



CUMBERLAND
CITY COUNCIL

Cumberland City Council Agency Information Guide

PREFACE

This Agency Information Guide has been produced by Cumberland City Council in accordance with Section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act).

As outlined in [Section 20 \(1\) of the GIPA Act](#), the purpose of this document is to provide members of the public as well as Council staff with information concerning:

- The structure and functions of Cumberland City Council;
- The ways in which the functions of Cumberland City Council affect the public;
- The arrangements that exist to enable members of the public to participate in the formulation of Council policy and the exercise of Council functions;
- The kinds of government information held by Cumberland City Council;
- The kinds of government information held by Cumberland City Council that it makes publicly available;
- The manner in which Cumberland City Council makes government information publicly available;
- The kinds of information that are (or will be) made publicly available free of charge and which kinds for which a fee is imposed;
- How members of the public and staff may access or seek amendment to records relating to their personal affairs in they are incomplete, incorrect, out of date or misleading.

This guide is available on Council's [website](#) or from Council's Administration Centre's during business hours.



Peter J. Fitzgerald
General Manager, Cumberland City Council

3/02/2025

VERSION CONTROL

This Agency Information Guide is managed by the Director Governance & Risk. The Director Governance & Risk can be contacted via the details listed on page 13 of this guide.

As stated in [Section 21 of the GIPA Act](#), Cumberland City Council is required to review and adopt a new Agency Information Guide at intervals of no greater than 12 months.

In accordance with [Section 22 of the GIPA Act](#), Cumberland City Council must notify the NSW Information and Privacy Commission (IPC) before adopting or amending an Agency Information Guide. Additionally, when requested [by the IPC], Council must consult with the IPC regarding the proposed Agency Information Guide or amendment.

Past amendments to this Agency Information Guide are detailed in the following table:

Date Reviewed	Changes
3 February 2025	Endorsed by General Manager
3 February 2025	Administrative Changes – Updates to reflect new Councillor Ward Map
6 December 2024	IPC feedback provided
1 November 2024	Referred to IPC for Review
8 October 2024	Administrative Changes – Updates to reflect new elected Councillors
23 November 2023	Administrative changes – IPC recommendations
28 September 2023	Administrative changes – Reflect update to Deputy Mayor
6 September 2023	Rewritten – Updated to reflect IPC best practice
15 November 2022	Administrative changes – Updates to reflect the new organisation structure
25 October 2022	Administrative changes – Organisation chart update
1 October 2021	Administrative changes – Updates to reflect the new organisation structure
27 April 2021	Administrative changes – Organisation chart update
5 May 2020	Administrative changes – Updates to reflect the new organisation structure
11 February 2020	Administrative changes – Updates to reflect the new logo and all references to the old name
15 October 2019	Administrative changes – IPC recommendations
26 August 2019	Administrative changes – Organisational structure update
7 June 2019	Administrative changes – Template update
15 August 2018	Administrative changes – Updated Acts

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1. INTRODUCTION

Cumberland City Council is committed to the object of the GIPA Act to open government information to the public to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective by providing access to government information.

Cumberland City Council ensures compliance with the GIPA Act by providing an open and transparent process for the public to access our information. Cumberland City Council also upholds the specific provision cited in [Section 5 of the GIPA Act](#) that there is a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure.

Agency Information Guides play an important role in promoting access to information, supporting participation and contributing to Open Government. As government transforms service delivery through the application of digital technologies information should be more readily accessible to citizens. New ways of storing, locating and providing information become available through digital technologies and agencies have new opportunities to uphold their responsibilities to make information available.

This Agency Information Guide is applicable to all Cumberland City Council Information.

2. ABOUT CUMBERLAND CITY COUNCIL

2.1. Acknowledgement of the Local Aboriginal Community

Cumberland City Council acknowledges the traditional Aboriginal owners of this land – the Darug people - and pays respect to their Elders, past, present and emerging.

Cumberland City Council acknowledges the living culture of the Darug people and their unique role in the life of this region. As of 1788, there were an estimated 2,000 members of the various Darug clans. These clans lived in semi-nomadic communities of roughly 50 members, with each community having their own hunting district. For example, the Cennemegal or Weymaly clan hunted in the Greystanes area, the Bidjigal clan in Merrylands and Guildford, the Burramattagal clan in the Granville area, and the Wangal and Wategoro clans in the Auburn area.

Cumberland City Council is proud to be home to significant Aboriginal sites across the region, including the 4 scar trees in Millennium Park, Auburn and the traditional indigenous travel route, Prospect Creek.

The suburbs of Girraween, Toongabbie, Yennora were named after indigenous words. The suburb of Pemulwuy was created in 2004 and named after a Bidjigal clan leader who fought against European colonists.

There is further Aboriginal and Torres Strait Islander information on Council's [website](#).

2.2. About Us

Cumberland City Council was established on 12 May 2016 under the [Local Government \(City of Parramatta and Cumberland\) Proclamation 2016](#). Cumberland City Council is an amalgamation of three (3) former local government authorities: Holroyd City Council, Auburn City Council and Parramatta City Council. At the [Council Meeting of 18 December 2019](#), Council resolved to register the trading name as 'Cumberland City Council' with the Australian Business Registration Service and implement the trading name across all aspects of Council business.

