

challenges improvement innovation good governance

Local Government Reform Program - Promoting Better Practice

REVIEW REPORT

BATHURST REGIONAL COUNCIL

APRIL 2007



dlg Department of Local Government

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1. ABOUT THE REVIEW

Review objectives

The Local Government Reform Program - Promoting Better Practice is a review process that has a number of objectives:

- to generate momentum for a culture of continuous improvement and greater compliance across local government
- to provide an 'early intervention' option for councils experiencing operating problems
- to promote good governance and ethical conduct principles
- to identify and share innovation and good practice in local government
- to enable the department to use review information to feed back into its work in identifying necessary legislative and policy work for the local government sector.

Review process

The review process was developed after extensive research into council performance measurements in Australia and overseas. The review process is based upon a range of models including:

- the UK Audit Commission council inspection model
- the ICAC corruption resistance reviews
- LGMA/ICAC governance health check
- LGMA financial health check
- previous programs conducted by the Department of Local Government.

Promoting Better Practice is designed to encourage improvement in the way councils conduct their activities and to ensure good governance. Promoting Better Practice is also about monitoring performance of councils.

Reviews also have a wider role in the development of local government services across the state and identifying the need for future action or legislative change by the department.

A review involves a team evaluating the effectiveness and efficiency of the council's operations and giving feedback. This involves checking compliance, examining appropriate practices and ensuring that council has frameworks in place to monitor its performance. The results of reviews are analysed and fed back to the elected council, the Director General of the Department of Local Government and the Minister for Local Government.

There are essentially five steps in a review - preparing, assessing, checking, analysing and reporting. The review team examines local circumstances in order to understand the pressures on council and how the council has sought to manage that environment.

It is expected that a review will only "scratch the surface" of council operations. The analysis of the corporate self-assessment and the practice checklist, as well as the activities undertaken during the review visit, give reviewers a reasonable picture of the council's operations and future strategic direction.

Reviews act as a "health check", giving confidence about what is being done and helping to focus attention on key priorities.

Bathurst Regional Council Review

Bathurst Regional Council was asked to complete a strategic management assessment and a checklist of key council practices. The completed self-assessment and checklist were analysed by the review team prior to commencing the on-site review process.

Senior Investigations Officer Sonja Hammond and Senior Consultant Ian Melville from IAB Services comprised the review team, which conducted an on-site review of council from 31 October 2006 to 2 November 2006.

The review was based on council's response to the self-assessment of its corporate arrangements and capacity. This assessment asked council to respond to four critical questions of its capacity to improve:

- how has council determined its ambitions and priorities?
- how do these ambitions and priorities drive the council's services and resources?
- how does council use its corporate capacity and systems to drive forward the organisation in an ambitious, challenging yet managed way?
- how does council measure the progress it is making with its agenda to ensure that its priorities are delivered and that service improvement is achieved?

In order to review council it is necessary to examine its performance across a range of functions. A number of modules of a practice checklist have been developed to assist council in assessing its functions and checking its compliance. Council's response to the checklist is used as a guide for the on-site review and tests how council has set about delivering its priorities and measuring its achievements.

The on-site review consisted of a meeting with the General Manager, the Mayor and councillors. The on-site review also included conducting interviews with senior staff, attending a council policy committee meeting and ordinary meeting and reviewing a number of council's policies and other documents. Councillors were also invited to provide feedback and address any issues of concern.

Following the on-site review, further analysis was undertaken. Council management was then provided with the opportunity to respond to the review's preliminary findings.

This report details the review's findings, recommendations and council's initial response. The department expects councils to formally respond to the review process, to prepare an action plan to address agreed issues and to provide progress reports on the implementation of the action plan.

2. EXECUTIVE SUMMARY

Bathurst Regional Council was formed on 26 May 2004 following the amalgamation of the former Bathurst City Council and parts of the former Evans Shire and Oberon Shire Councils. There is evidence through community surveys and public feedback that this structural reform has been successful. The planning and implementation of change has been very effective largely through the appointment of an acting General Manager and Administrator who oversaw the organisational changes with a minimum amount of disruption to the provision of services by the new council.

Given the extensive transitional arrangements that have been required since May 2004, we recognise that council in prioritising its immediate objectives may not have met all targets that have been measured during this review.

Although council has numerous strategic documents within each directorate and from the previous council administrations such as a copy of an earlier fifty (50) year plan from the former Bathurst City Council, there is currently no central strategic plan that specifically demonstrates the direction of the new council. This is important especially during the preparation of the new LEP, which is being linked to information provided by each directorate on a more informal basis. Council has now advised that it will prioritise the completion of a Strategic Plan in early 2008 to address these needs.

The Management Plan prepared by council for 2006-2007 needs to provide a more comprehensive detail of the activities of council and show a clear link to the proposed 10 - 20 year Strategic Plan that will be developed in the near future. Its current content, although deficient in some areas, is a good foundation to expand and meet the specific legislative requirements of the Act and Regulation.

The preparation of the Local Environmental Plan is on schedule for completion in 2008 and the preliminary urban, rural and heritage studies have been finalised and the program of community consultation commenced on 7 November 2006. These comprehensive studies have been completed 'in house' utilising the expertise of

council's planning staff who report excellent feedback from the Department of Planning on this documentation.

In terms of governance Bathurst Regional Council performs fairly well. Programmes that have been instigated, such as the Retreat Weekend, are good initiatives in ensuring that all councillors are provided with training for the role that they are to undertake. Councillors are well versed in their role and the interaction between the councillors and staff is very good. The areas of governance that need to be reviewed include councillors and designated staff completing pecuniary interest forms accurately, developing a policy in relation to requests for documents and the development of a corporate wide customer service framework.

A comprehensive risk assessment should be undertaken by the council across all operational and policy areas to review council's current risk exposure. In performing a risk assessment areas of risk will be highlighted and council can then develop an internal audit programme to be overseen through an Internal Audit committee with an externally appointed independent member with auditing experience.

Council's financial position is considered satisfactory and should be used as a base for long-term financial planning. Council should integrate this plan with its Strategic Plan. Currently council is loading asset management data into newly acquired software. This process, along with the adoption of the Strategic Asset Management Policy, will enable council to develop an asset management strategy and comprehensive asset management plans for each class of assets.

Council has placed its Social and Community Plan 2006-2010 on its website. The achievements of council in the mandatory target areas are well documented and the achievements from the previous plan are included. Council appears to understand the social needs of its community and now has in place a planning strategy to address these needs. Included in the Social and Community Plan is a programme for review each six months.

Bathurst Regional Council has a broad range of cultural activities that include the Art Gallery, the Sommerville Collection and the Bathurst Memorial Entertainment Centre. Council recognises the importance of these activities and is well placed to promote cultural activities within the council.

Council has a programme of staff induction, has position descriptions for all positions that are reviewed annually, but does not have a Human Resources Strategy. This strategy would help council plan for any future recruitment demands especially in relation to the ageing workforce.

3. RECOMMENDATIONS

The review recommends that council should take the following steps:

Council's strategic direction

1. Review and develop a clear set of long term strategic goals across all areas of council leading to a 10 – 20 year Strategic Plan to underpin other specialist planning documents including the Management and Operational Plans, Social and Community Plan and Local Environmental Plan.

Governance

2. Consider developing a formal ongoing governance training programme for councillors in conjunction with neighbouring councils.
3. Develop criteria in relation to assessing matters that require referral to the Code of Conduct committee.
4. Emphasise the importance of completing pecuniary interest returns accurately and in a timely manner to all councillors and designated staff.
5. As part of its code of conduct training to councillors and staff, council should continue to reinforce their obligations in relation to gifts and benefits and promote awareness of the gifts register.
6. Develop a customer service framework incorporating the features outlined by the NSW Ombudsman.
7. Ensure that the complaints process is made available to the community through its correspondence processes and/or the website.
8. Adopt a formal policy for dealing with requests for access to documents under section 12 of the Local Government Act.
9. Seek guidance on the use of the extenuating circumstances grounds in relation to tendering and guidance on contract management in the next revision of the purchasing manual.
10. Develop a comprehensive risk management plan across all functions of council to proactively identify and manage risk exposures.

11. Develop a three-year internal audit program based on the identified priorities in the completed risk management plan.

12. To administer the internal audit program, establish an Internal Audit Committee.

Regulatory

13. Continue the development of a new LEP relating to the whole local government area that is compliant with the Department of Planning template and a consolidated DCP and meet the Department of Planning deadlines.

14. Include additional information in the management plan as to the planned completion of projects such as the LEP and DCP.

15. Enhance reports provided to the council in relation to development approvals by including number of DAs over 40 days and the maximum and minimum times in dealing with DAs.

16. Review and integrate its section 94 plans in line with the new LEP and DCP.

17. Develop a formal enforcement and prosecutions policy.

18. In preparing future State of the Environment Reports council should take into account the Pressure State Response model, include comparative data and enhances environmental sectors, such as Aboriginal Heritage and noise, adequately.

19. Prepare and adopt a companion animals management plan that encompasses its current strategies and meets its obligations under the Companion Animals Act.

20. Continue to promote awareness of the *Swimming Pools Act 1992*.

Finance and Assets

21. Develop an integrated ten-year financial plan.

22. Review and update business plans for water supply and sewerage services.

23. Prepare and submit to the department notes 2 and 3 of the special purpose financial reports.

24. Develop an asset management strategy.

25. Develop a comprehensive asset management plan which links to council's strategic documents and long-term financial plan.
26. Prepare plans of management for all community land holdings as required under Part 2, Division 2 of the *Local Government Act 1993* as a matter of priority.
27. Develop a procedure for the granting and managing of leases and the associated maintenance and review of the leases and licences register. In doing so, council should ensure that it enters into lease agreements with all occupiers of council controlled premises.

