



# GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

## PUBLICATION GUIDE

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## **Introduction**

The *Government Information (Public Access) Act 2009* requires Council to maintain a publication guide. This guide contains information similar to the Statement of Affairs published under the recently repealed *Freedom of Information Act 1989*.

## **I Structure and Functions of Council**

### **I.1 About Wollongong City Council**

The City of Greater Wollongong was proclaimed on 12 September 1947 and came into effect on 24 September 1947. It was the result of an amalgamation of the Bulli Shire, North Illawarra Municipality, City of Wollongong and Shire of Central Illawarra.

On 30 October 1970 the City of Greater Wollongong was proclaimed as the City of Wollongong.

### **I.2 Council Structure**

#### **I.2.1 Area**

The City of Wollongong comprises six wards and prior to March 2008 the Council consisted of a Lord Mayor and twelve Councillors, being two Councillors per ward. Since March 2008 and until the next scheduled Council elections in September 2011 Council is under Administration.

The NSW State Government recently legislated for elections for Wollongong City Council to be held on 3 September 2011, and for the Local Government Area to be divided into three wards for electoral purposes.

Elections will see the return of 12 Councilors to be elected across three wards (with four Councilors per ward) and a Lord Mayor to be elected by citizens across the Wollongong Local Government Area.

*Council Ward Maps can be accessed at [Wollongong Council's Ward Boundaries](#).*

#### **I.2.2 Administrators**

Until 3 September 2011 Council has three Administrators who, in the absence of Lord Mayor and Councillors, have all the functions of the Council. The role of Lord Mayor and Councillors is to:

- exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council
- exercise such other functions of the Council as the Council determines
- preside at meetings of the Council
- carry out the civic and ceremonial functions of the Mayoral office
- 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
- direct and control the affairs of the Council in accordance with the *Local Government Act 1993*
- participate in the optimum allocation of the Council's resources for the benefit of the area

- 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
- review the performance of the Council and its delivery of services, and the delivery program and revenue policies of the Council
- represent the interests of the residents and ratepayers
- provide leadership and guidance to the community and
- facilitate communication between the community and the Council

### **1.2.3 Organisational Structure**

Council is required to appoint a General Manager who 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 a number of particular functions specified in the *Local Government Act 1993* as well as any other functions as may be conferred or imposed by that Act.

To support the General Manager in exercising these functions there are three Council Departments. These are Corporate and Community Services, Infrastructure and Works, and Planning and Environment. Each Department is managed by a Director.

Click here [www.wollongong.nsw.gov.au/council/governance/](http://www.wollongong.nsw.gov.au/council/governance/) to access the current organisational structure as determined by Council.

## **1.3 Council Role and Functions**

### **1.3.1 Council Role**

Broadly speaking the primary role of Council is to:

- provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and of the wider public
- administer some regulatory systems under the Local Government Act 1993
- assist in the management, improvement and development of the resources of the area and
- require the Council and Council officials and employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities

### **1.3.2 Council Functions**

The functions imposed on Council under the Local Government Act include regulatory, ancillary, revenue, administrative, enforcement and service or non-regulatory.

There are also other functions conferred on Council by a number of other Acts.

In undertaking these functions there are a diverse range of services provided to the community together with internal support services.

Council's Service Catalogue is aligned with the [Strategic Direction for 2011-14](#) together with the services provided by each Division within the organisational structure. For further information please view [Council's Management Plan](#).

## **2 How Council's Functions Affect Members of the Public**

In performing its role, the functions of Council are many and varied as indicated in clause 1.3.2 above.

As a service organisation the majority of the functions and activities of Council impact on the public in one way or another and examples in respect of each of the broad functions of Council are:

- Service or non-regulatory – the provision of a wide range of property and ‘people’ services that impact directly on the public, such as:
  - waste removal
  - sporting facilities
  - community facilities
  - stormwater drainage
  - environmental protection and conservation measures
- Regulatory – the placing of restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the area and not endanger the lives and safety of any person. Members of the public need to be aware of, and comply with, such regulations and laws, controlling such things as:
  - activities that can only be carried out with Council approval, ie operate a public car park or deliver a public address on community land or
  - ordering a person to do, or stop doing, something, ie keep fewer animals on specific premises
- Ancillary – functions that are auxiliary to, give support to, and aid the carrying out of, the other functions of Council, particularly its service and regulatory functions. These functions only affect some members of the public and include the:
  - power to compulsorily acquire land
  - power to enter land and buildings to carry out inspections
  - power under the *Roads Act 1993*
- Revenue – relates to the ability of Council to raise income through the collection of different kinds of rates and charges, and directly impacts on ratepayers and residents. These functions include:
  - levying ordinary and special rates
  - imposing charges for use of facilities
  - generating income from business activities
  - borrowing or obtaining grant funds
- Administrative – how Council carries out its functions and makes decisions and how it is made accountable for its actions. These functions indirectly impact on the community through the efficient and effective provision of services and include functions relating to:
  - employing staff
  - developing long term strategic and management plans
  - delegation of functions
  - obtaining insurance coverage
  - defining meeting procedures – Code of Meeting Practice

