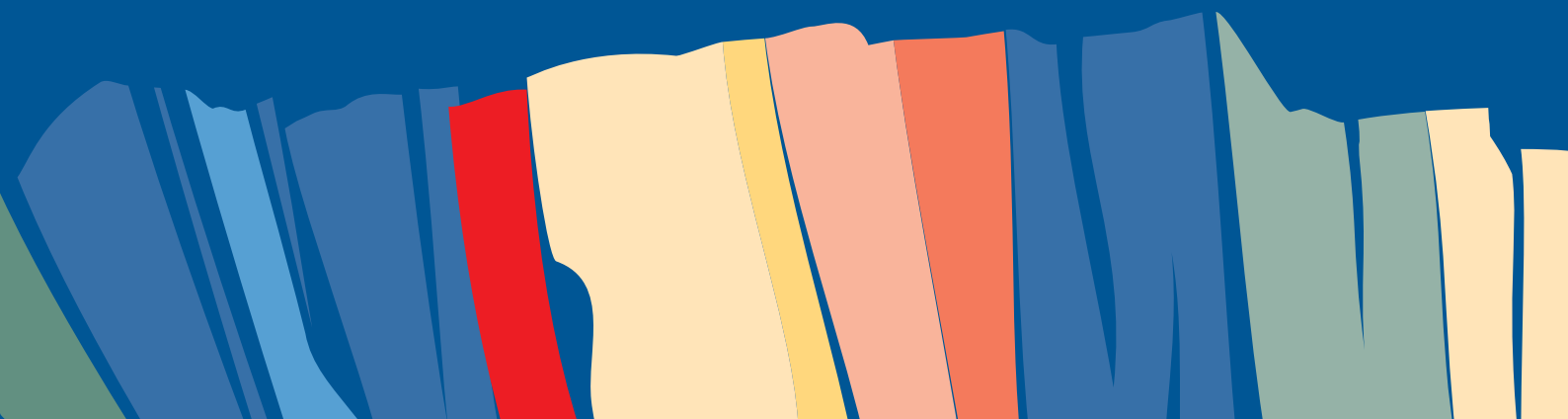




Information *Guide*

January 2020



In accordance with s.20 of the *Government Information (Public Access) Act 2009 (NSW)* ('GIPA Act'), Blue Mountains City Council provides the following Information Guide.

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Introduction

This Information Guide is a summary of what Blue Mountains City Council does, how it does it, and the type of information it holds and generates through the exercise of its functions. This guide has a particular focus on how those functions affect members of the public. It also specifies how members of the public may participate in Council's decision making processes.

Authority

Blue Mountains City Council ('Council') was formed in 1947 by merger of the Shire of Blue Mountains, the Municipality of Blackheath and the Municipality of Katoomba. Council draws its primary authority from the *Local Government Act 1993 (NSW)*. However, Council has additional responsibilities in the administration of other related legislation including the *Companion Animals Act 1998 (NSW)*, the *Roads Act 1993 (NSW)*, the *Biosecurity Act 2015 (NSW)* and a range of environmental planning laws, such as the *Environmental Planning and Assessment Act 1979 (NSW)*. The Blue Mountains is a unique local government area in Australia as it is the only city contained within a World Heritage National Park.

Elected Council

Council comprises **12 Councillors** (including the Mayor who is elected by the Councillors), representing four wards within the City. Councillors are elected every four years.

Council generally meets every fourth Tuesday at Council Chambers in Civic Place, Katoomba.

Visit **bmcc.nsw.gov.au/council/council-meetings/meetings** to view the schedule of Council meetings.

