration Premises

Note : this list is indicative – all offences will be considered on the merits established in the policy.

Offences where no warning will be given

Council **may** determine not to issue a warning before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action in the following matters:

- Dangerous Dog Order/ Attacking Dog. Restricted Dog
- Dangerous awning/Building
- Dangerous waterhole
- Deposit litter from a vehicle
- Development not in accordance with consent that gives cause to a risk to safety, health, bush fire protection compromise or where notice of intention is issued by PCA
- Deposit litter/ Dumping rubbish
- Dilapidated building
- Environmental damage of a significant nature
- Erosion and sediment control matters
- Fire hazard threatening an asset
- Food safety matters of a serious nature
- Failure to pay clean up fee/ Prevention Notice fee
- Failure to comply with notice/order/cease use of premises/ failure to comply with order regarding development consent/ demolish remove unlawful building/ threatening life/ public safety/ environment/ amenity protection/ fence land/ keeping of birds and animals/ remove object from public place/ contravene noise control notice/ noise pollution.
- Land clearing of a significant nature
- Littering
- Noise abatement direction
- Noise pollution generally after prescribed mandatory warning
- Not comply with condition of development consent/ approval to operate
- Nuisance Dog Order
- Obstruction of road/ public places – involving safety
- Obstruction/ intimidation/ assault of a council officer
- Open burning without approval or not in accordance with an approval or cause excessive smoke
- Pollute waters
- Parking offences
- Pollution incident – failure to notify
- Remove and or damage trees
- Swimming pool fence/gate open
- Street trading without consent/ approval

Note : this list is indicative – all offences will be considered on the merits established in the policy.

Item 8.



LITHGOW CITY COUNCIL

Policy 9.15

RECORDS MANAGEMENT POLICY

Version 2

POLICIES REGISTER - GOVERNANCE SECTION

9.15 "draft" RECORDS MANAGEMENT POLICY

1. OBJECTIVES:

- To establish the framework for, and accountabilities of, Lithgow City Council's Records Management program;
- To ensure compliance with relevant legislative requirements.

2. POLICY:

2.1 GENERAL

- Our records management program will meet our legal requirements and service demands from our officers, Councillors and our Community.
- Establishment of a recordkeeping framework that includes policy, procedures and work practices.
- Council will manage records of its programs that comply with legislation and Government directives.
- The Records Department will be responsible for educating all staff of their responsibilities under legislation and Government directives.
- This policy applies across a number of corporate systems (e.g. those used for storing property and finance information) and to information in applications such as email and faxes. The changing nature of the corporate information systems requires the ability to deliver Records management in an adaptive manner.
- As a significant part of Lithgow City Council's corporate memory, records enable informed decisions based on precedents and organisational experience. Records management principles support consistency, efficiency and productivity in program delivery, management and administration.
- Council acknowledges that those records kept as archives form part of the State's cultural heritage.
- The Council is committed to managing its records effectively and efficiently to promote informed decision making, better performance of business activities, improved customer service, and protection and support in litigation and management of risk.

2.2 ACCOUNTABILITY REQUIREMENTS

- Lithgow City Council records are *state records*.
- The requirements and regulations of the NSW State Records Act 1998, which set out specific practices with which we must comply and will be audited against, bind Council.
- Other standards and legislation, such as Freedom of Information Act, Crimes Act (NSW) 1900, Evidence Act 1995, Tax Act 1990, and other Acts which are listed under Legislative Framework for Recordkeeping in the Records Management Program.
- We will set a corporate standard for records management that can be monitored and audited throughout Council that complies with AS ISO 15489 – Records Management.

2.3 THE CORPORATE RECORDS MANAGER

- The Corporate Records Manager is the senior officer in the Records department of Council.
- Responsibility for Council's *Records Management Program* is assigned to the Corporate Records Manager.
- The role is to provide strategic focus for recordkeeping and monitor/audit compliance with records management standards.

| | | | | | |
|----------------------------------|-------------------|---------------------------|---------|-------------------------|--------------------------|
| Maintained by Department: | Internal Services | Approved by: | Council | Exhibition Date: | |
| Reference: | | Council Policy No: | 9.15 | Effective Date: | |
| Min No: | | Version No: | V2 | Review Date: | 12 months after adoption |
| Attachments: | | | | | |

Item 9.

LITHGOW CITY COUNCIL S355 COMMITTEES Terms of Reference



Committee name: Sister City Committee ("The Committee")

- Resolution of Council to create as a Committee of Council under s355 of the Local Government Act 1993: **Council Meeting 18 June 2007 Min 07-254**
- Resolution of Council to adopt Terms of Reference: _____ **Meeting DATE Min: XX-XXX**

Councillor membership:

- In September each year, the Council shall nominate 2 Councillor delegates for the Committee.
- The current delegates are Councillor Neville Castle and Councillor Michael Wilson.

Council Contact officer: Group Manager – Community and Corporate (Alternative Policy and Planning Manager)

Committee's responsibilities:

The principal responsibilities of the Committee are to:

- Develop and review on a regular basis a draft Memorandum of Understanding that Council can use to engage with other cities in Sister City relationships and present to Council for endorsement;
- Assist Council in assessing Sister City relationships by hosting delegations from Sister Cities when they visit Lithgow;
- Develop criteria and thence assess proposals from other cities, or in order to suggest other cities enter into Sister City relationships with Lithgow City Council for Sister City relationships with consideration of the following:
 - Opportunities offered by the friendship with regard to economic development;
 - Commonality of industrial or cultural aspects;
 - Opportunities for the exchange of ideas;
 - Opportunity for cultural or educational student exchanges;
 - Opportunities to learn from other communities in management of the environment, arts and culture, community facilities, employment generation, youth;
 - Opportunities to link people with similar social and cultural aspirations.
- The Committee shall prepare and provide to the Contact Officer minutes of meetings held containing recommendations to be made to Council on items discussed;
- The Contact Officer shall be responsible for preparing a report to the Council containing the minutes and providing staff comment on the recommendations made by the Committee for Council's consideration.
- The Contact Officer shall provide to the Committee the outcome and resolutions of the Council regarding each recommendation;

Committee member responsibilities:

- Observation and compliance with Council's Code of Conduct
- Observation and compliance with Council's OHS system objectives and instructions

Committee membership:

The Committee will be comprised of the following representation:

- 2 Councillors
- 2 members of Council staff and an alternate for each
- 1 member of the Lithgow Business Association
- 3 members of the community each from different industry sectors/companies.

Committee elections and term of office:

The Committee shall be formed following advertisement seeking Expressions of Interest to join the Committee.

Office holders:

The Chair and Deputy Chair shall be appointed for a period of 1 year.

The Chair and Deputy Chair will be Councillors.

Delegations:

By way of Council resolution (Min XX-XXX), the Committee shall have the following delegations:

- To assess and present to Council proposals for the creation of Sister City friendships
- To interview and meet in the Lithgow Local Government Area with representatives of other cities interested in becoming Sister Cities.

Financial arrangements:

Unless expressly approved by Council, via a resolution, the Committee must not commit nor expend any Council funds.

Council responsibilities:

Council will provide secretarial support.

Frequency of meetings:

Meetings shall be held in the following pattern:

- Quarterly in the first week of each quarter.

Meeting protocol:

- An agenda will be prepared and distributed to members 7 days before each meeting
- A quorum of 3 members is required at all meetings