

# Agency Information Guide

**Government Information (Public Access) Act 2009**

**July 2024**

Version 1.9

Tweed Shire Council is committed to using plain language so that our documents and publications are easy to understand.

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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](http://www.tweed.nsw.gov.au) ).

Troy Green PSM  
**General Manager**

## Structure of Council

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

The Tweed Shire Community Strategic Plan 2022-2032 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. All 7 Councillor positions were contested at the NSW Local Government election on Saturday 4 December 2021. The NSW Electoral Commission declared the results of the poll on 21 December following distribution of preferences. An extraordinary meeting was held on 21 September 2023 with the Councillors electing Cr Chris Cherry as Mayor until September 2024. An extraordinary meeting was held on 13 December 2023 with the Councillors electing Cr Meredith Dennis as Deputy Mayor until September 2024.

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.

Information on the Councillors, including contact details, can be found on Council's website: <https://www.tweed.nsw.gov.au/council/councillors-meetings/mayor-councillors>

**Section 223 of the LG Act** states the role of the governing body is as follows:

- (a) *to direct and control the affairs of the council in accordance with this Act,*
  - (b) *to provide effective civic leadership to the local community,*
  - (c) *to ensure as far as possible the financial sustainability of the council,*
  - (d) *to ensure as far as possible that the council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of the council,*
  - (e) *to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council,*
  - (f) *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,*
  - (g) *to keep under review the performance of the council, including service delivery,*
  - (h) *to make decisions necessary for the proper exercise of the council's regulatory functions,*
  - (i) *to determine the process for appointment of the general manager by the council and to monitor the general manager's performance,*
  - (j) *to determine the senior staff positions within the organisation structure of the council,*
  - (k) *to consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities,*
  - (l) *to be responsible for ensuring that the council acts honestly, efficiently and appropriately.*
- (2) *The governing body is to consult with the general manager in directing and controlling the affairs of the council.*

## **The Chief Executive Officer of the Council is the General Manager**

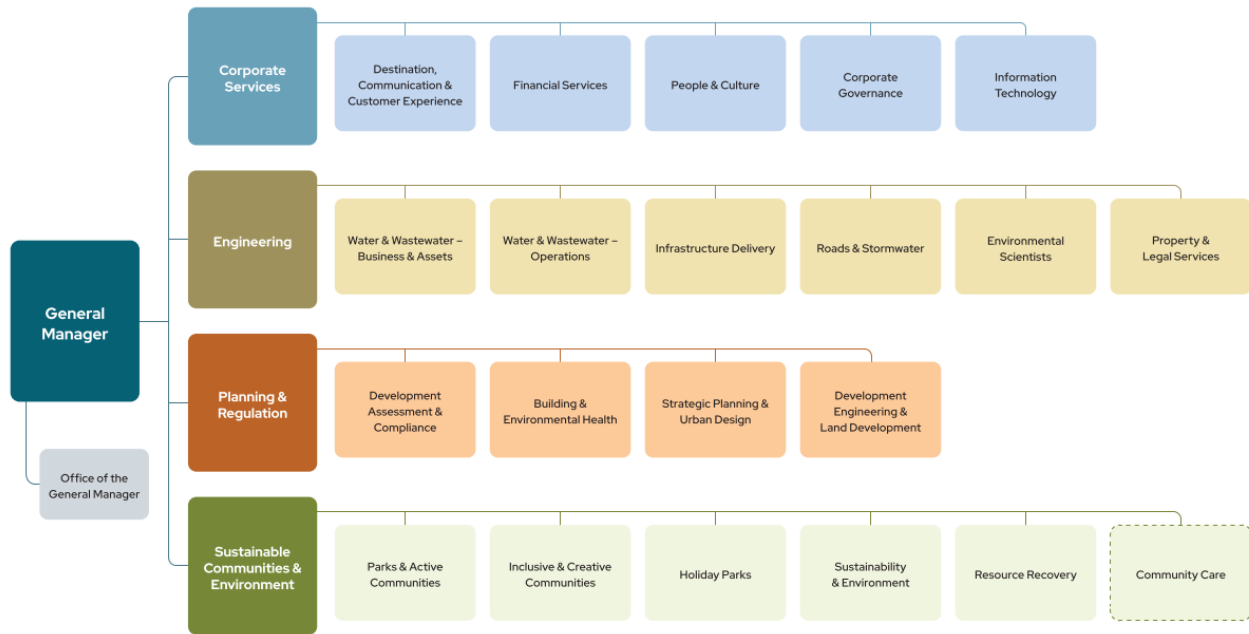
The General Manager is responsible for the day-to-day operations of Council as well as delegating the functions of Council and implementation of the Equal Opportunity Management Plan in all areas of human resourcing.

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

- Corporate Services
- Engineering
- Planning and Regulation
- Sustainable Communities and Environment

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.

Organisation structure May 2023



Our Contact Details

<b>Telephone</b>	02 6670 2400 Contact Centre 1800 818 326 After Hours
<b>Email</b>	<a href="mailto:tsc@tweed.nsw.gov.au">tsc@tweed.nsw.gov.au</a>
<b>Address</b>	PO Box 816 MURWILLUMBAH NSW 2484
<b>Offices</b>	<u>Murwillumbah Administration Office</u> Civic and Cultural Centre 10-14 Tumbulgum Road MURWILLUMBAH NSW 2484  <u>Tweed Heads Administration Office</u> Civic and Cultural Centre Cnr Brett Street and Wharf Street TWEED HEADS NSW 2485
<b>Website</b>	<a href="http://www.tweed.nsw.gov.au">www.tweed.nsw.gov.au</a>



## **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

### **Revenue 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 and Development Certifiers Act 2018*;
- *Civil Liability Act 2002*;
- *Community Land Development Act 2021*;
- *Companion Animals Act 1998*;
- *Contaminated Land Management Act 1997*;
- *Conveyancing Act 1919*;
- *Crown Lands Management Act 2016*;
- *Environmental Planning & Assessment Act 1979*

- *Food Act 2003;*
- *Government Information (Public Access) Act 2009;*
- *Library Act 1939;*
- *Modern Slavery Act 2018;*
- *National Parks and Wildlife Act 1974;*
- *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 Spaces (Unattended Property) Act 2021;*
- *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 2015;*
- *Swimming Pools Act 1992;*
- *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 Public Forum**

Public Forum gives the public an opportunity to address Councillors on agenda items specific to the meeting they are attending.

Two Public Forum Sessions are available:

1. Public Forum Session is held prior to each Planning Committee meeting conducted on the first Thursday of each month to enable the community to discuss items on Planning Committee agenda; and
2. Public Forum Session is also held prior to Ordinary Council meetings conducted on the third Thursday of each month 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 speak at a public forum, you must contact Council by phone before 12.00 noon on the Wednesday preceding the meeting you are attending. You must identify the agenda item to be spoken to, and whether you will speak 'for' or 'against' the item.

### 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 Public Forum Session may speak for (5) minutes. Participants are only permitted to address Councillors of Tweed Shire Council. Speakers must not digress from the item on the agenda they have applied to address. If a speaker digresses, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be allowed to proceed.

Following an address, a councillor (including the chairperson) may, through the chairperson, ask questions of a speaker. Questions put to a speaker must be direct, succinct and without argument. A speaker may ask more than two questions if permitted by the Chairperson.

Speakers are under no obligation to answer a question put under clause 4.14 of the Code of Meeting Practice (Model) Policy. Answers by the speaker to questions are to be limited to two minutes.

Speakers at public forums cannot ask questions of the council, councillors or council staff. After the address and any subsequent questions and answers have been finalised, the general manager or their nominee may, with the concurrence of the chairperson, address the council for up to five minutes in response to an address.

Where an address raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter, pending the preparation of a further report on the matter.

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

### Presentation of Material

Speakers need to register any visual or audio material to be presented in support of their address, and to identify any equipment needed prior to 12.00pm on the Wednesday preceding the public forum. The general manager or their delegate may refuse to allow such material to be presented. If an approved speaker brings visual or audio material to present, that has not registered it in accordance with this clause, the mayor may allow the late material to be presented.

### Electronic Information

Any electronic supporting material must be delivered to Council's Murwillumbah Office by 3.00pm on the day of Public Forum. Alternatively contact Council on 02 6670 2400 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 Tweed.

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 Shire Local Government Area 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](#).

## Ways the community can stay informed include:

- Council's website at [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)
- [Follow us on our social channels:](#)
  - Facebook
  - Instagram
  - X
  - LinkedIn
  - [YouTube](#)
- [Subscribe](#) to the Council news and alerts, Council newsletters and program news, Tweed Link and Council meeting notifications.
- 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 *Government Information (Public Access) Act 2009* (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](http://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 6670 2400, who can advise you where the information you seek can be located. The GIPA Act 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**

Council must publish certain information on our website or make it available in another way, free of charge. A list of open access information is provided in section 18 of the GIPA Act and Page 10 of 17 Schedule 1 of the *Government Information (Public Access) Regulation 2018*.

Open access information includes:

#### 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.
- Councillors - Payment of Expenses and the Provision of Facilities for Mayor and 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 Plan
- Community Engagement and Participation Plan
- Community Facilities Plan
- Development Control Plans Sections – Whole of Shire
- Development Control Plans Sections – Specific Sites
- Economic Development Strategy
- Environmental Sustainability Prioritisation Strategy
- Heritage Strategy
- Integrated Water Cycle Management (IWCM) Strategy
- Kingscliff - Dreamtime Beach Coastal Zone Management Plan
- Local Environmental Plans (LEPs)
- Local Strategic Planning Statement
- March 2017 Flood Report

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- Open Space Strategy 2019-2029
  - Planning Agreements
  - Planning Proposals
  - Planning Service Guidelines
  - Plans of Management for Community Land
  - Public Transport Strategy
  - Regional Panels Development Register
  - Renewable Energy Action Plan
  - Rural Land Strategy
  - Section 64 Water and Sewage Development Servicing Plans
  - Section 94 Contribution Plans and Register
  - SEPP 1 Variations Register
  - Tweed Access and Inclusion Plan 2023-2026
  - Tweed-Bryon Coastal Creeks Flood Study 2009
  - Tweed Coast Koala Habitat Study 2011
  - Tweed Coast Koala Study 2015
  - Tweed Coast Koala Study 2018
  - Tweed Coast Koala Study 2021
  - Tweed Coast Comprehensive Koala Plan of Management
  - Tweed Pedestrian and Bike Plan
  - Tweed Shire Coastal Hazard Assessment 2013
  - Tweed River Estuary Coastal Management Program 2021-2031
  - Tweed Road Development Strategy
  - Tweed Roadside Vegetation Management Strategy 2013
  - Tweed Valley Flood Study Update 2009
  - 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:

- Contracts valued at \$150,000 or more
- 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 [Access to information | Tweed Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/access-to-information/tweed-shire-council) or contacting Council's Contact Centre on 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 [Access to information | Tweed Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/access-to-information/tweed-shire-council)

### **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.



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## 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, consultant's 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](http://www.ipc.nsw.gov.au)
- Email [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)
- Mail GPO Box 7011, Sydney NSW 2001
- Visit Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000
- Call 1800 472 679 between 9am to 5pm, Monday to Friday (excluding public holidays).