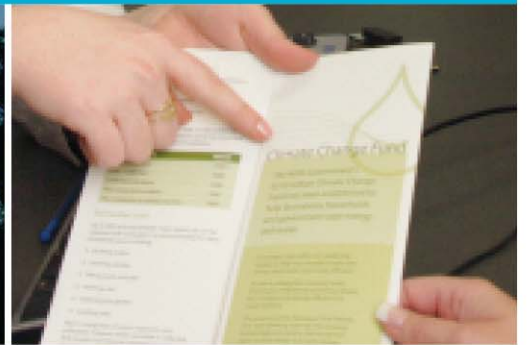




Shellharbour
CITY COUNCIL

Agency Information Guide



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



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Executive Summary

The aim of this Agency Information Guide (the Guide) is to meet the requirements of the *Government Information (Public Access) Act 2009* (GIPA Act). The object of the GIPA Act is to open government information and decision making to the public and to encourage government agencies to be open, accountable, fair and effective.

Public participation is integral to open Government. This guide contains a number of mechanisms to ensure that citizens have access to and can participate in Shellharbour City Council's policy and service delivery.

Under the GIPA Act Council must have an agency information guide that:

- (a) describes the structure and functions of the agency, and
- (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
- (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
- (d) identifies the various kinds of government information held by the agency, and
- (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
- (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
- (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Council must make government information publicly available as outlined by its agency information guide and must review and adopt a new agency information guide at intervals of not more than 12 months.

1. Structure and Function of Council

1.1. Description

Shellharbour City is bounded by Wollongong City in the north, the Tasman Sea in the east, the Municipality of Kiama in the south and Wingecarribee Shire in the west. Shellharbour City is an expanding urban area with significant rural areas and some industrial and commercial land uses. The City encompasses a total land area of about 154 square kilometres, including beaches, rivers, National and State Parks and other significant parklands.

Major features of the City include Macquarie Pass National Park, Killalea State Park, Bass Point Reserve (Coastal Marine Reserve), Blackbutt Forest Reserve, Myimbarr Wetlands, Lake Illawarra, Illawarra Regional Airport, Croom Regional Sporting Complex, Stockland Shellharbour, Shellharbour Hospital, Illawarra Institute of Technology (Shellharbour Campus) and various beaches.

The City is served by the Illawarra Highway, the Princes Highway and the South Coast railway line. The original inhabitants of the Shellharbour area were the Wodi Wodi tribe of the Thurawal Aboriginal people. European settlement dates from 1817. Council was first constituted on the 4th June 1859 and the municipality was gazetted as a City in 1996.

Shellharbour City Council currently serves a community of more than **70,994** residents ([2017 Australian Bureau of Statistics](#)). The population of the city has continued to grow at a steady rate over the past 20 years (13%) and is expected to grow to 72,300 by the year 2021.

Shellharbour City Local Government Area



1.2. Organisational Structure

Council's organisational structure comprises of three divisions and two units; Council Sustainability, Community and Customers, Amenity and Assets, Council Services and Organisational Performance.

The General Manager of Shellharbour City Council is Mr Carey McIntyre. The current structure of Shellharbour City Council is pictured below.



Updated May 2018

1.3. Legislation Applicable to Council

Council is bound by the *Local Government Act 1993*. The purposes of this Act are as follows:

- (a) to provide the legal framework for an effective, efficient, environmentally responsible and open system of local government in New South Wales,
- (b) to regulate the relationships between the people and bodies comprising the system of local government in New South Wales,
- (c) to encourage and assist the effective participation of local communities in the affairs of local government,
- (d) to give councils:
 - the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and of the wider public
 - the responsibility for administering some regulatory systems under this Act
 - a role in the management, improvement and development of the resources of their areas,
- (e) to require councils, councillors and council employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities.

As well as the Local Government Act, Council has powers and obligations under a number of other Acts including the following:

- *Coastal Protection Act 1979*
- *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 1989*
- *Government Information (Public Access) Act 2009*
- *Heritage Act 1977*
- *Impounding Act 1993*
- *Library Act 1939*
- *Noxious Weeds Act 1993*
- *Privacy & Personal Information Protection (PPIP) Act 1998*
- *Protection of the Environment Operations Act 1997*
- *Public Health Act 1991*
- *Recreation Vehicles Act 1983*
- *Roads Act 1993*
- *State Records Act 1998*
- *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*

1.4. Key Areas and Activities

Environment

- Environmental management
- Stormwater management
- Sustainability
- Pollution control
- Waste management
- Regulation management
- Development applications
- Property information certificates
- Building and site inspection
- Land use planning strategies
- Heritage
- Flooding and dams
- Section 94
- Drainage management

Community

- Community services management
- Children's services
- Youth services
- Cultural development
- Aged and people with disabilities
- AAC Aboriginal and Torres Strait Islander services
- Social planning
- Community festivals
- Cycleways and footpaths
- Community safety
- Roads safety
- Health services
- Companion animals
- Emergency services
- Cemeteries
- Croom Regional Sporting Complex
- Albion Park Showground
- Other playing fields
- Swimming centres
- Surf patrol
- Parklands
- Beaches
- Lake Illawarra
- Bass Point Reserve
- Blackbutt Reserve

