

Information Guide

September 2023



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Acknowledgement of country

Georges River Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. Council recognises Aboriginal and Torres Strait Islander peoples as an integral part of the Georges River community and values their social and cultural contributions. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live work and meet on these lands.

Introduction

This Information Guide has been prepared in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (the GIPA Act) and is reviewed annually.

The purpose of Council's Information Guide 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
- The type of information available from Council and how this information is made available
- The Information Guide is available at www.georgesriver.nsw.gov.au



Structure and functions of Council

The Georges River Council area is located in the southern suburbs of Sydney, about 15-17 kilometres from the Sydney CBD. The area boasts a proud sporting legacy, dynamic economic growth and broad cultural diversity.

Suburbs in the government area include Allawah, Beverley Park, Blakehurst, Carss Park, Connells Point, Hurstville, Hurstville Grove, Kogarah, Kogarah Bay, Lugarno, Mortdale, Oatley, Peakhurst, Peakhurst Heights, Penshurst, South Hurstville and parts of Beverly Hills, Carlton, Kingsgrove, Narwee, Ramsgate, Riverwood and Sans Souci.

Council has an estimated population of approximately 153,055 residents and spans 38 square kilometres.

The map shows the following wards and their respective councillors:

- Mortdale Ward** (Orange): Nick Smerdely, Aahvini Ambthipahar, Christina Jamieson
- Hurstville Ward** (Red): Colleen Symington, Nancy Liu, Ben Wang
- Peakhurst Ward** (Teal): Lou Konjarski, Peter Mahoney, Veronica Ficarra
- Blakehurst Ward** (Purple): Sam Elmfr, Natalie Mort, Kathryn Landsberry
- Kogarah Bay Ward** (Light Teal): Elise Borg, Nick Katris, Sam Stratikopoulos

Georges River Council
WARDS AND COUNCILLORS



How is Georges River Council managed?

Chapter 3 of the *Local Government Act 1993* outlines the principles for local government. This Act provides guidance to enable us to perform in a way that facilitates a strong, healthy and prosperous community. These principles describe how we function generally regarding representation, consultation, leadership, planning and decision-making.



