



# Agency Information Guide 2022-2023



# Acknowledgement

Shellharbour City Council acknowledges the Traditional Custodians of Dharawal Country and recognises their continued connection to the land. We pay our respects to Elders past, present and emerging and the contribution they make to the life of this city.

# Contents

<b>What is the Agency Information Guide?</b>	<b>4</b>
<b>Our City</b>	<b>5</b>
<b>Structure and Functions of Council</b>	<b>6</b>
Role of Elected Council	6
Current Elected Members	7
Role of the Mayor	8
Role of a Councillor	8
Management of Council	9
Organisational Structure	10
Council Functions	11
<b>Effect of Council's functions on members of the public</b>	<b>12</b>
<b>Participation in Council decision making</b>	<b>13</b>
Council Meetings	13
Addresses to Council	13
Committee Meetings	14
Public Exhibition	14
Let's Chat – Have your say	14
Community Strategic Plan	14
Website and social media	15
Newsletter	15
Feedback and Complaints	15
<b>How to access Council Information</b>	<b>16</b>
Open Access Information	16
Proactive Release	16
Informal release	16
Formal Access Application	17
Fees and Charges	17



# What is the Agency Information Guide?

This Agency Information Guide has been produced by Shellharbour City Council in accordance with Section 20 of the *Government Information (Public Access) Act 2009* and is reviewed annually.

The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- The structure and functions of Shellharbour City Council
- The way in which the functions of Shellharbour City Council affect members of the public
- The avenues available to the public to participate in policy development and the exercise of Shellharbour City Council's functions
- The type of information available from Shellharbour City Council and how this information is made available

The Information Guide is available on Council's website

[www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au)

Mike Archer  
Chief Executive Officer

# Our City

Shellharbour City is located in the Illawarra Region of NSW and is about 100 kilometres south of Sydney. The Local Government Area borders the City of Wollongong to the north, with the boundaries of Lake Illawarra and Macquarie Rivulet, and the Municipality of Kiama to the south, with the boundary of Killalea State Park.

It stretches from the South Pacific Ocean to the east through to the Illawarra Escarpment that forms a natural boundary to the west. Our City is an expanding urban area with significant rural areas and some industrial and commercial land uses. It encompasses a total land area of about 147 square kilometres, including beaches, rivers, National and State parks and other significant parklands.

