



Burwood
Inc.1874

Agency Information Guide

Government Information (Public Access) Act 2009



About this Guide

The purpose of the document is to provide members of the community, Council officers, and the public with information concerning:

- the structure and functions of Burwood Council
- the way in which the functions of Burwood Council affect members of the community
- the avenues available to the public to participate in policy development and the exercise of Burwood Council's functions
- the type of information held and made public by Burwood Council
- how this information is made available

This Guide has been created by Burwood Council in accordance with section 20 of the *Government Information (Public Access) Act 2009* (the GIPA Act) and is revised annually.

The Guide is available:

- on Council's website burwood.nsw.gov.au
- at Council's Administration Office: 2 Conder Street, Burwood NSW 2134

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Ownership: Governance & Risk





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Introduction to Burwood Council

Burwood Council was established in March 1874 to support a quiet village, with 1,200 residents and 300 buildings. Today, the Burwood local government area is a vibrant home to over 42,000 residents. It is set to grow significantly over the next 25 years as it takes advantage of the strong local economy and excellent transport infrastructure servicing it.

The Burwood local government area comprises six suburbs across 7.13 square kilometres and is the second smallest local government area in NSW. Its suburbs include Burwood, Burwood Heights, Enfield, Strathfield, Croydon and Croydon Park. Council's colourful logo reflects this vibrant community. The letter "B" signifies the six suburbs within the area - the colour scheme signifies harmony and friendship (pink), trust and stability (light blue), creativity and vibrancy (orange), heritage and heart (red), the natural environment (green) and energy and optimism (yellow).

The northern border of Burwood Council is Parramatta Road, which was also the original journey way for generations of First Nations Peoples. The southernmost point of Burwood Council is the Cooks River, which stretches inland to the Parramatta River, known as Burramattagal in Dharug, meaning "Place of the Eels".

Burwood Council acknowledges the Wangal Clan of the Eora Nation, the traditional custodians of the Burwood local area, and pays respect to their elders past, present and emerging. Council acknowledges and respects their cultural heritage, beliefs and ongoing relationship with the land.

More information about the history of Burwood can be found on the Burwood Council website.

Structure of Council

The elected body of Council comprises 7 councillors including a popularly elected mayor, all serving four year terms. The election scheduled for 2020 was delayed by more than a year due to the COVID-19 pandemic. This delay resulted in a shorter term of office for the current Council. The next general election is scheduled for 14 September 2024 and will mark the return to the regular 4-year term.



Role of Councillors

Councillors are collectively responsible for providing effective civic leadership that is focused on agreed strategic directions. These directions are expressed through Community Strategic Plans, as well as supporting plans and strategies developed by Council in response to community needs and priorities. Council also takes account of regional planning imperatives established by the NSW Government as well as relevant national priorities affecting local government.

Individually, each councillor is obliged to:

- be an active and contributing member of the governing body
- make considered and well informed decisions
- participate in the development of the integrated planning and reporting framework
- represent the collective interests of residents, ratepayers and the local community

- facilitate communication between the local community and the governing body
- uphold and represent accurately the policies and decisions of the governing body
- acquire and maintain the skills necessary to perform effectively as a councillor
- be accountable to the local community for the performance of the council.

Collectively, Councillors responsibilities extend to directing and controlling the affairs of Council as follows:

- operating in a financially sustainable manner
- acting in accordance with integrated planning and reporting principles
- keeping the overall performance of the Council under review
- making decisions necessary for proper exercise of regulatory functions

- consulting regularly with community organisations and other key stakeholders
- ensuring that Council acts honestly, efficiently and appropriately.

The Mayor

The Mayor is an elected Councillor with the same responsibilities as any other Councillor. In addition to their core councillor responsibilities, the Mayor also:

- Exercises urgent policy making decisions of the governing body of Council during Council Meeting
- Exercises other functions of the Council as determined by the Council
- Presides at the meetings of the Council
- Carries out civic and ceremonial functions of the Mayoral office