- Enforcement – the prosecution of offences under relevant legislation which only impacts on those members of the public who are in breach of legislation, including:
  - breaches of the Local Government Act and other relevant legislation
  - recovery of unpaid rates and charges
  - parking offences

### **3 Arrangements for Public Participation in Policy Development and the Exercise of its Functions**

Council has a Community Consultation Policy, adopted in October 2008 and amended in May 2010 which guides how Council will involve the community in the planning and delivery of community focussed services.

This policy affirms council’s commitment to involving the community in decision-making processes and outlines a number of engagement activities that Council will support.

These include:

- Neighbourhood Forums – eight community groups that meet regularly across the local government area with support from Council
- Community Forums – interactive sessions held to consult on specific policies, projects or plans
- Neighbourhood Forum Leaders’ Meetings with Administrators – quarterly opportunity for neighbourhood forums convenors to discuss local issues with Council Administrators
- Independent Hearing and Assessment Panel - independent hearing forum for objectors and applicants on certain applications, providing an independent assessment and submitting recommendations to Council for a decision
- Electronic Consultation – online surveys, discussions and social media technologies
- Public Hearings – used for consultation on re-zonings, re-classifications and plans of management
- Public Access Forum – an opportunity for the community to address Council meetings
- Reference Groups – Council supports a number of reference groups who act in an advisory capacity
- Kiosks – held at markets and events, offer an opportunity for Council and the community to interact out of office hours and out of the office context

Council also provides a weekly two-page Community Update in the Wollongong Advertiser newspaper, a free newspaper circulating in the local government area to inform the public of:

- Upcoming Council meetings
- Have Your Say – seeking feedback on draft Policies or Strategies
- What’s On
- Public Notices
- Recruitment
- Development Consent Approvals
- Development Proposals – inviting submissions from the public

#### **4 Information Held by Council**

Council holds a vast amount of information in relation to its operations and, whilst not exhaustive, the following matters are an indication of the types of information maintained:

- Rating of land
- Development of land
- Library services
- Roads and related infrastructure
- Waste management
- Environmental management
- Management of Council-owned public land
- Provision of community facilities
- Financial management
- Employee records
- Correspondence files and
- Other Administrative records

#### **5 Information Held by Council and Available to the Public**

The *Government Information (Public Access) Act 2009*, which can be found at [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/giaa2009368/](http://www.austlii.edu.au/au/legis/nsw/consol_act/giaa2009368/), facilitates public access to Council information.

This Act requires Council to make the following 'open access information' available to the public:

- Council's policy documents
- A publication guide with information about the Council's structure and functions, and listing the type of information that is publicly available
- A disclosure log of formal access applications where in Council's opinion the information released may be of interest to other members of the public
- A register of contracts worth more than \$150,000 that Council has with private sector bodies
- A record of open access information that Council does not make publicly available on the basis of an overriding public interest against disclosure
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament and
- Such other Council information as may be prescribed by the Regulations as open access information

The *Government Information (Public Access) Regulation 2009* requires Council to make certain open access information available to the public for inspection, free of charge, unless there is an overriding public interest against public disclosure.

The specific 'open access information' required by the Regulation is divided into four sections as detailed hereunder:

##### **5.1 Information about Wollongong City Council**

5.1.1 Information contained in the current version and the most recent previous version of the following records:

- The model code of conduct prescribed under section 440(1) of the *Local Government Act*

- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council (eg section 355/377 Committees)
- Any Codes referred to in the *Local Government Act*

5.1.2 Information contained in the following records, whenever created:

- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas, Business Papers and Minutes of Council/Committee meetings (except meetings that are closed to the public)
- Division of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council

5.1.3 Information contained in the current version of the following records:

- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters – (Council's current Policy requires the register to contain the voting patterns on all matters)

## 5.2 Plans and Policies

Information contained in the current version and the most recent previous version of the following records:

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

## 5.3 Information about Development Applications

5.3.1 Information contained in the following records, whenever created:

- a) Development Applications and any associated documents received in relation to a proposed development, including:
  - Town Planner Reports
  - Technical Consultant Reports including heritage, tree inspection, acoustic, land contamination and geotechnical etc

- Construction Certificates
- Home Warranty Insurance documents
- Structural Certification Documents
- Occupation Certificates

- b) Records of decisions on Development Applications including decisions on appeals;
- c) Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations.

