

# AGENCY INFORMATION GUIDE

**Prepared in accordance  
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## 1. About Us

### 1.1 Snapshot

The Shoalhaven City Council (**Council**) is a large local government authority situated on the South Coast of New South Wales within approximately two hours travelling time by car from both Sydney and Canberra.

The Shoalhaven covers an area of 4,660 square kilometres and has a coastline of approximately 170 kilometres. Nearly 70% of the Shoalhaven is national park, state forest or vacant land.

Council is responsible for all traditional local government services in 49 separate towns and villages and is also the responsible authority for water and wastewater.

Council has two administrative offices. One located in Nowra, which is the major centre of the Shoalhaven. The other located in Ulladulla, which is the major centre in the south.

### 1.2 History

The Municipality of Shoalhaven was proclaimed as the City of Shoalhaven by the Governor of New South Wales from 1 August 1979. From 30 June 1948 to 31 July 1979 Council was known as the Shire of Shoalhaven. Before this date, the area was governed by a number of councils including:

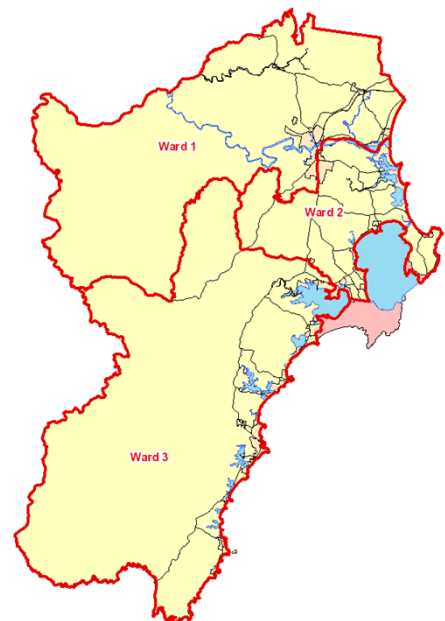
- Nowra Municipal Council
- Berry Municipal Council
- Broughton Vale Municipal Council
- Ulladulla Municipal Council
- Cambewarra Shire Council
- Clyde Shire Council

### 1.3 Elected Council

Council is divided into three wards and is governed by a body of Councillors who are elected by the residents and ratepayers of the Shoalhaven.

There are 13 Councillors elected across the three wards including a popularly elected Mayor.

A current list of the Councillors can be accessed on Council's website.



The role of the Councillors, as defined by section 232 of the Local Government Act 1993 is as follows:

- to be an active and contributing member of the governing body,
- to make considered and well informed decisions as a member of the governing body,
- to participate in the development of the integrated planning and reporting framework,
- to represent the collective interests of residents, ratepayers and the local community,
- to facilitate communication between the local community and the governing body,
- to uphold and represent accurately the policies and decisions of the governing body,
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

The role of the mayor is outlined at Section 226 of the Local Government Act, as follows:

- to be the leader of the council and a leader in the local community,
- to advance community cohesion and promote civic awareness,
- to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
- to preside at meetings of the council,
- to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
- to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
- to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
- to promote partnerships between the council and key stakeholders,
- to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,
- in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
- to carry out the civic and ceremonial functions of the mayoral office,
- to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- in consultation with the councillors, to lead performance appraisals of the general manager,
- to exercise any other functions of the council that the council determines.

#### **1.4 Organisational Structure**

The principal officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager's functions as defined by section 338 of the Local Government Act 1993 are as follows:

- to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- to implement, without undue delay, lawful decisions of the council,
- to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- to exercise any of the functions of the council that are delegated by the council to the general manager,
- to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- to direct and dismiss staff,
- to implement the council's workforce management strategy,
- any other functions that are conferred or imposed on the general manager by or under this or any other Act.

