

Central Coast Council

# Agency Information Guide 2023-2024



Central  
Coast  
Council

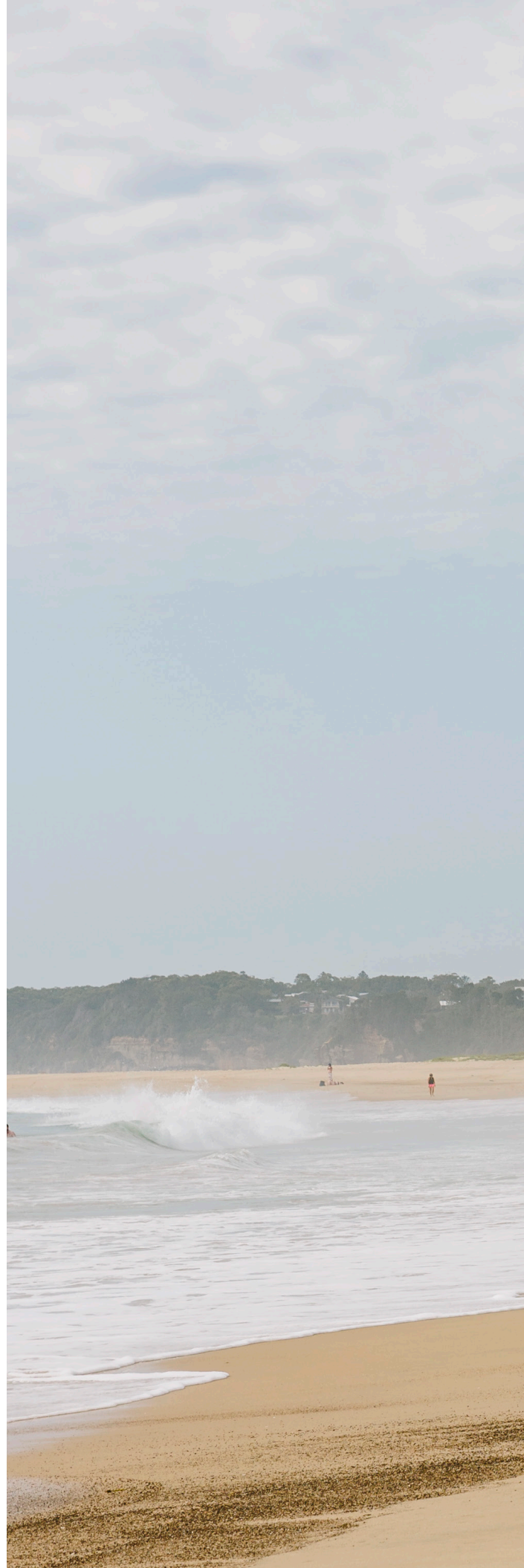


## Summary of Review/Amendments

<b>Date</b>	<b>Summary of Amendments</b>
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.
February 2024	Periodic review of Guide



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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*. The Guide 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 in accordance with the Act.

**David Farmer**  
**Chief Executive Officer**





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# 1. Structure and Functions of Council

## 1.1.

### About Central Coast Council

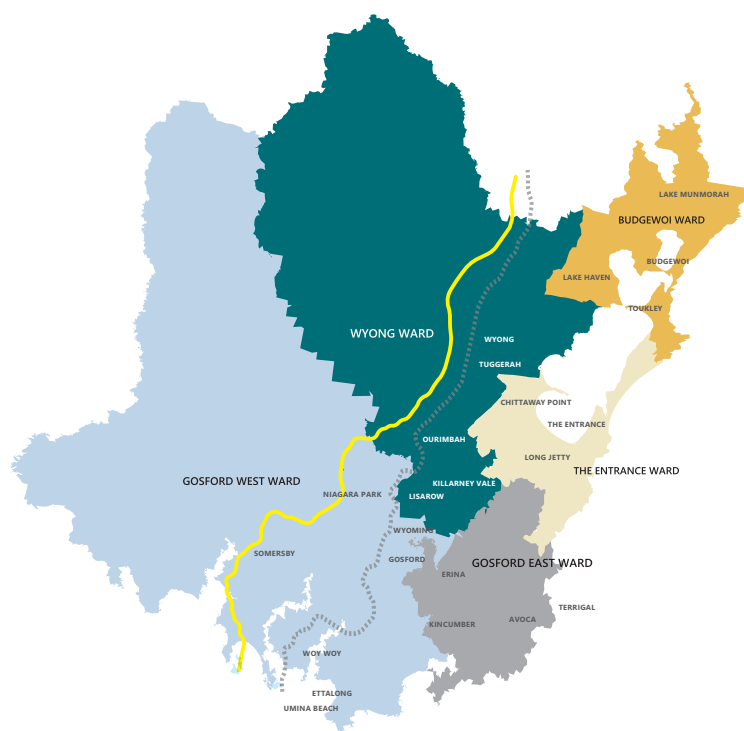
Central Coast Council was established on 12 May 2016 following the amalgamation of Gosford City Council and Wyong Shire Council.

