

1<sup>ST</sup> JULY 2008

AGENDA - POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL



LITHGOW CITY COUNCIL

AGENDA

POLICY AND STRATEGY COMMITTEE  
MEETING OF COUNCIL

TO BE HELD AT

THE ADMINISTRATION CENTRE, LITHGOW

ON

01 JULY 2008

AT 6.00pm

# AGENDA

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**PRESENT**

**QUESTIONS FROM THE PUBLIC GALLERY - NIL**

**PRESENTATIONS - NIL**

**CONFIRMATION OF THE MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING OF COUNCIL HELD ON 6<sup>TH</sup> MAY 2008**

**DECLARATION OF INTEREST**

**NOTICES OF MOTION - NIL**

**NOTICES OF RESCISSION - NIL**

**MAYORAL MINUTE** - Appointment of General Manager

**CORRESPONDENCE AND REPORTS**

General Manager Reports

Community and Corporate Services Report

Regional Services Reports

**REPORTS FROM DELEGATES - NIL**

**COMMITTEE MEETINGS - NIL**

**CLOSED REPORTS - NIL**

**QUESTIONS OF AN URGENT NATURE**

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## **MAYORAL MINUTE**

### **ITEM:1            MAYORAL MINUTE - 01/07/08 - APPOINTMENT OF ACTING                          GENERAL MANAGER**

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#### **REFERENCE**

S334 of the Local Government 1993 – Appointment of General Manager.

#### **SUMMARY**

This report provides information for Council so as to fulfil its statutory obligations in relation to the appointment of an Acting General Manager in accordance with the Local Government Act 1993.

#### **COMMENTARY**

Council, at its meeting of 20<sup>th</sup> May 2008 resolved to appoint a locum to the position of Acting General Manager until such a time as permanent appointment to the position of General Manager occurs.

S334 of the Local Government Act 1993 requires Council to appoint a person to the position of General Manager. When a vacancy occurs in the position of General Manager, then Council in accordance with S345 of the Act, is further required to appoint a person “immediately” to either the vacated position or to appoint a person to act in the vacated position until such time as the position is permanently filled.

Following discussions between the Mayor and the LGSA, Mr. Scott Greensill was requested to fulfil the position of Acting General Manager and formally accepted this position effective from 23<sup>rd</sup> June 2008. It is envisaged that Mr. Greensill will be engaged for a period of approximately 8 weeks until the permanent position of General Manager is filled.

In order to satisfy the statutory requirements of the Local Government Act 1993, Council is now required to ratify the action of appointing Mr. Greensill to the position of Acting General Manager effective from 23<sup>rd</sup> June 2008.

#### **POLICY IMPLICATIONS**

NIL

#### **FINANCIAL IMPLICATIONS**

Normal remuneration for the Acting General Manager will apply.

#### **LEGAL IMPLICATIONS**

Compliance with the Local Government Act 1993, so as the Acting General Manager has the relevant authority to undertake the duties of the position.

## RECOMMENDATION

**THAT** the appointment of Mr. Scott Greensill to the position of Acting General Manager be endorsed effective from 23<sup>rd</sup> June 2008.

Signed: \_\_\_\_\_  
Neville Castle, MAYOR

## **GENERAL MANAGER REPORTS**

**ITEM:2            GM - 01/07/08 - CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

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### **REFERENCE**

NIL

### **COMMENTARY**

Correspondence has been received from The Local Government Shires Association in relation to Constitutional Recognition of Local Government.

A circular advised that all Councils would now have received the Australian Local Government (ALGA) Constitutional Recognition package.

As Council may be aware ALGA is convening a summit in Melbourne in December this year to discuss and resolve a model to put forward to the Federal Government. In preparation for the December summit, the Associations will be meeting the LAGA and other State Associations with council's positions in August.

Constitutional recognition of local government is an opportunity for local government to gain some autonomy and the financial resources to survive and prosper. The Shire Association, at its Annual Conference on 2-4 June, resolved the following:

"That the Association propose a referendum of the people seeking full recognition of the role of Local Government as the Third Tier of executive Government in the body of the constitution, in the same way as the State are recognised at Chapter V of the Commonwealth of Australia Constitution Act 1900".

The Associations want to take a cohesive position to the August meeting and are anticipating a timely response from your council on this matter.

### **POLICY IMPLICATIONS**

NIL

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

NIL

### **RECOMMENDATION**

**THAT** Council resolve to support the Constitutional Recognition of Local Government.

## REGIONAL SERVICES REPORTS

**ITEM:3            REG - 1/07/2008 - LAKE LYELL CARETAKERS CONTRACT**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES - STEPHEN DARLINGTON**

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### **REFERENCE**

17 March 2008 - Ordinary Meeting of Council: Min O08-35

### **SUMMARY**

To finalise the contract for the Lake Lyell Caretaker's Position.

### **COMMENTARY**

Contract documentation for the Lake Lyell Caretaker's Position has now been finalised. The terms of this contract are largely unchanged from the previous contract. The documentation requires the Common Seal of Lithgow City Council to be affixed.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL IMPLICATIONS**

Nil.

### **LEGAL IMPLICATIONS**

Affixing of the Common Seal of Council requires a Council resolution.

### **ATTACHMENTS**

Nil

### **RECOMMENDATION**

**THAT** the Common Seal of Council be affixed to the Lake Lyell Caretakers contract documentation.

**ITEM:4            REG - 1/07/08 - TENDERS FOR CAPITAL WORKS AT CRYSTAL THEATRE, PORTLAND**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES – S. DARLINGTON**

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**REFERENCE**

Nil.

**SUMMARY**

This report seeks a determination from Council to use the selective tendering process, pursuant to s166(b) of the Local Government (General) Regulation 2005, for the procurement of suitable contractors for the capital works to the Crystal Theatre, Portland.

**COMMENTARY**

S166 of the Local Government (General) Regulation 2005 states that whenever a Council is required by s55 of the Local Government Act to invite tenders, Council must decide which of the following methods is to be used.

- (a) the open tendering method.(s167)
- (b) the selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement seeking expressions of interest. (s168)
- (c) the selective tendering method by which recognised contractors selected from a list adopted by Council are invited to tender for proposed contracts.(s169)

The preferred method of procurement due to the nature of the specific works to be undertaken at the Crystal Theatre is the selective tendering method pursuant to s168. It is intended to call expressions of interest for the work after which invitations to formally tender for the works will be called from suitable contractors.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**LEGAL IMPLICATIONS**

Nil.

**RECOMMENDATION**

**THAT** Council use the selective tendering method, pursuant to s166(b) of the Local Government (General) Regulation 2005, for the capital works at the Crystal Theatre, Portland.

**ITEM:5            REG - 01/07/08 - WALLERAWANG PUBLIC SCHOOL  
DEVELOPMENT APPLICATION / CONSTRUCTION CERTIFICATE  
159/07 FEES**

**REPORT FROM: ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN  
DARLINGTON**

### **SUMMARY**

Submit a request from Wallerawang Public School for Council to waive Development Application/Construction Certificate fees for a project at Wallerawang Public School.

### **COMMENTARY**

Wallerawang Public School submitted a written request on 10/03/08 for a refund of fees paid on DA/CC 157/07 for works including earthworks, fencing, and building construction at the school. The fees totalled \$2,210.04 and included:

• Development Application Fee	\$694.16
• Plan First Fee	\$92.12
• Construction Certificate Fee	\$641.63
• Compliance Certificate Fee	\$195.43
• GST on Construction/Compliance Certificates	\$83.70
• Long Service Levy Fee	\$503.00
 Total	 <u>\$2,210.04</u>

The submission from Wallerawang Public School advises that the project has been fully funded by school and community fundraising along with a Federal Government Grant. They highlight that the school is a not for profit organisation and any refund of fees will go directly back into programs and resources for the children.

Previous advice had been provided to the school from Council's Community and Culture Manager that council had already provided a single donation to the school for 07/08 as per council policy, being \$50 for academic prizes.

Discussion with the School Principal indicated that a refund of about \$1,000 would assist the school to complete works which they have been unable to complete due to lack of funding. The Development Application assessment was the major component for council in processing this application. It is considered reasonable to refund an amount of \$1,012.88 to Wallerawang Public School from 08/09 donations comprising the Plan First fee (which can be taken from the DA fee), the Construction Certificate fee, Compliance Certificate fee, and the GST on these fees. The Long Service Levy is a State Government charge that is not refundable.

### **POLICY IMPLICATIONS**

A refund to the school from the 08/09 budget would constitute Council's donation to that organisation for the 08/09 financial year.

### **FINANCIAL IMPLICATIONS**

A reduction in income from fees in Councils 07/08 budget.

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Two letters from Wallerawang Public School and Council's letter from the Community and Culture Manager.

### **RECOMMENDATION**

**THAT** a refund in the amount of \$1,012.88 be provided to Wallerawang Public School comprising the Plan First fee, Construction Certificate fee, Compliance Certificate fee, and GST, being Council's donation to the school from the 08/09 budget.

**ITEM:6            REG - 01/07/08 - ROAD NAMING - 134/03 DA LIDSDALE 66/07DA AND 67/07DA STRATHLONE ESTATE**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN DARLINGTON**

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### **SUMMARY**

To advise Council of road naming proposal for Lidsdale & Strathlone Estate, and seek a resolution from Council to advertise these names in accordance with Council's Policy for Road Naming.

#### **Lidsdale:**

One road- DA134/03 - Lot 1, DP596248, Castlereagh Highway, Lidsdale.

#### **Strathlone Estate:**

Two roads- DA 66/05 & 67/05 - Strathlone Estate Pty Ltd, South Bowenfels

### **COMMENTARY**

Council has received a submission by the applicant and in accordance with development conditions on the naming of internal roads within a the Subdivisions at Lidsdale and South Bowenfels. The applicants have requested that Council name these roads as follows;

**Lidsdale:**

The new five lot subdivision at 1389 Castlereagh Highway Lidsdale, Lot 1, DP596248 propose the name 'Karawatha Drive' in reference to the original grazing property at this location and to the existing residence at 1389 Castlereagh Highway both named 'Karawatha'.

**Strathlone Estate:**

South Bowenfels new Strathlone Estate, propose the names 'Woodland Drive' and 'Sandalwood Drive' continuing the theme of plants, shrubs and tree names already used in the area.

**POLICY IMPLICATIONS**

These roads will be named in accordance with Council's Road Naming Policy.

**FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

**LEGAL IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Plan showing the subdivision at South Bowenfels.

**RECOMMENDATION**

**THAT** in accordance with Council's Policy for the naming of roads, Council advertise the road names as indicated on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

**ITEM:7            REG - 01/07/08 - ROAD NAMING - 242/04DA - "THE RIDGES"  
SUBDIVISION - FOREST RIDGE ROAD WALLERAWANG**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN  
DARLINGTON**

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### **SUMMARY**

To update Council on a proposal to name the road at the 15 lot subdivision of Lot 2 DP 1050206 Forest Ridge Drive, Wallerawang.

### **COMMENTARY**

Following a report presented to the Ordinary Meeting of Council on 7 April 2008. Council resolved to call for submissions on the naming of the road in accordance with Council's Road Naming Policy. The proposed name for this road is 'West Ridge Road'. The road has been advertised in the Lithgow Mercury calling for submissions from the public for the statutory twenty eight (28) day period in accordance with the Policy.

Council notified the adjoining residents and advertised for the road naming in accordance with the Geographical Names Board guidelines.

### **Issues/Public Participation**

As a result of the notification Council received a suggestion as follows:

'Lilyvale Lane' in reference to the Lilyvale pipeline running through the subdivision.

The submission indicated that similar names existed in the district that could confuse the issue, such as Ridge Street, Portland – West Street, Lithgow & Forest Ridge Road, Wallerawang.

Although as this name would be considered suitable for the naming of the road Council officers support the name 'West Ridge Road' for the following reasons:

The owners TA & JA & GW & JL Clark proposed the name which was supported by the Geographical Names Board and adds the original subdivision being 'The Ridges'. Further the subdivision is situated on the western side of the Forest Ridge Estate subdivision undertaken by Council.

### **POLICY IMPLICATIONS**

That this road naming be carried out in accordance with Council's Road Naming Policy.

### **FINANCIAL IMPLICATIONS**

The applicant is to pay all costs associated with the acquisition and erection of signage.

### **LEGAL IMPLICATIONS**

Nil

### **ATTACHMENTS**

1. Plan showing the subdivision.

## RECOMMENDATION

**THAT** the roads named by the applicant as West Ridge Road and listed above be adopted as the road name for The Ridges Subdivision and that Council advise the Emergency Services and Government Gazette of these road names.

**ITEM:8            REG - 01/07/08 - ROAD NAMING - 335/05DA - SWEETBRIAR ESTATE**

**REPORT BY: GROUP MANAGER REGIONAL SERVICES – ANDREW MUIR**

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### SUMMARY

To advise Council of road naming proposal for 160 Lot subdivision of Lot 252 DP 1045308 Great Western Highway, Bowenfels.

### COMMENTARY

Following a report presented to the Ordinary Meeting of Council on 3 March 2008 regarding the proposed naming of the road at Sweetbriar Estate subdivision Council resolved to call for submissions on the naming of this road in accordance with Council's Road Naming Policy. The proposed name of this road was 'Josephine Crescent'. The roads have been advertised in the Lithgow Mercury calling for submissions from the public for the statutory twenty eight (28) day period in accordance with Council's Road Naming Policy.

### Issues/Public Participation

As a result of the notification Council received a suggestion as follows:

'Pentwyn Crescent' in reference to Mr William Daniel Lewis who owned the property years ago and called it 'Pentwyn'. This name was selected due to the finding that Josephine Crescent did not comply with the Geographical Names Board Guidelines No. ***4.2 A given name should only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names should generally be avoided.***

This is supported by the developers and hence would be considered suitable for the naming of the road, Council officers support the name 'Pentwyn Crescent'.

### POLICY IMPLICATIONS

These roads will be named in accordance with Council's Road Naming Policy.

### FINANCIAL IMPLICATIONS

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

**LEGAL IMPLICATIONS**

Nil.

