



Government Information (Public Access) Act 2009

Information Guide – 2013

LINKS TO COMMUNITY STRATEGIC PLAN & DELIVERY PROGRAM

Direction G8 – Council manages information and knowledge in an integrated and accessible way.

Strategy G8a – Improve the management of, and access to, information across Council

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Part 1 - Context

1.1 Introduction to the Government Information (Public Access) Act 2009

The *Government Information (Public Access) Act 2009* (the GIPA Act) aims to make government more open, transparent and accountable by giving the community greater access to government information. The Act requires that access to information be provided unless, on balance, there is an overriding public interest against disclosure.

The GIPA Act replaced the *Freedom of Information Act 1989* and Section 12, 12A, 12B and 13 of the *Local Government Act 1993* and came into effect on 1 July 2010.

There are four main ways information is made available under the GIPA Act, namely:

- Mandatory proactive release;
- Authorised proactive release;
- Informal release; and
- Through a formal access applications.

Section 20 of the GIPA Act requires Waverley Council to have an Information Guide. The Guide is intended to provide an outline of Council's structure, functions, the information it holds and how this can be accessed by the community. The Guide also sets out how members of the community can participate in the formulation of Council policy and the exercise of Council's functions.

This Guide will be updated annually. In addition, Council will review its approach to the release of information annually to ensure it is making as much information available as possible.

1.2 What is the Act intended to do?

Section 3 of the *GIPA Act* sets out clearly the intention of the legislation. Section 3 states that "in order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, the object of this Act is to open government information to the public by:

- a) authorising and encouraging the proactive public release of government information by agencies, and
- b) giving members of the public an enforceable right to access government information, and
- c) providing that access to government information is restricted only when there is an overriding public interest against disclosure".

Section 3 continues "it is the intention of Parliament:

- a) that this Act be interpreted and applied so as to further the object of this Act, and
- b) that the discretions conferred by this Act be exercised, as far as possible, so as to facilitate and encourage, promptly and at the lowest reasonable cost, access to government information".

In summary the GIPA Act seeks to establish **a framework for proactive public release of government information**. This is **supported by an enforceable right to access government information** and **a requirement that access to government information only be restricted when there is an overriding public interest against disclosure**.

Part 2 - Definitions

Access application means an application for access to government information under Part 4 the *Government Information (Public Access) Act 2009* Act that is a valid access application under that Part.

ADT and ADT Act means the Administrative Decisions Tribunal and the *Administrative Decisions Tribunal Act 1997*.

Disclosure Log means a disclosure log kept by an agency under Part 3 (Open access information) of the *Government Information (Public Access) Act 2009*.

External review means a review by an agency external to Council such as the NSW Office of the Information Commissioner or Administrative Decisions Tribunal.

Information Commissioner means the Information Commissioner under the *Government Information (Information Commissioner) Act 2009*.

Internal Review means a review by a council officer more senior than the council officer who made the original information access determination.

PIIP Act means the *Privacy and Personal Information Protection Act 1998*, which aims to provide for the protection of personal information and for the protection of the privacy of individuals generally.

Principal Officer of Council means the head or chief executive officer (however designated) of Council or the person of greatest seniority. In practice this is the General Manager.

Information Guide means a guide that:

- a) describes the structure and functions of Council, and
- b) describes the way in which the functions (including, in particular, the decision-making functions) of Council affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of Council's policy and the exercise of Council's functions, and
- d) identifies the various kinds of government information held by Council, and
- e) identifies the kinds of government information held by Council that Council makes (or will make) publicly available, and
- f) specifies the manner in which Council makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Public Officer means an officer employed by Council and appointed under Chapter 11 of the *Local Government Act 1993* with delegated authority to deal with:

- requests from the public concerning Council's policies and procedures,
- assisting the public to gain access to publicly available documents of the Council,
- accepting service of documents on behalf of Council,
- representing the Council in any legal or any other proceedings.

Register of Government Contracts means a register of information about each contract between Council and a private sector entity that has (or is likely to have) a value of \$150,000 or more (**class 1 contracts**) for:

- a) a specific project (such as construction, infrastructure or property development project);
- b) providing specific goods or services (such as information technology services), other than a contract of employment;
- c) where a party agrees to transfer real property to another party to the contract;
- d) a lease of real property

Right to Information Officer means an officer employed by Council who has been given specific authority and responsibility to meet some of Council's day-to-day obligations under the *Government Information (Public Access) Act 2009* Act. This includes dealing with formal applications for access to information, and other responsibilities in relation to both the proactive and informal release of information.

At Waverley Council the nominated *Right to Information Officers* are Council's Divisional Manager – Governance and Integrated Planning, Corporate Records Manager, Governance Manager and Governance Officer.

Part 3 - Understanding Waverley Council and Its Functions

3.1 Structures and Functions of Council

The Waverley Local Government Area (LGA) is located on Sydney's eastern seaboard, approximately seven kilometres from the city's central business district. It includes the suburbs of Bondi Junction, Queens Park, Bronte, Waverley, Bondi, North Bondi, Tamarama, Dover Heights and parts of Rose Bay and Vaucluse.

Waverley Council is made up of twelve councillors elected by the ratepayers and residents of Waverley for a four-year term. The last Local Government election was held in September 2012. Councillors are elected by Ward (a geographical area). Waverley has four Wards. Three of these wards (Bondi, Waverley and Nelson [now Hunter Ward]) were established in 1860, with Lawson Ward being created in 1867.

The role of the elected Council is to represent the community, decide on Council's strategic direction and policies, to allocate and monitor the use of Council resources through the budget process and to appoint a General Manager.

Each year, the Councillors elect a **Mayor** who presides at meetings of the Council; carries out the civic and ceremonial functions of the office; exercises, in cases of necessity, the policy making functions of the governing body of the Council between its meetings and exercises any other functions that the Council determines. Council also elects a Deputy Mayor to undertake the responsibilities of the Mayor when the Mayor is unavailable.

