



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 23-118

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Published
5. Additional information identified	Not Applicable
6. Fees	Not Applicable
7. Processing time (in working days)	27 days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not applicable
10. Decision made by ACAT	Not applicable

11. Additional information identified by ACAT	Not applicable
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Freedom of Information - Access Application to Transport Canberra and City Services - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

09 Oct 2023 8:22:38 PM

GV9F8PP6

Transport Canberra and City Services (TCCS)

GPO Box 158
Canberra ACT 2601

Phone: 02 6207 2987

Email: TCCS.FOI@act.gov.au

Applicant details

Title

Given name

Family name

[REDACTED]

[REDACTED]

[REDACTED]

Preferred name

[REDACTED]

Preferred method of contact

Phone

Email

Post

Contact phone number

Contact email address

[REDACTED]

[REDACTED]

Contact postal address

Address line 1

[REDACTED]

Address line 2

[REDACTED]

Suburb

State

Postcode

[REDACTED]

[REDACTED]

[REDACTED]

Preferred method to receive information *

Email

Post

Same as contact email address

Information request

Who are you making the request on behalf of?

Myself

What type of information are you requesting access to? *

Other information

What information are you requesting access to under the Act? *

I am after the feedback that was submitted in the community consultation for the Evatt Shops upgrade. In particular I am seeking to know the number of people that commented in favour of a public toilet and the number of people that commented against a public toilet. If this information can be provided in less than 50 pages, that would be great.

Attach a description or additional details about the information you are requesting access to (optional)

Do you have a similar or identical request currently under review by another ACT Government Directorate?

Yes No

Are you enquiring as

A member of the public

Do you wish to apply for a waiver of fees associated with processing your application?

Yes No

Provide a statement about how the release of information is in the public interest (optional)

The initial design did not address a public toilet so none of the questions were in relation to a public toilet specifically, leaving responders to add this request via additional comments. Additionally, the What We Heard report states "A common theme in the feedback was for a public toilet to be installed at the local shops noting the lack of facilities currently available. We also heard from a number of people who did not want to see a public toilet installed, concerned about the opportunity for anti-social behaviour and ongoing maintenance required." This information appears to be vague and potentially misleading so I am just after the number of those that requested a public toilet, versus the number of those that were against a public toilet. To make a decision that would be considered in the best interest of the local public, I believe the local public should be provided with better statistical information instead of "A common theme" and "A number of people".

Would you like to provide any additional information? (optional)

Attach additional documents to support your application (optional)

Dear [REDACTED]

Freedom of Information Request - Reference 23-118

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 10 October 2023 in which you sought access to the following government information:

"I am after the feedback that was submitted in the community consultation for the Evatt Shops upgrade. In particular I am seeking to know the number of people that commented in favour of a public toilet and the number of people that commented against a public toilet. If this information can be provided in less than 50 pages, that would be great."

I thank you for providing the following views on the public interest:

"The initial design did not address a public toilet so none of the questions were in relation to a public toilet specifically, leaving responders to add this request via additional comments. Additionally, the What We Heard report states "A common theme in the feedback was for a public toilet to be installed at the local shops noting the lack of facilities currently available. We also heard from a number of people who did not want to see a public toilet installed, concerned about the opportunity for anti-social behaviour and ongoing maintenance required." This information appears to be vague and potentially misleading so I am just after the number of those that requested a public toilet, versus the number of those that were against a public toilet. To make a decision that would be considered in the best interest of the local public, I believe the local public should be provided with better statistical information instead of "A common theme" and "A number of people".

Timeframes

A decision is due on your access application by 21 November 2023.

Authority

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 FOI Act.

Decision on access

In accordance with the FOI Act, a search of TCCS records has been completed and four records have been identified as relevant to your application.

In reviewing the information within these records, and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with:

- Partial access to 2 records; and
- Full access to 2 records.

Reasons for my decision are detailed further below in the statement of reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedule 1 and 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

Schedule 1:

- No relevant factors identified.

Schedule 2:

Factors favouring disclosure in the public interest (Schedule 2.1)

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision; and
- Schedule 2.1(a)(xiii) - contribute to the administration of justice generally, including procedural fairness.

Factors favouring non-disclosure (Schedule 2.2)

- Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2016*.

In reviewing the relevant records, personal information relating to third parties has been identified. I find that factor 2.2(a)(ii) is relevant to this information and I must consider if the disclosure is likely to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. I have found that this information is not readily available to the public and has not otherwise been disclosed by TCCS. I find that the protection of an individual's right to privacy under the *Human Rights Act 2004* carries significant weight. In this instance, I have found the disclosure of personal information to be, on balance, contrary to the public interest.

I find that the factors favouring disclosure can be met with the deletion of information that is contrary to the public interest. A schedule of the relevant records is enclosed at [Attachment A](#) and a copy of the relevant records with deletions applied to information contrary to the public interest is enclosed at [Attachment B and C](#).

Charges

In accordance with [Freedom of Information \(Fees\) Determination 2018](#), a fee of \$0.35 per page of information disclosed, except for the first 50 pages, may be applied to an access application. No fee is applicable as the total number of pages is within this 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. A copy of your application, my decision and records disclosed to you will be published on the [TCCS Disclosure Log](#) within 3 – 10 business days. Your personal information will be deleted from these copies prior to publication.