The Central Coast is situated along the coastline of New South Wales, 90 kilometres north of Sydney and 80 kilometres south of Newcastle. Council's local government area (**LGA**) encompasses 1681 square kilometres and is home to approximately 350,000 residents, making it one of the largest local government areas 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 LGA will elect Councillor representatives again at the local government elections in September 2024.

The Central Coast LGA consists of five electoral areas, known as Wards:

- Budgewoi
- Gosford East
- Gosford West
- The Entrance
- 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 a Mayor from their number who serves a two year term. A Deputy Mayor is also elected from the Councillors who may serve for the entire mayoral term or for a shorter term.

Central Coast Council's organisational structure is led by the Chief Executive Officer (**CEO**) and made up of five directorates:

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

Council's Executive Leadership Team makes day-to-day decisions on operational matters that comply with Council's policies and procedures.

## 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 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; and
- l. to be responsible for ensuring that Council acts honestly, efficiently and appropriately.

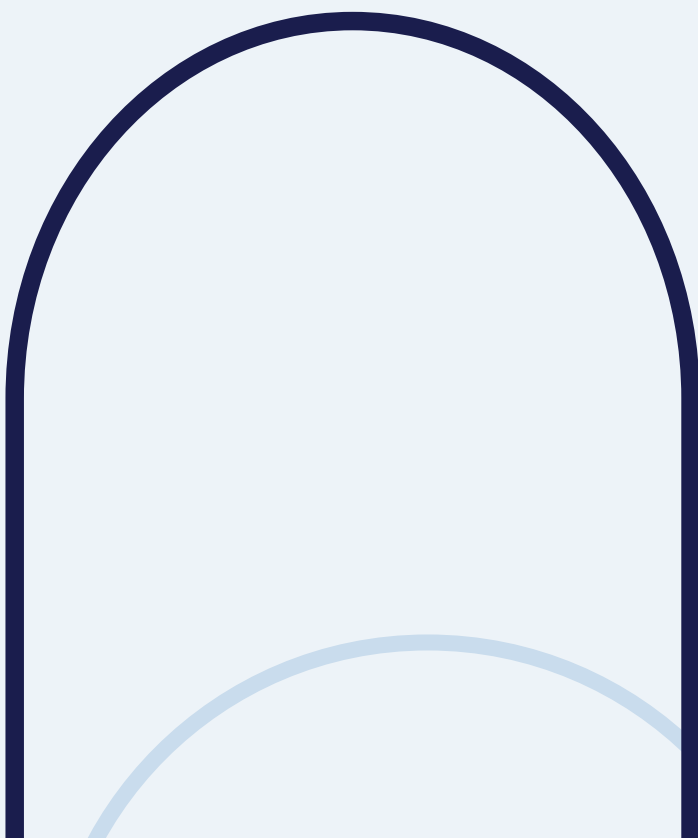
As members of the governing body, and in the interests of ensuring the organisation operates effectively to achieve the best outcomes for the community, Councillors should endeavour to work constructively with Council staff that are responsible for implementing Council decisions. That is why the governing body is to consult with the CEO 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; and
- 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; and,
- o. to exercise any other functions of Council that Council determines.

## 1.7.

### Role of the Chief Executive Officer

In accordance with section 335 of the LG Act, the 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 Government Act 1993 or any other Act.