The Chief Executive Officer of the Council is the **General Manager**. The General Manager is responsible for the efficient and effective operation of the organisation and for ensuring the implementation of Council's decisions. This includes day-to-day management of Council operations, appointment and direction of staff, oversight of functions delegated by Council, and implementation of Council's equal employment opportunity management plan.

In addition, the General Manager is responsible for providing advice to the elected Council on strategic, policy and resource allocation issues and representing Council in its dealings with external organisations and bodies.

To assist the General Manager in the exercise of these functions, there are four **Departments of Council** with different areas of responsibility. More information on these departments is provided in section 3.2. A diagram of Council's organisational structure is provided in Annexure 1.

Council employs about 650 staff to carry out all of its activities. Its operating and capital income in 2012/2013 is estimated at \$147.7 million with anticipated operating and capital expenditure in 2012/2013 of \$125.1 million.

Council operates under the Local Government Act 1993. Section 8 of the Local Government Act 1993 provides a charter that guides councils in carrying out their functions. Each council then develops its own vision, mission and goals.

In addition, Waverley Council has adopted a set of key values and principles that are used to guide our actions and how we conduct business.

These key values and principles are: Great customer service; Great leadership; Working together; Respect for all; Getting the job done and Working ethically.

Waverley Council's Delivery Program and Operational Plan provides further details on all of Council's principal activities, services provided, commercial activities, income and expenditure and how performance on these activities is to be assessed.

Both Commonwealth and State Governments have power to legislate and their enactments can affect the framework within which Council operates. Council does not have power to make its own laws but Council can adopt policies concerning the way in which it administers the laws applicable to Council.

The Local Government Act 1993 and the Environmental Planning and Assessment Act, 1979 are the most important Acts governing Council's activities.

As well as the Local Government Act 1993 and the Environmental Planning and Assessment Act, 1979, Council has powers under a number of other Acts including:

- Community Land Development Act 1989
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Conveyancing Act 1919
- Food Act 2003
- Heritage Act 1977
- Impounding Act 1993
- Library Act 1939
- Noxious Weeds Act 1993
- Privacy & Personal Information Protection Act 1998
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Recreation Vehicles Act 1983
- Roads Act 1993
- State Emergency & Rescue Management Act 1989
- State Emergency Service Act 1989
- State Records Act 1998
- Strata Schemes (Freehold Development) Act 1973
- Strata Schemes (Leasehold Development) Act 1986
- Strata Schemes Management Act 1996
- Swimming Pools Act 1992

3.2 Functions Relating to Each Department

All of Council's functions are achieved through the work of the General Manager and his staff and Council's four departments - Corporate and Technical Services; Recreation, Customer and Community Services; Planning and Environmental Services and Public Works and Services

General Manager's Unit

Tony Reed



The General Manager's Unit, comprises the Mayor's Office and the General Manager's Office.

- The General Manager's Office leads the executive and organisation, leads long term strategic planning and new policy and program development.
- The Mayor's Office provides support to the Mayor and organises Mayoral functions and civic events.

Council's Human Resources and Organisation Development Division reports directly to the General Manager. The Division provides training and development for Council staff, provides leadership in organisation development and improving Council's organisational capacity and assists in the recruitment, retention and management of high performing and professional staff. This Division is also responsible for Council's risk management.

Communications and Engagement sits within the General Manager's Unit and provides support to all business divisions across Council, as well as the Mayor. This includes drafting and implementing a range of communication strategies to promote Council projects and programs, media relations, stakeholder engagement, events planning, website management, publications and advertising.

Corporate & Technical Services

Bronwyn Kelly, Director



Our Corporate and Technical Services Department -

- Develops and implements plans to effectively manage Council's financial and technical resources and building, property and infrastructure assets.
- Manages Council's annual corporate planning and reporting cycle including: statutory management and financial planning and reporting, and planning and monitoring of delivery of capital works.
- Provides services to Council staff, managers and Councillors

including:

- corporate governance,
 - records management and information access,
 - Council meeting agendas and minutes, and
 - information technology.
- Provides services to the community through the management and operation of roads, parking and transportation systems.
 - Operates Council's businesses and services including car parks, cemeteries, property dealings and the management of leases/licences.

Community & Recreational Services

Cathy Henderson, Director



Our Community & Recreational Services Department works to promote individual and community well-being through the direct provision of services including:

- Providing face to face and on the telephone service to customers.
 - Providing services, programs and events that act as a focus for community activities.
 - Undertake successful advocacy for the community.
- Acting as a gateway to the world's information resources for all members of the community.
 - Providing an integrated approach to planning good social, recreational, cultural and open space outcomes.
 - Events and Business Development.
 - Being a major link between Council and the community – often the voice and the face of the Council.

Planning & Environmental Services

Peter Monks, Director



Our Planning and Environmental Services Department:

- Promotes the conservation of natural resources in accordance with the principle of ecological sustainable development.
 - Develops, promotes and implements strategies for the enhancement of our natural and built environment.
 - Provides a range of services in a professional and caring way to Council and the public in the fields of planning and environmental services.
- Provides health and regulatory services to preserve the amenity and well-being of our community.
 - Provides a range of planning and building services for the enhancement of our natural and built environment.

Public Works & Services

Mark Wood, Director



Our Public Works and Services Department provides a wide range of essential public services to a diverse mix of customers. These services include:

- Managing our Capital Works.
 - Maintenance and construction works on our roads, footpaths and other Council assets.
 - Managing Council's parks and open space.
 - Management and maintenance of Council vehicles and equipment.
- Waste collection and public places cleansing...
 - Lifeguard services and emergency management

3.3 How Council Functions Affect Members of the Public

Virtually all of Waverley Council's functions directly or indirectly affect members of the public, particularly the residents of the Council area.

