

Lockhart Shire Council

Agency Information Guide

Prepared in accordance with the requirements of the
Government Information (Public Access) Act 2009

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1. INTRODUCTION

On 1 July 2010, the new Government Information (Public Access) Act, 2009 known as the GIPA Act, came into effect, replacing the Freedom of Information Act 1989 (NSW).

The GIPA Act:

- Creates new rights to information that are designed to meet community expectations of more open and transparent government, and
- Encourages government agencies to proactively release government information.

Lockhart Shire Council is committed to openness with regard to government information by providing open access to information on Council's website www.lockhart.nsw.gov.au or by contacting Council staff at 65 Green Street Lockhart on (02) 6920 5305 during business hours which are 8.30am to 4.30pm Monday to Friday (excluding Public Holidays).

Information and Privacy Commission

If you require any other advice or assistance about access to information you may contact the Information and Privacy Commission by telephone on 1800 472 679 between 9.00am and 5.00pm Monday to Friday (excluding Public Holidays) or by email at ipcinfo@ipc.nsw.gov.au or visit the IPC website at www.ipc.nsw.gov.au. Other contact details for the IPC are set out below.

Information and Privacy Commission
Level 15, McKell Building
2-24 Rawson Place
Haymarket NSW 2000

GPO Box 7011
Sydney NSW 2001

Facsimile: 02 6446 9518

2. STRUCTURE AND FUNCTIONS

The Lockhart Shire covers an area of 2,845 km² and is located in the Southern Riverina area of New South Wales. With a population of 3,295 the Shire includes the major townships of Lockhart and The Rock and the smaller villages of Milbrulong, Osborne, Urangeline, Yerong Creek and Pleasant Hills.

2.1 Legislative Framework

The Lockhart Shire Council is a local authority constituted under the Local Government Act 1993. As a statutory corporation the Council: -

- a) has perpetual succession,
- b) has a common seal,
- c) may take proceedings and be proceeded against in its corporate name,
- d) may, for the purpose of enabling it to exercise its functions, purchase, exchange, take on lease, hold, dispose of and otherwise deal with property, and
- e) may do and suffer all other things that bodies corporate may, by law, do and suffer and that are necessary for, or incidental to, the exercise of its functions.

The Local Government Act 1993 provides the legislative, administrative and financial framework within which Council operates. The Act includes, amongst other things, provisions relating to the following: -

- The council's functions
- How the community can influence what council does
- How councils are established
- How people are elected to civic office
- How councils are staffed
- How councils operate
- How councils are made accountable for their actions, and
- How councils are financed

In addition to the Local Government Act, Council has powers and responsibilities under a number of other related Acts including but not limited to:-

- Anti-Discrimination Act 1977
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Building Professionals Act 2005
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Crown Land Management Act 2016
- Disability Inclusion Act 2014
- Environmental Planning & Assessment Act 1979
- Fire Brigades Act 1989
- Food Act 2003

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- Government Information (Public Access) Act 2009
- Heritage Act 1977
- Impounding Act 1993
- Library Act 1989
- Privacy & Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 1991
- Roads Act 1993
- Rural Fires Act 1997
- State Emergency and Rescue Management Act 1989
- State Emergency Services Act 1989
- State Records Act 1998
- Swimming Pools Act 1992
- Valuation of Land Act 1916
- Waste Minimisation and Management Act 1995

Copies of these Acts can be found on the following website: www.legislation.nsw.gov.au

2.2 Functions

Council's functions predominantly involve providing services and regulating activity. In addition to its service functions and regulatory functions the Council also has revenue and administrative functions as well as functions relating to the enforcement of the Local Government Act.

Council's service functions involve the provision of goods, services and facilities and carrying out of activities. Services provided by Lockhart Shire include: -

- Library Services
- Waste Management
- Sport and Recreation Reserves
- Parks and Playgrounds
- Swimming Pools
- Public Halls
- Sewerage Services
- Cemeteries
- Caravan Park
- Roads and Bridges
- Drainage
- Footpaths

Council's regulatory functions include assessing and determining applications for activities that require approval as well as issuing orders. A council may order a person to do or to refrain from doing certain things in certain circumstances.