Burwood Council's current elected members



Cr John Faker
Mayor



Cr Heather Crichton



Cr George Mannah
Deputy Mayor



Cr Pascale Esber



Cr Ned Cutcher



Cr Hugo Robinson



Cr David Hull

The General Manager

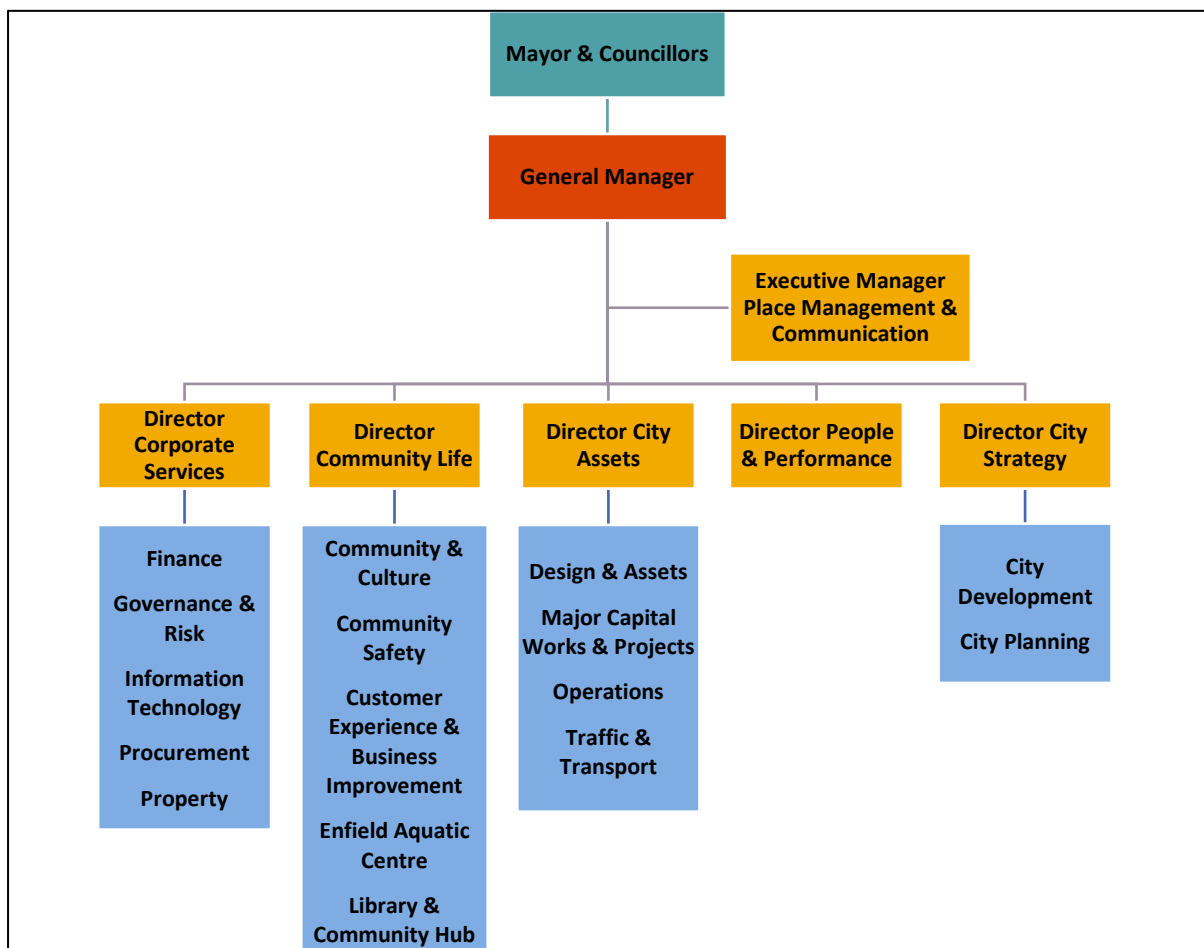
The General Manager is responsible for executing decisions of the elected Council and is the only member of Council officer appointed by the Council. The General Manager provides a nexus between the Mayor and Councillors and all other officers of Council.

In accordance with the *Local Government Act 1993*, the responsibilities of the General Manager extend to effective and efficient operation of the Council and its day to day functions.

The General Manager can appoint, direct and dismiss officers in accordance with the organisational structure, policies and budget determined by the elected body of Council.

Organisational Chart

The administrative structure of Burwood Council is divided into five directorates. The chart below outlines each directorate according to business unit portfolios.



Functions of Council

Burwood Council has a leading role in planning for, and sustaining, the local area environment within the Burwood local government area.

Significant policy, planning and strategic issues are considered and decisions are made by the elected members at meetings of the Council. Decisions regarding issues of an operational nature or less significance are made under delegated authority by the General Manager or other relevant council officers.

Functions under *Local Government Act 1993* and other legislation

The enabling legislation for Burwood Council is the *Local Government Act 1993*. While Council

has functions conferred or imposed on it by that Act, it also has functions and obligations under a range of other NSW and Commonwealth legislation.

Table 1 below summarises the key functions under the *Local Government Act 1993*, while Table 2 highlights other significant legislation that NSW local government authorities like Burwood Council need to comply with.