The Local Government Act sets out the broad functions of Councils and an outline is given below of the way that these functions affect the public.

3.3.1 Service Functions

Council provides many services to residents of the Council area such as:

- The provision of community facilities such as child care centres Bondi Pavilion and the Margaret Whitlam Recreation Centre.
- Public health services;
- Cultural and information services;
- Parks and recreational services and facilities;
- Environment protection and improvement services;
- Waste management including collection of garbage;
- Drainage works;
- Road works;
- Aged and Affordable Housing;
- Property management;
- Parking management;
- Assistance to business and community organisations.

Any person or organisation can contact Council and request new services, changes or additions to existing services and these requests are considered by Council and appropriate action is taken subject to available resources and Council policy.

3.3.2 Regulatory Functions

Regulatory functions aim to enhance the quality of the built and natural environment by placing restrictions on developments and buildings to ensure that they meet certain requirements and will not endanger the lives and safety of any person. In addition, ranges of regulations govern activities to ensure our natural and built environment is protected and managed.

Members of the public should be aware of and comply with these regulations. Council also adopts local policies in relation to certain aspects of approvals, orders environmental management and building certificates. In cases where local policies are involved you can request a review of such policies, or a review of determinations made either under the Act or in accordance with Council policy.

3.3.3 Ancillary Functions

Ancillary functions generally only affect some members of the community. They include resumptions of land, powers of entry and inspection.

3.3.4 Revenue Functions

Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community. Each year, Council prepares an Operational Plan including a revenue policy, which sets out a detailed estimate of our income and expenditure and the levels proposed for rates and other charges. This draft plan is exhibited for at least 28 days, during which you may make submissions, which are considered by Council, before the plan is adopted for the year.

3.3.5 Administrative Functions

Administrative functions include the employment of staff, preparation of strategic, operational and other plans and financial and annual reports.

Reporting activities are designed to provide an information base that is publicly accessible, and in the case of the long term Community Strategic Plan and four year Delivery Program and one year Operational Plan, public exhibition and consideration of public submissions is incorporated in their preparation.

Planning activities by Waverley Council have a far reaching effect on the public and residents. The amenity of residents and the quality of the environment are influenced by the Council's planning for provision of services and facilities and its policies on development control.

3.3.6 Enforcement Functions

Enforcement functions only affect those members of the public who are in breach of certain legislation. This includes matters such as non payment of rates and charges, unregistered dogs, matters relating to pollution and parking offences.

Part 4 – How Can the Public Participate in the Work of Council?

4.1 Public Participation in Council's Policy Development Process and the Exercise of its Functions

There are two broad ways in which the public can participate in the policy development and, indeed, the general activities of the Council. These are through representation and personal participation.

4.2 Representation

Every four years, on the second Saturday in September, local government elections are held. All residents in Waverley, as well as property owners, who live outside the Council area and register their intention to vote on the non residential roll, may vote in the local government elections. Voting is compulsory.

At each election, voters elect three Councillors from each ward for a four year term. The Councillors then elect the Mayor for a one year term.

Councillors are elected to represent the interests of residents and ratepayers and to facilitate communication between the community and Council. Councillors participate in Council meetings and committee meetings where decisions are made on behalf of voters about Council policy, Council's operations and allocation of resources.

The next Council election is due in September 2016.

4.3 Personal Participation

4.3.1 In writing or in person

Residents and ratepayers may choose to telephone or write to Council at any time about any of its operations, its facilities, its activities or its policies. You can make submissions or send petitions to Council. You may also have the opportunity to respond to questionnaires and surveys initiated by Council.

4.3.2 By attending Council or Committee Meetings

Members of the public can also attend Council or committee meetings. Council closes its meetings only if it is dealing with matters that are confidential because they relate to someone's personal affairs, commercial information, legal advice or security matters.

Dates and times of Council and committee meetings are advertised in local newspapers and copies of the business papers for meetings are available for inspection at our Customer Service Centre in Bondi Junction and Waverley Library from the Friday before the Tuesday night meetings. Generally, the agenda for Council and Committee meetings will also be available on the Friday prior to the meeting on our internet site at www.waverley.nsw.gov.au.

If you wish to speak at a Council or a committee meeting about an item on the agenda, you must register with staff in our Governance Section by no later than 3.00pm on the day of the meeting. You may speak for three minutes but not ask questions at Council meetings. If a particular item on a Committee agenda affects you directly eg as an applicant or objector to a development application - you will normally be advised when the item is being considered.

The regular schedule of Committee and Council meetings is set out below:-

- **Council Meetings** are held monthly on the 3rd Tuesday at 7.00pm

- **Site Inspections Meetings** are conducted monthly on the 1st or 2nd Saturday commencing at 12.30pm
- The **Community, Housing and Environmental Services & Public Works Committee** meets monthly on the 1st Tuesday at 8.00pm
- The **Finance, Ethics & Strategic Planning Committee** meets monthly on the 1st Tuesday at 7.30pm.
- The **Development Control Committee** meets monthly on the 4th Tuesday at 7.00pm.

Apart from the Development Control Committee, Committees do not meet in January.

Council also convenes a Waverley Business Forum. The Waverley Business Forum generally meets quarterly and meeting dates are available on Council's website.

4.3.3 Other opportunities to participate

In addition there are a number of committees, which advise Council and have residents or representatives of special interest groups as members. These include:-

- **Access Committee** - this committee meets monthly and advises Council on the needs of people with disabilities in the Waverley Council area. Any person with a special interest in this committee's work can make a submission to the committee by contacting Waverley's Recreation, Community and Customer Services Department on 9389 9344.
- **Multicultural Advisory Committee** - this committee advises on issues, which arise from the Local Ethnic Affairs Policy Statement and affect local residents. 43% of Waverley's residents are overseas born and approximately 29% are from a non-English speaking background. Anyone wishing to make a submission to this committee may do so by contacting Waverley's Recreation, Community and Customer Services Department on 9389 9344.
- **Environmental Committees - Sydney Coastal Councils** is a group of 15 Sydney coastal and nearby councils working together to address coastal zone management and water quality issues.
- The **Community Safety Advisory Committee** – This committee facilitates a coordinated, multi-disciplinary approach to community safety and crime prevention in Waverley with a broad policy focus. The Committee oversees implementation of Council's Community Safety Advisory Plan. Members can address the Committee, provide reports, raise emerging issues and seek support for strategies to address community safety issues. Guests are also invited regularly to present on issues or share information. Membership is specified in the Committee's Charter and includes Police, Combined Precinct, and other community representatives. The committee meets monthly.

Council also convenes short term working parties that may include resident and business representatives or other relevant organisations.

Occasionally Council will hold a public meeting about a specific issue or for a specific purpose. Members of the public are notified about these meetings by advertisement in local newspapers and other appropriate means. These meetings often provide opportunities for residents to influence Council's policy making or decision making.

4.3.4 Precinct Committees

Precincts were established in Waverley more than twenty years ago to encourage local residents to become involved in Council's planning and decision making.

There are 13 Precinct areas in Waverley and all residents living within a Precinct boundary can go to Precinct meetings. They are organised by volunteer local residents and supported by Waverley Council.

Meetings are held regularly at local venues and generally, notices of meetings are placed in every letterbox in the Precinct area. Council also advertises Precinct meeting dates monthly in the local newspapers.

Precinct committees discuss new building developments in the area, traffic concerns, local services, landscaping, environmental issues and Council policies and plans. Information is sent out regularly to all Precincts from Council about many of these matters. Precincts then send their comments and recommendations to Council for consideration.

Attending your local Precinct meeting is a very accessible and meaningful way for you to participate in the decisions taken by Council about your local area.

Further information about your local Precinct can be obtained by contacting Waverley's Recreation, Customer and Community Services Department on 9389 9344.

4.4 Council Initiated Polls or Referenda

Under the Local Government Act 1993, Council may take a poll of electors if it wishes to seek their opinion on any issue.

Council is required to conduct a referendum before doing any of the following things:-

- a) divide its area into wards or abolish wards in its area;
- b) change the basis on which the Mayor attains office;
- c) increase or decrease the number of Councillors;
- d) change the method of ordinary election of Councillors for an area divided into wards;
- e) change the voting system used in Council elections.

Part 5 – What Information is Available?

5.1 Information Held by Council

Council both collects and produces a wide range of information. Much information is available on Council's website at www.waverley.nsw.gov.au. Information is also kept in our records system as either hard copy or electronic information or in our local studies collection at Waverley Library. Information is also collected and retained in a number of software systems, such as Council's customer request system, Service Desk and property system, Pathway.

Information in our records system is registered using our records management system, TRIM. The types of files held by the Council's Records Section include:

- subject files
- rates files/certificate files
- legal document files
- staff files

Building Application and Development Application files and associated registers are held in the Planning and Environmental Services Department and can be accessed at Council's Customer Service Centre.

Council also holds a complete set of cemetery records for Waverley and South Head cemeteries.

Apart from Building and Development Applications information from Council's records system is generally not available on Council's website but can be accessed in accordance with the steps set out in Part 6 of this Guide.

5.2 Open Access Information Required by Government Information (Public Access) Act 2009

Section 18 of the GIPA Act sets out a range of information that is 'open access information'. This includes our information guide, policy documents, disclosure log of access applications, register of government contracts and record of open access applications that are refused because of an overriding public interest. In addition, Part 2 sections 3 and 4 and Schedule 1 of the *Government Information (Public Access) Regulation 2009* requires Council to make publicly available a range of information.

Information listed in Schedule 1 includes:

- Information about Council
- Plans and Policies
- Information about Development Applications
- Approvals, Orders and other Documents

5.2.1 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:

- The Model Code prescribed under section 440 (1) of the Local Government Act and the Code of Conduct adopted under section 440 (3) of the Local Government Act
- Code of Meeting Practice
- Annual Report

- Annual Financial Reports
- Auditor's report
- Community Strategic Plan
- Delivery Program
- Operational Plan
- EEO Management Plan
- Pricing Policy
- Long Term Financial Plan
- Strategic Asset Management Plan
- Policy concerning the Payment of Expenses incurred by, and the Provision of Facilities to, Councillors
- Annual Reports of bodies exercising functions delegated by Council
- Any codes referred to in the Local Government Act

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

- Returns of the Interests of Councillors, designated persons and delegates
- Agendas and business papers for any meeting of Council or any committee of the Council (but not including business papers for matters considered when part of a meeting is closed to the public)
- Minutes of any meeting of the 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
- Departmental Representative reports presented at a meeting of Council in accordance with section 433 of the Local Government Act

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

- Land Register
- Register of Investments
- Register of Delegations
- Register of Graffiti Removal Work kept in accordance with section 13 of the Graffiti Control Act 2008
- Register of current Declarations of Disclosures of political donations kept in accordance with section 328A of the Local Government Act,
- The Register of voting on planning matters kept in accordance with section 375A of the Local Government Act.

5.2.2 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:

- Local Policies adopted by Council concerning Approvals and Orders
- Plans of Management for community land
- Environmental Planning instruments, Development Control Plans and Contributions Plans made under the *Environmental Planning and Assessment Act 1979* applying to land within the Council area.

5.2.3 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 Council 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.

Council must keep the record referred to in subclause (1) (c).