Social and Community

28. Assess any areas of non-compliance of the draft Social and Community Plan with statutory requirements prior to formal adoption by council.
29. Ensure that the Management Plan, Annual Report, Social and Community Plan and State of the Environment Report are linked and information is uniformly correlated.
30. Ensure that the Annual Report complies with all legislative requirements.
31. Undertake a comprehensive review of the current format and content of the 2006/07 Management Plan to ensure that future plans address a three year time period and meet all legislative requirements.
32. Develop an Ethnic Affairs Policy Statement to consider the needs of a multicultural society.
33. Prepare a Guarantee of Service to establish a clear set of service standards and benchmarks for the community and business.

Workforce Planning

34. Adopt a more dynamic approach to workforce planning in order that recruitment strategies are identified to address future employment demands that may result from the current legislative and economic changes within the Australian workforce.

35. Broaden the recruitment and selection policy document to include workforce strategies that address the changing Australian workforce and take into consideration external workforce pressures that impact on the local employment sector.
36. Prepare a grievance handling policy document that meets the specific needs of council.

4. CONTEXT

Bathurst Regional Council is located approximately 200 kilometres west of Sydney on the Macquarie River. Bathurst Regional Council was formed on 26 May 2004 following the amalgamation of the former Bathurst City Council with parts of the former Evans Shire and Oberon Shire Councils. Bathurst Regional Council covers 3,815 square kilometres and is bordered by Mid-Western Regional Council to the north, Lithgow City Council and Oberon Council to the east, Upper Lachlan Shire Council to the south, and Blayney Shire, Cabonne Shire and Cowra Shire Councils to the west.

Bathurst is Australia's oldest inland settlement with a population of approximately 37,000, the majority of whom live in Bathurst itself. The local government boundary takes in the villages of Hill End, Sofala, Wattle Flat and Peel to the north and Perthville, Rockley and Trunkey Creek to the south.

Census data for the Bathurst Regional Council is not yet available, however, the 2001 Australian Bureau of Statistics census showed that 1.32% of the population of the former Bathurst City Council and 3.39% of the population of the former Evans Shire Council were Aboriginal or Torres Strait Islander (compared to the State figure of 1.88%). Eighty-seven percent (87%) of the population of both the former Bathurst City Council and the former Evans Shire Council were born in Australia (compared to the State figure of 70%). The percentage of the population that speaks a language other than English was 3.27% for the former Bathurst City Council and 1.53% for the former Evans Shire Council (compared to the State figure of 18.8%).

The median weekly individual income for both the former local government areas was \$300-\$399, matching the State median (ABS 2001 Census). The median weekly household income of both the former Bathurst City and former Evans Shire was \$700-\$799. This was just below the State median of \$800-\$999 (ABS 2001 Census).

The 2001 census showed the median age of the former Bathurst City and former Evans Shire was 31 and 38 years respectively. The State median was 35 years. The

Local Government and Shires Associations' report, Planning the Local Government Response to Ageing and Place, ranked Bathurst Regional 122nd out of 153 councils in 2004 in terms of the percentage of its population (11.8%) aged 65 years or over. Bathurst Regional Council's ranking is projected to rise to 109th by 2022 with 18.9% of the population projected to be 65 years or over. In terms of the rate of increase of its aged population, Bathurst Regional Council is ranked 91st in the State.

Agriculture is a major land use in the Bathurst Regional Council area. Sheep (wool, prime lambs), cattle, wheat, vegetables, honey, orcharding, grapes, olives and forestry are the main agricultural industries.

Education is now seen as the largest single industry in the Bathurst region with food processing, mapping, timber and pet foods also contributing to the local industry.

There are nine councillors on Bathurst Regional Council. Following the amalgamation, council elections were held in March 2005. A by-election was held on 5 August 2006 to fill two vacancies resulting from resignations.

Council employs 344 full time staff. Of these, 38 are aged between 18 – 24 years, 319 between 25 – 54 years, 56 between 55 and 64 years and 3 over 65 years. One percent (1%) of the staff identifies as Aboriginal and Torres Strait Islander.

In the 2005/06 financial year, council's income from continuing activities was \$59.069M. The total expenses from continuing operations were \$51.771M. The net operating result for 2005/06 was a surplus of \$7.298M.

5. COUNCIL'S AMBITIONS, PRIORITIES AND FUTURE FOCUS

This part of council's assessment focussed on: clear ambition; a focus on communities and services; ownership of problems and willingness to change; a shared and realistic vision; a sustained focus on what matters; improvement integrated into day-to-day management; flexibility and innovation; capacity and systems to continue to deliver performance improvement.

Overview

Council was formed on 26 May 2004 through the amalgamation of the former Bathurst City Council with parts of the former Evans Shire and Oberon Shire Councils and has acted promptly to establish an effective organisation structure to consolidate its resources and plan for improved service delivery within the new boundaries. The union of the urban area of the former Bathurst City with the rural districts of the former Evans and Oberon Shires appears to have been an ideal unification that has allowed full use of assets and staff resources with particular skills for these varied areas. Asset rationalisation has not required substantial disposal of council assets and only one redundancy has occurred through the amalgamation.

There has been recognition by council of its ageing infrastructure and significant funding has been provided to prepare for asset replacement. This includes major works on the water and sewer infrastructure and investigation of piping water directly from Chifley Dam to the water treatment plant to improve water quality. Council is also well advanced in completing listing of assets in its new Confirm software and applying condition reports and life cycles to these major assets.

The recent completion of the Social and Community Plan with its forward planning for the community and development of commercial initiatives to increase revenue and attract new people into the community relates to these organisational priorities. The establishment of two more Directorates for Business & Economic Development and Cultural & Community Services also mirrors council's commitment to these strategic policy and operational areas in line with the vision statement.

Council has prepared a vision 'To enhance the lifestyle and environment through effective leadership, community involvement and commitment to service' and is based on four (4) Key Directions. Although a strategic plan is yet to be formalised, council's vision and priorities are identified in a range of strategic documents that drive the council's objectives and performance targets.

The recent completion of its Social and Community Plan and preparation towards an integrated Local Environmental Plan due in 2008 will be enhanced through the development of a 10 - 20 year Strategic Plan and realigning its current 2006/2007 plan to a more comprehensive document that complies with the *Local Government Act and Regulation*.

The involvement of councillors in consulting with the rural community through regular meetings, together with the inclusion of village improvement programs within the former Evans Shire boundaries, has assisted in the two former groups of ratepayers accepting the new council. The provision of a waste transfer facility for the whole council area, together with closure of local tips in the former Evans Shire due to non-compliance with EPA standards, has also been a significant achievement.

The initiative by council to construct an indoor aquatic centre to improve the lifestyle commitment identified by council appears to have been well received within the community. Cultural programs and sporting facilities also have potential to attract businesses and families to the Central West.

Council monitors the progress of its programs through a system of performance indicators, which set a framework for quantifying the program outcomes. On a practical level, council's senior staff meets weekly to review performance. In addition, performance is reported on in monthly and quarterly management plan reports and financial reports to council.

Council also ensures the outcomes are communicated to the community. In addition to meeting its statutory reporting obligation, council presents information through a

weekly Mayoral radio interview and Mayoral column in the local Bathurst newspaper, regular comments on local radio by Managers on specific operational issues for example water, waste, tourism and the arts and through advertising and media releases and in relevant areas of its website. Council also provides a quarterly ratepayers newsletter.

Overall, council demonstrates an informal strategic focus through long serving senior staff and a sense of commitment to its identified goals, values and strategies to achieve and communicate achievements.

Challenges to improve

Council needs to develop a 10 - 20 year Strategic Plan to formalise the series of department-based documents into an overarching plan to clearly describe the key directions of council that will drive individual management plans. **(Recommendation 1)**

The current Management Plan can be improved through linking it with other key planning documents and by ensuring that the Plan content is compliant with all legislative requirements. **(See Recommendation 31)**

Council should give high priority to the preparation of an independent risk assessment across all functions of the organisation to identify levels of risk exposure that need to be addressed. **(See Recommendation 10)**

An Internal Audit Committee should be established to approve a three-year audit program developed from the priorities determined from the risk assessment analysis. **(See Recommendation 12)**

Currently the strategic planning of council does not contain longer term financial modelling of council projects. This can adversely affect the ability of council to adequately resource these projects and project future cost variances. **(See Recommendation 21)**

6. DELIVERING AND ACHIEVING

This part of council's assessment focussed on: capacity and systems to deliver performance improvement; defined roles and responsibilities and accountabilities; delivery through partnership; modern structures and processes; strong financial management; resources follow priorities; performance information; risk managed appropriately; open to external challenge.

Overview

6.1 Governance

“Corporate governance refers to all the means by which entities are directed and controlled” (Standards Australia, HB401-2004:12). Corporate governance is important because it enhances organisational performance; manages and minimises risks; increases the confidence of the community and the industry in the organisation; ensures that an organisation is meeting its legal and ethical obligations; and assists in the prevention and detection of dishonest or unethical behaviour.

