

INFORMATION GUIDE

2024-25



Revision history

Version	Date issued	Notes	By
1.0	2016	New Agency Information Guide for MidCoast Council	Manager Governance
2.0	July 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)	Manager Governance
3.0	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)	Manager Governance
4.0	February 2025	<ul style="list-style-type: none">• Updated Councillor information (as a result of the September Local Government elections)• Updated organisation structure• Updated branding• The word “Agency” removed from the title	Manager Governance

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Preface

MidCoast Council (MCC) has published its “agency information guide” (Information Guide) in accordance with section 20 of the [Government Information \(Public Access\) Act 2009](#) (GIPA Act). The purpose of MCC’s Information Guide is to provide general information on the:

- structure and functions of MCC
- ways in which the functions of MCC, including the decision-making functions, affect members of the public
- specific arrangements in place to enable members of the public to participate in the formulation of MCC policy and the exercise of MCC functions
- kinds of government information held by MCC
- kinds of government information held by MCC that is made publicly available
- manner in which MCC makes or will make government information publicly available
- kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

1. Introduction

In NSW, you have a right to access most government information under the *Government Information (Public Access) Act 2009* (the GIPA Act), unless there is an overriding public interest against disclosure. The object of the GIPA Act is to open government information to the public to maintain and advance a system of responsible and representative democratic government.

Government information means any information contained in a record held by a NSW government agency; this includes information held by a local council. A **record** means any document or other source of information and includes written and electronic information.

The GIPA Act replaced the more commonly recognised *Freedom of Information Act 1989* (NSW) on 1 July 2010. The GIPA Act, like its predecessor, was established to provide a process for providing the public with access to information from New South Wales government agencies.

MidCoast Council’s objective is to comply with the GIPA Act by providing an open and transparent process for public access to MCC information and to encourage the proactive release of MCC information. Our Information Guide is a significant tool in achieving this objective. It details the information we hold and allows the public to easily identify and access that information. It promotes the object of the GIPA Act by opening government information to the public at the lowest possible cost and encourage public participation in MCC’s decision-making and functions.

This Information Guide is reviewed at least every 12 months and is available from the MCC website at <https://www.midcoast.nsw.gov.au/Information-we-must-share-with-you>. MCC values your feedback on this Information Guide to ensure the highest levels of accessibility are achieved. You can provide feedback via email at council@midcoast.nsw.gov.au or by phone on 02 7955 7777.

Where appropriate, links have been provided to documents, reports, data and other information throughout this Information Guide to assist in navigating the MCC website.

2. About MidCoast Council

2.1 About us

MidCoast Council was constituted by the *Local Government Act 1993* on 12 May 2016 and is an amalgamation of the former Gloucester, Great Lakes and Greater Taree local government areas. Located on the mid north coast of NSW, MidCoast Council has a population of approximately 93,800 people and covers an area of 10,000 square kilometres. The MidCoast area includes the towns of Taree, Forster-Tuncurry, Nabiac, Gloucester, Wingham, Harrington, Hallidays Point, Old Bar and Tea Gardens-Hawks Nest.

The *Local Government Act 1993* details a set of principles that provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous. The guiding principles are as follows:

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils. Councils should:

- provide strong and effective representation, leadership, planning and decision-making.
- carry out functions in a way that provides the best possible value for residents and ratepayers.
- plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- manage lands and other assets so that current and future local community needs can be met in an affordable way.
- work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- work with others to secure appropriate services for local community needs.
- act fairly, ethically and without bias in the interests of the local community.
- be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- Councils should recognise diverse local community needs and interests.
- Councils should consider social justice principles.
- Councils should consider the long term and cumulative effects of actions on future generations.
- Councils should consider the principles of ecologically sustainable development.
- Council decision-making should be transparent, and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

MidCoast Council actively engages with its local community using the integrated planning and reporting framework and other measures. See Part 4 of this Guide for further details in relation to 'How we engage with the public and our stakeholders'.

2.2 Our functions

Local councils provide a wide range of services and functions. Broadly, these may be grouped into six (6) categories:

1. Providing and maintaining infrastructure
2. Planning for sustainable development
3. Protecting the environment
4. Supporting community development
5. Supporting economic development
6. Safeguarding public health

Providing and maintaining infrastructure

MidCoast Council (MCC) provides and maintains local roads, bridges, public car parks, footpaths, sporting fields, parks and art galleries as well as a regional airport in Taree. MCC is also responsible for the provision of water supply and sewerage services and associated infrastructure.

Planning for sustainable development

MCC plays a major role in providing long term strategic planning for the MidCoast local government area as well as town planning, zoning and sub-divisions. In addition, MCC is responsible for processing development applications, for building site and compliance inspections which includes ensuring compliance with building regulations.

Protecting the environment

MCC also has a major role in helping protect the environment. MCC has responsibilities under the *Protection of the Environment Operations Act 1997* and can issue various protection of the environment notices including clean up, prevention, compliance cost, provision of records and information and noise control notices.

MCC regularly assesses the state of the local environment, provides environmental programs and uses its regulatory powers to prevent pollution or to restore degraded environments. MCC also has environmental protection responsibilities under other legislation. For example, MCC is responsible for noxious weed control under the *Biosecurity Act 2015*.

In addition to the above, MCC carries out activities to preserve access and amenity to the environment, such as recycling, street cleaning, regulating parking and management of vegetation including bush land reserves.

