



Government Information (Public Access) Act 2009

Publication Guide

1 July 2011

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This Publication Guide has been prepared and published in accordance with the requirements of the *Government Information (Public Access) Act 2009 GIPAA*.

1. ABOUT US

Richmond Valley Council is located approximately 800km north of Sydney and 260km south of Brisbane, within the Northern Rivers area of the Far North Coast of New South Wales. It covers approximately 3,051 square kilometres of predominately rural lands, inter-dispersed with state forests, national parks and nature reserves, which comprise approximately 30% of the Local Government Area (LGA). The area enjoys a temperate to subtropical climate with mild winters. It is traversed by the Richmond River which provides for both agricultural and recreational activities.

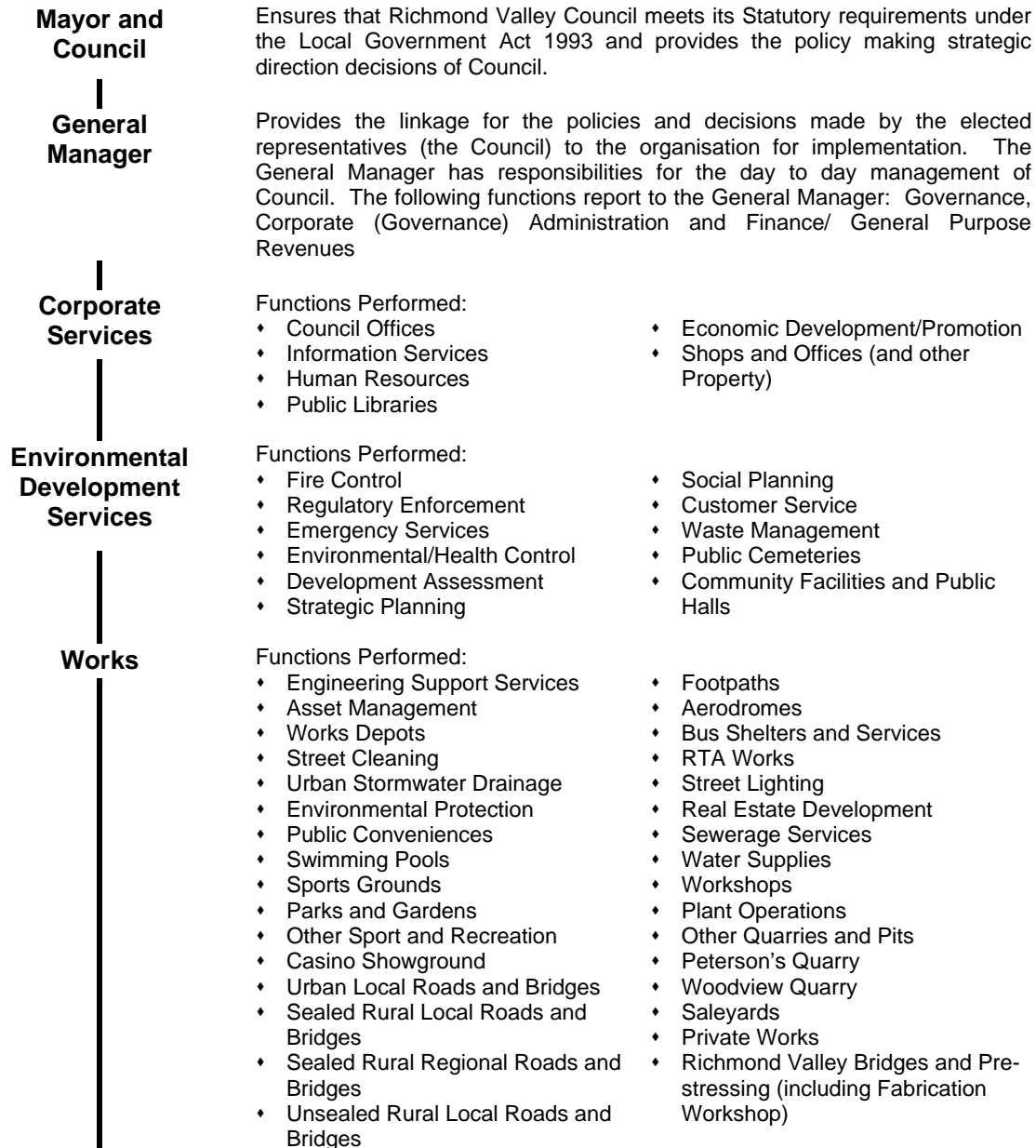
The total population of the Council area is over 23,000, with the majority of the population living in the main communities of Casino, Coraki, Woodburn, Evans Head, Broadwater/Riley's Hill and Rappville, while the remaining live throughout the rural areas of the LGA.

Council has two administration offices. The main administrative centre is located in Casino with a further office in Evans Head.

2. COUNCIL STRUCTURE

Richmond Valley Council is a body politic constituted in accordance with the provisions of the Local Government Act 1993 No 30.

The Council Structure provides the basis for Council to provide services and facilities to the community. The structure and functions of Council, as outlined below, are determined by the provisions of the Local Government Act 1993 No 30.



For the purpose of Strategic Planning, Council has adopted the Community Strategic Plan 2011/2024 identifying seven focus areas which includes Strategic Objectives in the following areas:

Environment; Local Economy; Community and Culture; Recreation and Open Space; Rural and Urban Development, Transport and Infrastructure; Governance and Process. A copy of the Strategic Plan can be accessed on Council's website.

2.1 Elected Council

The Richmond Valley Council consists of nine (9) elected Councillors (including the Mayor). As at 30 June 2011, Council was comprised of the following:

- Councillor Colin Sullivan OAM (*Mayor*)
- Councillor Stuart George (*Deputy Mayor*)
- Councillor Barbara Jeffery
- Councillor Charlie Cox OAM
- Councillor Donella Kinnish
- Councillor Owen Crawford
- Councillor Robert Mustow
- Councillor Shirley Wheatley
- Councillor Steve Morrissey

2.2 The Role of the Mayor

In accordance with S.226 of the Local Government Act 1993, the role of the mayor is:

- To exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- To exercise such other functions of the council as the council determines
- To preside at meetings of the council
- To carry out the civic and ceremonial functions of the mayoral office.

2.3 The Role of the Councillors

In accordance with S.232 of the Local Government Act 1993, the role of the Councillors is:

As a member of the governing body of Council:

- To direct and control the affairs of the Council in accordance with this Act
- 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 and 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, and the management plans and revenue policies of the Council.

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

2.4 Senior Staff

The General Manager, and by proper delegation, the Directors, are responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.

2.5 Officers of Council

Brian Wilkinson	General Manager
Gary Murphy	Director Works
Ken Exley	Director Environmental Development Services
Wayne Halcrow	Director Corporate Services

3. COUNCIL'S STRATEGIC DIRECTION

3.1 Vision and Mission

OUR VISION

The development of community and natural attributes of the area to enable a pleasant and sustainable lifestyle.

OUR MISSION

Develop our area with our community by effective leadership and efficient service.

3.2 Principles

Richmond Valley Council recognises and aims to pursue the following guiding principles (which are regarded as essential elements for good local government):

- Good Governance (delivers good performance, minimises risks of financial failure, ensures transparency and accountability, and promotes efficiency and effectiveness).
- Representative Democracy and Community Support (for Council's direction/activities to broadly reflect its community demographics and to indicate community support to make decisions on behalf of the community).
- Sound Policy (this is a prerequisite to a strong and sustainable local government; policies are an organisation's way of minimising risks of failure in meeting its goals).
- Sufficient Resources (a vibrant Council needs human and financial resources to implement its decisions and to fulfill its statutory obligations).
- Meaningful Planning (planning is a process to translate community needs and aspirations into Council services. To be meaningful, plans must result in actions and outcomes for the community and not be done merely to satisfy statutory requirements).
- Connectedness (a strong local government system requires a high level of connectivity across communities and Councils).
- Strong Leadership (a strong local government system can only be achieved if people see value in participating in local democratic processes and Councils are an employer of choice).

3.3 Charter

In accordance with Section 8 of the Local Government Act, 1993 Council has the following charter:

- To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- To exercise community leadership
- To exercise its functions with due regard for the cultural and linguistic diversity of its community
- To properly manage, develop protect, restore, enhance and conserve the environment of the area for which it is responsible
- To have regard to the long term and cumulative effects of its decisions
- To bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible
- To facilitate the involvement of Councillors, members of the public, users of facilities and services and Council staff in the development, improvement and co-ordination of Local Government
- To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
- To keep the local community and the State Government (and through it, the wider community) informed about its activities
- To ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the Council is affected
- To be a responsible employer

A Council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section give rise to, or can be taken into account, any civil course of action.

3.4 Goals for the Community Strategic Plan

- to maximise community wellbeing, public health and safety.
- to contribute to the promotion of a strong economy and diverse employment opportunities.
- to conserve biodiversity and natural attributes utilising ecologically sustainable development practices.
- to provide infrastructure of a high standard that supports community wellbeing, economic growth and environmental quality.
- to ensure sound corporate governance through effective strategic/ financial planning, budget control, statutory compliance and organisational management.

4. OUR FUNCTIONS

All functions of the council affect members of the public either directly or indirectly. Council encourages and provides community members with opportunities to comment and supply input into the decision making process to ensure maximum customer satisfaction. The decisions of Council have a direct impact on the services and facilities available to the Community. The funding of Council's functions is partly resourced by rate revenue, fees and charges levied and applied by Council, and partly by investment and other income.

Council has adopted a 13 year Community Strategic Plan, a 4 year Delivery Program, a one year Operational Plan and a 4 year Workforce Strategy in respect of its proposed activities . The Operational Plan and Delivery Program includes information and details on Council's objectives and targets, capital works, services to be provided, sale/replacement of assets, business or commercial activities, human resource activities, management of the environment, equal employment opportunity and the revenue policy.

4.1 Council Functions under the Local Government Act 1993

Council's functions are outlined in Chapters 5, 6 and 7 of the Local Government Act, 1993, and are summarised as follows:

Service functions

- Providing community health, development, recreation, education and information services
- Environmental protection
- Waste removal and disposal
- Land and property, industry and tourism development and assistance

Regulatory functions

- Approvals
- Orders
- Building certificates

Ancillary functions

- Resumption of land
- Powers of entry and inspection

Revenue functions

- Rates
- Fees
- Charges
- Investments
- Borrowings

Administrative functions

- Employment of staff
- Management Plans
- Financial reporting
- Annual reports

Enforcement functions

- Proceedings for breaches of this Act
- Prosecution of offences
- Recovery of rates and charges

Council's decision making functions are outlined in its charter, as described in Section 8 of the Local Government Act 1993.

4.2 Council Functions under other Legislation

Council has a range of functions under other legislation, including but not limited to:

- Anti Discrimination Act 1977
- Bush Fires Act 1949
- Clean Air Act 1949
- Coastal Protection Act 1979
- Community Land Development Act 1989
- Companion Animals Act 1998
- Conveyancing Act 1919
- Crown Lands Act 1989
- Disorderly House Amendment Act 1995
- Dividing Fences Act 1991
- Environmental Offences and Penalties Act 1989
- Environmental Planning and Assessment Act 1979
- Environmental Protection Act 1986
- Financial Institutions (NSW) 1992 Act
- 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
- Interpretation Act 1987
- Land Acquisitions Just Terms Compensation Act, 1992
- Library Act, 1939
- Local Government Consequential Provisions Act 1993
- Occupational Health and Safety Act 2000
- Noise Control Act, 1975
- Noxious Weeds Act 1993

- Privacy and Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 1991
- Real Property Act 1993
- Recreation Vehicles Act 1983
- Rural Fires Act 1997
- Roads Act 1993
- State Emergency Services and Rescues Act 1989
- Strata Titles Act 1973
- Swimming Pools Act 1992
- Threatened Species and Conservation Act 1995
- Unclaimed Money Act 1995
- Valuation of Land Act 1916
- Waste Minimisation and Management Act 1995

4.3 General Manager's Functions

The General Manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council. The General Manager also has the following particular functions:

- To assist the council in connection with the development and implementation of the community strategic plan and the council's resourcing strategy, delivery program and operational plan and the preparation of its annual report and state of the environment report
- The day-to-day management of the council
- To exercise such of the functions of the council as are delegated by the council to the general manager
- To appoint staff in accordance with an organisation structure and resources approved by the council
- To direct and dismiss staff
- To implement the council's equal employment opportunity management plan.

