

Warren Shire Council



Publication Guide

Government Information (Public Access) Act 2009

Preface

The *Government Information (Public Access) Act 2009 (NSW)* (GIPA Act) replaces the *Freedom of Information Act 1989 (NSW)*, and introduces a new right to information systems. The new system is focused on making government information more readily available.

Section 6 of the *GIPA Act* makes it mandatory for agencies to disclose some information proactively and free of charge, unless there is an overriding public interest against disclosure. Section 20 of the *GIPA Act* requires agencies to develop and adopt a publication guide as part of their mandatory open access information.

Council's publication guide is a summary of what we do, how we do it and the type of information we hold and generate through the exercise of our functions, with a particular focus on how those functions affect members of the public. Council will review its publication guide at least once every 12 months.

Version Control Table

Date Reviewed	Responsible Officer	Date Adopted	Version
December 2010	Mr Darren Arthur	Version	1.0
February 2015	Mr Darren Arthur	Version	2.0

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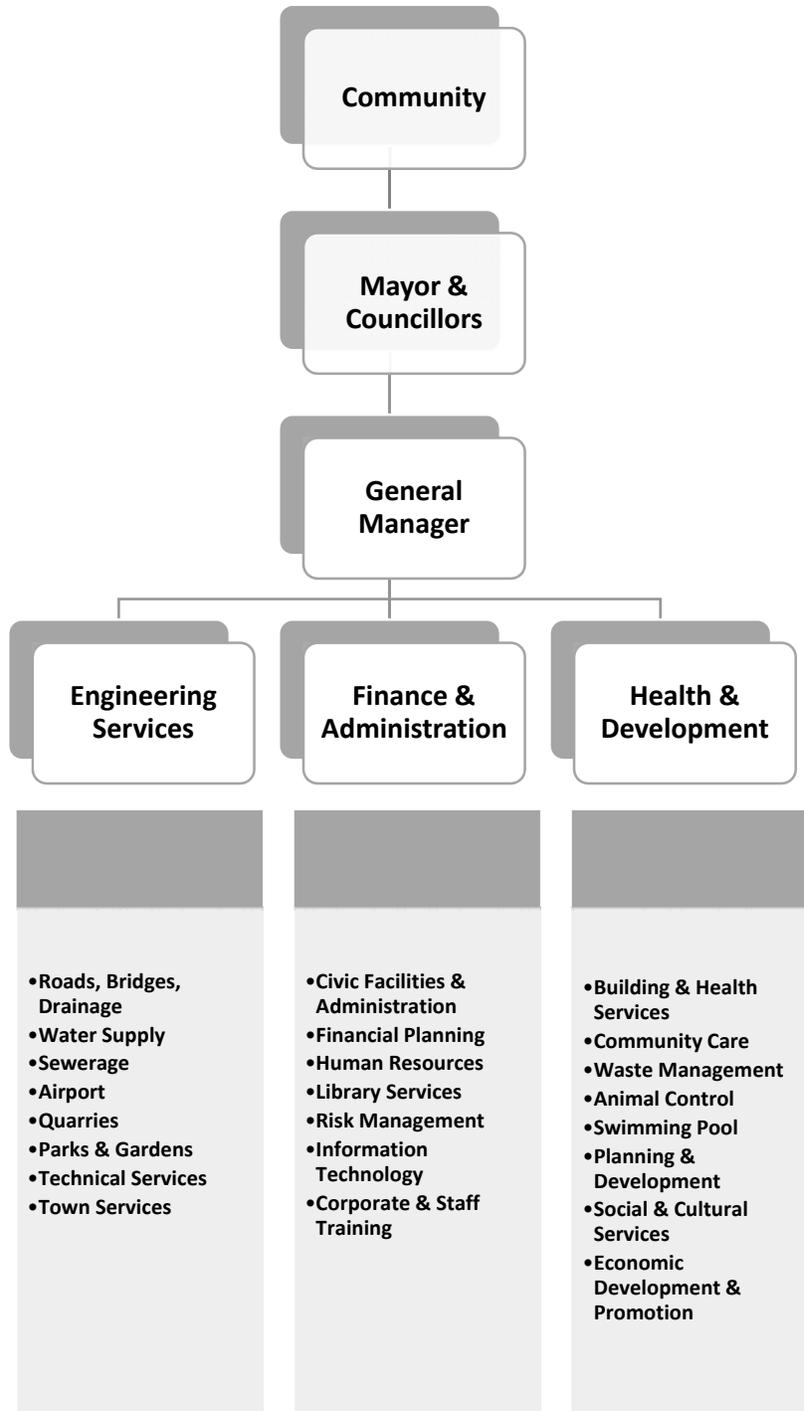
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Structure and Functions

Structure

Warren Shire Council is a council constituted under Section 219 of the *Local Government Act 1993*. Section 220 provides that a council is a body politic and Section 222 provides that the elected representatives called 'Councillors', comprise the governing body of the council.

