

Danielle Fleming

From: Wingecarribee Shire Council [REDACTED]
Sent: Tuesday, 11 January 2022 9:50 AM
To: [REDACTED]
Subject: GIPA 159376 - Legal Costs that council has expended in relation to the Industrial Action against Steve Rosa

Your informal request to access information regarding Legal Costs that council has expended in relation to the Industrial Action against Steve Rosa has been received by Council. Your reference number is 159376.

Once the information is available, you will be contacted by a Council Officer.

Should you have any further queries in relation to your Request for Information Application, please do not hesitate to contact Council on [REDACTED] or by e-mailing [REDACTED]

Vicky Carney

Corporate Information Officer

Wingecarribee Shire Council
[REDACTED]
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Vicky Carney [REDACTED]
Sent: Tuesday, 11 January 2022 9:50 AM
To: [REDACTED]
Subject: GIPA 159378 - Accommodation for the Administrator & Monthly Fee for being the Administrator at WSC

Your informal request to access information regarding Accommodation for the Administrator & Monthly Fee for being the Administrator at WSC has been received by Council. Your reference number is 159378.

Once the information is available, you will be contacted by a Council Officer.

Should you have any further queries in relation to your Request for Information Application, please do not hesitate to contact Council on [REDACTED] or by e-mailing [REDACTED]

Vicky Carney

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Wingecarribee Shire Council

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Wingecarribee Shire Council [REDACTED]
Sent: Tuesday, 11 January 2022 9:51 AM
To: [REDACTED]
Subject: GIPA 159377 - List of GIPA Applications made to Council during 2021

Your informal request to access information regarding List of GIPA Applications made to Council during 2021 has been received by Council. Your reference number is 159377.

Once the information is available, you will be contacted by a Council Officer.

Should you have any further queries in relation to your Request for Information Application, please do not hesitate to contact Council on [REDACTED] or by e-mailing [REDACTED]

Vicky Carney

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Danielle Fleming

From: Wingecarribee Shire Council - [REDACTED]
Sent: Tuesday, 11 January 2022 9:51 AM
To: [REDACTED]
Subject: GIPA 159379 - Expenditure that Council has incurred with the external recruitment agency for 5 Senior Positions

Your informal request to access information regarding Expenditure that Council has incurred with the external recruitment agency for 5 Senior Positions has been received by Council. Your reference number is 159379.

Once the information is available, you will be contacted by a Council Officer.

Should you have any further queries in relation to your Request for Information Application, please do not hesitate to contact Council on [REDACTED] or by e-mailing [REDACTED]

Vicky Carney

Corporate Information Officer
Wingecarribee Shire Council

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Wingecarribee Shire Council [REDACTED]
Sent: Tuesday, 11 January 2022 9:51 AM
To: [REDACTED]
Subject: GIPA 159380 - Expenditure incurred to local community members namely Mark Bourne, Brigid Kennedy and any other person in relation to Councils legal action against Mr Steve Rosa

Your informal request to access information regarding Expenditure incurred to local community members namely Mark Bourne, Brigid Kennedy and any other person in relation to Councils legal action against Mr Steve Rosa has been received by Council. Your reference number is 159380.

Once the information is available, you will be contacted by a Council Officer.

Should you have any further queries in relation to your Request for Information Application, please do not hesitate to contact Council on [REDACTED] or by e-mailing [REDACTED]

Vicky Carney

Corporate Information Officer

Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Ian Scandrett [REDACTED]
Sent: Wednesday, 12 January 2022 2:45 PM
To: interim admin
Subject: Re: Bridge Club

Importance: High

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Viv,

The Southern Highlands Bridge Club advise me that they have not had a meeting with you and would like to do so.

As this is a matter I have been heavily involved in over the years I believe there is information that needs to be shared with you as the Council and so a meeting with the Club Executive and myself would be appropriate.

Could you advise a couple of dates – the club is keen to do this soonest.

Regards,

Ian Scandrett

Danielle Fleming

From: Jane Garnam [REDACTED]
Sent: Saturday, 15 January 2022 12:21 PM
To: Jane Garnam
Subject: Australia Day Street parade
Attachments: image003.png; 130122_Australia Day final.pdf

Good morning,

I am writing to inform you that the 2022 Australia Day Street Parade has now been cancelled, due to the current COVID situation.

Please find attached a copy of the press release regarding changes to the 2022 Australia Day program.

For the third year running (due to bushfires and COVID) we have had to cancel the parade and market place activities 😞. An online Australia Day ceremony will be arranged, where 30 residents will become citizens and the Citizen / Young Citizen of the Year will be announced. It is also hoped that the appointed Australia Day Ambassador, Mr Amar Singh from Turbans4Australia will make his address (this is yet to be confirmed).

Kind regards
Jane



Jane Garnam

Tourism Officer

62-70 Main Street, Mittagong NSW 2575
PO Box 305, Mittagong NSW 2575

Destination
**Southern
Highlands.**

visit
**southern
highlands**
com.au



2022 Australia Day celebrations go virtual

Wingecarribee Shire's official Australia Day celebrations are set to proceed on 26 January in a virtual ceremony.

Due to the continued uncertainty surrounding COVID-19, Berrima's traditional Australia Day street parade and markets will however not be held in 2022.

"In consultation with event organisers we have made the difficult decision to scale back this year's Australia Day celebrations," said Council's General Manager Ms Lisa Miscamble.

"When making the decision we considered numerous factors including the increase of COVID-19 case numbers across the state," she said. "It was agreed that public safety was of paramount importance."

However, a Citizenship Ceremony and announcement of our Shire's Australia Day Citizen of the Year recipients will still take place.

Both the Citizenship Ceremony and Citizen of the Year announcements will be live-streamed via Council's website from 10 am on Wednesday 26 January 2022.

The General Manager said that while celebrations were set to look a little different from previous years it was still important to acknowledge the occasion.

"It's equally important that we recognise those citizens in our community that have gone above-and-beyond for our Shire and welcome our newest residents," she said.

"While this year's celebrations may be more subdued than previous years, it will be no less important."

Mr Amar Singh, the founder of *Turbans 4 Australia*, is set to join the virtual celebrations as the Shire's 2022 Australia Day Ambassador.

For more information visit Council's website at www.wsc.nsw.gov.au/australia-day or phone 4868 0888.

END

RELEASE DATE: 13 January 2022

MEDIA CONTACT:

- ☐ Lisa Miscamble, General Manager, [REDACTED]
- ☐ Dave Sommers, Media and Communications Coordinator, [REDACTED]

Working with you

MEDIA.WSC.NSW.GOV.AU

Danielle Fleming

From: Bobbie-Jo Gordon [REDACTED]
Sent: Thursday, 20 January 2022 5:17 PM
Subject: Interim Administrator Community Meeting - Exeter/Sutton Forest
Attachments: EXETER Community Meeting.pdf; IA minute - community update 19 January.pdf

Please find attached the questions and answers raised at the Interim Administrator Community Meeting at Exeter on 15 December 2021.

Also attached is the Interim Administrator's Minute from the Council meeting held yesterday for your information.

Kind regards

Bobbie-Jo Gordon Executive Assistant to General Manager & Interim Administrator

Wingecarribee Shire Council

e. [REDACTED]
t. [REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Interim Administrator Community Meetings

Exeter/Sutton Forest – 15 December 2021

Issues raised	Response
Bridge over Black Bobs creek extremely dangerous and a safety concern.	Site visit with Interim Administrator arranged for January 2022.
Will bike paths be incorporated into the Moss Vale Bypass Project?	A pedestrian/bicycle path will be incorporated into the Moss Vale Bypass design.

Has Council considered applying for funds to build a new aqua centre in Mittagong or a Northern Village on a different site which can promote a range of water sports as part of the Regional Sport Facility Fund which provides grants between \$100k and \$1million

KARIN TO RESPOND

Community Update

Reference: 101; 102; 103/6
Report Author: Interim Administrator

Precedent Productions in association with the Southern Highlands News organised a most enjoyable evening at Mittagong RSL on Wednesday 8 December when the Southern Highlands Local Business Awards were announced.

I had the opportunity to congratulate all participants and winners and I am confident that those in attendance enjoyed a COVID safe evening and I would also pass on my thanks to the Mittagong RSL for hosting the event. It was a fabulous night and in 2022 I would like to think it will have even more support from Council and opportunities for community acknowledgement to the many great businesses that are also in our smaller towns and villages.

I have completed my Community Meetings across the Shire. These meetings provided an opportunity to update the community on what is happening at Council and also to receive feedback and answer questions. 20 sessions were held with over 330 community members attending.

There were several themes that were consistent across all meetings. These were:

- a lack of communication from Council;
- delays in development applications;
- Snap Send Solve requests not actioned;
- maintenance of roadside verges;
- requests for more community consultation for significant projects; eg Moss Vale Bypass; Southern Highlands Innovation Park; and Ashbourne Development; and
- Potholes and condition of roads.

As I advised at the meetings, Council is currently a work in progress but with the new Executive now in place the community will begin to see positive changes as we reset the Council for the future.

Some highlights are a new IT system being implemented to assist with streamlining the development application process. A new Customer Relationship Management (CRM) software installed to ensure that all correspondence and action requests are answered and do not go into the proverbial 'black hole'. You may not like the answer but at least you will receive one! The Executive are now working on phase 2 of the organisation structural changes to further improve systems and processes.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 19 January 2022

INTERIM ADMINISTRATOR MINUTE



Council has also employed a Grants Officer to support a stronger focus on securing grants for our Region and ensure our community does not miss out on funding opportunities offered, in particular by the State and Federal Government.

I don't want to sound like broken record but no resident should be under the misapprehension that the rebuild of the Council's administration will not take time and this reality was acknowledged by those attending the meetings. Legacy issues continue to be discovered and the lack of a strategic focus particularly in the land use area, is exposing many issues that are impacting on the future of the Shire.

I am confident that you will start to see a Council that is customer focussed and one that you can begin to trust. I will arrange for the questions and answers from the sessions that required further information to be put on the Council's website when finalised and over the coming months status and information reports will be presented to council on a number of matters.

At the December meeting I raised the prospect of altering this Chamber to make it more user friendly and multi-purpose. As it was recently refurbished, the cost of approximately \$40,000 is a concern and I sought public input so differing views could be considered. Five emails were received in relation to the altering of the Council Chambers, three were opposed and I have made contact with two of them – the other one did not make their phone number available for discussions.

My view is that the present arrangement gives the perception of entitlement, is adversarial and more like a court room. To make the room multi-purpose as it is only used once a month for Council meetings, was agreed by the two people with whom I made contact, though in fairness (like me) they were concerned at the cost. Put simply, both implied "do what you have to do".

I have taken the decision to ask the General Manager to arrange the necessary works and to give notice that, in the future, Councillor workshop and briefings, meetings of the Local Planning Panel and Traffic Committee will be held in the Chamber. First class technology is available in the Chamber and it is important to encourage community participation in the decision making processes.

No funds are available for this work and following discussions with staff it is recommended that in the first instance it be charged to the Civic Centre Refurbishment project and no doubt a progress report on funding of the entire project will come to Council at a later date.

Unlike many regional and rural areas Wingecarribee is spared, to a degree, from the visual clutter of roadside advertising both professional in the terms of billboards and private by temporary corflutes. The latter are in my view not a problem if they are removed quickly – but when they hang around are unsightly.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 19 January 2022

INTERIM ADMINISTRATOR MINUTE



The General Manager has advised me that staff are presently paying attention to the issue and in my view, it is extremely disappointing that as you enter both Mittagong and Bowral from the North there are billboards that have advertising painted over haphazardly and devalue the visual environment. I applaud the action of the General Manager and encourage strict regulatory compliance and enforcement if necessary.

Both the Domestic Waste Services Collection Contract and the Waste Disposal Contract expire on 30 June 2024.

In relation to the Waste Disposal Contract, Council is in a consortium with a number of other Councils and this is currently the subject of tender that will close in early April.

In discussions with both residents and Executive it is apparent that the specification for the Domestic Waste Services Contract needs a major review and this will take time.

Accordingly, to start the process I have requested the General Manager arrange an independent desktop audit of compliance, appropriateness and relevance of specifications of the existing contract and to start a conversation with residents in relation to their expectations for the new contract.

For the record I would also indicate that I will be attending the *Water Management Conference* in Narrabri from 9 to 11 February and will report on outcomes to the March meeting.

Viv May PSM

Interim Administrator

Danielle Fleming

From: Ian Scandrett [REDACTED]
Sent: Thursday, 20 January 2022 6:54 PM
To: Lisa Miscamble
Subject: FW: 20 January 2022 ULSC Newsletter

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Lisa,

1. Here is the link to Upper Lachlan's video, and you can click the agenda to go to the item – very near and efficient.
2. Look forward to your advice re preserving videos [on Council's website] – the short term legacy direction left by Ann Prendergast and certain Clrs was not appropriate. Fortunately, as staff advised me we have all tapes.

Best regards,

Ian Scandrett

From: Upper Lachlan Shire Council [REDACTED]
Reply to: Upper Lachlan Shire Council [REDACTED]
Date: Thursday, 20 January 2022 at 16:57
To: Ian Scandrett [REDACTED]
Subject: 20 January 2022 ULSC Newsletter

Is this email not displaying correctly?
[View it in your browser.](#)



Thursday, 20 January 2022

Welcome to Council's newsletter.

News

ULSC COVID Update - 20 January 2022

UPDATE FROM SOUTHERN NSW LOCAL HEALTH DISTRICT AS AT 11.30AM,
THURSDAY 20 JANUARY 2022

Three new cases of COVID-19 have been confirmed in the Upper Lachlan Shire in the 24 hours to 8pm last night.

NSW Health advises that, as at 19 January, there were 79 active cases and 201 total cases reported from PCR tests in the Upper Lachlan Shire Council Local Government Area.

Activities across the Shire for Australia Day 2022

There will be a host of activities across the Upper Lachlan Shire this Australia Day, Wednesday 26 January.

Official activities kick off at Barbour Park in **Gunning** with a breakfast offering a choice of bacon, eggs, sausages, juice, coffee, tea and water from 8am. Cost is \$5 per person or \$10 per family.

The Official Ceremonies will follow at 8.45am, with Australia Day Ambassador, SBS sports commentator Michael Tomalaris, presenting local awards for Citizen of the Year, Young Citizen of the Year and Community Event of the Year.

Replacement Councillor to be determined by Countback voting method

Following a resolution at the January Meeting, Upper Lachlan Shire Council will replace the casual vacancy created by the resignation of John Stafford by way of the Countback method.

Council adopted Resolution Number 11/22 which states:-

RECOMMENDATION *That –*

1. *Pursuant to Section 291A (1)(b), of the Local Government Act 1993, Upper Lachlan Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for Upper Lachlan Shire on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with Section 291A (1).*
2. *Council directs the General Manager to notify the Office of Local Government and NSW Electoral Commission within 7 days of the decision.*

As a result, Council confirmed agreement for the NSW Electoral Commission head office in Sydney to undertake the role of Returning Officer for the election candidate count back voting.

Featured Programs

Council Meeting Minutes

13 January 2022

The recorded webcast of the January 2022 Council Meeting may be viewed at
<http://webcast.upperlachlan.nsw.gov.au/archive/video22-0113.php>

Crookwell Library - Kids What's the Joke Show

Using guitar, drums and fun props, Andy will show you how to deliver a punch line, create a joke, use gross humour and laugh till your sides ache!

Ages: 5 years and up

When: Thursday 27 January at 2pm

Cost: \$2

Contact the Library to book or go online

Events

This email was sent to [REDACTED]

[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)

Upper Lachlan Shire Council · 44 Spring Street · Crookwell, NSW 2583 · Australia



Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Monday, 31 January 2022 3:08 PM
To: Ivana Vidovich
Subject: Re: Gipa applications - Peter Nelson

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Ivana
How are you going with my GIPA application.
Regards
Peter Nelson

On Fri, 24 Dec 2021 at 12:20 pm, Peter Nelson [REDACTED] wrote:
Thanks
Keep me informed and look forward to you prioritising my 2 applications
Peter Nelson

Sent from my iPhone

On 24 Dec 2021, at 11:47 am, Ivana Vidovich [REDACTED] wrote:

Dear Mr Nelson

Further to my earlier email this week, I have not been able to finalize your application. I will however priorities this for completion early next year.

Wishing you a Merry Christmas.

Kind Regards
Ivana

Ivana Vidovich Corporate Strategy and Governance Officer

Wingecarribee Shire Council

[REDACTED]
[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

From: Peter Nelson [REDACTED]
Sent: Thursday, 16 December 2021 11:48 AM
To: Ivana Vidovich [REDACTED]
Subject: Re: Gipa applications - Peter Nelson

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Ivana

Could you give me an update on my GIPA application please.

Regards

Peter Nelson.

On Thu, 2 Dec 2021 at 7:52 am, Peter Nelson [REDACTED] wrote:

Dear Ivana.

Thank you for responding to my email. It's very much appreciated. I heard on 2ST this morning that council is now 100 staff positions vacant. Thanks for your efforts and hopefully you will get some breathing space soon.

Regards

Peter.

On Thu, 2 Dec 2021 at 7:48 am, Ivana Vidovich [REDACTED] wrote:

Dear Mr Nelson

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Kind Regards

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Ivana Vidovich Corporate Strategy and Governance Officer

Wingecarribee Shire Council

e. [REDACTED]

t. [REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

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Hi Ivana

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Also, I am just checking on my GIPA applications.

Regards

Peter Nelson

Sent from my iPad

On 22 Oct 2021, at 10:03 am, Peter Nelson [REDACTED] wrote:

Thanks

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Thanks.

Peter

Sent from my iPhone

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[REDACTED] wrote:

Nelson

**Informal request for access to government information under
the *Government Information (Public Access) Act 2009***

Danielle Fleming

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Wingecarribee Shire Council

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Ivana Vidovich Corporate Strategy and Governance Officer

Wingecarribee Shire Council

e.

t.

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Peter Nelson [REDACTED]
Sent: Monday, 29 November 2021 5:05 PM
To: Ivana Vidovich [REDACTED]
Subject: Re: Gipa applications - Peter Nelson

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Nelson

**Informal request for access to government information under
the *Government Information (Public Access) Act 2009***

Danielle Fleming

From: noreply [REDACTED]
Sent: Tuesday, 1 February 2022 3:14 PM
To: [REDACTED]
Subject: Receipt D000029882
Attachments: Receipt D000029882.pdf

Please find attached a copy of your receipt D000029882.

Tax Invoice

D000029882



PETER NELSON

MOSS VALE NSW 2577

Civic Centre
68 Elizabeth Street Moss Vale
PO Box 141 Moss Vale NSW 2577

02 4868 0888

mail@wsc.nsw.gov.au

ABN 49 546 344 354

Item/Description	Qty	Price	GST	Amount
Freedom Of Info	1	30.00	0.00	30.00
Surcharge Eftpos (Visa)		0.30		
Total Amount:			0.00	30.30

Payment	Amount
Eftpos (Visa)	30.30
Total Tendered	30.30
Rounding Amount	0.00
Change	0.00
Includes GST	0.00

NAB EFTPOS
WINGECARRIBEE COUNCIL
MOSS VALE AU
MID: 22768501
TID: BN3WY6
Version: 0.9.40E

CUSTOMER COPY
FEB 01, 22 15:13
BATCH: 000022
INV: 66656
STAN: 000159
ACCOUNT TYPE CREDIT
RRN: 000022066656
VISA
A0000000031010

SALE AUD \$30.30

APPROVED 00
APPROVAL CODE 470008
ARQC: EB35E5EBEAD3DA53
APSN:00 ATC:0295

PLEASE RETAIN RECEIPT
FOR YOUR RECORDS

Date 01 Feb 2022

Time 3:13:24PM

Register CASH03

Cashier

VHAGLEY

Working with you

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE

Danielle Fleming

From: Geoff Holt [REDACTED]
Sent: Thursday, 3 February 2022 6:58 AM
To: ElectorateOffice Goulburn
Cc: [REDACTED] Raf Pedroza; Ian Scandrett;
[REDACTED] Wingecarribee Shire Council
Subject: Wombeyan Caves Road work.
Attachments: Geoff Holt.vcf

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Wendy,

The work on the road proceeds. It is now at a standstill until September when the crew returns.

There are issues which I would like to bring to your attention for resolution.

1. The intervention of National Parks in the process, leaving a specific section of the road unsealed.

Between the Lookout and The Post Office the road is to be left unsealed. It has been rough graded once before the team left last time. It has now become pot - holed, corrugated and dangerous. In speaking to the supervisor on site, the understanding is that National Parks have insisted that for some curious reason only known to them, the surface is to be left unsealed. This raises the possibility that Council will be responsible again and we know how that worked last time. My National Parks contacts claim that they have made no such insistence on that section. The supervisor indicated that "consultants" were also involved. But residents can see a totally untenable and life threatening issues as in the "old Days" before the grant. Where is the truth of the issue? We seem to be trapped with civil servant games which affect our safety and damage our vehicles.

2. Council is already demonstrating their inability to maintain roads in a professional manner. The sealed section of the road from the Old Hume Highway is in a state of danger and advanced neglect. In many places the edge of the road has collapsed and if hit at speed, there will be a major accident potential. The surface of the road through High Range has deteriorated, the drainage is filled with overgrowth and water has washed the tar away. This does not auger well for the future of the post-contract road after the lookout. Council will, once again, demonstrate that WCR has low priority and will leave it until forced by accident or citizen demonstration to even basically address maintenance issues.

3. Other sections beyond the Post Office are being left because of "asbestos". Probably this is the section which had waste from the Boral Concrete Factory used as a surface. It needs remediation.

4. Overall, communication with residents is poor and the above demonstrates the "news" which is fragmented, supplied only by workers when spoken to and the confusion of who is running the show. Is it National Parks? Is it "consultants"? What will be delivered in the end? This has the potential of being a celebrated major tourist experience, but as it is developing it will be a mish-mash and leaving potential dangers unresolved. Paige has been responsive and helpful but your authority is needed.

Please intervene on our behalf to make sense of this.

Regards

Geoff Holt

Director, Ancis Pty Ltd



Protected by CyberHound

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Danielle Fleming

Full Name: Geoff Holt
Last Name: Holt
First Name: Geoff

Email:
Email Display As:



Danielle Fleming

From: Ian Scandrett [REDACTED]
Sent: Thursday, 3 February 2022 2:11 PM
To: interim admin
Cc: Geoffrey Holt
Subject: Fwd: Wombeyan Caves Road work.
Attachments: Geoff Holt.vcf

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Viv,
As mentioned today and now sent to your direct address.
regards,

Ian Scandrett
[REDACTED]

Sent from my iPhone.

Begin forwarded message:

From: Geoff Holt [REDACTED]
Date: 3 February 2022 at 06:58:52 AEDT
To: ElectorateOffice Goulburn <[REDACTED]>
Cc: [REDACTED], Raf Pedroza [REDACTED], Ian Scandrett [REDACTED], Mr Viv May [REDACTED]
Subject: Wombeyan Caves Road work.

Wendy,

The work on the road proceeds. It is now at a standstill until September when the crew returns.

There are issues which I would like to bring to your attention for resolution.

1. The intervention of National Parks in the process, leaving a specific section of the road unsealed.
Between the Lookout and The Post Office the road is to be left unsealed. It has been rough graded once before the team left last time. It has now become pot -holed, corrugated and dangerous. In speaking to the supervisor on site, the understanding is that National Parks have insisted that for some curious reason only known to them, the surface is to be left unsealed. This raises the possibility that Council will be responsible again and we know how that worked last time. My National Parks contacts claim that they have made no such insistence on that section. The supervisor indicated that "consultants" were also involved. But residents can see a totally untenable and life threatening issues as in the "old Days" before the grant. Where is the truth of the issue? We seem to be trapped with civil servant games which affect our safety and damage our vehicles.
2. Council is already demonstrating their inability to maintain roads in a professional manner. The sealed section of the road from the Old Hume Highway is in a state of danger and advanced neglect. In many places the edge of the road has collapsed and if hit at speed, there will be a major accident potential. The surface of the road through High Range has deteriorated, the drainage is filled with overgrowth and water has washed the tar away. This does not auger well for the future of the post-contract road after the lookout. Council will, once again, demonstrate that WCR has low priority and will leave it until forced by accident or citizen demonstration to even basically address maintenance

issues.

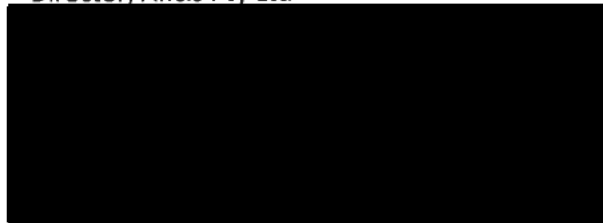
3. Other sections beyond the Post Office are being left because of "asbestos". Probably this is the section which had waste from the Boral Concrete Factory used as a surface. It needs remediation.

4. Overall, communication with residents is poor and the above demonstrates the "news" which is fragmented, supplied only by workers when spoken to and the confusion of who is running the show. Is it National Parks? Is it "consultants"? What will be delivered in the end? This has the potential of being a celebrated major tourist experience, but as it is developing it will be a mish-mash and leaving potential dangers unresolved. Paige has been responsive and helpful but your authority is needed.

Please intervene on our behalf to make sense of this.

Regards

Geoff Holt
Director, Ancis Pty Ltd



Protected by CyberHound
(<http://cyberhound.com/>)

Danielle Fleming

Full Name: Geoff Holt

Last Name: Holt

First Name: Geoff

Email:

Email Display As:



Danielle Fleming

From: Craig Robson [REDACTED]
Sent: Thursday, 3 February 2022 3:58 PM
To: Geoff King; SHCCI; Ian Scandrett
Subject: RE: Fairground Follies

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Sent from Mail for Windows

From: Craig Robson
Sent: Thursday, 3 February 2022 3:29 PM
Subject: RE: Fairground Follies

Hello Geoff,

You hopefully will remember contacting us approx. a month ago and apologizing for not contacting earlier and subsequently assuring you would look into our plight and advise of any issues and reasons of delays and ways to move forward. We advised that we had been through the same issues and assurances with the old council, Malcolm Ryan and Viv May.

