



INFORMATION GUIDE

(Part 3, Open Access Information, Division 2 – Agency Information Guides, Section 20 – Government Information (Public Access) Act 2009 No. 52)

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This Information Guide has been produced by The Hills Shire Council in accordance with Section 20 of the Government Information (Public Access) Act (GIPA) and is reviewed annually.

The purpose of the document is to provide members of the community, Council staff, and the public with information concerning:

- the structure and functions of The Hills Shire Council;
- the way in which the functions of The Hills Shire Council affect members of the public; the arrangements that exist to enable members of the public to participate in the formulation of The Hills Shire Council's policies and the exercise of its functions;
- the avenues available to the public to participate in policy development and the exercise of The Hills Shire Council's functions;
- the type of information available from The Hills Shire Council and how this information is made available.

The Information Guide is available on Council's website (www.thehills.nsw.gov.au).



Michael Edgar
GENERAL MANAGER

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Part A – Introduction

1. The Hills Shire Council Local Government Area

The Hills Shire, commonly referred to as The Sydney Hills is located in Sydney's northern suburbs about 30 kilometres from the Sydney CBD. The Sydney Hills is bounded by Hawkesbury Shire in the north, Hornsby Shire in the east, Parramatta City in the south and Blacktown City in the west.

The Sydney Hills occupies an area of 401 square kilometres stretching from Oatlands in the south to Wisemans Ferry in the north. The Shire is centrally located in Sydney's North, adjacent to the M2 Hills, M7 Motorways, Sydney Metro Northwest (the first fully automated metro rail system in Australia, (under construction)) and North West growth centre, a major growth area for the Sydney basin. Two thirds of the Shire is rural land, some of which is used for farming and other agricultural industries. The Sydney Hills' central location allows businesses and organisations to tap into the growing commercial business areas between the North Shore and the Sydney Hills, the legal community of Parramatta and the rapidly expanding transport, warehousing and distribution hub along the M7.

With Norwest Business Park at its heart, The Sydney Hills is one of Sydney's hidden gems for business. With a rapidly growing economy totalling \$10.37 Billion in 2016 and a strong workforce, The Sydney Hills is fast becoming known as an elite service hub for businesses providing professional and financial services to companies located across Western Sydney.

The Sydney Hills has a major employment node located near brand new homes and planned neighbourhoods, some of the state's top schools, and offers a relaxed lifestyle surrounded by parks, gardens and bushland.

Prior to 14 November, 2008 the Hills Shire Council was known as Baulkham Hills Shire Council. On 12 May, 2016 the Minister for Local Government by Proclamation, transferred the suburbs of Carlingford, North Rocks, Oatlands, Northmead and Winston Hills to the newly created City of Parramatta.

2. The Residents

The Hills has a population of around 163,000 comprised of people of different ages, lifestyles and diverse cultural backgrounds, with around 33% of residents being born overseas.

The Hills Shire attracts a large number of 'upwardly mobile', young families looking for a less congested living environment, making it one of the most rapidly growing regions in Australia. By 2031, The Hills Shire will grow by a further 100,000 people with the arrival of the rail, and the existence of some of the state's top primary and secondary schools being major attractions.

3. The Built Environment

Residents choose to live in The Hills to enjoy tidy neighbourhoods, excellent schools, green open spaces and close proximity to natural features. Castle Towers Shopping Centre is one of the largest and most productive in Australia and Rouse Hill Town Centre offers apartment living, retail and business opportunities in one location.

Modern homes and apartments feature in most suburbs and some of the most prestigious rural residential developments in the metropolitan area are located in the Shire. The arrival of the Sydney Metro West North will bring density to the areas around the new stations, and will see the development of a range of housing options including single homes, townhouses and apartments. New communities – featuring new schools, shopping centres, parks and housing are emerging in greenfield areas like Box Hill and North Kellyville.

4. The Natural Environment

The Hawkesbury River attracts residents and visitors from all over Sydney for recreation and water sports in and around Wisemans Ferry. Remnants of Sydney Turpentine/Ironbark Forest and Cumberland Plain Woodland and other bushland areas provide habitat for many different types of native animals including some on the endangered list. Council has strategies in place to assist the natural recovery of water quality and aquatic life as well as protecting flora and fauna.

