

LAKE
MACQUARIE
CITY



AGENCY INFORMATION GUIDE 2022-2023



Lake Macquarie City Council

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WHAT IS THE AGENCY INFORMATION GUIDE?

This information guide has been produced in accordance with section 20 of the *Government Information (Public Access) Act 2009*, and provides the community with a comprehensive overview of:

- the structure and functions of Lake Macquarie City Council
- how those functions affect the community
- the ways we engage with the community
- the type of information we hold
- how we make information publicly available.

This information guide is available on Council's website and is reviewed annually.





STRUCTURE AND FUNCTIONS OF COUNCIL

ABOUT LAKE MACQUARIE CITY

Lake Macquarie is home to the largest coastal saltwater lake in the Southern Hemisphere, with 32 kilometres of pristine coastline to the city's east and some of the most beautiful forests to the city's west.

The city's area of 757.2 square kilometres is made up of 90 diverse towns and centres. With the third largest regional population in NSW, Lake Macquarie provides a naturally beautiful, vibrant, progressive environment for families to grow, businesses to thrive and tourists to visit.

The Shire of Lake Macquarie was proclaimed as a municipality on 1 January 1977 and became a city on 7 September 1984.

BASIS OF CONSTITUTION

Lake Macquarie City Council is constituted under the *Local Government Act 1993*.

ORGANISATIONAL STRUCTURE AND RESOURCES

The Lake Macquarie local government area consists of three electoral areas, known as wards: North, East and West. Four councillors are elected to each ward, with a total of 13 elected Councillors representing the Lake Macquarie community for a four-year term. The Mayor is elected by the community and serves a four-year term. A Deputy Mayor is elected among the Councillors and serves for a 12-month term.

ROLE OF A COUNCILLOR

The role of a Councillor, as an elected representative, is:

- to be active and contributing member of the governing body of Council
- to make considered and well-informed decisions as a member of the governing body
- to participate in the development of the Integrated Planning and Reporting Framework
- to represent the collective interests of residents, ratepayers and the community
- to facilitate communication between the community and the governing body
- to uphold and accurately represent the policies and decisions of the governing body
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.



ROLE OF THE MAYOR

The role of the Mayor is to:

- be the leader of Council and a leader in the community
- advance community cohesion and promote civic awareness
- be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities
- exercise, in cases of necessity, the policy making functions of the governing body of Council between meetings of Council
- preside at meetings of Council
- ensure that meetings of Council are conducted efficiently, effectively and in accordance with the *Local Government Act 1993*
- ensure the timely development and adoption of the strategic plans, programs and policies of Council
- promote the effective and consistent implementation of the strategic plans, programs and policies of Council
- promote partnerships between Council and key stakeholders
- advise, consult with and provide strategic direction to the General Manager/ Chief Executive Officer in relation to the implementation of the strategic plans and policies of Council
- in conjunction with the General Manager/ Chief Executive Officer, ensure adequate opportunities and mechanisms for engagement between Council and the community
- carry out the civic and ceremonial functions of the Mayoral Office
- represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level
- in consultation with the councillors, lead performance appraisals of the General Manager/Chief Executive Officer
- exercise any other functions of Council that Council determines.

Image: Lake Macquarie Mayor Kay Fraser

ROLE OF CHIEF EXECUTIVE OFFICER

The role of the CEO is to:

- conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council
- implement, without undue delay, lawful decisions of Council
- advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of Council
- advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of Council and other matters related to Council
- prepare, in consultation with the Mayor and the governing body, Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report
- ensure that the Mayor and Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions
- exercise any of the functions of Council that are delegated by Council to the Chief Executive Officer
- appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by Council
- direct and dismiss staff
- implement Council's workforce management strategy
- carry out any other functions that are conferred or imposed on the Chief Executive Officer by or under the *Local Government Act 1993* or any other Act.

