

AGENCY INFORMATION GUIDE

Government Information (Public Access) Act 2009
2025

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Agency Information Guide 2025

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CONTENTS

	What is the Agency Information Guide?	4
1	Structure and Functions of Council	5
	1.1 Introduction	5
	1.2 Role of Governing Body	5
	1.3 Role of Councillors	6
	1.4 Role of Mayor	7
	1.5 Role of General Manager	8
	Organisational Structure	9
	1.6 Council's Mission, Vision and Corporate Values	10
2	Effect Council Functions have on the Public	11
	2.1 Functions under legislation	11
	2.2 Impact of Council Functions on the Public	12
3	Public Participation in Local Government	13
	3.1 Representation	13
	3.2 Personal Participation in Council Exercising its Functions	13
	3.3 Council Committees	14
	3.4 External Committees	15
	3.5 Community Engagement Forums	15
	3.6 Feedback and Complaints	15
4	Access to Government Information	16
	4.1 What is the Government Information (Public Access) Act (GIPA)?	16
	4.2 Information held by Tenterfield Shire Council	16
	4.3 Information about Council available on Council's website	17
	4.4 Plans and Policies available on Council's website	18
	4.5 Information about Development Applications available on Council's website	20
	4.6 Approvals, Orders and Other Documents	20
5	Ways to Access Government Information	20
	5.1 Mandatory Proactive Release	20
	5.2 Proactive Release	21
	5.3 Informal Release	21
	5.4 Formal Access	21
	5.5 Fees and Charges	22
	5.6 Interaction with Copyright Legislation	23
	5.7 Interaction with Privacy Legislation	23
	5.8 Public Interest Test	24
	5.9 Access and Amendment to Council Documents	24

Agency Information Guide 2025

What is the Agency Information Guide?

This Agency Information Guide has been produced by Tenterfield 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 and functions of Tenterfield Shire Council
- The impact council functions have on the public
- The avenues available to the public to participate in policy development and Tenterfield Shire Council functions.
- The type of information available from Tenterfield Shire Council and how this information is made available

The Information Guide is available:

- Via Council's website www.tenterfield.nsw.gov.au
- Council's Administration Office

Agency Information Guide 2025

1 Structure and Functions of Council

1.1 Introduction

Tenterfield Shire Council is committed to the following principles regarding public access to documents and information:

- Open and transparent government
- Consideration of the overriding public interest in relation to access requests
- Proactive disclosure and dissemination of information
- Respect for the privacy of individuals.



1.2 Role of Governing Body

The Council's legal status under the *Local Government Act 1993* is as a body politic of the State with perpetual succession and the legal capacity and powers of an individual both in and outside the State (s220(1)).

The Council divided into five Wards, with ten Councillors (two for each Ward). The Mayor and Deputy Mayor is elected biannually by the Councillors from among their numbers.

Agency Information Guide 2025

1.3 Role of Councillors

The role of Councillors (s232), as members of the governing body are as follows:

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

A Councillor is accountable to the local community for the performance of the Council.



From left: Cr Greg Sauer (Deputy Mayor), Cr Tim Bonner, Cr Greg Purcell, Cr Roger Turner, Cr Peter Petty, Cr Peter Murphy, Cr Kim Rhodes, Cr Owen Bancroft, Cr Tom Peters

Agency Information Guide 2025



Mayor Bronwyn Petrie

1.4 Role of Mayor

The role of Mayor (s226) is as follows:

- to be the leader of the Council and a leader in the local community
- to advance community cohesion and promote civic awareness
- to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities
- to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council
- to preside at meetings of the Council
- to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with this Act
- to ensure the timely development and adoption of the strategic plans, programs and policies of the Council
- to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council
- to promote partnerships between the Council and key stakeholders
- to advise, consult with and provide strategic plans and policies of the Council
- in conjunction with the Chief executive, to ensure adequate opportunities and mechanisms for engagement between the Council and the local community
- to carry out the civic and ceremonial functions of the Mayoral Office
- to represent the Council on Regional organisations and at intergovernmental forums at Regional, State and Commonwealth level
- in consultation with the Councillors, to lead performance appraisals of the General Manager
- to exercise any other functions of the Council that the Council determines.