A review was conducted of a range of aspects of council's governance practices including:

- *Ethics and values*
- *Council's decision-making processes*
- *Monitoring and review*
- *Risk management and internal control*

Councillor induction and training

Following the first election of councillors in March 2005, a “Retreat Weekend” was arranged. The weekend was attended by councillors, directors, council's auditor and council's solicitor. Presentations were provided by the directors, council auditor and solicitor on various topics. Two councillors were elected in a by-election in August 2006. At the time of the onsite visit, the General Manager was organising for the new

councillors to be provided with similar information sessions as provided to councillors at the weekend retreat.

All councillors undertake training in relation to the Code of Conduct. Councillors also have the opportunity to attend training provided by the Local Government and Shires Associations (LGSA). The Mayor reminds them of this opportunity every three months. However, some councillors expressed the difficulty in attending the LGSA training due to the travel time and time spent away from work. Council should consider further opportunities such as CENTROC and working with neighbouring councils to deliver appropriate training programmes to be held locally at a suitable time for councillors. **(Recommendation 2)**

Council also conducts information sessions for councillors on specific topics as the need arises. The directors conduct the information sessions and the purpose is to provide councillors with the background knowledge that is required to make upcoming decisions. Examples of topics include rating structure, user pays sewerage, local environmental plan, aquatic centre, development application process, and rural village infrastructure improvements.

Code of Conduct

Section 440 of the Act requires every council to adopt a code of conduct to be observed by councillors, members of staff and delegates of council that is consistent with the *Model Code of Conduct* prescribed under the Regulation. It is important because it assists councillors and council staff to understand the standards of conduct that are expected of them.

Council adopted its current code of conduct on 15 March 2006 and it is consistent with the *Model Code of Conduct*. As stated above, all councillors have been provided training on the Code of Conduct as part of their induction. Councillors and staff who were interviewed stated that there was a good relationship between the councillors and staff and the councillors interacted with the directors as per the Code of Conduct.

Council's conduct committee comprises the General Manager, Mayor and Council solicitor as the independent member, consistent with the requirements of the Model Code. The Deputy Mayor is the designated alternate to the Mayor or General Manager. The conduct committee has received numerous complaints, many of which have not required any further action.

The *Guidelines for the Model Code of Conduct for Local Councils in NSW* issued by the department advise councils to develop guidelines for the operation of the conduct committee. Council has established a set of Principles and Procedures for the Code of Conduct Committee and has supplemented these with decision-making flowcharts that outline the steps in the process. To further strengthen the process, council should develop criteria to be used in determining whether or not to enquire into an allegation. In developing criteria, council may wish to consult the NSW Ombudsman's Enforcement Guidelines for Councils. (**Recommendation 3**)

Disclosures of pecuniary interest

The *Local Government Act* regulates the management of pecuniary interests and requires that councillors and designated staff complete and lodge disclosure of interests returns. It is important that councillors and staff observe these requirements as to not do so has the potential to seriously undermine the community's confidence in the integrity of local government and the decision-making processes.

The review team inspected returns of interests submitted by all councillors, the General Manager and Directors for the period 1 July 2005 to 30 June 2006. Council also has twenty-three (23) staff who are identified as designated persons. The review team inspected a representative sample of the returns of five (5) designated persons and noted that all the returns were submitted on time.

Generally the standard of returns was good. However, a number of the returns contained minor deficiencies. These included failure to disclose the addresses of employers, corporations and creditors in parts B1, C, D, E and G of the returns.

The Local Government Pecuniary Interest and Disciplinary Tribunal has emphasised the need for councillors and designated staff to give due care and attention to the accuracy, detail and content of the disclosures required in returns. Council provides a memorandum to all councillors and designated staff regarding pecuniary interest returns that includes the Department of Local Government Pecuniary Interest Guidelines, various Council Circulars and a link to the Pecuniary Interest Decisions Tribunal rulings. Council should stress to all councillors and designated persons the importance of providing accurate information in their pecuniary interest returns.

(Recommendation 4)

Gifts Register

Since 1 January 2005, when the Model Code of Conduct came into force, councils are required to maintain a gifts register. Council has a separate gifts and benefits policy that reflects the provisions of the *Model Code of Conduct*. This provides for the establishment of a gifts register and provides a Record of Gifts and Benefits form for the disclosure of such items. The policy was adopted on 6 September 2006. Council should continue to ensure that all councillors and staff are aware of the newly adopted gifts and benefits policy and reinforce their obligations in relation to gifts and benefits. ***(Recommendation 5)***

There were four (4) instances since September 2005 where gifts have been declared by senior staff and one councillor. During interviews with the Mayor and General Manager, it was stated that gifts of nominal value, such as bottles of wine, were often collected and used in Christmas hampers for widows/widowers of former council employees.

Councillor expenses and facilities policy

Councils are required to have a policy on the payment of expenses and provision of facilities to the Mayor, Deputy Mayor and councillors under section 252 of the Local Government Act. The department has recently issued guidelines to assist councils in the preparation of that policy.

Since the onsite review the council has reviewed its Section 252 Policy in line with the departmental guidelines. Council's new policy includes monetary limits on telephone calls and spouse or partner expenses unlike the previous policy. It is silent on overseas travel but does provide a list of appropriate conferences that are held within Australia. The Policy was adopted by the council in February 2007.

Councillor access to information

Councillors enjoy the same rights as other members of the community to access documents held by council under section 12 of the Local Government Act. Councillors also need to access such information as may be necessary to enable them to exercise their responsibilities as elected representatives. It should also be noted that the *Model Code of Conduct* (and council's adopted code) imposes obligations on councillors and other council officials about how they handle council information.

Council has a formal process for councillors to request information and records from staff prescribed under its policy concerning interaction between councillors and staff. The policy is comprehensive and is consistent with the provisions of the *Model Code of Conduct*.

As stated above, council conducts information sessions for new councillors on key issues related to their responsibilities. The Mayor and councillors that the review team spoke to commented that these helped them to get a better understanding of complex matters and they were able to discuss the legislative requirements and to ask related questions.

Meetings

The ordinary meeting of council is held on the third Wednesday of each month. On the first Wednesday of each month, council holds a Policy Committee meeting. Council also holds an ordinary meeting following the Policy Committee meeting from time to time.

The review team attended the ordinary council meeting of 1 November 2006 and was impressed by the manner in which the meeting was conducted. Council dealt with its business efficiently. At the beginning of the meeting, apologies were recorded and one councillor declared a non-pecuniary interest in one of the agenda items. At the appropriate time, the councillor left the chamber, the matter was voted on and the councillor re-entered the chamber prior to the meeting closing. The councillors worked well together and treated each other and staff with respect. There was only a small number of items to consider on the agenda and the meeting was conducted efficiently.

Council has adopted a code of meeting practice under section 360 of the Act. This is a comprehensive document that incorporates relevant provisions of the Act and Regulation together with a number of additional provisions.

Council's code of meeting practice makes provision for the first 15 minutes of ordinary meetings (not including ordinary meetings following the Policy committee) to be made available for members of the public to address council and ask questions. This appears to strike a reasonable balance between giving the community an opportunity to provide direct input into council decisions and the need to conduct council meetings in a timely manner. The minutes of previous meetings indicate that members of the public often take the opportunity to address council and ask questions.

Council advised that it has closed meetings to the public on twenty-four (24) occasions in the last year. The review team viewed the agenda and minutes of the open and closed sessions of the ordinary meeting of 21 June 2006, which was closed to consider twelve confidential items. For all twelve items, council has complied with the requirements of the Act and Regulation and its code of meeting practice in stating the grounds for closure of the meeting. Sections 10A(2), (c), (d) and (g) of the Act are provided as the reasons for the closure of the meetings.

Clause 253 of the Regulation (and clause 4.20.13 of council's code of meeting practice) requires the Chair to make public any resolution passed during closed sections of meetings as soon as practicable after the meeting or the part of a meeting has ended. The Department's *Meetings Practice Note* suggests that where, as in the case of Bathurst Regional Council, confidential items are considered in confidential committee of the whole, the committee's recommendations must be reported to the open council, usually at the same meeting. Council ensures that a report of the proceedings (including any recommendations of the committee) is recorded in the minutes in these cases.

Committees

Council has one principal committee, its Policy Committee, which comprises all councillors and the Mayor, as chair of the committee. The role of the Policy Committee is to consider policy development and overall developmental needs of the region. Also the Policy Committee is required to consider the social, community, cultural plans, Art Gallery, Library, Child Care Services, Management Plan, Local Environmental Plan, development applications as required and other plans and activities of the council. The policy committee also provides the councillors an opportunity to nominate policy subjects for consideration and recommendations may be made to the council.

The intention of the Policy Committee is for the council to deal with the bulk of council's routine business and to leave the ordinary meeting to exercise council non-delegable functions and other key tasks. The review team attended a policy committee meeting prior to the ordinary meeting.

Again the review team was impressed by the manner in which the meeting was conducted with councillors working in partnership and treating each other and the staff with respect. The business of the Committee meeting was dealt with efficiently and each councillor was given time to address the council on matters of concern.

Delegations

The power of delegation is an important tool that assists council officers to carry out the functions of council in an effective and timely manner. Delegations need to be made in accordance with sections 377-381 of the Local Government Act and continually reviewed to ensure they remain current. Council adopted its delegations register in March 2006. The delegations register contains the delegations to the Mayor, Deputy Mayor and the General Manager. Council policy is that the delegations are reviewed every 12 months. The review team inspected a sample of delegations to staff at various levels across the organisation and found them to be compliant.

