



# GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

## PUBLICATION GUIDE

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# BATHURST REGIONAL COUNCIL PUBLICATION GUIDE

## COUNCIL STRUCTURE

**MAYOR/COUNCIL**

**COUNCIL COMMITTEES**

**GENERAL MANAGER**

- Corporate Communications
- Marketing

<b>DIRECTOR Corporate Services &amp; Finance</b>	<b>DIRECTOR Engineering Services</b>	<b>DIRECTOR Environmental, Planning &amp; Building Services</b>	<b>DIRECTOR Cultural &amp; Community Services</b>
<ul style="list-style-type: none"> <li>• Payroll</li> <li>• Administration</li> <li>• Governance</li> <li>• Stores/Purchasing</li> <li>• Information Services</li> <li>• Geographic Information System</li> <li>• Records</li> <li>• Human Resources</li> <li>• Risk Management/Insurance</li> <li>• Rates</li> <li>• Creditors/debtors</li> <li>• Business Papers</li> <li>• Government Information (Public Access)</li> <li>• Public Interest Disclosures</li> <li>• Work, Health &amp; Safety</li> <li>• Internal Audit</li> <li>• Annual Report</li> <li>• Delivery &amp; Operational Plan</li> <li>• Financial Management</li> <li>• Committee Secretariat</li> <li>• Switchboard</li> <li>• Customer Request Management System</li> <li>• Customer Service</li> <li>• State Emergency Service</li> <li>• Rural Fire Service</li> <li>• Emergency Management</li> <li>• Events</li> <li>• Property Development &amp; Management</li> <li>• Mount Panorama Business</li> </ul>	<ul style="list-style-type: none"> <li>• Water</li> <li>• Sewer</li> <li>• Waste &amp; Recycling Collection</li> <li>• Waste Management Centre</li> <li>• Parks &amp; Gardens</li> <li>• Aquatic Centre</li> <li>• Depot</li> <li>• Plant (Workshop)</li> <li>• Floodplain Management</li> <li>• Mount Panorama Operations</li> <li>• Maintenance (roads, bridges, kerb &amp; guttering)</li> <li>• Construction (roads,bridges)</li> <li>• Contract Management</li> <li>• Design Works</li> <li>• Disaster Planning</li> <li>• Aerodrome</li> <li>• Asset Management</li> <li>• Project Management</li> <li>• Forward Planning:               <ul style="list-style-type: none"> <li>○ Environment</li> <li>○ Recreation</li> <li>○ Infrastructure</li> </ul> </li> <li>• Rural Works</li> <li>• Indoor Sports Stadium</li> <li>• Tennis Courts</li> <li>• Traffic Management</li> <li>• Buildings Maintenance</li> <li>• Subdivision Design &amp; Construction</li> <li>• Vegetation Management Plan</li> <li>• Cemeteries</li> <li>• Drainage/Stormwater</li> <li>• Private Works</li> </ul>	<ul style="list-style-type: none"> <li>• Land Use Planning</li> <li>• Corporate Planning</li> <li>• Environmental Planning Control</li> <li>• Building Control</li> <li>• Health</li> <li>• Pollution Control</li> <li>• Development Control &amp; Applications</li> <li>• Traffic Inspectors (parking control)</li> <li>• Rangers</li> <li>• Stock Impounding</li> <li>• Heritage &amp; Conservation</li> <li>• Regulatory Functions</li> <li>• Animal Control</li> <li>• Companion Animals</li> <li>• Food/Health Inspections</li> <li>• Immunisation</li> <li>• State of Environment</li> <li>• Tree Preservation Order</li> <li>• Septic Tanks</li> <li>• Strategic Planning</li> <li>• Subdivision Planning</li> <li>• Ordinance Control</li> <li>• Licence Monitoring</li> <li>• Section 7.11 Contributions</li> <li>• Plumbing &amp; Drainage</li> <li>• Environmental Management</li> <li>• Contamination</li> <li>• Economic Development</li> </ul>	<ul style="list-style-type: none"> <li>• Art Gallery</li> <li>• Library</li> <li>• Chifley Home &amp; Education Centre</li> <li>• Somerville Collection</li> <li>• Bathurst Memorial Entertainment Centre</li> <li>• Children’s Services</li> <li>• Community Services</li> <li>• Cultural Planning</li> <li>• Community Social Planning</li> <li>• Community Development</li> <li>• Destination Management</li> <li>• Historical Society</li> <li>• Youth Council</li> <li>• Crime Prevention</li> <li>• Community Facilities</li> <li>• Community Halls/Groups               <ul style="list-style-type: none"> <li>○ Eglinton</li> <li>○ Raglan</li> <li>○ Perthville</li> </ul> </li> <li>• Community Organisations               <ul style="list-style-type: none"> <li>○ Rockley</li> <li>○ Hill End</li> <li>○ Sofala</li> <li>○ Eglinton</li> <li>○ Wattle Flat</li> <li>○ Trunkey Creek</li> <li>○ The Neighbourhood Centre</li> <li>○ Home &amp; Community Care Centre</li> <li>○ Kelso Community Centre</li> </ul> </li> <li>• Club Grants</li> <li>• Community Interagencies</li> <li>• Senior Citizen Centre</li> <li>• National Motor Racing Museum</li> <li>• Bathurst Rail Museum</li> <li>• Tourism</li> <li>• Sister City</li> </ul>

