

Government Information (Public Access) Act 2009
Agency Information Guide
21 August 2017

Version 1.7

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- Introduction..... 1**
- Structure of Council 2**
 - Organisational Structure and Resources 2
 - The Chief Executive Officer of the Council is the General Manager 2
 - Our Contact Details..... 4
- Our Corporate Vision – Mission Values Statements 4**
- Our Functions 5**
 - How the Public can participate in exercise of Council functions..... 7
 - Have your say 8
 - How Members of the Public may Access our Information 9
 - Mandatory Proactive Disclosure – Open Access Information..... 9
 - Proactive Release 11
 - Informal Access Request..... 11
 - Formal Access Application 11
 - Electronic and Hard Copy Files..... 12
- Copyright..... 13**
- Where can I get more information about right to information? 13**



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Introduction

This Information Guide has been produced by Tweed Shire Council in accordance with Section 20 of the Government Information (Public Access) Act 2009 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 of Tweed Shire Council;
- A description of what Council does and the various kinds of information that Council holds;
- How members of the public, community organisations and others can access Council information.

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

Troy Green
General Manager

Structure of Council

Tweed Shire Council is constituted under the *Local Government Act 1993* (NSW).

The Tweed Shire Community Strategic Plan 2017/2027 strategically directs the operations of Council in a way to achieve priorities set by the community.

Organisational Structure and Resources

The leadership of Tweed Shire Council is provided by seven councillors working together for the benefit of the community. Councillors were elected on 29 October 2016 for a period of four (4) years.

The Mayor presides at meetings of the Council and carries out the civic and ceremonial functions of the office. The Mayor may exercise in cases of necessity, the decision making functions of the Council between Council meetings and perform any other functions that the council determines.

The Councillors have responsibility for policy making/administration and good governance of the Council.

The Chief Executive Officer of the Council is the General Manager

The General Manager is responsible for the day to day operations of Council as well as delegating the functions of Council and implementation of the Equal Opportunity Management Plan in all areas of human resourcing.

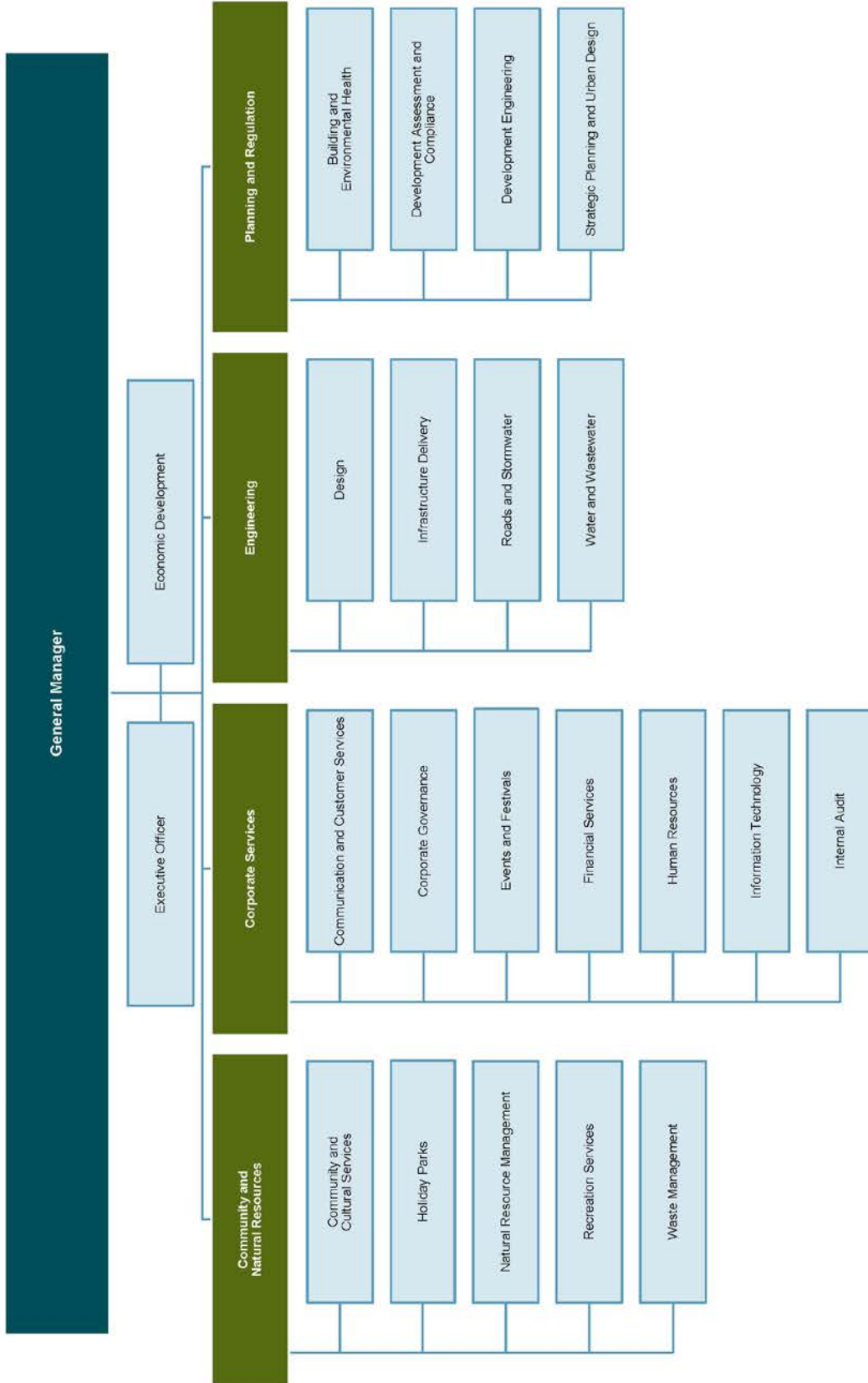
The General Manager is assisted in the exercise of these functions through the four Divisions of Council being:

- Corporate Services
- Engineering
- Planning and Regulation
- Community and Natural Resources

Each division is led by a Director. Each Division is further structured into a number of units which are led by a Manager or Coordinator.



Direct reports to directors and supervisors under third level management | March 2016



Our Contact Details

Telephone	1300 292 872 / 02 6670 2400 Contact Centre 1800 818 326 After Hours
Facsimile	02 6670 2429
Email	tsc@tweed.nsw.gov.au
Address	PO Box 816 MURWILLUMBAH NSW 2484
Offices	Tumbulgum Road, MURWILLUMBH NSW 2484 Brett Street, TWEED HEADS NSW 2485
Website	www.tweed.nsw.gov.au

Our Corporate Vision – Mission Values Statements

VISION: *The Tweed will be recognised for its desirable lifestyle, strong community, unique character and environment and the opportunities its residents enjoy.*

MISSION: *Working with community and partners, provide leadership in facilitating and delivering services that manage growth sustainably; create opportunity; and enhance the value of our civic and natural assets for this and future generations.*

What we value:

*Living and loving the Tweed
We look after people and places, explore all opportunities and are proud of our passionate approach
We care about each other, choose to be here, and are in this together
We have conversations where everyone can contribute and we are willing to have a go.
We put back in to make a difference; so that our Tweed community is even better tomorrow that it is today.*

Our Functions

The main legislation that authorises the functions of Tweed Shire Council is the *Local Government Act 1993* (NSW) and can be grouped into the following categories:

Service Function

- Civil infrastructure planning, construction and maintenance
- Management of Public Land
- Water Supply and Sewerage
- Management of Waste
- Community Land

Regulatory Functions

- Approvals
- Orders
- Filming

Ancillary Functions

- Resumption of Land
- Powers of entry and inspection

Administrative Functions

- Structure,
- Employment of Staff
- Council Meetings
- Delegations of Staff
- Financial Management

Financial Functions

- Rates and Charges
- Fees
- Loans
- Investments

Enforcement Functions

- Proceedings for breaches of the Local Government Act 1993 and other legislation
- Recovery of rates and charges

In addition to the *Local Government Act 1993*, Council is authorised to act under other statute authority including but not limited to:

- *Building Professionals Act 2005*;
- *Civil Liability Act 2002*;
- *Community Land Development Act 1989*;
- *Companion Animals Act 1998*;
- *Contaminated Land Management Act 1997*;
- *Conveyancing Act 1919*;
- *Crown Lands Management Act 2016*;
- *Crown Lands Act 1989*;
- *Environmental Planning & Assessment Act 1979*
- *Food Act 2003*;
- *Government Information (Public Access) Act 2009*;
- *Impounding Act 1993*;
- *Library Act 1939*;
- *Native Vegetation Act 2003*;
- *National Parks and Wildlife Act 1974*;
- *Noxious Weeds Act 1993*;
- *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 1994*;
- *Recreation Vehicles Act 1983*;
- *Road Transport Act 2013*;
- *Roads Act 1993*;
- *State Emergency & Rescue Management Act 1989*;
- *State Emergency Service Act 1983*;
- *State Records Act 1998*;
- *Strata Schemes Development Act 2015*;;
- *Strata Schemes Management Act 1996*;
- *Swimming Pools Act 1992*;
- *Unclaimed Money Act 1995*;
- *Workplace Health and Safety Act 2011*;
- *Workplace Injury Management and Workers Compensation Act 1998*;
- *Workplace Surveillance Act 2005*;

How the Public can participate in exercise of Council functions

Participation in Community Access

Community Access is forum where members of the public can informally address Councillors on items for consideration by Council.

