

# AGENCY INFORMATION GUIDE 2023-2024



*We're with you*

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## Acknowledgement of Country

The Wingecarribee Shire acknowledges the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. We pay our respect to Elders both past, present and emerging.

## Introduction

This Agency Information Guide has been produced by Wingecarribee Shire Council in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act) 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 Council,
- The ways in which these functions (including, in particular, the decision-making functions) affect members of our community,
- The avenues available to the community to engage with Council and participate in the development of policy and the exercise of Council functions,
- The type of information held by Council and how this information is made available.

Council has adopted this guide in accordance with section 20 of the GIPA Act and is committed to upholding the provisions of the Act which aim to open government information to the public.

## 1. About Us

The Wingecarribee Shire is located 75 kilometres from the south-western fringe of Sydney and 110 kilometres from Sydney's central business district. The Shire covers an area of approximately 2,700 square kilometres with much of the Shire located at or above 640 metres above sea level. It is characterised by its unique landscape, 19<sup>th</sup> and 20<sup>th</sup> century buildings and streetscapes and impressive aesthetic appeal. The size of the Shire is comparable to that of urban Sydney, averaging 55 kilometres from east to west and 45 kilometres from north to south. This area is generally known as the Southern Highlands.

The Wingecarribee, Wollondilly and Nattai Rivers run through the Shire and are closely connected to the culture, dreaming and songs of the traditional custodians, the Gundungurra and Tharawal (or Dharawal) people.

Our three main towns of Bowral, Mittagong and Moss Vale each have a unique function and character. Collectively they act as the economic, cultural and social heart of the Shire. The remainder of our towns and villages are separated by a semi-rural landscape and rich natural environments. The smaller towns and villages include Alpine, Avoca, Balaclava, Balmoral, Berrima, Burrawang, Colo Vale, Exeter, Fitzroy Falls, Hill Top, New Berrima, Penrose, Renwick, Robertson, Sutton Forest, Wingello, Willow Vale and Yerrinbool.

We have a healthy and diverse economy, driven by the health, tourism, education, manufacturing, agriculture, construction and professional industry sectors. In 2021 our population was 52,456 and is forecast to grow to 66,860 by 2041.

Council's [Community Strategic Plan](#) sets out Council's community vision as follows:

*In 2041 we will be a healthy and productive  
community, learning and living in harmony,  
proud of our heritage and nurturing our environment.*

## 2. Structure and Functions of Council

### 2.1 Role of the Governing Body as a whole

In accordance with section 223 of the *Local Government Act 1993* (LG Act), the role of the governing body is as follows:

- to direct and control the affairs of Council in accordance with the LG Act,
- to provide effective civic leadership to the local community,
- to ensure as far as possible the financial sustainability of Council,
- to ensure as far as possible that Council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of Council,
- to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of Council,
- to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of Council's resources to implement the strategic plans (including the community strategic plan of Council and for the benefit of the local area,
- to keep under review the performance of Council, including service delivery,
- to make decisions necessary for the proper exercise of Council's regulatory functions,
- to determine the process for appointment of the General Manager by the elected Council and to monitor the General Manager's performance,
- to determine the senior staff positions within the organisation structure of Council,
- to consult regularly with community organisations and other key stakeholders and keep them informed of Council's decisions and activities,
- to be responsible for ensuring that Council acts honestly, efficiently and appropriately

As members of the governing body, and in the interests of ensuring the organisation operates effectively to achieve the best outcomes for the community, Councillors should endeavour to work constructively with council staff that are responsible for implementing council decisions. That is why the governing body is to consult with the General Manager in directing and controlling the affairs of Council.

### 2.2 Role of the Administrator

On Thursday 14 July 2022 the Governor of NSW accepted the recommendation of the former Minister for Local Government Shelley Hancock and declared all Offices in relation to Wingecarribee Shire Council vacant and appointed Mr Viv May PSM as Administrator.

The appointment of Mr May as the Administrator for Council followed the suspension of the Councillors by the former Minister on 12 March 2021. Under section 258 of the LG Act, the Administrator has all the functions of the council (including all the functions of a councillor and the mayor) until immediately before the first meeting of the council held after the election in September 2024.

