



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCSFOI 2018-058

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents	Not Published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	28 days (extension granted)
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a



RECEIVED
 DATE 10/7/18 BY TCLS

18-058

Freedom of Information – Access Application Form

PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act: if all or some of this information is not collected, [AGENCY] may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The [AGENCY] Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the [AGENCY], as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the [AGENCY] website at [WEBSITE].

Applicant details	
I wish to make an access application to Transport Canberra and City services under the <i>Freedom of Information Act 2016</i> .	
Name	[REDACTED]
Address (where notices relating to this request can be sent – either postal or electronic)	[REDACTED]
Telephone Contact Residential	[REDACTED]
Telephone Contact Mobile	[REDACTED]
Email Contact	[REDACTED]

What documents are you requesting under the Act?
<ul style="list-style-type: none"> To help [AGENCY] process your request, please include enough detail in your application so that we can fully understand what government information you want. You may wish to include a statement about how the release of information is in the public interest. If your application is for access to your own personal information you must include evidence of your identity. If you are an agent acting for an applicant, please supply evidence of your authorisation and evidence of the identity of the agent. If for reasons in section 30 of the Act is not compliant and your application cannot be processed, [AGENCY] will take reasonable steps to assist you and give you reasonable time to amend your application if you wish.
<p>All documents pertaining to the approval of a driveway on Development at [REDACTED] Yarralumla (also known as [REDACTED] Yarralumla).</p> <p>This is to include:</p> <ul style="list-style-type: none"> All calculations of eventual gradients to ensure compliance with the standards: <i>Design Standards for Urban Infrastructure: 5 Driveways</i>. Records of site visits performed by government inspectors to inspect the proposed placement of

Continued on following page



Fee Waiver

Format error of form, see following page.

<p>the new driveway</p> <ul style="list-style-type: none">• Records of notes recorded by inspectors• Any correspondence issued between the applicant and the government in relation to the driveway application and approval• All safety considerations and information/records made in the placement of the proposed driveway taking into account the safety of pedestrians using the footpath, and road, as well as the safety of children riding bikes who will pass the proposed driveway.• Any other material which was to be relied upon in the assessment of the suitability of the driveway	
<p>I would like</p>	<p>a copy of these documents sent to the above address</p>



Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Ombudsman guidelines see Section 66).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the Social Security Act 1991; a current pensioner concession card issued in relation to a pension under the Veterans' Entitlements Act 1986 or the Military Rehabilitation and Compensation Act 2004; a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

[AGENCY] must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable, otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

(provide details and evidence of how this reason applies)

APPLICANT'S SIGNATURE	DATE OF REQUEST



ACT
Government

Transport Canberra and
City Services

[REDACTED]

Dear [REDACTED]

Freedom of information request: Reference 18-058

I refer to your application made under the *Freedom of Information Act 2016* (the Act), which was received by Transport Canberra and City Services Directorate (TCCS) on 10 July 2018, in which you sought access to:

- all documents pertaining to the approval of a driveway on Development at [REDACTED] [REDACTED] Yarralumla (also known as [REDACTED] Yarralumla). This is to include:
 - all calculations of eventual gradients to ensure compliance with the standards: *Design Standards for Urban Infrastructure: 5 Driveways*;
 - records of site visits performed by government inspectors to inspect the proposed placement of the new driveway;
 - records of notes recorded by inspectors;
 - any correspondence issued between the applicant and the government in relation to the driveway application and approval;
 - all safety considerations and information/records made in the placement of the proposed driveway taking into account the safety of pedestrians using the footpath, and road, as well as the safety of children riding bikes who will pass the proposed driveway;
 - any other material which was to be relied upon in the assessment of the suitability of the driveway.

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

TCCS is required to provide a decision on your access application by 7 August 2018, however, I note you agreed to an extension until 17 August 2018.

Decision on access

Searches were completed for relevant documents and 12 documents (40 pages) have been identified that fall within the scope of your request.

I have included at Attachment A to this decision the schedule of the 12 identified documents. This schedule provides a description of each document that falls within the scope of your request and the access decision for each of these documents.