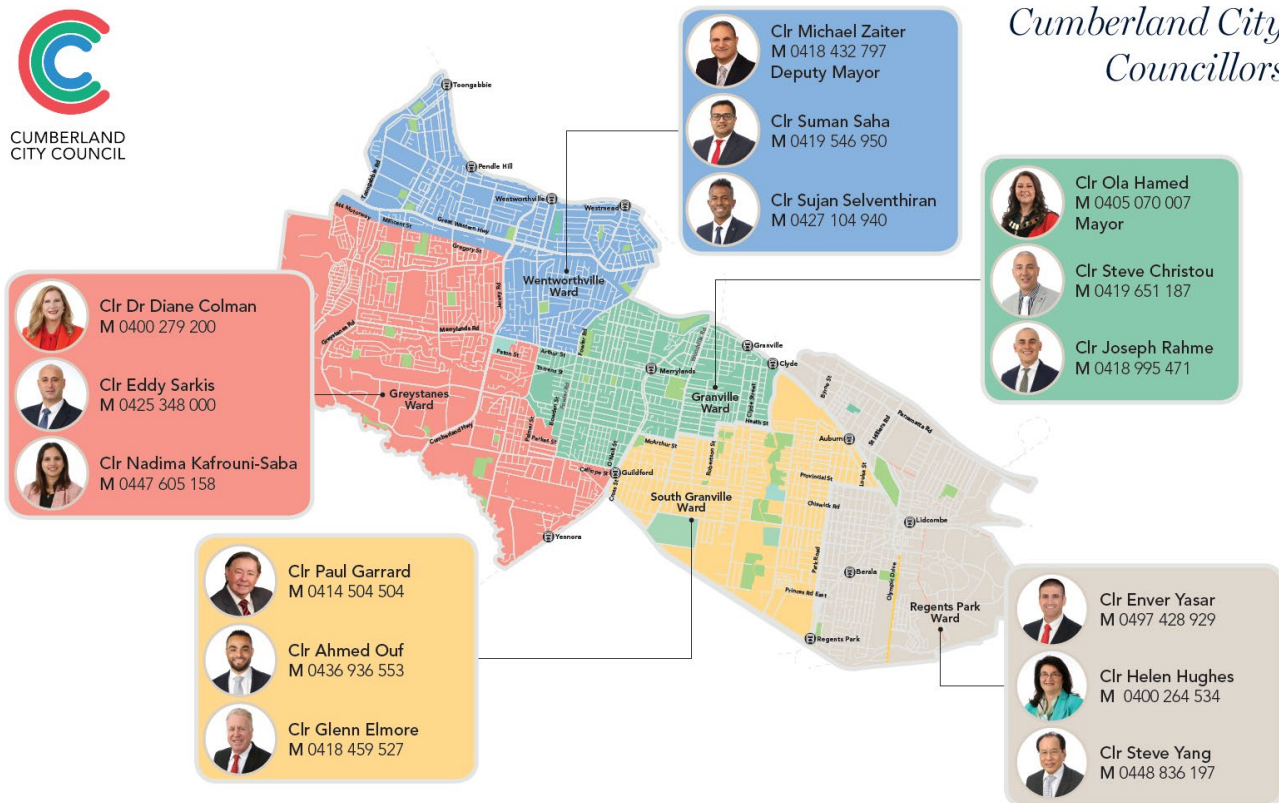
Cumberland City Council is located in the western suburbs of Sydney, approximately twenty-five (25) kilometers from Sydney's Central Business District. Cumberland City Council is home to 245,323 residents and covers an area of approximately 72.77 square kilometers.

Cumberland City Council is divided into five (5) wards and which are represented by fifteen (15) elected Councillors, with each ward having a total of three (3) Councillors, as shown in the below table and the subsequent diagram:

Ward	Elected Councillors
Granville	Clr. Steve Christou, Clr. Joseph Rahme, Clr. Ola Hamed
Greystanes	Clr. Diane Colman, Clr. Eddy Sarkis, Clr. Nadima Kafrouni-Saba
Regents Park	Clr. Enver Yasar, Clr. Helen Hughes, Clr. Steve Yang
South Granville	Clr. Paul Garrard, Clr. Ahmed Ouf, Clr. Glenn Elmore
Wentworthville	Clr. Michael Zaiter, Clr. Suman Saha, Clr. Sujan Selventhiran



Cumberland City Councillors



2.3. Guiding Principles of Council

Section 8A of the [Local Government Act 1993](#) sets out guiding principles that all Council's across NSW must follow.

1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- Councils should provide strong and effective representation, leadership, planning and decision-making.
- Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should work with others to secure appropriate services for local community needs.
- Councils should act fairly, ethically and without bias in the interests of the local community.
- Councils should be responsible employers and provide a consultative and supportive working environment for staff.

2) **Decision-making**

The following principles apply to decision-making by councils (subject to any other applicable law):

- a) Councils should recognise diverse local community needs and interests.
- b) Councils should consider social justice principles.
- c) Councils should consider the long term and cumulative effects of actions on future generations.
- d) Councils should consider the principles of ecologically sustainable development.
- e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

3) **Community participation**

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

In addition to the above principles set out by the *Local Government Act 1993*, Cumberland City Council is guided by its [Community Strategic Plan 2017-2027](#). The Community Strategic Plan is aligned with other relevant state and regional plans and serves as a long-term strategic outlook on Council's priorities to address social, environmental, economic and civic issues in the area.

Council's organisational vision is *Welcome, Belong, Succeed*. In order to achieve this vision, the Community Strategic Plan is underpinned by four (4) strategic goals, set out below:

Strategic Goal 1 Supporting Community Health, Safety and Wellbeing	Strategic Goal 2 Enhancing the Natural and Built Environment	Strategic Goal 3 Delivering Sustainable Infrastructure and Services	Strategic Goal 4 Providing Local Leadership
Quadruple Bottom line			
Social	Environmental	Environmental	Economic & Civic Leadership
<p>Objective 1.1 A strong community and culture</p> <p>Strategies</p> <p>1.1.1 Build a rich local culture through access to cultural activities and events</p> <p>1.1.2 Enhance our sense of community through valued community spaces and places</p> <p>1.1.3 Build an inclusive community by encouraging participation in youth, children and indigenous services and support for seniors and disability services</p> <p>Objective 1.2 A safe, healthy and active community</p> <p>Strategies</p> <p>1.2.1 Provide access to services that improve health and wellbeing</p> <p>1.2.2 Build capacity within our community to live happier and healthier lives</p>	<p>Objective 2.1 Celebrate our diverse built and natural environments</p> <p>Strategies</p> <p>2.1.1 Prepare land use plans and controls that value our heritage, encourage economic development, facilitate local infrastructure improvements and create vibrant precincts</p> <p>2.1.2 Protect and improve our natural environment and ensure development has a positive impact on our City</p> <p>Objective 2.2 Places and spaces that are vibrant and connect us</p> <p>Strategies</p> <p>2.2.1 Activate and support our centres, local areas and local businesses to be vibrant places that connect people</p>	<p>Objective 3.1 We have public spaces that are welcoming, inclusive and promote pride in the area</p> <p>Strategies</p> <p>3.1.1 Our physical infrastructure is sustainably planned and managed to meet our changing needs</p> <p>3.1.2 Our community pride is reflected in the cleanliness and upkeep of our valued public spaces and streetscapes</p> <p>Objective 3.2 We have recreational assets that enhance the liveability of our community</p> <p>Strategies</p> <p>3.2.1 Our valued natural recreational spaces and facilities are fit for purpose and encourage active lifestyles</p> <p>3.2.2 Our assets provide a range of opportunities for participation in active and entertaining activities</p> <p>Objective 3.3 A clean and safe place to live</p> <p>Strategies</p> <p>3.3.1 Enforce local laws and regulations for the benefit of all people in Cumberland</p> <p>3.3.2 Monitor and regulate to make Cumberland a safe place to live</p> <p>3.3.3 Provide access to sustainable waste services that keep our community clean and tidy</p>	<p>Objective 4.1 The community is proud to be served by a sustainable and transparent Council organisation</p> <p>Strategies</p> <p>4.1.1 Provide a governance framework that is transparent and builds public trust in local leadership</p> <p>4.1.2 Council operates in a safe and sustainable way to deliver great services and facilities that offer value for money</p> <p>4.1.3 Council places the customer at the heart of everything it does</p> <p>Objective 4.2 An informed community included in decision making and long-term planning</p> <p>Strategies</p> <p>4.2.1 Council regularly engages with and informs the community</p> <p>4.2.2 Council conducts long term planning based on community engagement</p>

