

Central Coast Council

Agency Information Guide 2022-2023



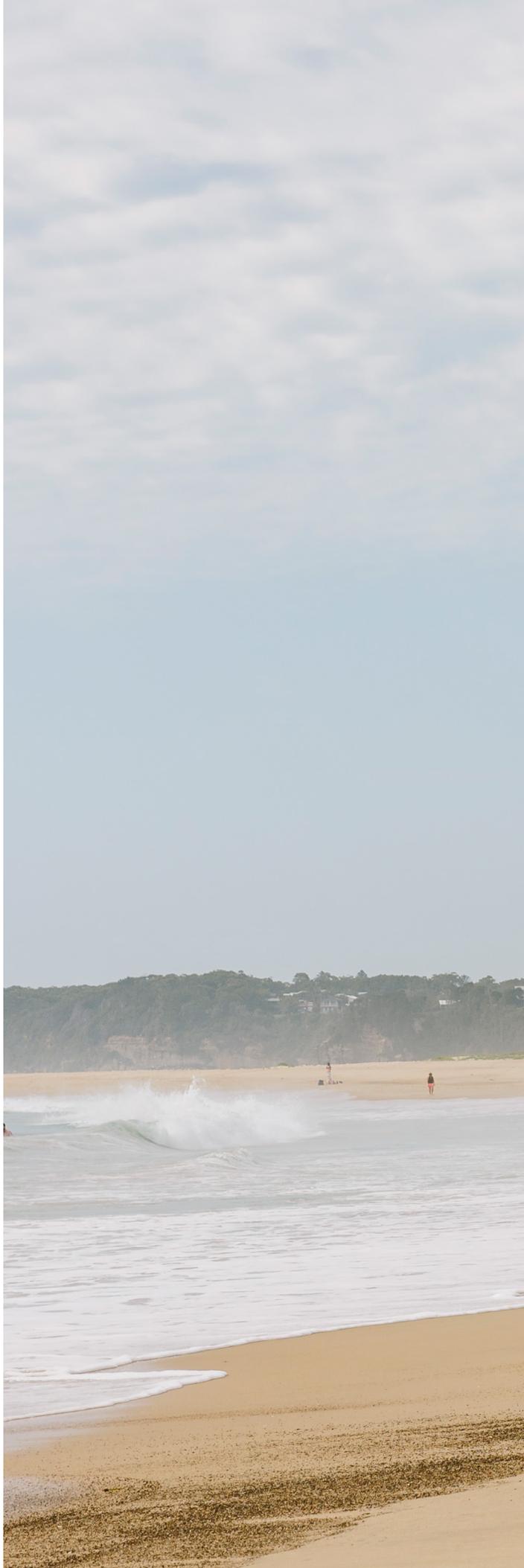
Central
Coast
Council

Summary of Review/Amendments

Date	Summary of Amendments
May 2019	New Agency Information Guide created
February 2023	Revisions made to the Guide including updating organisational chart, details of executive group and Councillors, references to information on Council website and relevant Acts.



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What is the Agency Information Guide?

This Agency Information Guide has been produced in accordance with section 20 of the *Government Information (Public Access) Act 2009 (NSW)*. It exists to provide members of the public with a comprehensive overview of:

- The structure and functions of Central Coast Council
- How those functions affect the community
- The ways we engage with the community
- The type of information we hold and
- How we make information publicly available.

This Agency Information Guide is available on Council's website and is reviewed annually.

David Farmer
Chief Executive Officer



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1. Structure and Functions of Council

1.1.

About Central Coast Council

The Central Coast is situated along the coastline of New South Wales, 90 kilometres north of Sydney and 80 kilometres south of Newcastle.

Central Coast Council was established on 12 May 2016 following the amalgamation of Gosford City Council and Wyong Shire Council. Council's local government area encompasses 1681 square kilometres and is home to approximately 340,000 residents, making it the third largest local government area in New South Wales and the sixth largest in Australia by population.

1.2.

Basis of Constitution

Central Coast Council is constituted as a body politic of the State of New South Wales under section 220 of the *Local Government Act 1993* (NSW) (the LG Act).

1.3.

Organisational Structure and Resources

Central Coast Council was placed in administration in November 2020 following the suspension of the elected Councillors on 30 October 2020. A Public Inquiry was undertaken by the Office of Local Government and an Administrator was appointed to address the findings. Electors of the Central Coast local government area will elect Councillor representatives again in September 2024.

The Central Coast local government area consists of five electoral areas, known as Wards: Budgewoi, Gosford East, Gosford West, The Entrance and Wyong. Three Councillors are elected to each Ward, with a total of 15 elected Councillors representing the Central Coast community for a four-year term. Councillors must elect from their number a Mayor who serves for two years. A Deputy Mayor is also elected from the Councillors who may serve for the entire mayoral term or for a shorter term.