Documents identified as relevant to your request contain information that I consider to be, on balance, 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 (Attachment B) with deletions applied to information that I consider would be contrary to the public interest to disclose.

Statement of Reasons

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

- the Act; in particular
 - Schedule 2, Section 2.2 (a)(ii) – Prejudice the Protection of an Individual's Right to Privacy,
- *Information Privacy Act 2014*;
- the content of the documents that fall within the scope your request.

Documents referenced 2-9 and 12 contains personal information about individuals, including names and contact details. As a general rule an agency that holds personal information about an individual that has been collected for a particular purpose must not disclose the information to a third party without consent (*Information Privacy Act 2014* (Territory Privacy Principle 6). Considering the type of information, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved, therefore, I have decided to release the information with deletions applied to information that I consider would be contrary to the public interest to disclose.

Charges

No fee is payable as the number of pages being released is within the fee-free threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published in the TCCS disclosure log from 3 days after the date of this decision. Your personal details will not be published.

As this information is not part of the Open Access Information Scheme, the documents will not be published online. You may view TCCS' disclosure log at www.tccs.act.gov.au/about-us/freedom_of_information.

Ombudsman review

My decision on your access request is a reviewable decision under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log, or a longer period allowed by the Ombudsman.

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

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 ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any questions concerning the directorate's processing of your request, or would like further information, please contact the directorate's FOI Coordinator on 6205 5408 or email tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

17 August 2018



FREEDOM OF INFORMATION SCHEDULE

PLEASE BE AWARE THAT UNDER THE FREEDOM OF INFORMATION ACT 2016, SOME OF THE INFORMATION PROVIDED TO YOU WILL BE RELEASED TO THE PUBLIC THROUGH THE ACT GOVERNMENT'S OPEN ACCESS SCHEME. THE OPEN ACCESS RELEASE STATUS COLUMN OF THE TABLE BELOW INDICATES WHAT DOCUMENTS ARE INTENDED FOR RELEASE ONLINE THROUGH OPEN ACCESS.

PERSONAL INFORMATION OR BUSINESS AFFAIRS INFORMATION WILL NOT BE MADE AVAILABLE UNDER THIS POLICY. IF YOU THINK THE CONTENT OF YOUR REQUEST WOULD CONTAIN SUCH INFORMATION, PLEASE INFORM THE CONTACT OFFICER IMMEDIATELY.

INFORMATION ABOUT WHAT IS PUBLISHED ON OPEN ACCESS IS AVAILABLE ONLINE AT: [HTTP://WWW.TCCS.ACT.GOV.AU/ABOUT-US/FREEDOM_OF_INFORMATION](http://www.tccs.act.gov.au/about-us/freedom_of_information)

TCCS FOI 18-058		APPROVAL OF DRIVEWAY				
REF NO	PAGE NUMBER	DESCRIPTION	DATE	STATUS	REASON FOR NON-RELEASE OR DEFERRAL	OPEN ACCESS RELEASE STATUS
1	1	EMAIL	28 JUNE 2018	FULL ACCESS		EXEMPT
2	2	EMAIL	18 MAY 2017	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(I)	EXEMPT
3	3	ATTACHMENT TO EMAIL AT REF NO. 2 - PLAN	16 MAY 2017	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(I)	EXEMPT
4	4-5	EMAIL	21 APRIL 2017	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(I)	EXEMPT
5	6-8	APPROVAL APPLICATION	17 MAY 2017	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(I)	EXEMPT

6	9-25	NOTICE OF DECISION	20 AUGUST 2015	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
7	26-27	ATTACHMENT A - STATEMENT OF COMPLIANCE	6 MAY 2015	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
8	28	ATTACHMENT B - STATEMENT OF COMPLIANCE	20 MAY 2015	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
9	29	STATEMENT OF CONDITIONAL COMPLIANCE		PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
10	30-32	EMAIL	1 JULY 2015	FULL ACCESS		EXEMPT
11	33-35	EMAIL	14 MAY 2015	FULL ACCESS		EXEMPT
12	36-40	DRAWINGS	20 JUNE 2015	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT