



LITHGOW CITY COUNCIL

PUBLICATION GUIDE

ACCESS TO INFORMATION HELD

Maintained by Department:	Internal Services	Approved by EMT:	10.01.11	Approved by CMT:	12.01.11
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STRUCTURE AND FUNCTIONS OF COUNCIL

Introduction:

Lithgow City Council has produced this Publication Guide as required under s 18(a) of the General Information (Public Access) Act 2009 and it is publicly available as open access information.

The Lithgow Local Government Area (LGA) covers approximately 4,551 square kilometers, extending from the Capertee and Wolgan Valleys in the north, Little Hartley in the east, Tarana in the south and Meadow Flat in the west.

Lithgow City Council has been constituted under the Local Government Act 1993. It is an undivided area, with nine (9) Councillors and the Mayor is elected each year by the Councillors.

The roles of the Councillors are:

- to direct and control the affairs of the Council in accordance with the Local Government Act 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;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;
- 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.

The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises functions between meetings and performs any other functions determined by the Council.

The General Manager as the Principal Officer of the Council, is responsible for the efficient operation of the organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, exercises any functions delegated by the Council, appointments and directs where necessary

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Organisational Structure:

The functional structure of the organisation is defined in Appendix 1.

Functions of Council:

Council operates the following functions as required by the Local Government Act, 1993:

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMINISTRATIVE FUNCTIONS	ENFORCEMENT FUNCTIONS
<ul style="list-style-type: none"> * Provision of community health, recreation, education & information services * Environmental Protection * Waste removal & disposal * Land & property, industry, tourism & development * Infrastructure Planning * Infrastructure Maintenance & Construction 	<ul style="list-style-type: none"> * Approvals * Orders * Building Certificates 	<ul style="list-style-type: none"> * Resumption of land * Powers of Entry & inspection 	<ul style="list-style-type: none"> * Rates * Charges * Fees * Borrowings * Investments 	<ul style="list-style-type: none"> * Employment of staff * Management plans * Financial reporting * Annual reports 	<ul style="list-style-type: none"> * Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations. * Prosecution of offences * Recovery of rates & charges.

Council also has jurisdiction under the following legislation:

Coastal Protection Act 1979

Noxious Weeds Act 1993

Community Land Development Act 1989

Privacy & Personal Information Protection Act 1998

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Companion Animals Act 1998
 Contaminated Land Management Act 1997
 Conveyancing Act 1919
 Environmental Planning and Assessment Act 1979
 Fire Brigades Act 1989
 Fluoridation of Public Water Supplies Act 1957
 Food Act 1989
 Government Information (Public Access) Act 2009
 Heritage Act 1977
 Impounding Act 1993
 Library Act 1939

Protection of the Environment Operations Act 1997
 Public Health Act 1991
 Recreation Vehicles Act 1983
 Roads Act 1993
 State Emergency & Rescue Management Act 1989
 State Emergency Service Act 1989
 Strata Schemes (Freehold Development) Act 1973
 Strata Schemes (Leasehold Development) Act 1986
 Strata Schemes Management Act 1996
 Swimming Pools Act 1992
 Unclaimed Money Act 1995

How Council's Functions Affect Members of the Public:

Activities of Council:

The activities of Council may impact on the public during normal operations because they cover a broad range functions such as:

Service:

Affect the public as Council provides services and facilities to the public. These include provision of human services such libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory:

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:

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:

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

Administrative:

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Do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement:

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, unregistered dogs and parking offences.

Community Planning & Development:

Cultural development, social planning and community profile may involve:

- Advocating and planning for the needs of our community including initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Children's Week, as well as promoting events of others.

How the Public Can Participate in Policy Development & Council's Functions:

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

Representation:

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives for their local Council who 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, 2012.

The Lithgow Local Government area is not divided into wards. It has nine (9) Councillors, the Mayor of which is elected each year by the Councillors. At the election property owners who live outside of

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the area and residents can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors who may pursue a matter on the resident's behalf.

Personal Participation:

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. several Council Committees comprise or include members of the public as determined by Council on an annual basis.

Members of the public are also able to attend Council meetings held in the Lithgow City Council Chambers, Administration Centre, Mort St Lithgow. The dates of meetings, Agendas and Minutes may be located on Council's website at <http://www.council.lithgow.com>.

Documents - Open Access Information:

Documents Held by Council:

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the Lithgow area.

These documents are grouped into four categories:

1. Electronic Documents
2. "Physical Files"
3. Policy Documents
4. General Documents

Documents included in Clause 4.4 of this Publication Guide may be made available to the public on request unless there is an overriding public interest not to do so.

Some documents may require a formal access application in accordance with the Government Information (Public Access) Act.

Files - Electronic & Physical:

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Council implemented an Electronic Document Management System (EDMS) and post 1 March 2004 hard copy, physical files were dispensed with, except for development/building/construction applications.

Accordingly, the EDMS captures information against the following indices:

1. Customer
2. Property
3. Application
4. Street/Road
5. Request Type
6. Subject
7. Meetings

Prior to 1 March 2004, the main types of 'physical' files held by Council includes general subject files, development and building files, property files as well as street and park files.

