



2019/05148/01

PEOPLE AND BUSINESS
DIVISION

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Adelaide SA 5000

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Hon Stephen Mullighan MP
Member for Lee
Level 1
62 Semaphore Rd
SEMAPHORE SA 5019

Dear Mr Mullighan,

*NOTICE OF DETERMINATION - REQUEST FOR ACCESS TO DOCUMENTS
UNDER THE FREEDOM OF INFORMATION ACT 1991*

I refer to your application made under the *Freedom of Information Act 1991* (the Act) which was received by the Department of Planning, Transport and Infrastructure on 26 April 2019.

You have requested access to:

"All minutes, briefings, notes, documents, emails and correspondence regarding West Lakes Boulevard held by the Department of Planning, Transport and Infrastructure. From 19/03/2018 to 26/04/2019."

30 April 2019 RE-SCOPED TO:-

"All, minutes, briefings, notes, documents, emails and correspondence regarding the intersection of West Lakes Boulevard, Cheltenham Parade & Port Road held by the Department of Planning, Transport and Infrastructure. From 19/3/2018 to 26/04/2019."

07 May 2019 RE-SCOPED TO:-

"All minutes and briefings regarding the intersection of West Lakes Boulevard, Cheltenham Parade & Port Road held by the Department of Planning, Transport and Infrastructure. From 19/3/2018 to 26/04/2019."

The period for processing your application has now passed. A determination was due on 06 June 2019. This means that the Department of Planning, Transport and Infrastructure is deemed by section 19(2)(b) of the Act to have refused access to the documents.

However, nothing prevents an agency from making a determination to release documents to you under section 19(2a).

I have determined that of the five in scope documents held by DPTI, one document may be released in full. I have determined to refuse access to two documents and to partially release two documents.

Were the application processed within the statutory timeframe however, I would have refused access to document 4 in accordance with section 20(1) and Schedule 1, Part 3 Clause 17(c) and document 5 in accordance with Clause 9(1)(a)(i) of the Act. Documents 1 and 1 are to be partially released in accordance with section 20(1) and Schedule 1, Part 2 Clause 6(1) of the Act which states;

20—Refusal of access

- (1) *An agency may refuse access to a document—*
(a) *if it is an exempt document*

6—Documents affecting personal affairs

- (1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

9—Internal working documents

- (1) *A document is an exempt document if it contains matter—*
(a) *that relates to—*
(i) *any opinion, advice or recommendation that has been obtained, prepared or recorded in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and*
(b) *the disclosure of which would, on balance, be contrary to the public interest.*

17—Documents subject to contempt etc

- A document is an exempt document if it contains matter the public disclosure of which would, but for any immunity of the Crown—*
(c) *infringe the privilege of Parliament.*

Documents 1 and 2 contain information that this department considers to be the personal affairs of individuals (i.e. names, direct phone / mobile numbers and email addresses). Pursuant to Clause 6(1) of the Act, this information is exempt from disclosure and has been removed or 'marked out' from the report.

I have refused access to document 4 as it contains information pertaining to a Parliamentary Public Works Committee submission and is still an incomplete unapproved draft, with potentially some incorrect / outdated information. No decisions on future directions have been made and the recommendations in document 4 have yet to be considered by the Minister and the Parliamentary Public Works Committee. Pursuant to Clause 17 (c) of the Act, this information is exempt from disclosure.

I have refused access to document 5 under Clause 9(1)(a)(i) as the information in document 5 involves the delivery of opinion, advice and recommendations between the Project Manager and the Program Lead in the course of decision-making functions of the agency. The document contains information in draft form, which, if released, could impair the integrity and/or viability of the agency's decision-making and upcoming tender processes.

When considering exemptions under Clause 9, I must also consider public interest for and against the release of information.

Factors in favour of release include:

- The public interest in fulfilling the objects of the FOI Act, promoting openness and accountability within government.
- The public interest in scrutiny of government decision making.
- The public interest in ensuring that public infrastructure needs are being met in the long term.

Factors against of release include:

- The need for some confidentiality to allow government to consider, consult and otherwise measure the feasibility of projects.
- The public interest in ensuring the effective conduct of the agency's functions.
- The inclusion of options and suggestions that may or may not be implemented, has not been subject to consultation, nor have resourcing implications been considered.
- Ensuring public agencies are able to achieve the best value for money when engaging with third party service providers

It is my view that it would, on balance, be contrary to the public interest for the information to be disclosed.

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, will be published in the agency's disclosure log within 90 days from the date of this determination. Any private information will be removed. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you have any objection to this publication, please contact us within 30 days of receiving this determination.

Attached is an explanation of the provisions of the Act which details your rights to review this determination, and the process to be followed.