Council Organisation Structure



Functions

Chapter 5 of the *Local Government Act 1993* specifies the functions of the Council as follows:

CHAPTER 5 – WHAT ARE A COUNCIL’S FUNCTIONS

This Chapter specifies a council's functions. In doing so, it recognises that all functions of a council come from statute, either from this Act or another Act.

(s21) Functions under this Act

A council has the functions conferred or imposed on it by or under this Act.

Note: This Act classifies certain of a council's functions as service, that is, non-regulatory (Chapter 6), regulatory (Chapter 7) or ancillary (Chapter 8). Ancillary functions are those functions that assist the carrying out of a council's service and regulatory functions.

A council also has revenue functions (Chapter 15), administrative functions (Chapters 11, 12 and 13) and functions relating to the enforcement of this Act (Chapters 16 and 17).

(s22) Other functions

A council has the functions conferred or imposed on it by or under any other Act or law.

Note: While the main functions of councils are provided for under this Act, councils also have functions under other Acts. An important general provision is contained in section 50 of the *Interpretation Act 1987* which provides, in part:

- (1) A statutory corporation:
 - (a) has perpetual succession;
 - (b) shall have a 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.
- (4) This section applies to a statutory corporation in addition to, and without limiting the effect of, any provision of the Act by or under which the corporation is constituted.

Some other Acts and some of the functions they confer include:

Community Land Development Act 1989 – planning functions as consent authority
Companion Animals Act 1998 – companion animal registration and control
Conveyancing Act 1919 – placing covenants on council land
Environmental Planning and Assessment Act 1979 – environmental planning
Fire Brigades Act 1989 – payment of contributions to fire brigade costs and furnishing of returns
Fluoridation of Public Water Supplies Act 1957 – fluoridation of water supply by council
Food Act 2003 – inspection of food and food premises
Impounding Act 1993 – impounding of animals and articles
Library Act 1939 – library services

Protection of the Environment Operations Act 1997 – pollution control
Public Health Act 1991 – inspection of systems for purposes of microbial control
Recreation Vehicles Act 1983 – restricting use of recreation vehicles
Roads Act 1993 – roads
Rural Fires Act 1997 – issue of permits to light fires during bush fire danger periods requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee
State Emergency Service Act 1989 – recommending appointment of local controller
Strata Schemes (Freehold Development) Act 1973 – approval of strata plans
Strata Schemes (Leasehold Development) Act 1986 – approval of leasehold strata plans
Swimming Pools Act 1992 – ensuring restriction of access to swimming pools

The exercise by a council of its functions under this Act may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they affect include:

Environmental Offences and Penalties Act 1989 – forfeiture of council functions to person appointed by Governor
Government Information (Public Access) Act 2009 – council required to publish certain information and to grant access to certain documents
Heritage Act 1977 – rating based on heritage valuation
Privacy and Personal Information Protection Act 1998 – council required to amend certain records that are shown to be incomplete, incorrect, out of date or misleading
State Emergency and Rescue Management Act 1989 – council required to prepare for emergencies
Unclaimed Money Act 1995 – unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

(s23) Supplementary, incidental and consequential functions

A council may do all such things as are supplemental or incidental to, or consequential on, the exercise of its functions.

In order to undertake its functions, Council has identified the following Principal Activities and Functions.

Principal Activities	Functions
Administration	<ul style="list-style-type: none"> • Corporate Support • Human Resources • Computer Support • Engineering Support • Plant/Workshop Operations
Economic Affairs	<ul style="list-style-type: none"> • Land Development • Tourism Promotion • Special Projects
Public Order & Safety	<ul style="list-style-type: none"> • Fire Protection (Rural) • Ranger Services • Emergency Services