Supporting community development

MCC regularly consults with and assesses the needs of the community with a view to supporting the community and its development. MCC provides a range of services, including some aimed at groups in the community with special needs. Community services include libraries, sport and recreation facilities, swimming pools and playground facilities.

Supporting economic development

MCC contributes to economic development by working with local businesses, coordinating economic development groups, activities, events and providing tourism services and facilities.

Safeguarding public health

MCC helps maintain high standards of public health and reduces the risk of exposure to a wide range of diseases through activities such as water supply and sewerage services, food shop inspections, waste disposal, pest and vermin control and hazardous material containment. MCC also ensures public safety through controlling dogs and cats (including companion animals).

Legislative Framework

MCC works within the laws established by the NSW Parliament and has a wide range of legislative responsibilities. The [Local Government Act 1993](#) (LGA) is the primary piece of legislation governing how MidCoast Council operates. It provides a legislative framework reflecting modern community expectations and gives MCC broad powers to plan for and provide local community services and facilities.

Functions under the *Local Government Act 1993*

Functions under the LGA are classified as **service** (non-regulatory), **regulatory** or **ancillary**. Ancillary functions assist MCC in carrying out its service and regulatory functions. In addition, MCC also has **revenue** functions, **administrative** functions and functions relating to the **enforcement** of this Act.

Examples of these functions are provided in the table below:

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

Functions under other Acts

While the main functions of MidCoast Council are provided for under this LGA, it also has functions under other Acts. Some other Acts and some of the functions they confer include:

<u>Community Land Development Act 2021</u>	planning functions as consent authority
<u>Companion Animals Act 1998</u>	companion animal registration and control
<u>Conveyancing Act 1919</u>	placing covenants on council land
<u>Environmental Planning and Assessment Act 1979</u>	environmental planning
<u>Fire and Rescue NSW Act 1989</u>	payment of contributions to fire brigade costs and furnishing of returns
<u>Fluoridation of Public Water Supplies Act 1957</u>	fluoridation of water supply by council
<u>Food Act 2003</u>	inspection of food and food premises
<u>Library Act 1939</u>	library services
<u>Protection of the Environment Operations Act 1997</u>	pollution control
<u>Public Health Act 2010</u>	inspection of systems for purposes of microbial control
<u>Public Spaces (Unattended Property) Act 2021</u>	taking possession of property
<u>Recreation Vehicles Act 1983</u>	restricting use of recreation vehicles
<u>Roads Act 1993</u>	roads
<u>Rural Fires Act 1997</u>	issue of permits to light fires during bush fire danger periods
<u>Strata Schemes Development Act 2015</u>	requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee
<u>Swimming Pools Act 1992</u>	approval of strata plans
	ensuring restriction of access to swimming pools

Modification of some functions by the Local Government Act 1993

MidCoast Council's exercise of its functions under the LGA may also be modified by the provisions of another Act. Some of those Acts and some of the modifications they effect include:

<u>Government Information (Public Access) Act 2009</u>	MCC is required to publish certain information and to grant access to certain documents
<u>Heritage Act 1977</u>	rating based on heritage valuation

[Privacy and Personal Information Protection Act 1998](#)

MCC is required to amend certain records that are shown to be incomplete, incorrect, out of date or misleading

[State Emergency and Rescue Management Act 1989](#)

MCC is required to prepare for emergencies

Delegation of functions

Council has, by resolution, delegated to the General Manager many of its functions. The General Manager has sub-delegated many of those functions to MidCoast Council's employees.

The following functions though, cannot be delegated, and the Council itself must deal with these matters:

- the appointment of a general manager.
- the making of a rate.
- a determination under section 549 as to the levying of a rate.
- the making of a charge.
- the fixing of a fee
- the borrowing of money
- the voting of money for expenditure on its works, services or operations
- the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)
- the acceptance of tenders to provide services currently provided by members of staff of the council
- the adoption of an operational plan under section 405
- the adoption of a financial statement included in an annual financial report
- a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6
- the fixing of an amount or rate for the carrying out by the council of work on private land
- the decision to carry out work on private land for an amount that is less than the amount or rate fixed.
- the council for the carrying out of any such work
- the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the *Environmental Planning and Assessment Act 1979*
- the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194
- a decision under section 356 to contribute money or otherwise grant financial assistance to persons
- a decision under section 234 to grant leave of absence to the holder of a civic office
- the making of an application, or the giving of a notice, to the Governor or Minister
- this power of delegation
- any function under this or any other Act that is expressly required to be exercised by resolution of the council

3. Organisation structure

3.1 Mayor and Councillors

The *Local Government Act 1993* provides that the electors of the area shall elect councillors to represent them on their local council. Councillors hold office as ‘the council’ for four years. The elected council oversees the activities of the council but is not involved in the day-to-day running of the council. It is the role of elected councillors to represent community views when making decisions on services, infrastructure, planning and regulatory matters. It is the job of council staff to advise councillors and implement their resolutions.

In MidCoast Council's case, eleven (11) Councillors are elected. The Councillors, from within their number, elect, biennially, a Mayor and Deputy Mayor and appoint members to various Committees which deal with a variety of matters.

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

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.

MidCoast Council's Mayor is Claire Pontin. Claire was elected Mayor in October 2024. MidCoast Council's Deputy Mayor is Jeremy Miller. Jeremy was elected Deputy Mayor in October 2024.