**ATTACHMENTS**

1. Plan showing the subdivision.

**RECOMMENDATION**

**THAT** in accordance with Council's Policy for the naming of roads, Council advertise the road names as indicated on the attached plan in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

**ITEM:9            REG - 01/07/08 - ROAD RENAMING**

**REPORT BY: ACTING GROUP MANAGER REGIONAL SERVICES – STEPHEN DARLINGTON**

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**SUMMARY**

To advise Council of a road renaming proposal for:

Laneway between Cullen Street and Wolgan Street at Portland known as Williwa Street Lane from Mr Ron Bidwell of the Portland Development Association.

The Rydal/ Sodwalls/ Tarana Road from Sandra Laroche

**COMMENTARY**

Council has received two submissions on the renaming of roads in Lithgow City Councils area. The applicants have requested that Council name these roads:

1. Williwa street Lane between Wolgan Street and Cullen Street at Portland as 'Scheidel Lane' in reference to Dr. Scheidel who was very prominent in the establishment of Portland Commonwealth Cement Company, which brought prosperity to the town for the best part of the 20<sup>th</sup> Century. Dr Scheidel died on the 2<sup>nd</sup> May 1932 and currently there is no recognition to his name in Portland and request a small tribute to his name with this laneway.
2. Rydal/ Sodwalls/ Tarana Road be changed to 'Sodwalls Road' which is the original name for the road twenty years ago. The current name is confusing and cumbersome to residents on the road and S. Laroche request a more suitable name be adopted.

**POLICY IMPLICATIONS**

These roads will be named in accordance with Council's Road Naming Policy.

**FINANCIAL IMPLICATIONS**

Council will incur some minor advertising costs in accordance with its Road Naming Policy, although the costs of the signs will be borne by the applicant.

**LEGAL IMPLICATIONS**

Nil.

**ATTACHMENTS**

1. Plan showing the subdivision.

**RECOMMENDATION**

**THAT** Council consider the significance of the roads being renamed in accordance with Council's Policy for the naming of roads and Council advertise the road names as indicated in the Lithgow Mercury calling for submissions to be made for the statutory period of twenty-eight (28) days.

## **COMMUNITY AND CORPORATE SERVICES REPORTS**

### **ITEM:10            COMM - 01/07/08 - HEALTH IMPACT ASSESSMENT REPORT**

REPORT FROM: SUZANNE LOLLBACK, GROUP MANAGER COMMUNITY & CORPORATE SERVICES

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#### **REFERENCE**

Min: 07-254 Council Meeting 18 June 2007  
Min: 07-543 Council Meeting 17 December 2007

#### **SUMMARY**

This report tables the Health Impact Assessment Report of Lithgow City Council Strategic Plan 2007 (HIA). The HIA project was led by the Sydney West Area Health Service (SWAHS) comprised of the SWAHS's departments of Population Health and Strategic Direction and the Centre for Population Health.

#### **COMMENTARY**

This report presents the findings of the HIA of the Lithgow City Council Strategic Plan. The primary output of the HIA is a set of evidence-based recommendations geared to informing the decision-making process of the implementation of the Lithgow City Council Strategic Plan. The recommendations aim to highlight practical ways to enhance the positive impacts or minimize any negative impacts on health, well being and health inequalities that might exist in response to the Lithgow City Council Strategic Plan.

A Steering Group consisting of the SWAHS's project team, Lithgow City Council Policy and Planning Manager and key community members oversaw the Lithgow City Council Strategic Plan HIA.

Recommendations have been developed in response to four of the key strategies contained within the Lithgow City Council Strategic Plan, namely: Health, Community, Transport and Environment. The HIA report contains a number of recommendations that the Council may wish to consider when reviewing its Social Plan and developing strategies that have been identified in the Social Plan such as Ageing Strategy, Cultural Plan, Crime Prevention Plan, Youth Plan, etc. Information will also inform the Land Use Strategy and Local Environment Plan. Actions arising may be considered when developing future Management Plans.

In December 2007, the Council adopted Terms of Reference for a Health Advisory Committee under section 355 of the Local Government Act. Membership of the Committee was advertised in February with only two nominations. The Committee has yet to be formed. A letter has now been forwarded to the local State Member Mr Gerard Martin requesting his assistance. The information contained in the HIA may inform the Health Advisory Committee when established.

To support the delivery of outcomes from recommendations, a grant of \$100,000 has been received to appoint a health project officer for one year.

The funding comes from the Health Promotion Innovation and Enhancement Grant through SWAHS/NSW Health. The project is called 'Live Life Well in Lithgow'. The project aims to increase community awareness in Lithgow of factors that contribute to unhealthy weight. Advertisements for the project officer will commence within the next two weeks.

**POLICY IMPLICATIONS**

NIL

**FINANCIAL IMPLICATIONS**

The HIA was undertaken by SWAHS.

Funding of \$100,000 has been received from SWAHS.

**LEGAL IMPLICATIONS**

NIL

**ATTACHMENTS**

1. Brief Health Impact Assessment Report of Lithgow City Council Strategic Plan 2007.

A copy of the full report has been provided to Council under separate cover and has been placed on the Council's website [www.lithgow.nsw.gov.au](http://www.lithgow.nsw.gov.au).

**RECOMMENDATION**

**THAT** the Health Impact Assessment Report of Lithgow City Council Strategic Plan 2007 be received and information on the 'Live Life Well in Lithgow' project be noted.

**ITEM:11            COMM - 01/07/08 - REVISED MODEL CODE OF CONDUCT****REPORT FROM: GROUP MANAGER COMMUNITY & CORPORATE SERVICES,  
SUZANNE LOLLBACK**

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**REFERENCE**

Minute 07-453 – Council Meeting 15 October 2007

Minute O08-31 – Council Meeting 17 March 2008

**SUMMARY**

This report tables a copy of the revised *Model Code of Conduct for Local Councils in NSW June 2008* (Model Code) issued by the Department of Local Government. Also attached is a circular to councils outlining the changes to the previous Model Code.

**COMMENTARY**

Under section 440 of the Local Government Act 1993 councils must adopt a code of conduct that incorporates the provisions of the Model Code (or is consistent with the Model Code). A review of the Model Code by the Department of Local Government has taken place with the revised Model Code coming into place as of the 20 June 2008.

The Council may add provisions that supplement the Model Code and/or provisions that are more onerous than those contained in the Model Code. The council's code may include provisions that supplement the Model Code and provisions more onerous than those contained in the Model Code.

One of the major changes to the Model Code concerns the conduct review committee. Councils can now have conduct review committees or sole reviewers. These will now be independent of council and can act in the role for more than one council. The operating guidelines are provided in the Model Code. The general manager and Mayor will no longer be members of the conduct review committee. They may only act in an advisory capacity to the conduct review committee or sole conduct reviewer. Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council. The council must appoint 3 or more persons with a sole conduct reviewer being chosen from the appointed persons. Conduct reviewers may act in the role for more than one council. Council may determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

Of concern with the introduction of the Model Code is the need to re-form the Conduct Review Committee due to the Mayor and general manager no longer being eligible to be committee members. This matter is made difficult due to the limited time available prior to the forthcoming local government election in September. Whilst ideally Council should call Expressions of Interest from "qualified persons of high standing in the community", a temporary alternative would be to form a committee consisting of current eligible persons from the review committees established by Lithgow City Council, Mid-Western Regional Council and Oberon Shire Council in accordance with the alliance between the councils and potentially any other councils if required. Preliminary discussions had between Council's acting general manager and the general managers from Mid-Western Regional Council and Oberon Shire Council indicate a favourable response to such a proposal.

Clause 12.14 of the draft Code of Conduct allows for members of the conduct review committee to act for more than one council and as such this alternative is considered to provide a temporary solution where the matter can be re-considered following the completion of the September election. The review committee is required to function with a minimum three (3) people and as such it is recommended that at least five (5) people be appointed to allow for ease of formation when required.

Failing a solution being achieved by this process, the only remaining alternative is to call “Expressions of Interest” as previously mentioned.

It is recommended that the following actions be undertaken:

- The Model Code be adopted to replace the existing Code of Conduct as the Model Code has come into effect from the 20 June 2008
- Assess the Model Code in terms of including provisions that may supplement the Model Code specific to Lithgow City Council following the local government elections to be held in September
- Delegate to the acting general manager the responsibility of liaising with Oberon Shire Council, Mid-Western Regional Council and other councils should it be required to seek the services of five (5) eligible persons to fulfil the role of conduct review committee members.
- Failing the formation of a temporary Conduct Review Committee as above delegate to the general manager the calling for expressions of interest for persons to be appointed as conduct reviewers. This may include local persons as well as persons that may be shared with other councils.
- A report be provided to the council following the calling of expressions of interest, which identifies any costs/fees incurred in the provision of the service.

### **POLICY IMPLICATIONS**

The revised Model Code of Conduct for Local Councils in NSW replaces the Council’s adopted Code of Conduct from 20 June 2008.

### **FINANCIAL IMPLICATIONS**

NIL

### **LEGAL IMPLICATIONS**

Councils under section 440 of the Local Government Act 1993 must adopt a code of conduct.

### **ATTACHMENTS**

1. Circular to councils 08-38 from the Department of Local Government
2. The Model Code of Conduct for Local Councils in NSW

## **RECOMMENDATION**

### **THAT:**

1. Adopts the Model Code of Conduct for Local Councils in NSW (June 2008).
2. Reviews the Model Code of Conduct for Local Councils in NSW (June 2008) in terms of including provisions that may supplement the Model Code specific to Lithgow City Council following the local government elections to be held in September.
3. Delegate to the acting general manager the responsibility of liaising with Oberon Shire Council, Mid-Western Regional Council and other councils should it be required to seek the services of five (5) eligible persons to fulfil the role of conduct review committee members.
4. Failing a satisfactory outcome as per action three above Council Delegates the general manager to call for expressions of interest for persons to be appointed as conduct reviewers.
5. Appoints persons to be conduct reviewers following the calling of expressions of interest.
6. Determines any budget requirements, including fees, for the service once the matter has been investigated.

**ITEM:12            COMM - 01/07/08 - LAND USE STRATEGY AND LOCAL ENVIRONMENT PLAN****Report From: GROUP MANAGER COMMUNITY AND CORPORATE – SUZANNE LOLLBACK**

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**REFERENCE**

Min 07-518: Policy and Strategy Committee Meeting 3 December 2007

Min P08-20 Policy and Strategy Committee Meeting 3 March 2008

**SUMMARY**

This report provides information on the development of a land use strategy and local environment plan for Lithgow City Council.

**COMMENTARY**

At the Policy and Strategy Committee Meeting of the 3 March 2008, the Council resolved that:

*A Local Environmental Plan be prepared for the Lithgow Local Government Area in accordance with the Standard Instrument (Local Environmental Plans) Order 2006 and repeal all existing environmental planning instruments.*

This report advises that a tender has been called for the development of the Lithgow City Council's Land Use Strategy and Local Environment Plan (LEP). The closing date for submission of tenders is 17 July with a report to go to the Council anticipated for Tuesday 5 August.

The Lithgow Local Government Area is currently governed by Environmental Planning Instruments from the 3 former Local Government Areas of Evans Shire, Rylstone Shire and Lithgow City. The completion of this project will involve the amalgamation of these Instruments into a single Local Environment Plan for the Local Government Area. The planned completion of the project will be 31 March 2009 with the gazettal of the Local Environment Plan.

To inform the Local Environment Plan, a Land Use Issues Paper and Land Use Strategy will firstly be prepared. The Land Use Issues Paper and Land Use Strategy will involve the implementation of the strategies in Council's Corporate Strategic Plan that relate to land use planning.

The Council has an MOU with the Department of Planning who are required to sign off on milestones of the project, including on the tender brief, Draft Land Use Issues Paper, the Draft Land Use Strategy and Draft Local Environment Plan.

A significant amount of work has already been undertaken that will contribute to the project. This includes the Local Profile, Corporate Strategic Plan, Draft Issues Paper, Marrangaroo Local Environmental Study and Structure Plan, Social Plan and Draft Cultural Plan.

**POLICY IMPLICATIONS**

The development of the Local Environment Plan will set a framework for land use policy development for the Lithgow City Council.

**FINANCIAL IMPLICATIONS**

To undertake the work Council has successfully obtained funding from Rounds 2 and 4 of the Planning Reform Funding Program. The aim of the Program is to support the development and implementation of reforms to the planning system, to streamline the planning process, make it more strategic, efficient and transparent while enhancing community involvement.

The costs of preparing the Local Environmental Plan will be ascertained in the tender process for the preparation of the Land Use Strategy and Local Environmental Plan which Council resolved to call for at its Policy and Strategy Committee Meeting of 3 December 2007. However, the Local Environmental Plan will be funded by a mixture of grant (\$100,000) and Council funding which has been allocated in the 2008/09-2010/11 Management Plan.

**LEGAL IMPLICATIONS**

NSW Local Government Act 1993

Environmental Planning and Environment Act 1979

Environmental Planning and Assessment Regulation 2000

**ATTACHMENTS**

NIL

**RECOMMENDATION**

**THAT** the report be noted

**COMMITTEE MEETINGS**

Nil.

**QUESTIONS OF AN URGENT NATURE**



# Wallerawang Public School

77 Barton Avenue Wallerawang NSW 2845  
Ph: 63551210 or 63551146 Fax: 63557003

**Lithgow City Council**  
Scanned

02 MAY 2008

Barbara Moran  
Councillor  
Greater Lithgow City Council

Doc. No .....  
GDA Ref. ....  
Years .....

Dear Barbara,

Find attached a letter I wrote to Mr Paul Anderson recently regarding the refund of our development application costs which totalled \$2210.04. Also attached is the response from Penny Hall.

My understanding was that L.C.C. were very supportive of non-profit organisations and regularly refunded such costs.

I ask that you follow this up for me and discuss it with fellow councillors.

