



**DATE ADOPTED: 26 April 2016**

**VERSION: 2.0**

## **1. Accessing Information**

Maitland City Council is committed to being open, accountable, fair and effective in the exercise of its functions, and to handle personal and health information in a fair and reasonable manner. Council will seek to ensure that legitimate requests for access to information are granted, subject to the need to protect the privacy of others, commercially sensitive information and information the disclosure of which would not be in the public interest.

These guidelines are intended for use, in conjunction with the Right of Information Policy, by Council staff and sets out the documents and types of information that are open access, those that will require an application form and those that will not generally be available for inspection or copying. Council staff can still continue to release Open Access information proactively as part of the requirements of their position. If staff have any questions or require assistance in determining whether information can be released they can contact Council's Right to Information Officer for guidance.

Requests to inspect documents that are deemed 'open access' in accordance with the Government Information (Public Access) Act 2009 (GIPA) will be available free of charge via the Council website. Copies requested from Council will be available on request but subject to a reasonable photocopy fee. All charges are detailed in Council's annual Schedule of Fees and Charges.

Members of the public have an enforceable right to access Government information. There is a presumption in favour of the disclosure of Council information under the GIPA subject to the restrictions outlined in Schedule 1 of the Act.

The GIPA prescribed four modes for releasing Government information:

### **1. Mandatory Proactive Release**

This is information that we proactively publish on our website such as a publication guide, policies and procedures affecting how we make decisions and provide services, and a Register of Government Contracts. These examples are considered to be Open Access information.

### **2. Authorised Proactive Release**

This is information which Council voluntarily makes available to the general public. Council takes the initiative to release as much information as possible, in an appropriate manner and free of charge or at the lowest possible cost. Information of particular public interest or which is frequently released informally will be considered for Proactive release in the future.

### 3. Response to an Informal Request

An informal request is simply where Council is asked for information. This may be requested by phone, e-mail, letter, fax or in person. A range of information is already provided by staff members in response to ad hoc queries and GIPA encourages such an approach unless there is an overriding public interest against disclosure. Factors to be taken into account in deciding what is appropriate to be released informally include the volume of information sought and the time required to respond to the request, whether the information concerns a third party or is considered contentious. There are no specific timeframes and no appeal rights in regard to informal requests and in some circumstances it may be necessary to refuse and advise that a Formal Access application should be submitted.

### 4. Response to a Formal Application

A Formal Application under GIPA must be responded to within defined timeframes and is subject to appeal provisions. The applicant may be required to pay some of the costs, but this is limited to the recovery of processing fees set at \$30.00 per hour for the staff time involved in actions such as identifying, retrieving, copying and assessing the information.

GIPA provides sanctions and fines for individuals committing offences in regard to Formal Applications such as destroying, concealing or altering information to prevent disclosure and unlawful, deception or misleading behaviour.

Under the NSW Privacy and Personal Information Protection (PPIPA) Act 1998 and the NSW Health Records and Information Protection (HRIP) Act 2002, an individual has the right to access and amend records held by Council which contain their personal details, matters relating to their business affairs and any records containing information about their health.

Where information about an individual is held in documents, files or filing systems that include information about other persons, any request should be made under the GIPA Act. This Act provides for consultation with other affected parties prior to disclosure of information concerning their personal or business affairs. This consultation allows the 3<sup>rd</sup> parties concerned to advise Council if they object to Council releasing their information. Council must also consider the requirements of the PPIPA Act when determining documents for release.

Under the State Records Act 1998 Council is required to give an access direction (whether the records open or closed) for all their records that are at least thirty (30) years old in what is described as the "open access period".

Under the NSW Environmental Planning and Assessment (EPA) Act 1979 and Regulations 2000 there is a right to access Development Application registers and documents held by Council subject to restrictions set out in cl.268(3).