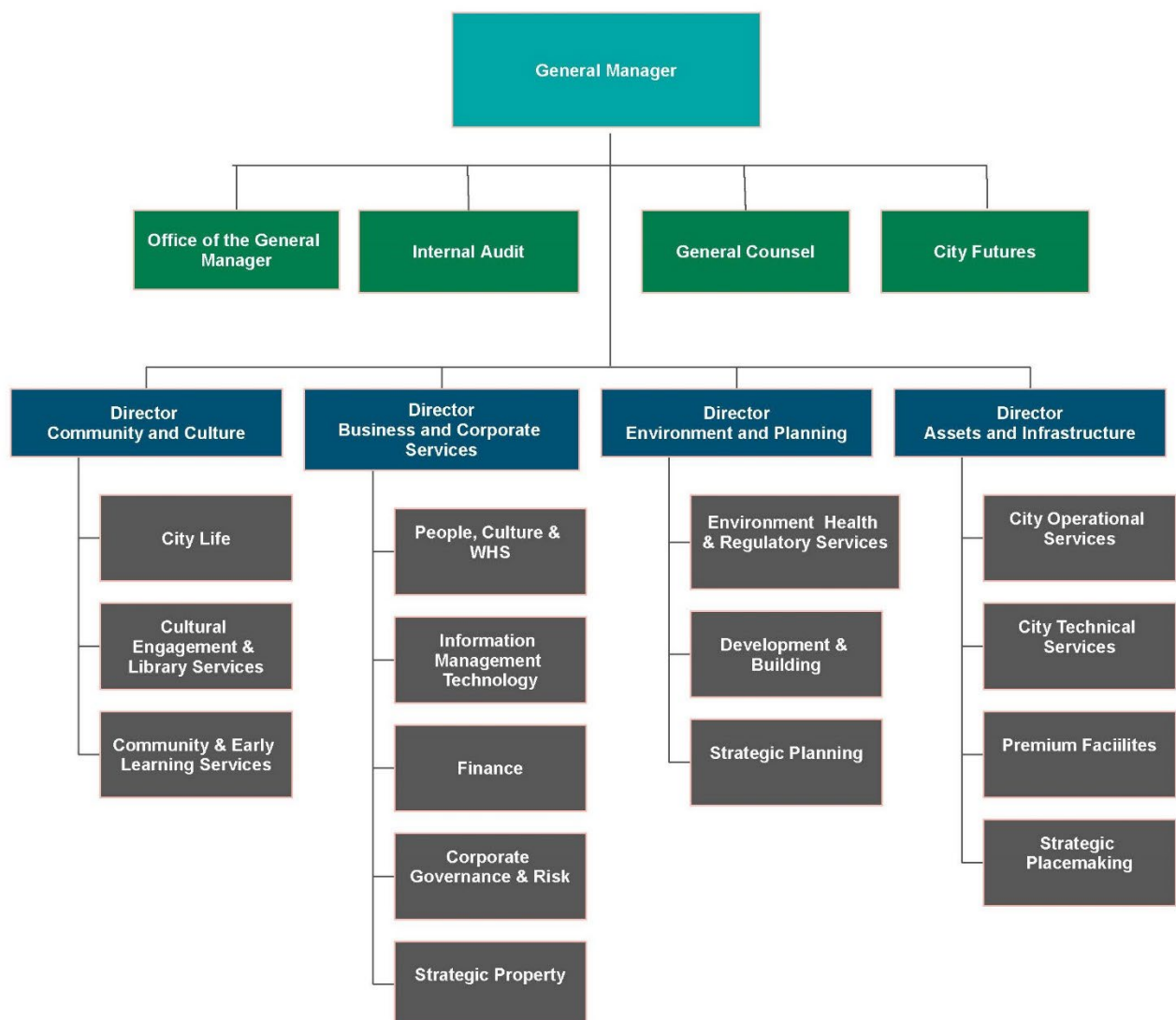
General Manager

The role of the General Manager is to ensure the efficient and effective management of the organisation and for ensuring the decisions of the Council are enacted in a timely manner.

The General Manager is also responsible for the day-to-day management of Council, for exercising any functions delegated by Council, and the appointment, direction and other matters relating to staff.

More information about the functions of the General Manager can be found in Section 335 of the *Local Government Act 1993*.

The General Manager is supported by an organisational structure as outlined below:



Functions of Council

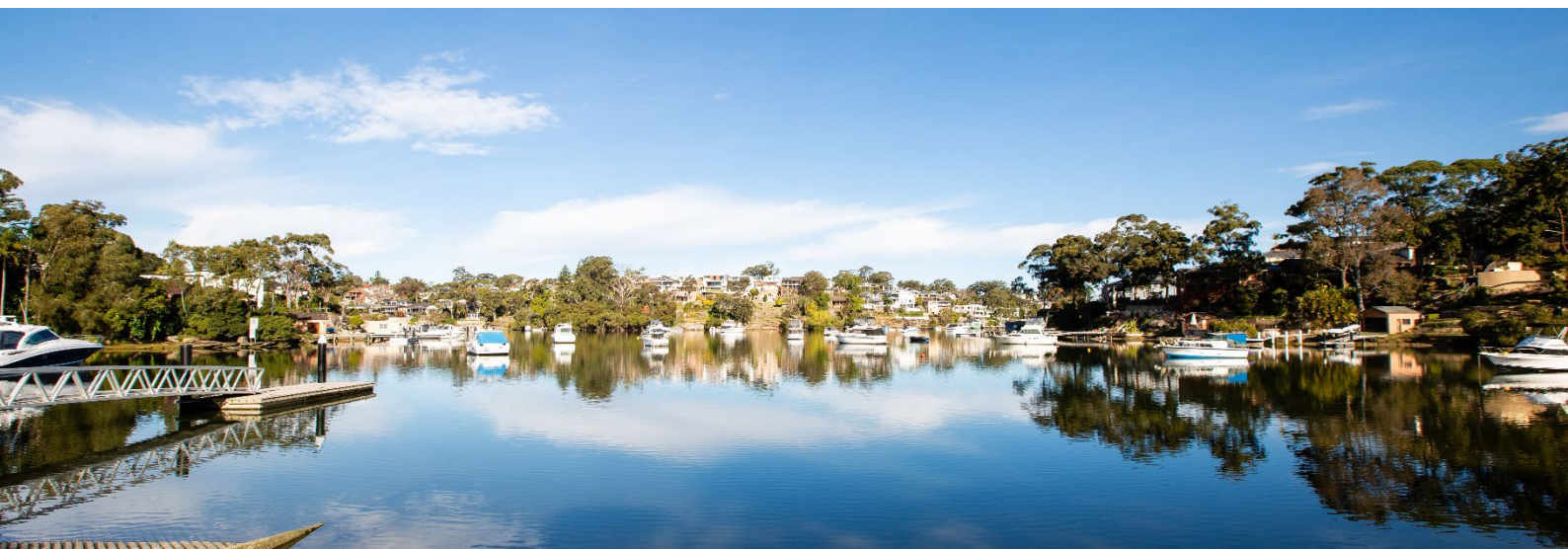
Under the *Local Government Act 1993*, Council's functions can be grouped into the following categories:

Function	Service
Services	<ul style="list-style-type: none"> Community health, recreation, education and information services Environmental protection Waste removal and disposal Land and property Industry and tourism Development and assistance Water, sewerage and drainage works Civil infrastructure planning, construction and maintenance
Regulatory	<ul style="list-style-type: none"> Approvals Orders Building certificates
Revenue	<ul style="list-style-type: none"> Rates Charges Fees Borrowings Investments
Ancillary	<ul style="list-style-type: none"> Resumption of land Powers of entry and inspection
Administration	<ul style="list-style-type: none"> Employment of staff Strategic planning Financial reporting Annual reports
Enforcement	<ul style="list-style-type: none"> Proceedings for breaches of the <i>Local Government Act 1993</i> and other legislation Prosecution of offences Recovery of rates and charges



As well as the *Local Government Act 1993*, Council has powers under a number of other Acts, including but not limited to:

<i>Biodiversity Conservation Act 2016</i>	<i>Public Health Act 2010</i>
<i>Coastal Management Act 2016</i>	<i>Privacy and Personal Information Protection Act 1998</i>
<i>Community Land Development Act 2021</i>	<i>Public Interest Disclosures Act 2022</i>
<i>Companion Animals Act 1998</i>	<i>Recreation Vehicles Act 1983</i>
<i>Conveyancing Act 1919</i>	<i>Roads Act 1993</i>
<i>Contaminated Land Management Act 1997</i>	<i>State Emergency Service Act 1989</i>
<i>Environmental Planning and Assessment Act 1979</i>	<i>State Emergency and Rescue Management Act 1989</i>
<i>Fire and Rescue NSW Act 1989</i>	<i>State Records Act 1998</i>
<i>Food Act 2003</i>	<i>Strata Schemes Development Act 2015</i>
<i>Government Information (Public Access) Act 2009</i>	<i>Swimming Pools Act 1992</i>
<i>Heritage Act 1977</i>	<i>Unclaimed Money Act 1995</i>
<i>Public Spaces (Unattended Property) Act 2021</i>	<i>Waste Avoidance and Resource Recovery Act 2001</i>
<i>Library Act 1939</i>	<i>Work Health and Safety Act 2011</i>
<i>Protection of the Environment Operations Act 1997</i>	



How the functions of Council affect the public

Local Councils in NSW are required to undertake Integrated Planning and Reporting (IP&R) in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

The *Local Government Amendment (Planning and Reporting) Act 2009* includes the requirements to prepare a long-term Community Strategic Plan, a Resourcing Strategy, a four-year Delivery Program, an annual Operational Plan, an Annual Report and an End of Term report (State of the City Report).





Service Functions

Service functions affect the public as Council provides services and facilities to the public. These include the provision of libraries and childcare services, halls and community centres, recreation facilities, sports fields, parks, local infrastructure, tree maintenance and the removal of waste.

Regulatory Functions

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not endanger the lives and safety of any person. Members of the public must be aware of and comply with such regulations.