Yours sincerely

Duncan Auld  
Principal  
29<sup>th</sup> April 2008

*report*

# Wallerawang Public School

P.O. Box 21 Barton Ave. Wallerawang NSW 2845 Phone: 6355 1210 Facsimile: 6355 7003  
wallerawan-p.school@det.nsw.edu.au



The General Manager  
Mr Paul Anderson  
Greater Lithgow City council  
PO Box 19  
LITHGOW 2790

Dear Mr Anderson,

I write in regard to the development application for earthworks, fencing and building construction at Wallerawang Public School. Registration Number 159/07 DACC, Property Number 99755.

I am seeking your consideration to reimburse the school of the Application Fee, (Invoice/Receipt attached) which totaled \$2210.04 as this project has been fully funded by school and community fundraising along with a Federal Government Grant.

The school is a not for profit organization and the reimbursement of fees will go directly back into programs and resourcing for the children.

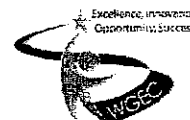
Should you need to discuss this request further please contact my office on 6355 1210.

Yours sincerely

Duncan Auld 10/3/08  
Principal

**COPY**

Member of the Western Gateway Educational Community





Reference: 405138

19<sup>th</sup> March 2008

Mr Duncan Auld  
Wallerawang Public School  
PO Box 28  
Wallerawang NSW 2845

Dear Duncan

RE: Development Application

Unfortunately the only way in which the matter can be dealt with would be as a donation. Council's donation policy only allows for one donation to any particular organisation in one year. In this case, Wallerawang Public School receives an annual donation for academic prizes. Therefore Council is unable to consider any further donation.

Yours sincerely

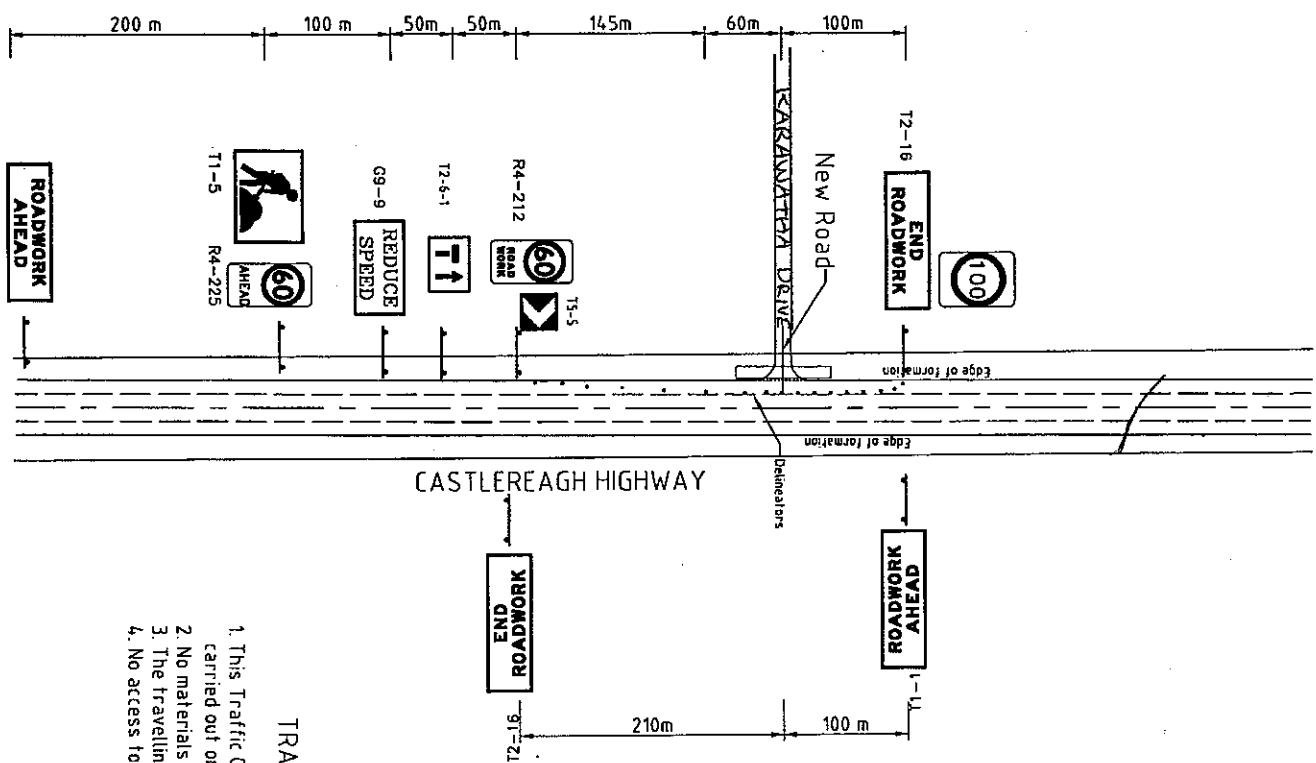
**Penny Hall**  
**Community and Culture Manager**

(02) 6354 9999  
 (02) 6351 4259

[www.lithgow.nsw.gov.au](http://www.lithgow.nsw.gov.au)  
 [council@lithgow.nsw.gov.au](mailto:council@lithgow.nsw.gov.au)

ADDRESS CORRESPONDENCE  
TO GENERAL MANAGER  
PO BOX 19, LITHGOW NSW 2790


134/030A



- NOTES:**
1. This TCP is modified from TCP101 and TCP57.
  2. This TCP has been prepared by Alec McNiven, Certificate No 17092.

- TRAFFIC MANAGEMENT NOTES**
1. This Traffic Control Plan is to be used whenever work is being carried out on or adjacent to the road shoulder.
  2. No materials are to be stored on the public road.
  3. The travelling public are not to be inconvenienced.
  4. No access to adjoining properties will be affected by this work.

- GENERAL NOTES:**
1. All materials and workmanship shall be in accordance with Building Code of Australia, AS 1684 and all other relevant authorities.
  2. All dimensions to be checked on site prior to commencing any construction.
  3. This drawing is to be read in conjunction with other relevant specifications & drawings attached.

<b>CLIENT</b> Lidsdale Developments	
<b>PROJECT</b> Karrawatha Subdivision	
<b>LOCATION</b> Lot 1 DP 596248 1389 Castlereagh Highway, Lidsdale	
<b>DWG TITLE</b> Karrawatha / 5	
	
Phone: 6352 6474 Fax: 6352 2268 5 Malvern Street, Lidgow NSW 2790	
<b>SCALE:</b> As Shown	<b>DATE:</b> 31/5/2004
<b>DATUM:</b> Assumed	
<b>Drawn by:</b> A. McNiven	

66/05 DA, 67/05 DA

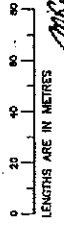
PROPOSED SUBDIVISION OF  
LOTS 10 & 11 IN D.P. 1074721

CLIENT: STRATHLOE ESTATES PTY. LIMITED  
L.O.A.: LITIGOW LOCALITY: SOUTH BOWENFELS  
PARISH: LETT COUNTY: COOK

VOERMAN & RATEP  
CONSULTING SURVEYORS

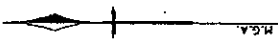
P.O. Box 18 Brisbane, NSW, 2798  
Phone No.: (02) 4316803 Fax No.: (02) 4323377  
E-mail: [voerman@optusnet.com.au](mailto:voerman@optusnet.com.au)  
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REF: 8470-16  
1 MAY 2007

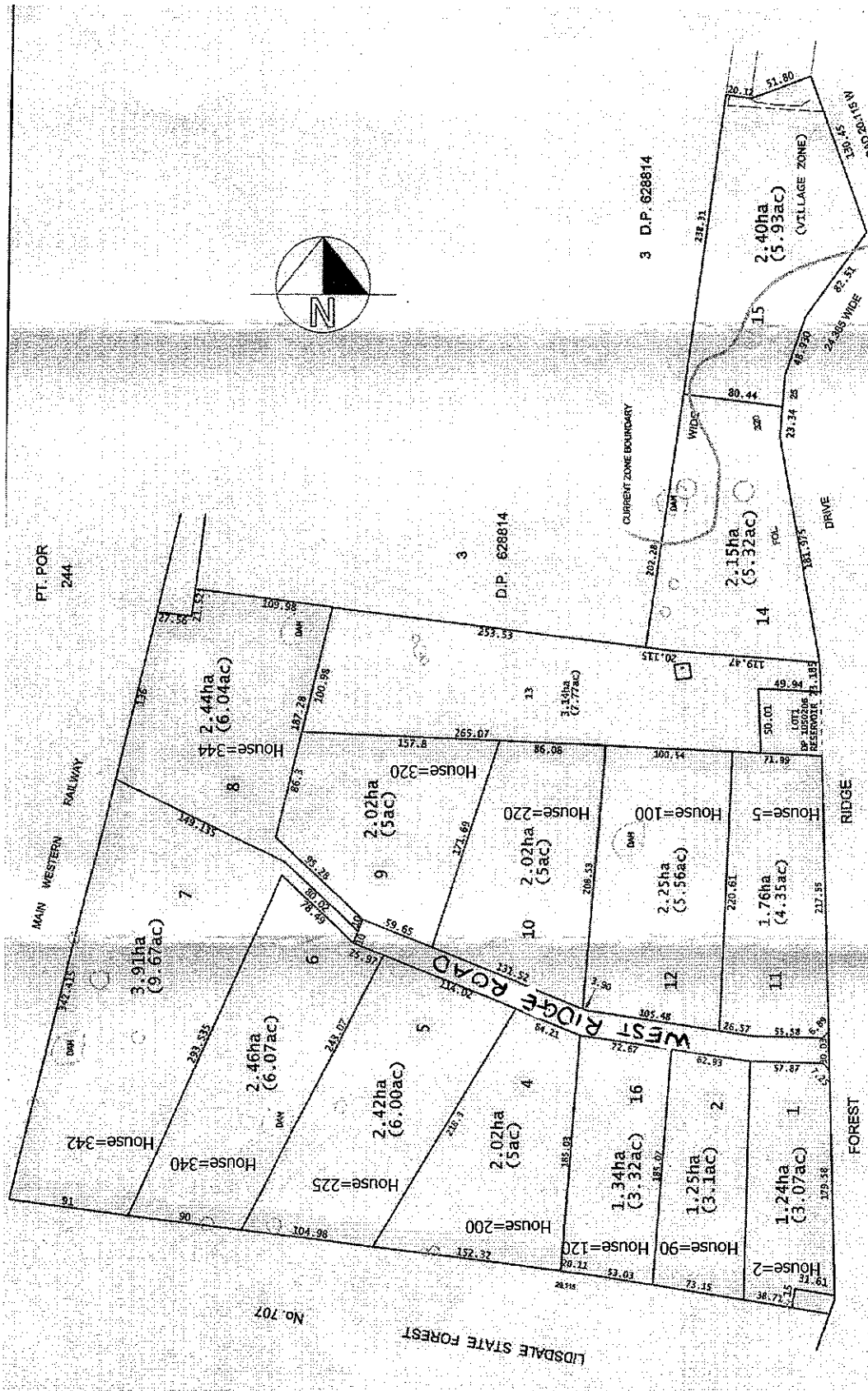


*Mitchell*

ROAD NAME PLAN

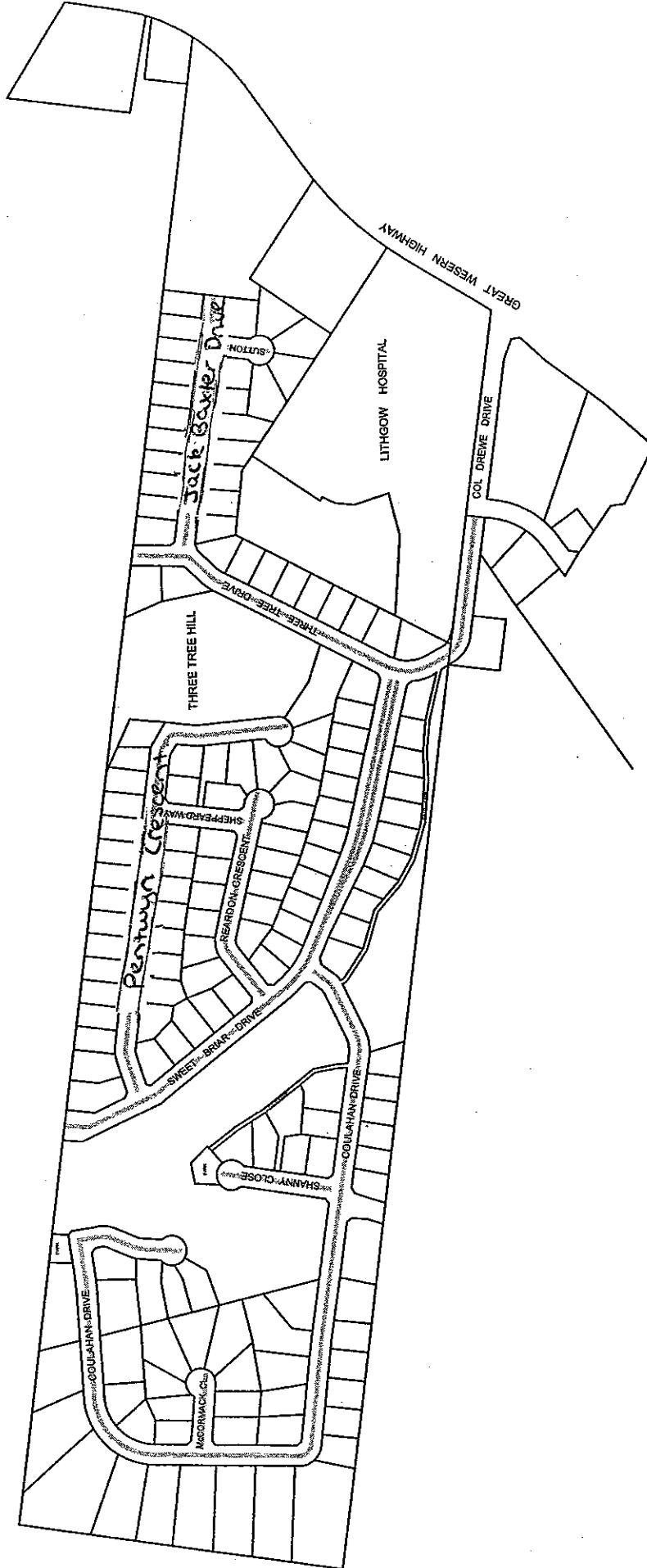


242/04DA



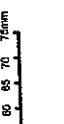
335/05 - Pentwyn.