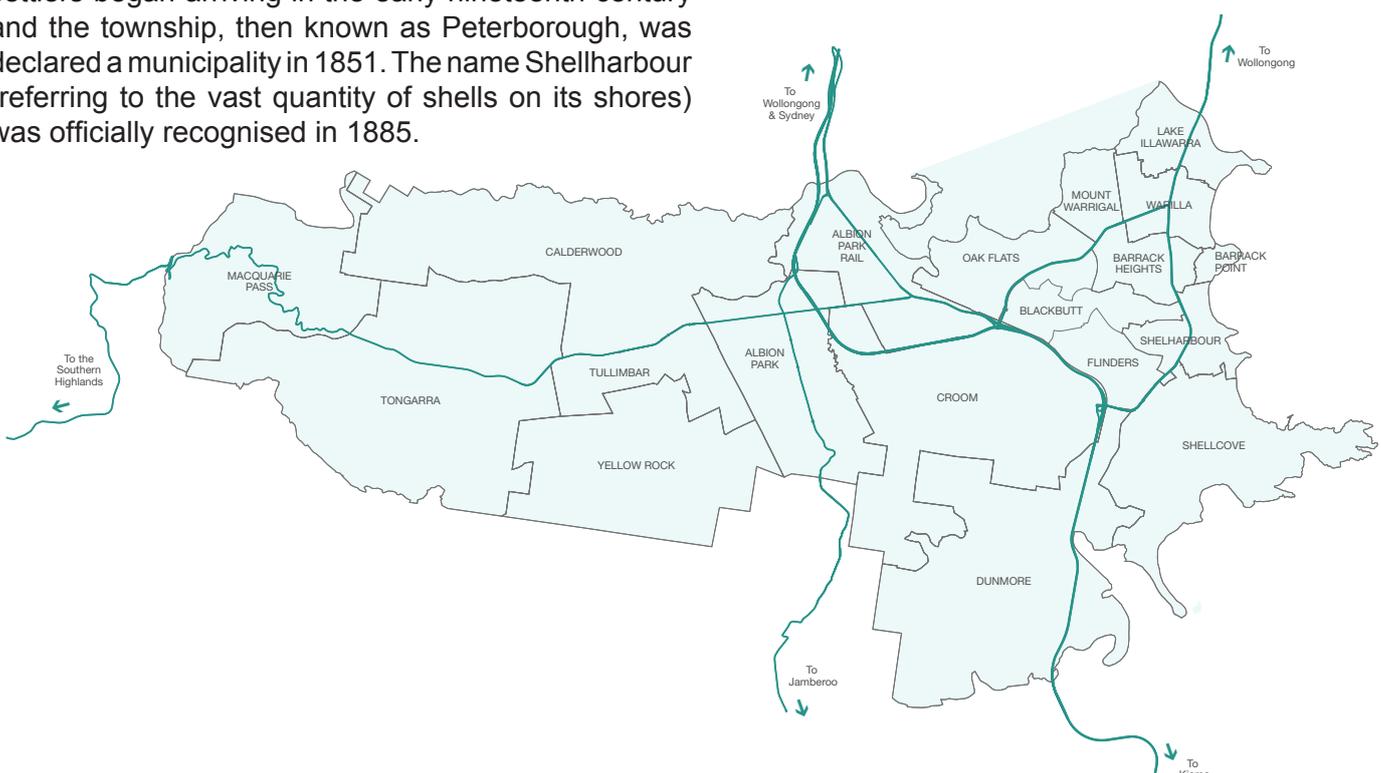
The main urban centres are Shellharbour City Centre, Shellharbour Village, Shell Cove, Albion Park, Warilla and Oak Flats. Most of the rural areas are in the south and west, with rural land used mainly for crop farming, dairy farming and grazing.

The original inhabitants of this region are the Wodi Wodi and Dharawal people, with human activity in the area being traced back 17,000 years. European settlers began arriving in the early nineteenth century and the township, then known as Peterborough, was declared a municipality in 1851. The name Shellharbour (referring to the vast quantity of shells on its shores) was officially recognised in 1885.

Population growth rates in Shellharbour have been consistently above the average for the Illawarra region because of the in-migration of young families and couples attracted to the relatively affordable housing, employment opportunities locally or in nearby areas and the coastal location.

The population is forecasted to grow over 29% by 2041, with population changes influenced by two key factors. The older established suburbs such as Warilla and Oak Flats will undergo a new cycle of population growth and changes as older persons leave their homes and make the way for younger households, including families. Meanwhile, ongoing urban development with Shell Cove (particularly the Marina and Waterfront precinct), rural areas of Tullimbar and Calderwood Valley and Shellharbour City Centre will attract more people to the area. Our city is growing and, together with the many natural and built attractions on offer, this will strengthen Shellharbour's role as a destination regional city.

