

Policy

Access to Council Documents

Responsible Manager (Title)	Governance Officer		
Adopted by Council	Date: <u>25 September 2021</u>	Minute Number: <u>TBA</u>	
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Document(s) this policy Supersedes	V4.0 – 18/08/2015 – 14.144/15 <u>V3.0 - 16/04/2013 – 13.059/13</u> <u>V2.0 – 20/04/2010 – 13.050/10</u>		
<u>Related documents</u>	<u>Privacy Management Plan & Procedures</u>		
Community Plan Linkage	5 Leadership		
	5.1 We will have a strong, accountable and representative government		
	5.1.4 Ensures transparent accountable decision making for our community		

1 Purpose

To provide guidance to both staff and the public on those Council documents that the public may access and the manner in which Council will make them available.

To ensure that decisions on public access to Council’s documents are consistent.

To provide a practical framework for consistent and efficient consideration of applications received by Council under the *Government Information (Public Access) Act 2009* (GIPA Act) for access to documents.

2 Definitions

Formal Access Application (GIPA): An application for access to information under Part 4 of the GIPA Act.

Informal Application (RFI): An application for access to information under Section 8 of the GIPA Act.

Open Access Information: Is the information set out in Section 18 of the GIPA Act and listed in Schedule 1 of this Policy.

Personal information: Is defined in both the Privacy and Personal Information Protection Act 1998 (PPIP) and the Health Records and Information Privacy Act 2002 (HRIP) as ‘information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion’

but does not include information about an individual who has been dead for more than 30 years or information about an individual that is contained in a generally available publication.

Record: is defined in the GIPA Act as:

Any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.'

Copies are also included as 'records' but the knowledge of a person is specifically excluded from the definition of record.

3 Background/legislative requirements

Access by the public to records held by Council is governed by the following legislation:

- Government Information (Public Access) Act 2009 (GIPA Act)
- Government Information (Public Access) Regulation 2018 (GIPA Regulation)
- Privacy and Personal Information Protection Act 1998 (PPIP Act)
- Health Records and Information Privacy Act 2002 (HRIP Act)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)
- State Records Act 1998

The GIPA Act provides for two categories of records, those that Council is required to make available to the public (Open Government Information) and those that Council may make available on application.

Both the PPIP Act and the HRIP Act place restrictions on access to personal and/or health information that Council may hold relating to individuals but permit access to an individual's own records.

Both the GIPA Regulation and the EPA Regulation permit public access to certain documents and registers, subject to certain restrictions.

4 Policy statement

Council is committed to providing public access to its documents, subject to any relevant legislation. Its preferred position is to provide access in a timely and cost-effective manner in accordance with the relevant legislation and wherever possible Open Access Information will be posted on its website to ensure that this information is readily available at all times.

3.14.1 Council's philosophy on access to its documents Principles

Clarence Valley Council, in providing the public with access to the information it holds, is guided by the following principles:

- Open and transparent government
- A presumption in favour of disclosure unless there is an overriding public interest against disclosure
- A proactive approach to disclosure and dissemination of information

- Timely, equitable and impartial processing of reasonable requests for information within the relevant legislative and business frameworks, at the lowest reasonable costs
- Respect for privacy.

3.24.2 What Council documents are available to the public?

Members of the public have a right to access all Open Access Information held by Council. A list of this information is set out in Schedule 1 to the Policy. This information can be accessed free of charge on Council's website and, wherever practicable, in Council's offices in Prince St Grafton and River St Maclean.

Additional Council records may be accessed via written application to Council, either by way of an informal application (RFI) or a formal application (GIPA) under the GIPA Act, or by way of access under the PPIP Act or the HRIP Act, or the GIPA Regulation and the EP&A Regulation. Where applicable, each application must be accompanied by the designated application fee as set out in Council's Schedule of Fees and Charges.

If an Informal Application (RFI) for a record is made under the GIPA Act, Council has some discretion whether or not to provide access. However, this discretion does not apply to information that is prescribed as open access information under the instruments.

If a formal Access Application (GIPA) for a record is made under the GIPA Act, then Council may only refuse to provide access on the grounds set out in that Act. These Applications will be processed in accordance with the Act, inclusive of statutory timeframes for responses.

Application may also be made under either the PIPP Act or the HRIP Act for access to personal information relating to the applicant that is held by Council. On receipt of any such application and subject to Council being satisfied as to the identity of the applicant, Council will advise:

- (a) whether it holds any personal information relating to that person
- (b) if it holds any such personal information:
 - (i) the nature of that information
 - (ii) the main purposes for which the information is used, and
 - (iii) that person's entitlement to gain access to that information.

Under Section 268 of the EP&A Regulation and in accordance with the GIPA Act and GIPA Regulation, Council is required to provide access to certain registers and documents relating to development applications and consents and to complying development certificates. These are set out in sections 264-267 of the Regulations and are listed in Schedule 1(3) of the GIPA Regulation. Where these are not available on Council's website, an application to view these registers and documents may be made via an informal application (RFI) under the GIPA Act.

3.34.3 Public Registers (Listed in Schedule 2)

Notwithstanding the access arrangements set out above, Council is required by the PIPP Act to restrict access to Public Registers on the basis of not disclosing personal information.

For this purpose, Council classifies its public registers into two categories:

- Category A registers that have restricted access for inspection

- Category B registers that have unrestricted access for inspection.

Access to Category A registers is restricted to one page (or a single entry, if more than one page) unless the person requesting access first provides Council with a Statutory Declaration setting out their reason for wanting access and those reasons are for a purpose relating to the purpose of the Register, or an Act under which the Register is kept. The provision of a statutory declaration in these circumstances accords with s. 57(2) of the PIPP Act.

Access to inspect Category B registers is unrestricted.

3.44.4 Amendment of records

Any person to whom access has been granted to any of Council's documents may apply to Council for an amendment to any of those documents provided that:

- (a) the document contains information regarding the applicant's personal affairs; and
- (b) the information is available for use by Council in relation to its administrative functions; and
- (c) in the applicant's opinion, the information is misleading, out of date, incorrect or incomplete.

Any application for amendment should be made on Council's application form or a similar form. There is no fee for this application.

The application shall be determined by Council either:

- (a) agreeing to amend the document(s) as requested; or
- (b) refusing the application.

Council may refuse to amend its records if:

- (a) it is satisfied that they are not incomplete, incorrect, out of date or misleading in a material respect; or
- (b) it is satisfied that some aspect of the application is incorrect or misleading in a material respect;
or
- (c) the amendment of the particular document sought to be altered is governed by another Act.

45 Attachments

Schedule 1 Open Government Information

Schedule 2 Public Access Registers

Schedule 1
Open Access Information

Relevant <u>s. of GIPA Act</u>	Document/information
<u>s6(5)</u>	<u>Record of the open access information that Council does not make available on the basis of an overriding public interest against disclosure</u>
s18(a)	Information Guide
s18(b)	Information about Council contained in any document tabled in Parliament
s18(c)	Policy Documents
s18(d)	Disclosure Log of Access Applications
s18(e)	Register of Government Contracts
s18(f)	Record of the open access information that Council does not make available on the basis of an overriding public interest against disclosure
<u>Relevant s. of GIPA Regulation</u>	
Sch 1(1)(a)	Model Code of Conduct and adopted Code of Conduct
Sch1(1)(b)	Code of Meeting Practice
Sch1(1)(c)	Annual Report & State of the Environment (SOE) Report
Sch1(1)(d)	Annual Financial <u>Report</u>
Sch1(1)(e)	Auditors Report (with Annual financial Statements)
Sch1(1)(f)	Management Plan
Sch1(1)(g)	EEO Management Plan
Sch1(1)(h)	Policy Councillors Expenses and the Provision of Facilities to Councillors
Sch1(1)(i)	Annual reports of bodies exercising functions delegated by Council
Sch 1(2)(a)	<u>Returns [declarations] of the interests of councillors, designated persons and delegates</u>
Sch 1(2)(b)	Agendas and business papers for Council and Committee meetings
Sch 1(2)(c)	Minutes of Council and Committee meetings
Sch 1(2)(d)	Section 433 LGA Department reports relating to Council
Sch 1(3)(a)	Council's Land Register
Sch 1(3)(b)	Council's Register of Investments (this is reported to each Council meeting cycle)
Sch 1(3)(c)	Council's Register of Delegations
Sch 1(3)(d)	Council's Register of Graffiti Removal Work
Sch 1(3)(e)	Council's Register of Declarations of disclosures of political donations – s328A LGA