Sweetbriar Estate  
South Bowenfels.



**A3**

FOR MICROFORMING PURPOSES ONLY



Amendment	Date	Description
C	0.07.07	Revised Road Humps for submission to Council
B	22.03.06	Lot 439 and 307 redefined for JAPZ compliance
A	05.07.05	Lot 328 added to LAL 601

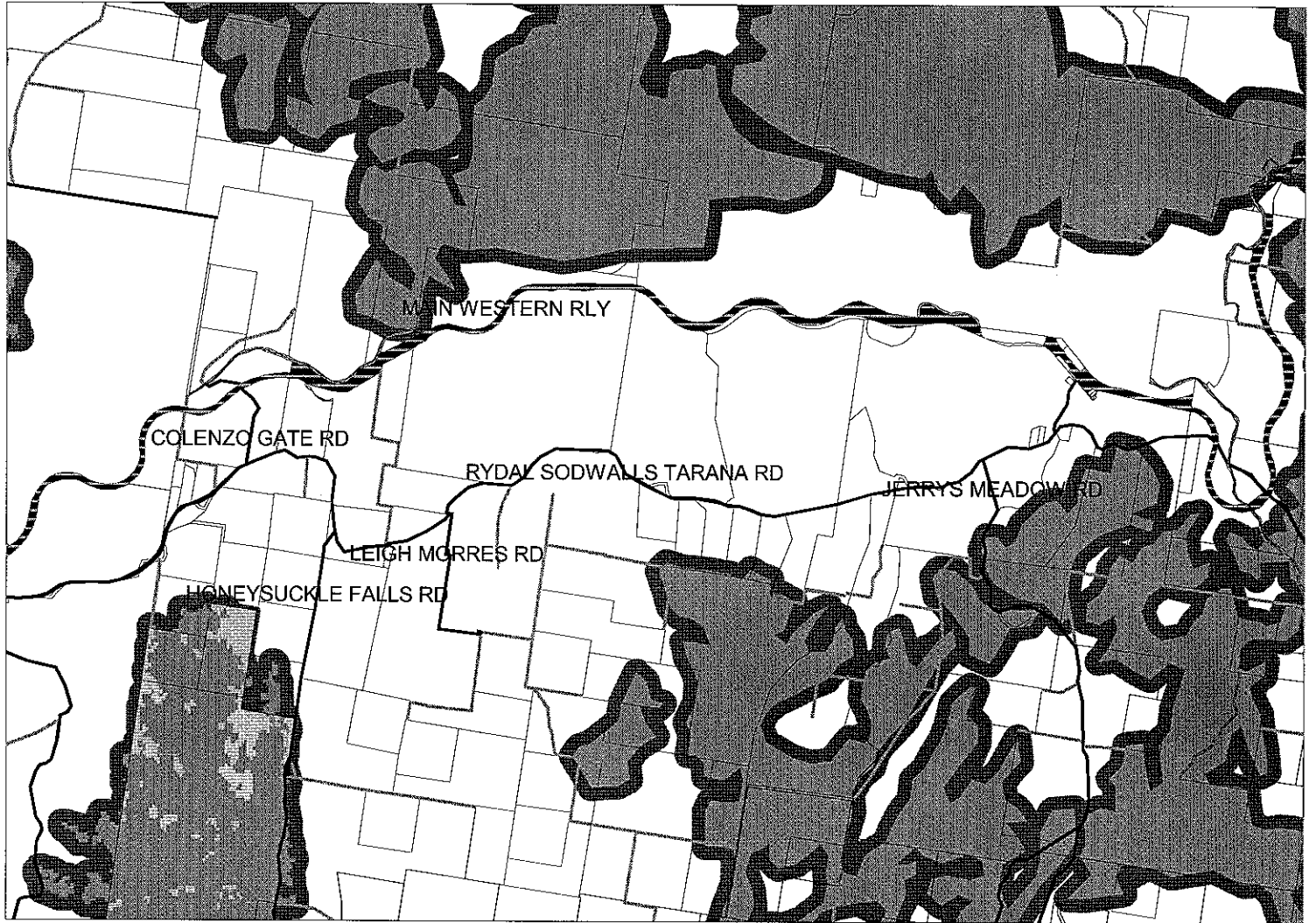
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 Drawn: JAB  
 Certified  
 Date: 28.04.2008  
 Scale: 1:4000  
 Client: Regional Project Management Pty Ltd

Sweet Briar Estate  
 160 Lot Residential Subdivision  
 Lot 1 DP 1032148 Sth Bowenfels  
 Revised Master Plan  
 Client: Regional Project Management Pty Ltd

**CIVIL & FORENSIC Pty Ltd**  
 CONSULTING ENGINEERS  
 31 DUNDY STREET BOWENfels NSW  
 Phone: (02) 43233400 Fax: (02) 43233402 Web: www.civilandforensic.com.au  
 ACTING DIRECTOR  
 SHEET NO. 1  
 DRAWING NO. 06017  
 ISSUE



# Road Renaming.



# Road Renaming.



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# Lithgow City Council Strategic Plan 2007 Health Impact Assessment Report

## Summary Document

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Photos courtesy of Lithgow City Council.

2008.

## Acknowledgements

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### HIA Project Team

- Christine Dwyer, Senior Research and Evaluation Officer, Epidemiology Unit, SWAHS
- Helen Ptolemy, Environmental Health Officer, SWAHS
- Kay Tennant, Manager, Healthier Environments Program, Centre for Population Health, SWAHS.
- Christine Newman, Manager of Health Promotion and Deputy Director Centre for Population Health, SWAHS
- Ron Bouwman, Senior Environmental Health Officer, SWAHS

### Steering group members in addition to project team

- Amanda Muir, Planning and Policy Manager, Lithgow City Council Strategic Plan, (Chair)
- Patrick Harris, CHETRE, UNSW
- Jill Marjoram, A/General Manager Lithgow Portland Hospital, SWAHS
- Maureen Fitzpatrick, Senior Health Service Planner, SWAHS
- Sandra Davis, Primary Care and Community health Manager, Lithgow and Portland Health Services, SWAHS.
- Stan Williams, community member of Lithgow
- Dr Hilton Brown, GP, community member, member of health committee.

### CHETRE, UNSW

## Abbreviations and acronyms

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ABS	Australian Bureau of Statistics
CHETRE	Centre for Health Equity Training and Research evaluation
DCP	Development Control Plan
DOH	Department of Health (UK)
EIA	Environmental Impact Assessment
HIA	Health Impact Assessment
HIS	Health Impact Statement
lbw	low birth weight
LIHS	Lithgow Integrated Health Services
NHMRC	National Health and Medical Research Council
PHA	Public Health Authority
SEIFA	Socio Economic Index For Areas
ses	Socio economic status
SWAHS	Sydney West Area Health Service
WHO	World Health Organization <sup>1</sup> .
WSROC	Western Sydney Regional Organization Council

**Glossary of Terms – Please refer to back of this report for definitions of terms used in this report.**

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For further information regarding this report or to speak to the collator of information regarding evidence of health impacts telephone 02 47342022: Helen Ptolemy (water and air quality); Ron Bowman (waste management); Christine Dwyer (health and community). Telephone 02 98403603 to speak to Kay Tennant (transport) and Christine Newman (early child development).

# **Executive Summary**

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## **Introduction**

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This report explains the Health Impact Assessment (HIA) process and presents the findings of the HIA of the Lithgow City Council Strategic Plan, 2007. The primary output of the HIA is a set of evidence-based recommendations geared to informing the decision-making process. These recommendations aim to highlight practical ways to enhance the positive impacts or minimise any negative impacts on health, well being and health inequalities that might arise or exist in response to the Lithgow City Council Strategic Plan.

Lithgow City Council Strategic Plan is the first long-term plan to be developed by Lithgow City Council in collaboration and consultation with the community and government. It introduces a new framework of strategic planning in the Lithgow local government area, which is driven by the community's vision and issues. The Plan incorporates the visions and strategies and feeds these into Council's management and operational plans to deliver actions that ultimately achieve the vision for the community. The objective of the Strategic Plan is to provide the strategic framework for the future development of the Lithgow Local Government Area and to encourage environmental, economic and social sustainability (Lithgow City Council Strategic Plan, 2007, Page 4).

## **Governance of the HIA**

---

A Steering Group consisting of the SWAHS project team, Lithgow City Council Policy and Planning Manager and key community members oversaw the HIA of the Lithgow City Council Strategic Plan. The HIA project was led by the SWAHS project team comprised of the SWAHS departments of Population Health and Strategic Direction and the Centre for Population Health. The SWAHS project team completed the tasks associated with the HIA process and developed a set of draft recommendations for review by the Steering Group and executive management.

## **Health Impact Assessment**

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HIA uses a combination of procedures, methods and tools by which a policy, program or project may be assessed and judged for its potential, and often unanticipated, effects on the health of the population and the distribution of those effects within the population (Gothenburg Consensus definition, modified by Mahoney and Morgan, 2001). The HIA of the Lithgow City Council Strategic Plan is an intermediate type HIA as it assessed more than three health impacts in depth and it was conducted over a six-month period.

## **Screening step in HIA**

Screening is the first step in a HIA. Pre-screening meetings were held between Lithgow City Council and SWAHS where it was agreed that the Lithgow City Council Strategic Plan was to be assessed for health impacts. The SWAHS project team undertook the formal screening process using a standard screening tool. This resulted in a recommendation to proceed with the HIA based on:

- The potential of strategies in the Lithgow City Council Strategic Plan to differentially impact on the health of vulnerable groups in the community.

- The omission of special consideration for the needs of children aged 0-5 years in the Strategic Plan. This was considered a important omission given the value of the early years of life in healthy child development.
- The potential of the recommendations in the HIA report to influence the development of subsequent council plans e.g. Lithgow City Council Management Plan and to influence population health plans for SWAHS.

## Scoping step in HIA

Scoping is the second step of a HIA. Members of the Steering Group approved the Scoping Plan of the HIA of the Lithgow City Council Strategic Plan. The rationale of the Scoping Plan for the HIA is based on an equity focus that recognises that positive and negative health effects differentially impact on residents according to vulnerability factors.

<b>HIA target vulnerable groups</b>
▪ <b>Pregnant women;</b>
▪ <b>Infants;</b>
▪ <b>Children;</b>
▪ <b>Youth;</b>
▪ <b>Older residents;</b>
▪ <b>Parents/carers of young children;</b>
▪ <b>Socioeconomically disadvantaged people;</b>
▪ <b>Aboriginal and Torres Strait Islander people;</b>
▪ <b>People with disabilities</b>
▪ <b>Locationally disadvantaged residents;</b>
▪ <b>People with difficulties communicating in English</b>

The areas of Health, Community, Transport, and Environment in the Lithgow City Council Strategic Plan were nominated in the HIA Scoping Plan. This was based on:

- Greatest potential impacts of the strategies on the health of residents;
- Capacity of Lithgow City Council or SWAHS to be the lead agency in recommendations.

## Identification step of HIA

Identification is the third step of a HIA. It involved consultation with key informants and collection of evidence, including: systematic reviews, journal articles, published reports and reports. This included Lithgow City Council's Social Plan, Issues Report, and Council Community Consultations; and the SWAHS Health Profile and SWAHS Diabetes Report.

## Assessment of evidence step in HIA

Assessment of evidence is the fourth step in a HIA. This involved synthesising and critically assessing the information. This included undertaking triangulation of methods; mapping the potential impact of the strategies in the Lithgow City Council Strategic Plan on the determinants of health; developing a matrix of the positive and negative health impacts on vulnerable groups in Lithgow LGA; and assessing the overall health impacts in terms of the size of the impact (how many in the population affected) and the differential impact on the population.

## **Key findings of HIA**

---

### **Potential positive impacts of the strategies in the Lithgow City Council Strategic Plan**

- Strategies and actions in the ten areas of the Lithgow City Council Strategic Plan will positively affect the majority of determinants of health. This includes health determinants related to employment, developing the local economy, education, access to services, lifestyle and behavioural factors, natural environment, built environment, heritage/culture/arts, and managing the environment. Subsequently, this would have positive impacts on the health of the population.
- The Health H1 strategy to provide health services that meet the needs of the community and the Community C3 strategy to encourage equitable access to services will potentially have health benefits for the Lithgow LGA population.
- The Health H2 strategy to develop partnerships to facilitate a healthy lifestyle is an effective way to address risk behaviours, as multidisciplinary approaches are more effective than a singular approach. This strategy is very important given the higher rates of mortality and hospitalisation related to the risk factors of smoking, physical inactivity and overweight and obesity in the Lithgow LGA population.
- Transport strategies T1, T3, T4, T5 will benefit the population by providing road infrastructure, equitable access and pedestrian access and connectivity (Health H1 action2). Transport and pedestrian access is important to facilitating access to health and other essential services. Pedestrian access encourages physical activity, which has many health benefits.
- The Community C1 strategy Action 3 to develop an Ageing Strategy provides the opportunity to ameliorate some of the negative aspects of ageing by highlighting the positive aspects of healthy ageing and supporting older residents with services.
- The Community strategies (C7, C9, C10) to ensure open spaces, provide a range of housing and to facilitate a safe community are excellent strategies that target the determinants of health.
- Environmental strategies E1, E5, E6, E9 and H3 will potentially have positive health effects on all people, but some of the vulnerable groups will particularly benefit.
- Improved air quality will benefit the population and particularly children and older people who are more susceptible to respiratory diseases than the general population.
- Improved water quality will benefit the population and children and older people who are more susceptible to infectious diseases than the general population.
- Improved water quality will benefit maternal health and the developing foetus as foetal development can be very adversely affected by water contaminants.
- Fluoridation in the water will greatly improve the oral health of developing children in the short term and longer term.