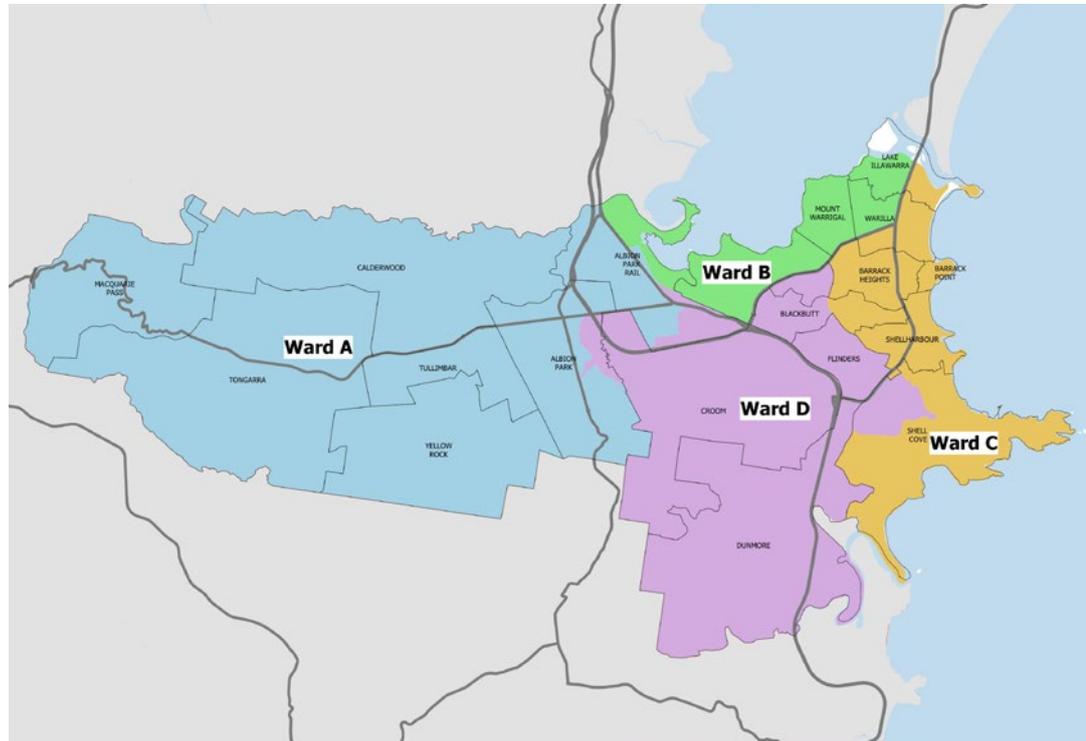
**Shellharbour City Council currently serves a community of an estimated resident population of 76,443 for 2021.**



# Structure and Functions of Council

Council was first constituted on 4 June 1859 and the municipality was gazetted as a City in 1996.

Shellharbour City has a popularly elected Mayor and eight Councillors. The City is made up of four wards - Wards A, B, C and D.



## Role of Elected Council

The role of a Councillor as a member of the governing body of the Council is:

- to provide a civic leadership role in guiding the development of the Community Strategic Plan and to be responsible for monitoring the implementation of Council's Delivery Program
- to direct and control the affairs of the Council in accordance with the Local Government Act 1993
- to participate in the optimum allocation of Council's resources for the benefit of the area
- to play a key role in the creation and review of Council's policies and objectives and criteria relating to the exercise of Council's regulatory functions and
- to review the performance of Council, its delivery of services, Delivery Program and revenue policies.

The Council generally meets from 6:30pm on every third Tuesday at the Council Chambers, Shellharbour Civic Centre, 76 Cygnet Avenue, Shellharbour City.



## Current Elected Members



**Chris Homer**  
Mayor

### WARD A



**Cr Kellie Marsh**  
Deputy Mayor



**Cr Maree Duffy-Moon**

### WARD B



**Cr John Davey**



**Cr Moira Hamilton**

### WARD C



**Cr Lou Stefanovski**



**Cr Colin Gow**

### WARD D



**Cr Rob Petreski**



**Cr Jacqui Graf**



## Role of the Mayor

Under section 226 of the *Local Government Act 1993* the role of the Mayor is as follows:

- 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.

## Role of a Councillor

Under section 232 of the *Local Government Act 1993* the role of a councillor is as follows:

- (1)
  - 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.

## Management of Council

Under section 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 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 the 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.