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Examples of Council's regulatory activities include: -

- Assessing and determining development applications
- Animal control
- Building inspections
- Food inspections
- Swimming pool inspections
- On-site sewerage management systems
- Environmental health and pollution control
- Biosecurity and weeds control

2.3 Structure

The Council comprises nine elected councillors across three wards. The last ordinary election of councillors was held in December 2021. Councillors are elected for a four year term. However as a result of the restrictions imposed in response to the COVID-19 pandemic the NSW Government postponed the local government elections that were scheduled to be held on 12 September 2020 until 4 December 2021. This means the current term of office will only extend to 2 years and nine months with the next council elections scheduled to be held on 14 September 2024.

Section 8A of the Local Government Act sets out the general principles that apply to councils when exercising their functions. Section 8B sets out the principles of sound financial management and section 8C sets out the principles of Integrated Planning and Reporting that apply to councils.

Council is also responsible for, after consulting the general manager, determining the following: -

- a) the senior staff positions within the organisation structure of the council,
- b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,
- c) the resources to be allocated towards the employment of staff.

The general manager has the functions outlined in section 335 of the local Government Act including the following: -

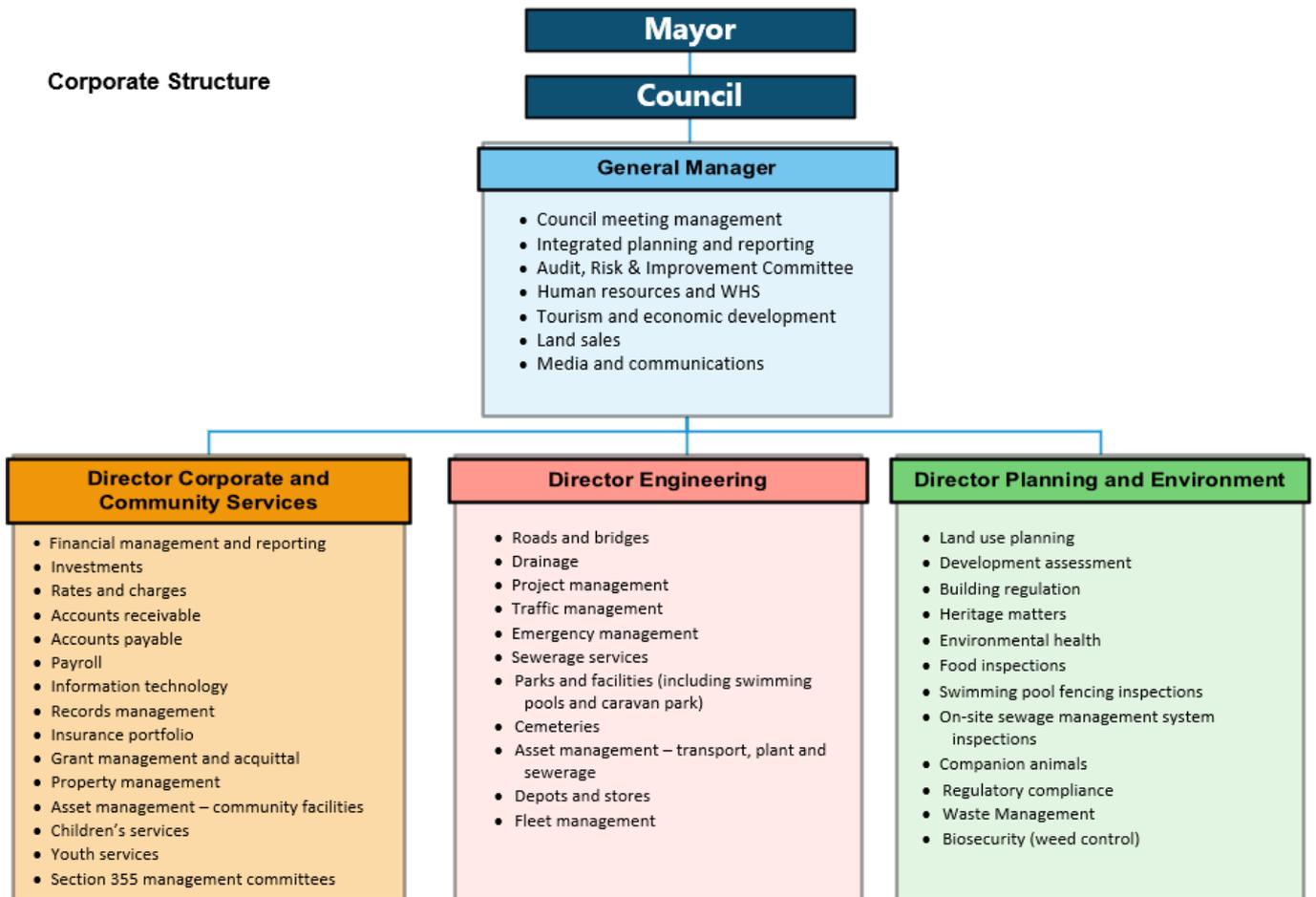
- a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council; and
- b) to implement, without undue delay, lawful decisions of the council.

