



PARKES SHIRE COUNCIL

ACCESS TO INFORMATION HELD BY COUNCIL

POLICY

PARKES SHIRE COUNCIL

Access to Information held by Council Policy

1. Introduction	1
2. Purpose.....	1
Definitions	1
Training.....	1
3. Policy	1
3.1 Forms of Access	1
3.1.1 Mandatory Release.....	1
3.1.2 Proactive Release.....	1
3.1.3 Informal Application	2
3.1.4 Formal Application.....	2
3.2 Restrictions on Access to Information	2
3.2.1 Public Interest Test.....	2
3.2.2 Excluded Information	3
3.2.3 Copyright	3
3.2.4 Third Party Consultation	4
3.3 Formal Application Process.....	4
3.4 Rights of Review and Appeal	4
3.4.1 Internal Review by Council	4
3.4.2 Review by Information Commissioner.....	4
3.4.3 Review by NSW Civil and Administrative Tribunal (NCAT)	5
3.5 Processing Times/Fees and Charges.....	5
3.5.1 Informal Requests for Information.....	5
3.5.2 Formal Access to Information	5
3.5.3 Discount in Processing Charges – Formal Access Applications.....	5
3.6 Disclosure Log	5
3.7 Agency Information Guide.....	6
3.8 Contracts Register	6
3.9 Offences	6
3.10 Open Access Information	6
i. Information about Council.....	6
ii. Information about Development Applications.....	7
iii. Information about approvals, orders and other documents	8
iv. Register of Government Contracts valued a \$150,000 or more	9

4. Responsibility	11
5. Related Documentation	11
6. Annexures	11
v. 6.1 Application for Open Access Information	11
vi. 6.2 Application for Informal Request.....	11
vii. 6.3 Application for Formal Request.....	11

CONTROLLED DOCUMENT INFORMATION

ECM Number	1336286		
Department	Organisational Capability		
Position	Chief Operating Officer		
Review Timeframe	Each new 4 term of Council	Next Scheduled Review Date	2021
Adoption by Council	19.05.2020	Resolution/Minute Number	20-118

Version History

Version Number	Date Changed	Modified by	Details & Comments
0	Date Policy Created 19.05.2020	Name Shona Henry	Policy Created

This is a controlled document. Unless otherwise shown, printed or downloaded versions of this document are uncontrolled

1. Introduction

This policy is to state Council's procedures and protocols providing public access to information as governed by Government Information (Public Access) Act 2009 and applies to anyone wishing to access information from Parkes Shire Council and also Council employees in complying with the Government Information (Public Access) Act 2009.

2. Purpose

The Government Information (Public Access) Act 2009 ("GIPA") replaced the Freedom of Information Act 1989 and Section 12 of the Local Government Act.

The GIPA Act is designed to promote a more open, accountable, fair and effective government and provides the public with an enforceable right to access Council information.

The only restriction to release to information is when there is an overriding public interest against disclosure.

Council is not required to make government information available in any way that would constitute a breach of copyright.

Definitions

Government Information (Public Access) Act 2009 ("GIPA")

NSW Civil and Administration Tribunal (:NCAT")

Information and Privacy Commission NSW ("IPC")

Training

GIPA training required for Council Officers involved with requests for access or information held by Parkes Shire Council.

3. Policy

3.1 Forms of Access

There are four ways to access Council information via the Government Information (Public Access) Act 2009 ("GIPA"):

3.1.1 Mandatory Release

Members of the public may inspect, free of charge, during ordinary office hours the documents listed in Section 18 of the GIPA Act and the documents listed in Schedule 1 of the GIPA Regulations.

Please see Annexure marked "A" which lists the information that must be made publicly available. This information is known as "open access information" under the GIPA Act. Documents required to be available for public inspection as open access information, will, where practicable, be made available on Council's website, unless to do so would impose unreasonable additional costs to Council. Copies of such documents may be provided for a charge not exceeding reasonable photocopying costs. Council is not required to make government information available in any way that would constitute a breach of copyright.

3.1.2 Proactive Release

Council can make an executive decision to release extra information that is not covered by the mandatory provision and that is not already publicly available, free of charge.



3.1.3 Informal Application

This is to allow the public to request information without the need of a formal application and may be inspected free of charge, however, copies of documents may incur charges not exceeding reasonable photocopying costs.

It should be noted that this form of access does not allow for the applicant to seek any type of review of their determination. An informal application may be submitted via an "Informal Request for Information" Application (refer Annexure "C").