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: 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 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 queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

16 November 2023

ATTACHMENT A - ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

Reference Number: 23-118

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:

https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log

Factors favouring non-disclosure:

Schedule 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2016*.

Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
Folio 1						
1	1	Feedback - Evatt local shops upgrades	1 July 2023	Partial access	Schedule 2.2(a)(ii)	To be published on the TCCS Disclosure Log . The applicant's personal information will be removed from published copies prior to publication.
2	2	Feedback - Email - Belconnen Community Council_ Evatt local shops upgrades	21 August 2023	Full access	Not applicable	
3	3 - 4	Feedback - Email - Belconnen Community Council_ Evatt local shops upgrades - Attachment	21 August 2023	Full access	Not applicable	
Folio 2						
4	-	Report 'YourSay' submissions	Multiple	Partial access	Schedule 2.2(a)(ii)	

From: [REDACTED]
To: [TCCS_CommunityEngagement](#)
Subject: Evatt local shops upgrades
Date: Saturday, 1 July 2023 11:06:57 AM

You don't often get email from [REDACTED] [Learn why this is important](#)

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Hello Team,

Just a few thoughts around the Evatt shops proposed upgrade.

I won't comment on the play area, as my children are no longer in that age group, others might have more feedback.

First thing to note, most of the upgrade is focussed behind the shops. There is little to improve the façade of the shops – can the outside be painted and refreshed? All a bit haphazard at present and too much white everywhere!!

There appears to be a proposed tree (marked in light green with a circle), right in front of the IGA. Some nice planters with flowers would be lovely but imagine there would be concerns around access and vandalism. Trees for shade are important, but I think that is not the right position for one to be planted, mess would require cleaning up and may cause access issues. I have not noticed that the plan aims to improve disabled parking accessibility. Are we fixing something that's not broken? Or have there been complaints? The current disabled spots seem to be working fine from my observations.

The biggest omission from the proposal is a public toilet. These are sadly lacking in many of the older shopping precincts, and they are an essential service.

Approaching the shops from Clancy St the area near the sign is not attractive at all, can that be improved? I love the trees in the carpark, they provide much needed shade. Some shade sails in the parking area would be appreciated in summer.

Thanks for the opportunity to comment.

Best regards,

[REDACTED]
[REDACTED]

From: [Lachlan Butler \(Chair, Belconnen Community Council\)](#)
To: [TCCS_CommunityEngagement](#)
Subject: Belconnen Community Council: Evatt local shops upgrades
Date: Monday, 21 August 2023 10:34:03 PM
Attachments: [BCC - Evatt local shops upgrades.pdf](#)

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[Learn why this is important](#)

Hi team,

Please find the attached written submission for the Evatt local shops upgrades YourSay consultation.

Kind regards

Lachlan Butler
Chair
Belconnen Community Council

web.facebook.com/belcouncil | Ph: 0438 458 220



BELCONNEN COMMUNITY COUNCIL

Building a stronger community

Belconnen Community Council: Evatt local shops upgrades

The BCC is a not-for-profit, government-funded community organisation. The Belconnen Community Council (BCC) is an advocacy group that represents the interests of our members and the community on a range of matters affecting the people who live, work, and play in the Belconnen District.

As the voice of Belconnen for over three decades, with over 100,000 people in our catchment, we are intimately engaged with good and bad processes. We are uniquely positioned to offer observations on what works for all sides of the channels we engage with.

Local shops are more than just commercial entities; they are integral threads in the fabric of a community, contributing to its economic, social, and cultural vitality. By ensuring that these areas are safe, accessible, and aesthetically pleasing, we promote local business and create spaces where our community can come together, connect, and flourish. As such, we welcome the ACT Government's investment in upgrading local shopping centre precincts across Canberra.

The BCC highlights several positive aspects of the preliminary design:

- **Tree Replacement:** The move to replace unhealthy trees in the car park area is a commendable one. This not only aligns with aesthetic enhancement but also promotes ecological responsibility.
- **Landscaping:** The proposed landscaping will uplift the precinct's aesthetic appeal; this could be further enhanced with additional tree planting.
- **Additional Seating:** This would be incredibly beneficial, especially to the elderly and parents or guardians frequenting the nearby primary school.
- **Play Area:** The idea of having a play area is an excellent one, catering to both school-going and pre-school children. It would serve as a recreational space and a focal point of community interactions.
- **Pathway Upgrades:** Enhancing the pathway leading to and from the shops would improve safety and accessibility.
- **Carpark Improvements:** These improvements should alleviate some of the parking pressures during peak times and aid people with disabilities.

However, a longstanding concern among the community, especially our younger and older residents, has been the absence of toilet facilities. While we understand the constraints of budgeting, we believe that toilets would be an essential addition, particularly given the



BELCONNEN COMMUNITY COUNCIL

Building a stronger community

introduction of a play area. Inclusion of such facilities would stand testament to the government's commitment to equality, inclusion, and accessibility.

The BCC looks forward to further engaging with the relevant stakeholders of this project to promote the best outcome for the community.

Kind regards

A handwritten signature in black ink that reads "Lachlan Butler".

Lachlan Butler

Chair

Belconnen Community Council

[web.facebook.com/belcouncil](https://www.facebook.com/belcouncil) | Ph: 0438 458 220