Should you have any enquiries concerning your application please contact [redacted] Freedom of Information Officer, on telephone [redacted]

Yours sincerely



Sam Rodrigues
Accredited Freedom of Information Officer

28 June 2019

YOUR RIGHTS TO REVIEW

INTERNAL REVIEW

If you are dissatisfied or concerned with the decision of this Agency regarding access to documents or the request for amendment to your personal records, you can apply for an Internal Review of that decision.

To apply for an Internal Review you must write a letter addressed to the Principal Officer or lodge an Internal Review application form with the Principal Officer of this Agency. The legislated application fee must accompany all applications, unless the fee was waived in the original Freedom of Information application, in which case there would be no fee payable for the application. The application must be lodged within 30 days after being notified of the decision.

The Agency will undertake the Internal Review and advise you of its decision within 14 days of receipt of the application.

Where the decision was made by the Minister or Principal Officer of the Agency, you are unable to request an Internal Review but you can apply for an External Review by the Ombudsman, or the South Australian Civil and Administrative Tribunal.

You are unable to apply for an Internal Review regarding a decision to extend the time limit for dealing with an application but you can apply for an External Review.

EXTERNAL REVIEW BY THE OMBUDSMAN

If the Agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review by the Ombudsman SA.

You may also request an External Review by the Ombudsman if you have no right to an Internal Review.

The application for review by the Ombudsman should be lodged within 30 days after the date of a determination. The Ombudsman's Office, at their discretion, may extend this time limit.

Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman by telephone on 8226 8699 or toll free 1800 182 150 (within SA).

APPEAL TO THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)

If you are still dissatisfied with the decision made by this Agency after an Internal Review or after a review by the Ombudsman, you can request a review from SACAT.

You must exercise your right of review to SACAT within 30 calendar days after being advised of the determination or the results of any other Internal or Ombudsman Review. Any costs will be determined by SACAT, where applicable. For more information, contact;

South Australian Civil and Administrative Tribunal (SACAT)

Phone: 1800 723 767

Email: sacat@sacat.sa.gov.au

SCHEDULE OF DOCUMENTS - FREEDOM OF INFORMATION APPLICATION NUMBER

2019/05148/01

				Determination	Schedule Clause
Document				Release / Refuse	Access
Number	Description of Document	Date of Document	Author	Access	Applied
1	Email 16:47 63882 18MTR0482	23-February-2018	Cheltenham Electoral Office	Partial Release	6(1) Personal affairs
2	66288 18MTIL2309 Signed	01-December-2018	Hon Stephan Knoll	Partial Release	6(1) Personal affairs
3	13852435 Minister Request 69661 - RESPONSE Port Rd, West Lakes Bvd & Cheltenham Pde Intersection Upgrade Project	unknown	DPTI	Release	
4	13528403 Draft Minute	April 2019	DPTI	Refuse Access	17(c) infringe privilege of Parliament
5	13736512 Draft Minute	March 2019	DPTI	Refuse Access	9(1)(a)(i) opinion, advice or recommendation

From: Cheltenham EO <Cheltenham@parliament.sa.gov.au>
Sent: Friday, 23 February 2018 4:47 PM
To: DPTI:Minister Mullighan
Subject: RE: West Lakes Boulevard, Albert Park streetscape improvement request for consideration

Dear Minister

Please see email below from ^{6(1) Personal affairs} regarding beautification of West lakes Boulevard between Port Road, Albert Park & Clark Terrace, Seaton.

May your office please consider the concerns raised by ^{6(1) Personal affairs} and provide a response at the earliest opportunity.

Kind regards

Electorate office of Jay Weatherill MP

Member for Cheltenham | Premier of South Australia | Minister for the Arts

Unit 4/95 Findon Road, Woodville South | PO Box 102, Woodville South SA 5011
Phone: 8243 0062 | Fax: 8244 6732 | Email: cheltenham@parliament.sa.gov.au



From: Cr Tolley Wasylenko [<mailto:twasylenko@charlessturt.sa.gov.au>]
Sent: Tuesday, 20 February 2018 7:02 PM
To: ^{6(1) Personal affairs}

Lee EO <Lee@parliament.sa.gov.au>; Cheltenham EO <Cheltenham@parliament.sa.gov.au>; Council Members <CouncilMembers@charlessturt.sa.gov.au>

Subject: Re: West Lakes Boulevard, Albert Park streetscape improvement request for consideration

Resent due to email error return.

Hello ^{6(1) Personal affairs}

I acknowledge receipt of your email and will progress the requests, suggestions and comments to the appropriate staff and authorities.

West Lakes Blvd is a State road and corridor along the rail track is the railways dept responsibility. I have included the Minister of Transport and the local member in Premier Jay Weatherill into this email. I am sure

their office will forward in the request. Not sure who pays for what but I am sure it will and can be worked out. You may be aware that the Transport Minister announced the intersection of West Lakes Blvd and Cheltenham and Port road is to have major reconstructions. The fences on the eastern side subject to full approval are to have Murials instead of graffiti.

As for the law breakers speeding and dangerous driving the police need to receive more details so they can act, catch them and get them off the road.

Council has replaced dead trees and plants along West Lakes Blvd between Clarke Tce and Tapleys Hill road. The verge on the Western side get very narrow and trees could pose a problem due to the railway station crossing and movements. I am sure some form of landscaping could happen. Council are about to start their budget process but with threat of rate capping (refer LGA reports and NSW & Victoria) any extra non essentials works might be difficult.

If funds could be raised in partnership with the state Govt I am in totally agreement. Let's make it a please to see and drive down.

I will forward the email to all and allow staff and the MP's office respond directly to you.
Thank you.

Regards and Cheers

Councillor Tolley Wasylenko JP
West Woodville Ward

E-Mail: twasylenko@charlessturt.sa.gov.au
Ph: 82683249 or Mb: 0428282624
28 Johnson Street Royal Park SA 5014

On 20 Feb 2018, at 2:27 PM, **6(1) Personal affairs**

wrote:

Dear Mayor, Councillors, Sir/Madam,

I am writing to request if Council would consider beautifying West Lakes Boulevard between Port Road, Albert Park & Clark Terrace, Seaton. The stretch of boulevard from Clark Terrace through to Military Road, West Lakes is beautiful and would be very much appreciated by locals on both sides of the corridor if we too had that same vista. Essentially a view consistent with the definition of a "Boulevard - a wide street in a town or city, typically one lined with trees".

Currently the stretch of road in question is hot, dry and windy, a dust bowl corridor with potholes on the road shoulder bordered by old sheep fencing, weeds & rubbish strewn about. In the wetter months it becomes a mud pool with poor drainage.

Small trees (taking the electrification of the rail line into consideration), shrubs, a designated footpath (on the east side), guttering and landscaping (chip bark/mulch,

pebbles) would create a much more attractive look in keeping with the rest of the boulevard and additionally a more conducive streetscape to tie in with new Albert Park Train Station and also to entice people to look more seriously at the residential development in "The Square" Woodville West. This development is now in competition with St Clair and its new parklike surroundings & also the West Lakes (AAMI stadium site) development, again with very attractive streetscape along West Lakes Boulevard running adjacent & in and around this development.

Any improvement along the stretch of West Lakes Boulevard in question could also be designed to combat anti-social behaviour such as vandals & graffiti (which has been a major issue on many residential boundary fences & structures within Council boundaries) by improved street lighting and cameras. Cameras would also deter the very high rate of drivers who treat this stretch of West Lakes Boulevard as a racetrack – driving at very high speeds and endangering all present.

As a very proud resident of Woodville West I only wish to request that due consideration could be given in this area of our neighbourhood.

I thank you all for your time.

Kindest regards

6(1) Personal affairs



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twitter.com/CharlesSturtSA



Place Making (verb) the act of reimagining everyday spaces into places where people love to gather and connect

Go Green - Think before you print.

This initiative forms part of our environmental plan - Towards One Planet Living: Greening the Western Suburbs.

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Government
of South Australia

The Hon Stephan Knoll MP
Member for Schubert

18MTIL2309

6(1) Personal affairs

Dear 6(1) Personal affairs

Thank you for your letter regarding the Port Road / Cheltenham Parade / West Lakes Boulevard intersection in Woodville.

I am pleased to confirm that the 2018/19 State Budget has committed \$6 million to the upgrade of this intersection.

The Department of Planning, Transport and Infrastructure is proceeding with planning and procurement activities. Early works for the project, including surveys, investigations, reporting and traffic modelling, have already commenced.

It is anticipated that the project will be completed by mid-2020 and should improve traffic flow and safety for all road users.

Thank you for your interest in this matter and I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Stephan Knoll', written over a large red watermark that reads 'RELEASED UNDER FOI ACT'.

HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING

1 December 2018

Minister for Transport, Infrastructure and Local Government
Minister for Planning

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171
Tel 08 7109 8430 | Email ministerknoll@sa.gov.au



MR Request Response # 69661

2019/00487/01

Incoming Request

The MO received a call from a resident to enquire on the status of the Port Road, West Lakes Blvd and Cheltenham Parade Intersection upgrade project.

DPTI to provide update to enable resident to relay advice at community meeting to be held on Wednesday 3 April.

Response

The Port Road, West Lakes Boulevard and Cheltenham Parade Intersection Upgrade Project is currently in the design stage. The Department of Planning, Transport and Infrastructure has been in consultation with key stakeholders, including the City of Charles Sturt.

A contract for the works is expected to be awarded in the second half of 2019, with works expected to commence late 2019/early 2020, weather permitting.

The community will notified in advance of any works commencing.

Approver



RELEASED UNDER FOIA ACT