5.2.4. Approvals, orders and other documents

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

- Applications for Approvals under Part 1 of Chapter 7 of the Local Government Act and any associated documents received in relation to such an application
- Applications for Approvals under any other Act and any associated documents received in relation to such an Application
- Records of Approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on Appeals concerning Approvals
- Orders given under Part 2 of Chapter 7 of the Local Government Act, and any reasons given under section 136 of the Local Government Act
- 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 Council

- Compulsory Acquisition Notices
- Leases and licences for use of public land classified as community land

Part 4 of *Government Information (Public Access) Regulation 2009* requires that these documents be made available for inspection, free of charge, either on Council's website or at the offices of the Council during ordinary office hour or at any other place as determined by the Council. Previous documents of this type may also be inspected by the public free of charge.

5.3 Register of Government Contracts

Council is required to keep a register of all contracts valued at \$150,000 (incl GST) or more, which are entered into with a private sector entity for a project, goods and services or the sale, purchase or lease of real property. This Register can be accessed on Council's website.

The register is updated when a new contracts is signed. Council will keep contracts on the register only for the 'public access period', which is the period until the project to which the contract relates is complete, the goods and services concerned have been provided under that contract, the term of the lease has expired or the real property has been transferred.

5.4 Disclosure Log

Council is also required to maintain a disclosure log (see Section 25 of GIPA Act). The log shows information released under a formal access application that is considered to be of interest to the wider public. Under the GIPA Act, information that is of a sensitive nature (for example personal information) or considered commercial-in-confidence will be removed from the documents prior to their release.

Applicants who have made a formal request for access to information can object to inclusion in Council's disclosure log.

Council's disclosure log can be accessed on Council's website.

5.5 Policy Documents

Section 23 of the GIPA Act defines what constitutes a policy document. These include:

- a document containing interpretations, rules, guidelines, statements of policy, practices or precedents,
- a document containing particulars of any administrative scheme,
- a document containing a statement of the manner, or intended manner, of administration of any legislative instrument or administrative scheme,
- a document describing the procedures to be followed in investigating any contravention or possible contravention of any legislative instrument or administrative scheme,
- any other document of a similar kind.

Many of the documents listed in section 5.2.1 are available on Council's website at http://www.waverley.nsw.gov.au/your_council/plans_policies_and_publications.

Annexure 2 to this Guide is a complete list of Council's current policies which also can be viewed on Council's website..

Part 6 - How Can Members of the Public Access Information?

6.1 Accessing Information

Waverley Council is committed to providing the community with open and easy access to information about our services, activities and business operations. Much of this information is routinely provided in our corporate documents and is available on our website.

Council is also committed to ensuring all the information required by the GIPA Act as open access information is available. As far as possible all open access information will be available on Council's website.

In addition, where possible Council aims to make information not defined as open access information available through a process of authorised proactive or informal release. Where informal release of information is not possible because of possible public interest issues then Council will accept, process and determine applications for formal release of information in accordance with the GIPA Act. Where copies of documents are requested reasonable copy charges will apply. Information on Council's fees and charges is included in Council's Pricing Policy, Fees & Charges, which can be viewed on Council's website

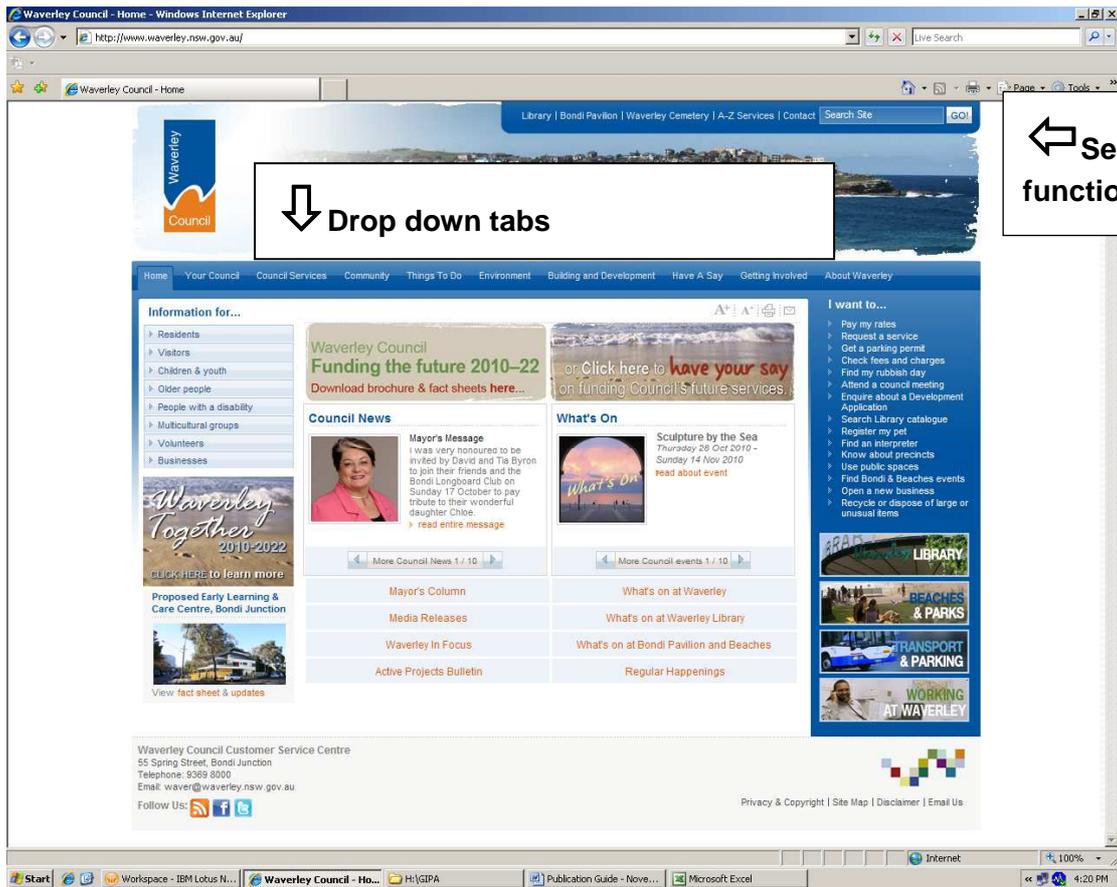
Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests or from performing other Council functions, may be refused on the grounds that such a diversion of resources is contrary to the public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

This section of the Guide provides information on the various forms of access.

