



## **Publication Guide**

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**PUBLICATION GUIDE**  
**AMENDMENT HISTORY**

<b>Amendments</b>	<b>Pages Amended</b>	<b>Date Amended</b>
Initial adoption by General Manager		6 July 2010
Review and update in accordance with restructure	All Pages	26 July 2011

This Publication Guide was originally adopted by the General Manager of Cessnock City Council on 6 July 2010. It has been prepared in accordance with the *Government Information (Public Access) Act, 2009*.

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**The Cessnock City Council publication guide is issued in accordance with section 20 of the NSW Government Information (Public Access) Act 2009 and has been reviewed and updated in accordance with Section 21 of that Act.**

## **Cessnock City Council**

Cessnock City Council is constituted as a body politic of the State under section 220 of the Local Government Act 1993 and comprises two areas – the elected representatives (Councillors) and the administration (staff).

Council consists of a popularly elected Mayor and 12 Councillors who are elected from four (4) Wards within the Local Government Area (LGA), with three (3) representatives from each Ward. The elected representatives comprise the governing body of the Council.

[For details about your Councillors, please click here.](#)

The role of the Council is to direct and control the affairs of the Council in accordance with the Local Government Act and the decisions of the Council are formalised through the meeting process.

The Mayor who is elected by popular vote presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic between its meetings and performs any other functions that the Council determines.

Council meetings are held on the first and third Wednesday of each month and commence at 6.30 pm in the Council Chambers. The meetings are open to the public and Council encourages community attendance.

[For copies of Council Agendas and Minutes, please click here.](#)

The General Manager is appointed by Council on a contractual basis and heads Council's Administration. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary the dismissal of staff.

Council employs a staff of over 280 to assist the General Manager implement the decisions of Council and to provide advice to Councillors and the Community. Apart from the Mayor and General Manager's Office, Cessnock City Council is divided into four (4) areas of responsibility which are Built and Natural Environment, Community Services, Customer Services, and Strategy and Sustainability. Each of these responsibility areas, or Groups, is headed by a Group Leader.

An organisation structure chart is included as Annexure 1.

## **Functions and Responsibility Areas**

### General Manager's Area

#### **General Manager's Office**

- Council Support
- Executive Management

#### **Organisational Development**

- Human Resources

#### **Economic Development**

- Economic Development
- Grants Support

#### **Communications**

Media and Communications Information

**Business Improvement**

- Quality Assurance
- Workplace Health & Safety
- Business Improvement

**Integrated Planning**

- Integrated Planning
- Strategic Property Management
- Cessnock Community Performing Arts Centre (CPAC)

Built and Natural Environment

**Development Services**

- Development & Subdivision Assessment & Advice
- Development Compliance

**Health & Building Services**

- Building Services
- Environmental Health Services
- Ranger Services

**Business Support**

- Business Support

Customer Services

**Administration Services**

- Corporate Administration and Governance
- Information Services
- Property

**Financial Services**

- Financial Services
- Payroll
- Revenue
- Insurance

**Depot Services**

- Purchasing and Stores
- Plant and Workshop
- Building Services.
- Depot Complex

**Technology Systems**

- Information Technology
- Geographical Information Systems

**Corporate Projects**

Community Services

**Works Delivery**

- Road and Drainage Construction
- Resources
- Road and Drainage Maintenance

**Environmental Waste**

- Environmental Services
- Waste Management

**Recreation Services**

- Public Swimming Pools
- Cemeteries
- Noxious Weeds
- Recreation and Community Capital Works and Planned Maintenance

**Design Delivery**

**Community & Cultural Engagement**

- Library Services
- Cultural Planning
- Community Help and Information
- Cessnock Youth and Community Outreach Services (CYCOS)

Strategy and Sustainability

**Strategic Landuse**

- Strategic Planning
- Section 94 Plan Preparation

**Strategic Asset Planning**

- Infrastructure Investigation, Strategic Planning and Capital Works Program Development
- Asset Management
- Recreation and Community Planning

**Strategic Community Planning**

- Community Planning

**Strategic Natural Environment Planning**

- Natural Environment Planning

## How Council Functions Affect Members of the Public

As a service organisation, the majority of the activities of Cessnock City Council have an impact on the public. The following is a brief overview of how the broad functions of Council affect the public.

*Service functions* affect the public as Council provides services and facilities to the public. These include provision of libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

*Regulatory functions* place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

*Ancillary functions* affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

*Revenue functions* affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

*Administrative functions* do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

*Enforcement functions* only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges, unregistered dogs and parking offences.

*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 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.