# BATHURST REGIONAL COUNCIL PUBLICATION GUIDE

## Council Structure and Functions

Bathurst Regional Council is constituted under the Local Government Act (NSW) 1993. Its functions are detailed in the Local Government Act (Section 21) and include service, regulatory, revenue, administrative, enforcement and ancillary functions. The preceding page illustrates Council's structure and the activities it undertakes which affect the community. A full outline of those activities, resources applied to those activities, and financial projections are contained in Council's Delivery and Operational Plans which can be found in the public documents section of Council's website ([www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)).

## How Council Operates

The Council, the formal decision-making body, consists of nine Councillors including the Mayor. The Council meets on a monthly cycle to determine policies, forward plans and strategies. It considers reports from Council Officers and/or Advisory Committees. Councillors can also consider and raise issues on behalf of members of the community.

The General Manager has extensive statutory and operational delegations, and on behalf of Council, puts the decisions of Council into action, as well as handles the day-to-day administrative functions of Council. Some delegations can be exercised by other officers.

## Access by and Participation of the Community in Council

Beyond standing at the four-yearly elections to become a Councillor, members of the community may participate in Council's decision making process by:-

1. Addressing Council directly at the Public Forum session at 6.00pm at each Ordinary Council Meeting (on the third Wednesday of each month - excluding January, December and public holidays).
2. Participation at the Public sessions of the Council's Discussion Forum meetings. Discussion Forums are only held when required and occur on the first Wednesday of each month (excluding January) following Council's Policy Meeting which commences at 6.00pm. Notification is via public advertisement in the local newspaper and by written notice to anyone who submitted an objection to a development application to be considered at the discussion forum.
3. Membership on Advisory Committees such as Traffic, Bathurst Regional Access Committee. A full list of Committees and their role is available from the General Manager's Office or the council website ([www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)).
4. Writing to Council on any matter. If it is outside the delegations or policies by which staff or the General Manager can make a decision, the matter will be referred to the next available relevant Committee or Council Meeting. All matters to be addressed by Council through staff reports must be submitted at least fourteen days prior to the relevant meeting.

Most Council and Committee meetings are open for members of the public to attend. If the subject matter to be discussed is of a nature where there is an overriding public interest consideration against disclosure this section of the meeting will be closed to the public in accordance with the provisions of Section 10 of the Local Government Act.

Minutes of Council and Policy Committee meetings are included in the Council business paper each month. They are available on Council's website ([www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)) or may be requested from the Corporate Services Department on the first floor of the Civic Centre 158 Russell St, Bathurst.

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Notification of the Council meetings is published in the local paper on the preceding Saturday. For information on all Council and Committee dates, please contact Council's Corporate Governance Assistant on 02 6333 6209, who will be able to assist with this information. A full calendar of meeting dates is available from the Corporate Services Department and meetings scheduled for the upcoming months are listed on council's website.

Meeting papers are made available to members of the public on Council's website, at the meeting, or copies can be obtained from the Corporate Services Department. A copy is also available for perusal at the Library.

### Documents of Council

A wide range of Council plans, policies, codes, statements and other documents are held by Council with many available for public inspection, and include:

- \* Annual Report
- \* Bathurst 2040 Community Strategic Plan
- \* Policy and Delegations Manual
- \* Delivery and Operational Plans and Revenue Policy
- \* Financial Statements and Audit Reports
- \* Fees and Charges Schedules
- \* Code of Conduct, Code of Meeting Practice
- \* Development, Building and Subdivision Codes and records
- \* Pecuniary Interest Returns
- \* Local Environmental Plans, Development Control Plans
- \* Council Business Papers and Minutes
- \* Statement of Business Ethics

A comprehensive list of Council's current policy and other documents is below (some of which may not be publicly available):

- Abercrombie Regional Economic Development Strategy
- Aboriginal Heritage Assessment – Ben Chifley Dam Pipeline Project
- Aboriginal Heritage Study – Public Release Version
- Adjoining owners notification (see Advertising and Notification of Development Applications DCP)
- Annual Report
- Asset Management Plans
- Auditor's Report
- Business papers
- Bathurst Aerodrome – Part 1, Manual
- Bathurst Aerodrome – Part 2, Emergency Plan
- Bathurst Aerodrome – Part 3, Emergency Procedures
- Bathurst CBD & Bulky Goods Business Development Strategy 2011
- Bathurst CBD Beautification Scheme 1998
- Bathurst CBD Beautification Scheme 1998 Supplementary Report
- Bathurst CBD Car Parking Strategy 2001
- Bathurst CBD Car Parking Strategy Supplementary Report 2015
- Bathurst City Traffic Study 1997
- Bathurst Community Access & Cycling Plan 2011
- Bathurst Community Needs Assessment 1999
- Bathurst Community Surveys
- Bathurst Community Safety Plan 2011 - 2014
- Bathurst Conservation Area Management Strategy Pilot Study 2001
- Bathurst Conservation Area Review 2008
- Bathurst Cultural Plan 2000
- Bathurst Demand Management Plan
- Bathurst Demographic Profile 1999

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- Bathurst District Soldiers Memorial Carillon Conservation Management Plan
- Bathurst Economic Development Strategy 2011 – 2016
- Bathurst Effluent Reuse Scheme
- Bathurst/Evans Local Disaster Plan
- Bathurst Heritage Study 2008/2009 – 2010/2011
- Bathurst Housing Strategy 2001
- Bathurst Housing Strategy 2003 Supplementary Report Medium Density Housing
- Bathurst Library Review
- Bathurst Library Strategic Plan
- Bathurst Local Approvals Policy 2000
- Bathurst Local Area Bike Plan 1993
- Bathurst Orange Dubbo – Environmental Sustainability Action Plan
- Bathurst Open Space Study 1993
- Bathurst Pedestrian Access Mobility Plan 2001
- Bathurst Pest Bird Management Plan
- Bathurst Regional Archaeological Management Plan 2012 Volume 1 Volume 2
- Bathurst Region – A Cultural Vision 2036
- Bathurst Region Biodiversity Issues paper
- Bathurst Region Destination Management Plan 2019 - 2024
- Bathurst Region Economic Development Strategy 2018-2022
- Bathurst Region Heritage Study 2007
- Bathurst Region Heritage Strategy 2014-2017
- Bathurst Region Heritage Plan 2017-2020
- Bathurst Region Marketing Strategy
- Bathurst Region Rural Strategy 2008
- Bathurst Region Signage Strategy 2013
- Bathurst Region Urban Strategy 2007
- Bathurst Region Vegetation Management Plan 2019
- Bathurst Regional Local Approvals Policy 2018
- Bathurst Retail Strategy 1999
- Bathurst Social and Community Plan 2011 - 2016
- Bathurst Southern Ring Road Route Study 2008
- Bathurst Strategic Access Plan 2000
- Bathurst Structure Plan 1994
- Bathurst TAFE (October 1998) Conservation Management Plan
- Bathurst TAFE (2015) Conservation Management Plan
- Bathurst Tourism Plans Vols I,II and III
- Bathurst Tourism Survey Report
- Bathurst Traffic Study 1997
- Bathurst Urban Waterways Management Plan
- Bathurst Waste Transport Study
- Bathurst Waterworks Conservation Management Plan
- Ben Chifley Dam – Dam Safety Emergency Plan
- Ben Chifley Dam Management
- Ben Chifley Dam to Bathurst Water Treatment Plant Pipeline Pre-Feasibility Assessment
- Better Practice Review Report
- Biodiversity Management Plan
- Blue Green Algae Action Plan
- Bridges Conservation Management Plan
- Building Certificate records
- Building and construction certificate application/approval records
- Car Parking Code
- Cemetery records
- Chifley Dam Pipeline Routes Terrestrial Flora and Fauna
- Chifley Dam Pipeline - Booroolong Frog and Koala survey report
- Chifley Home Management Plan
- Chifley Home Conservation Management Plan

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- Children's Services Review
- Civil Engineering Construction Specification
- Climate Change & Water Supply Security Plan
- Code of Conduct
- Code of Meeting Practice
- Code for the installation of swimming pools
- Community Atlas
- Community Participation Plan
- Community Safety Plan
- Companion Animals Management Plan
- Conservation Management Plans for Small Rural Cemeteries
- Contributions Plans (see Policy Manual Section 94)
- Development Application/consent records
- Delegations Register
- Development Applications
- Development Control Plans (see Policy Manual LEP's, DCP's Local Approval Policy)
- Developer Contributions Plans (water and sewerage)
- Disability Inclusion Action Plan 2017-2021
- Disclosures Register
- Drought Contingency & Water Supply Emergency Management Plan
- Drought Management Plan
- Duramana Road Master Plan
- Economic Development Strategy 2011-2016
- Economic Impact of Mt Panorama Racing Circuit
- Eglinton Village Expansion Local Government Study 2006
- Environmental Impact Assessment (EIA) for Sofala Flood Mitigation Works
- Equal Employment Opportunity Management Plan
- Evans Heritage Study 1987
- Financial Management Plan
- Floodplain Management Plans (various)
- Food Premises Code (see Bathurst Local Approvals Policy)
- Food Safety Program
- Gifts and Benefits Policy
- Government Settlement at Bathurst NSW (1815-1840) Archaeological Management Plan 2013
- Guidelines for Engineering Works
- Heritage Asset Register
- Human Resources Management & Employment Relations Policy and Procedures Manual
- ID Profile – Community Profile
- ID Profile – Economic Profile
- ID Profile – Population Forecasts
- Integrated Water Cycle Management Strategy
- Investment Register
- Kelso Traffic Access Study 2014
- Keppel Street Main Street Study Volume 1 Volume 2 Volume 3
- Land Register
- Landscaping Code
- Leases and licences for use of public land classified as community land
- Local Orders Policy
- Machattie Park Management Plan
- Mapping the Aged Care Industry & Issues of Ageing in the Bathurst Region
- Mount Panorama Motor Racing Circuit – Emergency Plan
- Mt Panorama Precinct Regional Recreation & Tourism Strategy
- Mount Panorama Policy
- Mount Panorama Regional Recreation Study 1984
- 2012 Supercheap Auto Bathurst 1000 - Economic Impact Study
- Minutes – Council meetings

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- Museums & Galleries NSW - MGNSW – Value Added: The Economic and Social Contribution of Cultural Facilities and Activities in Central NSW
- Museums & Galleries NSW – National Standards Reviews Overall Report : Chifley, NMRM, Art Gallery, School of Arts, AFMM and Historical Society
- Musing Bathurst: A Review of Museums in the Bathurst Region
- Naming of Parks and Reserves Policy
- Old Government Cottage Conservation Management Plan
- On-site Sewage Management Plan
- Payment of Expenses and Provision of Facilities for Councillors Policy
- Peel Hall Conservation Management Plan
- Plans of land proposed for compulsory acquisition by Council
- Plans of management for community land (parklands, Macquarie River parklands, playgrounds, sportsgrounds, community access areas, drainage reserves)
- Policy Manual
- Population forecast
- Privacy Management Plan
- Private works (see Policy Register)
- Proclamation of Bathurst Regional LGA
- Property rate book
- Protection of the Environment Operations Act Register
- Public interest disclosures
- Public liability insurance policy
- Purchasing manual
- Reconciliation Action Plan 2015-2017
- Register of Councillor voting on planning matters
- Register of graffiti removal work
- Register of Investments
- Renewable Energy Action Plan 2020
- Returns of the interests of Councillors, designated persons and delegates
- Revenue Policy (see Financial Management Plan)
- Review of Kerbside Recycling
- Review of Environmental Sustainability Action Plan Targets
- Risk Matrix
- Roadside Vegetation Management Plan 2019
- Rockley Mill Conservation Management Plan
- (Rural) Waste Strategy Report
- Salinity Landscape Study
- Section 7.11 Contributions Plan (see Contributions Plans)
- Section 356 Donations Policy
- Smart Community Strategy
- Smoke Free Work Environment Policy (see Policy Register)
- State of the Environment Report
- Stormwater Management Plan for Bathurst City Council - LGA
- Strategic Business Plan for Water Supply and Sewerage Services
- The Bridle Track Conservation Management Plan
- The Government Settlement at Bathurst, NSW (1815-1840) Archaeological Management Plan
- The School of Arts Hall at The Lagoon Conservation Management Plan
- Tree Preservation Orders
- Village of Hill End (privately owned lands) Archaeological Management Plan
- Village Strategic Plans
- Water Supply and Sewage Strategic Business Plan
- Well-Being Indicators Summary
- Waste Strategy Report
- Water Conservation and Demand Management Strategy
- Wattle Flat Mining Areas Archaeological Management Plan
- William & George Street Main Street Study Volume 1 Volume 2 Volume 3
- Winburndale Dam – Dam Safety Emergency Plan

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- Workforce Plan

### Methods of Accessing Council Information

The Council can make information available to the public in 4 different ways:-

1. **Mandatory Release** – where Council is required under legislation to make information available free of charge to the public
2. **Proactive Release** – Councils are encouraged to release as much other information as possible in an appropriate manner (though this may sometimes result in a cost)
3. **Informal Release** – Councils are encouraged to release information in response to an informal request subject to reasonable conditions (e.g. may be copying charge involved)
4. **Formal Release** – Councils may release information in response to a formal request. This is the last resort, if the information is not available in any other way. There is a fee associated with a formal application (currently \$30) and an application form is available on Council's website.

Many of the documents in the list above are available free of charge to the public either on Council's website (under the public documents section) or by contacting the Corporate Services Section of the Council at the Civic Centre, 158 Russell Street Bathurst. Access to some documents may be denied under the Government Information (Public Access) Act 2009 as there may be an overriding public interest against disclosure. Some of these include confidential Council business papers and reports, communications between legal practitioners and the Council, and matters considered to be so sensitive that the disclosure of them would compromise or detrimentally affect either the Council or another party with whom the Council is dealing. In the first instance members of the public are encouraged to contact council's Right to Information Officer to ascertain if the information they seek is publicly available.

The following information is available for inspection, but photocopy or removal of material from Council's offices is not permitted:

- \* Property Valuation Books
- \* Development and Building Application Registers

### Public Interest Considerations

When considering whether or not to provide information Council must weigh up the public interest in providing the information with any overriding public interest against the provision of the information. Council will apply the **Public Interest Test** and if there is an overriding public interest against disclosure that outweighs the public interest in favour of disclosure the documents will not be made available. The [GIPA Act](#) provides a table of items for which there is an overriding public interest against disclosure. Council must consider applications for information against these criteria before information can be released.

### Formal Applications for Information

[Government Information \(Public Access\) Act 2009 \(GIPA Act\)](#) formal applications should be made on the relevant form available from the Corporate Services Department or on the public documents section of Council's website ([www.bathurst.nsw.gov.au](http://www.bathurst.nsw.gov.au)) and must be accompanied by the statutory fee. A reduction in application fees can be sought in certain circumstances. Additional charges may apply as defined in the GIPA Act if the information takes a lot of time to research. Most information is available free of charge via access to the listed Council documents on Council's website or from the Civic Centre 158 Russell Street Bathurst during normal business hours (8.30am - 4.45pm). In certain circumstances Council may charge for the provision of documents and this charge would be in accordance with the currently adopted fees and charges.

Under the GIPA Act people are generally allowed access to documents concerning their personal affairs. If the person finds the information is incomplete or not accurate they can request it be corrected. If access to personal information is approved and the documents are incomplete or not



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accurate this should be raised immediately with the Council's Right to Information Officer for investigation and action.

Contact Council's Right to Information Officer telephone 02 6333 6209 or Public Officer at the Council Offices, Civic Centre 158 Russell Street, Bathurst, for further guidance and assistance, or to lodge an application for access to Council records.

### Schedule of Fees

The table below sets out the fees and charges associated with a **formal access** application. The amounts have been prescribed by legislation.

#### Application Fee

Formal Application	\$30 one off*
Advance Deposit	Max. 50% of estimated total processing charge

\*subject to 50% reduction for financial hardship.

A \$30 per hour processing charge may be imposed for formal access applications where the processing time exceeds more than one hour (as the initial \$30 application fee covers the first processing hour). Council will advise the applicant if a processing fee will be applied and how this amount has been calculated.

If a fee for provision of information provided under the GIPA Act is payable, it will be listed in Council's adopted Fees and Charges and is GST inclusive.

### Information and Privacy Commission

The Information and Privacy Commission (IPC) has been established to oversee the GIPA Act. The IPC provides information about the right to access to information and can be contacted via:

Internet: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au) Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Mail: GPO Box 7011 Sydney NSW 2001

In person: Level 17, 201 Elizabeth Street, Sydney NSW 2000

Phone: 1800 472 679 Monday to Friday, 9am to 5pm (excluding public holidays).

### Rights of Review

There are rights to review a decision made by the Public Officer. A full list of reviewable decisions is set out in s80 of the GIPA Act.

### Internal Review

If an access application has been refused, there is a general right to seek an internal review of the decision. An internal review must be applied for within 20 working days of the original decision and is subject to a \$40 fee. Internal review involves a senior person in the agency reviewing the decision to reject the access to information application.

### Role of the Information and Privacy Commission

The Information and Privacy Commission can review a decision to refuse access to information if requested by the applicant, notwithstanding any internal review being undertaken. However, for other persons seeking review, an internal review must first be undertaken. The Information and Privacy Commission also deals with complaints under the GIPA Act.

### External Review (NSW Civil and Administrative Tribunal)

Applicants also have formal avenues via the New South Wales Civil and Administrative Tribunal to review the decision to refuse access. This application must be made within 40 working days of the original decision or 20 working days after a review undertaken by the Information Commissioner.