## 1.8.

### Organisational Structure Chart



**Rik Hart**  
Administrator



**David Farmer**  
Chief Executive  
Officer



**Marissa Racomelara**



**Melanie Smith**



**Dr Alice Howe**



**Boris Bolgoff**



**Jamie Loader**

#### **Corporate Services**

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

#### **Community and Recreation Services**

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

#### **Environment and Planning**

- Development Assessment
- Economic Development and Property
- Environmental Compliance Services
- Environmental Management
- Strategic Planning

#### **Infrastructure Services**

- Engineering Services
- Facilities and Asset Management
- Roads Construction and Maintenance
- Roads and Drainage Infrastructure
- Procurement and Project Management
- Waste and Resource Recovery

#### **Water and Sewer**

- Assets and Projects
- Headworks and Treatment
- Network Operations and Maintenance



## 2. Impact of Council Functions on the Public

As a service organisation, the majority of the activities of 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	<b>Service functions</b> 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	<b>Regulatory functions</b> 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	<b>Ancillary functions</b> 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	<b>Revenue functions</b> 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	<b>Administrative functions</b> 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	<b>Enforcement functions</b> 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	<b>Community planning and development functions</b> 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

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 formal 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 will be held on 14 September 2024.

## 3.2. 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 as if they were performed by the Council. The Administrator effectively acts as

the Mayor and the Councillors, conducting Council meetings and undertaking the administrative, civic and ceremonial functions of the governing body.

## 3.3. 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 the community having appropriate access to information, voting in polls and referendums, making submissions to Council, having appropriate engagement channels such as face-to-face and online community engagement opportunities, community research surveys and Council meetings being open to the public.

Council's website [centralcoast.nsw.gov.au](https://centralcoast.nsw.gov.au) is regularly updated to provide information about Council's activities, including meeting agendas, business papers, news items, information about upcoming community events and notices and exhibitions.

Members of the community can also visit [yourvoiceourcoast.com.au](https://yourvoiceourcoast.com.au) to have their say on Council's decision-making process and provide feedback on projects and initiatives currently open for consultation.

Information on Council activities, decisions and programs is disseminated through the local media and published on Council's social media platforms including:

- Facebook
- Instagram
- LinkedIn
- Twitter
- YouTube

## 3.4. 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 in 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 is recommended. You can register from 5:00 PM Wednesday the week prior to the Council meeting. [Registration is done by following the links on Council's website.](#)

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

### 3.5. 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.

### 3.6. Council Committees

Members of the public can personally participate in the policy development and functions of Council by attending Council committees and advisory groups. A full list of these groups, including meeting agendas and minutes are available on the Committee and Advisory Groups page on Council's website. Council calls for nominations on its website as vacancies become available for these committees and advisory groups.

### 3.7. Public Submissions

Council provides an online hub for community participation titled *Your Voice – Our Coast* ([www.yourvoiceourcoast.com](http://www.yourvoiceourcoast.com)) where individuals can 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. Selected 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 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](mailto:ask@centralcoast.nsw.gov.au)  
Internet: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

## 4. Access to Government Information

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

Council holds information in various formats in respect its functions and information which is pertinent to different issues relating to the Central Coast Council LGA. Council's [Information and Records Management Policy](#) also has information on what records are held by Council.

The [Government Information \(Public Access\) Act 2009 \(GIPA Act\)](#) provides an open and transparent process for giving the public access to government information held by NSW public sector agencies, including Council.

The objects of the GIPA Act are to maintain and advance a system of responsible and representative democratic government is open, accountable, fair and effective.

The GIPA Act:

- authorises and encouraging the proactive release of government information by agencies,
- gives members of the public a legally enforceable right to access government information, and
- ensures access to government information is restricted only when there is an overriding public interest against releasing that information.

Public access to government information is overseen by the Information and Privacy Commission (**IPC**). The IPC's role includes promoting and protecting information access rights in NSW, including 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 under 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 Policy 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 information is primarily created, stored, and accessed digitally with some older physical records from the previous Gosford City and Wyong Shire Councils held in secure off-site storage.

Several 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" 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.