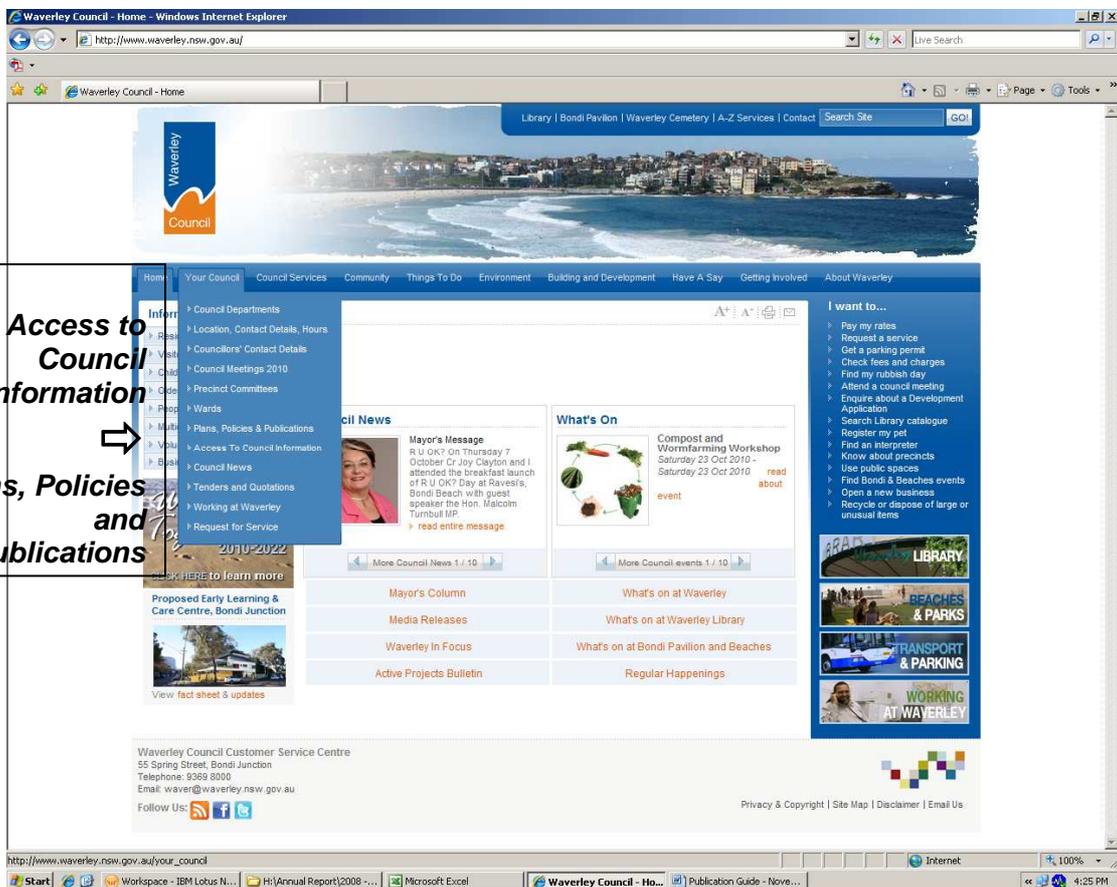
Council will annually review its proactive release program to identify information held that should be released in the public interest.

Where information is available online, you can access it by going to Council's website at www.waverley.nsw.gov.au.

You can search for information by using the drop down tabs at the top of the home page or by using the search facility located in the right corner of all web pages.



Access to Council Information → **Plans, Policies and Publications**



You can also access this Information Guide on our website as well as our policy documents, disclosure log of access applications, register of government contracts and record of open access applications that are refused because of an overriding public interest. Under the 'Your Council' tab there is an 'Access to Council Information' heading and a 'Plans, Policies and Publications' heading.

Information required by Part 2 sections 3 and 4 and Schedule 1 of the *Government Information (Public Access) Regulation 2009* is included in the 'Access to Council Information' section of our website.

6.2 Informal Requests for Access to Information

If the information you want is not available on Council's website you should contact Council's Customer Service Centre at 55 Spring Street, Bondi Junction (phone 9369 8000) and speak with one of the Customer Service Officers. They will help you identify what information is available and how it can be accessed. If the Customer Service Officer is unable to help you they will refer you to either the Divisional Manager of the area who is best able to help you or to one of Council's nominated Right to Information officers.

If the information you are seeking relates to Development Applications, Construction Certificates, Building Applications, Footpath Seating Applications and Subdivisions Applications you should complete an Application for Search & Viewing of Application Files form, which can be downloaded from our website at the 'Your Council' tab under the Access to Council Information heading. The application form is also available at Council's Customer Service Centre, 55 Spring Street, Bondi Junction.

Applications can be lodged at Council's Customer Service Centre, 55 Spring Street, Bondi Junction or mailed to:

Divisional Manager
Governance & Integrated Planning
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

Council will generally complete the searches for current/recent files within 5 working days and for non current/recent files within 10 – 15 working days and will inform you when the file is ready to be inspected. Once notified you will have two (2) weeks to view the information before it is returned to archives.

Where copies of documents are requested reasonable copy charges will apply. Information on Council's fees and charges is included in our annual Pricing Policy, Fees & Charges, which can be viewed on Council's website. In some cases there may be copyright restrictions on copying information.

Any issues or concerns in relation to informal information access should be raised with Council's Divisional Manager, Governance & Integrated Planning, who can be contacted on 9369 8129.

