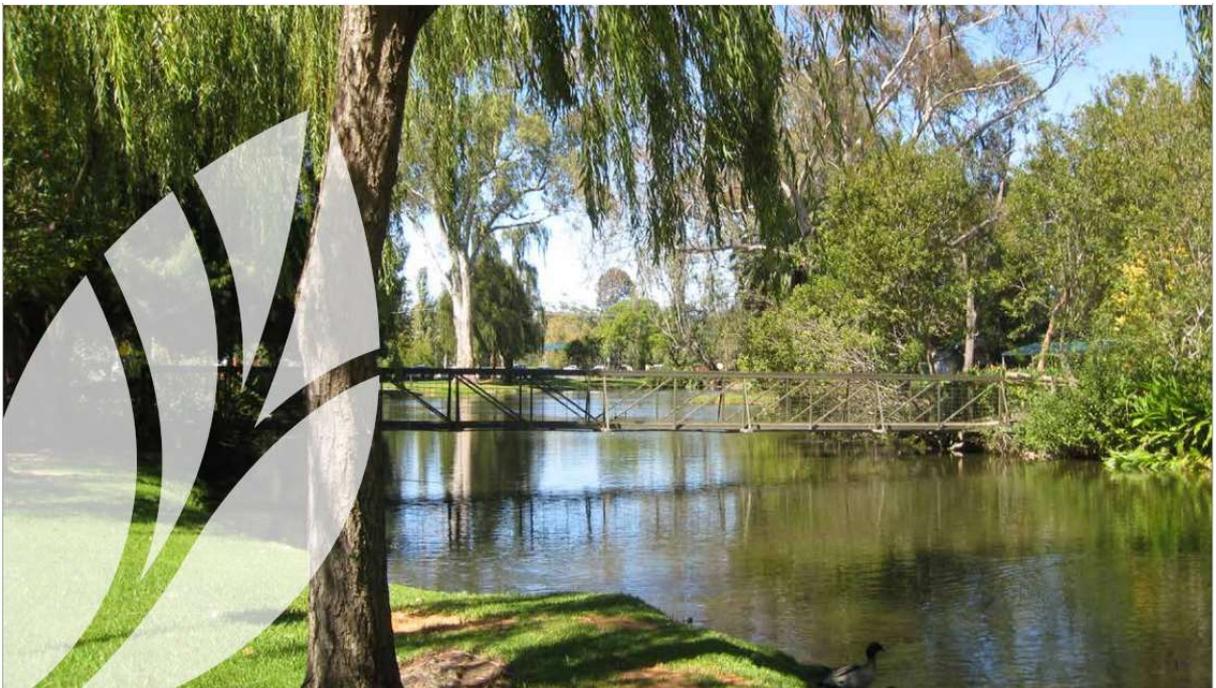




COUNCIL INFORMATION GUIDE 2023-2024

Government Information (Public Access Act) 2009



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| Related Legislation | <ul style="list-style-type: none"> • <i>Government Information (Public Access) Act 2009</i> • <i>Privacy and Personal Information Protection Act 1998</i> • <i>Privacy and Personal Information Protection Regulation 2019</i> |
| Related Policies | Privacy Management Plan |
| Related Procedures, Protocols, Statements, documents | Information and Privacy Commission NSW Guideline 6: Agency Information Guides (August 2020) |

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1. PREFACE

This Information Guide has been produced by Edward River Council (Council) in accordance with section 20 of the *Government Information (Public Access) Act 2009* (the GIPA Act).

The Information Guide:

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

The Information Guide is available on Council's website and from Council's Customer Service Office at 180 Cressy Street, Deniliquin, during business hours.

2. LOCAL GOVERNMENT PRINCIPLES

Section 8 of the *Local Government Act 1993* (the Act) describes a series of principles that provide guidance to councils in carrying out their functions in a way that facilitates local communities that are strong, healthy and prosperous.

