



PORT STEPHENS
COUNCIL

Ms Telina Webb
PO Box 8030
MARKS POINT NSW 2280

Dear Ms Webb

**Re: Re-determination of Formal Access Application – Government Information
(Public Access) Act 2009**

Further to the outcome of mediation convened by the NSW Civil and Administrative Tribunal (NCAT) on 14 October 2016, please find attached the re-determination of the Notice of Decision.

Yours sincerely,

Tony Wickham
Governance Manager

11 November 2016

Telephone enquiries
Tony Wickham
Governance Manager
(02) 4980 0187
Please quote file no: PSC2016-01534
NCAT reference: 1610401

Government Information (Public Access) Act 2009
NOTICE OF DECISION
Re-determination

Applicant:	Telina Webb
File Ref:	PSC2016-02004
Decision-maker:	Tony Wickham, Governance Manager
Date of decision:	11 NOVEMBER 2016

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Notice of Decision (s. 58 of the GIPA Act)

1. Summary of access application

On 3 March 2016, Port Stephens Council received your access application under the *Government Information (Public Access) Act 2009* ('GIPA Act'), in which you sought access to the following documents:

"Complete and unedited copies of all letters and/or documents, telephone transcripts and/or Council's notes on telephone conversations, Council's notes on personal conversations, all of which relate to third party consultations - DA No: 483/2011 as outlined within Council's letter of 15 February 2016 Ref No: PSC2016-00217 (copy attached)

A full and unedited copy of the records of letters, notes, transcripts and dialogues between Council and all third parties concerning consultations undertaken by Council with objectors to the DA No: 483/2011, as per the document list provided by Council under cover of its letter dated 15 February 2016 (copy attached)."

Please note the "document list" referred to above is below referred to as the "Record of Dates" schedule.

Re-determination

The original decision by Council determined to part release some information, and refused access to other parts of the information sought, based section 14 of the GIPA Act and the associated Table within. You then applied for a review of the decision by the NSW Civil and Administrative Tribunal (NCAT).

The NCAT convened a Case Conference on 9 August 2016, where directions were made by the Senior Member of NCAT that the matter be set down for Hearing on 21 October 2016. During mediation held on 14 October 2016 at Newcastle Court House relating to NCAT Matter No. 1610249, it was requested by you, and agreed by all present that the application the subject of NCAT Matter No. 1610401 be re-determined within four weeks of the mediation.

NCAT Matter no. 1610401 relates to an application (**this Application**) by you for information pertaining to a list of documents provided to you as part of the re-determination of your GIPA application the subject of NCAT Matter No. 1610235 (**the 1610235 Application**). Council agreed to redetermine the 1610235 Application following a case conference in that matter.

The original decision by Council pertaining to the 1610235 Application identified forty seven (47) occasions where third party consultation had occurred. You then lodged a separate GIPA application for production of documents listed in the 1610235 Application.

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The re-determination of the 1610235 Application, increased the list from 47 to 73 occasions where third party consultation had occurred.

It is noted you quoted Council's letter as being dated 15 February 2016, instead of 16 February 2016, and the file reference of PSC2016-00217 instead of PSC2016-00216. I have relied on the reference of PSC2016-00216 and letter dated 16 February 2016, which are the correct references for this Application.

2. Processing of application

Under the GIPA Act, agencies must conduct reasonable searches for government information requested in an access application. In certain circumstances, they must also consult third persons to see whether they object to the information sought being released.

2.1 Searches conducted

A search of Council's records has been undertaken, to identify all government information falling within the scope of your application.

Please note these searches were undertaken as part of the re-determination, of the 1610235 Application. Council has referred to the 1610235 Application re-determination to locate the documents listed in the "Record of Dates" schedule. This search included locating the physical and electronic records of the application, identifying the relevant documents and numbering the documents in accordance with the "Record of Dates" schedule.

The above searches involved a search of physical as well as electronic records located on Council's electronic documents database (HPRM8).

Also, Council retrieved physical records from Council's external records archive to search multiple relevant files and has also searched relevant staff members' electronic calendar entries.

2.2 Consultation

The government information to which you seek access includes information that is of a kind requiring consultation under section 54 of the GIPA Act. That is, because you seek access to personal information, it has been necessary to consult with relevant third parties to see whether they object to the release of such information.

Council previously consulted with the relevant third parties, and therefore further third party consultation has not been conducted as part of this re-determination.