**Mayor
Claire Pontin**



**Deputy Mayor
Jeremy Miller**

Current elected members

The following candidates for the MidCoast were declared elected on 1 October 2024:

Phillip BEAZLEY
Michael GRAHAM
Peter HOWARD
Jeremy MILLER
Hugh (Mal) McKENZIE
Thomas O'KEEFE
Claire PONTIN
Dheera SMITH
Alan TICKLE
Nicole TURNBULL
Digby WILSON

Councillor contact details

Cr Claire Pontin (Mayor)

M: 0411 799 045
T: (02) 7955 7650
E: Cr.Claire.Pontin@midcoast.nsw.gov.au

Cr Phillip Beazley

M: 0407 762 589
E: Cr.Phillip.Beazley@midcoast.nsw.gov.au

Cr Michael Graham

M: 0408 616 112
E: Cr.Michael.Graham@midcoast.nsw.gov.au

Cr Alan Tickle

M: 0417 875 181
E: Cr.Alan.Tickle@midcoast.nsw.gov.au

Cr Dheera Smith

M: 0417 639 136
E: Cr.Dheera.Smith@midcoast.nsw.gov.au

Cr Mal McKenzie

M: 0408 927 906
E: Cr.Mal.McKenzie@midcoast.nsw.gov.au

Cr Jeremy Miller (Deputy Mayor)

M: 0417 607 540
E: Cr.Jeremy.Miller@midcoast.nsw.gov.au

Cr Digby Wilson

M: 0499 722 098
E: Cr. Digby.Wilson@midcoast.nsw.gov.au

Cr Peter Howard

M: 0417 615 485
E: Cr.Peter.Howard@midcoast.nsw.gov.au

Cr Nicole Turnbull

M: 0407 134 320
E: Cr.Nicole.Turnbull@midcoast.nsw.gov.au

Cr Thomas O'Keefe

M: 0400 727 776
E: Cr.Thomas.Okeefe@midcoast.nsw.gov.au

The postal address for each Councillor is:

Councillor "first name" "last name"
MidCoast Council
PO Box 482
Taree NSW 2430

3.2 Staff

Councils employ staff to administer the council. The General Manager is the most senior member of staff and is the only member of staff selected and appointed by the Councillors. The General Manager is responsible to the council for carrying out council decisions and policy and overseeing the day-to-day operation of the council.

The General Manager provides the link between the elected council and its employees. While all council staff have a duty to carry out council decisions, they are responsible to the General Manager, not the Councillors. Individual Councillors cannot direct staff in their day-to-day activities. However, this is counterbalanced by the responsibility of General Manager to provide information, guidance and support to councillors to make good decisions.

MidCoast Council's General Manager is Adrian Panuccio. Adrian was appointed to the role in 2018.



General Manager
Adrian Panuccio

To assist MidCoast Council's General Manager in his role, there are three (3) Directors who each head a division of MidCoast Council.

Corporate Services – Director - Steve Embry

The Corporate Services division of MidCoast Council deals with:

- Governance
- Support Services and Business papers
- Human Resources
- Corporate Planning / Development
- Property Management
- Integrated Planning and Reporting (including Delivery Program and Operational Plan)
- Commercial Development
- Financial Services (including Long Term Financial Plan and S94)
- Procurement and Stores
- Risk Management and Insurance
- Fleet and Plant Management
- Information Technology Management

Infrastructure and Engineering Services - Director - Robert Scott

The Infrastructure and Engineering Services division is responsible for:

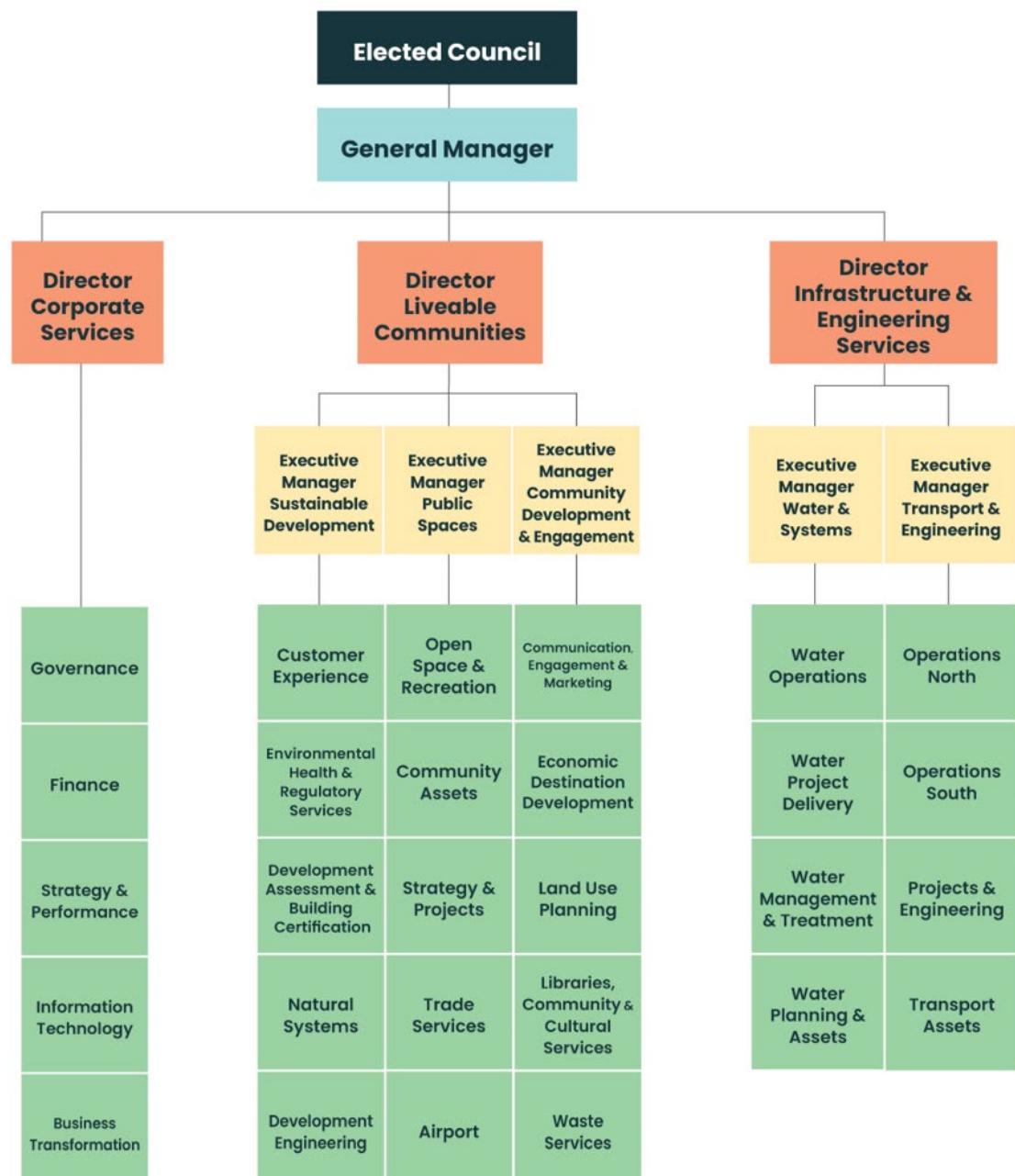
- Road Construction and Maintenance
- Weight of Loads
- Bridge Construction and Maintenance
- Traffic Engineering
- Stormwater / Drainage Maintenance
- Asset Strategy and Plans (Transport)
- Emergency Management
- Investigation and Design (Roads, Bridges, Drainage)
- Natural Hazard Investigation and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

