



MIDCOAST
council

AGENCY INFORMATION GUIDE

2023-24



Document Control

Version

Revision	Date
Developed	2016
2	July 2020
3	July 2023

Amendments

Date	Summary of Amendments
June 2020	<ul style="list-style-type: none">• Updated Councillor information• Changed format of document to include new logo and brand.• Updated structure• Updated content to be in line with the IPC Guideline 6 (Nov 2018) and Agency Information Guides checklist (2019)
July 2023	<ul style="list-style-type: none">• Updated Councillor information• Updated organisation structure• Updated branding• Content updated to align with the Information and Privacy Commission (IPC) <i>Information Access Guideline 6: Agency Information Guides</i> (August 2020) and <i>Checklist - Agency Information Guides - Self-assessment checklist for agencies</i> (July 2023)

Table of contents

- Introduction 4
- 1. Structure and functions of MidCoast Council 5
 - About MidCoast Council 5
 - Role of the governing body 5
 - Role of a Councillor 5
 - Role of the Mayor 6
 - Role of the Deputy Mayor 6
 - Role of the General Manager..... 7
 - Senior staff 8
 - Our structure..... 9
 - Our functions 10
- 2. Impact of MidCoast Council functions on the public..... 12
- 3. Public participation in Local Government..... 13
 - Representation 13
- 4. Personal participation in the exercise of MidCoast Council’s functions 14
 - Council Meetings 14
 - Speaking at a Council meeting 15
 - Council committees 15
- 5. Information held by MidCoast Council 16
- 6. Access to information held by MidCoast Council 17
 - Open access information (mandatory release)..... 17
 - Proactive release of information..... 19
 - Informal access 19
 - Formal access applications..... 20
- 7. MidCoast Council’s Public Officer 21
- 9. Information and Privacy Commission NSW 23

Introduction

MidCoast Council has developed its Agency Information Guide in accordance with section 20 of the *Government Information (Public Access) Act 2009*.

The purpose of this Guide is to provide members of the public, and Council staff, with information concerning:

- the structure and functions of MidCoast Council
- the way in which the functions of MidCoast Council affect members of the public
- the avenues available to members of the public to participate in policy development and the exercise of MidCoast Council's functions
- the type of information available from MidCoast Council and how this information is made available

This Guide is available via Council's website www.midcoast.nsw.gov.au

1. Structure and functions of MidCoast Council

About MidCoast Council

MidCoast Council was established in 2016 and is constituted under the *Local Government Act 1993*. MidCoast Council is not divided into wards and is governed by a body of 11 councillors who are elected by the residents and ratepayers of the MidCoast Council area. From their number, the councillors elect a mayor, and a deputy mayor, who have the same role and responsibilities as the councillors but also have additional responsibilities that reflect their leadership role.

Role of the governing body

The role of the councillors, as members of the governing body, are:

- To direct and control the affairs of Council in accordance with the Act.
- To provide effective civic leadership to the local community.
- To ensure as far as possible the financial sustainability of Council.
- To ensure as far as possible that Council acts in accordance with the principles set out in Chapter 3 of the Act and the plans, programs, strategies and policies of Council.
- To develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of Council.
- 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 the council and for the benefit of the local area.
- To keep under review the performance of Council, including service delivery.
- To make decisions necessary for the proper exercise of Council's regulatory functions.
- To determine the process for appointment of the General Manager by the Council and to monitor the General Manager's performance.
- To consult regularly with community organisations and other key stakeholders and keep them informed of Council's decisions and activities.
- To be responsible for ensuring that Council acts honestly, efficiently and appropriately.
- The governing body is to consult with the General Manager in directing and controlling the affairs of Council.

Role of a Councillor

- 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 Council.

Role of the Mayor

- To be the leader of 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 Council as to its local priorities.
- To exercise, in cases of necessity, the policy-making functions of the governing body of Council between meetings of the council.
- To preside at meetings of Council.
- To ensure that meetings of Council are conducted efficiently, effectively and in accordance with the Act.
- To ensure the timely development and adoption of the strategic plans, programs and policies of Council.
- To promote the effective and consistent implementation of the strategic plans, programs and policies of Council.
- To advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of Council.