Objections have been made to the release of the information sought, which is discussed in further detail in part 4 of this Notice.

3. Decision to provide access

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application. I have examined all of the records containing the information falling within the scope of your application, as referred to in part 2.1 above.

3.1 Notice of decision

I have decided, under section 58(1)(a) and (d) of the GIPA Act, to provide partial access to the information sought in your access application. Pursuant to sections 58(1)(e) and 60(1)(b), I have decided to refuse to deal with the access application in part regarding the request for documents 18, 20, 33, 44 and 45 of the "Records of Dates" schedule. Attached to this Notice is a Schedule of Documents that will be released.

3.2 Reasons for decision

Under section 9(1) of the GIPA Act, you have a legally enforceable right to be provided with access to the information sought, unless there is an overriding public interest against disclosure of the information. In making such a determination, agencies must apply the public interest test under section 13, which provides that there will only be an overriding public interest against disclosure where public interest considerations in favour of disclosure are, on balance, outweighed by those against disclosure. Under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information.

I have applied the public interest test and have determined that there is an overriding public interest against part disclosure of the information sought regarding documents 1, 2, 28, 29, 30, 32, 38, 39, 40, 41, 42, 43, 46, 47, 48, 64, 65, 67, 68, 70, 71, 72 and 73 of the "Record of Dates" schedule. Pursuant to section 14 Table 3 (a), (b) and (f), I have decided to provide part access to the above mentioned documents as disclosure of the deleted information could reasonably be expected to: reveal an individual's personal information; contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998*; and expose a person to a risk of harm or of serious harassment or serious intimidation.

Pursuant to sections 58(1)(e) and 60(1)(b), I have decided to refuse to deal with the access application in part regarding the request for documents 18, 20, 31, 33, 44 and 45 of the "Records of Dates" schedule. Council has already decided previous access applications seeking access to the above mentioned documents and access was refused on each occasion. Council believes there are no reasonable grounds for which Council would make a different decision on the access application for the above mentioned documents.

I have decided to refuse access to the remaining documents listed in the "Record of Dates" schedule. I have applied the public interest test and have determined that there is an overriding public interest against disclosure of the remaining documents listed. Pursuant to section 14 Table 3(a), (b) and (f), I

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have decided that disclosure of this information could reasonably be expected to: reveal an individual's personal information; contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002*; and expose a person to a risk of harm or of serious harassment or serious intimidation.

Please see the Schedule of Documents attached to this Notice for further details.

3.3 Form of access

You will be provided with access to the information sought by a copy of the information being provided to you.

3.4 Processing charges

No processing charge is applicable as Council responding to the agreement following mediation on 14 October 2016.

4. Objection on consultation

Under section 54 of the GIPA Act, agencies are required to consult with third parties where an application covers certain information and the third party is likely to be concerned about the release of the information for reasons that are relevant to a public interest consideration against disclosure.

In your application, access was sought to "a full and unedited copy of the records of letters, notes, transcripts and dialogues between Council and all third parties concerning consultations undertaken by Council with objectors to the DA No: 483/2011". As this information is of a kind requiring consultation under section 54(1)(b), (c) and (2)(a) of the GIPA Act, third parties were consulted to see whether they objected to the release of the information, as part of the original determination. This re-determination is based on the response received at the time of the original determination. Third party consultation has not been undertaken as part of the re-determination as the authors' intentions were clear at the time of the third party consultation.

Objections were made, which I have taken into account in making my decision. For reasons given above, in part 3.2 of this Notice, I have decided to refuse access to the information, as well as release the information in part, which is detailed in the Schedule of Documents attached to this Notice.

Please be advised Council took reasonable steps to consult with relevant third parties in accordance with section 54 of the GIPA Act. Council has considered all objections made to Council regarding the requested information, as well as the personal factors of the application pursuant to section 55(1)(a),(b) and (6).

5. Your rights of review

As part of the mediation agreement, the matter is listed for a further case conference with NCAT.

If you have any queries about this Notice, please contact Tony Wickham on (02) 4980 0187 or tony.wickham@portstephens.nsw.gov.au.

A handwritten signature in black ink, appearing to read 'Tony Wickham', followed by a horizontal line.

