

yass valley council



the country the people

INFORMATION GUIDE - GUIDELINES TO ACCESSING COUNCIL INFORMATION

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1. STRUCTURE AND FUNCTIONS OF COUNCIL

1.1 Introduction

Yass Valley has an estimated population of 15,000 and comprises the town of Yass and Villages of Binalong, Bookham, Bowning, Gundaroo, Murrumbateman, Sutton and Wee Jasper.

Yass Valley Council was constituted under the Local Government Act 1993 on 11 February, 2004.

The Council is an undivided area, with nine (9) Councillors who are elected by the residents and ratepayers of Yass Valley. The Mayor is elected each year by the Councillors.

The role of the Councillors, as members of the body corporate are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;
- The role of a Councillor is, as an elected person:
 - to represent the interests of the residents and ratepayers;
 - to provide leadership and guidance to the community;
 - to facilitate communication between the community and the Council.

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

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 is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

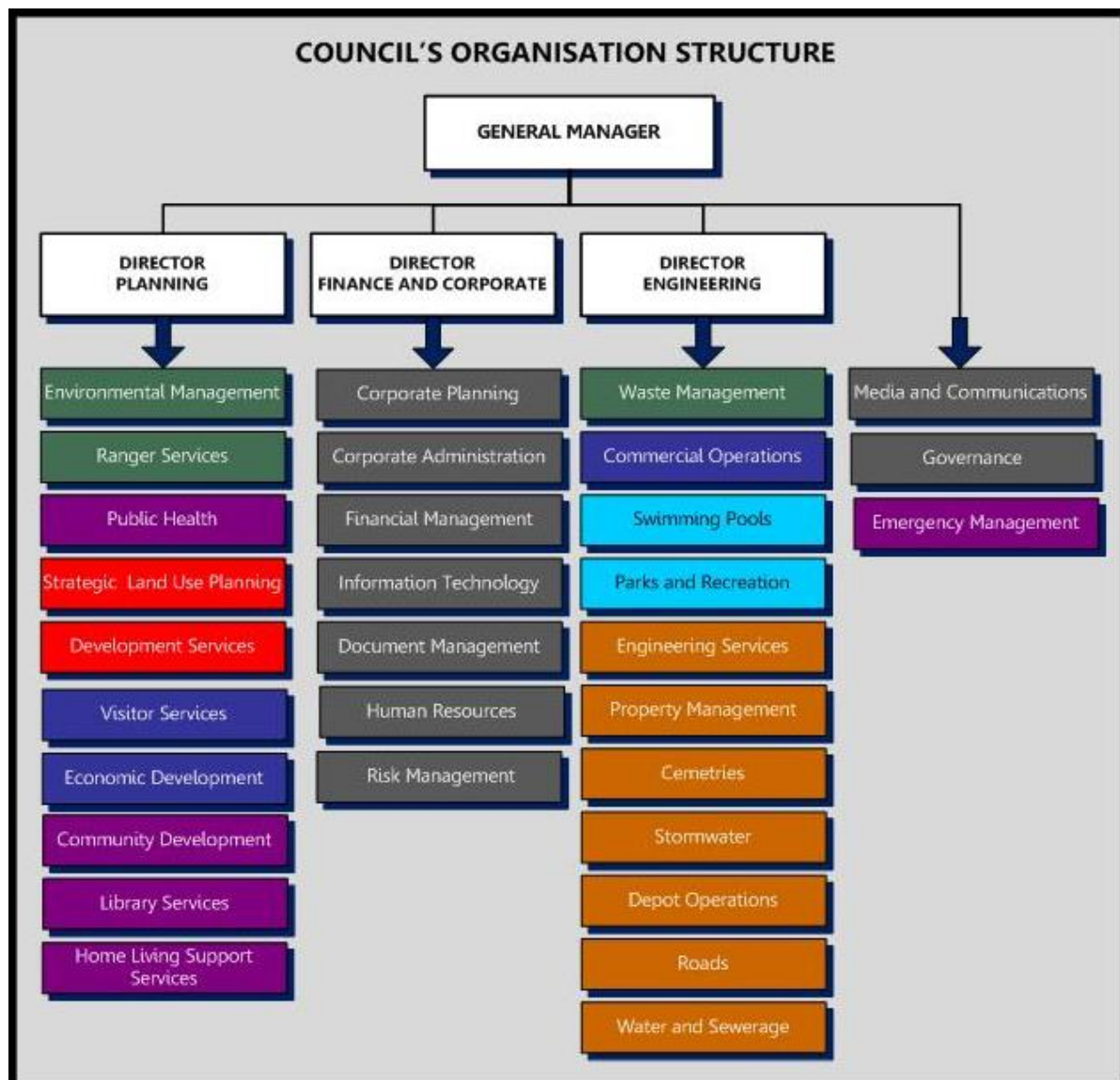
To assist the General Manager in the exercise of these functions, there are three (3) divisions of Council. These divisions are Planning, Engineering and Finance and Corporate Services. Each of these divisions is headed by a Director.