Mayor Claire Pontin

- To promote partnerships between Council and key stakeholders.
- In conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between Council and the local community.
- To carry out the civic and ceremonial functions of the Mayoral Office.
- To represent Council on regional organisations and at inter-governmental 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 Council that Council determines.

Role of the Deputy Mayor

- The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.



Deputy Mayor Alan Tickle

Role of the General Manager

The General Manager is the most senior employee of MidCoast Council and is the only member of staff selected and appointed by the Councillors.

The General Manager has the following functions:

- To conduct the day-to-day management of Council in accordance with the strategic plans, programs, strategies and policies of Council.
- To implement, without undue delay, lawful decisions of Council.
- To advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of Council.
- 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.
- 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.
- 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 Council that are delegated by Council to the General Manager.
- To appoint staff in accordance with the organisation structure determined under Chapter 11 of the Act and the resources approved by Council.
- To direct and dismiss staff.
- To implement Council's workforce management strategy.
- Any other functions that are conferred or imposed on the General Manager by or under the *Local Government Act 1993* or any other Act.



Adrian Panuccio, General Manager

Senior staff

To assist the General Manager in the exercise of these functions, there are three divisions of Council, each headed by a Director.

Liveable Communities - Director - Paul De Szell

The Liveable Communities division is responsible for the following areas of Council business:

- Customer Service
- Leisure Facilities
- Community Engagement & Community Strategic Plans
- Trades
- Marketing & Tourism
- Libraries
- Economic Development
- Cemeteries
- Event Management
- Buildings
- Aboriginal Services
- Youth Services
- Urban Tree Management
- Manning Entertainment Centre
- Volunteers
- Manning Regional Art Gallery
- Community Development
- Asset Strategy & Plans (Non-transport)
- Media & Public Relations
- Ageing & Disability Services
- Airport
- Parks, Recreation (passive & active)
- Development Assessment
- Waste Services
- Building Certification
- Regulatory Services
- Noxious Weeds
- Water Quality Management
- Natural Areas & Systems
- Catchment Management
- Strategic Planning (Land use, Coastal Process, Flood, Heritage)

Infrastructure and Engineering Services - Director - Robert Scott

The Infrastructure and Engineering Services division is responsible for:

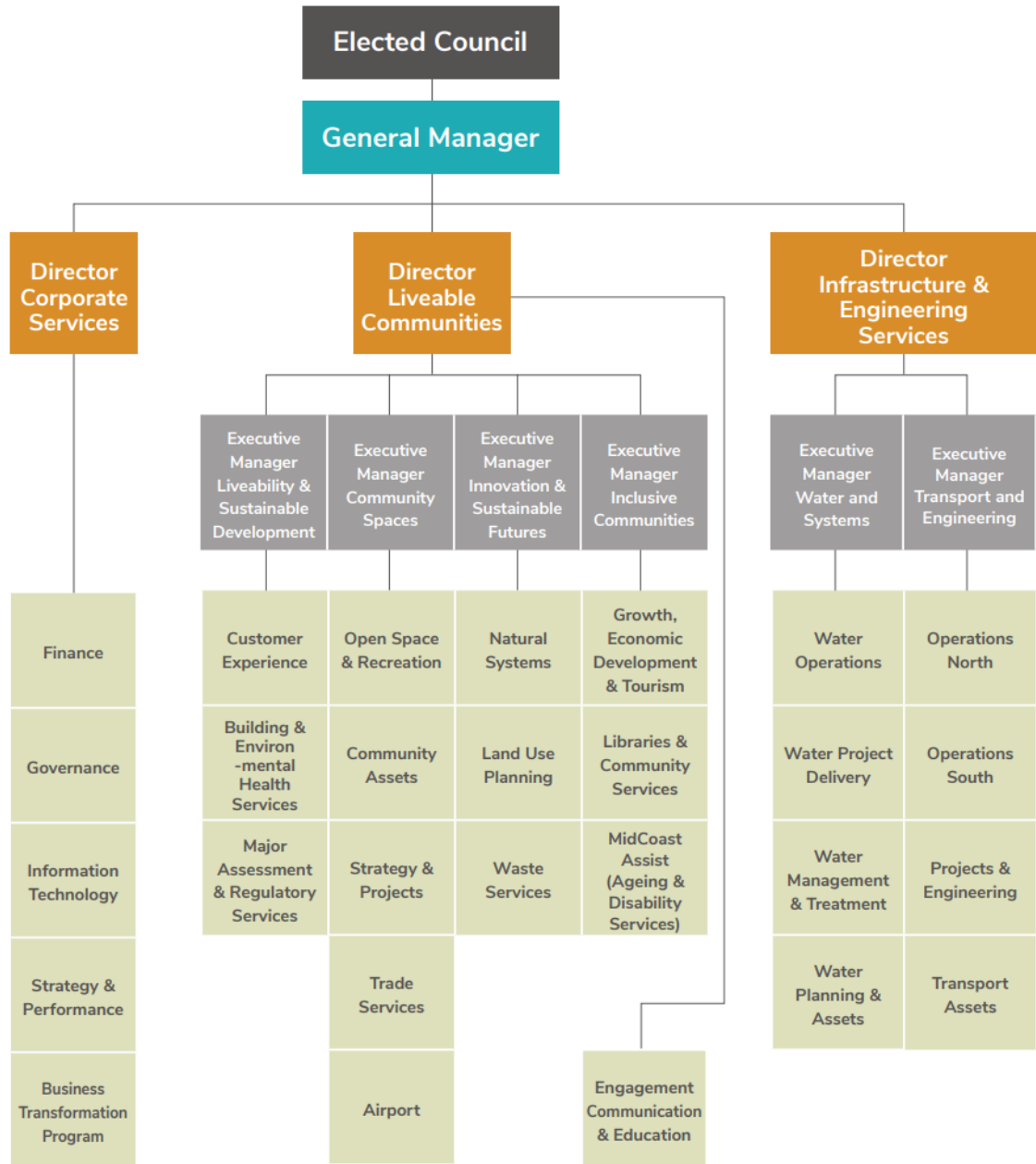
- Road Construction & Maintenance
- Weight of Loads
- Bridge Construction & Maintenance
- Traffic Engineering
- Stormwater / Drainage Maintenance
- Development Engineering
- Asset Strategy and Plans (Transport)
- Emergency Management & LEMO
- Investigation and Design (Roads, Bridges, Drainage)
- Natural Hazard Investigation & Design (Flood, Coastal Process)
- Water management and treatment
- Water planning and assets
- Water response operations and maintenance
- Water related capital works

Corporate Services – Director - Steve Embry

The Corporate Services division of MidCoast Council deals with:

- Governance
- Support Services and Business paper
- Human Resources
- Corporate Planning / Development
- Property Management
- IPR (including DP/OP and Reporting)
- Commercial Development
- Financial Services (including LTFP& S94)
- Procurement and Stores
- Risk Management & Insurance
- Fleet And Plant Management
- Information Technology Management

Our structure



Our functions

Functions under the *Local Government Act 1993*

Council has functions conferred or imposed on it by the *Local Government Act 1993*. These functions are:

SERVICE FUNCTIONS
Providing community health, recreation, education and information services
Environmental protection
Waste removal and disposal
Land and property, industry and tourism development and assistance
Providing and maintaining infrastructure
REGULATORY FUNCTIONS
Approvals
Orders
Building Certificates
ANCILLARY FUNCTIONS
Resumption of land
Powers of entry and inspection
REVENUE FUNCTIONS
Rates
Charges
Fees
Borrowings
Investments
ADMINISTRATIVE FUNCTIONS
Employment of staff
Management plans
Financial reporting
Annual reports
ENFORCEMENT FUNCTIONS
Proceedings for breaches of the Act
Prosecution of offences
Recovery of rates and charges