2.4. Role of Councillors

As stated under [Chapter 10 of the Local Government Act 1993](#), elections for Cumberland City Council's fifteen (15) Councillors are held every four (4) years, using a proportional representation electoral system. Residents of the Cumberland LGA as well as non-resident owners of land within the Cumberland LGA are eligible to vote in elections.

Under [Section 223 of the Local Government Act 1993](#), the role of the Councillors, as members of the Cumberland City Council's governing body, is:

- To direct and control the affairs of the council in accordance with [the *Local Government Act 1993*]
- To provide effective civic leadership to the local community
- To ensure as far as possible the financial sustainability of the council
- To ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 [of the *Local Government Act 1993*] and the plans, programs, strategies and policies of the council
- To develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council
- To determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the strategic plans (including the community strategic plan) of the council and for the benefit of the local area
- To keep under review the performance of the council, including service delivery
- To make decisions necessary for the proper exercise of the council's regulatory functions
- To determine the process for appointment of the general manager by the council and to monitor the general manager's performance
- To determine the senior staff positions within the organisation structure of the council
- To consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities
- To be responsible for ensuring that the council acts honestly, efficiently and appropriately

Under [Section 232 of the Local Government Act 1993](#), the role of a Councillor, as an individual, is:

- To be an active and contributing member of the governing body
- To make considered and well informed decisions as a member of the governing body
- To participate in the development of the integrated planning and reporting framework
- To represent the collective interests of residents, ratepayers and the local community
- To facilitate communication between the local community and the governing body
- To uphold and represent accurately the policies and decisions of the governing body
- To make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor

2.5. Role of the Mayor and Deputy Mayor

The Mayor is elected biennially by the Councillors. Under [Section 226 of the Local Government Act 1993](#), the role of the Mayor is:

- To be the leader of the council and a leader in the local community
- To advance community cohesion and promote civic awareness
- To be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities
- To exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- To preside at meetings of the council
- To ensure that meetings of the council are conducted efficiently, effectively and in accordance with this act
- To ensure the timely development and adoption of the strategic plans, programs and policies of the council
- To promote the effective and consistent implementation of the strategic plans, programs and policies of the council
- To promote partnerships between the council and key stakeholders
- To advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council
- In conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- To carry out the civic and ceremonial functions of the mayoral office
- To represent the council on regional organisations and at inter-governmental forums at regional, state and commonwealth level
- In consultation with the Councillors, to lead performance appraisals of the general manager
- To exercise any other functions of the council that the council determines

As stated under [Section 231 of the Local Government Act 1993](#), the Deputy Mayor may be elected for the mayoral term or a shorter term. Additionally, the Deputy Mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.

2.6. Role of the General Manager

The General Manager is the most senior staff position and is appointed by Council. The [Procedure for the Review of the Performance of the General Manager](#) establishes the process for the employment appraisal of the General Manager. Pursuant to [Section 335 of the Local Government Act 1993](#), the role of the General Manager is:

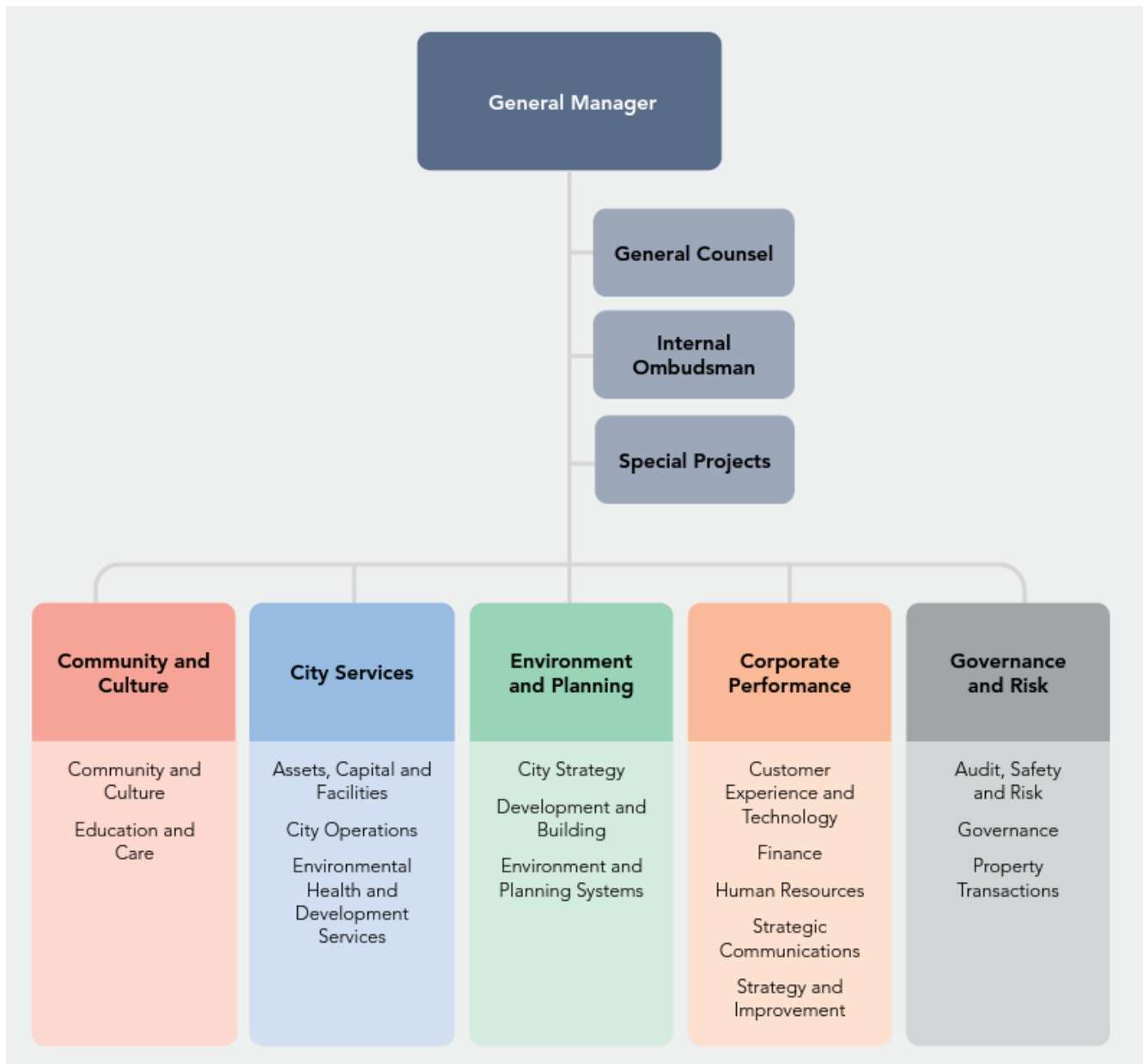
- | | |
|---|---|
| <ul style="list-style-type: none"> • To conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council • To implement, without undue delay, lawful decisions of the council • To advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council • To advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council • To prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report • To ensure that the mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions | <ul style="list-style-type: none"> • To exercise any of the functions of the council that are delegated by the council to the general manager • To appoint staff in accordance with the organisation structure determined under this chapter and the resources approved by the council • To direct and dismiss staff • To implement the council's workforce management strategy • Any other functions that are conferred or imposed on the general manager by or under this or any other act |
|---|---|