## **Strategies that potentially increase health inequalities**

There were no strategies or actions in the Lithgow City Council Strategic Plan that would have a direct negative impact on the health of the population. Strategies, however, should explicitly consider the needs of the target HIA vulnerable groups or risk increasing health inequalities i.e. people in the vulnerable groups will not gain the same level of health benefits as other residents.

- The Health H1 strategy to provide health services that meet the needs of the community and the Community C3 strategy to encourage equitable access to services will potentially have health benefits for the population. However, the actions to achieve this by population modelling and using the Health Profile and Social will not adequately assess the needs of the HIA target vulnerable groups.
- There are no explicit strategies or actions to invest in maternal health (important for mothers and foetal development) and the early years of life. This omission would result in missing this extremely important window of opportunity to provide health benefits that continue in childhood and through to adulthood.
- There are no explicit strategies or actions to address the determinants of lack of social support and poor coping skills. Services that provide practical support and link residents to local networks are important. There are a number of families that have moved from other areas to Lithgow to obtain public housing. This results in dislocation from social networks. Effective coping skills are important as vulnerable people are at risk of more than average levels of life stressors.
- There are no explicit strategies or actions to address the risk of injury through an integrated approach of education, environmental modifications and enforcement. This is essential as there are plans for increased transport infrastructure and growth. It would be judicious to include measures that address the role of alcohol in injury (e.g. motor vehicle accidents and assaults).

## **Summary of HIA findings**

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This HIA process revealed that the Lithgow City Council Strategic Plan would potentially enhance the health of the population of Lithgow LGA. If explicit actions to meet the needs of the vulnerable groups are not undertaken, however, health inequalities may be increased. In particular, strategies aimed at enhancing maternal health and increased investment in children in their early years of development should be considered.

# Priority Recommendations for Lithgow City Council

Evidence-based recommendations are the primary output of a HIA with the purpose of informing the decision-making process. (In the complete HIA Report, the evidence on which the recommendations are based is provided in summary tables in Pages 37-59 ;and in more detail in the Appendix).

The recommendations were developed in response to the strategies in the areas of Health, Community, Transport and Environment in the Lithgow City Council Strategic Plan. There are five priority recommendations from each of these areas. The recommendations aim to highlight practical ways to build on the potential positive health impacts of the strategies and to address gaps in the strategies that may increase health inequalities of the HIA target vulnerable groups.

All the recommendations are in the summary of evidence section. The following are the priority recommendations for Lithgow City Council as the lead agency.

## Recommendations in response to Health Strategies

Lithgow City Council and SWAHS should establish integrated multi-agency project groups with relevant agencies to:

- map the provision of services in Lithgow LGA;
- identify gaps in service provision;
- work towards integrating services with a special focus on service provision of vulnerable groups;
- progress the following recommendations.

Lithgow City Council to base plans and strategies where appropriate on the principle of the paramount importance of investment in maternal health and the health of children 0-5 years. This should include actions that support parents/families and recognise that families with multiple risk factors have complex needs. Actions may include:

- 'A Learning City' strategy for affordable effective centre based programs for 3-4year olds;
- Transition to school programs and positive parenting programs for at risk and economically disadvantaged residents.

Lithgow City Council to continue to work with SWAHS and other agencies to develop initiatives to protect and promote health e.g. 'Live Life Well in Lithgow' Project and incorporate sustainability measures in the initiatives.

Lithgow City Council develop a comprehensive Tobacco Control Policy that will support smoke free environments and assist staff and the community in quitting smoking.

Lithgow City Council and SWAHS to consider strategies for addressing insufficient number of GPs in Lithgow LGA providing primary care. Factors affecting access to GP services include the unavailability of GPs in the villages practices that open for extended hours or bulk bill.

## **Recommendations in response to Community Strategies**

Lithgow City Council to proceed with action proposed in Lithgow City Council Strategic Plan to develop population models to monitor the needs of the population. Population models should be sufficiently sensitive to monitor the target vulnerable groups in the population.
Lithgow City Council to develop a Recreational Plan that includes actions to: <ul style="list-style-type: none"> <li>• Reviewing existing playgrounds in terms of shade provision, water bubblers, the developmental opportunities of play equipment provided and safety of play equipment and toilet facilities;</li> <li>• Consider the needs of youth in planning of local parks and open spaces. This may include increasing accessibility by providing facilities that are not closed by gates;</li> <li>• Audit existing recreation areas on Council controlled land to identify accessibility to people with disabilities or frail and aged. Where possible Council to plan progressive modification of existing facilities as required.</li> </ul>
Lithgow City Council Ageing Strategy to include actions to collaborate with relevant stakeholders to: <ul style="list-style-type: none"> <li>• Improve safety and access for older people to the built environment through the provision of accessible footpaths, buildings and facilities (refer to WHO checklist of essential features of age-friendly cities, 2007) and to</li> <li>• Implement falls prevention programs promoting 'staying active' to older people including the promotion of balance exercises; providing supportive physical and social environments that facilitate these actions.</li> </ul>
Lithgow City Council to develop a strategy for reviewing the availability and adequacy of Baby Care Rooms or Parents Rooms that provide a safe, private place for women and men to feed and change their young children. The strategy would include a plan to provide these facilities.
Lithgow City Council and SWAHS to work with police and other stakeholders to develop actions to address alcohol as a major factor of violent crime in Lithgow LGA. The actions may include: Crime Prevention Through Environmental Design; surveillance; population health initiatives and enforcement measures.

## **Recommendations in response to Transport Strategies**

Lithgow City Council considers strategies, such as- mapping, audit and analysis through the use of transport planning tools that map transport accessibility and walkability (see Appendix for example of Queensland tool). These tools identify transport needs and ensure effective transport planning based on community needs and to avoid duplication.
Lithgow City Council to survey residents in vulnerable groups to determine transport needs and to identify viable transport options (e.g. public transport, community buses) for all Lithgow and Lithgow villages.
Lithgow City Council facilitate the development of a comprehensive traffic management plan that addresses road safety, environmental and broader health issues in collaboration with RTA, the local Chamber of Commerce, Lithgow Integrated Health Services (LIHS), the local community and other relevant agencies. Focus is required on addressing the needs of children, youth, women and older people in the context of any new road infrastructure in the Lithgow LGA.
Lithgow City Council considers developing a regional approach to public transport provision for the LGA by forming partnerships with neighbouring Councils such as Blue Mountains City Council to advocate for improved public transport at a regional level.
Lithgow City Council considers other strategies that support safe pedestrian and cycling access such as giving precedence to safe cycling and walking spaces, converting road space to green

space and having a physical barriers between cars, cyclists and pedestrian (such as multiple kerbs). The Physical Activity Guidelines for Local Councils are a setting specific tool to assist Council in this area , and can be viewed on the NSW Dept. of Local Government web site at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

## **Recommendations in response to Environment Strategies**

<b>Air</b>
Lithgow City Council considers online and/or radio community health warnings of health impacts of hazard burning and poor air quality (similar to DECC & Health warnings) <a href="http://www.health.nsw.gov.au/living/airpollution.html">http://www.health.nsw.gov.au/living/airpollution.html</a> .
Lithgow City Council to liaise with rural fires control centres/National Parks and Wildlife during winter hazard reduction burns to consider strategies to reduce air pollution over the townships of Lithgow.
Lithgow City Council establish education strategies to raise awareness particularly within Aboriginal and Torres Strait Islander and low socio-economic communities of other indoor air quality hazards such as environmental tobacco smoke, Nox and CO, SO <sub>2</sub> , particulate matter, and volatile organic compounds in collaboration with SWAHS, Dept of Housing and other agencies.
<b>Water</b>
Lithgow City Council to adopt a preventative risk management approach as recommended by NSW Health and as required in the <i>Australian Drinking Water Guidelines</i> 2004 that encompasses all steps in water production from catchment to consumer <ul style="list-style-type: none"> <li>• Council with the assistance of SWAHS and other agencies to prepare and implement a Drinking Water Risk Management Plan for the Fish River and Farmers Creek reticulated water supplies within the responsibility of Lithgow Council.</li> </ul> <p>Note: for further information please refer to the Australian Drinking Water Guidelines 2004, Chapter 3 'Framework for Management of Drinking Water – the 12 elements' available at <a href="http://www.nhmrc.gov.au/publications/synopses/_files/adwg_11_06.pdf">http://www.nhmrc.gov.au/publications/synopses/_files/adwg_11_06.pdf</a></p>
Lithgow City Council is encouraged to continue water supply demand management strategies to encourage the reduction in potable water demand. <ul style="list-style-type: none"> <li>• Council could encourage the installation of rainwater tanks at residences within townships supplied by reticulated water.</li> <li>• Council could investigate the potential for increased treatment of sewage effluent at sewage treatment plants (STPs) to produce higher quality effluent for reuse.</li> <li>• Council could investigate third party access e.g. sewer mining opportunities by industry to reduce usage of the potable supply.</li> <li>• Council could encourage incorporating urban stormwater harvesting systems into urban development where appropriate.</li> </ul>

# Priority Recommendations for SWAHS

The Health Impact Assessment resulted in the following recommendations where SWAHS is the lead agency with the responsibility for implementation of the recommendation.

The recommendations are organised according to the vulnerability group that the recommendation is targeting.

Vulnerable Group	Recommendations
	<p>SWAHS and Lithgow City Council in partnership should establish integrated multi-agency project groups with relevant agencies to:</p> <ul style="list-style-type: none"> <li>• map the provision of services in Lithgow LGA;</li> <li>• identify gaps in service provision;</li> <li>• work towards integrating services with a special focus on service provision of vulnerable groups;</li> <li>• progress the following recommendations.</li> </ul>
<p><b>Pregnant women</b></p>	<p>SWAHS, Lithgow City Council and other stakeholders to implement smoking cessation programs for pregnant women and their partners/family.</p>
	<p>SWAHS, Lithgow City Council and other stakeholders to implement substance abuse programs for pregnant women and their partners/family.</p>
	<p>SWAHS, Lithgow City Council and other stakeholders to develop effective practical support services and referral networks for pregnant women.</p>
	<p>SWAHS to continuously review existing models of antenatal care to ensure there is a range of models for women at risk of delaying or not accessing antenatal care.</p>
<p><b>Older people</b></p>	<p>SWAHS, Lithgow City Council and other stakeholders to address elevations in hospitalisation for falls in the 75+ age group by implementing falls prevention programs:</p> <ul style="list-style-type: none"> <li>• incorporating falls assessments in health checks by GPs of the 75+ years age group;</li> <li>• promoting 'staying active' to older people including the promotion of balance exercises;</li> <li>• implementing falls prevention programs in hospital and aged facilities;</li> <li>• providing supportive physical and social environments that facilitate these actions and</li> <li>• including exercise strategies where older people may face barriers to physical activity (consider including in Council Ageing Strategy).</li> </ul>
<p><b>People with disabilities</b></p>	<p>SWAHS, Lithgow City Council and other stakeholders to review and act on access issues to health services of people with multiple disabilities or conditions. The review would include:</p> <ul style="list-style-type: none"> <li>• identifying physical, transport and financial barriers to accessing health services;</li> <li>• determining the difficulties in co-ordinating and managing contact and compliance with various health service specialities.</li> </ul>

Vulnerable Group	Recommendations
All HIA targeted vulnerable groups	SWAHS and relevant stakeholders to: <ul style="list-style-type: none"> <li>▪ include transport issues in discharge planning;</li> <li>▪ consider the patients' transport needs in wider health planning processes;</li> <li>▪ consider home delivery prescription services if needed.</li> </ul>
	SWAHS to consider conducting a health needs assessment of the Lithgow LGA in consultation with Lithgow City Council, local GPs, other health providers and the local community. The health needs assessment would include identifying the needs of the target vulnerable groups.
	SWAHS to provide specific health indicators of age groups (infants, children, youth, older residents) to inform the health needs assessment of vulnerable age groups.
General population	SWAHS, Division of GPs, Lithgow City Council and other stakeholders to address elevations in hospitalisation for asthma through strategies to: <ul style="list-style-type: none"> <li>▪ improve air quality</li> <li>▪ decrease secondary tobacco exposure (including in homes and cars);</li> <li>▪ improve access to health care services; including GPs.</li> <li>▪ implement asthma management plans.</li> </ul>
	SWAHS and Lithgow City Council and other stakeholders to address elevations in deaths due to lung cancer by: <ul style="list-style-type: none"> <li>▪ Implementing smoking cessation programs that consider the social, work and environmental context of smoking;</li> <li>▪ implementing education programs to reduce passive smoking in the home, car and other places of exposure near pregnant women and near children;</li> <li>▪ reducing the risk of exposure to industrial substances or building materials such as asbestos, nickel, chromium compounds, arsenic, polycyclic hydrocarbons and chloromethyl to women and children;</li> <li>▪ continuing to monitor the compliance of shopkeepers in not selling tobacco to minors; and the compliance of pubs and clubs in preventing smoking in their establishments.</li> </ul>
	SWAHS and Lithgow City Council and other stakeholders to address elevations in deaths due to heart disease by: <ul style="list-style-type: none"> <li>▪ implementing programs aimed at primary prevention focusing on reducing the key risk factors of poor nutrition, physical inactivity, overweight and obesity and smoking; and controlling blood pressure, cholesterol and diabetes;</li> <li>▪ providing environments that support physical activity and healthy food choices.</li> </ul>
	SWAHS and the Division of General Practice to investigate the prevalence and management of diabetes in relation to diabetes-related mortality and the high use of hospital services due to diabetes-related complications.
	SWAHS, Lithgow City Council and relevant stakeholders to develop strategy for the provision of containers for sharps and the disposal of sharps.
	SWAHS and Lithgow City Council to work in partnership with the police and other stakeholders to develop actions to address alcohol as a major factor of violent crime in Lithgow LGA.