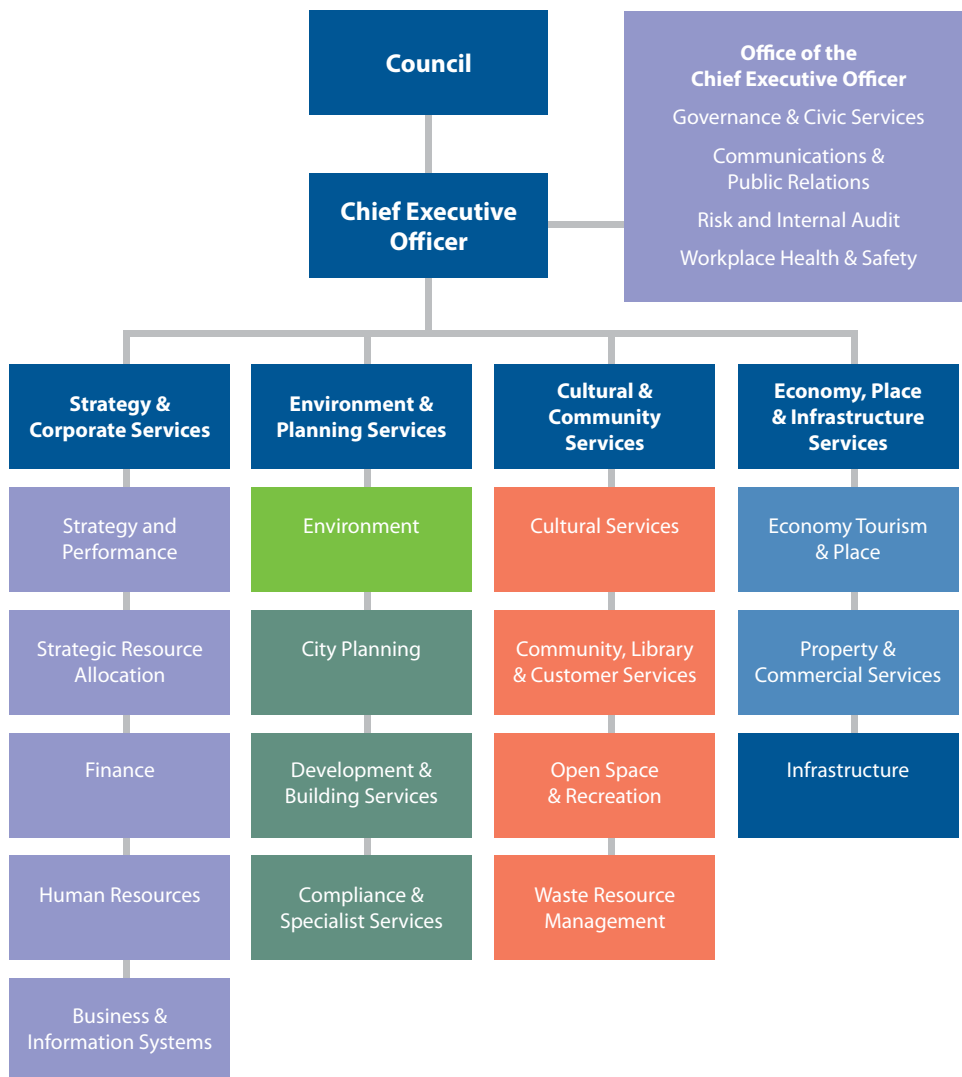
Organisational Structure

Council is led by a Chief Executive Officer (CEO) who is responsible for ensuring the efficient management of Council and for overseeing the appropriate implementation of Council’s legal responsibilities, policies, agreements and other commitments.

Council is made up of four Directorates and an Office of the CEO, per the organisational structure

chart provided. Each Directorate is led by a director who is responsible for overseeing the functions of their respective Directorates. Council functions are distributed according to the specifications of the various business groups.

For more information, please see Council’s most recent **Operational Plan** and Council Services by Directorate.



Find Council’s Annual Report at bmcc.nsw.gov.au/documents/annual-report-2018-2019

Effect of Council's functions on members of the public

Council performs many functions in which it directly interacts with the community. Some functions have a broad public effect as follows:

- Council has the power to propose zonings for individual properties;
- Council can develop land controlled by Council;
- Council will classify the way in which public land for which it is responsible is used;
- Council may cause works to be constructed in the community. Such works could include public buildings, recreation facilities, roads, car parks, footpaths and drainage works;
- Council may make orders concerning certain public nuisances and other matters;
- In certain circumstances, Council may enter private land and/or cause certain works to be done;
- Council levies rates and collects certain charges;
- Council may regulate behaviour in certain public places;
- Council may regulate certain matters relating to public health;
- In certain circumstances, Council may seek to acquire private property; and
- Council may regulate traffic and parking within its area of control.