The role of Council also extends well beyond these statutory considerations. Council provides an important focus and rallying point for the community. It can be the vehicle for harnessing local concerns about specific issues, and for pursuing the community ideas and aspirations.

Table 1 – Functions under the Local Government Act 1993

Service Functions <ul style="list-style-type: none"> Provision of community, recreation, education and information services Environmental protection, waste removal and disposal Land and property planning and development Economic development Civil infrastructure planning, construction and maintenance 	Enforcement Functions <ul style="list-style-type: none"> Proceedings for breaches under various legislation that it administers including the <i>Local Government Act 1993</i> and the <i>Environmental Planning and Assessment Act 1979</i> Prosecution of offences Debt recovery of statutory rates and charges for provision of key services
Regulatory Functions <ul style="list-style-type: none"> Rates Charges Fees Borrowings Investments 	Administrative Functions <ul style="list-style-type: none"> Employment of council officers Strategic and management planning Financial reporting Annual reporting
Revenue Functions <ul style="list-style-type: none"> Approvals Orders Building Certificates 	Ancillary Functions <ul style="list-style-type: none"> Resumption of land Powers of entry and inspection

Table 2 – Other key legislation that confers functions and obligations on Council

Note: This list is not exhaustive

A-E	F-Q	R-Z
Biodiversity Conservation Act 2016	Food Act 2003	Recreation Vehicles Act 1983
Biosecurity Act 2015	Government Information (Public Access) Act 2009	Road Transport Act 2013
Boarding Houses Act 2012	Graffiti Control Act 2008	Roads Act 1993
Building Professionals Act 2005	Heritage Act 1977	Rural Fires Act 1997
Children's Guardian Act 2019	Library Act 1939	State Emergency and Rescue Management Act 1989
Civil Liability Act 2002	Local Land Services Act 2013	State Emergency Services Act 1989
Community Land Development Act 1989	Major Events Act 2009	State Records Act 1998
Companion Animals Act 1998	Privacy and Personal Information Protection Act 1998	Swimming Pools Act 1992
Contaminated Land Management Act 1997	Protection of the Environment Operations Act 1997	Unclaimed Money Act 1995
Conveyancing Act 1919	Public Health Act 2010	Valuation of Land Act 1916
Crown Land Management Act 2016	Public Spaces (Unattended Property) Act 2022	Waste Avoidance and Resource Recovery Act 2001
Crown Lands Act 1989	Public Interest Disclosure Act 2022	Work Health and Safety Act 2011
Environmental Planning and Assessment Act 1979		Workplace Injury Management and Workers Compensation Act 1998

How Council functions affect members of the public

Primary responsibilities of Burwood Council feature a focus on planning and maintenance of the local area environment. Decisions made

by the Council and its subsequent activities directly impact on many stakeholders including residents, land owners, business operators, workers and visitors.

The table below outlines how the broad functions of Council affect the public.

<i>Service Functions</i>	These functions affect the public via direct provision of services and facilities. These include provision of transport infrastructure, waste services public open space facilities plus human services such as libraries, community centres, and recreation facilities.
<i>Regulatory Functions</i>	<p>These functions:</p> <ul style="list-style-type: none"> ▪ place restrictions on developments and buildings to ensure that they meet certain requirements ▪ may affect the amenity of the community ▪ ensure the lives and safety of people are not endangered. <p>Members of the public must be aware of and comply with such regulations.</p>
<i>Community Planning and Development Functions</i>	<p>These functions affect areas such as cultural development, social planning and the community profile. They include:</p> <ul style="list-style-type: none"> ▪ the preparation and implementation of the Community Strategic Plan ▪ advocating and planning for the needs of our community ▪ initiating partnerships ▪ participating on regional, State or Commonwealth working parties ▪ providing support to the community and sporting organisations through provision of grants, training and information ▪ facilitating opportunities for people to participate in the life of the community through the conduct of a range of community events.
<i>Revenue Functions</i>	These 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.
<i>Enforcement Functions</i>	These functions only affect those members of the public who are in breach of certain statutory requirements. They include matters such as the non-payment of rates and charges, unregistered dogs and parking offences.
<i>Administrative Functions</i>	These 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.
<i>Ancillary Functions</i>	These functions affect only some members of the public and include 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.

Integrated Planning and Reporting Framework

Council plans do not exist in isolation. Burwood, like all other local councils in NSW, adhere to the legislated Integrated Planning and Report Framework (IP&R). This framework features the development of a long term plan for the social, environmental and economic health, sustainability and prosperity of the local area.

