



AGENCY INFORMATION GUIDE

GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

VERSION 6 (2022)

KU-RING-GAI COUNCIL

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Preface

The *Government Information (Public Access) Act 2009* (GIPA Act) provides members of the public with the right to access government information. This Agency Information Guide (Guide) has been prepared by Ku-ring-gai Council in accordance with Section 20 of the GIPA Act, and the NSW Information and Privacy Commission's Information Access Guideline.

The Guide provides members of the community, Council staff and the public with a description of:

- Council's structure and functions
- how our functions and particularly decision-making affect members of the public
- how members of the public can participate in formulating Council's policies, the exercise of Council's functions and provide feedback
- the types of information and records held by Council
- the types of information we make available to the public, and how to access it
- the fees and charges payable to access different types of information

The Guide can be accessed at www.krg.nsw.gov.au.

Revision history

Version number	Version start date	Version end date	Details and comments
1	July 2013	June 2014	
2	July 2014	June 2015	
3	July 2015	December 2019	
4	January 2020	December 2020	Major review and update.
5	January 2021	December 2021	Annual review incorporating IPC assessment suggestions.
6	January 2022	December 2022	Annual review. Councillor profiles and staff details updated. References to key reports and committees updated.

Contents

Information access.....	4
Structure and functions of Council	5
About Ku-ring-gai Council	5
Our vision.....	5
Our values	5
Basis of constitution	6
The governing body	6
Organisational structure	7
Our functions and services and how they affect the public	8
Legislation.....	10
Access to Information	11
Types of information held.....	11
Accessing information.....	11
Open access information	11
Proactive release	14
Informal release	14
Formal release.....	14
Public participation in Council decisions.....	16
Representation	16
Council meetings	16
Public forums	17
Ku-ring-gai Local Planning Panel	17
Council committees.....	17
Contacting Council.....	18
Further information	19
Public Officer and Right to Information Officer	19
Information and Privacy Commissioner.....	19

Information access

In NSW, all citizens have a legally enforceable right to access most government information under the *Government Information (Public Access) Act 2009* (GIPA Act), unless there is an overriding public interest against disclosure.

The GIPA Act sets out the rules about how citizens can access government information from NSW councils and other government agencies. Government information means any information contained in a record held by a NSW government agency. This can include records and data about how a government agency works, or your own personal information that is held by a government agency.

Importantly, there is a presumption in favour of releasing government information. However, some government information is effectively excluded from access under the GIPA Act. This might include certain commercial, legal or personal information.

Government information is made available in the following ways:

- Mandatory proactive release
- Authorised proactive release
- Informal release
- Formal access applications.

This Guide has been prepared in accordance with Section 20 of the GIPA Act, and is reviewed by Council annually.

Structure and functions of Council

About Ku-ring-gai Council

Ku-ring-gai held its first meeting as a Shire Council in 1906 and was proclaimed a municipality in 1928. The opening of the Council's existing Chambers coincided with this.

The Ku-ring-gai Council area is located in Sydney's northern suburbs about 16 kilometres north of the Sydney CBD. It is bounded by Cockle and Cowan Creeks in the north, Middle Harbour Creek and Middle Harbour in the east, Boundary Street, Blue Gum Creek and Lane Cove River in the south and Coups Creek and the Sydney-Newcastle M1 in the west.

Ku-ring-gai includes the suburbs of East Killara, East Lindfield, Gordon, Killara, Lindfield, North Turramurra, North Wahroonga, Pymble Roseville, Roseville Chase, South Turramurra, St Ives, St Ives Chase, Turramurra, Wahroonga, Warrawee and West Pymble.

Our vision

Our community vision is for an inclusive and connected community, where our natural environment and heritage are valued, working towards a sustainable future.

In 2008, the Ku-ring-gai community and Council together developed a vision and set of values to guide future strategic planning and directions for Ku-ring-gai. These form the basis of Ku-ring-gai's Community Strategic Plans. In 2021, Council asked residents to comment on the vision statement. Suggested changes focused on making the statement more concise and relevant to Ku-ring-gai now and into the future.

Our values

We believe that what we do is important, but how we deliver our service is even more important.

Ku-ring-gai Council values are:

- Do what is right
- Show respect
- Own our actions
- Strive for excellence.

These values guide our interactions with each other and with the community, and by employing people who support these values we are building on our reputation as a customer service organisation.

Basis of constitution











Ku-ring-gai Council operates under the *Local Government Act 1993*. The Local Government Act provides the legal framework for the system of local government in NSW and sets out the responsibilities and powers of councils and councillors.

The governing body

Ku-ring-gai Council is made up of 5 wards: Comenarra, Gordon, Roseville, St Ives and Wahroonga. Ku-ring-gai Council is governed by a body of 10 Councillors (two representatives per ward) who are elected by the residents and ratepayers of the area. These elected representatives meet regularly at formal Ordinary Meetings of Council to make decisions on policy matters and other important issues.

Councillors comprise the governing body of Council in the same way that a Board of Directors is the governing body of a corporation. Section 223 of the Local Government Act prescribes the collective role of Council's governing body.

As members of the governing body, and in the interests of ensuring the organisation operates effectively to achieve the best outcomes for the community, councillors work constructively with Council staff who are responsible for implementing Council decisions.

Comenarra Ward	Gordon Ward	Roseville Ward	St Ives Ward	Wahroonga Ward
				
Mayor Cr Jeff Pettett	Deputy Mayor Cr Barbara Ward	Cr Sam Ngai	Cr Christine Kay	Cr Cedric Spencer
				
Cr Greg Taylor	Cr Simon Lennon	Cr Alec Taylor	Cr Martin Smith	Cr Kim Wheatley

Organisational structure

The General Manager is appointed by the Council, and is responsible for the overall administration of Council, all staff matters and the efficient operation of the Council's organisation. To assist the General Manager in the exercise of these functions, Council is managed under 5 departments and civic management.

General Manager



John McKee



Community
Janice Bevan



Corporate
David Marshall



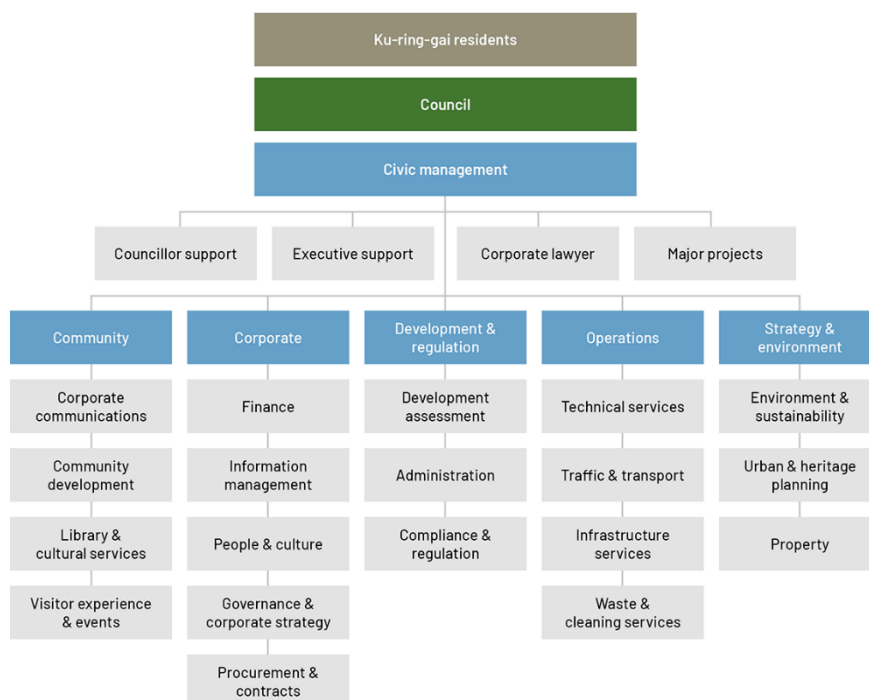
Development and
Regulation
Michael Miocic



