

Government Information (Public Access) Act 2009

INFORMAL ACCESS TO INFORMATION REQUEST

Please complete this form to apply for informal access to government information held by Council under the Government Information (Public Access) Act (GIPA Act).

1. Applicant's details

Company Name:

Surname: Title: Mr / Mrs / Ms / Dr

First name/s:

Postal address:

..... Postcode:

Day-time telephone: Mobile:

Email:

I agree to receive correspondence at the above email address.

2. Details of the information you would like to access

Please describe the information you would like to access in detail to allow us to identify and locate the information. (If you do not give enough details about the information you are seeking Council may be unable to process your application).

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Reason/s for requesting documents/information (this may assist us with determining access and locating the information you require).

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Address of property under enquiry (if applicable):

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.....

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

*Note: Proof of identity may be required.

3. Type of Development Documents Required

I would like access to:

- Development Application Records**
- DA/CDC/CC Application Form**
- DA/CDC/CC Consent**
- Occupation Certificate**
- House Plans *(restrictions apply)**
Est. year built required:.....
- Historical Development Application Records**
pre 1980 Cootamundra area or pre 2000 Gundagai area (you will need to provide an estimated 'year the development application was submitted' for Council to conduct the search).....
- Other.....**

*Note: Access to residential building and specialised plans (such as floor plans) are restricted to view only access. Stamped copies may be provided with the 'express written consent' from the property owner. An estimated year or decade the property was built is required for council to promptly and effectively locate plans. Council cannot guarantee access to historical records.

4. Access to Information

How do you wish to access the information?

Appointment required	Fees Applies	Preferred access method
I would like to view the Documents in Person* <input type="checkbox"/>	I would like copies of Document/s posted** <input type="checkbox"/>	I want copies of Document/s sent by email*** <input type="checkbox"/>
* Council will contact you to arrange an appointment to view the documents in person.		
** Photocopying and Postage fee applies (maximum of 50 pages). Plans and specialist reports may be subject to Copyright and will not be able to be reproduced without the express written consent of the copyright owner.		
*** Where possible, electronic documents will be provided via email. Plans and specialist reports may be subject to Copyright and will not be able to be reproduced without the express written consent of the copyright owner.		
Many Council documents are in paper form and are too large to scan or copy and may be unable to be sent by email.		

5. Applicant's Declaration:

- I declare that I am the owner of the property stated above.
- I declare that I am the real estate agent or valuer appointed to act for the owners of the property stated above, under the *Property Stock and Business Agents Act 2002* and Regulations.
- I declare that I am the solicitor or conveyancer acting on behalf of the owner of the property stated above.
- I have obtained written consent from the property owner/ their agent/ their solicitor or conveyancer and the consent is attached / has been provided to Council.
- I would like to gain access to the above mentioned information as per my rights under the Gipa act.

Name:

Signature: Date:

PRIVACY AND PERSONAL INFORMATION PROTECTION NOTICE

In making this application, you are providing personal information. This information will only be used in connection with this application and will be handled in accordance with the *Privacy and Personal Information Protection Act 1998*.

INFORMAL ACCESS TO INFORMATION – GUIDELINES

In accordance with the Government Information Public Access (GIPA) Act 2009

Completion of this form will only be required if the information is not available on Council's website.

Informal Release

- i. If information is not available from Council's website, you may request access to information from a Council file or documents as 'informal release' under section 8 of the Government Information (Public Access) Act 2009. Informal release does not involve payment of a lodgement fee or processing charges, however copying charges are payable where applicable.

Acceptable Requests

- ii. Informal access applications are suitable for requests for information which are considered "open access" under the GIPA Act, such as requests for information relating to development applications. This form can also be used to request other information held by Council, including your personal information. Where your personal information is involved, Council may request that you provide proof of identity e.g. driver's licences, passport, rates notice etc.

By providing specific and detailed requests, you can assist us in quickly determining what information is available to assist you.

Informal information applications are not suitable for requests which:

- involve extensive researching, large volumes of information or would require a substantial amount of staff resources to process your request; or
- involve access to another person's personal information requiring third party consultations; or
- require access to sensitive information requiring careful balancing of public interest in determining disclosure.

If your request involves any of the above, you should consider lodging a formal access application. Formal access applications involve a lodgement fee of \$30 and possible processing charges, but also have a right of review. Formal application forms are available on Council's website and from Council's Administration Centre/s.

Development Application Records

- Council DA files pre 1980 (Cootamundra area) and pre 2000 (Gundagai area) can only be located by archive search, which involves manually searching through development file record books. Council can only perform these historical searches with the assistance of the applicant. The applicant will need to provide a year or date range for Council to search by. *Example: 1950-1960.* These searches can take longer to conduct, and Council cannot always locate the development files requested, therefore council cannot guarantee access to historical records.

Plans/Drawings

- The viewing of internal plans other than those showing the height and external configurations of a residential property will be provided only to the property owner, except during the neighbour notification period.
- The viewing of plans of a commercial property do not require consent except where residential components form part of that property.
- Where copies of plans are requested, these may be subject to copyright. Council does not release copies of plans without the express written consent of the property owner. It is the responsibility of the applicant to obtain the express written consent* from the property owner.
- Under Copyright legislation, the applicant is obliged to take due care in using this information for commercial or other purposes.

Timeframe

Council aims to provide a response to you within 20 working days. Additional processing time would apply for matters that require research, clarification and interpretation.

Fees and Charges

Standard photocopy charges may apply if a large amount of copies of documents are required. Refer to Council's [Fees and Charges](#).

Privacy

Personal information you provide on this form is required to process your application and will only be used for that purpose. The information is held by council and access is restricted to council officers and may be viewed by others as required by law. You may apply to access or amend the information after submitting your application.

RIGHT TO INFORMATION

The following documents are available under Schedule 1 of the Government Information (Public Access) Regulation 2018 unless there is an overriding public interest against disclosure of the information:

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) reports by the Chief Executive of the Office of Local Government 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 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 the local authority decides are excluded from the operation of this clause by subclause (2).
- (2) However, 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, or
 - (c) development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.
- (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,
- (j) performance improvement orders issued to a council under Part 6 of Chapter 13 of the LGA.