



**LEETON**  
SHIRE COUNCIL

# **INFORMATION GUIDE**

May 2022

## DOCUMENT CONTROL

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## REVIEW OF THIS DOCUMENT

This document will be reviewed annually or as required in the event of legislative changes or operational requirements. Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council.

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# 1. Purpose

The Information Guide is a mandatory document prescribed in the *Government Information (Public Access) Act 2009* (GIPA). This Information Guide describes the structure and functions of Council, the various kinds of information Council holds and how the public can access this information.

The objectives of Council's Information Guide are:

1. To show what Council does
2. To show how Council does it; and
3. The type of information it holds and generates through the exercise of its function, with a particular focus on how those functions affect members of the public.

The Guide aims to make it easier for people to identify and locate information held by Council and know whether the information can be obtained on the website, upon request or under a formal access application.

## 2. Roles and Responsibilities

### 2.1 Principal Officer – General Manager

The General Manager has been appointed the Principal Officer. Amongst other duties, the Principal 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 and information of the Council.

### 2.2 Right to Information Officer – Executive Manager IPR, Governance and Engagement

The Executive Manager IPR, Governance and Engagement has been appointed as the Right to Information Officer. The Right to Information Officer is responsible for determining applications for access to information or for the amendment of records. If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the Principal Officer. If you would like to amend a document of Council which you feel is incorrect it is necessary for you to make a written application to the Principal Officer in the first instance.

## 3. Structure and Functions of Council

Leeton Shire Council was constituted in 1928 and was known as Willimbong Shire. On 29 July 1928 it became Leeton Shire Council. The Council is constituted under the *Local Government Act 1993*.

The following information sets out the functions of Council and the procedures to follow regarding access of information by the public.

### 3.1 Organisational Structure

Leeton Shire Council is composed of nine councillors elected proportionally to represent the whole Local Government Area.

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 Council.

The role of the Council is:

1. To direct and control the affairs of the council in accordance with the *Local Government Act 1993* and other applicable legislation

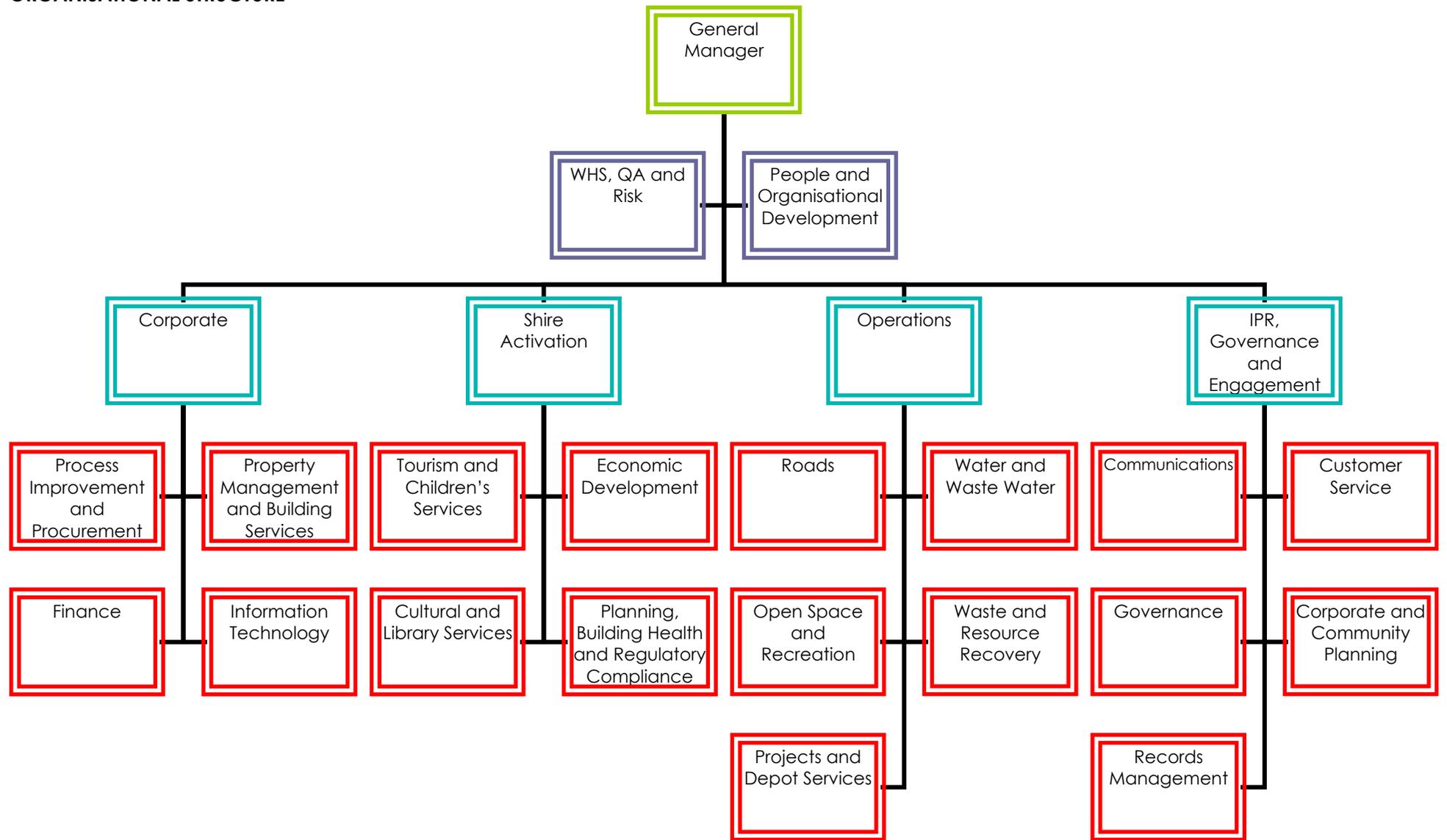
2. To participate in the optimum allocation of the Council's resources for the benefit of the area
3. To play a key role in the creation and review of the council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions
4. To review the performance of the Council and its delivery of services and management plans of the Council.