Two Community Access Sessions are available:

1. Community Access Session is held prior to each Planning Committee meeting conducted on the first Thursday of each month from 4.30 until 5.15pm to enable the community to discuss items on Planning Committee agenda; and
2. Community Access Session is also held prior to Ordinary Council meetings conducted on the third Thursday of each month from 4.30 until 5.15pm to enable the community to discuss items other than excepted planning matters that have been deferred for consideration at the Council meeting.

Making an Appointment

To make an appointment please call (02) 6670 2406, leaving your name and contact number as well as a short description of the matter you intend to speak about. In return Council will provide with a time and information about speaking at a Community Access Session.

Who can speak?

Where more than one person wishes to speak on the same matter, a spokesperson should be nominated to speak on a single presentation.

Addressing Councillors and Senior Staff

Each participant at a Community Access Session may speak for (5) minutes. Participants are only permitted to address Councillors of Tweed Shire Council. If questions arise the General Manager or Senior Staff member may provide a brief comment however only formal responses will be provided in writing.

Please be aware addressing a Community Access Session does not provide any protection from civil action that could arise if defamatory statements or comments are made.

Presentation of Written Material

The Public Officer may distribute any materials you provide to support your issue for example written statements, drawings or photographs. Should you wish to distribute supporting material you should provide seven copies for Councillors with an additional five copies if you wish to include Senior Staff of Council.

Electronic Information

Any electronic supporting material must be delivered to Council's Murwillumbah Office by 3.00pm on the day of Community Access. Alternatively contact Council on (02) 6670 2406 to arrange other methods of delivery. Further, generally no Information Technology staff will be on hand to resolve electronic issues with your supporting material.

Have your say

Council values the input and options of the Tweed residents, ratepayers and organisations. Council has a comprehensive Community Engagement Strategy which outlines how Council engages with the community in various ways including an online portal – Your Say .

Your Say Tweed is a dedicated website for community engagement including online forums, surveys, polls, information on past and present community consultation and much more please visit <http://yoursaytweed.com.au>

Other ways in which the community can participate in the functions of Council include:

- Lodging a submission to matters placed on public exhibition,
- View and make a submission on advertised development applications open for public input,,
- Resident/Ratepayer Action Groups are active in many Towns and Villages in the Tweed Shire and liaise with Council,
- Customer Service contact Council to make an enquiry or lodge a request for Council to fix something,
- Residents can contract a Councillor with their concerns. The shire does not have wards so each Councillor represents all of the Tweed and
- Petitions can be presented to Council and for information on which qualifies as a petition and how Council receives petitions please refer to [Code of Meeting Practice \(226kB PDF\)](#).

Ways the community can stay informed include;

- Council's website at www.tweed.nsw.gov.au
- Council's [Smartphone Application](#)
- Follow us on our social channels:
 - [Facebook](#)
 - [Instagram](#)
 - [Twitter](#)
 - [LinkedIn](#)
 - [YouTube](#)
- Subscribe to the [Tweed Link](#) and [Media Releases](#)
- Read the monthly Council Business Paper for [Council Meetings](#)
- Read updates from the Council Meetings.

How Members of the Public may Access our Information

Under the provisions of the GIPA Act there is right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

Most open access information of Council is publicly available on Council's website at www.tweed.nsw.gov.au.

Information not available on Council's website may still be accessed by contacting one of Council's Right to Information Officers on (02) 66702400, who can advise you where the information you seek can be located. The Government Information (Public Access) Act 2009 establishes four ways for the public to access government information:

1. Mandatory Proactive Release
2. Proactive Release
3. Informal Release
4. Formal Access Application.

Council holds information in various formats and the type of information to be released is dependent upon the age of the information and its subject.

Mandatory Proactive Disclosure – Open Access Information

Certain information must be published on an agency's website- www.tweed.nsw.gov.au and accessible free of charge and will be released without the need for a Formal Access Application under this Act:

- Access to Information Listing
- Council's Agency Information Guide
- Council Policy Register.

Schedule 1 of the GIPA Act also stipulates that the following additional documents are to be provided as open access information held by Council.

Information about Council

- The model code prescribed under Section 440 (1) of the Local Government Act 1993.
- Code of Conduct and Procedures for the Administration of the Code of Conduct.
- Code of Meeting Practice.
- Agenda/Minutes of Council Meetings.
- Annual Report.
- Annual Financial Statements (including Independent Audit Reports).
- Integrated Planning and Reporting – Documentation, including Community Strategic Plan, Delivery Program and Operational Plan.
- Payment of Expenses and the Provision of Facilities to Councillors Policy.
- Joint Regional Planning Panel (Northern Region) - Meeting Documents.
- Planning Committee Register.
- Returns of the Interests of Councillors, Designated Persons and Delegates

Information about Development Applications

Council utilises the development application tracking tool which is available for public access on Council's website to view information in relation to a proposed development.

