



**COOTAMUNDRA-  
GUNDAGAI REGIONAL  
COUNCIL**

# Agency Information Guide 2020

**24 September 2020**



# PART 1 - INTRODUCTION

This Information Guide has been prepared in accordance with section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act) and is reviewed annually.

The purpose of Council's Information Guide is to provide members of the community, Council staff and the public with information concerning:

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

The Information Guide is available at [www.cgrc.nsw.gov.au](http://www.cgrc.nsw.gov.au)



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## Version Control

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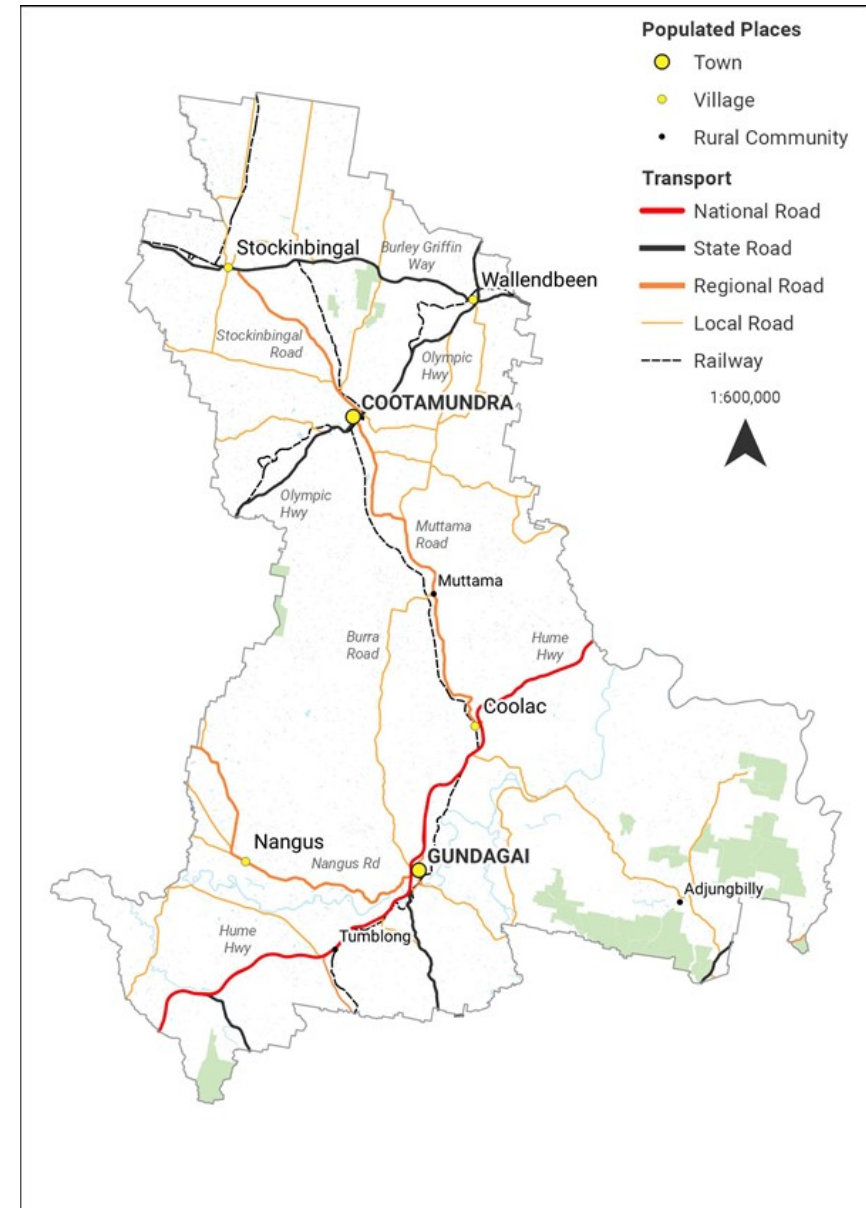
## PART 2 - STRUCTURE AND FUNCTION OF COUNCIL

### Cootamundra-Gundagai Regional Council at a glance

Cootamundra-Gundagai Regional Council was formed by Proclamation of the NSW Government on 12 May 2016 and incorporates the former Cootamundra Shire Council and Gundagai Shire Council local government areas.

