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AGENCY INFORMATION GUIDE



NARRANDERA SHIRE COUNCIL

Narrandera Shire Council
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INFORMATION GUIDE

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1. Structure and Functions of Council

1.1 Description

Narrandera Municipal Council and Yanco Shire Councils amalgamated to form Narrandera Shire Council on 1 January 1960. There are nine (9) Councillors elected to the Council. These Councillors elect the Mayor from amongst themselves in September each year. The Shire covers an area of 4116.02 km² and is located in south western New South Wales between Wagga Wagga and Griffith and lies in the heart of an area known as the Riverina. The Shire shares its boundary with Griffith, Leeton, Wagga Wagga, Bland, Coolamon, Murrumbidgee, Lockhart, Carathool and Urana Local Government Areas. The Murrumbidgee River traverses the southern end of the township and the Shire.

1.2 Basis of Constitution

The Narrandera Shire Council is constituted under the Local Government Act 1993.

1.3 Organisational Structure and Resources

The Narrandera Shire Council is governed by the body of Councillors who are elected by the residents and ratepayers of the Shire every four (4) years.

The roles of the Councillors, as members of the body politic are as follows:

- 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 as an elected person is:

- 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 Chief Executive Officer in the statutory role of General Manager. The Chief Executive Officer in the statutory role of General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The Chief Executive Officer in the statutory role of 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. The Chief Executive Officer in the statutory role of General Manager is supported by staff within the Chief Executive Officer's own Executive Services.

To assist the Chief Executive Officer in the exercise of these functions, there are two (2) Departments of Council. These Departments are Corporate and Community Services and Infrastructure Services. Each of these Departments is headed by a Deputy General Manager

The following is a depiction of Council's organisational structure:

The Council
Mayor & Eight Councillors (9 Councillors in total)
 Mayor Cr J Clarke
 Cr Morris, Cr J Sullivan, Cr J Howard, Cr G Eipper (Deputy Mayor), Cr N Kschenka, Cr B Mayne, Cr J Lee, Cr W Hall

Chief Executive Office in
 statutory role of
 General Manager
 Judy Charlton
 Executive Services

- Human Resources
- Tourism and Events
- Operational Development
- Strategic Development
- Cultural Services
- Youth Services
- Internal Audit
- Integrated Planning
- Representation
- WHS/Risk Management
- CCTV Street Safety Network
- Economic Development
- Council Governance
- Councillor Support
- Legal
- Special Projects
- Sister City
- Media and communication
- Mayoral and Councillor support
- NOOSH

Infrastructure Services
 Deputy General Manager – Frank Dyrssen

Corporate Community Services
 Deputy General Manager Martin Hiscox

- Works, including Design & Planning
- Plant & Machinery Operation
- Street Cleaning & Maintenance
- Airport
- Sewerage and Water Supply
- Project Management
- Noxious Plants & Pests
- Roads Construction & Maintenance
- Management of Recreation Facilities, including Swimming Pool
- Integrated Planning
- Bushfire Liaison
- Road Safety
- Emergency Services
- Planning & Development
- Health Inspectorial Services
- Compliance
- Building Control
- Cemeteries
- Animal Control
- Garbage Collection & Disposal
- Asset Management

- Council Support
- Finance
- Administration
- Payroll
- Legal
- Rates & Property
- IT
- Records Management
- HACC Services
- Creditors & Purchasing
- Property Management
- Aged & Disabled Services
- Teloca
- Library
- Risk/Insurance Management
- Integrated Planning
- Corporate Governance

1.4 Functions of Narrandera Shire Council

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. Environmental protection. Waste removal & disposal. Land & property, industry & tourism development & assistance. Civil Infrastructure Planning. Animal control. Civil Infrastructure Maintenance & Construction. Aged Care provider. CCTV services. Economic Development. Local Laws. Events Management Sister City	Building development Approvals and control. Development of Codes and Policies Orders. Building Certificates Land Management Leases and Licences of public reserves	Resumption of land. Powers of entry and inspection Power to sell land for overdue rates Power to order the demolition of unsafe or unapproved structures	Levying of Rates. Levying of Charges. Levying of Fees. Authority to Borrow funds Authority to make Investments. Authority to Grant subsidies.	Employer of staff. Community Strategic Plans Delivery and Operational Plans. Financial reporting Annual Reports. Governance.	Recovery of outstanding Rates. Prosecution of Offences. Proceedings for breaches of the Local Government Act & Regulations Codes of Conduct and practice Policy preparation

Out of school and vacation child services					
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As well as the Local Government Act, 1993 Council has powers under a number of other Acts that include but not limited to the following:

- 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*
- Food Act 2003*
- Fluoridation of Public Water Supplies Act 1957*
- Government Information (Public Access) Act 2010*
- Heritage Act 1977*
- Impounding Act 1993*
- Library Act 1939*
- Noxious Weeds Act 1993*
- Privacy & Personal Information Protection Act 1998*
- Protection of the Environment Administration Act 1991*
- 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 (Freehold Development) Act 1973*
- Strata Schemes (Leasehold Development) Act 1986*
- Strata Schemes Management Act 1996*
- Swimming Pools Act 1992*
- Unclaimed Money Act 1995*
- Anti – Discrimination Act, 1977*
- Clean Air Act, 1947*
- Crown Lands Act, 1989*
- Dividing Fences Act, 1991*
- Interpretation Act, 1987*
- Land Acquisition Just Terms Compensation Act, 1992*
- Noise Control Act, 1975*
- Real Property Act, 1993*
- Threatened Species and Conservation Act, 1995*
- Traffic Act, 1904*
- Valuation of Land Act, 1916*
- Waste Minimisation and Management Act, 1995*

2. How Council Functions Affect Members of the Public

As a service organisation, the majority of the activities of the Narrandera Shire 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 out of school and vacation care for children and 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.

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 support and 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, Library activities, as well as promoting events of others.

3. How the Public can Participate in Council's Policy Development and the Exercising of Functions

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

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 four years. The next elections are to be held in September, 2016.

At each election, voters elect nine Councillors for a four year term (the Mayor is elected by the Council). 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.

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.

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. Several Council Committees comprise or include members of the public. Some of these special committees or bodies are:

- Library
- Noxious Weeds
- Grong Grong Hall
- Barellan Museum Management
- Barellan and District Community (Hall) Centre
- Narrandera Koala Regeneration Centre
- Narrandera Railway Station Building Management
- Narrandera Sports Stadium Management
- Narrandera Sportsground Advisory
- Narrandera Shire Wetlands Advisory
- Lake Talbot Environs Advisory
- John O'Brien Festival Organising
- Australia Day Planning
- Internal Audit Committee
- Narrandera Shire Council Arts and Community Centre Committee
- Teloca House Management Committee
- Narrandera Leeton Airport Management Committee
- Floodplain Risk Management

Members of the public are also able to attend Council meetings held on the third Tuesday of each month commencing at 5pm in the Chambers at 141 East Street Narrandera.

Residents may address Council through Public Question Time at each Ordinary Meeting on the third Tuesday of each month commencing at 5pm. Written notice of the question is to be given as per the requirements in Council's Code of Meeting Practice.

Members of the public are able to provide submissions on draft policies, strategies and plans that are placed on public exhibition, complete community surveys, attend community forums and become involved as a volunteer through the various committees.

Residents can write to Council on matters under Council's control. If the matter is outside the delegations or policies by which staff or the Chief Executive can make a decision, the matter will be referred to the next available relevant Committee or Council Meeting. All matters to be addressed through staff reports, must be submitted at least a fortnight prior to the relevant meeting. This time allows for report, business paper and agenda preparation.

4. Access to Information

Under the GIPA Act, there is a right of access to certain information held by Council unless there is an overriding public interest against disclosure of the information.

There are four ways in which Council will provide access to information:

1. Mandatory Proactive Release
2. Authorised Proactive Release
3. Informal Release
4. Formal Access Application

Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the information or refuse access on the basis of the relevant consideration under that Act.

Council will assess requests for access to information having regard to:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment (EPA) Act 1979
- Companion Animals Act 1998

Any other relevant legislation and guidelines as applicable.

For further information the following Office of Information and Privacy Commissioner (IPC) web site link is provided:

http://www.ipc.nsw.gov.au/privacy/public_media/accessing_information.html

5. Public Interest Considerations

When considering whether or not to provide information Council will apply the public interest test having regard to their obligation to promote the objectives of the GIPA Act and to any relevant guidelines issued by the Information Commissioner.

The GIPA Act provides a table of items for which there is an overriding public interest against disclosure. Council must consider each application for information against these criteria before information can be released.

Schedule 1 of the GIPA Act sets out information for which there is a conclusive presumption of an overriding public interest against disclosure. When applying the public interest test, factors for disclosure must also be considered. If the factors against disclosure outweigh the factors for (i.e. there is an overriding public interest against disclosure), the information does not have to be released.

6. What fees and charges apply

Informal Access to information Request – there is no application fee for a request for access to information. Council may impose a copying charge “not exceeding the reasonable cost of photocopying”.

Formal Access Application – an application fee is payable in accordance with Council’s adopted fees and charges. The application is invalid until the fee is paid.