Council has an Internal Audit Committee whose objective is to provide independent oversight and assistance to the Tenterfield Shire Council on risk management, control, governance, and external accountability responsibilities.

Agency Information Guide 2025



Mr Hein Basson

1.5 Role of General Manager

The Principle Officer of the Council is the General Manager. 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 has the following particular functions (s335):

- to conduct the day to day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council
- to implement, without undue delay, lawful decisions of the Council
- to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council
- to prepare, in consultation with the Mayor and the governing body, the Council's Community Strategic Plan, Community Engagement Strategy, Resourcing Strategy, Delivery Program, Operational Plan and Annual Report
- to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions
- to exercise any of the functions of the Council that are delegated by the Council to the General Manager
- to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the Council
- to direct and dismiss staff
- to implement the Council's Workforce Management Strategy
- any other functions that are conferred or imposed on the General Manager by or under this or any other Act.

To assist the General Manager in the exercise of these functions, there are two divisions of Council. These divisions are Corporate and Services. A Chief Officer and Director heads each of these divisions.

Agency Information Guide 2025

Organisation Structure

The organisation is comprised of two distinct divisions.

1. The Corporate, Governance and Community Division; and
2. The Infrastructure and Services Division.

The two divisions are headed by the Director of Corporate Services and Director of Infrastructure respectively. Both report directly to the General Manager.

The General Manager has several other areas which report directly.

The Structure:

GENERAL MANAGER		
DIRECTOR CORPORATE SERVICES	OFFICE OF THE GENERAL MANAGER	DIRECTOR INFRASTRUCTURE SERVICES
Finance & Technology	Civic Office	Asset Management
Corporate & Governance	Organisational Leadership	Water & Waste Management
Planning & Development	Workforce Development	Works Management
Library	Emergency Services	Environmental Management
Incorporated Not for Profit Association School of Arts		Parks, Gardens & Open Space
		Buildings & Amenities

Agency Information Guide 2025

1.6 Council's Mission, Vision and Corporate Values

Our Mission

Tenterfield Shire Council provides local civic leadership and a wide range of community services and facilities.

Our mission statement "Quality Nature, Quality Heritage and Quality Lifestyle" provides focus and direction in the manner in which we provide leadership and services.

Our Vision

- to establish a Shire where the environment will be protected and enhanced to ensure sustainability and inter-generational equity
- to recognise and actively develop our cultural strengths and unique heritage
- to establish a prosperous shire through balanced, sustainable economic growth managed in a way to create quality lifestyles and satisfy the employment, environmental and social aims of the community
- to establish a community spirit which encourages a quality lifestyle, supports health and social well-being, promotes family life and lifestyle choices
- to establish a community spirit which promotes opportunities to participate in sport and recreation, promotes equal access to all services and facilities
- to encourage all people to participate in the economic and social life of the community with a supportive attitude towards equal life chances and equal opportunity for access to the Shire's resources.

Our Corporate Values

At Tenterfield we value our staff and recognise that they are central to the success of our organisation. Our Workforce Management Strategy 2021-2025 provides a strategic framework for developing our workforce so that it is appropriately skilled and flexible to best meet the challenges ahead.



Our five corporate values are **I CARE**:

Integrity - ensuring openness and honesty in all our activities

Community Focus - delivering prompt courteous and helpful service

Accountability - accepting responsibility for providing quality services and information

Respect - treating people with courtesy, dignity and fairness regardless of our personal feelings about the person or issue

Excellence - being recognised for providing services and programs that aim for best practice.

Agency Information Guide 2025

2 Effect Council Functions have on the Public

2.1 Functions under legislation

In addition to the *Local Government Act 1993* (LGA), Council has powers under other Acts and Regulations including:

A - G	H - P	R - W
<ul style="list-style-type: none"> • Annual Holidays Act 1944 • Biodiversity Conservation Act 2016 • Biosecurity Act 2015 • NSW Boarding Houses Act 2012 • NSW Building and Development Certifiers Act 2018 • Building Products (Safety) Act 2017 • NSW Cemeteries and Crematoria Act 2013 • Child Protection (Working with Children) Act 2012 • Child Protection (Working with Children) Regulation 2013 • Community Land Development Act 2021 • Companion Animals Act 1998 • Companion Animals Regulation 2018 • Contaminated Land Management Act 1997 • Conveyancing Act 1919 • Crown Land Management Act 2016 • Crown Land Management Regulation 2018 • Electricity Supply Act 1995 • Environmental Planning and assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • Fisheries Management Act 1994 • Fluoridation of Public Water Supplies Act 1957 • Food Act 2003 • Government Information (Public Access) Act 2009 • Graffiti Control Act 2008 	<ul style="list-style-type: none"> • Heavy Vehicle National Law (NSW) 2013 • Heritage Act 1977 • Housing Act 2001 • Independent Pricing and Regulatory Tribunal Act 1992 • Land Acquisition (Just Terms Compensation) Act 1991 • Land and Environment Court Act 1979 • Library Act 1939 • Library Regulation 2018 • Local Government (General) Regulation 2021 • Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 • Local Government Act 1993 • Local Government and Other Authorities (Superannuation) Act 1927 • Road Transport Act 2013 • Ombudsman Act 1974 • Pesticides Act 1999 • Privacy and Personal Information Protection Act 1998 • Protection of the Environment Operations (Clean Air) Regulation 2022 • Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019 • Protection of the Environment Operations Act 1997 • Public Health Act 2010 • Public Interest Disclosures Act 1994 • Public Works and Procurement Act 1912 	<ul style="list-style-type: none"> • NSW Real Property Act • Restricted Premises Act 1943 • Road Transport (General) Act 2005 • Road Transport (Safety and Traffic Management) Act 1999 • Roads Act 1993 • State Emergency and Rescue Management Act 1989 • State Records Act 1998 • Strata Schemes Development Act 2015 • Strata Schemes Management Act 2015 • Swimming Pools Act 1992 • Swimming Pools Regulation 2018 • Tattoo Industry Act 2012 • Trees (Disputes Between Neighbours) Act 2006 • Valuation of Land Act 1916 • NSW Water Management Act 2000 • Work Health and Safety Act 2011 • Workplace Surveillance Act 2005

Agency Information Guide 2025

2.2 Impact of Council Functions on the Public

As a service organisation, the majority of the activities of Tenterfield Shire Council have an impact on the public. The following is an outline of how the broad functions of Council affect the public.

FUNCTION	DESCRIPTION
Service	<p>Service functions affect the public in that services and facilities provided by the council are for use by the public, such as community halls, recreation facilities, removal of garbage, and maintenance of roads and bridges. Other services are water and sewer, libraries, saleyards, swimming pool, and cemeteries.</p>
Regulatory	<p>Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements that will not endanger the lives and safety of any person. Members of the public must be aware of and must comply with such regulations.</p>
Ancillary	<p>Ancillary functions affect only some members of the public if, for example, the resumption of land is necessary or if Council officers need to enter onto private land.</p>
Revenue	<p>Revenue functions affect the public directly in that rates and other charges are paid by the public in return for services and facilities that are provided to the community.</p>
Administrative	<p>Administrative functions do not necessarily affect the public directly but have an impact on the administration of the community. For example, Council has developed its Integrated Planning and Reporting Framework which outlines the strategies of the council over both the short term and long term.</p>
Enforcement	<p>Enforcement functions only affect those members of the public that are in breach of certain legislation, such as the non-payment of rates and charges, unregistered dogs and parking fines.</p>

Agency Information Guide 2025

3 Public participation in Local Government

Tenterfield Shire Council supports the principles of open government and encourages community involvement in policy development and general activities of Council.

There are two broad ways in which the public may participate in the policy development and, indeed, the general activities for 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 scheduled election will be in September 2028.

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 in Council Exercising its Functions

Ratepayers, residents and business are encouraged to have a say in what Council does.

Community participation in Council is a major focus of the *Local Government Act 1993*. The Act encourages Councils to be open and accountable to the community. This is achieved by people having appropriate access to information, voting in polls and referendums, making submissions to Council, and by council meetings being open to the public.