The Framework, as summarised in the diagram below, illustrates how Council integrates various plans and to strategize its works and services. These are based on community priorities that have been identified through

extensive community engagement and consultation processes.

Burwood2036 is the current 10-year Community Strategic Plan sponsored by Burwood Council for its community. It was developed as part of intensive and widespread community consultation. The Plan reflects the community vision, long-term goals, strategies for attainment of those goals and measures of progress towards the vision.

The central purposes of the plan are to turn community aspirations into reality, and to make sure that Council's priorities are aligned to community needs.





Participation in Local Government

Council meetings

Members of the public are welcome to observe Council meetings. These are normally held every 4th Tuesday of the month at the Council premises at 2 Conder Street in Burwood from February to December each year. An option to observe these meetings online is also available. The business paper for each meeting is published on Council's website at least 3 business days prior to the meeting.

Public forums

Prior to each ordinary Council Meeting, there is an opportunity to convene a public forum where members of the public may briefly address councillors on items that to be dealt with at the meeting that follows. The forum commences at 6pm, with the Council meeting commencing immediately after all speakers are heard. Members of the public wishing to address the forum must register by 2pm on the day of the Council meeting.

Council sponsored committees

Residents are also able to participate directly in Council's affairs by joining one of the advisory committees that provide advice on various Council services and facilities. Advisory Committee membership typically includes councillors, representatives of community groups or specialist agencies and individuals. These forums contribute to policy formulation and valuable information sharing.

Burwood Council currently has the following advisory Committees:

- Burwood 150 Years Anniversary Steering Committee
- Burwood Anzac Commemorative Service Committee
- Burwood Local Traffic Committee
- Multicultural Advisory Committee
- National Servicemen's Association Committee
- Sandakan Community Educational Committee
- Sustainability & Environment Advisory Committee

Community engagement opportunities

Burwood Council is committed to being a better practice leader in community engagement. This emphasises skills in listening to, learning from and partnering with the community.

The *Participate Burwood* web based platform exists to facilitate community input on Council decisions about various projects, policies, development and building matters, service offerings and planning more broadly. *Participate Burwood* provides for two-way engagement between Council and the community and is designed to capture feedback that will help shape proposals, policies and other initiatives.

Every two years, Council conducts a community satisfaction survey. The survey is valuable tool for informing Council about community experiences and priorities, as well as views about current service delivery standards and how services may need to shaped.

Public input into policy formulation

Significant strategies and policies of Burwood Council are placed on exhibition in draft form

so that members of the public may view and provide feedback. Exhibition documents are available at the Customer Service Centre and via the *Participate Burwood* on Council's web platform.

Burwood Local Planning Panel (BLPP)

The BLPP is a collective of independent experts and community members that determine certain development applications on behalf of Burwood Council. Directions from the NSW Minister for Planning outline requirements for when a development application must be referred to the BLPP. The Panel is also responsible for providing advice to Council on other planning matters, including planning proposals.

The BLPP is obliged to convene a public meeting when a development application has attracted 10 or more unique submissions of objection. This may also occur if there is other evidence that there is significant public interest. As this need arises, a public meeting is scheduled immediately before the relevant panel meeting at which the matter is to be considered. Members of the public wishing to address the Panel must register to speak by 2pm on the day of the meeting. After having



heard from all registered speakers, the Panel makes a determination on each matter without members of the public present.

Complaints and feedback

Council welcomes constructive feedback about the exercise of its functions and its delivery of services to the community.

Feedback and complaints can be provided verbally or in writing via any of the contact methods mentioned at the end of this Information Guide.

Information held by Burwood Council

Format of information held by Council

Electronic documents

Council's core business system software applications are used to log and monitor requests for Council services. Those systems contain information about properties - this includes rates levied on properties, records of various types of applications and requests for service. Digital records are also held in Council's finance and payroll system and other corporate business systems applications.

Physical files

While Council is gradually digitising physical records, a significant collection of legacy records still required for business use continue to be retained in hard copy. A large proportion of these are records that pre-date Council's digital content management systems. The physical records are retained in a secure and climate controlled off-site storage facility and retrieved as needed. The majority of them records contain development, building and construction information.

State Records

Access to records over 20 years old and any transferred archives are subject to NSW State

Records Access Directions (State Records website: www.records.nsw.gov.au).

There is a range of processes associated with implementing collection appraisal and management decisions. They include the retention, deletion or destruction of records in or from specified recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records to other institutions – see Australian Standard AS 4390 Part 1 Clause 4.9.

Major business system classification groups for organising records feature:

- **Development and Building Controls** - the function of regulating and approving applications for the development, use or subdivision of land or premises and related building and construction works.
- **Parks and Reserves** - the function of acquiring, managing, designing and constructing parks, reserves and open spaces, either owned, controlled or managed by the organisation.
- **Traffic and Transport** - the function of planning for and managing transport infrastructure and the efficient movement and parking of traffic.

Ways of accessing Council information

Under the *Government Information (Public Access) Act 2009* (GIPA), members of the public have a right to access to certain information held by Council, unless there is an overriding public interest against its disclosure.

Ways to Access Council Information

Council Information can be accessed in the following ways:

1. Mandatory Proactive Release (also referred to as Open Access Information)
2. Proactive Release

3. Informal Release
4. Formal Access Application

Mandatory Proactive Release and Open Access Information

Section 18 of the GIPA Act provides that certain information is “Open Access Information”. This means that information will be released without the need for a Formal Access Application and are generally available on Council’s website, where practicable. This includes:

- this Agency Information Guide
- information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament
- Council’s policy documents
- Council’s disclosure log of Formal Access Applications
- Council’s register of contracts
- Councils record of the open access information that it not does make publicly available on the basis of an overriding public interest against disclosure

- the information prescribed as Open Access Information by Schedule 1 of the GIPA Regulations. See the table in Appendix 1 commencing on page 18.

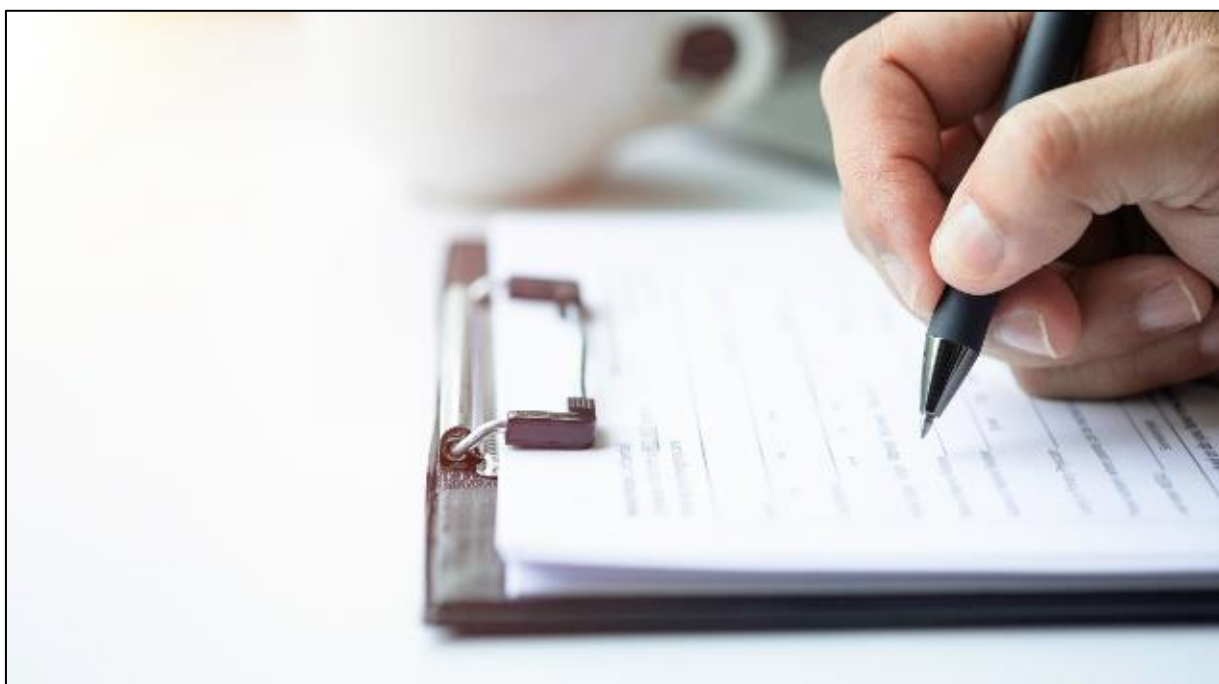
Proactive Release

In addition to the information that Council must disclose, Council will make as much other information as possible publicly available under its Proactive Release Program, unless there is an overriding public interest against disclosure. Council’s Proactive Release Program is formally reviewed annually.

Information released under this Program may include frequently requested information or information of public interest that has been released as a result of other requests. Council maintains a register of informal requests for information received to readily identify the type of information frequently requested with the view of making such information publicly available on its website.

Informal Release

Burwood Council endeavours, wherever possible and appropriate, to deal with requests for information informally. Information seekers are encouraged to seek information first by looking at the information already



available on Council's website, including Development Application related documents published on Council's DA (Development Application) Tracker.

