

# AGENCY INFORMATION GUIDE

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

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## TABLE OF CONTENTS

<b>1. ABOUT US</b>	<b>3</b>
1.1 Snapshot	3
1.2 History	3
1.3 Elected Council	3
1.4 Organisational Structure	4
1.5 Council’s Commitment to the Shoalhaven	5
1.6 Our Functions	6
<b>2. HOW OUR FUNCTIONS AFFECT YOU</b>	<b>7</b>
<b>3. HOW YOU CAN PARTICIPATE IN OUR DECISION MAKING</b>	<b>8</b>
3.1 Representation	8
3.2 Personal Participation	8
3.3 Community Consultative Bodies	9
3.4 Community Engagement	9
3.5 Development Process	10
<b>4. OUR INFORMATION</b>	<b>10</b>
4.1 Open Access Information	10
a) Information about Council	10
b) Plans and Policies	11
c) Information about Development Applications	11
d) Approvals, Orders and other Documents	12
4.2 Policies	12
4.3 Contracts Register	12
4.4 Information Not Released	12
<b>5. HOW TO ACCESS OUR INFORMATION</b>	<b>13</b>
5.1 Information Requests	13
5.2 Open Access	13
5.3 Proactive Release	13
5.4 Informal Release	14
5.5 Formal Release	14
5.6 Fees and Charges	14
5.7 Access Policy	15
5.8 Copyright	15
<b>6. CONTACT DETAILS</b>	<b>15</b>
6.1 Information and Privacy Officer	15
6.2 Council’s Contact Details	15
6.3 Further Information	16

## 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 and is home to over 100,000 residents and thriving native wildlife. We also host 300,000 visitors each year..

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 CEO. The CEO is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager or CEO'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 CEO,
- 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 CEO by or under this or any other Act.

### **Management Structure**

Council's management structure comprises of five Directorates and Shoalhaven Water, in addition to the CEO Directorate.

The five Directorates are as follows:

- City Services – Director Paul Keech
- City Development – Director James Ruprai
- City Futures – Director Carey McIntyre
- City Lifestyles – Director Jane Lewis
- City Performance – Director (Vacant)

Council's [organisational structure](#) is provided on our website.

## **1.5 Council's Commitment to the Shoalhaven**

Working together, Council and the community can achieve Council's vision to make the Shoalhaven a great place to live, work, stay and play. This is what we work towards.

The Shoalhaven really is a wonderful place with:

- Environmental diversity, character and uniqueness
- People, who are friendly, relaxed, helpful, skilful and innovative
- Cultural, recreational, natural and educational facilities
- History, heritage and traditional custodians

## 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	Building Certificates		Fees	Financial Reporting	Recovery of rates and charges.
Land & property, industry & tourism development & assistance			Borrowings	Annual reports	
Civil Infrastructure Planning			Investments		
Civil Infrastructure Maintenance & Construction					

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.

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 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. Council webcasts our Ordinary Meetings of the Council held twice per month on a Monday from 5:30pm.

Council's committees include:

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

Audit, Risk and Improvement Committee  
Nowra CBD Revitalisation Strategy  
Committee

Senior Staff Contractual Matters Committee  
Shoalhaven Arts Board

Shoalhaven Sports Board  
Shoalhaven City Mayors Relief Fund

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

Aboriginal Advisory Committee  
Natural Areas Volunteers Group  
Rural Fire Service Strategic Planning  
Committee  
Shoalhaven Motor Sports Working Group  
Coastal Management Program Advisory  
Committees

Inclusion and Access Advisory Group  
Shoalhaven Heads Estuary Taskforce  
Homelessness Taskforce Shoalhaven  
Youth Advisory Committee  
Floodplain Risk Management Committees  
Shoalhaven Economic Growth Advocacy  
Group  
Shoalhaven River Festival 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 CEO to the next Ordinary Meeting of Council.

**Deputations to Council Meetings** - Council also allows Deputations at its Ordinary Meetings, providing that the item appears on the Agenda. Requests for deputations must be made before 9:30am on the day of the meeting and are subject to approval by the Mayor.

Our Code of Meeting Practice allows for one person in favour and one against an item to 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 where the matter has not previously been considered. 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
- Agendas
- Minutes
- Recordings of the open proceedings of Ordinary Meetings

For further information regarding Council Committees and meetings please contact our Governance Team on 1300 293 111.

### **3.3 Community Consultative Bodies**

Council currently recognises 24 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://www.shoalhaven.nsw.gov.au/Projects-Engagement/Community-Consultative-Bodies#section-3>

### **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 Councils 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' that is required to be made publicly available by the agency under section 6 (Mandatory proactive release of certain government information)—

- (a) the agency's current agency information guide (see Division 2),
- (b) information about the agency contained in any document tabled in Parliament by or on behalf of the agency, other than any document tabled by order of either House of Parliament,
- (c) the agency's policy documents (see Division 3),
- (d) the agency's disclosure log of access applications (see Division 4),
- (e) the agency's register of government contracts (see Division 5),
- (f) the agency's record (kept under section 6) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure,
- (g) such other government information as may be prescribed by the regulations as open access information

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 continually reviews 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 CEO 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 CEO 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.

Informal GIPA applications for development information prior to 2010 will require payment of a processing fee of \$30 per hour.

## 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 and Privacy Officer

Council's Information and Privacy 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 and Privacy Officer by telephoning 1300 293 111 or online at [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

## 6.2 Council's Contact Details

Mail	CEO Shoalhaven City Council PO Box 42 Nowra NSW 2541
Telephone	1300 293 111
Website	<a href="http://www.shoalhaven.nsw.gov.au">www.shoalhaven.nsw.gov.au</a>
In person	City Administrative Centre Bridge Road Nowra  Ulladulla Office Deering Street Ulladulla

### 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)