1.4.

Role of Governing Body as a whole

In accordance with section 223 of the LG Act, the role of the governing body is as follows:

- a. to direct and control the affairs of Council in accordance with the LG Act,
- b. to provide effective civic leadership to the local community,
- c. to ensure as far as possible the financial sustainability of Council,
- d. to ensure as far as possible that Council acts in accordance with the principles set out in Chapter 3 and the plans, programs, strategies and policies of Council,
- e. to develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of Council,
- f. to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of Council's resources to implement the strategic plans (including the community strategic plan of Council and for the benefit of the local area,
- g. to keep under review the performance of Council, including service delivery,
- h. to make decisions necessary for the proper exercise of Council's regulatory functions,
- i. to determine the process for appointment of the Chief Executive Officer (CEO) by the elected Council and to monitor the CEO's performance,
- j. to determine the senior staff positions within the organisation structure of Council,
- k. to consult regularly with community organisations and other key stakeholders and keep them informed of Council's decisions and activities,
- l. to be responsible for ensuring that Council acts honestly, efficiently and appropriately.

As members of the governing body, and in the interests of ensuring the organisation operates effectively to achieve the best outcomes for the community, Councillors should endeavour to work constructively with council staff that are responsible for implementing council decisions. That is why the governing body is to consult with the Chief Executive Officer in directing and controlling the affairs of Council.

1.5.

Role of a Councillor

In accordance with section 232 of the LG Act, the role of a Councillor is, as an elected official:

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

1.6.

Role of the Mayor

In accordance with section 226 of the LG Act, the role of the Mayor is as follows:

- a. to be the leader of Council and a leader in the community,
- b. to advance community cohesion and promote civic awareness,
- c. to be the principal member and spokesperson of the governing body, including representing the views of Council as to its priorities,
- d. to exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of Council,
- e. to preside at meetings of Council,
- f. to ensure that meetings of Council are conducted efficiently and in accordance with the Local Government Act 1993,
- g. to ensure the timely development and adoption of the strategic plans, programs and policies of Council,
- h. to promote the effective and consistent implementation of the strategic plans, programs and policies of Council,
- i. to promote partnerships between Council and key stakeholders,
- j. to advise, consult with, and provide strategic direction to the CEO in relation to the implementation of the strategic plans and policies of Council,

- k. in conjunction with the CEO, to ensure adequate opportunities and mechanisms for engagement between Council and the local community,
- l. to carry out the civic and ceremonial functions of the mayoral office,
- m. to represent Council on regional organisations and at inter-governmental forums at regional, State, and Commonwealth levels,
- n. in consultation with the Councillors, to lead performance appraisals of the CEO,
- o. to exercise any other functions of Council that Council determines.

Government Act 1993 or any other Act.

To assist the CEO in the exercise of these functions, there are five directorates of Council, each headed by a Director. These directorates are:

- Community and Recreation Services
- Corporate Services
- Environment and Planning
- Infrastructure Services
- Water and Sewer

The leaders of each directorate together form the Executive Leadership Team which makes the day-to-day decisions on operational matters that comply with Council's policies and procedures.

1.7.

Role of the Chief Executive Officer

In accordance with section 335 of the LG Act, the Chief Executive Officer (CEO) has the following functions:

- a. to conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies, and policies of Council,
- b. to implement, without undue delay, lawful decisions of Council,
- c. to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies, and policies of Council,
- d. to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies, and policies of Council and other matters related to Council,
- e. to prepare, in consultation with the Mayor and the governing body, Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan, and annual report,
- f. 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,
- g. to exercise any of the functions of Council that are delegated by Council to the CEO,
- h. to appoint staff in accordance with the organisation structure and the resources approved by Council,
- i. to direct and dismiss staff,
- j. to implement Council's workforce management strategy,
- k. any other functions that are conferred or imposed on the CEO by, or under, the Local

1.8.



Meet the Directors



Director Environment and Planning
Dr Alice Howe



Director Community and Recreation Services
Melanie Smith



Director Infrastructure Services
Boris Bolgoff



Director Corporate Services
Marissa Racomelara



Director Water and Sewer
Jamie Loader

1.9.

