

City of Newcastle

Information Guide

October 2019

PO Box 489, Newcastle NSW 2300
Ph: 4974 2000 Fax: 4974 2222
Email: mail@ncc.nsw.gov.au
www.newcastle.nsw.gov.au



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Part A Introduction

1 Purpose of this Information Guide

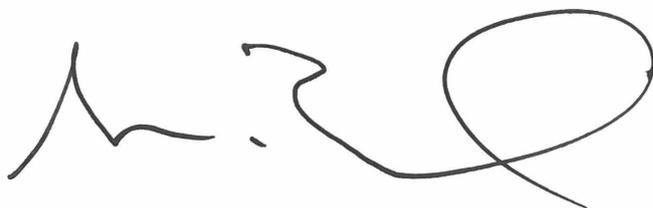
As a local council, City of Newcastle (CN) is an “agency” for the purposes of the *Government Information (Public Access) Act 2009 (GIPA Act)*. Under the GIPA Act, we must publish an Information Guide that provides information on:

- our structure and functions (Part B);
- the kinds of information we hold and will make available to the community (Part C);
- how the community can access information held by CN (Part C); and
- how members of the community can participate in the formulation of our policies and exercise of functions (Part D).

We are committed to assisting members of the community to access information we hold and the objects of the GIPA Act. These objects reflect our commitment to our Community Strategic Plan 2030, in particular the Open and Collaborative Leadership Strategic Direction by:

- **Accountability and transparency** - when accessing information held by CN.
- **Equity** - ensuring everyone has a fair opportunity to participate in CN functions, taking particular care to involve and protect the interests of people in vulnerable and circumstances.
- **Participation** - giving the community maximum opportunity to genuinely participate in decisions affecting their lives.
- **Transparency** - giving people the access they need to understand government planning and decision-making processes and participate in an informed way.
- **Active citizenship** - providing a framework in which the community is empowered with the skills, support and opportunity to shape and influence the decisions that affect them now and into the future.

This Information Guide is available on our website at <http://www.newcastle.nsw.gov.au> and is reviewed at least every 12 months. Questions about the Information Guide and feedback is welcome and can be sent to mail@ncc.nsw.gov.au or provided by phone on 02 4974 2000.



Jeremy Bath

CHIEF EXECUTIVE OFFICER

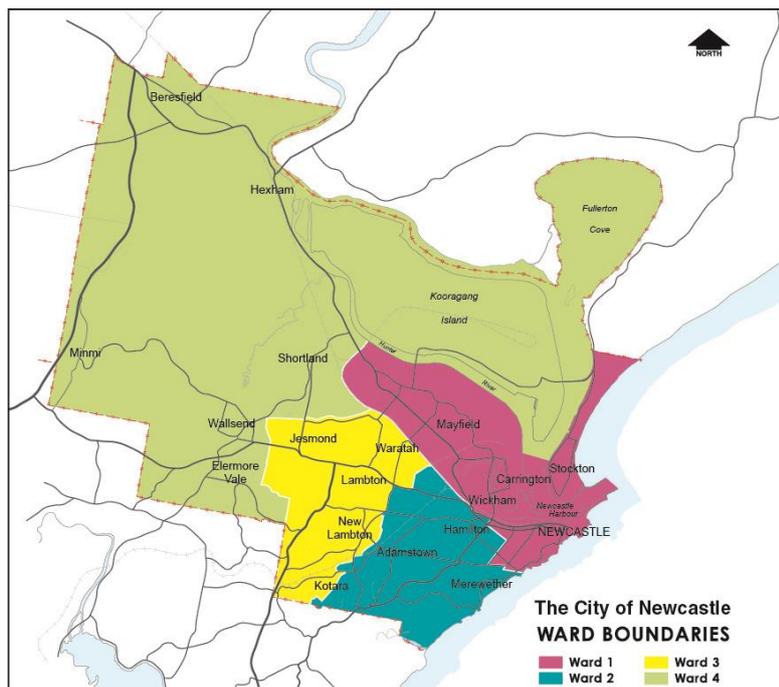
Part B Structure and functions of CN

2 About us

CN is constituted under the *Local Government Act 1993* (NSW) (**LGA**). The Newcastle local government area sits on Awabakal and Worimi land and we acknowledge the traditional owners.