Processing Charges – Council may impose a charge for processing an application. This is calculated in accordance with Council’s adopted fees and charges. For more information on fees and charges the following IPC web link fact sheet site is provided:

http://www.ipc.nsw.gov.au/privacy/public_media/accessing_information/indiv_faq.html#How do I make a form

7. Documents - Held by Narrandera Shire Council

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the Narrandera Shire area. These documents are grouped into four categories:

1. Electronic Documents
2. "Physical Files"
3. Policy Documents
4. General Documents

Documents included in Clause 7.4 of this Publication Guide may be made available to the public on request unless there is an overriding public interest not to do so. Some documents may require a formal access application in accordance with the Government Information (Public Access) Act.

7.1 Files - Electronic

Council implemented a Total Record Imaging Management system (TRIM) in post July 2000. Hard copy physical files were dispensed with at this time, except for development/building/construction applications.

Accordingly, the TRIM system captures information against the following:

1. Customer
2. Property
3. Application
4. Street/Road
5. Request Type
6. Subject
7. Meetings

7.2 Files - Physical

Prior to the introduction of the TRIM record management system, the main types of physical files held by Council included general subject files, development and building files and property files.

The foregoing are not available on Council's website however this information may be made available either by informal release or via an access application in accordance with Sections 7-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. Members of the public who require an informal release or an access application can do so by contacting Council on 6959 5510.

7.3 Policy Documents

Council has a register of policy documents which is maintained by Council's Right to Information Officer and is available on Council's website.

7.4 General Documents

The following list of general documents held by Council has been divided into four sections as outlined by the *Government Information (Public Access) Amendment Regulation 2010*:

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

The Government Information (Public Access) Amendment Regulation 2010 requires that these documents held by Council, are to be 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:

Information about Council

- The model code prescribed under section 440 (1) of the LGA
- Councils adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Delivery Plan
- 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 LGA
- Returns of the Interests of Councillors, Designated Persons and Delegates
- 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
- 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
- Community Strategic Plan
- Asset Management Plan - various
- Long Term financial Plan
- Community Engagement Strategy
- Delivery Program and operational plan
- Workforce strategic plan
- Asset management policy and strategy
- Economic Development Strategy

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

Information about Development Applications

Development Applications and any associated documents received in relations 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

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

8. How Members of the Public may Access and Amend Council Documents Concerning their Personal Affairs

As mentioned previously, 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 8.30 am and 4.30 pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Service Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

9. Principal Officer

The Chief Executive Officer in the statutory role of General Manager has been appointed the Principal Officer.

10. Right to Information Officer

The Executive Officer has been appointed as the Right to Information Officer. Amongst other duties, the Right to Information Officers 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 Right to Information Officer 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 Right to Information Officer.

Also, 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. Enquiries should be addressed as follows:

~~General Manager~~ **Chief Executive Officer**
 Narrandera Shire Council
 141 East Street
 NARRANDERA NSW 2700

Email: council@narrandera.nsw.gov.au

11. Office of the Information and Privacy Commissioner

Further advice and information on the Government Information (Public Access) Act 2009 can be obtained from the Office of Information and Privacy Commissioner at:

Web site - www.ipc.nsw.gov.au
 Free call telephone at 1800 472 679
 fax (02) 8114 3756,

Assisted Contact: 133 677

Translating and Interpreting service: 131 450

email: ipcinfo@ipc.nsw.gov.au; or

mail: GPO Box 7011, Sydney NSW 2001

In person at Level 11, 1 Castlereagh Street Sydney

12 Rights of Review

Internal Review – If an access application has been refused, there is a general right to seek an internal review of the decision. An internal review must be applied for within 20 working days of the original decision and is subject to a fee. The internal review involves the Deputy General Manager Corporate and Community Services being a separate person involved in the original determination.

Role of Information and Privacy Commissioner – The Information and Privacy Commissioner can review a decision to refuse access to information if requested by the applicant, notwithstanding any internal review being undertaken.

However, for other persons seeking review, an internal review must be first undertaken. The information Commissioner also deals with complaints under the GIPA Act.

External Review (Administrative Decisions Tribunal) – Applicants also have formal avenues via the New South Wales Administrative Decisions Tribunal to review the decision to refuse access. This application must be made within 8 weeks of the original decision or 4 weeks after a review undertaken by the Information Commissioner.

Section 80 of the GIPA Act lists other decisions made on an access application that are reviewable. For further information refer to IPC web site link below for fact sheet review rights:

http://www.ipc.nsw.gov.au/privacy/ipc_resources/ipc_factsheets.html

13. Conclusion

It is clarified that the Government Information (Public Access) Act 2009 provides the following ways in which the public can access information from Council:

- Allowing inspection of a record of information.
- Providing copy of a record of information.

- Providing access to a record, together with access to facilities required to read the record.
- Providing a written transcript of the information.

This process, together with the list of information being made publically available by Council, endeavours to ensure that requests for formal access to information are as far as possible, limited.