Hopefully you can see the previous frustration caused and hence the reason for asking your position and capabilities as these issues were left in your responsibility.

Please within the normal courtesies of business and expressing the delays of the last four years, how I can get some action. It would appear after giving an invitation to inspect the value of Fairground Follies to the Wingecarribee tourism economy we can't even expect you to inspect the premises

In this age of unforeseen economic and social disasters, it is expected that council would do their simple part in assisting our situation as both rate payers and society supporters. The minimum would be advise on procedure I guess after leaving the council time to settle in and act we have to go public and ask 'why'

We also spoke to Ian Scandrett who we understand had a meeting with Viv May today wherein he expressed that as a citizen he wished to be reinvolved and suggested a meeting at Fairground Follies.

Sincerely,

Craig Robson

Sent from Mail for Windows

From: Geoff King
Sent: Thursday, 6 January 2022 1:24 PM
To: Craig Robson
Subject: RE: Fairground Follies

Dear Craig,
You are welcome.

My title- Director of Communities and Place reflects a recent commitment to considering place issues as an important part of our approach to planning, compliance, certification, environmental assessment and ranger services.

In simple terms, and no doubt of most interest to you – this means that the Development Assessment team is in my Directorate and their Manager reports to me. So, your DA is in my current portfolio, and Viv May has asked me to ensure that the issue of your current application is dealt with.

One of the reasons the recent DA was referred to a consultant was to give it priority, and ensure that it was adequately assessed. Public opinion and community benefits are an important part of that – but obviously not the only elements that Council is required to consider under legislation.

I have no interest in meeting or further discussion unless it enables us to advance or resolve an issue relating to the application currently before Council. We have a record number of applications at the moment, and we need to be as efficient as possible in dealing with this demand.

If understanding the value of the proposal or the issues requires a site visit – then I can easily provide the requested notice.

I look forward to constructively assisting in resolving this, and I'll be in contact (as promised) once I have an update, hopefully next week as staff return from leave.

Regards

Geoff King
Director Communities and Place
Wingecarribbee Shire Council

From: Craig Robson [REDACTED]
Sent: Thursday, 6 January 2022 12:34 PM
To: Geoff King [REDACTED]
Subject: Fairground Follies

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Geoff,

Thank you for contacting me yesterday, I am as you can understand disappointed that after several conversations with many including Malcolm Ryan and Viv May, both giving assurances that we had legitimate concerns and that action would be forth coming that it has taken this period of time for an initial contact.

Our history of trying to have what is generally publicly regarded as a fair DA approved has been over at least a very frustrating 3-4 years and looks like some further time without income or satisfaction. Accepting your apology, newness on the job, council dishevel and our mentioned disappointment it would (without offending you) greatly appreciated if you can give some priority to assisting.

I am available at most times but may need a two day notice for an inspection. It would be my pleasure to show you Fairground Follies and the community benefits.

Noticing your tittle, my ignorance of what this involves and the duration of previous mentioned talk fests could you please advise how you feel your expertise and responsibilities may constructively assist in our issues.

Yours sincerely,
Craig Robson
[REDACTED]

Danielle Fleming

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Regards

Geoff King
Director Communities and Place
Wingecarribee Shire Council

From: Craig Robson [REDACTED]
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Noticing your tittle, my ignorance of what this involves and the duration of previous mentioned talk fests could you please advise how you feel your expertise and responsibilities may constructively assist in our issues.

Yours sincerely,
Craig Robson
[REDACTED]

Danielle Fleming

From: Geoff King [REDACTED]
Sent: Friday, 4 February 2022 11:10 AM
To: Garry Turland
Cc: Leesa Stratford
Subject: meeting re: Site Cnr Victoria St and Bowral Road, Bowral

Good morning Mr Turland

Thank you for your enquiry and request to meet to discuss your site in Bowral.

While I'm interested in meeting and discussing this important site, we have so many requests to meet with developers and/or community representatives that we have had to limit this in the short term to pre-lodgement DA meetings or formal meetings with agendas (to address delays/ issues with existing applications) and major strategic planning sites.

We are currently short on staff and dealing with a record number of applications – so if there is a significant new idea or plans for the site, we can make formal arrangements to meet with a clear agenda and requested outcome.

Please feel free to forward a suggested agenda to my office and I will liaise with staff to make the necessary arrangements

Kind regards Geoff

Geoff King Director Communities and Place

Wingecarribee Shire Council

e. [REDACTED]

t. [REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Leesa Stratford
Sent: Friday, 28 January 2022 12:29 PM
To: Geoff King [REDACTED] Nancy Sample [REDACTED]
Subject: meeting with Garry Turland re: Site Cnr Victoria St and Bowral Road, Bowral

Hi Geoff and Nancy

Garry Turland called to arrange a meeting with you both to discuss his development site. He would like to bring you both up to date with the future plans for the site.

Geoff, do you wish to meet with him?

Cheers Leesa

Danielle Fleming

From: Geoff King [REDACTED]
Sent: Friday, 4 February 2022 11:10 AM
To: Garry Turland
Cc: Leesa Stratford
Subject: meeting re: Site Cnr Victoria St and Bowral Road, Bowral

Good morning Mr Turland

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Please feel free to forward a suggested agenda to my office and I will liaise with staff to make the necessary arrangements

Kind regards Geoff

Geoff King Director Communities and Place

Wingecarribee Shire Council

[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

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Garry Turland called to arrange a meeting with you both to discuss his development site. He would like to bring you both up to date with the future plans for the site.

Geoff, do you wish to meet with him?

Cheers Leesa

Danielle Fleming

From: Ivana Vidovich [REDACTED]
Sent: Friday, 4 February 2022 2:03 PM
To: Peter Nelson
Subject: RE: Gipa applications - Peter Nelson

Dear Mr Nelson

I will be concentrating on all your GIPA's next week.

Kind Regards
Ivana

Ivana Vidovich Corporate Strategy and Governance Officer
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Peter Nelson [REDACTED]
Sent: Monday, 31 January 2022 3:08 PM
To: Ivana Vidovich [REDACTED]
Subject: Re: Gipa applications - Peter Nelson

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Ivana
How are you going with my GIPA application.
Regards
Peter Nelson

On Fri, 24 Dec 2021 at 12:20 pm, Peter Nelson [REDACTED] wrote:

Thanks
Keep me informed and look forward to you prioritising my 2 applications
Peter Nelson

Sent from my iPhone

On 24 Dec 2021, at 11:47 am, Ivana Vidovich [REDACTED] wrote:

Dear Mr Nelson

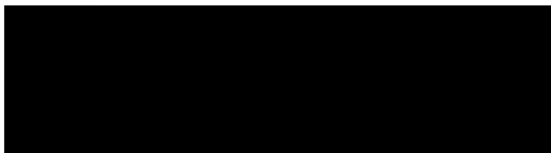
Further to my earlier email this week, I have not been able to finalize your application. I will however priorities this for completion early next year.

Wishing you a Merry Christmas.

Kind Regards
Ivana

Ivana Vidovich Corporate Strategy and Governance Officer

Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Peter Nelson [REDACTED]
Sent: Thursday, 16 December 2021 11:48 AM
To: Ivana Vidovich [REDACTED]
Subject: Re: Gipa applications - Peter Nelson

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Ivana

Could you give me an update on my GIPA application please.

Regards

Peter Nelson.

On Thu, 2 Dec 2021 at 7:52 am, Peter Nelson [REDACTED] wrote:

Dear Ivana.

Thank you for responding to my email. It's very much appreciated. I heard on 2ST this morning that council is now 100 staff positions vacant. Thanks for your efforts and hopefully you will get some breathing space soon.

Regards

Peter.

On Thu, 2 Dec 2021 at 7:48 am, Ivana Vidovich [REDACTED] wrote:

Dear Mr Nelson

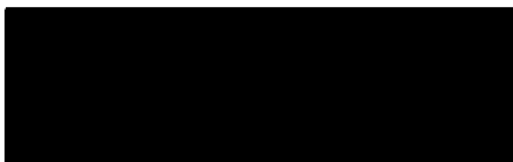
Thank you for your previous email on where to get the information. I am hoping to finalise your GIPA this week however am working on the last agenda for the year (slightly larger than usual) and will update you on my progress with your GIPA request.

Kind Regards

Ivana

Ivana Vidovich Corporate Strategy and Governance Officer

Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Peter Nelson [REDACTED]
Sent: Monday, 29 November 2021 5:05 PM
To: Ivana Vidovich [REDACTED]
Subject: Re: Gipa applications - Peter Nelson

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Ivana

Could you provide me with an update on my GIPA application please.

Regards

Peter Nelson.

On Wed, 3 Nov 2021 at 10:29 am, Peter Nelson [REDACTED] wrote:

Hi Ivana

Hope you are well and all is good at council.

Also, I am just checking on my GIPA applications.

Regards

Peter Nelson

Sent from my iPad

On 22 Oct 2021, at 10:03 am, Peter Nelson [REDACTED] wrote:

Thanks

Would it be possible for you to provide a printed copy as my printer is not working.

Thanks.

Peter

Sent from my iPhone

On 22 Oct 2021, at 9:51 am, Ivana Vidovich

[REDACTED] wrote:

Nelson

**Informal request for access to government information under
the *Government Information (Public Access) Act 2009***

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 7 February 2022 2:54 PM
To: [REDACTED]
Subject: GIPA22/159376 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159376).

You requested access to the following information:

What is the amount of legal costs that Council has expended in relation to the Industrial action against Mr Steve Rosa

Please allow up to 15 working days for Council to conduct reasonable searches, review any information retrieved and provide a response to your request. If for any reason your request will not be finalised within this timeframe, you will be notified of the delay and any reasons for the delay.

Should you have any enquiries in the meantime, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 7 February 2022 2:54 PM
To: [REDACTED]
Subject: GIPA22/159378 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159378).

You requested access to the following information:

1. What is the weekly amount of money that Council is paying for accommodation for the Administrator Mr Vivian May
2. What is his monthly fee for being the Administrator at WSC

Please allow up to 15 working days for Council to conduct reasonable searches, review any information retrieved and provide a response to your request. If for any reason your request will not be finalised within this timeframe, you will be notified of the delay and any reasons for the delay.

Should you have any enquiries in the meantime, please do not hesitate to contact me on 02 4868 0888 or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 7 February 2022, 2:54 PM
To: [REDACTED]
Subject: GIPA22/159380 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159380).

You requested access to the following information:

What expenditure has Council incurred to local community members namely Mark Bourne, Brigid Kennedy and any other person in relation to the Council's legal action against Mr Steve Rosa

Please allow up to 15 working days for Council to conduct reasonable searches, review any information retrieved and provide a response to your request. If for any reason your request will not be finalised within this timeframe, you will be notified of the delay and any reasons for the delay.

Should you have any enquiries in the meantime, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 7 February 2022 2:55 PM
To: [REDACTED]
Subject: GIPA22/159379 (Nelson) - Acknowledgement of receipt of your access application and request for further information

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159379).

You requested access to the following information:

What is the expenditure that Council has incurred with the external recruitment agency for the five (5) Senior Positions (consultancy & advertising costs)

Could you please specify which five Senior Positions you are seeking information about? For example, the General Manager position, three Director positions etc?

If you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 7 February 2022 2:56 PM
To: [REDACTED]
Subject: GIPA22/170449 (Nelson) - Acknowledgement of receipt of access application
Attachments: GIPA22-170449 (Nelson) - Acknowledgement of receipt of access application.pdf;
Your review rights under the GIPA Act.pdf; GIPA Act Fees and Charges.pdf

Dear Mr Nelson

Re: Valid application for access to government information

Please find attached correspondence acknowledging receipt of your access application lodged with Wingecarribee Shire Council under the *Government Information (Public Access) Act 2009*.

If you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Our ref: GIPA22/170449
Contact: Lynley Gardner



7 February 2022

Mr Peter Nelson

MOSS VALE NSW 2577

Civic Centre, 68 Elizabeth St,
Moss Vale NSW 2577
PO Box 141, Moss Vale
02 4868 0888
mail@wsc.nsw.gov.au
ABN 49 546 344 354

Sent to:

Dear Mr Nelson,

Re: Valid application for access to government information

Wingecarribee Shire Council (Council) received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act) on 1 February 2022. It is a valid application and must be decided within 20 working days of its valid date, that is, by 1 March 2022, subject to any suspension or extension of the decision period provided for by the GIPA Act. The details of your application are as follows:

Council Reference No.	GIPA22/170449
IPC Reference No.	WIN-000279
File No.	1420/19


If your application has not been decided by the due date, it is taken by the GIPA Act to have been refused. If this occurs, you are entitled to a refund of your application fee and you may seek a review of this refusal. See the enclosed fact sheet titled *Your review rights under the GIPA Act* for further information.

Processing charges

There may be charges for processing your application at a rate of \$30 for each hour of processing time. The application fee you have paid will count towards these charges. Council may ask that you pay an advance deposit of up to 50 per cent of these costs if the application is likely to involve more than five hours of processing time. If this is the case, Council will provide you with an estimate of any charges at the earliest opportunity.

You are entitled to a 50 per cent reduction of the processing charges if Council is satisfied that the information applied for is of special benefit to the public generally or you can provide Council with evidence that you are the holder of a Pensioner Concession Card issued by the Commonwealth, a full-time student or a non-profit organisation (including

Working with you



a person applying on behalf of a non-profit organisation). You also have the right to seek a review of a decision to impose processing charges.

See the enclosed fact sheet titled *GIPA Act Fees and Charges* for further information.

Inclusion of details in disclosure log

The government information to which you have requested access may be of interest to other members of the public. If this is the case, and you are granted access to the information, the GIPA Act requires Council to record the following details about your access application in its disclosure log:

- The date on which your application was decided;
- A general description of the government information released;
- Whether any of that information is available to other members of the public; and
- If available, how it can be accessed.

You have a right to object to these details being included in Council's disclosure log in certain circumstances. Please note that the personal information you provide on your application form is not disclosed.

Council's position is that all information released in response to an access application will be made available on its disclosure log unless there are specific public interest reasons for not making it available in this way (for example, where providing access to information via Council's disclosure log would reveal an individual's personal information). This is consistent with the general presumption in favour of disclosure of information under the GIPA Act.

I note that in your application you did not object to information being included in Council's disclosure log. If you would subsequently like to make an objection, please advise me using the contact details provided below. The grounds on which you can object are limited to any one or more of the following:

- The information includes your personal information (or that of a deceased person for whom you are the personal representative);
- The information concerns your business, commercial, professional or financial interests;
- The information concerns research, or the compilation or analysis of statistics, that has been, is being, or is intended to be, carried out by or on your behalf;
- The information concerns the affairs of a government of the Commonwealth or another State (and you are that government).

If you subsequently make an objection to the inclusion of details about your access application being included on Council's disclosure log and Council decides to include this information despite your objection, you are entitled to seek a review of the decision under Part 5 of the GIPA Act.



If you have any questions, please contact me on 02 4868 0888 or by email at

[Redacted]

Yours sincerely,

[Redacted]

Lynley Gardner
Corporate Strategy and Governance Officer

Encl/s

- IPC Fact Sheet: *Your review rights under the GIPA Act*
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information
and privacy
commission
new south wales

Fact Sheet

Updated November 2019

Your review rights under the GIPA Act

You can apply for access to information and NSW government agencies will make a decision under the *Government Information (Public Access) Act 2009* (GIPA). If you are dissatisfied with the decision you can request a review.

What decisions can be reviewed?

You have the right to request a review of certain decisions¹ made by government agencies about the release of information under the GIPA Act:

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,

- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to pay an advance deposit within the time required for payment
- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

1. Internal review

You have **20 working days**² after the notice of a decision has been given to you, to ask for an internal review by the agency that made the decision. An agency may accept an application for internal review out of time, but is not obliged to do so.³

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review⁴, but you can ask for an external review (see below).

Similarly, if the access applicant or one of any number of third parties has sought an internal review of the decision that you are not satisfied with, you are not entitled to seek an internal review of the decision.⁵ You are however able to seek an external review.

The review must be carried out by an officer who is no less senior than the person who made the original decision.⁶ The review decision must be made as if it was a fresh application.⁷

There is a \$40 fee for an internal review application.⁸ An agency may choose to waive the internal review fee.⁹ No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time¹⁰ or the internal review is conducted because the Information Commissioner has

¹ Section 80 GIPA Act

² Section 83(1) GIPA Act

³ Section 83(2) GIPA Act

⁴ Section 82(2) GIPA Act

⁵ Section 88 GIPA Act

⁶ Section 84(2) GIPA Act

⁷ Section 84(1) GIPA Act

⁸ Section 85(1) GIPA Act

⁹ Section 127 GIPA Act

¹⁰ Section 85(2) GIPA Act

recommended the agency reconsider its decision under section 93 of the GIPA Act.¹¹ In this case, you cannot be charged a review fee.

The agency must acknowledge your internal review application within **five** working days of receiving it.¹² The agency must decide the internal review within **15** working days¹³ (this can be extended by **10** working days if the agency has to consult with a third party not previously consulted¹⁴, or by agreement with you¹⁵).

Note: You cannot ask for internal review of a decision that is being or has already been reviewed by the Information Commissioner¹⁶ or the NSW Civil and Administrative Tribunal (NCAT)¹⁷. This does not apply if the internal review was recommended by the Information Commissioner under section 93.

What is a working day?

A working day is defined as any day that is not a Saturday, Sunday, public holiday or any day during the period declared by the Premier as the Christmas closedown period.¹⁸

What does notice 'given to' mean?

In the decision of *Choi v University of Technology Sydney* [2017] NSWCATAD 198, the NCAT considered when notice of a decision could be considered to have been 'given to' an access applicant, for the purposes of calculating the time period to seek a review.

NCAT gave the following guidance, in the circumstances where the applicant was emailed a notice of decision as an attachment:

- the words 'given to' have their ordinary meaning of 'delivered' or 'handed over' (at [23], citing *Melville v Townsville City Council* [2004] 1 Qd R 530 at [27])
- in the case of notification by email, notice was given when the decision was emailed to an applicant (at [23])

In the case of notification by post, notice is given at the time when the notice is posted by the Agency.¹⁹ Once the posting of the notice to the postal address is completed, notice is considered to have been given by the agency.

Calculating time then commences on the first working day after the notice is posted.²⁰

- it was not necessary for the applicant to have read or been aware of the contents of a decision for it to have been 'given to' them (at [23]).

2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for an external review by the Information Commissioner.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the Information Commissioner to review it.²¹

However, if you are not the access applicant, you **must** seek an internal review before applying for review by the Information Commissioner, unless an internal review is not available to you²² (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by NCAT).

You have **40 working days**²³ from being given the decision to ask for a review by the Information Commissioner.

There is no provision in the GIPA Act that permits the Information Commissioner to accept applications out of time.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency. This may include a recommendation that the agency reconsider and make a new decision on the access application.²⁴ This enables the agency to make a new decision, whether or not the decision has already been the subject of internal review by the agency.²⁵

The Information Commissioner has 40 working days from the day on which all necessary information relating to a

¹¹ Section 93(6) GIPA Act

¹² Section 83(3) GIPA Act

¹³ Section 86(1) GIPA Act

¹⁴ Section 86(2) GIPA Act; IPC Fact Sheet Why consult third parties; Guideline 5 Consultation on the public interest considerations

¹⁵ Section 86(4) GIPA Act

¹⁶ Section 82(4) GIPA Act

¹⁷ Section 82(5) GIPA Act

¹⁸ Clause 1, Schedule 4 to the GIPA Act

¹⁹ Section 126 (2) GIPA Act

²⁰ *ANQ v Department of Attorney General and Justice, Corrective Services* ([2012] NSWADT 271 at [8]- [11])

²¹ Section 89(2)(a) GIPA Act

²² Section 89(2)(b) GIPA Act

²³ Section 90 GIPA Act

²⁴ Section 93(1) GIPA Act

²⁵ Section 93(2) GIPA Act

review application has been received to complete the review of a decision and make any recommendations.²⁶

The Information Commissioner and applicant can agree to an extension of the timeframe. The Information Commissioner will notify the agency of any extension.²⁷

If the Information Commissioner does not complete the review within the 40 working day period, the Information Commissioner is deemed to have made no recommendations to the agency.²⁸ The effect of this is that the original decision stands and the only option available to the applicant is to seek a review by NCAT. The applicant must be notified when the review is completed and advised of any recommendations made by the Information Commissioner.²⁹

Note: You cannot ask the Information Commissioner to review a decision that is being or has already been reviewed by NCAT³⁰.

3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the NCAT to review it. However, if you are not the original access applicant (i.e. you are a third party), you must seek an internal review before applying for review by NCAT, unless an internal review is not available to you³¹ (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by the Information Commissioner).

You do not have to have the decision reviewed by the Information Commissioner before applying for review by NCAT.³²

You have **40 working days**³³ from being given the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days**³⁴ from being notified of the Information Commissioner's review outcome to apply to NCAT.

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

²⁶ Section 92A(1) GIPA Act

²⁷ Section 92A(2) GIPA Act

²⁸ Section 92A(3) GIPA Act

²⁹ Section 92A(4) GIPA Act

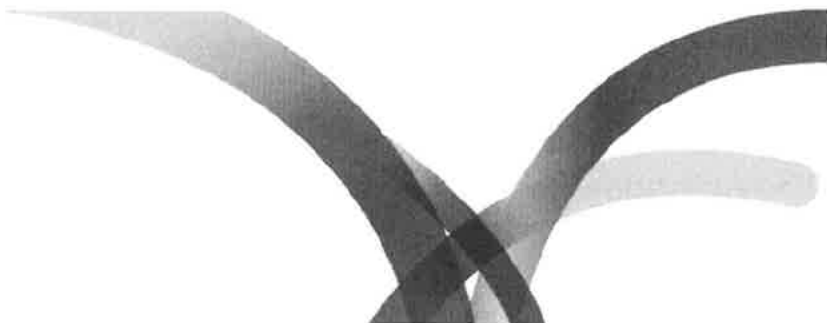
³⁰ Section 98 GIPA Act

³¹ Section 100(2) GIPA Act

³² Section 100 GIPA Act

³³ Section 101(1) GIPA Act

³⁴ Section 101(2) GIPA Act



GIPA Act fees and charges

This fact sheet is designed to clarify the circumstances in which fees and charges for access to information may be levied, reduced, waived or refunded under the *Government Information (Public Access) Act 2009* (GIPA Act).

The GIPA Act aims to foster and promote responsible and representative government that is open, accountable, fair and effective by:

- authorising and encouraging the proactive public release of government information by agencies,
- giving members of the public an enforceable right to access government information, and
- providing that access to government information is restricted only when there is an overriding public interest against disclosure.¹

Consistent with this object, Parliament intends that the GIPA Act discretions be exercised to facilitate prompt access to government information at the lowest reasonable cost.²

In most cases, government information sought under the GIPA Act should be made available free of charge. In some circumstances, the GIPA Act allows agencies to charge for information.

Open access information – free of charge

Section 6 of the GIPA Act makes it mandatory for agencies to disclose some information proactively and free of charge, unless there is an overriding public interest against disclosure. This information is known as 'open access information' and comprises:

- an agency information guide
- documents tabled in Parliament by, or on behalf of, an agency
- an agency's policy documents
- a disclosure log of information released under formal access applications
- a register of contracts an agency has with private sector entities for a value of more than \$150,000 (including GST)

- a record of the open access information that is not made public due to an overriding public interest against disclosure, and
- information that the GIPA Regulation provides is 'open access information'.³

Clause 4 of the *Government Information (Public Access) Regulations 2018* (GIPA Regulation) specifies that an advertising compliance certificate issued under the *Government Advertising Act 2011* is open access information.

Clause 6 of the GIPA Regulation also specifies that Ministers must disclose media releases and details of overseas travel, while government departments must publish a list of their major assets, the total number and value of properties disposed of in the previous financial year, and their guarantee of service and code of conduct (if any). For local councils, the GIPA Regulations contain an extensive list of additional open access information that must be made publicly available, including:

- annual, financial, and auditors' reports, management plans and various codes
- returns of the interests of councilors, designated persons and delegates
- agendas, business papers and minutes of meetings
- information contained in certain registers;
- plans and policies
- development applications and associated documents, and
- information concerning approvals, orders and other documents⁴

All open access information must be available free of charge on an agency's website, unless this would impose an unreasonable cost on the agency.⁵ Local councils must also make the information available for inspection and copying at council offices.⁶

Agencies may charge for open access information **only** if it is available for free in at least one other format. Clause 5(1)(b) of the GIPA Regulations provides that local councils may impose copying charges "not exceeding the reasonable cost of photocopying".

¹ GIPA Act section 3(1)

² GIPA Act section 3(2)

³ GIPA Act section 18

⁴ GIPA Regulation Schedule 1

⁵ GIPA Act section 6(2)

⁶ GIPA Regulation clause 5(1)

Authorised proactive release of information – free of charge or at the lowest reasonable cost

In addition to open access information, agencies are authorised to release other information proactively, unless there is an overriding public interest against disclosure. Information that an agency chooses to disclose proactively may be released free of charge, or at the lowest reasonable cost.⁷

Information released informally

Agencies are authorised under section 8 of the GIPA Act to release any government information they hold to people requesting it, in the absence of an overriding public interest against disclosure, without requiring an access application to be lodged.

Where the information requested is open access information, or additional information that has been released proactively, agencies may charge as provided for in sections 6(3) and 7(2) of the GIPA Act.