# Glossary of Terms

Table 1 Glossary of terms

Term	Description
<b>Coping skills</b>	The methods a person uses to deal with stressful situations. These may help a person face a situation, take action, and be flexible and persistent in solving problems.
<b>Decision makers</b>	The people who have control over the final content of the proposal and/or are responsible for its implementation, including the extent to which it is influenced by the HIA
<b>Differential impacts</b>	Where impacts are distributed unequally across or within population groups.
<b>Direct versus indirect impacts</b>	Direct impacts effect the health of the population directly, for example exposure to pollutants (including noise) that a proposal may release in the air, water and soil. Indirect impacts effect the health of the population indirectly through the proposal's influence on the determinants of the health, for example the affects a proposal might have on the local job market, access to local shops and amenities and the availability of public green space.
<b>Enhancement measures</b>	Changes made to a proposal to increase the likelihood of positive impacts.
<b>Health</b>	A state of complete physical, mental and social well being and not merely the absence of disease or infirmity.
<b>Health determinants or determinants of health</b>	The 'causes of the causes of health' that are found outside the traditional health sector, often referred to as social or environmental determinants of health.
<b>Health Equity</b>	Health equity is concerned with whether the differential distribution of health impacts is considered unfair and modifiable.
<b>Health inequalities</b>	This is the term commonly used to indicate the variation of health by socioeconomic status, or differences in people's health between geographical areas and between different groups of people..
<b>Health inequities</b>	Health inequity refers to those inequalities in health that are deemed to be unfair or stemming from some form of injustice
<b>Health Impact Assessment</b>	A tool to assess the impacts of a proposal prior to the implantation of that proposal.
<b>Health impacts</b>	The overall effects, direct or indirect, of a policy, plan, program or project on the health of a population.
<b>Health literacy</b>	Health literacy is the degree to which individuals have the capacity to obtain, process, and understand basic health information and services needed to make appropriate health decisions. These are the skills that all people need to, for instance, find their way to the right place in a hospital, fill out medical and insurance forms, and communicate with healthcare providers.

Term	(Table 28 continued) Description
<b>Health Outcome</b>	A change in the health status of an individual, group or population which is attributable to a planned intervention or series of interventions, regardless of whether such an intervention was intended to change health status.
<b>Health Promotion</b>	Concerned with promoting health and wellbeing.
<b>Health Protection</b>	Concerned with protecting health from risks and hazards.
<b>Health Risk</b>	Indicates the extent to which the potential of a hazard may be realized
<b>Locationally disadvantaged</b>	.People who live in locations that are disadvantaged through lack of access to services and infrastructure or experience high levels of social disadvantage, such as rural and remote areas, outer metropolitan areas, and pockets of disadvantage within metropolitan areas.
<b>Needs assessment</b>	Needs assessment is the first step in planning any health promotion initiative. It is the process of identifying and analysing the priority health problem and the nature of the target group for the purpose of planning any health promotion action. (Hawe, Degeling and Hall 210:1990).
<b>Project team</b>	Those responsible for leading the work of the HIA, for report writing, and for framing the recommendations about modifications to the proposal. eg. SWAHS project team
<b>Proponents</b>	Those responsible for developing the proposal under assessment eg. Lithgow City Council
<b>Proposal</b>	The proposal is a draft policy, plan, program, or project eg . Lithgow City Council Strategic Plan that is examined for the HIA.
<b>Recommendations</b>	Clear and concise statements of action resulting from the HIA.
<b>Short term impacts</b>	Short term impacts are those potentially occurring within a short time frame (may be weeks, months or a few years, depending on the nature of the proposal and impacts).
<b>Long term impacts</b>	Long term impacts are those potentially occurring over a longer time frame, usually years or even decades
<b>Cumulative impacts</b>	Cumulative impacts are a series of smaller impacts that collectively add up to a large impact.
<b>Stakeholders</b>	People involved in or affected by proposal development and implementation, drawn from public, private and voluntary sectors, and the communities or groups affected
<b>Steering group</b>	Group appointed to oversee the process and outputs of an HIA, and comprises representatives from key stakeholder organisations and, ideally, representatives from the communities affected. It sometimes includes one or more of the decision makers.
<b>Strength based approach</b>	A strengths based approach operates on the assumption that people have strengths and resources for their own empowerment. Used in the context of programs for older people in this HIA.
<b>Triangulation</b>	Triangulation refers to the approach of investigating a phenomenon using two or more methods. Similar findings of these different methods about the phenomena in question will strengthen the conclusions and recommendations drawn.
<b>Unanticipated effects</b>	Impacts that may not have been considered for various reasons such as time, resources, or professional orientation, during the development of a proposal.
<b>Values</b>	Beliefs about concepts such as health and equity, as well as views regarding the degree of importance to be placed on elements of HIA such as differential impacts and types of evidence, and views about the processes of HIA such as participation, transparency and decision-making processes.
Source: Taken from Harris et al, 2007. Health Impact Assessment: A Practical Guide, Page 34- with some minor changes and additions.	

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## **REVISED MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW**

The Model Code of Conduct for Local Councils in NSW (Model Code) first came into effect on 1 January 2005 and applies to general purpose councils and county councils.

Under section 440 of the Local Government Act 1993 councils must adopt a code of conduct that incorporates the provisions of the Model Code (or is consistent with the Model Code). In addition, councils were required to establish conduct committees to consider relevant complaints about the conduct of councillors and/or the general manager.

The Department of Local Government has now completed a review of the Model Code that included the establishment of a reference group to assist with the review, a call for written submissions, a survey of councils for feedback on the implementation of the Model Code and consultation through focus groups and telephone interviews with local council representatives and specific industry groups.

The outcome of the review is a revised Model Code that will take effect from 20 June 2008. This is achieved by an amendment to the *Local Government (General) Regulation 2005* that prescribes the Model Code. The amendment to the Regulation will appear in the Government Gazette on 20 June 2008.

A separate email will be sent to all councils and county councils with a word version copy of the Model Code to assist councils with the changes to their codes.

The Model Code is available on the Department's website.

[http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Model\\_Code\\_of\\_Conduct\\_June\\_2008.pdf](http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Model_Code_of_Conduct_June_2008.pdf)

### **Changes to the Model Code**

The following are the main changes to the Model Code:

Overall:

- The Code has been organised in three Parts: Context, Standards of Conduct and Procedures.

- Additional sections have been added on complaint handling, complaint assessment criteria, and operational guidelines for conduct review committees/reviewers. These sections are contained in Part 3, Procedures.
- Aspirational language is now only contained in the Part 1 section of the Model Code. The provisions in Part 2, Standards of Conduct, are now phrased in operational language.
- Administrators have been added to the provisions that apply to councillors and included in the definition of council officials.

#### Specific sections and Parts:

##### Part 1: Context

- The introduction has been amended to include a reference to the relationship of the Model Code to section 440 of the Act.
- Additional definitions have been added for the conduct review committee, conduct reviewer, conflict of interests, misbehaviour, person independent of council and personal information.
- The definition of delegates of council has been amended to clarify that it applies to individual members of bodies that exercise a function delegated by council.
- The key principle of 'objectivity' has been amended to 'impartiality'.
- Guide to ethical decision making has been moved from the general conduct obligations section into the context Part of the Model Code.
- The guide to ethical decision making now includes additional information to assist council officials with political donations and conflict of interests situations.

##### Part 2: Standards of Conduct

- Council officials are reminded of the sanctions for failure to comply with an applicable provision of the standards of conduct.

##### General Conduct Obligations

- Previous clause 5.1 (now clause 6.1) has been worded so that it applies to all council officials and not just councillors. It is consistent with Schedule 6A of the Act.
- An additional clause has been added (6.4) that requires councillors to comply with council resolutions requiring them to take action as a result of a breach.

##### Conflict of Interests

- This section of the Model Code has been substantially rewritten. The clauses have been re-ordered and duplicate clauses removed.
- New provisions relating to non-pecuniary conflicts of interests include the addition of a clause (7.12) to provide that the political views of a councillor do not constitute a private interest and a clause (7.11) that provides that the matter of a conduct review committee/reviewer report to council is not a private interest.
- The code provides a clearer definition of significant non-pecuniary conflicts of interests – clause 7.16.

- The code now clarifies the action that is required to be taken if a council official has a non-pecuniary conflict of interest. This provides actions for significant and less than significant non-pecuniary conflict situations, clauses 7.17 and 7.18.
- (New) clause 7.19 provides that council staff should manage any non-pecuniary conflicts of interests in consultation with their managers.
- The political donations provisions now require councillors to treat a political donation in excess of \$1000 in the same way as a significant non-pecuniary conflict of interest. Councillors are required to determine whether or not contributions below \$1000 create a significant conflict of interest.

#### Personal Benefit

- This section of the Model Code has also been substantially rewritten. The clauses have been re-ordered and duplicate clauses removed.
- Definitions of token gifts and benefits and gifts and benefits of value have been provided at the beginning of the section. These have been substantially rewritten to provide greater clarity around what is and what is not a gift/benefit of value or of token value.
- (Old) clauses 7.1, 7.2, 7.3 and 7.5 have been rewritten into (New) clause 8.3.
- (Old) clause 7.10 has been removed as the declaration of gifts totalling over \$500 by councillors and designated persons is a requirement in the Act and does not need to be replicated in the Model Code.

#### Relationship Between Council Officials

- The first four inappropriate interactions (clause 9.7) have been collapsed into two that advise about approaches between councillors, administrators and staff in relation to individual staffing matters and allow for discussion on broad industrial policy issues.
- An additional interaction has been provided that advises that it is inappropriate for councillors and administrators to make personal attacks on council staff in a public forum.
- Language has been changed to make it clear that inappropriate interactions are a breach of the code – this was previously implicit only.
- The clause on the role of the Mayor has been removed as it is no longer seen as necessary.

#### Access to Information and Council Resources

- (Old) clauses 9.1 to 9.13 have been tidied up to ensure they are clear.

#### Reporting Breaches

- The content of this section has changed. This section only contains provisions that relate to the reporting of allegations of breaches of the code of conduct. The previous section included complaint handling and sanction information. That information is now contained in Part 3 of the Model Code.
- A provision has been added to make it clear than anyone can make a complaint alleging a breach of the code of conduct.

- The protected disclosures clauses have been modified to ensure that they are consistent with the Protected Disclosures Act.

### Part 3: Procedures

This is a new part of the Model Code. This Part contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer.

The complaint handling requirements and the complaint assessment criteria now provide for the use of a range of methods for the resolution of complaints, give clearer guidance about the referral of complaints to the conduct review committee/reviewer, clarify the role of the Mayor and the general manager in relation to complaint management and provide for annual reporting to council by the general manager on a summary of complaints under the code of conduct.

Councils can now have conduct review committees or individual reviewers undertake enquiries into breach allegations. Members of these committees or the sole reviewers will now be independent of council and can act in the role for more than one council.

Conduct review committees/reviewers are required to act in accordance with the operating guidelines that are provided in the Model Code.

The general manager is now required to report annually to council on code of conduct complaints.

### **Model Code Guidelines and Education Package Facilitator's Guide**

The Department is currently updating the guidelines that assist in interpreting the Model Code. These will be re-issued shortly.

The Model Code Education Package Facilitator's Guide will also be updated to incorporate the new provisions. Only the changed sections and CD will be re-issued to councils to update the current resource that was distributed to all councils in 2005.

### **Transitional arrangements**

Councils will now need to review their codes of conduct to ensure that they adopt the provisions of the Model Code that is effective from 20 June 2008. Councils are reminded that their codes may include provisions that supplement the Model Code and provisions more onerous than those contained in the Model Code. However, any supplementary or more onerous provisions will have no effect to the extent that they are inconsistent with the Model Code.

Councils will need to deal with any complaints that are currently on foot in accordance with the procedures established in their current code of conduct. Once councils have adopted the provisions of the revised Model Code, any complaints received about conduct that occurred under their previous code of conduct will need to be dealt with in accordance with the standards that applied in the code at that time. However, councils may choose to use the new

procedural arrangements for managing the complaints that are contained in the revised Model Code for those complaints.

A question and answer document is provided with this circular to assist councils in implementing the changes to the code of conduct complaint handling processes.

A handwritten signature in black ink, appearing to be 'Garry Payne', with a stylized flourish at the end.

**Garry Payne AM**  
**Director General**

QUESTIONS AND ANSWERS

**What standards of conduct have changed?**

The following standards have been added or changed in the revised Model Code:

*General conduct obligations:*

- An additional clause has been added that requires councillors to comply with council resolutions directing them to take action as a result of a breach.

*Conflict of interests obligations:*

The clauses have been re-ordered and duplicate clauses removed. Key changes include:

- New provisions relating to non-pecuniary conflicts of interests that provide that the political views of a councillor do not constitute a private interest; and the matter of a conduct review committee/reviewer report to council is not a private interest.
- Clarification of the action that is required to be taken if a council official has a non-pecuniary conflict of interest. This provides actions for significant and less than significant non-pecuniary conflict situations.
- A definition of "significant non-pecuniary conflict of interest".
- Provision that council staff should manage any non-pecuniary interests in consultation with their managers.
- Political donations provisions that require councillors to treat a political donation in excess of \$1000 in the same way as a significant non-pecuniary conflict of interest. Councillors must also determine whether or not contributions below \$1000 create a significant conflict of interest.

*Personal benefit obligations:*

The clauses have been re-ordered and duplicate clauses removed. The key change is:

- Definitions of token gifts and benefits and gifts and benefits of value have been included at the beginning of the section. These have been substantially rewritten to provide greater clarity around what is and is not, a gift/benefit of value or of token value.

*Relationship between council officials obligations:*

- Refinement of the provisions relating to inappropriate interactions that advise about interactions between councillors, administrators and staff in relation to individual staffing matters.
- The provisions allow for discussion on broad industrial policy issues.
- An additional provision that advises that it is inappropriate for councillors and administrators to make personal attacks on council staff in a public forum.
- Engaging in inappropriate interactions is now an express breach of the code.

*Reporting breaches:*

- A provision has been added to make it clear that anyone can make a complaint alleging a breach of the code of conduct.
- The protected disclosures clauses have been modified to ensure that they are consistent with the *Protected Disclosures Act 1994*.

### **Who receives complaints?**

The general manager is the person responsible for receiving complaints alleging a breach of the code of conduct by councillors, council staff, council delegates or council committee members (clause 12.1).

The Mayor is the person responsible for receiving complaints alleging a breach of the code of conduct by the general manager (clause 12.2).

