

Statement of Affairs

JUNE 2009

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Preface

This Statement of Affairs describes the role and operation of Woollahra Municipal Council and provides details in relation to information available to the public and how it can be accessed.

Council has an ongoing commitment to assisting those wishing to exercise their rights of accessing information and the purpose of this publication is to provide members of the public and staff with information concerning:

- the structure and functions of Woollahra Municipal Council,
- the way in which the functions of the Council affect the public,
- the avenues available to the public to participate in policy development,
- the kinds of documents produced by and available from Council, and
- information on how members of the public and staff may access records and seek amendments to records relating to their personal affairs if those records are incomplete, incorrect, out of date or misleading.

I am pleased to present this document and offer the Council's assistance to understand the operation of the organisation.

This Statement of Affairs has been published in accordance with Section 14 of the Freedom of Information Act, 1989.

Gary James
General Manager

Structure and Functions of Council

Woollahra Municipal Council is constituted under the Local Government Act 1993.

The Municipality of Woollahra was proclaimed on 17 April 1860 and the first Council Meeting was held on 6 June 1860. The Municipality was divided into three wards, Bellevue, Double Bay and Piper with nine Aldermen forming the elected representation.

In 1888, a fourth ward, Edgecliff, was formed and the number of Aldermen was increased to twelve. When Vaucluse separated from the Municipality in 1895, there was no reduction in the number of Aldermen on Council however, in 1948, when Vaucluse reunited again with Woollahra, the number of Aldermen was increased to fifteen.

In 1968 a section of Paddington was transferred to Woollahra Council which increased the wards to six and the number of Aldermen was increased to eighteen.

A further change took place in 1971, at which time the number of wards was reduced to five and the number of Aldermen reduced to fifteen.

In February 2003, the boundary between Waverley Council and Woollahra Council was adjusted with the land bounded by Syd Einfield Drive and Oxford Street being taken out of the Woollahra Municipality and placed into Waverley Councils area. This boundary change affected the Bellevue Hill and Cooper Wards.

The term Alderman was changed to Councillor with the implementation of the new Local Government Act in 1993.

The current wards of Council are:

- Bellevue Hill Ward
- Cooper Ward,
- Double Bay Ward
- Paddington Ward
- Vaucluse Ward

Each ward is represented by three (3) elected Councillors. Councillors are elected every four years by approximately 25,000 ratepayers. The Mayor is elected every year in September by the Councillors. The next general Council election will be held in September 2012.

Information on your local Councillors is available on Council's website at www.woollahra.nsw.gov.au

The Woollahra municipality, or local government area, has a population of 50,160 persons as per the ABS Census 2006.



Council's Charter

Under Section 8 of the Local Government Act 1993, Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State Government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.

Our Values, Vision and Our Commitment

In addition to the statutory charter, Council has developed its own charter which expresses its commitment to its stakeholders and customers. This charter comprises the following values, vision and commitment:

Woollahra Municipal Council is committed to the following values:



Our vision provides the foundation for what we see as Woollahra in the future, delivering results we can all be proud of.

We will work together to enhance our harbourside location and achieve an outstanding environment characterised by natural beauty and distinctive and diverse residential, heritage and commercial areas.

We will preserve and retain the unique residential character of the Woollahra area.

We will support and promote active community participation to achieve a healthy social environment, appropriate cultural services and an efficient infrastructure.

We will continue to promote the unique and enviable richness and diversity of the area and our commitment to high standards and quality service for the benefit of the community.

Our commitments to the community:

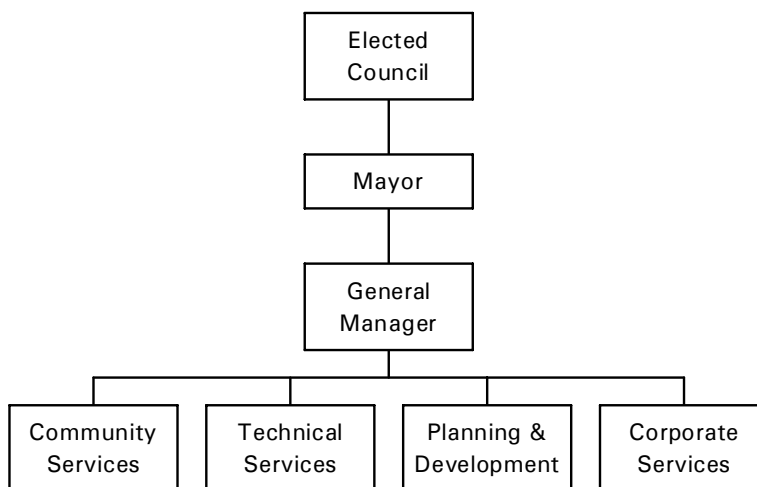
- We will deliver seamless, responsive service to our community.
- We respect the rights of every customer to be treated fairly.
- We will keep our community informed about Council services and activities and encourage community feedback.
- We will continually strive to improve our services to the community.

Council will fulfil the obligations of its Charter by the implementation of strategic goals aligned to the following themes:

Community well-being
Places and spaces
A healthy environment
Local prosperity
Community leadership and participation

Organisational Structure

To facilitate effective management, Council has adopted the following organisational structure:



Woollahra Council is governed by an elected Council comprising fifteen (15) Councillors which are elected each four years by the residents of the Municipality. The role of the governing body is to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation. As elected persons, Councillors are required to represent the interests of the residents and ratepayers, provide leadership and guidance to the community, facilitate communication between the community and the Council and to formulate policies.

