



Hawkesbury City Council

publication  
guide

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## **Introduction**

The Publication Guide has been prepared in accordance with Section 20 of the Government Information (Public Access) (GIPA Act). Council will review this guide and adopt a revised guide annually. This Publication Guide is notified to the Information Commission before adoption or amendment.

## **Structure and Functions of Council**

### ***Description***

Hawkesbury City Council is the largest local government area (LGA) in the Sydney Metropolitan Area. Its population of over 62,000 is spread throughout an area of 2,793 square kilometres, which features more than 40 towns, villages and rural localities with the primary centres being Windsor, Richmond and North Richmond. A map of the LGA is found in Appendix 1 of this Guide.

The Hawkesbury was and originally only occupied by the Darug Aboriginal people and was one of the earliest areas to be settled by Europeans after the arrival of the First Fleet in 1788.

The Hawkesbury River, the iconic feature of our City, was first navigated by Governor Phillip, who reached what is now Windsor in 1789.

In 1794, 22 farms were marked out from South Creek to Wilberforce and, within four years, the area was populated by 600 free settlers as well as convict labourers. In 1810, Governor Macquarie established five towns in the area – Windsor, Richmond, Wilberforce, Pitt Town and Castlereagh.

On the 1 January 1981, the Shire of Hawkesbury was created through the amalgamation of Windsor Municipal Council and Colo Shire Council. On the 1 July 1989, the Shire of Hawkesbury became the City of Hawkesbury.

### ***Basis of Constitution***

The Hawkesbury City Council is constituted under the Local Government Act 1993 (LG Act).

### ***Organisational Structure and Resources***

Hawkesbury City Council is an undivided area and is governed by the body of 12 Councillors who are elected by the residents and ratepayers of the City for a four year term. The Mayor is elected each year by the Councillors among their numbers. 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;
- Participate in the optimum allocation of the Council's resources for the benefit of the area;
- Play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- 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;
  - Provide leadership and guidance to the community;

- Facilitate communication between the community and the Council.

The Mayor is often considered to be not only the voice of the Council but also the leader of the local community. In addition to having responsibilities as a Councillor, under the LG Act the role of the Mayor is to:

- Where necessary, exercise urgent policy-making functions of the governing body of the Council between meetings of the Council.
- Exercise such other functions of the Council as the Council determines.
- To preside at meetings of the Council.
- Carry out the civic and ceremonial functions of the mayoral office.

The Principal Officer of the Council is the General Manager.

The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager 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.

While Council is responsible for formulating and monitoring policy, the General Manager is responsible for implementing it.

The General Manager is the most senior employee of a council and is the only member of staff selected and appointed by Councillors. The General Manager is appointed on a renewable, fixed term, performance-based contract for a maximum of five years.

Under the LG Act the General Manager's responsibilities include:

- Efficient and effective operation of the Council organisation and day-to-day management. This includes ensuring Council decisions and policies are implemented.
- Appointing, directing and dismissing staff in accordance with an organisation structure and resources approved by the Council.
- Implementing the Council's equal employment opportunity management plan.
- Exercising other functions as delegated by the Council.

The General Manager may, in turn, delegate functions to other staff.

To assist the General Manager in the exercise of the functions delegated by Council there are three Divisions of Council. These are Support Services, Infrastructure Services and City Planning. Each of these Divisions is headed by a Director.

Councils employ staff such as town planners, engineers, building surveyors, librarians, environmental officers, rangers and child care workers. They carry out the day-to-day operations of the Council, and implement Council policies and other decisions, as directed by the General Manager.

### ***Functions of Hawkesbury City Council***

Council employs staff to undertake a diverse range of duties. These staff operate under Divisions which split the work into areas of specialisation. The General Manager or Director of each Division is responsible for making sure all regulatory and legislative requirements are met and that professional,

accurate advice is provided to the elected representatives who make decisions on behalf of the community.