The Mayor is elected from within the group of elected Councillors and serves for a period of two years. The Mayor presides at meetings of 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 (EEO) Management Plan.

To assist the General Manager in the exercise of these functions, there are four (4) Group Managers overseeing the following functional areas – Corporate Services; Shire Activation Services; Operations Management; and IPR, Governance and Engagement. These functional areas are set out in the Council Organisational Structure on the following page.

# ORGANISATIONAL STRUCTURE



## 3.2 Functions of Leeton Shire Council

Under the *Local Government Act 1993*, Council's functions can be grouped into the following categories:

### Service Functions:

- Provisions of community health, recreation, education, and information services
- Environmental protection
- Waste removal and disposal
- Land and property, industry and tourism development and assistance
- Civil infrastructure planning
- Civil infrastructure maintenance and construction.

### Regulatory Functions:

- Building and development approval and control
- Building Certificates
- Development of Codes and Policies
- Leases and Licences of public reserves
- Land management.

### Enforcement Functions:

- Proceedings for breaches of the Act
- Prosecution of offences
- Recovery of rates and charges.

### Ancillary Functions:

- Resumption of land
- Powers of entry and inspection
- Power to sell and for overdue rates
- Power to order the demolition of unsafe or unapproved structure.

### Revenue Functions:

- Levying of rates
- Levying of fees and charges
- Authority to borrow funds
- Authority to make investments
- Authority to grant subsidies.

### Administrative Functions:

- Employment of staff
- Management Plans
- Financial Reporting
- Annual Reports
- Codes of Conduct and Practice
- Policy preparation.

As well as the *Local Government Act 1993*, Council has powers under a number of other Acts in accordance with appropriate delegated authority.

Some of these Acts include:

- *Environmental Planning and Assessment Act 1979*
- *Protection of the Environment Operation Act 1997*
- *Roads Act 1993*
- *Companion Animals Act 1993*
- *Swimming Pools Act 1993*

## 3.3 How Council Functions Affect Members of the Public

As a service organisation, most of the activities of Leeton 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** - Council provides services and facilities to the public. These include provision of human services such as library services, halls and community centres, recreation facilities, infrastructure, and the removal of garbage.

**Regulatory functions** - Controls 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** - These functions include but are not limited to, 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** - Revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

**Administrative functions** – Indirect impact on the public through efficiency and effectiveness of the service provided.