Functions under other legislation

As well as the *Local Government Act 1993*, Council has functions under other Acts, some of which include:

A - B	C
<i>Advocate for Children and Young People Act 2014</i> <i>Aged Care Act 1977 (Cth)</i> <i>Age Discrimination Act 2004 (Cth)</i> <i>Annual Holidays Act 1944</i> <i>Anti-Discrimination Act 1977</i> <i>Aviation Transport Security Act 2004 (Cth)</i> <i>Biodiversity Conservation Act 2016</i> <i>Biosecurity Act 2015</i> <i>Boarding Houses Act 2012</i> <i>Building and Development Certifiers Act 2018</i> <i>Building Products (Safety) Act 2017</i>	<i>Carers (Recognition) Act 2010</i> <i>Cemeteries and Crematoria Act 2013</i> <i>Children's Guardian Act 2019</i> <i>Civil Aviation Act 1988 (Cth)</i> <i>Commons Management Act 1989</i> <i>Community Land Development Act 1989</i> <i>Community Land Management Act 1989</i> <i>Companion Animals Act 1998</i> <i>Contaminated Land Management Act 1997</i> <i>Conveyancing Act 1919</i> <i>Crown Land Management Act 2016</i>
D-E	G
<i>Dams Safety Act 2015</i> <i>Disability Inclusion Act 2014</i> <i>Dividing Fences Act 1991</i> <i>Electricity Supply Act 1995</i> <i>Environmental Planning and Assessment Act 1979</i>	<i>Game and Feral Animal Control Act 2002</i> <i>Gas Supply Act 1996</i> <i>Geographical Names Act 1966</i> <i>Government Information (Public Access) Act 2009</i> <i>Graffiti Control Act 2008</i>
F	H-I
<i>Fines Act 1996</i> <i>Fire and Emergency Services Levy Act 2017</i> <i>Fisheries Management Act 1994</i> <i>Fluoridation of Public Water Supplies Act 1957</i> <i>Food Act 2003</i>	<i>Heavy Vehicle National Law (NSW) and Heavy Vehicle (Adoption of National Law) Act 2013</i> <i>Heritage Act 1977</i> <i>Inclosed Lands Protection Act 1901</i> <i>Independent Pricing and Regulatory Tribunal Act 1992</i>
L-O	P
<i>Land Acquisition (Just Terms Compensation) Act 1991</i> <i>Land and Environment Court Act 1979</i> <i>Library Act 1939</i> <i>Liquor Act 2007</i> <i>Major Events Act 2009</i> <i>Marine Estate Management Act 2014</i> <i>National Parks and Wildlife Act 1974</i> <i>Ombudsman Act 1974</i>	<i>Pesticides Act 1999</i> <i>Plumbing and Drainage Act 2011</i> <i>Privacy and Personal Information Protection Act 1998</i> <i>Protection of the Environment Operations Act 1997</i> <i>Public Health Act 2010</i> <i>Public Interest Disclosures Act 2022</i> <i>Public Spaces (Unattended Property) Act 2021</i> <i>Public Works and Procurement Act 1912</i>
R	S
<i>Real Property Act 1900</i> <i>Recreation Vehicles Act 1983</i> <i>Residential (Land Lease) Communities Act 2013</i> <i>Restricted Premises Act 1943</i> <i>Road Transport Act 2013</i> <i>Roads Act 1993</i> <i>Rural Fires Act 1997</i>	<i>State Emergency and Rescue Management Act 1989</i> <i>State Emergency Service Act 1989</i> <i>State Records Act 1998</i> <i>Strata Schemes Development Act 2015</i> <i>Strata Schemes Management Act 2015</i> <i>Surveying and Spatial Information Act 2002</i> <i>Swimming Pools Act 1992</i>
T-V	W
<i>Tattoo Parlours Act 2012</i> <i>Transport Administration Act 1988</i> <i>Trees (Disputes Between Neighbours) Act 2006</i> <i>Valuation of Land Act 1916</i>	<i>Water Management Act 2000</i> <i>Wilderness Act 1987</i> <i>Work Health and Safety Act 2011</i> <i>Workplace Surveillance Act 2005</i>

2. Impact of MidCoast Council functions on the public

As a service organisation, most of Council's activities have an impact on the public. The following is an outline of how the broad functions may impact members of the public.