### 2.3 Role of Councillors and the Mayor

Following the September 2024 election, nine Councillors will be elected by the residents of the Shire. Under section 232 of the LG Act:

1. The role of a Councillor is:

- to be an active and contributing member of the governing body;
- to make considered and well-informed decisions as a member of the governing body;
- to participate in the development of Council's integrated planning and reporting

framework;

- to represent the collective interests of residents, ratepayers and the local community;
- to facilitate communication between the local community and the governing body;
- to uphold and represent accurately the policies and decisions of the governing body; and
- 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.

Every two years, Councillors elect a Mayor for the ensuing 24 months. Councillors also elect from their number a Deputy Mayor for the period of the mayoral term, although Council retains the authority to elect a Deputy Mayor to a shorter term.

Under section 226 of the LG Act, the Mayor's role is:

- to be the leader of Council and a leader in the local community;
- to advance community cohesion and promote civic awareness;
- to be the principal members and spokesperson of the governing body, including to represent Council's views as to its local priorities;
- to exercise the policy-making functions of the governing body of Council between meetings of Council, when necessary;
- to preside as chair at meetings of Council
- to ensure that meetings of Council are conducted efficiently, effectively and in accordance with the LG Act;
- to ensure that strategic plans, programs and policies are developed and adopted in a timely manner;
- to promote partnerships between Council and key stakeholders;
- to advise, consult and provide strategic direction to the General Manager in relation to the implementation of Council's strategic plans and policies;
- to ensure adequate opportunities and mechanisms for engagement between Council and the local community (in conjunction with the General Manager);
- to carry out the civic and ceremonial functions of the mayoral office;
- to represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level;
- to lead performance appraisals of the General Manager (in consultation with Councillors); and
- to exercise any other functions of Council that Council determines the Mayor may exercise

The Deputy Mayor may exercise any function of the Mayor at the Mayor's request or if the Mayor is prevented by illness, absence or otherwise from exercising mayoral functions.

## **2.4 Role of the General Manager**

The General Manager is responsible for the efficient operation of Council as an organisation and for ensuring the implementation of Council decisions. The General Manager's functions are set out by section 335 of the LG Act and include:

- conducting the day-to-day management of Council in accordance with Council's strategic plans, programs, strategies and policies;
- implementing, without undue delay, lawful decisions of Council;
- advising the Mayor and the governing body on the development and implementation of Council's strategic plans, programs, strategies and policies;

- advising the Mayor and the governing body on the appropriate form of community consultation with respect to Council's strategic plans, programs, strategies and policies and other matters related to Council;
- preparing, in consultation with the Mayor and the governing body, Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;
- ensuring that the Mayor and other Councillors are given timely information and advice and the administrative and professional support required to effectively discharge their functions;
- exercising any functions of Council that are delegated to the General Manager by Council;
- appointing staff in accordance with the organisation structure determined by the LG Act and the resources approved by Council;
- directing and dismissing staff;
- implementing Council's workforce management strategy; and
- any other functions conferred or imposed on the General Manager by or under the LG Act or any other Act.

## 2.4 Organisational Structure

To support the General Manager in the exercise of the General Manager's functions, **Figure 1**, below, sets out Council's organisational structure.