Under the GIPA Act, there are four ways in which Council may provide access to information:

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



## 4.1

### Mandatory Proactive Release – Open Access Information

The following documents are defined open access information under section 18 of the GIPA Act. Where possible, Council makes this information available on its website. If this is not possible, the information will be provided upon request as soon as practicable, free of charge:

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

	Section	Description
Open Access Information – Schedule 1 GIPA Regulations	Information about Development Applications	<ul style="list-style-type: none"> <li>Development applications and any associated documents received in relation to a proposed development including the following*: <ul style="list-style-type: none"> <li>- Home warranty insurance documents</li> <li>- Construction certificates</li> <li>- Occupation certificates</li> <li>- Structural certification documents</li> <li>- Town planner reports</li> <li>- Submissions received on development applications</li> <li>- Heritage consultant reports</li> <li>- Tree inspection consultant reports</li> <li>- Acoustics consultant reports</li> <li>- Land contamination consultant reports</li> </ul> </li> <li>Records of decisions made on development applications including decisions on appeals</li> <li>Records describing the general nature of documents that Council decides to exclude from public view, including internal specification and configurations, and commercially sensitive information.</li> </ul> <p><b>*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.</b></p>
	<b>This clause does not apply to so much of the information referred to above as consists of:</b>	
Open Access Information – Schedule 1 GIPA Regulations		<ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>
	Approvals, orders and other documents	<ul style="list-style-type: none"> <li>Applications for approvals under Part 1 of Chapter 7 of the <i>Local Government Act 1993</i></li> <li>Applications for approvals under any other Act and any associated received in relation to such an application</li> <li>Records of approvals granted or refused, any variation from Council policies with reasons for the variation and decisions made on appeals concerning approvals</li> <li>Orders given under Part 2 of Chapter 7 of the <i>Local Government Act 1993</i> and any reasons given under section 136 of the <i>Local Government Act 1993</i></li> <li>Orders given under the authority of any other Act</li> <li>Records of building certificates under the <i>Environmental Planning and Assessment 1979</i></li> <li>Plans of land proposed to be compulsory acquired by Council</li> <li>Compulsory acquisition notices</li> <li>Leases and licences for use of public land classified as community land</li> <li>Performance improvement orders issued to Council under Part 6 of Chapter 13 of the <i>Local Government Act 1993</i></li> </ul>



## 4.2.

### Proactive Release

In addition to mandatory open access information, Council proactively makes information publicly available that may be in the public interest or has been frequently requested, such as reports about a particular issue, plans and other initiatives of Council.

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

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 endeavours to make as much information publicly available, unless there is an overriding [public interest against release of that information](#).

## 4.3.

### Informal Release

Access to information that is not available through mandatory open access or authorised proactive release may be provided through Informal Release.

The GIPA Act allows Council to release information to the members of the public without submitting a [formal access application](#).

If Council decides to release information through Informal Release, it must first assess whether there is an overriding public interest against disclosure. This means that some of the information requested may not be released because, for example, it contains another person's personal information or a third party's business information.

To enable the release of as much information as possible, Council is authorised to redact or withhold information to facilitate the release of the information, rather than refusing to provide any of the information requested.

The GIPA Act does not provide any statutory timeframe by which Informal requests for information are to be decided. Formal access applications take priority as they are required to be completed in accordance with strict legislative timeframes. Applications should be made to Council by submitting an *Informal Access Request form* available on Council's website.

If an informal request for information involves another person's personal information, a third

party's business information, or the request requires extensive research and an unreasonable amount of time and resources to produce, Council may 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 or extensive research and 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

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, and
- provide sufficient detail to enable Council to identify the information requested.

Council requires a *formal access application form* to be submitted and accompanied by the prescribed fee of \$30.00.

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 also 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 Formal 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.

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.

## 4.6.

### Public Interest Test

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

The 'public interest test' requires balancing factors for and against of each piece of government information. This balancing must be undertaken within the context of the GIPA Act, including the objects of the Act, the four legislative pathways under which information can be released and the presumption in favour of disclosure of information.

When deciding what information to release, Council will apply the public interest test which requires the decision-maker to:

- identify the relevant public interest considerations in favour of disclosure,
- identify the relevant public interest considerations against disclosure, and
- determine the weight of the public interest considerations in favour of and against disclosure and come to a conclusion about whether the factors in favour of disclosure outweigh the factors against disclosure (taking into account the presumption in favour of disclosure).