Sch 1(3)(f)	Council's Register of voting on planning matters – s375A LGA
Sch 1.2(a)	Local Approvals Policy
Sch 1.2(b)	Plans of Management for Community Land
Sch 1.2(c)	Council's LEP, DCPs and Contribution Plans
Sch 1.3(1)(a)	Development Applications and associated documents, including: <ul style="list-style-type: none"> (i) home warranty insurance documents (ii) construction certificates (iii) occupation certificates (iv) structural certification documents (v) town planner reports (vi) submissions received (vii) heritage consultant reports (viii) tree inspection consultant reports (ix) acoustics consultant reports (x) land contamination consultant reports
Sch 1.3(1)(b)	Development Application decisions <u>on or after 1 July 2010</u> (including decisions on appeal)
Sch 1.3(1)(c)	Development Application documents excluded from public access because they are: <ul style="list-style-type: none"> (i) plans and specifications for the residential part of a building (other than height and external configuration plans), or (ii) commercial-in-confidence.
Sch 1.4(a)&(b)	Applications for approvals together with supporting documentation
Sch 1.4(c)	Records of approvals granted or refused
Sch 1.4(d)	Orders given under Part 2 Ch7 LGA and any reasons given under s136
Sch 1.4(e)	Orders given under any other legislation
Sch 1.4(f)	Records of building certificates
Sch 1.4(g)	Plans of land proposed to be compulsorily acquired by Council
Sch 1.4(h)	Compulsory acquisition notices
Sch 1.4(i)	Leases and licences for use of public land classified as community land
<u>Sch 1.4(j)</u>	<u>Performance improvement orders issued to Council under Part 6 of Chapter 13 of the LGA</u>

Schedule 2
Public Access Registers
Category A Registers
Restricted Access

<p>Property Register (Rates Data Base)</p>	<p>Ownership details can be released on <u>an</u> individual basis only – no need for a reason to be given.</p> <p>No release on bulk basis (See <u>OLG</u> Circular 00/75) – however, it has been determined that the following are consistent with the purposes of the PPIP Act.</p> <p>Release of information to:</p> <ul style="list-style-type: none"> • Electoral Commission (<u>OLG</u> letter 13/7/00) • Telecommunication carriers and other bodies required to discharge statutory obligations LGSA (WC 37/00 & WC 38/00) • Registered valuers LGSA (WC 50/00)
<p>Sales Data</p>	<p>Sourced from LTO Public Register – therefore can be released with/without names on <u>an</u> individual basis only.</p> <p>No release on bulk basis except to:</p> <ul style="list-style-type: none"> • Registered valuers LGSA (WC 50/00)
<p>Register of Development Applications and Consents (cl. 264 EPA Regulation)</p>	<p>Public document available for inspection and copying under s.100 EPA Act but if <u>the applicant</u> wishes to inspect or copy more than one page, they need to submit a statutory declaration stating <u>the</u> reasons for the request. Bulk copying only permitted if the purpose is consistent with the purpose of the EPA Act. Sale of bulk information not permitted.</p> <p>Note – right to inspect does not extend to internal plans nor to commercial-in-confidence information.</p>
<p>Register of Complying Development Applications (cl. 265 EPA Regulation)</p>	<p>Public document available for inspection but if <u>the applicant</u> wishes to inspect or copy more than a page they need to submit a statutory declaration stating reasons for the request. Bulk copying only permitted if the purpose is consistent with the purpose of the EPA Act. Sale of bulk information not permitted.</p>
<p>Construction Certificate Register (cl.109B EPA Regulation)</p>	<p>Public document available for inspection but if <u>the applicant</u> wishes to inspect or copy more than a page they need to submit a statutory declaration stating reasons for the request. Bulk copying only permitted if the purpose is consistent with the purpose of the EPA Act. Sale of bulk information not permitted.</p>
<p>Section 94 Contributions</p>	<p>Public document available for inspection (see cl.36, 37 EPA Regs.) but if <u>an applicant</u> wishes to inspect or copy more than a page they need to submit a statutory declaration stating reasons for the</p>