Health	<ul style="list-style-type: none"> • Public Health/Environment Administration • Noxious Weeds
Community Services	<ul style="list-style-type: none"> • Youth Services
Housing & Community Amenities	<ul style="list-style-type: none"> • Housing • Development Approval & Control • Domestic & Trade Waste Management Services • Street Cleaning • Urban Stormwater Drainage • Cemeteries
Water Supplies	<ul style="list-style-type: none"> • Warren & Village's Water Supply
Sewerage Services	<ul style="list-style-type: none"> • Sewerage Services
Recreation & Culture	<ul style="list-style-type: none"> • Library Services • Other Cultural Services
Public Facilities	<ul style="list-style-type: none"> • Warren Memorial Swimming Pool
Recreational Facilities	<ul style="list-style-type: none"> • Parks, Gardens & Reserves
Mining, Manufacturing & Construction	<ul style="list-style-type: none"> • Quarries & Gravel Pits
Transport & Communication	<ul style="list-style-type: none"> • Urban Roads • Rural Roads • Aerodromes

Management Planning

The Council has adopted a Management Plan for 2014/2015 in accordance with the requirements of Section 406 of the Local Government Act 1993 and this Plan is available to the public. The objectives of the Principal Activities of the Council are as follows:

ADMINISTRATION

Corporate Support

- Provision of timely Internal Management Reporting to allow the monitoring of financial performance.
- Provide advice to council of the financial implications of actions.
- Completion of Statutory Accounts for Council.
- Effective management of the rating function including a reduction in the level of outstanding rates.
- Investment of Surplus Funds to provide a maximum benefit to Council.
- Provide a high standard of administrative support to the organisation.

Human Resources

- Provide a human resources service for the organisation, in order to progressively improve the knowledge, skills, qualifications, performance and job satisfaction for all Council employees.

Computer Support

- Provide an effective computer system to support Council's operations.
- Ensure that staff are able to fully utilise software and hardware products.

Engineering Works

- Efficient management and operation of the Engineering Office, Depots and the Workshop.

Plant/Workshop Operations

- Ensure that the purchase or replacement of plant is justified by their economic and/or social return.
- To effectively and efficiently utilise all plant to its maximum utilisation.

ECONOMIC AFFAIRS

Land Development

- To plan and maintain sufficient residential and industrial land stock so as to provide for the future growth and development within the Shire.

Tourism Promotion

- Develop and market Warren Shire as an attractive tourist destination/stop-over and as a viable location for tourism development for ongoing social, employment and economic benefits to the whole community.

Special Projects

- Work with Council and business groups to foster and promote economic development within the Warren Shire.
- Improve the soft and hard infrastructure of the Shire through special projects.
- Leverage Council funding for projects and Council functions by attracting grant funding where possible.
- Improve the operation of Council through effective strategic planning and reporting.
- Increased opportunities for Warren through partnerships with other organisations.

PUBLIC ORDER & SAFETY

Fire Protection (Rural)

- To provide an effective and economically viable organisation to assist in the protection of individuals and minimise property damage under threats by rural fires.

Ranger Services

- To provide ranger services for the control of animals found on a public place and to enforce the requirements of the various acts, regulations, and codes.
- To provide ranger services for the management and control of commons.

Emergency Services

- To assist the community to prepare for and minimise the damage to individuals and property from threats from natural hazards.
- To have contingency plans to address the community to recover after a natural disaster.

HEALTH

Public Health/Environment Administration

- To provide service to monitor the operation of food shops, licensed premises, hair dressers, beauty salons, swimming pools, water supplies, and public health.

Noxious Weeds

- Monitor the quantity of Noxious Weeds within Warren Shire at an acceptable level, incorporating the *Noxious Weeds Act 1993*, *Local Government Act 1993* and Weed Control Plans.

COMMUNITY SERVICES

Youth Services

- To provide youth services and a facility that will create interaction between all ages, interests and social standing by providing recreational, sporting and cultural activities, and support services for the youth and community of Warren.

HOUSING & COMMUNITY AMENITIES

Housing

- To provide a range of quality housing for rental as an employment incentive for professional staff.

Development Approval & Control

- Provide development services to the community for the processing of Development Applications.
- Encourage forms of development, which are compatible with and enhance the environment of the area.
- Provide services for the preparation and review of Local Environmental Plans and Development Control Plans and Developer Contribution Plan in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*, and *Local Government Act 1993*.

Domestic & Trade Waste Management Services

- To provide modern environmentally acceptable waste disposal services which encourage waste minimisation, are cost effective and meets the needs of residential, commercial, industrial and agricultural sectors of Warren Shire.

Street Cleaning

- To provide the community with an aesthetically pleasing and clean, healthy environment within the urban areas.

