



**ACT**  
Government

**Suburban Land**  
Agency

Dear [REDACTED]

### **Decision on Freedom of Information Access Application 21/133990**

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Suburban Land Agency (SLA) on 7 October 2022.

Specifically, you are seeking:

*...information on EDGEWORTH PARADE PLAYGROUND COOMBS - BLOCK 12, SECTION 52:*

- 1. All design specifications associated with the Birds Nest Tower of Coombs Play Space between December 2019 and December 2020*
- 2. All correspondence with contractors associated with the design and construction of the Birds Nest Tower between December 2020 and April 2021*
- 3. Meeting minutes, memos and emails both internal and external) that contain information and discussion regarding the revised design specifications for the Coombs Play Space after community consultation.*
- 4. All design alterations and correspondence associated with the Birds Nest Tower of Coombs Play Space between December 2020 and April 2021*
- 5. Copy of the surveyor's report from 28 April 2022 and comparisons with original design surveys*
- 6. All documents that relate to the positioning and operation of the path lighting in Coombs Play Space and referencing to relevant standards.*

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

As third party consultation was undertaken and additional time agreed to by you, a decision on your application must be made on or by 9 December 2022.

### **Searches Conducted**

Comprehensive searches were conducted and 19 documents containing information within the scope of your application were identified.

### **Decision on Access**

I have included as **Attachment A** to this decision the schedule of relevant documents. The schedule provides a description of each document that falls within the scope of your application and the access decision for each of those documents.

I have decided to grant full access to nine documents relevant to your application.

I have decided to grant partial access to 10 documents and, in accordance with section 50 of the Act, provide you with copies of documents with deletions applied to contrary to the public interest information.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

### **Third Party Consultation**

In accordance with section 38 of the Act, consultation was undertaken with a third party as information that may have been of concern to them was identified. No objections to release of this information were provided by the third party.

### **Material Considered**

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 6, 17, 38, 50 and Schedule 2
- the content of the documents that fall within the scope of your request
- the *Human Rights Act 2004*
- information publicly available.

### **Public Interest Considerations**

My reasons for deciding not to grant access to certain components of documents are as follows:

#### **Information Disclosure – Schedule 2 of the Act**

The Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7, the Act). As an Information Officer, I am required to allow access to information subject to the Act, unless, on balance, disclosure would be contrary to the public interest.

In assessing the public interest, I must apply the test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.

#### *Factors Favouring Disclosure*

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.

#### *Factors favouring Nondisclosure*

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.2(a)(ii) – prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

### **Personal Information**

Documents relevant to your application contain personal information of individuals which are members of the public or employees of businesses. I have considered how the public interest would be advanced by

releasing this information (names, signatures, contact numbers or emails) in part or in whole. It is my view that the information if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under section 12 of the *Human Rights Act 2004*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

To provide you with the information that I have determined to be in the public interest to release, copies of some documents have been prepared with personal information redacted in accordance with section 50 and the Objects of the Act.

### **Charges**

In accordance with section 107(2)(b) of the Act any charges applicable are waived.

### **Online Publication**

Under section 28 of the Act, on behalf of SLA, Environment Planning and Sustainable Development Directorate (EPSDD) maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD disclosure log at

<https://www.environment.act.gov.au/about-us/access-government-information/disclosure-log>

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

[https://www.ombudsman.act.gov.au/\\_data/assets/pdf\\_file/0026/79190/Apply-for-Ombudsman-review.pdf](https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf)

Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
CANBERRA CITY ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

### **Further Information**

If you have any queries concerning processing of your application, or would like further information, please contact EPSDD Customer Service on (02) 6207 1923 and ask for the FOI team, or email to [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au).

Yours sincerely



Tom Gordon

Information Officer  
Executive Director, Development Delivery  
Suburban Land Agency  
9 December 2022