Organisational Structure Chart

Administrator
Rik Hart



Chief Executive Officer
David Farmer



Director Corporate Services
Marissa Racomelara



Finance Unit Manager
People and Culture Unit Manager
Governance, Risk and Legal Unit Manager
Information Technology Unit Manager
Plant and Fleet Unit Manager

Director Community and Recreation Services
Melanie Smith



Libraries and Education Unit Manager
Open Space and Recreation Unit Manager
Community and Culture Unit Manager
Leisure Beach Safety and Community Facilities
Communications Marketing and Customer Engagement Unit Manager

Director Infrastructure Services
Boris Bolgoff



Roads and Drainage Infrastructure Unit Manager
Engineering Service Unit Manager
Roads Construction and Maintenance Unit Manager
Waste and Resources Recovery Unit Manager
Facilities and Asset Management Unit Manager
Procurement and Project Management Unit Manager

Director Water and Sewer
Jamie Loader



Headworks and Treatment Unit Manager
Planning and Delivery Unit Manager
Network Operations and Maintenance Unit Manager

Director Environment and Planning
Dr Alice Howe



Environmental Management Unit Manager
Development Assessment Unit Manager
Environmental Compliance and Systems Unit Manager
Strategic Planning Unit Manager
Economic Development and Property Unit Manager

1.10.

Functions of Central Coast Council

The functions of Council are set out in the Local Government Act 1993 and can be grouped into the following categories:

Service Functions (Chapter 6)	<p>Including:</p> <ul style="list-style-type: none"> • Provision of community health, recreation, education and information services • Environmental protection • Waste removal and disposal • Land and property, industry and tourism development and assistance • Civil infrastructure planning, maintenance and construction
Regulatory Functions (Chapter 7)	<p>Including:</p> <ul style="list-style-type: none"> • Approvals • Orders • Building certificates
Ancillary Functions (Chapter 8)	<p>Including:</p> <ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection
Revenue Functions (Chapter 15)	<p>Including:</p> <ul style="list-style-type: none"> • Rates • Charges • Fees • Borrowings • Investments
Administrative Functions (Chapters 11, 12 and 13)	<p>Including:</p> <ul style="list-style-type: none"> • Employment of staff • Management plans • Finance reports • Annual reports
Enforcement Functions (Chapters 16 and 17)	<p>Including:</p> <ul style="list-style-type: none"> • Proceedings for breaches of the Local Government Act 1993 and other legislation • Prosecution of offences • Recovery of rates and charges

1.11.

Legislative Framework

As well as the [Local Government Act 1993](#), Council has powers under other Acts and Regulations including but not limited to:

A to D	<ul style="list-style-type: none"> • Biodiversity Conservation Act 2016 • Biosecurity Act 2015 (Cth) • Building Professionals Act 2005 • Civil Liability Act 2002 • Community Land Development Act 1989 	<ul style="list-style-type: none"> • Companion Animals Act 1998 • Contaminated Land Management Act 1997 • Conveyancing Act 1919 • Crown Land Management Act 2016 • Dividing Fences Act 1991
E to H	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Firearms Act 1996 • Fire and Rescue Act 1989 	<ul style="list-style-type: none"> • Fluoridation of Public Water Supplies Act 1957 • Food Act 2003 • Government Information (Public Access) Act 2009 • Health Records and Information Privacy Act 2002 • Heritage Act 1977
I to N	<ul style="list-style-type: none"> • Library Act 1939 	<ul style="list-style-type: none"> • Local Land Services Act 2013 • National Parks and Wildlife Act 1974

O to R	<ul style="list-style-type: none"> • Pesticides Act 1999 • Plumbing and Drainage Act 2011. • Privacy and Personal Information Protection Act 1998 • Protection of the Environment Operations Act 1997 • Public Health Act 2010 	<ul style="list-style-type: none"> • Public Interests Disclosures Act 1994 • Public Spaces (Unattended Property) Act 2021 • Recreation Vehicles Act 1983 • Road Transport Act 2013. • Roads Act 1993
S to W	<ul style="list-style-type: none"> • Smoke Free Environment Act 2000. • State Emergency and Rescue Management Act 1989 • State Emergency Services Act 1989 • State Records Act 1998 • Strata Schemes Development Act 2015 • Strata Schemes Management Act 2015 • Swimming Pools Act 1992 	<ul style="list-style-type: none"> • Transport Administration Act 1988. • Unclaimed Money Act 1995 • Waste Avoidance and Resource Recovery Act 2001 • Water Management Act 2000. • Work Health and Safety Act 2011 (Cth) • Workplace Injury Management and Workers Compensation Act 1998

2. Impact of Council Functions on the Public

As a service organisation, the majority of the activities of Central Coast 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	Service functions affect the public as Council provides services and facilities to the public. These include provision of human services such as childcare services and libraries, halls and community centres, recreation facilities, water and sewerage works and facilities, infrastructure and the removal of garbage.
Regulatory	Regulatory functions place restrictions on developments and buildings to ensure they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person.
Ancillary	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 on a person's land. In these circumstances, only the owner of the property would be affected.
Revenue	Revenue functions affect the public directly in that revenue from rates and other charges paid by the public are used to fund services and facilities provided to the community.
Administrative	Administrative functions do not necessarily affect the public directly but have an indirect impact on the community from the efficiency and effectiveness of the services provided by Council.
Enforcement	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	Community planning and development functions affect areas such as cultural development, social planning and community profile. This involves collaboration with government agencies, businesses and not-for-profit agencies and the community as well as the preparation and implementation of the Community Plan. In addition, Council assesses and processes a broad range of development applications and proposals.