Arrangements for public participation in policy formulation

The elected Council considers all policy matters which are addressed at Council Meetings to be open to the public.

Details of forthcoming Council Meetings can be obtained from **Council's website**, the Council's weekly advertisement in the *Blue Mountains Gazette*, or by ringing Council on (02) 4780 5000 during office business hours. Copies of the Meeting Agenda and Business Papers (excluding confidential items) can be inspected on Council's website (**bmcc.nsw.gov.au/council/council-meetings/meetings**), at Council customer service centres in Katoomba or Springwood or at each of Council's library branches.

Council's **Code of Meeting Practice** makes provision for members of the public to address Council Meetings and prescribes the framework for such participation.

Council also undertakes extensive community consultation to facilitate public participation in Council's planning and decision-making processes. Opportunities for public participation and invitations to provide submissions to Council are regularly advertised in the *Blue Mountains Gazette*, placed on Council's website and made available on Council's **Have Your Say website**. Hardcopies of documents for public comment are also made available at Council's offices and at Council's libraries.

Mandatory consultation and notification is required by numerous legislations and regulations relating to Council functions. Depending on the applicable LEP for a parcel of land, Council's implementation of those statutory processes for development applications is guided by either the **Development Control Plan 2015 (Part H)** or **Better Living Development Control Plan (Part L)**.

Members of the public can also provide input on Council's services at any time in writing:

Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

Email: **council@bmcc.nsw.gov.au**

Information held by Council and arrangements for access to Council information

For the most up-to-date information on how to access information from Council visit bmcc.nsw.gov.au/council/access-to-information.

Under s.6 and s.18 of the *Government Information (Public Access) Act 2009 (NSW)* ('GIPA Act'), 'open access information' is required to be made publicly available by Council unless there is an overriding public interest against disclosure.

Copies of material will generally be made available, however, Council is able to, and does, set a charge for copying. Each year Council determines a schedule of fees and charges for its services for the following financial year and this information is available in the updated Fees and Charges schedule.

Council also provides formal access to information and records under s.41 of the GIPA Act for access to most other Council held information and records. Formal access applications under the GIPA Act should be treated as a last resort when access to information is not possible via alternative means.

Our staff are authorised to, and will, proactively strive to enable the public release of government information held by Council. However, our statutory responsibilities and legal obligations may restrict or prohibit the inspection of certain information and, in some cases, may prevent us from providing a copy of the information. The "Access to Information Table" below identifies various types of information held by Council and the public availability of information types. This table shows the manner in which Council will make certain information available and identifies arrangements for public access to Council information.

Under the *Government Information (Public Access) Regulation 2009* ('GIPA Regulation'), certain information relating to development applications dated after 1 July 2010 is open access. Such information is made available on Council's website. Information relating to development applications dated before 1 July 2010 requires an application under the GIPA Act. This reflects a change to the GIPA Regulation that came into force on 31 August 2018. Applications for information relating to development applications may be considered for informal release under the GIPA Act on a case by case basis.

Our staff will assist you with any concerns you may have regarding the accuracy of information held by Council. Requests for amendments or corrections to our records should be addressed to the Privacy & Information Officer and should outline the basis of any objections to the information currently held by Council. Statutory requirements may prevent amendments without submission of satisfactory documentation.