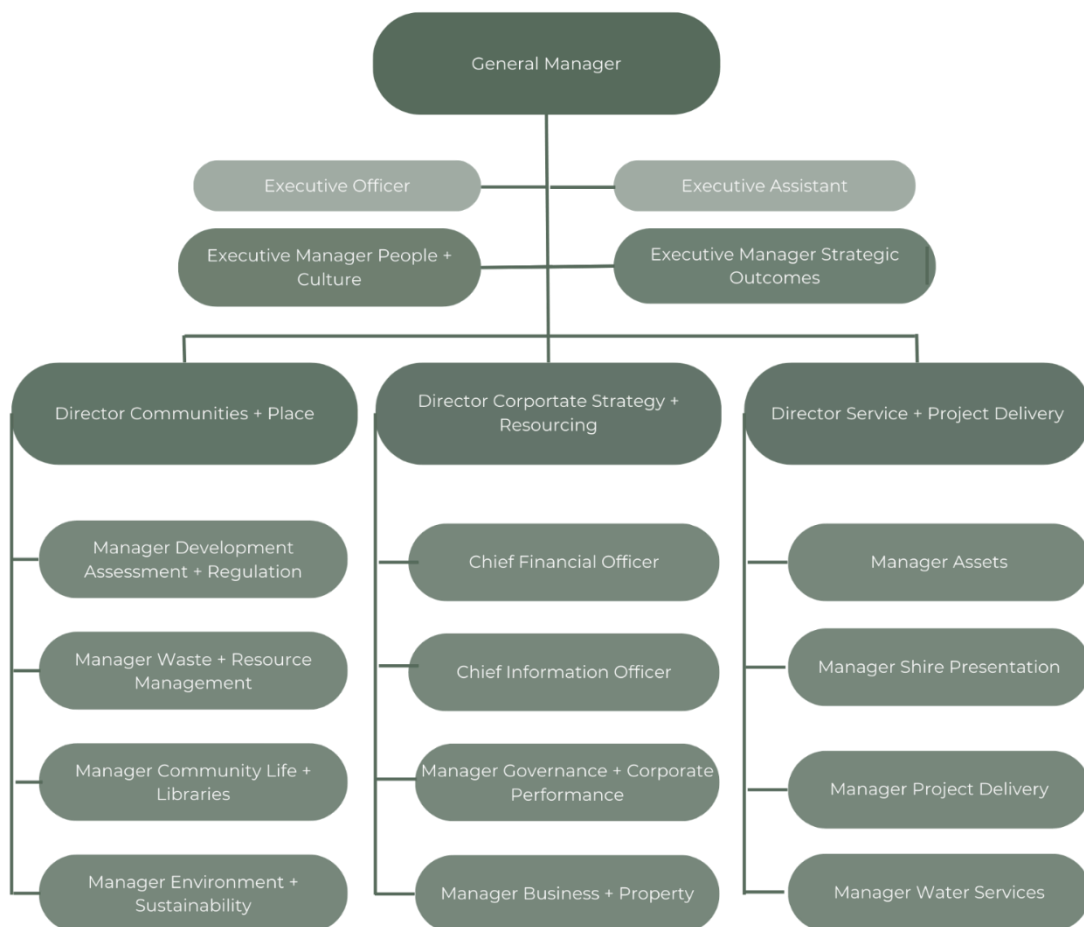


Figure 1. Wingecarribee Shire Council organisational structure at July 2023

Council's organisational structure continues to evolve with the aim of maintaining an adaptive and resilient organisation that promotes high performance, excellence in service delivery and customer experience.

## 2.5 Council Functions

A variety of functions are imposed on Council by the LG Act. They can be grouped into the following categories:

Service functions (Chapter 6)	<p>Including:</p> <ul style="list-style-type: none"> <li>• waste removal, treatment and disposal services</li> <li>• environmental protection and conservation measures</li> <li>• civil infrastructure planning, maintenance and construction</li> <li>• industry and tourism development and assistance</li> <li>• community and sporting facilities</li> </ul>
Regulatory functions (Chapter 7)	<p>Including:</p> <ul style="list-style-type: none"> <li>• water supply, sewerage and stormwater drainage work</li> <li>• management of waste</li> <li>• installation of structures on land</li> </ul>
Ancillary functions (Chapter 8)	<p>Including:</p> <ul style="list-style-type: none"> <li>• powers to compulsorily acquire land; and</li> <li>• powers authorising Council officers to enter land and buildings to carry out inspections</li> </ul>
Revenue functions (Chapter 15)	<p>Including:</p> <ul style="list-style-type: none"> <li>• levying ordinary and special rates</li> <li>• imposing fees and charges in relation to specific services, such as the provision of water and sewerage services or domestic waste collection services</li> <li>• generating income from business activities, land or other investments</li> <li>• borrowings and grants</li> </ul>
Administrative functions (Chapter 11,12, and 13)	<p>Including:</p> <ul style="list-style-type: none"> <li>• the employment of staff;</li> <li>• the implementation of meeting procedures and codes of practice;</li> <li>• the delegation of functions by the General Manager to other members of Council staff;</li> <li>• public and professional liability insurance arrangements;</li> <li>• strategic planning; and</li> <li>• financial management.</li> </ul>
Enforcement functions (Chapters 16 and 17)	<p>Including:</p> <ul style="list-style-type: none"> <li>• the investigation and prosecution of breaches of the LG Act and other relevant legislation</li> <li>• recovery action for outstanding rates and charges; and</li> <li>• issuing penalty infringement notices in relation to various matters such as parking offences</li> </ul>



## 2.6 Other functions

A number of Acts, in addition to the LG Act confer additional functions on Council. The table below provides examples of these Acts and the functions they confer.

