

PREFACE

This Information Guide has been produced by Snowy Valleys Council (Council) in accordance with section 20 of the Government Information (Public Access) Act 2009 and is reviewed annually.

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

The Information Guide is available on Council's website www.snowyvalleys.nsw.gov.au

(Signature)

Matthew Hyde

General Manager

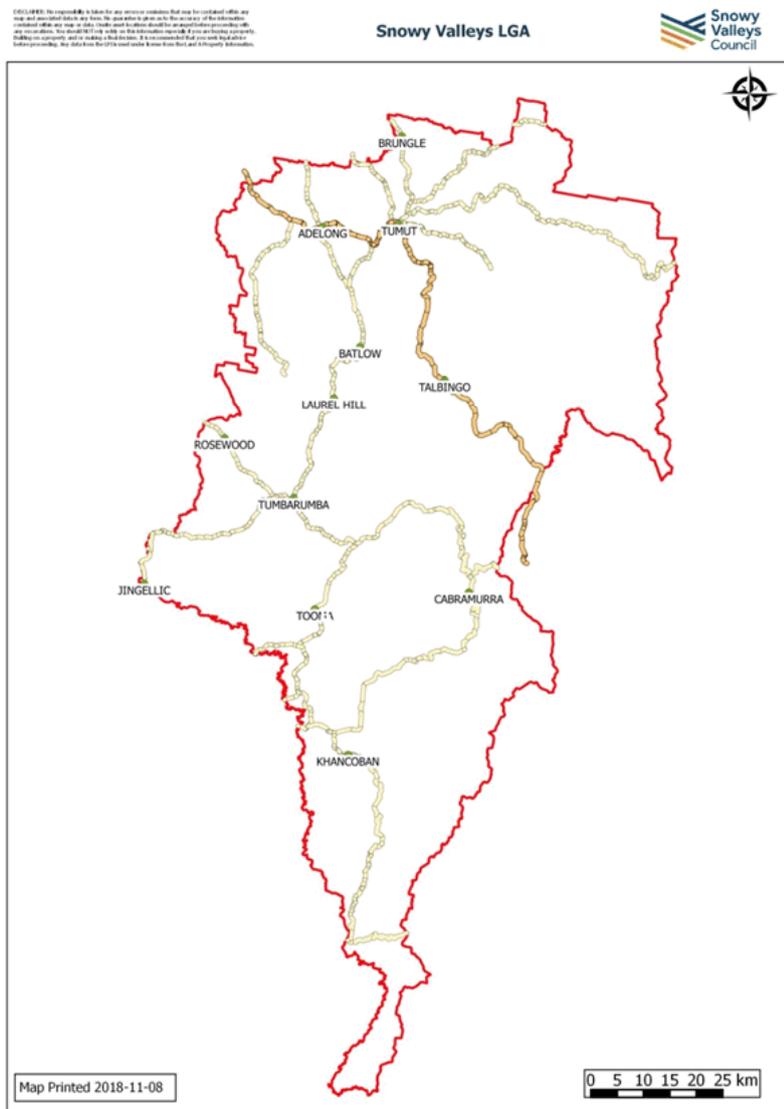
1 STRUCTURE AND FUNCTIONS OF COUNCIL

About Snowy Valleys Council

Snowy Valleys Council was formed by proclamation of the NSW Government on 12th May 2016 and incorporates both the former Tumut Shire Council and Tumbarumba Shire Council local government areas.

Snowy Valleys Council provides services and support to a community of approximately 14,400 people, including residents of Tumbarumba and Tumut as well as Adelong, Batlow, Brungle, Jingellic, Khancoban, Laurel Hill, Rosewood, Tooma and Talbingo.

The map below shows the Snowy Valleys Council Local Government Area (SVC LGA).



How is the Snowy Valleys Council Managed?

The Elected Council

The Snowy Valleys Council is made up of 9 Councillors, including the Mayor and Deputy Mayor. These Councillors are elected by residents and ratepayers, every 4 years, to represent the community and provide leadership and guidance. The Councillors then elect the Mayor and Deputy Mayor amongst them.

