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1. Structure and Functions of Council

1.1 [Introduction](#)

The Eurobodalla Shire Council is constituted under the Local Government Act 1993 and was proclaimed in 1906. The Shire covers 3422.2 square kilometres and stretches 110 km of the NSW South Coast. The Shire shares boundaries with Shoalhaven City Council to the north, Palerang Shire Council to the west, Bega Valley Shire Council to the south and Cooma Monaro to the south west.

The Eurobodalla Shire Council is an undivided area and is governed by the body of nine Councillors including the Mayor who are elected by the residents and ratepayers. The Mayor is elected by popularity and serves a four year term.

The role of the Councillors, as members of the body corporate is:

- 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

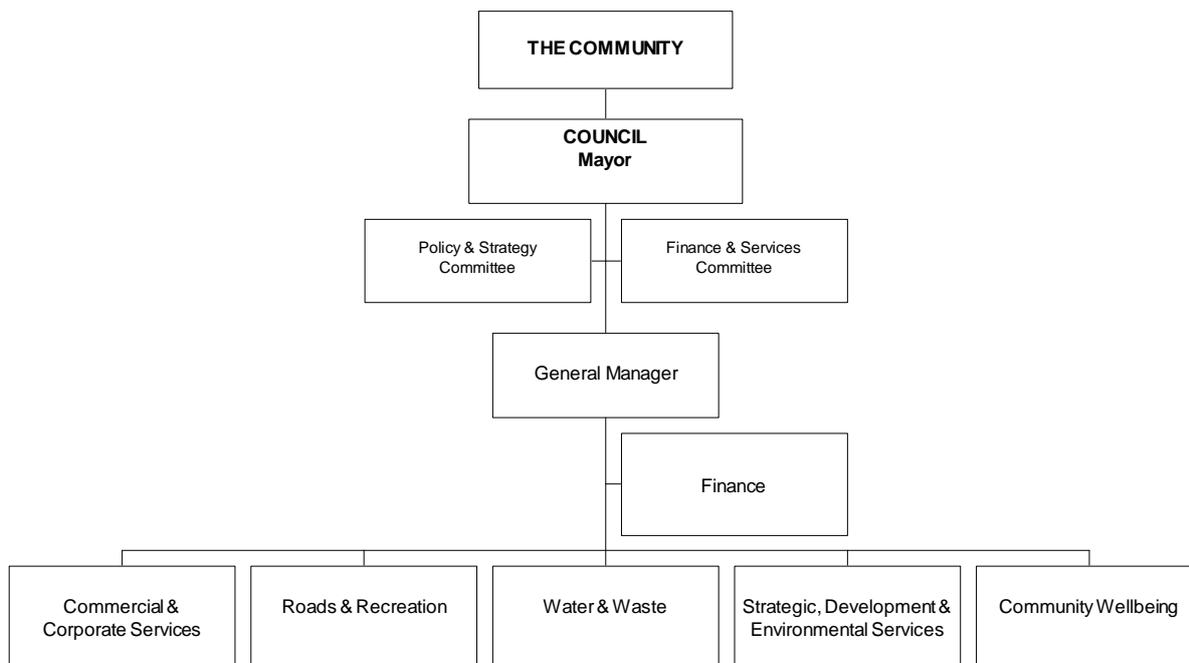
The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other function that the Council determines.

The Principle 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 Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are six (6) Departments of Council. These Departments are Finance, Commercial and Corporate Services, Roads and Recreation, Water and Waste, Strategic Development and Environmental Services and Community Wellbeing. Each of these Departments is headed by a Director.

1.2 Organisational Structure

The following is a depiction of Council’s organisational structure:



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1.3 Council Functions

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

Service Functions	<p>Including:</p> <ul style="list-style-type: none"> • 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
Regulatory Functions	<p>Including:</p> <ul style="list-style-type: none"> • Approvals • Orders • Building Certificates
Ancillary Functions	<p>Including:</p> <ul style="list-style-type: none"> • Resumption of land. • Powers of entry and inspection
Revenue Functions	<p>Including:</p> <ul style="list-style-type: none"> • Rates • Charges • Fees • Borrowings • Investments
Admin Functions	<p>Including:</p> <ul style="list-style-type: none"> • Employment of staff • Management plans • Financial reporting • Annual report
Enforcement Functions	<p>Including:</p> <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 and charges.

As well as the Local Government Act, Council has powers under a number of other Acts including:

Coastal Protection Act 1979
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
Impounding Act 1993
Library Act 1939
Noxious Weeds Act 1993

Privacy and Personal Information Protection Act 1998
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 Services 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

2. How Council's Functions Affect Members of the Public

As a service organisation, the majority of the activities of the Eurobodalla Shire 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 human services such as child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

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.

