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#### Document Review

This document shall be reviewed yearly, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

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Cowra Shire Council  
Private Bag 342  
Cowra NSW 2794

Phone: 02 6340 2000  
Fax: 02 6340 2011

Email: [council@cowra.nsw.gov.au](mailto:council@cowra.nsw.gov.au)  
Internet: [www.cowracouncil.com.au](http://www.cowracouncil.com.au)

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## 1. STRUCTURE AND FUNCTIONS OF COUNCIL

### 1.1 INTRODUCTION

Cowra Shire Council is constituted under the NSW Local Government Act 1993. The Council is an undivided area with nine (9) Councillors. The Mayor is elected each year by the Councillors from among their numbers.

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 elected Council, between its meetings and performs any other functions that the Council determines.

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 various policies and procedures.

To assist the General Manager in the exercise of these functions, there are three (3) Departments of Council. These Departments are Operations, Corporate Services and Environmental Services. Each of these Departments is headed by a Director.

## 1.2 ORGANISATIONAL STRUCTURE

The functional structure of the organisation is set out in Appendix I.

## 1.3 COUNCIL FUNCTIONS

Council has functions conferred or imposed on it by the Local Government Act, 1993. These functions are:

Service functions	Regulatory functions	Ancillary functions	Revenue functions	Administrative functions	Enforcement functions
Including:	Including:	Including:	Including:	Including:	Including:
Provision of community health, recreation, education & information services	Approvals	Resumption of land	Rates	Employment of staff	Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations
Environmental protection	Orders	Powers of entry and inspection	Charges	Operational plans	Prosecution of offences
Waste removal & disposal	Building Certificates		Fees	Financial reporting	Recovery of rates and charges
Land & property, industry & tourism development & assistance			Borrowings	Annual reports	
Civil Infrastructure Planning			Investments		
Civil Infrastructure Maintenance & Construction					

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 & 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 Service 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. COUNCIL'S FUNCTIONS AND THE PUBLIC

As a service organisation, the majority of the activities of Cowra 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** Council provides services and facilities to the public. These include provision of libraries, civic centre operation, recreation and sporting facilities and waste removal.

**Regulatory functions** place restrictions on health, 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 together with funds from government grants 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 and littering.

**Community planning and development functions** affect areas such as cultural development, social planning, sporting and recreational planning and other community issues. The basis for Council's planning in these areas is the Community Strategic Plan 2012-2036 (CSP). The CSP is the basis for the Four Year Delivery Program 2013-2017 and the One Year Operational Plan.

- Providing, advocating and facilitating for the needs of our community.
- 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 the festival of International Understanding, NAIDOC Week, Youth Week, Seniors Week, as well as promoting events of others.

### **3. COUNCIL POLICY DEVELOPMENT & FUNCTIONS-PUBLIC PARTICIPATION**

Councils in New South Wales are elected every four years. The next election is to be held in September 2016.

At each election, Cowra voters elect nine 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 are 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 if they wish to bring the matter to the Council's notice, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

Members of the public are able to attend General Committee Meetings (second Monday of each month and Council Meetings (fourth Monday of each month) in the Council Chamber, Administration Building, Kendal Street, Cowra. These meetings are generally held on the second and fourth Mondays respectively of each month except during the months of January and December of each year and when affected by public holidays.

Prior to the General Committee meeting, an opportunity via the Open Forum is offered to interested persons to address Council on any matters that are contained within the agenda for that meeting. At the Council meeting the Open Forum is available for any matter to be raised.

In addition, Council periodically holds informal meetings at Towns and Villages in the shire to allow residents to raise matters of particular interest.

Council also has the following Committees and Working Parties comprising and including members of the public:

- Cowra Youth Council
- Access Committee
- Cowra Regional Art Gallery Advisory Committee
- Australian Chapter of World Peace Bell Association
- Cowra Breakout Association
- Cowra Cultural Council
- Cowra Italy Friendship Association
- Cowra Sport & Recreation Council
- Festival of International Understanding

- Friends of the Cowra Regional Art Gallery
- Noonbinna Village Committee
- Natural Resource Management Advisory Committee
- Saleyards Committee
- Tidy Towns and Urban Landcare
- Cowra POW Breakout 70<sup>th</sup> Anniversary Committee
- Cowra & Gooloogong Floodplain Risk Management Working Party
- Lachlan River Precinct Working Party
- CBD Working Party

#### **4. INFORMATION HELD BY COWRA SHIRE COUNCIL**

Council holds a wide range of information, in both hard copy and electronic form, in respect of the wide range of functions undertaken by it. That information is contained in:

- Files – either physical or electronic
- Policy documents
- General documents

##### **4.1 FILES**

Prior to 2009, Council's records were hard copies and were filed within the administration building. Since then, Council's files have been maintained in electronic format and physical files. The vast majority of Council's files are held in off-site storage.

Council's files are not available on the website however this information may be made available either by informal release or via an 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 an informal release or wish to submit an access application can do so by contacting Council.

##### **4.2 POLICY INFORMATION**

Council's policies are maintained in a policy register – access to which is available on the website. Policies are being progressively added to the website.