## 2. Information Available

Council publishes open access, or mandatory release, information on its website unless there is an overriding public interest against disclosure or to do so would impose an unreasonable additional cost on Council. In respect of the latter the Council will make the information freely available in another format e.g. hard copy at the Council Administration Office. The open access information is:

- Council's policy documents;
- A publication guide with information about the Council's structure and functions, and listing the type of information that is publicly available;
- A disclosure log of formal access applications where in council's opinion the information release may be of interest to other members of the public;



- A register of contracts worth more than \$150,000 that councils have with private sector bodies; and
- A record of open access information that council does not make publicly available on the basis of an overriding public interest against disclosure.

In addition Schedule 5 of the GIPA Act requires that certain documents held by council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

#### 1. Information about Council

- The model code of conduct prescribed under section 440(1) of the Local Government Act
- Council's adopted Code of Conduct
- Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors
- Annual Reports of Bodies Exercising Functions Delegated by Council (e.g. Section 355/377 Committees)
- Any Codes referred to in the Local Government Act
- Returns of the Interests of Councillors, Designated Persons and Delegates
- Agendas, Business Papers and Minutes of Council/Committee meetings (except meetings that are closed to the public)
- Division of Local Government, NSW Department of Premier and Cabinet Representative Reports presented at a meeting of Council
- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti removal works
- Register of current Declarations of Disclosures of Political donations
- Register of Voting on Planning Matters
- Register of Planning Agreements
- Register of Development Contributions
- Register of Applications for Development Consent
- Register of Applications for Complying Development Certificates
- Register of Determination of Applications for Development Consent
- Register of Determination of Applications for Complying Development Certificates

#### 2. Plans and policies

- Local Policies adopted by Council concerning approvals and orders
- Plans of Management for Community Land
- Environmental Planning Instruments, Development Control Plans and Contribution Plans

#### 3. Information about Development Applications

Development Applications and any associated documents received in relation to a proposed development (subject to copyright owner approval). For example:



- Home Warranty Insurance documents
- Construction Certificates
- Occupation Certificates
- Structural Certification Documents
- Town Planner Reports
- Submissions received on Development Applications
- Heritage Consultant Reports
- Acoustic Consultant Reports
- Land Contamination Consultant Reports
- Records of decisions on Development Applications including decisions on appeals
- Records describing the general nature of documents that Council decides to exclude from public view after application of public interest test considerations

#### 4. Approvals, Orders and Other Documents

- Applications for approvals under chapter 7 of the LGA
- Applications for approvals under any other Act and any associated documents received
- Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decisions made on appeals concerning approvals
- Orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- Orders given under the Authority of any other Act
- Records of Building Certificates under the Environmental Planning and Assessment Act 1979
- Plans of land proposed to be compulsorily acquired by Council
- Compulsory Acquisition Notices
- Leases and Licenses for use of Public Land classified as Community Land

In addition, from time to time Council will make as much other information as possible publicly available in an appropriate manner, including on their website. The information will be available free of charge or at the lowest reasonable cost. Such other information includes frequently requested information or information of public interest that has been released as a result of other requests.

Council will endeavour to release other information in response to an informal request, subject to any reasonable conditions as Council thinks fit to impose. However, notwithstanding the lodgement of an informal application, Council may require a formal access application to be submitted where the information sought:

- Is of a sensitive nature that requires careful weighting of the considerations in favour of and against disclosure, or
- Is not otherwise routinely provided by Council, or
- Contains personal or confidential information about a third party that requires consultation, or
- Would involve an unreasonable amount of time and resources to produce.

#### **Access to information subject to copyright**

Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document. The copyright-owner's consent is required prior to the release of any copyright protected documents.

Copyright protected material submitted to Council is not to be published, copied or distributed unless Council has copyright owner's express consent to do so. Such material however may be viewed by the public.

This Policy provides that without copyright owner's consent:



- DA notification plans will be available on the Council's website or Application Tracker and will not be removed after the submission period or assessment period
- Other plans not showing the internal configurations and specifications of residential developments and other documents associated with the DA and being identified as copyright protected material may be available on the Council's website or Application Tracker if in the public's interest and will not be removed after the submission period or assessment period
- Plans showing the internal configurations of residential developments will not be available on the Council's website or Application Tracker
- Public access to hard copy DA files may be provided upon application of 'Request to view file' under the GIPA Act and will be vetted to ensure that plans showing the internal configurations and specifications of residential developments are not made available. No copyright protected material may be copied from the file.