The abovementioned functions are generally authorised via the *Local Government Act, 1993* or through other cognate legislation including:

*Community Land Development Act 1989*  
*Companion Animals Act 1998*  
*Contaminated Land Management Act 1997*  
*Conveyancing Act 1919*  
*Environmental Planning and Assessment Act 1979*  
*Fire Brigades Act 1989*  
*Food Act 2003*  
*Government Information (Public Access) Act 2009*  
*Heritage Act 1977*  
*Impounding Act 1939*  
*Library Act 1939*  
*Noxious Weeds Act 1993*

*Privacy & Personal Information Protection Act 1998*  
*Protection of the Environment Operations Act 1997*  
*Public Health Act 1991*  
*Recreation Vehicles Act 1983*  
*Roads Act 1993*  
*State Emergency & Rescue Management Act 1989*  
*State Emergency Service Act 1989*  
*Strata Schemes (Freehold Development) Act 1973*  
*Strata Schemes (Leasehold Development) Act 1986*  
*Strata Schemes Management Act 1996*  
*Swimming Pools Act 1992*

## **Public Participation**

Cessnock City Council is a strong advocate of community consultation and uses this process to ensure it is meeting the community's needs and establishing the type of future and services the residents of Cessnock desire.

Council uses many different techniques for consultation, allowing members of the public to participate in policy formulation. The nature of the issue under consideration by Council determines the best consultation technique/s for that particular issue.

Following are some of the ways Council invites public participation and comment:

- The elected Council considers all policy matters at Council meetings which are open to the public. Council's Code of Meeting Practice makes provision for members of the public to address Council meetings and prescribes the framework for such participation.
- Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors may then choose to pursue the matter on the resident's behalf.
- Council also seeks public comment on contentious and pertinent matters. This may be by way of public meetings, public exhibitions or more formalised public hearings. Details of all public meetings and exhibitions are published in local newspapers.
- Community Research Surveys are undertaken regularly. The last was undertaken in July 2009 by Micromex Research. The survey involved telephone interviews with 500 randomly selected residents across the Cessnock Local Government Area. These residents were asked:
  - to rate their agreement with 37 specific statements about attributes of the Cessnock community;
  - their thoughts about the highest priority issues currently facing both their local town or village and the Cessnock area generally;
  - to identify what they thought would be the highest priority issues to be addressed over the next 20 years;
  - their opinion about the relative importance about a range of Council services;
  - their satisfaction with the provision of these services.
- There are also avenues for members of the public to personally participate in the policy development functions of the Council. Several Council Committees comprise or include members of the public. These committees include:
  - Access Advisory Committee
  - Airport Consultative Committee
  - Cultural Planning and Development Committee
  - Floodplain Management Committee
  - Kurri Kurri Aquatic Centre Committee
  - Environment Committee
  - Vineyards District Advisory Committee

## **Types of Information held by Council**

Council holds a wide range of information, in both hard copy and electronic form in respect of its broad range of functions. That information is contained in:

1. Files – either physical or electronic
2. Policy documents
3. General information

1. Files

Up until 2004 Council had a “hard copy” filing system, with material being held in physical files. Since then, Council’s files have been maintained in electronic format, physical files being dispensed with, except for development/building construction applications.

Council’s files are not available on the website however this information may be made available either by informal request or via a formal access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of the GIPA Act.

[Informal request and formal access application forms are located here.](#)

2. Policy Documents

Council’s policies are maintained in a policy register – access to which is available on the website.

[Council’s Policy documents can be viewed here.](#)

3. General Information

The following list of general information held by Council, and available as open access information, has been divided into four sections as outlined by the GIPA Regulations:-

- (a) Information about Council
- (b) Plans and Policies
- (c) Information about Development Applications
- (d) Approvals, Orders and other Documents

**(a) Information about Council**

- The model code of conduct prescribed under section 440 (1) of the LGA
- Council’s adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor’s Report
- Delivery Program & Operational Plan
- Social & Cultural Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses and the Provision of Facilities to Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council
- Any Codes referred to in the Local Government Act (LG Act)
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for any meeting of Council or any Committee of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters

**(b) Plans and Policies**

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

**(c) Information about Development Applications**

Development Applications and any associated documents received in relation to a proposed development:

- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Tree Inspection Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing the general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information

**(d) Approvals, Orders and Other Documents**

- Applications for approvals under Part 1 of Chapter 7 of the LG Act
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LG Act, and any reasons given under section 136 of the LG 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 Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

**Accessing Council Records**

Members of the public are entitled to have access to Council information and records under the *Government Information (Public Access) Act 2009* which replaced the *Freedom of Information Act 1989* and Section 12 of the *Local Government Act 1993* from 1 July 2010.

Copies of information can generally be made available free of charge although you may have to pay reasonable photocopying charges if you want your own copy. If you have a simple request that can be satisfied by reference to a single file or entry in a register Council can usually respond on the spot, and at no charge. However, in the case of a more complex request or if the file has to be accessed off-site, you may be requested to complete a *Government Information (Public Access) Act 2009* application form to allow Council to process your request.

The types of information and the ways you can access each is described below.

### **Open Access Information**

Open access, or mandatory release information must be published on Council's website, unless to do so would impose unreasonable additional costs. It can also be made available in any other way. Council must make at least one of the ways to view open access information free of charge.

[A list of Council's Open Access Information and how to access it can be viewed here.](#)

Open access information includes Council's policy documents which are maintained in a policy register. The policy register holds all Council Policies with only the policy documents that affect the community being published on the website.

[Council policies that affect the community can be viewed here.](#)

[A full list of Council's policy documents can be viewed here.](#)

There are also many other documents that Council must make publicly available. These general documents held by Council have been divided into four sections as outlined by the GIPA Regulations:-

1. Information about Council
2. Plans and Policies
3. Information about Development Applications
4. Approvals, Orders and other Documents.

The GIPA Regulations require that these documents held by Council are to be made publicly available for inspection. 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. In respect of some information, there may be an overriding public interest against publishing it on the website. Where this is the case, the information will be available for inspection at Council offices only. 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.

Copies of documents provided to members of the public are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. **Copyright laws still apply to each document.** Copyright owner's consent is required if any part of the document is used for any other purpose.

### **Proactive release information**

Any government information unless there is an overriding public interest against disclosure can be proactively released. Council will make as much information as possible publicly available for inspection at Council's administration centre or on our website. Information to be proactively released includes frequently requested information or information of public interest that has been released as a result of other requests.

To view a record of Council documents that have been proactively released [click here](#).

What else do you need to know about proactive release?

- Information released in this way should be made available either free of charge or at the lowest reasonable cost to the council.

- Certain parts of a document can be deleted, if including the deleted information would create an overriding public interest against disclosure.

### **Informal Requests**

The GIPA Act encourages the release of information in response to a request without the need for a formal application, unless there are good reasons to require one. Informal release documents are documents such as those that would have been handled previously under Section 12 of the Local Government Act.

Informal requests for information will allow access to all forms of government information unless there is an overriding interest against disclosure or it will take significant Council resources to provide the information.

Council is not required to disclose information pursuant to an informal request, and there is no appeal right if refused. Council can release information subject to any reasonable conditions that Council thinks fit to impose.

[Informal access application forms can be accessed here.](#)

### **Formal access applications**

In some limited circumstances, people seeking access to Council information will need to make a formal request for that information. The GIPA Act provides that a formal access application should only be made as a last resort.

When might we require a formal access application?

- If the scope of the request means that it will take significant Council resources to provide the information
- If the request seeks access to sensitive information
- If the GIPA Act requires consultation with third parties to take place before releasing the information, such as when the information:
  - includes personal information about a person other than the applicant.
  - concerns the business, commercial, professional or financial interests of a person other than the applicant.

A valid formal application for access to information must:

- be in writing on Council's application form;
- state that it is made under the *Government Information (Public Access) Act 2009 (NSW)*;
- have an Australian postal address for return correspondence;
- provide enough details to help identify the information that the applicant wants; and
- enclose the application fee of \$30.

[Formal access application forms can be accessed here.](#)

The advantage in lodging a formal application is that time limits and appeal rights apply. The application must be dealt with within 20 working days (or an additional 15 working days in some cases, such as where the records are archived).

Application forms are also available at the customer service centre.

## **How members of the public can access and amend Council documents concerning their personal affairs**

Members of the public interested in obtaining access to information or who wish to seek an amendment to the Council's records concerning their personal affairs, should contact Council's Customer Service Centre.

If you are unhappy with the accuracy or use of your personal information held by Council you can ask that the information be amended. This can be done by writing to the Right to Information Officer outlining the reasons for your request.

Further information regarding Accessing Council Information can be found in Council's Access to Information Policy or by contacting Council's Right to Information Officer, Cessnock City Council, P.O. Box 152, Cessnock, 2325.

[The Access to Information Policy can be viewed here.](#)

### **Right to Information Officer**

Council has a designated Right to Information Officer and this person is responsible for assisting people to gain access to Council information. Formal applications for access to information made under the *Government Information (Public Access) Act 2009* should be forwarded to the Right to Information Officer and must be accompanied by the application fee of \$30.00. The Act makes provision for Council to charge for additional processing if significant work is involved in processing the application.

Applications should be addressed as follows:

Right to Information Officer  
Cessnock City Council  
PO Box 152  
Cessnock NSW 2325

Email: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)

Council's statutory responsibilities and legal obligations may restrict or prohibit the inspection of certain documents/files etc and, in some cases, may prevent Council from providing a copy of the information.

### **OFFICE OF THE INFORMATION COMMISSIONER**

If you require any other advice or assistance about access to information you may contact the Office of the Information Commissioner by telephone on 1800 194 210 (free call) or by email at [oiquery@informationcommissioner.nsw.gov.au](mailto:oiquery@informationcommissioner.nsw.gov.au)

### Annexure 1

## CESSNOCK CITY COUNCIL ORGANISATIONAL STRUCTURE