5.3.2 This Clause does not apply to so much of the information referred to in subclause 5.3.1(a) as consists of:

- a) the plans and specifications for any residential part 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
- b) 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.

5.3.3 Council must keep the record referred to in subclause 5.3.1(c).

#### **5.4 Approvals, Orders and Other Documents**

Information contained in the following records, whenever created:

- Applications for approvals under Part 1 of Chapter 7 of the *Local Government Act* and any associated documents received
- 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 *Local Government Act*
- 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 Licenses for use of public land classified as community land

Information that is not open access information may be made available upon request or application made in accordance with Council's Public Access to Information Held by Council Policy which can be found on Council's website at [www.wollongong.nsw.gov.au/council/](http://www.wollongong.nsw.gov.au/council/). All applications will be dealt with in accordance with the *Government Information (Public Access) Act 2009*.

## **6 How to Access Council Information**

Council will publish the current version of this open access, or mandatory release, information on its website unless there is an overriding public interest against disclosure or to do so would impose an unreasonable additional cost on Council. Where Council has deemed certain information to be unsuitable for publication on its website, this will be noted on the website and the information may be made available for inspection at Council. Similarly, the most recent previous version of the records identified in part 5

above, will be made available for inspection at Council as soon as practicable. Copies can be supplied and may incur a copying charge as per Council's Fees and Charges.

Where copyright exists in a document, it is provided for information purposes only in accordance with Council's statutory obligations and copyright laws still apply.. The copyright owner's consent is required if any part of the document is used for any other purpose.

In addition, from time to time Council will make as much other information as possible publicly available in an appropriate manner, including on Council's website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests. Such information will be contained within Council's Disclosure Log which is available on Council's website.

## **6.1 Open Access Information and Informal Requests for Information**

Anyone wishing to view or obtain copies of documents identified in this Guide can do so by way of the following options:

6.1.1 Internet - All information outlined in this publication, where possible, will be accessible and downloadable free of charge from Council's website at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au), unless:

- there is an unreasonable additional cost to Council to publish this information on the web, or
- there is an overriding public interest against disclosure on the web

6.1.2 Electronic lodgement by completing the Informal Access Application at [www.wollongong.nsw.gov.au/council/](http://www.wollongong.nsw.gov.au/council/) . Note that there is no processing fee however, if you wish to obtain copies of documents, copying charges may apply as per Council's Fees and Charges which can be found at [www.wollongong.nsw.gov.au/council/](http://www.wollongong.nsw.gov.au/council/) .

6.1.3 Council Office - you may telephone Council on 4227 7111 or visit Council's Customer Service Centre, Ground Floor, 41 Burelli Street, Wollongong during the hours of 8.30 am to 5.00 pm Monday to Friday (except public holidays).

## **6.2 Other than Open Access Information - Formal Access Applications**

Notwithstanding the lodgement of an informal application, Council may require a formal access application to be submitted where the information sought:

- is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure, or
- contains personal or confidential information about a third party that requires consultation, or
- would involve an unreasonable amount of time and resources to produce.

Anyone wishing to view or obtain copies of documents and/or files held by Council that fall within the above categories may download the following form and return to Council's Customer Service Centre with the appropriate fee:

Formal Access Applications can be found at [www.wollongong.nsw.gov.au/council/](http://www.wollongong.nsw.gov.au/council/) - \$30 application fee applicable (some deductions may apply - see application form). Further processing charges (charged at \$30/hr, subject to reductions) may apply

## 7 Further Information

Should you require any further information or assistance from Council please contact a:

Right to Information Officer

Wollongong City Council

Address: 41 Burelli Street, WOLLONGONG NSW 2500

Mail: Locked Bag 8821 WOLLONGONG DC NSW 2500

Telephone: (02) 4227 7111 (9.00am to 5.00pm Mon-Fri excl public holidays)

Facsimile: (02) 4227 7277

Email: [council@wollongong.nsw.gov.au](mailto:council@wollongong.nsw.gov.au)

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

Additional information in relation to access to information and the Government Information (Public Access) Act 2009 is available from the:

Office of the Information Commissioner

Address: Level 11, 1 Castlereagh Street, SYDNEY NSW 2000

Mail: GPO Box 7011 SYDNEY NSW 2001

Telephone: 1800 463 626 (9.00am to 5.00pm Mon-Fri excl public holidays)

Email: [oiinfo@oic.nsw.gov.au](mailto:oiinfo@oic.nsw.gov.au)

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

If you have any hearing or speech impairment, you can call Council through the National Relay Service (NRS) on 133 677 or if you want to talk to us with the assistance of an interpreter, you can call us through the Translating and Interpreting Service (TIS) on 131 450.