Agencies should, in considering the release of information informally, apply the object of the GIPA Act and in particular the intent of Parliament to facilitate the prompt access to government information at the lowest reasonable cost.

Access applications – charges apply

The provisions of the GIPA Act dealing with access applications set out requirements for fees and charges. The GIPA Act requires payment of an application fee, and enables agencies to impose other charges to cover the costs of processing the application. The GIPA Act and the GIPA Regulations specify when the fees and charges may, and in some cases, must, be waived, reduced or refunded. In addition, section 127 of the GIPA Act provides agencies with a general discretion to waive, reduce or refund any fee or charge that may be imposed under the GIPA Act in any circumstance they consider to be appropriate.

Application fee

An application fee of \$30 is payable by an applicant to an agency when lodging an access application for government information,⁸ unless the fee has been waived by the agency. If the application is transferred to another agency, the fee is payable to the original agency only, and not to the transfer agency.⁹

In some circumstances an agency may receive an application directly from an applicant and then also receive an application transferred from another agency

that was made to that agency by the same applicant, for the same information. In this example as the applicant has paid the application fee twice, an agency may wish to apply the discretion provided by section 127 to refund one of the application fees.

An agency does not have to refund the application fee if:

- the application is amended or withdrawn¹⁰
- the agency refuses to deal with the application,¹¹ unless it is a deemed refusal because the application was not decided within the specified time frame (see below)
- the applicant fails to pay any advance deposit requested by the due date,¹² or
- the application was transferred to or from the agency, despite the agency not deciding the application within time.¹³

An agency must refund an application fee if:

- the agency has not decided the application within the specified time, known as a "deemed refusal". The obligation to provide a refund does not apply if the application was transferred to or from the agency,¹⁴ or
- the application is invalid for a reason other than failure to pay the application fee.¹⁵

Processing charges

Agencies that receive access applications, or have applications transferred to them, may impose a charge for processing the application of \$30 per hour.¹⁶ The \$30 application fee also counts towards the first hour of processing.¹⁷ The processing time for an application, as set out in section 64(2), is the total amount of time that is necessary to be spent by any officer of the agency in:

- a) dealing efficiently with the application (including consideration of the application, searching for records, consultation, decision-making and any other function exercised in connection with deciding the application), or
- b) providing access in response to the application (based on the lowest reasonable estimate of the time that will need to be spent in providing that access).

When an agency notifies an applicant of a decision to provide access to information, the applicant must also be notified of any processing charges that will apply and how they have been calculated.¹⁸ Under section 64(4) access to the information may be made conditional on the payment of the processing charge.

⁷ GIPA Act section 7(2)

⁸ GIPA Act section 41(1)(c)

⁹ GIPA Act section 48(4)

¹⁰ GIPA Act section 49 and section 50

¹¹ GIPA Act section 60(6)

¹² GIPA Act section 68(3)(d)

¹³ GIPA Act section 63(5)

¹⁴ GIPA Act section 63(5)

¹⁵ GIPA Act section 52(5)

¹⁶ GIPA Act section 64

¹⁷ GIPA Act section 64(3)

¹⁸ GIPA Act section 62

A processing charge must not be discounted under section 65 or 66 by more than 50% even if both sections apply.¹⁹

Advance deposit

An applicant may be asked to pay an advance deposit of up to 50 per cent of the estimated processing charge.²⁰ Under section 68, the notice requiring an advance deposit must:

- include a statement of the processing charges for work already undertaken by the agency in dealing with the application, and
- include a statement of the estimated processing charges for work that will need to be undertaken by the agency in dealing with the application, and
- specify a date by which the advance deposit must be paid (being a date at least four weeks after the date the notice is given), and
- include a statement that if the advance deposit is not paid by the due date, the agency may refuse to deal further with the application and that this will result in any application fee and advance deposit already paid being forfeited.

An agency can extend the date for payment of an advance deposit,²¹ and is required to give the applicant notice of any extension and indicating the new date by which the advance deposit must be paid.

The applicant is entitled to a refund of any overpayment,²² but is not entitled to have the deposit refunded if the application is withdrawn.²³

The period within which an agency must decide an application stops running when the decision to require an advance deposit is made. The time starts running again when the deposit is paid.²⁴

Example 1 – what you should say in giving an advance deposit notice

Agency A writes to Applicant X on 26 June 2014 advising of Agency A's decision to grant access to the information requested by Applicant X. The notification contains the following:

We estimate that the charge for processing your access application will be \$900, based on 30 hours of processing time. To date, four hours of time has been spent, and we estimate that a further 26 hours will be necessary to consider and compile the information you have requested.

Our calculations are based on the following:

Application fee and 1st hour of processing = \$30

Next 29 hours @ \$30/hr = \$870

TOTAL = \$900

Before proceeding any further with your request, we require a deposit of \$450, being 50 per cent of the estimated cost, to be paid on or before 27 August 2014. Failure to pay by the due date means that we may refuse to deal further with the application. This will result in forfeiture of any fee or charge already paid.

Personal information

If an applicant is applying for their own personal information, or applying on behalf of someone else for that person's personal information, agencies cannot charge for the first 20 hours of processing.²⁵

Example 2 – applying the advance deposit and personal information provisions

If Applicant X in Example 1 were applying for his or her own personal information, the calculations would be as follows:

Application fee and 1st hour of processing = \$30

Next 20 hours @ \$0/hr = \$0

Next 9 hours @ \$30/hr = \$270

TOTAL = \$300

Financial hardship

Section 65 states that applicants are entitled to a 50 per cent discount in processing charges if they can demonstrate financial hardship. The discount applies only to the processing charge, not the application fee. However, the application fee covers the first two hours of processing time, not just the first hour as would normally be the case.

This provision is supplemented by clause 10 of the GIPA Regulations, which states that the financial hardship reduction will apply if the applicant provides evidence that he or she:

- is the holder of a Pensioner Concession card issued by the Commonwealth that is in force, or
- is a full-time student, or
- is a non-profit organisation (including a person applying for or on behalf of a not for profit organisation).

Agencies may choose to waive, reduce or refund the fees and charges in other circumstances using the general discretion in section 127.

¹⁹ GIPA Act section 64(5)

²⁰ GIPA Act section 69

²¹ GIPA Act section 68(4)

²² GIPA Act section 71(2)

²³ GIPA Act section 50(2)

²⁴ GIPA Act section 68(2)

²⁵ GIPA Act section 67

Example 3 – applying the advance deposit and financial hardship provisions

If Applicant X in Example 1 holds a Pensioner Concession card, the calculations would be as follows:

Application fee and 1st two hours of processing = \$30
 Next 28 hours @ \$30/hr = \$840
 SUB TOTAL = \$840
 Less 50% discount = \$420
 TOTAL = \$420

If Applicant X in Example 2 holds a Pensioner Concession card, the calculations would be as follows:

Application fee and 1st two hours of processing = \$30
 Next 20 hours @ \$0/hr = \$0
 Next 8 hours @ \$30/hr = \$240
 SUB TOTAL = \$240
 Less 50% discount = \$120
 TOTAL = \$120

Alternatively, depending on the circumstances, the agency may decide to waive the fees and charges, or further reduce them under section 127.

Special benefit to the public generally

Under section 66 of the GIPA Act applicants are entitled to a 50 per cent reduction in processing charges if the agency is satisfied that the information applied for is of special benefit to the public generally.

The 50 per cent reduction operates in the same manner as the reduction for financial hardship, and the discretion under section 127 also still applies.

If the information sought is made publicly available before, or within three working days after, the applicant is granted access, the applicant is entitled to a *full waiver* of the processing charges.²⁶

Agencies are able to use their discretion to determine when an access application relates to information that is of special benefit to the public generally. Guideline 2: Discounting charges explains how section 66 should be interpreted and applied.²⁷

A processing charge must not be discounted under section 65 or 66 by more than 50% even if both sections apply.

Example 4 – proper application of advance deposit and special benefit to the public

If Applicant X in Example 1 submits that the release of the information would be of benefit to the public in that the information would, for example, inform public debate on the issue, the calculations would be as follows:

Application fee and 1st hour of processing = \$30
 Next 29 hours @ \$30/hr = \$870
 SUB TOTAL = \$870
 Less 50% discount = \$435
 TOTAL = \$435

Agencies can apply reductions to the amounts calculated as processing charges in terms of section 65 (financial hardship) and section 66 (special public benefit) of the GIPA Act but the reductions provided by these sections are not cumulative.²⁸ That is, they cannot be combined to give a discount of 100 per cent in processing charges. This was confirmed by the NSW Civil and Administrative Tribunal in the decision of *National Tertiary Education Union v Southern Cross University [2015] NSWCATAD 151*.

Review of decisions about fees and charges

Section 80 provides that decisions to:

- impose processing charges
- require an advance deposit
- refuse to reduce processing charges, or
- refuse to deal further with an application because a deposit has not been paid

are reviewable by the agency, the Information Commissioner, and the NSW Civil and Administrative Tribunal (NCAT).

If an applicant, or a third party to whom an application relates, chooses to seek a review of an agency's decision regarding access to information, the following fees apply.

Internal review

For an internal review by the agency that made the decision, a \$40 fee is payable.²⁹ The fee is refundable if the agency does not conduct the review within the specified time frame.³⁰ No processing charges are payable for internal reviews.³¹

This fee is not payable where an internal review is recommended by the Information Commissioner under section 93(6).

²⁶ GIPA Act section 66(2)

²⁷ GIPA Act section 64(5)

²⁸ GIPA Act section 64(5)

²⁹ GIPA Act section 85

³⁰ GIPA Act section 86

³¹ GIPA Act section 87

External review

No fee is payable for an external review by the Information Commissioner.

For review by NCAT a filing fee applies. For further details, please refer to the NCAT website at www.ncat.nsw.gov.au.

For more information**Information and Privacy Commission NSW (IPC)**

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

NSW Civil and Administrative NCAT (NCAT)

Telephone: 1300 00 NCAT or 1300 006 228 and follow the prompts

Website: www.ncat.nsw.gov.au

Interpreter Service (TIS): 13 14 50

National Relay Service for TTY Users: 1300 555 727

NOTE: The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.

Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Tuesday, 8 February 2022 12:26 PM
To: Governance
Subject: Re: GIPA22/159379 (Nelson) - Acknowledgement of receipt of your access application and request for further information

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley Gardner.

Thank you for your advice. The positions at Council that I am interested in are the Financial Manager, Human Resources Manager, Asset Manager group. Apparently, there was a group on approximately 4 or 5 manager positions advertised and I am interested in those costs to the council, especially as I have never seen any positions advertised in the Local Government Section in the Tuesday edition of the Sydney Morning Herald. I am not interested in the General Managers or Directors costs. Most Local Government entities employ consultants to recruit the General Manager so that is a cost that should be incurred by the council, purely for transparency purposes.

I trust that helps clarify my request but should you wish to discuss the matter please give me a call.

Regards

Peter Nelson

Sent from my iPad

On 7 Feb 2022, at 2:55 pm, Governance [REDACTED] wrote:

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159379).

You requested access to the following information:

What is the expenditure that Council has incurred with the external recruitment agency for the five (5) Senior Positions (consultancy & advertising costs)

Could you please specify which five Senior Positions you are seeking information about? For example, the General Manager position, three Director positions etc?

If you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

Danielle Fleming

From: Ian Scandrett [REDACTED]
Sent: Wednesday, 16 February 2022 5:03 PM
To: interim admin
Subject: Follow up matters

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Viv,

1. unnecessary heavy plant tractor being used for mowing at Botanic Gardens where zero turns would be able to be used more efficiently especially when ground is too wet for tractors.

They have repeatedly also asked that mowing not be Tuesday's or Thursday's when lots of volunteers are there.

ps that water filling station needs to be moved as the car park and visitor safety issues are growing and will be severe I. Maybe the funding can be found in State?

2. An extra fixed "Gallery view" camera in Chambers can easily be accommodated with the multi screen software we have - people say to me they'd like to see the gallery view.

I expect this camera will particularly be appreciated during the Public Inquiry and other community events that make use of the webcast facilities in the rearranged chamber, thus increasing open communication for all in the Shire.

3. Re the very sad loss of the EV plant I hope we can refocus on attracting Tech Industry here esp for young jobs. I'm speaking on ABC 97.3fm tomorrow 07:30.

regards,

Ian Scandrett
[REDACTED]

Sent from my iPhone.

Danielle Fleming

From: Governance [REDACTED]
Sent: Thursday, 24 February 2022 9:54 AM
To: pwnelson54@gmail.com
Subject: GIPA22/170450 (Nelson) - Notice of invalid application for access to information
Attachments: GIPA22-170450 (Nelson) - Notice that application is invalid.pdf

Dear Mr Nelson

Re: Invalid application for access to government information

Please find attached correspondence regarding your access application lodged with Wingecarribee Shire Council under the *Government Information (Public Access) Act 2009*.

If you have any questions, please do not hesitate to contact me on 02 4868 0888 or by email at governance@wsc.nsw.gov.au.

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Our ref: GIPA22/170450
Contact: Lynley Gardner



24 February 2022

Mr Peter Nelson
[REDACTED]
MOSS VALE NSW 2577

Civic Centre, 68 Elizabeth St,
Moss Vale NSW 2577
PO Box 141, Moss Vale
02 4868 0888
mail@wsc.nsw.gov.au
ABN 49 546 344 354

Sent to: [REDACTED]

Dear Mr Nelson,

Re: Invalid application for access to government information

On 1 February 2022, Wingecarribee Shire Council (Council) received correspondence from you which, in Council's opinion, intends to be an access application under the *Government Information (Public Access) Act 2009* (GIPA Act).

Having reviewed the information you have provided on the application form, I have decided that your access application is not a valid access application as it does not meet the requirements of section 41 of the GIPA Act.

You requested access to the following information:

Please advise what the financial costs are in relation to Council decisions made by the Administrator Mr Vivian May eg Appointment of Planning Panel, Mayoral Car and ongoing costs, Administrator's accommodation costs, Cancellation of Station Street project (funds returned) and Total cost of redundancies made to staff etc

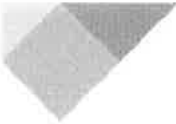
Date range: Administrator's appointment to 1/2/22

Section 41(1) of the GIPA Act provides that a formal access application must meet a number of criteria, including the following criteria:

(e) it must include such information as is reasonably necessary to enable the government information applied for to be identified.

At this stage I consider your application is invalid because you have not provided enough detail about the information you are seeking. In order to assist in obtaining the information you are after, please amend your application to narrow the scope by specifying particular subjects. I note you have already requested the Administrator's accommodation costs in your informal GIPA application lodged on 10 January 2022 (our

Working with you



ref: GIPA22/159378). Do you wish to narrow the scope of your request to the other examples/particular subjects you provided - Appointment of Planning Panel, Mayoral Car and ongoing costs, Cancellation of Station Street project (funds returned) and Total cost of redundancies made to staff? If you are not sure how to amend your application, please contact me for further assistance.

Rights of review

If you do not agree that your application is invalid, you may seek a review of this decision.

Your review rights are summarised in the enclosed brochure. You have 20 working days from the date of this letter to apply for an internal review, which will be conducted by this agency, or eight weeks to apply for an external review, which can be conducted by either the Information and Privacy Commission NSW (IPC) or the NSW Civil and Administrative Tribunal (NCAT).

If you do not wish to seek a review, or amend your application in the manner advised, no further action will be taken in relation to your application, and you are entitled to a refund of the application fee.

If you have any questions, please contact me on 02 4868 0888 or by email at governance@wsc.nsw.gov.au.

Yours sincerely,



Lynley Gardner
Corporate Strategy and Governance Officer

Encl: IPC Fact Sheet: Your review rights under the GIPA Act

Danielle Fleming

From: petlyng [REDACTED]
Sent: Thursday, 24 February 2022 2:55 PM
To: Bobbie-Jo Gordon
Cc: Anne Wilson; Allan and Jenette Stiles; Mark Turner; David Mee; Gordon green200sx; fiona king; Stringfiddle Bob McInnes; Ted Smith
Subject: RE: Meeting with Interim Administrator

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Bobbie-Jo

Thank you for your email. Monday 7th of March will be fine with us. Originally Mr May suggested we meet on site at the community hall which is good with us. An inspection of the hall would be beneficial.

If the weather is too bad we could meet at one of the coffee shops? The CTC is closed on Mondays.

We are flexible regarding where to meet.

Kind regards

Peter

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Bobbie-Jo Gordon [REDACTED]
Date: 24/2/22 9:02 am (GMT+10:00)
To: [REDACTED]
Subject: Meeting with Interim Administrator

Good morning Peter

Following up from your last meeting with the IA he would like to meet you at Robertson to discuss the Robertson Hall.

Would you be available on Monday 7 March at 2:00pm? Also where would be the best place for him to meet you?

Many thanks

Bobbie-Jo Gordon Executive Assistant to General Manager & Interim Administrator

Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Rachel Murray [REDACTED]
Sent: Friday, 25 February 2022 3:52 PM
To: Michael Park; Garima Mendiratta
Subject: Robertson Village Place Plan Update
Attachments: image001.png

Hi all,

Thank you again to everyone who has participated in the Robertson Place Plan project thus far.

Since the last engagement session Council has been refining our analysis and we have also been working with Transport for NSW to address some of the movement and access issues that were identified during the previous consultation session.

We are currently aiming to hold another consultation session towards the end of March or early April, where we will provide an overview of the feedback to date and potential design solutions for the village centre, which will contribute to the Place Plan for Robertson. More communication regarding dates and times will follow in the near future but if you have any questions in the meantime please do not hesitate to get in contact with us.

Thanks and kind regards,

Rachel Murray Undergraduate Strategic Planner

Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



Danielle Fleming

From: Sustainability Services [REDACTED]
Sent: Monday, 28 February 2022 11:08 AM
Cc: Cecilia Kemp
Subject: Clean Up Australia Day community event
Attachments: image003.jpg; image004.png



Sustainability Services

Wingecarribee Shire Council

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



Clean Up Australia Day: Sustainable Us



Come join us for Clean Up Australia Day in Robertson.

This is part of the Sustainable Us Project where we are working with the community to inspire sustainable living.

- All ages welcome. Children are welcome to attend if accompanied by a supervising adult.
- All clean up material will be provided including gloves and bags.
- Morning tea will be provided.

For further information and to register visit <https://bit.ly/36nPcHM>

Details

When: 6 March 2022

Time: 9 am – 11 am

Where: Community Technology Centre (CTC), 58-60 Hoddle Street, Robertson 2577

Cost: Free

Contact: sustainabilityservices@wsc.nsw.gov.au

✉ mail@wsc.nsw.gov.au ☎ 02 4868 0888

Working with you

WSC.NSW.GOV.AU



Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 28 March 2022 12:05 PM
To: [REDACTED]
Subject: FW: GIPA22/159379 (Nelson) - clarification of scope of request

Dear Mr Nelson,

I understand you are now seeking the total cost of recruiting the General Manager and three Directors.

However, could you please specify which other managers you are seeking information about? I consider your request for 'any other managers' is too broad for Council to identify the relevant information.

As indicated in my email of 7 March 2022, Council's relevant business area asked me to clarify the information you are seeking about the Financial Manager and Human Resources Manager. Are you referring to the roles for the Chief Financial Officer and the Executive Manager People and Culture?

I look forward to hearing from you, so I can progress your request.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Peter Nelson [REDACTED]
Sent: Wednesday, 23 March 2022 9:45 PM
To: Governance [REDACTED]
Subject: Re: GIPA22/159379 (Nelson) - Your access application

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley
Maybe I could make it simple for Finance.
Could they provide the total cost of recruiting
1. The General Manager
2. The three directors
3 any other managers
Regards
Peter Nelson

Sent from my iPad

On 7 Mar 2022, at 1:59 pm, Governance [REDACTED] wrote:

Dear Mr Nelson,

Council's relevant business area has asked me to clarify the information you are seeking about the Financial Manager and Human Resources Manager. Are you referring to the roles for the Chief Financial Officer and the Executive Manager People and Culture?

I look forward to hearing from you.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov

From: Governance
Sent: Monday, 28 February 2022 4:16 PM
To: [REDACTED]
Subject: FW: GIPA22/159379 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

From: Peter Nelson [REDACTED]
Sent: Tuesday, 8 February 2022 12:26 PM
To: Governance [REDACTED]
Subject: Re: GIPA22/159379 (Nelson) - Acknowledgement of receipt of your access application and request for further information

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley Gardner.

Thank you for your advice. The positions at Council that I am interested in are the Financial Manager, Human Resources Manager, Asset Manager group. Apparently, there was a group on approximately 4 or 5 manager positions advertised and I am interested in those costs to the council, especially as I have never seen any positions advertised in the Local Government Section in the Tuesday edition of the Sydney Morning Herald. I am not interested in the General Managers or Directors costs. Most Local Government entities employ consultants to recruit the General Manager so that is a cost that should be incurred by the council, purely for transparency purposes.

I trust that helps clarify my request but should you wish to discuss the matter please give me a call.

Regards

Peter Nelson

Sent from my iPad

On 7 Feb 2022, at 2:55 pm, Governance [REDACTED] wrote:

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159379).

You requested access to the following information:

What is the expenditure that Council has incurred with the external recruitment agency for the five (5) Senior Positions (consultancy & advertising costs)

Could you please specify which five Senior Positions you are seeking information about? For example, the General Manager position, three Director positions etc?

If you have any questions, please do not hesitate to contact me on 02 4868 0888 or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au



Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 28 February 2022 4:16 PM
To: [REDACTED]
Subject: FW: GIPA22/159379 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Peter Nelson [REDACTED]
Sent: Tuesday, 8 February 2022 12:26 PM
To: Governance [REDACTED]
Subject: Re: GIPA22/159379 (Nelson) - Acknowledgement of receipt of your access application and request for further information

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley Gardner.

Thank you for your advice. The positions at Council that I am interested in are the Financial Manager, Human Resources Manager, Asset Manager group. Apparently, there was a group on approximately 4 or 5 manager positions advertised and I am interested in those costs to the council, especially as I have never seen any positions advertised in the Local Government Section in the Tuesday edition of the Sydney Morning Herald. I am not interested in the General Managers or Directors costs. Most Local Government entities employ consultants to recruit the General Manager so that is a cost that should be incurred by the council, purely for transparency purposes.

I trust that helps clarify my request but should you wish to discuss the matter please give me a call.

Regards
Peter Nelson

Sent from my iPad

On 7 Feb 2022, at 2:55 pm, Governance [REDACTED] wrote:

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159379).

You requested access to the following information:

What is the expenditure that Council has incurred with the external recruitment agency for the five (5) Senior Positions (consultancy & advertising costs)

Could you please specify which five Senior Positions you are seeking information about? For example, the General Manager position, three Director positions etc?

If you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 28 February 2022 4:18 PM
To: [REDACTED]
Subject: FW: GIPA22/159376 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Monday, 7 February 2022 2:54 PM
To: [REDACTED]
Subject: GIPA22/159376 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159376).

You requested access to the following information:

What is the amount of legal costs that Council has expended in relation to the Industrial action against Mr Steve Rosa

Please allow up to 15 working days for Council to conduct reasonable searches, review any information retrieved and provide a response to your request. If for any reason your request will not be finalised within this timeframe, you will be notified of the delay and any reasons for the delay.

Should you have any enquiries in the meantime, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 28 February 2022 4:20 PM
To: [REDACTED]
Subject: FW: GIPA22/159380 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Monday, 7 February 2022 2:54 PM
To: [REDACTED]
Subject: GIPA22/159380 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159380).

You requested access to the following information:

What expenditure has Council incurred to local community members namely Mark Bourne, Brigid Kennedy and any other person in relation to the Council's legal action against Mr Steve Rosa

Please allow up to 15 working days for Council to conduct reasonable searches, review any information retrieved and provide a response to your request. If for any reason your request will not be finalised within this timeframe, you will be notified of the delay and any reasons for the delay.

Should you have any enquiries in the meantime, please do not hesitate to contact me or [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecaribee Shire Council

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Governance [REDACTED]
Sent: Tuesday, 1 March 2022 3:46 PM
To: [REDACTED]
Subject: GIPA22/170449 (Nelson) - Notice of Decision
Attachments: GIPA22_170449 (Nelson) Notice of Decision.pdf; GIPA Fact Sheet - Your review rights under the GIPA Act.pdf

Dear Mr Nelson,

Please find attached the Notice of Decision for your access application under the *Government Information (Public Access) Act 2009*. Also attached is a fact sheet referenced in the Notice.

In sum, subject to payment of the processing charge as detailed in the Notice, I have decided, under sections 58(1)(a) and (d) of the GIPA Act:

- to provide access to some of the requested information; and
- to refuse to provide access to some of the information because there is an overriding public interest against disclosure of the information.

Please contact me if you have any questions in relation to the decision on your application, and thank you for your patience while the application was finalised.

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Notice of Decision

Government Information (Public Access) Act 2009

Applicant	Mr Peter Nelson
File Reference	GIPA22/170449; WIN-000279
Decision Maker	Lynley Gardner Corporate Strategy and Governance Officer
Date of Decision	1 March 2022

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1. Summary of Access Application

On **1 February 2022**, Wingecarribee Shire Council (Council) received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You applied for access to the following information:

Please provide me Council e-mails received and sent by me from 20th June 2020 to 30 June 2020 – I need to see the correspondence surrounding the Station Street project.

2. Decision

I am authorised by the General Manager of Wingecarribee Shire Council, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided, under sections 58(1)(a) and (d) of the GIPA Act:

- to provide access to some of the information;
- to refuse to provide access to some of the information because there is an overriding public interest against disclosure of the information.

In this Notice of Decision, I will explain the reasons for my decision. To meet the requirements of section 61 of the GIPA Act, I am required to state:

- (a) the reasons for my decision;
- (b) the findings on any material questions of fact underlying my reasons; and
- (c) the general nature and format of the records containing the information you applied for (see the attached Schedule of Documents).

