



# A Guide to Accessing Information Held by Council

**Publication Guide**

under section 20 of the Government Information (Public Access) Act 2009

Updated July 2011

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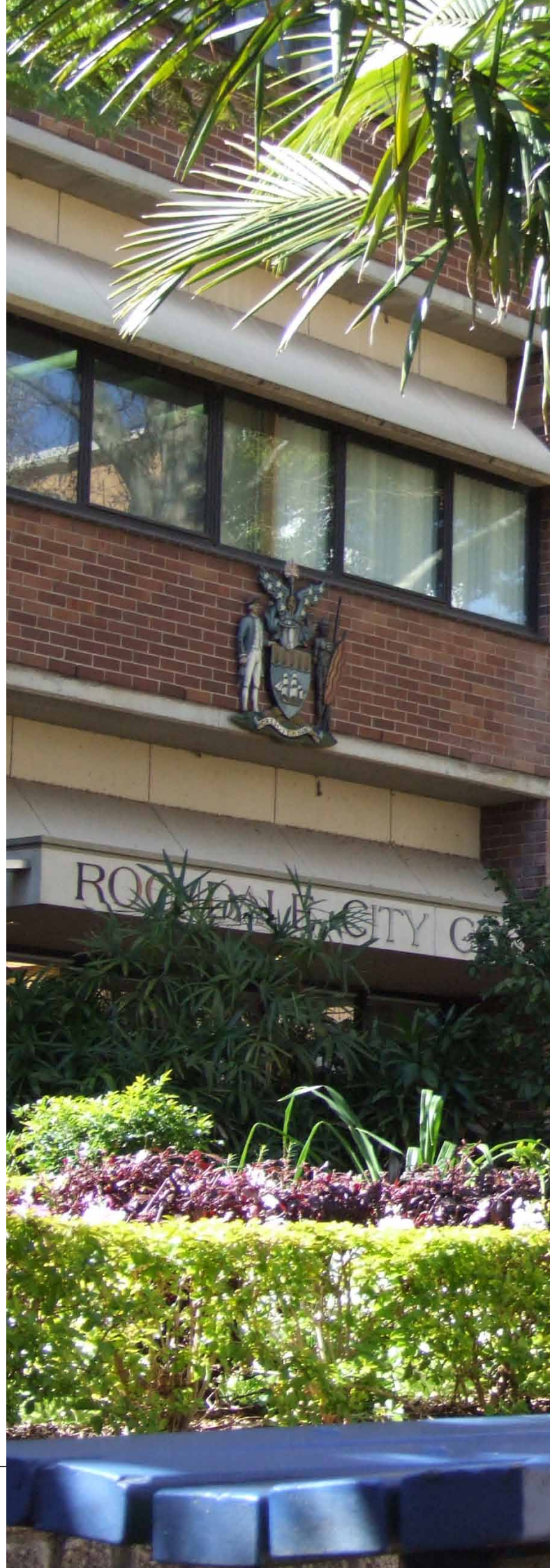
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# I. Structure and Functions of the Council

## I.1 Description

In 1871 the Municipality of West Botany came into being which, in 1888, became the Municipality of Rockdale. Twelve years later Bexley Municipality was incorporated and in 1948 merged with Rockdale as increasing numbers moved to the area.

## I.2 Basis of Constitution

The City of Rockdale is constituted under the Local Government Act 1993.

## I.3 Organisational Structure and Resources

Rockdale City has 15 Councillors who are elected by the residents every four years. The Mayor is elected annually by the Councillors from among their numbers.

The City of Rockdale covers an area of approximately 30 square kilometres. The City is divided into five wards. Each ward is represented by three Councillors.

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

- ▶ 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 the performance of the Council and its delivery of services, management plans and revenue policies.

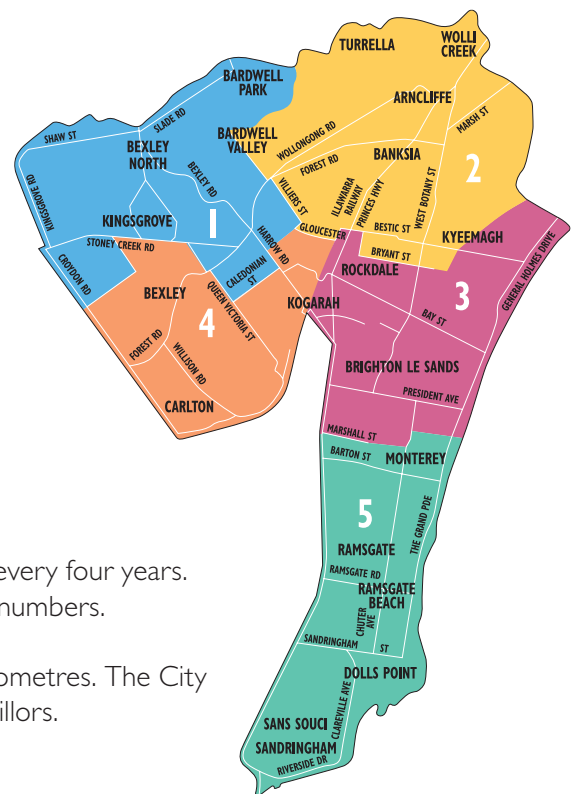
The role of a Councillor is, as an elected person:

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

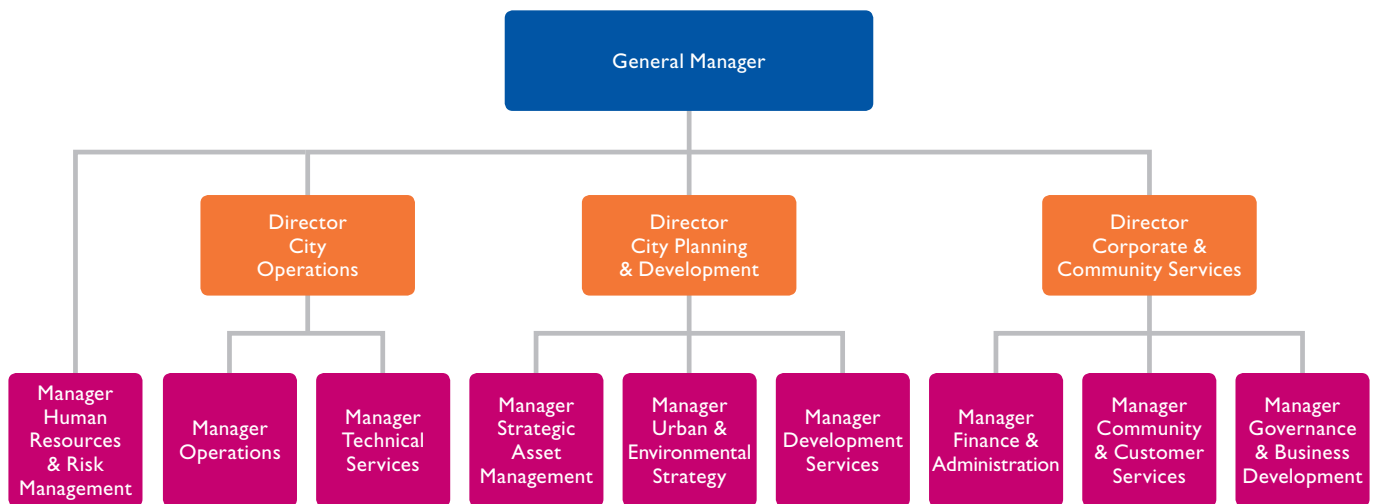
The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body politic, between its meetings and performs any other functions that the Council determines.

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 three (3) Departments of Council. These Departments are City Operations, City Planning & Development and Corporate & Community Services. Each of these Departments is headed by a Director.



## Organisation Structure



## 1.4 Council Functions

Council has functions conferred or imposed on it by the Local Government Act, 1993. These functions include:

- |                                 |  |
|---------------------------------|--|
| <b>Service Functions</b>        | <ul style="list-style-type: none"><li>▶ Provision of community health, recreation, education &amp; information services</li><li>▶ Environmental Protection</li><li>▶ Waste removal &amp; disposal</li><li>▶ Land &amp; property, industry &amp; tourism development &amp; assistance</li><li>▶ Civil Infrastructure Planning</li><li>▶ Civil Infrastructure Maintenance &amp; Construction</li></ul> |
| <b>Regulatory Functions</b>     | <ul style="list-style-type: none"><li>▶ Approvals</li><li>▶ Orders</li><li>▶ Building Certificates</li></ul>   |
| <b>Ancillary Functions</b>      | <ul style="list-style-type: none"><li>▶ Resumption of land</li><li>▶ Powers of entry and inspection</li></ul>  |
| <b>Revenue Functions</b>        | <ul style="list-style-type: none"><li>▶ Rates</li><li>▶ Charges</li><li>▶ Fees</li><li>▶ Borrowings</li><li>▶ Investments</li></ul>  |
| <b>Administrative Functions</b> | <ul style="list-style-type: none"><li>▶ Employment of staff</li><li>▶ Management plans</li><li>▶ Financial reporting</li><li>▶ Annual reports</li></ul>  |
| <b>Enforcement Functions</b>    | <ul style="list-style-type: none"><li>▶ Proceedings for breaches of the LGA &amp; Regulations and other Acts &amp; Regulations</li><li>▶ Prosecution of offences</li><li>▶ Recovery of rates and charges</li></ul>   |
| <b>Governance Functions</b>     | <ul style="list-style-type: none"><li>▶ Council affairs in line with the requirement of the LGA</li><li>▶ Access of information held by Council</li></ul>  |

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's Functions Affect Members of the Public

As a service organisation, the majority of the activities of Rockdale City 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 Meals on Wheels, child care services and libraries, halls and community centres, open space and 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.
- ▶ 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.

# 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, 2012.

At each election, voters elect fifteen 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.

## 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. Formal consultation forms part of the preparation of most strategies and plans such as the City Plan and the Local Environment Plan (LEP). There is also local consultation for such matters as Development Applications and Local Traffic Management. A number of Council Committees and Task Groups include members of the public.



## 4. Information Held by Council

Council holds a wide range of information, in both hard copy and electronic form in respect of the wide range of functions undertaken by it. That information is contained in:

1. Files – either physical or electronic
2. Policy Information
3. General Information
4. Council Website

### 4.1 Files

Prior to December 2008 Council had a “hard copy” 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.

Council's files are not available on the website however this information may be made available either by informal release or via an access application, unless there is an overriding public interest against disclosure of the information, in accordance with the provisions of GIPA Act.

Members of the public who require an informal release or an access application can do so by contacting Council.

### 4.2 Policy Information

Council's policies are maintained in a policy register which is available online and at Council's office.

### 4.3 General Information

The following list of general Information held by Council has been divided into four sections as outlined by Schedule 1 of the Government Information (Public Access) Regulation 2009:

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

Schedule 1 of the Government Information (Public Access) Regulation 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. Documents subject to copyright including (but not limited to) plans and reports on Development Applications will require the copyright owners consent for copies to be made. These documents may still be viewed at the offices of Council.

These documents are:

#### **1. Information about Council**

- ▶ Model Code prescribed under section 440 (1) of the LGA
- ▶ Code of Conduct
- ▶ Code of Meeting Practice

- ▶ Annual Report
- ▶ Annual Financial Reports
- ▶ Auditor's Report
- ▶ City Plan / 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
- ▶ 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, Local Environmental Plan, 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 1 of Chapter 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

Council makes a number of documents available online. If the documents you are seeking are not available online but are listed as Open Access in the GIPA Act you can access the information by completing an **Access to Information Form** and detailing the specific information you are requesting.

Requests for documents outside the scope of Open Access and not able to be provided by an Informal Release will require a Formal GIPA Act Request. These types of requests require payment of a \$30 (GST exempt) fee and may incur additional processing charges. You can submit a Formal GIPA Act Request by completing the **Formal GIPA Act Request Form** (available on Council's website or at Customer Service Centre) and submitting the application fee.

If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

### 5.1 Public Officer – Right to Information Officer

The Director – Corporate & Community 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.

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.

The Information & Research Officer is 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 Information & Research Officer.

Copies of this Publication Guide, application forms and information on accessing Council information can be obtained from the Council's Public Officer at:

Rockdale City Council  
PO Box 21  
Rockdale NSW 2227

Rockdale Council Customer Service Centre  
2 Bryant Street  
Rockdale NSW 2216

Email: [rcc@rockdale.nsw.gov.au](mailto:rcc@rockdale.nsw.gov.au)  
Website: [www.rockdale.nsw.gov.au](http://www.rockdale.nsw.gov.au)

Opening hours: Monday – Friday from 8.30am to 4.30pm,  
Saturday from 9am – 1pm.

Tel: 02 9562 1666  
Fax: 02 9562 1777

## 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, GPO BOX 7011, Sydney NSW 2001 or by telephone on 1800 463 626 (free call) or by email at [oinfo@oic.nsw.gov.au](mailto:oinfo@oic.nsw.gov.au)



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