3.2.1 Public Submissions

All significant plans, strategies and policies of Tenterfield Shire Council are placed on exhibition in draft form so that interested members of the public may view them and make comments should they wish to. Documents inviting submissions are available at Council's customer service counter and on Council's website:

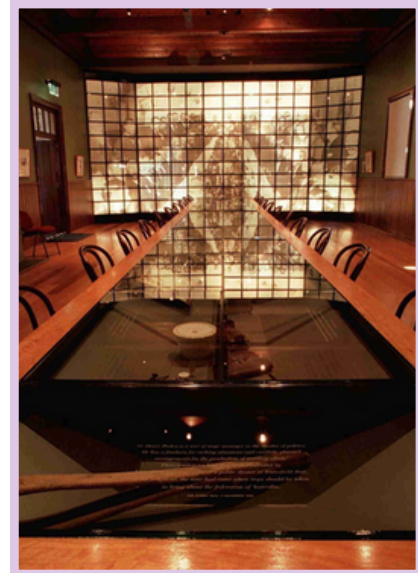
<https://www.tenterfield.nsw.gov.au/your-council/council-documents/public-exhibition-documents>

Submissions should be addressed to:

The General Manager
Tenterfield Shire Council
PO Box 214
Tenterfield NSW 2372
Email: council@tenterfield.nsw.gov.au

Development applications inviting public submission as required under the Tenterfield Development Control Plan 2014 can be found on Council's website:

<https://www.tenterfield.nsw.gov.au/services/building-planning/approved-and-advertised-development-applications>



Agency Information Guide

2025

Members of the public are able to attend Council meetings (fourth Wednesday of each month - except in December when it is held on the third Wednesday of the month and January when there is no meeting) in the Council Chamber, Administration Building, 247 Rouse Street, Tenterfield. However, it should be noted that one meeting each year is conducted in one of the Villages.

Copies of Agendas and Minutes for Council Meetings are available on Council website:

<https://www.tenterfield.nsw.gov.au/your-council/council-committee-meetings/council-business-papers>

Council Meetings are webcast and streamed live for the duration of the meeting, apart from the annual meeting held in one of the villages. Webcasts are then placed on Council's website on the following Monday at 10am, and remain for six months:

<https://www.tenterfield.nsw.gov.au/your-council/council-committee-meetings/webcast-of-council-meetings>

In addition, Council periodically holds informal meetings in the villages and community halls in the region to allow residents to raise matters of particular interest.

3.3 Council Committees

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council.

The following council Advisory Committees include members of the public among others. Terms of Reference for the Community Committees can be found on Council's website:

<https://www.tenterfield.nsw.gov.au/your-council/council-committee-meetings/council-committees>

- Tenterfield Saleyards Advisory Committee
- Sir Henry Parkes School of Arts Joint Management Committee
- Tenterfield Chamber of Commerce - Tourism Committee
- Sale Yards Committee

In addition, Council Committees without external members include;

- Audit, Risk & Improvement Committee (ARIC)
- Contributions/Donations Assessment Panel, and
- Australia Day Awards Committee

Agency Information Guide 2025

3.4 External Committees

Council also provides delegates to the following Committees. Details of Councillors servicing on these Committees can be found on Council's Committee Register on Council's website:

<https://www.tenterfield.nsw.gov.au/your-council/council-committee-meetings/council-committees>

- Country Mayors Association
- Border Region Organisation of Councils
- Local Health Advisory Committee
- Local Traffic Committee
- Local Emergency Management Committee
- Bushfire Management Committee
- Granite Borders Landcare Committee
- Murray Darling Association - Region 11
- Joint Regional Planning Panels
- Arts North West

3.5 Community Engagement Forums

Tenterfield Shire Council will provide a community engagement forum for discussions with the community (and feedback) on the delivery of the community Strategic Plan and Council's Delivery Program. Details of any current community engagement forums will be advertised on council's social media - <https://www.facebook.com/TenterfieldShireCouncil/>, local print and radio media outlets, and on our website - <https://www.tenterfield.nsw.gov.au/>

3.6 Feedback and Complaints

Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community.

Feedback and complaints can be provided verbally or in writing as outlined in Council's Customer Service Charter 2022, available at Council's customer service desk or on Council's website:

<https://www.tenterfield.nsw.gov.au/?s=customer+service+charter>

4 Access to Government Information

4.1 What is the Government Information (Public Access) Act (GIPA)?



The *Government Information (Public Access) Act (GIPA)* came into effect on 1 July 2010, replacing the *Freedom of Information Act 1989*.

Under the provisions of the GIPA Act, there is a right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

4.2 Information Held by Tenterfield Shire 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:

- Files - either physical or electronic
- Policy documents
- General documents

Files

Prior to 2002 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, property, and cemetery files.

Electronic information held relates to Council's service functions, regulatory functions, ancillary functions, revenue functions, administrative functions and enforcement functions.

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.

Policy Documents

All of Council's Policies are maintained in a policy register - access to which is available on the website:

<https://www.tenterfield.nsw.gov.au/your-council/council-documents/policies>

General Documents

The following list of general documents held by Council has been divided into four sections as outlined by Schedule 1 of the *Government Information (Public Access) Regulation 2018*:

- Information about Council
- Plans and Policies
- Information about Development Applications
- Approvals, Orders and other Documents

Agency Information Guide

2025

Schedule 1 of the *Government Information (Public Access) Regulation 2018* 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 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.

These documents include:

4.3 Information about Council available on Council's website:

<https://www.tenterfield.nsw.gov.au/your-council/council-documents>

Integrated Planning & Reporting Framework Documents:

- State of Our Shire Report 2021-2024
- Annual Reports
- Financial Reports
- Public Exhibition Documents
- Council's Fees & Charges
- Delivery Program 2022-2026, Operational Plan 2023-2024
- Community Strategic Plan 2022-2032
- Long Term Financial Plan
- Community Engagement Strategy
- Statement of Revenue Policy 2023-2024
- Workforce Management Strategy 2021-2025
- Asset Management Strategy 2022-2032

Documents available for inspection at the Council Administration Office

- Register of Current Declarations of Disclosures of Political Donations
- Register of Delegations
- Section 449 disclosures of Interest Returns

Council Agendas and Business Papers available on Council's website:

<https://www.tenterfield.nsw.gov.au/your-council/council-committee-meetings/council-business-papers>

- Agendas and Business Papers for any meeting of Council
- Minutes of any meeting of Council or any Committee of Council
- Departmental Representative Reports presented at a meeting of Council

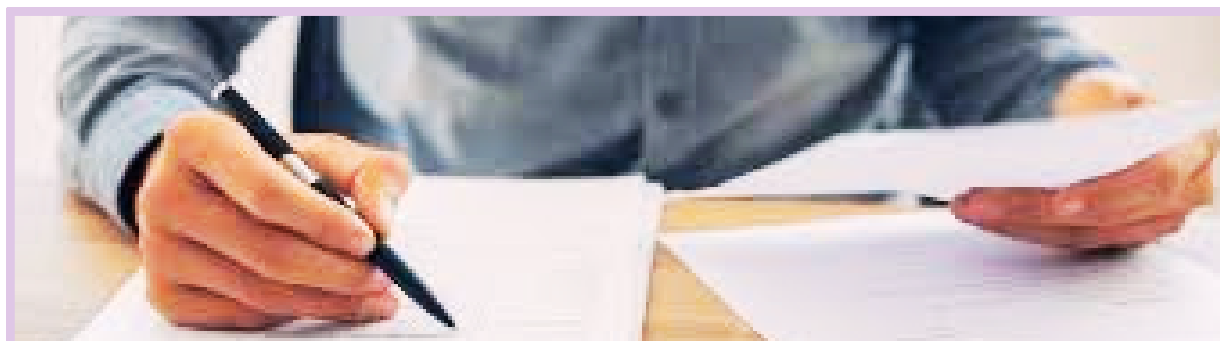
Agency Information Guide 2025

4.4 Plans and Policies available on Council's website:

Plans

<https://www.tenterfield.nsw.gov.au/your-council/council-documents/plans-reports>