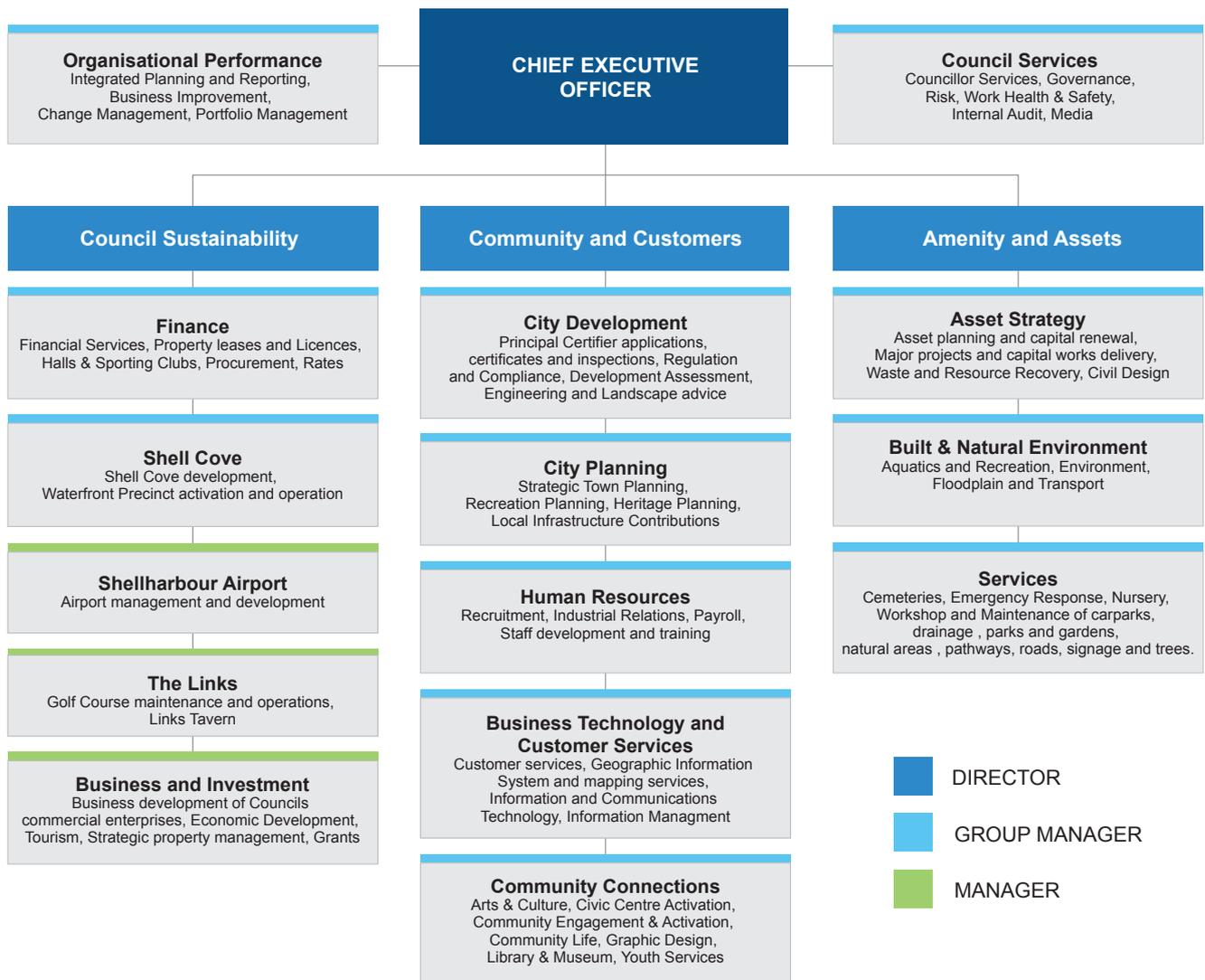


Note: Council resolved to change the position title of General Manager to Chief Executive Officer at its meeting on 1 September 2020.

Council's Chief Executive Officer is Mike Archer.

# Organisational Structure

To assist the Chief Executive Officer in the exercise of these functions, there are three directorates and two groups as outlined in the organisational structure.