Council's development related Application forms will be updated to include wording to the effect that the applicant and owner are signing to acknowledge that all plans and documentation accompanying forming part of that application may be publicly available under GIPA Act and may appear on Council's website or Application Tracker.

Any other identified copyright protected materials relating to matters other than DAs will not be published on the Council's website under the *GIPA Regulation*.

### **Resident / Public Submission Letters**

In accordance with Schedule 1 of the *GIPA Regulation*, submission letters concerning development applications are open access information and therefore are publicly available.

Submission letters (including the identifying particulars of the authors) to Council on matters of policy or proposals (other than development applications) including LEP/DCP changes, draft management plans, matters on exhibition and other public consultations are deemed to be for the purpose of public process and are therefore available for inspection. Council will give consideration to the "public interest" and requests for confidentiality by submitters in determining access to submission letters.

All invitation for public submissions will include a statement that their submissions including identifying particulars will be made public. The provisions of the GIPA Act may, after due process, result in submissions marked confidential by the writer being released to an applicant.

### **Plans showing internal configurations and specifications of residential developments**

The *EPA Act* provides access to all documents associated with a development application. Schedule 1[3](2)(a) to the *GIPA Regulation* states that the open access requirement do not apply to the internal floor plans or specifications for any residential parts of a proposed building, other than plans showing the heights and external configuration of the site.

### **3. Exemptions to Access**

Council may refuse a request for information if there is an overriding public interest against disclosure or if searching for the requested information would require unreasonable and substantial diversion of the Council's resources.

Council will always explain to the applicant its reasons for applying an exemption. Council will not classify information as exempt unless there are clear reasons for doing so. Where documents contain exempt information, any remaining information contained within the requested document will be available under the Act.

In determining whether there is an overriding public interest against the disclosure of the information, Council will fully consider the Public Interest Test.



Considerations are grouped under the following headings:

- 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 (in legislation other than those listed in Schedule 1)
- Exempt documents under interstate Freedom of Information legislation.

In applying the public interest test, Council will not take into account:

- That disclosure might cause embarrassment to, or loss of confidence in, the Council;
- That any information disclosed might be misinterpreted or misunderstood by any person.

Council will consider any submissions made by an applicant in relation to public interest considerations, as well as any factors personal to the applicant.

Under the GIPA there are 12 categories of information (eight of which affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure. These eight are:

1. Information subject to an overriding secrecy law (26 specifically named Acts)
2. Information subject to the direction or order of a court or other body with the power to receive evidence on oath
3. Information subject to legal professional privilege
4. 'Excluded information' (judicial and prosecutorial information, information about complaints handling and investigative functions, competitive market sensitive information and information in relation to specific functions of the Public Trustee)
5. Documents affecting law enforcement and public safety
6. Specific information relating to transport safety
7. Specific reports concerning the care and protection of children
8. Specific information relating to Aboriginal and environmental heritage

Generally under the GIPA, Council must not publish and must refuse requests to disclose information in the above categories. Formal applications for 'excluded information' are invalid under the Act.

In dealing with informal applications Council will apply a similar decision making framework.

#### **4. Time Limits**

In respect of formal applications, Council will notify applicants of the decision on an application within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days where consultation with a third party is required or if Council needs to retrieve records from archives.

If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access. A decision to defer access is reviewable (see Rights of Review and Appeal). If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused'. Council will refund the application fee and the applicant may seek internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.