FUNCTION	DESCRIPTION
Service	Service functions affect members of the public as Council provides services and facilities to the public. These include provision of human services such as libraries, halls, community centres, recreation facilities and infrastructure and the removal of garbage.
Regulatory	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	Ancillary functions affect only some members of the public. These functions include, for example, land acquisition, entry onto private 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 is 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 through the efficiency and effectiveness of the service provided.
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	<p>Community planning and development functions affect areas such as cultural development, social planning and community profiling and involves:</p> <ul style="list-style-type: none"> • advocating and planning for the needs of the community • providing support to community and sporting organisations through the 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 Seniors Week and NAIDOC Week as well as promoting other events.

3. Public participation in Local Government

MidCoast 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 members of the public may participate in the policy development and the general activities of Council. These are through representation and personal participation.

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 generally held every four years.

The election for MidCoast was scheduled to take place in September 2020. However, legislation to postpone all NSW local government elections was passed in the NSW Parliament because of the COVID pandemic. The elections were postponed to 4 December 2021 which meant that Councillors elected at the December 2021 local government elections were elected for a shorter term. The postponement of these elections does not affect the timing of future elections, and the subsequent ordinary local government elections will still proceed in September 2024.

At each election, voters elect 11 councillors for a four-year term. 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.

Current elected members

Cr Claire Ponting (**Mayor**)

M: 0411 799 045

E: Cr.Claire.Pontin@midcoast.nsw.gov.au

Cr Kathryn Bell

M: 0427 629 428

E: Cr.Kathryn.Bell@midcoast.nsw.gov.au

Cr Troy Fowler

M: 0447 738 746

E: Cr.Troy.Fowler@midcoast.nsw.gov.au

Cr Jeremy Miller

M: 0417 607 540

E: Cr.Jeremy.Miller@midcoast.nsw.gov.au

Cr Dheera Smith

M: 0417 639 136

E: Cr.Dheera.Smith@midcoast.nsw.gov.au

Cr David West

M: 0447 749 877

E: Cr.David.West@midcoast.nsw.gov.au

Cr Alan Tickle (**Deputy Mayor**)

M: 0417 875 181

E: Cr.Alan.Tickle@midcoast.nsw.gov.au

Cr Peter Epov

M: 0447 791 759

E: Cr.Peter.Epov@midcoast.nsw.gov.au

Cr Peter Howard

M: 0417 615 485

E: Cr.Peter.Howard@midcoast.nsw.gov.au

Cr Paul Sandilands

M: 0417 613 837

E: Cr.Paul.Sandilands@midcoast.nsw.gov.au

Cr Katheryn Stinson (Smith)

M: 0411 987 371

E: Cr.Katheryn.Smith@midcoast.nsw.gov.au

4. Personal participation in the exercise of MidCoast Council's functions

Members of the community are encouraged to have a say in what Council does.

Community participation is one of the guiding principles for councils under 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.

Members of the public can participate in policy development, and general activities of Council, in various ways, some of which include; addressing the Council at Council meetings, making representations to Councillors, providing feedback on draft documents that are on public exhibition (such as plans, budgets, rates, policies and planning decisions) and discussing issues with staff.

We also deliver a number of ongoing programs and activities to inform, consult and engage with our community on an ongoing basis. These key activities include:

- Satisfaction surveys
- Community conversations
- 'Have your Say' online portal
- Newsletters with rates and accounts
- Media coverage
- Advertising and promotion
- Email newsletters
- Direct mail
- Call centre
- Community and advisory groups
- Social media
- Customer service centres

Council's website www.midcoast.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, events and many Council documents and reports. The website is reviewed and updated on a regular basis to ensure information is accurate and timely.

Understanding the views and aspirations of the community is an important element in Council's decision making.