Complaint handling

An effective complaint handling system is an essential part of the provision of quality council services. It is one method of measuring customer satisfaction to provide a useful source of information and feedback for improving the council's service. Best practice complaints management as reflected in the NSW Ombudsman's *Effective Complaint Handling* guidelines involves a tiered approach to dealing with complaints (ie frontline complaint handling, internal review or investigation and external review) and formal procedures for collecting, analysing and reporting complaints data.

At present council has a relatively new Customer Request Management System that captures complaints and work requests from members of the public through the customer service area. The system allocates the complaint or work request to the responsible person, sets response times and is able to instigate follow up action if the matter has not been dealt with in the appropriate time.

To enhance the effectiveness of the council's computerised Customer Request Management System, council should develop a corporate wide customer service framework. Such a framework should contain the following:

- A guarantee of service

- Clearly identified customer service standards (eg time taken to answer calls, response times for acknowledgement of correspondence and for replies)
- A formal complaint handling policy that reflects best practice complaints management
- A system for collecting, analysing and reporting complaints data
- A formal policy for dealing with difficult or persistent complainants
- A separate process for dealing with and recording requests for service as distinct from complaints against council
- A separate process for dealing with complaints requiring the exercise of council's regulatory powers (ie an enforcement policy).

In developing its customer service framework, council may find the NSW Ombudsman's The Complaint Handler's Toolkit, Good Conduct and Administrative Practice and Better Service and Communication – Guidelines for Councils, useful publications. **(Recommendation 6)** Council should ensure that the complaints process is made available to the community. **(Recommendation 7)**

Protected Disclosures

The Protected Disclosures Act aims to encourage and facilitate the disclosure – in the public interest – of corrupt conduct, maladministration and serious and substantial waste in the public sector. All public sector agencies should have an internal reporting policy to ensure that protected disclosures are properly made and that the agency complies with its statutory obligations in dealing with them and ensuring complainants enjoy the protections afforded under the Act.

Council adopted a protected disclosures policy in December 2004 based on the *Model Internal Reporting Policy for Councils* contained in the NSW Ombudsman's *Protected Disclosures Guidelines (5th edition)*.

Record keeping and records management

Councils are required to make and keep full and accurate records of their activities in accordance with section 12 of the *State Records Act 1998*. Councils must establish

and maintain a records management program that conforms with best practice standards and codes.

Council utilises an electronic records management system (TRIM), an electronic business paper system, maintains a hard copy filing system and a register of legal documents to comply with its obligations under section 12 of the *State Records Act 1998*. Council adopted a records management policy in April 2005 that defines and establishes the responsibilities of the General Manager and other staff under this legislation.

Public access to documents

Councils are required to make their documents available for inspection free of charge under section 12 of the Local Government Act unless they are specifically exempt under that section or the council is satisfied that allowing access would, on balance, be contrary to the public interest. Councils are entitled to impose reasonable photocopying charges for copying of documents. Where the General Manager or other person refuses access to a document, they must provide their reasons for doing so in writing to the council. Those reasons must be publicly available. Council must review the restriction within three months of access being refused.

Council maintains a Policy Manual in its customer service area and at the Library that contains most of the documents listed under sections 12(1) and 12(6) of the Act. Documents not contained in the Policy Manual can be printed at the time of request. Council has a Public Documents section on its website that contains a list of the documents that are available and many are accessible on the website. For those not available on the website, information is provided as to where the information can be found at council.

Access to all other documents may be obtained by completing a section 12 request form. Council occasionally charges a photocopy fee if there are a large number of copies requested. Council provided the review team with three (3) requests for

information under section 12 where access had been refused. The person seeking the document was invited to make an application under the Freedom of Information Act (FOI Act). The decision to refuse access was reviewed three months after the decision. In one case the information sought was clarified and access was granted. In another instance the interested party sought access to the information under the FOI Act.

In the last case, council refused access under section 12 and in reviewing the matter three months later kept the restriction in force. On each occasion the reason for refusal had been noted. Council does not have any policies related to access to public documents in its Policy Manual. Council should consider adopting a policy that formalises this practice. Such a policy should also prescribe procedures that ensure requests are processed within a reasonable timeframe and that council complies with its obligations under section 12A of the Act where it refuses access.
(Recommendation 8)

Council has dealt with nine (9) FOI applications in the last two years. All were granted in full or part. Information about applications received in the 2004/05 financial year was published in the council's Annual Report.

Council has adopted a privacy management plan under section 33 of the Privacy and Personal Information Protection Act that complies with the requirements of that section and reported on it in the council's 2004/05 Annual Report.

Tendering, procurement, contract management and asset disposal

Tendering, procurement, contract management and asset disposal are all important areas of council operations. These activities should be governed by strict considerations of probity, transparency and accountability in the expenditure of public funds for public purposes.

Councils' obligations in relation to formal tenders are regulated under section 55 of the Local Government Act and the relevant provisions of the Regulation. These provisions apply to contracts with a value of \$150,000 or more.

Council adopted a purchasing manual in September 2005 and this was revised with the introduction of the Local Government (General) Regulation 2005. The review team has reviewed the manual. The manual covers the authority to purchase, contracts, tendering methods, tendering documents and procedures for the purchase of goods between \$20,000 and \$150,000.

The purchasing manual also covers procedures for receiving, opening, assessing and approving tenders. Council has not included guidance on the use of the extenuating circumstances grounds under section 55(3) of the Act nor any guidance on contract management in the purchasing manual and should consider including these in the next revision of the purchasing manual. **(Recommendation 9)**

Risk management

Council does not have a risk assessment model and has not undertaken a comprehensive review of risk exposure across the new organisation. Although several assessments have been completed, these have focussed on OH&S activities provided by staff in the Governance Section. Council provided the review team with a recently completed draft risk review of organisational fraud that is yet to be considered by senior management. A much broader assessment needs to be undertaken by council as a high priority to ensure that council can assess and respond to areas of highest risk exposure. **(Recommendation 10)** Based on the outcomes of the comprehensive Risk Assessment, a three-year Internal Audit program can then be developed based initially on identified areas of higher risk exposure. **(Recommendation 11)**

Internal audit

Council currently does not have an Internal Audit Committee or a formal Internal Audit program to identify and monitor potential risk exposure within the organisation.

Management advised that on a few occasions council has employed its external auditor to investigate any specific risk concerns.

The Audit Committee has the role to independently consider the outcomes of any reviews that may identify weaknesses in the administration. Reports from internal audit investigations should be presented to council's Internal Audit Committee. It is recommended that council establish an Internal Audit Committee.
(Recommendation 12)

6.2 Planning and Other Regulatory Functions

Council exercises regulatory functions in relation to a range of activities within its area. The efficiency and probity of council's regulatory functions is important for effectively managing council's responsibilities and for preserving public trust in council and its staff. Regulation is important to achieve a wide range of social, economic and environmental goals.

A review was conducted of a range of aspects of council's regulatory practices including:

- *Council's planning instruments and policies*
- *Development assessment*
- *Section 94 plans and contributions*
- *Enforcement practices*
- *Environmental management*

Strategic land use planning

As a consequence of the amalgamation, Bathurst Regional Council is subject to a Local Environmental Plan (LEP) for the former Bathurst City Council and an Interim Development Order for the former Evans Shire Council. Bathurst Regional Council prepared and adopted a Draft Interim LEP in April 2005. The Interim LEP was placed on public exhibition and discussion forums were held. The Interim LEP provides council with interim and transitional planning controls for the new local government area.

Council is currently developing a local strategic plan and a new comprehensive LEP in line with the recent amendments to the *Environmental Planning and Assessment Act 1979*. The Department of Planning has sought to standardise planning instruments by issuing a new prescribed LEP template that councils are required to utilise. The Department of Planning has given Bathurst Regional Council until December 2008 to develop a LEP that conforms to the template and has provided funding through PlanFirst.

Council has developed a Draft Bathurst Region Urban Strategy, Rural Strategy and a Heritage Study. The purpose of these is to provide broad land use strategies to guide future land management and development. The draft strategies were placed on public exhibition and council undertook consultation with the community that included thirteen (13) village meetings throughout November and December 2006. Comments received during the public exhibition will be analysed and it is planned that the strategies will go to council in March 2007. The Manager of Strategic Planning indicated that the project of developing the strategies and the eventual LEP is currently three months ahead of schedule.

Council has not engaged any external assistance from consultants to prepare the draft strategies. Council intends for the Strategic Planning department to continue the strategic planning process in house. In doing so council will build up a bank of corporate knowledge of the local government area in its staff and retain that knowledge once the tasks are complete. Clearly this is good practice by the council and should be commended.

Council is required under section 73 of the *Environmental Planning and Assessment Act 1979* to keep its planning instruments and policies, such as Development Control Plans (DCP), “under regular and periodic review”. A further challenge resulting from recent changes to planning legislation includes the requirement that only one DCP may apply to a site. To comply with this requirement, a DCP may cover the whole local government area, a precinct or a site. Site-specific DCPs would operate to exclude the application of all other DCPs to the site.

In 1997 the former Bathurst City Council undertook a major review of the DCPs and an administrative review in 2005. At the time of the amalgamation, the former Evans Shire Council was reviewing the DCPs but had not completed the process. Presently Bathurst Regional Council has a total of eighteen (18) development control plans and will be consolidating these in line with the requirements of the Department of Planning.