If the information is not already available on the Council website, enquirers are encouraged to submit an informal request. Not all applications can be treated informally but a very large proportion can be.

Formal Access to Information

In accordance with the GIPA Act, Council only requires a Formal Access Application if it would not be possible or practical to manage a request informally. Examples of when a Formal Access Application may be required include where the information requested:

- is of a sensitive nature
- contains personal, confidential or commercially sensitive information about a third party
- requires Council to conduct third party consultations with other government agencies
- would involve a considerable amount of time and resources to assemble
- is of uncommon complexity
- relates to development applications made or decided **before 1 July 2010**.

A Formal Access Application is only valid if it:

- is in writing
- specifies it is made under the GIPA Act
- provides sufficient detail to enable Council to identify the information requested
- is accompanied by the \$30 application fee.

A Formal Access Application Form is available to help applicants ensure their application is valid. It can be lodged online from Council's website [here](#).

Formal Access Application decisions are reviewable in accordance with the GIPA Act.

Application and processing fees

Application Fee

An Application Fee of \$30 is payable for all Formal Access Applications. Council does not waive this fee which set according to legislation.

There is no Application Fee payable for an Informal Request. However, where the nature of the request requires it to be treated as a Formal application, the standard application and processing fees will then apply.

Processing Fee

Under section 64(4) of the GIPA Act, a processing fee may be charged for the time spent in searching, assessing and copying of records. The total fee is dependent on the size and complexity of the request.

Council will consider a 50% reduction in processing fees on the following grounds:

- the applicant can show financial hardship by producing evidence that they hold a concession card, are a full time student or are from a not for profit organisation
- the information applied for is of special benefit to the public.

The total processing costs will be confirmed after the request has been determined and must be paid by before the information will be released to the applicant.

Processing times for requests

Processing an access application can consume considerable time and effort. This includes time to search recordkeeping systems, retrieve archived files from off-site storage, conduct any necessary consultation, assess the identified information in accordance with the "public interest test", consider any privacy or copyright requirements, and collate the material for a response to the applicant.

Formal Access Applications

As required by the GIPA Act, Council is bound to notify applicants of the decision on a Formal Access Application within 20 working days. Council may request the applicant to agree to extend the time by up to 15 working days where consultation with a third party is required or if Council needs to retrieve records from archives.

Informal Requests

While there is no mandated timeframe for responding to an informal access to information request, Council aims to also process these requests within 20 working days. These requests are often completed well within that time frame.

Deemed refusal

If Council does not decide a formal access application within the legislated timeframes, it is deemed 'refused'. Council will refund the application fee and the applicant may seek an internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of an advance deposit is pending.

Decision that information is already available to applicant

Council can determine that information is already available to an applicant only if the information is:

- made publicly available by Council or some other agency in accordance with a legislative instrument other than the GIPA Act, whether or not availability of the information is by inspection only and whether or not availability is subject to a charge, or
- available to the application from, or for inspection at, Council free of charge in accordance with the GIPA Act or Council's policies and practices, or
- contained in a document that is usually available for purchase.

Council is not required to provide access to information that the Council has determined is already available to the applicant. In those instances, notice of the decision must indicate how the information can be accessed by the applicant.

Can Council refuse to deal with an access application?

Council may refuse to deal with an application, in whole or in part, for any of the following reasons only:

- Dealing with an application would require an unreasonable and substantial diversion of Council resources
- Council has already determined a previous application for the information concerned made by the applicant, and there are no reasonable grounds to indicate that Council would make a different decision on the application
- The applicant has failed to pay an advance deposit that is payable in connection with the application
- The information is or has been the subject of a subpoena or other order of a court for the production of documents and is available to the applicant as a result of having been produced in compliance with the subpoena or other order.

In deciding whether dealing with an application would require an unreasonable and substantial diversion of Council's resources, Council is not required to have regard to any extension by agreement between the applicant and the Council of the period within which the application is required to be decided.

In deciding whether dealing with an application would require an unreasonable and substantial diversion of Council's resources, Council is entitled to consider two or more applications (including any previous application) as the one application if Council determines that the applications are related and are made by the same applicant or by

persons who are acting in concert in connection with those applications.

Before refusing to deal with an access application, because dealing with it would require an unreasonable and substantial diversion of Council's resources, Council must give the applicant a reasonable opportunity to amend the application. The timing of the period within which the application is to be decided is suspended – 'stop the clock' - while the applicant is given an opportunity to amend their application.

Notice of Council's decision to refuse to deal with an access application must state Council's reasons for the refusal.