Title of Act	Functions conferred upon Council
<i>Community Land Development Act 1989</i>	Planning functions as a consent authority
<i>Companion Animals Act 1998</i>	Companion animal registration and control
<i>Conveyancing Act 1919</i>	Placing covenants on Council land
<i>Environmental Planning and Assessment Act 1979</i>	Environmental planning
<i>Fire and Rescue NSW Act 1989</i>	Payment of contributions to fire brigade costs and furnishing of returns
<i>Fluoridation of Public Water Supplies Act 1957</i>	Fluoridation of water supply by Council
<i>Food Act 2003</i>	Inspection of food and food premises
<i>Impounding Act 1993</i>	Impounding of animals and articles
<i>Library Act 1939</i>	Library services
<i>Protection of the Environment Operations Act 1997</i>	Pollution control
<i>Public Health Act 2010</i>	Inspection of systems for purposes of microbial control
<i>Recreation Vehicles Act 1983</i>	Restricting use of recreation vehicles
<i>Roads Act 1993</i>	Council is the roads authority for all public roads within the Wingecarribee LGA, except for any freeway, Crown public road, or any public road declared to be under the control of some other authority
<i>Rural Fires Act 1997</i>	Issue of permits to light fires during bush fire danger periods  Requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee
<i>State Emergency Service Act 1989</i>	Recommending appointment of local commander
<i>Strata Schemes Development Act 2015</i>	Approval of strata plans
<i>Swimming Pools Act 1992</i>	Ensuring restriction of access to swimming pools

### 3. Effect of Council's Functions on Members of the Public

As a service organisation, the majority of Council's functions and activities impact the public in some way. The following table outlines how the broader functions of Council affect the public.

Function	Description
<b>Service</b>	<b>Service functions</b> have a direct impact on members of the public, they include provision of human services such as libraries, halls and community centres, recreation facilities, parks, footpaths, cycleways, removal of garbage, roads and other infrastructure.
<b>Regulatory</b>	<b>Regulatory functions</b> ensure compliance with relevant legislation and guidelines. They 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.
<b>Ancillary</b>	<b>Ancillary functions</b> only affect some members of the public and 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.
<b>Revenue</b>	<b>Revenue functions</b> 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.
<b>Administrative</b>	<b>Administrative functions</b> do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided by Council.
<b>Enforcement</b>	<b>Enforcement functions</b> 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.
<b>Community Planning and Development</b>	<p><b>Community Planning and Development</b> functions affect areas such as community development, social planning and community profile and involve:</p> <ul style="list-style-type: none"> <li>• 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 Strategic Plan.</li> <li>• Providing support to community and sporting organisations through provision for grants, training, and information.</li> <li>• 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, as well as promoting other events.</li> </ul>

## 4. Public Participation in Local Government

### 4.1 Representation

Local government in Australia is based on the principle of representative democracy. This means that people elect representatives to make decisions on their behalf.

Councillors are the elected representatives for a local government area and make decisions on behalf of their constituents.

As outlined in section 2.2, Wingecarribee Shire Council is currently under Administration with Mr Viv May PSM as the appointed Administrator.

The Administrator has all the functions of the Council (including all the functions of a Councillor and the Mayor) until immediately before the first meeting of the Council held after the election in September 2024.

Members of the community are able to raise issues with and make representations to the Administrator. If the Administrator agrees with the issue or representation, he may pursue the matter on behalf of members of the community thus allowing members of the public to influence the development of policy and the exercise of Council's functions.

### 4.2 Participation in Council decision-making

There are a number of ways in which Council invites members of the public to participate in Council decision-making, as set out in the following sections.

#### Council meetings

All ordinary meetings are open to the public who are welcome to attend, unless the meeting is closed to the public for a specific reason under the LG Act. Ordinary meetings of Council are also webcast to the public in accordance with Council's [Code of Meeting Practice](#) which allows members of the public to access ordinary meetings even if they cannot physically attend the meeting.

Ordinary meetings of Council are held on the third Wednesday of each month between February and November. The December meeting is held on the second Wednesday of the month, no meeting is held in January. The meetings will commence at 3.30 pm in the Council Chambers at the Civic Centre, 68 Elizabeth Street, Moss Vale. Any changes to meeting times or location will be posted on the Council's website. Council may also convene an extraordinary meeting of Council outside of these regular times. Public notification will be provided for any extraordinary meeting.