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 and Community Strategic Plans
- Trades
- Marketing and 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 and Plans (Non-transport)
- Media and Public Relations
- Airport
- Parks, Recreation (passive and active)
- Development Assessment
- Development Engineering
- Waste Services
- Building Certification
- Regulatory Services
- Noxious Weeds
- Water Quality Management
- Natural Areas and Systems
- Catchment Management
- Strategic Planning (Land use, Coastal Process, Flood, Heritage)

The organisation structure under which MidCoast Council operates is set out below:



3.3 Our Locations

We have several office locations across the MidCoast region.

[Administration & Customer Service Centre, Yalawanyi Ganya](#)

2 Biripi Way, Taree

Opening hours: Monday – Friday 8:30am to 4:30pm

[Forster Customer Service Point](#)

4 Lake Street, Forster

Opening hours: Monday – Friday 8:30am to 4:30pm

[Gloucester Customer Service Point](#)

89 King Street, Gloucester

Opening hours: Monday – Friday 9am to 4pm

Services Australia operating hours: Monday – Friday 10am – 4pm.

[Stroud Customer Service Point](#)

6 Church Lane, Stroud

Opening hours: Monday – Friday 9am to 12pm

[Tea Gardens Customer Service Point](#)

245 Myall Street, Tea Gardens

Opening hours: Monday – Friday 9am to 4pm

3.4 Our contact details

For further information, you can [contact us](#) on the details below:

Post: MidCoast Council

PO Box 482, TAREE NSW 2430

Email: council@midcoast.nsw.gov.au

Website: <https://www.midcoast.nsw.gov.au/Home>

Telephone: Council's Call Centre can be contacted from 8.30am to 4:30pm, Monday to Friday (excluding public holidays) on (02) 7955 7777