The public interest test provides that there is an overriding public interest against disclosure if, on balance, the public interest considerations against disclosure **outweigh** the presumption in favour of disclosure and the public interest considerations in favour of disclosure.

Section 14 of the GIPA Act provides an exhaustive list of public interest considerations against disclosure. These are the **only** considerations against disclosure that Council 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.

## 4.7.

### Fees and Charges

Open access information held by Council must be made publicly available for inspection free of charge. Fees for photocopying may be required as set out in Council's [Fees and Charges](#).

Information that Council chooses to disclose proactively may be released free of charge, or at the lowest reasonable cost.

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, Council's statutory obligations may restrict or prohibit the inspection of certain documents, files or information and 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.

Applicants may be asked to pay an advance deposit of up to 50% of the estimated processing charge. In accordance with sections 68-71 of the GIPA Act, a notice for advance deposit must be in writing and the applicant must be given at least 4 weeks to pay.

If an applicant is applying for their own personal information or applying on behalf of someone else for that person's personal information, the first 20 hours of processing time are free of charge.

## 4.8. Review Rights

Applicants may request a review of certain decisions made by Council about the release of information under the GIPA Act, such as:

- A decision that an application is not a valid access application,
- A decision to refuse to deal with an access application (including such a decision that is deemed to have been made),
- A decision to provide access or to refuse to provide access to information in response to an access application,
- A decision that government information is not held by Council,
- A decision to impose a processing charge or to require an advance deposit, or
- A decision to refuse a reduction in a processing charge.

The GIPA Act does not provide for a right of review of a decision of an agency regarding an informal request.

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.

The review will be undertaken by a senior officer who was not involved in making the original decision. The review decision must be made as if it was a fresh application and issued within **15 working days** (this may be extended by up to **ten (10) working days** where there is a need to consult with a third party not previously consulted or by agreement with the applicant).

Applications must be made by completing the internal review application form on Council's website and paying a fee of \$40.00.

An applicant can also seek an external review from 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.

## 4.9. Copyright

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

Copyright in Australia is governed by the [Copyright Act 1968 \(Cth\)](#), which takes precedence over State legislation, meaning that 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.

Copyright may be infringed by using copyright material without the permission of the copyright owner. Examples include:

- Reproducing the work (including photocopying, copying by hand, filming, recording and scanning),
- Making the work public for the first time, or
- Communicating the work to the public (i.e. via email, broadcasting or the Internet).

The above uses are exclusive rights of the copyright owner. Anyone who wishes to use someone else's material in any of these ways generally needs the permission of the owner.

Access to government information must be provided in the way requested by the applicant unless to do so would involve an infringement of copyright.

The GIPA Act enables Council to delete information from a record or for a new record of the information to be created to facilitate the provision of open access information without infringing copyright.

Access to copyright documents may also be facilitated by providing the documents available for inspection free of charge at Council's Administration Building or libraries during ordinary office hours.



Where consent from the copyright owner is unable to be obtained, 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, being mandatory release and proactive release.

Council supports making its data accessible to the public and endeavours to continue to provide access to open information on its website.

## 6. Feedback and Questions

### 6.1.

#### Council officers

Most Council documents can be obtained and inspected at 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.

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

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

### 6.2.

#### Public Officer

Each Council must appoint a Public Officer as directed by the [Local Government Act 1993](#). 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 can help members of the public who have difficulty in obtaining access to Council information.

The Unit Manager Governance Risk and Legal has been appointed as Council's Public Officer.

### 6.3.

#### Governance Team

Council's Governance Team 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.

## 6.4.

### Information and Privacy Commission

The IPC oversees the GIPA Act, GIPA Regulation and Government Information (Information Commissioner) Act 2009. 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](mailto:ipcinfo@ipc.nsw.gov.au)

# 7. Additional Information

## 7.1.

### Management of the Agency Information Guide

Council is required by the [GIPA Act](#) 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](mailto:ask@centralcoast.nsw.gov.au)  
Internet: [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)  
Business Hours: 8:30 AM to 5:00 PM, Monday to Friday (excluding public holiday)



**Central Coast Council**

2 Hely Street, Wyong

**P** 02 4306 7900

**W** [centralcoast.nsw.gov.au](http://centralcoast.nsw.gov.au)