The roles of the **Councillors**, as members of the body corporate, are:

- To direct and control the affairs of the Council in accordance with the Local Government Act 1993 and other applicable legislation;
- 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, objectives and criteria relating to the exercise of the Council's regulatory functions and;
- To review the performance of the Council and its delivery of services, management plans and revenue policies of the Council.

The role of a **Councillor** is, as an elected person:

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



Councillor Wright, Deputy Mayor Larter, Councillor Isselmann, Councillor Ham, Mayor Hayes, Councillor Smit, Councillor Pritchard, Councillor Benjamin, Councillor Cross

The Mayor

The role of the **Mayor** is as follows:

- to be the leader of Council and a leader in the local community,
- to advance community cohesion and promote civic awareness,
- to be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities,
- to exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of Council,
- to preside at meetings of Council,
- to ensure that meetings of Council are conducted efficiently, effectively and in accordance with the Act,
- to ensure the timely development and adoption of the strategic plans, programs and policies of Council,
- to promote the effective and consistent implementation of the strategic plans, programs and policies of Council,
- to promote partnerships between Council and key stakeholders,
- to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of Council,
- in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between Council and the local community,
- to carry out the civic and ceremonial functions of the mayoral office,
- to represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
- in consultation with the Councillors, to lead performance appraisals of the General Manager,
- to exercise any other functions of Council that Council determines



Senior Management

Gus Cox, Matthew Hyde, Robyn Harvey, Matt Christensan

The Administration

The Principal Officer for Snowy Valleys Council is the General Manager. The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring that the decisions of the Council are implemented.

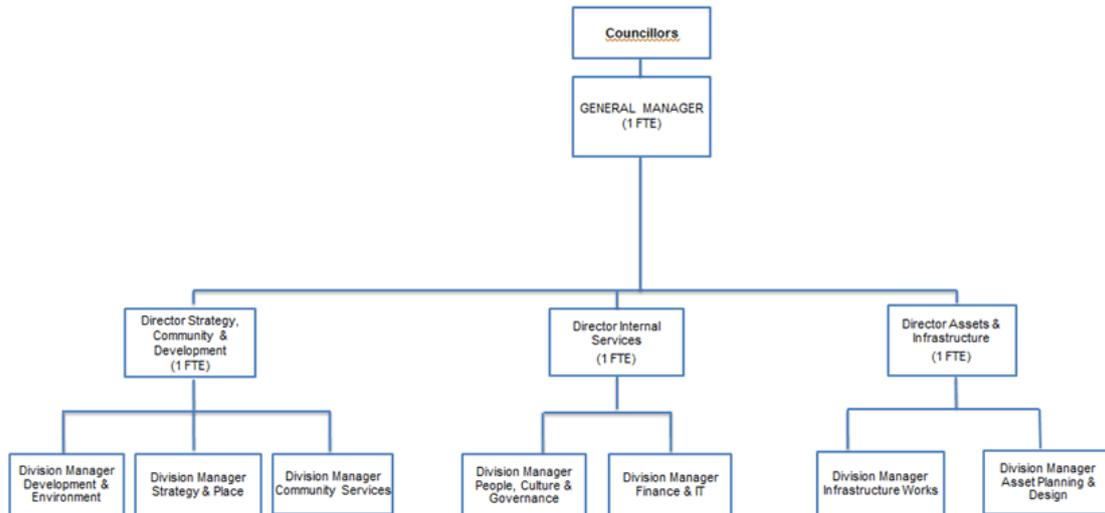
The **General Manager** is responsible for:

- the efficient operation of the Council's organisation,
- for implementing decisions of the Council,
- the day-to-day management of the Council,
- the exercise of any functions delegated by the Council,
- the appointment of staff,
- and the direction and dismissal of staff,

To assist the General Manager in the exercise of these functions, senior staff are appointed. Council's senior staff is as follows:

- Director of Assets and Infrastructure
- Director of Internal Services
- Director of Strategy, Community and Development

The senior staff are supported by individual staff members each responsible for their own area of expertise. There are 7 Division Managers each responsible for their Division.