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

<b>Service functions</b>	<b>Regulatory functions</b>	<b>Ancillary functions</b>	<b>Revenue functions</b>	<b>Admin functions</b>	<b>Enforcement functions</b>
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  Management plans  Financial reporting  Annual reports	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:

- |   |  |
|---|--|
| Coastal Protection Act 1979                     | Noxious Weeds Act 1993                             |
| Community Land Development Act 1989             | Privacy & Personal Information Protection Act 1998 |
| Companion Animals Act 1998                      | Protection of the Environment Operations Act 1997  |
| Contaminated Land Management Act 1997           | Public Health Act 1991                             |
| Conveyancing Act 1919                           | Recreation Vehicles Act 1983                       |
| Environmental Planning and Assessment Act 1979  | Roads Act 1993                                     |
| Fire Brigades Act 1989                          | State Emergency & Rescue Management Act 1989       |
| Fluoridation of Public Water Supplies Act 1957  | State Emergency Service Act 1989                   |
| Food Act 1989                                   | Strata Schemes (Freehold Development) Act 1973     |
| Government Information (Public Access) Act 2009 | Strata Schemes (Leasehold Development) Act 1986    |
| Heritage Act 1977                               | Strata Schemes Management Act 1996                 |
| Impounding Act 1993                             | Swimming Pools Act 1992                            |
| Library Act 1939                                |  |

## How Council Functions Affect Members of the Public

As a service organisation, the majority of the activities of Hawkesbury City Council have an impact on the public. 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 facilities such as halls and community centres, recreation facilities, infrastructure and the removal of waste.

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, unregistered dogs and parking offences.

Community planning and development functions affect areas such as cultural development and social planning 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 Strategic 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, National Tree Day, Clean Up Australia Day, as well as promoting events of other community organisations. An indicative calendar of events is provided below:

Month	Event
January	Australia Day Citizenship Ceremony Australia Day Awards Ceremony
March	Clean up Australia Day Harmony Day Youth Week
April	Seniors Week Hawkesbury Show
June	Citizenship Ceremony
July	NAIDOC week National Tree Day
August	Community Development Support Expenditure Presentation Local Government Week

<b>Month</b>	<b>Event</b>
<b>September</b>	Hawkesbury Garden Competition Hawkesbury Sports Awards Ceremony Mayoral Election
<b>December</b>	Community Christmas Party Natalie Burton Award School Citizenship Awards

Council's Management Plan is a comprehensive document providing a range of information on principal activities, performance targets, fees and charges and environmental and human resource programs. The management plan identifies key targets and projects for the current year and beyond.

The Draft Plan must be placed on public exhibition for a period of 28 days. Members of the public may make submissions on the draft Plan and Council must consider submissions received before adopting the final Plan.

The Management Plan is divided into three parts to make it easier for readers to use:

- Strategic and Operational Plans
- Budget Estimates
- Revenue Pricing Policy (with Fees & Charges)

Each financial year quarterly reviews of the Management Plan and Budget are reported to Council and the public and an indicative timetable is provided below:

- First Quarter review - last meeting in November.
- Second Quarter review - last meeting in February.
- Third Quarter review - last meeting in May.
- Fourth Quarter review - last meeting in August.

During the year, Council and the public will also receive monthly reports on Investments in a report in Council's business paper.

An Annual Report on Council's activities is provided to the Minister for Local Government annually, prior to 30<sup>th</sup> November, and is publicly available.

A copy of all these documents are available on Council's Website.

## **How the Public can participate in Council's Policy Development and the Exercising of Functions**

There are two main ways in which the public may participate in policy development and, indeed, the general activities of 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 to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every four years. The next general elections are to be held in September, 2012.

Within the Hawkesbury LGA, each election, voters elect 12 Councillors for a four 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.

