



*"Comfortable Country Living"*

# Accessing property information and Development Applications

Bogan Shire Council is committed to providing the community with open and transparent access to information about our services, activities and business operations on its website, where possible.

The Government Information (Public Access) Regulation 2018 was made on 31 August 2018. The new Regulation repeals and replaces the previous Government Information (Public Access) Regulation 2009.

The new Regulation contains an amendment to the additional open access information for local government under Schedule 1 Clause 3 in relation to development applications.

From 31 August 2018 the following information no longer falls within the definition of open access information for local government:

- development applications made before 1 July 2010;
- in relation to a development application received before 1 July 2010, any associated documents which were received before, on or after 1 July 2010; and
- the records of decisions, including decisions on appeal, on development applications made before 1 July 2010.

## What does this mean?

If you want access to a development application received, or records of decisions made, on or after 1 July 2010 you should apply informally as they continue to be OPEN ACCESS information with an Informal request of view property file application.

Development applications and decisions made before 1 July 2010 are still 'government information' but you will need to apply formally via an access application. As with any other access application, we will apply the public interest

test under Part 2 Division 2 of the GIPA Act when making a decision to release, or refuse access to information in relation to development applications.

## **Plans, Copyright & Privacy**

Some information that is considered 'open access' may be subject to copyright. Information that is subject to copyright may be viewed however copies may not be provided. If you require copies (hard copy or email) you will need to gain written permission from the copyright owner/architect. Their contact details will be provided to you upon request. Council must also consider whether the privacy of any other party is affected by a particular request. A scanned document may be provided and therefore Copyright will be passed on to any person who reproduces this document at their own risk.

## **Proactive Release Information**

Council may choose to place additional information on its website – this is called 'Additional Proactive Release of Information'. It is Council's intent to make available on its website as much information as possible that would be of interest to the general public.

## **Informal Release of Information Requests**

An application for information that is not readily available on Council's website may be submitted using the Informal Request to View Property File Application Form.

Typically, information requested informally may include:

- Development consents
- Planner reports
- Application forms
- Building certificates
- Objection letter(s) to development applications
- Development Applications, Building Applications or Construction Certificate Plans

## **Formal Release of Information Requests**

If the information you are seeking is not available in any of the ways outlined above, you will probably need to apply for a Formal Access Application Form

Examples of the types of information requested formally may include:

- Information that relates to a third party who must be consulted,
- Information that relates to a third party business that must be consulted,

- Information that is sensitive in nature and requires careful balancing of public interest considerations,
- Information previously refused access through the informal process,
- Large volumes of information that involve an extensive search.

## Formal Access Fees

Application processing fees apply for Formal applications.

## How to apply

- Download the relevant GIPA form (Informal or Formal)
- Complete the form and lodge with Council via post, in person or via email – [admin@bogan.nsw.gov.au](mailto:admin@bogan.nsw.gov.au)
- Post: PO Box 221, Nyngan, NSW, 2825
- In person: 81 Cobar Street, Nyngan, NSW, 2825.

A formal application is not valid unless it is accompanied by an application fee of \$30.00. The application fee counts as payment for the first hour of any processing charge that may be payable by the applicant. Processing charges for dealing with formal access applications are charged at a rate of \$30.00 per hour for each hour of processing time as per section 64(1) of the GIPA Act 2009.

**Note:** If your application is seeking personal information, proof of identity may be required at the time of applying.

## Review of a Decision

If you are refused access to information requested Formally, you are entitled to a review.