



**CITY OF
PARRAMATTA**

INFORMATION GUIDE

**Prepared in accordance with the provisions of
the Government Information (Public Access) Act
2009 and to be read in conjunction with the
Access to Information Policy.**

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1. Structure and Functions of Council

1.1 Description

The City of Parramatta lies 24 kilometres west of Sydney's CBD at the heart of the Greater Sydney Metropolitan Region. Following the Government announcement on 12 May 2016, Parramatta City Council became City of Parramatta Council. As a result our boundaries went from covering an area of 64 square kilometres to covering 81 square kilometres. This also meant an additional 35,179 residents being part of our community. Parramatta is located at the head of Sydney Harbour, with hills and valleys to the north of the Parramatta River and the Cumberland Plain to the south.

1.2 Basis of Constitution

City of Parramatta Council is constituted under the Local Government Act 1993 and was proclaimed on 27 October 1938.

1.3 Organisational Structure and Resources

City of Parramatta Council is divided into 5 wards and is governed by the body of Councillors who are elected by the residents and ratepayers of the City, or following the amalgamation an Administrator is appointed.

The role 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 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;

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

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

The Lord Mayor/Administrator presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the Chief Executive Officer. The Chief Executive Officer is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The Chief Executive Officer is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the Chief Executive Officer in the exercise of these functions, there are 7 Directorates of Council. These Directorates are Finance, City Services, Corporate Services, Property & Significant Assets, Marketing and City Identification, Transformation & Change and Strategic Outcomes & Development. Each of these areas is headed by a Director.

1.4 Functions of Parramatta City Council

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

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMIN FUNCTIONS	ENFORCEMENT FUNCTIONS
Including: * Provision of community health, recreation, education & information services * Environmental protection * Waste removal & disposal * Land & property, industry & tourism development & assistance * Civil Infrastructure Planning * Civil Infrastructure Maintenance & Construction	Including: * Approvals * Orders * Building Certificates	Including: * Resumption of land. * Powers of entry and inspection	Including: * Rates * Charges * Fees * Borrowings * Investments	Including: * Employment of staff & HR Support * Management plans * Financial reporting * Annual reports * Corporate Planning * Risk Management * IT Support * Records Management	Including: * Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations. * Prosecution of offences * Recovery of rates and charges.

As well as the Local Government Act, Council has powers under a number of other Acts including, but not limited to:

Child Protection Act 2004

Community Land Development Act 1989

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 2010

Heritage Act 1977

ICAC Act 1988

Impounding Act 1993

Library Act 1939

Local Government Act 1993

Noxious Weeds Act 1993

Privacy & Personal Information Protection Act 1998

Protected Disclosure Act 1984

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

Work Health & Safety Act 2011

2. How Council Functions Affect Members of the Public

As a service organisation, the majority of the activities of the Council have an impact on the public with over 40 services being provided. The following is an outline of how the broad functions of Council affect the public.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as Meals on Wheels, child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage as well as the upkeep of roads and footpaths.

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 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 service 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, unclean premises, environmental offences, unregistered dogs and parking offences.

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. This includes 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.

3. How the Public can participate in Council's Policy Development and the Exercising of Functions

There are 2 broad ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

3.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every 4 years. The next elections are to be held in September, 2016.

At each election, voters elect 15 Councillors for a 4-year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees 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. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

3.2 Personal Participation

Council regularly engages with the public through formal consultative processes required by legislation such as the Community Strategic Plan, policy exhibitions and special projects. Council encourages members of the public to make submissions on these issues as part of the public consultation process. Similarly, adjoining owners are consulted about building and development applications and groups of residents are consulted about council proposals which may affect them. Members of the public may also influence Council decision making by making written submissions, writing letters, raising issues over the phone or in person.

Members of the public are able to attend and listen to debate at Council meetings (second & fourth Monday of the month) commencing at 6.45pm. Public may also participate by asking a question or by making a statement during Council's Public Forum Section

Meeting agendas and reports to Council (excluding matters which are confidential) are made available to the public prior to the meeting.

There are several Council Committees comprise or include members of the public. Some of these special committees or bodies are:

Aboriginal & Torres Strait Islander Committee

Access Advisory Committee

Audit & Risk Committee

Community Advisory Committee

Cycleway Committee

Heritage Advisory Committee

4. What type of Information does Council hold?

4.1 Information Held by Council

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the Parramatta local government area. These documents are grouped into 3 categories:

1. Electronic Documents and "physical" files
2. Policy Documents
3. General Documents

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

4.2 Files – Both Electronic and "Physical"

In 2004 Council implemented an electronic document management system called TRIM and post 1 July 2004 hard copy, physical files were dispensed with, except for information such as development/building/construction applications.