CN was formed in April 1938 with the merger of Adamstown, Carrington, Hamilton, Lambton, Merewether, Newcastle, New Lambton, Stockton, Wallsend, Waratah and Wickham Councils into the Greater Newcastle Council.

Over 160,000 people live in the Newcastle local government and it is divided into four [electoral wards](#).



CN's structure can be separated into:

- CN's governing body, which is the elected Council
- CN's administrative body, which is the CEO and staff

The elected Council's role includes providing strategic direction and allocating resources for CN to perform its functions. The CEO and staff are responsible for (among other things) the implementation of the elected Council's strategic direction and advising the elected Council on certain matters.

3 Elected Council

Elections were held on 9 September 2017. The elected Council comprises a popularly elected Lord Mayor and 12 Councillors (three from each of the four wards).

Following is a list of the current Councillors:

Lord Mayor Cr, Nuatali Nelmes
Lord Mayor's Office
Email: mail@ncc.nsw.gov.au
Phone: 02 4974 2000

Ward 1		
Cr Emma White (Labor) Email: ewhite@ncc.nsw.gov.au Phone: 0409 191 875	Cr John Church (Independent) Email: jchurch@ncc.nsw.gov.au Phone: 0414 294 944	Cr John MacKenzie (Greens) Email: jmackenzie@ncc.nsw.gov.au Phone: 0408 533 010
Ward 2		
Cr Carol Duncan (Labor) Email: cduncan@ncc.nsw.gov.au Phone: 0428 423 670	Cr Brad Luke (Liberal) Email: bluke@ncc.nsw.gov.au Phone: 0427 622 089	Cr Kath Elliot (Independent) Email: kelliott@ncc.nsw.gov.au Phone: 0407 794 624
Ward 3		
Cr Andrea Rufo (Independent) Email: arufo@ncc.nsw.gov.au Phone: 0428 020 121	Cr Declan Clausen (Labor) Email: dclausen@ncc.nsw.gov.au Phone: 0419 212 207 Deputy Lord Mayor until September 2020	Cr Peta Winney-Baartz (Labor) Email: pwinneybaartz@ncc.nsw.gov.au Phone: 0427 922 149
Ward 4		
Cr Allan Robinson (Independent) Email: arobinson@ncc.nsw.gov.au Phone: 0418 894 389	Cr Jason Dunn (Labor) Email: jdunn@ncc.nsw.gov.au Phone: 0418 923 437	Cr Matthew Byrne (Labor) Email: mbyrne@ncc.nsw.gov.au Phone: 0429 084 127

4 Role of Councillors

Each Councillor has two aspects to their role.

Firstly, as a member of the Council, Councillors are:

- active and contributing members of the governing body;
- make considered and well-informed decisions as a member of the governing body;
- participate in the development of the integrated planning and reporting framework;
- represent the collective interests of residents, ratepayers and the local community;
- facilitate communication between the local community and the governing body;
- uphold and represent accurately the policies and decisions of the governing body; and
- make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

Secondly, as an elected representative, Councillors are:

- accountable to the local community for the performance of the Council.

5 Additional role of Lord Mayor

In addition to the role of Councillor, the Lord Mayor's role is outlined in [section 226](#) of the LGA and includes:

- being the leader of the Council and a leader in the local community;
- ensuring that meetings of Council are conducted efficiently, effectively and in accordance with the LGA;
- promoting the effective and consistent implementation of the strategic plans, programs and policies of Council;

- advising, consulting with, and providing strategic direction to the CEO in relation to the implementation of the strategic plans and policies of Council;
- in conjunction with the CEO, ensuring adequate opportunities and mechanisms for engagement between Council and the local community;
- carrying out the civic and ceremonial functions of the mayoral office;
- leading the performance appraisals of the CEO, in consultation with the Councillors.