To assist the General Manager in the exercise of the above functions, there are 5 Directorates of Council, these are:

- Community & Culture
- City Services
- Environment & Planning
- Corporate Performance
- Governance & Risk

Each Directorate is headed by a Director whom hold operational accountabilities to deliver the service statements as outlined in the [Operational Plan 2024-2025](#).

2.7. Organisational Structure



2.8. Our Locations and Contact Details

For further information about us, you can contact Council using the contact details below:

In Person: 16 Memorial Avenue, Merrylands NSW 2160 **or** 1 Susan Street, Auburn NSW 2144

Post: PO Box 42, Merrylands NSW 2160

Email: council@cumberland.nsw.gov.au

Website: cumberland.nsw.gov.au/

Telephone: (02) 8757 9000

Fax: (02) 9055 3301

Persons with disabilities, such as hearing or speech impairments can contact Council directly via the [National Relay Service](#). In addition, for those whom require assistance contacting Council as English is not their native language, Council can be contacted via the [Translating and Interpreting Service](#) (131 450) and quoting Council's phone number (02 8757 9000).

2.9. Council Functions

Council is governed by the *Local Government Act 1993*. [Chapter 5](#) of this Act sets out the functions of Council:

Council Functions under the <i>Local Government Act 1993</i>		
Council Function	How this Function Affects the Public	Examples
Service	Council provides services and facilities to the public.	<ul style="list-style-type: none"> • Providing community health, recreation, education & information services • Environmental protection • Waste removal & disposal • Land & property, industry & tourism development & assistance
Regulatory	Restrictions are placed on developments and buildings to ensure they meet certain requirements and will not endanger the lives and safety of any person.	<ul style="list-style-type: none"> • Approvals • Orders • Building certificates
Ancillary	Only affects some members of the public, when required.	<ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection
Revenue	Revenue from rates and other charges are paid by the public are used to partly fund services and facilities provided by Council.	<ul style="list-style-type: none"> • Rates • Charges • Fees • Borrowings • Investments
Administrative	Do not affect the public directly but have an indirect impact on the community.	<ul style="list-style-type: none"> • Employment of staff • Management plans • Financial reporting • Annual reports
Enforcement	Only affect those members of the public who are in breach of certain legislation.	<ul style="list-style-type: none"> • Proceedings for breaches of the Act • Prosecution of offences • Recovery of rates and charges

2.10. Functions under other Legislation

A to D

- Administrative Decisions Review Act 1997
- Anti-Discrimination Act 1977
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Building and Construction Industry Long Service Payments Act 1986
- Building Professionals Act 2005
- Cemeteries and Crematoria Act 2013
- Charitable Fundraising Act 1991
- Children (Care and Protection) Act 1987
- Civil and Administrative Tribunal Act 2013
- Civil Liability Act 2002
- Civil Procedure Act 2005
- Commons Management Act 1989
- Community Land Development Act 1989
- Community Land Management Act 1989
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Copyright Act 1968
- Crimes Act 1900
- Crimes (Sentencing Procedure) Act 1999
- Crown Land Management Act 2016
- Crown Lands Act 1989
- Disability Discrimination Act 1992
- Dividing Fences Act 1991

E to H

- Election Funding Act 2018
- Electricity Supply Act 1995
- Environmentally Hazardous Chemicals Act 1985
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Environment Protection and Biodiversity Conservation Act 1999
- Essential Services Act 1988
- Evidence Act 1995
- Fines Act 1996
- Firearms Act 1996
- Fire Brigades Act 1989
- Fluoridation of Public Water Supplies Act 1957
- Food Act 2003
- Fringe Benefits Tax Act 1986
- Geographical Names Act 1966
- Government Information (Public Access) Act 2009
- Government Information (Public Access) Regulation 2018
- Graffiti Control Act 2008
- Health Records and Information Privacy Act 2002
- Heritage Act 1977
- Home and Community Care Act 1985 (Commonwealth)
- Home Building Act 1989

I to M

- Inclosed Lands Protection Act 1902
- Income Tax Acts (various)
- Independent Commission Against Corruption Act 1988
- Industrial Relations Act 1996
- Interpretation Act 1987
- Land Acquisition (Just Terms
- Land and Environment Court Act 1979
- Law Enforcement (Powers and Responsibilities) Act 2002
- Library Act 1939
- Liquor Act 2007
- Local Land Services Act 2013
- Major Events Act 2009