3. Public Participation in Local Government

Central Coast 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 of the Council. These are through **representation** and **community 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 4 years.

Central Coast Council was placed into administration in November 2020 following the suspension of the elected Councillors on 30 October 2020. A Public Inquiry was announced on 26 April 2021.

On 17 March 2022, the Minister for Local Government, the Hon Wendy Tuckerman tabled the Public Inquiry report into Central Coast Council and took action to terminate all suspended Councillors, effective immediately.

On 1 June 2022, the Minister for Local Government, the Hon Wendy Tuckerman, announced that the local government election for Central Coast Council (i.e., the return of Councillors and an elected body) will be held on 14 September 2024.

3.1.1. Administration

Due to the suspension of the elected body and the subsequent termination of Councillors, Council remains in administration until the Central Coast Council election on 14 September 2024.

The Administrator, Mr Rik Hart, constitutes the Council and must perform all the functions, powers

and duties of the Council which must be treated as if they were performed by the Council. The Administrator effectively acts as the Mayor and the Councillors, including conducting Council meetings and undertaking the administrative, civic and ceremonial functions of the governing body.

3.2. Community Participation

Members of the community are encouraged to have a say in what Council does as community participation is a major focus of the LG Act. Councils are encouraged 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, community research surveys and consultation and by Council meetings being open to the public.

Council's website at centralcoast.nsw.gov.au is regularly updated with notifications and information on Council's activities, meeting agendas and business papers. The website also publishes notices and exhibitions, tenders, news items, information about events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure the information is accurate and timely.

Members of the community can also visit yourvoiceourcoast.com.au to have their say on Council's decision-making process by providing feedback on projects and initiatives currently open for consultation.

Council also provides information on Council activities, decisions and programs both in the local media and on our social media platforms including:

- Facebook
- Instagram
- Twitter
- YouTube
- LinkedIn

3.2.1. Council Meetings

Members of the public may attend Council meetings which are usually held at 6:30 pm on the fourth Tuesday evening of the month. Council may also convene an Extraordinary Meeting outside of these regular times. Public notification will be provided for any Extraordinary Meetings. Meetings are run in accordance with Council's [Code of Meeting Practice](#) and [Code of Conduct](#).

During the period of Administration, the Administrator makes decisions on behalf of the community at Council meetings. An agenda is made available prior to each meeting alongside a business paper which provides relevant detailed background information. After each meeting, the minutes and any other relevant documentation are published on the [Agendas and Minutes](#) page of Council's website.

Council meetings are held at the Council Chambers at the Wyong Administration Building at 2 Hely Street, Wyong. Any changes to meeting locations are posted on the [Council Meetings](#) page on Council's website.

Attendance numbers at Council meetings are limited and pre-registration must be completed on the day of the meeting. [Registration is done by following the links on Council's website.](#)

Public Council meetings are also streamed live via [YouTube](#). Confidential sessions within a Council meeting are not webcast.

3.2.2. Public Forums

Council may hold a Public Forum prior to each Ordinary meeting of Council to hear submissions from members of the public on items to be considered at the meeting. If held, the Public Forum will commence at 5:45 pm (prior to the Council meeting at 6:30 pm).

Members of the public who wish to address Council at the Public Forum must complete and submit the [Request to Speak](#) form via email to Council's [Meeting Support Team](#) by 10:00 am on the day of the meeting. A guideline for speakers is attached to the form.

3.2.3. Council Committees

Members of the public can personally participate in the policy development and functions of Council by attending the following Council committees and advisory groups:

- Audit, Risk and Improvement Committee
- Catchments to Coast Advisory Committee
- Coastal Open Space System (COSS) Committee
- Companion Animals Working Group
- Gosford Foundation Trust Management Committee
- Heritage Reference Group
- Local Traffic Committee (LTC)
- Mangrove Mountain and Spencer Advisory Committee
- Pedestrian Access and Mobility Advisory

Committee

- Playspaces Working Group
- Protection of the Environment Trust Management Committee
- Status of Women Advisory Group
- Wamberal Seawall Advisory Taskforce
- Water Management Committee

Further information, including terms of reference, meeting agendas and minutes are available on the [Committee and Advisory Group](#) page on Council's website.

Council calls for nominations on its website as vacancies become available for these committees and advisory groups.

3.2.4. Public Submissions

Council provides an online hub for community participation titled Your Voice – Our Coast (www.yourvoiceourcoast.com) through which individuals may provide direct input and direction on various Council projects, policies, strategies, and initiatives. Members of the public usually have 28 days to view and make comments on items placed on public exhibition. Public exhibition items are also viewable in hard copy format at Council's [customer service centres](#) and [libraries](#).

