

CITY OF
CANADA BAY

STATEMENT OF AFFAIRS

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1. Structure and Functions of Council

1.1 Description

The City of Canada Bay Council was proclaimed on December 1, 2000 and nine (9) Councillors were elected to the new Council. The City covers an area of 19.82 square kilometres and is located in the inner west of Sydney. The City shares its boundary with Ashfield, Auburn, Burwood and Strathfield Local Government Areas. However, the Parramatta River and its Bays make up a larger proportion of the boundary.

1.2 Basis of Constitution

The City of Canada Bay Council is constituted under the Local Government Act 1993.

1.3 Organisational Structure and Resources

The City of Canada Bay Council is not divided into wards and is governed by the body of Councillors who are elected by the residents and ratepayers of the City. The role of the Councillors, as members of the body corporate are:

- to direct and control the affairs of the Council in accordance with the Local Government Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the area;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council;
- The role of a Councillor is, as an elected person:
 - to represent the interests of the residents and ratepayers;
 - to provide leadership and guidance to the community;
 - to facilitate communication between the community and the Council.

As from March 2004, the Mayor is popularly elected for a four (4) year term.

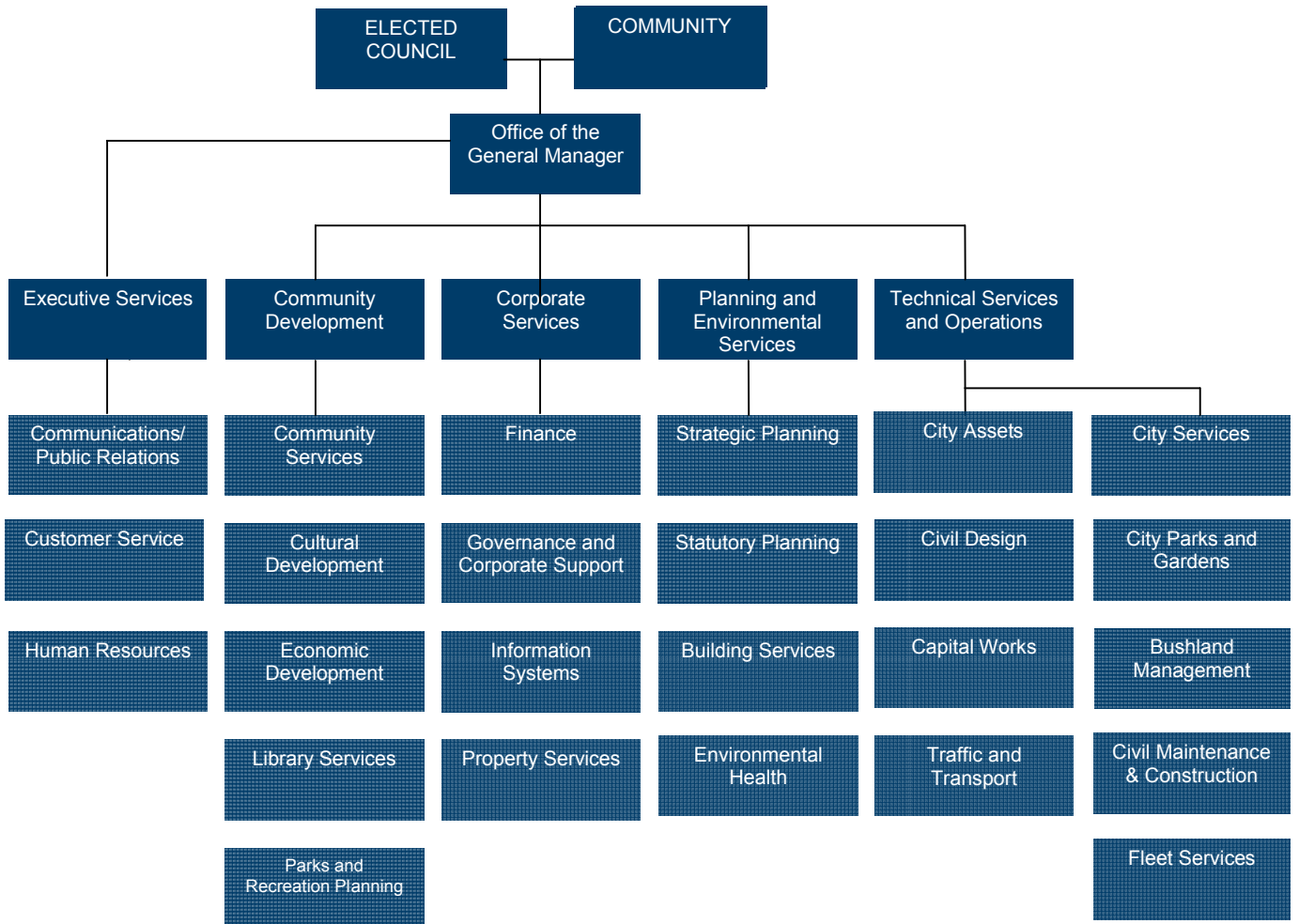
The Mayor presides at meetings of the Council, carries out the civic and ceremonial functions of the office, exercises, in cases of necessity, the decision making functions of the body corporate, between its meetings and performs any other functions that the Council determines.