Prior to 1 July 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.

Files prior to 1 July 2004 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 9806 5050.

4.3 Policy Documents

Council has a register of policy documents which is maintained by Council's Right to Information Officer. Public facing policies will be made available on Council's website and all others are available on request in writing to the Information Officer.

4.4 General Documents

The following list of general documents held by Council has been divided into 4 sections as outlined by Government Information (Public Access) Regulations: -

- a) Information about Council;
- b) Plans and Policies;
- c) Information about Development Applications;
- d) Approvals, Orders and other Documents.

The Government Information (Public Access) Act provides for the public to have a right of access to Government (Council) information. Government information is defined in the Act as information contained in a record held by an agency.

A Council record, for the purposes of the Act, is information:

- To which Council has an immediate right of access
- That is in the possession or under the control of a Council officer
- Created by an officer of the Council in the normal course of that person's duties for the purposes of Council.

The GIPA Act makes it necessary for agencies to freely provide the following Open Access information on Council's website, at Council Offices during ordinary office hours or at a place determined by Council, ie at libraries where web access is available:

a) Information about Council - The most recent versions of the following information:

- 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
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations (*link to electoral website*)
- Register of Voting on Planning Matters
- Register of contracts that an agency has with private sector organisations with a value of \$150,000 and over

All versions of the following information:

- ** Returns of the Interests of Councillors, Designated Persons and Delegates (*On application in writing only*)
- 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

b) Plans and Policies - most recent versions 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

c) Information about Development Applications - whenever created

- Development Applications and any associated documents received in relation 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

The following information will not be released:

- The plans and specifications for any residential parts of a proposed building, other than the plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected,
- 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.

d) Approvals, Orders and Other Documents - whenever created

- 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

5. Public Access to Council Information

In accordance with Division 1 of the GIPA Act, the above information may be made available either by:

- Open Access information
- Authorised Proactive release of any information held
- Informal release on request
- Formal application (Access request)

Under the *Government Information (Public Access) Act 2009* (GIPA Act), all government agencies must release information unless there is an overriding public interest in doing so. The public interest test outlined in the GIPA Act sets out the steps to identify whether it is in the public interest to release information or not.

What is in the public interest?

Under the GIPA Act, all government agencies must disclose or release information unless there is an overriding public interest against doing so. When choosing to release information, the agency staff must apply the public interest test.

Before releasing government information, an agency must weigh up the public interest considerations in favour of disclosing information against public interest considerations against disclosure. Agencies can only refuse access to information if the public interest against disclosure outweighs the public interest in favour of disclosure.

There are some limited exceptions to this rule. For example, an access application may cause a significant and unreasonable impact on an agency's resources and the application could be refused for these reasons.

The public interest test involves three steps:

1. Identifying the relevant public interest considerations in favour of disclosing information
2. Identifying any relevant public interests against disclosing information
3. Assessing the weight of the public interest considerations in favour of and against disclosure and determining where the balance between those interests lies.

What are the public interest considerations against releasing information?

There are limited and specific considerations against the release of information that an agency can take into account.

These relate to:

- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Responsible and effective government
- Business interests
- Environment, culture, economy and other matters
- Secrecy and exemption provisions in other laws.

* Some records, for example Pecuniary Interest Returns for Councillors and designated officers, are made available only by written application due to the information contained in these documents being of a personal nature and contrary to the public interest. Application for such information should be in writing via informal access application to the Right to Information Officer.

6. How members of the public may access and 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 Right to Information Officer.

6.1 Right to Information Officer & Public Officer

Council's Right to Information Officer (reporting to Governance & Risk Manager) is responsible for determining Formal applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. It should be noted that the Legal Services Manager has been appointed as the Public Officer. Amongst other duties, the Public 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. 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 Public Officer in the first instance. Enquiries should be addressed as follows:

Public Officer
City of Parramatta Council
PO Box 32
PARRAMATTA NSW 2124

Email: council@cityofparramatta.nsw.gov.au

For further details on the introduction of the new legislation (GIPA) or changes to the Right to Information, please visit the Information and Privacy Commission website www.ipc.nsw.gov.au.