	request. Bulk copying only permitted if the purpose is consistent with the purpose of the EPA Act.
Register of Impounding's	Public document available for inspection but if <u>an applicant wishes</u> to inspect or copy more than a page they need to submit a statutory declaration stating reasons for the request. Bulk copying only permitted if the purpose is consistent with the purpose of the Act requiring the register.
Register of Caravan Park Licences	Public document available for inspection but if <u>an applicant wishes</u> to inspect or copy more than a page they need to submit a statutory declaration stating reasons for the request. Bulk copying only permitted if the purpose is consistent with the purpose of the Act requiring the register.
Register of On-Site Effluent Disposal	Public document available for inspection but if <u>an applicant wishes</u> to inspect or copy more than a page they need to submit a statutory declaration stating reasons for the request. Bulk copying only permitted if the purpose is consistent with the purpose of the Act requiring the register.
Register of Leases of Community Land	Public document available for inspection and copying but if inspection or copies of more than one page required then a statutory declaration is required stating reasons for the request. Bulk copying only permitted if the purpose is consistent with the purpose of the Act requiring the register.

Category B Registers

Unrestricted access

Electoral Roll	Public document available for inspection only – no copies permitted. Any request for copies should be referred to the Electoral Office, King Arcade, King St, Grafton
Disclosures by Councillors and Designated Persons Returns	Full unrestricted public access and copying. Public document available for inspection and copying but if copies of more than one entry are required then a statutory declaration is required stating reasons for the request. Bulk copying only permitted if the purpose is consistent with the purpose of the Act requiring the register.
Register of Delegations	Full unrestricted public access and copying.
Graffiti Removal Register S67C LGA	Full unrestricted public access and copying.
Council's Register of Declarations of disclosures of political donations – s328A LGA	Full unrestricted public access and copying.
Council's Register of voting on planning matters – s375A LGA	Full unrestricted public access and copying.
Register of Council Contracts with value > \$150,000	Full unrestricted public access and copying.
Cemetery Register	Unrestricted public access and copying.
Roads Register	Unrestricted public access and copying.
Register of Public Gates/Ramps	Unrestricted public access and copying.
Council Land Register (Community, Operational and Crown Land)	Unrestricted public access and copying.
Register of Council investments	Unrestricted public access and copying.

Policy

Sports Tourism Program

Responsible Manager (Title)	Manager Cultural, Community and Industry		
Adopted by Council	Date: 28/09/21	Minute Number: TBA	
File Reference Number	ECM: TBA	Version 1.0	Review Due: September 2025
Document(s) this policy Supersedes	N/A		
Community Plan Linkage	3 Economy		
	3.1 We will have an attractive and diverse environment for business, tourism and industry		
	3.1.5 Attracts and grows events that contribute to the economy with a focus on high participatory events		

1 Purpose

Sports tourism provides a significant boost to the local economy through the visitor economy and aligns with current Clarence Valley tourism strategic plans, such as The Clarence – River Way Masterplan and the Tourism Dispersal strategy. To ensure sports tourism is a continual component of the local economy and society, Council will make provision in its budget each year to provide hosting fees to selected sporting organisations to attract participatory sporting events to the Clarence Valley,

2 Definitions

Sports tourism: Is a niche market which can be broadly described as a tourism activity generated by participation in sporting activity. That activity can be a sporting event or competition, a tour of a sporting facility, or a training camp.