The General Manager has such other functions as may be conferred or imposed by or under the Local Government Act and any other Act.

5. HOW TO PARTICIPATE IN COUNCIL DECISION MAKING

Council provides the opportunity for members of the public to participate in the formulation of its policy and the exercises of its function by the following ways:

- Standing for election as a Councillor. (*The next council election is due in September 2012*).
- Attending the meetings of Council and its various Committees.
- Full Council Meetings are usually held on the third Tuesday of each month, commencing at 4.30 pm, in the Richmond Valley Council Chambers, corner Walker Street and Graham Place, Casino, (entrance in Graham Place).
- Addressing Council during the "Public Access" session at the start of council meetings.
- Addressing Committee Meetings through deputations.
- Meeting with Councillor delegations during site inspections.
- Writing to Council on any matter - All correspondence should be addressed to the General Manager, Locked Bag 10, Casino, NSW 2470. If the matter is outside the policies or delegations on which staff or the General Manager can make a decision, the matter will be referred to the next appropriate Committee or Council meeting.
- Submissions to Community Strategic Plans, Operational Plans, Delivery Program, codes and policies on exhibition.
- Submissions to advertised or notified development or subdivision applications
- Suggestion Box submissions (written)
- Community Surveys
- Community Committees for some functions of Council
- Public Exhibition of Community Strategic Plan and other policy documents and the provision for written submissions on same
- Community Network Groups

6. TYPES OF DOCUMENTS USUALLY HELD BY COUNCIL

Council holds a wide range of documents that are available for inspection at Council's Administration Office in Casino. This Publication Guide describes those documents which members of the public can inspect for free. Reasonable photocopying charges must be paid in accordance with Council's Revenue Policy, if members of the public wish to take copies of these documents away with them.

Documents may be made available by mandatory open access proactive release, informal release and formal application. Access to documents may be subject to an over-riding public interest test against disclosure under certain circumstances.

6.1 The Council's Policy Documents

Council's policy documents are available for members of the public to access free of charge from Council's website at:
http://www.richmondvalley.nsw.gov.au/page/Your_Council/Policy_Documents/.

Members of the public wishing to obtain a copy of these policy documents will be charged reasonable photocopying charges in accordance with Council's Revenue Policy in force at the date of the request. Alternatively, copies are available from Council's Offices.

6.2 Documents Available For Inspection Free Of Charge

Everyone is entitled to inspect the current version of the following documents free of charge:

- The Model Code prescribed under section 440 (1) and the Code of Conduct adopted by the Council under section 440 (3)
- The Council's Code of Meeting Practice
- Annual Reports
- Annual Financial Reports
- Auditor's Reports
- EEO Management Plan
- Council's Land Register
- Register Of Investments
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas and Business Papers for Council and Committee Meetings (but not including Business Papers for matters considered when part of a meeting is closed to the public)
- Minutes of Council and Committee Meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting
- The Register of Current Declarations of Disclosures of Political Donations to Councillors kept in accordance with section 328A

- The Register of Councillor Voting on Planning Matters kept in accordance with section 375A
- Any Codes referred to in this Act
- Register of Delegations
- Annual Reports of bodies exercising delegated council functions
- Development Applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents
- Local Policies adopted by the council concerning approvals and orders
- Records of approvals granted, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by the council
- Leases and licences for use of public land classified as Community Land
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contributions Plans made under the Environmental Planning and Assessment Act 1979 applying to land within the council's area
- Departmental representatives' reports presented at a meeting of the Council in accordance with Section 433
- The Register of Graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008
- Bush Fire Prone Land Mapping.

