

Record of information excluded by Clause 3(2) of Schedule 1 to the *Government Information (Public Access) Regulation 2018*



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Clause 3 of Schedule 1 to the *Government Information (Public Access) Regulation 2018* (GIPA Regulation) states:

- (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...
 - (b) records of decisions made on or after 1 July 2010 on development applications (including decisions made on appeal),
 - (c) a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2).
- (2) However, this clause does not apply to so much of the information referred to in subclause (1) (a) as consists of—
 - (a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
 - (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret, or
 - (c) development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.
- (3) A local authority must keep the record referred to in subclause (1) (c).

This record constitutes the record required to be kept and made available as open access information under clauses 3(1)(c) and 3(3) of Schedule 1 to the GIPA Regulation. The information outlined in the table below is indicative only. Information will be assessed on a case by case basis prior to making a determination as to whether the information is open access information.

For further information regarding this record, or to request specific information relating to a particular development, please contact Council's Governance Officer on 02 4868 0888 or by email at mail@wsc.nsw.gov.au.

General description of records that Council decides are excluded by clause 3(2) of Schedule 1	Reason(s) for decision	How to request access to excluded information
Plans and specifications for any residential parts of a proposed building, such as: <ul style="list-style-type: none"> • residential floor plans and other architectural plans which provide an indication as to the internal structure or layout of any residential part of a proposed building; and • engineering plans, drawings or specifications showing or otherwise indicating the internal configuration of any residential part of a proposed building. <p>Note: This excludes plans which show only the height and external configuration in relation to the site on which the building is proposed to be erected (e.g. elevations, sections and site plans).</p>	Clause 3(2)(a) of Schedule 1 to the GIPA Regulation	Request access to this excluded information by lodging an informal request for access to the information under section 8 of the GIPA Act or a formal access application under section 9 of the GIPA Act. Please visit Access to Information Held by Council for further information.
Commercial information that, if disclosed, would be likely to prejudice the commercial position of the person who supplied the information or to reveal a trade secret	Clause 3(2)(b) of Schedule 1 to the GIPA Regulation	Request access to this excluded information by lodging a formal access application under section 9 of the GIPA Act. Please provide particulars of the relevant property or development application about which you are seeking information. Please visit Access to Information Held by Council for further information.
Records containing information relating to development applications lodged before 1 July 2010 (including any associated documents received after that date if the application was lodged prior to that date)	Clause 3(2)(c) of Schedule 1 to the GIPA Regulation	Request access to this excluded information by lodging an informal request for access to the information under section 8 of the GIPA Act or a formal access application under section 9 of the GIPA Act. Please provide particulars of the relevant property or development application about which you are seeking information. Please visit Access to Information Held by Council for further information.