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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/Management 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 the events of others.

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

Councils in New South Wales are elected every four years. The next elections are to be held in September 2012. At each election, voters elect the Mayor by popular vote and eight councillors for a four year term. All residents who are on the electoral roll are required to vote. Voting is compulsory.

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. .

Residents are able to raise issues with, and make representation to, the elected councillors. The councillors may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Addresses to Council are one way in which Council is able to hear the views of members of the public regarding an item of business scheduled to be considered at the Council Meeting. Council encourages the public to participate in this forum.

Members of the public are able to attend Ordinary Council Meetings which are held on the 4th Tuesday of each month, commencing at 10.00 am. Principal Committee Meetings are held on the 1st and 2nd Tuesday of each month commencing at 9.30am. The two Committees are Policy and Strategy Committee and Finance and Services Committee. Meetings are held in the Council Chambers situated at the corner of Princes Highway and Campbell Streets Moruya.

The public may also address committees on matters relating to the committee's business. Public Forum and Questions from the Public are held prior to commencement of Council and Committee Meetings.

In addition, Council holds informal Workshops, meetings and community consultation sessions on matters of particular interest throughout the Shire.

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Council also has the following Community Management Committees comprising of and including members of the public:

Batemans Bay Children & Family Centre
 Batemans Bay Mackay Park
 Batemans Bay Rugby Grounds
 Batemans Bay Sailing Complex
 Batemans Bay Tennis Complex
 Bodalla Memorial Hall
 Broulee Tennis Complex
 Dalmeny Oval
 Dalmeny/Kianga Tennis Complex
 Durras Hall
 Eurobodalla Landcare
 Eurobodalla Regional Botanic Gardens
 Malua Bay Community Centre And Tennis
 Moruya Basketball Stadium
 Moruya Racecourse
 Moruya Showground
 Narooma Tennis Complex
 Nelligen Tennis & Recreation
 Tilba Sportsground
 Tuross Head Memorial Gardens
 Tuross Progress Hall
 Surfair Speedway
 Sports Liaison

4. Information Held by Eurobodalla Shire Council

Council has a vast range of documents that can be accessed in both hard copy and electronic form that relate to functions it undertakes. The documents listed can be inspected at and obtained from Council's Administrative Office between the hours of 8.30am and 4.30pm, Monday to Friday (except public holidays). Enquiries about any document can be made with a Customer Service Officer.

- 1 Files – either Hard Copy or Electronic
- 2 Policy Documents
- 3 General Documents

Under the GIPA Act, information is made available in 4 ways:

- Open access: Where possible open information can be found on Council's website or will be made available free of charge
- Proactive release: Council will proactively release as much government information as possible free of charge (or at the lowest possible cost)

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- Informal access: Information will be released in response to a request without the need for a formal access application
- Formal access application: In limited circumstances, access to information will require a formal access application.

When a formal access application is lodged, a fee of \$30 is usually paid by an applicant to Council however Council may reduce or waive the fee under certain circumstances. Council may also impose a charge for processing an application of \$30 per hour but discount to 50% may be applied to applicants suffering financial hardship. The \$30 application fee covers the first hour of processing, and the processing fee is applied to the remainder of time spent by any officer of Council to efficiently deal with and respond to an application.

All charges in relation to the GIPA Act are listed in Council's Fees and Charges and are also available on the OIC website www.oic.nsw.gov.au

If you experience any difficulty in obtaining documents or information, you should contact the Public Officer or the Right to Information Officer.

4.1 Files

Prior to 2007 Council had a 'hard copy' filing system, with material being held in physical files. Since then, Council have been migrating to storing information in an electronic format, with the exception of development, building and construction applications.

Council files are not available on the website however information contained in them may be made available either as open access information, informal release or via a formal access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of GIPA.

Members of the public who require the Informal release of public information or a Formal access application of other information can do so by contacting Council on 4474 1000.

4.2 Policy Documents

Council has a register of Policy Documents which is available on Council's website.

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4.3 General Documents

The following list of general documents held by Council has been divided into four sections as outlined in Schedule 1 of the Government Information (Public Access) Regulation:

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

Schedule 1 of the Government Information (Public Access) Regulation 2009 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 Council during ordinary office hours or at any other place as determined by the Council. Any current and previous document of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

5. Formal Access Applications

Enquiries regarding access to Council information should be addressed to:

General Manager
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537
Email: council@eurocoast.nsw.gov.au
Phone: (02) 4474 1000
Fax: (02) 4474 1234

Further information about formal access applications or any aspect of the GIPA Act is available from the Office of the Information Commissioner www.oic.nsw.gov.au

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