3.1.4 Formal Application

If a request for information involves a large volume of information, extensive research is required or if the information relates to third party personal/business information, Council may require the lodgement of a Formal Access Application.

A Formal Access Application (refer Annexure "D") may be submitted to Council including enough information for the required information to be identifiable, submitted with the prescribed \$30.00 fee attached to validate the application. A processing charge for each application is applicable at a rate of \$30 per hour for each hour of processing time for the application after the first hour.

If a Formal Access Application is made for personal information about the applicant (the applicant being an individual) the first 20 hours of processing time is free. Lodgement of a Formal Access Application entitles the applicant to review rights under the GIPA Act. There are three avenues of review; internal review, review by the Information and Privacy Commissioner and review by the NSW Civil and Administrative Tribunal (NCAT).

3.2 Restrictions on Access to Information

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 Council's resources.

Council will not refuse access to information unless there are clear reasons for doing so, and such reasons will be explained to the applicant. Where documents contain some information which cannot be released, any remaining information contained within the requested document will be available under the Act.

3.2.1 Public Interest Test

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

What is the Public Interest Test?

When deciding to release information, Council must weigh the factors in favour of disclosure against the public interest factors against disclosure. Unless there is an overriding public interest against disclosure, Council must provide the information. 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.



3.2.2 Excluded Information

The only considerations against disclosure that Council will consider in applying the public interest test are those provided in the GIPA Act.

These 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
- Exempt documents under interstate Freedom of Information legislation.

Under the GIPA Act, there are 16 categories of information (8 of which appear to affect local government) for which there is a conclusive presumption of an overriding public interest against disclosure. This information is known as Excluded Information and the eight categories 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 and market sensitive information)
- 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 Act, 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.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in defining the request to a more management one.

3.2.3 Copyright

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

The Commonwealth Copyright Act 1968 takes precedence over State legislation. Therefore the right to copy documents under the GIPA Act does not override the Copyright Act. Nothing in the GIPA Act or Regulations permits Council to make government information available in any way that would constitute an infringement of copyright.

Access to copyrighted documents will be granted by way of inspection only, unless the copyright owner’s written consent is provided. Where authority is unable to be obtained, copies of copyright material will not be provided. Copyright material includes, but not limited to, plans/drawings, consultant reports and survey reports.



3.2.4 Third Party Consultation

Third party consultation must be taken when the Application to access information includes:-

- Personal information about a person, or
- Concerns the person's business, commercial, professional or financial interest, or
- Concerns research that has been, is being, or is intended to be, carried out by or on behalf of the person, or
- Concerns the affairs of a government of the Commonwealth or other State (and the person is that government).

If the third party objects to the release of their information, they must show evidence consistent with the GIPA Act as to why to restrict the release of information. The evidence provided by the third party will be taken into account; however, in any event the decision to release information rests with Council.

3.3 Formal Application Process

Upon receipt of a formal application, Council must acknowledge receipt of the application and accept or reject the application within 5 working days. If the application is invalid and does not contain enough information to process the Council staff member determining the application must assist the applicant to enable a valid application. A decision regarding access to information must be made within 20 working days after receipt of the application. The decision period can be extended by up to 10-15 days if third party consultation is required or records are required to be retrieved from Council's archives.

3.4 Rights of Review and Appeal

A right of review exists only for formal applications made in accordance with the GIPA Act. No right of review exists for informal applications. If an applicant has lodged a formal application and is aggrieved by a decision of Council, that person is entitled to a review of the decision in any of the following methods:

3.4.1 Internal Review by Council

The applicant can seek an internal review to be made by Council within 20 working days following the date of receipt of the decision.

A fee of \$40.00 must be paid upon application of the review of the decision.

The internal review cannot be conducted by the original decision maker and is to be no one less senior than the decision maker.

An internal review is not available to the applicant, if the initial decision was made by Council's delegated principal officer.

A decision of the internal review must be made within 15 working days and 25 working days if consultation is required.

3.4.2 Review by Information Commissioner

Must be made by the applicant within 40 working days following the date of receipt of the decision.

The Information Commissioner will consider the application and the onus is on Council to justify the decision.

The Information Commissioner must complete the review, and make any recommendations to Council within 40 working days after the Information Commissioner receives all information it considers necessary to complete the review.

The Information Commissioner can make a recommendation for reconsideration of the matter by Council and or refer the matter to the NCAT.