Ancillary Functions

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 landowner's land. In these circumstances, only the owner of the property would be affected.

Revenue Functions

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

Administrative Functions

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

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, parking offences and other regulatory offences.

Public participation in Local Government

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

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 four years.

For Georges River Council, the first election following proclamation was held on 9 September 2017. As a result of the September 2017 elections, 15 Councillors were elected across the five wards of the Georges River Council local government area - Blakehurst, Hurstville, Kogarah Bay, Mortdale and Peakhurst. Three Councillors were elected per ward for a three-year term. However, due to the COVID-19 pandemic the elections, scheduled in 2020, were postponed for twelve months and held in September 2021. The next Council elections will take place in September 2024 and return to a four-year term thereafter. A Mayor is elected by Councillors.

1.1 Making representation to Council

Residents can 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, therefore allowing members of the public the opportunity to contribute to the development of policy.

Members of the public are encouraged to discuss local community concerns with their elected representatives. The contact details of the elected Councillors are available on Council's website.

Members of the public can also request a meeting with the Mayor via Council's website.

2. Personal Participation

Council recognises the importance of providing opportunities for the community to make their voice heard. Council values community input in the engagement process, which enables Council to make decisions based on the views of residents, ratepayers, business owners and community groups. A number of avenues are available for members of the public to directly contribute to Council's decision-making process, including:

2.1. Open Council and Committee Meetings

Members of the public are invited to attend Council and Committee meetings and may address any matters on the agenda to assist with the decision-making process. They have the opportunity to register to speak, either in person, or be dialled in, on Council's website. To improve accessibility, community members who wish to speak in a language other than English are offered assistance with Council's translation services.

Business papers and minutes of the meetings are published on Council's website.

Community members are encouraged to register to receive a notification of when they are published and can do so on Council's website.



2.2. Public exhibition of proposed policies, plans and projects

Council consults with its residents in relation to policy and other matters throughout the year. Policies that have an impact on the public and other matters of importance to the community are exhibited for public comment prior to Council decisions. Council has a Community Engagement Strategy and Policy to ensure the community is informed, involved and engaged in the decisions that make Georges River a great place to live, work and play.



2.3. Submissions to Council on specific matters

Through the provision of certain Acts or Regulations, members of the public have the opportunity to contribute to Council's decisions by making submissions, comments or objections to proposals. For example, the contents of Council's Community Strategic Plan, Delivery Program and Operational Plan and the consideration of development applications are advertised, and public comment is invited prior to Council's decision on the matter.

2.4. Your Say Georges River

Your Say Georges River is a community engagement platform to display all projects open for community engagement and to report back to the community about matters on which they have already provided feedback. Your Say is a way for members of the local community to give feedback, which will contribute to Council's decision-making on important projects that shape the future of the Georges River area. Your Say Georges River has an option for community members to register for the Your Say Panel for regular consultation on key plans and projects and to receive a fortnightly digital newsletter updating on all the projects open for community engagement and the outcomes of all projects once they have been considered by Council.

On the Your Say platform there is also a dashboard showing the demographic data of the people who do register for consultations and the issues that are important to them. This is available for the community to see who is participating in Council decisions.

Community consultation will take place:

- Where community input can enhance decision making;
- To help identify community needs;
- In response to community expressions of interest;
- When Council resolves to consult the community; and
- When required by law.

Community engagement may also take place regarding:

- The allocating of funding to various projects whether that be for new or current projects;
- To improve current infrastructure;
- The planning and creation of new services and infrastructure;
- The provision of existing services;
- The creation of major events;
- Major planning and development projects;
- Key topics and issues affecting the Georges River community i.e. environmental; and
- Health, safety and transport.

2.5. Other opportunities

Council is committed to consulting with the community about important projects and initiatives and has a Community Engagement function to gather and analyse information relating to community needs and concerns. The Georges River Council Community Engagement Strategy sets out our commitment to engagement with the community. It establishes guiding principles to ensure community engagement is purposeful, timely, genuine, inclusive and transparent. A link to the Community Engagement Strategy can be found here - [Community-Engagement-Strategy-2023_2033.pdf \(nsw.gov.au\)](#).