These decisions are reviewable decisions under section 80 of the GIPA Act. See Part 8 of this Notice of Decision for further information regarding your review rights.

3. Searches for information

Under the GIPA Act, Council is required to conduct reasonable searches for the government information you applied for. I have searched Council's records to find any information that falls within the scope of your application.

Quest Archive Manager

Council's email archive manager, Quest Archive Manager, keeps a record of all emails sent to and from a Council-managed email account. This system allows for emails to be retrieved even if a Council official's email account has been deactivated or if the original email is deleted from the sender or recipients sent items or inbox. A search of all emails sent or received by you from 20 June 2020 to 30 June 2020 was conducted.

Each of the records retrieved was reviewed to determine whether the records contained information that fell within the scope of your application. Relevant information was retrieved.

A list of records that were found is provided in the attached Schedule of Documents.

4. The public interest test

Under section 9(1) of the GIPA Act, a person who makes an access application has a legally enforceable right to access the information applied for unless there is an overriding public interest against disclosure of the information.

Further, under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against disclosure of the information.

In order to determine whether or not there is an overriding public interest against disclosure of the information you applied for, I have applied the public interest test. Section 13 of the GIPA Act sets out the public interest test, stating:

There is an **overriding public interest against disclosure** of government information for the purposes of [the GIPA Act] if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

I applied the public interest test in the way required by section 15 of the GIPA Act, that is, I applied the public interest test:

- (a) in a way that promotes the objects of the GIPA Act, set out at section 3 of the Act;
- (b) with regard to any relevant guidelines issued by the Information Commissioner;
- (c) without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant);
- (d) without taking into account the fact that disclosure of the information might be misinterpreted or misunderstood by any person (as that fact is irrelevant); and
- (e) with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

4.1 Public interest considerations in favour of disclosure

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. The Note to section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure, however I am not limited to those considerations in deciding your application.

I found the following example public interest considerations set out in the Note to section 12(2) of the GIPA Act to be relevant to your application:

- (a) Disclosure of the information could reasonably be expected to...enhance Government accountability ...
- (b) Disclosure of the information could reasonably be expected to inform the public about the operations of agencies...

4.2 Personal factors of the application

Section 55 of the GIPA Act entitles me to take into account the following matters (referred to in that section as the **personal factors of the application**) in determining whether there is an overriding public interest against disclosure of the information:

- (a) the applicant's identity and their relationship with any other person;
- (b) the applicant's motives for making the access application; and

- (c) any other factors particular to the applicant.

In deciding your application, I have considered your interest in the matter about which you are seeking information. You advised that the information relates to your personal affairs, and you need to see the correspondence surrounding the Station Street project. I have considered your interest to be a factor in favour of disclosure.

4.3 Public interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that I am able to take into account are those set out in the Table to section 14 of the GIPA Act or described in Schedule 1 to the GIPA Act.

To demonstrate that a public interest consideration against disclosure contained in the Table to section 14 of the GIPA Act is relevant to the information you applied for, I must consider whether the disclosure of the information could reasonably be expected to have the effect outlined in the Table.

I have identified the consideration set out at clause 3(a) of the Table to section 14 of the GIPA Act as being relevant to your application. That clause provides:

3 Individual rights, judicial processes and natural justice

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to...

- (a) reveal an individual's personal information...


In order to find that the public interest consideration against disclosure set out by clause 3(a) of the Table to section 14 of the GIPA Act (referred to as 'clause 3(a)') is relevant to the information that you have applied for, I must find that:

- (a) the information is **personal information** for the purposes of the GIPA Act; and
(b) the information, if it is personal information, could reasonably be expected to be **revealed** if it were disclosed to you.

In determining whether this consideration was relevant to information contained in the records to which you requested access, I considered the definitions set out in Table 2, below.

Table 2: Definitions relevant to clause 3(a) of the Table to section 14 of the GIPA Act

Term	Definition	Source of definition
personal information	'...information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion.'	Schedule 4(4)(1) of the GIPA Act
reveal	'...to disclose information that has not already been publicly disclosed (otherwise than by unlawful disclosure).'	Schedule 4(1) of the GIPA Act



Schedule 4(4)(3)(b) of the GIPA Act provides that the above definition of personal information does not include:

information about an individual (comprising the individual's name and non-personal contact details, including the individual's position title, public functions and the agency in which the individual works) that reveals nothing more than the fact that the person was engaged in the exercise of public functions...

On the basis of the above exception, I found that the names of Council officials, including their position titles, were not personal information within the meaning provided by the GIPA Act as that information revealed nothing more than the fact that those individuals were exercising public functions. As such, clause 3(a) does not apply to so much of the information as consisted of the name and position titles of Council officials and I did not take clause 3(a) into account with respect to that information.

Where the information consisted of the mobile phone number of a Council official, and the names, position title, qualifications, contact details and signature of individuals who were not Council officials, I found that clause 3(a) did apply. I had regard to the Information Commissioner's *Guideline 4: Personal Information as a public interest consideration under the GIPA Act* (Guideline 4) in determining whether the information was personal information for the purposes of the GIPA Act.

Following searches of information available online, I was unable to ascertain with any reasonable certainty that this personal information had already been publicly disclosed in a lawful manner.


Similarly, I found that the signature of an individual was personal information and would be revealed if I disclosed that information. I am of the view that signatures are a highly unique form of personal information that can be used to ascertain the authenticity of documents and therefore identify individuals.

I gave substantial weight to this consideration in the overall application of the public interest test, as outlined further at Part 4.4 of this Notice of Decision.

4.4 Applying the public interest test

In applying the public interest test I have referred to the case of *Mannix v Department of Education and Communities* [2014] NSWCATAD 35, which provides a useful outline of the approach to the public interest test under the GIPA Act. At paragraphs 5-10, the following outline of the provisions is provided:

5. The objects of the GIPA Act as set out in s 3(1) are to advance the system of responsible and representative democratic government by authorising and encouraging public release of government information by agencies, giving the public an enforceable right to access to government information and providing that such access is restricted only when there is an overriding public interest against disclosure.
6. The term "government information" is given a wide meaning by s 4, being defined as "information contained in a record held by an agency". "Agency" is also defined in s 4 ...
7. The Act establishes a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure: s 5. Applicants for access to government information have a legally enforceable right to be provided with access to it, unless there is an overriding public interest against disclosure: s 9. The GIPA Act overrides other statutory provisions that prohibit



disclosure, apart from the "overriding secrecy laws" set out in schedule 1. In the case of those laws it is conclusively presumed that there is an overriding public interest against disclosure: ss 11 and 14.

8. With respect to government information not covered by overriding secrecy laws, the Act establishes a principle that there is a public interest in favour of disclosure: s 12(1). The category of public interest considerations in favour of disclosure is not limited: s 12(2). That subsection then sets out several examples of public interest considerations in favour of disclosure.
9. There can be an overriding public interest against disclosure only when the public interest test in s 13 is satisfied. It provides that "There is an overriding public interest against disclosure of the government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure".
10. In considering whether there is an overriding public interest against disclosure, the tribunal is to be guided by s 15, which provides, relevantly for present purposes, that agencies must exercise their functions so as to promote the objects of the GIPA Act and must have regard to any relevant guidelines issued by the Information Commissioner.

I have considered the relevant public interest considerations in favour of and against disclosure of the information you requested as follows.

With respect to information to which no public interest considerations against disclosure were applicable, the general public interest in favour of disclosure was applied and I decided to release the information to you.

Where clause 3(a) applied, I gave substantial weight to this clause in the overall application of the public interest test, as follows.

I did not find the personal factors of your application to be relevant to this personal information as there was no information available to me that indicated that these factors were relevant to the information in question. As such, these factors were not considered in the context of that information.


I took into account the public interest considerations in favour of disclosure identified above at Part 4.1 of this Notice of Decision and found that they had limited application to the personal information in question. Noting that the majority of the information you have requested relates to the correspondence between Council and third parties, I find that generally the disclosure of information relating to such matters could reasonably be expected to:

- enhance Council's accountability with respect to its key functions, namely its decision-making functions; and
- inform the public about Council's operations with respect to the way in which Council deals with development applications and other applications.

I am not equally satisfied that the personal information in question has any of the above effects, having regard to the fact that the information does nothing more than reveal personal information about individuals.

As such, I found it was warranted in the circumstances to apply substantial weight to clause 3(a). I find that personal information is highly sensitive in nature and should only be disclosed in circumstances where it is abundantly clear that the public interest is in favour of disclosure.

Further, specifically with respect to signatures, in addition to the above, I considered the highly unique nature of signatures and the fact that the disclosure of signatures could place an individual at risk of



identity theft or other criminal acts. This is reiterated by the Information Commissioner's *Guideline 3: Personal information in development applications* (at paragraph 63).

Given the limited application of the relevant considerations in favour of disclosure to the information in question, I am of the view that there is an overriding public interest against the disclosure of this information and I have decided to refuse to provide access to the information.

The attached Schedule of Documents provides further information.

5. Access

5.1 Form of access

Under section 72(2) of the GIPA Act, Council must provide access to information in response to an access application in the manner requested by the applicant except in certain specific circumstances, including where providing access in the requested way would involve an infringement of copyright.

I have decided that you will be provided with access to paper copies of records containing the information to which you requested access as requested in your application.

5.2 Deletion of information

Section 74 of the GIPA Act provides that Council may delete information from a copy of a record to which access is to be provided in response to an access application for either of the following reasons:

- (a) the information is not relevant to the information applied for; or
- (b) access to the information has been refused.

I have redacted (deleted) information from the records either because you did not apply for the information or because I have decided to refuse to provide access to that information on the grounds that there is an overriding public interest against disclosure of the information.

The Schedule of Documents attached to this Notice of Decision provides further information.

5.3 Access period

As stated by section 77(1) of the GIPA Act, you must exercise your right to access the information to which you have been granted access within six months of the date of this Notice of Decision. Therefore, you must access the information before **1 September 2022**.

If you need further time to access the information, please contact me using the details provided at Part 9 of this Notice of Decision.

6. Processing charges

Under sections 64(1) and (2) of the GIPA Act, Council may require the payment of processing charges at a rate of \$30 per hour for the time spent dealing with your access application. The application fee of \$30 already paid counts as payment towards any processing charges imposed.

You are requested to pay processing charges of **\$40.00**. Attached to this Notice of Decision is a Table of Processing Charges which shows how time was spent processing your application and the charges



that are applicable.

Please contact Council's Customer Service team on (02) 4868 0888 or alternatively attend Council's Civic Centre during business hours to make this payment. Please also quote reference GIPA22/170449 to Council staff when making the payment.

As permitted by section 64(4) of the GIPA Act, access to the information is conditional on payment of the imposed processing charge.

A decision to impose processing charges is a reviewable decision under section 80(j) of the GIPA Act. For further information regarding your review rights, please see Part 8 of this Notice of Decision.

7. Disclosure log

If Council considers that information released in response to an access application would be of interest to other members of the public, Council must record certain details about the application in its disclosure log, pursuant to the requirements of sections 25 and 26 of the GIPA Act.

In the letter acknowledging receipt of your valid access application dated **7 February 2022**, you were informed about the disclosure log and advised of your right to object to the inclusion of details about your access application in the disclosure log in certain circumstances.

You did not object to details about your application being included in the disclosure log.

I have decided that the information would be of interest to other members of the public and will therefore record the following details in Council's disclosure log:

- the date on which your access application was decided (that is, the date of this Notice of Decision);
- a description of the information that will be released to you;
- whether that information is or will be available to other members of the public; and
- if so, how it can be accessed.


The reason for my decision is that Council's position is that all information released in response to an access application will be made available on its disclosure log unless there are specific public interest reasons for not making it available in this way (for example, if disclosure of the information via the disclosure log would reveal an individual's personal information). This is consistent with the general presumption in favour of the disclosure of information under the GIPA Act.

Council's disclosure log is available on Council's website at [Proactive Release of Information Register](#).

8. Review rights

If you are aggrieved by any decisions set out in this Notice of Decision that are reviewable decisions under section 80 of the GIPA Act, you may seek a review under Part 5 of the GIPA Act. Before seeking a review, I encourage you to contact me using the contact details set out at Part 9 of this Notice of Decision to discuss your concerns.

The GIPA Act provides three review options:

- 
- internal review by another Council officer who is no less senior than me;
 - external review by the Information Commissioner; and
 - external administrative review by the New South Wales Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice of Decision to apply for an internal review, that is, until **29 March 2022**. If you would prefer to seek an external review, you have 40 working days from the date of this Notice of Decision to apply to the Information Commissioner or the NCAT, that is, until **29 April 2022**.

In order to assist you, enclosed with this Notice of Decision is a fact sheet published by the New South Wales Information and Privacy Commission (IPC) titled *Your review rights under the GIPA Act*. You will also find other useful information and frequently asked questions on the IPC's website at www.ipc.nsw.gov.au.

9. Further information

If you have any questions regarding this Notice of Decision or require any further information, please contact me on [REDACTED] or by email at [REDACTED]

[REDACTED]

Lynley Gardner
Corporate Strategy and Governance Officer

Encl/s:

IPC Fact Sheet: *Your review rights under the GIPA Act*

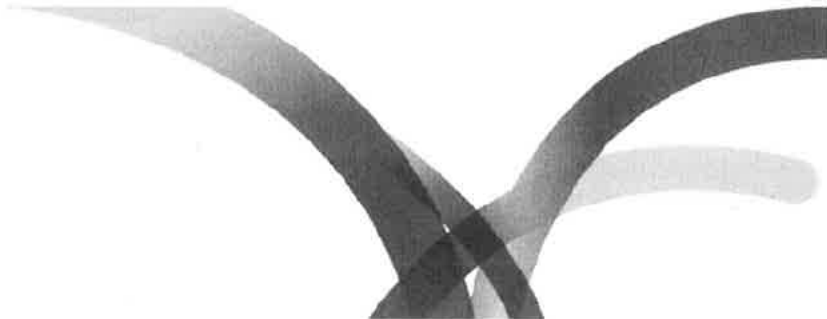
Schedule of Documents

No.	Description of record that contains the Information	Format of Records	Released or Withheld	Notes
1	21.6.20 Email re Station Street Bowral Upgrade	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
2	22.6.20 Email re Station Street	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
3	22.6.20 Email chain re Station Street project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
4	22.6.20 Email chain (2) re Station Street project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
5	Attachment to 22.6.20 Email chain (2) re Station Street project	Hard copy	Released in full	Nil
6	25.6.20 Email chain re Response please	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
7	25.6.20 Email chain (2) re Response please	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
8	26.6.20 Email chain re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
9	Attachment to 26.6.20 Email chain re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
10	26.6.20 Email chain (2) re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>

No.	Description of record that contains the information	Format of Records	Released or Withheld	Notes
11	28.6.20 Email re Station Street Upgrade Response	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
12	29.6.20 Email re Letter re Station Street Project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>

Table of Processing Charges

Date	Action	Time spent	Cost
10/02/2022	Locating relevant electronic information from search of Archive Manager Review of information for applicable public interest considerations and redaction of records Drafting of Notice of Decision including Schedule of Documents	2 hours and 10 minutes	\$65.00
1/03/2022	Finalising Notice of Decision and redaction of records	10 minutes	\$5.00
Subtotal			\$70.00
Payments already made <i>First hour of processing time covered by application fee</i>			-\$30.00
TOTAL			\$40.00



Your review rights under the GIPA Act

You can apply for access to information and NSW government agencies will make a decision under the *Government Information (Public Access) Act 2009* (GIPA). If you are dissatisfied with the decision you can request a review.

What decisions can be reviewed?

You have the right to request a review of certain decisions¹ made by government agencies about the release of information under the GIPA Act:

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to

pay an advance deposit within the time required for payment

- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

1. Internal review

You have **20 working days**² after the notice of a decision has been given to you, to ask for an internal review by the agency that made the decision. An agency may accept an application for internal review out of time, but is not obliged to do so.³

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review⁴, but you can ask for an external review (see below).

Similarly, if the access applicant or one of any number of third parties has sought an internal review of the decision that you are not satisfied with, you are not entitled to seek an internal review of the decision.⁵ You are however able to seek an external review.

The review must be carried out by an officer who is no less senior than the person who made the original decision.⁶ The review decision must be made as if it was a fresh application.⁷

There is a \$40 fee for an internal review application.⁸ An agency may choose to waive the internal review fee.⁹ No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time¹⁰ or the internal review is conducted because the Information Commissioner has recommended the agency reconsider its decision under

¹ Section 80 GIPA Act

² Section 83(1) GIPA Act

³ Section 83(2) GIPA Act

⁴ Section 82(2) GIPA Act

⁵ Section 88 GIPA Act

⁶ Section 84(2) GIPA Act

⁷ Section 84(1) GIPA Act

⁸ Section 85(1) GIPA Act

⁹ Section 127 GIPA Act

¹⁰ Section 85(2) GIPA Act

section 93 of the GIPA Act.¹¹ In this case, you cannot be charged a review fee.

The agency must acknowledge your internal review application within **five** working days of receiving it.¹² The agency must decide the internal review within **15** working days¹³ (this can be extended by **10** working days if the agency has to consult with a third party not previously consulted¹⁴, or by agreement with you¹⁵).

Note: You cannot ask for internal review of a decision that is being or has already been reviewed by the Information Commissioner¹⁶ or the NSW Civil and Administrative Tribunal (NCAT)¹⁷. This does not apply if the internal review was recommended by the Information Commissioner under section 93.

What is a working day?

A working day is defined as any day that is not a Saturday, Sunday, public holiday or any day during the period declared by the Premier as the Christmas closedown period.¹⁸

What does notice 'given to' mean?

In the decision of *Choi v University of Technology Sydney* [2017] NSWCATAD 198, the NCAT considered when notice of a decision could be considered to have been 'given to' an access applicant, for the purposes of calculating the time period to seek a review.

NCAT gave the following guidance, in the circumstances where the applicant was emailed a notice of decision as an attachment:

- the words 'given to' have their ordinary meaning of 'delivered' or 'handed over' (at [23], citing *Melville v Townsville City Council* [2004] 1 Qd R 530 at [27])
- in the case of notification by email, notice was given when the decision was emailed to an applicant (at [23])

In the case of notification by post, notice is given at the time when the notice is posted by the Agency.¹⁹ Once the posting of the notice to the postal address is completed, notice is considered to have been given by the agency.

¹¹ Section 93(6) GIPA Act

¹² Section 83(3) GIPA Act

¹³ Section 86(1) GIPA Act

¹⁴ Section 86(2) GIPA Act; IPC Fact Sheet [Why consult third parties; Guideline 5 Consultation on the public interest considerations](#)

¹⁵ Section 86(4) GIPA Act

¹⁶ Section 82(4) GIPA Act

¹⁷ Section 82(5) GIPA Act

¹⁸ Clause 1, Schedule 4 to the GIPA Act

¹⁹ Section 126 (2) GIPA Act

Calculating time then commences on the first working day after the notice is posted.²⁰

- it was not necessary for the applicant to have read or been aware of the contents of a decision for it to have been 'given to' them (at [23]).

2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for an external review by the Information Commissioner.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the Information Commissioner to review it.²¹

However, if you are not the access applicant, you **must** seek an internal review before applying for review by the Information Commissioner, unless an internal review is not available to you²² (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by NCAT).

You have **40 working days**²³ from being given the decision to ask for a review by the Information Commissioner.

There is no provision in the GIPA Act that permits the Information Commissioner to accept applications out of time.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency. This may include a recommendation that the agency reconsider and make a new decision on the access application.²⁴ This enables the agency to make a new decision, whether or not the decision has already been the subject of internal review by the agency.²⁵

The Information Commissioner has 40 working days from the day on which all necessary information relating to a review application has been received to complete the review of a decision and make any recommendations.²⁶

²⁰ *ANQ v Department of Attorney General and Justice, Corrective Services* ([2012] NSWADT 271 at [8]-[11])

²¹ Section 89(2)(a) GIPA Act

²² Section 89(2)(b) GIPA Act

²³ Section 90 GIPA Act

²⁴ Section 93(1) GIPA Act

²⁵ Section 93(2) GIPA Act

²⁶ Section 92A(1) GIPA Act

The Information Commissioner and applicant can agree to an extension of the timeframe. The Information Commissioner will notify the agency of any extension.²⁷

If the Information Commissioner does not complete the review within the 40 working day period, the Information Commissioner is deemed to have made no recommendations to the agency.²⁸ The effect of this is that the original decision stands and the only option available to the applicant is to seek a review by NCAT. The applicant must be notified when the review is completed and advised of any recommendations made by the Information Commissioner.²⁹

Note: You cannot ask the Information Commissioner to review a decision that is being or has already been reviewed by NCAT³⁰.

3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the NCAT to review it. However, if you are not the original access applicant (i.e. you are a third party), you must seek an internal review before applying for review by NCAT, unless an internal review is not available to you³¹ (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by the Information Commissioner).

You do not have to have the decision reviewed by the Information Commissioner before applying for review by NCAT.³²

You have **40 working days**³³ from being given the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days**³⁴ from being notified of the Information Commissioner's review outcome to apply to NCAT.

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

²⁷ Section 92A(2) GIPA Act

²⁸ Section 92A(3) GIPA Act

²⁹ Section 92A(4) GIPA Act

³⁰ Section 98 GIPA Act

³¹ Section 100(2) GIPA Act

³² Section 100 GIPA Act

³³ Section 101(1) GIPA Act

³⁴ Section 101(2) GIPA Act

Danielle Fleming

From: Governance [REDACTED]
Sent: Tuesday, 1 March 2022 3:46 PM
To: [REDACTED]
Subject: GIPA22/170449 (Nelson) - Notice of Decision
Attachments: GIPA22_170449 (Nelson) Notice of Decision.pdf; GIPA Fact Sheet - Your review rights under the GIPA Act.pdf

Dear Mr Nelson,

Please find attached the Notice of Decision for your access application under the *Government Information (Public Access) Act 2009*. Also attached is a fact sheet referenced in the Notice.

In sum, subject to payment of the processing charge as detailed in the Notice, I have decided, under sections 58(1)(a) and (d) of the GIPA Act:

- to provide access to some of the requested information; and
- to refuse to provide access to some of the information because there is an overriding public interest against disclosure of the information.

Please contact me if you have any questions in relation to the decision on your application, and thank you for your patience while the application was finalised.

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Notice of Decision

Government Information (Public Access) Act 2009

Applicant	Mr Peter Nelson
File Reference	GIPA22/170449; WIN-000279
Decision Maker	Lynley Gardner Corporate Strategy and Governance Officer
Date of Decision	1 March 2022

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1. Summary of Access Application

On **1 February 2022**, Wingecarribee Shire Council (Council) received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You applied for access to the following information:

Please provide me Council e-mails received and sent by me from 20th June 2020 to 30 June 2020 – I need to see the correspondence surrounding the Station Street project.

2. Decision

I am authorised by the General Manager of Wingecarribee Shire Council, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided, under sections 58(1)(a) and (d) of the GIPA Act:

- to provide access to some of the information;
- to refuse to provide access to some of the information because there is an overriding public Interest against disclosure of the information.

In this Notice of Decision, I will explain the reasons for my decision. To meet the requirements of section 61 of the GIPA Act, I am required to state:

- (a) the reasons for my decision;
- (b) the findings on any material questions of fact underlying my reasons; and
- (c) the general nature and format of the records containing the information you applied for (see the attached Schedule of Documents).

These decisions are reviewable decisions under section 80 of the GIPA Act. See Part 8 of this Notice of Decision for further information regarding your review rights.

3. Searches for information

Under the GIPA Act, Council is required to conduct reasonable searches for the government information you applied for. I have searched Council's records to find any information that falls within the scope of your application.

Quest Archive Manager

Council's email archive manager, Quest Archive Manager, keeps a record of all emails sent to and from a Council-managed email account. This system allows for emails to be retrieved even if a Council official's email account has been deactivated or if the original email is deleted from the sender or recipients sent items or inbox. A search of all emails sent or received by you from 20 June 2020 to 30 June 2020 was conducted.

Each of the records retrieved was reviewed to determine whether the records contained information that fell within the scope of your application. Relevant information was retrieved.

A list of records that were found is provided in the attached Schedule of Documents.

4. The public interest test

Under section 9(1) of the GIPA Act, a person who makes an access application has a legally enforceable right to access the information applied for unless there is an overriding public interest against disclosure of the information.

Further, under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against disclosure of the information.

In order to determine whether or not there is an overriding public interest against disclosure of the information you applied for, I have applied the public interest test. Section 13 of the GIPA Act sets out the public interest test, stating:

There is an **overriding public interest against disclosure** of government information for the purposes of [the GIPA Act] if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

I applied the public interest test in the way required by section 15 of the GIPA Act, that is, I applied the public interest test:

- (a) in a way that promotes the objects of the GIPA Act, set out at section 3 of the Act;
- (b) with regard to any relevant guidelines issued by the Information Commissioner;
- (c) without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant);
- (d) without taking into account the fact that disclosure of the information might be misinterpreted or misunderstood by any person (as that fact is irrelevant); and
- (e) with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

4.1 Public interest considerations in favour of disclosure

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. The Note to section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure, however I am not limited to those considerations in deciding your application.

I found the following example public interest considerations set out in the Note to section 12(2) of the GIPA Act to be relevant to your application:

- (a) Disclosure of the information could reasonably be expected to...enhance Government accountability ...
- (b) Disclosure of the information could reasonably be expected to inform the public about the operations of agencies...

4.2 Personal factors of the application

Section 55 of the GIPA Act entitles me to take into account the following matters (referred to in that section as the **personal factors of the application**) in determining whether there is an overriding public interest against disclosure of the information:

- (a) the applicant's identity and their relationship with any other person;
- (b) the applicant's motives for making the access application; and

(c) any other factors particular to the applicant.

