

INFORMATION GUIDE - GIPA



Tamworth Regional
Council

Ray Walsh House
437 Peel Street
PO BOX 555
TAMWORTH NSW 2340

02 6767 5555

02 6767 5499



REGIONAL COUNCIL

Tamworth

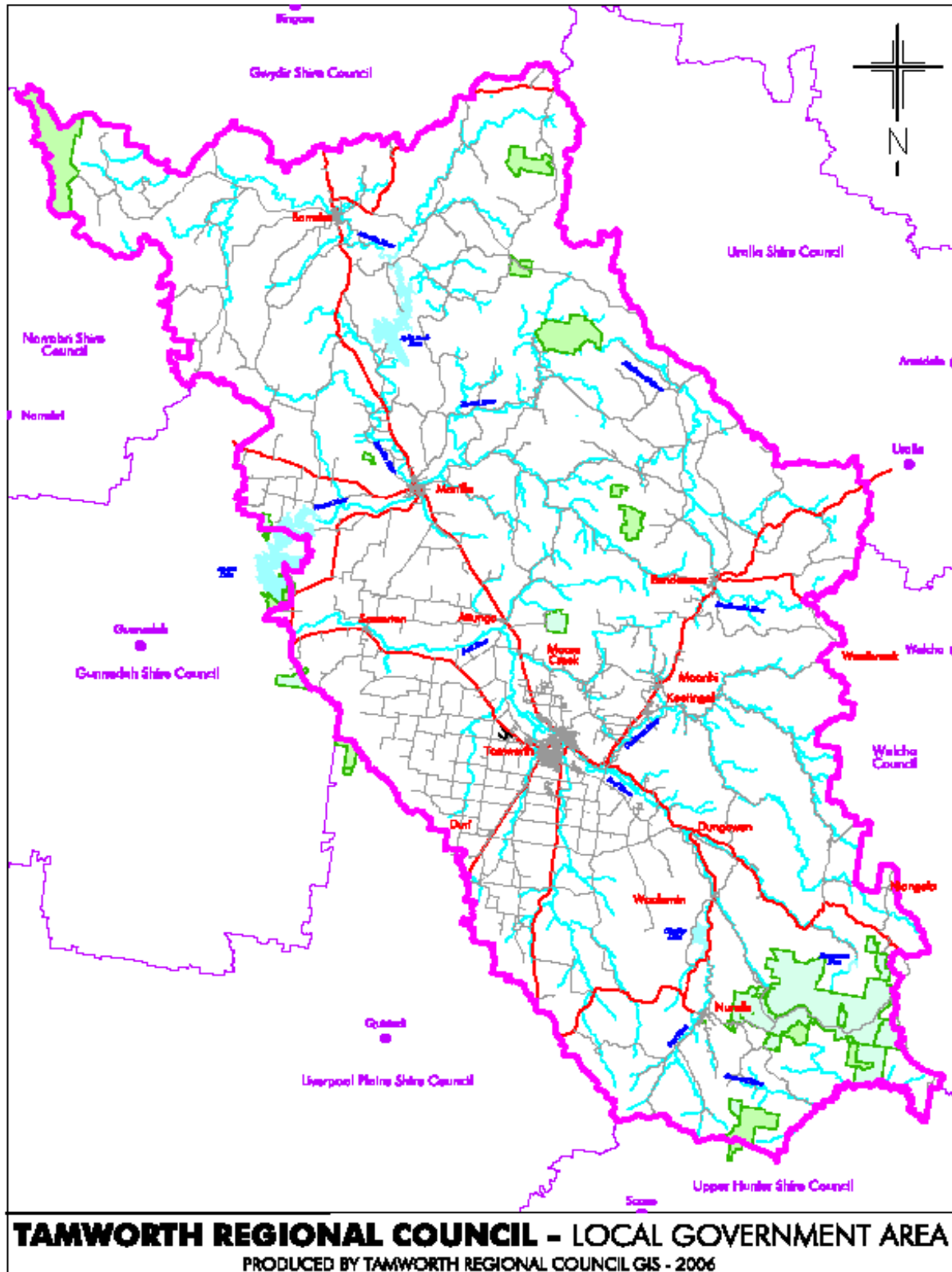
Table of Contents

1. STRUCTURE AND FUNCTIONS OF COUNCIL	3
1.1. Description.....	3
1.2. Basis of Constitution	4
1.3. Organisational Structure and Resources.....	4
1.4. Functions of Tamworth Regional Council.....	6
2. HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC	8
3. HOW THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISING OF FUNCTIONS	8
3.1. Representation	8
3.2. Personal Participation	9
4. DOCUMENTS - OPEN ACCESS INFORMATION.....	9
4.1. Documents Held by Council.....	9
4.2. Policy Documents	9
4.3. General Documents	9
5. HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS	11
5.1. Public Officer - Right of Information Officer	11