Guiding Principles for Exercise of Functions

The following general principles apply to the exercise of functions by councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making;
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers;
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community;
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements;
- e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community;
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way;
- g) Councils should work with others to secure appropriate services for local community needs;
- h) Councils should act fairly, ethically and without bias in the interests of the local community; and
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Guiding Principles for Decision-Making

The following principles apply to decision-making by councils (subject to any other applicable law):

- a) Councils should recognise diverse local community needs and interests;
- b) Councils should consider social justice principles;
- c) Councils should consider the long term and cumulative effects of actions on future generations;
- d) Councils should consider the principles of ecologically sustainable development; and
- e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

Guiding Principles for Community Participation

Councils should actively engage with their local communities, through the use of the Integrated Planning and Reporting framework and other measures.

Principles of Sound Financial Management

The following principles of sound financial management apply to councils:

- a) Council spending should be responsible and sustainable, aligning general revenue and expenses;
- b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community;
- c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting;
 - (ii) asset maintenance and enhancement;
 - (iii) funding decisions;
 - (iv) risk management practices;
- d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations; and
 - (ii) the current generation funds the cost of its services.

Integrated Planning and Reporting Principles that apply to Councils

The following principles for strategic planning apply to the development of the Integrated Planning and Reporting framework by councils:

- a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities;
- b) Councils should identify strategic goals to meet those needs and aspirations;
- c) Councils should develop activities, and prioritise actions, to work towards the strategic goals;
- d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources;
- e) Councils should regularly review and evaluate progress towards achieving strategic goals;
- f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals;
- g) Councils should collaborate with others to maximise achievement of strategic goals;
- h) Councils should manage risks to the local community or area or to the council effectively and proactively; and
- i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.

3. ABOUT EDWARD RIVER COUNCIL

Edward River Council was proclaimed on 12 May 2016, following the amalgamation of the former Conargo Shire Council and Deniliquin Council into one strong, cohesive and dynamic organisation.

Council provides services and support to a community of approximately 8,500 permanent residents across a region covering 8,881 square kilometres, including the town of Deniliquin and six rural villages - Blighty, Booroorban, Conargo, Mayrung, Pretty Pine and Wanganella.

Between May 2016 and September 2017, Council was led by a NSW Government-appointed Administrator who was responsible for overseeing the implementation of the new Council.

This administration period ended in September 2017 after Council's inaugural elections were held. Subsequent local government elections were held in December 2021 (delayed due to the COVID-19 pandemic).

3.1 Vision and Values

Our Vision

Through consultation with community, government, business and industry, a clear vision has been developed to describe what we want the Edward River region to look like in 2050. The vision is for Edward River to strive toward being:

"We are the centre of the Southern Riverina. Home to a connected and engaged community, driven by a diverse economy. We work together to lead our community, achieve our potential and embrace our future".

This vision is designed to encourage commitment to our future and engender a sense of common purpose and responsibility in all stakeholders responsible for delivering the community's goals, described in the Community Strategic Plan 2022-2050.

We will achieve our vision through:

- a) shaping the future;
- b) an open and connected community;
- c) encouraging growth through partnerships;
- d) delivering community assets and services; and
- e) accountable leadership and responsive administration.

Our Values

Values form the basis of our culture; they add meaning to work and provide a basis for consistent planning and decision-making across our organisation. Council has adopted a set of values which were developed through a consultative process. All councillors and employees are expected to demonstrate our corporate values when undertaking their roles and making decisions that impact our customers and community:

| | |
|----------|---|
| L | Leadership We seek to provide strong leadership for our community and customer. We lead with empathy and integrity. |
| E | Excellence We strive for excellence and continuous improvement: in who we are, in how we work, and in how we deliver results for our community. |
| A | Accountability We are open, honest and transparent in how we do business, the decisions we make and the actions we take. |
| D | Delivery We are committed to delivering results for our community and outstanding service to our customers. |

3.2 Map of the Edward River Council Local Government Area



4. STRUCTURE OF COUNCIL

The elected Council comprises nine councillors, who were sworn in on 11th January 2022, following Council elections in December 2021. Councillors are elected to represent the entire municipality, as Edward River is an undivided municipality (ie: there are no wards). The Mayor and Deputy Mayor are elected by the councillors.



Cr Peta Betts
Mayor



Cr Paul Fellows
Deputy Mayor



Cr Shirlee Burge



Cr Harold Clapham



Cr Linda Fawns



Cr Pat Fogarty



Cr Tarria Moore



Cr Marc Petersen



Cr Shannon Sampson

Councillors are responsible for making decisions and developing policies that guide the activities of Council. This role is performed at Council meetings, where the decision-making takes place. Councillors also provide leadership and guidance to the Chief Executive Officer and facilitate communications between Council and the community.