Director of Assets & Infrastructure	
Infrastructure Works	<ul style="list-style-type: none"> • Water & Sewer Operations and Maintenance • Open Spaces (incl. parks, sporting fields, skate parks, urban streets) • Cemeteries (burials and maintenance) • Facilities (incl. public buildings, public halls, public amenities maintenance and cleaning) • Public Swimming Pools • Open Spaces • Road, Footpath, Storm water construction and maintenance • Waste (incl. kerbside collection, waste facilities and street sweeping) • Construction of Civil Infrastructure projects • RMCC and private Civil Works • Sealed and unsealed road maintenance • Asset inspection • Fleet and Depots
Asset Design & Management	<ul style="list-style-type: none"> • Asset design & specification • Asset Planning and Management • Spatial data and mapping • Project Development • Asset systems • Parks & Property Asset Management
Director of Strategy, Community & Development	
Development & Environment	<ul style="list-style-type: none"> • Development Approvals and Services • Strategic Land Use Planning • Sub-division Approvals • Building Control & Compliance • Public & Environmental Health • Noxious Weeds Regulatory Role • Enforcement & Animal Management (Rangers)
Strategy & Place	<ul style="list-style-type: none"> • Community Engagement • Integrated Planning & Reporting • Event Management • Social and Disability Planning • Youth Services • HACCC/MSO/RTC • Community Grants/Applications Community Engagement • Economic Development • Tourism
Community Services	<ul style="list-style-type: none"> • Library Services and Programs • Children's Services • Aged Care • Social Support Services • Community Transport
Director of Internal Services	
Financial & IT	<ul style="list-style-type: none"> • Financial Services & Strategy • Management & Financial Accounting • IT Infrastructure and Network • Business Systems
People, Culture & Governance	<ul style="list-style-type: none"> • Customer Service • Workforce Strategy & Planning • Organisational Development & Culture • Learning & Development Strategy & Program • Recruitment • WHS Policy & Strategy & Injury Management • Corporate Risk Management & Insurance • Council & Executive Support • Governance Services (GIPA, Code of Conduct, PID.) • Records/Information Management

Functions of Council

The majority of the activities and functions of Council have an impact on the public, either directly or indirectly. These include: maintaining and building local infrastructure, overseeing and supporting local services, working with State and Federal Governments, organisations, businesses and community groups, raising funds for local purposes by the fair imposition of rates, charges and fees, managing, developing and protecting the environment of the area for which it is responsible.

Under section 21 of the Local Government Act 1993, Council's functions can be grouped into the following categories

Non Regulatory Functions (chapter 6)	<ul style="list-style-type: none"> • Provision of community health, recreation, education and information services • Environmental protection • Waste removal and disposal • Land and property, industry and tourism development and assistance • Civil infrastructure and planning • Civil infrastructure, maintenance and construction
Regulatory Functions (chapter 7)	<ul style="list-style-type: none"> • Approvals • Orders • Building Certificates
Ancillary Functions (chapter 8)	<ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection
Revenue Functions (chapter 15)	<ul style="list-style-type: none"> • Rates • Charges • Fees • Borrowings • Investments
Administrative Functions (Chapter 11, 12, 13)	<ul style="list-style-type: none"> • Employment of staff • Management plans • Finance reports • Annual reports
Enforcement Functions (Chapter 16 and 17)	<ul style="list-style-type: none"> • Proceedings for breaches of the Local Government Act 1993 and other legislation • Prosecution of offences • Recovery of rates and charges

In addition, Council has functions conferred or imposed on it by or under other Acts, which include:

- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Building Professionals Act 2005*
- *Civil Liability Act 2002*
- *Community Land Development Act 1989* – planning functions as consent authority
- *Companion Animals Act 1998* – companion animal registration and control
- *Contaminated Land Management Act 1997* – managing contaminated lands
- *Conveyancing Act 1919* – placing covenants on Council land
- *Crown Land Management Act 2016*
- *Crown Lands Act 1989*
- *Dividing Fences Act 1991*
- *Environmental Planning and Assessment Act 1979*
- *Firearms Act 1996*
- *Fire Brigades Act 1989* – payment of contributions to fire brigade costs and furnishing of returns
- *Fluoridation of Public Water Supplies Act 1957* – fluoridation of public water by Council
- *Food Act 2003* – inspection of food and food premises
- *Government Information (Public Access) Act 2009* – publication of certain information and granting of access to other information by Council
- *Heritage Act 1977* – rating based on heritage valuation
- *Impounding Act 1993* – impounding of animals and articles
- *Library Act 1939* – library services
- *Local Land Services Amendment Act 2016*
- *National Parks and Wildlife Act 1974* – protection of native wildlife
- *Pesticides Act 1999* – use of pesticides
- *Plumbing and Drainage Act 2011*
- *Privacy and Personal Information Protection Act 1998* – standards and requirements with regard to the collection and processing of personal information
- *Protection of the Environment Operations Act 1997* – pollution control
- *Public Health Act 2010* – inspection of systems for purposes of microbial control
- *Public Interest Disclosures Act 1994* – protected complaints or disclosures about maladministration, corruption, substantial waste or failure to fulfil functions under Government Information (Public Access) Act 2009
- *Recreation Vehicles Act 1983* – restricting use of recreation vehicles
- *Road Transport Act 2013*
- *Roads Act 1993* – Roads
- *Smoke Free Environment Act 2000*
- *State Emergency Rescue Management Act 1989* – Council is required to prepare for emergencies
- *State Emergency Service Act 1989* – recommending appointment of local controller
- *State Records Act 1998* – imposes requirements for record keeping and access to Council records
- *Strata Schemes Development Act 2015* - approval of strata schemes
- *Strata Schemes Management Act 1996*
- *Swimming Pools Act 1992* – ensuring restriction of access to swimming pools
- *Transport Administration Act 1988*
- *Unclaimed Money Act 1995* - unclaimed money to be paid to the Chief Commissioner of Unclaimed Money
- *Waste Avoidance and Resource Recovery Act 2001*
- *Water Management Act 2000*
- *Work Health and Safety Act 2011* – requirements for healthy and safe practices in the work place
- *Workplace Injury Management and Workers Compensation Act 1998* – requirements for managing injury and return to work.

2 HOW COUNCIL'S FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

The following is an outline of how the broad functions of Council affect the public.

Service functions affect members of the public as Council provides services and facilities to the public. These include provision of human services such as child care and libraries, infrastructure and waste removal, halls and recreation facilities.

Regulatory functions place restrictions on developments and buildings to ensure that they 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. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

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

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the services provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges, and unregistered dogs.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves: Advocating and planning for the needs of our community. Providing support to community and organisations through provision of grants, training and information.

3 PUBLIC PARTICIPATION IN LOCAL GOVERNMENT

Council supports the principles of open government and encourages community involvement in policy development and general activities of Council.

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

Representation

The community elects representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every four years. The next elections are to be held in September 2020.

Residents are able to raise issues with, and make representations to the elected members of Council. The Councillors may pursue the matter on the resident's behalf accordingly allowing members of the public to influence the development of policy. To get in touch with an elected Councillor please email clrsupp@svc.nsw.gov.au

Council meetings are held monthly at the Council Chambers, alternately at Tumbarumba and Tumut. Members of the public are able to attend meetings of Council. Prior to meetings, the opportunity is offered to interested persons to address Council on any matters that are within its jurisdiction. Council meetings are also livestreamed via Council's YouTube site, which can

be accessed by following the link from Council's website.

Personal Participation

Council meetings are open to the public and there is an opportunity to ask questions of Council at the start of each meeting. These issues raised by members of the public may lead to influence the development of policy. Members of the public may be involved in Council Committees which can also have influence on the development of policy and decision making.

Council's Community Engagement Strategy and Policy outlines the channels the public can access to become involved and participate in the formulation of policy for Snowy Valleys Council.

Council's website www.snowyvalleys.nsw.gov.au is regularly updated with notifications and information on Council's activities, meeting agendas and business papers. The website also publishes notices and exhibitions, tenders, news items, events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure information is accurate and timely. Council also provides information on Council activities, decisions and programs in the local newspaper and Council's facebook page.

All significant plans, strategies and policies of Council, relating to community, are placed on exhibition in draft form so that interested members of the public may view them and make comments should they wish to. Exhibition documents are available at Council's customer service centre's, libraries and Council's website.

4 ACCESS TO GOVERNMENT INFORMATION

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

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

- This Information Guide
- Documents (if any) tabled in Parliament on behalf of Council (will be available on Council's website if and when any information is tabled in parliament on behalf of Council)
- Council's policy documents
- Council's Disclosure Log of Formal Access Applications
- Council's Register of Government Contracts
- A record of open access information that is not made available to the public on the basis of an overriding public interest against disclosure
- Such other government information as may be prescribed by the GIPA regulations as open access information.

Schedule 1 of the GIPA Regulations also stipulates that the following additional documents are to be provided as open access information by Council:

Information about Council

- The model code prescribed under Section 440 (1) of the Local Government Act 1993
- Code of Conduct and Procedures for the Administration of the Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Report

- Auditor's Report
- EEO Management Plan
- Community Strategic Plan
- Delivery/Operational Plan
- Payment of Expenses and the Provision of Facilities to Mayor and Councillors' policy
- Annual reports of bodies exercising functions delegated by Council
- Any codes referred to in the Local Government Act 1993
- Returns of the interests of Councillors, Designated persons and Delegates
- Agendas and Business Papers for Council and Committee Meetings
- Minutes of Council and Committee Meetings
- Departmental Representative Reports presented at a meeting of Council
- Council's 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

Plans and Policies

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

Information about Development Applications

Development Applications 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
- Heritage Consultant Reports
- Tree Inspections Consultant 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 specification and configurations, and commercially sensitive information.

This clause does not apply to so much of the information referred to above as consists of:

- 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
- Commercial information, if the information would likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

Approvals, Orders and Other Documents

- Applications for approvals under Part 1 Chapter 7 of the Local Government Act 1993
- 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 decision made on appeals concerning approvals

- Orders given under Part 2 of Chapter 7 of the Local Government Act 1993 and any reasons given under section 136 of the Local Government Act 1993
- 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
- Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Local Government Act 1993

5 ACCESSING COUNCIL INFORMATION

There are four ways to access Council information via GIPA

Open Access information

Members of the public may inspect, free of charge, during ordinary office hours the documents listed in Section 18 of the GIPA Act and the documents listed in Schedule 1 of the GIPA Regulations.

Documents required to be available for public inspection as open access information, will, where practicable, be made available on Council's website, unless to do so would impose unreasonable additional costs to Council. Copies of such documents may be provided for a charge not exceeding reasonable photocopying costs. Council is not required to make government information available in any way that would constitute a breach of copyright.

Proactive Release

Council can make an executive decision to release extra information that is not covered by the mandatory provision and that is not already publicly available, free of charge. Council must review the information they release proactively at least every twelve months.

Informal Application

This is to allow the public to request information without the need of a formal application and may be inspected free of charge, however, copies of documents may incur charges not exceeding reasonable photocopying costs.

It should be noted that this form of access does not allow for the applicant to seek any type of review of their determination. An informal application may be submitted via an *Access to Information Application* and submitting it electronically to info@svc.nsw.gov.au or direct through one of Councils' Customer Service Centre's. The *Access to Information Application* is available on Council's website or by contacting the Council.

Where possible, Council will process Informal Applications under the GIPA Act and will respond to such requests within ten (10) working days.

Formal Application

If a request for information involves a large volume of information, extensive research is required or if the information relates to third party personal/business information, Council will require the lodgement of a Formal Access to Information application.

Section 41 of the GIPA Act lists the requirements for making a valid Formal Access

application:

- It must be in writing (using Council's GIPA-Formal Access Application Form).
- It must clearly indicate that it is an access application made under the GIPA Act.
- It must be accompanied by an application fee (as per Council's Fees and Charges)
- It must state a postal address in Australia as the address for correspondence.
- It must include such information as is reasonably necessary to enable the government information applied for to be identified.

If a formal access application is made for personal information about the applicant (the applicant being an individual) the first 20 hours of processing time is free. An applicant is entitled to a 50% reduction in processing charges if the applicant provides evidence that the applicant:

- a) Is the holder of a Pensioner Concession card issued by the Commonwealth that is in force
- b) Is a full-time student or
- c) Is a non-profit organisation.

Upon receipt of a formal application, Council must acknowledge receipt of the application and accept or reject the application within 5 working days. Applications must be determined within 20 working days (statutory requirement) after receipt of the application, however, this decision period may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from Council's archives (Section 57(2) GIPA Act).

If the application is invalid and does not contain enough information to process the Council staff member determining the application must assist the applicant to enable a valid application.

6 RESTRICTIONS ON ACCESS TO INFORMATION

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

Copyright

Copyright issues may arise when requests are made for copies of documents held by Council. The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained, copies of copyright material will not be provided.

Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.

Third Party Consultation

Third party consultation must be taken when the Application to access information includes:-

- Personal information about a person, or
- Concerns the person's business, commercial, professional or financial interest, or
- Concerns research that has been, is being, or is intended to be, carried out by or on behalf of the person, or

- Concerns the affairs of a government of the Commonwealth or other State (and the person is that government).

If the third party objects to the release of their information, they must show evidence consistent with the GIPA Act as to why to restrict the release of information. The evidence provided by the third party will be taken into account; however, in any event the decision to release information rests with Council.

7 RIGHTS OF REVIEW AND APPEAL

A right of review exists only for formal applications made in accordance with the GIPA Act. No right of review exists for informal applications.

If an applicant has lodged a formal application and is aggrieved by a decision of Council, that person is entitled to a review of the decision in any of the following methods:

Internal Review by Council

An internal review by a Council officer more senior than the original decision maker. Applicants have 20 working days from receiving notice of a decision to ask for a review, and a fee is payable by the applicant as per Council's Fees and Charges.

An internal review is not available to the applicant, if the initial decision was made by Council's delegated principal officer. A decision of the internal review must be made within 15 working days and 25 working days if consultation is required.

External Review by Information Commissioner

The applicant has 40 working days from receiving notice of a decision to ask for a review

The Information Commissioner will consider the application and the onus is on Council to justify the decision.

The Information Commissioner can make a recommendation for reconsideration of the matter by Council and or refer the matter to NSW Civil and Administrative Tribunal.

External Review by NSW Civil and Administrative Tribunal (NCAT)

Must be made by the applicant within 40 working days following the date of receipt of the decision.

If the decision is the subject of review by the Information Commissioner, an application for NCAT review can be made at any time up to 20 working days after the applicant is notified of the completion of the Information Commissioner's review.

The onus is again on Council to justify decision.

8 CONTACT DETAILS

As far as practicable, government information held by Council will be assessable by members of the public during office hours. Any amendment of records held by Council will be undertaken pursuant to the provisions of the Privacy and Personal Information Protection Act 1998. Persons interested in obtaining access to government information or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact a Customer Service Officer. If you experience difficulty in obtaining government information you should contact Council's Public Officer.

Public Officer and Right to Information Officer

The Right to Information Officer, the Director of Internal Services, has been appointed as the Public Officer for Snowy Valleys Council. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and to take delivery of documents on behalf of the Council.

The Right to Information Officer is responsible for determining applications for access to government information or for the amendment of records. If you have any difficulty in obtaining access to government information, you may wish to refer your enquiry to the Right to Information Officer. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Right to Information Officer in the first instance.

Enquiries should be addressed as follows:

info@svc.nsw.gov.au
1300 275 782

The Right to Information Officer
Snowy Valleys Council
P.O. Box 61
Tumbarumba NSW 2653

or

The Right to Information Officer
Snowy Valleys Council
76 Capper Street
Tumut NSW 2720

9 DISCLOSURE LOG

As required by the GIPA Act, Council must keep and maintain a disclosure log which is to record all formal access applications made to Council that Council decides to provide access to if the information is information that Council considers may be of interest to other members of the public. The disclosure log must include the date the application was decided, a description of the information to which access was provided in response to the application and a statement as to whether any of the information is now available from the agency to other members of the public and (if it is) how it can be accessed.

10 FURTHER INFORMATION

Further information can be obtained from the Information and Privacy Commission NSW:

Website: www.ipc.nsw.gov.au

Email: ipcinfo@ipc.nsw.gov.au

Post: GPO Box 7011, SYDNEY NSW 2001

In person: Level 11, 1 Castlereagh Street, Sydney NSW 2000

Tel: 1800 IPC NSW (1800 472 679)

Between 9am to 5pm, Monday to Friday (excluding public holidays)

REVISION HISTORY

Date	Version Number	Activity log	Resolution Number	Resolution date
05.01.2018	0	New		