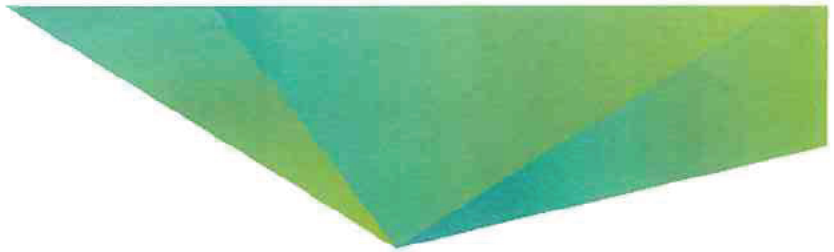




**ACT**  
Government

**Suburban Land**  
Agency



FOI Reference: 19/11446



Dear 

**Freedom of Information 19/11446**

I refer to the application you submitted to the Environment, Planning and Sustainable Development Directorate (EPSDD) for information relating to development applications made for Section 200 Belconnen (DA201731563, DA201731646 and DA201731647) under section 30 of the *Freedom of Information Act 2016* (the Act).

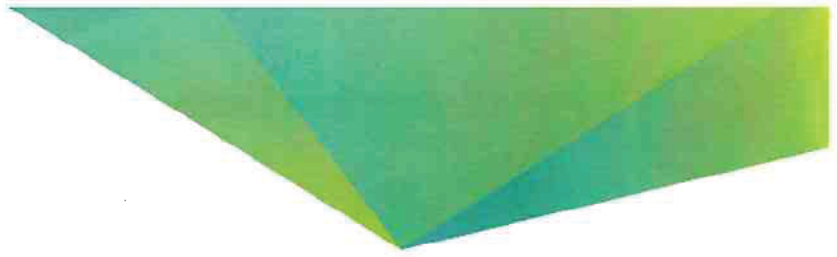
You have sought access to information relied upon to satisfy the conditions of the decisions made on the development applications specified in your request. Point three of your application was referred to the Suburban Land Agency (Agency) on 20 May 2019 as it included a list of documents that were expected to be held by the Agency (Agency documents).

I am informed by EPSDD that the Agency documents were not relied upon in satisfying the conditions of approval for the development applications (DA201731563, DA201731646 and DA201731647) and therefore did not fall within the scope of your application.

The EPSDD Freedom of Information Team provided you with this clarification and, on 11 July 2019, you confirmed to EPSDD that you are also seeking access to the Agency documents listed in item 3 of your application (notwithstanding that these documents were not relied upon by EPSDD).

The documents requested are as follow:

- *Pre-sale Site Investigation Traffic Report*
- *Traffic Impact Assessment Report*
- *Microsimulation Modelling*
- *Modelling Calibration and Validation Report*
- *Parking Assessment*
- *Traffic Control Devices Plan*
- *Traffic Management Plan*
- *Temporary Traffic Management Plan*
- *Construction Parking Plan*
- *Traffic Control Data*



- *Temporary Public Road Closure*

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

In accordance with section 41 of the Act, a decision on your access application is required by 26 July 2019.

#### **Decision on Access**

Documents searches were conducted for the Agency held relevant documents and twelve documents were located within the scope of your request.

I have decided to grant full access to five documents relevant to your request.

Seven 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, under section 50 of the Act, to copies of 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 of documents at **Attachment A** as '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 17, 38, 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 comments of relevant third parties.

#### **Public Interest Considerations**

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

#### **Information Disclosure – Contrary to the Public Interest under 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 cascading test set out by section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.



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### Personal Information

Scheduled items indicated for partial release at **Attachment B** contain information that falls within the meaning of personal information as defined by the Act.

I have considered the Territory Privacy Principles of the Privacy Act and the release of this information and my view in this instance is that the identification of these third parties would not serve to further open discussion, government accountability, informed debate and the provision of contextual or background information.

I am further satisfied that the disclosure of identified personal information could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*; this is a factor favouring nondisclosure under Schedule 2.2(a)(ii) of the Act.

In balancing public interest considerations, I am satisfied that, on the information available, disclosure of the identified personal information of members of the public may constitute a breach of privacy and disclosure is therefore contrary to the public interest.

### **Charges**

The documents identified for release (at **Attachment A**) will be provided to you on receipt of payment of fees associated with processing your access application, being \$112.70.

Fees have been calculated and applied in accordance with the [Freedom of Information \(Fees\) Determination 2018](#) which prescribes fees to be calculated at \$0.35 per page (excluding the first 50 pages). The documents include a total of 372 pages and a fee of \$112.70 is applicable.

Payment methods are outlined on the invoice provided.

### **Online Publication**

Under section 28 of the Act, EPSDD maintains an online record of access applications for the Agency 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 disclosure log no sooner than three days after the date the decision is provided to you. Your personal contact details will not be published.

You may view the disclosure log at the following link:

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

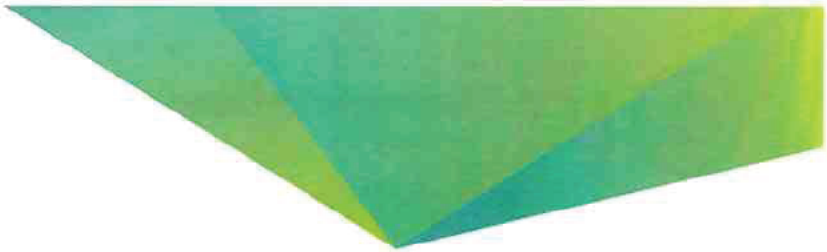
### **Ombudsman Review**

My decision on your access application 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



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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)

If you wish to request a review of my decision 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) of the Act 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 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 [EPSDDFOI@act.gov.au](mailto:EPSDDFOI@act.gov.au).

Yours sincerely,



Tom Gordon

Information Officer  
Suburban Land Agency

26 July 2019