

# Record of open access information not made available

Sections 6 and 18 of the *Government Information (Public Access) Act 2009*



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Under section 6(5) of the *Government Information (Public Access) Act 2009* (GIPA Act):

[Council] must keep a record of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure. The record is to indicate only the general nature of the information concerned.

Section 18(f) of the GIPA Act prescribes the record referred to in section 6(5) as open access information.

The reasons outlined in the table below are indicative only and act as examples. All open access information will be assessed on a case by case basis prior to being released in accordance with the GIPA Act.

For further information regarding this record, please contact Council's Governance Officer on 02 4868 0888 or by email at [mail@wsc.nsw.gov.au](mailto:mail@wsc.nsw.gov.au).

Description of record containing the open access information	General nature of the information that is not made available	Reason(s) <i>Public interest consideration(s) against disclosure of the information as set out by the GIPA Act</i>
Returns of the interests of Councillors, designated persons and delegates	Residential addresses and signatures of Councillors, designated persons and delegates	<p>Reasons are determined case by case, however as a general guide, the following public interest consideration against disclosure is commonly considered:</p> <p><b>Clause 3(a) Table to section 14 of the GIPA Act – Reveal an individual's personal information</b></p> <p>To facilitate public access to open access information, any information for which there is an overriding public interest against disclosure is redacted (deleted) from the copy of the record that is to be published on Council's website, in accordance with section 6(4) of the GIPA Act. Council is guided in this regard by the NSW Information and Privacy Commission's <i>Information Access Guideline 1 – For Local Councils on the disclosure of information (returns disclosing the interest of councillors and designated persons)</i>.</p>
Land Register	Personal information consisting of first names and surnames of individuals	<p>Reasons are determined case by case, however as a general guide, the following public interest consideration against disclosure is commonly considered:</p> <p><b>Clause 3(a) Table to section 14 of the GIPA Act – Reveal an individual's personal information</b></p>
<p>Development applications and any associated documents received in relation to a proposed development including the following:</p> <ul style="list-style-type: none"> <li>• Home warranty insurance documents</li> <li>• Construction certificates</li> <li>• Occupation certificates</li> <li>• Structural certification documents</li> <li>• Town planner reports</li> <li>• Submissions received on development applications</li> <li>• Heritage consultant reports</li> <li>• Tree inspection consultant reports</li> <li>• Acoustics consultant reports</li> <li>• Land contamination consultant reports</li> </ul> <p><b>Note:</b> The above does not include:</p> <ul style="list-style-type: none"> <li>• the plans and specifications for any residential parts of a proposed building, other than plans that merely show its</li> </ul>	<p>Personal information about an applicant or any other individual that may be contained in any given record</p> <p>Information that reveals a false or unsubstantiated allegation about a person that may be defamatory</p>	<p>Reasons are determined case by case depending upon the nature of the information that is sought to be accessed and whether any personal information is the personal information of the person seeking access to the information.</p> <p>As a general guide, the following public interest considerations are commonly considered with respect to this information:</p> <p><b>Clause 3(a) Table to section 14 of the GIPA Act – Reveal an individual's personal information</b></p> <p><b>Clause 3(b) Table to section 14 of the GIPA Act – Contravene an information protection principle under the <u>Privacy and Personal Information Protection Act 1998</u></b></p> <p><b>Clause 3(e) Table to section 14 of the GIPA Act – Reveal false or unsubstantiated allegations about a person that are defamatory</b></p>

Description of record containing the open access information	General nature of the information that is not made available	Reason(s) <i>Public interest consideration(s) against disclosure of the information as set out by the GIPA Act</i>
<p><i>height and external configuration in relation to the site on which it is proposed to be erected; or</i></p> <ul style="list-style-type: none"> <li><i>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</i></li> <li><i>development applications made before 01 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application.</i></li> </ul>		
<p>Applications for approvals under Part 1 of Chapter 7 of the <i>Local Government Act 1993</i> 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</p>	<p>Personal information about an applicant or any other individual that may be contained in any given record</p>	<p>Reasons are determined case by case depending upon the nature of the information that is sought to be accessed and whether any personal information is the personal information of the person seeking access to the information.</p> <p>As a general guide, the following public interest considerations are commonly considered with respect to this information:</p> <p><b><i>Clause 3(a) Table to section 14 of the GIPA Act – Reveal an individual’s personal information</i></b></p> <p><b><i>Clause 3(b) Table to section 14 of the GIPA Act – Contravene an information protection principle under the <u>Privacy and Personal Information Protection Act 1998</u></i></b></p>
<p>Orders given under Part 2 of Chapter 7 of the <i>Local Government Act 1993</i>, and any reasons given under section 136 of the <i>Local Government Act</i>; Orders given under the authority of any other Act</p>	<p>Personal information about an individual that may be contained in any given record</p>	<p>Reasons are determined case by case depending upon the nature of the information that is sought to be accessed and whether any personal information is the personal information of the person seeking access to the information.</p> <p>As a general guide, the following public interest considerations are commonly considered with respect to this information:</p> <p><b><i>Clause 3(a) Table to section 14 of the GIPA Act – Reveal an individual’s personal information</i></b></p> <p><b><i>Clause 3(b) Table to section 14 of the GIPA Act – Contravene an information protection principle under the <u>Privacy and Personal Information Protection Act 1998</u></i></b></p>
<p>Records of building information certificates under the <i>Environmental Planning and Assessment Act 1979</i></p>	<p>Personal information about an applicant or any other individual that may be contained in any given record</p>	<p>Reasons are determined case by case depending upon the nature of the information that is sought to be accessed and whether any personal information is the personal information of the person seeking access to the information.</p> <p>As a general guide, the following public interest considerations are commonly considered with respect to this information:</p> <p><b><i>Clause 3(a) Table to section 14 of the GIPA Act – Reveal an individual’s personal information</i></b></p> <p><b><i>Clause 3(b) Table to section 14 of the GIPA Act – Contravene an information protection principle under the <u>Privacy and Personal Information Protection Act 1998</u></i></b></p>