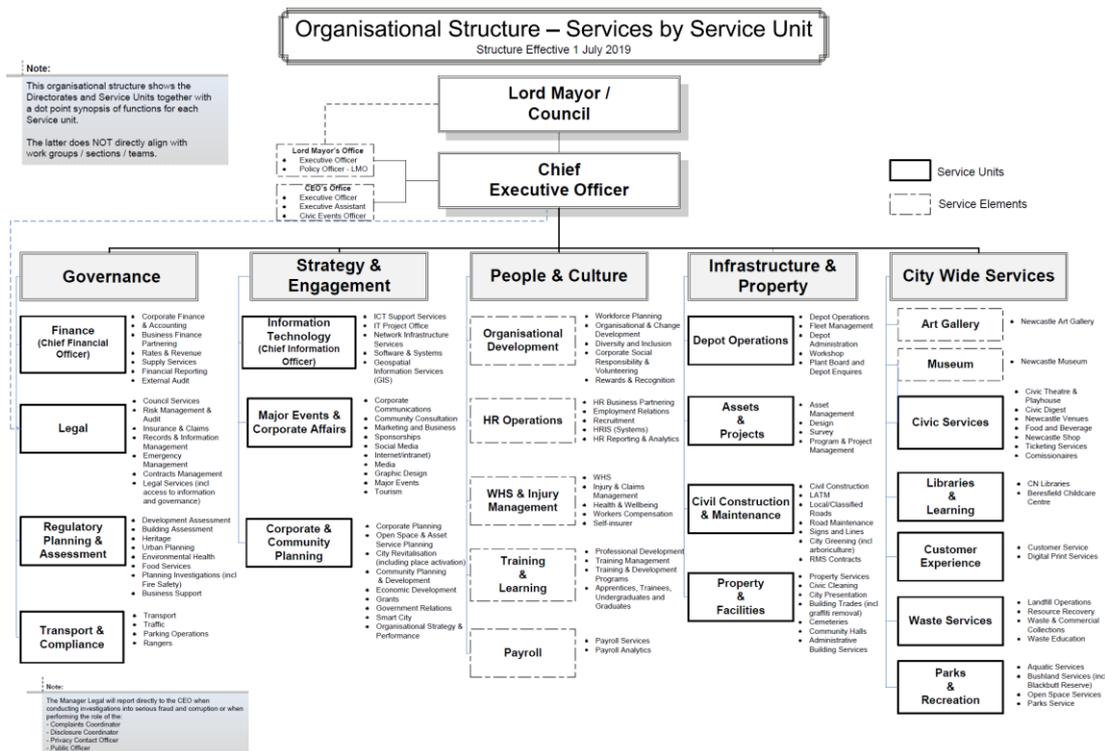
6 Administration of CN

CN's administration body is headed by the CEO, Jeremy Bath. The CEO is responsible for the efficient and effective operation of our organisation and ensuring that the lawful decisions of the elected Council are implemented without undue delay.

The CEO's particular functions are outlined in [section 335](#) of the LGA and include:

- the day to day management of CN in accordance with the strategic plans, programs, strategies and policies of the elected Council;
- advising the Lord Mayor and the Council on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of Council and other matters related to Council;
- preparing, in consultation with the Lord Mayor and the governing body, CN's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report;
- appointing staff in accordance with CN's structure and the resources approved by the elected Council;
- directing and dismissing staff;
- any other functions that are conferred or imposed on the CEO by or under the LGA, or any other act.

7 Organisation Chart



A larger organisational structure is available on CN's [website](#).