An applicant is not entitled to a refund of the application fee when Council refuses to deal with the application.

Copyright

Under the *Copyright Act 1968*, a copy of third party documents cannot be provided without the consent of the owner of the document. Copyright is the exclusive right to make copies, license and otherwise exploit a literary, musical, or artistic work, whether printed, audio, video, or some other format. Works automatically granted such right by law are protected for the lifetime of the author or creator and for a period of 70 years after his or her death.

The GIPA Act does not override copyright compliance requirements.

Copyright of Burwood Council holdings frequently applies to content such as building plans, technical documents and third-party reports. As a result, Council is frequently unable reproduce copies of these documents. Copyright owner details will be provided, if these can be reasonably ascertained, so that applicants can seek written permission for their reproduction. Council can make these documents available for viewing at Council's

offices in instances where copyright consent cannot be secured.

A decision to defer access

Council may defer an application for a short period if the information or document has yet to meet a legislative compliance obligation to be published – this may be under the GIPA Act or other statutory instrument – and is scheduled for release accordingly. If access is deferred by Council, then Council will notify the applicant and include the reason for deferral and the date on which the applicant will be given access.

A decision to defer access is reviewable (see Rights of Review and Appeal).

Rights of Review and Appeal

Where a member of the public is refused access under the GIPA Act, Council officers will provide details of the reasons for refusal to the applicant in writing.

An applicant who has been refused access by Council to information requested under a Formal Access Application has 3 options of review available:

1. **Internal Review:** Applicants can apply to Council for an internal review. The review is conducted by someone more senior than the original decision maker and a fee of \$40 is applicable. Applicants have 20 working days after receiving notice of a decision to ask for an internal review. The Internal Review Application form is available on Council's website [here](#).
2. **IPC review:** If an applicant is not satisfied with the internal review or does not want one to be conducted by Council, they can ask for a review by the Information and Privacy Commissioner (IPC). Applicants have eight weeks from being notified of a decision to ask for this review.

3. **NCAT review:** If an applicant is not satisfied with the decision of the information and Privacy Commission or the internal reviewer, or if they do not want to pursue either of those options, they can apply to the NSW Civil and Administrative Tribunal (NCAT) for a review of the decision.

There are no rights of review in respect of Informal Requests.

Open data

‘Open data’ is digital information that could be made freely available to anyone to use, rearrange and publish without copyright restrictions. The concept of open data is promoted within the objectives of the GIPA Act.

Members of the public are encouraged to contact Council with suggestions for information that can be considered for authorised proactive release as open data.

Open data approaches are another means of information access that promotes open, accountable, fair and transparent government decisions. Advocating for accessing government data may:

- improve relations between government and citizens
- empower citizens
- create opportunities through better engagements
- assist in solving problems.

For further information on Open Data, visit www.data.nsw.gov.au

Key points of contact

The types / classes of information listed as available in this document is not exhaustive. Many officers of Council routinely deal with advice on access to information as a normal part of their day-to-day service provision.

Specialist advice on accessing information can be made through Council’s Customer Service Centre during office hours. In some cases, these will be directed to a specialist in information governance. For Access to Information on Council’s website visit www.burwood.nsw.gov.au.

Public Officer

The Director Corporate Services has been appointed as the Public Officer for Burwood Council. Among other duties, the Public Officer may deal with requests from the public concerning the Council’s affairs and has the responsibility of assisting people to gain access to public documents of the Council. The Public Officer is also responsible for determining Internal Reviews of Formal Access Applications and for the amendment of records.

Right to Know Officers

The Governance team handles access to information applications and enquiries. The principal contact for the team is the Governance Officer.

Council contacts

The Public Officer and the Right to Know officers can be contacted at:

2 Conder Street, Burwood NSW 2134
governance@burwood.nsw.gov.au
Tel: 9911 9911

Information and Privacy Commission

The information and Privacy Commission (IPC) administers the GIPA Act. The IPC provides information about the right to access information and its contact details are:

Level 15, McKell Building
2–4 Rawson Place
Haymarket NSW 2000
Tel: 1800 472 679
ipcinfo@ipc.nsw.gov.au

Frequently asked questions

To assist those seeking to access information held by Council, a series of FAQs have been provided on Council's website. These address common queries around the process for accessing information, as well as common

request types, as well as limitations around the release of certain information.