Council should continue with its strategic land use planning in order to meet Department of Planning deadlines. **(Recommendation 13)** To better inform the public of the land use planning process, council should include additional information in the Management Plan, such as when the LEP and DCPs are due to be completed. **(Recommendation 14)**

Development assessment

In 2005/06 council received eight hundred and ninety one (891) development applications (DAs) and complying development certificates compared to one thousand two hundred and eighty three (1283) in the previous year. Council states that the reduction was due to greater certainty relating to dwelling entitlements in the former Evans Shire and the introduction of BASIX provisions, which led to a reduction in the number of new houses. The review team was advised that the average approval times rose for the 2005/06 period and this was due to the increased travelling times to inspect properties and a reduction in staffing levels in the planning and building sections. Council has seven (7) specialist planning positions. Three of these were vacant in July 2005, but have now been filled.

Council provides front counter planning assistance and offers a pre-lodgement advice service. Brochures on planning matters are also provided in the front counter area of council.

Council stated that the development assessment processes and competencies have been reviewed in the past two years and as a result the process has been refined and streamlined. DA processing is monitored through the TRIM electronic records management system. Reports are provided to the General Manager each month on the turn around times for development applications. The council is provided with reports each month on DAs received and approved. To further enhance the reports provided to the council the reports should also include:

- Number over 40 days
- Maximum and minimum times in dealing with DAs **(Recommendation 15)**

The vast majority of development applications (95%) are determined under delegated authority. A development application will only be submitted to council for approval where there:

- is significant public interest
- are unresolved submissions from the public
- has been a previous resolution of council
- has been a statutory review requested by the applicant.

Council should ensure that ‘significant public interest’ and the ‘unresolved submissions from the public’ are more clearly defined and that guidelines are provided to assess if development applications are to be referred to the council.

Section 94 plans and contributions

Council has seven (7) section 94 contributions plans, the majority of which were adopted between 1992 and 1993. The plans include community facilities, car parking, rural roads, drainage, residential subdivisions and street reconstruction.

Council’s section 94 contributions plans are comprehensive but need to be integrated with its proposed Strategic Plan and Management Plan. Council’s Management Plan does not specify the works planned to be undertaken in the 2006/07 financial year and beyond under the section 94 contributions plan. Council has indicated that the section 94 plans will be reviewed in line with the new LEP and DCP. In the review council should integrate the section 94 plans with the new LEP and DCP. (***Recommendation 16***)

Enforcement practices

The NSW Ombudsman receives many complaints that suggest councils in general have difficulties in successfully dealing with complaints about enforcement issues. To assist in the successful handling of complaints, councils should have a formal enforcement and prosecutions policy. The NSW Ombudsman’s Enforcement Guidelines for Councils is a useful resource that contains a model enforcement

policy. Bathurst Regional Council does not have such a policy and should develop one as a priority. (**Recommendation 17**)

State of the Environment Report

State of the Environment Reports are prepared by councils to report on the main environmental issues facing local government areas. The reports must address eight (8) environmental sectors and include major environmental impacts and related activities. *The Local Government Act* requires councils to prepare a comprehensive report the year ending after each council election and a supplementary report in the intervening years. These reports must identify any new environmental impacts since a council's last report and update the trends in environmental indicators that are important to each environmental sector.

The Department granted Bathurst Regional Council an extension to prepare its State of the Environment (SOE) report. The first election was held on 27 March 2005. Council submitted the SOE report to the department in December 2005. The report provided a snapshot at a given point of time and complied with some, but not all, legislative requirements.

The SOE report did not address Aboriginal Heritage sufficiently. Fourteen (14) sites have been identified within the former Bathurst City Area and one hundred and forty four (144) in the former Evans Shire Area. These sites are not listed, nor are their nature and significance outlined.

Soil erosion and salinity were identified as significant land issues in the report. However, the report does not contain data or anecdotal information specific to these areas. The report outlines a number of approaches to address these generalised issues, including joining the Central West Local Government Salinity Action Alliance in 2002.

Subsequent to the onsite visit council prepared and submitted to the department its Supplementary Report. The report contains substantially better data than the SOE,

however, comparative data allowing progress to be measured is still lacking. Largely this reflects the fact that Bathurst is a newly constituted council. There is now scope for comparative measurement in the future.

The Supplementary Report does not use the Pressure State Response model as recommended in DLG Guidelines and contained in the regulations.

The report deals comprehensively with all environmental sectors except for noise. There are brief references to the impact of noise under Human settlement suggesting that noise is not a major problem for the council, but this has not been analysed hence difficult to make definitive comments.

The report acknowledges that council holds little data or has a clear strategy to preserve Aboriginal Heritage. The report does outline a way forward and demonstrates that council has a strategy to address this in the future.

Community consultation in the SOE appeared to be very limited. Council has taken undertaken extensive community consultation in the preparation of the Supplementary Report. The mechanisms used are appropriate and various sections of the report demonstrate engagement with environmental groups to address specific issues. The report provides extensive details of council's responses to environmental issues and these are considered appropriate.

While there are aspects of the Supplementary Report that do not technically comply with DLG Guidelines and the *Regulation*, in particular lack of attention to noise, failure to use PSR format and the absence of a comparative data format, council has a demonstrated commitment to progressing environmental management. As such the report is regarded as satisfactory and provides a solid base for further development. **(Recommendation 18)**

Companion Animals

The primary aim of the *Companion Animals Act 1998* is to provide for the effective and responsible care and management of companion animals. The adoption of a local companion animals management plan can assist a council in achieving a balanced relationship between companion animals, humans and the environment. Such a plan also provides council with an opportunity to identify the future direction of these services and strategies to meet the challenges faced in the provision of these services.

The companion animals management plan should identify strategies that council will pursue in meeting its obligations under the *Companion Animals Act*. This includes, but is not limited to, community education, enforcement, environmental and community amenity strategies. Council also has an obligation under section 64 of that Act to seek alternatives to that of euthanasia and if practicable, adopt any such alternatives. Strategies should be linked to, and monitored through, the council's management plan.

The Department recognised that many councils may require assistance with the preparation and direction of companion animals plans specific to their area of operations. To address this, a strategic guide to preparing companion animal management plans was developed by the Department and is available free of charge from the Department's website at:

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Forms/gpscamp.pdf>.

The template provided by the guide covers various areas of companion animals management and allows each council to develop individual strategies.

Council's response in the Promoting Better Practice checklist states that council does not have a companion animals management plan. While council has also stated that it has an array of strategies in place to meet the *Companion Animal Act*

obligations it should consider encompassing those strategies into an overall plan.
(Recommendation 19)

Swimming Pools

The *Swimming Pools Act 1992* requires council to promote awareness of the requirements of this Act in relation to private swimming pools within its area. Council indicated in the Promoting Better Practice checklist that it does not have programmes to meet all the requirements of the *Swimming Pools Act*.

After the on site review council ran an awareness programme in the lead up to summer that involved 4,000 flyers being distributed to schools for attachment to the school newsletters and advertisements were placed in newspapers and ran on the television. As a result of the programme council inspected 22 pools that had not previously had council approval to be erected. Council should continue to promote awareness of the *Swimming Pools Act 1992*. **(Recommendation 20)**

6.3 Asset & Financial Management

Under its charter, council has a responsibility to raise funds for the purposes of carrying out its functions. This can be achieved by the fair imposition of rates, charges and fees, borrowings and grants. The council is also the custodian and trustee of public assets and must effectively account for and manage these assets.

A review was conducted of a range of aspects of council's practices in the areas of:

- *Financial management*
- *National Competition Policies*
- *Asset management*

Overview of financial position

Prior to the review team's onsite visit, the council had placed its 2005/06 financial reports on its website for public exhibition. The council held an extraordinary meeting on 2 November 2006 at which the council's auditor presented the financial reports.

The council's income statement shows a surplus result from ordinary activities after capital amounts of \$7,298,000. The result before capital items was a surplus of \$699,000 compared to a surplus of \$4,595,000 for 2004/05. Some of the major differences included a decrease of \$1,130,000 in user charges and fees, and an increase of \$1,813,000 in employee costs.

The original 2005/06 budget of Bathurst Regional Council estimated a surplus result from ordinary activities after capital amounts of \$13,926,000 (actual result was \$7,298,000). Two of the major contributors to the difference between the budget and the actual are an increase in the cost of materials and contracts of \$3.8M and a decrease in user charges and fees of \$3.1M.

Council has \$54,788,000 in cash assets and investment securities. Of this, \$10,861,000 is internally restricted and \$1,836,000 is unrestricted. Council's internal restrictions include \$1,989,000 for Depot General Reserve, \$933,000 for employee leave entitlements, \$828,000 for land development, \$643,000 for town planning and

\$535,000 for parks and reserves. Council’s auditor commented that the level of unrestricted cash equates to only 4% of council’s total outflow but did not recommend that council take any action.

Council’s performance ratios were considered satisfactory with most showing an improvement for the 2005/06 financial year. Current ratios and unrestricted current ratios refer to the amount of available assets that a council has to meet its current liabilities. Councils should be aiming at ratios greater than 2:1.

Another important ratio is the debt service ratio. This measures as a percentage the amount of money that council is spending to service any debts. Bathurst Regional Council has \$14,422,000 in long-term debt with a debt servicing ratio of 7.18%. This is considered to be acceptable.

Council’s rates and annual charges outstanding reflect the percentage of money that has not yet been collected for rates and annual charges. The amount outstanding decreased from 2005/06 and is satisfactory for a council such as Bathurst Regional. Overall council’s financial position is considered to be satisfactory as shown in Table 1 below.

