



## Young Shire Council



*"Cherry Capital of Australia"*

**July - 2015**

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## PLAN YOUNG LEAD YOUNG GROW YOUNG LIVE YOUNG

### **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***

Young Shire Council is a Local Government area (LGA) in the state of New South Wales. Its population approaching 13,000 is spread throughout an area of 2660 square kilometres; the area features 5 villages and many other rural localities. A map of the LGA is found in Appendix 1 of this Guide.

On the 1<sup>st</sup> July 1980, the Shire of Young was created through the amalgamation of Young Municipal Council and Burrangong Shire Council.

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

The Young Shire Council is constituted under the Local Government Act 1993 (LGA Act).

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

Young Shire Council is an undivided area and is governed by the body of 9 Councillors who are elected by the residents and ratepayers of the Shire for a four year term. The Mayor is elected each year by the Councillors among their numbers. The roles 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 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.

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 Local Government Act (1993) the General Manager's responsibilities include:

- Efficient and effective operation of the Council organization 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 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 decisions of Council. These are Corporate Services, Operations, Utility Services and Planning, Environment and Strategic Services.. Each of these divisions is headed by a director.

Councils employ staff such as town planners, engineers, building surveyors, librarians, environmental officers, rangers and accountants. 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 Young Shire 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 Manger 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 the decisions on behalf of the community.

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

#### **Ø Service functions, including:**

- Provision of Community Health, recreation, education and information services
- Environmental Protection
- Waste Removal and Disposal
- Land and property, industry and tourism development and assistance
- Civil Infrastructure Planning
- Civil Infrastructure Maintenance and Construction

**Ø *Regulatory functions, including:***

- Approvals
- Orders
- Building Certificates

**Ø *Ancillary functions, including:***

- Resumption of land
- Powers of entry and inspection

**Ø *Revenue functions, including:***

- Rates
- Charges
- Fees
- Borrowings
- Investments

**Ø *Admin functions, including:***

- Employment of staff
- Integrated Planning and Reporting / Management Plans
- Financial Reporting
- Annual Reports

**Ø *Enforcement functions, including:***

- Proceedings for breaches of the Local Government Act and 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:

- 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
- Government Information (Public Access) Act 2009
- Heritage Act 1977

- Impounding Act 1993
- Library Act 1939
- Noxious Weeds Act 1993
- Privacy and Personal Information Protection act 1998
- Protection o the Environment Operations Act 1997
- Public Health Act 1991
- Recreation Vehicles act 1983
- Roads Act 1993
- State Emergency Rescue and Management Act 1989
- Strata Schemes ( Freehold Development) Act 1973
- Strata Schemes (Leasehold Development) Act 1986
- Strata Schemes Management Act 1996
- Swimming Pools Act 1992

## **How Council Functions Affect Members of the Public**

As a service organisation, the majority of the activities of Young 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 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 resumptions 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 the revenue from rates and other charges are paid by the public are 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 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 and further information regarding events may be obtained by visiting [www.visityoung.com.au](http://www.visityoung.com.au):

<b>Month</b>	<b>Event</b>
<b>January</b>	Australia Day Citizenship Ceremony Australia Day Awards Ceremony
<b>March</b>	Clean Up Australia Day Harmony Day Youth Week
<b>April</b>	Seniors Week Lambing Flat Festival
<b>July</b>	NAIDOC Week National Tree Day
<b>August</b>	Local Government Week
<b>September</b>	Young Show Mayoral Election
<b>December</b>	National Cherry Festival

Council's Integrated Planning and Reporting framework is a comprehensive suite of documents which provide a range of information on Community expectations, principal activities, performance targets, financial plan, fees and charges and environmental and human resource programs. The Delivery Plan identifies key targets and projects for the ensuing 4 years with the Operational Plan focusing on the current year.

The Draft Delivery and Operational 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 Integrated Planning and Reporting process is shown below;



Each financial year quarterly reviews of the Operational Plan 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 the 30<sup>th</sup> November, and is publicly available.

Copies of these documents are available on Council's Website

<http://www.young.nsw.gov.au> in the Public Documents section.

## **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 2016.

Within the Young LGA, each election, voters elect 9 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 representation 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 member 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:

- Healthy Shires Committee
- Mayoral Scholarship Committee
- Tourism Committee
- Internal Audit Committee
- Young Sports Council
- Young Tidy Towns Committee
- Arts and Cultural Management Committee

Members of the public are also to attend Council meetings held in the Young Town Hall, Boorowa Street Young.

### ***Council Meetings***

Ordinary Meetings of Council are held on the third Wednesday of each month except January. The meetings start at 5:00 pm and are normally scheduled to conclude by 9:00 pm. Special meetings (or Extraordinary Meetings) normally start at 5:00 pm and conclude once the Agenda items have been dealt with.

Members of the public are able to address Council meeting about matters on the meeting agenda by contacting the General Managers Secretary on (02) 6380 1200 by 4pm on the day of the meeting to indicate that they wish to do so.

## **Documents- Open Access Information**

### ***Documents Held by Council***

Council Holds documents (physical and /or electronic form) that related to a number of different issues concerning the Young Shire area. These documents are grouped into four categories:

- Electronic Documents
- Paper Files
- Policy Documents
- General Documents

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

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

Council has implemented Electronic Document Records Management (EDRM) through its Local Government Information System and post 2008 hard copy; physical files were dispensed with, except for working files for development/ building/ construction applications. These files are known as Premises files.

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

- Record Unique Identifier
- Scanned Image / Document Data
- Record Type
- Record Author

- File Number
- Person Link
- Reference
- Classification
- Keyword
- Barcode
- Description

Prior to 10<sup>th</sup> October 2008, the main types of paper files held by Council included general subject files, development and building files, property files as well as street and park files. These documents are archived and warehoused by Council. All documents are subject to a General Disposal Authority .

Paper 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 02 6380 1200.

### ***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 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 Finance Report
- Auditors Report
- Management Plan
- EEO Management Plan
- Policy concerning the payment of expenses incurred by and the Provision of 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
- Department 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 document 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 Access and Amend Council Documents concerning their Personal Affairs**

As mentioned previously, Council has a vast range of documents that's can be accessed in varying ways. Most documents can be inspected at and available for viewing at the Council's Administration counter between the hours of 8:30am and 5:00pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Service Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer on (02) 6380 1200.

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

It should be noted that the Director Corporate Services has been appointed as Council's "Right of Information Officer and 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 in gaining access to public documents held by 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 difficulty obtaining access to Council documents, you may wish to refer your enquiry to the Right of Information Officer.

Should you wish to amend a document of Council which relates to your personal information because you feel it is incorrect, it is necessary for you to make a written application to the Right of Information Officer in the first instance.

Enquiries should be addressed as follows:

General Manager  
Young Shire Council  
Locked Bag 5  
YOUNG NSW 2594

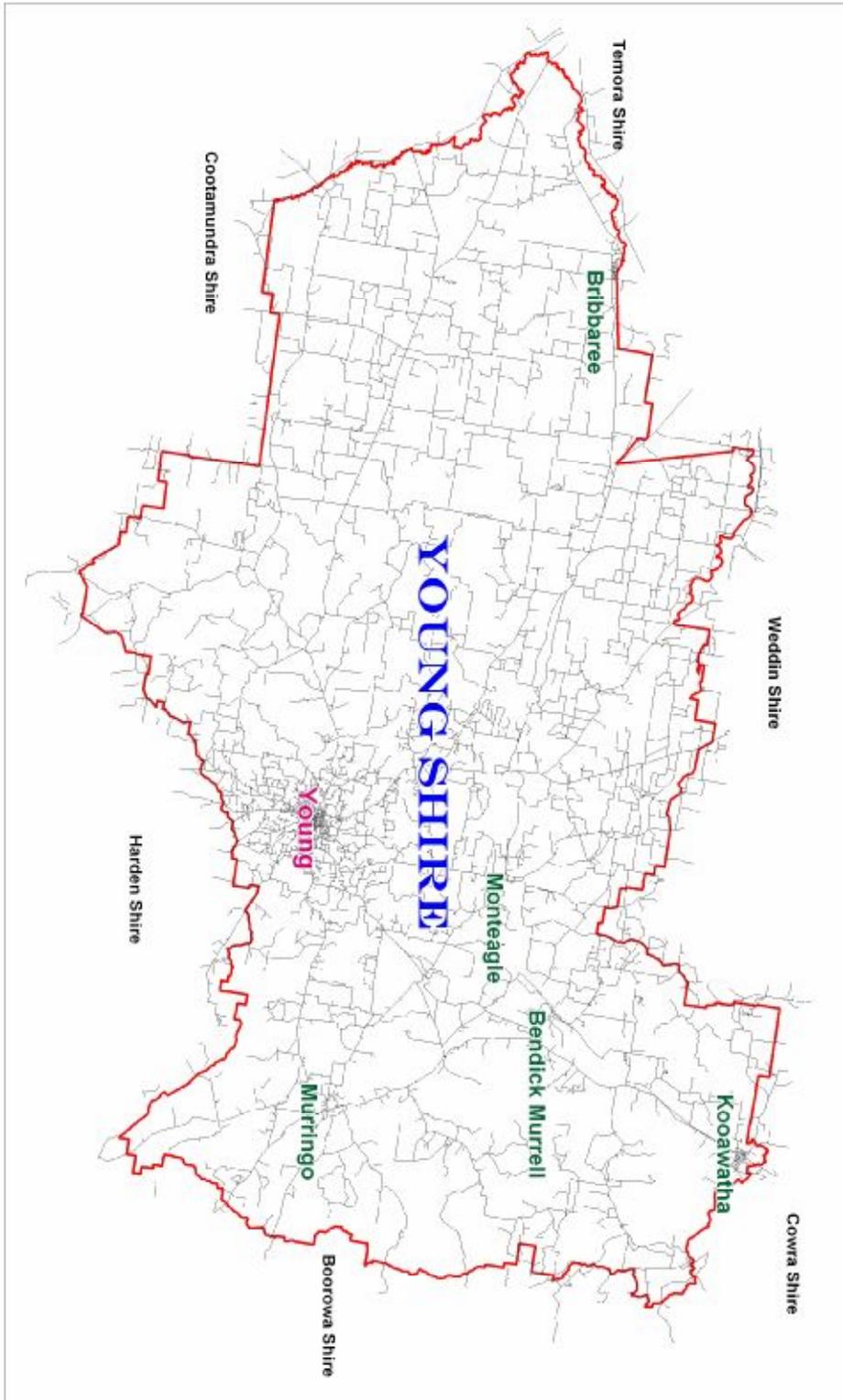
Email: [mail@young.nsw.gov.au](mailto:mail@young.nsw.gov.au)

### ***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 [oinfo@oic.nsw.gov.au](mailto:oinfo@oic.nsw.gov.au)



**Appendix 1 – Map of Young Shire Local Government**



**Appendix 2 – Young Shire Council Organisation Structure**