Urban Stormwater Drainage

- Provide a stormwater drainage system that copes with storms with pollution and inconvenience to residents and motorists minimised.
- Preserve and enhance a suitable environment that meets the sustainable needs of the population and to protect the environment against degradation.

Cemeteries

- Maintain the Warren Cemetery at an acceptable level.
- To provide a vision for the future development and maintenance of the Warren Cemetery.
- Establish a financial arrangement so that the Warren Cemetery is partially self-funding for maintenance and capital improvements so far as it is practicable.
- To work towards an area in the Warren Cemetery where all denominations are in the same section.
- Provide maintenance of all Village Cemeteries.

WATER SUPPLIES

Warren & Villages Water Supply

- Provision of potable water supply that meets the National Health and Medical Research Centre's Australian Drinking Water Guidelines within Warren.
- Education of public on importance of water and the water cycle.
- Provision of future water reticulation services in new residential/industrial subdivisions in Warren.
- Provision of potable water supply to Village areas.

SEWERAGE SERVICES

Sewerage Services

- Collection and treatment of effluent.
- Education of public on importance of water and the water cycle.
- Compliance with Environment Protection Authority (EPA) requirements.
- Maximise effluent reuse.

RECREATION & CULTURE

Library Services

- To provide a quality and readily accessible library service to support the educational, informational, recreational and cultural needs of the community.

Other Cultural Services

- To provide support services for the Regional Arts Development Officer.

PUBLIC FACILITIES

Warren Memorial Swimming Pool

- To ensure the standard of Warren Memorial Swimming Pool meets community expectations.
- To provide an aquatic facility for the social, recreational and sporting requirements of residents and visitors to Warren in a cost effective basis.

RECREATIONAL FACILITIES

Parks, Gardens & Reserves

- Maintain street trees.
- Enhance the streetscape within budget allocated annually.
- Assess community needs for upgrading/ increases to the current level of parks, gardens and sporting grounds.
- Maintain parks and open spaces to a standard that encourages recreation, relaxation and enjoyment by the community.
- Create a clean and tidy image through creative landscaping.
- Maintain public amenities.
- Safeguard recreational facilities for the community.

MINING, MANUFACTURING & CONSTRUCTION

Quarries & Gravel Pits

- Oversees the control of quarrying activities in Warren Shire.

TRANSPORT & COMMUNICATION

Urban Roads

- To provide, maintain and improve facilities which enhance the roads and streets infrastructure to meet relevant standards and community expectations.

Rural Roads

- To maintain/reconstruct classified roads to current standards within constraints of funding allocations from Block Grant Agreements.
- To construct/maintain rural sealed and unsealed rural roads to current standards with financial assistance and Council funds.
- To continue a program of improvement works to enable all weather access throughout the Warren Shire to allow for the safe movement of people and goods between local centres of population.

Aerodromes

- To provide a facility for regional aircraft to use for both RPT and general aviation to serve the needs of the community at Warren.

The Management Plan contains details of the way in which the Council will measure its performance in achieving the above objectives.

Resources

At 30 June 2014, Warren Shire Council employed 71 full time staff in all Divisions. The value of Non Current Assets held at 30 June 2014 was \$141M. The Operating Revenues were \$11.02M and the Operating Expenses were \$11.69M for the year ended 30 June 2014.

Effect of Council's Functions on Members of the Public

The table below sets out a general description of the powers exercised by Council in the performance of its functions.

A COUNCIL EXERCISES FUNCTIONS UNDER:						
THIS ACT						OTHER ACTS
Service Functions	Regulatory Functions	Ancillary Functions	Revenue Functions	Administrative Functions	Enforcement Functions	Various Functions
<p>For example:</p> <ul style="list-style-type: none"> • Providing community health, recreation, education & information services • Environmental protection • Waste removal & disposal • Land & property, industry & tourism development & assistance <p>For other functions, see Introduction to Chapter 6 LGA 1993</p>	<ul style="list-style-type: none"> • Approvals • Orders • Building certificates 	<ul style="list-style-type: none"> • Resumption of land • Powers of entry 	<ul style="list-style-type: none"> • Rates • Charges • Fees • Borrowings • Investments 	<p>For example:</p> <ul style="list-style-type: none"> • Employment of staff • Management plans • Financial reporting • Annual reports 	<p>For example:</p> <ul style="list-style-type: none"> • Proceedings for breaches of the Act • Prosecution of offences • Recovery of rates and charges 	<p>See the Note to section 22 on page 6 of this document</p>

Public Participation in Policy Formulation

Members of the community have an opportunity to participate in the formulation of Council's policies and the exercising of its functions as follows:

- Attending meetings of Council and most of its Standing Committees.
 - Ordinary Meetings of Council are held on the fourth Thursday of the month, except November (when no meeting is held) and December which is held in the first week, and are open to the public and includes a public forum.
- Making submissions for Council's consideration in relation to the development of its Management Plans.
- Making submissions, comments or objections to proposals relating to development, subdivision and building approvals in accordance with the requirements of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.
- Voting at Local Government Elections and in Constitutional Referendums conducted by Council.