Development applications that are open for public comment are located separately on the [Development Applications](#) page on Council's main website.

All other public submissions should be addressed to:

The Chief Executive Officer
PO BOX 20
WYONG NSW 2259
Phone: 02 4306 7900
Email: ask@centralcoast.nsw.gov.au
Internet: www.centralcoast.nsw.gov.au

4. Access to Government Information

Council is committed to the principle of open, accountable, and transparent government as this is crucial for effective democracy.

The [Government Information \(Public Access\) Act 2009](#) (GIPA Act) establishes a comprehensive system for public access to government information.

The object of the GIPA Act is to open government information to the public by:

- Authorising and encouraging the proactive release of government information by agencies,
- Giving members of the public an enforceable right to access government information, and
- Only restricting access to government information when there is an overriding public interest against disclosure.

The system for public access to government information is overseen by the Information and Privacy Commission (IPC). The IPC's role includes promoting public awareness and understanding of the GIPA Act, dealing with complaints about government agencies and providing advice and assistance to agencies and the public. Further information is available on the [IPC's website](#).

The GIPA Act complements other legislation by which the public can access information held by government. It does not detract from any other rights of access that exist under other legislation or policies.

Council also complies with the [Privacy and Personal Information Protection Act 1998 \(NSW\)](#) and the [Health Records and Information Privacy Act 2002 \(NSW\)](#) for the purpose of access, alteration, and disclosure of personal information. Council manages personal information in accordance with the GIPA Act and as outlined in Council's [Privacy Management Plan](#) for dealing with private or personal information.

Councillor access to Council information is governed by Council's [Councillor and Staff Interaction Policy](#) that complements the Code of Conduct.

Council holds information in various formats in respect of a wide range of functions undertaken by it and information which is pertinent to different issues relating to the Central Coast Council local government area. Council's [Information and Records Management Policy](#) also has information on what records are held by Council.

Council information is primarily created, stored, and accessed digitally with some older physical records from the previous Gosford City Council and Wyong Shire Council administrations maintained in off-site storage.

A great number of documents containing information and open access data are accessible on Council's website or upon request; however, Council is always working towards making more "open access information" (defined below) available in this way unless there is an overriding public interest against disclosure of the information as outlined in section 14 of the GIPA Act. This information may be available by either informal release or via an access application (formal release) in accordance with sections 7-9 of the GIPA Act. Members of the public who require an informal release can do so by contacting Council on 4306 7900, emailing ask@centralcoast.nsw.gov.au or by visiting www.centralcoast.nsw.gov.au.

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

1. Mandatory Proactive Release
2. Authorised Proactive Release
3. Informal Release
4. Formal Access Applications

Any applications for information made under the GIPA Act will be processed in accordance with the Act's requirements.

4.1

Mandatory Proactive Release – Open Access Information

The following documents are defined open access information under section 18 of the GIPA Act. Wherever possible Council make's this information available on its website and where this is not possible it will be provided upon request as soon as practicable, free of charge:

Open Access Information	<ul style="list-style-type: none"> • Council's Agency Information Guide • Information about Council contained in any documents 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, • Such other government information as may be prescribed by the GIPA Regulations as open access information.
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Schedule 1 of the [Government Information \(Public Access\) Regulation 2018 \(NSW\) \(GIPA Regulation\)](#) also stipulates that the following additional documents are to be provided as open access information by Council.

	Section	Description
Open Access Information – Schedule 1 GIPA Regulations	Information about Council	<ul style="list-style-type: none"> • Code of Conduct and Procedures for the Administration of the Code of Conduct • Code of Meeting Practice • Annual Report • Annual Financial Report • Auditor's Report • Management Plans • Equal Employment Opportunity (EEO) Management Plan • Community Strategic Plan • Delivery/Operational Plan • Policy concerning the payment of expenses and provision of facilities to Councillors • Annual reports of bodies exercising functions delegated by Council • Any codes referred to in the Local Government Act 1993 • Return of interests of Councillors, Designated Persons and Delegates • Agendas and business papers for any meeting of Council or a Council committee • Minutes of Council or Council committee meetings • Departmental representative reports presented at Council meetings • Council's Land Register • Register of Investments • Register of Delegations • Register of Graffiti Removal Works • Register of current declarations of political donations • Register of voting on planning matters
	Plans and policies	<ul style="list-style-type: none"> • Local policies adopted by Council concerning approvals and orders • Plans of management for community land • Environment planning instruments, development control plans and contributions plans made under the Environmental Planning and Assessment Act 1979 applying to land within Council's LGA

	Section	Description
Open Access Information – Schedule 1 GIPA Regulations	Information about Development Applications	<ul style="list-style-type: none"> • Development applications and any associated documents received in relation to a proposed development including the following*: <ul style="list-style-type: none"> - Home warranty insurance documents - Construction certificates - Occupation certificates - Structural certification documents - Town planner reports - Submissions received on development applications - Heritage consultant reports - Tree inspection consultant reports - Acoustics consultant reports - Land contamination consultant reports • Records of decisions made on development applications including decisions on appeals • Records describing the general nature of documents that Council decides to exclude from public view, including internal specification and configurations, and commercially sensitive information. • *NOTE: Access to development applications lodged prior to 1 July 2010 will require a Formal Access Application in accordance with Schedule 1, Clause 3(2)(c) of the GIPA Regulation.
Open Access Information – Schedule 1 GIPA Regulations		<p data-bbox="240 1099 1370 1133">This clause does not apply to so much of the information referred to above as consists of:</p> <ul style="list-style-type: none"> • The plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or • Commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret. <p data-bbox="181 1319 328 1442">Approvals, orders and other documents</p> <ul style="list-style-type: none"> • Applications for approvals under Part 1 of Chapter 7 of the Local Government Act 1993 • Applications for approvals under any other Act and any associated received in relation to such an application • Records of approvals granted or refused, any variation from Council policies with reasons for the variation and decisions made on appeals concerning approvals • Orders given under Part 2 of Chapter 7 of the Local Government Act 1993 and any reasons given under section 136 of the Local Government Act 1993 <ul style="list-style-type: none"> • Orders given under the authority of any other Act • Records of building certificates under the Environmental Planning and Assessment 1979 • Plans of land proposed to be compulsory acquired by Council • Compulsory acquisition notices • Leases and licences 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

4.2.

Proactive Release

In addition to open access information, Council makes other information publicly available proactively 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. This may include reports about a particular issue, plans and other initiatives of Council.

This information can be viewed on [Council's website](#) and by using the search function. New information is regularly reviewed as part of Council's proactive release program.

Council also releases information on Council projects on its [Your Voice, Our Coast webpage](#) as part of the consultation process.

4.3.

Informal Release

Access to information which is not available as mandatory release (open access) or authorised proactive release may be provided through informal release.

The GIPA Act provides for members of the public to apply for the informal release of government information, subject to any reasonable conditions that Council deems fit to impose or in instances where there is an overriding public interest against disclosure.

As per proactive release methods, Council is authorised to release information unless there is a public interest against disclosure.

To enable the release of as much information as possible, Council is also authorised to redact content from a copy of information to be released, if the inclusion of the redacted information would otherwise result in an overriding public interest against disclosure.

Applications should be made to Council by submitting an [Informal Access Request form](#) available on Council's [website](#).

Please note that the GIPA Act does not stipulate a timeframe by which informal access requests are to be decided. Formal access applications take priority as they are required to be completed in accordance with strict legislative timeframes.

In instances where informal access requests involve personal or sensitive information, or the need to consult with a third party, it is likely that Council will require the submission of a [Formal Access Application](#).

4.4.

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](#).

A [formal access application](#) is required in the following circumstances:

- the information is not available through open access, proactive or informal release
- the request involves a large volume of information
- the request requires extensive research and accordingly will involve an unreasonable amount of time and resources to produce
- the request contains personal or business information about third parties which may require consultation under the GIPA Act
- the request is of a sensitive nature that requires careful weighing of the consideration in favour of and against disclosure

Council requires a [formal access application form](#) to be submitted and accompanied by the prescribed fee of \$30.00. Depending on how long it takes to process the application \$30.00 per hour processing charges may also be applicable.

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
- clearly indicate that it is an application made under the GIPA Act
- state an Australian postal address or email address,
- be accompanied by the \$30.00 fee
- provide sufficient detail to enable Council to identify the information requested.

Applications should be made to Council by submitting a [Formal Access Request form](#) available on Council's website.

Processing charges may apply in accordance with Council's [Fees and Charges](#), including processing and photocopy charges, depending on the type and

amount of information sought.

Payment of an advance deposit may be required for an amount up to 50% of estimated processing charges in accordance with sections 68-71 of the GIPA Act.

Council must acknowledge the receipt of a valid application by responding to applicants within five (5) working days.

4.5. Deciding Access Applications

Formal access applications will be assessed and determined, and the applicant will be advised of the decision, within twenty (20) working days after receipt of the application.

The decision period may be extended where consultation with a third party is required or if records need to be retrieved.

A request for an advance deposit may also extend the statutory time period. The applicant will be notified of the decision in writing.

Any decision to refuse access will include reasons for the decision. If charges are payable, access will be given to the information only when the payment has been received.

Please note that when information of potential interest to other members of the public is released to an applicant under a [formal access application](#), Council may provide details of the information through the [Disclosure Log](#) on its website, available for public interest.

4.5.1. Public Interest Test

Under the GIPA Act all government agencies must disclose or release information unless there is an overriding public interest against disclosure.

Referred to as applying the 'public interest test' requires government agencies to consider balancing factors for and against of each piece of government information. This 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 involves:

- identifying the relevant public interest considerations in favour of disclosure
- identifying the relevant public interest considerations against disclosure.

Council determines the weight of the public interest considerations in favour and against disclosure and whether the factors favouring non-disclosure are strong enough to outweigh the factors in favour of disclosure (considering the presumption in favour of disclosure).

The GIPA Act (section 14) provides an exhaustive list of public interest considerations against disclosure.

These are the only considerations against disclosure 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.

4.6. Fees and Charges

The GIPA Regulation requires that open access information held by Council is to be made publicly available for inspection free of charge, although you may have to pay reasonable photocopying charges if you want your own hard copy as set out in Council's [Fees and Charges](#).

Simple requests that can be satisfied by reference to an entry in a register or an online open access document can usually be provided on the spot at no charge; however, a more complex request where the files are held off-site, it contains sensitive/confidential information or will take significant Council resources to provide the information may require you to complete a [formal access application form](#) to allow Council to process your request.

Council's statutory responsibilities and legal obligations may restrict or prohibit the inspection of certain documents, files or information and in some cases, may prevent Council from providing a copy of the information to you. Council will inform you if this applies.

The [formal access application](#) fee is \$30.00. Applicants may be entitled to a 50% reduction of processing charges on financial hardship grounds or may be entitled to a waiver of the fee if the information requested is of a special benefit to the public

generally.

Applicants may be asked to pay a processing charge. Processing information access applications costs \$30.00 per hour and covers time needed to deal efficiently, compliantly and accurately with the application.

Requests for an advance deposit under sections 68-71 of the GIPA Act must be in writing and the applicant must be given at least 4 weeks to pay. If an applicant seeks access to his or her own personal information, the first 20 hours of processing time are free of charge.

4.7. Review Rights

There are a number of review rights outlined under part 5 of the GIPA Act.

If an applicant is refused access to information, the applicant may:

- Seek an internal review by Council
- Contact the IPC for a review of the Council decision
- Contact the NSW Civil and Administrative Decisions Tribunal (NCAT) to request a review

Applications for an internal review by Council must be made within 20 working days of the notice of the decision being given to the applicant. Applications must be made by completing the [internal review application form](#) on [Council's website](#) and paying a fee of \$40.00 as specified in Council's [Fees and Charges](#).

The review will be undertaken by a senior officer who was not involved in making the original decision. A determination from an internal review will be issued within fifteen (15) working days. This may be extended by up to ten (10) working days where there is a need to consult with new third parties.

Alternatively, an applicant can appeal directly to the IPC or NCAT. An applicant has forty (40) working days from the date of the original decision being given to them to ask for this review. If the applicant has already had a review by the IPC, they have 4 weeks from the date that the decision was given to them to make an application to NCAT.