Tony Wickham
Governance Manager

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Schedule of Documents

No.	Description of record	Location of record in agency	Format of record	Public disclosure	interest(s) against	GIPA Act sections
1.	Letter to third party dated 26.11.2012	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.		s 14 Table 3 (a), (b) & (f)
2.	Letter to third party dated 26.11.2012	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.		s 14 Table 3 (a), (b) & (f)

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3.	Email dated 16.11.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> or a Health Privacy Principle under the <i>Health Records and Information Privacy Act 2002</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
4.	File note dated 14.11.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> or a Health Privacy Principle under the <i>Health Records and Information Privacy Act 2002</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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5.	Email dated 13.11.2012 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
6.	Email dated 13.11.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
7.	Email dated 12.11.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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8.	Email dated 26.10.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
9.	Email dated 23.10.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
10.	Email dated 16.10.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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11.	Email dated 15.10.2012 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
12.	Email dated 15.10.2012 regarding telephone conversation between Council and third party on 12.10.2012	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
13.	File note dated 11.10.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> or a Health Privacy Principle under the <i>Health Records and Information Privacy Act 2002</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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14.	Email dated 10.10.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
15.	Email dated 9.10.2012 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
16.	Email dated 8.10.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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17.	Email dated 10.09.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> or a Health Privacy Principle under the <i>Health Records and Information Privacy Act 2002</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
18.	Email dated 9.09.2012 from third party to Council	Administration Building	Electronic	Refuse to deal with the access application in part	58(1)(e) & 60(1)(b)
19.	Email dated 31.08.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
20.	Email dated 31.08.2012 from third party to Council	Administration Building	Electronic	Refuse to deal with the access application in part	58(1)(e) & 60(1)(b)

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21.	Email dated 30.08.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
22.	Letter dated 28.08.2012 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
23.	File note dated 28.08.2012 regarding meeting between Council and third party on 27.08.2012	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> or a Health Privacy Principle under the <i>Health Records and Information Privacy Act 2002</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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24.	File note dated 28.08.2012 regarding telephone conversation between Council and third party on 22.08.2012	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
25.	Email dated 9.08.2012 regarding meeting between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
26.	Email dated 9.08.2012 regarding telephone conversation between Council and third party on 8.08.2012	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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27.	Email dated 23.07.2012 regarding meeting between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> or a Health Privacy Principle under the <i>Health Records and Information Privacy Act 2002</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
28.	Letter dated 10.05.2012 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
29.	Letter dated 10.05.2012 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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30.	Letter dated 11.04.2012 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
31.	Letter received 11.04.2012 from third party to Council	Administration Building	Electronic	Refuse to deal with the access application in part	58(1)(e) & 60(1)(b)
32.	Letter dated 10.04.2012 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
33.	Letter received 10.04.2012 from third party to Council	Administration Building	Electronic	Refuse to deal with the access application in part	58(1)(e) & 60(1)(b)

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34.	Letter received 5.04.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
35.	File note regarding meeting between third party and Council on 4.04.2012	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
36.	File note regarding meeting between third party and Council on 4.04.2012	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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37.	Memorandum dated 2.04.2012 regarding telephone conversation between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
38.	Letter dated 26.03.2012 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
39.	Letter dated 26.03.2012 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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40.	Letter dated 28.10.2011 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
41.	Letter dated 28.10.2011 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
42.	Letter dated 11.08.2011 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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43.	Letter dated 9.08.2011 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
44.	Letter dated 8.08.2011 from third party to Council	Administration Building	Electronic	Refuse to deal with the access application in part	58(1)(e) & 60(1)(b)
45.	Letter dated 1.08.2001 from third party to Council (sic 2011)	Administration Building	Electronic	Refuse to deal with the access application in part	58(1)(e) & 60(1)(b)
46.	Letter dated 26.07.2011 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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47.	Letter dated 26.07.2011 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
48.	Letter dated 4.1.2013 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
49.	Letter dated 10.1.2013 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

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50.	Telephone conversation dated 14.9.2011 between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
51.	Email dated 16.9.2011 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
52.	Email dated 16.9.2011 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

Notice of Decision (s. 58 of the GIPA Act)

53.	Email dated 16.9.2011 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
54.	Email dated 16.9.2011 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
55.	Email dated 16.9.2011 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

Notice of Decision (s. 58 of the GIPA Act)

56.	Email dated 30.3.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
57.	Email dated 30.3.2012 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
58.	Email dated 2.4.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

Notice of Decision (s. 58 of the GIPA Act)

