



ACT
Government

City and Environment

OFFICIAL

Our ref: CED FOI 26-105

By email: [REDACTED]

Dear [REDACTED]

Freedom of Information – Notice of Decision

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by the City and Environment Directorate (CED) on 24 April 2026. You sought access to the following information:

“We request the information set out below for the period 2024 – 2025 inclusive:

- *The number of Fix My Street requests that mention banana bars on cycle paths.*
- *The number of Fix My Street requests that mention banana bars on cycle paths that were resolved.*
- *The number of Fix My Street requests that mention banana bars on cycle paths that were reactivated.*
- *The time taken to resolve Fix My Street requests that mention banana bars on cycle paths.*
- *The number of Fix My Street requests that mention removal of bollard, pole, bracket, stand, guardrail, guard rail, barrier or post on cycle paths.*
- *The number of Fix My Street requests that mention removal of bollard, pole, bracket, stand, guardrail, guard rail, barrier or post on cycle paths that were resolved.*
- *The number of Fix My Street requests that mention removal of bollard, pole, bracket, stand, guardrail, guard rail, barrier or post on cycle paths that were reactivated.*
- *The time taken to resolve Fix My Street requests that mention removal of bollard, pole, bracket, stand, guardrail, guard rail, barrier or post on cycle paths”.*

I wrote to you on 8 July 2026 to advise you of my intention to refuse to deal with your access application. In accordance with section 46 of the FOI Act, I invited you to consult with the Directorate and provided you with 10 working days to revise the scope of your application. No response was received within that consultation period.

Timeframes

In accordance with section 40 of the FOI Act, CED was required to provide a decision on your access application within 30 working days. Under section 41 of the FOI Act, you agreed to an extension of 20 working days. The statutory due date was further suspended during the 10 working day consultation period. Therefore, a decision is due on 22 July 2026.

Authority

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

Decision on access

After careful consideration of your application, I have decided to refuse to deal with your access application under sections 35(1)(d), 43(1)(a) and 44 of the FOI Act. I am satisfied that dealing with the application would require a substantial and unreasonable diversion of CED's resources.

Statement of reasons

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

- your original access application
- the FOI Act
- the information that falls within the scope of your application
- the resources required to identify, locate, retrieve and assess documents falling within scope and
- the ACT Ombudsman FOI Guidelines.

I understand that you spoke with the Information Access team on 3 July 2026 regarding the scope of your access application and the limitations identified in retrieving information relating to "banana bars". As advised by our office on 3 July 2026 and in my letter dated 8 July 2026, a total of 978 complaints or reports relating to cycle paths and footpaths (including fencing and bollards) were identified as potentially falling within the scope of your application.

This data was collated as a sample response to part of your application and does not address other elements of the request, including references to banana bars, poles, brackets, stands, guardrails, barriers or posts. Further, the sample data does not establish whether a bollard or fence is located on a cycle path, which is relevant to the scope of your application. I understand that you expressed an interest in receiving a copy of this information. However, following the discussions, it was identified that significant further manual review would be required to determine whether each record is relevant to your application. For example, officers would need to assess whether a reported bollard is located on a cycle path and whether the report concerns the installation, maintenance or removal of that bollard.

An initial high-level review of the sample data indicates that a substantial amount of work would be required to respond to your application and to address the limitations associated with locating and collating the requested information. We estimate that reviewing the 978 identified cases alone would require approximately 125 additional hours. Further time would also be required to conduct additional searches, assess records for relevance, manually collate information, consult with relevant business areas, and undertake the standard administrative processes associated with making a decision under the FOI Act.

Fix My Street (FMS) requests are received by a range of business areas across CED. The team that receives a particular request is largely dependent on the information provided by the person submitting it, including the categories selected at the time of lodgement. As the information sought cannot be searched centrally using available metadata, CED would be required to undertake searches across all business areas that receive FMS requests. Where information is not captured as searchable metadata, individual records would need to be manually reviewed to determine whether they fall within the scope of your application.

I have considered the time and resources required to identify, retrieve and assess the relevant records, including the need to manually review each of the 978 identified cases.

I am satisfied that undertaking this work would substantially divert CED resources and adversely affect the Directorate's ability to perform its ordinary functions, including the delivery of operational services, management of time-sensitive tasks, and administration of its responsibilities under the FOI Act.

The threshold for an access application to be considered an unreasonable diversion is where the extent to which the public interest would be advanced by giving access to the information does not justify the use of the required resources.

In forming my views, I considered the matter of *Burdon and Suburban Land Agency*, in which the Senior Assistant Ombudsman identifies a non-exhaustive list of factors relevant when assessing what constitutes an unreasonable and substantial diversion of resources. This list includes:

- the terms of the request, especially if the request was expressed globally
- the demonstrated importance of the documents
- the size of the respondent and the extent of its resources
- the respondent's estimate of the number of documents, pages, processing time and cost
- the reasonableness of the initial assessment and whether the applicant has been cooperative in refining the scope, and
- whether the processing time is more than 40 hours of work.

In reaching this view, I have also considered the extent to which disclosure of the requested information is likely to advance the public interest. While the information sought relates to public infrastructure, the request seeks information that is not readily identifiable through existing systems.

Having regard to the current scope of the application, I am not satisfied that the likely public interest benefit is sufficient to justify the substantial and unreasonable diversion of resources that would be required to process the application in its current form.

Charges

Processing charges are not applicable for this application as no records are being released to you.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT 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 FOI 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
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

Signed electronically.

Craig Weller
Information Officer
City and Environment Directorate
23 July 2026