TABLE 1 FINANCIAL RATIOS

Ratio	2005/06	2004/05
Current Ratio	3.87:1	3.99:1
Unrestricted Current Ratio	2.35:1	1.81:1
Debt Service Ratio	7.18%	6.55%
Rates & Annual Charges Coverage Ratio	40.79%	31.91%
Rates & Annual Charges Outstanding Percentage	6.71%	7.24%

Financial planning

Councils are required to develop a budget each financial year as part of the management plan. Also, councils are required to provide estimates of revenue and expenses for the following two years within the management plan. Councils are encouraged to develop longer-term financial plans that are integrated with the council’s strategic plan. Longer-term financial plans allow a council to forecast the

revenue and expenses that are associated with the council's strategic direction. By undertaking longer-term financial planning, a council is able to forecast its financial position and measure the sustainability of its proposed activities and whether it can fund additional activities and services.

Several staff mentioned throughout the review that the former Bathurst City Council had a 50-year strategic plan that covered all aspects of council's policies and operations. This had been developed in 1991 and was now thought to be too broad and not current enough for the new council to update and implement into the new council. The review team did not have the opportunity to examine this document, although we recommend elsewhere the urgent need to develop a 10 - 20 year Strategic Plan.

Currently council does not have any financial plans beyond the three-year management plan. Council agreed that the management plan could be extended to cover a five-year period and include longer term financial modelling. Council should develop an integrated ten-year financial plan. (**Recommendation 21**)

Business Activities

Bathurst Regional Council has indicated that three activities have been identified as businesses in accordance with National Competition Policy requirements. They are Water Supply, Sewerage and Waste. The Water Supply and Sewerage businesses are category 1, as they have operating revenues over \$2M per annum.

The NSW Government encourages best practice for water supply and sewerage services. To this end the Department of Energy, Utilities and Sustainability (DEUS) has developed the *Best Practice Management of Water Supply and Sewerage Guidelines*. The guidelines encourage 'effective and efficient delivery of water supply and sewerage services' and 'promote sustainable water conservation practices and water demand management'.

The best practice guidelines set out six (6) criteria for the management of water supply and sewerage services. These are:

- Strategic Business Planning
- Pricing and Developer Charges
- Demand Management
- Drought Management
- Performance Reporting
- Integrated Water Cycle Management.

A Strategic Business Plan for the Water and Sewer funds was developed for the former Bathurst City Council. All the documentation supplied to the review team was from 1995 and contains references to acts and regulations that have since been amended or repealed. Council should urgently address non-compliance of the business plan with current legislation. **(Recommendation 22)**

Council has not included Note 2 and 3 to the Special Purpose Financial Reports in the 2005/06 financial reports. These notes provide information in relation to council's compliance with the best practice criteria. The review team was advised that the council is working towards meeting the criteria set out in the best practice guidelines. Three of the six criteria for the water supply fund are near completion and the most difficult one to comply with is the pricing and developer charges. The council is also working towards satisfying the best practice guidelines criteria for the sewerage services. Council should meet the best practice guidelines. **(Recommendation 23)**

Council is building a new aquatic centre, which is being funded out of the Water Supply fund. The budget for 2006/07 for the Bathurst Aquatic Centre is \$10.5M and construction is likely to be completed in the second half of 2007. Once complete the centre will become an asset of the water supply fund. Any income derived from the centre will form part of the operations of the water supply fund. Council commenced this project prior to an amendment to section 409 of the Act requiring councils to comply with the best practice guidelines issued by DEUS. Such an arrangement may

make it more difficult for Bathurst Regional Council to fully comply with the guidelines.

Asset Management

Asset management is a systematic process to guide the planning, acquisition, operation and maintenance, renewal and disposal of assets. Its objective is to maximise asset service delivery potential and manage related risks and costs over the full life of the assets. It involves effective coordination of the council's financial and engineering resources. Essentially there are three distinct steps in the process. They are to develop a policy, a strategy and a plan.

An asset management policy provides a clear direction and defines the key principles for asset management. The asset management strategy should align the assets to best meet the needs of the community, now and in the future and allow the asset management policy to be achieved. The asset management strategy and policy provide the groundwork for the asset management plan.

In June 2006 Bathurst Regional Council adopted a Strategic Asset Management Policy (SAMP). The SAMP was developed by LOGOV Risk Management Services Pty Ltd in consultation with council officers and managers. Asset classification standards, maintenance service levels and work performance are identified in the policy.

Council has recently purchased an asset management software package and data is being systematically loaded into the system. At the time of the on-site visit most roads and parks had been entered into the system along with the condition rating for those assets. Council has not yet developed asset management plans for a number of its asset classes. (***Recommendations 24-25***)

Land Assets

The review team was provided with a copy of the council's land register, which includes operational, community and Crown land.

The Local Government Act stipulates how council is to govern the use and management of community land. This is a fundamental responsibility of councils. The Department's *Practice Note 1 – Public Land Management* deals with this issue and is available for download from the department's website.

Council provided the review team with draft plans of management for community land for the former Bathurst City Council. Council needs to ensure that plans are developed and adopted for all community land in the Bathurst Regional Council area, following the process provided for in the Act. **(Recommendation 26)**

Register of Leases

Council recently created a file to act as a register of leases and licences it has granted. It contains a single sheet of plain paper, unsigned and undated, bearing a list of leased premises under the heading of sporting leases. The register does not show the term of any of the leases or when the leases were entered into. Also the register does not appear to include all leases and licences.

Council should develop a procedure for the granting and managing of leases and the associated maintenance and review of the leases and licences register. In doing so, council should ensure that it enters into lease agreements with all occupiers of council controlled premises. **(Recommendation 27)**

6.4 Community & Consultation

A council's charter requires that a council:

- provide services after due consultation
- facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and coordination of local government
- actively promotes the principles of multiculturalism
- plans, promotes and provides for the needs of children, and
- keeps the local community and State government informed about its activities.

The review of council's activities in this area looked at:

- *The methods council uses to involve and determine the views of its community*
- *Access to information*
- *Interaction between councillors and staff*
- *Social and community functions of council*
- *Annual reporting*
- *Cultural planning*
- *Ethnic affairs obligations*
- *Reporting to the community and keeping the State government informed about its activities*

Social and Community Plan

Council has now placed its Social and Community Plan 2006-2010 on its website to replace the earlier 1999 Social Plan prepared by the former Bathurst City Council. The plan effectively documents the achievements of council in all the mandatory target areas and comprehensively reports on achievements from the previous plan. From the document it is clear that council understands the social needs of its community and has now in place a planning strategy to address this need. This strategy is balanced and achievable. Improvements can be made with a better strategic focus in parts of the planning process and better engagement with key organisational stakeholders at a formal level. The plan establishes a 6-month review

process with council staff reporting progress to council. This provides the opportunity to build on the plan and its implementation.

Extensive community consultation was undertaken in preparing the plan. This included surveys and target group focus groups. These groups provided valuable input into the plan. This work was comprehensive, well documented and council should be congratulated. The plan appropriately sought the input of other service providers for young people. It does not appear that such input was sought in the other target areas. This may have given a valuable alternate perspective. The plan is well structured and easy to read and specific information is easily located.

As a strategic document the plan is well focussed. In all areas identified, issues are clearly articulated. Outcomes are simply expressed, achievable and measurable for the most part, however, as detailed throughout this review, the expression of outcomes is often more operational than strategic. Some further thought could go into detailing actions and better defining timeframes. Most timeframes are for 2007 or 2008, but the plan is current till 2010. Some stronger council input may have been beneficial here to assist the independent consultant who prepared the plan. There is a risk that staff and councillors may not have sufficient ownership of the plan through this omission. The plan includes optional target groups for men, villages and rural areas and an overall section for services for the community generally. It also has a section on community wellbeing that provides valuable data on community functioning and this content on general community provides a positive picture within this section.

The Social and Community Plan was completed subsequent to the completion of the last Annual Report and the 2006/07 Management Plan. As such, these documents do not include references other than the plan being completed.

Council's 2004/05 Annual Report comprehensively outlines the achievements (in operational terms) of the previous Social Plan and includes a brief Access and Equity Statement. The plan is based primarily on 2002 census data (2006 census

data is not yet available). As such the data is adequate in that it predicts trends. Council may choose to review this when 2006 data becomes available, particularly in relation to children, young people and Aboriginal populations.

Linkages with other council planning processes are unclear. It appears that council sees the social/community planning process as being compartmentalised into community services, rather than impacting on all of council's services.

Council does not appear to have engaged with other councils or state government organisations in the preparation and implementation of its plan. The exception is the involvement with inter-agencies and indication of engagement with the Department of Ageing, Disability and Home Care (DADHC) around disability and ageing issues.

More specifically the plan notes a declining population of children 0 – 4 years of age. The reasons for this are not explored. Despite this, the plan identifies shortage of services for children as a significant issue. This may well be the case but should be explored in more depth. The plan comments specifically on the shortage of therapy services for children with a disability in the younger age group. The plan expresses a hope that the new Department of Community Services (DoCS) Early Intervention Program will address this. This will not be the case. The plan also notes an increase in the Aboriginal population. It is unclear whether this is real growth or more Aboriginal people choosing to identify. This would be worth council exploring further. It is apparent from the plan that there has been no contact with DoCS about this.