Related Information

- Burwood Council Proactive Release Program
- *Government Information (Public Access) Act 2009*
- *Government Information (Public Access) Regulation 2018*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Local Government Act 1993*
- *Environmental Planning & Assessment Act 1979*



Appendix: Open access information prescribed under Schedule 1 of the GIPA Regulation 2018 and where to access it

	Type of Open Access Information	How to access
Information About Council	<i>The current version and most recent previous version of the following records:</i>	
	○ The model code of Conduct prescribed under Section 440(1) of the Act and Council's adopted Codes of Conduct under section 440(3) of the Act	Website
	○ Code of Meeting Practice	Website
	○ Annual Financial Report	Website
	○ Annual Report	Website
	○ Annual Reports of bodies exercising functions delegated by Council	Website
	○ Auditors Report	Website
	○ Agendas and Business Papers for any meeting of Council or any Committee of Council	Website
	○ Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan	Website
	○ Department representative reports presented at a meeting of Council	Website
	○ EEO Management Plan	Website
	○ Minutes of any meeting of Council or any Committee of Council	Website
	○ Policy concerning the payment of expenses incurred by, and the provision of facilities to, Councillors	Website
	<i>Information contained in the following records (historical and current):</i>	
	○ Register of current Declarations of Disclosures of Political donations	Website
	○ Register of Delegations by the General Manager	Website
	○ Register of Delegations from Council to General Manager	Website
	○ Register of Graffiti removal works	Open Access request
	○ Register of Investments	Included in Council Meeting Agenda each month: Website
	○ Register of Voting on Planning Matters	Website

	Type of Open Access Information	How to access
	<ul style="list-style-type: none"> Returns of the interests of Councillors, designated persons and delegates 	Website
	<p>Information contained in <u>the current version</u> of the following records:</p> <ul style="list-style-type: none"> Land register Register of investments Register of Delegations by the General Manager Register of Delegations from Council to General Manager 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 LGA the register of voting on planning matters kept in accordance with section 375A of the LGA 	Website Included in Council Meeting Agenda each month: Website Website Website Open Access request Website Website
Plans and Policies	<p>Information contained in the <u>current version and the most recent previous</u> version of the following:</p> <ul style="list-style-type: none"> Local Policies adopted by Council concerning approvals and orders Plans of Management of Community Land Environmental Planning Instruments, Development Control Plans and Contribution Plans 	Website Website Website
Information about DA's	<p>Information contained in the following records <u>(historical and current)</u></p> <p>Development Applications and any associated documents received in relation to a proposed development including:</p> <ul style="list-style-type: none"> Acoustic Consultant Reports Construction Certificates Heritage Consultant Reports Home Warranty Insurance documents Land Contamination Consultant Reports Occupation Certificates Records of decisions on Development Applications including decisions on appeals Records describing general nature of documents that Council decides to exclude from public view including internal specifications and configurations, and commercially sensitive information Structural certification documents Submissions received on Development Applications 	DA Tracker or Open Access request DA Tracker or Open Access request DA Tracker or Open Access request DA Tracker or Open Access request DA Tracker or Open Access request DA Tracker or Open Access request DA Tracker or Open Access request DA Tracker or Open Access request DA Tracker or Open Access request DA Tracker or Open Access request

	Type of Open Access Information	How to access
	<ul style="list-style-type: none"> ○ Town Planner Reports ○ Tree Inspections Consultant Reports 	DA Tracker or Open Access request DA Tracker or Open Access request
	<p>The above does not apply to so much of the information referred to above as consists of:</p> <ul style="list-style-type: none"> ○ The plans and specifications for any residential part 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 Formal Access request ○ Commercial information, if the information would likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret. Formal Access request ○ Development applications made before 1 July 2010 and any associated documents received (whether before, on or after that date) in relation to the application. Formal Access request 	
Approvals, Orders and Other Documents	<p><i>Information contained in the following records (historical and current)</i></p> <ul style="list-style-type: none"> ○ Applications for approvals under Part 1 Chapter 7 of the Local Government Act 1993 Open Access request ○ Applications for approvals under any other Act and any associated documents received Open Access request ○ Compulsory Acquisition Notices Open Access request ○ Leases and Licenses for use of Public Land classified as Community Land. Performance improvement orders issued to Council under Part 6 of Chapter 13 of the Local Government Act 1993 Open Access request ○ Orders given under Part 2 of Chapter 7 of the Local Government Act 1993 and any reasons given under section 136 of the Local Government Act 1993 Open Access request ○ Orders given under the Authority of any other Act Open Access request ○ Plans of land proposed to be compulsorily acquired by Council Open Access request ○ Records of approvals granted or refused, any variation from Council Policies with reasons for the variation, and decision made on appeals concerning approvals Open Access request ○ Records of Building Certificates under the Environmental Planning and Assessment Act 1979 Open Access request 	