Cootamundra-Gundagai Regional Council provides services and support to a community of approximately 11,500 people, including residents of Cootamundra and Gundagai, as well as the villages of Adjungbilly, Coolac, Muttama, Nangus, Stockinbingal, Tumblong and Wallendbeen.

The figure to the right shows the Cootamundra-Gundagai Regional Council boundary area.



# How is Cootamundra-Gundagai Regional Council Managed?

## The Elected Council

The Cootamundra-Gundagai Region Council is made up of 9 Councillors, including the Mayor and Deputy Mayor. These Councillors are elected by residents and ratepayers, every four years, to represent the community and provide leadership and guidance. The Councillors then elect the Mayor and Deputy Mayor, amongst them.

## The Administration

The General Manager, leads the administrative arm of Council. The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring that the decisions of the Council are implemented.

The General Manager is responsible for:

- the operation of the Council's organisation,
- for implementing decisions of the Council,
- the day-to-day management of the Council,
- the exercise of any functions delegated by the Council,
- the appointment of staff,
- the direction and dismissal of staff,
- and the implementation of Council's Equal Employment Opportunity Management Plan.

The Deputy General Manager assists the General Manager in the exercise of these functions.

To assist the General Manager and Deputy General Manager, Management staff are appointed. Council's Sections Manager positions are as follows:

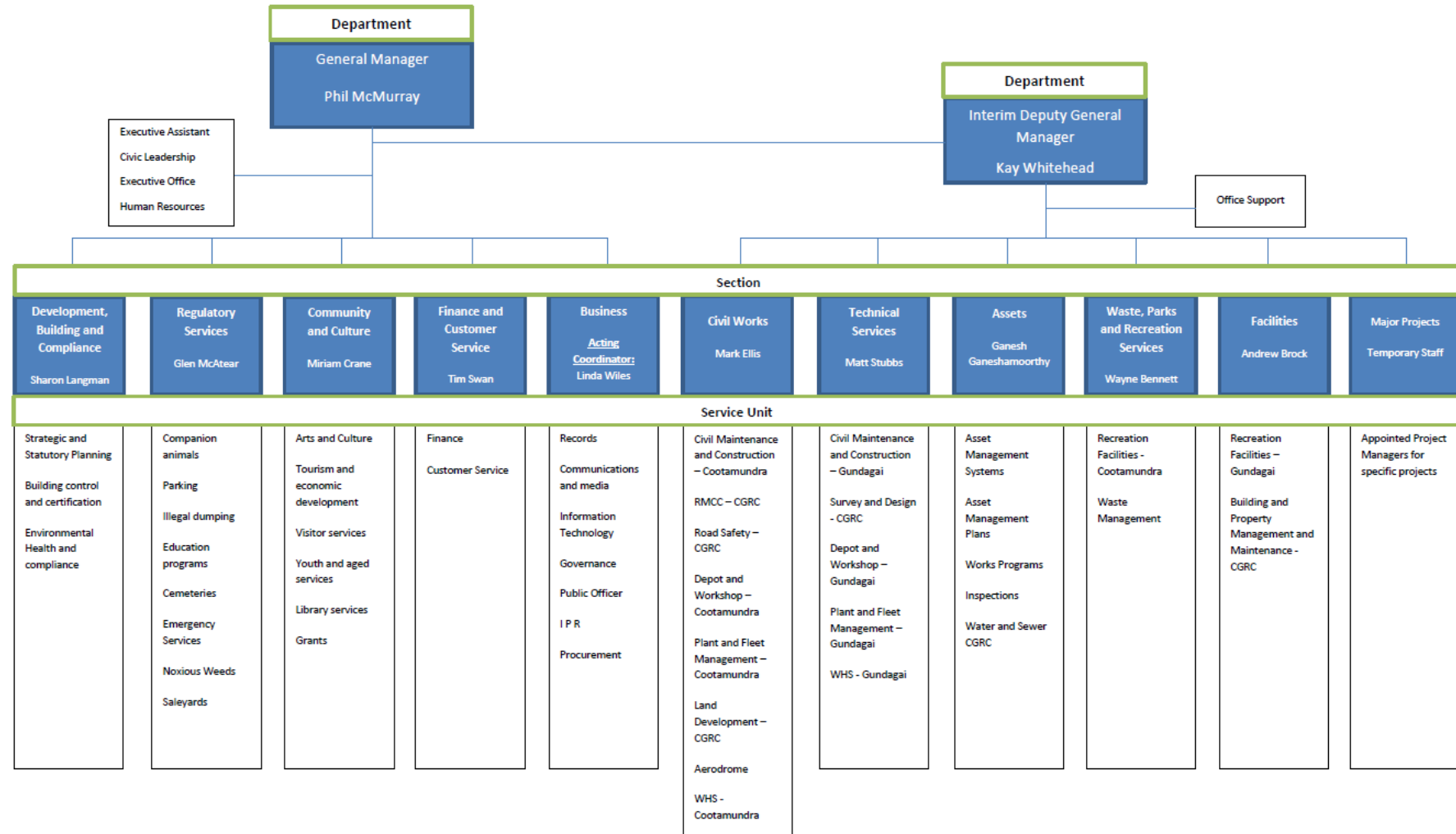
- Manager Development, Building and Compliance
- Manager Regulatory Services
- Manager Community and Culture
- Manager Finance and Customer Service
- Manager Business
- Manager Civil Works
- Manager Technical Services
- Manager Assets
- Manager Waste, Parks and Recreation Services
- Manager Facilities

The Management staff are supported by individual staff members each responsible for their own area of expertise.

The next page shows Cootamundra-Gundagai Regional Council's organisational structure.

## Cootamundra-Gundagai Regional Council Organisational Structure

## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL FUNCTIONS – ORGANISATION STRUCTURE



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

<b>Service Functions</b>	Including: <ul style="list-style-type: none"> <li>• Provision of community health, recreation, education &amp; information services</li> <li>• Environmental protection</li> <li>• Waste removal &amp; disposal</li> <li>• Land &amp; property, industry &amp; tourism development &amp; assistance</li> <li>• Civil Infrastructure Planning</li> <li>• Civil Infrastructure Maintenance &amp; Construction</li> </ul>
<b>Regulatory Functions</b>	Including: <ul style="list-style-type: none"> <li>• Approvals</li> <li>• Orders</li> <li>• Building Certificates</li> </ul>
<b>Ancillary Functions</b>	Including: <ul style="list-style-type: none"> <li>• Resumption of land</li> <li>• Powers of entry and inspection</li> </ul>
<b>Revenue Functions</b>	Including: <ul style="list-style-type: none"> <li>• Rates</li> <li>• Charges</li> <li>• Fees</li> <li>• Borrowings</li> <li>• Investments</li> </ul>
<b>Admin Functions</b>	Including: <ul style="list-style-type: none"> <li>• Employment of staff</li> <li>• Management plans</li> <li>• Financial reporting</li> <li>• Annual report</li> </ul>
<b>Enforcement Functions</b>	Including: <ul style="list-style-type: none"> <li>• Proceedings for breaches of the Local Government Act &amp; Regulations and other Acts &amp; Regulations.</li> <li>• Prosecution of offences</li> <li>• Recovery of rates and charges.</li> </ul>

As well as the Local Government Act 1993, Council has powers under a number of other Acts, including but not limited to:

Biosecurity Act 2015	Privacy & Personal Information Protection Act 1998
Biodiversity Conservation Act 2016	Protection of the Environment Operations Act 1997
Building Professionals Act 2005	Public Health Act 2010
Community Land Development Act 1989	Public Interest Disclosures Act 1994
Companion Animals Act 1998	Recreation Vehicles Act 1983
Contaminated Land Management Act 1997	Roads Act 1993
Conveyancing Act 1919	Road Rules 2008 NSW Consolidated Regulations
Crown Land Management Act 2016	Roads Transport Act 2013
Dividing Fences Act 1991	Rural Fires Act 1997
Environmental Planning and Assessment Act 1979	State Emergency & Rescue Management Act 1989
Fluoridation of Public Water Supplies Act 1957	State Emergency Service Act 1989
Food Act 2003	Strata Schemes Development Act 2015
Government Information (Public Access) Act 2009	Strata Schemes Management Act 2015
Health Records and Information Privacy Act 2002	Swimming Pools Act 1992
Heritage Act 1977	Unclaimed Money Act 1995
Impounding Act 1993	Waste Avoidance and Resource Recovery Act 2001
Library Act 1939	Water Management Act 2000
Liquor Act 2007	Work Health and Safety Act 2011
Plumbing and Drainage Act	Workplace Injury Management and Workers Compensation Act 1998



## What does Council do?

Council provides a range of services and support to the community, including:

- Strategic land and town planning
- Waste management and recycling
- Pet registration and control
- Pest and weed management
- Building and development supervision
- Local road and streetscape maintenance
- Emergency and disaster planning
- Food and public health services
- Economic development
- Servicing of libraries, community centres, sporting facilities
- Maintenance of parks, pools and sporting fields
- Tourism services and many more.

## Vision Statement

***A vibrant region attracting people, investment and business through innovation, diversity and community spirit.***

The vision for the future is built around four key directions:

- **A vibrant and supportive community: all members of our community are valued and connected**
- **A prosperous and resilient economy: we are innovative and 'open for business'**
- **Sustainable natural and built environments: we connect with the places and spaces around us**
- **Good governance: an actively engaged community and strong leadership team**

## PART 3 - HOW COUNCIL'S FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

The Cootamundra-Gundagai Regional Council is a governing body, therefore every decision it makes affects members of the public. The Council plans for the future and manages the infrastructural comfort and financial stability of current and future generations of residents.

Council has certain functions imposed on it by the Local Government Act 1993 and also undertakes other discretionary functions. These functions and how they affect the public are summarised as follows:

### **Service Functions**

Service functions affect the public as Council provides services and facilities to the public. These include the provision of libraries and child care services, halls and community centres, recreation facilities, sports fields, parks, local infrastructure, tree maintenance and the removal of waste.

### **Regulatory Functions**

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

### **Ancillary Functions**

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 landowner's land. In these circumstances, only the owner of the property would be affected.

### **Revenue Functions**

Revenue functions affect the public directly as revenue from rates and other charges paid by the public is used to fund services and facilities provided to benefit the community.

### **Administrative Functions**

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**

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the nonpayment of rates and charges, unregistered dogs, parking offences and other regulatory offences.

## PART 4 - PUBLIC PARTICIPATION IN LOCAL GOVERNMENT

There are two ways in which the public may participate in the policy development and the general activities of the Council. These are through representation and personal participation.

### Representation

The community elect representatives to their local council to make decisions on their behalf. The public have the opportunity to participate every 4 years when elections are held. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, may pursue the matter on the resident's behalf, therefore allowing members of the public the opportunity to influence the development of policy. Members of the public are encouraged to discuss local community concerns with their elected representatives. To get in touch with an elected Councillor please email [mail@cgrc.nsw.gov.au](mailto:mail@cgrc.nsw.gov.au).

### Personal Participation

Council recognises the importance of providing opportunities for the community to make their voice heard. Council values community input in the engagement process, which enables Council to make decisions based on the views of residents, ratepayers, business owners and community groups.



