



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 -118

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Not published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	51 days
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

From: [REDACTED]
Sent: Monday, 17 December 2018 4:09 PM
To: TCCS_FreedomOfInformation
Cc: [REDACTED]
Subject: FOI request to TCCS- DA201732192 and DA201732193
Attachments: FOI request TCCS 17.12.2018.pdf

To Whom It May Concern,

Please find **attached** freedom of information request to Transport Canberra and City Services of today's date.

Kind regards,

[REDACTED]
[REDACTED]

MELBOURNE | SYDNEY | BRISBANE | CANBERRA | PERTH

[REDACTED] Direct
[REDACTED] Fax

BEWARE OF SCAMMERS:

A sophisticated email scam is targeting law firms and their clients. We have been advised that scammers have intercepted emails with bank account details so they can substitute their own account number. If you have received an email purporting to be from us with our Bank Account details for the transfer of funds, please confirm these details with us first by contacting the lawyer in charge of this matter by telephone before purporting to make any transfer or deposit of funds into our Bank Account. Otherwise, we accept no responsibility for any loss or damage arising from any electronic transfers or deposits made by you that are not received into our Bank Account.

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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	
Address (where notices relating to this request can be sent – either postal or electronic)	
Telephone Contact Residential	
Telephone Contact Mobile	
Email Contact	

What documents are you requesting under the Act?	
Please see Attachment A	
I would like	a copy of these documents sent to the above address OR to inspect these documents



Fee Waiver	
<p>If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:</p> <ul style="list-style-type: none">• 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 <u>Social Security Act 1991</u>; a current pensioner concession card issued in relation to a pension under the <u>Veterans' Entitlements Act 1986</u> or the <u>Military Rehabilitation and Compensation Act 2004</u>; 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. <p>[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.</p>	
Fee waiver application (fill in if applicable, otherwise leave blank)	
<p>I would like to apply for a fee waiver because (state reason/s from the list above).</p> <p>[provide details and evidence of how this reason applies]</p>	
APPLICANT'S SIGNATURE	DATE OF REQUEST
	17/12/2018

Attachment A – Details of documents requested under the *Freedom of Information Act 2016*

For the purposes of this request:

"Date Range" means 15 March 2017 to 1 December 2018.

"Development Applications" means the development applications approved in the development approvals numbered DA 201732192 and DA 201732193 which approve development subject to conditions for blocks including Block 4, Section 28 Greenway of the Australian Capital Territory.

We wish to request the following documents within the Date Range:

1. Any documents evidencing conditions recommended by TCCS in relation to the Development Applications;
2. Any documents relating to the Development Applications concerning:
 - (a) parking provision for a dog park on Mortimer Lewis Drive;
 - (b) dog park car parking availability;
 - (c) the extension of a slip lane on Mortimer Lewis Drive;
 - (d) slips roads.
3. Any of the following documents relevant to the Development Applications:
 - (a) traffic assessments;
 - (b) road network assessments;
 - (c) traffic analysis;
 - (d) traffic reports; and
 - (e) commentary by TCCS upon the documents in (a) to (d) above where the documents were authored by third parties.
4. Any advice provided by TCCS to ACTPLA in relation to the Development Applications;
5. Any communications between TCCS and other entities in relation to the matters in paragraphs 1 – 4 inclusive above; and
6. Documents evidencing communications between TCCS and ACTPLA relating to consideration of matters in paragraphs 1 – 4 inclusive above.



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Dear 

Freedom of information request: Reference 18-118

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act) received by Transport Canberra and City Services on 18 December 2018 seeking:

1. documents within the date range of 15 March 2017 to 1 December 2018, any documents evidencing conditions recommended by TCCS in relation to the Development Applications;
2. Any documents relating to the Development Applications concerning:
 - (a) Parking provision for a dog park on Mortimer Lewis Drive;
 - (b) Dog park car parking availability;
 - (c) the extension of a slip lane on Mortimer Lewis Drive;
 - (d) slip roads
3. Any of the following documents relevant to the Development Applications:
 - (a) traffic assessments;
 - (b) road network assessments;
 - (c) traffic analysis;
 - (d) traffic reports; and
 - (e) commentary by TCCS upon the documents in (a) to (d) above where the documents were authored by third parties.
4. Any advice provided by TCCS to ACTPLA in relation to the Development Applications;
5. Any communications between TCCS and other entities in relation to the matters in paragraphs 1-4 inclusive above; and
6. Documents evidencing communications between TCCS and ACTPLA relating to consideration of matters in paragraphs 1-4 inclusive above.

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.

A decision on your access application was due by 23 January 2019. I understand that you have agreed to an extension of 6 March 2019.

Decision on access

I can confirm that the documents identified by TCCS in relation to your request were provided to you on 8 February 2019 by the Environment, Planning and Sustainability Development Directorate (EPSDD).

A copy of the documents are also available on the EPSDD disclosure log at:
<https://www.environment.act.gov.au/about/access-government-information/disclosure-log/disclosure-logs/epsdd-1838258>

On that basis, I have decided to deal with your application pursuant to section 43 of the Act which provides:

- (1) A respondent may refuse to deal with an access application wholly or in part only if-
 - (e) the government information is already available to the applicant (see section 45).

Charges

No fee is payable as no documents are being released to you.

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.

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 as identified in Schedule 3 of the Act. You have the right to seek an Ombudsman review of this outcome 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: ombudsman@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

8 March 2019