- Shellharbour City Stadium
- Play equipment
- Public halls
- Neighbourhood and community centres
- Libraries and museums

Economy

- Classified roads
- Local roads
- Rural roads
- Bridges
- Car parks
- Signage
- Street lighting
- Illawarra Regional Airport
- Tourism
- Property development
- Economic development
- Shell Cove
- Council business activities
- Shellharbour Links Golf Course
- Sand mine
- Shellharbour Beachside Tourist Park

Organisation

- Corporate leadership and governance
- Financial services
- Rates levy
- Administration, governance and legal services
- Communications and events
- Customer services
- Risk management
- Corporate planning
- Information technology
- Telecommunications
- Geographic information systems
- Organisational development
- Plant and fleet management
- Works and services
- Operations and services management and executive support
- Engineering forward planning and design

Whether it is through the formulation of policies and strategies or day-to-day operations in neighbourhoods around the city, Council's functions and decision-making directly impact on the residents and ratepayers of Shellharbour, along with visitors to the area and potential investors.

Members of the public have many opportunities to take part in Council decision-making and other activities. These include participation at Council's public forums, commenting on plans or applications on public exhibition, attending community consultation forums, use of community engagement platforms, social media or contacting Council directly through its customer services section.

1.5. Functions of Shellharbour City Council

Under Chapter 5 of 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 Orders	Resumption of land Powers of entry and inspection	Rates Charges	Employment of staff Mgt plans	Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations
Environmental Protection	Building Certificates		Fees	Financial reporting	
Waste removal & Disposal			Borrowings	Annual reports	Prosecution of offences
Land & property, industry & tourism development & Assistance			Investments		Recovery of rates and charges
Civil Infrastructure Planning					
Civil Infrastructure Maintenance & Construction					

1.6. Functions of General Manager

Under Part 2, 335 of the *Local Government Act, 1993*, the General Manager of a council has the following functions:

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) 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,
- (e) 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,
- (f) 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,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

2. How Council's Functions Affect Members of the Public

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

Service functions 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.

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

- 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 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, Seniors week, White Ribbon Day Walk, Carols by Candlelight, Australia Day Celebrations, pool open days as well as promoting events of others.

3. Public Participation in Council's Policy Development and the Exercising of Functions

3.1. Addresses to Council

Addresses to Council are one way in which the Council is able to hear the views of members of the public regarding an item of business scheduled to be considered at the Council Meeting. The Council encourages the public to participate in this forum.

Addresses to Council can only relate to an item of business listed on the Business Paper for the meeting at which the address is to be made. People can register to address the Council on a maximum of three items listed for consideration at the meeting.

Nominated candidates for election to Federal, State or Local Government are prohibited from addressing the Council via this means. Serving Shellharbour City Councillors are also prohibited from addressing the Council.

Further information about registration and rules for addresses to Council can be found in Council's [Code of Meeting Practice](#).

3.2. Representation

Shellharbour City Council comprises of seven Councillors including a Mayor and is not divided into wards. The Mayor is elected each year by the Councillors from among their numbers.

The role of the Councillor

(1) The role of a councillor under section 232 of the *Local Government Act, 1993*, is as follows:

- (a) to be an active and contributing member of the governing body,
- (b) to make considered and well informed decisions as a member of the governing body,
- (c) to participate in the development of the integrated planning and reporting framework,
- (d) to represent the collective interests of residents, ratepayers and the local community,

- (e) to facilitate communication between the local community and the governing body,
 - (f) to uphold and represent accurately the policies and decisions of the governing body,
 - (g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- (2) A councillor is accountable to the local community for the performance of the council.

Role of Mayor (Section 226 of the *Local Government Act 1993*)

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

3.3. Public Exhibition

Shellharbour City Council encourages involvement from the community to help us make decisions in relation to Council's policies, strategies, plans, studies, licence agreements and

other documents. Council invites submissions from the community, key stakeholders and Councillors.

Documents are advertised in the local newspaper and placed on the [Public Exhibition](#) page of Council's website for a period of around 28 days. Hard copies for viewing are also made available at Council's administration building and at all branch libraries.

3.4. Have Your Say

Council's online engagement portal, [Lets Chat Shellharbour](#), is open for comments on various projects and activities that Council undertakes. People can read about updates and what others are saying about important Shellharbour City topics, then post a statement.

3.5. Community Strategic Plan

The [Community Strategic Plan](#) (CSP) reflects the community's vision for the city and sets our direction for the future. It tells us the objectives we are striving to achieve, the strategies we will use to achieve them and the outcomes that will indicate we have reached those objectives.

The Community's vision is:

In 2030, Shellharbour City is a dynamic City that values and celebrates the unique diversity of our people, places and environment. We are a connected community working together to create a safe, sustainable future that provides opportunities for all to achieve their potential.

The CSP is developed and delivered as a partnership between Council and the community. It seeks to respond to community, environmental, leadership and economic challenges. It also integrates with key Council documents such as the Crime Prevention Plan, Local Environmental Plan 2013 and the Aboriginal Employment Strategy.