In deciding your application, I have considered your interest in the matter about which you are seeking information. You advised that the information relates to your personal affairs, and you need to see the correspondence surrounding the Station Street project. I have considered your interest to be a factor in favour of disclosure.

4.3 Public interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that I am able to take into account are those set out in the Table to section 14 of the GIPA Act or described in Schedule 1 to the GIPA Act.

To demonstrate that a public interest consideration against disclosure contained in the Table to section 14 of the GIPA Act is relevant to the information you applied for, I must consider whether the disclosure of the information could reasonably be expected to have the effect outlined in the Table.

I have identified the consideration set out at clause 3(a) of the Table to section 14 of the GIPA Act as being relevant to your application. That clause provides:

3 Individual rights, judicial processes and natural justice

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to...

(a) reveal an individual's personal information...

In order to find that the public interest consideration against disclosure set out by clause 3(a) of the Table to section 14 of the GIPA Act (referred to as 'clause 3(a)') is relevant to the information that you have applied for, I must find that:

- (a) the information is **personal information** for the purposes of the GIPA Act; and
- (b) the information, if it is personal information, could reasonably be expected to be **revealed** if it were disclosed to you.

In determining whether this consideration was relevant to information contained in the records to which you requested access, I considered the definitions set out in Table 2, below.

Table 2: Definitions relevant to clause 3(a) of the Table to section 14 of the GIPA Act

Term	Definition	Source of definition
personal information	'...information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion.'	Schedule 4(4)(1) of the GIPA Act
reveal	'...to disclose information that has not already been publicly disclosed (otherwise than by unlawful disclosure).'	Schedule 4(1) of the GIPA Act

Schedule 4(4)(3)(b) of the GIPA Act provides that the above definition of personal information does not include:

information about an individual (comprising the individual's name and non-personal contact details, including the individual's position title, public functions and the agency in which the individual works) that reveals nothing more than the fact that the person was engaged in the exercise of public functions...

On the basis of the above exception, I found that the names of Council officials, including their position titles, were not personal information within the meaning provided by the GIPA Act as that information revealed nothing more than the fact that those individuals were exercising public functions. As such, clause 3(a) does not apply to so much of the information as consisted of the name and position titles of Council officials and I did not take clause 3(a) into account with respect to that information.

Where the information consisted of the mobile phone number of a Council official, and the names, position title, qualifications, contact details and signature of individuals who were not Council officials, I found that clause 3(a) did apply. I had regard to the Information Commissioner's *Guideline 4: Personal Information as a public interest consideration under the GIPA Act* (Guideline 4) in determining whether the information was personal information for the purposes of the GIPA Act.

Following searches of information available online, I was unable to ascertain with any reasonable certainty that this personal information had already been publicly disclosed in a lawful manner.

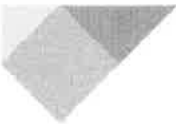
Similarly, I found that the signature of an individual was personal information and would be revealed if I disclosed that information. I am of the view that signatures are a highly unique form of personal information that can be used to ascertain the authenticity of documents and therefore identify individuals.

I gave substantial weight to this consideration in the overall application of the public interest test, as outlined further at Part 4.4 of this Notice of Decision.

4.4 Applying the public interest test

In applying the public interest test I have referred to the case of *Mannix v Department of Education and Communities* [2014] NSWCATAD 35, which provides a useful outline of the approach to the public interest test under the GIPA Act. At paragraphs 5-10, the following outline of the provisions is provided:

5. The objects of the GIPA Act as set out in s 3(1) are to advance the system of responsible and representative democratic government by authorising and encouraging public release of government information by agencies, giving the public an enforceable right to access to government information and providing that such access is restricted only when there is an overriding public interest against disclosure.
6. The term "government information" is given a wide meaning by s 4, being defined as "information contained in a record held by an agency". "Agency" is also defined in s 4 ...
7. The Act establishes a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure: s 5. Applicants for access to government information have a legally enforceable right to be provided with access to it, unless there is an overriding public interest against disclosure: s 9. The GIPA Act overrides other statutory provisions that prohibit



disclosure, apart from the "overriding secrecy laws" set out in schedule 1. In the case of those laws it is conclusively presumed that there is an overriding public interest against disclosure: ss 11 and 14.

8. With respect to government information not covered by overriding secrecy laws, the Act establishes a principle that there is a public interest in favour of disclosure: s 12(1). The category of public interest considerations in favour of disclosure is not limited: s 12(2). That subsection then sets out several examples of public interest considerations in favour of disclosure.
9. There can be an overriding public interest against disclosure only when the public interest test in s 13 is satisfied. It provides that "There is an overriding public interest against disclosure of the government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure".
10. In considering whether there is an overriding public interest against disclosure, the tribunal is to be guided by s 15, which provides, relevantly for present purposes, that agencies must exercise their functions so as to promote the objects of the GIPA Act and must have regard to any relevant guidelines issued by the Information Commissioner.

I have considered the relevant public interest considerations in favour of and against disclosure of the information you requested as follows.

With respect to information to which no public interest considerations against disclosure were applicable, the general public interest in favour of disclosure was applied and I decided to release the information to you.

Where clause 3(a) applied, I gave substantial weight to this clause in the overall application of the public interest test, as follows.

I did not find the personal factors of your application to be relevant to this personal information as there was no information available to me that indicated that these factors were relevant to the information in question. As such, these factors were not considered in the context of that information.

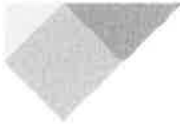
I took into account the public interest considerations in favour of disclosure identified above at Part 4.1 of this Notice of Decision and found that they had limited application to the personal information in question. Noting that the majority of the information you have requested relates to the correspondence between Council and third parties, I find that generally the disclosure of information relating to such matters could reasonably be expected to:

- enhance Council's accountability with respect to its key functions, namely its decision-making functions; and
- inform the public about Council's operations with respect to the way in which Council deals with development applications and other applications.

I am not equally satisfied that the personal information in question has any of the above effects, having regard to the fact that the information does nothing more than reveal personal information about individuals.

As such, I found it was warranted in the circumstances to apply substantial weight to clause 3(a). I find that personal information is highly sensitive in nature and should only be disclosed in circumstances where it is abundantly clear that the public interest is in favour of disclosure.

Further, specifically with respect to signatures, in addition to the above, I considered the highly unique nature of signatures and the fact that the disclosure of signatures could place an individual at risk of



identity theft or other criminal acts. This is reiterated by the Information Commissioner's *Guideline 3: Personal information in development applications* (at paragraph 63).

Given the limited application of the relevant considerations in favour of disclosure to the information in question, I am of the view that there is an overriding public interest against the disclosure of this information and I have decided to refuse to provide access to the information.

The attached Schedule of Documents provides further information.

5. Access

5.1 Form of access

Under section 72(2) of the GIPA Act, Council must provide access to information in response to an access application in the manner requested by the applicant except in certain specific circumstances, including where providing access in the requested way would involve an infringement of copyright.

I have decided that you will be provided with access to paper copies of records containing the information to which you requested access as requested in your application.

5.2 Deletion of information

Section 74 of the GIPA Act provides that Council may delete information from a copy of a record to which access is to be provided in response to an access application for either of the following reasons:

- (a) the information is not relevant to the information applied for; or
- (b) access to the information has been refused.

I have redacted (deleted) information from the records either because you did not apply for the information or because I have decided to refuse to provide access to that information on the grounds that there is an overriding public interest against disclosure of the information.

The Schedule of Documents attached to this Notice of Decision provides further information.

5.3 Access period

As stated by section 77(1) of the GIPA Act, you must exercise your right to access the information to which you have been granted access within six months of the date of this Notice of Decision. Therefore, you must access the information before **1 September 2022**.

If you need further time to access the information, please contact me using the details provided at Part 9 of this Notice of Decision.

6. Processing charges

Under sections 64(1) and (2) of the GIPA Act, Council may require the payment of processing charges at a rate of \$30 per hour for the time spent dealing with your access application. The application fee of \$30 already paid counts as payment towards any processing charges imposed.

You are requested to pay processing charges of **\$40.00**. Attached to this Notice of Decision is a Table of Processing Charges which shows how time was spent processing your application and the charges



that are applicable.

Please contact Council's Customer Service team on (02) 4868 0888 or alternatively attend Council's Civic Centre during business hours to make this payment. Please also quote reference GIPA22/170449 to Council staff when making the payment.

As permitted by section 64(4) of the GIPA Act, access to the information is conditional on payment of the imposed processing charge.

A decision to impose processing charges is a reviewable decision under section 80(j) of the GIPA Act. For further information regarding your review rights, please see Part 8 of this Notice of Decision.

7. Disclosure log

If Council considers that information released in response to an access application would be of interest to other members of the public, Council must record certain details about the application in its disclosure log, pursuant to the requirements of sections 25 and 26 of the GIPA Act.

In the letter acknowledging receipt of your valid access application dated **7 February 2022**, you were informed about the disclosure log and advised of your right to object to the inclusion of details about your access application in the disclosure log in certain circumstances.

You did not object to details about your application being included in the disclosure log.

I have decided that the information would be of interest to other members of the public and will therefore record the following details in Council's disclosure log:

- the date on which your access application was decided (that is, the date of this Notice of Decision);
- a description of the information that will be released to you;
- whether that information is or will be available to other members of the public; and
- if so, how it can be accessed.


The reason for my decision is that Council's position is that all information released in response to an access application will be made available on its disclosure log unless there are specific public interest reasons for not making it available in this way (for example, if disclosure of the information via the disclosure log would reveal an individual's personal information). This is consistent with the general presumption in favour of the disclosure of information under the GIPA Act.

Council's disclosure log is available on Council's website at [Proactive Release of Information Register](#).

8. Review rights

If you are aggrieved by any decisions set out in this Notice of Decision that are reviewable decisions under section 80 of the GIPA Act, you may seek a review under Part 5 of the GIPA Act. Before seeking a review, I encourage you to contact me using the contact details set out at Part 9 of this Notice of Decision to discuss your concerns.

The GIPA Act provides three review options:

- 
- internal review by another Council officer who is no less senior than me;
 - external review by the Information Commissioner; and
 - external administrative review by the New South Wales Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice of Decision to apply for an internal review, that is, until **29 March 2022**. If you would prefer to seek an external review, you have 40 working days from the date of this Notice of Decision to apply to the Information Commissioner or the NCAT, that is, until **29 April 2022**.

In order to assist you, enclosed with this Notice of Decision is a fact sheet published by the New South Wales Information and Privacy Commission (IPC) titled *Your review rights under the GIPA Act*. You will also find other useful information and frequently asked questions on the IPC's website at www.ipc.nsw.gov.au.

9. Further information

If you have any questions regarding this Notice of Decision or require any further information, please contact me on [REDACTED] or by email at [REDACTED]

[REDACTED]
Lynley Gardner
Corporate Strategy and Governance Officer

Encl/s:

IPC Fact Sheet: *Your review rights under the GIPA Act*

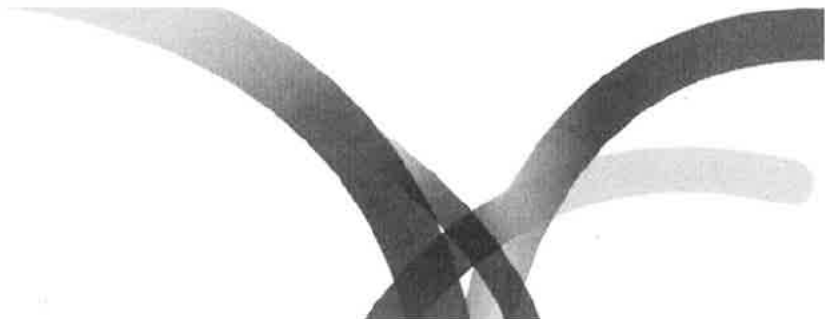
Schedule of Documents

No.	Description of record that contains the information	Format of Records	Released or Withheld	Notes
1	21.6.20 Email re Station Street Bowral Upgrade	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
2	22.6.20 Email re Station Street	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
3	22.6.20 Email chain re Station Street project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
4	22.6.20 Email chain (2) re Station Street project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
5	Attachment to 22.6.20 Email chain (2) re Station Street project	Hard copy	Released in full	Nil
6	25.6.20 Email chain re Response please	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
7	25.6.20 Email chain (2) re Response please	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
8	26.6.20 Email chain re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
9	Attachment to 26.6.20 Email chain re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
10	26.6.20 Email chain (2) re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>

No.	Description of record that contains the information	Format of Records	Released or Withheld	Notes
11	28.6.20 Email re Station Street Upgrade Response	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
12	29.6.20 Email re Letter re Station Street Project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>

Table of Processing Charges

Date	Action	Time spent	Cost
10/02/2022	Locating relevant electronic information from search of Archive Manager Review of information for applicable public interest considerations and redaction of records Drafting of Notice of Decision including Schedule of Documents	2 hours and 10 minutes	\$65.00
1/03/2022	Finalising Notice of Decision and redaction of records	10 minutes	\$5.00
Subtotal			\$70.00
Payments already made <i>First hour of processing time covered by application fee</i>			-\$30.00
TOTAL			\$40.00



Your review rights under the GIPA Act

You can apply for access to information and NSW government agencies will make a decision under the *Government Information (Public Access) Act 2009* (GIPA). If you are dissatisfied with the decision you can request a review.

What decisions can be reviewed?

You have the right to request a review of certain decisions¹ made by government agencies about the release of information under the GIPA Act:

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to

pay an advance deposit within the time required for payment

- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

1. Internal review

You have **20 working days**² after the notice of a decision has been given to you, to ask for an internal review by the agency that made the decision. An agency may accept an application for internal review out of time, but is not obliged to do so.³

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review⁴, but you can ask for an external review (see below).

Similarly, if the access applicant or one of any number of third parties has sought an internal review of the decision that you are not satisfied with, you are not entitled to seek an internal review of the decision.⁵ You are however able to seek an external review.

The review must be carried out by an officer who is no less senior than the person who made the original decision.⁶ The review decision must be made as if it was a fresh application.⁷

There is a \$40 fee for an internal review application.⁸ An agency may choose to waive the internal review fee.⁹ No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time¹⁰ or the internal review is conducted because the Information Commissioner has recommended the agency reconsider its decision under

¹ Section 80 GIPA Act

² Section 83(1) GIPA Act

³ Section 83(2) GIPA Act

⁴ Section 82(2) GIPA Act

⁵ Section 88 GIPA Act

⁶ Section 84(2) GIPA Act

⁷ Section 84(1) GIPA Act

⁸ Section 85(1) GIPA Act

⁹ Section 127 GIPA Act

¹⁰ Section 85(2) GIPA Act

section 93 of the GIPA Act.¹¹ In this case, you cannot be charged a review fee.

The agency must acknowledge your internal review application within **five** working days of receiving it.¹² The agency must decide the internal review within **15** working days¹³ (this can be extended by **10** working days if the agency has to consult with a third party not previously consulted¹⁴, or by agreement with you¹⁵).

Note: You cannot ask for internal review of a decision that is being or has already been reviewed by the Information Commissioner¹⁶ or the NSW Civil and Administrative Tribunal (NCAT)¹⁷. This does not apply if the internal review was recommended by the Information Commissioner under section 93.

What is a working day?

A working day is defined as any day that is not a Saturday, Sunday, public holiday or any day during the period declared by the Premier as the Christmas closedown period.¹⁸

What does notice 'given to' mean?

In the decision of *Choi v University of Technology Sydney* [2017] NSWCATAD 198, the NCAT considered when notice of a decision could be considered to have been 'given to' an access applicant, for the purposes of calculating the time period to seek a review.

NCAT gave the following guidance, in the circumstances where the applicant was emailed a notice of decision as an attachment:

- the words 'given to' have their ordinary meaning of 'delivered' or 'handed over' (at [23], citing *Melville v Townsville City Council* [2004] 1 Qd R 530 at [27])
- in the case of notification by email, notice was given when the decision was emailed to an applicant (at [23])

In the case of notification by post, notice is given at the time when the notice is posted by the Agency.¹⁹ Once the posting of the notice to the postal address is completed, notice is considered to have been given by the agency.

¹¹ Section 93(6) GIPA Act

¹² Section 83(3) GIPA Act

¹³ Section 86(1) GIPA Act

¹⁴ Section 86(2) GIPA Act; IPC Fact Sheet [Why consult third parties; Guideline 5 Consultation on the public interest considerations](#)

¹⁵ Section 86(4) GIPA Act

¹⁶ Section 82(4) GIPA Act

¹⁷ Section 82(5) GIPA Act

¹⁸ Clause 1, Schedule 4 to the GIPA Act

¹⁹ Section 126 (2) GIPA Act

Calculating time then commences on the first working day after the notice is posted.²⁰

- it was not necessary for the applicant to have read or been aware of the contents of a decision for it to have been 'given to' them (at [23]).

2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for an external review by the Information Commissioner.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the Information Commissioner to review it.²¹

However, if you are not the access applicant, you **must** seek an internal review before applying for review by the Information Commissioner, unless an internal review is not available to you²² (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by NCAT).

You have **40 working days**²³ from being given the decision to ask for a review by the Information Commissioner.

There is no provision in the GIPA Act that permits the Information Commissioner to accept applications out of time.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency. This may include a recommendation that the agency reconsider and make a new decision on the access application.²⁴ This enables the agency to make a new decision, whether or not the decision has already been the subject of internal review by the agency.²⁵

The Information Commissioner has 40 working days from the day on which all necessary information relating to a review application has been received to complete the review of a decision and make any recommendations.²⁶

²⁰ *ANQ v Department of Attorney General and Justice, Corrective Services* ([2012] NSWADT 271 at [8]- [11])

²¹ Section 89(2)(a) GIPA Act

²² Section 89(2)(b) GIPA Act

²³ Section 90 GIPA Act

²⁴ Section 93(1) GIPA Act

²⁵ Section 93(2) GIPA Act

²⁶ Section 92A(1) GIPA Act

The Information Commissioner and applicant can agree to an extension of the timeframe. The Information Commissioner will notify the agency of any extension.²⁷

If the Information Commissioner does not complete the review within the 40 working day period, the Information Commissioner is deemed to have made no recommendations to the agency.²⁸ The effect of this is that the original decision stands and the only option available to the applicant is to seek a review by NCAT. The applicant must be notified when the review is completed and advised of any recommendations made by the Information Commissioner.²⁹

Note: You cannot ask the Information Commissioner to review a decision that is being or has already been reviewed by NCAT.³⁰

3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the NCAT to review it. However, if you are not the original access applicant (i.e. you are a third party), you must seek an internal review before applying for review by NCAT, unless an internal review is not available to you³¹ (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by the Information Commissioner).

You do not have to have the decision reviewed by the Information Commissioner before applying for review by NCAT.³²

You have **40 working days**³³ from being given the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days**³⁴ from being notified of the Information Commissioner's review outcome to apply to NCAT.

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

²⁷ Section 92A(2) GIPA Act

²⁸ Section 92A(3) GIPA Act

²⁹ Section 92A(4) GIPA Act

³⁰ Section 98 GIPA Act

³¹ Section 100(2) GIPA Act

³² Section 100 GIPA Act

³³ Section 101(1) GIPA Act

³⁴ Section 101(2) GIPA Act

Danielle Fleming

From: Governance [REDACTED]
Sent: Tuesday, 1 March 2022 3:46 PM
To: [REDACTED]
Subject: GIPA22/170449 (Nelson) - Notice of Decision
Attachments: GIPA22_170449 (Nelson) Notice of Decision.pdf; GIPA Fact Sheet - Your review rights under the GIPA Act.pdf

Dear Mr Nelson,

Please find attached the Notice of Decision for your access application under the *Government Information (Public Access) Act 2009*. Also attached is a fact sheet referenced in the Notice.

In sum, subject to payment of the processing charge as detailed in the Notice, I have decided, under sections 58(1)(a) and (d) of the GIPA Act:

- to provide access to some of the requested information; and
- to refuse to provide access to some of the information because there is an overriding public interest against disclosure of the information.

Please contact me if you have any questions in relation to the decision on your application, and thank you for your patience while the application was finalised.

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Notice of Decision

Government Information (Public Access) Act 2009

Applicant	Mr Peter Nelson
File Reference	GIPA22/170449; WIN-000279
Decision Maker	Lynley Gardner Corporate Strategy and Governance Officer
Date of Decision	1 March 2022

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1. Summary of Access Application

On **1 February 2022**, Wingecarribee Shire Council (Council) received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You applied for access to the following information:

Please provide me Council e-mails received and sent by me from 20th June 2020 to 30 June 2020 – I need to see the correspondence surrounding the Station Street project.

2. Decision

I am authorised by the General Manager of Wingecarribee Shire Council, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided, under sections 58(1)(a) and (d) of the GIPA Act:

- to provide access to some of the information;
- to refuse to provide access to some of the information because there is an overriding public interest against disclosure of the information.

In this Notice of Decision, I will explain the reasons for my decision. To meet the requirements of section 61 of the GIPA Act, I am required to state:

- (a) the reasons for my decision;
- (b) the findings on any material questions of fact underlying my reasons; and
- (c) the general nature and format of the records containing the information you applied for (see the attached Schedule of Documents).

These decisions are reviewable decisions under section 80 of the GIPA Act. See Part 8 of this Notice of Decision for further information regarding your review rights.

3. Searches for information

Under the GIPA Act, Council is required to conduct reasonable searches for the government information you applied for. I have searched Council's records to find any information that falls within the scope of your application.

Quest Archive Manager

Council's email archive manager, Quest Archive Manager, keeps a record of all emails sent to and from a Council-managed email account. This system allows for emails to be retrieved even if a Council official's email account has been deactivated or if the original email is deleted from the sender or recipients sent items or inbox. A search of all emails sent or received by you from 20 June 2020 to 30 June 2020 was conducted.

Each of the records retrieved was reviewed to determine whether the records contained information that fell within the scope of your application. Relevant information was retrieved.

A list of records that were found is provided in the attached Schedule of Documents.

4. The public interest test

Under section 9(1) of the GIPA Act, a person who makes an access application has a legally enforceable right to access the information applied for unless there is an overriding public interest against disclosure of the information.

Further, under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against disclosure of the information.

In order to determine whether or not there is an overriding public interest against disclosure of the information you applied for, I have applied the public interest test. Section 13 of the GIPA Act sets out the public interest test, stating:

There is an **overriding public interest against disclosure** of government information for the purposes of [the GIPA Act] if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

I applied the public interest test in the way required by section 15 of the GIPA Act, that is, I applied the public interest test:

- (a) in a way that promotes the objects of the GIPA Act, set out at section 3 of the Act;
- (b) with regard to any relevant guidelines issued by the Information Commissioner;
- (c) without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant);
- (d) without taking into account the fact that disclosure of the information might be misinterpreted or misunderstood by any person (as that fact is irrelevant); and
- (e) with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

4.1 Public interest considerations in favour of disclosure

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. The Note to section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure, however I am not limited to those considerations in deciding your application.

I found the following example public interest considerations set out in the Note to section 12(2) of the GIPA Act to be relevant to your application:

- (a) Disclosure of the information could reasonably be expected to...enhance Government accountability ...
- (b) Disclosure of the information could reasonably be expected to inform the public about the operations of agencies...

4.2 Personal factors of the application

Section 55 of the GIPA Act entitles me to take into account the following matters (referred to in that section as the **personal factors of the application**) in determining whether there is an overriding public interest against disclosure of the information:

- (a) the applicant's identity and their relationship with any other person;
- (b) the applicant's motives for making the access application; and

- (c) any other factors particular to the applicant.

In deciding your application, I have considered your interest in the matter about which you are seeking information. You advised that the information relates to your personal affairs, and you need to see the correspondence surrounding the Station Street project. I have considered your interest to be a factor in favour of disclosure.

4.3 Public interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that I am able to take into account are those set out in the Table to section 14 of the GIPA Act or described in Schedule 1 to the GIPA Act.

To demonstrate that a public interest consideration against disclosure contained in the Table to section 14 of the GIPA Act is relevant to the information you applied for, I must consider whether the disclosure of the information could reasonably be expected to have the effect outlined in the Table.

I have identified the consideration set out at clause 3(a) of the Table to section 14 of the GIPA Act as being relevant to your application. That clause provides:

3 Individual rights, judicial processes and natural justice

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to...

- (a) reveal an individual's personal information...


In order to find that the public interest consideration against disclosure set out by clause 3(a) of the Table to section 14 of the GIPA Act (referred to as 'clause 3(a)') is relevant to the information that you have applied for, I must find that:

- (a) the information is **personal information** for the purposes of the GIPA Act; and
(b) the information, if it is personal information, could reasonably be expected to be **revealed** if it were disclosed to you.

In determining whether this consideration was relevant to information contained in the records to which you requested access, I considered the definitions set out in Table 2, below.

Table 2: Definitions relevant to clause 3(a) of the Table to section 14 of the GIPA Act

Term	Definition	Source of definition
personal information	'...information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion.'	Schedule 4(4)(1) of the GIPA Act
reveal	'...to disclose information that has not already been publicly disclosed (otherwise than by unlawful disclosure).'	Schedule 4(1) of the GIPA Act



Schedule 4(4)(3)(b) of the GIPA Act provides that the above definition of personal information does not include:

information about an individual (comprising the individual's name and non-personal contact details, including the individual's position title, public functions and the agency in which the individual works) that reveals nothing more than the fact that the person was engaged in the exercise of public functions...

On the basis of the above exception, I found that the names of Council officials, including their position titles, were not personal information within the meaning provided by the GIPA Act as that information revealed nothing more than the fact that those individuals were exercising public functions. As such, clause 3(a) does not apply to so much of the information as consisted of the name and position titles of Council officials and I did not take clause 3(a) into account with respect to that information.