6.3 Formal Requests to Access Information

While Council aims to proactively release information about our activities, the GIPA Act provides a formal means of requesting access to information held by Council that is not publicly available because there may be an overriding public interest against disclosure of all or part of the information.

Requests for access to information must be in writing, specify it is made under the GIPA Act, provide a postal address within Australia, provide sufficient detail to enable Council to identify the information requested and include the necessary application fee (usually \$30).

Council has a GIPA Act application form on its website at the 'Your Council' tab under the Access to Council Information heading. The application form is also available at Council's Customer Service Centre, 55 Spring Street, Bondi Junction.

Applications can be lodged at Council's Customer Service Centre, 55 Spring Street, Bondi Junction or sent to::

The Divisional Manager
Governance & Integrated Planning
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355
Att: GIPA Officer

Council has twenty (20) working days from receipt of an application to deal with a formal request to access information. This period can be extended for a period of up to ten (10) working days (with a maximum extension of fifteen (15) working days for any particular access application) if there is a need for consultation with a third party or records have to be obtained from a records archive.

In addition to the application fee, there is a \$30 an hour charge to process formal access applications. In some cases an advance deposit to cover processing costs is required.

A fee reduction on processing charges may be available in circumstances of financial hardship or special public benefit.

6.4 Accessing Information in the Disclosure Log

Requests to access released information contained in the Disclosure Log should be in writing and can be sent by post, fax or email.

Postal address:

The Divisional Manager
Governance & Integrated Planning
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

Fax: 02 9387 1820 for attention of GIPA Officer

Email: waver@waverley.nsw.gov.au for attention of GIPA Officer

Part 7 Applying the Public Interest Test

The Government Information (Public Access) Act 2009 creates an enforceable right to information. Council must release information unless there is an overriding public interest against disclosure.

Council will apply the public interest test by:

1. Identifying the relevant public interest considerations for disclosure.
2. Identifying any relevant public interest considerations against disclosure.
3. Assessing whether the public interest against disclosure outweighs the public interest in favour.

The public interest test will be applied objectively and in the light of all of the circumstances of the application.

Part 8 How can Decisions be Reviewed

Decisions made about access to information can be reviewed either by a more senior Council officer to the officer who made the access determination or by an external body such as the NSW Information Commissioner or the Administrative Decisions Tribunal.

Time limits apply to any application for a review. In the case of an internal review the application must be made within twenty (20) days after notice of the determination is given while a request for an external review must be submitted within eight (8) weeks after notice of the determination is given.

You do not need to request an internal review as a first step in applying for an external review.

8.1 Internal Review

If you do not agree with the decision made about an information access application you may wish to apply for an internal review of the original decision.

A person authorised by the General Manager and senior to the original decision maker will review your application and inform you of the review decision as soon as practicable but no later than twenty (20) business days after the internal review application is made to Council. Reasons will be given if the original decision remains unchanged.

Your application for internal review must be made within 20 working days after the date of the written notice of the decision and be accompanied by the required fee of \$40.

To apply for an internal review, submit an Internal Review Application form to:

Divisional Manager
Governance & Integrated Planning
Waverley Council
PO Box 9
BONDI JUNCTION NSW 1355

An Internal Review Application form can be downloaded from Council's website at the 'Your Council' tab under the Access to Council Information heading. Council will acknowledge your application within five (5) working days of receiving it. Council will decide the internal review within fifteen (15) working days (this can be extended by ten (10) days if Council has to consult with a third party, or by agreement with you).

8.2 External Review

If you are not satisfied with Council's internal review decision, you may wish to apply to the Office of the Information Commissioner for an external review.

Alternatively, you can apply directly to the Information and Privacy Commission New South Wales or the Administrative Decisions Tribunal (ADT) for an external review of Council's original decision.

The Information and Privacy Commission may change or confirm the decision made on your application or try to mediate a settlement between parties.

If you disagree with any of the decisions listed above, you can ask for a review by the Administrative Decisions Tribunal (ADT). You do not have to have the decision reviewed internally, or by the Information and Privacy Commission before applying for review by the ADT.

You have up to eight (8) weeks from being notified of the decision to apply to the ADT for review. However, if you have applied for review by the Information and Privacy Commission, you have four (4) weeks from being notified of the Commission's review outcome to apply to the ADT.