## 5. Rights of Review and Appeal

Where a member of the public is refused access under a formal application under GIPA Act, staff will provide details of the reasons for refusal to the member of the public writing. An applicant who has been refused access by Council to information requested under a formal request for access to information under the GIPA Act has three options of review 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. An internal review will be dealt with within 20 working days.
2. If an applicant is not satisfied with the internal review, or does not want one, they can ask for a review by the Information Commissioner. Applicants have eight weeks from being notified of a decision to ask for this review. If you are not the access applicant, you must seek an internal review before applying for review by the Information Commissioner. For further information on how to ask for a review by the Information Commissioner go to: <http://www.ipc.nsw.gov.au/your-review-rights-under-gipa-act>
3. If an applicant is not satisfied with the decision of the Information Commissioner or the internal reviewer or if they do not want to take these options they can apply to the Administrative Decisions Tribunal (ADT). If the applicant has already had a review by the Information Commissioner they have four weeks from notification of the decision to make this application. If they haven't had a review by the Information Commissioner they have eight weeks from notification of the decision to make this application.

It is noted that there are no rights of review in respect of informal applications, but the applicant may make a formal application at any time.

## Access to Information Matrix

Public Registers	Application Required	Access Restrictions	Under relevant legislation	Details of Access	Is a copy able to be given?
Property Register including sales data	Yes – Informal Yes – Formal	Property ownership details can be provided on a case by case basis provided that the disclosure is directly related to the purpose for which the information was collected.  Note: This does not include purchase of property inquiries unless owner consent is obtained prior	Privacy & Personal Information Protection Act 1998  Government Information (Public Access) Act 2009	Bulk information permissible to: <ul style="list-style-type: none"> <li>Electoral Commission</li> <li>Valuer Generals' Office</li> </ul>	Yes
s.94 Register of Contributions	Yes – Informal		Environmental Planning and Assessment Act 1979 & cl. 36 & 37 Environmental Planning and Assessment Regulations 2000	Full access can be given to the register on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of Development Applications & Consents including tree applications	Yes – Informal		Environmental Planning & Assessment Regulations 2000 & s.100 Environmental Planning and Assessment Act 1979	Full access can be given to the register on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



Register of Building Certificates	Yes – Informal	If person is not the owner or the builder then consent from the owner must be sought to get a copy but they can inspect the register	s.149G Environmental Planning and Assessment Act 1979	Full access can be given after owners consent	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of Construction Certificates	Yes – Informal	If applicant wishes to inspect or copy more than 1 page they will need to submit a statutory declaration stating reasons for request	cl. 266 Environmental Planning and Assessment Regulations 2000	Full access can be given to the register on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of Complying Development Certificates	Yes - Informal		cl. 267 Environmental Planning and Assessment Regulations 2000	Full access can be given to the register on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of Subdivision Certificates	Yes – Informal		cl. 266 Environmental Planning and Assessment Regulations 2000	Full access can be given to the register on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of Council Land	No		s. 53 Local Government Act 1993 & Government Information (Public Access) Act 2009	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



Register of Pecuniary Interests	No		s. 449 Local Government Act 1993 & Government Information (Public Access) Act 2009	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Delegations Register	No		Government Information (Public Access) Act 2009	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Electoral Roll	No	Roll available for public inspection only	s. 302(2) Local Government Act 1993	Full access can be given to the register	No – not allowed to be photocopied. Please contact the NSW Electoral Office
Roll of Occupiers & Rate-paying Lessees	No	Roll available for public inspection only	s. 302(2) Local Government Act 1993	Full access can be given to the register	No – not allowed to be photocopied. Please contact the NSW Electoral Office
Non-Residential Roll	No	Roll available for public inspection only	s. 302(2) Local Government Act 1993	Full access can be given to the register	No – not allowed to be photocopied. Please contact the NSW Electoral Office
Pollution Control Notices	Yes – Informal	If applicant wishes to inspect or copy more than 1 page they will need to submit a statutory declaration stating reasons for request	Protection of the Environment Operations Act 1997 Sections 308 & 309	Full access can be given to the register	Yes – A copying fee may be payable as per Council's Schedule of Fees & Charges



Register of Impounding's	Yes – Informal		s. 30 & 31 Impounding Act 1993	Full access can be given to the register on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of Skin Penetration Premises	Yes – Informal		Clause.13(1) Public Health (Skin Penetration) Regulation 2000	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of Investments	No		Government Information (Public Access) Act 2009	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Regulated Systems Register – Cooling Tower / Warm Water System	No		Clause.15(1) Public Health (Microbial Control) Regulation 2000	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Caravan Park Licences	Yes – Informal		Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	Full access can be given on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