Where the information consisted of the mobile phone number of a Council official, and the names, position title, qualifications, contact details and signature of individuals who were not Council officials, I found that clause 3(a) did apply. I had regard to the Information Commissioner's *Guideline 4: Personal Information as a public interest consideration under the GIPA Act* (Guideline 4) in determining whether the information was personal information for the purposes of the GIPA Act.

Following searches of information available online, I was unable to ascertain with any reasonable certainty that this personal information had already been publicly disclosed in a lawful manner.

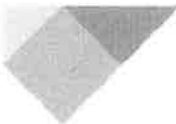
Similarly, I found that the signature of an individual was personal information and would be revealed if I disclosed that information. I am of the view that signatures are a highly unique form of personal information that can be used to ascertain the authenticity of documents and therefore identify individuals.

I gave substantial weight to this consideration in the overall application of the public interest test, as outlined further at Part 4.4 of this Notice of Decision.

4.4 Applying the public interest test

In applying the public interest test I have referred to the case of *Mannix v Department of Education and Communities* [2014] NSWCATAD 35, which provides a useful outline of the approach to the public interest test under the GIPA Act. At paragraphs 5-10, the following outline of the provisions is provided:

5. The objects of the GIPA Act as set out in s 3(1) are to advance the system of responsible and representative democratic government by authorising and encouraging public release of government information by agencies, giving the public an enforceable right to access to government information and providing that such access is restricted only when there is an overriding public interest against disclosure.
6. The term "government information" is given a wide meaning by s 4, being defined as "information contained in a record held by an agency". "Agency" is also defined in s 4 ...
7. The Act establishes a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure: s 5. Applicants for access to government information have a legally enforceable right to be provided with access to it, unless there is an overriding public interest against disclosure: s 9. The GIPA Act overrides other statutory provisions that prohibit



disclosure, apart from the "overriding secrecy laws" set out in schedule 1. In the case of those laws it is conclusively presumed that there is an overriding public interest against disclosure: ss 11 and 14.

8. With respect to government information not covered by overriding secrecy laws, the Act establishes a principle that there is a public interest in favour of disclosure: s 12(1). The category of public interest considerations in favour of disclosure is not limited: s 12(2). That subsection then sets out several examples of public interest considerations in favour of disclosure.
9. There can be an overriding public interest against disclosure only when the public interest test in s 13 is satisfied. It provides that "There is an overriding public interest against disclosure of the government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure".
10. In considering whether there is an overriding public interest against disclosure, the tribunal is to be guided by s 15, which provides, relevantly for present purposes, that agencies must exercise their functions so as to promote the objects of the GIPA Act and must have regard to any relevant guidelines issued by the Information Commissioner.

I have considered the relevant public interest considerations in favour of and against disclosure of the information you requested as follows.

With respect to information to which no public interest considerations against disclosure were applicable, the general public interest in favour of disclosure was applied and I decided to release the information to you.

Where clause 3(a) applied, I gave substantial weight to this clause in the overall application of the public interest test, as follows.

I did not find the personal factors of your application to be relevant to this personal information as there was no information available to me that indicated that these factors were relevant to the information in question. As such, these factors were not considered in the context of that information.


I took into account the public interest considerations in favour of disclosure identified above at Part 4.1 of this Notice of Decision and found that they had limited application to the personal information in question. Noting that the majority of the information you have requested relates to the correspondence between Council and third parties, I find that generally the disclosure of information relating to such matters could reasonably be expected to:

- enhance Council's accountability with respect to its key functions, namely its decision-making functions; and
- inform the public about Council's operations with respect to the way in which Council deals with development applications and other applications.

I am not equally satisfied that the personal information in question has any of the above effects, having regard to the fact that the information does nothing more than reveal personal information about individuals.

As such, I found it was warranted in the circumstances to apply substantial weight to clause 3(a). I find that personal information is highly sensitive in nature and should only be disclosed in circumstances where it is abundantly clear that the public interest is in favour of disclosure.

Further, specifically with respect to signatures, in addition to the above, I considered the highly unique nature of signatures and the fact that the disclosure of signatures could place an individual at risk of



identity theft or other criminal acts. This is reiterated by the Information Commissioner's *Guideline 3: Personal information in development applications* (at paragraph 63).

Given the limited application of the relevant considerations in favour of disclosure to the information in question, I am of the view that there is an overriding public interest against the disclosure of this information and I have decided to refuse to provide access to the information.

The attached Schedule of Documents provides further information.

5. Access

5.1 Form of access

Under section 72(2) of the GIPA Act, Council must provide access to information in response to an access application in the manner requested by the applicant except in certain specific circumstances, including where providing access in the requested way would involve an infringement of copyright.

I have decided that you will be provided with access to paper copies of records containing the information to which you requested access as requested in your application.

5.2 Deletion of information

Section 74 of the GIPA Act provides that Council may delete information from a copy of a record to which access is to be provided in response to an access application for either of the following reasons:

- (a) the information is not relevant to the information applied for; or
- (b) access to the information has been refused.

I have redacted (deleted) information from the records either because you did not apply for the information or because I have decided to refuse to provide access to that information on the grounds that there is an overriding public interest against disclosure of the information.

The Schedule of Documents attached to this Notice of Decision provides further information.

5.3 Access period

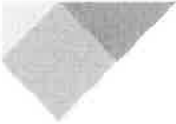
As stated by section 77(1) of the GIPA Act, you must exercise your right to access the information to which you have been granted access within six months of the date of this Notice of Decision. Therefore, you must access the information before **1 September 2022**.

If you need further time to access the information, please contact me using the details provided at Part 9 of this Notice of Decision.

6. Processing charges

Under sections 64(1) and (2) of the GIPA Act, Council may require the payment of processing charges at a rate of \$30 per hour for the time spent dealing with your access application. The application fee of \$30 already paid counts as payment towards any processing charges imposed.

You are requested to pay processing charges of **\$40.00**. Attached to this Notice of Decision is a Table of Processing Charges which shows how time was spent processing your application and the charges



that are applicable.

Please contact Council's Customer Service team on (02) 4868 0888 or alternatively attend Council's Civic Centre during business hours to make this payment. Please also quote reference GIPA22/170449 to Council staff when making the payment.

As permitted by section 64(4) of the GIPA Act, access to the information is conditional on payment of the imposed processing charge.

A decision to impose processing charges is a reviewable decision under section 80(j) of the GIPA Act. For further information regarding your review rights, please see Part 8 of this Notice of Decision.

7. Disclosure log

If Council considers that information released in response to an access application would be of interest to other members of the public, Council must record certain details about the application in its disclosure log, pursuant to the requirements of sections 25 and 26 of the GIPA Act.

In the letter acknowledging receipt of your valid access application dated **7 February 2022**, you were informed about the disclosure log and advised of your right to object to the inclusion of details about your access application in the disclosure log in certain circumstances.

You did not object to details about your application being included in the disclosure log.

I have decided that the information would be of interest to other members of the public and will therefore record the following details in Council's disclosure log:

- the date on which your access application was decided (that is, the date of this Notice of Decision);
- a description of the information that will be released to you;
- whether that information is or will be available to other members of the public; and
- if so, how it can be accessed.

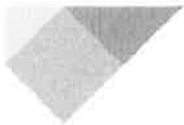
The reason for my decision is that Council's position is that all information released in response to an access application will be made available on its disclosure log unless there are specific public interest reasons for not making it available in this way (for example, if disclosure of the information via the disclosure log would reveal an individual's personal information). This is consistent with the general presumption in favour of the disclosure of information under the GIPA Act.

Council's disclosure log is available on Council's website at [Proactive Release of Information Register](#).

8. Review rights

If you are aggrieved by any decisions set out in this Notice of Decision that are reviewable decisions under section 80 of the GIPA Act, you may seek a review under Part 5 of the GIPA Act. Before seeking a review, I encourage you to contact me using the contact details set out at Part 9 of this Notice of Decision to discuss your concerns.

The GIPA Act provides three review options:

- 
- internal review by another Council officer who is no less senior than me;
 - external review by the Information Commissioner; and
 - external administrative review by the New South Wales Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice of Decision to apply for an internal review, that is, until **29 March 2022**. If you would prefer to seek an external review, you have 40 working days from the date of this Notice of Decision to apply to the Information Commissioner or the NCAT, that is, until **29 April 2022**.

In order to assist you, enclosed with this Notice of Decision is a fact sheet published by the New South Wales Information and Privacy Commission (IPC) titled *Your review rights under the GIPA Act*. You will also find other useful information and frequently asked questions on the IPC's website at www.ipc.nsw.gov.au.

9. Further information

If you have any questions regarding this Notice of Decision or require any further information, please contact me on [REDACTED] or by email at [REDACTED]

[REDACTED]
Lynley Gardner
Corporate Strategy and Governance Officer

Encl/s:

IPC Fact Sheet: *Your review rights under the GIPA Act*

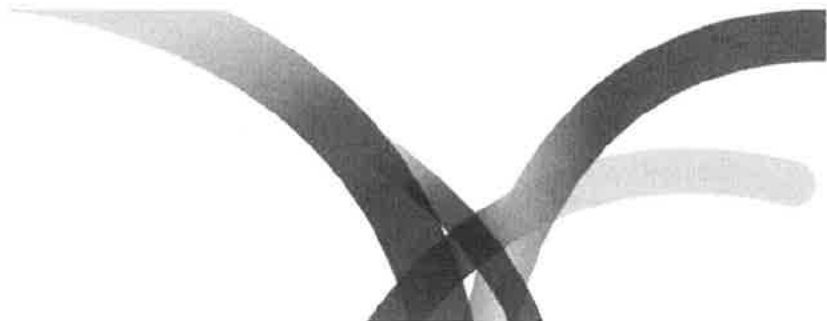
Schedule of Documents

No.	Description of record that contains the information	Format of Records	Released or Withheld	Notes
1	21.6.20 Email re Station Street Bowral Upgrade	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
2	22.6.20 Email re Station Street	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
3	22.6.20 Email chain re Station Street project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
4	22.6.20 Email chain (2) re Station Street project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
5	Attachment to 22.6.20 Email chain (2) re Station Street project	Hard copy	Released in full	Nil
6	25.6.20 Email chain re Response please	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
7	25.6.20 Email chain (2) re Response please	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
8	26.6.20 Email chain re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
9	Attachment to 26.6.20 Email chain re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
10	26.6.20 Email chain (2) re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>

No.	Description of record that contains the information	Format of Records	Released or Withheld	Notes
11	28.6.20 Email re Station Street Upgrade Response	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
12	29.6.20 Email re Letter re Station Street Project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>

Table of Processing Charges

Date	Action	Time spent	Cost
10/02/2022	Locating relevant electronic information from search of Archive Manager Review of information for applicable public interest considerations and redaction of records Drafting of Notice of Decision including Schedule of Documents	2 hours and 10 minutes	\$65.00
1/03/2022	Finalising Notice of Decision and redaction of records	10 minutes	\$5.00
Subtotal			\$70.00
Payments already made <i>First hour of processing time covered by application fee</i>			-\$30.00
TOTAL			\$40.00



Your review rights under the GIPA Act

You can apply for access to information and NSW government agencies will make a decision under the *Government Information (Public Access) Act 2009* (GIPA). If you are dissatisfied with the decision you can request a review.

What decisions can be reviewed?

You have the right to request a review of certain decisions¹ made by government agencies about the release of information under the GIPA Act:

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to

pay an advance deposit within the time required for payment

- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

1. Internal review

You have **20 working days**² after the notice of a decision has been given to you, to ask for an internal review by the agency that made the decision. An agency may accept an application for internal review out of time, but is not obliged to do so.³

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review⁴, but you can ask for an external review (see below).

Similarly, if the access applicant or one of any number of third parties has sought an internal review of the decision that you are not satisfied with, you are not entitled to seek an internal review of the decision.⁵ You are however able to seek an external review.

The review must be carried out by an officer who is no less senior than the person who made the original decision.⁶ The review decision must be made as if it was a fresh application.⁷

There is a \$40 fee for an internal review application.⁸ An agency may choose to waive the internal review fee.⁹ No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time¹⁰ or the internal review is conducted because the Information Commissioner has recommended the agency reconsider its decision under

¹ Section 80 GIPA Act

² Section 83(1) GIPA Act

³ Section 83(2) GIPA Act

⁴ Section 82(2) GIPA Act

⁵ Section 88 GIPA Act

⁶ Section 84(2) GIPA Act

⁷ Section 84(1) GIPA Act

⁸ Section 85(1) GIPA Act

⁹ Section 127 GIPA Act

¹⁰ Section 85(2) GIPA Act

section 93 of the GIPA Act.¹¹ In this case, you cannot be charged a review fee.

The agency must acknowledge your internal review application within **five** working days of receiving it.¹² The agency must decide the internal review within **15** working days¹³ (this can be extended by **10** working days if the agency has to consult with a third party not previously consulted¹⁴, or by agreement with you¹⁵).

Note: You cannot ask for internal review of a decision that is being or has already been reviewed by the Information Commissioner¹⁶ or the NSW Civil and Administrative Tribunal (NCAT)¹⁷. This does not apply if the internal review was recommended by the Information Commissioner under section 93.

What is a working day?

A working day is defined as any day that is not a Saturday, Sunday, public holiday or any day during the period declared by the Premier as the Christmas closedown period.¹⁸

What does notice 'given to' mean?

In the decision of *Ghai v University of Technology Sydney* [2017] NSWCATAD 198, the NCAT considered when notice of a decision could be considered to have been 'given to' an access applicant, for the purposes of calculating the time period to seek a review.

NCAT gave the following guidance, in the circumstances where the applicant was emailed a notice of decision as an attachment:

- the words 'given to' have their ordinary meaning of 'delivered' or 'handed over' (at [23], citing *Melville v Townsville City Council* [2004] 1 Qd R 530 at [27])
- in the case of notification by email, notice was given when the decision was emailed to an applicant (at [23])

In the case of notification by post, notice is given at the time when the notice is posted by the Agency.¹⁹ Once the posting of the notice to the postal address is completed, notice is considered to have been given by the agency.

Calculating time then commences on the first working day after the notice is posted.²⁰

- it was not necessary for the applicant to have read or been aware of the contents of a decision for it to have been 'given to' them (at [23]).

2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for an external review by the Information Commissioner.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the Information Commissioner to review it.²¹

However, if you are not the access applicant, you **must** seek an internal review before applying for review by the Information Commissioner, unless an internal review is not available to you²² (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by NCAT).

You have **40 working days**²³ from being given the decision to ask for a review by the Information Commissioner.

There is no provision in the GIPA Act that permits the Information Commissioner to accept applications out of time.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency. This may include a recommendation that the agency reconsider and make a new decision on the access application.²⁴ This enables the agency to make a new decision, whether or not the decision has already been the subject of internal review by the agency.²⁵

The Information Commissioner has 40 working days from the day on which all necessary information relating to a review application has been received to complete the review of a decision and make any recommendations.²⁶

¹¹ Section 93(6) GIPA Act

¹² Section 83(3) GIPA Act

¹³ Section 86(1) GIPA Act

¹⁴ Section 86(2) GIPA Act; IPC Fact Sheet [Why consult third parties; Guideline 5 Consultation on the public interest considerations](#)

¹⁵ Section 86(4) GIPA Act

¹⁶ Section 82(4) GIPA Act

¹⁷ Section 82(5) GIPA Act

¹⁸ Clause 1, Schedule 4 to the GIPA Act

¹⁹ Section 126 (2) GIPA Act

²⁰ *ANQ v Department of Attorney General and Justice, Corrective Services* [2012] NSWADT 271 at [8]-[11]

²¹ Section 89(2)(a) GIPA Act

²² Section 89(2)(b) GIPA Act

²³ Section 90 GIPA Act

²⁴ Section 93(1) GIPA Act

²⁵ Section 93(2) GIPA Act

²⁶ Section 92A(1) GIPA Act

The Information Commissioner and applicant can agree to an extension of the timeframe. The Information Commissioner will notify the agency of any extension.²⁷

If the Information Commissioner does not complete the review within the 40 working day period, the Information Commissioner is deemed to have made no recommendations to the agency.²⁸ The effect of this is that the original decision stands and the only option available to the applicant is to seek a review by NCAT. The applicant must be notified when the review is completed and advised of any recommendations made by the Information Commissioner.²⁹

Note: You cannot ask the Information Commissioner to review a decision that is being or has already been reviewed by NCAT³⁰.

3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT.

If you are the person applying for access to information, you do **not** have to have an internal review of the decision before asking the NCAT to review it. However, if you are not the original access applicant (i.e. you are a third party), you must seek an internal review before applying for review by NCAT, unless an internal review is not available to you³¹ (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by the Information Commissioner).

You do not have to have the decision reviewed by the Information Commissioner before applying for review by NCAT.³²

You have **40 working days**³³ from being given the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days**³⁴ from being notified of the Information Commission's review outcome to apply to NCAT.

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

²⁷ Section 92A(2) GIPA Act

²⁸ Section 92A(3) GIPA Act

²⁹ Section 92A(4) GIPA Act

³⁰ Section 98 GIPA Act

³¹ Section 100(2) GIPA Act

³² Section 100 GIPA Act

³³ Section 101(1) GIPA Act

³⁴ Section 101(2) GIPA Act

Danielle Fleming

From: Water Sewer Requests [REDACTED]
Sent: Thursday, 3 March 2022 3:29 PM
To: [REDACTED]
Subject: WSA22/0263 - 65A Main St Mittagong, Service and Meter install
Attachments: Application ID WSACOMPLET 2352703.pdf

Good afternoon Mr Turland,

Application: WSA22/0263
Address: 65A Main Street Mittagong

Please be advised that the service and meter install has been completed. Attached is a copy of the confirmation of works.

If you have any questions regarding this installation please contact Customer Service of 02 [REDACTED]

Thank you,
Kerith

Water & Sewer Business Support

Wingecarribee Shire Council

[REDACTED]
Mittagong Depot, Cavendish Street Mittagong NSW 2575 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Our Ref: WSA22/0263

03 March 2022



Civic Centre, 68 Elizabeth St,
Moss Vale NSW 2577
PO Box 141, Moss Vale
02 4868 0888
mail@wsc.nsw.gov.au
ABN 49 546 344 354

GARRY M TURLAND

Dear Sir / Madam,

Re: Completion of Works for Water Application

Council has recently completed works in accordance with your Water Application as per the following:

Property Description:	[REDACTED]
Property Address:	[REDACTED]
Application Number:	WSA22/0263
Application Details:	Service and Meter (No Road Crossing)
Date Received:	8 February 2022
Date Completed:	1 March 2022

No further actions are required for this application and Council's records have been updated to reflect the completion of these works.

If you have any further enquiries, please contact a member from our Water & Sewer Branch on [REDACTED] with reference to your Application ID specified above.

Yours faithfully,

John Booker
Water Coordinator

Working with you

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 7 March 2022 1:59 PM
To: [REDACTED]
Subject: FW: GIPA22/159379 (Nelson) - Your access application

Dear Mr Nelson,

Council's relevant business area has asked me to clarify the information you are seeking about the Financial Manager and Human Resources Manager. Are you referring to the roles for the Chief Financial Officer and the Executive Manager People and Culture?

I look forward to hearing from you.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Monday, 28 February 2022 4:16 PM
To: [REDACTED]
Subject: FW: GIPA22/159379 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

From: Peter Nelson [REDACTED]
Sent: Tuesday, 8 February 2022 12:26 PM
To: Governance [REDACTED]
Subject: Re: GIPA22/159379 (Nelson) - Acknowledgement of receipt of your access application and request for further information

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley Gardner.

Thank you for your advice. The positions at Council that I am interested in are the Financial Manager, Human Resources Manager, Asset Manager group. Apparently, there was a group on approximately 4 or 5 manager positions advertised and I am interested in those costs to the council, especially as I have never seen any positions advertised in the Local Government Section in the Tuesday edition of the Sydney Morning Herald. I am not interested in the General Managers or Directors costs. Most Local Government entities employ consultants to recruit the General Manager so that is a cost that should be incurred by the council, purely for transparency purposes.

I trust that helps clarify my request but should you wish to discuss the matter please give me a call.

Regards

Peter Nelson

Sent from my iPad

On 7 Feb 2022, at 2:55 pm, Governance [REDACTED] wrote:

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159379).

You requested access to the following information:

What is the expenditure that Council has incurred with the external recruitment agency for the five (5) Senior Positions (consultancy & advertising costs)

Could you please specify which five Senior Positions you are seeking information about? For example, the General Manager position, three Director positions etc?

If you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov

Danielle Fleming

From: Martin McGrane [REDACTED]
Sent: Wednesday, 9 March 2022 2:59 PM
To: Garry Turland; Garry Turland
Cc: Mandy McCullagh
Subject: 220309 - TO GARRY TURLAND - FW: 210315 - Re: 210107 - TO MANDY McCULLAGH - Re: Easement over Council Property at 142 Mittagong Rod, Bowral
Attachments: image001.png; image002.png; image003.png

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Garry,

Please see further email from Council for your attention ASAP.

Regards Martin

MMA Architects
PO Box 3209 Exeter, NSW 2579

Mobile : [REDACTED]

From: Mandy McCullagh [REDACTED]
Date: Wednesday, 9 March 2022 at 2:51 pm
To: Martin McGrane [REDACTED]
Subject: RE: 210315 - Re: 210107 - TO MANDY McCULLAGH - Re: Easement over Council Property at 142 Mittagong Rod, Bowral

Hi Martin

I haven't heard anything further since your email below and our invoice remains outstanding.

Can you please advise if your client still requires the easement and, if so, when he will be attending to payment of the outstanding invoice.

Thank you very much.

Regards,



From: Martin Mcgrane [REDACTED]
Sent: Tuesday, 16 March 2021 4:39 PM
To: Mandy McCullagh [REDACTED]
Subject: 210315 - Re: 210107 - TO MANDY McCULLAGH - Re: Easement over Council Property at 142 Mittagong Rod, Bowral

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Mandy,

Thank you for your email below.

I have passed it on to our client, the owner for his attention and response to you directly.

MMA ARCHITECTS

Martin C McGrane AIA
Architect
[REDACTED]

From: Mandy McCullagh [REDACTED]
Date: Friday, 5 March 2021 at 12:46 PM
To: Martin Mcgrane [REDACTED]
Subject: RE: 210107 - TO MANDY McCULLAGH - Re: Easement over Council Property at 142 Mittagong Rod, Bowral

Good afternoon Martin,

Thank you for your email below. I was just following up to see if you have received any further instructions from your client regarding progression of registration of the easement?

I confirm that the invoice and easement agreement were forwarded directly to your client.

Thank you very much.

Kind regards,



From: Martin Mcgrane [REDACTED]
Sent: Thursday, 7 January 2021 1:06 PM
To: Mandy McCullagh [REDACTED]
Cc: Garry Turland [REDACTED]
Subject: 210107 - TO MANDY McCULLAGH - Re: Easement over Council Property at 142 Mittagong Rod, Bowral

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Mandy,

Thank you for the follow up email below.

At that time we forwarded your earlier email (via Natasha Woods) to our client and assume that they would have received the easement agreement and invoice referred to in that email direct from Council.

We are awaiting instructions from our client and have forwarded your email below to the client for their attention. When we receive further instructions or advice we will be in touch with you.

Please advise if anything else is required or if there is any time limit related to these items.

MMA ARCHITECTS

Martin C McGrane AIA
Architect

From: Mandy McCullagh [REDACTED]
Date: Thursday, 7 January 2021 at 12:08 PM
To: Martin Mcgrane [REDACTED]
Subject: Easement over Council Property at 142 Mittagong Rod, Bowral

Good afternoon Martin,

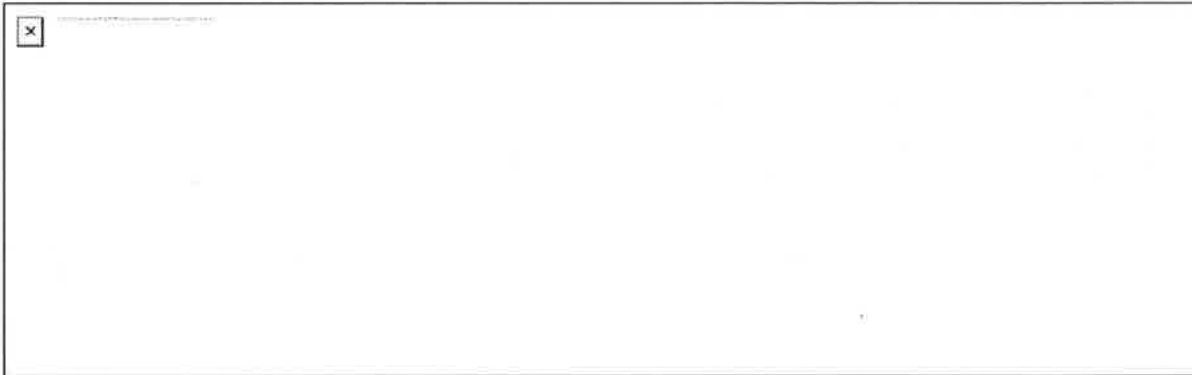
Happy New Year. I am just following up in relation to the easement for your client over Council land at 142 Mittagong Road, Bowral.

Notification of Minister's consent was forwarded back in July 2020 but we have not yet received the signed agreement, final plan of easement or payment of Council's invoice.

Can you please provide an update?

Thank you very much.

Kind regards,



Disclaimer: This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please notify the sender and delete the message. Views expressed in this message are those of the individual sender and are not necessarily the views of Wingecarribee Shire Council. This email may be made available to third parties in accordance with the Government Information (Public Access) Act 2009.