A number of avenues are available for members of the public to directly contribute to Council's decision making process, including:

### **Council and Committee Meetings**

Members of the public are invited to attend Council meetings and address Council on any matters on the agenda to assist with the decision making process and any other Council related matters, during public forum. Council also has a number of advisory committee meetings which discuss policy and strategic matters and make recommendations for Council's consideration.

A full list of Council meeting dates and locations is available on Council's website. Business papers and minutes of the meetings are published on Council's website and are also available at Council offices.

### **Public exhibition of proposed policies, plans and projects**

Council consults with its residents in relation to policy and other matters throughout the year. Policies that have an impact on the public and other matters of importance to the community are exhibited for public comment prior to Council decisions. Refer to Council's website for information in relation to matters that are currently on public exhibition.

### **Submissions to Council on specific matters**

Through the provisions of certain Acts or Regulations, members of the public have the opportunity to influence Council's decisions by making submissions, comments or objections to proposals. For example, the contents of Council's Community Strategic Plan, Delivery Program and Operational Plan and the consideration of development applications are advertised and public comment is invited prior to Council's decision on the matter.

### **Other opportunities**

Council is committed to consulting with the community about important projects and initiatives and has a Community Engagement function to gather and analyse information relating to community needs and concerns.

### Community consultation will take place

- Where community input can enhance decision making
- To help identify community needs
- In response to community expressions of interest
- When Council resolves to consult the community
- When required by law

### Community engagement may also take place on

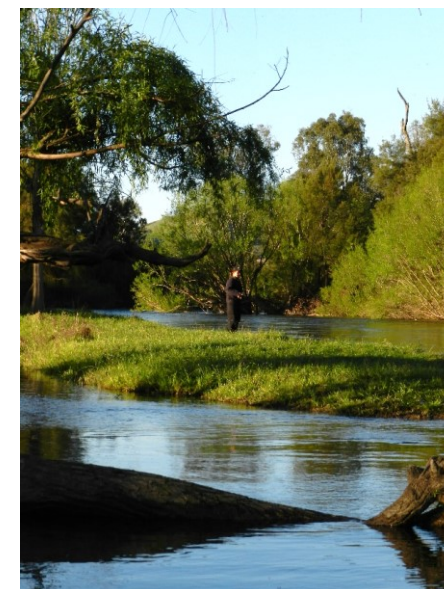
- The allocating of funding to various projects whether that be for new or current
- Services or to improve or create new infrastructure
- The planning and creation of new services and infrastructure
- The provision of existing services
- The creation of major events
- Major planning and development projects
- Key topics and issues affecting the Cootamundra-Gundagai Regional Council community i.e. environmental Health, safety, transport etc.

### Methods of Communication

There are many different methods to engage and share information with stakeholders and Council may utilise multiple techniques on a single project to ensure a broad section of the community has been consulted.

These may include:

- Council's website – [www.cgrc.nsw.gov.au](http://www.cgrc.nsw.gov.au)
- Media releases and statements
- Community newsletters
- Print, telephone and online surveys
- Meetings, seminars and forums
- Advertising in the local media
- Letters
- Facebook





## PART 5 - ACCESS TO INFORMATION

### Information available

The Government Information (Public Access) Act 2009 (GIPA Act) provides the public with a general right of access to information held by Council as long as it does not infringe privacy or other laws or there aren't public interest considerations against disclosure.

The following information is prescribed Open Access information in accordance with the GIPA Act and is available on Council's website:

- This information guide
- Documents (if any) tabled in Parliament on behalf of Council (will be available on Council's website if and when any information is tabled in parliament on behalf of Council)
- [Council's Policy documents](#)
- Council's Disclosure Log of Access Applications
- [Council's Register of Government Contracts](#)
- [A record of open access information that is not made available to the public on the basis of an overriding public interest against disclosure.](#)

Council holds a range of information in various formats that relate to a number of different issues concerning the Cootamundra-Gundagai Regional Council Local Government Area. This information may be available on Council's website, via an Informal Access to Information request or a [Formal Access to Information application](#). All requests for access to information held by Council will be determined in accordance with the requirements of the GIPA Act.

In addition, pursuant to Schedule 1 of the Government Information (Public Access) Regulation 2009, all of Council's 'Open Access' information is required to be available via Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website). Where this is the case, the information will be available for inspection at Council offices. Any current (and the immediately preceding version of) documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, in accordance with [Council's Fees and Charges](#).

## How to access information held by Council

Under the GIPA Act there is an underlying rationale to encourage greater accessibility to government information for members of the public. A large amount of the information Council holds is made available on the Council's website. Information that is not published on Council's website may be requested via informal release or via a formal access application in line with sections 7 to 9 of the GIPA Act. There are four ways to obtain access to information held by Council:

### **Mandatory Proactive Release (open access Information)**

- Under legislation Council must release certain information unless there is an overriding public interest against doing so.
- Council's website is the central reference point where members of the public can search for this information.
- This type of information includes Council policies, meeting agendas and minutes, media releases, annual reports, register of government contracts and disclosures log of access applications.

Open Access information includes:

### **Information about Council**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• The model code of conduct prescribed under section 440(1) of the Local Government Act 1993 (LGA)</li> <li>• Council's adopted Code of Conduct</li> <li>• Code of Meeting Practice</li> <li>• Annual report</li> <li>• Annual financial reports</li> <li>• Auditor's report</li> <li>• Integrated Planning and Reporting plans (Operational Plan, Delivery Program, Community Strategic Plan)</li> <li>• EEO Management Plan</li> <li>• Policy concerning the payment of expenses incurred by, and the provision of facilities to Councillors,</li> </ul> | <ul style="list-style-type: none"> <li>• Annual reports of bodies excising functions delegated by the local authority</li> <li>• Any codes referred to in the LGA</li> <li>• Returns of the interests of Councillors, designated persons and delegates</li> <li>• Agendas and business papers for any meeting of Council or its committee's of the local authority (excluding closed council meeting business papers)</li> <li>• Minutes of any meeting of the Council or its committees, 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</li> </ul> |
|---|---|

- Departmental representative reports presented at a meeting of the Council in accordance with section 433 of the LGA
- Land Register
- Register of Investments
- Register of Delegations
- Register of Voting on Planning Matters

#### Plans and Policies

- Local policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plan and Contribution Plans

#### Information about development applications

- 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,
  - Land Contamination Consultant Reports
- Records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal),
- Records describing the general nature of the documents that Council decides to exclude from public view including internal specifications and configurations and commercially sensitive information.

Please note that access to open access development application information is available via the following methods:

- Development application information made on or after 1 July 2010, view only access can be obtained at Council's administration centres.
- Development application information prior to 1 July 2010, copy and view access can be obtained via an Informal Access to Information request.

Council is currently investigating options to make open access information on development applications available on our website.

#### Approvals, orders and other documents

- Applications for approvals under part 7 of the LGA

- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the authority of any other Act
- Records of building certificates under the Environment Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by the local authority
- Compulsory acquisition notices
- Leases and licences for use of public land classified as community land

### **Authorised Proactive Release**

Council proactively releases information with a commitment to providing as much information as possible for free on Council's website, or in another appropriate manner and by the amount specified in [Council's Fees and Charges](#). Such information may include information frequently requested or information of public interest that has been released as a result of other requests.

### **Informal Access Applications**

- Information that is not available by mandatory or authorised proactive release may be provided through informal release, subject to any reasonable conditions that Council may wish to impose, including deleting matter that would otherwise result in there being an overriding public interest against disclosure.
- Informal requests will be processed in a timely manner and as soon as practical. Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.
- Applications for informal release can be made in writing by completing the [Informal Access to Information form](#) which is available on Council's Website.
- There is no fee required for an informal access application, however photocopying fees may apply as specified in [Council's Fees and Charges](#).