1.2 Organisational Structure

The functional structure of the organisation is set out in 1.3.

1.3 Council's Organisational Structure and Functions

Council has functions conferred or imposed on it by the Local Government Act, 1993. These functions are:



As well as the Local Government Act, Council has powers under a number of other Acts under NSW legislation including:

<i>Community Land Development Act 1989</i>	<i>Privacy & Personal Information Protection Act 1998</i>
<i>Companion Animals Act 1998</i>	<i>Protection of the Environment Operations Act 1997</i>
<i>Contaminated Land Management Act 1997</i>	<i>Public Health Act 1991</i>
<i>Conveyancing Act 1919</i>	<i>Recreation Vehicles Act 1983</i>
<i>Environmental Planning and Assessment Act 1979</i>	<i>Roads Act 1993</i>
<i>Fluoridation of Public Water Supplies Act 1957</i>	<i>State Emergency & Rescue Management Act 1989</i>
<i>Food Act 1989</i>	<i>State Emergency Service Act 1989</i>
<i>Government Information (Public Access) Act 2009</i>	<i>Strata Schemes (Freehold Development) Act 1973</i>
<i>Heritage Act 1977</i>	<i>Strata Schemes (Leasehold Development) Act 1986</i>
<i>Impounding Act 1993</i>	<i>Strata Schemes Management Act 1996</i>
<i>Library Act 1939</i>	<i>Swimming Pools Act 1992</i>
<i>Noxious Weeds Act 1993</i>	<i>Unclaimed Money Act 1995</i>

2. EFFECT COUNCIL FUNCTIONS HAVE ON PUBLIC

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

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

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. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public 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 the public 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 dogs and parking offences and environmental offences such as pollution and illegal dumping.

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

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Children's Week, as well as promoting events of others.

3. PUBLIC PARTICIPATION IN COUNCIL AFFAIRS

There are two broad ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

3.1 Representation

Councils in New South Wales are elected every four years. The next election is to be held on 10 September 2016.

At each election in Yass Valley, voters elect nine Councillors for a four year term. 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. The election is run and administered by the NSW Electoral Commission. Voting is compulsory.

Residents 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 the resident's behalf thus allowing members of the public to influence the development of policy.

Members of the public are able to attend Council and Special Planning (if scheduled) meetings (second and fourth Wednesdays of each month – except January, April and December - third Wednesday of each month) in the Council Chambers, 209 Comur Street, Yass.

3.2 Personal Participation

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Council has 21 Statutory, Special Purpose, Advisory, Community Facilities and Standing Sub-Committees that are made up of community representatives who are selected through an advertised expression of interest process. These committees are:

1. Economic Development Committee
2. Governance and Finance Committee
3. Home Living Support Services Committee
4. Aboriginal Consultative Committee
5. Education Committee
6. Audit Committee
7. Traffic Facilities Committee
8. Local Emergency Management Committee
9. Local Rescue Committee
10. Murrumbateman Old School Grounds Committee
11. Murrumbateman Recreation Reserve and Grounds Committee
12. Sutton Hall Precinct Committee
13. The Mullion Recreation Grounds Committee
14. Wee Jasper Hall Committee
15. Yass Community Centre Management Committee
16. Yass Railway Heritage Centre Committee
17. Yass Soldiers' Memorial Hall Committee
18. Community Access Committee
19. Public Art Committee
20. Sports Council
21. Youth Council

All people who wish to attend a Committee Meeting and are not a member of that committee, should provide a written request to the Chairperson of the Committee to attend a meeting. The Chairperson will then determine whether to accept a meeting request or not.

Council also has representation on the following regional committees:

1. Bushfire Management Committee
2. Bushfire Zone Liaison Committee
3. Country Mayors Association
4. NSW Rural Financial Counselling Service – Southern Region
5. Regional Emergency Management Committee
6. Roads and Maritime Services Regional Consultative Committee
7. Southern Slopes Noxious Plants Authority
8. Southern Slopes Transport Working Group
9. Southern Tablelands Library Cooperative Committee
10. Southern Tablelands Regional Arts Inc
11. South East Australia Transport Strategy Inc
12. South East Regional Academy of Sport
13. South East Weight of Loads Group
14. South West Regional Waste Management Group
15. Canberra Region Joint Organisation

4. ACCESS TO INFORMATION

4.1 Information held by Council

Council holds a wide range of information, in both hard copy and electronic form that relate to a number of different issues concerning the Yass Valley Local Government area. These documents are grouped into three categories:

1. Electronic and Physical files
2. Policy documents
3. General Information

Documents held by Council may be made available to the public on request unless there is an overriding public interest not to do so as determined by the General Manager.