# Council Functions

## Functions under *Local Government Act 1993*

Council has functions conferred or imposed on it by the *Local Government Act 1993*.

Under Chapter 5 of the *Local Government Act 1993*, Council's functions are as follows:

### Service Functions:

- Provision 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:

- Approvals
- Orders
- Building Certificates

### Ancillary Functions:

- Resumption of land
- Powers of entry and inspection

### Revenue Functions:

- Rates
- Charges
- Fees
- Borrowings
- Investments

### Administrative Functions:

- Employment of staff
- Community Strategic and Management Plans
- Financial reporting
- Annual Reports

### Enforcement Functions:

- Proceedings for breaches of the *Local Government Act 1993* and other legislation
- Prosecution of offences
- Recovery of rates and charges.

## Functions under other legislation

In addition to the *Local Government Act 1993*, Council has powers under a number of other Acts and Regulations including but not limited to:

- Airports Act 1996
- Biodiversity Conservation Act 2016
- Civil Liability Act 2002
- Coastal Protection Act 1979
- Community Land Development Act 1989
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Crown Land Management Act 2016
- Crown Lands Act 1989
- Environmental Planning and Assessment Act 1979
- Fire and Rescue NSW Act 1989
- Food Act 2003
- Geographical Names Act 1966
- Government Information (Public Access) Act 2009
- Heritage Act 1977
- Impounding Act 1993
- Land Acquisition (Just Terms Compensation) Act 1991
- Library Act 1939
- Liquor Act 2007
- Privacy and Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Public Interest Disclosure Act 1994
- Recreation Vehicles Act 1983
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency and Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1998
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 1996
- Swimming Pools Act 1992
- Unclaimed Money Act 1995
- Valuation of Land Act 1916
- Waste Avoidance and Resource Recovery Act 2001
- Work Health and Safety Act 2011
- Workplace Injury Management and Workers Compensation Act 1998



# Effect of Council's functions on 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, parks, footpaths, cycleways, beach lifeguards, removal of garbage, roads and other infrastructure.

**Regulatory Functions** – Ensure compliance with relevant legislation and guidelines. 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. Council aims to ensure that members of the public are aware of, and comply with, such regulations.

**Ancillary Functions** – Affects 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 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 for 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 Seniors Week, NAIDOC Week, Youth Week, Children's Week, as well as promoting other events.

# Participation in Council decision making

Shellharbour City Council supports the principles of open government and encourages community involvement in general activities of Council. Members of the public have many opportunities to take part in Council decision-making and other activities.

## Council Meetings

The Council generally meets from 6:30pm on every third Tuesday at the Council Chambers, 76 Cygnet Avenue, Shellharbour City.

Details of meeting dates are listed on Council's website [www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au) or are available from Customer Service by calling 4221 6111.

Council meetings are webcast so that members of the public are able to watch the meetings via Council's website.

Council's comprehensive meeting agendas called Business Papers are made available to the public on the Friday before the meeting, excluding items that are to be addressed in a confidential session. Business Papers are available from Council's website or Civic Centre.

Minutes of the Council meetings are also available on Council's website.

## Addresses to Council

Council encourages member of the public to participate in the decision making process. Community members may register to address Council on an item listed on the Business Paper, or residents and ratepayers may prefer to approach individual Councillor's directly if they have a matter they wish Council to consider.

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 apply to speak at a public forum on a maximum of three (3) items listed for consideration at the meeting.

Our Code of Meeting Practice details the procedures to be followed to register and make a public address to Council. This policy is available for viewing on Council's website.





## Website and social media

Council's website [www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au) is regularly updated with notifications and information on Council's activities, meeting agendas, business papers and minutes. The website also publishes notices and exhibitions, tenders, news items, events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure information is accurate and timely.

Council also provides information on Council activities, decisions and programs in the local newspaper and on the following Social Media platforms:



## Newsletter

Council has a monthly e-newsletter "Shellharbour Snapshot" which will share the latest news, upcoming events, council projects and other information with the community. The community can subscribe to Shellharbour Snapshot via council's website.