PLANS	
<ul style="list-style-type: none">• Asset Management Strategy• Biosecurity Plan - Tenterfield Shire Saleyards• Community Plan - Integrated Planning & Reporting• Community Participation Plan• Development Control Plan 2014• Development Servicing Plan - Sewerage Services - July 2020• Development Servicing Plan - Water Supply Services - July 2020• Disability Inclusion Action Plan• Drought Management Plan• Equal Employment Opportunity - Management Plan• Floodplain Risk Management Study and Plan• Flood Study - Urbenville & Woodenbong• Health & Safety Management Plan• Local Emergency Management Plan (EMPLAN)• Local Strategic Planning Statement 2040• Northern New England High Country REDS-2023• Parks and Sportsgrounds Plan of Management• Pedestrian Access and Mobility Plan (PAMP)• Pesticide Use Notification Plan• Pollution Incident Response Plan• POM - Old Power House Reserve	<ul style="list-style-type: none">• POM - Jubilee Park• Privacy Management Plan• Risk Management - Continuous Improvement Plan• Road Asset Management Plan• Saleyards Management Plan• Section 7.11 Development Contribution Plan• Section 7.12 Development Contribution Plan• Stormwater Quality Management Plan• Strategic Business Plan for Water Supply and Sewerage Services• Strategic Companion Animal Management Plan (SCAMP)• Tenterfield Bike Plan• Tenterfield Cemetery Master Plan• Tenterfield Communications Plan• Tenterfield Cultural Plan• Tenterfield Industrial Estate Marketing Strategy• Tenterfield Main Street Masterplan• Tenterfield War Memorial Baths Management Plan• Village Concept Plans• Waste Management Strategy• Water Supply Asset Management Plan• Tenterfield Water Supply - DWMS Subplan• Urbenville Water Supply - DWMS Subplan



Agency Information Guide 2025

Policies

<https://www.tenterfield.nsw.gov.au/your-council/council-documents/policies>

POLICIES A-I	POLICIES L-W
<ul style="list-style-type: none"> • Aboriginal Recognition of Protocol Policy • Aerated Wastewater Treatment Systems • Affixing of Council Seal to Documents • Art Collection • Asbestos Policy • Asset Management Policy • Australia Day Awards & Citizenship Ceremonies • Backflow Prevention Policy • Borrowing Policy • Burial on Private Land • Busking • Buy Local Policy • Customer Service Policy • Community Contributions/Donations Policy • Community Engagement Policy • Competitive Neutrality Complaints • Complaints and Unreasonable Conduct Policy • Concealed Water Leakage Concession • Conference/Seminar/Training/Expenses Policy • Construction Maintenance of Property Access from Council • Construction Maintenance of Property Access from Council • Construction Over and Adjacent Stormwater Sewer and Water Mains • Contaminated Recycling Bin Policy • Councillor Expenses and Facilities • Councillors Access to Information and Interaction with Staff Policy • Credit Card Policy • Debt Recovery Policy • Disclosures By Councillors Designated Persons Policy • Disposal of Minor Assets including Plant Material and Equipment • Drinking Water Quality and Safety Policy • Employee Relations Policy • Enforcement Policy for Unlawful Activities • Exclusion for Disruptive or Abusive Citizens/Customers Policy • Filming • Flying of Flags Policy • Footpath Activities Policy • Footpath Paving and Contributions • Fraud and Corruption Prevention Policy • Fund Raising Stalls • Funerary Monument Masonry Services • Granting of Pensioner Rate Concessions • Investment Policy 	<ul style="list-style-type: none"> • Leave Policy • Legislative Compliance Policy • Library Services Policy • Light Motor Vehicle Policy • Limit of Delegation Authority in Dealing with Development Applications and Complying Development Certificates • Liquid Trade Waste Regulation • Local Approvals Policy • Local Orders for The Keeping of Animals in Urban Areas of Tenterfield Shire • Local Order Policy • Maintenance of Nature Strips • Media and Communications Policy • On Site Sewage Management • Private Swimming Pool Safety • Procurement Policy • Public Art Policy • Public Gates and Vehicle Bypasses • Public Interest Disclosure Policy • Rainwater Tanks Installation Requirements where Reticulated Water is Connected • Rates Hardship Policy • Records Management Policy • Recruitment & Selection Policy • Related Party Policy • Risk Management Policy • Roadside Memorials Commemorative Markers • Salary System Policy • School of Arts Theatre Cinema Front of House Policy • School of Arts Collections Acquisition and Deaccession • School of Arts - Use for Weddings and other activities policy • Sewerage Septic Tank Connections • Social Media Policy • Statement of Business Ethics • Succession Planning Policy • Tenterfield CBD Works • Transfer of Land in Payment of Rates • Variation of Sewage Discharge Factor • Volunteers Policy • Water Concessions for Medical Conditions • Work Health and Safety Policy • Workforce Development Policy • Workplace Rehabilitation and Return to Work Policy • Workplace Surveillance Policy • Writing off of Debts Policy