Register of On-Site Effluent Disposal	Yes – Informal	If applicant wishes to inspect or copy more than 1 page they will need to submit a statutory declaration stating reasons for request	s.68 & s.113 Local Government Act 1993	Full access can be given on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of agreements (including leases & licences) on Council Land	Yes – Informal	If applicant wishes to inspect or copy more than 1 page they will need to submit a statutory declaration stating reasons for request	Government Information (Public Access) Act 2009 & s.53 Local Government Act 1993	Full access can be given on an individual basis	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Cemetery Register	No		c.24 Public Health (Disposal of Bodies) Regulation 2002	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Contaminated Land Register	Yes – Informal			Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Council Committee Register & Membership	Yes – Informal		Government Information (Public Access) Act 2009 & s.355(b) Local Government Act 1993	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Register of Roads	Yes – Informal		s.163 Roads Act 1993	Full access can be given to the register	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



<b>Non-Public Registers</b>	<b>Application Required</b>	<b>Access Restriction</b>	<b>Under relevant legislation</b>	<b>Details of Access</b>	<b>Is a copy able to be given?</b>
Companion Animals Register	n/a	The register is a State Government register & is bound by privacy laws.  Note: Customers can make general enquires to Council in relation to <b>their</b> pets	s.75 Companion Animals Act 1998	No access can be given to the register	No copies can be provided
Employee Leave Register	n/a	Register is not a public document. Access only to employees or organisations who have a statutory right to inspect	Notional Agreement Preserving Local Government State Award 2004	No access can be given	No copies can be provided
Employee Register	n/a	Register is not a public document. Access only to employees or organisations who have a statutory right to inspect	National Agreement Preserving Local Government State Award 2004	No access can be given	No copies can be provided



<b>General Publications</b>	<b>Application Required</b>	<b>Access Restriction</b>	<b>Under relevant legislation</b>	<b>Details of Access</b>	<b>Is a copy able to be given?</b>
Code of Conduct	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Code of Meeting Practice	No		Government Information (Public Access) Act 2009 & s.364 Local Government Act 1993	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Codes referred to in the Local Government Act 1993	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Annual Reports	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Annual Financial Statements	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



Auditor's Report	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Management Plans	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Equal Employment Opportunity (EEO) Plan	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Policy Register	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Publication Guide	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



Election Candidate Campaign Donations	No		Government Information (Public Access) Act 2009	Part access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Agenda & Business Papers for Council & Committee Meetings	No	All agenda items of the meeting with the exception of no access to those matters considered when part of a meeting closed to the public	Government Information (Public Access) Act 2009	Part access can be given	General free of charge – a copying fee is payable only if its requested on a continual basis
Minutes & Business Papers for Council & Committee Meetings	No	All minutes of the meeting with the exception of only access to the resolutions & recommendations of those matters considered in a meeting closed to the public	Government Information (Public Access) Act 2009	Part access can be given	General free of charge – a copying fee is payable only if its requested on a continual basis
Plans of land proposed to be compulsory acquired by Council	Yes – Informal		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Leases & Licences for land classified as Community Land	Yes – Informal		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



Plans of Management for Community Land	Yes – Informal		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Local Environmental Plans	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Development Control Plans	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
City Wide s.94 Contributions Plan	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Manual of Engineering Standards	No		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges
Returns of Candidates Campaign Donations	Yes – Informal		Government Information (Public Access) Act 2009	Full access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



Development Applications	Application Required	Access Restriction	Under relevant legislation	Details of Access	Is a copy able to be given?
Development Application form & associated documents submitted with application	Yes – Request to View File Information	Internal layout or design plans of a residential building are not available for inspection at any time. Commercial information will not be available for inspection if the information is likely to prejudice the commercial position of a person who supplied it or give away a trade secret	Government Information (Public Access) Act 2009  cl. 264, 265, 266, 267 & 268 Environmental Planning and Assessment Regulations 2000	Part access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges  Documents provided for information purposes only. Copyright-owners consent must be obtained if document is to be used for any other purpose
Development Application files and documents contained within whilst application is under consideration by Council	Yes – Request to View File Information	Documents not available for public inspection:  1. Notice to adjoining owners – mail merge list 2. Internal layout or design plans of a residential building 3. Commercial information if the information is likely to prejudice the commercial position of a person who supplied it or give away a trade secret 4. Other documents created or received in the course of	Government Information (Public Access) Act 2009  cl. 264, 265, 266, 267 & 268 Environmental Planning and Assessment Regulations 2000	Part access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges  Documents provided for information purposes only. Copyright-owners consent must be obtained if document is to be used for any other purpose



		assessment of the Development application unless, under certain strict circumstances and based on merit & the public interest test, the inspection of such documents should reasonably be made available			
Development Application files and documents contained within after application has been determined	Yes – Request to View File Information	Documents not available for public inspection: 1. Notice to adjoining owners – mail merge list 2. Internal layout or design plans of a residential building 3. Commercial information if the information is likely to prejudice the commercial position of a person who supplied it or give away a trade secret	Government Information (Public Access) Act 2009 cl. 264, 265, 266, 267 & 268 Environmental Planning and Assessment Regulations 2000	Part access can be given	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges  Documents provided for information purposes only. Copyright-owners consent must be obtained if document is to be used for any other purpose
Submission letters to Development Applications	Yes – Request to View File Information	Only submission letters seeking the removal of their name & address under s.739 Local Government Act 1993 will not be available for public inspection	Government Information (Public Access) Act 2009 cl. 264, 265, 266, 267 & 268 Environmental Planning and Assessment Regulations 2000	Full access can be given unless submission requests exemption under s.739	Yes – a copying fee may be payable as per Council's Schedule of Fees & Charges



<b>General Documents</b>	<b>Application Required</b>	<b>Access Restriction</b>	<b>Under relevant legislation</b>	<b>Details of Access</b>	<b>Is a copy able to be given?</b>
Infringement Photographs	Yes – Informal	No copies to be provided view access only	Government Information (Public Access) Act 2009	If photographs exists access will be provided in the form of view access only	No
General Complaint Details – Customer Action Requests	Yes – Formal	<p>Complainant details can only be released in the following circumstances:</p> <ol style="list-style-type: none"> <li>1. Where the complainant has no objections to the disclosure of the document</li> <li>2. Where the complaint has not been made in good faith</li> </ol> <p>However in most instances a copy of the complaint with the information identifying the complainant omitted can be given to an applicant</p>	Government Information (Public Access) Act 2009	Part access can be given if complainant objects to disclosure	<p>Application fee for GIPA application is \$30</p> <p>Yes – a copying fee may be payable as per Council's Schedule of Fees &amp; Charges</p>



<b>Documents unavailable for Public Inspection</b>	<b>Application Required</b>	<b>Access Restriction</b>	<b>Under relevant legislation</b>	<b>Details of Access</b>	<b>Is a copy able to be given?</b>
Creditors Masters File	n/a	Privacy and Personal Information Protection Act 1998	n/a	n/a	n/a
Debtors Master File	n/a	Privacy and Personal Information Protection Act 1998	n/a	n/a	n/a
EFT Register	n/a	Privacy and Personal Information Protection Act 1998	n/a	n/a	n/a
Insurance Claims	n/a	Privacy and Personal Information Protection Act 1998	n/a	n/a	n/a
Legal Documents including property deeds	n/a	Legal Professional Privilege documents have an overriding public interest against disclosure	n/a	n/a	n/a
Employee Files	n/a	Privacy and Personal Information Protection Act 1998	n/a	n/a	n/a
Recruitment Files	n/a	Privacy and Personal Information Protection Act 1998	n/a	n/a	n/a
Workers Compensation Files	n/a	Not a public document. Access only to employees & to persons or organisations who have a statutory right to inspect	n/a	n/a	n/a