The Council has adopted a three department structure each lead by a Director reporting to the General Manager. The General Manager is accountable to the elected Council.

The General Manager, Director Corporate and Community Services, Director of Engineering and Director Planning and Environment are responsible for the activities as shown in the organisation chart overleaf. The Council employs approximately 55 staff.

Organisation Chart

Corporate Structure



2.4 Principal Activities and Objectives

Council's principal activities are as shown in the organisation chart above.

In accordance with the Community Strategic Plan 2022-2032 and the Delivery Plan 2022-2025 adopted by the Council on 19 April 2022, the Council is pursuing the following objectives for the Council's current term of office: -

A: A Connected and Resilient Community

- A1. We value spending time with each other and want more opportunities to come together.
- A2. Our community services and facilities meet the needs of our communities.
- A3. People of all ages, abilities, and backgrounds participate in community life.

B: A Dynamic and Prosperous Economy

- B1. Our Shire is attractive and welcoming to businesses, industry, residents and visitors.
- B2. Our community has a robust retail offering, strong tourism sectors, and a range of job opportunities.
- B3. We develop, attract and retain skilled individuals in our community.

C: An Environment that is Respected and Protected

- C1. Our environmental practices are sustainable.
- C2. Flora and fauna are protected across the Shire.
- C3. Our open space and natural environment are protected for future generations.

D: Infrastructure for the Long Term Needs of the Community

- D1. Our assets and infrastructure are well planned and managed to meet the needs of the community now and in the future.
- D2. Our planning and development controls work to attract new residents and investment.

E: Strong Leadership and Governance

- E1. Council is strong, sustainable, and able to stand-alone.
- E2. Council actively engages with its residents to support and facilitate decision making.
- E3. Council responds collectively and responsibly to community needs.

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3 HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

The services that the Council supplies to the public are at a local level. This means that much of the Council's operations affect members of the public.

Service functions and the provision of facilities to the public include libraries, public halls, community centres, recreation facilities, roads, drainage and footpath infrastructure and waste management.

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

Ancillary functions affect only some members of the public such as the owner of the property. These functions include the resumption of land or the power for Council officers to enter onto a person's land. In these circumstances, only landowners would be affected.

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

Administrative functions 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 legislation. This includes matters such as the non-payment of rates and charges, unregistered dogs, environmental issues and community health.

Examples of key functions of the Council that affect members of the public are tabled below:-

Function	Type of effect	Details
Rates & Charges	Financial	The Council raises rates and charges on land owners for the provision of specific and general purposes.
Health	Business cleanliness	Undertaking inspections of premises to ensure that relevant health standards are maintained.
Building	Building approvals	Approving the construction of building works.
Planning	Development approvals	Under the Local Environmental Plan (LEP) and Development Control Plans (DCPs), Council controls what type of development takes place on land.
Noxious Weeds Control	Biosecurity	Inspection of properties and the issuing of notices to ensure that noxious weeds control is maintained at a satisfactory level.
Disaster Control	Emergency provisions	In consultation with other organisations such as the Police, SES, NSW Fire and Rescue and Rural Fire Service, Emergency Management Plans have been developed to manage the response to and recovery from disasters.
Animal Impounding	Animal control	Through education of animal owners, imposing fines and impounding, the Council controls straying animals.
Sewerage	The disposal and treatment of sewerage	The Council operates sewerage services for the safe and healthy disposal and treatment of sewerage.
Waste Management	Provision of waste disposal services	The Council provides waste services, including access to landfills, recycling centres and kerb side collection.

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Council's functions affect members of the public and therefore Council is required to apply the following general principles to the exercise of its functions: -

- a) Council should provide strong and effective representation, leadership, planning and decision-making.
- b) Council should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Council should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Council should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Council should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- f) Council should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Council should work with others to secure appropriate services for local community needs.
- h) Council should act fairly, ethically and without bias in the interests of the local community.
- i) Council should be responsible employers and provide a consultative and supportive working environment for staff.

The following principles apply to Council's decision-making:-

- a) Council should recognise diverse local community needs and interests.
- b) Council should consider social justice principles.
- c) Council should consider the long term and cumulative effects of actions on future generations.
- d) Council should consider the principles of ecologically sustainable development.
- e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.
- f) Council should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

The following principles of sound financial management apply to Council:

- a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- b) Council should invest in responsible and sustainable infrastructure for the benefit of the local community.
- c) Council should have effective financial and asset management, including sound policies and processes for the following:
 - I. performance management and reporting,
 - II. asset maintenance and enhancement,
 - III. funding decisions,
 - IV. risk management practices.
- d) Council should have regard to achieving intergenerational equity, including ensuring the following:
 - I. policy decisions are made after considering their financial effects on future generations,
 - II. the current generation funds the cost of its services.

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The following principles for strategic planning apply to the development of the integrated planning and reporting framework by Councils: -

- a) Council should identify and prioritise key local community needs and aspirations and consider regional priorities.
- b) Council should identify strategic goals to meet those needs and aspirations.
- c) Council should develop activities, and prioritise actions, to work towards the strategic goals.
- d) Council should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- e) Council should regularly review and evaluate progress towards achieving strategic goals.
- f) Council should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- g) Council should collaborate with others to maximise achievement of strategic goals.
- h) Council should manage risks to the local community or area or to the council effectively and proactively.
- i) Council should make appropriate evidence-based adaptations to meet changing needs and circumstances.

4. ARRANGEMENTS TO ENABLE PUBLIC PARTICIPATION

Chapter 4 of the Local Government Act outlines how a community can influence what a council does. Council has also adopted a Community Engagement Plan and Community Participation Plan which can be found on its website at <https://lockhart.nsw.gov.au/council/council-policies-plans-reports/>

There are two broad 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.

4.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their Council to make decisions on their behalf. In New South Wales, Local Government elections are held every four (4) years. However as a result of the restrictions imposed in response to the COVID-19 pandemic the NSW Government has postponed the local government elections that were scheduled to be held on 12 September 2020 until 4 September 2021.

At each ordinary election voters elect nine Councillors for a four year term (the Mayor is elected by the Council). 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, but must register their intention to vote on the non-residential roll. Voting is compulsory.

Section 232 of the Local Government Act sets out the role of a councillor as follows: -

- a) to be an active and contributing member of the governing body
- b) to make considered and well informed decisions as a member of the governing body
- c) to participate in the development of the integrated planning and reporting framework
- d) to represent the collective interests of residents, ratepayers and the local community
- e) to facilitate communication between the local community and the governing body
- f) to uphold and represent accurately the policies and decisions of the governing body
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

4.2 Personal Participation

Members of the public are also able to attend Council meetings held on the third Monday of each month commencing at 5pm in the Lockhart Shire Council Chambers at 65 Green Street Lockhart. Public attendance to these meetings is governed in accordance with Council's Code of Meeting Practice. The Code can be found at <https://www.lockhart.nsw.gov.au/council/policies-plans-and-reports.aspx>.

Residents can write to Council on matters under Council's control. If the matter is outside the delegations or policies by which staff or the General Manager can make a decision, the matter will be referred to the next available Council Meeting.

Members of the public are able to provide submissions on draft policies, strategies and plans that are placed on public exhibition, complete community surveys, customer requests or complaints forms, attend community forums. Documents placed on public exhibition include the Community Strategic plan, Delivery Program, Operational Plan and Budget and various policies that have the potential to impact on residents and ratepayers of the Shire.

Interested persons can also become involved in Committees established by Council under Section 355 of the Local Government Act to perform a particular function or manage a particular facility under delegated authority on behalf of the Council.

5. DOCUMENTS HELD BY COUNCIL

5.1 General Documents

Documents held by Council have been divided into four sections as outlined by the Government Information (Public Access) Regulation as follows:-

1. Information about Council
2. Plans and Policies
3. Information about Development Applications
4. Approvals, Orders and other documents.

Schedule 5 of the GIPA Act 2009 requires that these documents held by Council are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website <http://www.lockhart.nsw.gov.au> or at the offices of Council at 65 Green Street Lockhart during normal working hours. Any current and previous documents may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges, in accordance with Council's adopted Revenue Policy.

The types of documents held in the respective categories are listed below: -

5.2 Information about Council

- Code of Conduct
- Code of Meeting Practice
- Annual Report
- State of the Environment Report
- Annual Financial Statements
- Auditor's Report
- Community Strategic Plan
- Community Engagement Plan and Community Participation Plan
- Delivery Program
- Operational Plan and Budget
- EEO Management Plan
- Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors
- Disclosure of Interest Returns of Councillors and Designated Persons
- Business Papers for any meeting of Council or Committee of Council
- Minutes of any meeting of Council or Committee of Council
- Register of Investments
- Register of Delegations
- Disability Inclusion Action Plan
- Long Term Financial Plan
- Asset Management Plans
- Workforce Strategic Plan

5.3 Plans and Policies

- Policy Register
- Local Environmental Plan
- Development Control Plans
- Developer Contribution Plans

5.4 Information about Development Applications

- Development Applications and any associated documents received in relation to a proposed development:
- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspection Consultants Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

5.5 Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the Local Government Act
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the Local Government Act, 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 Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licences for Public Land classified as Community Land

6. HOW COUNCIL MAKES INFORMATION AVAILABLE

6.1 Access to information

Under the GIPA Act, there is a right of access to certain information held by Council unless there is an overriding public interest against disclosure of the information.

There are four ways in which Council will provide access to information:

1. **Mandatory Proactive Release**

Certain information, referred to as open access information, must be published on the agency's website, free of charge.

2. **Authorised Proactive Release**

Beyond mandatory release, agencies are encouraged (and authorised) to release as much government information as possible.

3. **Informal Release**

Agencies are encouraged to informally release information, by excusing the need for a formal application (and fee) to be submitted.

4. **Formal Access Application**

This is the last resort if information is not accessible in any of the above 3 ways. Decisions made in response to formal applications can be reviewed.

Any applications under the GIPA Act will be processed in accordance with the Act's requirements and a determination made to release the information or refuse access on the basis of the relevant consideration under that Act.

6.2 Public Interest Considerations

When considering whether or not to provide information Council will apply the public interest test having regard to their obligation to promote the objectives of the GIPA Act and to any relevant guidelines issued by the Information Commissioner.

The GIPA Act provides a table of items for which there is an overriding public interest against disclosure. Council must consider each application for information against these criteria before information can be released.

Schedule 1 of the GIPA Act sets out information for which there is a conclusive presumption of an overriding public interest against disclosure. When applying the public interest test, factors for disclosure must also be considered. If the factors against disclosure outweigh the factors for (i.e. there is an overriding public interest against disclosure), the information does not have to be released.

6.3 Fees and Charges

If applying for information by way of a Formal Access Application an application fee of \$30.00 and processing charge may apply in accordance with Council's adopted Revenue Policy.

If applying for information by way of an Informal Access Application reasonable photocopying charges may apply in accordance with Council's adopted Revenue Policy.

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6.4 Further Information

For further information regarding accessing information held by Council contact Councils GIPA Officer by telephone on (02) 6920 5305, by email at mail@lockhart.nsw.gov.au or write to PO Box 21 Lockhart NSW 2656.

The Office of the Information and Privacy Commissioner has been established to oversee the GIPA Act. The OIPC provides information about the right to access information and can be contacted as follows: -

- www.oic.nsw.gov.au
- oiinfo@oic.nsw.gov.au
- GPO Box 7011, Sydney NSW 2001
- Level 11, 1 Castlereagh Street, Sydney NSW 2000
- 1800 INFOCOM (1800 463 626) between 9am to 5pm, Monday to Friday (excluding public holidays).