### **How have the complaint handling procedures changed?**

Section 12 of the Model Code prescribes the complaint handling procedures to be used by the general manager, the Mayor and the conduct review committee/sole conduct reviewer.

The complaint handling procedures now provide a range of options for managing a complaint alleging a breach of the code of conduct (section 12). Alternate dispute resolution strategies are provided for. It is expected that the conduct review committee/sole conduct reviewer will deal with the more serious complaints and/or complaints about repeated conduct standards breaches.

In section 13, the Model Code prescribes a set of criteria that must be taken into account in determining how to deal with a complaint. The complaint assessment criteria are to be used by the general manager, the Mayor and the conduct review committee/sole conduct reviewer.

### **When is the complaint assessment criteria used?**

The complaint assessment criteria are to be used by the general manager or Mayor when they first receive a complaint to determine the most appropriate course of action for handling the complaint (section 13).

Where it is assessed that the complaint shall be referred to the conduct review committee/sole conduct reviewer, then the conduct review committee/sole conduct reviewer must conduct its own assessment of the complaint using the criteria provided to determine the appropriate course of action.

### **What are the changes to the conduct review committee process?**

The general manager or Mayor will no longer be members of the conduct review committee. They may only act in an advisory capacity to the conduct review committee or sole conduct reviewer.

Conduct reviewers must be independent, qualified persons of high standing in the community who are appointed by council.

The council must appoint 3 or more persons to act in the role as conduct reviewers.

A sole conduct reviewer can now be chosen from the appointed persons to review complaints alleging breaches of the code of conduct.

If a conduct review committee is formed, it must consist of at least 3 members.

The conduct review committee/sole conduct reviewer must undertake its activities in accordance with the operating guidelines provided in the Model Code.

### **When are conduct reviewers appointed by council?**

Council should ensure that it undertakes a process to appoint conduct reviewers even though it does not have any complaints on foot. This will ensure that appropriately appointed conduct reviewers are available should a complaint arise which requires referral to a conduct committee/reviewer.

On appointing conduct reviewers, council should determine the term of appointment. This could be on an annual basis and determined in September each year when council confirms its committee memberships.

**Can conduct reviewers act for more than one council?**

Conduct reviewers may act in that role for more than one council.

Conduct reviewers do not need to be residents of the local government area of the council that has appointed them.

Councils may decide to work with their regional organisation of councils or strategic alliance partners to appoint conduct reviewers to act for the member councils. Each member council will need to appoint the conduct reviewers for their council.

**Should council appoint more than 3 conduct reviewers?**

Conduct review committees must consist of 3 or more members. Council should consider appointing more than 3 persons to act as conduct reviewers as circumstances may arise when one or more conduct reviewers are not available to participate in a matter, or may be precluded from considering a matter because of a conflict of interests or a reasonable apprehension of bias.

In such instances, if the council has only appointed 3 conduct reviewers, it will have insufficient persons available to form a conduct review committee. By appointing more than 3 conduct reviewers, the risk of these circumstances arising is minimised.

**Who decides who will comprise the conduct review committee or whether one reviewer will act as a sole conduct reviewer?**

The general manager or Mayor will decide if the review will be undertaken by a sole conduct reviewer or a conduct review

committee and will select the reviewers from the persons appointed by council.

The number of persons who will undertake the review will depend on the nature, complexity and seriousness of the allegations.

For example, a council may have appointed 5 persons to act as conduct reviewers. The general manager or Mayor may receive a complaint that is assessed as requiring referral for review by a conduct review committee or reviewer.

If the matter is serious, the general manager or Mayor may determine to appoint all 5 persons to the conduct committee to determine that particular matter.

If the general manager or Mayor assesses the alleged breach as a reasonably straightforward matter, the general manager may determine to refer the complaint to a sole conduct reviewer.

The general manager or Mayor may then choose, from the persons appointed by council, a reviewer with expertise in relation to the nature of the conduct complained about.

**Are conduct review committee members/sole conduct reviewers paid?**

This is a matter for council. Council may undertake an expression of interest process to call for interested and suitably qualified persons of high standing in the community to nominate to be appointed as conduct reviewers. Council should determine whether it is going to meet out of pocket expenses and/or pay a fee for the service.

**What happens if a conduct reviewer has a conflict of interests?**

When a conduct reviewer cannot participate in a matter because of a conflict of interests, then the general manager or Mayor will select another person to be a member of the conduct review committee or to act as a sole conduct reviewer from those appointed by council.

**How does the conduct review committee/sole conduct reviewer operate?**

The conduct review committee/sole conduct reviewer is required to undertake its enquiries in accordance with the operating guidelines provided in section 14 of the Model Code.

The general manager or Mayor may only attend conduct review committee meetings when invited and then in an advisory capacity only. Adequate resources must be provided to ensure that the committee/conduct reviewer can operate effectively.

**What should a report of the conduct review committee/sole conduct reviewer contain?**

Where the conduct review committee/sole conduct reviewer makes enquiries or causes enquiries to be made into a matter, then it must report its findings in writing to the council on completion of these deliberations.

The conduct review committee/sole conduct reviewer should be mindful that there may be a need to protect the identity of the person making the complaint when preparing the report to council.

The report should be a summary of the enquiries undertaken while providing sufficient information for the council to make a determination as to whether the councillor or the general manager has breached the code of conduct.

It is suggested that, as a minimum, the report should contain:

- The nature of the complaint and the standard of conduct that is alleged to have been breached.
- The process undertaken by the conduct review committee/conduct reviewer in assessing and enquiring into the complaint.
- The facts of the matter.
- The findings and the reasons for those findings.
- Any recommendations to council (this now includes any recommendations for a revision of council's policies, procedures and/or the code of conduct).

The report will generally be dealt with in open session of council. Council can only close a meeting to the public if the matter is one that meets the requirements of section 10A(2) of the Act. In most cases, a report from the conduct review committee/sole conduct reviewer will not meet those requirements.

**How are complainants kept informed?**

The complaint handling procedures in section 12 of the Model Code now require complainants to be kept informed in writing of the outcome of their complaint. Complainants must be advised when:

- enquiries are not to be made into the complaint and why
- the complaint is to be resolved by use of alternative strategies
- the complaint is to be referred to another body or person
- the conduct review committee/sole conduct reviewer has made its findings, the nature and reasons of those findings.

THE MODEL CODE OF CONDUCT  
FOR LOCAL COUNCILS IN NSW

June 2008

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#### OFFICE HOURS

Monday to Friday  
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All offices are closed on all public holidays

#### ALTERNATIVE MEDIA PUBLICATIONS

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## PART 1: CONTEXT

*This Part of the Model Code establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.*

### 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all Parts of this document.

The Code is made in three Parts: Context, Standards of Conduct and Procedures.

- Part 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- Part 2: Standards of Conduct, set out the conduct obligations required of council officials. These are the enforceable standards of conduct.
- Part 3: Procedures, contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

Councillors have two distinct roles under the *Local Government Act 1993*: as a member of the governing body of the council; and as an elected person. Councillors, as members of the governing body, should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. The Model Code sets the standard of conduct that is expected when council officials exercise these roles.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour. The *Local Government Act 1993* provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.

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

A set of guidelines has also been developed to assist councils to review and enhance their codes of conduct. The guidelines support this Code and provide further information and examples on the provisions in this Code.

## 2 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
conduct review committee	a committee of three or more persons independent of council who are selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in Sections 12, 13 and 14.
conduct reviewer	a person independent of council who is solely selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in Sections 12, 13 and 14.
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
council official	includes councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and delegates of council
delegate of council	a person or body, and the individual members of that body, to whom a function of council is delegated
designated person	see the definition in section 441 of the Act
misbehaviour	see the definition in section 440F of the Act
personal information	information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion

person independent  
of council

a person who is not an employee of the council, has no current or ongoing contractual relationship with council in the nature of a contract for services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

The term "you" used in the Model Code of Conduct refers to council officials.

### 3 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

### 4 KEY PRINCIPLES

This Model Code of Conduct is based on a number of key principles. It sets out standards of conduct that meets these principles and statutory provisions applicable to local government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the Code, but do not themselves constitute separate enforceable standards of conduct.

#### 4.1 Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

#### 4.2 Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

#### 4.3 Selflessness

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

#### 4.4 Impartiality

You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

#### 4.5 Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

#### 4.6 Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

#### 4.7 Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

#### 4.8 Respect

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

### 5 GUIDE TO ETHICAL DECISION MAKING

5.1 If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

**Conflict of interests**

5.2 If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider these six points:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

**Political donations and conflict of interests**

5.3 Councillors should take all reasonable steps to identify circumstances where political contributions may give rise to a reasonable perception of influence in relation to their vote or support.

**Seeking advice**

5.4 Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Department of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

## PART 2: STANDARDS OF CONDUCT

*This Part of the Model Code sets out the conduct obligations required of council officials. These are the enforceable standards of conduct.*

*Failure by a councillor to comply with Part 2, the standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Sections 11 and 12 of this Code.*

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

### 6 GENERAL CONDUCT OBLIGATIONS

#### General conduct

6.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:

- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)

6.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)

6.3 You must treat others with respect at all times.

6.4 Where you are a councillor and have been found in breach of the code of conduct, you must comply with any council resolution requiring you to take action as a result of that breach.

#### Fairness and equity

6.5 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

- 6.6 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 6.7 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 6.8 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 6.9 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

## 7 CONFLICT OF INTERESTS

- 7.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 7.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 7.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

### What is a pecuniary interest?

- 7.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 7.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 7.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
  - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
  - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 7.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 7.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What is a non-pecuniary conflict of interests?

- 7.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 7.11 The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.
- 7.12 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 7.13 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 7.14 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.13.
- 7.15 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 7.16 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
  - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
  - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 7.17 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
  - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

- 7.18 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 7.19 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 7.20 Despite clause 7.17(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) above.

Political donations exceeding \$1,000

- 7.21 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 7.22 Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.
- 7.23 Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:
- a) from a political or campaign donor or related entity in the previous four years; and
  - b) where the political or campaign donor or related entity has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 7.17(b).
- 7.24 Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 7.25 If a councillor has received a donation of the kind referred to in clause 7.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 7.20 above).

Other business or employment

7.26 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)

7.27 As a member of staff, you must ensure that any outside employment or business you engage in will not:

- a) conflict with your official duties
- b) involve using confidential information or council resources obtained through your work with the council
- c) require you to work while on council duty
- d) discredit or disadvantage the council.

Personal dealings with council

7.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

## 8 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

### Token gifts and benefits

8.1 Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
  - i) the discussion of official business
  - ii) council work related events such as training, education sessions, workshops
  - iii) conferences
  - iv) council functions or events
  - v) social functions organised by groups, such as council committees and community organisations.
- b) invitations to and attendance at local social, cultural or sporting events
- c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

### Gifts and benefits of value

8.2 Notwithstanding clause 8.1, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

### Gifts and benefits

8.3 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of money, regardless of the amount.

8.4 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

- 8.5 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 8.6 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Improper and undue influence

- 8.7 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 8.8 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

## 9 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

### Obligations of councillors and administrators

- 9.1 Each council is a body corporate. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.
- 9.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
  - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
  - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors who, in the course of their work, may be provided with information by individual councillors.

### Obligations of staff

- 9.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 9.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
  - b) ensure that their work is carried out efficiently, economically and effectively
  - c) carry out lawful directions given by any person having authority to give such directions
  - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them.

### Obligations during meetings

- 9.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.

- 9.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 9.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
  - b) Council staff approaching councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
  - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
  - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
  - e) Councillors and administrators being overbearing or threatening to council staff.
  - f) Councillors and administrators making personal attacks on council staff in a public forum.
  - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
  - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
  - i) Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
  - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.
- 9.8 It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy.

## 10 ACCESS TO INFORMATION AND COUNCIL RESOURCES

### Councillor and administrator access to information

- 10.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under section 12 of the *Local Government Act 1993*.
- 10.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 10.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 10.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 10.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

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

- 10.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

### Refusal of access to documents

- 10.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 10.2). The general manager or public officer must state the reasons for the decision if access is refused.

### Use of certain council information

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

Use and security of confidential information

10.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

10.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

10.11 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998,*
- b) *the Health Records and Information Privacy Act 2002,*
- c) the Information Protection Principles and Health Privacy Principles,
- d) council's privacy management plan,
- e) the Privacy Code of Practice for Local Government

Use of council resources

10.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

10.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

10.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

10.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

10.16 The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, council crests and other information that could give the appearance it is official council material for these purposes.

10.17 You must not convert any property of the council to your own use unless properly authorised.

10.18 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

10.19 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

10.20 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.

10.21 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

## 11 REPORTING BREACHES

- 11.1 Any person, whether or not a council official, may make a complaint alleging a breach of the code of conduct.
- 11.2 For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (section 440F)

### Protected disclosures

- 11.3 The *Protected Disclosures Act 1994* aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector.
- 11.4 The purpose of that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.<sup>1</sup>
- 11.5 If a complaint under this code is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of the Protected Disclosures Act set out in section 22:

*'An investigating authority or public authority (or officer of an investigating authority or public authority) or public official to whom a protected disclosure is made or referred is not to disclose information that might identify or tend to identify a person who has made the protected disclosure unless:*

- (a) the person consents in writing to the disclosure of that information, or*
- (b) it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or*
- (c) the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.'*

### Reporting breaches of the code of conduct

- 11.6 You should report suspected breaches of the code of conduct by councillors, members of staff of council (excluding the general manager) or delegates to the general manager in writing.
- 11.7 Where you believe that the general manager has breached the code of conduct, you should report the matter to the Mayor in writing.

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<sup>1</sup> Protected Disclosures Guidelines, 5<sup>th</sup> Edition, NSW Ombudsman, May 2004, Annexure 2.

- 11.8 Where you believe that an administrator has breached the code of conduct, you should report the matter to the Minister for Local Government in writing.
- 11.9 Councillors should not make allegations of suspected breaches of the code at council meetings or in other public forums.