The sports tourism market can be divided into four segments:

- *Spectator Sports Tourism:* The highest profile of the four market segments, due to the media coverage its top tier properties attract. However, cost-benefit analysis is beginning to suggest that hosting major events is increasingly difficult to justify as a strategy for sports tourism alone. The main benefit is through marketing exposure and the indirect benefits it brings.
- *Participation sports tourism:* Numerically the largest market segment and also the most varied in its composition, spanning individual 'lifestyle' sports participation, competition for all ages, team travel, and training for professional athletes, clubs, school groups. Commonly seen as the 'bread and

butter' of sports tourism, a participation strategy is considered easier to maintain than for spectator sports tourism.

- *Incidental sports tourism:* Characterised more as 'tourism sport' than 'sports tourism', i.e., participation or spectating that is not the main purpose of the trip. Direct economic impacts are typically low; however indirect impacts can be significant, through adding value to the overall destination package, for example.
- *Nostalgia sports tourism:* Centres on museums, stadia and 'fantasy camps', and cuts across all three other sectors and having a domestic tourism day trip market. It also has indirect benefits such as brand building and raising facility utilisation rates.

The best-fit sports tourism market for the Clarence Valley is the participation segment. This is based on current infrastructure, financial considerations and human resources.

Hosting fees: An amount of funding sought by sporting organisations to secure placement of their event in a particular region, which offsets expenditure on items such as sporting officials, referees, administrators, venue costs.

Sporting organisations: Not for profit organisations or private companies that organise sporting events. Sometimes this is for their members or the event can be open to the general public.

Participatory sporting events: Covers a wide range of organised activities with the main intention as high numbers of competitors or participants rather than spectators

3 Background/legislative requirements

Council commenced its Sports Tourism Program in 2013, with the engagement of Sports Marketing Australia Pty Ltd (SMA), to deliver the Decentralisation Program. The on-going purpose of the program is to leverage economic benefits for the community and maximise the potential of the niche industry of sports tourism. In May 2021 Council resolved to cease the engagement of Sports Marketing Australia at the end of the current contract and continue with the Sports Tourism Program in-house.

The development of the Sports Decentralisation Program in Australia has led to an increase in national and state sporting events being held in regional centres. The program identifies events that can be beneficially relocated from metropolitan centres into regional centres and identifies regional centres suitable for this relocation. The increasing appeal of non-metropolitan and regional areas as both tourism destinations and destinations for people to tree-change and sea-change adds momentum to sports tourism.

Looking ahead, events such as the 2035 Brisbane Olympics also present an opportunity for the Clarence Valley to host teams looking for facilities to train in an environment similar to Brisbane.

4 Policy statement

Council hosts participatory sporting events in return for:

- a. Promotional exposure of the Clarence Valley in line with the visitor dispersal model

- b. Economic benefit through increased tourist visitation and spending including business market stimulation
- c. Enhancing the Clarence Valley's image and profile and capitalising on the assets of the Clarence Valley
- d. Enhancing the 'liveability' qualities for residents and prospective residents of the Clarence Valley

Council commits itself to the principle of accountability and transparency. The policy provides a framework for transparent and merit-based awarding of sponsorships and a system of accountability for the recipient

5 Implementation

The Sports Tourism program will continue by building on the knowledge staff have gained about the sports tourism in the period between 2012 and 2021.

Council's Event Development Officer will develop and maintain relationships with sporting organisations for key events for the Clarence Valley. As such, these organisations will work directly with Clarence Valley Council, rather than through a third party.

5.1 Criteria

5.1.1 To be eligible for the Sports Tourism Program and receive hosting fees, applicants must demonstrate that:

- i. the event is consistent with Council's values and objectives, especially regarding current tourism and environmental harm minimisation strategies
- ii. the event provides a significant economic benefit to the Clarence Valley
- iii. the event meets an identified gap within the Sports Tourism calendar (Attachment 1)
- iv. the event organisers provide public acknowledgement of Council through publications, broadcasts or social media
- v. a suitably qualified team to manage the event is in place
- vi. any previous Council funding has been appropriately acquitted
- vii. the event is financially viable

5.1.2 This policy does not apply to funding requests from or for:

- viii. the Clarence Valley Sport and Cultural Trust Fund (this is a separately funded Trust of Council with its own policy and funding criteria)
- ix. the Clarence Valley Sports Council
- x. the Clarence Cultural Committee
- xi. s355 Committees of Council
- xii. individuals or organisations raising funds on behalf of another community group/organisation

- xiii. capital expenditure, purchasing of equipment, contributions to charities
- xiv. Community initiatives program

5.1.3 Overview of Application Process

Applications must be lodged online using Council's standard Sports Tourism Application form, prepared in accordance with any published guidelines.