### 4.3 GENERAL INFORMATION

The following list of general information held by Council has been divided into four sections as outlined in the GIPA Regulation (Government Information (Public Access) Regulation 2009):-

- Information about Council;
- Plans and Policies;
- Information about Development Applications;
- Approvals, Orders and other information.

The GIPA Regulation (Government Information (Public Access) Regulation 2009) requires that this information held by Council is to be made publicly available for inspection, free of charge. The public is entitled to inspect this information either on Council's website (unless there is an unreasonable additional cost to Council to publish this information 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 information of this type may be inspected by the public free of charge. Copies may be supplied for a charge not exceeding the reasonable cost of photocopying as per Council's Revenue Policy. This information consists of the following categories/documents:

#### 4.3.1 Information about Council

- The model Code of Conduct prescribed under section 440 (1) of the Local Government Association
- Councils adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- Equal Employment Opportunity 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 Local Government Association
- 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

#### **4.3.2 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

#### **4.3.3 Information about Development Applications**

- Development Applications and any associated information received in relation to a proposed development:
  - Home Warranty Insurance information
  - Construction Certificates
  - Occupation Certificates
  - Structural Certification information
  - 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 information that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

#### **4.3.4 Approvals, Orders and Other Information**

- Applications for approvals under Part 1 of Chapter 7 of the LGA
- Applications for approvals under any other Act and any associated information 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

## **5. HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL INFORMATION CONCERNING THEIR PERSONAL AFFAIRS**

As far as practicable, Council information will be accessible by members of the public during office hours.

Persons interested in obtaining access to information or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact a Customer Service Officer. If you experience difficulty in obtaining information you should contact Council's Right to Information Officer.

## **6. RIGHT TO INFORMATION OFFICER**

The Director of Corporate Services is designated as the Right to Information Officer and has the responsibility of assisting members of the public in gaining access to public information of the Council and assisting the public with their enforceable right to access government information.

If you have any difficulty in obtaining access to Council information, you may wish to refer your enquiry to the Right to Information Officer. Also, if you would like to amend information of Council which you feel is incorrect it is necessary for you to make written application to the Right to Information Officer in the first instance.

Enquiries should be addressed as follows:

The Right to Information Officer  
C/- General Manager  
Cowra Shire Council  
Private Bag 342  
Cowra NSW 2794  
Telephone: 02 6340 2007  
Email: [council@cowra.nsw.gov.au](mailto:council@cowra.nsw.gov.au)

- or -

Information and Privacy Commission  
GPO Box 7011  
SYDNEY NSW 20001

## **7. OFFICE OF THE INFORMATION AND PRIVACY COMMISSION (IPC)**

If you require any other advice or assistance about access to information you may contact the Information and Privacy Commission by telephone on 1800 472 679) or by email at [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

8. APPENDIX 1

MANAGEMENT STRUCTURE – COWRA SHIRE COUNCIL



Function	Council Department
Accounts payable & receivable	Corporate Services Department
Business Development	General Manager's Office
Citizenship	General Manager's Office
Civic Centre, Library & Art Gallery	Corporate Services Department
Community Projects	Corporate Services Department
Companion Animals Regulation	Environmental Services Department
Compliance Inspections	Environmental Services Department
Construction & maintenance of roads & footpaths	Infrastructure & Operations Department
Council Facilities including Caravan Park, Cemeteries, Airport, Aquatic Centre, Materials Recycling Facility (MRF), Saleyards & Council buildings	Infrastructure & Operations Department
Cultural & Special Events	Corporate Services Department
Customer Service	Corporate Services Department
Depot Operations	Infrastructure & Operations Department
Development Control	Environmental Services Department
Engineering design	Infrastructure & Operations Department
Environmental Protection & Regulation	Environmental Services Department
Financial Plans & Budget	Corporate Services Department
Governance	General Manager's Office
Health Regulation & Food Safety Inspections	Environmental Services Department
Human Resources	Corporate Services Department
Information Technology	Corporate Services Department
Insurances	Corporate Services Department
Japanese Relationships	General Manager's Office
Land-Use Planning	Environmental Services Department
Liaison with Mayor & Councillors	General Manager's Office
Marketing	General Manager's Office
Noxious Weeds	Infrastructure & Operations Department
Parks, gardens & village beautification	Infrastructure & Operations Department
Plumbing & Drainage Regulation & On-site Sewage Management	Environmental Services Department
Public Entertainment Licensing	Environmental Services Department
Public Relations	General Manager's Office
Rates & Water Billing	Corporate Services Department
Rates & Water Billing	Corporate Services Department
Records Management	Corporate Services Department
Records Management	Corporate Services Department
Risk Management	Corporate Services Department
Risk Management	Corporate Services Department
RMS roadworks	Infrastructure & Operations Department
Rural Addressing	Environmental Services Department
State of the Environment Reporting	Environmental Services Department
Subdivision certification	Environmental Services Department
Tourism	General Manager's Office
Water & Wastewater	Infrastructure & Operations Department
Zoning & Building Certificates	Environmental Services Department