**Enforcement functions** - Breaches 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** - Cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community, including initiating partnerships, participating on regional, State or Commonwealth working parties, and preparation and implementation of the Community Strategic Plan (CSP).
- Providing support to community and sporting organisations through provision of grants, training and information on a range of topics.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Local Government Week, Education Week, Youth Week, Children's Week, volunteering opportunities and participation on committees of Council as well as promoting events of others.

## 4. Participating in Local Government

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.

### 4.1 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.

At each election, 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 lie outside 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 can raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

### 4.2 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 several committees which include members of the public.

#### Council Committees

Audit, Risk and Improvement Committee

CBD Enhancement Advisory Committee

Community Hall Committees - Whitton, Yanco and Murrumbidgee

Gogeldrie Weir Recreational Facilities Committee

Henry Lawson Cottage Committee

Leeton Australia Day Committee

Leeton Floodplain Management Committee

Leeton Local Traffic Committee

Leeton Shire Heritage Committee

Leeton Shire Men's Shed

Leeton Tree Advisory Committee

Leeton Weeds Committee  
Leeton Youth Council  
Light Up Leeton Committee  
Roxy Community Theatre Advisory Committee  
Roxy Redevelopment Committee  
Sporting Walk of Fame Committee

Sunrice Festival Committee  
Town Improvement Committees – Whitton and Yanco  
Whitton Court House and Historical Museum Committee

Members of the public are also able to attend Council meetings (usually the fourth Wednesday of each month from 7pm) held in the Council Chambers, 23-25 Chelmsford Place, Leeton. The Council meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper Agenda. Anyone wishing to address Council is requested to register to speak for a maximum of five (5) minutes by Tuesday 12 noon preceding the meeting by contacting Council on (02) 6953 0911.

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

Residents can write to Council on any matter. If decisions relating to the matter are outside the delegations or policies by which staff or the General Manager can decide, the matter will be referred to the next available relevant Committee or Council Meeting.

Residents also can provide feedback to Council on a range of strategies, plans and projects through its online consultation portal – Have Your Say Leeton. Following a registration process, the hub provides participants with information and allows residents and ratepayers to get involved, helping to shape the future of the Shire. This hub allows participants to provide feedback about the Shire's current and upcoming projects providing an opportunity to share ideas on important issues and projects to help inform Council's decision making. The feedback received from the community is highly valued, and Council's goal is to keep people informed about the projects and issues that are most important to the community.

## 5. Information held by Leeton Shire Council

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

1. Electronic documents
2. Physical files
3. Policy documents
4. General documents.

Documents listed in "General Documents" in this Information 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 GIPA Act.

### 5.1 Electronic and Physical Files

Council has implemented an Electronic Document Management System (Content Manager) and in 2010 hard copy physical files were dispensed with, except for development/building/construction applications.

Accordingly, Content Manager captures information against the following indices:

- Customer
- Application
- Subject
- Property
- Request Type
- Meetings.

Prior to 2010 the main types of “physical files” held by Council included general subject files, development and building files and property files. 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 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 information release or an access application can do so by contacting Council.

## 5.2 Policy Documents

Council’s policies are maintained in a Policy Register – access to which is available on the website.

## 5.3 General Documents

The following list of general documents held by Council has been divided into four sections as outlined by Schedule 5 of the Government Information (Public Access) Act:

- Information about Council
- Plans and Policies
- Information about Development Applications
- Approvals, Orders and other Documents.

Schedule 5 of the GIPA Act 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 place 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, in accordance with Council’s adopted Revenue Policy (Fees and Charges).

### Information about Council

- Council’s adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor’s Report
- Management 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 *Local Government Act 1993*
- Land Register
- 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
- 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

### 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 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.

### Approvals, Orders and Other Documents

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

## 6. How to Access Information held by Council

Some information held by Leeton Shire Council is available for purchase as outlined in Council's adopted Fees and Charges. 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. A determination will be made to release the information or refuse access based on the relevant considerations under that Act.

In order for information to be released an Access Request must be completed and Fees and Charges may apply.

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*
- Public Interest Criteria.

And any other relevant legislation and guidelines as applicable.

## 6.1 Mandatory Disclosure

Under Section 6 of the GIPA Act, Council must make its 'open access information' publicly available unless there is an overriding public interest against disclosure of the information. Open access information is required to be published on Council's website unless to do so would impose an unreasonable additional cost on Council (in these instances, Council's website explains where that information can be obtained – generally by contacting Council's Customer Service Centre or by contacting Council's Public Officer as stated).

Open access information is defined in Section 18 of the GIPA Act and includes:

- Council's policy documents.
- An Information Guide which contains information about Council's structure and functions, and lists the type of information that is publicly available.
- A disclosure log of formal access applications which includes release of information that Council believes may be of interest to other members of the public.
- A register of contracts worth more than \$150,000 which Council has with private sector bodies.
- A record of open access information that Council has not made publicly available on the basis that there is an overriding public interest against disclosure.
- Such other information that may be prescribed by the GIPA Regulation as open access information.

## 6.2 Authorised Proactive Release

Council will make as much other information publicly available as possible in an appropriate manner, including on its website. The information will be available free of charge (or at the lowest reasonable cost).

## 6.3 Informal Access Application

Access to information which is not available as Mandatory Release or Authorised Proactive Release information may be provided through Informal Release. Council will endeavour to release information in response to such a request, subject to any reasonable conditions as Council deems fit to impose.

Council may impose a charge for processing an application. The processing charge is calculated at an hourly rate in accordance with Council's adopted Revenue Policy (Fees and Charges).

## 6.4 Formal Access Application

Council will require a formal access application to be submitted where the information sought:

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

A Formal Access application fee of \$30 is payable in accordance with Council's adopted Revenue Policy (Fees and Charges). The application is considered invalid until the fee is paid.

Under certain circumstances an applicant may be entitled to a 50% reduction in the processing charge (not the application fee). A 50% reduction in the processing charge imposed will apply if Council is satisfied that the applicant is suffering financial hardship or is satisfied that the information applied for is of special benefit to the public generally.

If an Access Application is made for personal information about the applicant (the applicant being an individual), the fee for the first 20 hours of processing time will be waived.

Information on Council's website is available for viewing free of charge at Council's administration office. If hard copies are required, a copying charge will be levied in accordance with Council's adopted Revenue Policy (Fees and Charges).

## 7. Accessing and Amending your Personal Information held by Council

Persons who wish to seek an amendment to the Council's records concerning their personal affairs, should contact the Customer Service Centre.

Council information can be accessed by:

- Searching council's website, [www.leeton.nsw.gov.au](http://www.leeton.nsw.gov.au) to see if the information is already available
- Contact Council during business hours either in person or by telephoning Council's customer service centre on (02) 6953 0911 and ask for the information. Council will decide whether the information requested:
  - Is Open Access information that is readily available.
  - Should be made available as part of a 'Proactive Release' of information.
  - Can be disclosed to you through 'Informal Release'.
  - Requires a 'Formal Access Application'.

The right to information reforms means that formal applications for access to information should be a last resort. If you experience difficulty in obtaining documents or information you should contact Council's Right to Information Officer or the Principal Officer.

## 8. 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.

## 9. Rights of Review

There are rights to review a decision made by the Leeton Shire Council's Right to Information Officer. A full list of reviewable decisions is set out in Section 80 of the GIPA Act.

### 9.1 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. Internal review involves a senior person in the agency reviewing the decision to reject the Access to Information Application.

### 9.2 External Review

Applicants also have formal avenues via the New South Wales Civil and Administrative Tribunal (NCAT) to review the decision of refuse access. This application must be made within forty (40) days of the original decision or four (4) weeks after a review undertaken by the IPC.

## 10. Information and Privacy Commission (IPC)

If you require any further information, the IPC is an independent statutory authority that administers legislation dealing with privacy and access to government held information in NSW.

If you require any other advice or assistance about access to information you may contact the IPC:

Telephone: 1800 472 679, Monday to Friday, 9am to 5pm (excluding public holidays)

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

Mail: GPO Box 7011, Sydney NSW 2001

In Person: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

The role of the IPC is to:

- Provide independent oversight, review, complaint handling, investigative, reporting and monitoring of Minister's officers; State Owned Corporations; the local government sector, public sector agencies and all NSW Universities in performance of privacy and information access functions.
- Provide advice and assistance to agencies, entities and citizens about compliance with privacy and access to government information laws.