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The Hon. Stirling Hinchliffe
Minister for Infrastructure and Planning
Department of Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Dear Minister,

REMOVAL OF DEVELOPMENT APPLICATIONS AND SUPPORTING MATERIALS FROM THE INTERNET INFORMATION PRIVACY ACT 2009

Some local councils have recently removed information regarding Development Applications (DA) and their supporting documentation such as approval documentation and submissions off their websites. This disadvantages the community in their ability to access this information and make submissions on developments, as people rely heavily on the internet and very few people have time to travel to council offices to inspect materials about developments.

There appears to be some confusion amongst local councils since the *Information Privacy Act 2009* came into effect on 1 July 2009. Redlands City Council and Fraser Coast council have both removed information from their PD online websites. Brisbane City Council and Logan City Council apparently have not taken DA documentation from their websites. **Attached** are some examples of council responses.

Will you take any action, for example by directing fresh public submission periods to assist those who have been disadvantaged by being unable to access information over the internet about development applications? The definition of "State interest" includes ensuring there is an efficient, effective and *accountable* planning and development assessment system.

Please can you advise if you consider the approach by Brisbane City Council and Logan Council is correct or if you propose legislative amendments to ensure that councils may lawfully include applications and supporting materials on their websites.

Yours faithfully,

Jo-Anne Bragg
Principal Solicitor

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1 RESPONSE BY LOCAL COUNCILS

Brisbane City Council and Logan City Council have not taken any DA or supporting documentation from their websites. DA before and after 1 July 2010 remain on the website for public viewing and download. Brisbane City council state that the information is made available under the provisions of *Section 728 of the Sustainable Planning Act 2009*.

Logan City Council have stated on their website that the disclosure of this information is in accordance with the exceptions provided for under *Information Privacy Principle 11(1)(a)* and *11(1)(d)* contained in the *Information Privacy Act 2009* and *section 723(1)(a) of the Sustainable Planning Act 2009*.

Redlands City Council has taken some DA information off their website but only for applications submitted after 1 July 2010. Before this date all DA and supporting documentation is still available online. The only documentation available for DA submitted after 1 July 2010 are decision notices. The following notice was given on Redlands City Council website regarding this matter.

“Notice: Local Government will be subject to the Information Privacy Act 2009 from 1 July 2010. As a consequence, the only documentation shown on PD Online from 1 July 2010 will be decision notices. Please note this will only affect documentation from the 1 July 2010.

If you wish to view development application documentation available for public scrutiny after this date please visit the Redland City Council Cleveland Customer Service Centre where access to documents can be obtained via our self service computers.”

Fraser Coast Council lists DA and supporting documents but does not have online links to any documents this includes applications both submitted and determined before and after 1 July 2010. The only documents relating to DA available online is the decision notices. The following information is provided from Fraser Coast council website.

“Please note: From the 1 July 2010 local governments throughout Queensland are required to comply with The Information Privacy Act 2009. This Act contains privacy principles which create rules for the handling of personal information. Recent correspondence from the Information Commissioner has advised us that the placing of documents online, unless authorised or required by Sustainable Planning Act 2009, is a breach of the privacy principles. Therefore due to this advice only the decision notices will be available online until the Sustainable Planning Act 2009 is revised. Documents will still be available from Council offices for inspection.”