



AGENCY INFORMATION GUIDE

May 2012

Document review and approval

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This policy contains 18 pages

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1. INTRODUCTION

In accordance with Section 20 of the Government Information (Public Access) Act 2009 (GIPA Act), Sutherland Shire Council produces this Agency Information Guide.

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 the Council;
- the manner in which the functions of Council affect members of the public;
- any arrangements that exist for members of the public to participate in the formulation of Council's policies and the exercise of Council's functions;
- the kinds of government information held by Council;
- the kinds of government information held by Council that are publicly available;
- the manner in which Council makes government information publicly available; and
- the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

2. FUNCTIONS OF SUTHERLAND SHIRE COUNCIL

Under the Local Government Act, 1993 (Section 8) Council must among other things, give consideration to:

- providing directly, or on behalf of other levels of government, adequate, equitable and appropriate services and facilities for the community;
- ensuring that provided services are managed efficiently and effectively;
- exercising community leadership;
- exercising its functions in a manner that is consistent with and actively promotes the principle of cultural diversity;
- properly managing, developing, protecting, restoring, enhancing and conserving the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- the long term and cumulative effects of its decisions;
- the fact that it is the custodian and trustee of public assets;
- effectively accounting for and managing the assets for which it is responsible;
- facilitating the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government;
- raising funds for local purposes by way of rates, charges and fees, investments, loans and grants;
- keeping the local community informed about its activities;
- ensuring that, in the exercise of its regulatory functions, it acts consistently and without bias; and
- being a responsible employer.

The role of Council, however, extends well beyond these statutory considerations. Council provides an important focus and rallying point for the community. Council can be the vehicle for harnessing local concerns about specific issues, or for pursuing their community's visions and ideas. A community will look to its Council to protect it from potential natural dangers, and for support in times of need.

3. STRUCTURE OF SUTHERLAND SHIRE COUNCIL

3.1 Mayor and the Councillors

The Local Government Act states that the role of the mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

The Local Government Act states that the role of a councillor is, as a member of the governing body of the council:

- to provide a civic leadership role in guiding the development of the community strategic plan for the area and to be responsible for monitoring the implementation of the council's delivery program
- to direct and control the affairs of the council in accordance with this Act
- to participate in the optimum allocation of the council's resources for the benefit of the area
- to play a key role in the creation and review of the council's policies and objectives and criteria relating to the exercise of the council's regulatory functions
- to review the performance of the council and its delivery of services, and the delivery program and revenue policies of the council.

The role of a councillor is, as an elected person:

- to represent the interests of the residents and ratepayers
- to provide leadership and guidance to the community
- to facilitate communication between the community and the council.

3.2 General Manager

The Local Government Act states that the general manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.

The general manager has the following particular functions:

- to assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report
- the day-to-day management of the council
- to exercise such of the functions of the council as are delegated by the council to the general manager
- to appoint staff in accordance with an organisation structure and resources approved by the council
- to direct and dismiss staff
- to implement the council's equal employment opportunity management plan.

The general manager has such other functions as may be conferred or imposed on the general manager by the Local Government Act or any other Act.

3.3 Divisional Structure

Sutherland Shire Council's Corporate Structure includes the following functional divisions and units:

3.3.1 Corporate Services Division

Responsibilities: Administrative support to council/councillors, corporate records and archives, access to information, governance, privacy issues, customer service centre, customer call centre, regulation and enforcement, animal control, legal services/public officer, land information, risk and insurance management, information technology services, and financial services.

3.3.2 Engineering Division

Responsibilities: Civil works maintenance and construction, traffic management, survey and design, stormwater drainage, waste, clean-up, parks maintenance and construction, building maintenance and construction, street cleaning, cleansing, fleet, supply, mechanical workshops and local emergency management officer.

3.3.3 Environmental Services Division

Responsibilities: Environmental research, policy and planning; environmental assessment and application determination; environmental health programs; certification; monitoring and investigation for environmental compliance.

3.3.4 Community and Recreation Division

Responsibilities: beach lifeguards, leisure centres, tennis complexes, golf courses and golf driving range, The Ridge Sports Complex, sporting venues and sportsgrounds, Menai Indoor Sports Centre, child care facilities, family day care and vacation care, libraries and home based library service, community development, crime prevention and community safety, youth events, cultural planning, festivals and events, Sutherland Entertainment Centre, Hazelhurst Regional Gallery & Arts Centre and community arts workshops.

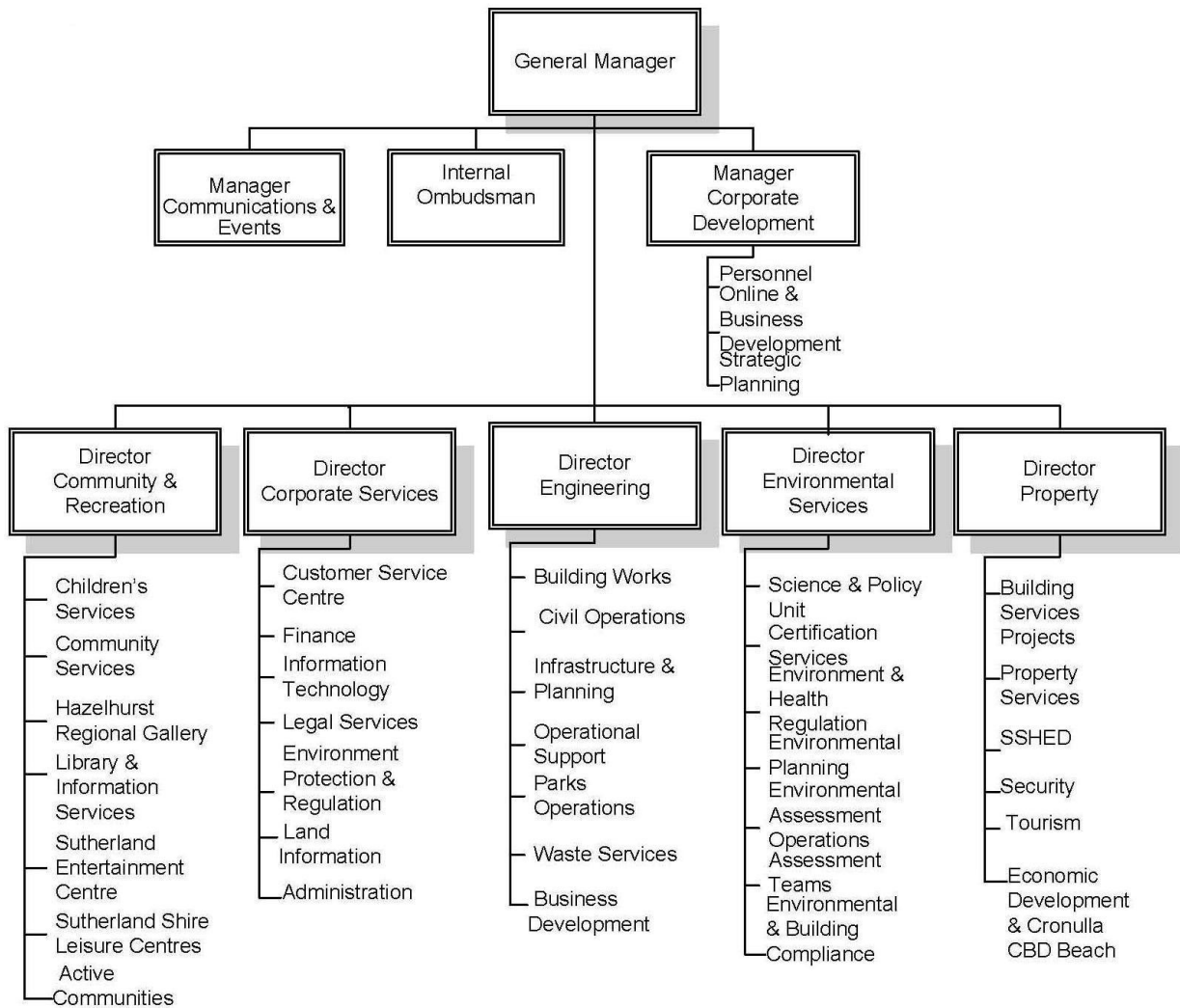
3.3.5 Property Division

Responsibilities: Commercial and community property sales, acquisitions and property management, major project development and management, Native Title issues, plans of management, council buildings construction and maintenance, asset management, energy management and audit, economic development, tourism, small business incubator, security.

