

STATEMENT OF AFFAIRS

and

SUMMARY OF AFFAIRS

OF THE

**WINGECARRIBEE SHIRE
COUNCIL**

AT 30 JUNE 2008

**FREEDOM OF INFORMATION ACT 1989
Section 14(1) and (2)**

**STATEMENT OF AFFAIRS
OF THE
WINGECARRIBEE SHIRE COUNCIL**

(30/06/08)

FOI Agency No. 2236

Section 14 of the Freedom of Information Act 1989 (the FOI Act) requires that the General Manager of a Council shall, within 12 months of 1 July 1993 (ie by 30 June 1994) and at intervals of not more than 12 months thereafter, cause to be published an up-to-date statement of the affairs of the Council.

This Statement of Affairs addresses the following matters as required by the Act:

1. a description of the structure and functions of the Council;
2. the way the Council's functions, particularly its decision making functions, affect the public;
3. the way in which the public may participate in Council's policy development;
4. the kinds of documents that the Council holds, including those that are available for inspection, those that may be purchased, and those that may be obtained free of charge;
5. arrangements that exist to enable a member of the public to obtain access to the Council's documents and to seek amendment of the Council's records concerning his or her personal affairs;
6. the name and address of the contact officer.

1. THE STRUCTURE AND FUNCTIONS OF WINGECARRIBEE SHIRE COUNCIL

Council's organisational structure is indicated at **Appendix 1**.

SECTION A - Divisional Functions

The functions of Council's four divisions are as follows:-

DIVISION

FUNCTIONS

EXECUTIVE

Governance
Economic Development

CORPORATE SERVICES

Administration Services
Information Services
Financial Services
Human Resources / Library Services
Tourism

ENVIRONMENT AND PLANNING

Environment & Planning Administration
Development Assessment
Environment & Health
Strategic Planning

TECHNICAL SERVICES

Technical Services Administration
Purchasing/Stores
Survey, Design and Project Management
Roads & Ancillary Support Services
Roads – Local, State & Regional, Ancillaries
Traffic Facilities
Drainage
Plant/Workshops
Recreation Facilities
Property
Linear Reserve Maintenance
Water Services
Sewerage Services
Waste Management
Wingecarribee Our Future Environment

SECTION B - Committee Structure

Following a review of Council's committee structure in February 2008, council confirmed the appointment of the following Peak Committees of Council.

- (a) Finance & Internal Audit Committee – consisting of (6) Councillors, (3) Community Representatives and staff.

Terms of Reference:

- (i) The Finance and Audit committee's principle role being to monitor and provide feedback to management on internal audit reviews conducted by the independent internal auditor.
- (ii) To provide comment and feedback on the DLG's Promoting Better Practice Review assessment of Council and make recommendations on desired outcomes.
- (iii) To review Council's budget and make recommendations on financial strategy and resulting financial outcomes.
- (iv) To review Council's Quarterly budget reviews and offer comment for consideration by Council.
- (v) To provide broad commentary on Council's draft annual budget prior to consideration by Council.

- (b) Legal Committee – consisting of (6) Councillors , Staff and Council's Legal Advisor (as required

Terms of Reference

- (i) To review and recommend action on appeals relating to development matters, to review and recommend defence of cases, enforcement of orders of non compliance or illegal activities and any other legal issues.
- (ii) To review and make recommendations on Council's solicitors panel.
- (iii) To provide guidance on issues relating to the leasing of Council-owned land and facilities.

- (c) Environment & Sustainability Committee - consisting of (2) Councillors (5) Community Members (1) HNCMA representative(1) NPWS representative(1) SCA representative (1) Department Primary Industry representative

- (i) To discuss and advise on projects that support sustainability.
- (ii) To discuss and advise Council on proposed works and budgets proposed under the Wingecarribee Our Future Environment (WOFE) programme AND to monitor and review progress of the WOFE programme.
- (iii) To monitor and review environmental issues relating to road reserves and lineal reserves, and the implementation of Council's Roadside Management Plan.

Council also has a number of Advisory Committees and Working Groups. A full list of Committees and their functions can be obtained from Council's Administration section or via the Public Office.

2. THE AFFECT OF WINGECARRIBEE SHIRE COUNCIL'S FUNCTIONS (including in particular decision making functions) ON MEMBERS OF THE PUBLIC

The matters, which are currently being reported direct to Council indicate the manner in which decisions of Council affect members of the public.