Compensation) Act 1991

N to R

- National Parks and Wildlife Act 1974
- Native Title (NSW) Act 1994
- Ombudsman Act 1974
- Pesticides Act 1999
- Pipelines Act 1967
- Plumbing and Drainage Act 2011
- Privacy and Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Public Interest Disclosures Act 2022
- Public Works and Procurement Act 1912
- Protection of the Environment Operations (Noise Control) Regulation 2017
- Public Spaces (Unattended Property) Act 2021
- Real Property Act 1900
- Recreation Vehicles Act 1983
- Residential Tenancies Act 2010
- Restricted Premises Act 1943
- Road Rules 2014
- Road Transport Act 2013
- Roads Act 1993
- Rural Fires Act 1997

S to W

- Sales Tax (Exemptions and Classifications) Act 1992
- Surveying and Spatial Information Act 2002
- Swimming Pools Act 1992
- Smoke Free Environment Act 2000
- State Authorities Superannuation Act 1987
- State Emergency Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1998
- Strata Schemes Development Act 2015
- Strata Schemes Management Act 1996
- Sydney Water Act 1994
- Threatened Species Conservation Act 1995
- Transport Administration Act 1988
- Unclaimed Money Act 1995
- Valuation of Land Act 1916
- Waste Avoidance and Resource Recovery Act 2001
- Water Management Act 2000
- Work Health and Safety Act 2011
- Workplace Injury Management and Workers Compensation Act 1998
- Workplace Surveillance Act 2005

3. HOW TO ACCESS CUMBERLAND CITY COUNCIL'S INFORMATION

3.1. Definitions

Government Information (as defined under [Section 4 \(1\) of the GIPA Act](#)) "Information contained in a record held by an agency".

Open Access Information (as defined under [Section 18 of the GIPA Act](#)) Information "that is required to be made publicly available by the agency"

Record (as defined under [Section 3 \(1\) of the State Records Act 1998](#)) "Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means."

3.2. Format of Information held by Cumberland City Council

Government information held by Cumberland City Council is held in one of two formats, electronic documents or physical files.

Electronic Documents

In November 2019, Council commenced its partnership with TechnologyOne. Whether originally received in hard-copy or electronically, files are uploaded to the TechnologyOne electronic document management system for storage.

Previous to the adoption of the TechnologyOne platform, Council files were stored using the TRIM electronic document management system. Prior to the formation of Cumberland City Council on May 12th 2016, the City of Parramatta, Auburn City Council and Holroyd City Council used the TRIM system.

Certain other documents may be stored in departmental drives.

Physical Files

Prior to 2001 and under the former City of Parramatta, Auburn City Council and Holroyd City Council's, files were stored in physical files. These included general subject files, development and building files, property files as well as street and park files.

Historic files may be additionally held on microfiche.

3.3. Information that is not available

[Sections 13-15 of the GIPA Act](#) advise that there is an overriding public interest against the disclosure of government information if the public interest considerations against disclosure outweigh those in favour of disclosure. When applying a public interest test to government information, Cumberland City Council may only consider the following items, which are further elaborated upon in the table under [Section 14 of the GIPA Act](#):

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons
- Environmental, culture, economy and general matters
- Secrecy provisions
- Exempt documents under interstate Freedom of Information legislation

Furthermore, [Schedule 1 of the GIPA Act](#) details the specific types of information for which there is a conclusive presumption of an overriding public interest against disclosure.

In the case where another agency receives a GIPA request for information relating to Cumberland City Council, that agency is required under [Section 54](#) and [Schedule 1 \(6\)\(2\)](#) of the *GIPA Act* to find out if Council objects to the release of information. If the information requested is classed as excluded information, Council may object to its release.

In addition to Council's obligations under the *GIPA Act*, Council is also mandated to consider its accountabilities under other legislation. For example, under the [Privacy and Personal Information Protection Act 1998](#) and the [Health Records and Information Privacy Act 2002](#) Council is obliged to protect personal and health information. Further information relating to Council's obligations regarding privacy is available in the [Privacy Management Plan](#). In addition, under the Commonwealth [Copyright Act 1968](#), Council is unable to issue copies of documents for which it is not the copyright holder, without the written consent of the copyright holder.

Under the [Dividing Fences Act 1991](#) Council may release the name and last-known postal address of a property owner to facilitate the repair of a dilapidated shared boundary fence. In accordance with the [Privacy and Personal Information Protection Act 1998](#), Council will not release contact phone numbers or email addresses of individuals.

3.4. Open Access Information

[Part 3 of the GIPA Act](#) and [Schedule 1 of the Government Information \(Public Access\) Regulation 2018](#) detail what government information constitutes open access information. This information is mandated to be publicly available, and includes:

Type of Information	Document Name	
General Council Information	<ul style="list-style-type: none"> Council's Agency Information Guide Information about Council contained in any document tabled in Parliament by or on behalf of Council Council's policy documents Records of open access information that Council does not make publicly available due to an overriding public interest against disclosure Council's disclosure log of access applications Council's register of government contracts The model code prescribed under Section 440 (1) of the Local Government Act 1993 Minutes of any Council meeting or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions 	
	<ul style="list-style-type: none"> Council's annual report Council's annual financial reports Auditor's reports EEO management plan Council policy concerning the payments of expenses incurred by and the provision of facilities to, Councillors, Annual reports of bodies exercising functions delegated by Council Any codes referred to in the <i>Local Government Act 1993</i> Returns of the interests of Councillors, designated persons and delegates Agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public) Reports by the Chief Executive of 	