A Council may not do any of the following unless approval to do so has been given at a Constitutional Referendum:

- Divide its area into Wards or abolish any Wards in its area.
- Change the basis on which the Mayor obtains office.
- Increase or decrease the number of Councillors in accordance with the *Local Government Act 1993*.
- Change the method of Ordinary Election of Councillors for an area divided into Wards or the voting system used in Council Elections.

Information held by Council

Information Categories

Council holds information (hard copy and/or electronic form) that relate to a number of different issues concerning the Warren Shire Council area. This information is grouped into three categories.

1. Physical Files;
2. Electronic Documents;
3. Policy and General Documents.

Physical Files and Electronic Documents

Council has a physical file system with some electronic documents stored on its file server.

Council's Physical Files capture information against the following indices:

- Aboriginal matters;
- Administration;
- Accounts & Audit
- Appeals
- Advertising;
- Agriculture
- Awards
- Appreciation;
- Airports;
- Banking;
- Boundaries;
- Bridges;
- Building and Building Control;
- Boating Facilities;
- Bushfires/NSW Rural Fire Service;
- Bicycle & Skateboard Facilities;
- Caravan Parks;
- Celebrations and Ceremonies;
- Cemeteries;
- Certificates;
- Clubs;
- Committees;
- Community Services;
- Complaints;
- Computers;
- Conferences;
- Conservation of Land Management;
- Consultants;
- Councillors;
- Council Meetings;
- Creditors;
- Development Strategies;
- Donations;
- Drainage;
- Drought Issues;
- Development;
- Education;
- Electricity;
- Emergencies;
- Employment;
- Estimates;
- Engineering;
- Factories & Shop Act;
- Finance;
- Financial Statements;
- Fire Matters;
- Forests;
- Fuels;
- Grants;
- Health Matters;
- Heritage Matters;
- Historical Society;
- Housing;
- Independent Commission Against Corruption;
- Insurances;
- Leases;
- Legal Services;
- Library Matters;
- Licences;
- Litter;
- Loans;
- Local Government;
- Mapping;
- Maritime Services;
- Mining;
- Noxious Weeds;
- National Competition Policy;
- National Disaster Relief;
- Ombudsman;
- Parks, Gardens and Public Reserves;
- Parliamentary Issues;
- Plant and Equipment;
- Police Matters;
- Policies and Codes;
- Postal Matters;

- Printing and Stationery;
- Private Works;
- Property (Rates);
- Public Works;
- Quarries and Gravel Pits;
- Railways;
- Rates;
- Records Management;
- Risk Management;
- Roads (Local Roads, Regional Roads);
- Roads and Maritime Services (RMS);
- Local Lands Services;
- Seminars, Conferences and Training;
- Septic Tanks;
- Sewerage;
- Single Invitation Maintenance Contract;
- Sport and Recreation;
- Staff;
- Standards;
- Statistics;
- Streets
- Subdivisions;
- Swimming Pools;
- Taxation;
- Telephones;
- Tenders;
- Tourism;
- Town Planning;
- Trees;
- Waste Management Services;
- Water Supply;

These Physical Files and Electronic Documents are not available on Council's website however this information may be available either by informal release or via an access application in accordance with Sections 7-9 of the *Government Information (Public Access) Act 2009*, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the *Government Information (Public Access) Act 2009*. Members of the public who require an informal release or an access application can do so by contacting Council's Public Officer on 02 6847 6600 or at Council@warren.nsw.gov.au

Policy and General Documents

The *Government Information (Public Access) Regulation 2009 (NSW)* requires that the following list of Policy and General Documents held by Council are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website or from Council's Administration Office 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 a reasonable copying charge.

Codes, Plans, Policies and Reports

- Code of Conduct
- Code of Meeting Practice
- Any Codes Referred to in the *Local Government Act 1993*
- Other Council Policies
- Community Strategic Plan – Warren Shire 2022
- Delivery Program 2013/2014 to 2016/2017
- Operational Plan 2014/2015

- EEO Management Plan
- Plans of Management for Community Land
- Payment of Expenses and Provision of Facilities to the Mayor and Councillor Policy
- Annual Report
- Annual Financial Reports
- Auditor's Reports

Registers and Returns

- Contracts Register (available by contacting the Public Officer)
- Land Register (available by contacting the Public Officer)
- Roads Register (available by contacting the Public Officer)
- Register of Investments (available by contacting the Public Officer)
- Register of Delegations (available by contacting the Public Officer)
- Returns of the Interests of Councillors, Designated Persons and Delegates (this document is available for inspection at Council's Administration Office only, and not on the website, in accordance with the Information Commissioner's guidelines)
- Returns as to Candidates' Campaign Donations (available by contacting the Public Officer)
- Council Use of Common Seal Register (available by contacting the Public Officer)

Agendas, Business Papers and Minutes

- Agendas and business papers for Council and Committee Meetings, not including business papers for matters considered when part of a meeting is closed to the public
- Minutes of Council and Committee Meetings - if any part of a meeting is closed to the public then only the resolution and recommendations that were made are included in the minutes

Planning and Development Documents

- Building and Development Applications under the *Environmental Planning and Assessment Act 1979* and associated documents (available by contacting the Public Officer)

- Records of Approvals Granted, any variation from local policies with reasons for the variation and decisions made on appeals concerning approvals (available by contacting the Public Officer)
- Local Policies adopted by Council concerning approvals and orders (available by contacting the Public Officer)
- Records of Building Certificates under the *Environmental Planning and Assessment Act 1979* (available by contacting the Public Officer)
- Plans and Land Proposed to be Compulsorily Acquired by Council (available by contacting the Public Officer)
- Leases and Licences for the use of Public Land Classified as Community Land (available by contacting the Public Officer)
- Environmental Planning Instruments and Development Control Plans (available by contacting the Public Officer)

How is Council Information Made Available

There are four ways Council Information will be made available;

1. Mandatory Release

This generally includes information found on Council's website such as policy and general documents, the current Publication Guide and Disclosures Log.

2. Proactive Release

These are additional documents that are made available to the public on Council's website and at the Administration Centre.

3. Informal Request

This is for specific information. Under the *Government Information (Public Access) Act 2009* Council can choose to release this information without the need for a formal access application. Access via this path may be subject to reasonable conditions such as photocopying charges. Requests for information should be emailed to Council at Council@warren.nsw.gov.au or contacting Council at the Administration Centre on 02 6847 6600.

4. Formal Access Application

If you have not been able to obtain the information you need through any other form of access you can lodge a Formal Access Application. Unlike the Informal Request you have a legally enforceable right to be provided with access unless there is an overriding public interest against disclosure of the information. An application fee and processing charge may apply. A formal *Government Information (Public Access) Act 2009* Application Form (downloadable from Council's website) will need to be completed and submitted to Council with the application fee.

How Members of the Public May Access and Amend Council Information

Access to Council information may be obtained Council's website at www.warren.nsw.gov.au or by contacting Council's Administration Office between 8.30am and 4.30pm Monday to Friday.

If the information you require is not available on the website please email Council at Council@warren.nsw.gov.au or contact Council's Administration Office on (02) 6847 6600.

If you ask for information and you are not able to obtain it, you may apply for them under the *Government Information (Public Access) Act 2009 (NSW)* by:

- Completing a GIPA Application Form downloadable from Council's website. If you cannot download this from you may obtain a copy from Council's Administration Office.
- Present the form and the appropriate fee to Council's Administration Office, 115 Dubbo Street, Warren.

Details of procedures and fees are detailed in the *Government Information (Public Access) Act 2009 (NSW)* or may be obtained from Council's Administration Office.

Arrangement can be made for amendments to information concerning personal information of members of the public by contacting Council's Public Officer. Enquiries should be addressed as follows:

General Manager
Warren Shire Council
PO Box 6
WARREN NSW 2835
Email: Council@warren.nsw.gov.au

Further Information

If you require further information regarding the *Government Information (Public Access) Act 2009*, members of the public can review the website of the Office of the Information Commissioner (OIC) at:

www.oic.nsw.gov.au

The Information Commissioner can also be contacted as follows;

Free Call Telephone: 1800 INFO COM (1800 463 626)

Email: oinfo@oic.nsw.gov.au

Address: GPO Box 7011
SYDNEY NSW 2001

Office Address: Level 11
1 Castlereagh Street
SYDNEY NSW 2001