The foregoing are not available on Council's website however this information may be made available either by informal release or via an access application in accordance with Sections 7-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. Members of the public who require an informal release or an access application can do so by contacting Council on 02 63549999.

Policy Documents:

Council has a register of policy documents which is maintained by Council's Right to Information Officer and is available on Council's website.

General Documents:

The following list of general documents held by Council has been divided into four sections as outlined in the Government Information (Public Access) Act 2009:-

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

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Schedule 1 of the Regulations requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website at <http://www.council.lithgow.com>, (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council 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 and copies can be supplied for reasonable copying charges.

These documents are:

1. Information about Council
 - The model code prescribed under section 440 (1) of the LGA
 - Councils 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 Incurred by, and the Provision of Facilities to, Councillors
 - Annual Reports of Bodies Exercising Functions Delegated by Council
 - Any Codes referred to in the LGA
 - Returns of the Interests of Councillors, Designated Persons and Delegates
 - Agendas and Business Papers for any meeting of Council or any Committee of Council
 - Minutes of any meeting of Council or any Committee of Council
 - Departmental Representative Reports presented at a meeting of Council
 - 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

2. Plans and Policies

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

3. Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree 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 specifications and configurations, and commercially sensitive information

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA
- 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 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 Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community land

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How Members of the Public Access & Amend Council Documents Concerning their Personal Affairs:

As mentioned previously, Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration office between the hours of 8.30 am and 4.30 pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Services Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

Principle Officer & Right of Information Officer:

It should be noted that the 'Principal Officer' of the Agency is the General Manager and has delegated the Internal Services Manager as the Right to Information Officer. Amongst other duties, the Right to Information Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. They will determine applications for access to documents or for the amendment of records.

Members of the public may also contact the Office of the Information Commissioner NSW, Level 11/1 Castlereagh St, Sydney NSW 2000, or phone (02) 8071 7025 for assistance or further information.

Contact details for all enquiries to Lithgow City Council are as follows:

General Manager
Lithgow City Council
PO Box 19
LITHGOW NSW 2790

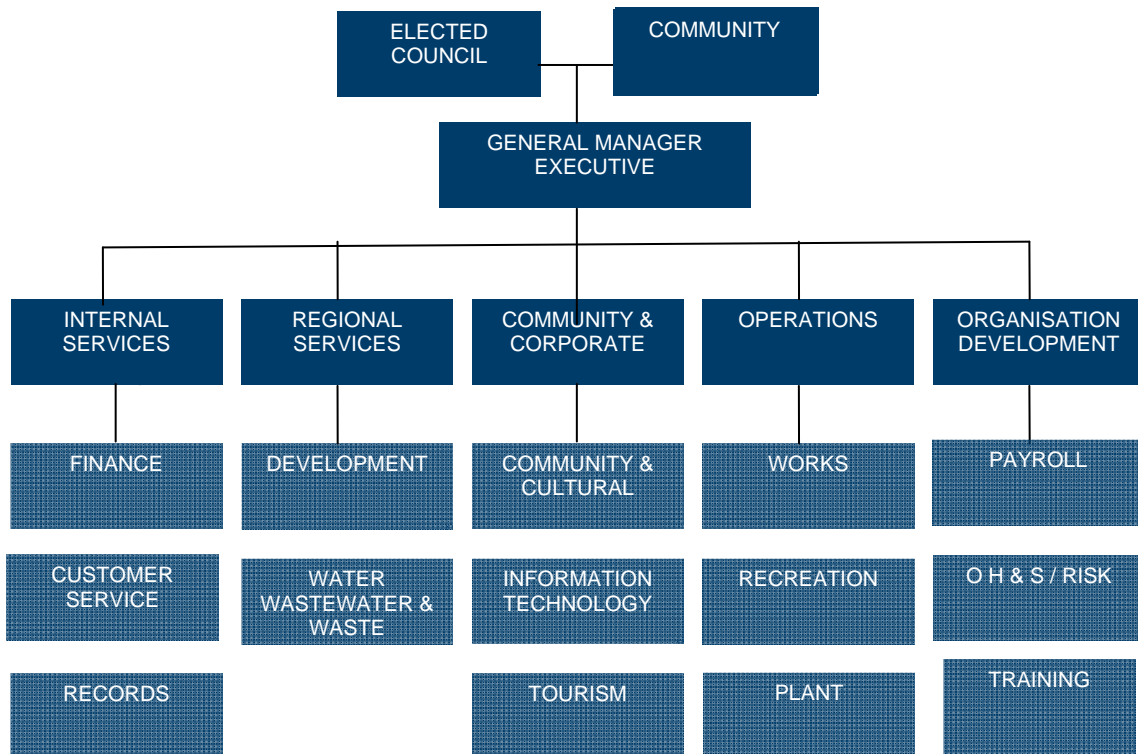
Ph: (02) 63 549999
Fax: (02) 63 514259

Email: council@lithgow.nsw.gov.au
Website: <http://www.council.lithgow.com>.

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ORGANISATIONAL CHART



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