

Frequently Asked Questions

Government Information (Public Access) Act 2009

A. Public Access to Information

Q1. How do I get access to Council's information?

A1. [Council's website](#) provides comprehensive details of how to access information held by Council.

Q2. Can I discuss personally my request for access to Council's information?

A2. Council has Right to Information Officers who can assist you regarding accessing Council's Information. The Officers are:

Neil Baldwin (02) 6670 2421
David Malone (02) 6670 2538
Peter Brack (02) 6670 2651

Q3. What if I want to access information that is not listed on the Council's Website or Publication Guide?

A3. Submit to Council an Informal Information Access Request Form which is on Council's website.

Q4. How can I see the contents of a file?

A4. Submit to Council an Informal Information Access Request Form which is on Council's website.

Q5. How can I access the objections or support letters on a Development Application?

A5. Submit to Council an Informal Information Access Request Form which is on Council's website. In accordance with *Government Information (Public Access) Act*, the majority of objections or support letters are publicly available, except where persons request that their personal particulars be kept confidential, but the contents of their letter would be released.

Q6. How can I access details of owners of properties?

A6. In accordance with the *Government Information (Public Access) Act*, details of owners of properties are not publicly available. Council will apply the Public Interest Test in releasing details of property owners only to adjacent owners for fencing or maintenance of property purposes. Property owners seeking this information are required to lodge an Informal Information Access Request Form which is on Council's website.

Q7. Where do I send the informal Information Access Request form?

A7. Email the form to tsc@tweed.nsw.gov.au
Fax the form to (02) 66 702429
Post to PO Box 816, Murwillumbah NSW 2484
Deliver personally to Council's Murwillumbah or Tweed Heads Offices.

Q8. How long will it take to obtain information or access files?

A8. Some information will be available in a week however it may take up to 2 weeks to obtain old files which are stored off-site. A Right to Information Officer will discuss with you the anticipated time.

Q9. What fees will I have to pay with my Document Access Request?

A9. In accordance with the provisions of *Section 18 of the Government Information Public Access Act 2009*, there are no fees for accessing Council files and information. Photocopying fees may apply (\$0.20 per A4 page). There are charges for copies of plans with varying costs, according to size. Fees will be charged on completion of the application.

B. Public Access to Development Application Files

Q10. How do I view or obtain a copy of a development application?

A10.

- (i) Lodge an Informal Information Access Request Form which is on the website with Council.
- (ii) A Right to Information Officer will discuss with you the processes of reviewing the development application file and the likely timeframe.
- (iii) Information that may be available subject to copyright legislation for viewing and/or copying includes:
 - Home owner warranty insurance documents;
 - Building essential certification documents;
 - Construction certificates;
 - Occupation certificates,
 - Town Planners (DA) reports;
 - DA submission letters (with limitations on personal information where submitter requests confidentiality on the basis of personal safety),
 - Complaints, with the personal details of the complainant masked;
 - Structural certification documents;
 - Heritage Consultants' Reports;

- Tree Inspection Consultants' Reports;
- Acoustics Consultants' Reports;
- Land Contamination Consultants' Reports.

Q11. How do I view or obtain a copy of building plans?

- A11. (i) Lodge an Informal Information Access Request Form which is on the website with Council.
- (ii) If you are not the owner of the property, you will need owners consent to view internal floor plans and/or obtain a full copy of the building plans. Refer to *Schedule 1 Part 2 Section 3 (2) Government Information Public Access Regulation 2009*.

Q12. What documents will be withheld?

A12. Under relevant legislation, access to some documents and information held by Council may be restricted if the document or part thereof, contains the following types of information:

- trade secrets
- a matter the disclosure of which may:
 - be contrary to law, or
 - give rise to action for breach of confidence
- that particular part of a draft or adopted plan of management that is the subject of a resolution of confidentiality under section 36DA.
- documents which were submitted to, or are to be submitted to a 'Closed Session' of a Council or Committee Meeting (If some time has passed since it was considered in Confidential Session or the reason for confidentiality no longer exists then the document/s may be released).

A standard clause has been included on all Development Application forms from July 2009, whereby some applicants have given permission for Council to allow full public access to copies of plans.

C. Public Access to Documents and Files – Formal Information Access Applications (GIPAA Act)

Q13. What documents will require lodgment of a Formal Information Access Application?

A13. Public access to the following documents may be available after lodgment of a Formal Information Access application (and may require third party consultation):

- Legal advice
- Personnel (individual staff) matters
- Complainants details
- Individuals details on DA submissions where they claim personal safety issues
- Council Lease documents

Frequently Asked Questions

Government Information (Public Access) Act 2009

- Successful Council Contracts
- Successful Council Tenders
- Insurance claims

Note that legal advice may be subject to legal professional privilege, that is, if it is advice from Council's legal advisers relating to pending or threatened legal action by or against Council. If so, it is not normally available to be either inspected or copied.

Q14. How can I apply to see the documents listed in Q13?

A14. You will need to complete a Formal Information Access Application form and pay the \$30.00 application fee. In some cases an Advance Deposit may be requested, where the work required to produce the documents will take many hours.

Q15. How do I obtain a Formal Information Access application form?

A15. You may obtain a form by searching Council's website – Access to Information or by contacting Council's Right to Information Officer on (02) 6670 2651.

Q16. How long will my Formal Information Access application take to process?

A16. Formal Information Access applications are required by law to be completed in 20 working days. If consultation with a third party is required, a further 10 to 15 working days extension is allowed. You will receive a formal determination letter with your requested documents or reasons why a document has been withheld.

Q17. If I am not satisfied with the documents I have been given or with the fees I have been charged, can I appeal against the Right to Information Officer's determination?

A17. Yes, you can appeal against the determination by completing a Request for Review Application and paying a \$40.00 review fee. This form together with any supporting documentation shall be forwarded to Council's General Manager to review the Right to Information Officer's determination. Within 15 working days, you will receive a formal response letter with your requested documents or further explanation why the documents have been withheld.

Q18. What can I do if I am not satisfied with the determination of the General Manager?

A18. You may appeal to either the NSW Information Commissioner or the Administrative Decisions Tribunal. (Right to Information legislation only allows appeal to these bodies, if you have made an initial Formal Information Access application and sought a request for review of determination).