Copies of the agenda are published on the Council's website and are available at the relevant meeting. After each meeting, the minutes and any other relevant documentation are published on the [Meeting Minutes and Agendas](#) page of Council's website.

#### Public forums

Council may hold a Public Forum prior to each Ordinary meeting of Council to hear submissions from members of the public on items to be considered at the meeting. If held, the Public Forum will commence at 3:00 pm (prior to the Council meeting at 3:30 pm).

Members of the public who wish to address Council at the Public Forum must complete and submit the [Public Forum Application Form](#) no later than 4:30 pm two business days before the meeting

is to be held. This will generally be the Monday in the week of the Council Meeting. A guideline for speakers is attached to the form.

Further information about ordinary meetings, including meeting dates, meeting agendas and minutes, and public forum, is available on Council's website at [Council Meetings](#).

### Community Engagement

Council's Community Engagement Policy and Strategy affirms Council's commitment to community engagement and guides how Council involves the community in its decision-making processes. Community engagement is generally tailored to each specific project, proposal or plan and may include surveys, community workshops, online forums and other participation tools.

Members of the public are encouraged to register at [Your Say Wingecarribee](#) to ensure they are notified about current and upcoming construction projects as well as opportunities to take part in community consultation initiatives.

### Council Committees

Committees and working groups support the exercise of Council's functions, many include community representation. These committees and groups provide a mechanism through which interested residents and stakeholders can provide input into policy development, direction and practice.

Council Advisory Committees include:

- Audit, Risk and Improvement Committee
- Traffic Committee
- Section 355 Management Committees

Further information may be accessed at [Council Committees](#).

### Wingecarribee Local Planning Panel

The Wingecarribee Local Planning Panel consists of a panel of three independent experts and one independent community member that determines certain types of development applications and provides advice and recommendations on planning proposals. The Wingecarribee Local Planning Panel meetings generally commence from 2 pm in the Council Chambers. The [meeting dates](#) and [meeting minutes and agendas](#) are published on Council's website, and the meetings are [livestreamed](#).

### Community Reference Panels

On 21 September 2022 Council adopted an engagement structure that comprised of four strategically focused Community Reference Panels with the following focus areas:

- Climate Change and Environment
- Community
- Sport, Recreation and Leisure
- Economy

The role of the Community Reference Panel's is to support Council in reviewing the vision, objectives and goals of the Community Strategic Plan and their translation to the 4-year Delivery Program through an active and ongoing community engagement program. The aim is to ensure that current knowledge, critical thinking and analysis is applied to strategy development, increasing the confidence that Council is making the right decisions and that those decisions are not made in isolation, but in a genuine partnership with community. In accordance with the Terms

of Reference, at the March 2023 Council meeting, eight (8) community representatives were appointed to each Community Reference Panel. The Terms of Reference for the Community Reference Panels also state there be two (2) to four (4) invited technical representatives appointed from relevant government and non-government agencies.

#### Notifications and public exhibitions

Council maintains a number of policies relating to notifications and public exhibitions, such as its Community Engagement Policy and Notification of Development Proposals Policy, both available online at [Policies](#).

Specifically with respect to development and planning matters, Council notifies members of the public of, and otherwise facilitates awareness about, development applications in a number of ways. This includes notifying affected parties of proposed developments in accordance with Council's Notification of Development Proposals Policy and maintaining an online [Application Tracking](#) facility which provides information about development applications lodged with Council from 1 January 2012 onwards.

Council also publicly exhibits information relating to certain proposed policies, plans, projects or developments under consideration by Council. Public exhibitions are a key way that the community is able to participate in Council's decision-making processes, offering an opportunity for community members to view information and make submissions. Matters on Public Exhibition are advertised via Council's e-newsletters and on Council's website at [Your Say Wingecarribee](#). Information relating to public exhibitions is also generally available to inspect at Council's Civic Centre in Moss Vale and certain other Council facilities, such as Wingecarribee Public Libraries.

#### Media and Communications

Council also provides information on Council activities, decisions and programs both in the local media and via its weekly e-newsletter. Community members can register for Council's e-newsletter at [Council Newsletters](#).