Part B – Functions of The Hills Shire Council

Under the Local Government Act, 1993 (Section 8) Council must among other things, give consideration to:

- providing directly, or on behalf of other levels of government, adequate, equitable and appropriate services and facilities for the community;
- ensuring that provided services are managed efficiently and effectively; exercising community leadership;
- exercising its functions in a manner that is consistent with and actively promotes the principle of cultural diversity;
- promoting, providing and planning for the needs of children;
- properly managing, developing, protecting, restoring, enhancing and conserving 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;
- the long term and cumulative effects of its decisions;
- the fact that it is the custodian and trustee of public assets;
- effectively accounting for and managing the assets for which it is responsible;
- engaging in long-term strategic planning on behalf of the local community;
- exercising its functions in a manner that is consistent with and promotes social justice principles of equality, access, participation and rights;
- facilitating the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and coordination of local government;
- raising funds for local purposes by way of rates, fees and charges, investments, loans and grants;
- keeping the local community and the State Government informed about its activities;
- ensuring that, in the exercise of its regulatory functions, it acts consistently and without bias; and
- being a responsible employer.

The role of Council, however, extends well beyond these statutory considerations.

Council provides an important focus and rallying point for the community. Council can be the vehicle for harnessing local concerns about specific issues, or for pursuing the community's visions and ideas. A community will look to its Council to protect it from potential natural dangers, and for support in times of need.

Part C – Structure of The Hills Shire Council

1. The Mayor and Councillors

It is the role of the Councillors (*thirteen (13) including The Mayor*), headed by the Mayor, to set the policy direction of Council; and the job of council staff, headed by the General Manager, to undertake the day-to-day operations.

The Mayor is popularly elected by the community. Dr Michelle Byrne is the first-ever popularly elected Mayor of The Hills Shire Council and will remain in office until the Local Government elections scheduled for September 2020.

2. General Manager

The General Manager, while demonstrating leadership, is responsible for the efficient and effective operation of the Council, policy development, implementation of the community strategic plan and Council's resourcing strategy, delivery program and operational plan and day-to-day management of the Council.

3. Organisation Structure

The Hills Shire Council's Organisation Structure includes the following functional Groups:

General Manager Group

Responsibilities: General Counsel, Internal Audit & Risk Management.

Finance & Organisational Performance Group

Responsibilities: Financial Management & Reporting, Human Resource & Welfare Performance, Governance/Financial & Other.

Customer, Community Services & Technology Group

Responsibilities: Hills Community Care & Children's Services, Library, Community Sporting, Culture, Events & Place, Information Technology & Corporate Communications, Marketing & Economic Development.

Development & Compliance Group

Responsibilities: Regulatory Services, Environment & Public Health, Subdivision & Development Certification & Development Assessment.

Shire Strategy, Transformation & Solutions Group

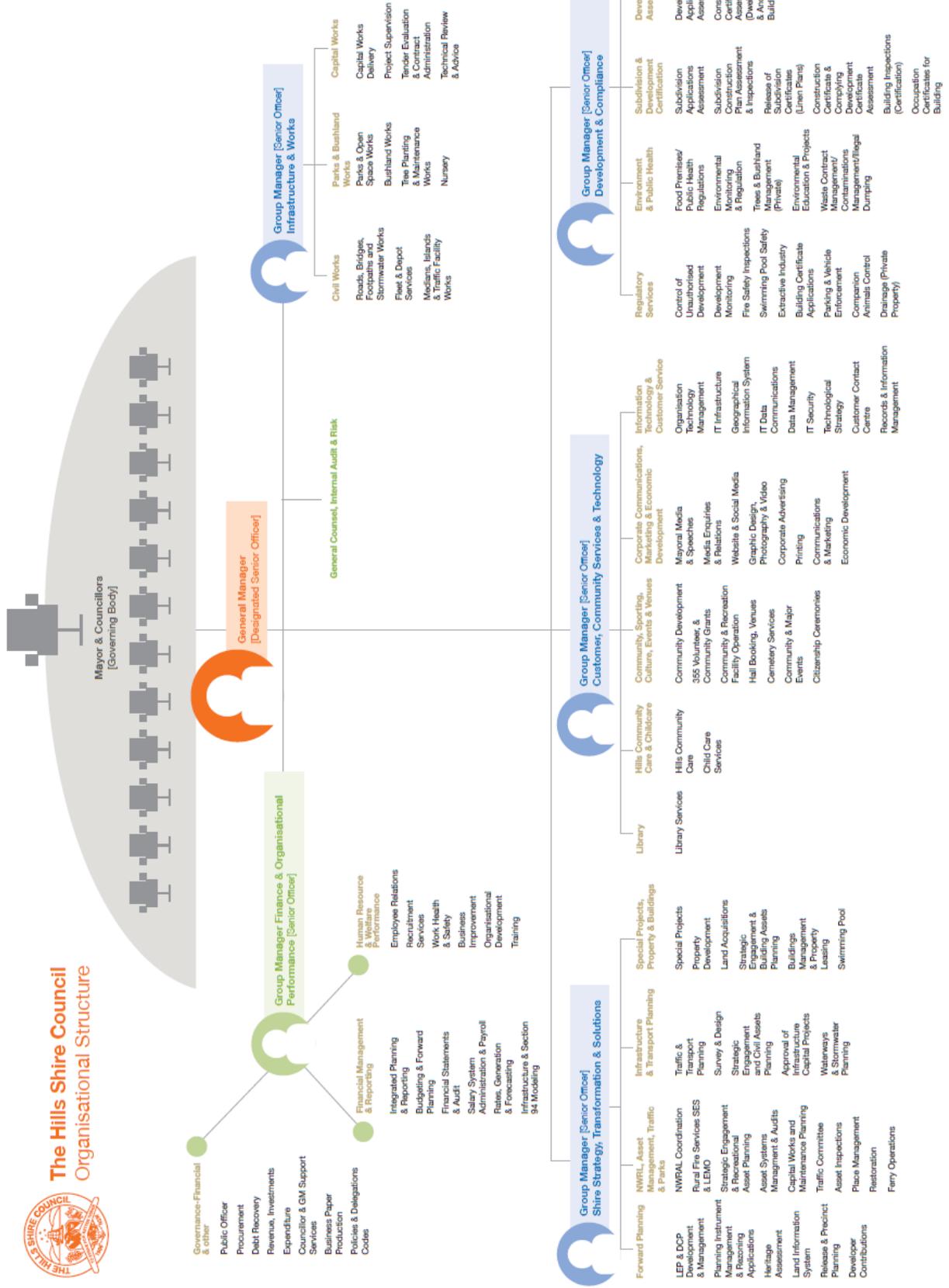
Responsibilities: Special Property Projects & Property Development, Forward Planning, Infrastructure & Transport Planning, NWRL, Asset Management, Traffic & Parks.