Persons seeking access to information that is not listed on the Council website are to lodge an Informal Access Application Request. However, Council can withhold access to information, where it is restricted due to Copyright and other legislation.

Plans and Strategies

- Aboriginal Cultural Heritage Management Plan.
- Catchment Waterways Management Plans.
- Clarrie Hall Dam Management Plan.
- Community Engagement Strategy
- Development Control Plans Sections – Whole of Shire.
- Development Control Plans Sections – Specific Sites.
- Economic Development Strategy.
- Environmental Sustainability Prioritisation Strategy.
- Heritage Management Plan 2012.
- Kingscliff Locality Plan.
- Major Developments.
- New Forward Planning.
- Planning Agreements
 - Altitude Aspire
 - Seaside City
 - Pottsville Employment Land.
- Planning Proposals.
- Planning Service Guidelines.
- Plans of Management for Community Land.
- Public Transport Strategy.
- Regional Panels Development Register.
- Retail Policy.
- Rural Land Strategy.
- Rural Villages Strategy.
- Section 64 Water and Sewage Development Servicing Plans.
- Section 94 Contribution Plans and Register.
- SEPP 1 Variations Register.
- State of the Environment Report.
- Traffic Master Plans.
- Tweed Coast Koala Habitat Study 2011.
- Tweed Coast Koala Plan of Management.
- Tweed Shire Coastal Hazard Assessment 2013.
- Tweed City Centre Local Environmental Plan 2012.
- Tweed Integrated Water Cycle Management Strategy.
- Tweed Local Environment Plan 2000.
- Tweed Local Environment Plan 2014.
- Tweed River Estuary Bank Management Plan 2000.
- Tweed Roadside Vegetation Management Strategy 2013.
- Tweed Telecommunications Infrastructure Action Plan.
- Tweed Urban and Employment Lands Release Strategy 2009.
- Tweed Valley Flood Study.

- Tweed Valley Floodplain Risk Management Study and Plan.
- Water Demand Management Strategy.
- Water Drought Management Strategy.

Registers

Council is required by statute to create and maintain certain Registers including:

- Council Land
- Delegations
- Development Consent
- Disclosure of Donations
- Disclosure of Interests
- Investments
- Rates (Section 602 Local Government Act 1993)

Proactive Release

Council must make other open access information available either on its web site or via an informal release free of charge or the lowest reasonable cost, unless there is a public interest against disclosure..

Informal Access Request

Open access information and other Council held information that is not available on Council's website can be freely accessed by lodging an Informal Access Request form available from <http://www.tweed.nsw.gov.au/AccessToInformation>, or contacting Council's Contact Centre on 1300 292 872/ (02)6670 2400.

As per proactive release methods, Council is authorised to release information unless there is a public interest against disclosure. To enable the release of as much information as possible, Council is also authorised to redact content from a copy of information to be released, if the inclusion of the redacted information would otherwise result in an overriding public interest against disclosure.

Council has in place a Privacy Management Plan for dealing with private or personal information.

Formal Access Application

Other Council held information may require a Formal Access Request being lodged. Prior to lodging a formal access application, a person seeking information should check with a Right to Information Officer if the information being sought is already available on Council's website or could easily be made available through an informal access application.

Should Council require a Formal Access to Information Application to be submitted, it must be made in the prescribed form and accompanied by a \$30.00 fee, additional \$30 hourly processing charges may be applicable.. A Formal Access Application form can be located at <http://www.tweed.nsw.gov.au/AccessToInformation>.

Electronic and Hard Copy Files

Generally Council holds the following types of files which are accessible in electronic or hard copy formats:

- development application and building files; and
- general files; and
- property files; and
- road and subdivision files.

Copyright

Nothing in the regulations requires or permits Council to make open access information available in any way that would constitute an infringement of copyright (Section 6.6 GIPA Act).

Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided. These documents include Plans/Drawings, consultants reports, Statements of Environmental Effects and other miscellaneous reports submitted with a Development Application.

Where can I get more information about right to information?

- Go to www.ipc.nsw.gov.au
- Email ipcinfo@ipc.nsw.gov.au
- Mail GPO Box 7011, Sydney NSW 2001
- Visit Level 17, 201 Elizabeth Street Sydney NSW 2000
- Call 1800 472 679 between 9am to 5pm, Monday to Friday (excluding public holidays).



Customer Service | 1300 292 872 | (02) 6670 2400

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