8 Functions of Council

The LGA outlines that Councils are to undertake various service functions as per the following chapters:

<p><u>Chapter 6</u> - Service functions include:</p> <ul style="list-style-type: none"> ▪ Providing community health, recreation, education and information services ▪ Environmental protection ▪ Waste removal and disposal ▪ Land and property, industry and tourism development and assistance 	<p><u>Chapters 11, 12 and 13</u> - Administrative functions include:</p> <ul style="list-style-type: none"> ▪ Employment of staff ▪ Strategic plan, delivery program and operational plan ▪ Financial reporting ▪ Annual reports
<p><u>Chapter 7</u> - Regulatory functions include:</p> <ul style="list-style-type: none"> ▪ Approvals ▪ Orders ▪ Building certificates 	<p><u>Chapter 15</u> - Revenue functions include:</p> <ul style="list-style-type: none"> ▪ Rates ▪ Charges ▪ Fees ▪ Borrowings ▪ Investments
<p><u>Chapter 8</u> - Ancillary functions include:</p> <ul style="list-style-type: none"> ▪ Resumption of land ▪ Powers of entry and inspection 	<p><u>Chapters 16 and 17</u> - Enforcement functions include:</p> <ul style="list-style-type: none"> ▪ Proceedings for breaches of the Local Government Act and Regulations and other Acts and Regulations. ▪ Prosecution of offences ▪ Recovery of rates and charges

9 Other functions

In addition to the LGA, CN also performs functions in accordance with other legislation that impacts the public, such as:

- *Companion Animals Act 1998* (NSW) - companion animal registration and control;
- *Contaminated Land Management Act 1997* (NSW) - managing contaminated lands;
- *Environmental Planning and Assessment Act 1979* (NSW) - environmental planning;
- *Government Information (Public Access) Act 2009* (NSW) - access to information held by agencies including Council;
- *Heritage Act 1977* (NSW) - conservation of the environmental heritage within the local government area;
- *Public Health Act 2010* (NSW) - protection of health and safety of the public;
- *Swimming Pools Act 1992* (NSW) - ensuring restriction of access to private swimming pools;
- *Food Act 2003* (NSW) - ensuring the handling of food for sale complies with the Food Standards Code;
- *Liquor Act 2007* (NSW) - ensuring compliance with the sale and supply of liquor;
- *Roads Act 1993* (NSW) - control and management of roads.
- *Coastal Management Act 2016* (NSW) - management and protection of the coastal environment.

Part C How to access our information

10 Public rights and the role of the Information Commissioner

Members of the public and other organisations can access information held by CN under the GIPA Act. It is our responsibility to meet our obligations under the GIPA Act to support a Government that is open, accountable, fair and effective.

The functions of the Information Commissioner are outlined in [section 17](#) of the *GIPA Act*, and include the power to:

- Review decisions made by CN and other NSW government agencies;
- Issue guidelines and other publications for the assistance of agencies in connection with their functions under the GIPA Act;
- Deal with complaints about information access, undertake investigations, monitor agency functions;
- Report to the Minister about proposals for legislative or administrative change.

11 What kinds of information do we hold?

CN holds information in various formats (hard and electronic copy, as well as microfiche and microfilm) in respect of a wide range of functions we undertake (as outlined in section 8 and 9 of this guide), including:

- Policies and planning matters;
- Rating and properties;
- Orders, approval and licences;
- Complaints and investigations;
- Our interactions with members of the public, businesses and other agencies.

12 Ways of accessing information

CN is committed to the principles of the GIPA Act, including open and transparent governance. Under the GIPA Act, accessing our information can occur via one of four ways:

1. **Mandatory release of “open access information”** - we must publish certain information on our website free of charge 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 [Schedule 1](#) of the GIPA Regulation.
2. **Authorised proactive release** - we may choose to make information (in addition to mandatory release) available on our website or by other means free of charge. This may be frequently requested information or information of public interest.
3. **Informal release** - if information is not publicly available (such as on our website) but can be quickly and easily collated and does not include other’s personal or business information, it will generally be released informally upon request. There may be a cost associated with informal release as provided in our fees and charges.
4. **Release subject to a formal access application** - in limited circumstances, a formal application will need to be lodged to seek access to information held by CN (usually where the information contains a third-party’s private details). An application fee of \$30 and a further hourly processing fee may apply (50% discount on the processing fee may be available). CN is required to release information unless there is an overriding public interest against disclosure.