59.	Email dated 2.4.2012 from Council to third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
60.	Email dated 4.4.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
61.	Email dated 16.5.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

Notice of Decision (s. 58 of the GIPA Act)

62.	Email dated 16.5.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
63.	Email dated 7.5.2012 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
64.	Email dated 7.5.2012 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

Notice of Decision (s. 58 of the GIPA Act)

65.	Email dated 7.1.2013 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
66.	Telephone conversation dated 24.1.2013 between Council and third party	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
67.	Telephone conversation dated 8.1.2013 between Council and third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

Notice of Decision (s. 58 of the GIPA Act)

68.	Email dated 8.1.2013 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
69.	Email dated 8.1.2013 from third party to Council	Administration Building	Electronic	Refused access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
70.	Email dated 1.11.2013 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

Notice of Decision (s. 58 of the GIPA Act)

71.	Telephone conversation dated 8.1.2013 between Council and third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
72.	Email dated 11.1.2013 from Council to third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)
73.	In person conversation dated 15.9.2011 between Council and third party	Administration Building	Electronic	Part access – Public interest consideration against disclosure – Section 14 – reveal an individual's personal information, contravene an information protection principle under the <i>Privacy and Personal Information Protection Act 1998</i> , expose a person to a risk of harm or of serious harassment or serious intimidation.	s 14 Table 3 (a), (b) & (f)

COPY

Telephone enquiries
Matthew Brown
02 49800214
Please quote file no:
PSC2012-02713

[REDACTED]

RAYMOND TERRACE NSW 2324

Dear [REDACTED]

**Re: McEWAN & WEBB v PORT STEPHENS COUNCIL
LAND AND ENVIRONMENT COURT CLASS 1 PROCEEDINGS 12/10678**

I refer to recent telephone conversations you have had with Council officers noting this matter is now finalised.

Late last week, the Land and Environment Court made final orders in the matter, namely that:

- within 6 months Mr McEwan and Ms Webb are required to modify the heights of the existing unauthorised structures and satisfactorily complete all works in accordance with their recently granted development consent for privacy screens.
- within 7 days of notification of completion of the works as required, Council will issue a building certificate.

The proceedings are now concluded.

Council has now issued the relevant certificate.

I note your concern that the [REDACTED] and as such the maintenance of the [REDACTED] between [REDACTED] and 3 Sapphire Court will become [REDACTED]. Please be advised the development consent is for privacy screens and not a fence.

Council appreciates your assistance in this matter. Please do not hesitate to contact me should you require further information.

Yours faithfully

Matthew Brown
Manager Development Assessment and Compliance

Date: 26 November 2012

C:\Documents and Settings\karenf\Desktop\McEwan and Webb - Letter to [REDACTED] advising final outcome of court proceedings - 26 November 2012 - [REDACTED]

| Page 1

2

Telephone enquiries
Matthew Brown
02 49800214
Please quote file no:
PSC2012-02713

[REDACTED]

Dear #

**Re: MCEWAN & WEBB v PORT STEPHENS COUNCIL
LAND AND ENVIRONMENT COURT CLASS 1 PROCEEDINGS 12/10678**

I refer to my email of 13 November 2012 to you noting this matter was close to being finalised.

Late last week, the Land and Environment Court made final orders in the matter, namely that:

- within 6 months Mr McEwan and Ms Webb are required to modify the heights of the existing unauthorised structures and satisfactorily complete all works in accordance with their recently granted development consent for privacy screens.
- within 7 days of notification of completion of the works as required, Council will issue a building certificate.

The proceedings are now concluded.

Council appreciates your assistance in this matter. Please do not hesitate to contact me should you require further information.

Yours faithfully

Matthew Brown
Manager Development Assessment and Compliance

Date: 26 November 2012

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Telephone Inquiries:
MR P M SUMMERGREENE

File No:
16-2011-483-1
Parcel No: 33895

10 May, 2012



Dear Sir/Madam,

Re: **Proposed: Privacy Screens (82A Review)**
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

Reference is made to your submission concerning the above application.

Council considered your comments and the likely effects of the proposed development on your property prior to approval of the development application.

Council's consideration of development applications is determined by Section 79C (Matters for Consideration) of the Environmental Planning and Assessment act, 1979. In this regard, Council has in place adopted codes and policies that seek to regulate development activity. However, it is not always possible to address concerns raised in submissions due to Council having no legal rights to do so.