Policies, Strategic Plans, Guidelines and proactive release information are available for inspection and download from Council's website: bmcc.nsw.gov.au/council/documents

Government Information held by Council	Open Access Information	Publicly Available	Publicly Available: Free of Charge	Publicly Available: Charge imposed ¹	Manner in which Information is available from Council
Information Guide (s.20, GIPA Act)	✓	✓	✓	Copying charges	Website*
Council's Policy Documents	✓	✓	✓	Copying charges	Website* or by request if not available on website
Disclosure Log	✓	✓	✓	Copying charges	Website*
Contracts Register	✓	✓	✓	Copying charges	Website*
Refused Open Access Register	✓	✓	✓	Copying charges	Website*
Development Control Plans	✓	✓	✓	Copying charges	Website*
Local Historical Materials	✓	✓	✓	Copying charges	Council's Local Studies Collection - Springwood Library ²
Government information (not open access information)	✗	Dependent on public interest testing	✗		Submit a GIPA Application form ³
Council Registers	✓	✓	✓	Copying charges	Website*
Council Operational Plan	✓	✓	✓	Copying charges	Website*
Council Meeting Minutes/ Business Papers	✓	✓	✓	✗	Website*
Council Meeting – Recording CD	✗	✓	✗	✓	CD available for fee under Fee and Charges Schedule (excludes confidential session recordings)
Annual Report	✓	✓	✓	✗	Website*
Development Applications (during notification period)	✓	✓	✓	✗	Website*
Development Applications (post notification period) and related documents post- July 2010 ⁴	✓	✓	✓	Copying charges	Available on request via Records Search form
Development Applications (post notification period) and related documents pre-July 2010	✗	Dependent on public interest testing	✗	✓	Submit a GIPA Application form ³
Approvals orders and other documents	✓	✓	✓	Copying charges	Available on request via Records Search form

1. Copying may not be permitted if a document is subject to the Copyright Act 1968 (Cth). Such documents may be provided for viewing only.
2. Council's Local Studies Collection is located at 104 Macquarie Road, Springwood and is open five days a week (Monday-Friday). Access to materials is by appointment. Enquiries may be made by letter or by telephone on (02) 4780 5000 (Katoomba); or (02) 4723 5044 (Springwood Library, Local Studies Collection).
3. Formal access applications for information are made under s.41 of the GIPA Act. The GIPA Application form should be submitted to Council accompanied by an application fee of \$30. The request must meet formal requirements and information is subject to public interest testing. Further processing charges may apply.
4. Development Applications (post notification period) and related documents post-July 2010 as defined in regulations can be applied for under a Records Search form. Related documents include the following:
 - Development Applications;
 - Home warranty insurance documents;
 - Construction certificates;
 - Occupation certificates;
 - Structural certification documents;
 - Town planner reports;
 - Submissions received on development applications;
 - Heritage consultants' reports;
 - Tree inspection consultant reports;
 - Acoustics consultant reports;
 - Land contamination consultant reports; and
 - Records of decisions on development applications.

A record search does not apply to:

- The release of inspection reports and/or the plans and specification for any residential part of a proposed building without permission of the owner, other than plans that merely show its height and its external configuration; or
- Commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

* Website: bmcc.nsw.gov.au

Information

Attention: Privacy and Information Officer

Blue Mountains City Council

Locked Bag 1005

Katoomba NSW 2780

Ph: (02) 4780 5000

Email: council@bmcc.nsw.gov.au

The Information and Privacy Commission (IPC)

is located on

Level 17, 201 Elizabeth Street Sydney 2000 and is open from 9am to 5pm,
Monday to Friday (excluding public holidays).

General enquiries for the IPC may be forwarded to:

GPO Box 7011

Sydney NSW 2001

Ph: 1800 IPC NSW (1800 472 679)

Email: ipcinfo@ipc.nsw.gov.au

If you have a hearing or speech impairment, you can call the IPC through the National Relay Service (NRS) on 133 677 or if you would like the assistance of an interpreter, call through the Translating and Interpreting Service (TIS) on 131 450.



Contact

Katoomba Office

2 Civic Place
Katoomba NSW 2780
Monday to Friday, 8.30am to 5pm

Springwood Office

104 Macquarie Road
Springwood NSW 2777
Monday to Friday, 9am to 5pm

Telephone

For local call cost:
Lower Mountains 4723 5000
Upper Mountains 4780 5000

Postal Address

Locked Bag 1005
Katoomba NSW 2780

Email

council@bmcc.nsw.gov.au

Council Website

bmcc.nsw.gov.au

Have Your Say Website

bluemountainshaveyoursay.com.au