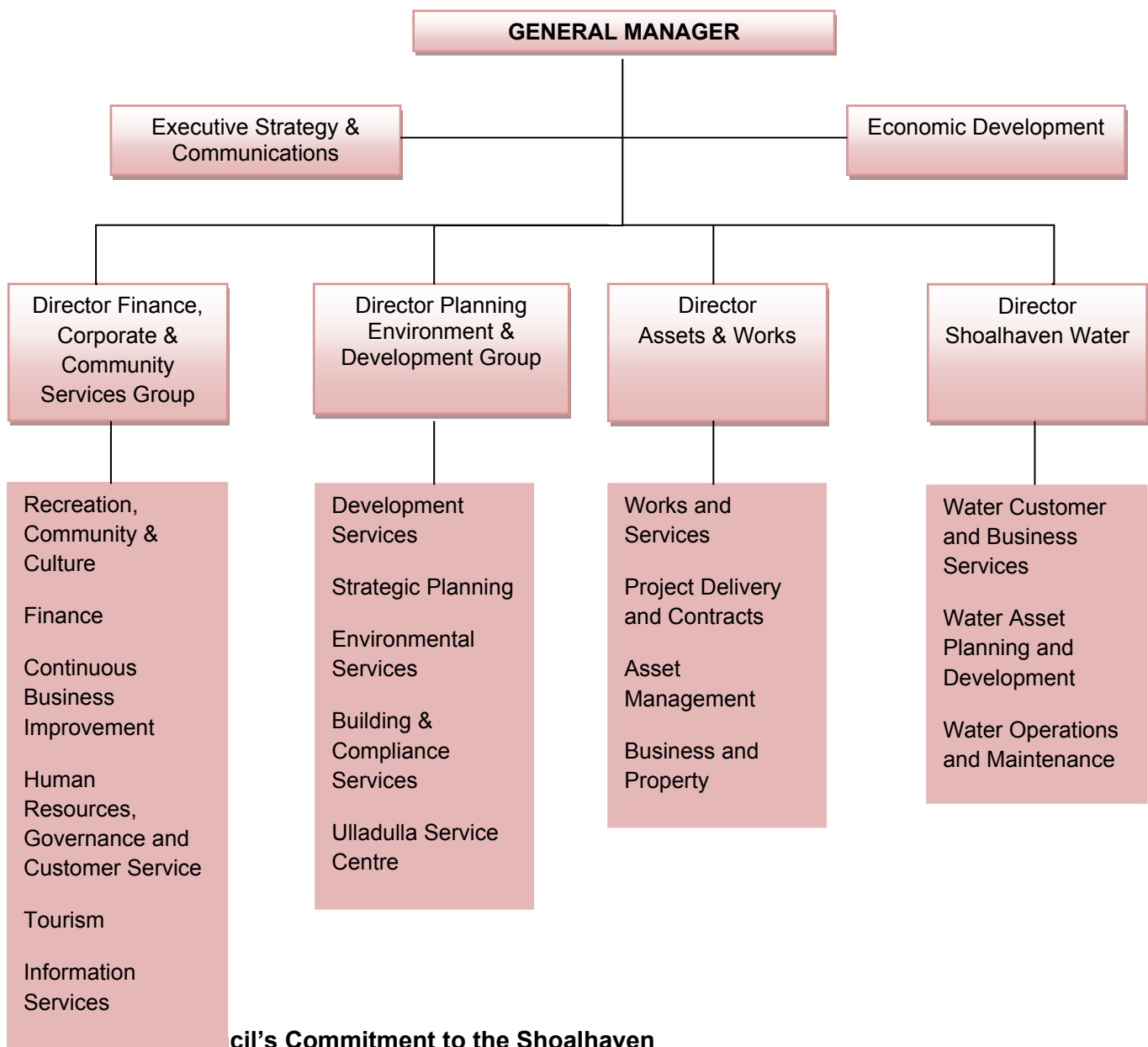
### **Management Structure**

Council's management structure comprises four operational divisions, an Executive Strategy Unit and an Economic Development Manager who report to the General Manager. Shoalhaven City Council's General Manager is Mr Russ Pigg.

The four operational divisions are as follows:

- Assets and Works – Director Paul Keech
- Shoalhaven Water – Director Carmel Krogh
- Finance Corporate and Community Services – Director Stephen Dunshea
- Planning Environment and Development Services – Director Phillip Costello

Council's organisational structure is provided below:



Shoalhaven City Council makes the following commitment to our citizens:

**Our Vision**

We will work together in the Shoalhaven to foster a safe and attractive community for people to live, work, stay and play, where sustainable growth, development and environmental protection are managed to provide a unique and relaxed lifestyle.

**Mission statement**

To enhance Shoalhaven’s strong communities, natural, rural and built environments and appropriate economic activities through strategic leadership, good management, community engagement and innovative use of resources

## 1.6 Our Functions

Council is created by, and operates under, the *Local Government Act 1993*.

Council's functions can be grouped into the following categories:

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMIN. FUNCTIONS	ENFORCEMENT FUNCTIONS
Provision of community health, recreation, education & information services	Approvals	Resumption of land.	Rates	Employment of staff	Proceedings for breaches of the Local Govt Act & Regulations and other Acts & Regulations.
Environmental Protection	Orders	Powers of entry and inspection	Charges	Management Plans	Prosecution of Offences
Waste removal & disposal Land & property, industry & tourism development & assistance	Building Certificates		Fees	Financial Reporting	Recovery of rates and charges.
Civil Infrastructure Planning			Borrowings	Annual reports	
Civil Infrastructure Maintenance & Construction			Investments		

As well as the *Local Government Act 1993*, Council has functions under other legislation including:

Community Land Development Act 1989

Companion Animals Act 1998

Contaminated Land Management Act 1997

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Fire Brigades Act 1989

Fluoridation of Public Water Supplies Act 1957

Food Act 2003

Government Information (Public Access) Act 2009

Heritage Act 1977

Impounding Act 1993

Library Act 1939

Biosecurity Act 2015

Privacy & Personal Information Protection Act 1998

Protection of the Environment Operations Act 1997	Public Health Act 2010
Recreation Vehicles Act 1983	Roads Act 1993
State Emergency & Rescue Management Act 1989	State Emergency Service Act 1989
Strata Schemes Development Act 2015	Swimming Pools Act 1992
Strata Schemes Management Act 2015	Unclaimed Money Act 1995

## 2. How our functions affect you

As a service organisation, the majority of the activities of the Council have an impact on the public. The following is an outline of how the broad functions of Council may affect you.

**Service functions** may affect you as Council provides services and facilities in the Shoalhaven. These include provision of aged, disabled and youth services, family day care, libraries, halls and community centres, recreation facilities, infrastructure and garbage collection.

**Regulatory functions** place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person or adversely impact on the environment. You should be aware of, and comply with, such regulations.

**Ancillary functions** may also affect you. These functions include, for example, the resumption of land or the power for Council to enter onto your land. In these circumstances, only the owners of the property are affected.

**Revenue functions** may affect you directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

**Administrative functions** do not necessarily affect you directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

**Enforcement functions** only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered companion animals, parking offences, unauthorised development or environmental offences.

**Community planning and development functions** affect areas such as cultural development, social planning and community profile and involve:

- Advocating and planning for the needs of the community. This includes initiating partnerships, participating on regional, State or Commonwealth working parties, and preparation and implementation of the Community Strategic Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for you to participate in the life of the community through the conduct of a range of community events.



### 3. How you can participate in our decision making

#### 3.1 Representation

Local government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every 4 years. The last elections in the Shoalhaven were held in September 2016.

At each election, voters elect 13 Councillors for a 4 year term including a popularly elected Mayor. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote but must register their intention to vote on the non-residential roll. Voting is compulsory.

You are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on your behalf thus allowing you to influence the development of policy.

#### 3.2 Personal Participation

There are also avenues for you to personally participate in policy development and the functions of Council. Several Council Committees comprise or include members of the public. You are also able to attend most of the Council and Committee meetings which are generally held in the Council Chambers, Administrative building, Bridge Road Nowra. From July 2018 the Council will Webcast the Ordinary Meetings of the Council and the Development, and Strategy & Assets Committee.

Council's committees include:

##### **Core Council Committees** (with delegated authority)

Development Committee  
Strategy and Assets Committee

##### **Committees with delegated authority**

Nowra CBD Revitalisation Strategy  
Committee  
Regional Development Committee  
Senior Staff Contractual Matters Committee  
Shoalhaven Arts Board

Shoalhaven Sports Board  
Shoalhaven City Mayors Relief Fund  
Shoalhaven Tourism Advisory Group

##### **Advisory (Special interest) Committees**

Aboriginal Advisory Committee  
Business & Employment Development  
Committee  
Children's Services Reference Group  
Council Bushcare Representatives Group  
Rural Fire Service Strategic Planning  
Committee

Shoalhaven Access Advisory Committee  
Shoalhaven Heads Estuary Taskforce  
Shoalhaven Homelessness Taskforce  
Youth Advisory Committee  
Shoalhaven Natural Resource & Floodplain  
Management Committee  
Sustainable Futures Committee

##### **Outside committees**

Shoalhaven Traffic Committee  
South Coast Co-operative Library Services

**Petitions** - Council allows community members to present petitions through their Councillor(s) to a Council meeting. A petition which contains 500 or more signatures shall trigger a report from the General Manager to the next Ordinary Meeting of Council.