Section 223 of the Act describes the collective role of Council's governing body as follows:

- a) to direct and control the affairs of Council in accordance with the Act;
- b) to provide effective civic leadership to the local community;
- c) to ensure as far as possible the financial sustainability of Council;

- d) to ensure as far as possible that Council acts in accordance with the principles for local government (as described above) and Council's plans, programs, strategies and policies;
- e) to develop and endorse the Community Strategic Plan, Delivery Program and other strategic plans, programs, strategies and policies of Council;
- f) to determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of Council's resources to implement Council's strategic plans of Council and for the benefit of the local area;
- g) to keep under review the performance of Council, including service delivery;
- h) to make decisions necessary for the proper exercise of Council's regulatory functions;
- i) to determine the process for appointment of Council's Chief Executive Officer and to monitor the Chief Executive Officer's performance;
- j) to determine the senior staff positions within the organisation structure of Council;
- k) to consult regularly with community organisations and other key stakeholders and keep them informed of Council's decisions and activities, and
- l) to be responsible for ensuring that Council acts honestly, efficiently and appropriately.

4.1 Role of the councillors

Section 232 of the Act describes the role of individual Councillors as follows:

- a) to be an active and contributing member of the governing body;
- b) to make considered and well-informed decisions;
- c) to participate in the development of the Integrated Planning and Reporting framework;
- d) to represent the collective interests of residents, ratepayers and the local community;
- e) to facilitate communication between the local community and the governing body;
- f) to uphold and represent accurately the policies and decisions of the governing body; and
- g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

4.2 Role of the Mayor

Section 226 of the Act confers the following additional responsibilities upon the Mayor:

- a) be the leader of Council and a leader in the local community;
- b) advance community cohesion and promote civic awareness;
- c) be the principal member and spokesperson of the governing body, including representing the views of Council as to its local priorities;
- d) exercise, in cases of necessity, the policymaking functions of the governing body of Council between meetings of Council;
- e) preside at meetings of Council;
- f) ensure that meetings of Council are conducted efficiently, effectively and in accordance with the Act;
- g) ensure the timely development and adoption of Council's strategic plans, programs and policies;
- h) promote the effective and consistent implementation of Council's strategic plans, programs and policies;
- i) promote partnerships between Council and key stakeholders;
- j) advise, consult with and provide strategic direction to the Chief Executive Officer in relation to the implementation of Council's strategic plans and policies;
- k) in conjunction with the Chief Executive Officer, ensure adequate opportunities and mechanisms for engagement between Council and the local community;
- l) carry out the civic and ceremonial functions of the mayoral office;
- m) represent Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level;
- n) in consultation with the councillors, to lead performance appraisals of the Chief Executive Officer; and
- o) exercise any other functions of Council that Council determines.

4.3 Role of the Chief Executive Officer

The Chief Executive Officer is responsible for the efficient and effective operation of Council and for ensuring the implementing, without undue delay, of decisions of Council.