Council Meetings

Community members are welcome to attend our meetings.

Council meetings are usually held on the fourth Wednesday of the month at 2pm.

All meetings are held at the Council Chambers located in Yalawanyi Ganya on Biripi Way, Taree. They are also livestreamed for the members of the public to view.

Meeting agendas are available a few days in advance of the meetings and minutes are tabled after the meeting.

Our community are invited to speak at a Council meeting to address an agenda item or a matter of importance to them that is not on the agenda.

Speaking at a Council meeting

Members of the community have an opportunity to speak to the elected Councillors on the day of an ordinary Council meeting.

You can speak on either:

- An item of interest to you that is not on the agenda (our open forum) - **held at 9:30am**
- An item that is on the agenda of that day's meeting (our public forum) - **held at 10:00am**

The application form, as well as further information, is available at <https://www.midcoast.nsw.gov.au/Your-Council/Council-meetings/Speaking-at-a-Council-meeting>

Council committees

Committees are also an avenue for members of the public to personally participate in the policy development and functions of the Council and an important way we work with community members to help us deliver on the outcomes identified in the Community Strategic Plan. 'Committee' is defined as any working group, reference group or delegated committee providing information, advice, suggestions, and support to Council and staff. Information on our committees can be found at on Council's website at <https://www.midcoast.nsw.gov.au/Your-Council/About-MidCoast-Council/About-us/Council-committees>

Several Council Committees comprise or include members of the public, some of these are listed below:

Aboriginal Reference Group

Arts & Creative Industries Reference Group

Bulahdelah Highway Service Centre
Planning Agreement Reference Group

Community Inclusion and Wellbeing
Reference Group

Community Resilience and Disaster
Recovery Reference Group

Heritage Reference Group

MidCoast Koala Reference Group

Old Bar – Manning Point Coastal
Management Program Reference Group

Southern Estuaries Coastal Management
Program Reference Group

Sport and Recreation Reference Group

5. Information held by MidCoast Council

MidCoast Council (MCC) holds a vast amount of information in relation to its operations. The list below is not exhaustive, but provides an indication of the types of information maintained:

- Rating of land
- Development of land
- Library services
- Roads and related infrastructure
- Reticulated water and sewerage infrastructure
- Waste management
- Environmental management
- Management of MCC-owned public land
- Provision of community facilities
- Financial management
- Employee records
- Correspondence records
- Other administrative records

Information is contained in both physical and digital formats. Some examples of these are listed below:

- Physical format (hard copy):
 - paper files and documents
 - volumes and registers
 - maps, plans, charts and drawings
 - photographic media
 - microfilm
- Digital format:
 - emails and any attachments;
 - electronic copies of documents (including draft documents);
 - contents within a database (such as a record or data in a business system or online application or software-as-a-service application);
 - audit and access logs for business systems; and
 - CCTV footage and other audio visual information.

Current hard copy records, and microfilm, are stored in MCC's Secure Document Store at its main administration building at Yalawanyi Ganya, 2 Biripi Way, Taree. Rarely used hard copy records, or records no longer in use for official purposes, are stored in secure off-site storage facilities.

Historically, information was contained in hard copy files. Prior to 1999 (Taree), 2002 (Forster) and 2009 (Gloucester), these hard copy files were categorised as subject, property, development or construction application and road files. Since then, MCC has moved to an electronic document management system.

6. Access to information held by MidCoast Council

MidCoast Council (MCC) is committed to the principle of open and transparent government.

MCC makes information available under the *Government Information (Public Access) Act 2009* (GIPA Act) in four ways:

- As open access information
- Through proactive release of information
- Through informal access
- In response to a formal access application.

Open access information (mandatory release)

Information, which is classified as open access information, is information that MCC is required to make available. This information is made available unless it is not in the public interest to do so. MCC must make its open access information publicly available for inspection free of charge at MCC offices during ordinary office hours. Copies of records, containing the information, can be provided free of charge or for reasonable photocopying costs.

Some searches for information related to building/development applications will take additional time, resources and charges may apply.