3.3.6 Executive Office

Responsibilities: Corporate development, organisation change and reform program, competition policy, strategic planning, e-business and services, personnel functions, customer service research, staff training, workers compensation, occupational health and safety, communications, events, General, Manager and Mayor's Office, Internal Ombudsman

3.4 Organisational Chart



4. PURPOSE & DIRECTION OF COUNCIL

4.1 Our Purpose

To provide community leadership translating the Shire Vision to improve lifestyles, wellbeing and the environment.

4.2 Our Direction

Council will, through an open and accountable partnership with the community:

- pursue ecologically sustainable development, meeting the needs of the present generation without compromising those of the future;
- demonstrate organisational delivery of integrated services and be environmentally, socially and economically responsible and accountable;
- manage resources to maintain financial viability and enhance service provision; and
- promote access, equity and a sense of community.

4.3 Our Commitment to Our Community

Community Satisfaction

The highest priority is given to satisfying the needs and expectations of our community.

Management by Fact

Our analysis of problems, decisions, performance measurements and other actions is based on fact and sound judgment.

Continuous Improvement

Individually, in teams and as an organisation, we are committed to ongoing improvement.

Ethics

We will promote sound, legal and honourable practice in the conduct of Council business.

4.4 Our Commitment to Our People

We will respect each other as individuals, encourage teamwork, and provide a safe and caring workplace, with equal opportunities for promotion and development to foster a sense of pride in our workplace.

5. PUBLIC PARTICIPATION IN POLICY FORMULATION

Sutherland Shire Council has a long standing commitment to engaging with the community on in its planning, policy formulation and in delivering local services and facilities. Since 2000 it has had a strong policy commitment to inviting resident, agency and stakeholder participation in the decision making processes of the Council. This commitment is articulated in Council's Community Engagement Policy. Council employs a variety of techniques to inform, consult or collaborate with the community on a wide range of local issues.

Council also has also introduced successful alternative dispute resolution mechanisms to encourage the resolution of development related community concerns early in the Assessment process. These include regular Information Sessions on DA's, facilitated meetings between objectors and applicants and the Independent Hearing and Assessment Panel. These mechanisms focus on resolving residents' concerns that arise from Development Applications, ensuring transparency and impartiality in Council's decision making.

Sutherland Shire Council also has a number of Sub-Committees which deal with a range of issues, for example:

- Aboriginal Advisory Sub-Committee
- Access Committee
- Bushfire Advisory Committee
- Crime Prevention and Community Safety Precinct Committee
- E G Waterhouse National Camellia Garden Management Committee
- Hazelhurst Retreat Board
- Heritage Sub-Committee
- Older People's Advisory Committee
- Port Hacking Management Panel
- Sutherland Shire Economic Development Committee
- Sutherland Shire Business Incubator Sub Committee
- Sutherland Shire Youth Council
- Tourism Services Sub Committee
- Various Floodplain Management Committees

Sub-Committee membership includes Councillors, community groups and community individuals and provides an opportunity for involvement in policy formulation.

6. DECISION MAKING

The primary responsibilities of Sutherland Shire Council are the planning and maintenance of the local government area. Decisions made by the Council directly impact on its residents, land owners and business operators. The actions of all NSW Councils are guided by the Local Government Act, 1993 and it is under this Act that Sutherland Shire Council makes and enacts its decisions. Significant policy, planning and strategic issues are considered and decisions are made by the elected members at a meeting of the Council. Decisions regarding issues of less significance are made under delegated authority by relevant staff with appropriate consideration of financial implications.

7. COUNCIL INFORMATION

7.1 Access to Information Policy

Sutherland Shire Council is committed to the principle of open and transparent government. To facilitate public access to Council information Council has adopted an Access to Information Policy. The objective of this policy is to describe Council's principles regarding public and Councillor access to information and to facilitate the processing of requests for such access under the GIPA Act.

7.2. Information Available and Applicable Charges

Council is committed to providing, as far as practicable, an open environment which enables members of the public to access government information held by Council without recourse to formal GIPA access applications. Information is made available through this Guide, Council's Disclosure Log and Council's website. Information may also be released administratively on request.

Decisions as to the release of requested information that is not available on the Council's website or in other publications are made in accordance with GIPA Act, taking into consideration the public interest.

Where formal applications under GIPA are made, Council will apply application, processing and advanced deposit charges as specified in the Act.