3.4.3 Review by NSW Civil and Administrative Tribunal (NCAT)

Must be made by the applicant within 40 working days following the date of receipt of the decision. If the decision is the subject of review by the Information Commissioner, an application for NCAT review can be made at any time up to 20 working days after the applicant is notified of the completion of the Information Commissioner's review. The onus is again on Council to justify decision.

3.5 Processing Times/Fees and Charges

3.5.1 Informal Requests for Information

Where possible, Council will process Informal Applications under the GIPA Act and will respond to such requests within ten working days. No processing charges apply and there are no charges to view the requested information, however, copies of documents can be supplied for charges not exceeding reasonable photocopying charges as outlined in Council's Fees and Charges annually adopted by Council.

3.5.2 Formal Access to Information

Formal Access to Information Applications must be determined within 20 working days (statutory requirement) after receipt of the application, however, this decision period may be extended by 10-15 working days where consultation with a third party is required or to retrieve information from Council's archives.

The formal Access application fee is \$30.00 (statutory fee). Processing charges of \$30.00 per hour also apply in dealing with the application. The application fee of \$30.00 paid by the applicant counts as payment towards any processing charge payable by the applicant.

3.5.3 Discount in Processing Charges – Formal Access Applications

a) Financial Hardship (Section 65 GIPA Act) An applicant is entitled to a 50% reduction in processing charges if Council is satisfied the applicant is suffering financial hardship and provides evidence that the applicant:

- Is the holder of a Pensioner Concession card issued by the Commonwealth that is in force; or
- Is a full-time student; or
- Is a non-profit organisation.

b) Special Public Benefit (Section 66 GIPA Act)

An applicant is entitled to a 50% reduction in a processing charge if Council is satisfied that the information applied for is of special benefit to the public generally.

c) Personal Information If a formal Access to Information application is made for personal information about the applicant (the applicant being an individual), the first 20 hours of processing time for the application is free (statutory requirement).

A processing charge must not be discounted under financial hardship or special public benefit by more than 50% even if both apply.

3.6 Disclosure Log

As required by the GIPA Act, Council must keep and maintain a disclosure log which is to record all formal access applications made to Council that Council decides to provide access to if the information is information that Council considers may be of interest to other members of the public.

The disclosure log must include the date the application was decided, a description of the information to which access was provided in response to the application and a statement as to whether any of the information is now available from the agency to other members of the public and (if it is) how it can be accessed.



3.7 Agency Information Guide

Under the GIPA Act, Council is required to have an Agency Information Guide which must include information about Council, its structure, functions, policies and detail Council information that is made publicly available.

This needs to be developed within 6 months of the commencement of the Act and reviewed and adopted at least every twelve months. Council must notify the Information Commissioner before adopting or amending its Agency Information Guide. Council's Agency Information Guide is accessible on Council's website.

3.8 Contracts Register

Council is required to maintain a Government Contracts Register for any Contract with a value of \$150,000 (including GST) or more. Information that is to be entered in the government contracts register is set out in Annexure "B".

3.9 Offences

There are individual and Council offences for any decisions made that are contrary to the GIPA.

Penalties may be imposed if Council employees are proven to act unlawfully, conduct direct unlawful action, improperly influence a decision of the decision maker, misled or deceive, conceal or destroy information.

Each offence is currently charged at 100 penalty points.

3.10 Open Access Information

The following government information held by Council is Council's open access information as listed under Section 18 of the GIPA Act that is required to be made publicly available by Council under Section 6 of the GIPA Act (Mandatory proactive release of certain government information):

- a) Council's Information Guide
- b) Information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled b order of either House of Parliament
- c) Council's Disclosure Log of Access Applications (Division 4 of the GIPA Act) d) Council's Register of government contracts (Division 5 of the GIPA Act)
- e) Council's record (kept under Section 6 of the GIPA Act) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure.
- f) Such other government information as may be prescribed by the regulations as open access information.

