

# *Government Information (Public Access) Act 2009*

## **NOTICE OF DECISION**

|                   |  |
|-------------------|--|
| Applicant:        | Mr Thomas Wade                                     |
| File Ref:         | 2020/509888  |
| Decision maker:   | Cameron Peters – Access to Information Team Leader |
| Date of decision: | 28 September 2020                                  |

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## 1. Summary of access application

On 30 August 2020, Northern Beaches Council received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You asked for the following information:

- *Could you please attach the following information regarding beach parking permits.*
  1. *The number of beach parking permits sent to ratepayers, specifically in the August Rates Notice.*
  2. *The cost of manufacturing said beach parking permits, alongside the name of the organisation, business or person(s) in charge of manufacturing said beach parking permits.*
  3. *Any cost analysis regarding the use of beach parking, both in terms of all monies made from non-residents and information regarding residents usage and monies not made from residents using beach parking.*
  4. *Any information relating to the monies, and percentage of monies from rates, to pay for repair and general upkeep of areas wherein the beach parking permit may be used within the Northern Beaches Council area.*

## 2. Decision

I am authorised by the principal officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided, under section 58(1)(a) of the GIPA Act, to provide access to the information

In this Notice of Decision I will explain my reasons. To meet the requirements of section 61 of the GIPA Act, I need to tell you:

- (a) the reasons for my decision and the findings on any important questions of fact underlying those reasons; and
- (b) the general nature and format of the records containing the information you asked for, with reference to the relevant public interest considerations against disclosure (see the attached Schedule of Documents).

You can ask for a review of this decision. For details about how to do so, see part 9 of this Notice.

## 3. Searches for information

Under the GIPA Act, we must conduct reasonable searches for the government information you asked for in your application. I have searched our records to find any information that falls within the scope of your application.

The following searches were conducted:

- Northern Beaches Council Document Management System (TRIM)
- Property & Rating System
- Relevant Council departments
- Office 365

## 4. Consultation

Northern Beaches Council has not been required to consult with third persons in relation to the information sought.

## 5. Reason for decision

Under s. 9(1) of the *GIPA Act*, you have a legally enforceable right to be provided with access to the information sought, unless there is an overriding public interest against disclosure of the information. In making such a determination, agencies must apply the public interest test under s. 13, which provides that there will only be an overriding public interest against disclosure where public interest considerations in favour of disclosure are, on balance, outweighed by those against disclosure. Under s. 5 of the *GIPA Act*, there is a presumption in favour of disclosing government information sought.

## 6. The public interest test

Under section 9(1) of the *GIPA Act*, you have a legally enforceable right to access the information you asked for, unless there is an overriding public interest against its disclosure.

Further, under section 5 of the *GIPA Act*, there is a presumption in favour of disclosing government information unless there is an overriding public interest against its disclosure.

To decide whether or not there is an overriding public interest against disclosure of the information you asked for, I applied the public interest test, which is set out in section 13 of the *GIPA Act*.

I applied the public interest test by:

- (a) identifying any public interest considerations in favour of disclosure;
- (b) identifying any relevant public interest considerations against disclosure; and
- (c) deciding where the balance between them lies.

I did this in the way required by section 15 of the *GIPA Act*, which is:

- (a) in a way that promotes the objects of the *GIPA Act*;
- (b) with regard to any relevant guidelines issued by the Information Commissioner;
- (c) without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant);
- (d) without taking into account the fact that disclosure of information might be misinterpreted or misunderstood by any person (as that fact is irrelevant); and
- (e) with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

## 7. Notice of Decision

I have decided under section 58(1)(a) of the GIPA Act to provide access to the information sought in your access email. Attached to this Notice of Decision is a schedule of Documents that will be released.

| Document/s                 | Decision     | Reason |
|----------------------------|--------------|--------|
| Delivery Program 2020-2024 | Full Release |        |

### Questions:

1. *The number of beach parking permits sent to ratepayers, specifically in the August Rates Notice?*

*Answer: 206,000 permits (on 103,000 notices)*

2. *The cost of manufacturing said beach parking permits, alongside the name of the organisation, business or person(s) in charge of manufacturing said beach parking permits.*

*Answer:*

Council is not able to place conditions on information released in response to a Formal GIPA Application. If a competitor to these businesses came to know the amounts they charged Council for provision of goods and/or services, it would place them at a disadvantage in relation to any further work they may wish to provide to Council as once this information is in the public domain, it may be made available to the competitors of these businesses

- I refer you to section 14(4) of the GIPA which states:

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:

- (c) diminish the competitive commercial [value](#) of any information to any person
- (d) prejudice any person's legitimate business, commercial, professional or financial interests

3. *Any cost analysis regarding the use of beach parking, both in terms of all monies made from non-residents and information regarding resident's usage and monies not made from residents using beach parking.*

*Answer: Last financial year this was \$6,314,848,43*

4. *Any information relating to the monies, and percentage of monies from rates, to pay for repair and general upkeep of areas wherein the beach parking permit may be used within the Northern Beaches Council area.*

*Answer: Please refer to the Delivery Program attached to this Notice of decision, also the link is provided below <https://files.northernbeaches.nsw.gov.au/sites/default/files/delivery-program-2020-2024.pdf>*

## 8. Access

### 8.1 Form of access

You will be provided with the Notice of Decision and Schedule of Documents via email  
This decision is reviewable under section 80(i) of the GIPA Act.

### 8.2 Processing charges

No processing charges apply to this application.

## 9. Your rights of review

If you are aggrieved by any of the reviewable decisions in this Notice of Decision, you may seek a review under Part 5 of the *GIPA Act*. Before you do so, I would encourage you to speak with the officer responsible for your access application, whose contact details are below.

For your information, there are three avenues of review: internal review by a senior officer, external review by the Information Commissioner or external review by the Administrative Decisions Tribunal ("Tribunal"). Please refer to the link below if you require additional information about the review process: <http://www.ipc.nsw.gov.au/gipa-reviews>

You should note that the time for seeking internal review is four weeks or, for external review, eight weeks from the date you were notified of this decision. You may obtain further information about your rights under the *GIPA Act* by contacting the Office of the Information and Privacy Commission on 1800 472 679 or at the following website: <http://www.ipc.nsw.gov.au/>

If you have any queries about this notice or require further information on your rights of review, please contact me by email on [cameron.peters@northernbeaches.nsw.gov.au](mailto:cameron.peters@northernbeaches.nsw.gov.au)

Regards



Cameron Peters

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10.

Schedule of Documents

| Description of record that contains the information | Format of record | Released or withheld | Relevant public interest consideration(s) against disclosure |
|---|------------------|----------------------|--|
| F - Delivery Program 2020-2024                      | PDF              | Full Release         |  |