The following documents are defined as open access information by Section 18 of the GIPA Act 2009 and will be released without the need for a formal application under this Act. However please note that Council will require interested parties to complete an Application for Information form to access these documents. Access will automatically be provided to the documents listed below, Council's application form is used to obtain relevant contact information from applicants and for the purposes of keeping statistics on the number of access applications lodged with Council:

- the agency's Agency Information guide;
- information about the agency contained in any document tabled in Parliament by or on behalf of the agency, other than any document tabled by order of either House of Parliament,
- the agency's policy documents;
- the agency's disclosure log of access applications;
- the agency's register of government contracts ;
- the agency's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- such other government information as may be prescribed by the regulations as open access information.

Schedule 1 of the Government Information (Public Access Regulation) 2009 also stipulates that the following additional documents are to be provided as open access information by Councils:

Information about the Council:

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA,
- 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 the local authority,
- any codes referred to in the LGA.

Information contained in the following records (whenever created) is prescribed as open access information:

- returns of the interests of councillors, designated persons and delegates,
- agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public),
- minutes of any meeting of the local authority or any committee of the local authority, 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,
- Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the LGA.

Information contained in the current version of the following records is prescribed as open access information:

- 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 kept in accordance with section 328A of the LGA,
- the register of voting on planning matters kept in accordance with section 375A of the LGA.
- Register of premises where skin penetration procedures are conducted

Plans and Policies

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- local policies adopted by the local authority concerning approvals and orders,
- plans of management for community land,
- environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979* applying to land within the local authority's area.

Information about development applications

Information contained in the following records (whenever created) is prescribed as open access information:

- development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
 - home warranty insurance documents,
 - construction certificates,
 - occupation certificates,
 - structural certification documents,
 - town planner reports,
 - submissions received on development applications – (amended when received outside the neighbour notification period, contain complaints, are received from individuals who are not listed as notified neighbours and therefore are not made aware that their submissions are public docs).
 - heritage consultant reports,
 - tree inspection consultant reports,
 - acoustics consultant reports,
 - land contamination consultant reports,
- records of decisions on development applications (including decisions made on appeal),
- a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2).

This clause does not apply to so much of the information referred to in subclause

(1) (a) 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 site on which it is proposed to be erected, or
- commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

Approvals, orders and other documents

Information contained in the following records (whenever created) is prescribed as open access information:

- applications for approvals under Part 1 of Chapter 7 of the LGA 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 such an application,
- 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 *Environmental 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.

Council may proactively release information which does not constitute open access information. This information is available on Council's website and includes such documents as the State of the Shire report, the Community (Social) plan and Council policies. The following is a listing of the current policies, that impact upon the community, as adopted by Council:

Children Services

- Child Protection Policy
- Employment Guidelines to Protect Children from Harm
- Procedures for Dealing with Allegations of Child Protection Against Employees
- Procedures for Mandatory Reporting of Suspected Abuse or Neglect of Children

Civil Works

- Guidelines for the Engagement and Use of Consultants
- Piping of Existing Open Drains in Private Residential Properties where Subdivision is Not Involved
- Reconstruction and Maintenance of Private Roads or Rights-of-Way
- Specification for Civil Works Associated with Subdivision and Developments
- Vehicle Crossing Across Public Roads
- Vehicular Access Unmade Road Reserves
- Vehicle Footpath Crossings (Construction & Maintenance for Vehicular Access Facility to Private Property within Road Reserves)

Communication

- Avoidance of Publishing Advertisements that Request Public Comment by a Certain Time During the Christmas Period
- Mayor's Message Guidelines
- Media and Public Comment Policy
- Newsletter Editorial Guidelines

- Procedure in relation to Invitations or Requests for Aboriginal Involvement in Council Arranged Events
- Social Media Policy
- Sutherland Shire Youth Council MySpace Site

Community Grants

- Annual Community Services Grants Program
- Heritage Grant Local Publications Guidelines
- Miscellaneous Grant Applications Under Section 356 Of The Local Government Act 1993

Community Services

- Aboriginal Reconciliation Statement
- Access and Equity to Council Services for People from Diverse Linguistic Backgrounds
- Access Policy
- Anti-Social Behaviour Strategy
- Domestic Squalor and Hoarding Policy and Guidelines
- Homelessness Policy
- Partnership Protocol with the NSW Police in the Assessment of Development Applications
- Sutherland Shire Community Plan 2006-2010
- Sutherland Shire Crime Prevention Plan
- Volunteers Guidelines
- Volunteers Policy