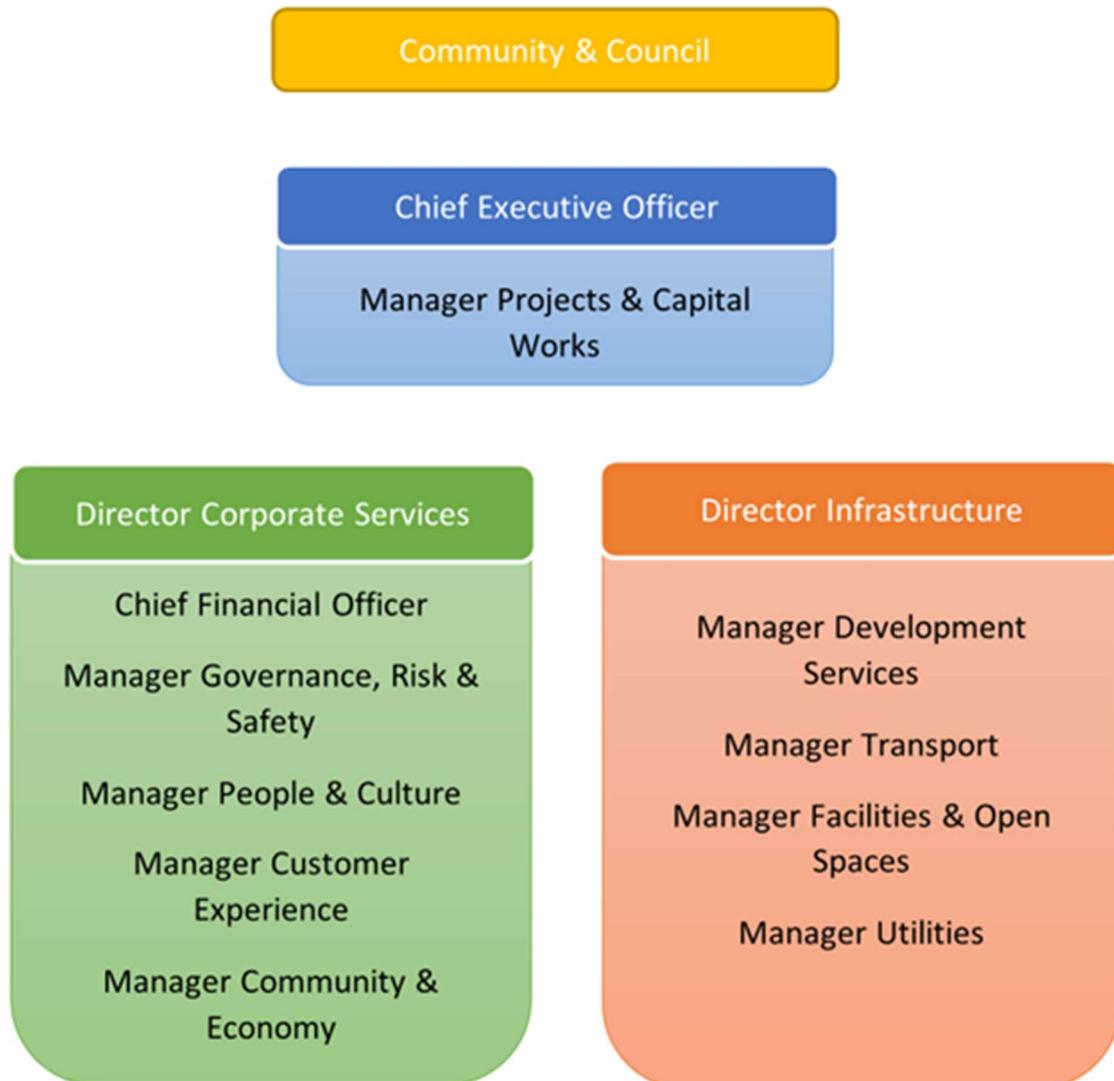
As the most senior employee of Council, the Chief Executive Officer is the only member of staff selected and appointed by Council and is appointed on a renewable, fixed-term, performance-based contract for a maximum period of five years.

Section 335 of the Act confers the following functions on the Chief Executive Officer:

- a) to conduct the day-to-day management of Council in accordance with Council's strategic plans, programs, strategies and policies;
- b) to implement, without undue delay, lawful decisions of Council;
- c) to advise the Mayor and the governing body on the development and implementation of Council's strategic plans, programs, strategies and policies;
- d) to advise the Mayor and the governing body on the appropriate form of community consultation on Council's strategic plans, programs, strategies and policies of Council and other matters;
- e) to prepare, in consultation with the Mayor and the governing body, Council's Community Strategic Plan, Community Engagement Strategy, Resourcing Strategy, Delivery Program, Operational Plan and Annual Report;
- f) to ensure that the Mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions;
- g) to exercise any of the functions of Council that are delegated to the Chief Executive Officer;
- h) to appoint staff in accordance with the organisation structure determined and the resources approved by Council;
- i) to direct and dismiss staff;
- j) to implement Council's Workforce Management Strategy; and
- k) any other functions that are conferred or imposed on the Chief Executive Officer by or under the Act or any other Act.

4.4 Organisational Structure

The Chief Executive Officer and two Directors comprise the organisation's Executive Team and are responsible for providing the organisation with strong and effective leadership in delivering a diverse range of Council services to the community. The structure is represented in the diagram below:



5. FUNCTIONS OF COUNCIL

Under the Act, Council's functions can be grouped into the following categories:

| | |
|---------------------------------|---|
| Service Functions | Including: <ul style="list-style-type: none"> • Providing community health, recreation, education and information services • Environmental protection • Waste removal and disposal • Land and property, industry and tourism development assistance • Civil infrastructure planning • Civil infrastructure maintenance and construction |
| Regulatory Functions | Including: <ul style="list-style-type: none"> • Approvals • Orders • Building certificates |
| Ancillary Functions | Including: <ul style="list-style-type: none"> • Resumption of land • Powers of entry and inspection |
| Revenue Functions | Including: <ul style="list-style-type: none"> • Rates • Fees and Charges • Borrowings • Investments |
| Administrative Functions | Including: <ul style="list-style-type: none"> • Employment of staff • Management plans • Financial reporting • Annual reports |
| Enforcement Functions | Including: <ul style="list-style-type: none"> • Proceedings for breaches of the Act, the <i>Local Government (General) Regulation 2021</i> and other Acts and Regulations • Prosecution of offences • Recovery of rates and charges |

While Council's functions are prescribed primarily by the Local Government Act. Council also has responsibilities under many other Acts and Regulations, including:

- *Community Land Development Act 2021*;
- *Companion Animals Act 1998*;
- *Disability Inclusion Act 2014*;
- *Environmental Planning & Assessment Act 1979*;

- *Food Act 2003*;
- *Government Information (Public Access) Act 2009*;
- *Heritage Act 1977*;
- *Privacy and 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 and Rescue Management Act 1989*;
- *State Emergency Service Act 1989*; and
- *Swimming Pools Act 1992*.

Council also has certain reporting responsibilities to the NSW Office of Local Government which has the role of monitoring all councils' compliance with various legislative requirements and industry best practice.

5.1 How Council's Functions affect the Public

As a service organisation, the majority of Council's activities have an impact on the community. The following is an outline of how the broad functions of Council can affect the public:

- a) **service functions** affect the community as Council provides services and facilities to the community. These include library services, customer and visitor services, halls and community centres, recreation facilities, infrastructure (including roads, water and sewer infrastructure) and waste management facilities.
- b) **regulatory functions** place restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and not endanger the lives and safety of any person.
- c) **ancillary functions** affect only some members of the community. These functions include, for example, the resumption of land or the power for Council to enter onto a person's land. In these circumstances, only the owner of the property would be affected.
- d) **revenue functions** affect the public directly in that revenue from rates and other fees and charges paid by the public is used to fund services and facilities provided to the community.
- e) **administrative functions** do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

- f) **enforcement functions** only affect those members of the public who are in breach of certain legislation. This includes matters such as the non-payment of rates and charges, unregistered dogs and cats, and parking offences.

Community planning and development functions affect areas such as cultural development, and social and community planning. It involves:

- a) advocating and planning for the needs of our community. This includes initiating partnerships; participating on regional, State or Commonwealth working parties; and preparation of the Community Strategic Plan;
- b) providing support to community and sporting organisations through provision of grants, training, information and access to facilities; and
- c) facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events such as Australia Day celebrations, ANZAC Day, NAIDOC Week, Youth Week, the Seniors' Festival, art and cultural activities, as well as promoting events hosted by others.

5.2 How the members of the public can participate in Council's policy development and the exercising of functions

Council offers a number of methods for community members to participate in the formulation of Council's policies and the implementation of its functions.

Council Meetings

Ordinary Council meetings are usually held on the third Tuesday of every month from 10:00am at the Council Chambers, located at 180 Cressy Street, Deniliquin.

Extraordinary Council Meetings are held as and when required and the public is notified via Council's website. Members of the public may attend all Council meetings, but will be excluded from closed sessions of Council meetings that consider confidential matters.

Council meetings are also live streamed via Council's YouTube channel: [Edward River Council Live Stream - YouTube](#)

Members of the public may also, at the discretion of Council, be permitted to make a verbal presentation or submission related to items of business included in that Meeting's Agenda at a public forum held immediately prior to the Council Meeting.

Anyone wishing to make a submission at such a public forum must make a request in writing to the Chief Executive Officer (by email to council@edwardriver.nsw.gov.au or by letter to PO Box 270, Deniliquin, NSW, 2710) before 12.30pm on the business day prior to the scheduled Council meeting. The request must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and may state whether they wish to speak for or against the item.