## **PART 3: PROCEDURES**

*This Part of the Model Code contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.*

### **12 COMPLAINT HANDLING PROCEDURES & SANCTIONS**

12.1 Complaints about the conduct of councillors, members of staff of council, members of council committees and delegates of council should be addressed in writing to the general manager.

12.2 Complaints about the conduct of the general manager should be addressed in writing to the Mayor.

#### Complaint handling procedures – staff, delegate and council committee member conduct (excluding the general manager)

12.3 The general manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the code of conduct regarding members of staff of council, delegates of council and/or members of council committees (other than councillors), and will determine such matters.

12.4 Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith.

12.5 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.

12.6 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

12.7 Sanctions for delegates and/or members of council committees depend on the severity, scale and importance of the breach and may include:

- a) censure
- b) requiring the person to apologise to any person adversely affected by the breach
- c) counselling
- d) prosecution for any breach of the law
- e) removing or restricting the person's delegation
- f) removing the person from membership of the relevant council committee
- g) revising any of council's policies, procedures and/or the code of conduct.

Complaint handling procedures – councillor conduct

12.8 The general manager is responsible for assessing complaints, made under Section 11.1, alleging breaches of the code of conduct by councillors, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

12.9 The general manager must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the conduct review committee/reviewer.

Complaint handling procedures – general manager conduct

12.10 The Mayor is responsible for assessing complaints, made under clause 11.1, alleging breaches of the code of conduct by the general manager, in accordance with the assessment criteria provided at Section 13 of this Code, in order to determine whether to refer the matter to the conduct review committee/reviewer.

12.11 The Mayor must determine either to:

- a) take no further action and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
- b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
- c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
- d) refer the matter to the conduct review committee/reviewer.

Conduct review committee/reviewer

12.12 Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers.

- 12.13 The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.
- 12.14 The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.
- 12.15 The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:
- provide procedural advice when requested
  - ensure adequate resources are provided, including providing secretariat support
  - attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
  - provide advice about council processes if requested to do so but not so as to take part in the decision making process
  - if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.
- 12.16 Where a matter is to be considered by the conduct review committee/reviewer, then in each case, the general manager, or Mayor in the case of complaints about the general manager, acting in their capacity as advisor, will either convene a conduct review committee and select its members from those appointed by council or alternatively select a sole conduct reviewer from those appointed by council.
- 12.17 The conduct review committee/reviewer will operate in accordance with the operating guidelines at Section 14 of this code.
- 12.18 The conduct review committee/reviewer operating guidelines (Section 14) are the minimum requirements for the operation of conduct review committees/reviewers. Council may supplement the guidelines, but any additional provisions should not be inconsistent with the guidelines.
- 12.19 The conduct review committee/reviewer is responsible for making enquiries into complaints made under clause 11.1 alleging breaches of the code of conduct by councillors and/or the general manager and must determine either to:
- a) not make enquiries into the complaint and give the complainant the reason/s in writing as provided in clause 13.1 of this Code, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
  - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, making recommendations to the general manager, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
  - c) make enquiries into the complaint, or

- d) engage another appropriately qualified person to make enquiries into the complaint, or
- e) not make enquiries or discontinue making enquiries where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing. Despite any other provision of this code, this will constitute finalisation of such matters and no further action is required.

12.20 Where the conduct review committee/reviewer conducts enquiries or causes enquiries to be conducted, the conduct review committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.

12.21 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer may recommend that council take any actions provided for in this code of conduct that it considers reasonable in the circumstances.

12.22 Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.

12.23 The conduct review committee/reviewer will report its findings and any recommendations to council only when it has completed its deliberations.

#### Sanctions

12.24 Before a council can impose a sanction it must make a determination that a councillor or the general manager has breached the code of conduct.

12.25 Where the council finds that a councillor or general manager has breached the code, it may decide by resolution to:

- a) censure the councillor for misbehaviour in accordance with section 440G of the Act
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of law.

#### Councillor misbehaviour

12.26 Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.

12.27 Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.

12.28 The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.

12.29 Council cannot request suspension on this ground unless during the period concerned the councillor has been:

- formally censured for incidents of misbehaviour on two or more occasions, or
- expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.

12.30 The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.

12.31 Council cannot request suspension on this ground unless the councillor has been:

- formally censured for the incident of misbehaviour concerned, or
- expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

12.32 Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

#### Reporting on complaints

12.33 The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:

- a) number of complaints received,
- b) nature of the issues raised by complainants, and
- c) outcomes of complaints.

### 13 COMPLAINT ASSESSMENT CRITERIA

- 13.1 The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:
- a) whether there is any prima facie evidence of a breach of the code of conduct
  - b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct
  - e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
  - f) whether there is an alternative and satisfactory means of redress
  - g) how much time has elapsed since the events the subject of the complaint took place
  - h) how serious the complaint is and the significance it has for council
  - i) whether the complaint is one of a series indicating a pattern of conduct.
- 13.2 Complaints that are assessed as not having sufficient grounds to warrant referral to the conduct review committee/reviewer or that are to be referred to a more appropriate person or body can be finalised by the general manager or the Mayor, in the case of complaints about the general manager.
- 13.3 If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the above criteria in clause 13.1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.

## 14 CONDUCT REVIEW COMMITTEE/REVIEWER OPERATING GUIDELINES<sup>2</sup>

### 14.1 Jurisdiction of the conduct review committee/reviewer

The complaint handling function of the conduct review committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under clause 11.1, about councillors and/or the general manager.

Complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the conduct review committee/reviewer.

Sole reviewers and members of the conduct review committee are subject to the provisions of this code of conduct.

### 14.2 Role of the general manager and Mayor

The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:

- provide procedural advice when requested
- ensure adequate resources are provided, including providing secretariat support
- attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
- provide advice about council processes if requested to do so but not so as to take part in the decision making process
- if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.

Where the general manager, or in the case of complaints about the general manager, the Mayor, is unable to act as advisor to the conduct review committee/reviewer due to a conflict of interests in relation to a complaint, they are to nominate a senior council officer or councillor (in the case of complaints about the general manager) to perform this role.

### 14.3 Composition of the conduct review committee

Where council has a conduct review committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the council, convened and selected as provided in clause 12.16.

In the circumstances where a member of the conduct review committee cannot participate in a matter, the general manager, or Mayor in the case of complaints about the general manager, should select another person as provided in clause 12.16.

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<sup>2</sup> The operating guidelines have been adapted from the Ku-ring-gai Council Conduct Committee Guidelines – 25 October 2006

The chairperson is to be elected by the members of the conduct review committee.

The general manager, or in the case of complaints about the general manager, the Mayor, will act in an advisory capacity to the committee when requested.

#### 14.4 Quorum of the conduct review committee

A quorum for a meeting of the conduct review committee is the majority of the members of the conduct review committee.

If a quorum is not present at a meeting of the conduct review committee it must be adjourned to a time and date that is specified.

Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

Business may be conducted by video-conference or teleconference.

#### 14.5 Voting of the conduct review committee

Each member of the conduct review committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the chairperson shall have the casting vote.

If the vote on a matter is not unanimous, then this should be noted in any report to council on its findings.

In relation to any procedural matters relating to the operation of the conduct review committee, the ruling of the chairperson shall be final.

#### 14.6 Procedures of the conduct review committee/reviewer

The general manager or Mayor, in the case of a complaint about the general manager, will be responsible for convening the initial meeting of the conduct review committee when there is a complaint to be referred to it.

The conduct review committee/reviewer will conduct business in the absence of the public.

The conduct review committee/reviewer will keep proper records of deliberations.

The conduct review committee shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.

#### 14.7 Procedural fairness

In conducting enquiries, the conduct review committee/reviewer or the person engaged to do so should follow the rules of procedural fairness and must -

- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation
- b) provide the person the subject of the complaint with an opportunity to place before the conduct review committee/reviewer or person undertaking the enquiry any information the person considers relevant to the enquiry
- c) provide the person the subject of the complaint with an opportunity to address the conduct review committee/reviewer in person
- d) hear all parties to a matter and consider submissions before deciding the substance of any complaint
- e) make reasonable enquiries before making any recommendations
- f) act fairly and without prejudice or bias
- g) ensure that no person decides a case in which they have a conflict of interests
- h) conduct the enquiries without undue delay.<sup>3</sup>

Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the conduct review committee/reviewer should proceed to finalise the matter.

#### 14.8 Complaint handling procedures

In addition to complying with these operating guidelines, the conduct review committee/reviewer will ensure it deals with all complaints in accordance with the provisions of Section 12 of this Code.

All persons who are the subject of complaints that are referred to the conduct review committee/reviewer will receive written information about the process being undertaken to deal with the matter.

The conduct review committee/reviewer will only deal with matters that are referred to it by the general manager or the Mayor.

Where the conduct review committee/reviewer determines to make enquiries into the matter, such enquiries should be made without undue delay.

In circumstances where the person the subject of the complaint meets with the conduct review committee/reviewer, they are entitled to bring a support person or legal adviser. That person will act in an advisory and support role to the person affected. They will not speak on behalf of the subject person.

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<sup>3</sup> NSW Ombudsman, Investigating complaints, A manual for investigators, June 2004.

#### 14.9 Findings and recommendations of the conduct review committee/reviewer

Where the conduct review committee/reviewer determines, in its view that the conduct referred to it comprises a breach of this code of conduct it may, in its report to the council, make recommendations, that the council take any of the following actions:

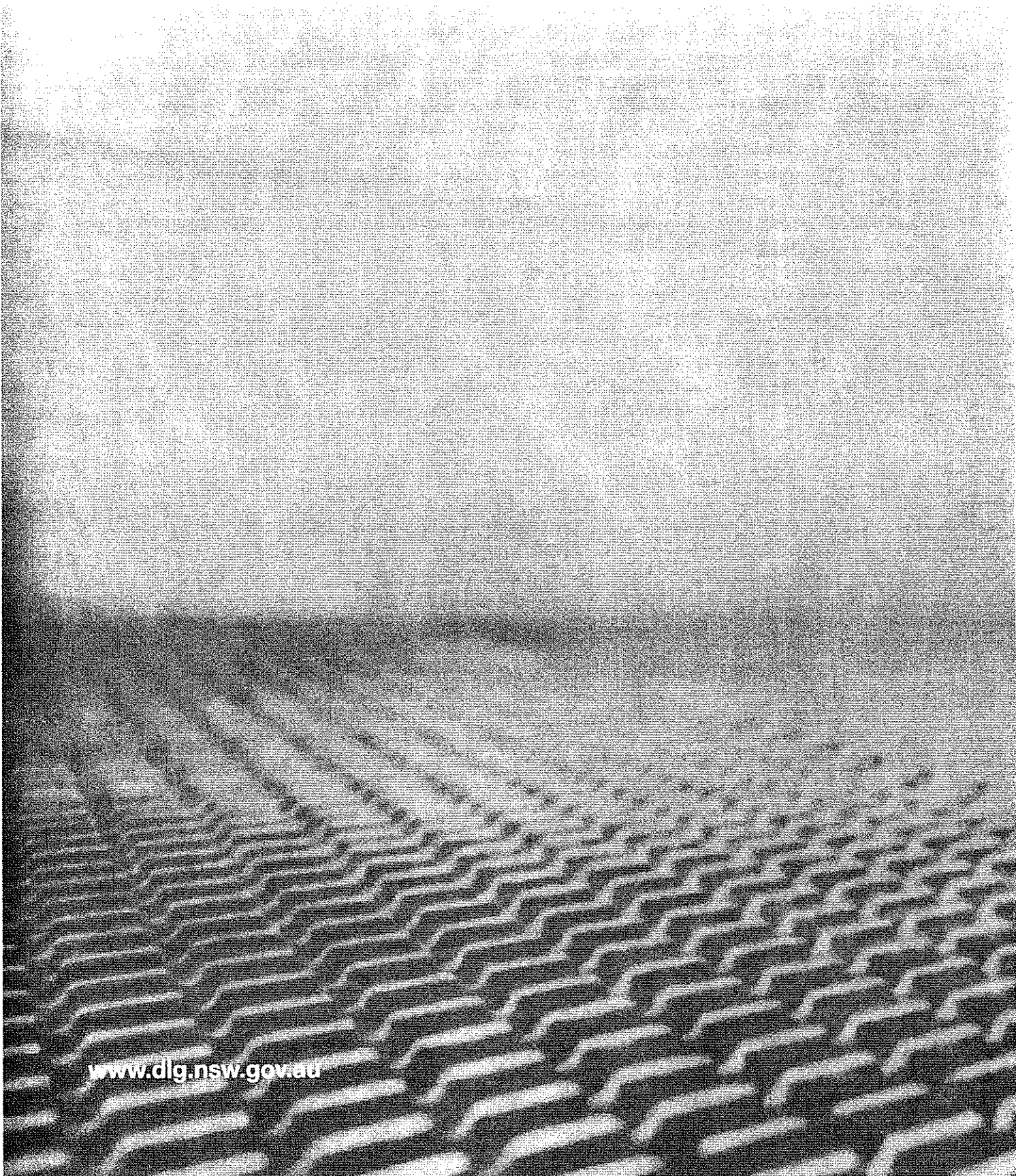
- a) censure the councillor for misbehaviour
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of the law
- f) revise any of council's policies, procedures and/or the code of conduct.

Before making any such recommendations, the conduct review committee/reviewer shall have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the subject has remedied or rectified their conduct
- d) whether the subject has expressed contrition
- e) whether the breach is technical or trivial only
- f) whether the breach represents repeated conduct
- g) the age, physical or mental health or special infirmity of the subject
- h) the degree of reckless intention or negligence of the subject
- i) the extent to which the breach has affected other parties or the council as a whole
- j) the harm or potential harm to the reputation of local government and of the council arising from the conduct
- k) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- l) whether an educative approach would be more appropriate than a punitive approach
- m) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
- n) what action or remedy would be in the public interest
- o) where to comply with a councillor's obligations under this code of conduct would have had the effect of depriving the council of a quorum or otherwise compromise the capacity of council to exercise its functions

#### 14.10 Amendment of the operating guidelines

The conduct review committee/reviewer guidelines may be added to and any additional requirements may be further amended or repealed by resolution of the council.



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