**Deputations to Committee Meetings** - Council also allows Deputations to its Committees providing that the item appears on the Agenda to that Committee. Requests for deputations must be made before 12.00 noon on the day of the meeting and are subject to approval by the Chairperson of the Committee.

Generally only one person in favour and one against an item will be heard for five minutes each. If there is more than one person who wishes to speak for or against a proposal they will be encouraged to appoint one person to present their submission.

Council will only allow deputations to its Ordinary Council meetings where the matter has not previously been considered by a Committee. In such cases, approval of the mayor is required and speakers can address Council for up to five minutes.

**Information about Meetings** - Council publishes the following information about meetings on its website:

- Council and Committee meeting dates and times
- Business Papers
- Minutes

For further information regarding Council Committees and meetings please contact our Governance Team on (02) 4429 3111.

### **3.3 Community Consultative Bodies**

Council currently recognises 23 Community Consultative Bodies (CCBs) as its peak advisory bodies. The CCBs are based on a geographic area and are intended to provide an opportunity for each person in a community to participate in Council decision making by speaking at their meetings. The objectives of the CCBs are outlined in the CCB guidelines located at <http://doc.shoalhaven.nsw.gov.au/DisplayDoc.aspx?Record=pol08/438>

A list of the recognised CCBs and contact details are available on Council's website.

<https://shoalhaven.nsw.gov.au/My-Community/Residents-groups>

### **3.4 Community Engagement**

Community Engagement is a planned process whereby Council will work with the whole of the community to address issues affecting their well-being.

Community engagement is critical to Council in that

- It ensures communities can participate in the decisions that affect them.

- It strengthens and enhances the relationship between Council and the community.

Council's Community Engagement Policy recognises that all members of the community have a right and responsibility to participate in their community's future.

The Council will inform, consult, involve, collaborate with and empower citizens at appropriate times and in appropriate ways to engage the community in achieving the vision for the city.

In fulfilling its role under the Local Government Act 1993, Council will engage with the whole of the community as part of its decision-making processes.

Get Involved:

Get Involved Shoalhaven is an online space for the community to share ideas, discuss important topics, provide feedback on Council plans and contribute to the future of the Shoalhaven. Get involved Shoalhaven can be accessed via Council's website or at

<http://getinvolved.shoalhaven.nsw.gov.au/>

### 3.5 Development Process

Council has adopted a Community Engagement Policy which sets out in detail the ways in which you can participate in the development process. This includes making submissions on development applications and policies such as development control plans. A copy of the Policy is available on Council's website located at <http://www.shoalhaven.nsw.gov.au/My-Council/Community-engagement>

## 4. Our Information

### 4.1 Open Access Information

The following information is prescribed by the *Government Information (Public Access) Act 2009* as 'open access information' and most of this information is available on Council's website:

- Council's information guide
- Council's policy documents
- Council's contract register
- Council's record of open access information (if any) that is not publicly available

In addition the following information is prescribed by the *Government Information (Public Access) Regulation 2009* as 'open access information' specifically for local councils:

#### a) Information about Council

- The model code prescribed under section 440 (1) of the *Local Government Act*

- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan (Delivery Program & Operational Plan & Resourcing Strategy)
- EEO Management Plan
- Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public)
- Minutes of any meeting of Council or any Committee of Council but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
- Departmental Representative Reports presented at a meeting of Council
- 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

**b) Plans and Policies**

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

**c) Information about Development Applications**

Development applications and any associated documents received in relation to a proposed development, including:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates

- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions made on appeal
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

**d) Approvals, Orders and other Documents**

- Applications for approvals under Part 1 of Chapter 7 of the *Local Government Act*
- Applications for approvals under any other Act and any associated documents received
- 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*, and any reasons given under section 136 of the *Local Government Act*
- 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
- Leases and Licenses for use of Public Land classified as Community Land

**4.2 Policies**

Council has a register of policies. The majority of the policies are available on Council's website.

**4.3 Contracts Register**

Council has a contracts register which is published on its website. This includes details of all contracts entered into by Council for the value of \$150,000 or above.