The plan deals effectively with physical and intellectual disability. However it does not address mental illness or HIV in a meaningful way. There are some areas of non-compliance with statutory requirements that need to be addressed and linking of the plan with the Management Plan, Annual Report and State of the Environment Report. **(Recommendations 28-29)**

Annual report

Council's Annual Report 2004/05 is the first report of the Bathurst Regional Council and generally complies with the requirements of the Local Government Act and Regulation. The relationship of the annual report to other key documentation including the Management Plan 2006/07, the 1999 Social Plan from the former Bathurst City Council (since reviewed) and the State of Environment report is weakened by the quality of these three documents. Council has now completed a Social and Community Plan and will need to review the other two documents to ensure that there is a strong link between the content of each of these three publications.

The annual report does not comply with s 93G(5) of the *Environmental Planning and Assessment Act*, requiring information on the provision of compliance with, and the effect of, planning agreements in force during the year. In addition there was no statement regarding the establishment of a complaints handling mechanism for competitive neutrality complaints in accordance with clause 217 of the *Regulation*. No detail was provided on the programs to promote services and access for people with diverse cultural and linguistic backgrounds consistent with the principles of multiculturalism.

After the onsite visit was completed council published its 2005/06 Annual Report. The council has included additional information in the current annual report on the services and access for people with diverse cultural and linguistic backgrounds. Council should keep in mind the requirements of the *Regulation* with particular regard to the statement of remuneration for senior staff and what needs to be disclosed and the statement of activities relating to enforcing and ensuring compliance with the *Companion Animals Act* and *Regulation*.

In preparing next year's annual report, council should ensure that it fully complies with the requirements in the *Local Government Act* and *Local Government (General) Regulation 2005*. **(Recommendation 30)**

Cultural Activities

Council recognises the importance of providing cultural and educational services to respond to the needs of the community. It recently created a Cultural and Community Services Directorate and appointed a Director to oversee the development of programs to support the community through the provision of services to a broad range of ratepayers. This includes the Art Gallery and libraries, the Somerville Collection in the old Bathurst Public School, Bathurst Memorial Entertainment Centre and various community organisations. With a financial subsidy of approximately \$3M to the Directorate, council is well resourced within that budget to undertake an active program to enhance the cultural activities within the community.

Community information and consultation

Council currently has a generic website which appears to be 'busy' with potential improvement for layout and search function. Council is rebuilding the website to provide a more commercial appearance and make it more 'user friendly' for visitors. It will be maintained by the recently formed Business and Economic Development Directorate and is intended to provide a vehicle for council to attract both investors and new residents in line with its vision to enhance lifestyle and environment.

Council actively encourages community involvement and has a regular program of visitation with village residents as well as question time at its monthly meeting and a public forum on the first Wednesday of the month. Consultation over the past eighteen months included rate determination for the new council, the draft Local Environmental Plan and floodplain information sessions. The Review team was unable to identify any specific consultation sessions for the draft Management Plan perhaps as these other matters were given higher priority within the community.

Community Survey

Council commissioned a Community Survey that was completed in April 2006, and reported that the community had recognised the achievements of council. This

initiative by council demonstrates its commitment to community feedback in reassessing its corporate direction.

The key priorities for council over the next 12 months were identified from the survey as:

- Better provision of human services, especially for the aged and those with disabilities, and where possible additional facilities for youth and children (more playgrounds on new estates)
- Continual upgrading of basic infrastructure such as urban and rural roads, footpaths, street lighting, and dealing with parking in the CBD
- To sustain the community's interest in recycling, council should consider an increase in the collection of recyclables from monthly to fortnightly
- Continual efforts are needed to attract more business to the Bathurst region, with the attendant benefit of increased local employment opportunities
- An area of increasing concern to communities generally, and now also in Bathurst - community safety has also become a priority
- While the image of council as a professional organisation is high, more communication is needed to emphasise council's skills in financial management and in responding to community concerns
- While contact with council staff is rated well, the website should be reviewed to improve usage and increase information services.

Keeping the community informed – the annual Management Plan

Through the annual Management Plan, council can discharge its charter obligations to keep its community adequately informed about its activities and to involve its community in its activities. The Management Plan allows council to present related documents and information in an informative and user-friendly fashion. The first Management Plan for Bathurst Regional Council was well designed and provided a snapshot of the proposed activities within each of the five Directorates. It met the proper process for providing public notice, exhibition, adoption and implementation of the plan.

Although it should cover a three-year period, the '2006/07' Management Plan, with the exception of the three-year financial budgets, only included major projects for 2006/07. The key indicators related to each program were generally not measurable or time based and would cause difficulty for Directors providing future monthly reporting to the General Manager. In addition, the corresponding strategy document sources sighted in the plan were dated and evidenced the need for the amalgamated council to continue its strong focus of upgrading policies and procedures to add relevance and currency to future Management Plans.

As a source for the future budgets, council is required under section 404 of the Act to provide details of each ordinary and special rate to be levied as well as determination of fees and charges and proposed borrowings. These details were also not included in the current Management Plan.

The Plan did not include initiatives from the State of the Environment Report to address any deficiencies nor did its statement of principal activities include the promotion of ecologically sustainable development.

Council will need to undertake a comprehensive review of the Management Plan format to ensure that it meets all requirements of the Act and Regulation and when available, refer to the future 10-year Strategic Plan to align council's strategic direction in a more focused manner. **(Recommendation 31)**

Ethnic affairs matters

Council confirmed with the review team that it neither has an Ethnic Affairs Priority Statement nor publications available in languages other than English. At present council does not provide or facilitate access to community language translation services for telephone callers and needs to address the need for the provision of such facilities and services for its community. **(Recommendation 32)**

It is important that council adequately provides for those members of its community who are from a non-English speaking background.

Guarantee of service

Council does not currently have a guarantee of service. It would be in council's interests to develop one to assist it in meeting its obligations to the community. A guarantee of service ought to establish a clear set of service standards that the community can expect of council and benchmarks against which its performance can be measured. (***Recommendation 33***)

6.5 Workforce Relations

Councils have a number of legislative responsibilities in relation to their role as an employer. Council is required to conduct itself as a responsible employer.

A review was conducted of a range of aspects of council's workplace relations practices including:

- *Recruitment and selection processes*
- *Workforce planning*
- *Equal employment opportunity*
- *Grievance management*
- *Occupational health and safety*
- *Secondary employment*
- *Consultative committee processes*

Overview of the organisation

Bathurst Regional Council has a total workforce of 520 (344 full-time equivalent staff). Of these employees, 49.9% are women with the majority of employees (61.3%) between the ages of 24- 54 years. In addition there is 11.4% of employees aged 55 and above which represents a significant sector that impacts on the role of council within an ageing population in terms of both the need for retention of these skills within the workforce as well as succession planning to fill these eventual vacancies. Council may benefit from considering this influence within a broader workplace planning strategy in order to adequately respond to the dynamic movements of the workforce through targeted training and recruitment strategies.

(Recommendation 34)

Council expenditure on salaries as reported in its Annual Financial Report for the 2005/06 financial year was \$13,853,000, an increase of \$873,000 from the previous year. Council does not have any registered enterprise agreements nor any current council agreements in place.

Recruitment and Selection policy and procedures

Council has a documented selection policy that outlines the procedures for human resources but does not place sufficient emphasis on aspects of workplace planning and the external factors affecting recruitment and selection of staff. The stated objective of this document is “to ensure that all recruitment procedures comply with the provisions of legislation”. The review team considers that a more dynamic approach be taken to this policy in order that recruitment strategies are identified to address future employment demands that may result from the current legislative and economic changes within the Australian workforce. The need to develop a Workforce Plan to take into consideration the long-term employment needs of council to deliver future services and infrastructure is detailed in the following section.

Following the amalgamation, all council positions now have job descriptions, which are provided to staff. Council has a formal policy for the review of job descriptions. Job descriptions are reviewed annually as part of the performance review, on request or as may be required, and whenever council needs to fill a vacancy for the position.

Council also has a structured staff induction program for new staff. This ensures that staff become familiar with their workplace through a thorough and considered process that effectively equips them with the knowledge needed to perform their roles. Council’s induction procedures and checklist are comprehensive. The Local Government (State) Award also requires that each council develop a training plan that reflects the current and future skill requirements of council, its size, structure and the nature of its operations and the need to develop vocational skills relevant to it and the sector as a whole. Council has a formally documented training plan that is developed as part of annual performance reviews.

Human resources strategy/Workforce planning

As with other local government authorities, council is exposed to a number of workforce issues, such as:

- the shortage of specialised skills in high demand areas
- an ageing workforce
- a change in workload for certain sections
- changing priorities resulting from internal and external pressures
- increases in career opportunities in the larger cities.

Council does not currently have a human resources plan in place to manage these issues. Accordingly, council should develop a long-term workforce plan that looks at the staffing needs of each section of council and allocates staff according to workload and priorities. **(Recommendation 35)**

The review team noted that a significant section of the workforce is aged over 55 years and there may be a need for preparing younger staff to undertake these roles if required. The long-term plan should also address the issues of:

- council's ageing workforce, including attraction to the services provided in Bathurst for mature aged workers seeking a lifestyle change
- knowledge management to ensure that information from key employees is recorded and included in procedural policies
- the provision of a plan of succession for key positions, and
- increase potential opportunities for apprenticeships, cadetships and traineeships to address these concerns.

A human resources strategy can integrate and guide council's overall human resources effort, particularly in the areas of recruitment and retention and staff training and development. A strategy of this kind may be stand-alone or may be integrated into council's overall corporate strategy. The key is to ensure that it is consistent with council's view on the future direction of the organisation through alignment with a Strategic Plan and that planning is underway to support that direction at the human resources level.