3.6. How you can contribute to the delivery of the CSP

The delivery of the CSP brings together anyone with a stake in the community vision - community members, business groups, government agencies and other stakeholders. Each will partner with Council to help deliver the Objectives and Strategies.

There are several ways in which the community can assist with the CSP; these are listed throughout the CSP starting from page 21 and were suggested by community members who participated in community engagement activities.

The CSP is available on Council's website by clicking [here](#).

4. Access to Information

4.1. Open Access Information

The GIPA Act and Regulations specify which type of documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to view 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. Copies can be provided to the public for reasonable copying charges.

Council holds a range of information concerning the Shellharbour local government area including the following:

- [Policy documents](#)
- [Agendas, Minutes and Business Papers](#) for any meeting of Council or any Committee of Council
- [Annual Report](#) including Annual Financial Reports and Auditor's Report
- [Plans of management](#), [environmental planning instruments](#), [development control plans](#) and [contribution plans](#)
- Information about [Council](#)
- Information about [Development Applications lodged after 1 July 2010](#)
- [Approvals](#) and Orders
- [Building Certificates](#)
- Plans of land proposed to be compulsorily acquired
- [Compulsory acquisitions](#) notices
- [Leases and licences](#) for use of public land classified as community land
- Performance improvement orders
- Management Plans
- Any [Codes](#) referred to in the LGA
- [Land Register](#)
- Register of Investments (Included in the [Annual Report](#))
- Register of [Delegations](#)
- Register of [Graffiti removal](#) works
- Register of current Declarations of Disclosures of [Political donations](#)
- Register of [Voting on Planning Matters](#)
- A [list](#) of Open Access information not available on Council's website

If any of the information listed above cannot be located on Council's website, an [Informal Request for Information form](#) can be lodged.

4.2. Types of Documents - Electronic and "Physical"

Council uses an Electronic Document Management System (EDMS) to manage its records. From April 2000 most hard copy physical files were replaced with electronic files.

The EDMS captures information under the following headings:

1. Document
2. Customer
3. Subject New
4. Properties
5. Meetings
6. Human Resources
7. Applications

8. Lands
9. Streets

The main types of "physical" files held by Council include older files such as: general subject files, development and building files, property files as well as street and park files.

If this information is not available on Council's website, it may be made available upon request. [Informal Request for Information](#) forms are available from Council's Website.

4.3. Proactive Release of Council Information

Council is authorised to make any information held, publicly available unless there is an overriding public interest against disclosure of the information. At intervals of 12 months, Council will review its proactive release program to identify the kinds of information Council holds, that are in the public interest and can be made publicly available.

The following information has been made available to the public under Council's [proactive release](#) program:

- Code of Conduct Statistics Report
- Councillor expenses 2017-2018
- Gifts and Benefits Register 2017
- Illawarra biodiversity strategy volume 1
- Illawarra biodiversity strategy volume 2
- Independent local government review panel 20 essential steps submission
- Independent local government review panel sustainable change submission
- Local government acts taskforce preliminary ideas further submission
- Local government acts taskforce preliminary ideas paper submission
- Right to Purchase Deed Stockland – Sale of Lamerton House
- Submission NSW Department of planning & infrastructure white paper

4.4. Informal Release of Council Information

Information that is not available on Council's website can be requested by completing an [Informal Request for Information form](#). Council is authorised to release information held by it in response to an informal request unless:

- a) there is an overriding public interest against disclosure of the information
- b) to do so would impose an additional unreasonable cost to council
- c) to do so would breach the copyright Act

Council may impose conditions in response to an Informal Request for information and can decide by what means information is to be released to the applicant. Council may also redact information contained in a record if there is an overriding public interest against disclosure of that information.

Reasonable fees may be charged for photocopying or provision of information on a USB.

4.5. Formal Access Application

If the information cannot be accessed through the methods listed previously in this guide, you can make a Formal Access application. Council must disclose information in response to a Formal Access application unless there is an overriding public interest against disclosure.

A [Formal Access](#) application is used as a last resort and is usually required when the information requested is of the following nature:

- sensitive information that requires careful consideration in terms of overriding public interest considerations against disclosure
- contains confidential information
- contains personal information of another person
- contains information about third parties
- would require a significant amount of time and/or resources to provide the information

To make a formal access application, the [Formal Access application form](#) needs to be completed and forwarded to Council along with the \$30 application fee.

5. Further Information

For further information about access to Council's information, please contact the Public Information Officer on 4221 6330.

5.1. Contact Details

The General Manager
Shellharbour City Council
Locked Bag 155
SHELLHARBOUR CITY CENTRE NSW 2529
Phone: 4221 6111
Email: council@shellharbour.nsw.gov.au
Website: www.shellharbour.nsw.gov.au

Shellharbour Civic Centre
76 Cygnet Avenue
Shellharbour City Centre NSW 2529

8.30am to 4.30pm Monday to Friday

For further information, please contact the Information and Privacy Commission

Phone: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au

Post: GPO Box 7011, Sydney NSW 2001

Office: Level 17, 201 Elizabeth Street, Sydney NSW 2000