The Councillors annually elect a Mayor to carry out the civic and ceremonial functions of the mayoral office. The Mayor also presides at meetings of the Council, exercises, in cases of necessity, the policy-making functions of the governing body of the Council between its meetings and exercises any other functions that the Council determines.

The General Manager is the Chief Executive Officer of the Council and is responsible for the operation of the Council's organisation and for implementing the decisions of the Council and its policies. The General Manager is also responsible for the day-to-day management of the Council, exercising any functions delegated by the Council, the appointment of staff within the organisation structure and resources approved by Council, the direction and dismissal of staff and the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in fulfilling these responsibilities, there are four Divisions of Council. These Divisions are Community Services, Technical Services, Planning and Development and Corporate Services. Each of the Divisions has a number of functional responsibilities and is headed by a Director. Council also has a Communications Department that report directly to the General Manager.

Functional responsibilities

Each Division has the following functional responsibilities:

Community Services			
Library & Information Services	Community Development	Cultural Development	Community Liaison
<ul style="list-style-type: none"> ▪ Library & Information Services ▪ Lending Services ▪ Collection development ▪ Staffing co-ordination ▪ Local Studies ▪ Cultural activities ▪ Children’s activities ▪ Home Library Service ▪ Public Access PCs ▪ Literacy Programs 	<ul style="list-style-type: none"> ▪ Social Planning ▪ Children’s & family services planning and support ▪ Woollahra Preschool ▪ Woollahra Seniors & Community Centre ▪ Community safety ▪ Community development ▪ Aged & disability planning ▪ Community Consultative Committees ▪ Community Grants Program ▪ Seniors activities ▪ Community activities ▪ Support for other community service organisations ▪ Volunteering ▪ Aboriginal & Torres Strait Islander reconciliation activities 	<ul style="list-style-type: none"> ▪ Cultural Development Planning ▪ Cultural events ▪ Woollahra Small Sculpture Prize ▪ Working with and supporting cultural organisations ▪ Cultural programs & policies ▪ Management of Public Art Committee and projects. 	<ul style="list-style-type: none"> ▪ Community Information, including website, newsletters, New residents kits ▪ Venue Management ▪ Halls for hire ▪ Promotion and advertising

Corporate Services					
Customer Service	Governance & Records	Finance	HR & Organisational Development	Information Systems	Risk Management
<ul style="list-style-type: none"> ▪ Customer service ▪ Telephone service ▪ Complaints management ▪ Customer service strategies & policy 	<ul style="list-style-type: none"> ▪ Probity ▪ Council & Committee business papers & minutes ▪ Printing ▪ Mayoral driver ▪ Records & document management ▪ Archive storage ▪ FOI & access to records 	<ul style="list-style-type: none"> ▪ Financial planning, management & statutory reporting ▪ Rates ▪ Investments ▪ Accounts receivable & payable 	<ul style="list-style-type: none"> ▪ Recruitment ▪ Training ▪ EEO ▪ Staff policies ▪ Staff development & performance management ▪ Payroll ▪ Organisational development 	<ul style="list-style-type: none"> ▪ Information services ▪ Land information systems ▪ Systems administration ▪ Systems support 	<ul style="list-style-type: none"> ▪ Risk management ▪ OH&S ▪ Insurances ▪ Workers Compensation ▪ Rehabilitation programs ▪ Motor vehicle insurance

Technical Services				
Depot & Waste Services	Open Space & Trees	Engineering Services	Property & Projects	Civil Works & Infrastructure
<ul style="list-style-type: none"> ▪ Collection waste & recycling ▪ Waste reduction education ▪ Business centres maintenance ▪ Cleaning of streets, beaches & bus shelters ▪ Plant purchases & workshop ▪ Depot services ▪ Purchasing & stores 	<ul style="list-style-type: none"> ▪ Open space & recreation planning & policies ▪ Open space Plans of Management ▪ Landscape works, signage & playground design ▪ Open space capital works upgrades ▪ Park, sportsfield & filming bookings ▪ DA tree & landscaping assessments ▪ Tree damage inspections ▪ Approvals for tree pruning & removal (TPO) ▪ Sustainability projects & education ▪ Maintenance of parks, sportsfields, gardens & playgrounds ▪ Maintenance of street trees ▪ Sportsfields, parks & verge mowing ▪ Bush regeneration & bushland maintenance ▪ View pruning 	<ul style="list-style-type: none"> ▪ SES liaison ▪ Engineering investigation, design & documentation ▪ Traffic management ▪ Transport services planning ▪ Engineering development assessment ▪ Floodplain risk management 	<ul style="list-style-type: none"> ▪ Project management of Council construction projects ▪ Property maintenance & upgrades ▪ Building services, office fitouts, furniture ▪ Sale/purchase of property ▪ Leases & licences ▪ Street furniture, signage & bus shelter installation & maintenance ▪ Council car parks management ▪ Graffiti removal 	<ul style="list-style-type: none"> ▪ Restoration, maintenance & construction of roads, footpaths, harbour facilities, seawalls, retaining walls ▪ Maintenance & construction of stormwater drains & pollution traps ▪ Civil works contracts ▪ Traffic devices ▪ Infrastructure assets management & capital works programs Regulatory signage & line marking