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Mandy McCullagh Coordinator, Property Services
Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Governance [REDACTED]
Sent: Thursday, 10 March 2022 4:49 PM
To: [REDACTED]
Subject: FW: GIPA22/159376 (Nelson) - Update on your access application

Dear Mr Nelson,

I am still awaiting further internal information concerning your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Monday, 28 February 2022 4:18 PM
To: [REDACTED]
Subject: FW: GIPA22/159376 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

From: Governance

Sent: Monday, 7 February 2022 2:54 PM

To: [REDACTED]

Subject: GIPA22/159376 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159376).

You requested access to the following information:

What is the amount of legal costs that Council has expended in relation to the Industrial action against Mr Steve Rosa

Please allow up to 15 working days for Council to conduct reasonable searches, review any information retrieved and provide a response to your request. If for any reason your request will not be finalised within this timeframe, you will be notified of the delay and any reasons for the delay.

Should you have any enquiries in the meantime, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

Danielle Fleming

From: Governance [REDACTED]
Sent: Thursday, 10 March 2022 4:49 PM
To: [REDACTED]
Subject: FW: GIPA22/159380 (Nelson) - Update on your access application

Dear Mr Nelson,

I am still awaiting further internal information concerning your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Monday, 28 February 2022 4:20 PM
To: [REDACTED]
Subject: FW: GIPA22/159380 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

From: Governance

Sent: Monday, 7 February 2022 2:54 PM

To: [REDACTED]

Subject: GIPA22/159380 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159380).

You requested access to the following information:

What expenditure has Council incurred to local community members namely Mark Bourne, Brigid Kennedy and any other person in relation to the Council's legal action against Mr Steve Rosa

Please allow up to 15 working days for Council to conduct reasonable searches, review any information retrieved and provide a response to your request. If for any reason your request will not be finalised within this timeframe, you will be notified of the delay and any reasons for the delay.

Should you have any enquiries in the meantime, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer

(Monday, Tuesday & Thursday)

Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

Danielle Fleming

From: Governance [REDACTED]
Sent: Monday, 14 March 2022 11:38 AM
To: [REDACTED]
Subject: GIPA22/159378 (Nelson) - Your access application
Attachments: Annual-Report-2020-21-page 72.pdf

Dear Mr Nelson,

Further to my email below, I have located information concerning the Administrator's fees and accommodation costs which cover the period from 24.3.2021 until 30.6.2021 on Council's website in the Annual Report 2020/21, as it is deemed 'open access information' under the *Government Information (Public Access) Act 2009*:

<https://www.wsc.nsw.gov.au/Council/Council-Reports/Annual-Reports>

Please find attached an extract of page 72 of Council's Annual Report 2020/21.

If you have difficulties in opening the attachment please let me know.

If you require any further information or have any questions, please contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Monday, 7 February 2022 2:54 PM
To: [REDACTED]
Subject: GIPA22/159378 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159378).

You requested access to the following information:

1. What is the weekly amount of money that Council is paying for accommodation for the Administrator Mr Vivian May
2. What is his monthly fee for being the Administrator at WSC

Please allow up to 15 working days for Council to conduct reasonable searches, review any information retrieved and provide a response to your request. If for any reason your request will not be finalised within this timeframe, you will be notified of the delay and any reasons for the delay.

Should you have any enquiries in the meantime, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au



Mayor and Councillor Expenses

Clauses 217(1)(a) and (a1) of the Local Government (General) Regulation 2005 and Part E of the Councillor Induction and Professional Development Guidelines

Expense Category	Councillors	Interim Administrator	Total
General travel	\$4,213	\$3,894	\$8,107
Interstate, overseas travel	-	-	-
Accommodation and meals	\$9,886	\$17,389	\$27,275
Professional development	\$65,855	-	\$65,855
Conferences and seminars	\$300	-	\$300
Community meetings and non-council functions/events	-	\$2,579	\$2,579
Information communication, technology and office	\$26,903	\$131	\$27,034
Carer for child or family member	-	-	-
Councillor/Mayoral/Interim Administrator Fees	\$180,158	\$80,161	\$260,319
TOTAL	\$287,315	\$104,154	\$391,469

External Bodies Exercising Power

Clause 217(1)(a6) of the Local Government (General) Regulation 2005

No external bodies exercised functions delegated by Council during the financial year. Council did not hold any controlling interests in companies during the financial year.

Bodies Council Participated In

Clause 217(1)(a8) of the Local Government (General) Regulation 2005

Council participated in the following bodies during 2020/21:

- Canberra Region Joint Organisation
- Illawarra Academy of Sport
- Illawarra Shoalhaven Joint Organisation (for its Regional Illegal Dumping program)
- Regional Development Australia Southern Inland
- Southern Tablelands Arts
- South West Sydney Primary Health Network
- Statewide Mutual
- Sydney Peri Urban Network.

Danielle Fleming

From: Governance [REDACTED]
Sent: Thursday, 17 March 2022 5:19 PM
To: [REDACTED]
Subject: FW: GIPA22/159380 (Nelson) - Update on your access application

Dear Mr Nelson,

I apologise for the further delay, and hope to be in a position to respond to your request next week.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Thursday, 10 March 2022 4:49 PM
To: [REDACTED]
Subject: FW: GIPA22/159380 (Nelson) - Update on your access application

Dear Mr Nelson,

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I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Monday, 28 February 2022 4:20 PM
To: [REDACTED]
Subject: FW: GIPA22/159380 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Monday, 7 February 2022 2:54 PM
To: [REDACTED]
Subject: GIPA22/159380 (Nelson) - Acknowledgement of receipt of your access application

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Should you have any enquiries in the meantime, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au



Danielle Fleming

From: Governance [REDACTED]
Sent: Thursday, 17 March 2022 5:19 PM
To: [REDACTED]
Subject: FW: GIPA22/159376 (Nelson) - Update on your access application

Dear Mr Nelson,

I apologise for the further delay, and hope to be in a position to respond to your request next week.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: Thursday, 10 March 2022 4:49 PM
To: [REDACTED]
Subject: FW: GIPA22/159376 (Nelson) - Update on your access application

Dear Mr Nelson,

I am still awaiting further internal information concerning your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance

Sent: Monday, 28 February 2022 4:18 PM

To: [REDACTED]

Subject: FW: GIPA22/159376 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

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I will be in touch again next week to provide a further update.

Kind regards,

Lynley

Lynley Gardner Corporate Strategy and Governance Officer

(Monday, Tuesday & Thursday)

Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance

Sent: Monday, 7 February 2022 2:54 PM

To: [REDACTED]

Subject: GIPA22/159376 (Nelson) - Acknowledgement of receipt of your access application

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Should you have any enquiries in the meantime, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au



Danielle Fleming

From: Sustainability Services [REDACTED]
Sent: Friday, 18 March 2022 2:50 PM
Cc: Gavin Dostal
Subject: Regenerating Australia event
Attachments: image001.png; image002.png

Dear Contacts

On behalf of Regen Studios, WWF-Australia, WinZero and WSC I'd like to invite you to attend the Southern Highlands premier of "Regenerating Australia".

About the film:

Regenerating Australia is set on New Year's Eve 2029 and takes the form of a news bulletin looking back at the decade 'that could be'. A decade that saw Australia transition to a fairer, cleaner, more community-focused economy.

Featuring Kerry O'Brien, Gorgi Coghlan, Sandra Sully, Tim Flannery, Larissa Behrendt, David Pocock and other well-known voices, the film is based on a four-month 'listening campaign' with a diverse group of Australians who shared their hopes and dreams for the country's future.

It is a new story for our nation: a story of empowerment. A story of solutions. A story of regeneration.

Book your tickets:

Join us on our national cinema tour with FREE ENTRY for U18's, special guest speakers and a \$2 million fund from WWF-Australia to bring community solutions to life.

Book tickets now www.regeneratingaustralia.com

Bring your family & friends. And your ideas...

A little more about the tour:

Director Damon Gameau will be joining us on the night as part of the nation-wide series of special Q&A events in capital cities and regional towns to discuss the film and opportunities for communities to access support via the campaign. All screenings will feature an audience Q&A with expert local panelists and live entertainment from local artists.

Screening information and tickets are available at: www.regeneratingaustralia.com/see-the-film.

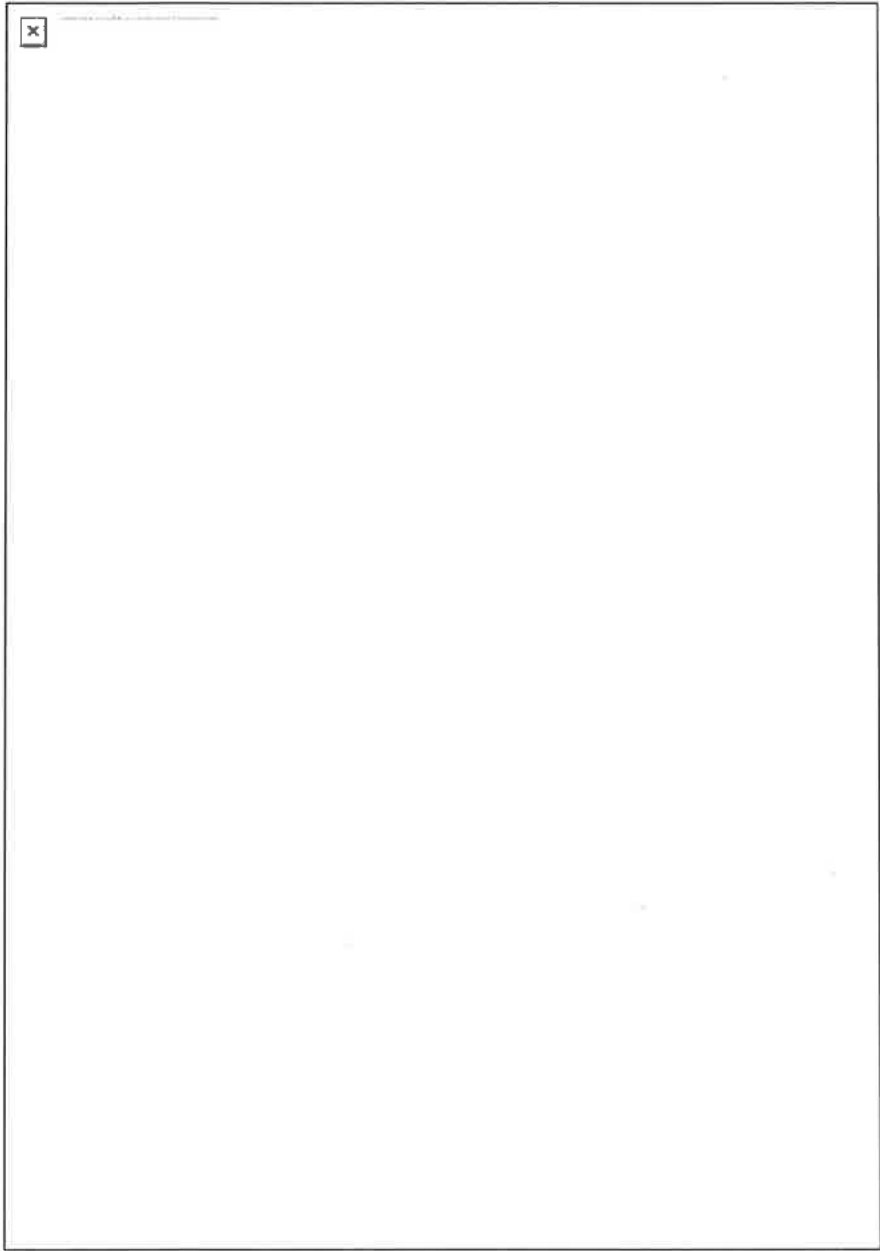
Thanks to our generous philanthropic partners, we are thrilled to be offering FREE ENTRY for all Under 18's to see Regenerating Australia in the cinema during the national tour.

These screenings are a chance to connect with others and feel some much-needed hope and inspiration as we discuss the steps we could take together to regenerate Australia over the next eight years.

You'll also learn about WWF-Australia's exciting \$2m 'Innovate to Regenerate' fund to support community-led solutions that reverse environmental damage and support local economic development.

There are so many solutions to our current crises, but they need to be communicated with an acute understanding of people's needs to feel supported and secure.

We would love your help to spread the word and encourage your friends, family, colleagues and local community to go see Regenerating Australia in the cinema during the national tour.



Sustainability Services

Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



From the director of 2040 and THAT SUGAR FILM

DAMON GAMEAU

*What would Australia look like in 2030
if we listened to the needs of its people?*



REGENERATING AUSTRALIA

PG

Mild violence
and infrequent
coarse language

18 12 2023 11:44 AM

18 12 2023 11:44 AM

Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Monday, 21 March 2022 11:27 AM
To: Governance
Subject: Re: GIPA22/159378 (Nelson) - Your access application
Attachments: Annual-Report-2020-21-page 72.pdf

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley

What about 2021/2022 amounts and could you arrange or bring to the Managers attention that the actual dollar figure is not listed in the web site just that the Administrator gets the Mayor and councillors fees. I believe the ratepayers would like to know the actual amount paid to the Administrator.

Regards

Peter Nelson

Sent from my iPad

On 14 Mar 2022, at 11:37 am, Governance [REDACTED] wrote:

Dear Mr Nelson,

Further to my email below, I have located information concerning the Administrator's fees and accommodation costs which cover the period from 24.3.2021 until 30.6.2021 on Council's website in the Annual Report 2020/21, as it is deemed 'open access information' under the *Government Information (Public Access) Act 2009*:

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Please find attached an extract of page 72 of Council's Annual Report 2020/21.

If you have difficulties in opening the attachment please let me know.

If you require any further information or have any questions, please contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov

From: Governance

Sent: Monday, 7 February 2022 2:54 PM

To: [REDACTED]

Subject: GIPA22/159378 (Nelson) - Acknowledgement of receipt of your access application

Dear Mr Nelson,

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Should you have any enquiries in the meantime, please do not hesitate to contact me on 02 4868 0888 or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov



Mayor and Councillor Expenses

Clauses 217(1)(a) and (a1) of the Local Government (General) Regulation 2005 and Part E of the Councillor Induction and Professional Development Guidelines

Expense Category	Councillors	Interim Administrator	Total
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Conferences and seminars	\$300	-	\$300
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Carer for child or family member	-	-	-
Councillor/Mayoral/Interim Administrator Fees	\$180,158	\$80,161	\$260,319
TOTAL	\$287,315	\$104,154	\$391,469

External Bodies Exercising Power

Clause 217(1)(a6) of the Local Government (General) Regulation 2005

No external bodies exercised functions delegated by Council during the financial year. Council did not hold any controlling interests in companies during the financial year.

Bodies Council Participated In

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Council participated in the following bodies during 2020/21:

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- Illawarra Academy of Sport
- Illawarra Shoalhaven Joint Organisation (for its Regional Illegal Dumping program)
- Regional Development Australia Southern Inland
- Southern Tablelands Arts
- South West Sydney Primary Health Network
- Statewide Mutual
- Sydney Peri Urban Network.

Danielle Fleming

From: Lynley Gardner [REDACTED]
Sent: Monday, 21 March 2022 3:45 PM
To: [REDACTED]
Subject: GIPA22/159376 (Nelson) - Notice of Decision

Dear Mr Nelson,

The following refers to your informal request for access to information under the *Government Information (Public Access) Act 2009* (GIPA Act) lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159376).

You requested access to the following information:

What is the amount of legal costs that Council has expended in relation to the Industrial action against Mr Steve Rosa

Notice of decision

Under section 8(1) of the GIPA Act, Council is authorised to release government information it holds in response to an informal request for access to that information unless there is an overriding public interest against disclosure. Section 8(3) of the GIPA Act further states:

An agency cannot be required to disclose government information pursuant to an informal request and cannot be required to consider an informal request for government information.

As such, I have decided to refuse to deal with your informal request for information. The reason for this refusal is that:

- the requested information relates to an ongoing legal matter currently before the courts and is of a sensitive nature that requires careful weighing of public interest considerations in favour of and against disclosure.

Should you wish to seek access to the information, Council will require lodgement of a formal access application pursuant to section 9(1) of the GIPA Act. For further information regarding formal access applications, including relevant application forms, please visit [Access to Information Held by Council](#).

Note: A formal access application must be accompanied by an application fee of \$30. Council may also decide to impose processing charges of \$30 per hour for time spent dealing with a formal access application (with the application fee counting as payment for the first hour of processing time). Such charges, if imposed, will be imposed in accordance with the GIPA Act.

The GIPA Act makes no provision for a review of a decision made in response to an informal request for access to government information. Therefore, this decision cannot be reviewed.

Should you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



Danielle Fleming

From: Lynley Gardner [REDACTED]
Sent: Monday, 21 March 2022 3:47 PM
To: [REDACTED]
Subject: GIPA22/159380 (Nelson) - Notice of Decision

Dear Mr Nelson,

The following refers to your informal request for access to information under the *Government Information (Public Access) Act 2009* (GIPA Act) lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159380).

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- the requested information relates to an ongoing legal matter currently before the courts and is of a sensitive nature that requires careful weighing of public interest considerations in favour of and against disclosure.

Should you wish to seek access to the information, Council will require lodgement of a formal access application pursuant to section 9(1) of the GIPA Act. For further information regarding formal access applications, including relevant application forms, please visit [Access to Information Held by Council](#).

Note: A formal access application must be accompanied by an application fee of \$30. Council may also decide to impose processing charges of \$30 per hour for time spent dealing with a formal access application (with the application fee counting as payment for the first hour of processing time). Such charges, if imposed, will be imposed in accordance with the GIPA Act.

The GIPA Act makes no provision for a review of a decision made in response to an informal request for access to government information. Therefore, this decision cannot be reviewed.

Should you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Monday, 21 March 2022 8:07 PM
To: Lynley Gardner
Subject: Re: GIPA22/159376 (Nelson) - Notice of Decision

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley Gardner
Please forward hard copies to me as per my GIPA application.
Regards
Peter Nelson

Sent from my iPhone

On 21 Mar 2022, at 3:45 pm, Lynley Gardner [REDACTED] wrote:

Dear Mr Nelson,

The following refers to your informal request for access to information under the *Government Information (Public Access) Act 2009* (GIPA Act) lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159376).

You requested access to the following information:

What is the amount of legal costs that Council has expended in relation to the Industrial action against Mr Steve Rosa

Notice of decision

Under section 8(1) of the GIPA Act, Council is authorised to release government information it holds in response to an informal request for access to that information unless there is an overriding public interest against disclosure. Section 8(3) of the GIPA Act further states:

An agency cannot be required to disclose government information pursuant to an informal request and cannot be required to consider an informal request for government information.

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Should you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov



Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Monday, 21 March 2022 8:05 PM
To: Lynley Gardner
Subject: Re: GIPA22/159380 (Nelson) - Notice of Decision

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley Gardner.

Could you please forward a hard copy of this request as requested in my GIPA application.

Regards

Peter Nelson

Ps I have asked for hard copy of correspondence to be sent to me on all my GIPA applications.

Sent from my iPhone

On 21 Mar 2022, at 3:47 pm, Lynley Gardner [REDACTED] wrote:

Dear Mr Nelson,

The following refers to your informal request for access to information under the *Government Information (Public Access) Act 2009* (GIPA Act) lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159380).

You requested access to the following information:

What expenditure has Council incurred to local community members namely Mark Bourne, Brigid Kennedy and any other person in relation to the Council's legal action against Mr Steve Rosa

Notice of decision

Under section 8(1) of the GIPA Act, Council is authorised to release government information it holds in response to an informal request for access to that information unless there is an overriding public interest against disclosure. Section 8(3) of the GIPA Act further states:

An agency cannot be required to disclose government information pursuant to an informal request and cannot be required to consider an informal request for government information.

As such, I have decided to refuse to deal with your informal request for information. The reason for this refusal is that:

- the requested information relates to an ongoing legal matter currently before the courts and is of a sensitive nature that requires careful weighing of public interest considerations in favour of and against disclosure.

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Should you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

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Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov



Danielle Fleming

From: Ian Scandrett [REDACTED]
Sent: Tuesday, 22 March 2022 5:56 PM
To: interim admin
Cc: Geoff King; Graham Marcolin
Subject: CDC problem for Renwick
Attachments: RE CDC for Tim.jpeg

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Mr May,

I spoke to you last week and a month previously about the massive costs blowout being incurred by 2 young people who lodged their DA's in Renwick in September with a three month fixed price contract in hand.

I also spoke to Geoff King in February as suggested and an email from the Marcolin's was sent.

As yet no contact from WSC and the contract has blown out by some \$15,000. That is some \$1,000 per week, an unbearable amount for many.

You asked why a private certifier wasn't used and the answer is now below - all of Renwick is a local conservation area.

We need a solution to these complying development applications that are caught in this loop for all home builders.

I copy in Graham Marcolin and Geoff and we look forward to Councils advice asap.

regards,

Ian Scandrett

[<https://www.wsc.nsw.gov.au/files/assets/public/council/e-signature-banner.png>]



8:29



< 432



Theresa Duong

9:45 am

To: Graham Marcolin >



RE CDC for Tim

Hello Graham,

I have confirmed – it is due to the local conservation nature of the area that the houses are situated in that does not allow for CDC to be put forward for all the homes. We will have to go through the DA route for Tim also.

Warm Regards,

Theresa Duong

Pre Construction Coordinator



www.masterton.com.au

A: Masterton Display Village, Cnr Sappho Rd and Hume Hwy, Warwick Farm NSW 2170



Danielle Fleming

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Warm Regards,

Theresa Duong

Pre Construction Coordinator



www.masterton.com.au

A: Masterton Display Village, Cnr Sappho Rd and Hume Hwy, Warwick Farm NSW 2170



Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Wednesday, 23 March 2022 9:45 PM
To: Governance
Subject: Re: GIPA22/159379 (Nelson) - Your access application

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley
Maybe I could make it simple for Finance.
Could they provide the total cost of recruiting
1. The General Manager
2. The three directors
3 any other managers
Regards
Peter Nelson

Sent from my iPad

On 7 Mar 2022, at 1:59 pm, Governance [REDACTED] wrote:

Dear Mr Nelson,

Council's relevant business area has asked me to clarify the information you are seeking about the Financial Manager and Human Resources Manager. Are you referring to the roles for the Chief Financial Officer and the Executive Manager People and Culture?

I look forward to hearing from you.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov

From: Governance
Sent: Monday, 28 February 2022 4:16 PM
To: [REDACTED]
Subject: FW: GIPA22/159379 (Nelson) - Update on your access application

Dear Mr Nelson,

I just wanted to give you an update on your request for information.

Following internal consultation, I am awaiting information that is relevant to your request.

I will be in touch again next week to provide a further update.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov

From: Peter Nelson [REDACTED]
Sent: Tuesday, 8 February 2022 12:26 PM
To: Governance [REDACTED]
Subject: Re: GIPA22/159379 (Nelson) - Acknowledgement of receipt of your access application and request for further information

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley Gardner.

Thank you for your advice. The positions at Council that I am interested in are the Financial Manager, Human Resources Manager, Asset Manager group. Apparently, there was a group on approximately 4 or 5 manager positions advertised and I am interested in those costs to the council, especially as I have never seen any positions advertised in the Local Government Section in the Tuesday edition of the Sydney Morning Herald. I am not interested in the General Managers or Directors costs. Most Local Government entities employ consultants to recruit the General Manager so that is a cost that should be incurred by the council, purely for transparency purposes.

I trust that helps clarify my request but should you wish to discuss the matter please give me a call.

Regards
Peter Nelson

Sent from my iPad

On 7 Feb 2022, at 2:55 pm, Governance [REDACTED] wrote:

Dear Mr Nelson,

This email confirms receipt of your informal request for access to information under the *Government Information (Public Access) Act 2009* lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159379).

You requested access to the following information:

What is the expenditure that Council has incurred with the external recruitment agency for the five (5) Senior Positions (consultancy & advertising costs)

Could you please specify which five Senior Positions you are seeking information about? For example, the General Manager position, three Director positions etc?

If you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

Danielle Fleming

From: Cecilia Kemp [REDACTED]
Sent: Thursday, 24 March 2022 10:01 AM
Subject: Soil Carbon Symposium

Dear contacts

Another community event that I thought you might be able to share with your networks.

Regards

Cecilia

Can't see this message? [View in a browser](#)



Soil Carbon Symposium

Saturday 02 April 2022, 1:00 PM – 5:00 PM

MOSS VALE RSL, MOSS VALE NSW 2577, Australia



Book now

If you answer yes to any one of the following questions you should not miss this event.

- Do you own or manage agricultural or rural land in excess of 100 acres?
(Smaller holdings conducting rural or agricultural pursuits e.g. horticulture, viticulture, poultry etc, require special consideration and a separate unique application process).
- Are you interested to discover what the Soil Carbon Sequestration potential means to you and your property in regard to:
 - a) Financial yields?
 - b) Production increases?
 - c) Good environmental outcomes?
 - d) Property asset value increase?

RegenAction-Wingecarribee is promoting this Soil Carbon Symposium to bring to the shire the information and education surrounding this much talked about subject and the opportunity that presents for Rural Landowners.

Hear from industry representatives and experts currently facilitating in this space: -

Programme

12.30 pm - Doors open and registration

1:00 pm - Kirstine McKay: Chair of RegenAction, welcome to country and an introduction to RegenAction and it's place in our community. **Rob Skinner:** Director of RegenAction Rural Projects, outlines the Purpose of this Symposium, and the steps to achieve the desired outcomes from the event.

1:15 pm - Karen Graham: Clean Energy Regulator (CER), explains the Emission Reduction Fund (ERF) and the regulators requirements to activate and maintain a soil carbon project. Insights into some of the key things for Farmers to think about when engaging service providers to assist them.

1:55 pm - Jennifer Lauber-Patterson: Frontier Impact Group, as an ASIC and CER approved service provider representing landowner interests, Provides insight into the role as the interconnect between the Landholder and CER administration. Explains the process and procedure from application to CCU payment.