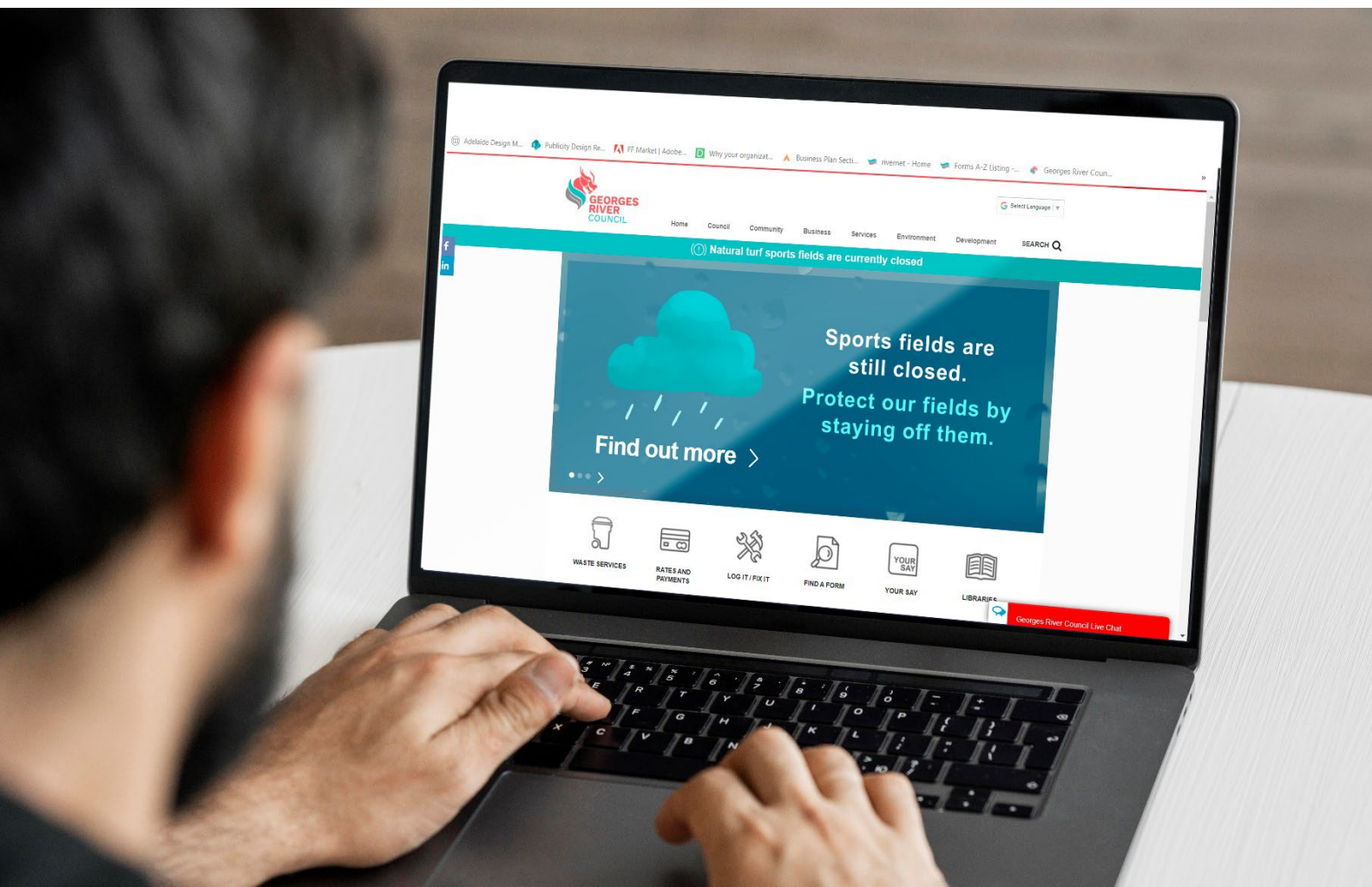


Methods of communication

There are many different methods to engage and share information with the community and stakeholders. Council will utilise multiple techniques on a single project to ensure a broad section of the community has been consulted. These may include:

- Media releases published on the website and sent to the local newspaper
- Website – notice on the homepage and web pages with further information
- Fortnightly Community E-News
- Monthly community e-newsletter
- Posters – digital and print
- Notification letters
- Print, telephone and online surveys
- Online and face to face seminars and forums
- Standing paid weekly advertisement in our local newspaper
- Council's community engagement platform Your Say <https://www.georgesriver.nsw.gov.au/Council/Your-Say>
- Social media platforms
- Copies of all projects available in hard copy at all library branches and Customer Service Centres

For more information refer to Council's Community Engagement Policy and Community Engagement Strategy, available at www.georgesriver.nsw.gov.au/Council/Governance/Codes,-Policies-and-Registers



Access to information

3. Information available

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

Council holds a range of information in various formats that relate to a number of different issues concerning the Georges River Council Local Government Area. This information may be made available on Council's website, or via an Informal or Formal Access to Information application. All requests for access to information held by Council will be determined in accordance with the requirements of the GIPA Act.

Under the GIPA Act, certain information is prescribed as open access and is to be made publicly available free of charge on a website maintained by the agency (unless to do so would impose unreasonable additional costs on the agency) and can be made publicly available in any other way that the agency considers appropriate. This may include making the information available for inspection at Council offices. Hard copies can be supplied for reasonable copying charges, in accordance with Council's Fees and Charges.

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

- This Information Guide;
- Information about Council contained in any document tabled in Parliament by or on behalf of Council other than any document tabled by order of either house of Parliament;
- Council's Policy documents;
- Council's Disclosure Log of Access Applications;
- Council's Register of Government Contracts;
- A record of open access information that is not made available to the public based on an overriding public interest against disclosure.

Open access information also includes the following:

3.1. Information about Council

- The Model Code of Conduct prescribed under Section 440(1) of the *Local Government Act 1993*;
- 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 the local authority;



- 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 (but not including business papers for matters considered when part of a meeting is closed to the public);
- Minutes of any meeting of Council or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting;
- Reports by Chief Executive of the Office of Local Government presented at a meeting of Council in accordance with Section 433 of the Local Government Act 1993;
- 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.

3.2. Plans and Policies

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

3.3. Information about development applications

Development applications and any associated documents received in relation to a proposed development including:

- Home Warranty Insurance documents;
- Construction Certificates;
- Occupation Certificates;
- Structural Certification documents;
- Town Planner Reports;
- Submissions received on development applications;
- Heritage Consultant reports;
- Tree Inspection Consultant reports;
- Land Contamination Consultant Reports;
- Records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal);
- Records describing the general nature of the documents that Council decides to exclude from public view including internal specifications and configurations and commercially sensitive information.

Note: The above information excludes:

- Plans and specifications of residential parts of a proposed building (other than those just showing height and external configuration of the building);
- Commercial information if it would prejudice the commercial position of the person who supplied it;
- Development applications made before 1 July 2010.



3.4. 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 local 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 *Environment Planning and Assessment Act* 1979
- Plans of land proposed to be compulsorily acquired by the local authority
- Compulsory acquisition notices
- Leases and licences for use of public land classified as community land; and
- Performance improvement orders issued to a council under Part 6 of Chapter 13 of the LGA.

4. How to access information held by Council

A large amount of the information Council holds is made available on the Council's website. Information that is not published on Council's website may be requested via informal release or via a formal access application in line with Sections 7 to 9 of the GIPA Act.

There are four ways to obtain access to information held by Council:

4.1. Mandatory Open Access

This is the information listed in sections 1.1 to 1.4 above. Council regularly reviews open access information to ensure that it is available to the public as prescribed in section 6 of the GIPA Act.

4.2. Authorised Proactive Release

Council proactively releases information with a commitment to providing as much information as possible for free on Council's website, or in another appropriate manner and by the amount specified in Council's Fees and Charges.

Council has developed a strategy to outline how we manage our commitment to ensuring that information of high public interest is made readily available to the public. The strategy will ensure Council is making information publicly available in accordance with the requirements of the GIPA Act by undertaking regular review of information held and undertaking consultation with business units, on a bi-annual basis, to determine the types of information they manage which could be released proactively.