5.1.4 Overview of Assessment Process

Applications will be assessed against the criteria provided in section 5.1.1 initially by the Community and Industry Engagement team with recommendations made to, and final determination made by, a Sports Tourism Committee comprising one councillor nominated by the elected body, and Council's Director Corporate and Governance and Event Tourism Officer.

5.1.5 Reporting

Hosted participatory events will be identified in Council's Operational Plan and reported against in line with the Integrated Planning and Reporting Framework.

6 Related Documents

CVC Events Sponsorship Policy

CVC Sports Management Policy

Attachment 1: Sports Tourism Calendar – subject to change

Attachment 1

Sports Tourism Calendar

Sports Tourism Calendar		
Time of year	Type of event	Location
June/July	<i>State Hockey Champs</i>	Grafton
Aug/Sept	<i>Cricket NSW</i>	Grafton/South Grafton
May/June/July	Adventure race*	Yamba/Iluka
Perennial	Adventure race*	Grafton Hinterland
June	<i>Tennis</i>	Grafton
June	<i>Longboard Surfing</i>	Yamba
Perennial	River event**	Grafton/Maclean/Ulmarra

* Possible adventure races include: Adventurethon, Geoquest, 100 Hour Rogaine, Mountain Bike event, Trail Run, Kayak event.

** River events include: kayak/canoe events, sailing, fishing.

Policy

Water usage concession for dialysis machines in private households

Responsible Manager (Title)	Coordinator, Revenue		
Adopted by Council	28/092021	Minute Number: TBA	
File Reference Number	ECM: TBA	Version V4.0.1	Review Due: September 2023
Document(s) this policy Supersedes	V1 – 20/03/2007 – 09.044/07 V2 – 17/07/2012 – 13.177/12 V3 – 21/10/2014 - 14.100/14 V4 – 18/09/2018 – 15.149/18		
Community Plan Linkage	5 Leadership		
	5.2 We will have an effective and efficient organisation		
	5.2.1 Operates in a financially responsible and sustainable manner		

1 Purpose

To establish guidelines for the General Manager, staff and the public regarding the provisions of a concession to ratepayers required to operate a home dialysis machine in private households.

2 Definitions

N/A

3 Background/legislative requirements

This Policy provides a means for Council to grant relief from high water consumption charges to home dialysis users who may consume a considerable amount of water operating a home dialysis machine.

For the purposes of this policy:

A home dialysis machine requirement will be advised by the *Northern NSW Local Health District* on a quarterly basis for each premise operating a home dialysis machine.

The *Northern NSW Local Health District* will advise Council of new connections and services no longer needed.

4 Policy statement

Council recognises that some residents have ongoing increased water costs due to their haemodialysis treatment and is committed to applying a concession to those residents who provide confirmation from the Northern NSW Local Health District.

5 Implementation

- 5.1 A concession of up to ~~3325~~kl per tri-annual billing period (equivalent to a maximum of ~~99400~~ kilolitres per financial year, or part thereof) will be provided to a ratepayer required to use a dialysis machine in the home.
- 5.2 The concession to be granted tri-annually as a credit on the current water account supported by confirmation (letter/email) from the Northern NSW Local Health District verifying a home dialysis machine is in use at the property.
- 5.3 A dialysis user in a rental property is required to provide proof of water usage payment responsibility on the initial request for a concession. A credit by way of a refund payment will be issued to the tenant annually for consumption up to 33 kilolitres per tri-annual period.

6 Appeal/objections process

Nil

7 Related Documents

Nil

8 Attachments