We also maintain a Disclosure Log under [section 25](#) of the GIPA Act where information is released under a formal access application that would be of interest to other members of the public.

For more information or an application form, go to:

<http://www.newcastle.nsw.gov.au/Council/Our-Responsibilities/Access-to-Information>

You can also contact us by telephone on 02 4974 2000 for advice, or send us an email at mail@ncc.nsw.gov.au.

Further information about the GIPA Act can also be sought by contacting the NSW Information and Privacy Commission (**IPC**):

Go to: www.ipc.nsw.gov.au

E-mail: ipcinfo@ipc.nsw.gov.au

Call: 1800 472 679

Part D Community engagement with CN

13 Consultation

Consultation is important to CN because listening and responding to the community is fundamental to our functions. Consultation helps us:

- plan services to meet the community's needs and expectations;
- find out what is important to the community;
- monitor the effectiveness of CN's services;
- improve CN's services;
- create a greater feeling of community through building strong relationships with residents; and
- create better governance through transparency for development and monitoring of policies, strategies and services.

When consultation is being undertaken in relation to a certain project, the community will be notified in the appropriate way. This will usually be done via our website, local newspapers, but can include direct notification to relevant parties.

14 Newcastle Voice

Newcastle Voice is one of the elements of CN's consultation process. Newcastle Voice is a community reference panel made up of residents from all ages and walks of life who take part in consultations with CN to assist us to make informed decisions.

The panel is actively involved in providing information and advice through:

- community workshops;
- face to face meetings;
- quick polls;
- surveys; and
- online discussions.

The panel also receives regular newsletters, feedback from consultations and updates about CN.

For more information, or to participate, go to:

<http://www.newcastle.nsw.gov.au/Community/Get-Involved/Newcastle-Voice>

15 Community participation in the planning system

In October 2019, the elected Council adopted the Community Participation Plan which covers how and when we will engage with the community across the planning functions CN performs under the *Environmental Planning and Assessment Act 1979* (NSW). Planning functions include plan making (such as the preparation of a planning proposal to amend the Newcastle Local Environmental Plan 2012) and making decisions on proposed development.

Recent legislative changes, under the *Environmental Planning and Assessment Act 1979* (NSW) are intended to enhance opportunities for the community to participate in planning decisions to achieve better planning outcomes. The Plan intends to make it easier to be involved and supports:

- input into the Council's decision making by providing mechanisms for understanding and responding to community opinions and perspectives;
- consistent and clear engagement practices; and

- enhancement of CN's ability to listen, respond and engage with residents and stakeholders and make evidence-based decisions.

16 Public exhibition and submissions

CN places documents on public exhibition and calls for submissions as part of the process of reviewing or establishing policies, programs or services that are of significance to Council. Items on public exhibition are advertised on the Local Government page of the Newcastle Herald on Saturdays as well as our website.

For more information go to:

<http://www.newcastle.nsw.gov.au/YourSay>

17 Advisory committees

Advisory Committees are the committees of the elected Council and provide a mechanism for stakeholders, experts and the community to provide guidance and make recommendations to the elected Council within a particular area of expertise.

For more information go to:

<http://www.newcastle.nsw.gov.au/Council/About-Council/Committees>

Appendix A - Definitions

CEO means the Chief Executive Officer of Newcastle City Council and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

City of Newcastle or **CN** means Newcastle City Council.

GIPA Act means the *Government Information (Public Access) Act 2009* (NSW).

Government Information means information contained in a record held by CN, or a contractor under section 121 of the GIPA Act.

LGA means the *Local Government Act 1993* (NSW).

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Relevant strategic direction	Open and Collaborative Leadership
Relevant legislation/codes (reference to specific sections)	Section 20 of <i>Government Information (Public Access) Act 2009</i> (NSW) <i>Government Information (Public Access) Regulation 2009</i> (NSW)
Related policies/documents	Open and Transparent Governance Strategy Privacy Management Plan
Related forms	Formal Access Application form (GIPA)
Required on website	Yes
Authorisations	N/A