In relation to the specific concerns raised by yourselves the following comments are made:-

Application Refused

Should you require further information regarding this or other matters, please contact Council's Sustainable Planning Group.

Yours faithfully

Paul Summergreene
HEALTH & BUILDING SURVEYOR
Team Leader - East

Phone: 49800472 (9.00am – 12 noon)
paul.summergreene@portstephens.nsw.gov.au
psu:kjp

29

Telephone Inquiries:
MR P M SUMMERGREENE

File No:
16-2011-483-1
Parcel No: 33895

10 May, 2012

[REDACTED]

Dear Sir/Madam,

Re: **Proposed: Privacy Screens (82A Review)**
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

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Yours faithfully

Paul Summergreene
HEALTH & BUILDING SURVEYOR
Team Leader - East

Phone: 49800472 (9.00am – 12 noon)
paul.summergreene@portstephens.nsw.gov.au
psu:kjp

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FILE COPY

Assessing Officer : MR P M SUMMERGREENE
File No: 16-2011-483- 1
Parcel No: 33895

11 April, 2012



Dear Sir/Madam,

Re: **Proposal: Privacy Screens (82A Review)**
 Property: LOT: 122 DP: 883599
 3 Sapphire Court RAYMOND TERRACE

I acknowledge receipt of your letter and advise that it is currently receiving attention.

You will be advised of the application outcome once the assessment is complete.

Persons lodging submissions are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.portstephens.nsw.gov.au.

If you require any further information or would like an update on the progress of the application please contact Council's MR P M SUMMERGREENE on 49 800472.

Yours faithfully

Karen Picton

TEAM LEADER BUSINESS SUPPORT
Per:

32

Assessing Officer: MR P M SUMMERGREENE
File No: 16-2011-483-1
Parcel No: 33895

10 April, 2012



Dear Sir/Madam,

Re: Proposal: Privacy Screens (82A Review)
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

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If you require any further information or would like an update on the progress of the application please contact Council's MR P M SUMMERGREENE on 49 800 472.

Yours faithfully

Karen Pictou

TEAM LEADER BUSINESS SUPPORT
Per: kmk

38

Assessing Officer: MR P M SUMMERGREENE

File No: 16-2011-483-1

Parcel No: 33895

26 March 2012

[REDACTED]

Dear Sir/Madam,

Re: Proposal: Privacy Screens (82A Review)
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

Council has received plans for the proposal described above. The proposal relates to [REDACTED]
[REDACTED] Your property may be affected by the proposal.

Plans of the proposal are enclosed with this letter for your information. Please note: These plans may not be drawn to scale. If you wish to view the development plans as submitted, please contact the above assessing officer to arrange a convenient time for you to attend Council and view the plans.

If you wish to advise Council of your views on the proposal you should write to Council. Your letter must be received by 5pm, 11 April, 2012. Council will take your submission into consideration, along with other matters Council must consider when determining the application.

Please note: The *Government Information (Public Access) Act 2009*, (GIPA) applies to Council. All submissions received are considered to be "open access information" under GIPA and therefore will be made available to members of the public, if requested.

Persons lodging submissions are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.portstephens.nsw.gov.au.

This letter is the notification of the application required under the relevant laws and Council policy.

If you have any questions about the proposal or about Council's procedures, please contact the above assessing officer. General access to the assessing officers is between the hours of 9.00 am and 12 noon Monday to Friday.

Yours faithfully

MR P M SUMMERGREENE
ASSESSING OFFICER
Per:

39

Assessing Officer: MR P M SUMMERGREENE

File No: 16-2011-483-1

Parcel No: 33895

26 March 2012

[REDACTED]

Dear Sir/Madam,

Re: Proposal: Privacy Screens (82A Review)
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

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[REDACTED] Your property may be affected by the proposal.

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Yours faithfully

MR P M SUMMERGREENE
ASSESSING OFFICER
Per:

Telephone Inquiries:
MR K M WHITE
File No: 16-2011-483-1
Parcel No: 33895

FILE COPY

28/10/2011



Dear Sir/Madam,

Re: **Proposed: Privacy Screens**
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

Reference is made to your submission concerning the above application.

You are advised that the application was refused by Council.

Should you require further information regarding this or other matters, please contact Council's Sustainable Planning Group.