Cultural Events

- Community Arts
- Exhibition Policy for the Hazelhurst Regional Gallery & Arts Centre

Engineering

- Clothing Appeal Collection Bins
- Dredging - Sutherland Shire Waterways
- Feral Animal Policy
- Graffiti Management
- Naming of Public Open Space

Environmental

- Clean Waters Policy
- Community Partnering Policy
- Contaminated Land Policy and Guidelines
- Development Control Plans and Lodgement of Development Applications
- Enforcement Action for Illegal Work or Unlawful Occupation of Council Land and Public Roads
- Greenweb Strategy
- Integrated Transport Policy for the Sutherland Shire

- Issuing of Section 149 Certificates -Advice on Properties within 4.8 km of Lucas Heights
- Local Air Quality Management Plan
- Pesticides Use Notification Plan
- Sutherland Shire Biodiversity Strategy
- Temporary Food Premises Code

Fleet Management

- Fleet Management Services – Driver Operator Procedures

Finance & Purchasing

- Advances by Council to Community Groups
- Asset Management
- Get It Green Purchasing
- Investment for Cash Balances
- Petty Cash and Change Float Policy and Procedures
- Protocol - Allocation of Priorities
- Purchasing Policy & Procedures
- Rate Recovery - Hardship
- Schedule of Fees and Charges
- Treatment of Incomplete Works
- Voluntary Pensioner Rebate

Governance

- Access to Information Policy
- Agency Information Guide
- Arranging Site Inspections or Meetings for Councillors
- Code of Conduct
- Code of Conduct for Community Representatives
- Code of Meeting Practice
- Community Engagement Policy
- Competition Policy - The Next Steps in Reform
- Council Seal
- Councillor Access to Information and Their Interaction with Staff
- Customer Response
- Disclosure of Name of Complainants
- Display of Election Material – Council Election
- Distribution of Late Reports To Councillors
- Fraud and Corruption Prevention Policy
- Guidelines for Community Presentations to Committees of Council
- Internal Ombudsman Guidelines
- Interstate and Overseas Travel
- Local Government Association Annual Conference (Voting)
- Lodgement of Disclosure of Interest Primary and Ordinary Returns by Councillors and Designated Persons
- Lot & DP numbers in Reports to Council
- Payment of Expenses and Provision of Facilities to the Mayor and Councillors
- Policy & Procedures for Undertaking External Contract Work
- Privacy Management Plan

- Process and Rules for the Independent Hearing & Assessment Panel
- Provision of Child Care at the Children's Services Sub-Committee Meetings, for Residents
- Reporting of Councillor Attendance at Standing and Sub-Committee Meetings
- Residents Speaking at Committee Meetings
- Review of Council Sub-Committees and Working Parties that Require Resources or Funds
- Secondary Employment
- Sponsorship
- Statement Of Business Ethics For Business Dealings Between Sutherland Shire Council, The Private Sector And Other Parties
- Tender Reports to Council
- Travel and Conferences by the General Manager, Directors and Staff - Attendance Reports to be Submitted to Council
- Whistleblower's Policy [Internal Reporting System (Protective Disclosures Act)]

Information Technology

- Computer Resource Usage Policy
- On-line Service Strategy
- Policy on the Use, Storage and Retrieval of digital images
- Workplace Surveillance Policy – Overt Surveillance
- Web-Based Tools Policy

Legal Services

- Financial Contribution Towards Legal Costs
- Legal Assistance to Councillors & Staff
- Prosecution and Enforcement Guidelines

Libraries

- Collection Management Strategy
- Provision of Community Information Through Council Libraries
- Use of Corporate Library Services by Councillors and Council Staff

Parks & Trees

- E G Waterhouse National Camellia Gardens - Funeral Ceremonies and Memorial Services
- Memorial Policy for Public Open Space
- Miranda Park Circuses
- Naming of Public Facilities
- Public Fracas in Reserves or Parks
- Public Liability in regard to Trees
- Replacement of Playground Equipment
- Urban Tree
- Volunteers Bushcare Policy

Personnel

- Alcohol and Other Drugs
- Corporate Uniform
- Counselling & Discipline

- Equal Employment Opportunity Management Plan 2008/2011
- Fair Workplace Grievance Resolution Procedures
- Fair Workplace Policy and Procedures
- Flexi Time Policy
- Job Rotation and Job Swap Policy and Procedures
- Occupational Health and Safety
- Parental Leave
- Parking Permits for Staff With Temporary or Permanent Infirmity
- Recruitment Policy
- Sick Leave Management
- Study Assistance Program
- Telecommuting Policy and Procedures
- Training Policy
- Use of Council Resources for Private Purposes

Planning and Assessment

- Application of s94 Funds Policy
- Applications For Low Or High Impact Mobile 'Phone Installations
- Breach of Practice by Private Certifiers
- Consideration of Development Applications submitted by Council
- Dealing with Incomplete or Non-Compliant Development Applications
- Developer Contribution Plans:
 - Caringbah Contribution Plan
 - Employment Land
 - Miranda Centre Core Commercial Land Miranda Centre Open Space Embellishment Plan
 - Contribution Plan: Mixed Use - Kirrawee Zone
 - Contribution Plan - Land within Sutherland Centre
 - Shire-Wide Open Space and Recreation Facilities 2005 - Summary
 - Shire-Wide Open Space and Recreation Facilities 2005 - Part 1
 - Shire-Wide Open Space and Recreation Facilities 2005 - Part 2 - Supporting Documents
 - Section 94 Community Facilities Plan
 - Menai Centre S94A Levy Plan
 - Cronulla Centre S94A Levy Plan
 - Sutherland Centre S94A Levy Plan
 - Engadine Centre S94A Levy Plan
- Enforcement of non-compliance with Orders 21 & 22 issues under S124 Local Government Act 1993
- Expediting the Determination of Development Applications which are Incomplete or Propose an Undesirable Development
- Guidelines for Planning Proposals
- Native Title Strategy – Wik Amendments
- Private Certification of Development Applications – a Policy for Enforcement of Conditions of Consent
- Review of Development Application Dispute Resolution Techniques And Mediation Policy
- Rezoning Applications in Prohibited Areas
- Sutherland Shire Development Control Plan 2006
- Waiving or Reducing Development Application Fees

Property

- Commercial Leasing
- Community Leasing
- Drainage Easement Acquisition
- Halls Management
- Kerb / House Numbering
- Leasing Council Residential Properties Policy
- Licensing Guidelines for A-Frame Advertising Boards
- Licensing of Outdoor Eating Areas, A-Frame Advertising and Shopfront Displays
- Open Space Land Acquisition Policy
- Pre-School Leasing
- Public Liability Insurance Cover for Hirers of Council's Community Halls, Parks and Reserves
- Reclassification of Community Land to Operational Land
- Release and Relocation of Drainage Easements
- Short Term Access over Fire Trails (Community Land)

Regulation and Enforcement

- Shiresafe Street Camera Programme - Code of Practice

Roadways

- Display of Reflective Property Numbers
- Prevent Rubbish Skips and Dumpsters on Roads
- Road Reserve Leasing
- Road Use for Community Events – Festivals / Fairs

Sport & Recreation

- Active Playing Field Service Plan
- Limited Liquor Licenses on Council Property
- Night Competition Games upon Active Open Space
- Use of Public Open Space by Commercial Fitness Groups

Telecommunications

- Procedures for Mobile Phones
- Telecommunication Code of Practice

Waste Services

- Bin Contamination Policy
- Domestic Waste Service Collection
- Local Waste Management Plan
- Twice Yearly Clean Up Collection Policy

Please note that documents that are defined as open access information by Section 18 of the GIPA Act, which are not available through Council's website can be viewed free of charge at Council's Administration Centre. A photocopy charge will be applied to any request for copies of documents. Council is subject to the provisions of the Copyright Act

1968 and as such, copies of some open access information may only be provided with the written permission of the copyright owner of the document.

Please note that the information listed as available in this document is not an exhaustive listing. Inquires for information can be arranged through contacting Council's Customer Service Counter during office hours where an application form is available or inquiries can be directed to Council's Access to Information Officer, contact details are provided below:

Access to Information Officer
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Phone: (02) 97100333
E-mail: ssc@ssc.nsw.gov.au

Office Hours: Sutherland Shire Council's Administration Building is located at 4-20 Eton Street, Sutherland and is open between 8:30am and 4.30pm Mon - Fri.

Questions concerning the operation of the Government Information (Public Access) Act 2009 can also be directed to the Office of the Information Commissioner who can be contacted on 1800 INFOCOM (1800 463 626) or through their website: www.oic.nsw.gov.au