	<p>and recommendations of the meeting</p> <ul style="list-style-type: none"> • Council's code of meeting practice 	<p>the Office of Local Government presented at a Council meeting of in accordance with Section 433 of the Local Government Act 1993</p>
Council Registers	<ul style="list-style-type: none"> • Land register • Register of investments • Register of delegations • The register of voting on planning matters kept in accordance with Section 375A of the Local Government Act 1993 	<ul style="list-style-type: none"> • 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 Local Government Act 1993
Plans and Policies	<ul style="list-style-type: none"> • Local policies adopted by Council concerning approvals and orders • Plans of management for community land 	<ul style="list-style-type: none"> • Environmental planning instruments, development control plans and contributions plans made under the <i>Environmental Planning and Assessment Act 1979</i> applying to land within the Cumberland LGA
Information concerning development applications	<ul style="list-style-type: none"> • Home warranty insurance documents • Construction certificates • Occupation certificates • Structural certification documents • Town planner reports • Submissions received on development applications • Heritage consultant reports 	<ul style="list-style-type: none"> • Tree inspection consultant reports • Acoustic consultant reports • Land contamination consultant reports • Records of decisions made on- or-after 1 July 2010 (including decisions made on appeal) • A record that describes the general nature of the documents that Council decides are excluded from the operation by Schedule 1 (3)(2) of the GIPA Regulation 2018
Approvals, Orders and other documents	<ul style="list-style-type: none"> • Applications for approvals under Part 1 of Chapter 7 of the Local Government Act 1993 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 	<ul style="list-style-type: none"> • Orders given under the authority of any other Act • Records of building certificates under the <i>Environmental Planning and Assessment Act 1979</i>, • 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,

	<ul style="list-style-type: none"> on appeals concerning approvals • Orders given under Part 2 of Chapter 7 of the Local Government Act 1993, and any reasons given under Section 136 of the Local Government Act 1993 	<ul style="list-style-type: none"> • Performance improvement orders issued to a council under Part 6 of Chapter 13 of the Local Government Act 1993.
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Open access information is made available – in at-least one form – free of charge. Many of the documents listed above are available on Council's website – including via the following links:

- [Agendas and Minutes of Council and Committee meetings](#)
- [Adopted Council Policies](#)
- [Annual Reports, Financial Statements and the State of the City Report](#)
- [The Community Strategic Plan 2017-2027](#), the [Operational Plan 2024-2025](#), and the [Delivery Program 2022-2026](#)
- Council registers:
 - [Register of Government Contracts](#)
 - [Register of Councillor voting on planning decisions](#)
 - [Political Donations and Gifts Disclosure Register](#)
 - [Disclosures by Councillors and Designated Persons Returns](#)
 - [Disclosure log of Access Applications](#)

3.5. Proactive Release

Under [Section 7 of the GIPA Act](#), Council is authorised to make any government information publicly available unless there is an overriding public interest against disclosure. Council is required to review its program for the proactive review of government information at intervals of no more than 12 months.

Examples of information that are proactively released by Council include, but is not limited to:

- Council Strategies, such as the:
 - [Affordable Housing Strategy](#)
 - [Cumberland Employments and Innovation Lands Strategy \(2019\)](#)
 - [Cumberland City Youth Strategy 2022-2026](#)
 - [Community Engagement Strategy](#)
 - [Open Spaces and Recreation Strategy 2019 to 2029](#)
 - [Biodiversity Strategy](#)
 - [Community Facilities Strategy](#)
 - [Waste and Resource Recovery Strategy](#)
 - [Smart Places Strategy](#)
- [Infrastructure Works Reporting](#)
- [Media Releases](#)
- [Public Notices](#)
- [Council and community events information](#)
- [Council News](#)
- [Cumberland's Development Application Tracker](#)
- [A weekly updated list of development applications advertised](#)
- [Project information via the Have Your Say page](#)

Open Data

Cumberland City Council embraces open and transparent government and supports the NSW Government's [Open Data Policy](#). Open data is a useful tool to empower citizens and gain insight into the way we live, work and solve problems together. The following tools may contain information pertaining to the Cumberland LGA:

- [Data NSW](#) is a open portal of over 15,000 datasets throughout the NSW Government. Cumberland City Council has contributed a variety of data to this database, for example local area flood studies.
- [OpenGov NSW](#) is a repository of all publications made by the NSW Government
- [data.gov.au](#) is the Commonwealth Government's online data hub.

3.6. Informal Release

Under [Section 8 of the GIPA Act](#), Cumberland City Council is authorised to release government information it holds in response to an informal request unless there is an overriding public interest against the disclosure of the information.

Informal Release applications are:

- **Processed free-of-charge**
 - The only charges for informal applications relate to printing and photocopying for hard-copies of documents - in accordance with Council's [Fees and Charges](#) schedule.
- **Do not have a legislated response period**
 - Cumberland City Council aims to process Informal Release applications within 20-working days. This timeframe accounts for time taken to search digital and hard-copy archives, the retrieval of files from Council's off-site storage facility, consultation with internal stakeholders as well as the assessment of files for redaction in light of protocol under relevant copyright and privacy legislation.
- **Are not reviewable**
 - Council can decide what information can be released and is able to remove government information contained in a record (if the inclusion of that information would otherwise result in there being an overriding public interest against disclosure). Council is also able to require applications submitted as Informal Release instead be submitted as a Formal Access Application if it is an unreasonable and substantial diversion of Council resources.

Typically, documents including but not limited to the below table are requested and released via Informal Release:

- | | |
|---|--|
| • Development Consents | • Construction Certificates |
| • Assessment Reports | • Occupation Certificates |
| • Building Certificates | • Property ownership details to facilitate the repair of a dilapidated shared boundary fence |
| • Plans (with copyright consent) | • Reports to development applications (with copyright consent) |
| • Fire Safety Schedules | • Historic Council planning instruments |
| • Submissions to development applications | |
| • Photo records of parking infringements | |

Applications should be submitted using the [GIPA Informal Access Application Form](#) and can be submitted either:

In Person: 16 Memorial Avenue, Merrylands **or** 1 Susan Street, Auburn

Via Email: council@cumberland.nsw.gov.au

Via Post: PO Box 42, Merrylands NSW 2160

3.7. Formal Access Applications

Cumberland City Council recommends that in the first instance, prior to submitting a Formal Access Application, applicants check that the information is not already available on Council's website or via the submission of an Informal Release application.