Agendas are made available to the public on the Friday preceding each Council meeting and can be accessed online from Council's website at www.edwardriver.nsw.gov.au or in person from Council's Customer Service Office at 180 Cressy Street, Deniliquin.

Community Consultations

When developing a project, policy or plan, Council may undertake a community consultation to gather community input and seek feedback from members of the public. In carrying out community consultations, Council may employ a variety of consultation tools, such as public forums, stakeholder workshops, community surveys and community engagement activities with targeted sectors of the community. Community consultations are promoted on Council's website at <https://www.edwardriver.nsw.gov.au> and on social and local media.

Public Submissions

Prior to adoption, all significant Council plans, strategies and policies are placed on public exhibition in draft form so that interested members of the public may view them and make provide written feedback to Council for consideration in the final document.

Documents on public exhibition are made available online on Council's website at <https://www.edwardriver.nsw.gov.au> and can be inspected in person at Council's Customer Service Office at 180 Cressy Street, Deniliquin.

Submissions must be made in writing (by email to council@edwardriver.nsw.gov.au or by letter to PO Box 270, Deniliquin, NSW, 2710) addressed to the Chief Executive Officer, and be received by Council by the specified closing date. A summary of all submissions received and amendments made to the draft document in response to those submissions will be included in the report to Council that seeks the document's formal adoption.

Representation

Local government is based on the principle of representative democracy, meaning that citizens elect representatives to their local Council to make decisions on their behalf. In New South Wales, local government elections are usually held every four years. The next elections are scheduled for September 2024.

At each Edward River election, voters elect nine Councillors. All residents of the area who are on the electoral roll are eligible to vote. Property owners who live outside the local government area and rate-paying lessees can also vote, but must register their intention to vote on the non-residential roll (information about this is provided on Council's website ahead of each election).

Residents are able to raise issues with, and make representations, to councillors. The councillors may pursue the matter on the resident's behalf. Councillors' contact details are available online from Council's website at www.edwardriver.nsw.gov.au and can be obtained from Council's Customer Service Office at 180 Cressy Street, Deniliquin, or by telephoning 03 5898 3000.

6. COUNCIL INFORMATION

Council holds information, contained in both hard copy and electronic document form, related to a range of issues concerning the Edward River Council local government area.

Policy Documents

Council maintains a Policy Register, with policies available for inspection on Council's website at www.edwardriver.nsw.gov.au or in person at Council's Customer Service Office, at 180 Cressy Street, Deniliquin.

General Documents

The following page lists general documents held by Council, and has been divided into four sections (as outlined in Schedule 1 of the GIPA Regulation):

- a) information about Council;
- b) plans and policies;
- c) information about development applications; and
- d) approvals, orders and other documents.

Under the GIPA Act, these documents are considered "open access information". In accordance with Council's legislative responsibilities, these documents held by Council are made publicly available for inspection on Council's website at www.edwardriver.nsw.gov.au or in person at Council's Customer Service Office (at 180 Cressy Street, Deniliquin). These documents may be inspected by the public free of charge.

Copies can be supplied (where copyright provisions do not apply) for a reasonable copying charge, in accordance with Council's adopted Schedule of Fees and Charges. The Schedule of Fees and Charges is available on Council's website at www.edwardriver.nsw.gov.au or from Council's Customer Service Office at 180 Cressy Street, Deniliquin.

6.1 Open Access Information

Under the GIPA Regulation, the following list of documents or categories of documents will be made available for public access, free of charge. Note that references to the “LGA” refer to the NSW *Local Government Act 1993*.

Information about Council

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 (*now known as the Delivery Program and Operational 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,
 - 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 Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public),
 - c) 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,
 - d) reports by the Chief Executive of the Office of Local Government presented at a meeting of Council 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.

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 Council 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 Council's area.

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

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 Council,
- 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.

6.2 Authorised Proactive Release

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

6.3 Informal Release

Access to information which is not available as mandatory release information or authorised proactive release information may be provided through informal release. In this regard, applications should be made to Council by submitting the appropriate Informal Information Access Request Form. The form is available on Council's website at www.edwardriver.nsw.gov.au or from Council's Customer Service Office at 180 Cressy Street, Deniliquin. Council will endeavor to release information in response to such a request, subject to any reasonable conditions Council deems fit to impose.