The Chief Executive Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff, as well as the implementation of Council's Equal Employment Opportunity Management Plan.

To assist the General Manager in the exercise of these functions, there are four (4) Departments of Council. These Departments are Community Development, Corporate Services, Planning & Environment and Technical Services & Operations. Each of these Departments is headed by a Director.

The following is a depiction of Council's organisational structure.

CITY OF CANADA BAY ORGANISATIONAL STRUCTURE



1.4 Functions of City of Canada Bay Council

Under the Local Government Act, 1993, Council's functions can be grouped into the following categories:

A COUNCIL EXERCISES FUNCTIONS UNDER THE LOCAL GOVERNMENT ACT 1993

SERVICE FUNCTIONS	REGULATORY FUNCTIONS	ANCILLARY FUNCTIONS	REVENUE FUNCTIONS	ADMIN FUNCTIONS	ENFORCEMENT FUNCTIONS
Including: * Provision of community health, recreation, education & information services * Environmental protection * Waste removal & disposal * Land & property, industry & tourism development & assistance * Civil Infrastructure Planning * Civil Infrastructure Maintenance & Construction	Including: * Approvals * Orders * Building Certificates	Including: * Resumption of land. * Powers of entry and inspection	Including: * Rates * Charges * Fees * Borrowings * Investments	Including: * Employment of staff * Management plans * Financial reporting * Annual reports	Including: * Proceedings for breaches of the Local Government Act and other Acts & Regulations. * Prosecution of offences * Recovery of rates and charges.

As well as the Local Government Act, Council has powers under a number of other Acts including:

Coastal Protection Act 1979

Community Land Development Act 1989

Companion Animals Act 1998

Contaminated Land Management Act 1997

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Fire Brigades Act 1989

Fluoridation of Public Water Supplies Act 1957

Food Act 1989

Freedom of Information Act 1989

Heritage Act 1977

Impounding Act 1993

Library Act 1939

Noxious Weeds Act 1993

Privacy & Personal Information Protection Act 1998

Protection of the Environment Operations Act 1997

Public Health Act 1991

Recreation Vehicles Act 1983

Roads Act 1993

State Emergency & Rescue Management Act 1989

State Emergency Service Act 1989

Strata Schemes (Freehold Development) Act 1973

Strata Schemes (Leasehold Development) Act 1986

Strata Schemes Management Act 1996

Swimming Pools Act 1992

Unclaimed Money Act 1995

2. How Council Functions Affect Members of the Public

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

Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as Meals on Wheels, child care services and libraries, halls and community centres, recreation facilities, infrastructure and the removal of garbage.

Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.

Ancillary functions affect only some members of the public. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.

Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as the non payment of rates and charges, unregistered dogs and parking offences.

Community planning and development functions affect areas such as cultural development, social planning and community profile and involves.

- Advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation and implementation of the Community Plan.
- Providing support to community and sporting organisations through provision of grants, training and information.
- Facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as NAIDOC Week, Youth Week, Children's Week, as well as promoting events of others.

3. How the Public can Participate in Council's Policy Development and the Exercising of Functions

There are two broad ways in which the public may participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

3.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are held every four years. The next elections are to be held in September, 2012.

At each election, voters elect nine Councillors for a four year term (as from March 2004, this included the election of Mayor). All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside of the area and rate paying lessees can also vote, but must register their intention to vote on the non residential roll. Voting is compulsory.

Residents are able to raise issues with, and make representations to, the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on the resident's behalf thus allowing members of the public to influence the development of policy.

3.2 Personal Participation

There are also avenues for members of the public to personally participate in the policy development and the functions of the Council. Several Council Committees comprise or include members of the public. Some of these special committees or bodies are:

Access Committee
Abbotsford Long Day Care Centre Committee (Inc)
Bicycle Steering Committee
Cabarita/Mortlake Kindergarten Committee
City of Canada Bay Safety Committee
Concord Kindergarten Committee
Concord Senior Citizens Centre Committee
Concord West/Rhodes Kindergarten Committee
Drummoyne Pre School Kindergarten Association
Drummoyne Community Centre (Inc)
Drummoyne Community Recreation Association (Inc)
Drummoyne Pool Consultative Committee
Drummoyne Oval Consultative Committee
Five Dock Main Street Committee
Rhodes Community Reference Group
Traffic Committee
Youth Reference Group

Members of the public are also able to attend Council meetings (third Tuesday of the month) and Committee of the Whole Council meetings (first Tuesday of the month) held in the Council Chambers, Civic Centre, Drummoyne.

4. Documents

4.1 Documents Held by Council

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the Canada Bay City area. These documents are grouped into four categories.

1. Electronic Documents
2. "Physical Files"
3. Policy Documents
4. General Documents

Some of these documents may be made available to the public on request.