## Feedback and Complaints

Shellharbour City Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community.

Feedback and complaints can be provided in writing addressed to the Executive Manager/Public Officer at [council@shellharbour.nsw.gov.au](mailto:council@shellharbour.nsw.gov.au) or by completing the Customer Feedback/Complaint form available on [www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au).



# How to access Council Information

Under the *Government Information (Public Access) Act 2009* (GIPA Act) Council is required to make a wide range of information publicly available on its website.

## Open Access Information

Under section 18 of the *Government Information (Public Access) Act 2009* (GIPA Act), the following documents are identified as 'Open Access Information' and will be released without the need for a Formal Access Application. These documents are mostly available on Council's website [www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au):

- Council's Agency Information Guide
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either house of Parliament
- Council's Policy Documents
- Council's Disclosure Log of Formal 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 GIPA Regulations as open access information.

## Proactive Release

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.

## Informal release

Information that is not available on Council's website can be requested by completing an Access to Information Request (informal) which can be found on the website at [Access to information | Shellharbour Council \(nsw.gov.au\)](http://www.shellharbour.nsw.gov.au).

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 copyright.

There is no application fee for an informal request for information. However, copies of development application information lodged before July 2010 incur a fee of \$30.00 in accordance with Council's Fees and Charges.

An Informal Request to Access Information is not reviewable by the NSW Information and Privacy Commission (IPC) or NSW Civil and Administrative Decisions Tribunal (NCAT) and has no statutory timeframe for determination.



## Formal Access Application

Prior to lodging a Formal Access Application, a person seeking information from Council should check if the information being sought is already available on Council's website or could easily be made available through an informal request application.

If information:

- Is not available via Proactive or Informal Release; or
- Involves a large volume of information, requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce; or
- Contains personal or confidential information about a third party which may require consultation; or
- Is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure; then

Council requires a Formal Access Application to be submitted which can be found on the website at [Access to information | Shellharbour Council \(nsw.gov.au\)](https://www.shellharbour.nsw.gov.au/access-to-information).

To make a formal access application, it must:

- Be in writing and sent to or lodged at Shellharbour City Council,
- Clearly indicate that it is a formal access application made under the *Government Information (Public Access) Act 2009* (GIPA Act),
- Include a payment of the \$30 application fee,
- Provide a postal or email address for correspondence, and
- Include such information as is reasonably necessary to enable the government information applied for to be identified.

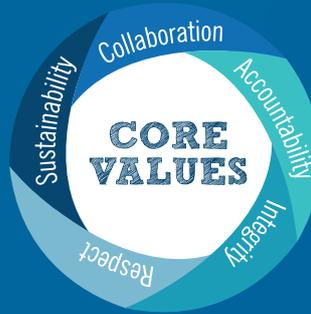
## Fees and Charges

The *Government Information (Public Access) Regulation* requires that Open Access information held by Council is to be made publicly available for inspection, free of charge.

The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge.

Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply in accordance with Council's Fees and Charges.

**For further information about access to Council's information, please contact the Governance Team on 4221 6111.**



## Contact us



Visit us:

**Shellharbour Civic Centre**

76 Cygnet Avenue, Shellharbour City Centre  
8:30am to 4:30pm – Monday to Friday



Phone us:

**4221 6111** – available 24 hours per day



Email us:

**council@shellharbour.nsw.gov.au**



Write to us:

**The Chief Executive Officer, Shellharbour City Council**  
Dharawal Country, Locked Bag 155,  
Shellharbour City Centre NSW 2529



Website:

**[www.shellharbour.nsw.gov.au](http://www.shellharbour.nsw.gov.au)**

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## Information and Privacy Commission

The Information and Privacy Commission oversees the *Government Information (Public Access) Act 2009* (GIPA Act). The IPC provides information about the right to access information and can be contacted via:

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

Phone: **1800 472 679**

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

Postal address: GPO Box 7011, Sydney