Council also maintains a number of webpages and social media accounts in order to provide members of the public with an opportunity to stay up-to-date on news and media releases. Further information is available on our website at [Social Media Guidelines](#) and at Part 7 of this Agency Information Guide.

## 5. Access to Information Held by Council

Council is committed to the principle of open, accurate, and transparent government as this is crucial for effective democracy. Council is also committed to improving public access to information it holds and is currently undertaking steps to streamline the process of requesting and receiving Council information.

Council holds a vast amount of information relating to its key functions. Whilst the following list is not exhaustive, it provides an indication of the broader areas about which Council holds information:

- Administration
- Correspondence between Council and members of the public
- Council-owned community facilities
- Development of land
- Environmental management

- Financial management
- Information about employees of Council
- Library services
- Management of Council-owned land
- Rating of land
- Roads and related infrastructure
- Voluntary Planning Agreements
- Waste management

The GIPA Act establishes a comprehensive system for public access to government information. The object of the GIPA Act is to open government information to the public by:

- Authorising and encouraging the proactive public release of government information by agencies, and
- Giving members of the public an enforceable right to access government information, and
- Only restricting access to government information when there is an overriding public interest against disclosure.

The GIPA Act provides that there is a presumption in favour of disclosure of public information unless there is an overriding public interest against disclosure. There is an overriding public interest against disclosure of government information if, on balance, those considerations outweigh the public interest considerations in favour of disclosure. This test is known as the **public interest test** and is set out at section 13 of the GIPA Act.

Council may be required to comply with legislation other than the GIPA Act when dealing with certain types of information. For example, where Council holds personal information about an individual, Council must comply with the *Privacy and Personal Information Protection Act 1998* (PPIPA). Further, Council may be required to make certain kinds of information publicly available under legislation other than the GIPA Act, such as the *Environmental Planning and Assessment Act 1979* and the LG Act.

Information held by Council may be stored in hard copy, electronic format, or both. Most electronic files are stored in Council's electronic document and records management system, although some information is also captured in other information technology software.

There are four main ways in which Council provides access to information:

1. Open access information
2. Proactive release
3. Informal release
4. Formal access applications

In addition to the above, Council also makes information contained in certain documents available for purchase, such as [drainage diagrams and sewer reference sheets](#).

The form in which Council makes information available varies depending on the nature of the information requested. For example, information that is subject to copyright may be made available for inspection only, however, copies of such information may be provided to a member of the public where the owner of the copyright has provided permission (a licence) or in other limited circumstances as set out in the *Copyright Act 1968*.

## 5.1 Open access information

The following documents are defined open access information under section 18 of the GIPA Act. Wherever possible Council makes the information available on its website and where it is not possible, it will be provided free of charge.

### Open access information under section 18 of the GIPA Act

Section 18 of the GIPA Act prescribes that the following information is open access information:

- Council's current agency information guide;
- Information about Council contained in any document tabled in Parliament by or behalf of Council, other than any document tabled by order of either House of Parliament;
- Council's policy documents (within the meaning of the term **policy documents** provided by section 23 of the GIPA Act);
- Council's disclosure log;
- Council's register of government contracts;
- Council's record of open access information that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other information as may be prescribed by the regulations as open access information.

### Open access information under Schedule 1 to the GIPA Regulation

Schedule 1 to the GIPA Regulation sets out additional information that is open access information for Councils as follows:

#### Information about Wingecarribee Shire Council

- Information contained in the current version and the most recent previous version of the following records:
  - The model code prescribed under section 440(1) of the LG Act and the code of conduct adopted under section 440(3) of that Act;
  - 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; and
  - Any codes referred to in the LG Act.
- Information contained in the following records (whenever created):
  - Returns of the interests of Councillors, designated persons and delegates;
  - Agendas and business papers for any Council or Council committee meeting (but not including business papers for matters considered when part of a meeting is closed to the public);
  - Minutes of any Council or Council committee meeting, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting; and



- Reports of the Chief Executive of the Office of Local Government presented at a Council meeting in accordance with section 433 of the LG Act.
- Information contained in the following records:
  - Land register;
  - Register of investments;
  - Register of delegations;
  - Register of graffiti removal work kept in accordance with section 13 of the *Graffiti Control Act 2008*;
  - Register of current declarations of disclosures of political donations; and
  - Register of voting on planning matters.