Operations
George Bounassif



Strategy and
Environment
Andrew Watson



Our functions and services and how they affect the public

In line with its responsibilities under the Local Government Act, Council delivers a range of services for the community and statutory functions, including the following:

Services

- Health, community centres, swimming pools, parks, sports fields and other facilities
- Community festivals and events
- Environmental protection and management
- Waste removal and disposal, street cleaning and tree management
- Land and property, industry and tourism development
- Road construction and maintenance.

Council provides opportunities for the public to participate in a range of community events and provides assistance to the community and sporting organisations through grants, training and information. Members of the community can contact Council and request changes or additions to services, new services and for services to be undertaken. These requests are then considered by Council with action undertaken subject to resource availability and Council policy.

Regulatory functions

- Approvals, orders, building certificates and permits
- Compliance, town planning, landscaping, heritage and ecological assessments
- Health and building inspections
- Ranger services.

Through its regulatory functions, Council places restrictions on developments, buildings and activities to ensure requirements are met regarding the safety and amenity of the public. Members of the public must comply with these regulations.

Enforcement functions

- Proceedings for breaches of the Local Government Act
- Prosecution of offences
- Recovery of rates and charges
- Ancillary functions, including resumption of land and powers of entry and inspection.

Only members of the public in breach of certain legislation are affected by Ku-ring-gai Council's enforcement functions. This includes activities such as non-payment of rates and charges, unregistered dogs and parking offences. The powers of entry and inspection or the resumption of land affect limited numbers of people.

Revenue functions

- Rates, charges and fees
- Borrowings and investments
- Long-term financial planning.

Council's revenue functions directly affect members of the public through the collection of rates and other charges. Rates fund services, maintenance and the operations of public facilities.

Administrative functions

- Employment of staff
- Community strategic planning, urban planning corporate planning
- Financial and annual reporting
- Purchasing, supply, tenders and contracts
- GIPA (freedom of information) requests
- Business papers & Council meeting administration

Council's administrative functions include the employment of staff and preparation of reports. These functions have a little direct impact on the public. Council is required to undertake its planning and reporting activities in accordance with the NSW Office of Local Government (OLG) Integrated Planning and Reporting (IP&R) framework identified in the Local Government Act and the *Local Government (General) Regulation 2005*.

The key elements of this framework are:

- The **Community Strategic Plan (CSP)** is the long-term strategic plan for the Ku-ring-gai area. It reflects the vision and aspirations of the community through long term objectives and environmental, social, economic and civic leadership outcomes. It is informed by consultation with local business and community organisations, residents and NSW government policies and priorities. The CSP also identifies who will have a role to play in delivering the plan.
- The **Resourcing Strategy** details how the strategic objectives in the CSP will be in terms of time, money, people and assets. The strategy is reviewed annually to incorporate community feedback. The strategy includes a Long-Term Financial Plan, an Asset Management Strategy and a Workforce Management Strategy.
- The **Delivery Program** describes what Council will aim to achieve during its term to progress the objectives of the CSP. This includes term achievements, short-term actions and an indicative capital works program.
- The **Annual Report** provides the community with a summary of what Council has achieved during the year and provides transparent insight into Council operations and decisions.

For further information about Council's plans, reports and publications, visit the Council website here: <https://www.krg.nsw.gov.au/Council/Strategic-plans-finance-reports-and-publications>.

Legislation

In addition to the Local Government Act, Council has functions conferred on it under other legislation, including the following:

- *Community Land Development Act 1898*
- *Companion Animals Act 1998*
- *Conveyancing Act 1919*
- *Environmental Offences and Penalties Act 1989*
- *Environmental Planning and Assessment Act 1979*
- *Fire and Rescue NSW Act 1989*
- *Fluoridation of Public Water Supplies Act 1957*
- *Food Act 2003*
- *Government Information (Public Access) Act 2009*
- *Heritage Act 1977*
- *Independent Commission Against Corruption Act 1988*
- *Impounding Act 1992*
- *Library Act 1939*
- *Privacy and Personal Information Protection Act 1998*
- *Protection of the Environment Operations Act 1997*
- *Public Health Act 2010*
- *Recreation Vehicles Act 1983*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *State Emergency and Rescue Management Act 1989*
- *Strata Schemes Development Act 2015*
- *Swimming Pools Act 1992*
- *Unclaimed Money Act 1995*
- *Work, Health & Safety Act 2011*

Access to Information

Types of information held

Ku-ring-gai Council holds information on functions it undertakes and issues relating to the Ku-ring-gai area. Information may be held in electronic and/or printed formats.

Accessing information

Some information can be viewed under certain legislation, while other documents are available for purchase or can be viewed free of charge.

Under the GIPA Act, members of the public have a right to information unless there is an overriding public interest against disclosure.

There are four main ways in which Council will provide access to information:

- Open access information
- Proactive release
- Informal release
- Formal release

Any application under the GIPA Act will be processed in accordance with the Act's requirements.

Council will assess requests for information concerning:

- Government Information (Public Access) Act 2009
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- State Records Act 1998
- Local Government Act 1993
- Environmental Planning and Assessment Act 1979
- Companion Animals Act 1998
- any other relevant legislation and guidelines applicable.

Open access information

The public release of open access information promotes consistent and transparent information sharing practices, and provides members of the public with immediate access to important government information.

Under Section 6 of the GIPA Act, Council must make information available unless there is an overriding public interest against disclosure. Open access information is made publicly

available free of charge on the Council website. It can also be made publicly available in other ways that Council considers appropriate.

The *Government Information (Public Access) Regulation 2018* outlines open access as follows:

Information about Council

The following documents are classed as open access information:

- Annual financial reports
- Annual Report
- Annual reports of bodies exercising functions delegated by Council
- Any codes referred to in the Local Government Act
- Auditor's report
- Code of Conduct
- Code of Meeting Practice
- Equal Employment Opportunity (EEO) Management Plan
- Community Strategic Plan, Delivery Program and Operational Plan
- Councillor Expenses and Facilities Policy.

The following records are classed as open access information:

- Returns of 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 Council meeting.

Information contained in the following current records is open access information:

- Land register
- Register of investments
- Register of delegations
- Register of graffiti removal work
- Register of voting on planning matters

Plans and policies

The current and most recent previous versions of the following records is open access information:

- Local policies concerning approvals and orders
- Plans 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 Ku-ring-gai.

Information about development applications

Information contained in development applications (DAs), and any associated documents received in relation to a proposed development are open access information.

From 2008 onwards the information is available for viewing via the DA Tracking Portal. Information for development applications lodged before 2008 is available upon request.

Development applications and any associated documents include the following:

- Acoustics consultant reports
- Construction certificates
- Heritage consultant reports
- Home warranty insurance documents
- Land contamination consultant reports
- Occupation certificates
- Structural certification documents
- Submissions received on development applications
- Town planner reports
- Tree inspection consultant reports

Approvals, orders and other documents

Information contained in the following records (whenever created) is open access information:

- Applications for approvals under Part 1 of Chapter 7 of the Local Government Act and any associated documents received in relation to an application
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the Local Government Act, and any reasons given under Section 136 of the Local Government Act
- 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 the local authority
- Compulsory acquisition notices
- Leases and licenses for use of public land classified as community land
- Performance improvement orders issued to a Council under Part 6 of Chapter 13 of the Local Government Act

Proactive release

The proactive release of Council information supports increased community participation in government processes and decision-making, a better informed community and reduced administrative costs by decreasing the number of access applications.

Where possible, Council will make information considered of public interest publicly available free of charge or at minimal cost. Information provided by proactive release is at the discretion of the Council. These can include:

- Council strategies
- Council events information
- Council news updates
- Fees and charges
- Community directory
- Research studies
- Standard and special committee terms of reference
- State of Environment Reports
- Infrastructure program updates
- Major projects updates

Informal release

Informal release of information is when Council gives out information without requiring the person to lodge a formal access application. This can be more efficient, flexible and timely for applicants.

Ku-ring-gai Council can release open access information through the informal access process, unless there is an overriding public interest against disclosure. A written application can be submitted using the online Request for Informal Access form (see: <https://www.krg.nsw.gov.au/Council/Access-to-information/How-to-apply-for-access-to-information/Request-informal-access-to-Council-information>).

Formal release

For information not available as open access, proactive release or informal release, a formal access application must be submitted.

A formal access application costs \$30 and additional processing charges may be applicable. Applicants will be notified if additional fees are payable. A fee reduction may be available in some circumstances such as financial hardship. Council will acknowledge each application within 5 working days.

A formal application must be lodged for information requests such as:

- a document including another person's personal information
- details regarding an insurance claim
- companion animal ownership.

A formal application must:

- be in writing
- include the \$30 application fee
- include a postal or email address
- sufficient details for the information to be located.

Applications will be completed within 20 working days from receipt. This period can be extended for up to 15 working days if there is a need for consultation with a third party or retrieval of documents outside the Council.

Where information is released to an applicant under a formal access application and Council considers that it is in the public interest, details may be provided in the Council's public disclosure log.

For further information on applying for access to information, visit the Council website here: <https://www.krg.nsw.gov.au/Council/Access-to-information/How-to-apply-for-access-to-information>.

Public participation in Council decisions

Decisions made by Council directly impact residents, landowners and business operators. Policy and strategic decisions are made by the elected members at Council meetings. Operational decisions are generally made under delegated authority by relevant staff.

Council uses a range of ways to encourage participation in decision-making and gather community feedback on strategic direction, initiatives and service delivery.

Representation

Local government in Australia is based upon representative democracy. Local government elections are held every four years, with the most recent held in December 2021. The Councillors elect the Mayor and Deputy Mayor every two years.

Councillors are elected to represent residents and ratepayers and to facilitate communication between the community and Council. They participate in Council and committee meetings where decisions concerning Council policy, Council's operations and the allocation of resources are made.

Residents can raise issues with and make representations to their elected Councillors. The Councillors may pursue the matter on behalf of residents, allowing members of the public to indirectly influence decisions. Contact details for elected Councillors are available on Council's website.

For further information visit the Council website here:
<https://www.krg.nsw.gov.au/Council/Elected-Council>.

Council meetings

Ordinary Meetings of Council are generally held on a Tuesday on a monthly basis (excluding January). The meetings commence at 7pm and are held at the Council Chambers in Gordon. Extraordinary Meetings may also be held to consider urgent matters.

Members of the public are able to attend Council meetings as observers. The Council meeting is also livestreamed. Recordings of Council meetings are available on the website for viewing for a minimum of four years.

All matters transacted at Council meetings are dealt with in open meetings, except in cases where they are confidential. When this occurs, Council is required to pass a resolution specifying the items to be excluded and considered in a closed meeting. They also give a particular reason to support that action.

The Business Paper Agenda and any additional attachments or late items for the Council meeting are published on the Council website two weeks before the meeting is held. The minutes are published on the Council website within two days of the Council meeting.

For further information visit the Council website here:
<https://www.krg.nsw.gov.au/Council/Council-meetings/Council-Meetings-and-Public-Forums>.

Public forums

Members of the public can influence the Council in its decision-making processes by participating in Council's monthly Public Forums.

The Public Forum is generally held one week before the Ordinary Meeting of Council. Members of the public can address the Council on items on the meeting agenda for that month, or on general matters.

To speak at a Public Forum, members of the public complete an application form the business day before the forum. Members of the public unable to apply online can contact the Manager Governance and Corporate Strategy on (02) 9424 0600 or email cmjones@krg.nsw.gov.au.

Members of the public may only speak on two items of the agenda, and on one general matter. Each speaker is given three minutes to address the Council.

For further information visit the Council website here:

<https://www.krg.nsw.gov.au/Council/Council-meetings/Council-Meetings-and-Public-Forums>.

Ku-ring-gai Local Planning Panel

Local planning panels operate in Sydney to determine development applications with a high level of public interest, strategic importance or the risk of corrupt conduct. The Ku-ring-gai Local Planning Panel (KLPP) includes expert and community members.

KLPP meetings are generally held in Council Chambers on a Monday each month at 12:30pm. Members of the public can address the KLPP about matters on the agenda if they have lodged a written submission on the development application they wish to address at the panel, and register on Council's website by 3pm on the Friday before the meeting.

The KLPP are provided with all submissions for development applications being considered.

Members of the public are also able to attend the KLPP as observers. Recordings of the KLPP meetings are made available at Council's website within two days of the meeting.

For further information visit the Council website here:

<https://www.krg.nsw.gov.au/Council/Council-meetings/Ku-ring-gai-Local-Planning-Panel-KLPP-meetings>.

Council committees

Ku-ring-gai Council has established the following advisory and reference committees:

- Audit, Risk and Improvement Committee
- Flood Risk Management Committee
- Heritage Reference Committee
- Marian Street Theatre Community Reference Committee
- Traffic Committee

- Major Projects Advisory Committee
- Status of Women's Advisory Committee
- Sustainable Recreation Advisory Group

Council's advisory committees are an important means of engaging with the local community, and allow members of the public to play an active role in the formulation of Council policy, direction and practice. Reference committees make a final determination on any matter referred to them but can give advice to be considered by Council.

For further information visit the Council website here:

<https://www.krg.nsw.gov.au/Council/Council-meetings/Committees-and-Panels/Council-committees>.

Contacting Council

Ratepayers can contact Council at any time with queries or concerns about its operations, facilities, activities or policies. This can be done in person, on the phone or online. All information and comments made to Ku-ring-gai Council is entered into Council's records management system and distributed to relevant staff. General and service requests and enquiries will be acknowledged within 24 hours and actioned in 5 days. For more complex matters, Council will acknowledge correspondence, provide updates on progress and aim to resolve the issue within 14 working days.

Residents can also provide submissions and comments on matters open for public exhibition (as a result of a resolution of Council or a legislative requirement) and other public consultations on projects. This is usually done through the Your Say page on Council's website (see <https://www.krg.nsw.gov.au/Council/Your-say>). Residents can also submit petitions or submissions directly to Council.

Documents on public exhibition can be viewed on the Council's website, in libraries and at Council Chambers. Submissions can be made via the Council website, emailed to krg@krg.nsw.gov.au or mailed to the Council.

Further information

Public Officer and Right to Information Officer

Council has appointed the Manager Governance and Corporate Strategy as its Public Officer. The Public Officer is responsible for managing applications for access to information.

If you have any difficulty in obtaining access to Council documents, you may refer your enquiry to the Right to Information Officer. The Council's Right to Information Officer is responsible for determining applications for access to documents.

If you believe a Council record is incorrect, you will need to submit a written application to the Manager Governance and Corporate Strategy outlining your reasons for requesting the amendment to the information.

Enquiries to the Public Officer should be addressed to:

The Public Officer
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072

OR

Locked Bag 1006
GORDON NSW 2072

OR

kmc@kmc.nsw.gov.au (Attention: Public Officer)

Phone: 9424 0000 (8:30am to 5pm, Monday to Friday)

Information and Privacy Commissioner

If you require any further advice about access to information, you may contact the Information and Privacy Commission using the following details:

Phone: 1800 472 679

Fax: (02) 8114 3756

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au