4. How we engage with the public and our stakeholders

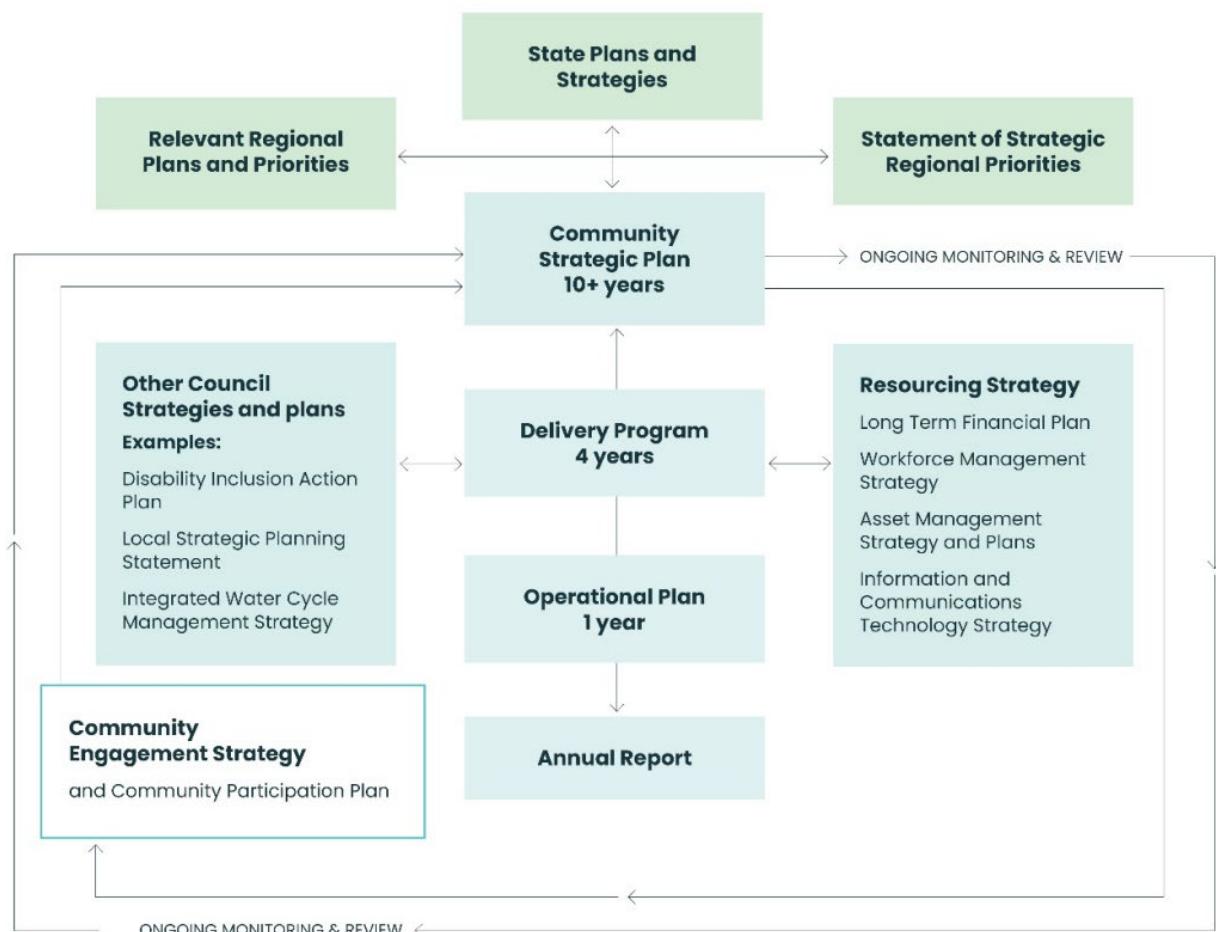
4.1 How our functions affect the public

MidCoast Council (MCC) provides essential services and facilities to the community in the MidCoast local government area. Many of the things MCC does aren't obvious straight away, but MCC is behind many of the services you can see around our community. As a service organisation, most of MCC's activities have an impact on the public.

The following is an outline of how the broad functions of Council may affect the public.

FUNCTION	DESCRIPTION
Service functions	MCC provides a variety of services and facilities to the public. These include the provision of libraries, halls and community centres, recreation facilities, sports fields, parks, local infrastructure, water supply and sewerage services, tree maintenance, removal of garbage and local events.
Regulatory functions	Regulatory functions place restrictions on developments and buildings to ensure that they meet certain requirements, affecting the amenity of the community, and not endanger the lives and safety of any person. Members of the public must be aware of, and comply with, such regulations.
Ancillary functions	Ancillary functions affect only some members of the public. These functions include, for example, land acquisition or the power for MCC to enter onto a person's land.
Revenue functions	Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community.
Administrative functions	Administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of Council services.
Enforcement functions	Enforcement functions 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, parking offences, building and development compliance matters and other regulatory offences. These functions also help to ensure access to parking, safety and community amenity standards are upheld.
Integrated planning & reporting functions	MCC's Integrated Planning and Reporting Framework comprises the Strategic Plan; combined Delivery Program and Operational Plan; and Budget which are all supported by the Resourcing Strategy. Our Integrated planning & reporting functions have a major effect on the community as these documents set Council's direction for the future and provide for the needs of our community into the future.

Our Integrated Planning and Reporting Framework is represented diagrammatically below:



4.2 Public participation

All councils in NSW are independent, locally elected corporate bodies. Councils are responsible for making significant decisions that have a far-reaching impact on their community. Local communities are encouraged to have a say in what their council does and how it does it. There are a number of ways that you can participate in a council's decision-making process, such as:

- Vote at elections
- Stand for council
- Attend council meetings
- Nominate for a Committee
- Access council information
- Participate in public consultations
- Provide feedback

MidCoast Council (MCC) is committed to promoting public participation and engaging with our community. This includes informing and consulting on matters that affect the community, using active processes to involve the community and obtain their feedback and building relationships so that the community is connected to MCC's decision-making processes. Engagement, in this context, relates particularly to the two-way relationship where MCC and the community exchange information and feedback on projects, policies, issues, proposals or plans.

Our consultation approach is directed by our [Community Engagement Strategy](#). The aim of this strategy is to:

- outline how and when MCC will engage with our community on planning, MCC projects and other matters of relevance to the local community.
- set out overarching principles, processes and techniques for community engagement.
- determine who MCC will engage, when MCC will engage and how MCC will engage our community.

4.3 Our channels of engagement

There are two broad ways in which the public can participate in the policy development and the general activities of MCC, either through representation or 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 NSW, local government elections are held every four years. The last election for MidCoast Council Councillors was held in September 2024. The next election will be held in September 2028.

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. Voting is compulsory. Property owners who live outside the MidCoast area and rate paying lessees can also vote but must register their intention to vote on the non-residential roll.

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. MidCoast Council is represented, through Councillors or members of its staff, on a wide range of internal and external committees and regional organisations. With a view to keeping in touch with trends within the MidCoast area and in the industry generally.