1. STRUCTURE AND FUNCTIONS OF COUNCIL

1.1. DESCRIPTION

Tamworth Regional Council was proclaimed on 17 March 2004 following the amalgamations of the five former councils of Tamworth City, Barraba Shire, Manilla Shire, Parry Shire and Nundle Shire and nine (9) councillors were elected to the new Council. The Region covers an area of 9,653.25 square kilometres and shares its boundary with Gwydir Shire, Uralla Shire, Walcha Shire, Upper Hunter Shire, Liverpool Plains Shire, Gunnedah Shire and Narrabri Shire.



1.2. BASIS OF CONSTITUTION

Council is constituted under the Local Government Act 1993.

1.3. ORGANISATIONAL STRUCTURE AND RESOURCES

Tamworth Regional Council is not divided into wards and is an electorate at large governed by the body of Councillors elected by the residents and ratepayers of the Region.

The Mayor is elected each year by the Councillors from among their numbers.

The role of Councillors, as members of the body politic, are:

- to direct and control the affairs of the Council in accordance with the Local Government Act 1993 and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions; and
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council.

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community; and
- to facilitate communication between the community and the Council.

The Mayor presides at Meetings of Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager.

The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are four Directorates of Council. These Directorates are Planning and Compliance, Business and Community, Regional Services and Water and Waste. The Office of the General Manager is managed by the Executive Manager Corporate and Governance and the Executive Manager People and Culture.



1.4. FUNCTIONS OF TAMWORTH REGIONAL COUNCIL

Under the Local Government Act 1993, Council's functions can be grouped into the following categories:

A COUNCIL EXERCISES FUNCTIONS UNDER THE LOCAL GOVERNMENT ACT 1993

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMIN FUNCTIONS	ENFORCEMENT FUNCTIONS
Including:	Including:	Including:	Including:	Including:	Including:
* Provision of community health, recreation, education & information services	* Approvals	* Resumption of land.	* Rates	* Employment of staff	* Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations.
* Environmental protection	* Orders	* Powers of entry and inspection	* Charges	* Management plans	
* Waste removal & disposal			* Fees	* Financial reporting	
* Land & property, industry & tourism development & assistance	* Building Certificates		* Borrowings	* Annual reports	* Prosecution of offences
* Civil Infrastructure Planning			* Investments		* Recovery of rates and charges.
* Civil Infrastructure Maintenance & Construction					

As well as the Local Government Act, Council has powers under a number of other Acts including:

Coastal Protection Act 1979

Community Land Development Act 1989

Companion Animals Act 1998

Contaminated Land Management Act 1997

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Fire Brigades Act 1989

Fluoridation of Public Water Supplies Act 1957

Food Act 1989

Government Information (Public Access) Act 2010

Heritage Act 1977

Impounding Act 1993

Library Act 1939

Noxious Weeds Act 1993

Privacy & Personal Information Protection Act 1998

Protection of the Environment Operations Act 1997

Public Health Act 1991

Recreation Vehicles Act 1983

Roads Act 1993

State Emergency & Rescue Management Act 1989

State Emergency Service Act 1989

Strata Schemes (Freehold Development) Act 1973

Strata Schemes (Leasehold Development) Act 1986

Strata Schemes Management Act 1996

Swimming Pools Act 1992

Unclaimed Money Act 1995

2. HOW COUNCIL FUNCTIONS AFFECT MEMBERS OF THE PUBLIC

As a service organisation, the majority of the activities of Tamworth Regional Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as Aged Care Facilities, child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges, unregistered dogs and parking offences.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves:

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Strategic Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Children's Week, as well as promoting events of others.

3. HOW THE PUBLIC CAN PARTICIPATE IN COUNCIL'S POLICY DEVELOPMENT AND THE EXERCISING OF FUNCTIONS

There are two broad ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

3.1. REPRESENTATION

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every four years. The next elections are to be held in September, 2016.

At each election, voters elect nine Councillors for a four year term. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy. Council's Community Consultation Policy also allows the public to address the Open Council meetings (held

2nd and 4th Tuesdays of the month) for the first 30 minutes or submit questions either verbally or in writing on matters included in the business paper for the meeting. Members of the public are permitted a maximum of three minutes to address the Council meeting.

3.2. PERSONAL PARTICIPATION

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public. A complete list of Council's Committees and Special Working Groups can be found at: <http://www.tamworth.nsw.gov.au/Council/Council-Meetings/Register-of-Committees-and-Workgroups/Register-of-Committees-and-Workgroups/default.aspx>

4. DOCUMENTS - OPEN ACCESS INFORMATION

4.1. DOCUMENTS HELD BY COUNCIL

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning Tamworth Regional Council. Prior to November 2003 Council had a paper filing system with material being held in physical files. Since then Council's files have been maintained in electronic format, physical files being dispensed with except for development/building/construction applications. These documents are grouped into four categories:

1. Electronic Documents.
2. "Physical Files".
3. Policy Documents.
4. General Documents.

Council's Electronic Documents and Physical Files are not available on the website, however this information may be made available either by informal release or via an Access Application, (GIPA Act Section 7 – 9) unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of the GIPA Act Section 14.

4.2. POLICY DOCUMENTS

Council has a register of policy documents that are maintained by Council's Right to Information Officer and are available on Council's website.

4.3. GENERAL DOCUMENTS

The following list of general documents held by Council has been divided into four sections as outlined in the Government Information (Public Access) Act 2009:

1. Information about Council;
2. Plans and Policies;
3. Information about Development Applications; and
4. Approvals, Orders and other Documents.

The Government Information (Public Access) Act 2009 requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

1. Information about Council
 - The model code prescribed under section 440 (1) of the Local Government Act 1993 (LGA).

- Councils adopted Code of Conduct.
- Code of Meeting Practice.
- Annual Report.
- Annual Financial Reports.
- Auditor's Report.
- Management Plan.
- EEO Management Plan.
- Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors.
- Annual Reports of Bodies Exercising Functions Delegated by Council.
- Any Codes referred to in the LGA.
- Returns of the Interests of Councillors, Designated Persons and Delegates.
- Agendas and Business Papers for any meeting of Council or any Committee of Council.
- Minutes of any meeting of Council or any Committee of Council.
- Departmental Representative Reports presented at a meeting of Council.
- Land Register.
- Register of Investments.
- Register of Delegations.
- Register of Graffiti removal works.
- Register of current Declarations of Disclosures of Political donations.
- Register of Voting on Planning Matters.
- Right to Information Disclosure Log.
- Right to Information Contracts Register.

2. Plans and Policies

- Local Policies adopted by Council concerning approvals and orders.
- Plans of Management for Community Land.
- Environmental Planning Instruments, Development Control Plans and Contribution Plans.

3. Information about Development Applications

Development Applications and any associated documents received in relations to a proposed development:

- Home Warranty Insurance documents.
- Construction Certificates.
- Occupation Certificates.
- Structural Certification Documents.
- Town Planner Reports.
- Submissions received on Development Applications.

- Heritage Consultant Reports.
- Tree Inspections Consultant Reports.
- Acoustic Consultant Reports.
- Land Contamination Consultant Reports.
- Records of decisions on Development Applications including decisions on appeals.
- Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information.

4. Approvals, Orders and Other Documents

- Applications for approvals under part 7 of the LGA.
- Applications for approvals under any other Act and any associated documents received.
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals.
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA.
- Orders given under the Authority of any other Act.
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979.
- Plans of land proposed to be compulsorily acquired by Council.
- Compulsory Acquisition Notices.
- Leases and Licenses for use of Public Land classified as Community Land.

5. HOW MEMBERS OF THE PUBLIC MAY ACCESS AND AMEND COUNCIL DOCUMENTS CONCERNING THEIR PERSONAL AFFAIRS

As mentioned previously, Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration office between the hours of 8.30 am and 4.30 pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Services Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

5.1. PUBLIC OFFICER - RIGHT OF INFORMATION OFFICER

It should be noted that the Director Corporate and Governance has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Public Officer is also Council's Right to Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer (Right to Information Officer). Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer (Right to Information Officer) in the first instance. Enquiries should be addressed as follows:

General Manager
 Tamworth Regional Council
 PO Box 555
TAMWORTH NSW 2340

Email: trc@tamworth.nsw.gov.au
Tel (02) 67675555 Fax (02) 67675549 www.tamworth.nsw.gov.au

Office of the Information Commissioner

If you require any other advice or assistance about access to information you may contact the Office of the Information Commissioner by telephone on 1800194210 (free call) or by email at oicenquiry@informationcommissioner.nsw.gov.au