Agency Information Guide 2025

4.5 Information about Development Applications available on Council's website:

<https://www.tenterfield.nsw.gov.au/your-council/council-documents/plans-reports>

- Development Control Plan (DCP)
- Section 7.11 Development Contribution Plan (Subdivisions)
- Section 7.12 Development Contribution Plan (General)
- Local Strategic Planning Statement (LSPS)

4.6 Approvals, Orders and Other Documents

- Applications for approvals under Part 1 Chapter 7 of the *Local Government Act 1993*
- Applications for approvals under any other act and any associated documents received
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land.
- Performance improvement orders issued to Council under Part 6 of Chapter 13 of the *Local Government Act 1993*
- Orders given under the Authority of any other Act
- Plans of land proposed to be compulsorily acquired by Council
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals.
- Records of Building Certificates under the *Environmental Planning and Assessment Act 1979*



5 Ways to Access Government Information

There are four main ways in which Council may provide access to information:

- 1 Mandatory Proactive Release
- 2 Proactive Release
- 3 Informal Release
- 4 Formal Access Application

5.1 Mandatory Proactive Release

The following documents are defined as “**Open Access Information**” under Section 18 of the GIPA Act (**most are available on Council's website**):

<https://www.tenterfield.nsw.gov.au>

Agency Information Guide 2025

OPEN ACCESS INFORMATION

- Council's Agency Information Guide
- Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament
- Council's policy documents
- Council's Disclosure Log of Formal 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; and
- Such other government information as may be prescribed by the GIPA Regulations as open access information.

5.2 Proactive Release

In addition to Open Access Information, Council will make as much other information as possible publicly available, unless there is an overriding public interest against disclosure.

Such information may include information frequently requested or information of public interest that has been released as a result of other requests, subject to Copyright and Privacy provisions as outlined in 5.6 and 5.7 and application of the Public Interest Test in 5.8 below.

5.3 Informal Release

Access to information which is not available as Mandatory Public Release (open access) or Proactive Release May be provided through Informal Release. Council generally releases other information in response to an informal request subject to any reasonable conditions as Council thinks fit to impose.

Council is authorised to release, Council has the right to decide by what means information is to be released.

5.4 Formal Access

Prior to lodging a Formal Access Application, a person seeking information from Council should check if the information being sought is already available on Council's website or could easily be made available through an informal request application.

Agency Information Guide 2025

If information:

- Is not available via Proactive or Informal Release; or
- Involves a large volume of information, requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce; or
- Contains personal or confidential information about a third party which may require consultation; or
- Is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure; then Council requires a Formal Access

Application should be made to Council in writing by submitting a **Formal Access Application** available on Council's website <https://www.tenterfield.nsw.gov.au/your-council/accessing-information/apply-for-access-to-information> or by contacting Council on 1300 762 400 and should be accompanied by the GIPA prescribed application fee of \$30.00 hourly processing charges may be applicable.

Please note, an application will be invalid if it seeks access to excluded information of Council or does not meet the requirements for a Formal Access application.

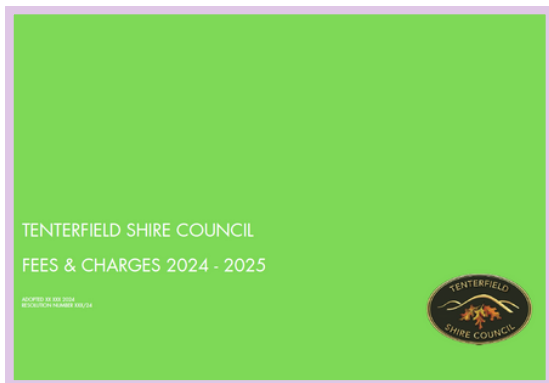
A Formal Access application must:

- be in writing
- specify it is made under the GIPA Act
- state an Australian Postal Address
- be accompanied by the \$30.00 fee
- provide sufficient detail to enable Council to identify the information requested.

5.5 Fees and Charges

The *Government Information (Public Access) Regulation 2018* requires that Open Access information held by Council, is to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) and 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.

Agency Information Guide 2025



Copies can be supplied for reasonable copying charges as set out in Council's Schedule of Fees and Charges.