The following government information held by Council is prescribed by the GIPA Act Regulations (Schedule 1) as Additional open access information:

i. Information about Council

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA
- b) code of meeting practice
- c) annual report
- d) annual financial reports
- e) auditor's report
- f) management plan
- g) EEO management plan



- h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors
- i) annual reports of bodies exercising functions delegated by Council any codes referred to in the LGA
- j) any codes referred to in the LGA.
- k) returns of the interests of councillors, designated persons and delegates
- l) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public)
- m) minutes of any meeting of Council or any committee of Council, 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
- n) Departmental representative reports presented at a meeting of Council in accordance with section 433 of the LGA.
- o) land register
- p) register of investments
- q) register of delegations
- r) register of graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008
- s) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA
- t) the register of voting on planning matters kept in accordance with section 375A of the LGA.
- u) local policies adopted by Council concerning approvals and orders
- v) plans of management for community land
- w) environmental planning instruments, development control plans and contributions plans made under the Environmental Planning and Assessment Act 1979 applying to land within Council's area.

ii. Information about Development Applications

Information contained in the following records (whenever created) is prescribed as open access information:

- a) development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development including the following:
 - (i) home warranty insurance documents
 - (ii) construction certificates
 - (iii) occupation certificates
 - (iv) structural certification documents
 - (v) town planner reports
 - (vi) submissions received on development applications
 - (vii) heritage consultant reports
 - (viii) tree inspection consultant reports
 - (ix) acoustics consultant reports
 - (x) land contamination consultant reports



- b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal)
- c) a record that describes the general nature of the documents that Council decides are excluded Information as consists of:
 - i) 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
 - ii) 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.
 - iii) Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.

iii. Information about approvals, orders and other documents

Information contained in the following records (whenever created) is prescribed as open access information:

- a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application
- b) applications for approvals under any other Act and any associated documents received in relation to such an application
- c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals
- d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA
- e) orders given under the authority of any other Act
- f) records of building certificates under the Environmental Planning and Assessment Act 1979
- g) plans of land proposed to be compulsorily acquired by the local authority
- h) compulsory acquisition notices
- i) leases and licences for use of public land classified as community land.
- j) Performance improvement orders issued to council under Part 6 of Chapter 13 of the LGA



iv. Register of Government Contracts valued a \$150,000 or more

CLASS 1 CONTRACTS

The following information about a class 1 contract is to be entered in the government contracts register:

- a) the name and business address of the contractor
- b) particulars of any related body corporate (within the meaning of the Corporations Act 2001 of the Commonwealth) in respect of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in carrying out any of the contractor's obligations under the contract or will receive a benefit under the contract
- c) the date on which the contract became effective and the duration of the contract
- d) particulars of the project to be undertaken, the goods or services to be provided or the real property to be leased or transferred under the contract
- e) the estimated amount payable to the contractor under the contract
- f) a description of any provisions under which the amount payable to the contractor may be varied
- g) a description of any provisions with respect to the renegotiation of the contract
- h) in the case of a contract arising from a tendering process, the method of tendering and a summary of the criteria against which the various tenders were assessed
- i) a description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.

CLASS 2 CONTRACTS

Additional information is required to be entered in the government contracts register for Class 1 Contracts to which any of the following paragraphs apply (class 2 contracts):

- a) there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor
- b) the proposed contract (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the contract have been substantially negotiated with the successful tenderer
- c) the obligations of one or more parties under the contract to maintain or operate infrastructure or assets could continue for 10 years or more
- d) the contract involves a privately financed project as defined by guidelines published by the Treasury (as in force from time to time)
- e) the contract involves a transfer of a significant asset of the agency concerned to another party to the contract in exchange for the transfer of an asset to the agency.



The additional Information required to be entered in the register for Class 2 Contracts is as follows:

- a) particulars of future transfers of significant assets to the State at zero, or nominal, cost to the State, including the date of their proposed transfer
- b) particulars of future transfers of significant assets to the contractor, including the date of their proposed transfer
- c) the results of any cost-benefit analysis of the contract conducted by the agency
- d) the components and quantum of the public sector comparator if used
- e) if relevant, a summary of information used in the contractor's full base case financial model (for example, the pricing formula for tolls or usage charges)
- f) if relevant, particulars of how risk, during the construction and operational phases of a contract to undertake a specific project (such as construction, infrastructure or property development), is to be apportioned between the parties, quantified (where practicable) in net present-value terms and specifying the major assumptions involved
- g) particulars as to any significant guarantees or undertakings between the parties, including any guarantees or undertakings with respect to loan agreements entered into or proposed to be entered into
- h) particulars of any other key elements of the contract.

CLASS 3 CONTRACTS

If a Class 2 Contract has (or is likely to have) a value of \$5 million or more (a Class 3 Contract), the register must include a copy of the Class 3 Contract.



4. Responsibility

Responsible Area - Organisation Capability Department

5. Related Documentation

Government Information (Public Access) Act 2009

Local Government Act 1993

Privacy and Personal Information Protection Act 1998

Copyright Act 1968 (Cwth)

Parkes Shire Council Code of Conduct

6. Annexures

Application forms can be sourced from the Parkes Shire Council website www.parkes.nsw.gov.au

- v. **6.1 Application for Open Access Information**
- vi. **6.2 Application for Informal Request**
- vii. **6.3 Application for Formal Request**



APPLICATION FOR OPEN ACCESS INFORMATION

Under Government Information (Public Access) Act 2009

I hereby make application for permission to view/receive copies of the following information held by council, where it meets the criteria of open access information under the above Act.

List in detail the specific information required:

1. _____
2. _____
3. _____
4. _____
5. _____

Note 1 Open access information must be publicly available for inspection, free of charge by any person at the office of the Local Authority during ordinary office hours. A copy of the record may be provided to any person for a charge equivalent to the reasonable cost of photocopying.

Note 2 Council will endeavour to retrieve archived records and make the information available as soon as practicable after the request is made.

Note 3 A person does not have the right to inspect documents dealing with:
(a) personnel matters which reveal an individuals personal information
(b) information which may expose a person to a risk of harm, harassment or intimidation
(c) trade secrets/commercial information/residential floor plans
(d) or any other matter where there is an overriding public interest against disclosure of the information as described under the above Act.

Council reserves the right to delete matter from a copy of a record if inclusion would result in there being an overriding public interest against disclosure of the record.

Property Details

Street Number _____ Property Name _____

Street/Road _____ Town _____

Lot No _____ Section _____ Deposited Plan No _____

Owner Details

Current Owner Name. _____

Print full name)

Current Owner Name. _____

Print full name)

Owner/s Address _____

Applicant Details

Name _____

Address _____

Phone Number _____

Email Address _____

Signature _____ Date _____

Council will endeavour to supply the requested information, although availability cannot be guaranteed where records are not complete, or it is believed the reproduction of such information is an infringement of copyright.





Under Government Information (Public Access) Regulation 2009

Schedule 1 Additional open access information—local authorities

1 Information about local authority

- (1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
- (a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA,
 - (b) code of meeting practice,
 - (c) annual report,
 - (d) annual financial reports,
 - (e) auditor's report,
 - (f) management plan,
 - (g) EEO management plan,
 - (h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors,
 - (i) annual reports of bodies exercising functions delegated by the local authority,
 - (j) any codes referred to in the LGA.
- (2) Information contained in the following records (whenever created) is prescribed as open access information:
- (a) returns of the interests of councillors, designated persons and delegates,
 - (b) agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public),
 - (c) minutes of any meeting of the local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
 - (d) Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the LGA.
- (3) Information contained in the current version of the following records is prescribed as open access information:
- (a) land register,
 - (b) register of investments,
 - (c) register of delegations,
 - (d) register of graffiti removal work kept in accordance with section 13 of the [Graffiti Control Act 2008](#),
 - (e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,
 - (f) the register of voting on planning matters kept in accordance with section 375A of the LGA.

2 Plans and policies

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

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

3 Information about development applications

- (1) Information contained in the following records (whenever created) is prescribed as open access information:
- (a) development applications (within the meaning of the [Environmental Planning and Assessment Act 1979](#)) and any associated documents received in relation to a proposed development including the following:
 - (i) home warranty insurance documents,
 - (ii) construction certificates,
 - (iii) occupation certificates,
 - (iv) structural certification documents,
 - (v) town planner reports,
 - (vi) submissions received on development applications,
 - (vii) heritage consultant reports,
 - (viii) tree inspection consultant reports,
 - (ix) acoustics consultant reports,
 - (x) land contamination consultant reports,
 - (b) records of decisions on development applications (including decisions made on appeal),
 - (c) a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2).



-
- (2) This clause does not apply to so much of the information referred to in subclause (1) (a) as consists of:
- (a) 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
 - (b) 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.
- (3) A local authority must keep the record referred to in subclause (1) (c).

4 Approvals, orders and other documents

Information contained in the following records (whenever created) is prescribed as open access information:

- (a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- (d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA,
- (e) orders given under the authority of any other Act,
- (f) records of building certificates under the Environmental Planning and Assessment Act 1979,
- (g) plans of land proposed to be compulsorily acquired by the local authority,
- (h) compulsory acquisition notices,
- (i) leases and licences for use of public land classified as community land.