Image: Lake Macquarie City Council CEO Morven Cameron

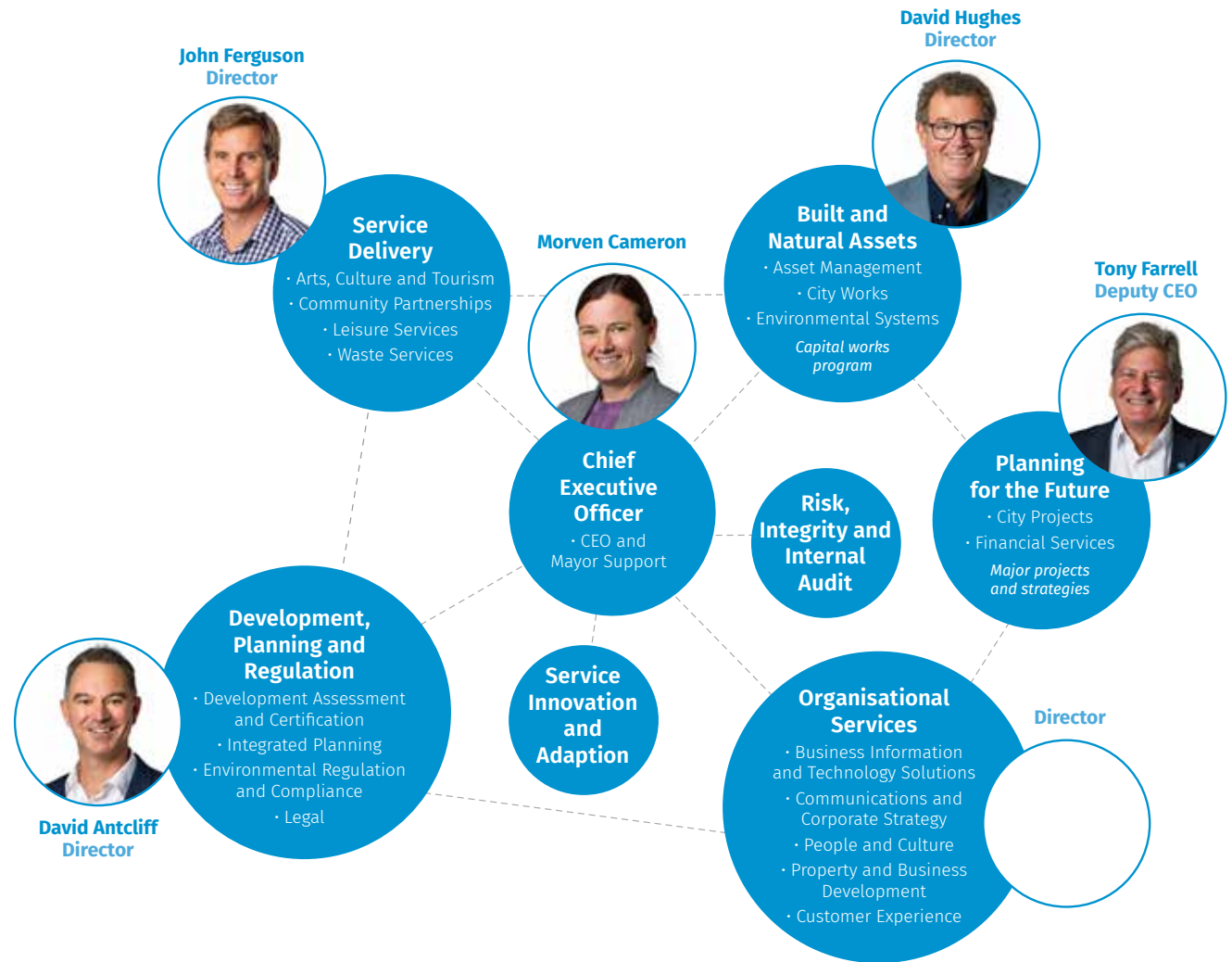


To assist the Chief Executive Officer in the exercise of these functions, there are five clusters of Council, plus CEO and Mayor Support.

These clusters are:

- **Planning for the Future**
- **Service Delivery**
- **Built and Natural Assets**
- **Organisational Services**
- **Development, Planning and Regulation**

ORGANISATIONAL STRUCTURE



FUNCTIONS OF COUNCIL

Under the *Local Government Act 1993*, 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 and information services✔ Environmental protection✔ Waste removal and disposal✔ Land and property, industry and tourism development and assistance✔ Civil infrastructure and planning✔ Civil infrastructure, maintenance and construction	REVENUE FUNCTIONS	<p>Including:</p> <ul style="list-style-type: none">✔ Rates✔ Charges✔ Fees✔ Borrowings✔ Investments
REGULATORY FUNCTIONS	<p>Including:</p> <ul style="list-style-type: none">✔ Approvals✔ Orders✔ Building certificates	ADMINISTRATIVE FUNCTIONS	<p>Including:</p> <ul style="list-style-type: none">✔ Employment of staff✔ Management plans✔ Finance reports✔ Annual reports
ANCILLARY FUNCTIONS	<p>Including:</p> <ul style="list-style-type: none">✔ Resumption of land✔ Powers of entry and inspection	ENFORCEMENT FUNCTIONS	<p>Including:</p> <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

Section 21 of the Local Government Act 1993 confers or imposes the following functions on Council:

- Non-regulatory or service functions (Chapter 6)
- Regulatory functions (Chapter 7)
- Ancillary functions (Chapter 8)
- Revenue functions (Chapter 15)
- Administrative functions (Chapters 11, 12 and 13)
- Enforcement functions (Chapters 16 and 17)

In addition, Council has functions conferred or imposed on it by or under other Acts, which include:

- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Building and Development Certifiers Act 2018
- Civil Liability Act 2002
- Community Land Development Act 2021 – planning functions as consent authority
- Companion Animals Act 1998 – companion animal registration and control
- Contaminated Land Management Act 1997 – managing contaminated lands
- Conveyancing Act 1919 – placing covenants on Council land
- Crown Land Management Act 2016
- Dividing Fences Act 1991
- Environmental Planning and Assessment Act 1979
- Firearms Act 1996
- Fire and Rescue NSW Act 1989 – payment of contributions to fire brigade costs and furnishing of returns
- Food Act 2003 – inspection of food and food premises
- Government Information (Public Access) Act 2009 – publication of certain information and granting of access to other information by Council
- Heritage Act 1977 – rating based on heritage valuation
- Library Act 1939 – library services
- Local Government (General) Regulation 2021
- Modern Slavery Act 2018 (NSW)
- National Parks and Wildlife Act 1974 – protection of native wildlife
- Pesticides Act 1999 – use of pesticides
- Pesticide Regulation 2017
- Plumbing and Drainage Act 2011
- Privacy and Personal Information Protection Act 1998 – standards and requirements with regard to the collection and processing of personal information
- Protection of the Environment Operations Act 1997 – pollution control
- Public Health Act 2010 – inspection of systems for purposes of microbial control
- Public Interest Disclosures Act 1994 – protected complaints or disclosures about maladministration, corruption, substantial waste or failure to fulfil functions under Government Information (Public Access) Act 2009
- Public Spaces (Unattended Property) Act 2021 – impounding of animals and articles
- Recreation Vehicles Act 1983 – restricting use of recreation vehicles
- Road Transport Act 2013
- Roads Act 1993 – Roads
- Smoke Free Environment Act 2000
- State Emergency Rescue Management Act 1989 – Council is required to prepare for emergencies
- State Emergency Service Act 1989 – recommending appointment of local controller
- State Records Act 1998 – imposes requirements for record keeping and access to Council records
- Strata Schemes Development Act 2015 approval of strata schemes
- Strata Schemes Management Act 2015
- Swimming Pools Act 1992 – ensuring restriction of access to swimming pools
- Transport Administration Act 1988
- Unclaimed Money Act 1995 - unclaimed money to be paid to the Chief Commissioner of Unclaimed Money
- Waste Avoidance and Resource Recovery Act 2001
- Water Management Act 2000
- WHS Regulation 2017
- Work Health and Safety Act 2011 – requirements for healthy and safe practices in the work place
- Workplace Injury Management and Workers Compensation Act 1998 – requirements for managing injury and return to work.



IMPACT OF COUNCIL FUNCTIONS ON THE PUBLIC

As a service organisation, the majority of our activities have an impact on the public. The following is an outline of how the broad functions of Lake Macquarie City Council affect the public.

SERVICE FUNCTIONS

Service functions affect the public as we provide 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
- the removal of garbage.

REGULATORY FUNCTIONS

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

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

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

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

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

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 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, Children's Week, as well as promoting events of others.

PUBLIC PARTICIPATION IN LOCAL GOVERNMENT

Lake Macquarie City Council supports the principles of open government and encourages community involvement in policy development and general activities of Council.

The Lake Macquarie community may participate in Council's policy development and general activities by making representations to Councillors and through personal participation in Council events.

REPRESENTATION - COUNCILLORS AND WARDS

Lake Macquarie residents, who are 18 years of age or over, are eligible to enrol through the State Electoral Office and vote in the local government elections. Property owners who live outside of the local government area and rate paying lessees can also vote but must register their intention to vote on the non-residential roll. Voting is compulsory.

Residents elect a Mayor and four Councillors to represent their respective ward for a four-year term. Lake Macquarie is divided into three wards: North, East and West.

The Council election was held on 4 December 2021.

MAKING REPRESENTATION TO COUNCILLORS

Residents are able to contact their elected Councillors to raise any issues and concerns they have that affect Lake Macquarie. The elected Councillors are able to pursue a matter on the resident's behalf thus allowing members of the public to influence policy development.

THE CONTACT DETAILS OF THE CURRENT ELECTED COUNCILLORS ARE:



CR KAY FRASER (MAYOR)

☎ 0404 497 401
✉ kfraser@lakemac.nsw.gov.au



CR DAVID BELCHER (West Ward)

☎ 0429 914 623
✉ dbelcher@lakemac.nsw.gov.au



CR MADELINE BISHOP (DEPUTY MAYOR) (West Ward)

☎ 0407 157 901
✉ mbishop@lakemac.nsw.gov.au



CR JASON PAULING (West Ward)

☎ 0417 416 577
✉ jpauling@lakemac.nsw.gov.au



CR BRIAN ADAMTHWAITE (North Ward)

☎ 0417 061 433
✉ badamthwaite@lakemac.nsw.gov.au



CR ADAM SHULTZ (East Ward)

☎ 0429 931 044
✉ ashultz@lakemac.nsw.gov.au



CR JACK ANTCLIFF (North Ward)

☎ 0407 062 987
✉ jantcliff@lakemac.nsw.gov.au



CR NICK JONES (East Ward)

☎ 0429 889 781
✉ njones@lakemac.nsw.gov.au



CR KEARA CONROY (North Ward)

☎ 0407 134 485
✉ kconroy@lakemac.nsw.gov.au



CR CHRISTINE BUCKLEY (East Ward)

☎ 0428 546 549
✉ cbuckley@lakemac.nsw.gov.au



CR COLIN GRIGG (North Ward)

☎ 0429 908 747
✉ cgrigg@lakemac.nsw.gov.au



CR KATE WARNER (East Ward)

☎ 0407 132 022
✉ kwarner@lakemac.nsw.gov.au

PERSONAL PARTICIPATION

Lake Macquarie City Council seeks to be accessible and accountable to our community by encouraging ratepayers, residents and businesses to actively participate in the decision-making processes and activities of Council. Members of the community can access government information, vote in polls and referendums, make submissions to Council, and attend public Council meetings.

Council's website, lakemac.com.au, is regularly updated with information on Council's activities, meeting agendas and business papers. The website also publishes notices and exhibitions, tenders, news items, events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure information is accurate and timely.

Council also provides information and connects with the community on Council activities, decisions and programs on our social media platforms:

- Facebook
- Instagram
- X (formerly Twitter)
- YouTube
- LinkedIn.

COUNCIL MEETINGS

Councillors make decisions on behalf of the Lake Macquarie community at Council meetings. A meeting agenda is made publicly available prior to each meeting. Shortly after each meeting, the minutes and any other relevant documentation are published on Council's website.

Councillors, staff and members of the public can attend Council meetings in person at the Council Chambers at 126-138 Main Road, Speers Point.

To support open, accessible and transparent government, the Council meetings of are streamed live on Council's website. This service allows greater access to Council proceedings, decisions and debate, and eliminates barriers that prevent some people from attending our meetings. Any part of the meeting that is held in closed session will not be streamed.

The public can access live webcasts of Council meetings, view archived meetings and view agendas and minutes on Council's website.

Meetings are run in accordance with Council's Code of Meeting Practice.

PUBLIC FORUM

Public forums are held before Committee and Council meetings. Members of the public may apply to address Council at a public forum. Public forum allows members of our community to voice their opinion on a matter at Council. More information is available on Council's website.

The Chief Executive Officer grants requests to address Council at a public forum. Public forum addresses are to be four minutes in length, with a maximum of four speakers per public forum. Councillors and staff may question the speaker following completion of the address.

COUNCIL COMMITTEES

Council committees are a way for the community to provide input on a range of issues relevant to our work. Council committees with active community representation include:

Traffic Facilities and Road Safety Committee

Investigates and makes recommendations about prescribed traffic control devices and traffic control facilities. Transport for NSW has delegated functions to Council in this area. The committee is a key forum for advice about exercise of those functions.

Lake Macquarie Coastal Zone Management Committee

Provides guidance and assistance to Council on coastal, estuary and floodplain management, in accordance with the NSW Coastal Zone Management Manual and NSW Floodplain Development Manual.

Aboriginal Grants Committee

Recommends allocation of the Lake Macquarie NAIDOC Fund. The NAIDOC funding program provides opportunities for local not-for-profit organisations and schools to apply for small scale funding to assist with the delivery of programs or events for NAIDOC Week.

Heritage Committee

Recommends allocation of Local Heritage Funding for projects that have the greatest benefit to the protection, enhancement or celebration of heritage in Lake Macquarie City. The committee also provides advice on other heritage matters of community interest and initiatives to advance the Lake Macquarie Heritage Strategy 2014.

Environmental Research Grants Committee

Recommends allocation of the Lake Macquarie Environmental Research Grants Scheme, including identifying research priorities and assessing grant applications. Council, with assistance from sponsors, has provided more than 154 grants to support environmental management of the city through the scheme. 2021-2022 grant sponsors included Hunter Water Corporation, Delta Electricity and Origin Energy.

Community Environment Grants Committee

Recommends funding under the Community Environment Grants program, in accordance with Council's Sustainability Policy, the Environmental Sustainability Strategy and Action Plan and other associated plans and strategies.

Youth Week Grants Assessment Committee

Recommends allocation of funding for an annual Youth Week Grants Program.

Events Funding Grants Assessment Committee

Recommends allocation of funding for community events funding program. The funding is provided to assist event organisers to develop new events or improve existing ones while working towards event sustainability, to help community events make a positive and ongoing contribution to the community.

Access and Inclusion Advisory Panel

Represents interests of older people, carers, and people with disability to ensure equity of access to services and facilities for all residents.

Lake Macquarie Youth Council

Acts as a voice for young people and provides advice to Council and stakeholders from the perspective of young people in Lake Macquarie City. Assists Council to deliver annual Youth Week funding and events.

Cultural Collections Consultative Committee

Supports the delivery of the Lake Macquarie City Council Cultural Collections Strategy by representing the interests of the community and arts and cultural industry.

International Children's Games (ICG)

Reference Committee

Provides advice about Lake Macquarie City's ongoing participation at the ICG. The ICG is the largest multisport youth event in the world and is recognised by the International Olympic Committee. Lake Macquarie City Council has participated in the Games since 2008 and hosted the 48th Games in 2014, entitling it to become a member city. The committee discusses athlete participation and support to the city representative.

Wyee Paper Subdivision Reference Committee

Advises Council and maintains engagement with landowners during the preparation of a suitable funding agreement and Development Plan, to address essential services in the area.

Aquatic Services Committee

Advises Council about foreshore aquatic facilities and discusses issues relating to lake usage. Method of consultation between Council, government departments and groups who are directly involved in the use and wellbeing of Lake Macquarie and its estuaries.

Audit Risk and Improvement Committee (ARIC)

ARIC is an independent advisory committee, which provides advice to the CEO. Further reporting to the Mayor and Council provides a greater assurance over Council's governance processes. In particular, the ARIC has oversight of financial reporting, internal and external audit, risk management, performance improvement activities and any other relevant items, such as responses to special reports by external agencies.

Lake Mac Awards Committee

This committee determines the recipients of the Lake Mac Awards.

Lake Macquarie Business Excellence Awards Committee

This committee determines the recipients of the Lake Macquarie Business Excellence Awards.

If you'd like to know more about these committees, please contact council@lakemac.nsw.gov.au

SHAPE LAKE MAC

Shape Lake Mac is Council's online community engagement portal. It's a space where the public can have a say on issues and topics that are important to them, and a convenient way to keep up to date and contribute to issues affecting the local community.

COMMUNITY PARTICIPATION PLAN

The NSW Government requires all councils in NSW to prepare a Community Participation Plan to set out how and when we will engage with our community on the planning functions Council performs under the *Environmental Planning and Assessment Act 1979*.

The Community Participation Plan sets out how the community can participate in the planning system, Council's functions and different types of proposals, and the community participation objectives that guide our approach to community participation.

COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY STRATEGIC PLAN

Council's Community Strategic Plan guides the future direction of Lake Macquarie City for the next 10 years, and shares the vision and aspirations for the future of Lake Macquarie and sets out the community's long-term plan.

The plan is Council's key strategic planning document and was developed in collaboration with our community and maps out the strategies and actions we will take to achieve our community's long-term vision for the city.

The plan is reviewed every four years, following an election.

PUBLIC SUBMISSIONS

All significant plans, strategies and policies of Lake Macquarie City Council are placed on exhibition in draft form so that interested members of the public may view them and make comments. Exhibition documents are available on Council's website.

Submissions can be emailed to council@lakemac.nsw.gov.au or posted to Box 1906, Hunter Region Mail Centre NSW 2310.

Copies of comments/submissions received by Council will be released upon a request without the need for an application under the *Government Information (Public Access) Act 2009*.



ACCESS TO GOVERNMENT INFORMATION

Lake Macquarie City Council is committed to open and transparent government through the timely release of Council-held information that is of interest to our community.

Under the *Government Information (Public Access) Act 2009 (GIPA Act)*, members of the public have a right to access certain information held by Council except in instances where there is an overriding public interest against disclosure.

Lake Macquarie City Council holds various types of information concerning a wide range of Council functions and issues relating to Lake Macquarie City. Council information is primarily created, stored, and accessed digitally with some older physical records maintained in off-site storage.

There are four main ways in which Council may provide access to information under the *GIPA Act*:

Mandatory release

Council is required to publish specific open access information on the website, free of charge. This includes a register of government contracts, policies, Council meeting agendas and minutes, annual reports and annual financial statements.

Proactive release

Council makes as much Council information as possible publicly available on its website. For example, frequently requested information or information of public interest is made readily available. The information is free of charge or at the lowest reasonable cost.

Informal release

Council is authorised to release other information in response to an informal request, subject to any reasonable conditions we impose. For example, such information could include requests for personal information by the individual concerned.

Formal release

In some circumstances, access to information will require a formal access application, if the information is not available any other way. Applications can be lodged online via Council's website. Before applications are considered, the appropriate fee of \$30 must be paid. Applications for information made under the *GIPA Act* are processed in accordance with the Act's requirements. Determinations made to release or refuse access to information are based on the public interest considerations listed under the *GIPA Act*.

Some Council information is available for inspection as a requirement of certain legislation and some documents are available for purchase or free of charge.

Other Acts may also be taken into account in conjunction with the *GIPA Act* when determining access applications, including:

- *Companion Animals Act 1998*
- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Health Records and Information Privacy Act 2002*
- *Privacy and Personal Information Protection Act 1998*
- *State Records Act 1998*.

Any other relevant legislation and guidelines must also be considered where applicable.

MANDATORY PROACTIVE RELEASE – OPEN ACCESS INFORMATION

Under Section 18 of the *GIPA Act*, Council must make its “open access information” publicly available unless there is an overriding public interest against disclosure. Open access information is required to be published on Council’s website and to be made freely available for inspection and copying at Council (with reasonable photocopying charges applying), unless to do so would impose an unreasonable additional cost to Council, or would be contrary to the public interest or the Information Commissioner’s guidelines.

The following documents are defined as “open access information” under Section 18 of the *GIPA Act* and will be released without the need for a formal access application under this Act:

- Council’s Information Guide
- documents tabled in Parliament on behalf of Council
- Council’s policy documents
- Council’s disclosure log of access applications
- register of government contracts
- general details of unpublished open access information
- information about Council
- city strategies, plans and reporting

Schedule 1 of the *GIPA Act* requires that the following documents to be provided as open access information by Council:

Reports

- Annual Reports and Financial Statements
- Auditor’s Report
- Annual reports of bodies exercising functions delegated by the local authority
- Departmental representative reports presented at a meeting of the local authority in accordance with Section 433 of the *Local Government Act*.

Plans

- Management Plan
- Equal Employment Opportunity Management Plan
- Plan of Management for Community Land
- Environmental planning instruments, development control plans and contributions plans made under the *Environmental Planning and Assessment Act 1979* applying to land within the local authority’s area.

Meetings

- Agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public)
- Minutes of any meeting of the local authority or any committee of the local authority, 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.

Codes and policies

- Model Code of Conduct prescribed under Section 440 (1) of the *Local Government Act*
- Code of Conduct for Council Staff and the Code of Conduct for Councillors adopted under Section 440 (3) of the *Local Government Act*
- Code of Meeting Practice
- Policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors any codes referred to in the *Local Government Act*
- Local policies adopted by the local authority concerning approvals and orders

Registers

- Land register
- Register of investments
- Register of delegations
- Register of graffiti removal work kept in accordance with Section 13 of the *Graffiti Control Act 2008*
- Register of current declarations of disclosures of political donations kept in accordance with Section 238A of the *Local Government Act*
- Register of voting on planning matters kept in accordance with Section 375A of the *Local Government Act*
- Register of pecuniary interests

Land, building and development information

- Information about development applications
- Applications for approvals under Part 1 of Chapter 7 of the *Local Government Act* and any associated documents received in relation to such an application
- Applications for approvals under any other Act and any associated documents received in relation to such an application
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Records of building certificates under the *Environmental 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

Orders

- Orders given under Part 2 of Chapter 7 of the *Local Government Act* (for example, unauthorised structures and buildings, swimming pools, excess vegetation and food matters) and any reasons given under Section 136 of the Act
- Orders given under the authority of any other Act

Information about development applications

Council's Application Enquiry tool displays documents regarding development applications and related certificates submitted from 1 January 2005. The information is made available under the provisions of the *GIPA Act*.

Personal information of third parties, Aboriginal heritage reports, survey reports or internal floor plans are not published on the web and can be formally requested under the *GIPA Act*.

Information contained in the following records is prescribed as open access information:

- Applications for approvals under Part 1 of Chapter 7 of the *Local Government Act 1993* and any associated documents received in relation to such an application
- Applications for approvals under any other Act and any associated documents received in relation to such an application
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Records of building certificates under the *Environmental 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

Development application information that will not be publicly available:

- The internal floor plans and specifications for any residential part of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected
- Commercial information, if the information would likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

PROACTIVE RELEASE

In addition to open access information, Council makes other information publicly available unless there is an overriding public interest against disclosure. The information will be free of charge or made available at the lowest reasonable cost. Such information may include information frequently requested or information of public interest that has been released as a result of other requests.

Council publishes information and data at data.gov.au

New information is regularly reviewed as part of Council's proactive release program.

INFORMAL RELEASE

Access to information that is not available as mandatory release or authorised proactive release may be provided through informal release.

The *GIPA Act* provides for members of the public to apply for the informal release of government information, subject to any reasonable conditions that Council deems fit to impose, or in instances where there is an overriding public interest against disclosure.

Applications should be made to Council by submitting an informal access request via gipagroup@lakemac.nsw.gov.au.

In instances where informal access requests involve personal or sensitive information or the need to consult with a third party, it is likely that Council will require the submission of a formal access application.

Council has the right to decide by what means information is to be released in response to an informal access request and may redact content from the information released if there is an overriding public interest against disclosure. The *GIPA Act* does not stipulate a timeframe by which informal access requests are to be decided.

Formal access applications take priority as they are required to be completed under strict legislative timeframes.

FORMAL ACCESS

Prior to lodging a formal access application, a person seeking information from Council should check if the information being sought is already available on Council's website or could easily be made available through an informal request.

The *GIPA Act* provides for members of the public to apply for access to information formally in instances where:

- the information is not available for release through proactive or informal release
- an informal access request involves a large volume of information, requires extensive research or is stored in archives thereby constituting an unreasonable amount of time and resources to produce
- personal or confidential information about a third party is requested
- the information requested is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure.

If one or more of the above criteria is met, Council requires a Formal Access to Information Application to be submitted.

Applications should be made to Council by submitting a Formal Access to Information Application available on Council's website. The prescribed application fee of \$30 must be paid at the time of lodgement.

An application will be invalid if it seeks access to excluded information of Council or does not meet the requirements for a formal access application. An application must:

- be in writing
- specify it is made under the *GIPA Act*
- state the name of the applicant and postal or email address
- be accompanied by the \$30 fee
- provide sufficient detail to enable Council to identify the information that is being requested.

Council must acknowledge the receipt of a valid application by responding to applicants within five working days.

Decisions made regarding formal access may be appealed internally at Council or externally through the NSW Information Commissioner or the NSW Civil or Administrative Tribunal (NCAT). The internal review fee is \$40.

When information of potential interest to other members of the public is released to an applicant under formal access, Council may provide details of the information through a disclosure log on its website, available for public inspection.

FEES AND CHARGES

The *Government Information (Public Access) Regulation 2018* requires that open access information held by Council, is to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and at the offices of the Council during ordinary office hours or at any other place as determined by the 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 as set out in Council's Fees and Charges.

The formal access application fee is \$30 and covers the first hour of processing. Each subsequent hour spent processing an application will be charged at \$30 per hour. Concession cardholders, pensioners, not-for-profit organisations, and individuals facing financial hardship may apply to receive a 50 per cent reduction of the hourly processing charge.

If the information requested is of special benefit to the public, applicants may be entitled to a 50 per cent reduction of the hourly processing fee. Applicants will be required to pay up 50 per cent of the expected processing charge in advance. This request from Council must be in writing and the applicant given four weeks to pay. Where applicants seek to access their own personal information, the first 20 hours of processing charges are free. The fee imposed by Council for formal access applications is statutory and does not cover the actual costs to Council.



ACCESS AND AMENDMENT TO COUNCIL DOCUMENTS

Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected and obtained at Council's Administrative Centre building between the hours of 8am and 5pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Services Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

PUBLIC OFFICER

Each Council must appoint a Public Officer as directed by the *Local Government Act 1993*.

The Public Officer:

- may deal with requests from the public concerning the Council's affairs
- has the responsibility of assisting people to gain access to public documents
- may receive submission made to Council
- may accept service of documents on behalf of Council
- may represent Council in any legal or other proceedings
- carries out other functions as directed by the Chief Executive Officer of Council or by or under the *Local Government Act 1993*.

The Public Officer is able to assist members of the public who have difficulty in obtaining access to Council information, and to those wishing to amend Council information that they feel is incorrect.

ACCESS TO INFORMATION OFFICERS

Council's Access to Information Officers are responsible for processing informal and formal access requests and for determining what information is disclosed and withheld in response to access applications as directed by the *GIPA Act* and other relevant legislation

For further information regarding access to information please contact Council:

☎ 02 4921 0333

✉ gipagroup@lakemac.nsw.gov.au

The NSW Information and Privacy Commission can be contacted using the following details:

☎ 1800 472 679

✉ ipcinfo@ipc.nsw.gov.au

🌐 ipc.nsw.gov.au

Enquiries should be made in writing and addressed to:

Public Officer

Lake Macquarie City Council

Box 1906,

Hunter Regional Mail Centre, NSW, 2310

Email: council@lakemac.nsw.gov.au