Equal Employment Opportunity

Council has identified ten (10) key result areas under which strategies have been devised and measured by Key Performance Indicators for:

- Policy and procedures
- Communication and Awareness Raising
- Data Collection
- Recruitment and Selection
- Training and Development
- Promotion, Transfer and Higher Duties
- Conditions of Service
- Harassment
- EEO Target Groups
- Implementation and Evaluation.

Section 344 of the Local Government Act requires councils:

- to eliminate and ensure the absence of discrimination in employment on the grounds of race, sex, marital status and disability.
- to promote equal employment opportunity for women, members of racial minorities and physically handicapped persons in councils.

Councils are obliged to prepare and implement an equal employment opportunity management plan in accordance with section 345 of the Act.

Council has adopted a suite of policies to comply with its obligations under section 344 and complies with section 345 of the Act.

Occupational Health and Safety

Council adopted an OH&S policy statement for the amalgamated council in December 2004 that clearly defines its OH&S objectives. The policy describes the responsibilities and implementation strategies for all employees and contractors and

guidelines for reporting incidents. Training and development has been identified as a key objective and incident investigation guidelines are clearly stated. Any injuries/lost work time is reported to the OH&S Committee and quarterly reports are prepared for the General Manager. Details of incidents as well as achievements under the OH&S Policy statement are also reported in the Annual Report and council appear to be compliant with the relevant legislation.

Grievance Handling

Council does not have a formal grievance handling policy or procedure and has relied on extracts from earlier Local Government State awards as a guide for this purpose. It has recently referenced Part 13 of the *Workplace Relations Act 1996* for this purpose and should now give consideration to preparing a grievance handling policy document that meets the specific needs of council. (***Recommendation 36***)

Consultative committee

Clause 25a of the Local Government (State) Award requires each council to establish a consultative committee and to meet regularly. Council's consultative committee meets every two months and comprises three management representatives, seven union representatives and one delegate to represent the library and other remote sites. One councilor is nominated as an observer to these meetings. Business papers and minutes of meetings are maintained by Human Resources and referred to the General Manager and staff.

Secondary Employment

Secondary employment is referenced in section 353 of the Act. Council must ensure that staff do not compromise their council duties with external employment responsibilities. Council has developed a comprehensive policy document to outline the circumstances where secondary employment may cause conflict of interest with their council duties. The policy contains an application form for staff to seek the General Manager's approval to provide transparency for any staff action that may conflict with council responsibilities.

7. COUNCIL RESPONSE

Council responded to the draft report on 7 March 2007. Council's response provided clarification on some of the draft recommendations. As a result of this clarification, two draft recommendations were removed and four draft recommendations were amended.

A draft recommendation in relation to a review of the councillors expenses and facilities policy was removed because council had undertaken this activity since the review was conducted.

A draft recommendation concerning the recommendations of the confidential committee of the whole was removed as a result of further clarification provided by council.

Draft recommendations in relation to reports to council on development applications, compliance with the *Companion Animals Act* and compliance with the *Swimming Pools Act* were amended as council provided additional information and clarification that indicated such changes were warranted.

The draft report was modified to take account of council's comments in relation to councillor expenses and facilities policy, council minutes, land use planning, development application reporting, state of the environment report, companion animals, swimming pools, the social plan and the annual report.

Council's response is attached:



Civic Centre Telephone 02 6333 6111
Cnr Russell & William Sts Facsimile 02 6331 7211
Private Mail Bag 17 council@bathurst.nsw.gov.au
Bathurst NSW 2795 www.bathurst.nsw.gov.au

7 March 2007

Mr Garry Payne
Department of Local Government
Locked Bag 5015
NOWRA NSW 2541

Dear Mr Payne

Promoting Better Practice Review – Bathurst Regional Council

Council refers to the recent Promoting Better Practice Review undertaken in October/November 2006 for Bathurst Regional Council and as requested I now provide comments in respect to the draft review.

Chapter 3 – Recommendations

Recommendation 1:

Council notes that the issue of a long term strategic plan is currently the subject of option papers produced by the Department of Local Government. Council will look at the development of a long term plan. Timing of this will be subject to the Department producing the necessary Guideline documents as indicated in the Department's option paper on Integrated Planning and Reporting for NSW Local Councils (November 2006).

Recommendation 3:

Council has developed principles and procedures in relation to the operations of the Code of Conduct Committee and continues to develop these.

Recommendation 6:

Council in December 2006 reviewed its Section 252 Policy in line with the Department of Local Government Guidelines. The amended Policy was adopted in February 2007 following public consultation.

Recommendation 7:

Council notes that its ordinary minutes already contain the content of all recommendations of the confidential committee of the whole.



Reference: BD-SM:03.00142
Enquiries: Mr Brian Dwyer 6333 6209
_ds lg review 020307

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Recommendation 10:

Council notes that it already applies the guidelines in the Local Government Act, 1993 for access to documents and further processes requests, where received, in accordance with the Freedom of Information Act and the Premier's Department Guidelines.

Recommendation 12:

Council has developed an extensive Strategic Asset Management Policy for all its assets which identifies possible risks associated with Council's assets.

Recommendation 15:

Council is currently in the process of developing a new LEP for the regional council area in accordance with the Department of Planning's guidelines and established deadlines.

Recommendation 17:

Councillors are provided every month with details of the number of Development Applications dealt with under delegated authority, those approved, and any that have not been finalised within the month. Councillors are also provided on a weekly basis a list of all Development Applications received. It is also noted that all applications under Section 82A of the Environmental Planning and Assessment Act are referred to Council for its determination.

Recommendation 20:

It is noted that the Review Team examined the content of the 2005 State of the Environment Report, which was the first report prepared for the newly amalgamated council. Council considers that the 2006 Supplementary State of the Environment Report addresses the concerns expressed. This document was forwarded to the Department in mid November 2006.

Recommendation 21:

It is noted that Council has engaged an Aboriginal Liaison Officer to assist in the development of the Heritage Study.

Recommendation 26:

Council has adopted a Strategic Asset Management Policy (SAMP) for its assets and has purchased a custom made asset management software package (Confirm) and is currently populating a data base and linking this to its financial management system.

Recommendation 30:

Council has in place an array of strategies to meet council's obligations under the Companion Animals Act. This includes community desexing programs, primary schools education programs and presentations by Council Rangers to community groups (i.e. Senior Citizens and Rotary, amongst others).

Recommendation 31:

Council has in place an extensive community awareness programme for swimming pools. As recently as December 2006, public awareness programs were run. These items were run in the local newspaper and WIN television.

Recommendation 32:

Council has since the Review Team visit adopted council's new Social Plan which was due in November 2006 as per the Department of Local Government Guidelines. Council considers the new plan meets all statutory requirements.

Recommendation 34:

Council has since the Review Team visit produced its 2006 Annual Report which complies with all legal requirements as per the Department of Local Government Annual Report checklist.

Recommendation 35:

Council's current Management Plan contains a detailed three (3) year budget and council is constantly reviewing the plan to ensure its value to the strategic planning process.

Recommendation 40:

Council currently utilises the provisions of the NAPSA and Council's own Grievance Policy to meet the needs of this Council.

Council is extremely supportive of the Promoting Better Practice initiative of the Department of Local Government and would strongly urge the Department to continue with this program.

Council appreciates the efforts of the Review Team, and I would take this opportunity to record my personal acknowledgement of the professional manner in which they conducted the Review.

Yours faithfully



D J Sherley
GENERAL MANAGER

Reference: BD:SM:03.00142
Enquiries: Mr Brian Dwyer 6333 6209
_ds lg review 020307

SUMMARY - WHAT'S WORKING WELL & CHALLENGES

COUNCIL'S PRIORITIES AND FOCUS

What is working well

- Council's unification of the former Bathurst City Council and parts of the former Evans Shire and Oberon Shire Councils
- Development of council's vision, mission and key directions
- Village Improvement Programme Meetings and councillors' involvement

Challenges to improve

- A Strategic Plan setting 10 – 20 year strategic goals for the council
- A Management Plan that is linked to other key planning documents and compliant with the legislation.

GOVERNANCE

What is working well

- Induction training for councillors
- Interaction between councillors, General Manager, Directors and staff
- Council and Policy Committee meetings are well organised and efficiently run

Challenges to improve

- Develop customer service framework, provide community with information related to making complaints and develop a policy on requests for information under s12 of the Local Government Act
- Some policies need to be reviewed and updated

REGULATORY

What is working well

- Utilisation of council planning staff to draft the Urban, Rural and Heritage Strategies
- Consultation with community of the draft strategies

Challenges to improve

- Integrating comparative data and the Pressure State Response model in the State of the Environment Report

ASSET AND FINANCIAL MANAGEMENT

What is working well

- Satisfactory to strong financial position
- Recent recording of assets within asset management software

Challenges to improve

- Long term financial planning and integration with other key planning documents
- Asset management strategy and plan and integration with other key planning documents

COMMUNITY, COMMUNICATION AND CONSULTATION

What is working well

- Understanding of the social needs of the community
- Community consultation through village meetings
- Conduct of community survey to identify key priorities

Challenges to improve

- Strategic focus for the Social and Community Plan and integration with other key planning documents
- Integration of Management Plan, Annual Report, Social and Community Plan, and the State of the Environment Plan

WORKPLACE RELATIONS

What is working well

- All positions have job descriptions
- Formal policy for annual review of job descriptions
- Structured staff induction programme

Challenges to improve

- Development of a Human Resources Strategy and integration with other key planning documents
- Identify recruitment strategies to address future employment demands