

Upper Lachlan Shire Council **Agency Information Guide**

Prepared in accordance with the provisions of Section 20, of the NSW Government Information (Public Access) Act 2009 (GIPA).

TABLE OF CONTENTS

| ITEM | PAGE |
|--|-------------|
| Structure and Functions of Council | 1-5 |
| How Council functions affect members of the Public | 6 |
| Public participation in Council Policy Development | 7-10 |
| Four Ways to Access Government Information | 11 |
| Documents Open Access Information held by Council | 12-14 |
| How members of the Public may access and amend Council Documents concerning their personal affairs | 15 |
| Contacting the Information and Privacy Commission Office | 16 |

STRUCTURE AND FUNCTIONS OF COUNCIL

Upper Lachlan Shire Council is constituted under the Local Government Act 1993 and was proclaimed on 11 February 2004. Upper Lachlan Shire Council is located in the Southern Tablelands of New South Wales and the centre of population is Crookwell. There are three towns including Crookwell, Gunning and Taralga and ten villages with the local government area.

Elected Council

Upper Lachlan Shire Council is an elected body from the residents and ratepayers in the Shire and is not divided into wards. The elected Council is comprised of nine Councillors. Council elections are held every four years. Each year the Councillors elect a Mayor and Deputy Mayor.

The current Councillors were elected in September 2012. The Mayor presides at meetings of the Council and carries out the civic functions of the office.

The elected Councillors are available to represent the community views. The elected Councillors are detailed as follows:-

Mayor: Clr John Shaw

Deputy Mayor: Clr James Wheelwright

Councillors: Clr Brian McCormack

Clr Malcolm Barlow

Clr Paul Culhane

Clr Darren O'Brien

Clr Scott Craig

Clr Joanne Marshall

Clr John Searl

The Council's Ordinary Meetings are held on the 3rd Thursday of each month from 9.00am at the Crookwell Chambers at 44 Spring Street, Crookwell. The November Council meeting each year is held in Gunning, at 123 Yass Street, Gunning. If the meeting scheduled is varied an advertisement is placed in the Public Notices section of the Crookwell Gazette and Goulburn Post newspapers. A public notice is also placed in the Gunning Lions Club Noticeboard (printing schedule permitting).

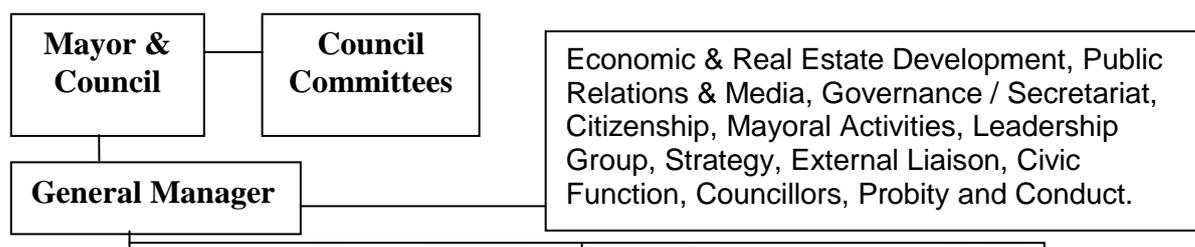
Organisational Structure

As Council's principal senior staff officer, the General Manager exercises overall management responsibilities for Council's operation and ensures implementation of Council resolutions. The General Manager is also responsible for the day to day management of the Council.

Upper Lachlan Shire Council's organisation structure is reviewed and readopted by Council. The organisation structure is set out in Appendix A.

There are three Departments of Council. These Departments include Works and Operations, Finance and Administration, and Environment and Planning. Council employs 133 full-time equivalent employees.

Structure of Council – Appendix A



| Director of Finance and Administration | Director of Works and Operations | Director of Environmental and Planning |
|--|--|---|
| Customer Service Payroll Administration Financial Services Accounting Information Technology Telephone/Switchboard Records Management Human Resources Management Insurances Rates and Annual Charges Creditors and Debtors Business Papers Privacy Management Staff Training Plans Audit and Investment Committee Loans/Borrowings Investments Revenue Policy Community Strategic Plan Delivery Program Operational Plan Long Term Financial Planning Workforce Plan Annual Report Community Technology Centres Library Services (2 Branches) Southern Tablelands Library Cooperative (STLC) Regional Arts Council Community Services Tourism Services and | Water Supply Services Sewerage Services Waste and Recycling Collection Waste Management Centres/Tips Parks and Gardens/Sportsgrounds Swimming Pools (2 Pools) Works Depots (2 Depots) Plant (Workshop) Maintenance (roads, bridges, footpaths and kerb and guttering) Construction (roads, bridges) Contract Management Design Works/Engineering Services State Emergency Services (SES) Rural Fire Service (RFS) Aerodrome Infrastructure Plan and Asset Management Project Management Forward Planning - Environment - Recreation - Infrastructure Traffic Management Subdivision Design and Construction Recreational Planning Road Safety Cemeteries Public Conveniences Drainage and Stormwater services Private Works RMCC RMS Roads Contract | Urban/Rural Planning (Land use) Building Control Health Environmental Planning Control (LEP) Pollution Control Development Control Rangers Stock Impounding Heritage and Conservation Regulatory Functions Animal Control Halls Management Companion Animals Food and Health Inspections Immunisation State of Environment Tree Preservation Order Septic Tank Town Planning - Community Survey - Corporate Strategic Planning - Land use planning - Subdivision Town Planning Council Housing Management Ordinance Control Licence Monitoring Section 94 and Section 94A Development Contributions Voluntary Planning Agreements Contamination Pye Cottage Museum Floodplain |

| | | |
|--|---|---|
| <p> ULTA Committee Events Council Web Page/Internet Taralga Community Service Centre Australia Post Services – Taralga RMS Motor Registry Agency – Crookwell Taxation Compliance Cultural Planning </p> | <p> Roads to Recovery works Domestic Waste Management Purchasing Stores Risk Management Compliance Framework Work Health and Safety (WH&S) WH&S Committee Consultative Committee Caravan Parks Gravel Pits Compliance Framework Geographic Information Systems Section 64 Development Contribution Plans </p> | <p> Social and Community Planning Noxious Weeds Control Medical Centres Buildings and Offices Maintenance Rural Addressing </p> |
|--|---|---|

Council Functions

| SERVICE FUNCTIONS | REGULATORY FUNCTIONS | ANCILLARY FUNCTIONS | REVENUE FUNCTIONS | ADMINISTRATIVE FUNCTIONS | ENFORCEMENT FUNCTIONS |
|--|--|--|---|--|---|
| <p>Including:</p> <p>Provision of community health, recreation, education and information services</p> <p>Environmental protection</p> <p>Waste removal and disposal</p> <p>Land and property</p> <p>Industry and Tourism development services</p> <p>Infrastructure Planning and civil works</p> <p>Infrastructure Maintenance and Construction</p> <p>Water Supply and Sewerage Services</p> <p>Private works and contracted works</p> | <p>Including:</p> <p>Approvals</p> <p>Orders</p> <p>Building and Planning Certificates</p> <p>Town Planning and Zoning</p> <p>Food Premises Inspections</p> <p>Governance and civic leadership</p> | <p>Including:</p> <p>Resumption of land</p> <p>Powers of entry and inspection</p> <p>Asset Management</p> <p>Animal Control</p> <p>Engineering supervision</p> | <p>Including:</p> <p>Revenue Policy</p> <p>Rates and Annual Charges</p> <p>User Charges</p> <p>Fees</p> <p>Borrowings</p> <p>Investments</p> <p>Bank Reconciliation</p> | <p>Including:</p> <p>Workforce Planning - employment of staff</p> <p>Integrated Planning - Strategic and Operational Plans</p> <p>Financial Reporting</p> <p>Annual Reports</p> <p>Accounts Payable</p> <p>Inventory Control</p> <p>Financial Management</p> <p>Records Management</p> | <p>Including:</p> <p>Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations</p> <p>Prosecution of offences</p> <p>Recovery of rates and charges</p> <p>Noxious Weeds control and inspections</p> <p>Land and Environment Court proceedings</p> <p>Enforce development consent conditions</p> <p>Enforce public and environmental safety requirements</p> |

HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

Impact of Council functions on the public

- Council functions are outlined above. The Upper Lachlan Shire Council performs many functions in which it directly interacts with the community.
- As a customer service organisation the majority of activities undertaken by Upper Lachlan Shire Council have an impact on the public/community. The functions that have wide public effect are as follows:
 - Council has the power to propose zonings for individual properties;
 - Community Planning and Development;
 - The development of land is controlled by Council;
 - Council will classify the way in which public land for which it is responsible is used;
 - Council does undertake to construct and/or provide infrastructure for the community e.g. public buildings, recreational facilities, roads, car parks, footpaths and drainage, water, sewer and waste facilities;
 - Council may make orders concerning certain public nuisances and other matters;
 - Council may enter into private land and/or cause certain works to be done in certain circumstances;
 - Council will provide and maintain the provision of public facilities;
 - Council shall levy rates and collect certain charges;
 - Council may regulate behaviour in certain public places;
 - Council may regulate certain matters relating to public health;
 - In certain circumstances a Council may seek to acquire private properties; and
 - Council may regulate traffic and parking within its area of control.

Council's Finance and Administration Department provides statutory, administrative, revenue, service and executive support functions to the community, Councillors and Council's other Departments.

Council's Works and Operations Department provides a broad range of services to construct, maintain and improve Council's assets and civil infrastructure and ancillary functions.

Council's Environment and Planning Department provides statutory, regulatory, ancillary and enforcement functions and services to the community and have regard to sustainability, economic growth and heritage.

PUBLIC PARTICIPATION IN COUNCIL POLICY DEVELOPMENT

Representation

Local Government is based on the principle of representative democracy. This means that the elected Councillors represent the entire community and make decisions on their behalf. All residents of the local government area who are on the electoral roll are eligible to vote. Residents are able to raise issues with and make representation to the elected Councillors.

Eligibility for inclusion on the local government area electoral roll is available to non resident land owners, and land occupiers and rate paying lessees within Upper Lachlan Shire Council. For inclusion on the electoral roll an application or claim form is to be completed within designated timeframes before the local government election.

Council and Committee Meetings

In accordance with Chapter Four, of the Local Government Act 1993, Council has adopted a policy outlining ways in which members of the public may become involved in the policy making function of Council.

Residents and ratepayers are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue and/or representation, may pursue the matter on the resident's behalf therefore allowing members of the public to influence the development of policy.

Notice of Meetings

Ordinary Meetings of Council are conducted on the third Thursday of the month at either the Crookwell or Gunning Council Chambers. Council will continue to hold community outreach meetings in towns and villages including: Taralga, Bigga, Collector and Big Hill, to facilitate community engagement, involvement and dialogue with Council. Notices of Extraordinary Council Meetings are advertised in the Crookwell Gazette, Goulburn Post and the Gunning Lions Club Noticeboard in the week prior to the meeting.

Agendas

Meeting agendas, with confidential items excluded, are made available to the public for perusal on the Friday preceding the meeting at the Administration offices in Crookwell, Gunning, as well as at the Taralga Community Service Centre. All meeting business paper agendas and related business paper correspondence, as well as the adopted Council Minutes are published and available on Council's website at www.upperlachlan.nsw.gov.au.

Access by the Public at Council Meetings

All meetings of Council and Committees are open to the public except where the Council or Committee resolves to commence a Closed Session.

Confidential Matters

Upper Lachlan Shire Council is committed to, and has fostered the practice of open local governance. Some matters, however, are of a sensitive nature and must be dealt with in the Closed Committee of Council.

Whilst Section 10 (1), of the Local Government Act 1993, requires that Council and Committee meetings be held open to the press and public, the Council or Committee is able to resolve that any item of business be dealt with in Closed Session, pursuant to Section 10 (2), of the Local Government Act 1993.

Section 10 (2), of the Local Government Act 1993, also specifies the grounds on which a meeting is closed to the public. This must be specified in the decision to close the meeting and recorded in the minutes of the meeting. The items considered to be of a confidential nature include the following:

- (a) Personnel matters concerning particular individuals;
- (b) The personal hardship of any resident or ratepayer;
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - (ii) Confer a commercial advantage on a competitor of the council; or
 - (iii) Reveal a trade secret;
- (e) Information that would, if disclosed, prejudices the maintenance of law;
- (f) Matters affecting the security of the council, councillors, council staff or council property,
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege; and
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Any reports, correspondence or documentation relating to such matters will be withheld from the press and public. The General Manager reports to the open Council meeting those resolutions made by the Council in Closed Session and such decisions are recorded in the Minutes of the Council Meeting. All members of the press and public are asked if they object to Council convening to the Closed Committee and state their reasons for the objection.

Contacting Residents Involved

Every endeavour is made to inform persons who have a direct involvement in a matter, when the matter is to be considered by the Council. These persons are also advised of their right to peruse the meeting agenda, attend the meeting and apply to address the Council Meeting.

Addressing Council

Upper Lachlan Shire Council is always willing to provide access to Councillors for the public, but must maintain the rules and conventions set down in the Local Government Act 1993 and Regulations. Accordingly, the following information is provided:-

- (a) The Mayor (or Chairman of the Meeting) has control of the meeting and of public access. The Mayor will provide directions for the person to address Council. Such directions may include the varying of any part of this policy and any part of the guidelines for public access to enable persons with a disability to make an effective presentation to the Council. The presentation will end when the Mayor so directs.
- (b) The Mayor retains the right to interrupt or close a presentation if it is believed that to continue would impinge on the laws of libel or defamation; if the matter is outside the guidelines, or if the matter contravenes the Local Government Act or Regulations. Accusations or allegations of wrong doing against Council members or staff will not be allowed in the presentation section. These matters are to be addressed formally in writing to the Mayor, to the General Manager, or to the other appropriate bodies.
- (c) The Mayor has the right to limit the number of presentations in total or the number of presentations on any one issue so that the presentation section does not unduly impinge on Council business or is not used for unnecessary repetition or duplication of points of view.
- (d) In relation to a specific development application any applicants (or their representatives) and any persons who have made a submission (or their representatives) shall be entitled to seek approval to address Council when that development application is reported. Persons who have not made a submission and who wish to raise matters after the report to Council has been finalised shall be advised of their rights to make representations to individual Councillors but shall not be eligible for a public presentation.

Committees of Council

There are avenues for members of the public to personally participate in the policy development and functions of Council. Many of Council's committees have considerable community and group representation. Committee membership is reviewed by Council on an annual basis. A full list of Council Committees is provided in Council's Annual Report.

Consultation and Representation

During the development of policies, plans and strategies, members of the community are encouraged to contribute. Opportunities for input include focus groups, surveys, public meetings and any methods appropriate to the topic. Council utilises strategies outlined in its Community Engagement Policy.

There are avenues for members of the public to personally participate in the policy and procedures development of the Council. Several Council Committees comprise or include members of the public. Expressions of interest calling for members of the public to participate in and to join various Committees are publicly advertised annually.

Some of these Committees include:-

- Audit and Investment Committee;
- Australia Day Committee;
- Traffic Committee;
- Access Committee;
- Upper Lachlan Tourist Association (ULTA);
- Crookwell and District Art Gallery;
- Gunning Golf Club Committee;
- YaMad (Youth) Council Committee;
- Crookwell Memorial Hall Management Committee;
- Community Technology Centre (CTC) Committee; and
- Various Public Hall, Public Cemetery and Historical Society Committees.

Submissions

Members of the public may influence Council decisions concerning matters such as the levels of rates and charges, the terms of Council's Operational Plan and Delivery Program, the granting of development and building approvals etc., by making submissions, including comments on, or objections to, proposals relating to those matters.

FOUR WAYS TO ACCESS GOVERNMENT INFORMATION

The Government Information (Public Access) Act 2009 establishes four ways for the public to access government information from Upper Lachlan Shire Council. The means to access information include:-

1. Open Access Information

Council must publish open access information on its website, free of charge. Where it is not practical for Council to provide open access information on the website, the information will be made available free of charge in at least one other format. Please contact Council on (02) 4845 4105 to access information that is not currently available on Council's website.

Open access information such as Council policies, code of conduct, strategic plans and disclosure log are all available on our website.

2. Proactive Release of Information

Apart from open access information, Council will release as much other available information as possible either free of charge or at the lowest possible cost. There is a Mandatory Proactive Release and an Authorised Proactive Release of information.

Council has developed a Proactive Release Program for information it holds. This program is conducted once a year and a list of information proactively released is included in the Council Annual Report each year.

3. Informal Release of Information

Members of the public may contact Council and ask for information. This is known as an informal request. Council may release information informally, subject to reasonable conditions. Information may be disclosed through informal release where there is no third party personal information and consent involved.

4. Formal GIPA Act Access Application for Release of Information

If information can not be accessed through any of the above ways, a formal GIPA Act Access Application may be necessary. This is generally a last resort under the GIPA Act 2009, and only necessary if the public are asking for a large volume of information, if providing access would involve an extensive search, or if the information you seek involves personal or business information about third parties who must be consulted before the information can be released.

GIPA Act Access Applications must be in writing, and accompanied by a \$30 fee. Processing charges of \$30 per hour may also be levied, depending on the type and amount of information sought. To make a formal GIPA Act Access Application please contact Council's Right to Information Officer on (02) 4845 4105.

DOCUMENTS OPEN ACCESS INFORMATION HELD BY COUNCIL

Types of Information held by Council

Upper Lachlan Shire Council holds information which relate to a number of varying issues. This information includes; policy documents, general information, registers, files, guidelines, plans, reports and other information.

There are a number of documents that are available for inspection free of charge and/or available on Council's Website www.upperlachlan.nsw.gov.au.

Council holds documents in both hard copy and electronic form that relate to a number of different issues concerning the Upper Lachlan Shire area. The documents included below may be available to the public upon request unless there is an overriding public interest not to do so.

Council has a register of Policy documents which is maintained by Council's Executive Assistant to the General Manager. The Government Information (Public Access) Regulation 2009, Schedule 1, requires the following open access information to be mandatorily disclosed on Council's website:-

1. Open Access Information about Council

- The model Code of Conduct prescribed under Section 440(1), of the Local Government Act 1993;
- Council's adopted Code of Conduct under Section 440(3), of the Local Government Act 1993;
- Code of Meeting Practice;
- Annual Report;
- Annual Financial Statements;
- Auditor's Report;
- Council Integrated Plans; including the Community Strategic Plan, Delivery Program, Operational Plan and Resource Strategy;
- Equal Employment Opportunity (EEO) Management Plan;
- Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors;
- Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees);
- Any Codes referred to in the Local Government Act 1993;
- Returns of the Interests of Councillors, Designated Persons and Delegates;
- Agendas, Business Papers and Minutes of Council/Committee Meetings (except meetings that are closed to the public);
- Division of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council in accordance with Section 433, of the Local Government Act 1993;
- Land Register;
- Register of Investments;
- Register of Delegations;
- Register of Graffiti removal works;
- Register of current Declarations of Disclosures of Political Donations;

- Register of Voting on Planning Matters kept in accordance with Section 375A, of the Local Government Act 1993.

2. *Plans and Policies*

- Local Policies adopted by Council concerning approvals and orders;
- Plans of Management for Community Land; and
- Environmental Planning Instruments, Development Control Plans and Contribution Plans made under the Environmental Planning and Assessment Act 1979 applying to land in the local authority's area.

3. *Information about Development Applications (Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development*

- Home Warranty Insurance documents;
- Construction Certificates;
- Occupation Certificates;
- Structural Certification Documents;
- Town Planner Reports;
- Submissions received on Development Applications;
- Heritage Consultant Reports;
- Tree Inspection Consultant Reports;
- Acoustics Consultant Reports;
- Land Contamination Consultant Reports;
- Records of decisions on Development Applications including decisions on appeals; and
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations.