### Plans and policies

Under clause 2 of Schedule 1 to the GIPA Act, the following information is prescribed as open access information:

- Information contained in the current version and the most recent previous version of the following records:
  - Local policies adopted concerning approvals and orders;
  - Plans of management for community land; and
  - Environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979*.

### Information about development applications

Under clause 3 of Schedule 1 to the GIPA Act, the following information is prescribed as open access information:

- Information contained in the following records (whenever created):
  - Development applications, and any associated documents received in relation to a proposed development, including:
    - Home warranty insurance documents;
    - Construction certificates;
    - Occupation certificates;
    - Structural certification documents;
    - Town planner reports;
    - Submissions received on development applications;
    - Heritage consultant reports;
    - Tree inspection consultant reports;
    - Acoustics consultant reports; and
    - Land contamination consultant reports.

**Note:** Clause 3(2) of Schedule 1 to the GIPA Regulation provides that, with respect to the above, the following is not open access information:

- So much of the information as consists of the plans and specifications for any residential parts of a proposed building (other than plans that merely show its height and its external configuration in relation to the proposed site of the building);
- So much of the information as consists of commercial information (if the information would be likely to prejudice the commercial position of the person who supplied the information, or to reveal a trade secret); or



- So much of the information as consists of development applications made before 01 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.
- Records of decisions made on or after 01 July 2010 on development applications, including decisions made on appeal; and
- A record describing the general nature of the documents that Council decides are excluded on the basis of clause 3(2) of Schedule 1 to the GIPA Regulation.

### Approvals, orders and other documents

Under clause 4 of Schedule 1 to the GIPA Act, the following information is prescribed as open access information:

- Information contained in the following records (whenever created):
  - Applications for approvals under Part 1 of Chapter 7 of the LG Act and any associated documents received in relation to such an application;
  - Applications for approvals under any other Act and any associated documents received in relation to same;
  - Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning local approvals;
  - Orders given under Part 2 of Chapter 7 of the LG Act, and any reasons given under section 136 of that Act;
  - Orders given under the authority under any other Act;
  - Records of building information certificates under the *Environmental Planning and Assessment Act 1979*;
  - Plans of land proposed to be compulsorily acquired by Council;
  - Compulsory acquisition notices;
  - Leases and licences for use of public land classified as community land; and
  - Performance improvement orders issued to Council under Part 6 of Chapter 13 of the LG Act.

## **5.2 Proactive release**

The GIPA Act authorises Council to go beyond the minimum requirements for the proactive release of information. This is a discretionary power to proactively release information in any appropriate manner, either free of charge or at the lowest reasonable cost.

Council reviews its proactive release program annually by identifying the kinds of information it holds that should be made publicly available and that can be made publicly available. This information may be information that has been frequently requested by members of the public or information that is of interest specific to the broader community.

Council invites members of the public to contact Council with suggestions for information which Council may consider making available via authorised proactive release.

## **5.3 Informal release**

Access to information which is not available via open access or proactive release may be provided by informal release. As per proactive release methods, Council is authorised to release information in response to an access to information request. There is a presumption in favour of disclosure of public

information unless there is an overriding public interest against disclosure of the information.

In order to enable the release of as much information as possible, Council is authorised to redact (delete) from a copy of a record to be released if inclusion of that information would otherwise result in there being an overriding public interest against disclosure.

An access to information request may be lodged with Council by submitting a [form](#), or other written request such as an email. Further information is available online at [Access to Information Held by Council](#).

## 5.4 Formal access applications

### Formal access applications generally

In certain circumstances, Council may require that an access application be lodged where the information is not available via proactive or informal release and:

- the information is of a sensitive nature requiring a careful consideration of public interest considerations in favour of and against disclosure; or
- the information is personal or confidential information about a third party which may require consultation with the third party; or
- a substantial amount of time and resources may be required to produce and consider the information (for example, where more than four hours of processing time may be required).

The GIPA Act requires that a formal access application:

- be in writing and posted to, emailed or lodged at the Council office;
- specify that it is an access application made under the GIPA Act;
- be accompanied by an application fee of \$30;
- state the applicant's name and a postal or email address as the address for correspondence in relation to the application; and
- include such information as is reasonably necessary to enable Council to identify the government information that is being applied for.