Open access information, that MCC makes available, is generally via its website free of charge. This freely available information is generally provided through the following publications:

- MCC Agency Information Guide
- Documents tabled in parliament concerning MCC
- Current MCC policies
- MCC's disclosure log
- MCC's contracts register
- MCC's record of open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure

Additional open access information that MCC is required to make available:

1. Information about MidCoast Council

- the model code prescribed under section 440 (1) of the *Local Government Act 1993* (LGA)
- MCC's Code of Conduct
- MCC's Code of Meeting Practice
- MCC's Annual Report
- MCC's Annual Financial Reports
- MCC's Auditor's Report
- MCC's Integrated Planning and Reporting documents:
 - Community Strategic Plan
 - Delivery Program
 - Operational Plan
 - Resourcing Strategy
- MCC's EEO Management Plan
- MCC's Councillor Expenses and Facilities Policy
- Any annual reports of bodies exercising functions delegated by MCC
- Any Codes referred to in the *Local Government Act 1993*
- returns of the interests of councillors, designated persons and delegates

- agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public)
- minutes of any meeting of the local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting
- Any reports by the Chief Executive of the Office of Local Government presented at a meeting of Council in accordance with section 433 of the LGA.
- land register,
- register of investments,
- register of delegations,
- register of graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008,
- register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,
- the register of voting on planning matters kept in accordance with section 375A of the LGA.

2. Plans and policies

- local policies adopted by the local authority concerning approvals and orders
- plans of management for community land
- environmental planning instruments, development control plans and contributions plans made under the Environmental Planning and Assessment Act 1979 applying to land within the local authority's area

3. Information about development applications

Development applications (within the meaning of the *Environmental Planning and Assessment Act 1979*) and any associated documents received in relation to a proposed development including:

- 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 or after 1 July 2010 on development applications (including decisions made on appeal)
- Records describing the general nature of the documents that Council decides to exclude from public view including internal plans, specifications and configurations of residential parts of proposed buildings, commercially sensitive information and development applications made before 1 July 2010 and any associated documents received in relation to the application.

4. Approvals, orders and other documents

- applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application,
- applications for approvals under any other Act and any associated documents received in relation to such an application,

- records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA,
- orders given under the authority of any other Act,
- records of building certificates under the Environmental Planning and Assessment Act 1979,
- plans of land proposed to be compulsorily acquired by the local authority,
- compulsory acquisition notices,
- leases and licences for use of public land classified as community land,
- performance improvement orders issued to a council under Part 6 of Chapter 13 of the LGA.

Proactive release of information

Through the disclosure of proactive information, MCC aims to assist the public with access to other government information. MCC discloses other government information that it holds that is not required by the GIPA Act in the form of open access and routinely identifies information for proactive release.

Currently, proactively released information that is available on the MCC website includes:

- Climate Change Strategy
- Community Engagement Strategy
- Waste Management Strategy
- Tourism Destination Management Plan
- Strategic Business Plan for Delivery of Water Services
- Cultural Plan 2036
- Disability Inclusion Action Plan
- Youth Strategic Plan
- Regional Economic Development Strategy
- Future land use planning strategies
- Pedestrian Access and Mobility Plan
- Greening Strategy
- Manning River Estuary Catchment and Management Program
- Ageing Strategy
- Child Safe Action Plan
- Economic Development Strategy
- Open Space and Recreation Strategy
- Integrated Water Cycle Management Strategy
- Aboriginal Action Plan
- Privacy Management Plan

Informal access

Members of the public can request information that is not available through MCC's website. MCC will endeavour to respond to these requests informally, and only require a formal access application in limited circumstances.

There is no fee to lodge an informal application and have it assessed, however, there may be a processing fee:

- if archived records need to be accessed (e.g. information relating to building or development applications prior to 2009),
- or if hard copies are requested.

See Council's adopted schedule of fees and charges which is available on the website at www.midcoast.nsw.gov.au/fees.

Certain restrictions apply to the type of information that can be made available, such as copyright restrictions.