Yours



Krisnan White
Health & Building Surveyor

Phone: 49800183 (9.00am – 12 noon)
Mobile: 0438 344891
kris.white@portstephens.nsw.gov.au

DA TRACKER

Development & Building has been listening to your suggestions for improvement. Council has now launched its On-line Application Tracking System and a revised Website so you can access key information, forms and application updates anytime, 24 hours, 7 days a week. Council welcomes your feedback on these new

FILE COPY

Telephone Inquiries:
MR K M WHITE
File No: 16-2011-483-1
Parcel No: 33895

28/10/2011

Dear Sir/Madam,

Re: **Proposed: Privacy Screens**
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

Reference is made to your submission concerning the above application.

You are advised that the application was refused by Council.

Should you require further information regarding this or other matters, please contact Council's Sustainable Planning Group.

Yours

Kristina White
Health & Building Surveyor

Phone: 49800183 (9.00am – 12 noon)
Mobile: 0438 344891
kris.white@portstephens.nsw.gov.au

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FILE COPY

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Assessing Officer : WEST TEAM
File No: 16-2011-483- 1
Parcel No: 33895

11 August, 2011



Dear Sir/Madam,

Re: Proposal: Privacy Screens
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

I acknowledge receipt of your letter and advise that it is currently receiving attention.

You will be advised of the application outcome once the assessment is complete.

Persons lodging submissions are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.portstephens.nsw.gov.au.

If you require any further information or would like an update on the progress of the application please contact Council's WEST TEAM on 49 800313.

Yours faithfully



Jan Irwin
CUSTOMER SUPPORT CO-ORDINATOR
Per: jbl

DA TRACKER

Development & Building has been listening to your suggestions for improvement. Council has now launched its On-line Application Tracking System and a revised Website so you can access key information, forms and application updates anytime, 24 hours, 7 days a week. Council welcomes your feedback on these new initiatives. Email council@portstephens.nsw.gov.au or write to The Manager Development & Building, Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324

SUBMISSION

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FILE COPY

Assessing Officer : WEST TEAM
File No: 16-2011-483- 1
Parcel No: 33895



9 August, 2011

Dear Sir/Madam,

Re: Proposal: Privacy Screens
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

I acknowledge receipt of your letter and the concerns contained therein and advise that it is currently receiving attention.

You will be advised of the application outcome once the assessment is complete.

Persons lodging submissions are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.portstephens.nsw.gov.au.

If you require any further information, or would like an update on the progress of the application, please contact Council's WEST TEAM on 49 800 313.

Yours faithfully

Jan Irwin
CUSTOMER SUPPORT CO-ORDINATOR
Per: 

DA TRACKER

Development & Building has been listening to your suggestions for improvement. Council has now launched its On-line Application Tracking System and a revised Website so you can access key information, forms and application updates anytime, 24 hours, 7 days a week. Council welcomes your feedback on these new initiatives. Email council@portstephens.nsw.gov.au or write to The Manager Development & Building, Port Stephens Council, PO Box 42, Raymond Terrace NSW 2324

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Assessing Officer: WEST TEAM
File No: 16-2011-483-1
Parcel No: 33895

26 July, 2011

[REDACTED]

Dear Sir/Madam,

Re: **Proposal:** **Privacy Screens**
 Property: **LOT: 122 DP: 883599**
 3 Sapphire Court RAYMOND TERRACE

Council has received plans for the proposal described above. The proposal relates to [REDACTED]
[REDACTED] Your property may be affected by the proposal.

Plans of the proposal are enclosed with this letter for your information. Please note: These plans may not be drawn to scale. If you wish to view the development plans as submitted, please contact the above assessing officer to arrange a convenient time for you to attend Council and view the plans.

If you wish to advise Council of your views on the proposal, you should write to Council. Your letter must be received by 5pm, 10 August 2011. Council will take your submission into consideration, along with other matters Council must consider when determining the application.

Please note: The *Government Information (Public Access) Act 2009*, (GIPA) applies to Council. All submissions received are considered to be "open access information" under GIPA and therefore will be made available to members of the public, if requested.

Persons lodging submissions are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.portstephens.nsw.gov.au.

This letter is the notification of the application required under the relevant laws and Council policy.

If you have any questions about the proposal or about Council's procedures, please contact the above assessing officer. General access to the assessing officers is between the hours of 9.00 am and 12 noon Monday to Friday.