**4.4 Information Not Released**

Generally, Council does not publish as open access information:

- the plans and specifications for any residential parts of a proposed building

- any commercial information which would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret
- certain information relating to threatened species or the nature or location of a place or item of Aboriginal heritage
- any statements of a defamatory nature
- any information which is likely to endanger the security of any place, property or vehicle
- orders issued under the *Companion Animals Act 1998*
- legal advice

## 5. How to access our information

### 5.1 Information Requests

Council has a range of information that can be accessed in varying ways. Most information can be inspected at and obtained from Council's Nowra or Ulladulla offices, 9am to 5pm Monday to Friday (except public holidays).

Under the *Government Information (Public Access) Act 2009* (GIPA Act) there is a presumption in favour of the disclosure of Council's information unless there is an overriding public interest against disclosure. In accordance with the objectives of GIPA Act, Council is committed to openness with regard to access to its information.

The GIPA Act establishes four ways to access information:

- Open access
- Proactive access
- Informal access
- Formal access

### 5.2 Open Access

The GIPA Act requires Council to make certain information publicly available on its website and offices free of charge. This information is called 'open access information' and listed in section 4.1.

You may inspect this information either on Council's website (unless there is an unreasonable additional cost to Council to publish this information on the website) or at Council's offices. This includes some previous versions of documents (where available).

You may obtain a copy of the information on request. Copying charges may apply (in accordance with Council's adopted fees and charges).

### 5.3 Proactive Release

Council may make any of its information publicly available unless there is an overriding public interest against disclosure. This is called proactive release.

Council will continually review its program for the proactive release to identify the kinds of information that should, in the public interest, be made publicly available and that can be released without imposing unreasonable additional costs on Council.

#### **5.4 Informal Release**

Council may release information in response to an informal request (that is, a request that is not a formal access application) unless there is an overriding public interest against disclosure of the information.

You can request informal release of information by writing to the General Manager or by filling out an [Informal Access Application](#) and lodging it with Council. The form is available on Council's website.

There is no application fee for an informal request for information however copying charges may apply (in accordance with Council's adopted fees and charges).

#### **5.5 Formal Release**

Council may release information in response to a formal request by you unless there is an overriding public interest against disclosure of the information.

Prior to lodging a formal access application, a person seeking information from Council should check if the information being sought is already available on Council's website or could easily be made available through an informal request application.

If information:

- Is not available via Proactive or Informal Release; or
- Involves a large volume of information, requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce; or
- Contains personal or confidential information about a third party which may require consultation; or
- Is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure; then

You can make a formal access application by filling out a [Formal Access Application](#) or writing to the General Manager stating that you are applying for access to information under the GIPA Act and include an application fee of \$30.00. The form is available on Council's website.

#### **5.6 Fees and Charges**

The Government Information (Public Access) Regulation requires that Open Access information held by Council, is to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying or scanning charges as set out in Council's Schedule of Fees and Charges.

As set out in Clause 4.4, Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply.

## **5.7 Access Policy**

Council has adopted a policy on Public Access to Council Information Policy which sets out in detail how you can access Council's information. A copy of the current policy is available on Council's website at the following link <http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL12/307>.

## **5.8 Copyright**

Nothing in the regulations requires or permits Council to make open access information available in any way that would constitute an infringement of copyright (Section 6.6 GIPA Act).

Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided. These documents include Plans/Drawings, consultant reports, Statements of Environmental Effects and other miscellaneous reports submitted with a DA (please note that this list is not definitive).

# **6. Contact Details**

## **6.1 Information Officer**

Council's Information Officer deals with requests from the public about the Council's affairs and can assist you to gain access to Council's information.

If you have any difficulty in obtaining access to Council's information, please contact the Information Officer by telephoning 4429 3111 or by emailing [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au).

## **6.2 Council's Contact Details**

Mail	General Manager Shoalhaven City Council PO Box 42 Nowra NSW 2541
Telephone	(02) 4429 3111
Email	<a href="mailto:council@shoalhaven.nsw.gov.au">council@shoalhaven.nsw.gov.au</a>
Fax	(02) 4422 1816
In person	City Administrative Centre Bridge Road Nowra



Ulladulla Office  
Deering Street  
Ulladulla

Website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

### **6.3 Further Information**

Additional Information in relation to access to information is available from the Information and Privacy Commission (IPC), contact details below:

Free call telephone 1800 472 679

Email [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Postal address GPO Box 7011 Sydney NSW 2001

Website [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)