Planning & Development		
Strategic Planning	Development Control	Compliance
<ul style="list-style-type: none"> ▪ State of Environment reporting ▪ Environmental management strategies ▪ Environmental projects ▪ Urban development policies & strategies ▪ Environment policies & strategies ▪ Local Environmental Plans ▪ Development Control Plans ▪ Section 94 and Section 94A Plans ▪ Planning Publications ▪ Heritage Conservation planning ▪ Heritage advice and referrals ▪ Urban design ▪ Public domain strategies ▪ Special projects ▪ Urban development policies & strategies ▪ Urban design 	<ul style="list-style-type: none"> ▪ Pre-lodgement advice ▪ Assessment of Development Applications ▪ Determination of applications under Delegation ▪ Section 96 Applications ▪ Section 82A Reviews ▪ Appeals ▪ Construction Certificates (Class 1 & 10) 	<ul style="list-style-type: none"> ▪ Construction Certificates (Class 2-9) ▪ Complying Development Certificates ▪ Building compliance ▪ Land use compliance ▪ Fire safety ▪ Food safety ▪ Public health inspections ▪ Air, noise & water pollution ▪ Swimming pools ▪ Microbial control ▪ Immunisation ▪ Parking enforcement ▪ Abandoned vehicles ▪ Dumped rubbish ▪ Littering ▪ Erosion & sediment controls ▪ Companion animals & impounding

Major Functions of Council

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:

Community Land Development Act 1989 - planning functions as consent authority.

Companion Animals Act 1998 - companion animal registration and control.

Conveyancing Act 1919 - placing covenants on council land.

Environmental Planning and Assessment Act 1979 - environmental planning.

Fire Brigades Act 1989 - payment of contributions to fire brigade costs and furnishing of returns.

Food Act 2003 - inspection of food and food premises.

Impounding Act 1993 - impounding of animals and articles.

Library Act 1939 - library services.

Ombudsman Amendment (Child Protection and Community Services) Act 1998 – child protection.

Protection of the Environment Operations Act 1997 – pollution control.

Public Health Act 1991 – inspection of systems for purposes of microbial control.

Recreation Vehicles Act 1983 - restricting use of recreation vehicles.

Roads Act 1993 – roads.

State Emergency Service Act 1989 - recommending appointment of local controller.

Strata Schemes (Freehold Development) Act 1973 - approval of strata plans.

Strata Schemes (Leasehold Development) Act 1986 - approval of leasehold strata plans.

Swimming Pools Act 1992 - ensuring restriction of access to swimming pools.

Workplace Injury Management and Workers Compensation Act 1998 – requirements for occupational health and safety practices in the workplace.

The exercise of Council's functions under the Local Government Act 1993 may also be modified by the provisions of other Acts. Some of those Acts and some of the modifications include:

Coastal Protection Act 1979 - limitation on coastal development by Councils

Contaminated Land Management Act 1997 – Managing contaminated lands.

Environmental Offences and Penalties Act 1989 -forfeiture of council functions to person appointed by Governor

Freedom of Information Act 1989 - Council required to publish certain information, to grant access to certain documents and to amend certain records that are shown to be incomplete, incorrect, out of date or misleading

Health Records and Information Privacy Act 2002 – standards and requirements with regard to the collection and processing of health records and information.

Heritage Act 1977 - rating based on heritage valuation

Privacy and Personal Information Protection Act 1998 – standards and requirements with regard to the collection and processing of personal information.

State Emergency and Rescue Management Act 1989 - Council required to prepare for emergencies

State Records Act 1998 - imposes requirements for records keeping and access to Council records

Unclaimed Money Act 1995 - unclaimed money to be paid to the Chief Commissioner of Unclaimed Money

Unhealthy Building Land Act 1990 - Council which approves subdivision of unhealthy building land required to notify Environment Protection Authority

The major functions that Council exercises are set out in the following table:

COUNCIL EXERCISES FUNCTIONS UNDER:						
Local Government Act 1993						Other Acts
Service Functions	Regulatory Functions	Ancillary Functions	Revenue Functions	Administrative Functions	Enforcement Functions	Various Functions
<p>For example:</p> <ul style="list-style-type: none"> • Providing community health, recreation, education and information services • Environmental protection • Waste removal and disposal • Land and property, industry and tourism development and assistance. <p>For other functions see the introduction to Chapter 6 of the Local Government Act</p>	<ul style="list-style-type: none"> • Approvals • Orders • Building Certificates 	<ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection 	<ul style="list-style-type: none"> • Rates • Charges • Fees • Borrowings • Investments 	<p>For example:</p> <ul style="list-style-type: none"> • Employment of staff • Strategic Plan, Delivery Program and Operational Plan • Financial reporting • Annual reports 	<p>For example:</p> <ul style="list-style-type: none"> • Proceedings for breaches of the Act • Prosecution of offences • Recovery of rates and charges 	<p>See lists on previous pages</p>

The Impact of Council's Functions on the Public

As a service organisation, the majority of Council's activities have a significant impact on the public. Some of the activities that Council performs have been set out previously and their impact can briefly be described as follows:

Service Functions

Council exercises these functions in providing facilities such as parks, halls and community facilities and services such as garbage removal. In turn, these facilities can be used and enjoyed by the general public.

Regulatory Functions

These functions provide Council with a mechanism for regulating various activities for the general well being of the local community. Members of the public are required to comply with the legislative process in pursuing any of the stated activities.

Ancillary Functions

These functions assist Council in carrying out its other functions. Only some members of the public will be affected in the performance of these functions, for instance, the resumption of land or the entry onto land by a Council Officer.

Revenue Functions

The exercise of functions, like levying rates and setting fees and charges, has a direct impact on many residents. Rates, fees and charges must be paid by the public and this income is used by Council to provide services and facilities for its residents and visitors to the area.

Administrative Functions

These functions deal more with the internal operations of Council and as such do not have direct impact on the public. However, by setting out processes of Council's operation and mechanisms for accountability, the public are kept informed of the administration of their Council.

Enforcement Functions

These functions only affect those members of the public that are in breach of certain legislation, such as the non payment of rates and charges and parking fines, or the failure to obtain an approval or comply with an order or notice.

Public Participation in the Formulation of Council Policies and/or the Exercise of Council's Functions

There are a number of avenues available to the public to enable their participation in the formulation of Council's Policies and/or the exercise of its functions. These include:

Availability of business to be transacted by Council

Business Papers for the Corporate and Works, Urban Planning and Community and Environment Committee Meetings and Council Meetings are available from Council's Customer Service Centre, Library Branches and web site from the Friday prior to the meeting.

Business Papers for the Development Control Committee and Application Assessment Panel Meetings are available from Council's Customer Service Centre, Library Branches and web site from the Wednesday prior to the meeting. Business Papers are also available for those members of the public attending Council and Committee Meetings.

Addresses to Council Committees

Committee Meetings are open to the public except when dealing with specified confidential matters in accordance with Section 10A of the Local Government Act 1993. During Committee Meetings, members of the public are invited to address the Committee on any matter on the Meeting Agenda.

Public Forums at Council Meetings

The Public Forum allows members of the public to address Councillors at a Council Meeting on any local government related matter, excluding matters that are:

- on the Council Meeting Agenda,
- any application already lodged with the Council for a decision, or
- that criticises or complains about Councillors or Council staff.

Each person wishing to address the Council Meeting is required to complete a "Public Forum Registration Form" and will be allowed a maximum time limit of 3 minutes. The maximum number of addresses at each Council Meeting is 3.

Making representations to Councillors

Councillors are the elected representatives of the community and make decisions having regard to the views of their constituents. Members of the public can discuss issues affecting the Municipality with their Ward Councillor(s).

Mayoral Interviews

After speaking to the relevant Ward Councillors, members of the public may make an appointment with the Mayor and Council officers to discuss issues that require further attention.

Submissions to Council

The public can either personally or in writing address matters within the province of Council. Every attempt is made by Council to satisfy the concerns of the enquirer.

Privacy notification on submissions to Council

Submissions, summaries of submissions and/or names and addresses of people making submissions may be included in publicly available reports to Council or Committee Meetings. All submissions will be placed on the appropriate Council file and may be accessed by Councillors, Council Officers, consultants to Council or members of the public.

Legislative Provisions

Through the provisions of certain Acts or Regulations, members of the public have the opportunity to influence Council's decisions by making submissions, comments or objections to proposals. For example, matters such as the level of rates and charges, the contents of Council's Strategic Plan, Delivery Program and Operational Plan and the consideration of development applications are advertised and invite public comment. (**Note:** Refer to **Privacy notification on submissions to Council** above for details on how Council will manager the submissions, comments and objections).

Council Polls

Section 14 of the Local Government Act 1993 permits Council to take a poll of electors for its information and guidance on any matter. Council is also required to conduct a constitutional referendum before being able to proceed with certain matters.

Section 355 Committees

These are Committees to which Council has delegated a function of Council such as the care, control and management of Council owned facilities. In performing this role the Committee exercises some of the functions of Council. Opportunities for members of the public to participate in these Committees are generally advertised in the local paper.

Community Workshops/Working Parties

Community Workshops and Working Parties are held to gain public input and understanding in respect of major studies, key issues, projects and initiatives that may affect the area and be of public interest or concern. A special committee or working party may be formed to guide Council in its deliberation of a matter.

Access to documents

Under legislation such as the Local Government Act and the Freedom of Information Act, the public are able to gain access to a variety of Council documents and/or information. This information may be available for viewing only or for photocopying, and it may be free of charge or subject to a fee, depending on the information.

There are also restrictions imposed by the Local Government Act, Freedom of Information Act, Privacy and Personal Information Protection Act, Health Records and Information Privacy Act and other legislation on access to certain documents held by Council. When Council receives a request for access to a document(s), the provisions of the above Acts are taken into consideration when making a determination on the request.

Privacy Management Plan

Council has adopted a Privacy Management Plan to meet Council's legislative requirements under the Privacy and Personal Information Protection Act and Health Records and Information Privacy Act. The Privacy Management Plan confirms Council's commitment to privacy protection and to outline Council's practice for dealing with privacy and personal information in accordance with the Information Protection Principles and Health Privacy Principles.

Types of Documents Held by Council

Council holds information in relation to a wide range of functions and issues concerning the Woollahra local government area and operation of the Council. This material may be broadly categorised as Files and General Documents.

Some of the material held by Council is available to the public by oral or written request and some may only be available through the submission of a Freedom of Information Act application and payment of the prescribed fee.

Some of the material is available for inspection as a requirement of certain legislation, some is available for purchase and other material is available free of charge. Similarly, some material is not available for public access in accordance with certain provisions of the Local Government Act, Freedom of Information Act (Exemption Schedules), the Privacy and Personal Information Protection Act, the Health Records and Information Privacy Act and other Acts of Parliament.

The following material is held by Council:

Files:

The main types of files held by Council include:

General Files

General files are files which contain matters which relate to activities of Council.

Property Files

Property files contain documents relating to specific properties within the Municipality.

Development Files

These files contain documents relating to particular development applications.

Construction Certificate Files

These files contain documents concerning construction certification and relate to specific development applications.

Strata Subdivision Files

These files contain documents relating to strata subdivision of land within the Municipality.

Subdivision Files

These files contain documents relating to subdivision of land within the Municipality.

Personnel Files

These files contain documents relating to individual staff members of Council and are not available for public access.

Insurance Files

Insurance files contain documents relating to particular insurance claims against Council. The types of insurance claim files include Workers Compensation, Public Liability, Industrial Special Risk and Professional Indemnity.

General Documents:

These documents may be classified as:

- Documents available for inspection as provided by legislation,
- Policy documents,
- Information type documents and publications,
- General working documents/records.

Information relating to these files may be in the form of paper or electronic material.

Documents Available at Council

Documents available for inspection free of Charge

Section 12 of the Local Government Act requires certain documents held by Council to be made publicly available for inspection, free of charge. Members of the public are able to inspect the documents during normal office hours at the Customer Service Centre, Council Chambers, 536 New South Head Road, Double Bay.

The following documents are available for inspection free of charge with copies available on payment of the adopted fee or if no fee has been adopted, copying charges:

- The Model Code of Conduct prescribed under Section 440(1) and the Code of Conduct adopted by Council under Section 440(3)
- Council's Code of Meeting Practice
- Annual Report
- Annual financial reports
- Auditor's report
- Management Plan
- EEO Management Plan
- Council's policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors
- Council's Land Register
- Register of investments
- Returns of the interests of Councillors, designated persons and delegates
- Agendas and business papers for Council and Committee Meetings (but not including business papers for matters considered when part of a meeting is closed to the public)
- Minutes of Council and Committee Meetings, 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
- The register of current declarations of disclosure of political donations to councillors kept in accordance with section 328A of the Local Government Act
- The register of councillor voting on planning matters kept in accordance with section 375A of the Local Government Act
- Any codes referred to in the Local Government Act 1993
- Register of Delegations
- Annual Reports of bodies exercising delegated Council functions
- Development applications (within the meaning of the Environmental Planning & Assessment Act 1979) and associated documents
- Local policies adopted by Council concerning approvals and orders
- Records of approvals granted, 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 Council
- Leases and licences for use of public land classified as community land
- Plans of Management for community land
- Environmental planning instruments, development control plans and contributions plans made under the Environmental Planning & Assessment Act 1979 applying to land within the Council's area
- The Statement of Affairs, the Summary of Affairs and the register of policy documents required under the Freedom of Information Act 1989
- Departmental representatives' reports presented at a meeting of the Council in accordance with Section 433 of the Local Government Act 1993

- The register of graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008

Members of the public are also entitled to inspect the immediate preceding publication of the above documents.

Documents available to be purchased from Council

The following documents are available from Council for the adopted fee or copying charge. All fees and charges are in accordance with Council's adopted Delivery Program and Operational Plan for the corresponding financial year.

The Council has the following Policy documents available for public inspection and/or purchase.

a. Local Environmental Plans

- Woollahra LEP 1995.
- Woollahra LEP No 27 – relevant to Strickland House, Vacluse.

b. Development Control Plans

- Access Development Control Plan.
- Babworth House Development Control Plan.
- Bishopscourt Development Control Plan.
- Child Care Centres Development Control Plan.
- Development Control Plan for Advertising and Notification of Development. Applications and Applications to Modify Development Consents.
- Development Control Plan for part of 13 Albert Street, Edgecliff.
- Development Control Plan for No 9 Cooper Park Road, Bellevue Hill.
- Development Control Plan for Off-Street Car Parking Provisions and Servicing Facilities. (19/07/95)
- Development Control Plan for 188 Oxford Street Paddington [Royal Hospital for Women DCP].
- Development Control Plan for School and College Development.
- Draft Development Control Plan for Stormwater Drainage Management Ver 1.1 2006
- Development Control Plan for 118 Wallis St, Woollahra.
- Double Bay Centre Development Control Plan.
- Edgecliff Commercial Centre Development Control Plan.
- Hawthornden Development Control Plan.
- Kilmory Development Control Plan.
- Paddington Development Control Plan 1999.
- Paddington Heritage Conservation Area Development Control Plan 2008.
- Residential Development Control Plan (1999).
- Residential Development Control Plan (2003).
- Rose Bay Centre Development Control Plan.
- School and College Development Control Plan 1995
- Telecommunications and Radiocommunications Development Control Plan.
- Watsons Bay Development Control Plan.
- White City Development Control Plan.
- Woollahra Development Control Plan – Exempt & Complying Development.
- Woollahra Heritage Conservation Area Development Control Plan.

c. Codes

- Code for Advertising Signs (1987).
- Code for Building Sites.
- Code for the Control and Regulation of Noise on Building Sites.
- Code for the Installation of Solar Hot Water Heating.
- Code for Satellite Communication Dishes and Similar Structures.
- Code for Spa Pools, Hot Tubs and Similar Structures.
- Code for Television Antenna & Radio Transmitters/Aerials.
- Code for Tennis Courts.
- Council Code for Siting of Swimming Pools.
- Landscape Code (11/7/88).
- Mobile Phone Towers & Public Health Code (1997).
- Private Stormwater Code (1/2/90).
- Underground Cabling Code (1997).
- AS 2890.1-6 Parking Facilities Code (2004)
- AS 4122 General Conditions of Contract for Engagement of Consultants (2000)

d. Policies, Strategies, Guidelines

- Access to Information Policy (21/09/07)
- Amusement Centre Policy (1980).
- Application Assessment Panel Policy and Procedures (14/08/06)
- Banner Policy (12/05/08)
- Commercial Fitness Training on Public Open Space Policy (2007).
- Committee Policies and Procedures (2006)
- Community Consultation Policy & Guidelines for Communicating and Consulting with the Community (13/6/06).
- Community Cultural Relations Statement (14/8/06).
- Community Garden Policy (2008)
- Community and Cultural Grants Policy and Guidelines (6/4/09)
- Community Partnership Program (26/8/2002).
- Community Services Policy (5/9/2005).
- Conflict of Interest Policy (2008)
- Council road closure and sale procedure. (21/09/04)
- DA Guide 2007.
- Debt Recovery Policy (16/02/04)
- Double Bay Public Domain Improvements Plan.
- Double Bay Strategic Plan (26/6/95).
- Enforcement Policy (16/04/2007).
- Gifts and Benefits Policy.
- Guidelines for Preparation of Geotechnical and Hydrogeological Reports (09/09/02)
- Investment Policy and Guidelines (27/01/09).
- Leasing and Licensing Policy for Council controlled land. (29/11/04)
- Library Strategic Plan "The Way Forward" (2007).
- Local Waste Management Plan.
- Management of Risk Control Policy.
- Payment of Expenses and Provision of Facilities to the Mayor, Deputy Mayor and Councillors Policy (01/12/08).
- Playground Policy (11/3/2002).
- Playground Strategy (11/3/2002).

- Policy for the Application of State Environmental Planning Policy No 1 - Development Standards (20/1/86).
- Policy on Clothing Bins on Council Land (18/04/2006)
- Policy for dealing with Encroachments on the Council Road Reserves (07/07/08).
- Policy for Managing Encroachments on Council Road Reserves (07/07/08)
- Policy and Procedures for Footway Restaurants and Display of Goods (2004).
- Policy for sale of Council land. (18/08/05)
- Policy for the Sponsorship of Events & Activities (27/3/2006).
- Protected Disclosures Policy.
- Public Art Policy (9/10/06).
- Reconciliation Statement (13/11/06).
- Recreational Needs Assessment and Strategy (2006).
- Risk Management Plan 2007-2010.
- Rock Anchor Policy.
- Rose Bay Centre Public Domain Improvements Plan.
- RTA Guide to Traffic Generating Developments (2002)
- Social and Cultural Plan 2008-13 (14/07/08)
- Specification for Roadworks, Drainage and Miscellaneous Works (January 2003)
- Urban Run-Off Management Strategy (27/5/91).
- Water Craft Storage on Public Land Policy (2007).
- Woollahra Municipal Council Occupational Health & Safety Policy
- Woollahra Traffic and Transport Study (2001).

e. General Publications

- A guide for contractors, consultants and suppliers (Code of Conduct).
- A guide for volunteers (Code of Conduct).
- Annual Financial Report and Estimates.
- Annual Report.
- Auditors Report.
- Business Papers for Council and Committee Meetings.
- Code of Conduct (25/08/08)
- Code of Meeting Practice (2008)
- Crime Prevention Plan.
- DA Register.
- Development Consent Register.
- Disability Action Plan 2001.
- Draft Delivery Program 2009 to 2013 and Operational Plan 2009/10.
- EEO Management Plan (2008 – 2009).
- Election Campaign Donations.
- Land Register.
- Management Plan 2008 – 2011.
- Minutes of Council and Committee Meetings.
- Pesticide Use Notification Plan (2007 – 2012).
- Privacy Management Plan (28/07/08)
- Recreational Needs Plan (2006).
- Register of Building Certificates.
- Register of Council Policies.
- Register of Delegations.
- Register of Disclosures by Councillors and Designated Persons.

- Register of Investments.
- Significant Trees Register – July 1991 (Volumes 1 to 4).
- Soil & Water Management (1998).
- Special Requirements for Structural Details for Earthquake Design (1995).
- State of Environment Report.
- Statement of Affairs (2009)
- Tree Preservation Order (2006).
- Woollahra Ageing & Disability Services Strategy (2005).
- Woollahra Children’s Services Strategy (2005).
- Woollahra Municipal Council Social and Cultural Plan (2002-2007).

f. Section 94 Contribution Plans

- Royal Hospital for Women Section 94 Contribution Plan (09/02/98).
- Woollahra Section 94 Contribution Plan (2002).

g. Section 94A Contributions Plan

- Woollahra Section 94A Development Contributions Plan (2005).

h. Plans of Management

In accordance with the Local Government Amendment (Community Land Management) Act 1998, the Council is currently revising all Plans of Management. Until this process is finalised, the Plans of Management already adopted (below) will apply:

- Christison Park (1996).
- Cooper Park (2001).
- District Park (1996).
- Drainage Reserves (1997).
- General Community Use (1996).
- Harbourview Park (2001).
- Local Parks (1995).
- Lyne Park (2003).
- McKell Park (1995).
- Natural Area (Foreshore) (1996).
- Redleaf (1997).
- Regional Parks (1996).
- Robertson Park (2004).
- Royal Hospital for Women Park (2005).
- Rushcutters Bay Park, Yarranabbe Park and Plantation Reserve (2005).
- Sir David Martin Reserve (2004).
- Trumper Park (1996).
- Woollahra Park (2001).

Documents Not Available for Public Access

Certain legislation requires Council to restrict access to some information it holds and the following is a summary of exemption provisions that Council must consider when processing a request by a member of the public for access to Council held information:

Local Government Act

Section 12(1A) [Exempt documents]

"Despite subsection (1) and the other provisions of this Act, a person does not have the right to inspect so much of a development application as consists of:

- (a) the plans and specifications for any residential parts 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, or*
- (b) commercial information, if the information would be likely:
 - (i) to prejudice the commercial position of the person who supplied it, or*
 - (ii) to reveal a trade secret."**

Section 12(7) [Exempt documents]

"However, subsection (6) does not apply to the part (if any) of a document that deals with any of the following:

- (a) personnel matters concerning particular individuals (other than councillors),*
- (b) the personal hardship of any resident or ratepayer,*
- (c) trade secrets,*
- (d) a matter the disclosure of which would:
 - (i) constitute an offence against an Act, or*
 - (ii) found an action for breach of confidence.**
- (e) that part of a draft or adopted plan of management that is the subject of a resolution of confidentiality under Section 36D."*

Note: Subsection 6 refers to general access to all Council documents unless access to a document would, on balance, be contrary to the public interest. Subsection 6 should be read in conjunction with Subsection 7.

Freedom of Information Act

Schedule 1 of the Freedom of Information Act identifies documents that are exempt from the operation of that Act. When Council receives a Freedom of Information Act application, the application is assessed in accordance with the requirements of the Act which includes referring to the specific exemption provisions contained in Schedule 1 (Exempt Documents).

Schedule 1 provides an exemption to the public accessing documents, under certain circumstances, that relate to:

1. *Cabinet documents*
2. *Executive Council documents*
3. *(Repealed)*
4. *Documents affecting law enforcement and public safety*
- 4.A *Documents affecting counter-terrorism measures*
5. *Documents affecting inter-governmental relations*
6. *Documents affecting personal affairs*
7. *Documents affecting business affairs*
8. *Documents affecting the conduct of research*
9. *Internal working documents*
10. *Documents subject to legal professional privilege*
11. *Documents relating to judicial functions etc*
12. *Documents the subject of secrecy provisions*
13. *Documents containing confidential material*
14. *Documents affecting the economy of the State*
15. *Documents affecting financial or property interests*
16. *Documents concerning operations of agencies*
17. *Documents subject to contempt etc*
18. *Documents arising out of companies and securities legislation*
19. *Private documents in public library collections*
20. *Miscellaneous documents*
21. *Exempt documents under interstate Freedom of Information legislation*
22. *Documents containing information confidential to Olympic Committees*
- 22A. *Documents containing information confidential to International Masters Games Association*
23. *Documents containing information relating to threatened species, Aboriginal objects and Aboriginal places*
24. *Documents relating to threatened species conservation*
25. *Plans of management containing information relating to places or items of Aboriginal significance*
26. *Documents relating to complaints under health legislation*
27. *Documents relating to offenders under the Child Protection (Offenders Registration) Act 2000.*

For specific details on the nature of the exemptions, refer to Schedule 1 (Exempt Documents) of the Freedom of Information Act 1989.

Privacy and Personal Information Protection Act

The Privacy and Personal Information Protection Act is an Act to provide for the protection of personal information and for the protection of the privacy of individuals generally.

Council has a responsibility to protect the personal information it holds concerning particular individuals and the Privacy and Personal Information Protection Act contains specific requirements on how Council must collect, store, use and provide or limit access to that information.

All requests for access to information held by Council will be considered in accordance with all legislative requirements including the provisions of the Privacy and Personal Information Protection Act.

Health Records and Information Privacy Act

The Health Records and Information Privacy Act is an Act to provide for the protection of health records and health information of individuals.

Council has a responsibility to protect the health records and health information it holds concerning particular individuals and the Health Records and Information Privacy Act contains specific requirements on how Council must collect, store, use and provide or limit access to that information.

All requests for access to information held by Council will be considered in accordance with all legislative requirements including the provisions of the Health Records and Information Privacy Act.

Other Acts of Parliament

Other Acts of Parliament may restrict or limit the public availability of Council held information and the provisions of those other Acts may determine Council's decision on certain requests. If this occurs a full disclosure of the legislative reasons why access has been restricted will be given to the applicant.

How members of the public may access or seek to amend Council documents

Our policy – Access to Council Information

Council at its Corporate and Works Committee meeting on the 3 September 2007 adopted an Access to Council Information Policy.

The objectives of this Policy are:

1. That we provide timely access to all documents except where there is a legal requirement preventing us from doing so.
To ensure Council's actions are in accordance with legislative requirements, and
2. To provide a transparent mechanism for members of the public to apply for access to Council held documents, and
3. To provide guidelines to Council staff on what documents can be released to members of the public and what documents cannot be released to members of the public, and
4. To identify procedures to be used to provide access to Council documents.

These objectives will be met using the following underlying principles:

1. Council will consider all requests for access to documents, in the first instance, in accordance with the provisions of Section 12 of the Local Government Act.
2. The public interest test requirements of Section 12(6) of the Local Government Act will have regard to other legislative requirements and/or restrictions.
3. Council will not release the name, address or other personal details of members of the community who report information to Council relating to the actions of others who may have acted contrary to Council's laws and regulations as this would not be in the public interest as Council relies on the free flow of information from the community to effectively undertake its regulatory role.
4. Council will not consider releasing personal or business affairs information without a Freedom of Information Act application being submitted to Council and the proper consultation process being completed.
5. Where Council determines it will not release a documents, it will, as far as possible, release as much of the information contained in the document as possible by deleting the confidential information from any information released.
6. Where Council does not release a document, a full disclosure of the reasons why access has been restricted to the document will be given to the applicant.

Council has developed a comprehensive list of access procedures relative to the different types of documents held by Council to assist with the practical implementation of the Access to Council Information Policy.

Applications for access to documents will be assessed in accordance with the relevant legislative requirements and access procedures in Council's Procedures Database.

For further information on the Access to Council's Information Policy contact our Governance Department on 9391 7012.

Access to documents

Documents available free of charge or for a fee can be inspected at or collected from Council's Customer Service Centre, 536 New South Head Road, Double Bay between 8.00am and 4.30pm Mondays to Fridays (Public Holidays excluded).

Some documents are also available on Council's web page at www.woollahra.nsw.gov.au, and others may be inspected at Council libraries - the locations and opening times of which are as follows:

Double Bay Branch 548 New South Head Road Double Bay	Monday to Friday Saturday and Sunday	10.00am to 8.00pm 10.00am to 4.00pm
Paddington Branch Paddington Town Hall Oxford Street Paddington	Monday, Tuesday, Thursday and Friday Wednesday Saturday	12.00noon to 6.00pm 12.00noon to 8.00pm 10.00am to 4.00pm
Watsons Bay Branch Dunbar House Clovelly Street Watsons Bay	Monday and Friday Wednesday	3.00pm to 5.00pm 12.00noon to 7.00pm
Local History Centre Sherbrooke Hall, Sherbrooke Avenue, Double Bay 2028	Monday and Tuesday Thursday and Friday	10.00am to 5.00pm 10.00am to 2.30pm

Freedom of Information Requests

Documents that are not available to the public through other legislative requirements may be obtained, subject to limitations, through an application submitted to Council under the provisions of the Freedom of Information Act.

If you believe that it may be necessary to apply for access to documents under the Freedom of Information Act, you should contact Council's Freedom of Information Co-ordinator on 9391 7001 to discuss your requirements.

Applications under the Freedom of Information Act are required to be in writing and identify which document(s) you request access to. A fee of \$30.00 is applicable and if the documents concern your personal affairs, no processing fee will be charged until more than 20 hours processing time has occurred, however ancillary charges such as copying charges may apply. If your request does not concern documents relating to your personal affairs, a \$30.00 per hour processing charge will apply together with the \$30.00 application fee and other ancillary charges.

When a Freedom of Information application is received, the Freedom of Information Co-ordinator:

- Identifies the document(s) requested,
- Checks whether the document(s) are available free of charge or on payment of a fee,
- Checks whether the document(s) are exempt document(s),
- Checks whether release of the information is prohibited under the Privacy and Personal Information Protection Act, Health Records and Information Privacy Act or other Acts,
- Determines whether consultation should be undertaken with other parties and if necessary, consults with those other parties,
- Considers other parties submissions,
- Makes a determination,
- Advises the applicant of the determination.

Amendment to Council Records concerning your personal affairs

If you believe that your personal affairs information held by Council is incomplete, incorrect, out of date or misleading, you may apply to Council to have the information amended.

You must apply in writing, advising Council of why you consider the information to be incomplete, incorrect, out of date or misleading, what you consider the correct information to be and include supporting documentation.

Council will consider your request and will advise you in writing of the determination.

If you are not satisfied with Council's decision

If you are not satisfied with Council's decision on your application for access to documents or amendment of the information held by Council, you have a right of an Internal Review. An application for an Internal Review must be in writing, be submitted within 28 days of the original determination of Council and be accompanied by a \$40.00 fee.

If, after an Internal Review, you are still not satisfied with Council's decision you have a right to seek an external review by either the NSW Ombudsman or the NSW Administrative Decisions Tribunal.

Public Officer

Council has appointed the Director Corporate Services as its Public Officer. Among other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people gain access to the public documents of Council.

You should first seek access to Council documents by the processes identified in this publication, however, if you have difficulty in obtaining access to any document, you may wish to refer your enquiry to the Public Officer. Enquiries to the Public Officer should be addressed as follows:

The Public Officer
Woollahra Municipal Council
536 New South Head Road
Double Bay NSW 2028

or

The Public Officer
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360