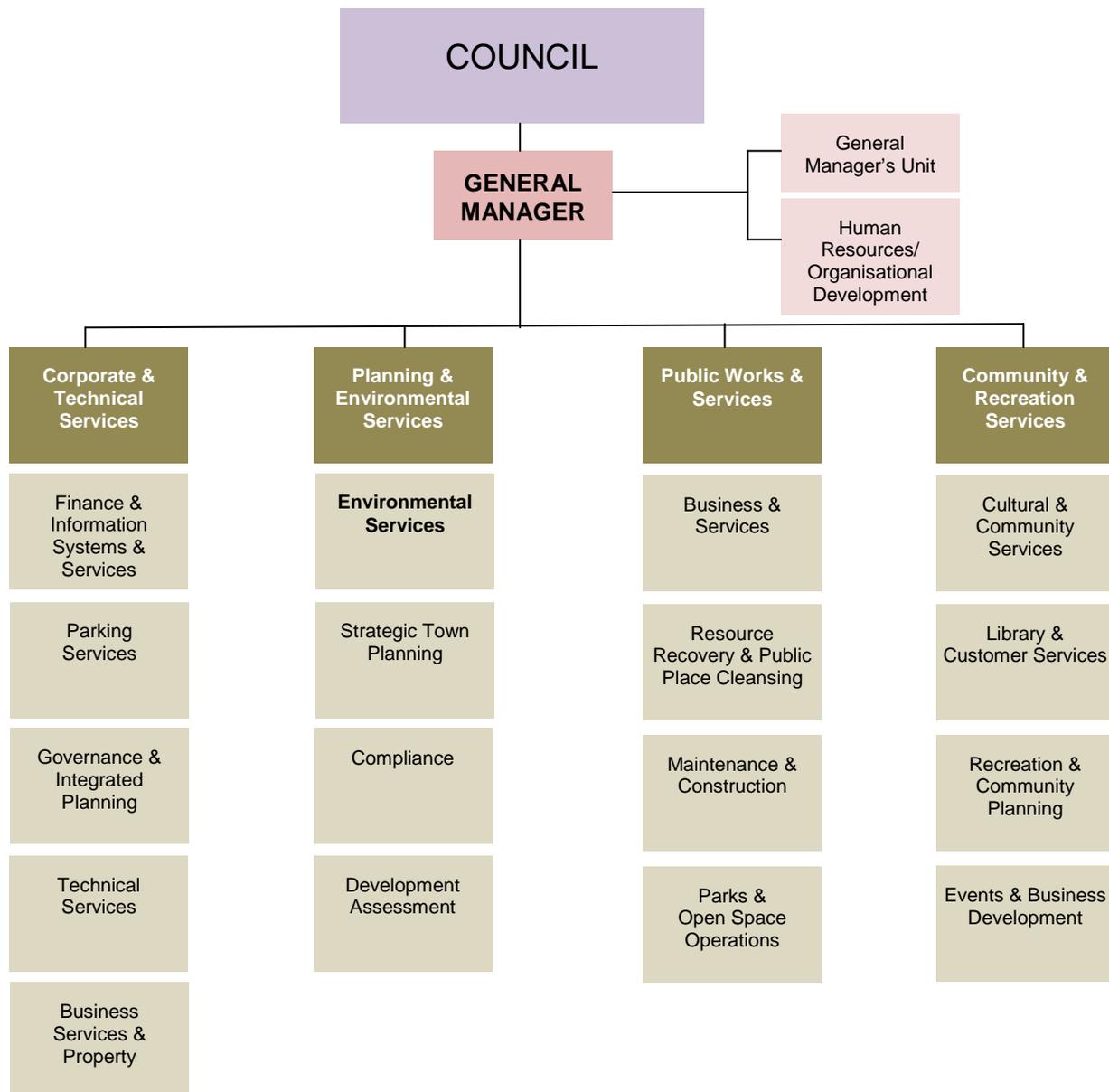
For more information about requesting an external review, visit the Office of the Information and Privacy Commission New South Wales website at www.ipc.nsw.gov.au or phone 1800 IPC NSW (1800 472 679) or email ipcinfo@ipc.nsw.gov.au.

There are no rights of review in respect of informal information applications. However, the applicant may make a formal application at anytime.

Part 9 –Other Information

If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to Council's Public Officer or to one of our Right to Information Officers. Also, if you would like to amend a document of Council which you feel is incorrect you need to make written application to Council's General Manager in the first instance.

Annexure 1 Council's Organisational Structure



Annexure 2 - Council's Policies

A

Abandoned Shopping Trolley Policy
Access and Equity Policy - Aboriginal and Torres Strait Islanders
Annual Financial Reports
Annual Report
Asbestos Policy

B

Bondi Junction Mall Code and Markets Policy
Bronte Commercial Centres Policy (Interim)

C

Child Care Centres, Operational Policies for
Children's Services Policy
Code of Conduct
Code of Meeting Practice
Close Circuit Television Policy
Clothing and Collection Bins Policy
Community Bus Policy
Community Markets Policy
Community Services Policy
Complaints Management Policy
Correspondence Policy Statement
Council Seal, Use of - Policy
Councillors Expenses and Facilities Policy
Credit Card Usage Policy
Cultural Diversity Policy

D

Delegations Policy
Disability Access Policy
Discrimination and Harassment Policy
Document Access Policy
Drain Blockage Policy

E

Environment Policy
Environmentally Sustainable Events Policy
Equal Employment Opportunity Policy

F

Fitness Groups and Personal Trainers Policy
Flexible Work Policy
Footpath Gardens Policy

G

Genetically Engineered/Modified Foods Products Policy
Graffiti Management Policy 2006

H

Harassment and Bullying Prevention Policy
Hazardous Substances Policy
Higher Duties Policy
Housing for Older People Policy

I

Injury Policy
Interim Sea Level Rise Policy

Internal Reporting Policy - Protected Disclosures – 2009
Investment Policy – 2010

L

Leasing of Community Facilities Policy
Local Approvals Policy: Activity Applications
Local Approvals Policy: Display of Goods on Footpath
Local Approvals Policy: Moveable Footway Signs
Local Orders Policy

M

Mall Code and Market Policy
Mobile Phone Towers Policy (Draft) - May 1997
Multi Cultural Policy

O

OH&S Policy
Operational Policy for Asset disposal
Outdoor Market Operations in Public Places Policy

P

Pay Policy
Petitions Policy
Pocket Parks Policy
Precinct Policy
Privacy Management Plan
Procurement of Goods and Services Policy
Protection of Children Policy
Public Art Policy
Purchasing Policy

R

Rates and Charges and Hardship Assistance Policy
Records Management Policy
Rehabilitation Procedures Policy
Renewable Timbers Policy
Responsible Dog Ownership Policy (Draft)

S

Sea Level Rise Policy
Sewerage/Stormwater Drain Blockage Policy
Sponsorship Grants and Donations Policy
Staff Travel Policy
Street Trading Policy
Stormwater Policy
Stormwater Management Plans (Waverley area) Draft

T

Trade Debtors Policy
Transportation Policy (2002)
Tree Management Plan Policy
Tree Vandalism Policy

V

Voluntary Planning agreements Policy
Volunteering Policy

W

Waverley Housing Policy
Waverley Community Living Project Policy

Weed Management Policy

Y

Youth Services Policy