Infrastructure & Works Group

Responsibilities: Civil Works, Capital Works, Parks & Bushland Works.



The Hills Shire Council Organisational Structure



Part D – Our Community Strategic Direction

1. Looking Towards the Future

Proactive leadership creating vibrant communities balancing urban growth protecting the environment and building a modern local economy.

The Hills Shire Community Strategic Direction, Hills Future is a commitment to making this Shire the best it can be through proactive leadership, creating vibrant communities, balancing urban growth, protecting our environment and building a modern local economy. This direction expresses our community's values; its targets reflect our priorities with the strategies and projects to describe how Council will find innovative ways to work towards achieving a better quality of life for those who live, work, visit and play in our beautiful Shire.

Hills Future has two important roles. First, it is a means for our community to track progress towards improved quality of life for people in the Shire with indicators acting as a point of reference to guide us towards the future we want. Secondly, it provides a framework for activities for Council, businesses and the entire Hills Shire community. This direction is a living and dynamic strategy that will evolve to meet the needs of a changing community. It will determine that we are seeking to engage the efforts of not only The Hills Shire Council, but also regional bodies, State Government departments, businesses, clubs, associations, community groups and individuals in the Shire.

Hills Future is the shared Community Strategic Direction for The Hills Shire local area. It was developed together with the community and describes the outcomes people would like to see into the future. The priorities identified by the community have been expressed as five key themes that form the community strategic direction:

Proactive Leadership

- Value our customers, engage with and inform our community and advocate on their behalf.
- Prudent management of financial resources, assets and people to deliver the community outcomes.
- Sound governance based on transparency and accountability.

Vibrant Communities

- Public spaces are attractive, safe and well maintained providing a variety of recreational and leisure activities that support an active lifestyle.
- A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing.

Balanced Urban Growth

- Safe, convenient and accessible transport options that enable movement through and within our Shire.
- Responsible planning facilitates a desirable living environment and meets growth targets.

Protected Environment

- Our unique natural environment is valued maintained and enhanced.
- Our natural resources are used wisely.

Modern Local Economy

- Our Shire is the vibrant key business centre in the region.

The Hills Shire Plan integrates Council's resource capabilities to the community's needs and shows how we are working to achieve a better quality of life for all who live, work and visit our Shire.

This Executive Summary of the Hills Shire Plan FY 17/18 addresses:

Strategic Direction

The Community Strategic Plan termed 'Hills Future' articulates the Hills Shire Community's and Council's shared vision, values, aspirations and priorities derived from extensive community consultation. This is the first document which makes up The Hills Shire Plan.

Delivery Program

Council sets its priorities when it is elected and they are renewed annually. More details of these priorities are contained in The Hills Shire Plan (pages 14 to 39) and also in the Executive Summary.

Budget at a Glance

An independent review and analysis of our financial sustainability conducted by the NSW Treasury Corporation in March 2014, has resulted in Council being assessed as 'Strong' with a 'neutral outlook', indicating we would remain strong for at least the next three years.

Draft Budget and Long Term Financial Plan can be found in the Hills Shire Plan (pages 13 & 95-114).

Infrastructure

Our infrastructure backlog has now been reduced to zero. Council is projected to spend \$87M on capital expenditure in 2017-18. Detailed jobs planned for the next year on buildings and parks, roads, footpaths and cycleways, traffic and stormwater are listed in the Hills Shire Plan (pages 76 to 93).

Operational Activities

Council is particularly proud of its community events, and pleased to see so many people enjoying high quality cultural events and celebrations close to home. Other activities that Council is planning to undertake in the next financial year are detailed in the Hills Shire Plan (pages 118 to 157).

2. Community Values

Our community's aspirations for the Hills Shire local area are described by the following values: Community Spirit, Leadership, Balance, Safety, Accessibility, Natural Beauty, Proactivity, Families, Sustainability and Innovation.

Part E – Council Decision Making

The primary responsibilities of The Hills Shire Council are the strategic planning for and maintenance of the local government area. Decisions made by the Council directly impact on its residents, land owners and business operators. The actions of all NSW Councils are guided by the Local Government Act, 1993 and it is under the provisions of this Act that The Hills Shire Council makes and enacts its decisions. Significant policy and strategic issues are considered and decisions are made by the elected members at a meeting of the Council. Decisions regarding issues of less significance are made under delegated authority by relevant staff with appropriate consideration of financial implications.

Members of the public have an opportunity to influence the Council in its decision making processes, and ultimately, policy by participating in the Community Forum session held near the commencement of every ordinary meeting of Council. Council currently meets on the second and fourth Tuesday of every month at 7pm with the exception of January at The Hills Shire Council Administration Centre – 3 Columbia Court, Baulkham Hills.

As well as the Local Government Act, 1993 Council has powers under a number of other Acts including, but not limited to:

- *Child Protection Act 2004*
- *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*
- *Fluoridation of Public Water Supplies Act 1957*
- *Food Act 1989*
- *Government Information (Public Access) Act 2010*
- *Heritage Act 1977*
- *ICAC Act 1988*
- *Impounding Act 1993*
- *Library Act 1939*
- *Local Government Act 1993*
- *Noxious Weeds Act 1993*
- *Privacy & Personal Information Protection Act 1998*
- *Protected Disclosure Act 1984*
- *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*
- *Unclaimed Money Act 1995*
- *Work Health & Safety Act 2011*

Part F – Council Information

1. Access to Information

The Hills Shire Council is committed to the principle of open and transparent government. Council's Senior Co-ordinator Governance Services will facilitate and manage requests for information under the Government Information (*Public Access*) Act 2009 (GIPA).

2. Information Available and Applicable Charges

A Council record, for the purposes of the GIPA Act, is information:

- to which Council has an immediate right to access,
- that is the possession or under the control of a Council Officer,
- created by an Officer of the Council in the normal course of that person's duties for the purposes of the Council.

Council is committed to providing, as far as practicable, an open and transparent environment which enables members of the public to access non-personal information held by Council without recourse to formal GIPA access applications. Information is made available through this Guide, Council's Disclosure Log and Council's website. Information may also be released administratively on request.

Decisions as to the release of requested information that is not available on the Council's website or in other publications are made within the guidelines of GIPA, taking into consideration the factors relating to exemptions and public interest.

Where formal applications under GIPA are made, Council will apply application, processing and advanced deposit charges as specified in the Act.

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

- Council's information guide;
- Information about the agency contained in any document tabled in Parliament by or on behalf of the agency, other than any document tabled by order of either House of Parliament,
- Council's policy documents;
- Council's disclosure log of access applications;
- Council's register of government contracts;
- Council's record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- Such other government information as may be prescribed by the regulations as open access information.

Schedule 1 Government Information (Public Access Regulation) 2009 also stipulates that the following additional documents are to be provided as open access information by Councils (Note: References to the subclauses below are subclauses used in Schedule 1)

Information about the Council:

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- the model code prescribed under section 440 (1) of the Local Government Act 1993 (LGA) and the code of conduct adopted under section 440 (3) of the LGA,
- code of meeting practice,
- annual report,
- annual financial reports,
- auditor's report,
- management plan,
- EEO management plan,
- policy concerning the payment of expenses incurred by, and the provision of facilities to The Mayor and Councillors,
- annual reports of bodies exercising functions delegated by the Council,
- any codes referred to in the LGA.

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

- returns of the interests of councillors, designated persons and delegates,
- agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public),
- minutes of any meeting of the local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
- Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the LGA.

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

- land register,
- register of investments,
- register of delegations,
- register of graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008,
- register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,
- the register of voting on planning matters kept in accordance with section 375A of the LGA.

Plans and Policies

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- local policies adopted by the local authority 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 the local authority's area.

Information about development applications

Information contained in the following records **made after 1 July 2010** is prescribed as open access information:

- development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including the following:
 - 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,
 - acoustics consultant reports and
 - land contamination consultant reports.
- records of decisions on development applications (*including decisions made on appeal*),
- a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by the following subclause (*a local authority must keep this record*).

This clause does **not** apply to so much of the information referred to in the above subclause in respect of development applications as consists of:

- 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
- 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.

Approvals, orders and other documents

Information contained in the following records **made after 1 July 2010** is prescribed as open access information:

- applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application,
- applications for approvals under any other Act and any associated documents received in relation to such an application,
- records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA,
- 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 licences for use of public land classified as community land, and
- performance improvement orders issued to a Council under Part 6 of Chapter 13 of the LGA.

Council will, from time to time, proactively release information which does not constitute open access information. This information will be available on Council's website and includes Council Publications such as Community Newsletters, Magazines, Community Notices, Media Releases and documents such as Development Control Plans, Development Fact Sheets, the Social Plan, the Waste Management Plan and Council policies.

The following is a listing of the current policies as adopted by Council:

- Policy 1 - Payment of Expenses and Provision of Facilities to Mayor and Councillors
- Policy 2 - Code of Conduct
- Policy 3 - Section 356 Donations
- Policy 4 - Public Interest Disclosures
- Policy 5 - Investment Policy - Cash
- Policy 6 - Financial Objectives
- Policy 7 - Community Development
- Policy 8 - Access & Equity
- Policy 9 - The Hills General Emergency Fund Regulations
- Policy 10 - Fraud and Corruption Prevention
- Policy 11 - Youth
- Policy 12 - Volunteer Program
- Policy 13 - Volunteer Network Support
- Policy 14 - Outdoor Activities
- Policy 15 - Community Involvement in Utilisation of Council Assets
- Policy 16 - Competition Policy – “Competing for our Customers”
- Policy 17 - Constitutional Recognition of Local Government
- Policy 18 - Commemoration Plaques
- Policy 19 - Companion Animals – Low Kill Policy
- Policy 20 - Community Engagement

- Policy 21 - Asbestos
- Policy 22 - Rates Policy on Adjustment of Rates following a Change in Category
- Policy 23 - Councillor Access to Information and Interaction with Staff
- Policy 24 - Reward for Information on Vandalism and Malicious Damage
- Policy 25 - Parking Restrictions
- Policy 26 - Investments - Property
- Policy 27 - Local Orders - Keeping of Animals
- Policy 28 - Local Approvals
- Policy 29 - General Manager's Performance Review

Under the GIPA Act, all government agencies must disclose or release information unless there is an overriding public interest against doing so. When choosing to release information, Council staff must apply the public interest test.

Before releasing information, Council must weigh up the public interest considerations in favour of disclosing information against public interest considerations against disclosure. Council can only refuse access to information if the public interest against disclosure outweighs the public interest in favour of disclosure.

There are some limited exceptions to this rule. For example, an access application may cause a significant and unreasonable impact on Council's resources and the application could be refused for these reasons.

The public interest test involves the following steps:

- Identifying the relevant public interest considerations in favour of disclosing information;
- Identifying any relevant public interests against disclosing information; and
- Assessing the weight of the public interest considerations in favour of and against disclosure and determining where the balance between those interests lies.

Please note that documents that are defined as open access information by Section 18 of the GIPA Act, which are not available through Council's website will be provided free of charge.

A photocopy charge will be applied to any request for copies of documents currently available on Council's website. Please note, that the information listed as available in this document is not an exhaustive listing. Inquiries for information can be made by contacting Council's Customer Service Counter during office hours where an application form is available or by contacting Council's Governance Team.

General Manager
The Hills Shire Council
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NORWEST NSW 2153

Phone: (02) 9843 0555

E-mail: council@thehills.nsw.gov.au

Office Hours: The Hills Shire Council's Administration Building is located at 3 Columbia Court, Baulkham Hills and is open between 8:30am and 4.30pm Monday to Friday.

3. Additional Information

Further information regarding your rights to access information can be obtained by contacting the Information and Privacy Commission as follows:

Email – ipcinfo@ipc.nsw.gov.au

Website – www.ipc.nsw.gov.au