Members of the public are encouraged to discuss local community concerns with their elected representatives (Councillors). The contact details for our Councillors are available on page 11 of this Information Guide.

Personal participation

There are multiple avenues for the public to engage with and/or interact with MidCoast Council:

- [Our website](#)
- ['Have Your Say' online portal](#)
- Social media
- Surveys
- [Community Conversations](#)
- [Council meetings](#)
- Newsletters with rates and accounts
- [Volunteering](#)
- Media coverage
- [Email newsletters](#)
- Direct mail
- Call centre
- [Committees and advisory groups](#)
- Advertising and promotion
- [Customer service centres](#)
- [Talk About program](#)
- ['What's on'](#)
- ['Seasonal Edition'](#)

Council meetings

Council meetings are public meetings and members of the public are welcome to attend. The meeting agendas (including reports and related attachments) and minutes are available to the community. [Agendas and minutes](#) of the meetings are published on our website and can be viewed at our Customer Service Centres and Libraries. Members of the public are able to address Council meetings in relation to matters that are listed on the agenda.

Council meetings are usually held on the fourth Wednesday of the month at 2pm. All meetings are held at MidCoast 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. A few days after a Council Meeting is held, public forum and council meeting audio recordings are published on the website.

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. 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 [Speaking at a Council meeting](#)

Council Committees

Committees are 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, Advisory Committee or Section 355 Committee providing information, advice, suggestions and support to Council and staff when determining the best actions moving forward.

Information on our current [Council committees](#) can be found on the website and are listed below:

Aboriginal Reference Group	Heritage Reference Group
Arts & Creative Industries Reference Group	MidCoast Koala Reference Group
Audit, Risk and Improvement Committee	Local Traffic Committee
Bulahdelah Highway Service Centre Planning Agreement Reference Group	Old Bar – Manning Point Coastal Management Program Reference Group
Community Inclusion and Wellbeing Reference Group	Southern Estuaries Coastal Management Program Reference Group
Floodplain Management Advisory Committee	

Public exhibition of proposed policies, plans and projects

MidCoast Council (MCC) consults with its residents in relation to policy and other matters throughout the year. Policies that have an impact on the public and other matters of importance to the community (such as our Operational Plan and Budget and major capital works projects) are exhibited for public comment prior to MCC decisions. For information in relation to matters that are currently on public exhibition see the 'open projects' page of our website or the ['Have Your Say'](#) online portal.

Public exhibitions are a key avenue for members of the community to participate in MCC's decision-making processes. MCC acknowledges members of the community's right to advocate for what they want/need to ensure that MCC makes sustainable and improved decisions.

4.4 Feedback about us

We are committed to delivering quality customer service to our community. Your experience is important and will help us to continually improve. We receive a range of diverse correspondence through a variety of channels including our website, emails, letters, phone calls and social media.

Members of the public are encouraged to provide [feedback](#) on our services and publications. This feedback is important to us and assists us to inform our policies and publications and improve our services. We are committed to responding to complaints in accordance with our [Complaint Handling Policy and Procedure](#). All feedback and complaints are dealt with confidentially and personal information is managed in accordance with our [Privacy Management Plan](#).

5. Information we hold

MidCoast Council (MCC) holds a range of information (in both physical and digital formats) relating to its functions, including, but not limited to:

- Policy documents (strategic and legislated)
- Plans
- Codes of practice
- Annual reports
- Annual financial reports
- Auditor's reports
- Council meeting agendas, business papers and minutes
- Disclosure of interests returns of councillors and designated persons
- Various registers (e.g. land, gifts and benefits)
- Various plans of management
- Information relating to development applications
- Approvals (granted and refused) and associated documents
- Orders
- Building certificates
- Compulsory acquisition notices
- Land rating
- Complaints
- Compliance activities
- Land development
- Library services
- Employee records
- Correspondence
- Leases and licences for use of public land
- Land use planning documents

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.

Information may be available on MCC's website (and links to our website are included where applicable) or via an informal or formal access application. MCC will seek to ensure that legitimate requests for access to information are handled promptly and that members of the public are able to access information, subject to the public interest and, in some cases, other legislation may also be considered, such as NSW privacy laws which govern personal and health information as well as Australian copyright law.

Copyright

Under the Commonwealth [Copyright Act 1968 \(Cth\)](#), MCC is unable to provide reproductions or copies of copyright protected documents, however, these documents are able to be viewed in person. In general, copyright protected documents may include plans, specifications and consultants' reports. Documents protected by copyright may be released if permission is obtained from the copyright holder.

If a determination is made to refuse access to information, MCC will explain how it has reached that determination based on the public interest considerations contained in the GIPA Act. MCC may also provide access to information under other legislation. Under the *Privacy and Personal Information Protection Act 1998* (PPIPA) and the *Health Records and Information Privacy Act 2002* (HRIPA) an individual has a right to access records held by MCC which contain their personal details, matters related to their business affairs and any records containing information about their health.

Where information about an individual is held in documents, files or systems that include information about other persons, any request should be made under the GIPA Act (i.e. Formal GIPA Application), which provides for consultation with other affected parties prior to disclosure of information concerning personal or business affairs.

6. How to access our information

6.1 Open Access Information

Under the *Government Information (Public Access) Act 2009* (the GIPA Act), MidCoast Council (MCC) is required to release certain information (known as 'open access information') unless there is an overriding public interest against doing so. Generally, open access information will be made publicly available, free of charge, and on MCC's website. MCC also makes open access information available in other ways, for example, in hard copy, electronic attachment or by viewing in one of MCC's offices (see 'Our locations' on page 15 of this Information Guide).

Note: the GIPA Act and GIPA Regulation do not require or permit MCC to make open access information available if doing so would in any way constitute an infringement of copyright.

Section 6 of the GIPA Act makes it mandatory for MCC to release the following information, unless there is an overriding public interest against disclosure:

- [MCC's GIPA agency information guide](#) (*MidCoast Council Information Guide*)
- Documents (if any) tabled in Parliament by, or on behalf of, MCC
- [MCC's Policy Documents](#)
- [MCC's GIPA Disclosure Log](#) (of information released under formal access applications that may be of public interest)
- [MCC's Contracts Register](#) (a register of government contracts it has with private sector entities for a value of \$150,000 (inclusive of GST) or more), and
- MCC's GIPA Record (kept under section 6 (kept under section 6) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure).

In addition to the above information, [Schedule 1 to the Government Information \(Public Access\) Regulation 2018](#) (GIPA Regulation) lists further open access information that MCC must make publicly available, including:

Information about MidCoast Council (MCC)

- [the model code prescribed under section 440 \(1\) of the Local Government Act 1993 \(LGA\) and the code of conduct adopted under section 440 \(3\) of the LGA,](#)
- [code of meeting practice](#)
- [annual report](#)
- [annual financial reports](#)
- [auditor's report](#)

- [management plan](#)
- [Equal Employment Opportunity management plan](#)
- [policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors](#)
- annual reports of bodies exercising functions delegated by MCC
- any codes referred to in the LGA
- [returns of the interests of councillors, designated persons and delegates](#)
- [agendas and business papers for any meeting of MCC or any committee of MCC](#) (but not including business papers for matters considered when part of a meeting is closed to the public),
- [minutes of any meeting of MCC or any committee of MCC](#), 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,
- reports by the Chief Executive of the Office of Local Government presented at a meeting of MCC
- [land register](#)
- register of investments
- [register of delegations](#)
- register of graffiti removal work
- register of current declarations of disclosures of political donations
- [the register of voting on planning matters](#)

Plans and policies

- [local policies adopted by MCC 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 \(EPA Act\) applying to land within the MidCoast Council area](#)

Information about development applications

- development applications (within the meaning of EPA Act) and any associated documents received in relation to a proposed development including the following:
 - 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),
 - a record that describes the general nature of the documents that the local authority decides are excluded under the categories directly below.

However, the following information about development applications is not open access information:

- 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, or
- development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.

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 EPA Act,
- plans of land proposed to be compulsorily acquired by MCC,
- compulsory acquisition notices,
- leases and licences for use of public land classified as community land,
- performance improvement orders issued to MCC under Part 6 of Chapter 13 of the LGA.

In addition to information provided on MCC's website, MCC will also make open access information available by:

- making the information available for inspection free of charge by any person at the office of the Council during ordinary office hours; and
- providing a copy of a record containing the information, or the facilities to make a copy of the record, to any person either free of charge or for a charge not exceeding the reasonable cost of photocopying.

6.2 Proactive release of information

MidCoast Council (MCC) will also proactively release other information free of charge. The program for proactive release is reviewed at least every 12 months to:

- identify the kinds of information held that should in the public interest be made publicly available and that can be made publicly available without imposing unreasonable additional costs on MCC.
- Identify and review accessibility of information repeatedly asked for, both formally and informally.
- Review MCC's disclosure log to identify patterns or themes in the type of information sought.

6.3 Informal release of information

If the information you are looking for is not readily available on our website, you can make an informal request to access the information. These requests can be submitted using our [online form](#). We will deal with as many information requests as possible, informally, subject to the public interest test. Information will be provided to applicants electronically (via email) wherever practicable and generally free of charge.

Informal applications are dealt with in order of receipt. Normally you can expect a turnaround time of approximately 20 working days.

Where MCC approves the release of certain information, but part of the information is subject to an overriding public interest against disclosure, it may redact or withhold that part of the information that is subject to the overriding public interest against disclosure, from the copy of the information to be released.

MCC may decide to release information via inspection only.

Fees

MCC will, where possible, respond to informal access requests free of charge, electronically (by email). MCC will charge a reasonable fee in the following circumstances:

- If hard copy documents are required or if documents are unable to be shared electronically, a photocopy fee is payable
- If a hard copy file needs to be retrieved from our external archive
- If microfilm researching is required.

for details, see [MCC's Fees and Charges](#).

6.4 Formal release of information

The release of all other information can be made by making a formal request to access the Information. These requests are generally for:

- Information that is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure; or
- Information that contains personal or confidential information about a third party that requires consultation
- information that contains business (or commercial in confidence) information
- Information that would involve a significant amount of time and/or resources to produce.

Any applications under GIPA will be processed in accordance with the Act's requirements and a determination made to release the documents or refuse access on the basis of the relevant considerations under the Act (see information below in relation to the public interest test). In all cases, MCC will explain the reasons for its decision.

Documents may be provided electronically or in hard copy depending on the applicant's preference and, also, on the volume of documents being sought/provided.

A person seeking access to information from MCC should check if the information being sought is already available or could be made available by MCC informally. If information is not available through mandatory, proactive or informal release, a formal access application will need to be made.

Decisions in relation to formal access applications are reviewable (see Rights of Review and Appeals below).

Third party consultation

Where an application is received for access to information concerning a third party (that is, someone other than the applicant or MCC), then MCC is required to take all reasonable steps to consult with the third party to obtain their views. This requirement exists so that sensitive information of third parties is not released without proper consultation and careful consideration.

In accordance with section 54 of the GIPA Act, MCC must consult with third parties, where the information requested may involve:

- Their personal information
- Their business interests
- Their research interests
- The affairs of the Government (Commonwealth/State/Territory)

Consultation must take place if the information is such that the person or persons may have reasonable concerns about disclosure and those concerns are relevant to the public interest test. Consultation with a third-party is required find out whether they object to the information being provided to you.

Time limits

Your application will usually be processed within twenty (20) working days after it is received unless:

- You and MCC agree to an extension of time beyond twenty (20) working days.
- MCC is required to consult with a third party. MCC may take an extra ten (10) working days to process your application if this is the case.
- If the information is stored in archives, MCC may also take an extra ten (10) days to process your application if this is the case.
- MCC needs to do both (consult with a third party and retrieve the information from archives), MCC may take an extra fifteen (15) days to process your application if this is the case.
- MCC is deemed to have refused your application and must refund your application fee if it takes longer than this to process your application and you have not agreed to an extension of time (this is a reviewable decision).
- If access is deferred by MCC, then MCC will notify the applicant and include the reason for deferral and the date on which the applicant will be given access (this is a reviewable decision).

Fees

- The standard cost for a formal application is \$30.
- The application will not be valid until the fee is paid.
- There may be processing charges which are charged at a rate of \$30 per hour.
- MCC will waive the processing charges for the first twenty hours of processing time if the information is your personal information.
- If you can't pay the fees, let MCC know before you lodge your application and we may be able to waive, reduce or refund any fee or charge that may be imposed under the GIPA Act.

6.5 Excluded Information

Excluded information is identified by reference to certain agency functions. Information related to a function is specified in [Schedule 2 to the GIPA Act](#) and includes:

1. Judicial and prosecutorial information of a court (judicial functions) or the office of Director of Public Prosecutions (prosecuting functions)
2. Complaints handling and investigative information of certain agencies (some of which are listed below):
 - The Office of Local Government (complaint handling and investigative functions)
 - The Independent Commission Against Corruption (corruption prevention, complaint handling, investigative and reporting function).
 - The office of Ombudsman (complaint handling, investigative and reporting functions)
 - The office of Information Commissioner (review, complaint handling, investigative and reporting functions)

- The office of Privacy Commissioner (review, complaint handling, investigative, auditing, monitoring and reporting functions)
3. Competitive and market sensitive information of certain agencies; and
 4. Other information of specified agencies.

MidCoast Council (MCC) is defined as an ‘agency’ under the GIPA Act but is not one of the agencies listed in Schedule 2 of the GIPA Act in relation to excluded information. Before MCC decides an access application by refusing to provide access to information on the basis that it is excluded information of another agency, MCC is required to ask the other agency whether the other agency consents to disclosure of the information.

6.6 Disclosure Log

We maintain a [disclosure log](#) under section 25 of the GIPA Act which documents the information we release in response to access applications, and that may be of interest to members of the public. Our disclosure log provides a mechanism to further proactively release information to the public. A regular review of our disclosure log provides a valuable opportunity to identify trends and documents that could be released proactively.

6.7 Our Right to Information Officer

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

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.

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

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

If you have any difficulty in obtaining access to MCC information 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 record 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

7. Review rights and the role of the Information Commissioner under the GIPA Act

7.1 Rights of review and appeals

Informal Access Applications

There are no rights of review in respect of informal applications. If access is refused, under an informal access application request, applicants will be advised of their right to make a formal access application.

Formal Access Applications

Applicants have the right to request a review of certain decisions MidCoast Council (MCC) makes relating to the release of information under the *Government Information (Public Access) Act 2009* (GIPA). Applicants have three review options available:

1. Applicants can apply to Council for an **internal review**. This is a review by someone more senior than the original decision maker and there is a \$40 fee. Applicants have 20 working days from receiving notice of a decision to ask for an internal review.
2. If an applicant is not satisfied with the internal review, or does not want one, they can ask for an **external review by the Information Commissioner**. Applicants have 40 working days from being notified of a decision to ask for this review.
3. If an applicant disagrees with any of the decisions listed above, they can ask for an **external review by the NSW Civil and Administrative Tribunal (NCAT)**. An applicant does not have to have an internal review or an external review by the Information Commissioner before applying for review by NCAT. An applicant has 40 working days from being given the decision to apply to NCAT for review. However, if the applicant has applied for review by the Information Commissioner, they have 20 working days from being notified of the Information Commission's review outcome to apply to NCAT. Further information can be found on the NCAT website: <https://ncat.nsw.gov.au/>

7.2 Role of the Information Commissioner

The Information and Privacy Commission NSW (IPC) is an independent statutory authority that administers legislation dealing with privacy and access to government held information in New South Wales.

The IPC promotes and protects information access rights in NSW and provides information, advice, assistance and training for agencies and individuals on information access matters.

Anyone can complain to the Information Commissioner about the conduct (action or inaction) of a NSW government agency (including a council) in the exercise of functions under Government Information (Public Access) Act 2009 (GIPA Act). The Information and Privacy Commission (IPC) deals with complaints by taking measures to assist resolution and can deal with a complaint by investigation.

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

- **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