Note: Copyright law applies to most plans and reports. Council cannot reproduce copies of these documents without the written permission of the person or company that created them (section 36 of the *Commonwealth Copyright Act 1969*). If possible, Council will attempt to supply details of copyright owners of plans and reports to assist an applicant to obtain the necessary copyright permission. Council will continue to allow "view only" access for the purposes of the GIPA Act (unless the copyright owner has authorised other uses).

6.4 Formal Access Applications

Notwithstanding the lodgment of an informal application, Council may require a formal access application to be submitted where the information sought:

- a) is of a sensitive nature that requires careful weighing of the considerations in favour of and against disclosure; or
- b) contains personal or confidential information about a third party that requires consultation; or
- c) would involve a considerable amount of time and resources to produce.

To make a formal request for access to information a Formal Access Request Form should be completed. The form is available on Council's website at www.edwardriver.nsw.gov.au or from Council's Customer Service Office at 180 Cressy Street, Deniliquin. In accordance with the GIPA Act, an application fee of \$30.00 is payable upon submission of the completed form. Additional processing charges may be applicable. An acknowledgement of such an application will be provided by Council within five working days.

Applications must be decided by Council within twenty working days (a statutory requirement under section 57(1) of the GIPA Act) after receipt of the application. The decision period may be extended by up to 15 extra working days where consultation with a third party is required or the retrieval of relevant records is from Council's archives (section 57(2) of the GIPA Act).

6.5 Other Matters

Any fees for photocopies of documents provided under the GIPA Act are listed in Council's adopted Schedule of Fees and Charges, available on Council's website at www.edwardriver.nsw.gov.au or from Council's Customer Service Office at 180 Cressy Street, Deniliquin.

Copies of documents provided are given for information purposes only and are provided by Council to meet its requirements under relevant legislation. Copyright laws still apply to each document. The copyright owner's consent is required if any part of a copyright document is used for any other purpose.

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a Disclosure Log for inspection by the public. The Disclosure Log is available on Council's website at www.edwardriver.nsw.gov.au or from Council's Customer Service Office at 180 Cressy Street, Deniliquin.

Restrictions on Access to Information

Regardless of whether a formal or informal access request is received, Council may withhold the release of information because there is an overriding public interest against disclosure. Discretionary considerations are applied as per section 14 of the GIPA Act which describes public interest considerations against disclosure.

Right of Appeal

Where access is refused, applicants may lodge an appeal or review for formal applications only, by the following methods:

Internal Review by Council – A delegate at Council more senior to the original decision-maker conducts the review. Applicants have 20 working days from receiving the notice of the original decision to request a review.

External Review by the Information Commissioner - Applicants have 40 working days from receiving the notice of the original decision to request a review by the Information Commissioner. Non-applicants (such as third parties consulted through the process) must first seek an internal review of the decision before they will be permitted to request a review with the Information Commissioner.

Review by the NSW Civil and Administrative Tribunal (NCAT) – Only the access applicant may apply for an NCAT review. Such an application must be made within 40 working days of receiving the notice of decision.

7. PERSONAL INFORMATION

Council collects, stores and uses a broad range of information. A significant part of that information is personal information. Council is required to comply with the Information Privacy Principles (IPPs) in the *Privacy and Personal Information Protection Act 1998* (PPIP Act), which regulate the collection, storage, use and disclosure of personal information held by Council.

Any personal information provided to us will be used and disclosed for Council purposes, or a directly related purpose, unless an applicant consents to another use or disclosure, in emergencies or as otherwise required or authorised by law.

The provision of personal information to Council is voluntary when making a request for information. No law requires an applicant to provide any personal information to Council. However, failure to provide certain personal information may inhibit Council's ability to respond to an application for information.

Under the PPIP Act, applicants have the right to access their personal information held by Council, without excessive delay or expense. Applicants also have the right to have their personal information corrected in certain circumstances (e.g. if it is inaccurate). Persons wishing to access or correct personal information, should make a written request to Council by post to PO Box 270, Deniliquin, NSW, 2710 or by email to council@edwardriver.nsw.gov.au