OFFICE USE ONLY

Date Information Release _____

Number of Copies Issued _____

Check that all documents returned to file:

Initial: _____

Receipt No _____

Information Viewed _____

Hard copy/Electronic copy _____

Copying Charge Fees _____

Date _____



Government Information (Public Access) Act 2009 (GIPA) Informal Request



Please complete this informal request form to obtain information held by Council under the *Government Information (Public Access) Act 2009 (GIPA Act)*. Please note that council authorised to release information to a person in response to an informal request, unless there is an overriding public interest against disclosure of the information.

Privacy and Personal Information protection Notice. The personal information provided is collected for the purpose as stated on this document. Supply of the personal information is legally required and non-supply could cause delay or inability to proceed in the processing of this form. The personal information will be handled in accordance with the Privacy and Personal Information Protection Act 1998 (NSW)

Contact Details

Surname: **Title:** Mr/Mrs/Ms/Miss
Other names:
Postal address: **Postcode:**
Day-time telephone: **Facsimile:**
Email:
Preferred method of contact:

Details of Informal Application

Please provide specific details about the information you are seeking.

Note: To facilitate the supply of the information by Council it is essential that your request be very specific and clear.

For all application requests relating to planning please contact Council's Planning Department for relevant forms or Council's website www.parkes.nsw.gov.au

Information Required:

.....
.....
.....
.....

Applicants Declaration: I apply for permission to access the information specified above. I understand that the decision to provide me (or not) with access to the information in response to this informal request is not reviewable under GIPA. I understand that I will be required to pay charges for copies of documents provided to me.

Applicant's signature: Date:.....

Office use only

Date application received:

Parkes Shire Council
PO Box 337
PARKES NSW 2870
Ph: 02 6861 2333
Fax: 02 6862 3946
Email: council@parkes.nsw.gov.au



Government Information (Public Access) Act 2009 ACCESS APPLICATION

Please complete this form to apply for formal access to government information under the *Government Information (Public Access) Act 2009 (GIPA Act)*. If you need help in filling out this form, please contact the Right to Information Officer on 0268 612 333 or visit our website at www.parkes.nsw.gov.au



1. Your details

Surname: **Title:** Mr / Ms

Other names:

Postal address: **Postcode:**

Day-time telephone: **Facsimile:**

Email:

The questions below are optional and the information will only be used for the purposes of providing better service.

Place of birth: **Main language spoken:**

Aboriginal or Torres Strait Islander: Yes / No (circle one)

Do you have special needs for assistance with this application:

.....

.....

I agree to receive correspondence at the above email address.

2. Proof of identity

Only required when an applicant is requesting information on their own behalf.

When seeking access to personal information, an applicant must provide proof of identity in the form of a *certified copy* of any one of the following documents:

Australian driver's licence
with photograph, signature and current address

Current Australian passport

Other proof of signature and current address details

3. Government information

Please describe the information you would like to access in enough detail to allow us to identify it.

Note: If you do not give enough details about the information, the agency may refuse to process your application.

.....

.....

.....

.....



Government Information (Public Access) Act 2009

ACCESS APPLICATION FORM

.....
.....
.....
.....

Are you seeking personal information? **Yes / No** (circle one)

4. Form of access

How do you wish to access the information?

- Inspect the document(s)
- A copy of the document(s)(please note : if copies of documents are required a photocopying charge per page will apply - in accordance with Council's Management Plan, admin photocopying fees)
- Access in another way (please specify).....
.....

5. Application Fee

I attach payment of the **\$30 application fee** by cash / cheque / money order (circle one).

(Note: please do NOT send cash by post)

6. Disclosure log

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in the agency's 'disclosure log'. This is published on the agency's website.

Do you object to this? **Yes / No** (circle one)

7. Discount in processing charges

If you are given access to the information sought, you may be asked to pay a charge for processing the application (\$30/hour). Some applicants may be entitled to a 50% reduction in their processing charges. If you wish to apply for a discount, please indicate the reason:

- Financial hardship – please attach supporting documentation (eg a pension or Centrelink card).

AND / OR

- Special benefit to the public – please specify why below:

.....
.....
.....
.....



Government Information (Public Access) Act 2009

ACCESS APPLICATION FORM

Applicant's signature:

Date:

Please post this form or lodge it at: **Parkes Shire Council**

Council Administration Centre

2 Cecile Street

PARKES NSW 2870

*General information about the GIPA Act is available by calling the Information Commissioner on freecall
1800 IPC NSW (1800 472 679) or at its website: www.ipc.nsw.gov.au*

Office use only

Date application received:

Amount paid:

Receipt number:

