



AGENCY INFORMATION GUIDE

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1. Structure and functions of Council

1.1 Description

The City of Canada Bay Council was proclaimed on December 1, 2000. The City covers an area of 19.82 square kilometres and is located in the inner west of Sydney. The City shares its boundary with the Inner West, Cumberland, Burwood and Strathfield Local Government Areas. However, the Parramatta River and its Bays make up a larger proportion of the boundary.

1.2 Basis of constitution

The City of Canada Bay Council is constituted under the Local Government Act 1993.

1.3 Organisational structure and resources

The City of Canada Bay Council is not divided into wards and is governed by the body of Councillors who are elected by the residents and ratepayers of the City.

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

- to provide a civic leadership role in guiding the development of the community strategic plan for the area;
- to direct and control the affairs of the Council in accordance with the Local Government Act 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;
- to review and monitor the performance of the Council and its delivery of services, delivery program and revenue policies of the Council.

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

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

The Mayor is popularly elected for a three (3) year term.

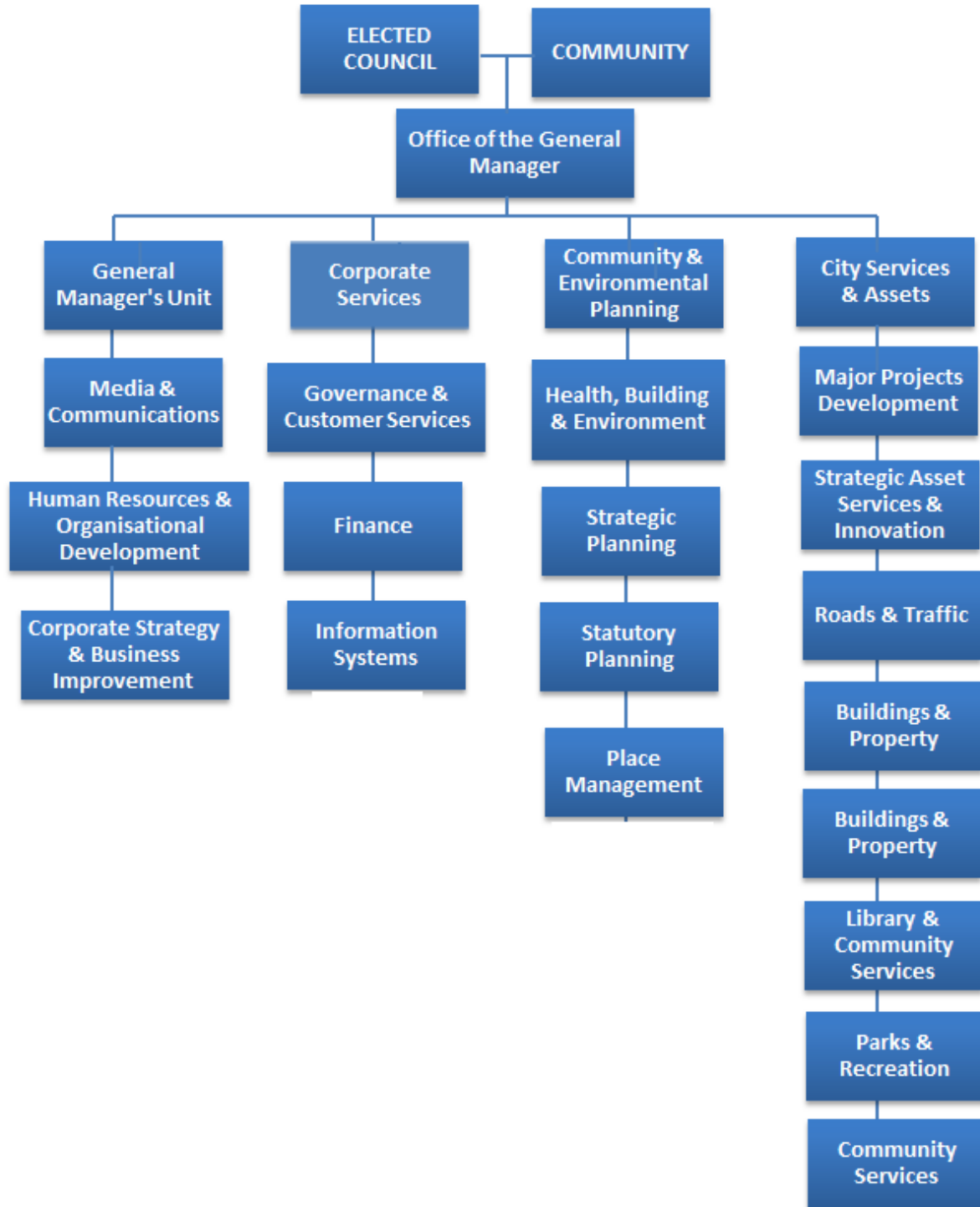
The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic between its meetings and performs any other functions that the Council determines.

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 (4) Departments of Council. These Departments are Community and Environmental Planning, Corporate Services, General Manager's Unit, and City Services and Assets.

The following is a depiction of Council's organisational structure.

1.3.1 City of Canada Bay organisational structure



1.4 Functions of City of Canada Bay Council

A Council exercises functions under the Local Government Act 1993

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

Service Functions	Regulatory Functions	Ancillary Functions	Revenue Functions	Admin Functions	Enforcement Functions
Including: <ul style="list-style-type: none"> • Provision of community health, recreation, education & information services • Environmental protection • Waste removal & disposal • Land & property, industry & tourism development & assistance • Civil • Infrastructure Planning • Civil Infrastructure Maintenance & Construction 	Including: <ul style="list-style-type: none"> • Approvals • Orders • Building Certificates 	Including: <ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection • Community Planning and development functions 	Including: <ul style="list-style-type: none"> • Rates • Charges • Fees • Borrowings • Investments 	Including: <ul style="list-style-type: none"> • Employment of staff • Management plans • Financial reporting • Annual reports 	Including: <ul style="list-style-type: none"> • Proceedings for breaches of the Local Government Act & Regulations and other Acts & Regulations • Prosecution of offences • Recovery of rates and charges.

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

Coastal Management Act 2016

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 2003

Government Information (Public Access) Act 2009

Heritage Act 1977

Impounding Act 1993

Library Act 1939

Noxious Weeds Act 1993

Privacy & Personal Information Protection Act 1998

Protection of the Environment Administration Act 1991

Protection of the Environment Operations Act 1997

Public Health Act 2010

Recreation Vehicles Act 1983

Roads Act 1993

State Emergency & Rescue Management Act 1989

State Emergency Service Act 1989

Strata Schemes Development Act 2015

Strata Schemes Management Act 2015

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 the City of Canada Bay 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 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 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 election date will be determined by the State Government.

At each election, voters elect nine Councillors for a three (3) year term (this includes the election of Mayor). 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.

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. Some of these special committees or bodies are:

- Access Committee
- Concord Senior Citizens Centre Committee
- Drummoyne Community Centre (Inc) Committee
- Rhodes Community Committee
- Traffic Committee

Members of the public are also able to attend Council meetings on the third Tuesday of the month.

4. Government information - Open Access Information

4.1 Government information held by Council

Council holds government information (hard copy and/or electronic form) that relate to a number of different issues concerning the Canada Bay City area.

Government information included in Clause 4 of this Agency Information Guide may be made available to the public on request unless there is an overriding public interest not to do so.

These are grouped into three categories: and are available, subject to the public interest provisions mentioned above, as follows:

1. Electronic Government information – either on Council's website or by email/hard copy
2. Physical Files - by email/hard copy
3. Policy and General Government information - on Council's website

The Organisation is committed to the proactive release of information.

Government information not available on the website will require an informal access application prior to consideration of request and this is available at <http://www.canadabay.nsw.gov.au/access-to-information-and-policies.html>

Formal access applications will be processed in accordance with the Government Information (Public Access) Act.

If you are considering submitting a formal access application you should, in the first instance, contact Council's Public Officer, on 9911 6532.

4.2 Files - Electronic and "Physical"

Council implemented an Electronic Document Management System (EDMS) and post 10 December 2002 hard copy, physical files were dispensed with, except for development/building/construction/certificate applications.

Accordingly, the EDMS captures information against the following indices:

1. Customer
2. Property
3. Application
4. Street/Road
5. Request Type
6. Subject
7. Meetings

Prior to 10 December 2002, the main types of "physical" files held by Council include general subject files, development and building files, property files as well as street and park files.

The foregoing are not available on Council's website however this information may be made available either by informal release or via an access application in accordance with Sections 7-9 of the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. Members of the public who require an informal release or an access application can do so by contacting Council on 9911 6555.

4.3 Policy government information

Council has a register of policy government information which is maintained by Council's Public Officer and is available on Council's website at www.canadabay.nsw.gov.au

4.4 General government information

The following list of **government information** held by Council has been divided into four sections as outlined by **Schedule 1** of the **Government Information (Public Access) Regulation**.

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

Schedule 1 of the Government Information (Public Access) Regulation requires that the government information held by Council, is to be made publicly available for inspection, free of charge. The public is entitled to inspect government information either on Council's website www.canadabay.nsw.gov.au (unless there is an unreasonable additional cost to Council to publish government information 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 government information of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges and are subject to copyright.

The list of government information held by Council divided into the four sections mentioned above as outlined by Schedule 1 of the Government Information (Public Access) Regulation is as follows:

1. Information about Council

- The model code prescribed under section 440 (1) of the LGA
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational 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, Business Papers and minutes for meetings of Council or any Committee of Council (excluding reports and correspondence considered in a Council Meeting closed to the public, in accordance with Section 10 and 11 of the Local Government Act 1993)
- 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.

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 and Planning Matters

Development Applications and any associated government information received in relation to a proposed development:

- Home Warranty Insurance government information
- Construction Certificates
- Occupation Certificates
- Structural Certification
- Statutory Planner Reports
- Submissions received on Development Applications and Planning Matters
- 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 the general nature of government information that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information.

4. Approvals, Orders and Other Government information

- Applications for approvals under part 7 of the LGA
- Applications for approvals under any other Act and any associated government information 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.

In addition to the above the following government information known as "open access information" is also publicly available:

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

The kinds of information for which a charge will be imposed:

Documents, maps and reports, formal and informal GIPA requests, property enquiries, subpoena processing, printing and copying. Refer to our Fees and Charges for more information: <https://www.canadabay.nsw.gov.au/residents/your-home/rates-fees-and-charges>

For other open data information or initiatives, please go to data.nsw.gov.au or the IPC at ipc.nsw.gov.au

5. How members of the public may access and amend council government information concerning their personal affairs

As mentioned previously, Council has a vast range of government information that can be accessed in varying ways. Most government information can be inspected at Council's Administration office between the hours of 8.30 am and 4pm, 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 government information or information, you should contact the Public Officer.

Amendment of records held by Council is subject to the Privacy and Personal Information Protection Act 1998.

5.1 Public Officer

The Manager Governance and Customer Services 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 government information 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 government information or for the amendment of records. If you have any difficulty in obtaining access to Council government information, you may wish to refer your enquiry to the Public 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 in the first instance. Enquiries should be addressed as follows:

General Manager
City of Canada Bay Council
Locked Bag 1470
DRUMMOYNE NSW 1470
Email: council@canadabay.nsw.gov.au

6. Further Information

If you require further information regarding the Government Information (Public Access) Act: 2009 members of the public can view the website of the Information & Privacy Commission (IPC) website at: www.ipc.nsw.gov.au