Documents that are not normally available to the public may require an application for information access. The access to information is provided for in certain legislation including the Freedom of Information Act.

4.2 1 & 2 Files - Electronic and "Physical"

Council implemented an Electronic Document Management System (EDMS) and post 10 December 2002 hard copy, physical files were dispensed with, except for development/building/construction applications.

Accordingly, the EDMS captures information against the following indices:

1. Customer
2. Property
3. Application
4. Street/Road
5. Request Type
6. Subject
7. Meetings

Prior to 10 December 2002, the main types of "physical" files held by Council includes general subject files, development and building files, property files as well as street and park files.

The foregoing are not readily available to the public. Members of the public who wish to peruse files and/or copy documents contained on a file, should apply in accordance with Council's "access to information" provisions.

4.3 Policy Documents

Council has a register of policy documents which includes delegations granted to the General Manager by Council.

The Register is maintained by Council's Public Officer and may be inspected during office hours free of charge.

4.4 General Documents

The following list of general documents held by Council has been divided into two sections:-

Documents available for inspection as required by legislation.

Other documents available for inspection, taking away or purchase.

Section 12 of the Local Government Act 1993 requires certain documents held by Council to be made publicly available for inspection, free of charge. The public is entitled to inspect such documents at the offices of the Council during ordinary office hours or at any other place as determined by the Council, for example, at libraries. Any current and previous documents of this type may be inspected by the public free of charge.

These documents are:

- Annual Report
- Annual Financial Report
- Auditor's Report
- Code of Conduct Policy
- Code of Meeting Practice Policy
- EEO Management Plan
- Management Plan
- Payment of Expenses incurred by, and the Provision of Facilities to Councillors Policy
- Council's Land Register
- Register of Investments
- Return of the Interests of Councillors, Designated Persons and Delegates
- Returns as to Candidates' Campaign Donations
- Agendas and Business Papers for Council and Committee Meetings (but not including business papers for matters considered when a meeting is closed to the public)
- Minutes of Council and Committee Meetings
- Register of Delegations
- Annual Reports of bodies exercising delegated Council functions
- Local Policies adopted by the Council concerning approvals and orders
- Records of Approvals granted and decisions made on appeals concerning approvals
- Record of Building Certificates
- 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 Plans made under Section 94AB of the Environmental Planning and Assessment Act 1979, applying to land within the Council's area
- The Statement of Affairs, the Summary of Affairs and the Register of Policy Documents required under the Freedom of Information Act 1989
- Register of graffiti removal work.
- Council also has copies of these documents available for taking away either free of charge or on payment of copying charges, according to Council's Policy.

Other documents available for inspection, taking away or purchase.

- Accessibility Action Plan
- Balcony Code
- Business Use of Footpath Policy
- Community Grants Program guidelines
- Heritage & Conservation Controls (March 2000)
- Open Space Hire Policy
- Planning Scheme Regulations
- Parking Permit Policy
- Pool Safety Signs
- Rainwater Reuse Policy
- Rating/Property Ownership Information
- Residential Flat Code
- Small Grants to Individuals Program Guidelines
- Two (2) Storey Code
- Section 94 Contribution Plans - Concord & Drummoyne
- Industrial Code
- Community Directory
- Rhodes Corridor Study
- All Local Environmental Plans and Development Control Plans
- Tree Preservation Policy - City of Canada Bay
- Council's Events Calendar
- Specification Booklets - Building
- Specifications for the Management of Stormwater
- Specification for Driveway Construction
- Food Premises Code
- Development Application Register (approvals only)
- Development Plans for Display
- Census Data
- Tender Documents
- Council's FuturesPlan20
- Council's 2010 to 2013 Delivery Plan incorporating the 2010/11 Budget and Operating Plan
- 2010/11 Schedule of Fees and Charges Pricing/Revenue Policy
- Business Papers (Council and Committee of the Whole Council)

Many of these documents can be accessed via Council's website -

www.canadabay.nsw.gov.au

5. How Members of the Public may Access and Amend Council Documents Concerning their Personal Affairs

As mentioned previously, Council has a vast range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration office between the hours of 8.30 am and 4.30 pm, Monday to Friday (except public holidays). For further enquiries about any document, a Customer Services Officer should be contacted. If you experience any difficulty in obtaining documents or information, you should contact the Public Officer.

5.1 Access to Information Requests

Documents that are not generally made available as a matter of course, may possibly be obtained under the provision of various legislation including the Freedom of Information Act 1989.

5.2 Public Officer

It should be noted that the Manager Governance and Support Services has been appointed as the Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning the Council's affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Public Officer is also Council's Freedom of Information Officer and, as such, is responsible for determining applications for access to documents or for the amendment of records. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer in the first instance. Enquiries should be addressed as follows:

General Manager
City of Canada Bay Council
Locked Bag 1470
DRUMMOYNE NSW 1470

Email: council@canadabay.nsw.gov.au