Some documents may require a *formal access application* in accordance with the Government Information (Public Access) Act. The public may obtain access to information as follows:

- by searching the Council's website to see if it is already available;
- by contacting Council and requesting the information. Council will advise whether the information requested:
 - is *open access*, or *mandatory release* information (see 4.2.1) that is readily available and where and how to get the information.
 - should be made available as part of a *proactive release* of information (information that is frequently requested or information of public interest).
 - can be disclosed through an *informal release*, for example where no third party personal information is involved (requests for personal information by the individual concerned).
 - requires a *formal access application*, for example because consultation with a third party is required.

4.1.1 Files – Electronic and Physical

Council implemented an Electronic Document Management System (EDMS) known as Magiq in November 2015 and post 3 May 2010 hard copy, physical files were dispensed with, except for working files for development/building/construction applications.

Council's files are not available on the website however this information may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of GIPA.

Members of the public who require an informal release or an access application can do so by contacting Council on 6226 1477.

4.1.2 Policy Documents

Policy documents are open access information, and maintained in a policy register – access to which is available on the website located under Council – Council Documents – Council Policies:

<http://www.yassvalley.nsw.gov.au/council/council-documents/council-policies>

To facilitate public access to Council information Council had adopted an Access to Information policy GOV-POL-13 which describes Council's principles regarding public, Councillor and staff access to information.

4.2 General Information Available and Applicable Charges

Council is committed to providing, as far as practicable, an open environment which enables members of the public to access government information held by Council without recourse to formal GIPA access applications. Information is made available through this Guide, Council's Disclosure Log and Council's website.

Where *formal access applications* are made under GIPA, Council will apply application, processing and advanced deposit charges as specified in the Act.

The following documents are defined as *open access information* by Section 18 of the GIPA and will be released without the need for a *formal access application* under this Act:

- this information guide;
- information about Council contained in any document tabled in Parliament by or on behalf of the Council, other than any document tabled by order of either House of Parliament,
- Council's policy documents;
- Council's disclosure log of access applications;
- Council's register of government contracts;
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- such other government information as may be prescribed by the regulations as open access information.

The following list of general documents held by Council, are also to be provided as *open access information*, has been divided into four sections as outlined by Schedule 5 of the Government Information (Public Access) Act:

1. Information about Council;
2. Plans and Policies;
3. Information about Development Applications;
4. Approvals, Orders and other Documents.

The above documents held by Council, are made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or 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 charges.

These documents are:

4.2.1 Information about Council

- Councils adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan
- Resourcing Strategy
- Delivery Program
- Operational 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

- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee 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

4.2.2 Plans and Policies

- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans
- Engineering Design Plans

4.2.3 Information about Development Applications

Development Applications 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 Inspections Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

4.2.4 Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- 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 LGA, and any reasons given under section 136 of the LGA
- 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

5. AMENDING COUNCIL DOCUMENTS CONCERNING PERSONAL AFFAIRS

Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at, and obtained from Council's Administration office between the hours of 8.30am and 5.00pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Services Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

Persons interested in obtaining access to documents or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact the Right to Information Officer. If you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Right to Information Officer in the first instance.

6. ADDITIONAL INFORMATION

6.1 PUBLIC OFFICER – RIGHT TO INFORMATION OFFICER

The Director Finance & Corporate Services has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council.

The Corporate Administration Coordinator is Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer.

Enquiries should be addressed as follows:

General Manager
Yass Valley Council
PO Box 6
YASS NSW 2582

Phone: (02) 6226 1477

Email: council@yass.nsw.gov.au

6.2 OFFICE OF THE INFORMATION AND PRIVACY COMMISSION

If you require any other advice or assistance about access to information you may contact the Office of the Information and Privacy Commission in the following ways:

The Office of the Information and Privacy Commission

- visit: www.ipc.nsw.gov.au
- email: ipcinfo@ipc.nsw.gov.au
- mail: GPO Box 7011, Sydney NSW 2001
- visit: Level 17, 201 Elizabeth Street, Sydney NSW 2000 call 1800 472 679 between 9am to 5pm, Monday to Friday (excluding public holidays)