### ***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.

Some of these special committees or bodies are:

- Community Planning Advisory Committee
- Hawkesbury Civics & Citizenship Committee
- Three Towns and Agnes Banks Sewerage Committee
- Hawkesbury Bicycle and Access Mobility Committee
- Waste Management Advisory Committee
- Heritage Advisory Committee
- Floodplain Risk Management Advisory Committee
- McMahon's Park Management Committee
- Hawkesbury Sports Council
- Peppercorn Services Inc.
- Hawkesbury Sister City Association
- Audit Committee
- Hawkesbury Macquarie 2010 Committee

Members of the public are also able to attend Council meetings held in the Council Chambers at Windsor.

## **Council Meetings**

Ordinary Meetings of Council are held on the second Tuesday of each month except January, and the last Tuesday of each month except December. However, an Ordinary Meeting is generally not held where it would follow a Monday that is a public holiday. The meetings start at 6:30pm and are scheduled to conclude by 11pm. Special Meetings (or Extraordinary Meetings) normally start at 6:30pm.

Members of the public are able to address Council meeting about matters on the meeting agenda by contacting the Manager Corporate Services & Governance by 3pm on the day of the meeting to indicate that they wish to do so. They also need to complete an application form and lodge it with the General Manager by this time where possible. The application form is available on the Council website [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au), from Council Offices, or by contacting the Manager, Corporate Services & Governance on (02) 4560 4426.

## **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 Hawkesbury City area. These documents are grouped into four categories:

- Electronic Documents
- "Physical Files"
- Policy Documents
- General Documents

Documents held by Council may be made available to the public on request unless there is an overriding public interest not to do so as determined by the Manager Corporate Services & Governance. Some documents may require a formal or informal access application in accordance with the GIPA Act.

### ***Files - Electronic and "Physical"***

Council has implemented an Electronic Document Records Management System (EDRMS) know as DataWorks and post 2002 hard copy, physical files were dispensed with, except for working files for development/building/construction applications.

Accordingly, the EDRMS captures information against some or all of the following indexes:

Action	Personnel
All Documents	Project
Application	Property
BarCode	Related Documents
Customer	Retention
Folder	Scan Batch
Genasys	Streets
Location	Subject
Meetings	Tasks
Notes	Templates
Old_Application	User with Document
Old_Property	User with File
Old_Streets	

Prior to 10 December 2002, the main types of "physical" files held by Council included general subject files, development and building files, property files as well as street and park files.

"Physical files" are not available on Council's website however this information may be made available either by informal or a formal 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 4560 4444.

### ***Policy Documents***

Council has a register of policy documents, access to which 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 by the Government Information (Public Access) Regulation 2009 (NSW):-

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

The regulation 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 (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. 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
  - Council's adopted Code of Conduct
  - Code of Meeting Practice
  - Annual Report
  - Annual Financial Reports
  - Auditor's Report
  - Management Plan
  - EEO Management Plan
  - Policy concerning the Payment of Expenses 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**

- 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 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

**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

## **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 available for viewing at Council's Administration office between the hours of 8.30am and 5:00pm, 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 or the Public Officer on (02) 4560 4426.

### ***Public Officer and Right of Information Officer***

It should be noted that the Manager Corporate Services and Governance has been appointed Council's 'Right of Information Officer'. The Director of Support Services is Council's 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. The Council's Right to Information Officer is responsible for determining 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 Right of 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 of Information Officer in the first instance. Enquiries should be addressed as follows:

General Manager  
Hawkesbury City Council  
366 George Street (PO Box 146)  
WINDSOR NSW 2756

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

### ***Office of the Information Commissioner***

If you require any other advice or assistance about access to information you may contact the Office of the Information Commissioner by telephone on 1800 INFOCOM (1800 463 626) free call or by email at [oiinfo@oic.nsw.gov.au](mailto:oiinfo@oic.nsw.gov.au)

**Appendix 1 Map of Hawkesbury City Council LGA**

# Hawkesbury City Council LGA Map & Surrounds



## **Appendix 2 Hawkesbury City Council Organisational Chart**

# Hawkesbury City Council Organisational Structure