An application that does not meet these requirements is invalid. Formal Access to Information Application forms are available online at [Formal Access Applications](#).

### Processing charges and advance deposit

Processing charges of \$30 per hour may apply to time spent dealing with an access application, subject to a 50 per cent discount in certain circumstances as prescribed by sections 65 and 66 of the GIPA Act and clause 10 of the GIPA Regulation. Those provisions provide that an applicant is entitled to a 50 per cent discount in processing charges imposed if Council is satisfied that the applicant is suffering financial hardship, that is, the applicant provides evidence that the applicant is:

- (a) the holder of a Pensioner Concession card issued by the Commonwealth that is in force;
- (b) a full-time student; or
- (c) a non-profit organisation (including a person applying on behalf of a non-profit organisation)

and/or Council is satisfied that the information applied for is of special benefit to the public generally.

Council may request payment of an advance deposit of processing charges based on the lowest reasonable estimate of the total processing time that will be required to deal with an application. Such a request may be made if an access application is likely to require more than five hours of

processing time and will be made only in accordance with the applicable provisions of the GIPA Act.

## 6. Promotion of Open Data

**Open Data** generally refers to information stored digitally by an organisation that should be made freely available such that anyone who accesses the data is free to use, rearrange and publish the information without the limitations of copyright. This concept operates concurrently with the objectives of the GIPA Act as outlined at the introduction to this Agency Information Guide.

As stated at Part 5.2 of this Agency Information Guide, members of the public are encouraged to contact Council with suggestions for information which can be considered for authorised proactive release under the GIPA Act. Council takes a similar position with respect to Open Data and therefore encourages members of the public to make suggestions as to the kinds of data that Council may consider making publicly available in this way.

Further information regarding NSW State Government and local government Open Data initiatives may be found at [Data.NSW](https://data.nsw.gov.au), while members of the public seeking access to NSW State Government services and information should visit [www.nsw.gov.au](http://www.nsw.gov.au).

## 7. Further Information

Should you require any further information or assistance relating to this Agency Information Guide or access to government information held by Council generally, please:

### **Come and see us**

Our Civic Centre is open Monday to Friday between 8:30 am and 4:30 pm and is located at:  
Civic Centre  
68 Elizabeth Street  
Moss Vale NSW 2577

### **Call or email us**

Call us on 02 4868 0888 or email us at [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au)

### **Connect with us on Social Media**

Facebook

Instagram

### **Send us a letter**

Please send all correspondence to:

Wingecarribee Shire Council  
PO Box 141  
Moss Vale NSW 2577

### **Visit our website**

<https://www.wsc.nsw.gov.au/home>

## 8. Feedback and complaints

Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community. Feedback may be provided verbally or in writing using any of the contact methods detailed at Part 7 of this Agency Information Guide. For further information follow the link to access Council's [Feedback and Complaints Management Policy](#).

### Professional Conduct Coordinator

The Professional Conduct Coordinator investigates complaints relating to Council staff, contractors, consultants, and volunteers across four areas:

1. Alleged corrupt conduct
2. Maladministration
3. Serious and substantial waste of public money
4. Breaches of Council's Code of Conduct

Follow the link to access further information regarding Council's [Professional Conduct Coordinator](#).

## 9. Document control

### Version history

Version	Date	Reason for Amendment
1.0	July 2010	Initial adoption of document
1.1	August 2011	Review and minor updates
1.2	August 2012	Review and minor updates
1.3	October 2014	Review and minor updates
2.0	June 2017	Substantial revision of structure and content
2.1	July 2018	Review and minor updates
2.2	October 2018	Minor amendment to reflect changes in <i>GIPA Regulation 2018</i>
2.3	December 2018	Minor amendment to reflect changes in <i>GIPA Act 2009</i>
2.4	August 2019	Review and update of structure and content
3.0	June 2020	Revision and update of structure and content
4.0	June 2021	Review and minor updates
5.0	July 2022	Review and minor amendments to reflect changes in organisation structure and committees
6.0	July 2023	Substantial revision of structure and content

### Responsible directorate

Council's Governance team within the Corporate Strategy and Resourcing directorate is responsible for maintaining this document.

### Review

This Guide was reviewed internally in July 2023. It is reviewed at least every twelve months in the absence of any significant changes, or more frequently where required taking into account legislative or organisational changes, risk factors and consistency with other policies.