As stated in the [NSW Information and Privacy Commission's Fact Sheet](#), a Formal Access application may be required where Council determines that:

- Searching for and retrieving the information sought would require a significant diversion of resources
- The material contains information about a third party that cannot be deleted easily or without rendering the information useless, and consultation would need to occur
- The material is sensitive in nature and requires careful balancing of public interests

Formal Access Applications should be submitted using the [GIPA Formal Access Application Form](#) and can be submitted either:

In Person: 16 Memorial Avenue, Merrylands **or** 1 Susan Street, Auburn

Via Post: PO Box 42, Merrylands NSW 2160

Determination as a valid Access Application

Upon the receipt of a Formal Access Application, Council's Access to Information team must determine that the application is valid. In accordance with [Section 41 of the GIPA Act](#), a valid application must:

- Be in writing sent by post or lodged at one of Council's offices listed above
- Clearly indicate that it is an Access Application under the *GIPA Act*
- Be accompanied by a fee of \$30
- State the name of the applicant and a postal or email address as the address for correspondence associated with the application
- Include information as is reasonably necessary to enable the government identification applied for to be identified

Acknowledgement

After the Access to Information Team have judged the application to be valid, they will notify the applicant within 5-working days after the application is received. In accordance with [Section 51 \(3\) of the GIPA Act](#), this acknowledgement must include:

- The date by which the application is required to be decided
- A statement that the application will be deemed to have been refused if not decided by the required date
- The following statements regarding the inclusion in Council's disclosure log:

- A statement that information concerning the application is likely to be included in Council's disclosure log and that the applicant can object to this
- A statement about the right of review under Part 5 of the *GIPA Act* of a decision by Council to include information in its disclosure log despite the applicant's objection
- Details regarding rights of review in connection with Formal Access Applications

Third Party Consultation

Under [Section 54 of the GIPA Act](#), Council is required to take reasonably practicable steps to consult with a person, before providing access to information relating to that person if:

- The person may reasonably be expected to have concerns about the disclosure of the information
- Those concerns may reasonably be expected to be relevant to the question of whether there is a public interest consideration against disclosure of the information
- The information includes personal information about the person
- The information concerns the person's business, commercial, professional or financial interests
- The information concerns research that has been, is being, or is intended to be, carried out by or on behalf of the person
- The information concerns the affairs of a government of the commonwealth or another state

Typically, Council will send a letter, preferably via email or by post if necessary, to the person to whom the information relates. Council requires that person to respond within 3 to 5 working days. The purpose of consultation is to ascertain whether a person has an objection to disclosure of some or all of the information and the reasons for any such objection. Council is obligated to take any objection to disclosure of information that the agency receives in the course of consultation into account in the course of determining whether there is an overriding public interest against disclosure of government information.

Fees

Formal Access Applications carry processing charges in accordance with [Division 5 of the GIPA Act](#). Council may impose a charge of \$30 per hour for each hour of processing time for the application.

Council may require that an applicant pay an advance deposit of up to 50% of the estimated total processing charge. Council can refuse to further deal with a Formal Access Application should an advanced deposit not be paid. In addition, access to the requested information under a Formal Access Application may be conditional upon payment of the processing charges.

Processing charges for Formal Access Applications may be discounted by 50% in the cases of special public benefit or financial hardship. Financial hardship includes if the applicant can provide evidence that:

- They hold a Pensioner Concession card issued by the Commonwealth that is in force;
- Are a full-time student;
- Are a non-profit organisation, including a person applying for or on behalf of a non-profit organisation.

Timeframes

[Division 4 of the GIPA Act](#) details the legislative obligations Council has regarding Formal Access Applications.

A Notice of Decision must be provided to an applicant within 20-working days. This period can be extended by 10-working days if: consultation is required, if records are required to be retrieved from a records archive, or if there is an agreement in place with the applicant. Council must notify the applicant within 5-working days that the decision period has been extended.

If a Notice of Decision is not decided within the timeframe it is noted as a deemed refusal, the \$30 application fee is to be refunded and no processing charges can be imposed, even if Council later issues a Notice of Decision.

Rights of Review

[Part 5 of the GIPA Act](#) sets out the methods by which a Notice of Decision for a Formal Access Application may be reviewed, these are:

1. Internal Review by Council

An internal review of a Notice of Decision by Council must be made within 20-working days. An internal review is undertaken by a different office to the original decision. Internal Review applications carry a \$40 fee and must be completed within 15-working days.

2. Review by the Information and Privacy Commission (IPC)

An internal review Council must be completed prior to any review by the IPC. A request to the IPC must be submitted within 40-working days of the decision to which the review relates. A review by the IPC must be completed within 40-working days but can be extended where necessary. Whilst the IPC does not hold legally binding powers, it can make recommendations that Council reconsider:

- Its original decision and issue a new decision
- Whether there is an overriding public interest against disclosure
- General procedures of Council

3. Review by the NSW Civil and Administrative Tribunal (NCAT)

An application for review by NCAT must be made within 40-working days of Council's decision or within 20-working days of the IPC's review. Persons have a right to appear before NCAT. The proceedings of the NCAT place the onus on Council to justify its decision. Where NCAT proceedings find systemic issues with Council processes, it can make a referral to the IPC. NCAT also has legally binding powers, such as:

- The ability to restrain applicants in certain situations from making access applications
- The ability to refuse to review a decision
- Make the full order sought by the applicant
- Decide that only part of the applicant's claim can be made

4. HOW CUMBERLAND CITY COUNCIL ENGAGES WITH THE PUBLIC

Cumberland City Council is committed to open government and active public participation with the community with regard to policy development as well as the general activities of Council. Broadly, there are two methods by which the public can participate in Council processes; through representation by their elected member or through personal participation.

The [Community Engagement Strategy](#) directs Council's approach to consultation with the community. The objectives of this strategy are:

1. **Build Capacity** – Council will work closely with community, stakeholders and staff to create a culture of genuine and relevant engagement, both within our organisation and the community
2. **Inform and Involve** - Council will create and promote inclusive opportunities for effective participation and collaboration for community members who live, work and play in Cumberland, and ensure our communities are engaged and informed
3. **Accountable and Transparent** – Council will show how community and stakeholder participation was used to inform and influence decision making by closing the loop. Council will lead with integrity and ensure that we ‘close the loop’ on the outcomes of engagement
4. **Continuous Improvement** - Council will implement a continuous improvement program, incorporating community and stakeholder input, to reflect evolving best practice and the needs of the community

4.1. Representation

Local Government in NSW is based upon the principle of representative democracy, where the public elects representatives to their local Council to make decisions on their behalf. In NSW, local government elections typically take place every four (4) years in September.

As is also the case for state and federal government elections, voting in local government elections is mandatory. In accordance with [Section 312 of the Local Government Act 1993](#) it is an offence not to vote.

Elected Councillors serve a four (4) year term. The contact details of the fifteen (15) Councillors of Cumberland City Council can be found on Council's [website](#). Members of the public can raise issues of community concern or make representations to Councillors. Councillors may then pursue the matter on the resident's behalf – thus allowing members of the community to [indirectly] influence Council policy.