Under the *Copyright Act 1968* (Cth), Council is unable to provide reproductions or copies of copyright protected documents, however, you can view these documents at Council. In general, copyright protected documents may include plans, specifications and consultant's reports. Documents protected by copyright may be released if the applicant obtains permission from the copyright holder.

An informal request for access to information can be made by submitting an informal request for information form. This form can be submitted online, through MCC's website, or downloaded, printed and lodged in person at MCC offices during ordinary office hours.

Formal access applications

If the information cannot be accessed through the above methods, you can make an access application.

Access applications must:

- be in writing
- clearly indicate that it is a formal access application made under the GIPA Act
- be accompanied by a fee of \$30
- state the name of the applicant and a postal or email address as the address for correspondence in connection with the application
- provide such information as is reasonably necessary to enable the government information applied for to be identified.

To make a formal access application for information held by MCC, submit a formal request for access information application form. Completed forms can be lodged by:

- email to council@midcoast.nsw.gov.au
- forwarded by post to PO Box 482, TAREE NSW 2430
- in person at MCC offices during ordinary office hours

In addition to the \$30 application lodgement fee, processing charges, of \$30 per hour, may also apply.

As defined in the GIPA Act, the knowledge of a person is not a record. Requests should be for records, not questions or interpretations.

Disclosure log

MCC maintains a disclosure log under section 25 of the GIPA Act which documents the information it releases in response to access applications, and that may be of interest to members of the public. The disclosure log provides a mechanism to further proactively release information to the public.

7. MidCoast Council's Public Officer

Under section 342 of the *Local Government Act 1993*, the General Manager is to designate a member of staff as the public officer of the Council.

The Manager Governance has been appointed as MidCoast Council's Public Officer.

Functions of the Public Officer

Amongst other duties, the Public Officer;

- may deal with requests from the public concerning the council's affairs
- has the responsibility of assisting people to gain access to public documents of the council
- may receive submissions made to the council
- may accept service of documents on behalf of the council
- may represent the council in any legal or other proceedings

The Public Officer is also MidCoast Council's Right to 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 or wish to discuss the most appropriate method, you may refer your enquiry to the Public Officer.

The Public Officer can be contacted on 02 7955 7777.

If you would like to amend a document of Council which you feel is incorrect you will need to make written application to the Public Officer in the first instance. Once again you are encouraged to contact the Public Officer on the above number to discuss this matter.

Written applications should be addressed as follows:

The Public Officer
MidCoast Council
PO Box 482
TAREE NSW 2430

Email: council@midcoast.nsw.gov.au

8. Contact us

Website:

www.midcoast.nsw.gov.au

Post:

PO Box 482
TAREE NSW 2430

In Person:

Taree Administration and Customer Service Centre, Yalawanyi Ganya
2 Biripi Way, Taree
Monday to Friday, 8:30am - 4:30pm

Forster Customer Service Point

4 Lake Street, Forster
Monday to Friday, 8:30am - 4:30pm

Gloucester Customer Service Point

89 King Street, Gloucester
Monday to Friday, 9:00am - 4:00pm

Stroud Customer Service Point

6 Church Street, Stroud
Monday to Friday, 9:00am - 12:00pm

Tea Gardens Customer Service Point

Myall Street, Tea Gardens
Monday to Friday, 9:00am - 4:00pm

Phone:

(02) 7955 7777 (Taree and Forster)
(02) 6538 5250 (Gloucester)
(02) 4994 5204 (Stroud)
(02) 4997 0182 (Tea Gardens)

Email:

council@midcoast.nsw.gov.au

9. Information and Privacy Commission NSW

If you wish to find out more on information access matters, you can contact the Information and Privacy Commission NSW (IPC).

The IPC is an independent statutory authority that administers legislation dealing with privacy and access to government held information in NSW.

- **Website:** <http://www.ipc.nsw.gov.au>
- **Email:** ipcinfo@ipc.nsw.gov.au
- **Phone:** 1800 472 679
- **Address:** Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000
- **Postal:** GPO Box 7011, Sydney NSW 2001