2:35 pm: – 25 min Break for afternoon tea and networking

3:00 pm - Rob Skinner: As a regenerative land-manager walks through the experience at local Scribbly Gum Farm that is now a CER registered and has just completed base line soil testing. Rob shares his on-ground experience from initiating one of the first Carbon Sequestration Projects in the shire.

3:40 pm (Online) - Graeme Sait: - Nutritech Solutions. As a consultant world-wide and a renowned soil restoration guru, provides insights on how to activate your soils to fast-track soil carbon accumulation. How to utilise both biological and technological applications to reveal the right indicators for best outcomes. The simple everyday tools the practitioner can apply to give on property evaluation for both process and progress.

4:20 pm – All Panelists: - Q & A with the panel of all four.

5:00 pm: - Conclusion and assembly in adjacent club premises for interaction with panelists and networking.

Book your tickets today!

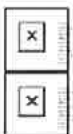
Share on social



Check out my website



You've received this email because you are a subscriber of this site.
If you feel you received it by mistake or wish to unsubscribe, please click [here](#).



Danielle Fleming

From: interim admin [REDACTED]
Sent: Friday, 25 March 2022 11:39 AM
To: [REDACTED]
Subject: CDC problem for Renwick
Attachments: image001.jpg

I understand from staff that the residents that you who you refer to have been in contact with Council. I have requested that the relevant Director follow up directly with these residents as soon as possible.

While I appreciate you may have been approached by them, can I respectfully remind you that during the suspension period, you don't hold Civic office.

I certainly understand the issues you have raised, and I know the staff are working on solutions -but given the circumstances, I think it's better that Council staff dealt directly with the applicants.

Viv May PSM

Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Ian Scandrett [REDACTED]
Sent: Tuesday, 22 March 2022 5:56 PM
To: interim admin [REDACTED]
Cc: Geoff King [REDACTED] Graham Marcolin [REDACTED]
Subject: CDC problem for Renwick

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Mr May,

I spoke to you last week and a month previously about the massive costs blowout being incurred by 2 young people who lodged their DA's in Renwick in September with a three month fixed price contract in hand.

I also spoke to Geoff King in February as suggested and an email from the Marcolin's was sent.

As yet no contact from WSC and the contract has blown out by some \$15,000. That is some \$1,000 per week, an unbearable amount for many.

You asked why a private certifier wasn't used and the answer is now below - all of Renwick is a local conservation area.

We need a solution to these complying development applications that are caught in this loop for all home builders.

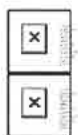
I copy in Graham Marcolin and Geoff and we look forward to Councils advice asap.

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8:29



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Theresa Duong

9:45 am

To: Graham Marcolin >



RE CDC for Tim

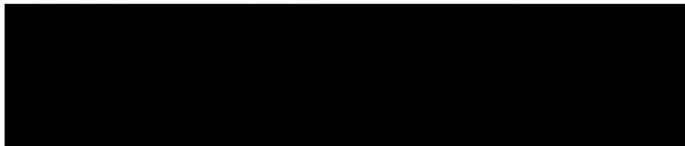
Hello Graham,

I have confirmed – it is due to the local conservation nature of the area that the houses are situated in that does not allow for CDC to be put forward for all the homes. We will have to go through the DA route for Tim also.

Warm Regards,

Theresa Duong

Pre Construction Coordinator



www.masterton.com.au

A: Masterton Display Village, Cnr Sappho Rd and Hume Hwy, Warwick Farm NSW 2170



Danielle Fleming

From: Ian Scandrett [REDACTED]
Sent: Friday, 25 March 2022 4:58 PM
To: interim admin
Cc: Graham Marcolin; Geoff King
Subject: Re: CDC problem for Renwick
Attachments: image001.jpg

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Mr May,

Thank you for your response. I had only written to you as there had been no response to the Marcolin's email a month ago.

I confirm [as my previous advice and for the avoidance of doubt] that I am corresponding as a member of the community and local resident.

Regards,

Ian Scandrett

From: interim admin [REDACTED]
Date: Friday, 25 March 2022 at 11:39
To: Ian Scandrett [REDACTED]
Subject: CDC problem for Renwick

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Viv May PSM

Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Ian Scandrett [REDACTED]
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To: interim admin [REDACTED]
Cc: Geoff King [REDACTED] Graham Marcolin [REDACTED]
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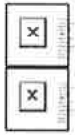
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Theresa Duong

To: Graham Marcolin

9:45 am

RE CDC for Tim

Hello Graham,

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Warm Regards,

Theresa Duong

Prm Construction Coordinator



www.masteron.com.au

A: Masterton Display Village, Cnr Sappho Rd and Hume Hwy, Warwick Farm NSW 2170



Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Monday, 28 March 2022 11:59 AM
To: Lynley Gardner
Subject: Re: GIPA22/159376 (Nelson) - Notice of Decision

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley

I have been informed that the matter was completed some two weeks ago. Can you advise that I now have to submit a formal request to obtain the information.

Regards

Peter Nelson

Sent from my iPad

On 21 Mar 2022, at 3:45 pm, Lynley Gardner [REDACTED] wrote:

Dear Mr Nelson,

The following refers to your informal request for access to information under the *Government Information (Public Access) Act 2009* (GIPA Act) lodged with Wingecarribee Shire Council (Council) on 10 January 2022 (Council ref. GIPA22/159376).

You requested access to the following information:

What is the amount of legal costs that Council has expended in relation to the Industrial action against Mr Steve Rosa

Notice of decision

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Should you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov



Danielle Fleming

From: Governance [REDACTED]
Sent: Tuesday, 29 March 2022 10:14 AM
To: Peter Nelson
Subject: RE: GIPA22/159376 (Nelson) - update

Dear Mr Nelson,

Further to your email below advising the legal matter has now been completed, I have requested the information you are seeking by way of your informal GIPA application from Council's relevant business area. However, finalised costs may take a few weeks to determine.

I will be in touch as soon as I have further information.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council
[REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Peter Nelson [REDACTED]
Sent: Monday, 28 March 2022 11:59 AM
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Subject: Re: GIPA22/159376 (Nelson) - Notice of Decision

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Sent from my iPad

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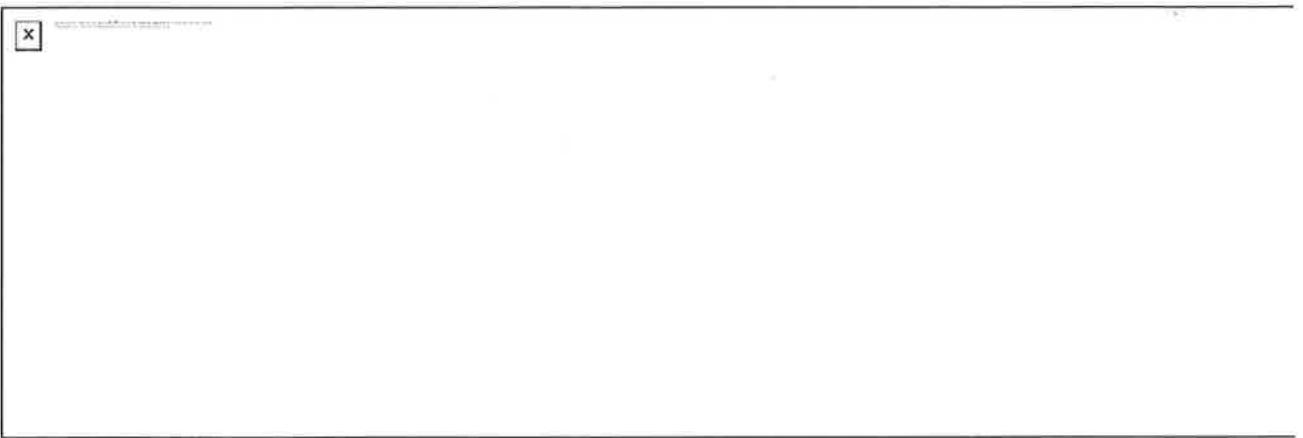
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Should you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Tuesday, 29 March 2022 1:11 PM
To: Governance
Subject: Re: GIPA22/159376 (Nelson) - update

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley

Thanks for that information.

As you may know I have been called by the commissioner to attend the inquiry and would like to know when I might get the answer to my GIPA application relating to the emails about station street. Others wise I will have to tell the commissioner that the General Manager has failed in her responsibility to provide me with the information.

Regards

Peter Nelson

Ps I thought that was a formal application?

Sent from my iPhone

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Dear Mr Nelson,

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I will be in touch as soon as I have further information.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov

From: Peter Nelson [REDACTED]
Sent: Monday, 28 March 2022 11:59 AM
To: Lynley Gardner [REDACTED]
Subject: Re: GIPA22/159376 (Nelson) - Notice of Decision

Dear Lynley

I have been informed that the matter was completed some two weeks ago. Can you advise that I now have to submit a formal request to obtain the information.

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Peter Nelson

Sent from my iPad

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Dear Mr Nelson,

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Notice of decision

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The GIPA Act makes no provision for a review of a decision made in response to an informal request for access to government information. Therefore, this decision cannot be reviewed.

Should you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au



Danielle Fleming

From: Governance [REDACTED]
Sent: Tuesday, 29 March 2022 1:52 PM
To: Peter Nelson
Subject: RE: GIPA22/170449 (Nelson) - your formal GIPA application relating to emails about Station Street
Attachments: GIPA22_170449 (Nelson) - Notice of Decision.eml (612 KB)

Dear Mr Nelson,

I have attached my email to you dated 1 March 2022 and Notice of Decision concerning your formal GIPA application GIPA22/1593765. On your application form you did not indicate a preferred contact method for Council to send notices, so all correspondence in relation to that application has been by email in line with the information provided on the form.

I note from your application form you wish to receive a paper copy of the relevant records. As indicated in the Notice of Decision, as soon as you pay the processing charges of \$40, the records will be posted to you.

Please let me know if you require any further information.

Kind regards,
Lynley

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(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Peter Nelson [REDACTED]
Sent: Tuesday, 29 March 2022 1:11 PM
To: Governance [REDACTED]
Subject: Re: GIPA22/159376 (Nelson) - update

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley

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Sent from my iPhone

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Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov

From: Peter Nelson [REDACTED]
Sent: Monday, 28 March 2022 11:59 AM
To: Lynley Gardner [REDACTED]
Subject: Re: GIPA22/159376 (Nelson) - Notice of Decision

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Lynley

I have been informed that the matter was completed some two weeks ago. Can you advise that I now have to submit a formal request to obtain the information.

Regards
Peter Nelson

Sent from my iPad

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Notice of decision

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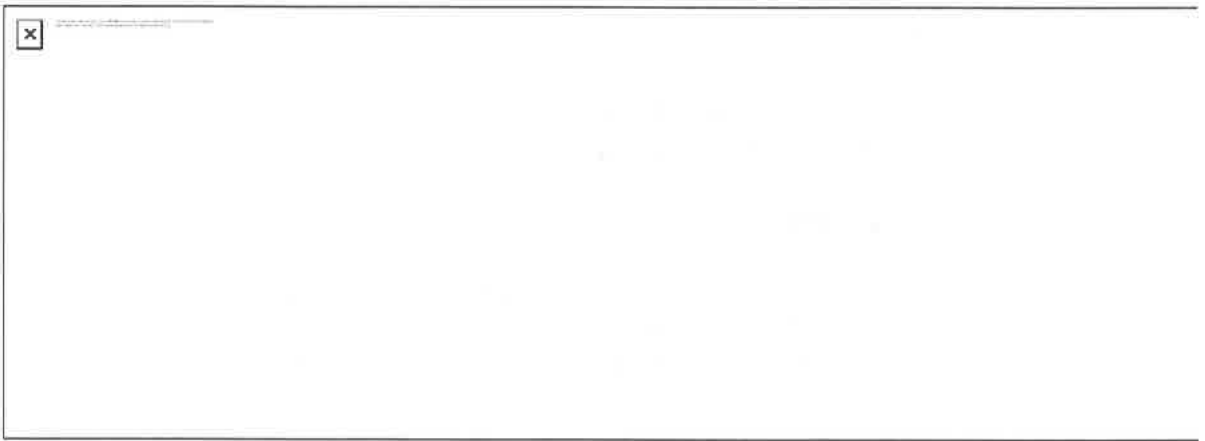
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Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



Danielle Fleming

From: Peter Nelson [REDACTED]
Sent: Tuesday, 29 March 2022 2:09 PM
To: Governance
Subject: Re: GIPA22/170449 (Nelson) - your formal GIPA application relating to emails about Station Street
Attachments: GIPA22_170449 (Nelson) - Notice of Decision.eml (612 KB)

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Thanks

Peter

Sent from my iPad

On 29 Mar 2022, at 1:51 pm, Governance [REDACTED] wrote:

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I have attached my email to you dated 1 March 2022 and Notice of Decision concerning your formal GIPA application GIPA22/1593765. On your application form you did not indicate a preferred contact method for Council to send notices, so all correspondence in relation to that application has been by email in line with the information provided on the form.

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Wingecarribee Shire Council



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www.wsc.nsw.gov.au

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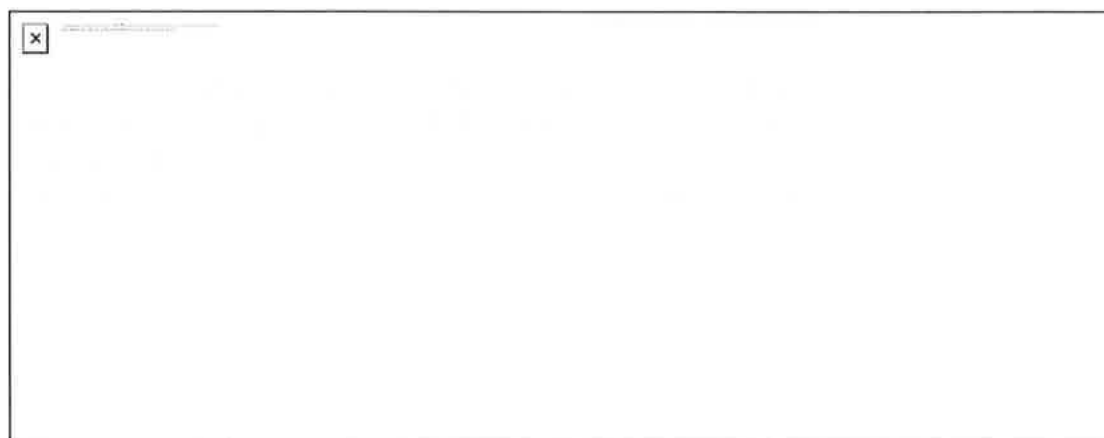
Officer

(Monday, Tuesday & Thursday)

Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale
NSW 2577



Danielle Fleming

From: Governance [REDACTED]
Sent: Tuesday, 29 March 2022 3:26 PM
To: Peter Nelson
Subject: RE: GIPA22/170449 (Nelson) - your formal GIPA application relating to emails about Station Street - payment of processing charges

Dear Mr Nelson,

To make the payment over the phone by credit card, you can call Council's Customer Service team on [REDACTED]
[REDACTED] Please also quote reference GIPA22/170449 to Council staff when making the payment.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

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(Monday, Tuesday & Thursday)
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www.wsc.nsw.gov

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Kind regards,

Lynley Gardner Corporate Strategy and Governance
Officer

(Monday, Tuesday & Thursday)

Wingecarribee Shire Council



Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale
NSW 2577



Danielle Fleming

From: Governance [REDACTED]
Sent: Thursday, 31 March 2022 11:54 AM
To: Peter Nelson
Subject: FW: GIPA22/170450 (Nelson) - Notice of invalid application for access to information - follow up
Attachments: GIPA22-170450 (Nelson) - Notice that application is invalid.pdf

Dear Mr Nelson,

Further to my email below, I am following up to find out if you wish you amend your application, as set out the attached letter dated 24 February 2022? If so, to narrow the scope of your request please specify the particular subjects you are seeking information about.

If you not wish to pursue your application, please let me know so I can arrange a refund of the application fee.

I look forward to hearing from you.

Kind regards,
Lynley

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)
Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: Governance
Sent: [REDACTED]
To: [REDACTED]
Subject: GIPA22/170450 (Nelson) - Notice of invalid application for access to information

Dear Mr Nelson

Re: Invalid application for access to government information

Please find attached correspondence regarding your access application lodged with Wingecarribee Shire Council under the *Government Information (Public Access) Act 2009*.

If you have any questions, please do not hesitate to contact me on [REDACTED] or by email at [REDACTED]

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer

(Monday, Tuesday & Thursday)

Wingecarribee Shire Council

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au



Our ref: GIPA22/170450
Contact: Lynley Gardner



24 February 2022

Mr Peter Nelson

MOSS VALE NSW 2577

Civic Centre, 68 Elizabeth St,
Moss Vale NSW 2577
PO Box 141, Moss Vale
02 4868 0888
mail@wsc.nsw.gov.au
ABN 49 546 344 354

Sent to:

Dear Mr Nelson,

Re: Invalid application for access to government information

On 1 February 2022, Wingecarribee Shire Council (Council) received correspondence from you which, in Council's opinion, intends to be an access application under the *Government Information (Public Access) Act 2009* (GIPA Act).

Having reviewed the information you have provided on the application form, I have decided that your access application is not a valid access application as it does not meet the requirements of section 41 of the GIPA Act.

You requested access to the following information:

Please advise what the financial costs are in relation to Council decisions made by the Administrator Mr Vivian May eg Appointment of Planning Panel, Mayoral Car and ongoing costs, Administrator's accommodation costs, Cancellation of Station Street project (funds returned) and Total cost of redundancies made to staff etc


Date range: Administrator's appointment to 1/2/22

Section 41(1) of the GIPA Act provides that a formal access application must meet a number of criteria, including the following criteria:

(e) it must include such information as is reasonably necessary to enable the government information applied for to be identified.

At this stage I consider your application is invalid because you have not provided enough detail about the information you are seeking. In order to assist in obtaining the information you are after, please amend your application to narrow the scope by specifying particular subjects. I note you have already requested the Administrator's accommodation costs in your informal GIPA application lodged on 10 January 2022 (our

Working with you



ref: GIPA22/159378). Do you wish to narrow the scope of your request to the other examples/particular subjects you provided - Appointment of Planning Panel, Mayoral Car and ongoing costs, Cancellation of Station Street project (funds returned) and Total cost of redundancies made to staff? If you are not sure how to amend your application, please contact me for further assistance.

Rights of review

If you do not agree that your application is invalid, you may seek a review of this decision.

Your review rights are summarised in the enclosed brochure. You have 20 working days from the date of this letter to apply for an internal review, which will be conducted by this agency, or eight weeks to apply for an external review, which can be conducted by either the Information and Privacy Commission NSW (IPC) or the NSW Civil and Administrative Tribunal (NCAT).

If you do not wish to seek a review, or amend your application in the manner advised, no further action will be taken in relation to your application, and you are entitled to a refund of the application fee.

If you have any questions, please contact me on [REDACTED] or by email at [REDACTED]

[REDACTED]
Yours sincerely,

[REDACTED]
Lynley Gardner
Corporate Strategy and Governance Officer

Encl: IPC Fact Sheet: Your review rights under the GIPA Act

Danielle Fleming

From: Garima Mendiratta [REDACTED]
Sent: Friday, 1 April 2022 2:24 PM
To: Rachel Murray; Michael Park
Subject: ROBERTSON VILLAGE PLACE PLAN - Community Consultation
Attachments: image001.png

Hi All,

Thank you again to everyone who has been participating in the Robertson Place Plan project thus far.

As we progress in the Robertson Place Plan project, we would like your feedback and inputs, going forward. Below are the details of the two upcoming Community consultations, for the same.

Help us develop a Community-Led Strategic Plan for Robertson

Following the initial consultation on the Robertson Place Plan, Council have taken on board the community's observations and ideas to help refine the analysis, as well as developing a strategic Vision and the initial stages of a Master Plan for the Robertson village.

As we enter the next phase of the Robertson Place Plan project, we will be holding a number of consultation sessions in Robertson, to demonstrate how the community's input is being incorporated into the planning process, and to test the Vision, principles and early design solutions with the community. We will also work through some of the themes in the Place Plan, based on the feedback received from the community to date.

Council will be holding 2 consultation sessions in early April, and we would love to hear your thoughts on this important project for the Robertson village.

The first consultation session will be held at the CTC Robertson on **Thursday 7 April 2022 from 5 pm-7 pm**. All attendees must be registered via the link below:

Link: <https://www.eventbrite.com/e/303173218257>

If you have registered for the session and find you are unable to attend, please cancel your booking as this will allow other residents an opportunity to attend.

We will also have a stall at the Robertson Markets, held at the School of Arts, on **Sunday 10 April from 8 am – 2 pm**. This session will be run as a 'drop in' session, and there is no need to register to attend.

If you live, work, or just love to visit Robertson, then we would love to see you at one of the sessions.

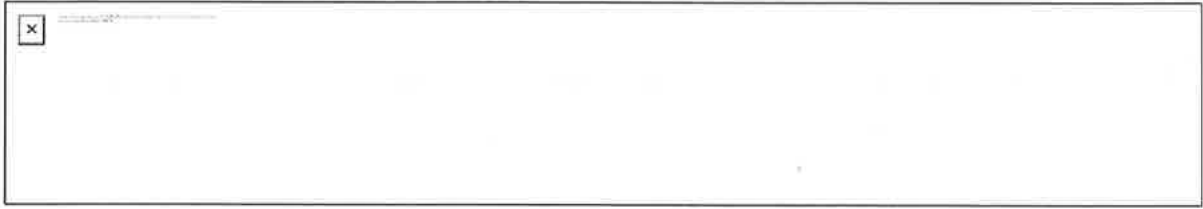
Please feel free to get in touch if you have any questions.

Thanks and regards

Garima Mendiratta Senior Strategic Planner

Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



Danielle Fleming

From: Place [REDACTED]
Sent: Friday, 1 April 2022 4:46 PM
To: [REDACTED]
Subject: Thank you for attending the Bundanoon Listening Tour
Attachments: image001.jpg; image002.jpg; image003.jpg; image004.jpg; image005.jpg; image006.png; image007.png



Thank you

Dear Ian Scandrett,

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n o o n L i s t e n i n g T o u r

It was great to be able to meet you and listen to your needs, wants and aspirations and what is special about your place.

This is what we heard at the Bundanoon Listening Tour

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Rebuild

Rebuilding and restoring trust between the community and Council
and within Council itself



Reinvigorate

Reinvigorate our workplaceis about recognising our people are our greatest asset and are the single highest determinate of the quality of service we provide.



Refocus

Refocusing on the future and taking a proactive and strategic approach to ensure that we are well placed to meet challenges and opportunities.

Danielle Fleming

From: Garima Mendiratta [REDACTED]
Sent: Tuesday, 5 April 2022 7:52 PM
To: Rachel Murray; Michael Park; Garima Mendiratta
Subject: RE: ROBERTSON VILLAGE PLACE PLAN - Community Consultation
Attachments: image001.png

Hi All,

Hope you are all keeping well!

We have seen some registrations come through for the upcoming Community Consultation session, on **7 April 2022**. Thank you for showing your interest and registering for the session.

Unfortunately, due to unforeseen circumstances, we have to move this session online, **via Zoom**. Please visit the News Feed within the Robertson Village Place Plan project page on '**Your Say Wingecarribee**' [here](#), to get more information about being a part of the consultation session, online. The meeting timings remain the same (5pm-7pm). We apologise for any inconvenience caused due to this change.

As mentioned in my earlier email, we will also have a stall at the Robertson Markets, held at the School of Arts, on **Sunday 10 April from 8 am – 2 pm**, which is still going ahead. This session will be run as a 'drop in' session, and there is no need to register to attend.

If you live, work, or just love to visit Robertson, then we would love to see you at one of the sessions.

Feel free to contact me on the below contact details if you have any further questions.

Thanks and regards

Garima Mendiratta Senior Strategic Planner

Wingecarribee Shire Council

[REDACTED]
Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577



From: Garima Mendiratta
Sent: Friday, 1 April 2022 2:24 PM
To: Rachel Murray [REDACTED] Michael Park [REDACTED]
Subject: ROBERTSON VILLAGE PLACE PLAN - Community Consultation

Hi All,

Thank you again to everyone who has been participating in the Robertson Place Plan project thus far.

As we progress in the Robertson Place Plan project, we would like your feedback and inputs, going forward. Below are the details of the two upcoming Community consultations, for the same.

Help us develop a Community-Led Strategic Plan for Robertson

Following the initial consultation on the Robertson Place Plan, Council have taken on board the community's observations and ideas to help refine the analysis, as well as developing a strategic Vision and the initial stages of a Master Plan for the Robertson village.

As we enter the next phase of the Robertson Place Plan project, we will be holding a number of consultation sessions in Robertson, to demonstrate how the community's input is being incorporated into the planning process, and to test the Vision, principles and early design solutions with the community. We will also work through some of the themes in the Place Plan, based on the feedback received from the community to date.

Council will be holding 2 consultation sessions in early April, and we would love to hear your thoughts on this important project for the Robertson village.

The first consultation session will be held at the CTC Robertson on **Thursday 7 April 2022 from 5 pm-7 pm**. All attendees must be registered via the link below:

Link: <https://www.eventbrite.com/e/303173218257>

If you have registered for the session and find you are unable to attend, please cancel your booking as this will allow other residents an opportunity to attend.

We will also have a stall at the Robertson Markets, held at the School of Arts, on **Sunday 10 April from 8 am – 2 pm**. This session will be run as a 'drop in' session, and there is no need to register to attend.

If you live, work, or just love to visit Robertson, then we would love to see you at one of the sessions.

Please feel free to get in touch if you have any questions.

Thanks and regards

Garima Mendiratta Senior Strategic Planner

Wingecarribee Shire Council

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

