



2 December 2018

Deputy Secretary
Policy and Strategy
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir/Madam,

Submission – Exhibition of Draft Community Participation Plan

Thank you for the opportunity to provide comment on the Department of Planning and Environment's Draft Community Participation Plan currently on exhibition.

The Draft Community Participation Plan has been reviewed and the following matters are raised for your consideration.

Publication of Submissions Reports

Reference is made to Table 3: Community Participation Approach and the publication of submissions reports addressed under 'Determination'. Can you please confirm that 'submissions reports' means reports summarising matters raised in submissions and not publication of the individual submissions. In accordance with *Government Information (Public Access) Act 2009* (GIPA Act), submissions should not be published if they contain personal information.

Recommendation: Provide clarification on the above.

Public Access to Information

In Part 3.2 Exhibition Timeframes, the following key point is included:

'A public authority is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.'

A person who makes an access application for government information has a legally enforceable right to be provided with access to information in accordance with Part 4 of the *Government Information (Public Access) Act 2009* (GIPA Act) unless there is an overriding public interest against disclosure of information. Public interest considerations are tightly defined in the GIPA Act and only those reasons can be taken into account when refusing access to information. It is considered that the phrase '*for any other reason*' is problematic in that it provides a broad scope for access to information to be denied that may be inconsistent with the GIPA Act.

Recommendation: Amend the above key point to delete the phrase '*for any other reason*' and replace with '*for other reasons as defined in relevant legislation*'.

Once again, thank you for the opportunity to comment on the Draft Community Participation Plan. Should you wish to discuss any matter raised in this submission, please contact Debra Clydsdale, Principal Strategic Planner on 9847 6729.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'K Vickery', written in a cursive style.

Katherine Vickery
Manager Strategic Planning