4.3. Informal Access Applications

Information that is not available by mandatory or authorised proactive release may be provided through informal release, subject to any reasonable conditions that Council may wish to impose, including deleting matter that would otherwise result in there being an overriding public interest against disclosure.

Applications for informal release can be made in writing by completing an Informal Access Application form which is available on Council's website.



There is no fee required for an informal access application.

Informal requests will be processed in a timely manner and as soon as practical. Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.

4.4. Formal Access Applications

A formal access application may be required where the information requested is not available through open access or by proactive or informal access, and the information sought:

- Is of a sensitive nature that requires careful consideration of the public interest test;
- Contains confidential information;
- Contains personal information of third parties who must be consulted;
- Contains business information of third parties who must be consulted; or
- Would involve a significant diversion of Council Resources.

Processing charges, as outlined in Division 5 of the GIPA Act, apply to formal access applications. Formal access applications will be acknowledged and determined within the statutory periods prescribed by Section 57 of the GIPA Act, which includes making a determination and notifying the applicant of the decision within 20 working days, unless the applicant agrees to extend the time. The decision period can be extended by up to 15 working days when mandatory consultation with a third party is required or if Council needs to retrieve records from archives.

4.5 Copyright Restrictions

Information held by Council is subject to the *Copyright Act 1968* (Cth). The *Copyright Act 1968* (Cth) does not permit materials covered by copyright (e.g. architectural plans or specialist reports) to be copied or published unless the owner of the copyright has given consent. In some cases, Council may make documents available for inspection, but without the written consent of the copyright owner, Council cannot provide electronic or hard copies of copyright materials.

4.6 The Public Interest Test

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.

4.7 Open Data Initiatives

Data.NSW is the NSW Government open portal which is a secure environment dedicated to facilitating agencies' sharing of open data (data that the Government believes should be freely available). In essence open data is about sharing information with the broader community. This is in line with the objective of greater transparency of government agencies in facilitating easy access to a wide range of datasets.

In 2013, the NSW Government launched the Open Data Policy. The policy was introduced to support compliance with the GIPA Act and assist agencies in cementing open data principles within their everyday processes. To find out more about open data please click on the link [HERE](#) to visit the NSW Government website.



4.8 Review of Decisions

Where an applicant is refused access to information under a formal application pursuant to the GIPA Act, Council will provide details of the reasons for refusal in writing. If the applicant is dissatisfied with Council's determination of their application, they may seek to have the decision reviewed either by:

- Internal Review - this is a review by a Council officer more senior than the original decision maker. Applicants have 20 working days from receiving a notice of decision to ask for a review, and a \$40 fee is payable by the applicant. Note: Internal review of a decision is not available if the decision has been made by the Principal Officer.
- External review by the Information Commissioner - the applicant has 40 working days from receiving a notice of a decision to ask for a review.
- External Review by NSW Civil Administration Tribunal - the applicant has 40 working days from receiving a notice of a decision from Council to ask for a review, or 20 working days after the completion of a review by the Information Commissioner.

4.9 Third Party Consultation

In accordance with Section 54 of the GIPA Act, Council must consult with a third party where the information requested concerns that party's:

- Personal information;
- Business interests;
- Research that has been carried out;
- The affairs of another state or the Commonwealth government.

Consultation must take place if the information is such that the person may have reasonable concerns about disclosure and those concerns are relevant to the public interest test.



Contact details

Public Officer

Amongst other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people gain access to the public documents of Council.

Members of the public seeking amendment of their personal information contained in Council's records should make written application to the Public Officer in the first instance.

Council's Corporate Governance and Risk team is responsible for determining formal applications for access to documents. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer.

The Public Officer

Director Business and Corporate Services

Georges River Civic Centre

Corner MacMahon and Dora Streets, Hurstville Phone: 9330 6400

Email: mail@georgesriver.nsw.gov.au

Information Commissioner

If you require any other advice or assistance about access to information, you may contact the Information Commissioner at the Information and Privacy Commission by telephone on 1800 472 679 (freecall), email at ipcinfo@ipc.nsw.gov.au or by post at GPO Box 7011, Sydney NSW 2001.