3. *Approvals, Orders and Other Documents*

- Applications for Approvals under Part 1 of Chapter 7, of the Local Government Act 1993 and any associated documents received in relation to such an application;
- Applications for Approvals under any other Act and any associated documents received in relation to such an application;
- Records of Approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning Approvals;
- Orders given under Part 2 of Chapter 7, of the Local Government Act 1993, and any reasons given under Section 136, of the Local Government Act 1993;
- Orders given under the Authority of any other Act;
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979;
- Plans of land proposed to be compulsorily acquired by Council;
- Compulsory Acquisition Notices; and
- Leases and Licenses for use of Public Land classified as Community Land.

In addition, from time to time Council will make as much other information as possible publicly available in an appropriate manner, including on their website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.

Council will require a formal 'GIPA Access Application' form to be submitted where the information sought:-

- Is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- Contains personal or confidential information about a third party that requires consultation, or
- Would involve an unreasonable amount of time and resources to produce.

Under the GIPA Act 2009 when deciding whether or not to release information, Upper Lachlan Shire Council shall consider whether there is an overriding public interest against releasing the information. Access to some documents and information held by Council may be restricted where it is determined that there is an overriding public interest against releasing the information or document.

HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As far as practicable, Council documents will be accessible to members of the public during office hours. Persons interested in obtaining access to documents or who wish to seek an amendment to the Council records concerning their personal affairs should contact Council's Public Officer/Right to Information Officer.

The Public Officer – Right to Information Officer

The functions of the Public Officer/Right to Information Officer, are appointed by the General Manager in accordance with Section 342, of the Local Government Act 1993, are outlined in Section 343, of the Local Government Act 1993, as follows:

- May deal with requests from the public concerning the Council's affairs;
- Has the responsibility of assisting people to gain access to public documents of the Council;
- May receive submissions made to the Council;
- May accept service of documents on behalf of the Council;
- May represent the Council in any legal or other proceedings;
- Have such other functions as may be conferred or imposed on the Public Officer by the General Manager or by or under the Act.

In addition to the above responsibilities the Public Officer/Right to Information Officer is responsible for ensuring Council compliance with the GIPA Act. The role includes responsibility for receiving, registering and co-ordinating the review of all GIPA Access Applications and maintaining a disclosure log of GIPA Access applications.

At Upper Lachlan Shire Council the role of Public Officer/Right to Information Officer is the responsibility of the Administration Officer, Ms Carmel Hills, located in the Administration Office at 123 Yass Street, Gunning NSW 2581.

If an applicant wishes to obtain information held by Council please contact the Right to Information Officer on (02) 4845 4105 during normal office hours. The Right to Information Officer is responsible for determining applications for access to information or for the amendment of Council held records. If you have any difficulty in obtaining access to Council documents please refer your enquiry to the Public Officer/Right to Information Officer.

To make a formal request for access to information under GIPA Act, the 'GIPA Access Application' form is to be completed. The Application fee is \$30.00 and processing charges may be applicable (there is no GST in relation to these charges). An acknowledgement of such application will be provided by Council within five working days.

If a fee for photocopies and postage of documents provided under the GIPA Act is payable, it will be listed in Council's annual adopted Operational Plan Schedule of Fees and Charges, and is GST inclusive.

GIPA ACCESS APPLICATION REVIEW

Firstly, all applicants should try to resolve a complaint with Council. An applicant for access to information should contact Council directly to find out how to make a complaint.

If you are dissatisfied with the Council's decision with regard to a GIPA Access Application, there are a number of options available. These include:-

- Seek an internal review through the agency (Council) which you originally applied for the information,
- Approach the NSW Information Commissioner for an external review of the Council's decision,
- Request a review through NSW Civil and Administrative Tribunal (NCAT).

CONTACTING THE INFORMATION AND PRIVACY COMMISSION OFFICE

If you require any advice or assistance about access to information or information regarding the GIPA Act and GIPA Regulations you may contact the Information and Privacy Commission as follows:-

Information and Privacy Commission

Postal Address: GPO Box 7011
SYDNEY NSW 2001

Street Address: Level 11, 1 Castlereagh Street
SYDNEY NSW 2000

Telephone Number: 1800 472 679 (free call)

Facsimile Number: (02) 8114 3756

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au

Hours of Business: 9am to 5pm, Monday to Friday