Members of the public who wish to take copies of these documents away with them will be charged reasonable photocopying charges in accordance with the Council's Revenue Policy current at the time of the request.

6.3 Publications Available For Sale

As at 1 July 2011, the following publications are available for purchase from Council and will be charged in accordance with Council's Revenue Policy current at the time of the request

- Local Environment Plans *
- Local Environment Plan Maps * - A2 print size
- Local Environment Plan Maps * - A1 print size *
- Draft Richmond Valley LEP (Comprehensive LEP) *
- Draft Richmond Valley LEP Maps – A3 print size*
- Draft Richmond Valley LEP Maps – A1 print size
- Local Environment Study *
- Casino Development Control Plan No 1 *
- Other Development Control Plans *
- Section 94A Contributions Plan *

- State of Environment Report
- Casino Urban Settlement Strategy *
- Evans Head Urban Settlement Strategy *
- Richmond River Rural Residential Development Strategy *
- Richmond Valley Heritage Study 2007
- Casino Flood Maps including Property Survey *
- Stormwater Management Plans
- Bush Fire Prone Land Maps *
- Landscaping Guidelines *
- OSMS Strategy *
- Lower River Flood Maps including Property Survey
- Casino and Mid Richmond including Property Survey
- Aus Spec Northern Rivers Local Government Development and Design Manual Version 2 Code 200 *
- Aus Spec Northern Rivers Local Government Construction Manual Version 2 Code 200 *
- Building Specifications Code 033 *
- Thematic History of Richmond Valley Local Government Area, Brett J. Stubbs, published by Richmond Valley Council 2007

*Note: Electronic copies of publications marked * are available to download free of charge via Council's website www.richmondvalley.nsw.gov.au.*

7. ACCESS TO DOCUMENTS

Council is committed to the objects of the Government Information (Public Access) Act and will strive to achieve the development, maintenance and advancement of a system of responsible and representative democratic Government that is open, accountable, fair and effective. The objective of this Act is to open government information to the public by:

- (a) authorising and encouraging the proactive public release of government information by agencies, and
- (b) giving members of the public an enforceable right to access government information, and
- (c) providing that access to government information is restricted only when there is an over-riding public interest against disclosure.

Council Policy No. 1.3.2 - Access to Council Records by the Public, (adopted by Council on 19 March 2002) and revised from time to time, guides the processing of requests/applications to access or amend information, in accordance with the Government Information (Public Access) Act, the State Records Act 1998, and the Privacy and Personal Information Protection Act, 1998. Council has separate procedures and application forms for requests under each type of legislation.

Members of the public can access Council information for free from Council's website, <http://www.richmondvalley.nsw.gov.au>.

Members of the public will be able to make informal requests for access to information, and they may also make formal applications by completing the relevant application forms, describing the records or information which is the subject of their application, and the legislation under which they make the application, and they may be charged a fee in accordance with the relevant legislation.

Enquiries concerning procedures for inspecting and purchasing Council documents can be made to Customer Service staff at the Casino Administration office. Customer service staff will assist members of the public with inquiries and completion of applications for access to Council Records.

Complex applications requiring further assistance will be referred to:

The Public Officer and Right to Information Officer
Mr. Wayne Halcrow
Richmond Valley Council
Corner Walker Street and Graham Place
(Locked Bag 10)
CASINO NSW 2470

Telephone: (02) 6660 0312
Facsimile: (02) 6662 5198

The Council's office hours are 8.15 am to 4.30 pm (Monday to Friday).

All applications for access to, or amendment of, Council's records must be made in writing, addressed to the General Manager, Locked Bag 10, Casino NSW 2470, and the applicant must give a postal address in Australia at which they can be contacted for further information to clarify their request.

This is the most recent Publication Guide published by Richmond Valley Council. This document can be obtained from the Council Website: www.richmondvalley.nsw.gov.au, or by contacting Council's Public Officer.

Further information is also available by contacting the Office of the Information Commissioner (Free Call 1800 463 626) or website www.oic.nsw.gov.au.



Brian Wilkinson
General Manager

1 July 2011