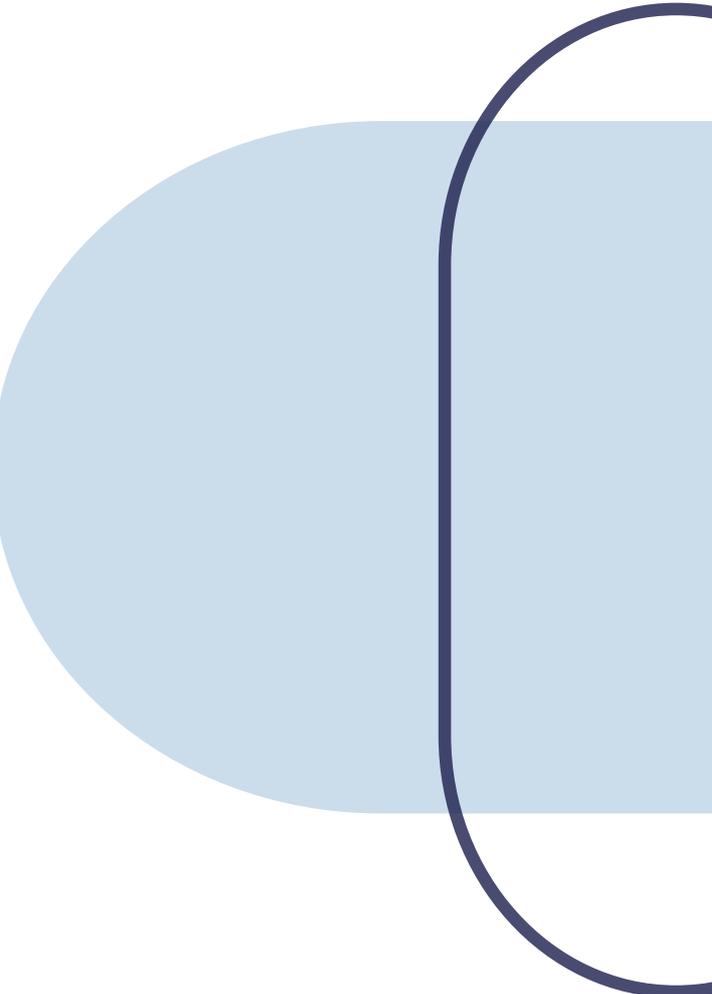
4.8. Copyright

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

The [Copyright Act 1968 \(Cth\)](#) takes precedence over State legislation. As such, the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or GIPA Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyright documents will be granted by way of inspection only, unless the copyright owner's written consent is provided to Council. Where authority is unable to be obtained or the copyright owner is not able to be contacted, copies of copyright material will not be provided. These documents include (but are not limited to) plans/drawings, consultant reports, statements of environmental effects and other miscellaneous reports submitted with an application under the [Environmental Planning and Assessment Act 1979 \(NSW\)](#).

If an applicant wishes to contact a copyright holder, a [Consent to Council – Copyright form](#) is available on Council's website. This form includes advice on how to contact a Copyright holder.



5. Open Data

Open data is data that an organisation holds digitally that should be made freely available to the community. Anyone who accesses the data is then free to use it, rearrange it and publish it as they wish, without the restrictions of copyright or original authorship or ownership.

There are many Government-based open data initiatives in Australia:

- The NSW Government open data portal is available at: <https://data.nsw.gov.au/data/dataset>
- The Federal Government open data is available at: <https://data.nsw.gov.au/data/dataset>

Open data operates in conjunction with the GIPA Act and is a central element of two of the four main ways that Council may facilitate access to information:

- Mandatory release
- Proactive release

A similar position is taken in the context of open data as Council endeavours to continue to provide access to open information on its website.

6. Feedback and Questions

6.1. Council officers

As noted above, Council has a vast range of documents that can be accessed in various ways. Most documents can be inspected at or obtained from Council's Administration Building or libraries during the hours of 8:30am and 5pm, Monday to Friday (except public holidays), through Council's website and the Your Voice – Our Coast website.

Council is guided by the NSW Government in terms of public health orders, restrictions and social distancing measures. If public health order restrictions are imposed on the Central Coast local government area, Council will provide relevant information about Council's operations and services on its website and social media channels.

For further enquiries about any document, you can contact a Customer Service officer on 02 4306 7900 or emailing: ask@centralcoast.nsw.gov.au or by the Service Portal on [Council's website](#).

If you experience any difficulty obtaining documents or information, you should contact Council's Public Officer.

6.1.1. Public Officer

Each Council must appoint a Public Officer as directed by the [Local Government Act 1993](#). The Unit Manager Governance Risk and Legal has been appointed as Council's Public Officer. Amongst other duties, the Public Officer may deal with requests from the public concerning Council's affairs and has the responsibility of assisting people to gain access to public documents.

The Public Officer is able to provide assistance to members of the public who have difficulty in obtaining access to Council information, and to those wishing to amend Council information that they feel is incorrect.

6.1.2. Access to Information Officers

Council's Access to Information Officers are responsible for processing Informal and Formal Access requests and for determining what information is disclosed and withheld in response to access

applications as directed by the GIPA Act and other relevant legislation.

6.1.3.

Contact details

For further information regarding access to information, please phone Council on 02 4306 7900 or emailing: ask@centralcoast.nsw.gov.au or by the Service Portal on [Council's website](#).

6.1.4.

Information and Privacy Commission

The IPC oversees the GIPA Act, GIPA Regulation and Government Information (Information Commissioner) Act 2009 (**GIIC Act**). The IPC provides information on the right to access information and can be contacted by:



Address: Level 15, McKell Building, 2-24 Rawson Place, HAYMARKET NSW 2000
PO Box: GPO Box 7011, SYDNEY NSW 2001
Phone: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au

7. Additional Information

7.1.

Management of the Agency Information Guide

Council is required by the [Government Information \(Public Access\) Act 2009](#) to review and update its Agency Information Guide at intervals of no more than 12 months and may update and amend the guide at any time.

7.2.

Council Contact Information

Address: 2 Hely Street, Wyong NSW 2259
Phone: 02 4306 7900
Email: ask@centralcoast.nsw.gov.au
Internet: www.centralcoast.nsw.gov.au
Business Hours: 8:30am to 5pm, Monday to Friday (excluding public holiday)



Central Coast Council

2 Hely Street, Wyong

P 02 4306 7900

W centralcoast.nsw.gov.au