### **Formal Access Applications**

- A formal access application may be required where the information requested is not available by proactive or authorised release or informal access, and the information sought:

- Is of a sensitive nature that requires careful consideration of the public interest test;
  - Contains confidential information;
  - Contains personal information of third parties who must be consulted;
  - Contains business information of third parties who must be consulted; or
  - Would involve a significant diversion of Council resources
- Formal access applications must be made in writing by completing a [Formal Access Application Form](#) which is available on Council's website.
  - Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly processing charges may apply.
  - A 50% discount on processing charges may be available to holders of a pension concession card, non-profit organisations, fulltime students, and persons whom are experiencing financial hardship, as prescribed by section 10 of the Gipa Regulations.
  - Formal access applications will be acknowledged and determined within the statutory periods prescribed by section 57 of the GIPA Act, which includes making a determination and notifying the applicant of the decision within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days when consultation with a third party is required or if Council needs to retrieve records from archives.

### **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. Copies can be supplied for reasonable copying charges as set out in [Council's Fees and Charges](#).

### **Copyright Restrictions**

Nothing in the regulations requires or permits council to make open access information available that would constitute an infringement of copyright (Section 6.6 GIPA Act). Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material



will not be provided. These documents include plans/drawings, consultant reports, Statement of environmental Effects and other miscellaneous reports submitted with a DA. (Please note that this list is not definitive).

### **The Public Interest Test**

Providing access to government information is restricted only when there is an overriding public interest against disclosure. Schedule 1 of the GIPA Act lists the conclusive considerations against disclosure. In addition, section 14 of the GIPA Act lists the discretionary considerations against disclosure.

### **Review of Decisions**

Where an applicant is refused access to information under a formal application pursuant of the GIPA Act, Council will provide details of the reasons for refusal in writing. The types of decisions that are reviewable and further information regarding review rights is available on the [‘Your review rights under the GIPA Act’](#) IPC fact sheet available on the IPC website.

If the applicant is dissatisfied with Council’s determination of their application they may seek to have the decision reviewed either by:

- Internal review - this is a review by a Council officer more senior than the original decision maker. Applicants have 20 working days from receiving notice of a decision to ask for a review, and a \$40 fee is payable by the applicant.
- External Review by the Information Commissioner - the applicant has 40 working days from receiving notice of a decision to ask for a review.
- External Review by NSW Civil Administration Tribunal – the applicant has 40 working days from receiving notice of a decision from Council to ask for a review, or 20 working days after the completion of a review by the Information Commissioner.

### **Third Party Consultation**

In accordance with section 54 of the GIPA Act, Council must consult where the information requested concerns:

- Personal information
- Business interests
- Research that has been carried out; or
- The affairs of another state or the Commonwealth government

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.

## PART 6 - CONTACT DETAILS

### Public Officer

The Coordinator of Business is Council's Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people gain access to the public documents of Council.

### Access to Information Officer

The Governance Officer is Council's Access to Information Officer. Amongst other duties, Council's Access to Information Officer is responsible for determining formal applications for access to documents. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Members of the public seeking amendment to their personal information recorded by Council should make written application to the Public Officer in the first instance.



### Contact:

Public Officer or Access to Information Officer

**Email:** [mail@cgrc.nsw.gov.au](mailto:mail@cgrc.nsw.gov.au) **Phone:** 1300 459 689

**Address:** Cootamundra-Gundagai Regional Council,  
PO Box 420, Cootamundra NSW 2590

### Information Commissioner

If you require any other advice or assistance about access to information, you may contact the Information Commissioner at the Information and Privacy Commission by telephone on 1800 472 679 (freecall), email at [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au) or by post at GPO Box 7011, Sydney NSW 2001.





## COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL

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PO Box 420, Cootamundra NSW 2590

Email: [mail@cgrc.nsw.gov.au](mailto:mail@cgrc.nsw.gov.au)

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

### **Cootamundra Office:**

81 Wallendoon Street, Cootamundra NSW 2590

Phone: 1300 459 689

Fax: 02 6940 2127

### **Gundagai Office:**

255 Sheridan Street, Gundagai NSW 2722

Phone: 1300 459 689

Fax: 02 6940 2127