3. PUBLIC PARTICIPATION IN THE FORMULATION OF POLICIES AND THE EXERCISE OF FUNCTIONS

Council's Code of Meeting Practice currently provides that Council meetings are conducted as follows:-

Open Council

- 3.30 - 5.00pm Public Forum/Visitors Items

Council

- 5.00 – 7.30pm Council Agenda items

At a suitable time (currently 5.30pm) Council will take questions from the public on any matter to Council.

At present, the following methods of consultation are available:-

- i) Discussing matters personally with Councillors.
- ii) Discussing matters with Council's Officers.
- iii) Making arrangements to address Council in Open Council.
- iv) Forwarding correspondence to Council and/or directly to Councillors.
- v) Addressing Council directly during public question time at Council meetings.
- vi) Nominating for membership of one of Council's community based Advisory or Management Committees.

Additionally, special public meetings are periodically called to consider matters of particular significance and interest.

Community consultation is also sought on matters required by the Local Government Act 1993 such as the Annual Management Plan, Meeting Policy, Committee Restructure, LEP's, Section 94 Plans etc.

4. DOCUMENTS HELD BY WINGECARRIBEE SHIRE COUNCIL

The following categories of documents are currently held by Wingecarribee Shire Council (pursuant to Section 12 of the Local Government Act 1993):

- Council's Code of Conduct
- Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Council's Policy concerning the payment of expenses incurred by, and the provision of facilities, to, Councillors
- Council's Land Register
- Register of Investments
- Returns of the interests of Councillors, designated persons and delegates
- Returns as to candidates' campaign donations
- Agendas and business papers for council and committee meetings (but not including, until the relevant date determined under Section 10E, business papers for matters considered when part of a meeting is closed to the public)
- Minutes of Council and committee meetings, but restricted, until the relevant date determined under Section 10E (in the case of any part of a meeting that is closed to the public), to the recommendations of the meeting
- Register of business papers and minutes referred to in Section 10E(6)
- Codes referred to in this Act
- Register of delegations
- Annual reports of bodies exercising delegated council functions
- Applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents
- Development Applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents
- Local policies adopted by the Council concerning approvals and orders
- Records of approvals granted, any variation from local policies with reasons for the variation and decisions made on appeals concerning approvals
- Records of Building Certificates
- Plans of land proposed to be compulsorily acquired by the Council
- Leases and licences for use of public land classified as community land
- Plans of Management for community land
- Environmental planning instruments, development control plans and plans made under Section 94AB of the Environmental Planning and Assessment Act 1979 apply to land within the Council's area
- Statement of Affairs, the summary of affairs and the register of policy documents required under the Freedom of Information Act 1989
- Department representatives' reports presented at a meeting of the Council in accordance with Section 433.

5. ACCESSING AND SEEKING AMENDMENTS TO COUNCIL DOCUMENTS CONCERNING AN INDIVIDUAL'S PERSONAL AFFAIRS

A person seeking to access and/or make amendments to Council documents regarding his/her personal affairs may make application to the General Manager, Public Officer and the Freedom of Information Officer.

Following a request being made a member of the public may:

- i) Be given access to the requested documents or;
- ii) Section 12 of the Local Government Act 1993 Application
- iii) Be advised to complete a Freedom of Information Application (\$30.00 fee applicable)

Requested amendments may be discussed with the General Manager, Public Officer or the Freedom of Information Officer.

6. CONTACT ARRANGEMENTS

Requests under the Freedom of Information Act for access to documents held by Wingecarribee Shire Council must be made by application in writing accompanied by a fee of \$30.00 (subject to Notes 1 and 4 - see below) and addressed to:

The Freedom of Information Officer
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Applications for a review of a determination regarding an (FOI) application must also be made in writing and accompanied by a fee of \$40.

Inquiries may be directed to the Freedom of Information Officer by telephoning (02) 4868 0888 during business hours Monday to Friday, 8.30am to 4.30pm.

Mike Hyde
GENERAL MANAGER

12 June 2008

NOTES (Re: FOI APPLICATION FEE)

1. Application fees cover costs of receiving applications including registration and initial discussions with applicants. Any applications requiring more than 1/2 hour file research will involve processing charges (subject to note 4).
2. An advance deposit may also be required in accordance with Sections 21 and 22 of the Freedom of Information Act 1989, if Council's costs are likely to exceed the application fee.
3. A 50% reduction in fees applies for eligible pensioners and non-profit organisations under financial hardship. (Refer FOI Procedure Manual for criteria).
4. First 20 hours free of processing charge for person accessing documents relating to their personal affairs.

ORGANISATION STRUCTURE

APPENDIX 1

MANAGEMENT & ORGANISATIONAL STRUCTURE OF WINGECARRIBEE SHIRE COUNCIL