4.2. Public Participation

Council Meetings

In accordance with [Part 1 of the Local Government Act 1993](#), all meetings of the Council must be open to the public. Council generally meets monthly in accordance with its adopted meeting schedule which is available on Council's [website](#).

In accordance with Council's adopted [Code of Meeting Practice](#) the agenda for Council meetings is published as soon as practicable prior to the meeting and is made available on Council's [website](#).

Members of the public are afforded an opportunity to address Council on agenda items or other matters of local community concern. Each speaker is permitted a three (3) minute address, with a further two (2) minute extension at the discretion of Council. After the address, Councillors may ask questions. Persons wishing to make an address must complete and submit a '[Request to Address Council](#)' application form prior to 5pm the day before a meeting.

Council Committees

Members of the public may also participate in Council's functions and policy development processes through Council committees.

Cumberland Traffic Committee

The role of the Cumberland Traffic Committee is to consider Council's functions under the [Roads Act 1993](#) as well as Council's own [Local Area Traffic Management Policy](#).

Via written correspondence to Council, members of the public may request Council undertake a variety of actions to calm traffic on local streets. Upon receipt of a request, Council will then conduct investigations into the matter, which will be presented in a report

to the traffic committee for consideration. Where a traffic calming project is under consideration, Council will also conduct public consultation to obtain feedback from neighboring residents.

Audit, Risk and Improvement Committee (ARIC)

Under section s428A of the *Local Government Act 1993*, the objective of the Audit, Risk and Improvement Committee (ARIC) is to provide independent advice to Council regarding the following aspects of Council's operations:

- Compliance;
- Risk Management;
- Fraud Control;
- Financial Management;
- Governance;
- Implementation of the Strategic Plan, Delivery Programs and Strategies;
- Service Reviews;
- Collection of performance measurement data by Council; and
- Internal Audit.

Cumberland Property Committee

The role of the Cumberland Property Committee is to advise Council on the strategic use and disposal of Council owned land, operational and community and matters related to Council properties and future land acquisitions by the Council as constituted under the *Local Government Act 1993*. The Property Committee is purely advisory and may not commit Council resources.

Advisory Committees

Cumberland City Council has a total of fourteen (14) advisory committees that make recommendations to Council on a range of issues, these are:

• Aboriginal and Torres Strait Islander Consultative Committee	• Access Committee
• Arts Advisory Committee	• Community Safety and Crime Prevention Advisory Committee
• Companion Animals Advisory Committee	• Culturally and Linguistically Diverse Advisory Committee
• Cumberland Heritage Committee	• Events Committee
• Floodplain Risk Management Committee	• Green Corridor Advisory Committee
• Homelessness Advisory Committee	• Library Committee
• Wentworthville Community Garden Section 355 Committee	• Youth Committee

Advisory Committees are typically staffed by a mix of elected Councillors, members of Council staff as well as members of the public whom serve as community representatives. Where an Advisory Committee has a vacancy for a community representative, an

expression of interest shall be advertised on Council's website.

Cumberland Local Planning Panel

Under the Local Planning Panel directions, the Cumberland Local Planning Panel makes determinations on all strategic planning proposals as well as development applications in certain instances. For example, the Panel is the consent authority for development applications where:

- there is a conflict of interest
- the development is contentious
- the development is sensitive
- there is a departure from statutory development standards

The agenda is published one week prior to the meeting. Members of the public are able to attend meetings of the Panel and make express their opinions on agenda items. To make an address, a completed [Registration to Address the Panel Application Form](#) must be submitted prior to 12 noon the day prior to the meeting.

Have Your Say

[Have Your Say](#) is Council's dedicated community engagement platform. The site contains a vast array of Council projects that the community can provide feedback on.

Development Application Tracker

Council's Development [Application Tracker](#) provides an accessible tool to access documents associated with development applications. Where development applications are publicly exhibited, the relevant documents will be placed on the tracker.

Service Requests

Service requests can be submitted via telephone, email or [online](#) to notify Council of issues affecting the local community. Service requests enable Council understand when and where to direct its resources.

Compliments, Complaints and Feedback

In line with Council's adopted [Compliments and Complaints Management Policy](#), Council is committed to providing excellent customer service to the local community. Council embraces a proactive feedback management approach and an effective complaints management system as a crucial tool in the ongoing review and improvement of service delivery.

As stated in the [Community Engagement Strategy](#), Council may also request the opinion of the public via:

- | | |
|---------------------------------|----------------------------------|
| • Pop-up Stalls | • Webinars |
| • Meetings with Council staff | • Public Meetings |
| • Newsletters | • Meetings with key stakeholders |
| • Dedicated Hotlines | • Workshops |
| • Display Signs & Posters | • Social Media |
| • Surveys | • Adverts |
| • Focus Groups | • Fact Sheets |
| • Letters | • Translated Materials |
| • Ongoing Feedback Panels | • Working Groups |
| • Participatory Decision Making | • Co-Design |

5. THE PUBLIC'S RIGHTS, AGENCY RESPONSIBILITIES AND THE ROLE OF THE INFORMATION COMMISSIONER UNDER THE GIPA ACT

Members of the public have a right to access and alter their own personal and health information that is held by Council. Applications to access or alter personal and health information should be made using the application forms found in the appendices of the [Privacy Management Plan](#).

As stated on page 2 of this guide, in accordance with [Section 21 of the GIPA Act](#), Cumberland City Council is required to review and adopt a new Agency Information Guide at intervals of no greater than 12 months.

Similarly, to remain compliant with [Section 22 of the GIPA Act](#), Cumberland City Council must notify the NSW Information and Privacy Commission (IPC) before adopting or amending an Agency Information Guide. Additionally, when requested [by the IPC], Council must consult with the IPC regarding the proposed Agency Information Guide or amendment.

Members of the public wishing to make a complaint to the Information Commissioner can do so using the contact details in the below table. The Information Commissioner may decide to investigate, not continue to investigate, or not investigate a complaint.

In Person:	Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000
Via Phone:	1800 472 679
Via Email:	ipcinfo@ipc.nsw.gov.au
Via Post:	GPO Box 7011, Sydney NSW 2001
Via Fax:	+61 2 6446 9518



CUMBERLAND
CITY COUNCIL

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160

T8757 9000 **F**9840 9734 **W**cumberland.nsw.gov.au **E**council@cumberland.nsw.gov.au