Yours faithfully

WEST TEAM
ASSESSING OFFICER
Per:

47

Assessing Officer: WEST TEAM
File No: 16-2011-483-1
Parcel No: 33895

26 July, 2011



Dear Sir/Madam,

Re: Proposal: Privacy Screens
Property: LOT: 122 DP: 883599
3 Sapphire Court RAYMOND TERRACE

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This letter is the notification of the application required under the relevant laws and Council policy.

If you have any questions about the proposal or about Council's procedures, please contact the above assessing officer. General access to the assessing officers is between the hours of 9.00 am and 12 noon Monday to Friday.

Yours faithfully

WEST TEAM
ASSESSING OFFICER
Per:

[REDACTED]
RAYMOND TERRACE NSW 2324

Enquiries: Tony Wickham
Tel: 02 49800187
Our ref: PSC2012-05346

Dear [REDACTED]

Government information access application – release of your personal information

On 20th December 2012 Council received an application to access information under the *Government Information (Public Access) Act 2009* (GIPA Act). As the access application includes your personal information, we are required to consult with you. You are entitled to object to the release of this information on any of the following grounds:

Government Information (Public Access) Act 2009

14 Public interest considerations against disclosure

(2) The public interest considerations listed in the Table to this section are the only other considerations that may be taken into account under this Act as public interest considerations against disclosure for the purpose of determining whether there is an overriding public interest against disclosure of government information.

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 have one or more of the following effects:

- (a) reveal an individual's personal information,
- (b) contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002*,
- (c) prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings,
- (d) prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness,
- (e) reveal false or unsubstantiated allegations about a person that are defamatory,
- (f) expose a person to a risk of harm or of serious harassment or serious intimidation,
- (g) in the case of the disclosure of personal information about a child-the disclosure of information that it would not be in the best interests of the child to have disclosed.

Any objection you make must be taken into account in deciding the access application.

However, we may still decide to release your personal information if your reasons for objecting do not outweigh the public interest in releasing the information.

If this occurs, you will be notified and your personal information will not be released until you have an opportunity to apply have the decision reviewed.

If you object to the release of your personal information, please advise me within **five days** of receiving this letter.

I **enclose** a leaflet explaining your consultation, objection and review rights. If you have any questions, please contact please contact Tony Wickham on 4980 0187.

Yours faithfully

Tony Wickham
Executive Officer

Date: 4th January 2013

From: Matthew Brown
Sent: Tuesday, 7 May 2013 3:51 PM
To: [REDACTED]
Subject: RE: Exemplary Conduct of Council Staff

Thanks [REDACTED] for the feedback - thats very nice of you.

(64)

Hope all is going well.

Regards

Matt

Matthew Brown
Manager Development Assessment & Compliance



Port Stephens Council

Phone: 4980 0214 Mobile: 0408706944 Fax: 4987 3612

Email: matthew.brown@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au

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RAYMOND TERRACE NSW 2324

Enquiries: Tony Wickham
Tel: 02 49800187
Our ref: PSC2012-05342

Dear [REDACTED]

Government information access application – release of your personal information

On 20th December 2012 Council received an application to access information under the *Government Information (Public Access) Act 2009* (GIPA Act). As the access application includes your personal information, we are required to consult with you. You are entitled to object to the release of this information on any of the following grounds:

Government Information (Public Access) Act 2009

14 Public interest considerations against disclosure

(2) The public interest considerations listed in the Table to this section are the only other considerations that may be taken into account under this Act as public interest considerations against disclosure for the purpose of determining whether there is an overriding public interest against disclosure of government information.

3 Individual rights, judicial processes and natural justice

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- (a) reveal an individual's personal information,
- (b) contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002*,
- (c) prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings,
- (d) prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness,
- (e) reveal false or unsubstantiated allegations about a person that are defamatory,
- (f) expose a person to a risk of harm or of serious harassment or serious intimidation,
- (g) in the case of the disclosure of personal information about a child-the disclosure of information that it would not be in the best interests of the child to have disclosed.

Any objection you make must be taken into account in deciding the access application.

However, we may still decide to release your personal information if your reasons for objecting do not outweigh the public interest in releasing the information.

If this occurs, you will be notified and your personal information will not be released until you have an opportunity to apply have the decision reviewed.

If you object to the release of your personal information, please advise me within **five days** of receiving this letter.

I **enclose** a leaflet explaining your consultation, objection and review rights. If you have any questions, please contact please contact Tony Wickham on 4980 0187.

Yours faithfully

Tony Wickham
Executive Officer

Date: 7th January 2013

From: Cherylanne Bailey <Cherylanne.Bailey@portstephens.nsw.gov.au>

To: [REDACTED]
Sent: Tuesday, 8 January 2013 1:54 PM

Subject: Formal GIPA request - Third Party Consultation

(68)

Dear [REDACTED]

I refer to my telephone conversation with you this afternoon in which you advised that you object to the release of information received today as a result of Council's third party consultation correspondence dated 7th January 2012. I confirm my advice that I am unable to disclose details as to who has requested the information but a complete copy of the information Council might provide in response was sent to you under cover of yesterday's letter for your consideration.

I confirm that you will forward your reasons as to why you object to the release of the information by return email.
Yours faithfully

Cherylanne Bailey

Paralegal

Port Stephens Council

Phone: 4980 0349 Fax: 4983 1918

Email: cherylanne.bailey@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au

From: Kathy Stokes

Sent: Tuesday, 8 January 2013 1:02 PM

To: Cherylanne Bailey

Cc: Tony Wickham

Subject: Please phone [REDACTED] by 1.30

(71)

[REDACTED] initially phoned for Tony in relation to a letter received regarding a Government Information Access Application.

[REDACTED] wanted more information about who was requesting the information. [REDACTED] is going out and would appreciate a call by 1.30pm please.

Kind regards

Kathy Stokes

Executive Assistant - General Manager

Port Stephens Council

Phone: 4980 0246 Fax: 4983 1918

Email: kathy.stokes@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au

Courtney Coburn

From: Cherylanne Bailey
Sent: Friday, 11 January 2013 4:56 PM
To: [REDACTED]
Subject: Formal GIPA request - Third Party Consultation - Release of Information

(70)

Good afternoon [REDACTED]

I confirm receipt of your objections to the release of a copy of your submissions made in respect of 3 Sapphire Court, Raymond Terrace.

I will let you know the outcome of Council's determination once a decision has been made.

Kind regards

Cherylanne Bailey
Paralegal



Port Stephens Council

Phone: 4980 0349 Fax: 4983 1918

Email: cherylanne.bailey@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au

Tony Wickham

From: Cherylanne Bailey
Sent: Friday, 11 January 2013 4:54 PM
To: [REDACTED]
Cc: Tony Wickham
Subject: Confirmation of your communication Objecting to the Release of Personal Information

Good afternoon [REDACTED]

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I refer to your telephone conversation with Mr Tony Wickham, Council's Executive Officer, and confirm receipt of your objections to the release of a copy of your submissions made in respect of 3 Sapphire Court, Raymond Terrace.

Kind regards

Cherylanne Bailey
Paralegal



Port Stephens Council

Phone: 4980 0349 Fax: 4983 1918

Email: cherylanne.bailey@portstephens.nsw.gov.au

Web: www.portstephens.nsw.gov.au

File Note

Port Stephens
C.O.U.N.C.I.L
... a community partnership

File No: 16-2011-483-1
From: Andrew Ashton
Date: **15 September, 2011**
Subject: Illegal works at 3 Sapphire Court

Details; Spoke to the owner of [REDACTED] Raymond Terrace at the D & B counter on Wednesday 14.9.11.

[REDACTED] approached Council to enquire about progress of illegal development action at 3 Sapphire Crt to which [REDACTED] had been notified and subsequently put in a submission raising [REDACTED] concerns with the illegal development.

I discussed the progress of the action to date and the fact we had issued an Intention to Serve an Order and discussed the terms of that order. [REDACTED] suggested that [REDACTED] was concerned with the distance of the structure from the established boundary fence and cited problems ranging from maintenance and replacement of both structures to weed/pest problems of this 'no mans land'.

I mentioned that the procedure was far from concluded and gave the undertaking that I would ensure we would revisit the issue of the structure proximity to the B. fence. I gave no undertaking that we could/would require the moving of the structure away from the B. fence, I only suggested we would have another look at it.

[REDACTED] appeared satisfied with the progress at this stage and the discussion was concluded.

I have discussed the issue with the B.A.M and the assessment officer briefly. The issue of maintenance/replacement I don't believe is a defining issue for resiting; the bigger issues are the ones of pest harbouring.

This issue will need to be considered further in the context of proceeding to issuing of the order.

Andrew Ashton.