



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: 6207 1923  
Reference: 19/29956

Dear [REDACTED]

### **Freedom of Information 19/29956**

I refer to part four of your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 23 September 2019, in which you sought access to documents relating the lease variation for block 9 section 3 Hawker submitted in 2016.

Specifically, you are seeking:

“documents generated or received by the ACT Government in relation to consultation undertaken by the ACT Government with residents living on or near Walhallow Street in Hawker, regarding options to manage parking in this area. This includes the following documents:

1. Letters and any other communications by the ACT Government to residents regarding options to manage parking
2. Documentation by the ACT Government indicating number of residents contacted as part of the consultation process about parking management options, and also number of responses received from residents
3. Feedback received by the ACT Government from residents about parking management options
4. Lease variation for the childcare centre, which was endorsed by the EPSDD in 2016”

EPSDD has agreed to respond to point 4 only. The remaining points will be addressed by Transport Canberra and City Services Directorate.

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

EPSDD is required to decide on your access application by 22 October 2019.

### **Searches Undertaken**

Searches were completed, and fifty-five documents relevant to your request were identified.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document and the access decision for each of those documents.

## **Decision on Access**

I have decided to grant access in full to forty-four documents relevant to your request.

I have refused access to two documents under section 45(f) of the Act. These documents are publicly available for purchase through *actlis* at [www.actlis.act.gov.au](http://www.actlis.act.gov.au)

Nine documents identified as relevant to your request contain information that I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act. I have decided to grant access to these documents, under section 50 of the Act, to a copy of the documents with deletions applied to information that I consider would be contrary to the public interest to disclose. These documents are indicated on the schedule for 'Partial release'.

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.

## **Material Considered**

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

- the FOI Act, particularly sections 17, 43, 50 and schedule 2;
- the content of the documents that fall within the scope of your request;
- the *Information Privacy Act 2014* (Privacy Act)
- the *Human Rights Act 2004*

## **Public Interest Considerations**

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

### **Information Disclosure – Contrary to the Public Interest under Schedule 2 of the Act**

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 collectively.

#### Personal Information

I have considered that the release of the information relevant to your application may promote open discussion of public affairs and enhance the government's accountability, contribute to positive and informed debate and reveal the reason for a government decision and any background or contextual information that informed the decision.

One of the documents relevant to your application contains information that includes the, names, signatures and contact details of individuals, which I consider, if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. I have considered whether public benefit would be served by the release of this information and I have decided, on balance, that it would be contrary to the public interest to disclose this information.

## **Charges**

I have waived fees associated with your access application under section 107 of the Act.

## Online Publication

Under section 28 of the Act, the EPSDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application 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's disclosure log at

<https://www.environment.act.gov.au/about/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:

[http://www.ombudsman.act.gov.au/data/assets/pdf\\_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.pdf](http://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.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 the Directorate's processing of your request, 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)



George Cilliers

Information Officer  
Environment, Planning and Sustainable Development Directorate

22 October 2019