Formal Access Applications require payment of \$30.00 application fee and \$30.00 hourly after the first hour.

NATURE OF APPLICATION	APPLICATION FEE	PROCESSING CHARGES	PHOTOCOPYING
MANDATORY RELEASE	No Charge	No Charge	As per Council's adopted fees and charges
PROACTIVE RELEASE	No Charge	No Charge	As per Council's adopted fees and charges
INFORMAL RELEASE	No Charge	No Charge	As per Council's adopted fees and charges
FORMAL APPLICATION	\$30.00	\$30.00 per hour after the first hour	No Charge

5.6 Interaction with Copyright Legislation

Copyright issues may arise when requests are made for copies of documents held by Council.

The *Commonwealth Copyright Act 1968* takes precedence over State legislation. Therefore, the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.



Agency Information Guide

2025

Access to copyrighted 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.

Copyright materials includes, but not limited to, plan/drawings, consultant reports and survey reports.

5.7 Interaction with Privacy Legislation

Access to certain information may be limited in accordance with the *Privacy and Personal Information Protection Act 1998 (PPIP Act)*. The PPIP Act provides for the protection of personal information and for the protection of the privacy of individuals generally.

5.8 Public Interest Test

Under the GIPA Act, when deciding whether or not to release information, government agencies must consider whether there is an overriding public interest against releasing the information.

Referred to as the "public interest test", this requires government agencies to consider balancing factors for and against disclosure of each piece of government information. That balancing must be undertaken within the context of the GIPA Act.

In deciding what information to release, Council will apply the public interest test which will involve:

- Identification of the relevant public interest considerations for disclosure
- Identification of any relevant public interests against disclosure

The GIPA Act (section 14) provides an exhaustive list of public interest considerations against disclosure that decision makers can consider in applying the public interest test:

- Responsible and effective government
- Law enforcement and security
- Individual rights, judicial processes and natural justice
- Business interests of agencies and other persons
- Environment, culture, economy and general matters
- Secrecy provisions specifically provided in legislation
- Exempt documents under interstate Freedom of Information legislation

6 Access and Amendment to Council Documents

As far as practicable, Government information held by Council will be accessible by members of the public from Council's administration office during office hours 9.30am to 4.00pm Monday to Friday.

Agency Information Guide 2025

For further enquiries about any document, a Customer Service Officer should be contacted in the first instance.

Any amendment of records held by Council will be undertaken pursuant to the provisions of the Privacy and Personal Information Protection Act 1998 (PPIP Act).

If you experience difficulty in obtaining Government information or wish to seek an amendment to Council's records concerning your personal affairs, you should contact Council's Public Officer or make written application to Council and addressed to:

Public Officer
Tenterfield Shire Council
PO Box 214
Tenterfield NSW 2372
Email: council@tenterfield.nsw.gov.au



HOW TO CONTACT COUNCIL

Public Officer:	Director Corporate Services
Telephone:	(02) 6736 6000
Free Call:	1300 762 400 (no mobile access/local only)
Email:	council@tenterfield.nsw.gov.au
Website:	www.tenterfield.nsw.gov.au
Postal Address:	PO Box 214 TENTERFIELD NSW 2372
Office:	247 Rouse Street TENTERFIELD
Customer Service Desk:	9.30am to 4.00pm (Monday to Friday) Closed 1.00pm to 2.00pm

If you require any other advice or assistance about access to information you may contact the Information Commissioner as follows:

INFORMATION COMMISSIONER

Telephone:	1800 472 679
Email:	ipcinfo@ipc.nsw.gov.au
Website:	https://www.ipc.nsw.gov.au/about-us/contact-us
Postal Address:	GPO Box 7011 SYDNEY NSW 2001
In-person	Level 15, McKell Building, 2-24 Rawson Place HAYMARKET NSW 2000
Office Hours:	9.00am to 5.00pm Monday to Friday

Agency Information Guide 2025

If you are deaf or have a hearing or speech impairment, call the National Relay Service (NRS) on 133 677 for assistance.

If you do not speak English, or English is your second language, and you need assistance to communicate with us, call the Translating and Interpreting Service on 131 450.

Information regarding privacy and government access to information, including how to make a complaint or request a review, is now available in a range of community languages.