

Our Ref: MCPFOI2020/12

via email:		
Dear		

#### FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Major Projects Canberra (MPC) on 10 August 2020, in which you sought access to:

- All information held by Major Planning (sic) Canberra (MPC) in relation to establishing and justifying the Territory's need for land currently leased to the Slovenian Australian Association at Block 4 Section 23, Phillip.
- Submissions and correspondence between MPC and the ACT Planning Directorate in relation to an application for the renewal of the lease on Block 4 Section 23, Phillip.
- Information on any stakeholder consultation in relation to the Territory's need for land at Block 4 Section 23, Phillip.

On 28 August 2020, the MPC FOI team wrote to inform you of the need for third party consultation. In accordance with section 38(5)(b) of the Act, the due date was extended by 15 working days to allow the relevant third parties to provide their views on disclosure of the documents.

#### Authority

I am an Information Officer appointed by the Chief Projects Officer under section 18 of the Act to deal with access application made under Part 5 of the Act.

#### **Timeframes**

In accordance with sections 40 and 41 of the Act, MPC is required to provide a decision on your access application by 28 September 2020.

On 25 September 2020, you received a Notice of Decision letter informing you that I had decided to defer access to 6 (six) documents as an affected third party, Hassall Ltd, had objected to disclosure. The third party had 20 working days to apply to the ACT Ombudsman for a review of my decision.

The third-party review period expired on 29 October 2020. The third party did not request a review of my decision.

#### **Third Party Consultation**

In making this decision, I completed consultation in accordance with section 38 of the Act. The views of Arup Group Limited and Hassell Ltd were considered when making this decision.

#### **Decision on access**

Searches were completed for relevant documents and 52 documents were identified that fall within the scope of your request.

I have included at **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

In addition to documents already released to you, I have decided to provide access to four (4) documents in full and two (2) documents in part which were identified for deferral in my Notice of Decision to you on 25 September 2020.

#### **Materials considered**

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

- the Act; and
- the content of the documents that fall within the scope of your request.

#### **Exemption claimed**

My reasons for deciding not to grant access to the identified documents is as follows:

The documents that have been identified as being within the scope of your request is composed of information that is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act as it is Cabinet information. Under section 1.6 of Schedule 1 of the Act, Cabinet information is exempt from release. The purpose of this exemption is to maintain the confidentiality of the cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

The documents that you have requested falls within section 1.6 of the Act as it is information which has been commissioned by the Cabinet to guide it in its decision making and to assist it in its deliberations. They are therefore exempt from release under the Act.

#### **Third Party Contentions**

Pursuant to section 38 of the Act, third party consultation was undertaken with Arup Group Limited and Hassell Ltd as MPC considered the release of information may reasonably be expected to be of concern to both these parties. Hassell Ltd raised an objection to the release of this information

under Schedule 2 of the Act. I consider the objections raised by Hassell Ltd are 'relevant considerations' for the purpose of this decision.

#### Factors favouring nondisclosure under Schedule 2 s2.2

As required in the public interest test set out in section 17 of the Act, I have identified the following public interest factors in favour of non-disclosure that I believe are relevant to determine if release of the information contained within these documents is within the 'public interest':

- Information disclosure could be reasonably expected to prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.
- Information disclosure could prejudice the competitive commercial activities the agency.

#### Right to Personal Privacy

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

These individuals are entitled to expect the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (email addresses, mobile numbers and names of individuals not employed by the ACT Public Service) could prejudice their right to privacy under the Human Rights Act 2004.

In reviewing the documents, I consider that overall the weight of factors in favour of disclosure outweigh the factors in favour of non-disclosure. However, I consider that there are some documents where this does not apply. Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release accordance with section 50(2) of the Act will ensure the intent of the Act is met and will provide you with access to the majority of the information held by MPC within the scope of your request. Details of the documents to be released and the relevant sections which information has been withheld from release are at Attachment A.

#### Charges

Pursuant to Freedom of Information (Fees) Determination 2017 (No 2) processing charges are not applicable for this request.

#### Online Publishing - Disclosure Log

Under section 28 of the Act, MPC maintains and official online record of access applications called a disclosure log. Your original access application and my decision will be published in the MPC disclosure log three (3) days after the date of the decision. Your personal contact details will not be published. You may view the MPC disclosure log at https://www.act.gov.au/majorprojectscanberra.

#### **OFFICIAL**

#### **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 Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the MPC 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(1) on an Ombudsman review, you may apply to ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street GPO Box 370 CANBERRA CITY ACT 2601

Telephone: (02) 6207 1740 http://www.acat.act.gov.au

Should you have any queries in relation to you request, please contact me by telephone on (02) 6207 1757 or email <a href="mailto:MPCFOI@act.gov.au">MPCFOI@act.gov.au</a>.

Yours sincerely,

Nikki Pulford Information Officer

Major Project Canberra

10 November 2020



# FREEDOM OF INFORMATION REQUEST SCHEDULE

	Request Details
MPCFOI2020/12	<ul> <li>All information held my Major Planning Canberra (MPC) in relation to establishing and justifying the Territory's need for land currently leased to the Slovenian Australian Association at Block 4 Section 23, Phillip.</li> </ul>
	<ul> <li>Submissions and correspondence between MPC and the ACT Planning Directorate in relation to an application for the renewal of the lease on Block 4 Section 23, Phillip.</li> </ul>
	<ul> <li>Information on any stakeholder consultation in relation to the Territory's needs for land at Block 4 Section 23, Phillip.</li> </ul>

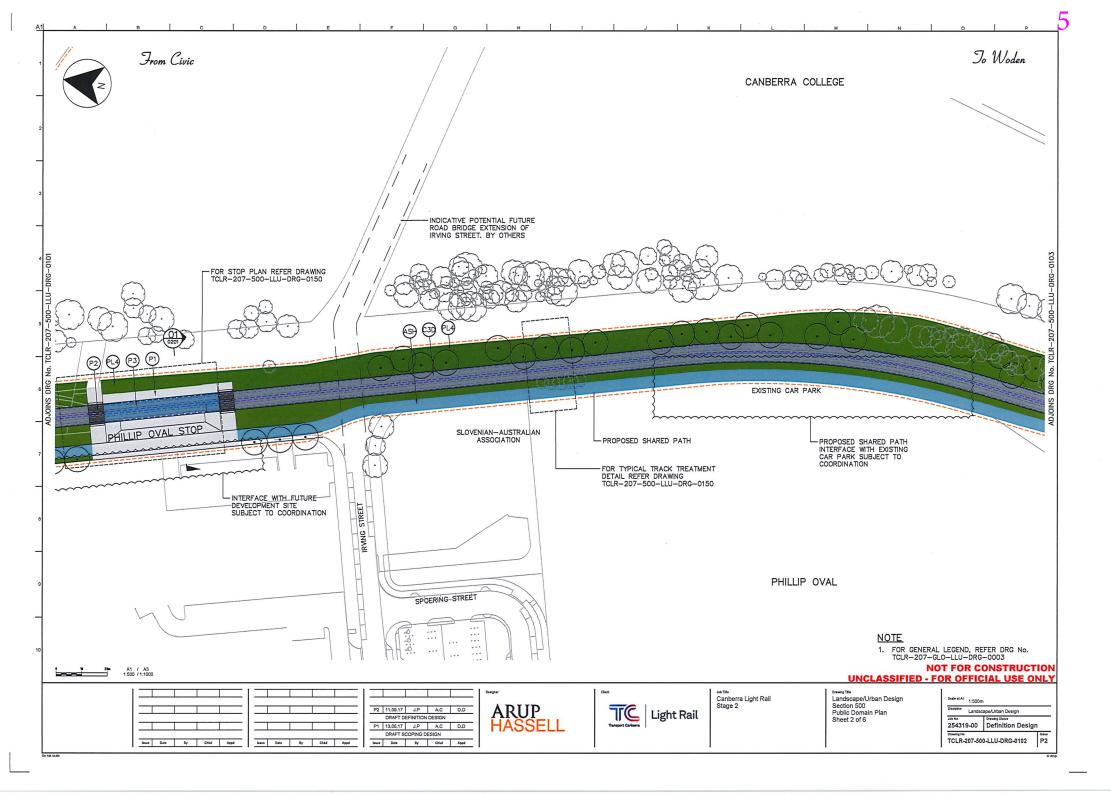
Ref No.	No. of Folios	Description	Date	Status	Reason for non-release or partial release	Open Access release status
1.	1-2	Email chain	6 April 2018	Full	Released 25 September 2020	Yes
2.	3 - 5	Attachment to email (1)	6 December 2017	Partial	Released 25 September 2020	Yes
3.	6 – 10	Attachment to email (1)	-	Withheld	Available for purchase at <a href="https://actlis.act.gov.au/order/titleSearch/337~72~1">https://actlis.act.gov.au/order/titleSearch/337~72~1</a>	No
4.	11 – 13	Email chain	6 April 2020	Partial	Released 25 September 2020	Yes
5.	14	Attachment to email (4)	11 September 2017	Full	-	Yes
6.	15 – 17	Email chain	6 April 2018 – 9 April 2018	Partial	Released 25 September 2020	Yes
7.	18 – 19	Email chain – attachments at 4 and 6	30 June 2020	Partial	Released 25 September 2020	Yes
8.	20 – 23	Email chain – attachments at 2, 3 and 5	6 April 2018 – 26 April 2018	Partial	Released 25 September 2020	Yes

9.	24	Email chain	22 July 2020 – 10 August 2020	Partial	Released 25 September 2020	Yes
10.	25 – 26	Attachment to email (9)	22 July 2020	Partial	Released 25 September 2020	Yes
11.	27 – 28	Email chain	2 July 2018 – 9 September 2019	Partial	Released 25 September 2020	Yes
12.	29	Email chain	6 July 2020 - 7 July 2020	Partial	Released 25 September 2020	Yes
13.	30 – 31	Attachment to email (12)	2 July 2018 - 13 July 2018	Partial	Released 25 September 2020	Yes
14.	32 – 33	Attachment to email (12)	17 March 2020 –18 March 2020	Partial	Released 25 September 2020	Yes
15.	34	Email chain – attachments at 13 and 14	6 July 2020	Partial	Released 25 September 2020	Yes
16.	35 – 36	Email chain	31 July 2020 – 12 August 2020	Partial	Released 25 September 2020	Yes
17.	37	Email	14 July 2020	Full	Released 25 September 2020	Yes
18.	38 - 40	Attachment to email (17)	7 July 2020	Full	Released 25 September 2020	Yes
19.	41	Email	10 August 2020	Full	Released 25 September 2020	Yes
20.	42	Attachment to email (19)	Undated	Full	Released 25 September 2020	Yes

21.	43	Email	18 May 2020	Partial	Released 25 September 2020	Yes
22.	44	Email	2 July 2018	Full	Released 25 September 2020	Yes
23.	45	Email Chain	2 July 2018 - 5 September 2019	Partial	Released 25 September 2020	Yes
24.	46	Email chain	17 March 2020	Partial	Released 25 September 2020	Yes
25.	47 – 48	Email chain	9 July 2020 - 15 July 2020	Partial	Released 25 September 2020	Yes
26.	49 – 51	Attachment to email (25)	7 July 2020	Full	Released 25 September 2020	Yes
27.	52 – 54	Email chain	20 March 2020 – 7 July 2020	Partial	Released 25 September 2020	Yes
28.	55 – 56	Email chain	6 July 2020	Partial	Released 25 September 2020	Yes
29.	57 - 58	Email chain	6 April 2019 – 9 April 2018	Partial	Released 25 September 2020	Yes
30.	59	Email chain	18 May 2018	Partial	Released 25 September 2020	Yes
31.	60	Email chain	2 July 2018 - 3 July 2018	Partial	Released 25 September 2020	Yes
32.	61 – 62	Email chain	18 May 2018 – 6 June 2018	Partial	Released 25 September 2020	Yes
33.	63 – 64	Email chain	17 March 2020 – 18 March 2020	Partial	Released 25 September 2020	Yes

34.	65 - 66	Email chain	17 March 2020 – 18 March 2020	Partial	Released 25 September 2020	Yes
35.	67 – 70	Email chain	4 August 2020	Partial	Released 25 September 2020	Yes
36.	71 – 72	Email chain	5 August 2020 – 7 August 2020	Partial	Released 25 September 2020	Yes
37.	73 – 74	Email chain	9 July 2020	Partial	Released 25 September 2020	Yes
38.	75	Email	6 July 2020	Partial	Released 25 September 2020	Yes
39.	76	Email	10 September 2019	Partial	Released 25 September 2020	Yes
40.	77 – 78	Email chain	11 September 2019 - 16 September 2019	Partial	Released 25 September 2020	Yes
41.	79 – 80	Email chain	10 September 2019	Partial	Released 25 September 2020	Yes
42.	81	Email chain	25 June 2020	Partial	Released 25 September 2020	Yes
43.	82 – 83	Attachment to email	30 June 2020	Full	Released 25 September 2020	Yes
44.	84 - 86	Email chain	21 January 2019 – 12 February 2019	Partial	Released 25 September 2020	Yes

45.	87	Email chain	10 September 2019	Partial	Sch2.2(a)ii – personal privacy	Yes
46.	88 – 99	Attachment to email (45)	-	Partial	s1.1.6 – Cabinet information	Yes
47.	100	Attachment to email (45)	-	Partial	s1.1.6 – Cabinet information	Yes
48.	101 - 105	Email chain	5 July 2020 - 7 July 2020	Partial	Released 25 September 2020	Yes
49.	106 – 132	Attachment to email (48)	-	Full	Released 25 September 2020	Yes
50.	133 – 137	Email chain	5 July 2020 – 7 July 2020	Partial	Released 25 September 2020	Yes
51.	138 – 144	Attachment to email (51)	8 February 2019	Full	-	Yes
52.	145 – 146	Attachment to email (51)	-	Full	-	Yes
	Total numb	er of documents				
52						



From: Du Toit, Fiona To: ; Johnson, Ki Cc:

RE: 20190910 - Yarra Glen - SLOVENIAN CLUB SITE Subject:

Date: Tuesday, 10 September 2019 5:15:55 PM

Attachments:

image001.png 010325 190906 YarraGlen StrategicLandUsePlan Report Draft.pdf

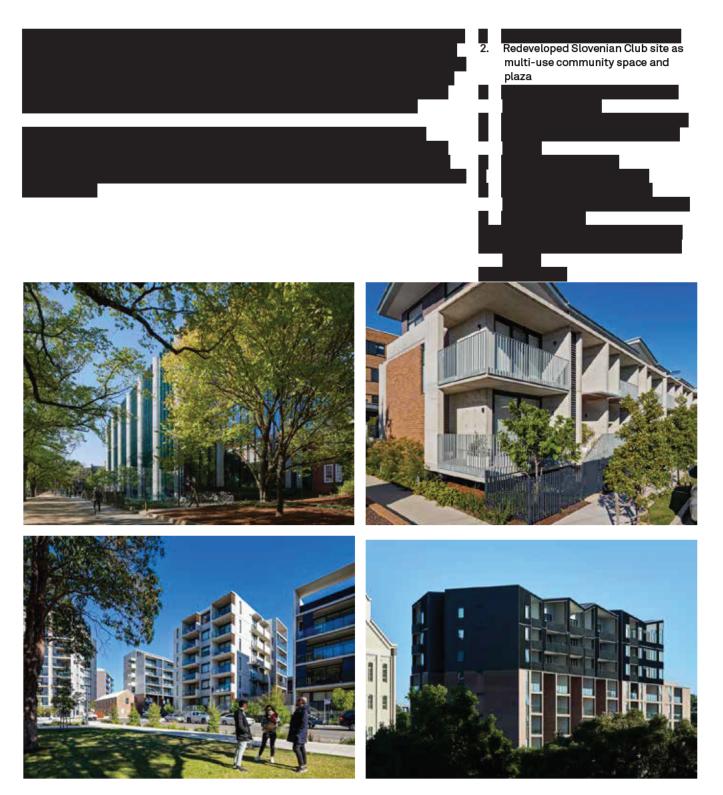
Scenario3 .jpg

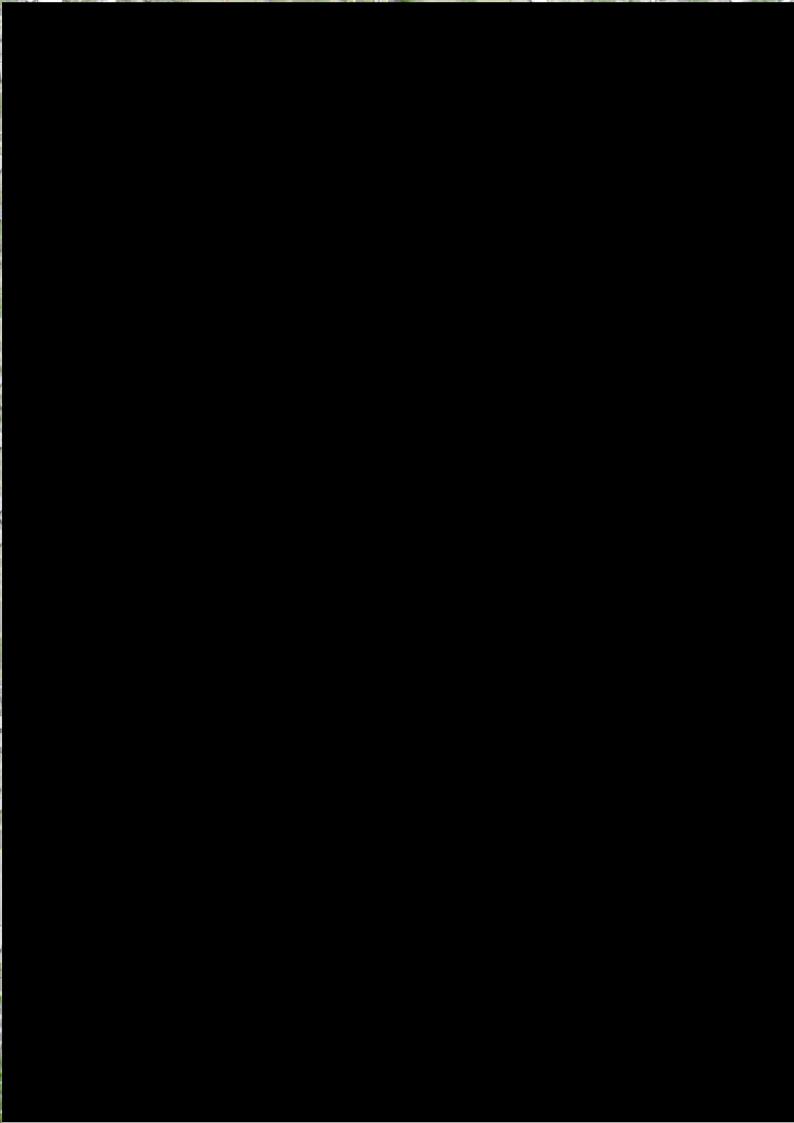
#### Hi Fiona,

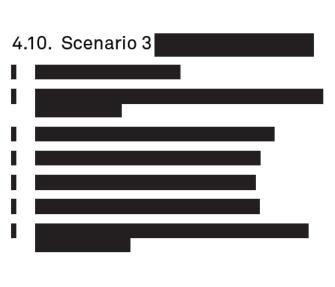
Please see attached our report prepared for the end of last week. Refer pages 55 onwards.

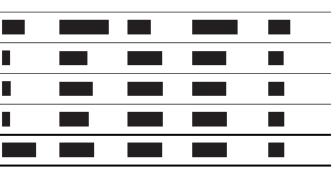


# 4.9. Indicative Concept Plan - College





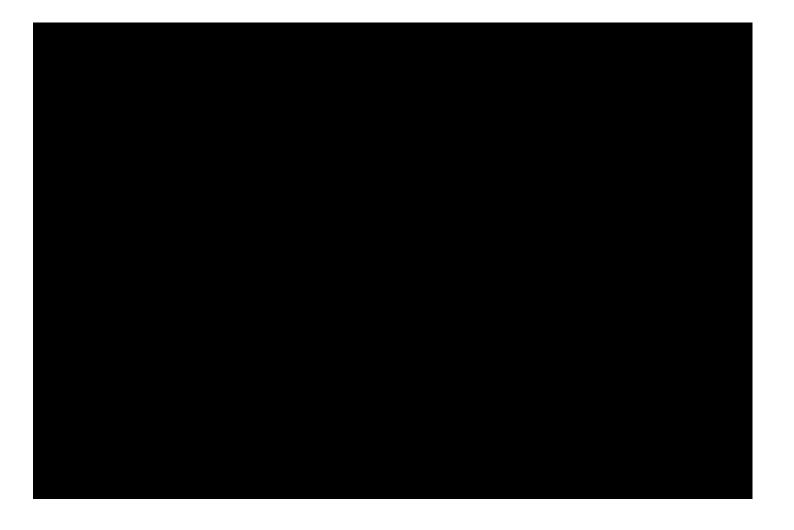






### 04 Scenarios

Scenario 03

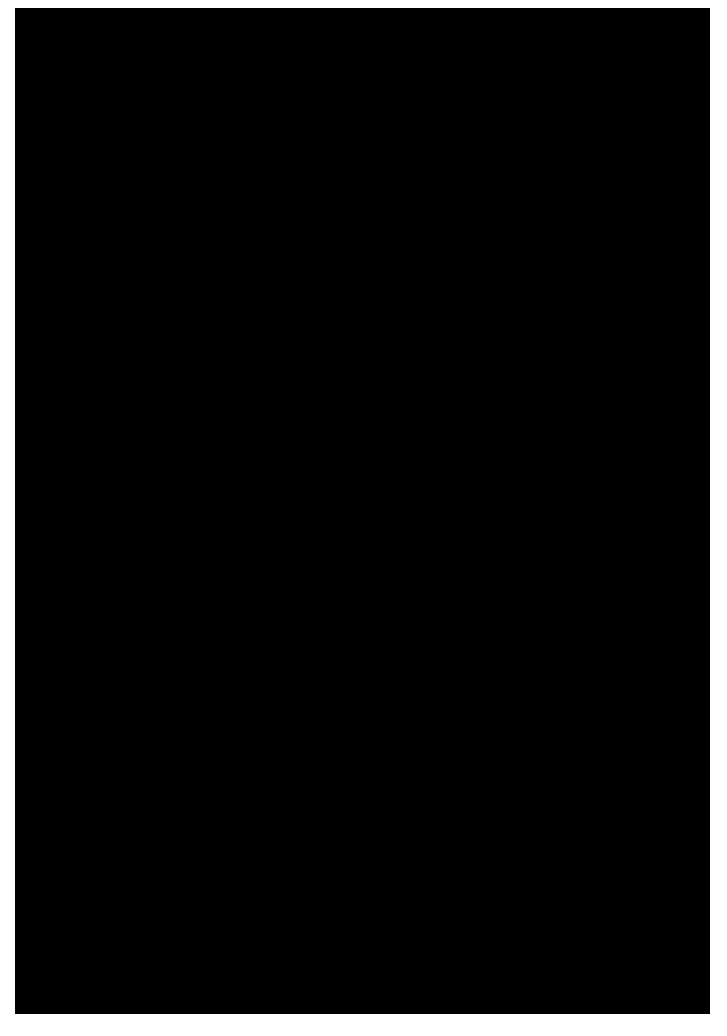




### 04 Scenarios

Scenario 03





### 04 Scenarios

Scenario 03

# 4.12. Site Structure Pros and Cons



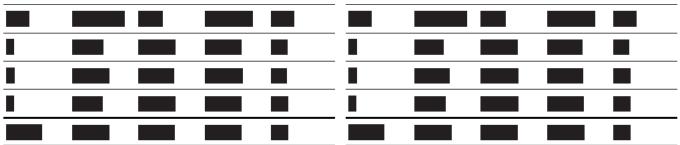
#### Cons

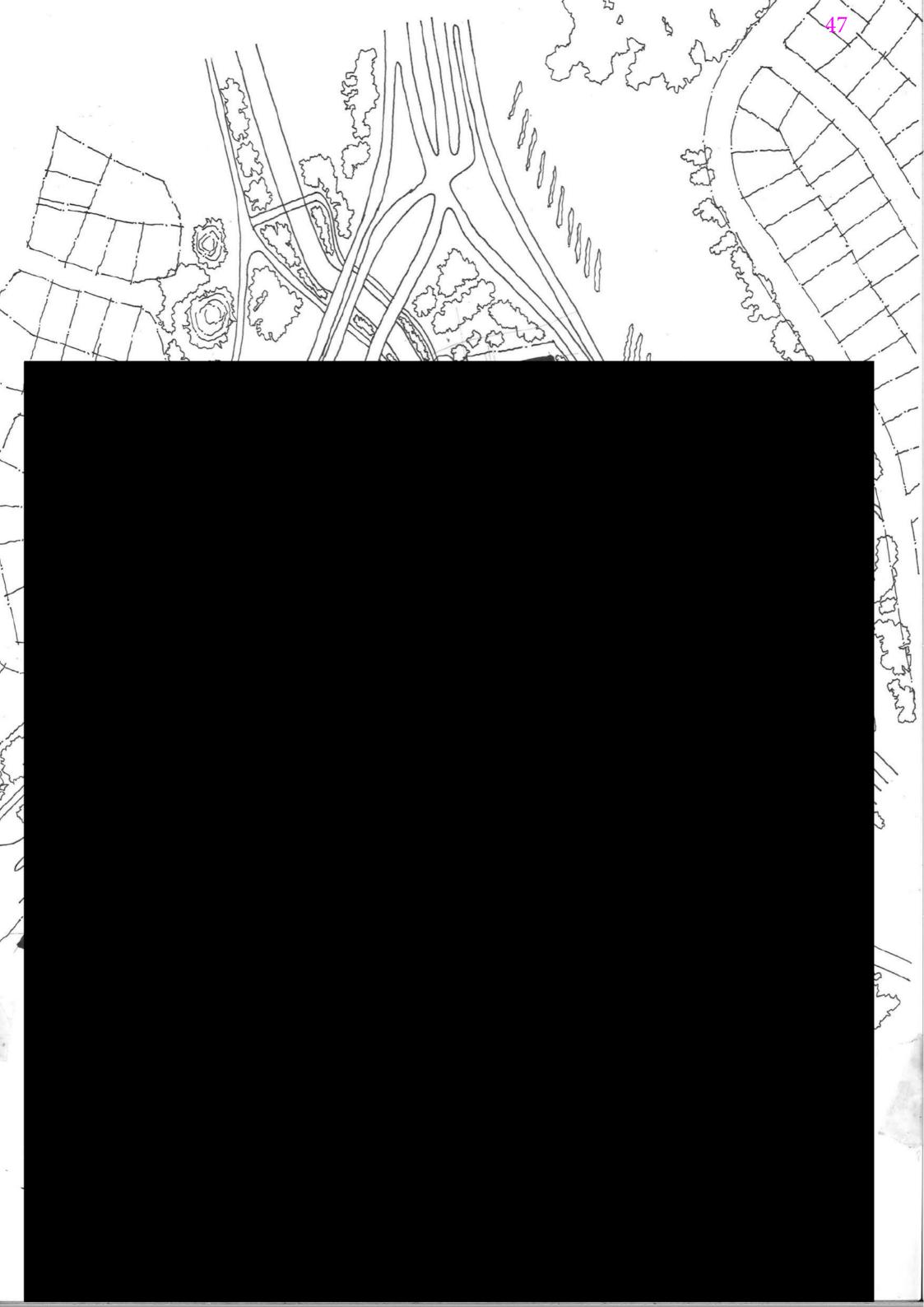
• Relies on redevelopment of the Slovenian Club site



# 5.1. Recommendations A review of the scenarios was undertaken with ACT Government stakeholders, including Major Projects, Suburban Land Agency and the Environment, Planning and Sustainable Development Directorate. The following is recommended: Promote redevelopment of the Slovenian Club site for mixed community uses and a light rail plaza Locate the light rail stop adjacent the existing Slovenian Club site where associated redevelopment can occur Should the Slovenian Club not be redeveloped to support light rail, the stop location is ideally at the terminus of Irving Street, with associated bridged plaza over the Yarralumla Creek corridor







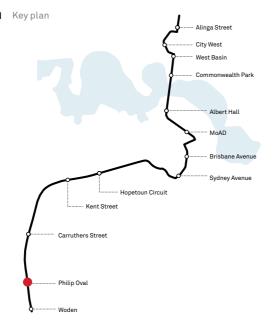
#### Site conditions

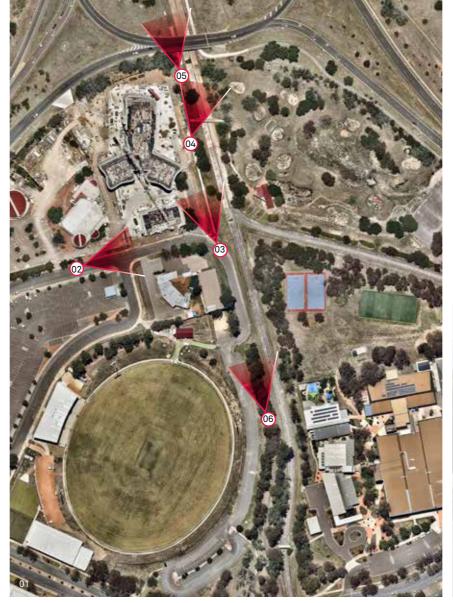
The light rail alignment and Phillip Oval stop is located within an open space corridor adjacent to Phillip Oval, extending from Melrose Drive in the north to Launceston Street in the south.

The corridor includes an existing Active Travel shared path for pedestrian and cyclists, connecting north to Adelaide Avenue and south to Woden town centre, refer Image 02.

Public surveillance of the corridor is limited and safety is likely a concern at night with limited street lighting. 'Eyes on the street' or public surveillance will improve with the new Ivy Apartment development being constructed on the corner of Irving Street and the corridor.

The existing open drainage channel presents a barrier to pedestrian movement and accessibility across the site. It also presents a safety hazard with the risk of falling into the channel and for crime with limited exit pathways from the corridor.









#### Images:

- 01 Aerial view of Phillip Oval precinct Source: NearMap
- 02 Street view of Irving Street towards stop location Source: Google
- 03 View north of Irving Street laneway Source: Google
- 04 Existing pedestrian bridge across the Yarralumla channel Source: HASSELL
- 05 Existing shared path and open drainage channel Source: HASSELL
- 06 Existing Melrose Drive road bridge over drainage channel Source: HASSELL







# Phillip Oval Stop **Stop Access Summary**



Key characteristics	
Surrounding environment	Medium density residential area
Stop function	Origin
Movement and Place	Local street (low movement, low place)
Accessed via	Traffic-free zone
Platform type	Side platforms
Rail alignment	Centre running (pedestrian zone)

#### Role of the stop

North Woden is identified as an area for future growth in residential and commercial development. This stop will provide direct access for new residents, commercial premises, Canberra College and local recreational facilities.

#### Public domain

The stop is located in an existing road easement south of Melrose Drive, adjacent to the existing drainage channel. Public domain upgrades around the stop, including the shared path, culvert and landscaping will be required to ensure that safe access is provided. Lighting and Crime Prevention Through Environmental Design (CPTED) will be required as there is limited public surveillance of the stop location.

#### Stop access recommendations

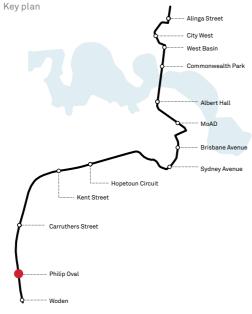
The following features are to be incorporated into the next design phases to support the role of the Phillip Oval stop.

- \_Realign north-south shared path along western
- \_Provide secure bicycle parking (U-rails).
- \_Optimise local street and pedestrian network to provide improved access to the stop.

#### Drawing Annotations

network

- 01 New road configuration enables development around stop. All **Development Applications** (DA) should facilitate a permeable pedestrian
- 02 Existing shared path to be realigned on high side of light rail track
- 03 End of Irving Street to be converted to shared zone
- 04 New shared path facility with safe crossing of canal and light rail alignment



Intended modes of access to stop



Walk





Kiss and Ride

Taxi



P&R

#### Legend:

ta

Light rail stop Bicycle hub incl. cage (new)

Park and Ride

Kiss and ride

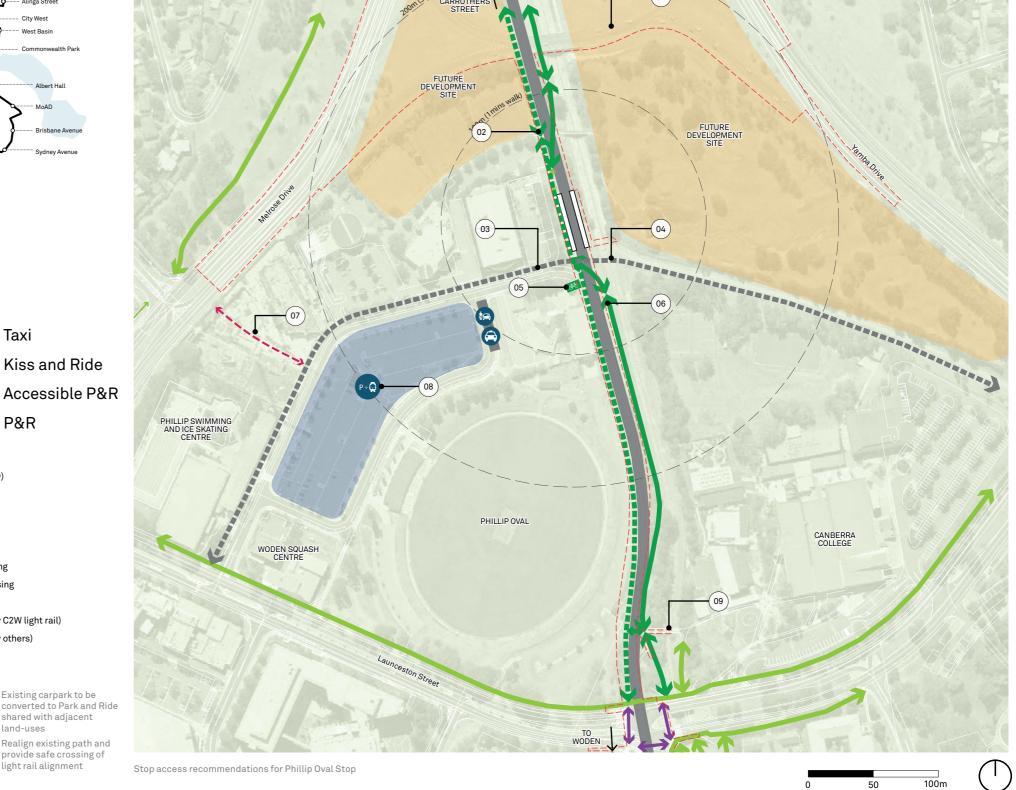
Development opportunity Existing pedestrian crossing

Proposed pedestrian crossing Existing footpaths

Proposed shared paths (by C2W light rail) Proposed shared paths (by others)

#### Retaining wall C2W scope boundary

- 05 Bike and ride cage (10-20 spaces) to be provided
- 06 Existing access road to be decommissioned
- 07 Potential for new pedestrian connection
- 08 Existing carpark to be converted to Park and Ride shared with adjacent land-uses
- 09 Realign existing path and provide safe crossing of light rail alignment



### Phillip Oval Stop Precinct plan

# DRAFT

#### Surrounding developments

The Phillip Oval Stop is located within a developing area of north Woden, and includes a number of residential apartment developments that have been constructed since 2010.

The following residential developments have been developed or are planned for development in the near future.

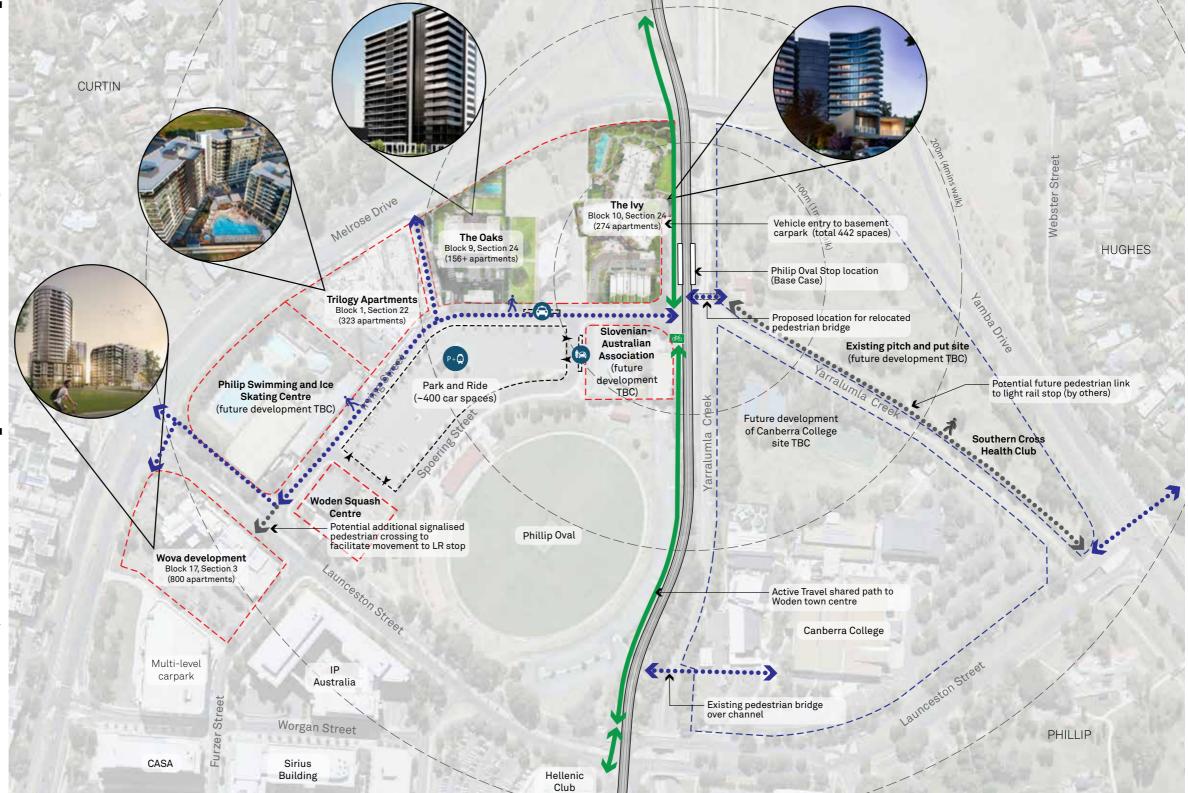
- \_The lvy apartments. Block 10, Section 24. 274 apartments (under construction)
- \_**The Oaks apartments**. Block 9, Section 24. 156+ apartments (development application lodged 2018)
- \_Trilogy Apartments. Block 1, Section 22. 323 apartments (completed)
- \_Wova development. Block 17, Section 3.800 apartments (development application approved) The following sites are within 400m distance from the Phillip Oval Stop and are potential for redevelopment in the future.
- \_Phillip Swimming and Ice Skating Centre
- \_Woden Squash Centre
- \_Pitch and Putt site

The Canberra College site is also within walking distance of the light rail stop, accessed via the existing pedestrian bridge over the Yarralumla channel.

#### Opportunities and recommendations

There are opportunities for enhanced connectivity and access within the Phillip Oval precinct to broaden the catchment of the light rail stop and make it easier and more desirable to access. These opportunities include:

- \_Shared zone at the end of Irving Street adjacent to the light rail stop, to provide enhanced pedestrian access and amenity from the Park & Ride and Kiss & Ride facility, and adjacent residential developments.
- \_New pedestrian bridge over the Yarralumla channel on the alignment of Irving Street to provide access to the Woden Health Club and potential future development of the Pitch and Putt site.
- \_Improved pedestrian connectivity and wayfinding to Phillip Oval stadium to enhance access during event days.
- \_Improved pedestrian footpaths and street conditions along Irving Street adjacent to the new residential developments and Park & Ride facility.
- \_Additional signalised pedestrian crossing of Launceston Street at the intersection of Irving Street to improve access to the Wova development.



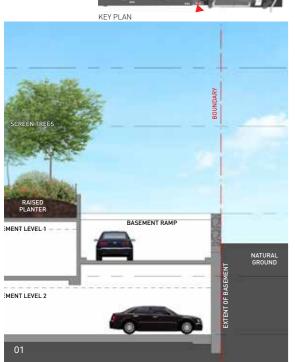
Philip Oval Stop ARUP + HASSELL Phillip Oval Stop precinct plan Not to scale

# Phillip Oval Stop Adjacent developments

# DRAFT

The Ivy Apartment development **Development Application Drawings** December 2016







#### LANDSCAPE CONCEPT PLAN





- LEGEND
- 1. VEHICLE ACCESS POINTS
- 4. ARRIVAL PAVILION
- PROMINENT PEDESTRIAN CENTRAL AXIS PATHWAY
- - 9. ENTRY TO LOBBY
  - 10. GYM OUTDOOR LOUNGE & SEATING TERRACE

FEATURE ENTRY STATEMENT WALL WITH INTEGRATED SIGNAGE

- RECREATION FACILITIES OUTDOOR LOUNGE &
   SEATING TERRACE 12. YOGA LAWN
  13. LOUNGE & LIBRARY OUTDOOR SEATING TERRACE
  14. OUTDOOR BBQ & DINING PAVILION

  15. TOUR OR ONLY TO THE TERRACE TO THE TERRACE

16. POOLSIDE SUN DECKS

- 20. RAISED PLANTER BEDS WITH FEATURE MIXED PLANTING
- 21. FEATURE TREES
- 22. SCREEN PLANTING 23. FOREST
- 24. VEHICLE ACCESS TO BASEMENT



#### Images:

- 01 Cross section of proposed basement parking and adjoining retaining wall facing light rail corridor
- 02 Aerial view of proposed residential tower and ground level
- 03 Development application landscape plan of proposed development

## Phillip Oval Stop Stop location options

# DRAFT

#### Stop location options

#### Base Case

#### PROS:

- \_Provides good access with the proposed pedestrian bridge over the Yarralumla Creek, to link with eastern side of drainage channel. CONS:
- \_Visibility of stop is limited by existing trees and lvy Apartment buildings on Irving Street.

# Option 1 (Recommended)

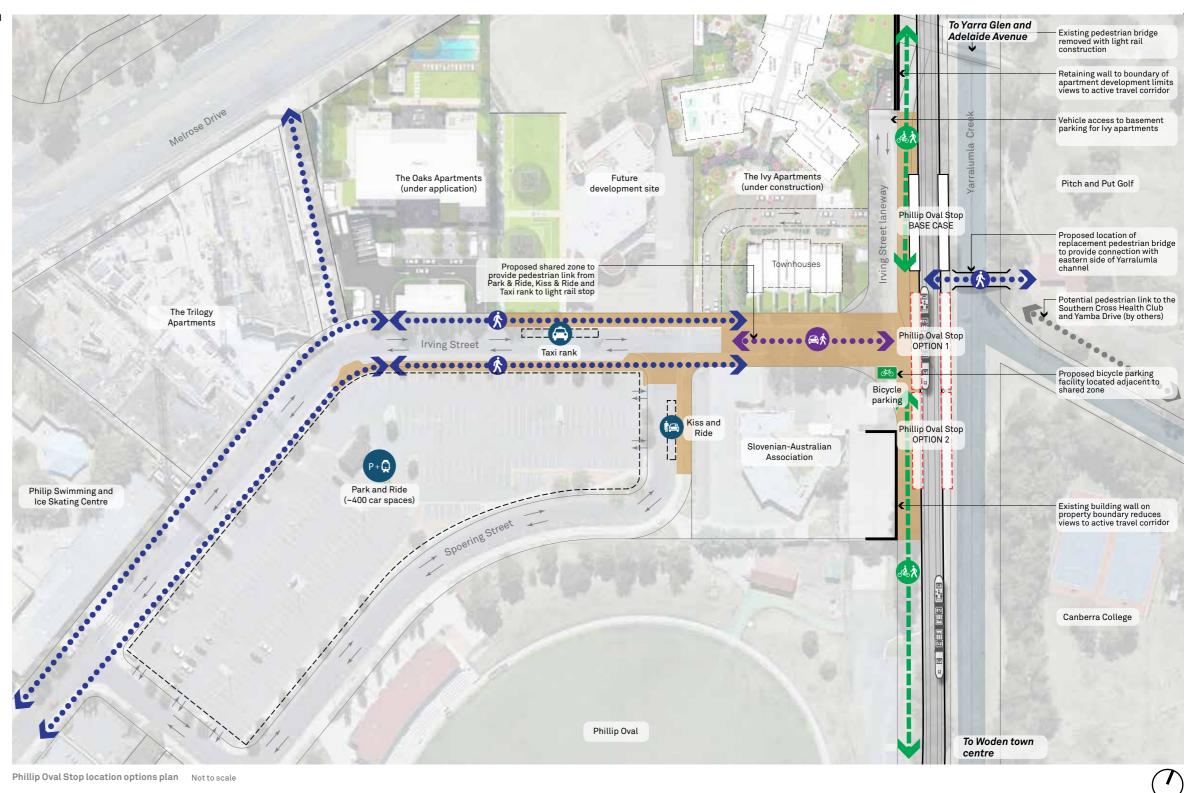
- \_Stop location is highly visible and legible from Irving Street, providing good wayfinding.
- \_Allows for good pedestrian access from the Park & Ride, Kiss & Ride and Taxi zone facilities on Irving Street and Spoering Street to the light rail stop.
- \_Provides good access with the proposed pedestrian bridge over the Yarralumla Creek, to link with eastern side of drainage channel.
- \_Good connectivity to the existing and future residential apartments around Phillip Oval that will access the stop via Irving Street.
- \_Stop location will preclude a potential future extension of Irving Street over the Yarralumla channel.

# Option 2 CONS:

- \_Poor visibility of stop location from Irving Street with sight lines blocked by existing trees and buildings.
- \_Stop location is further away from the proposed pedestrian bridge location over the Yarralumla channel.





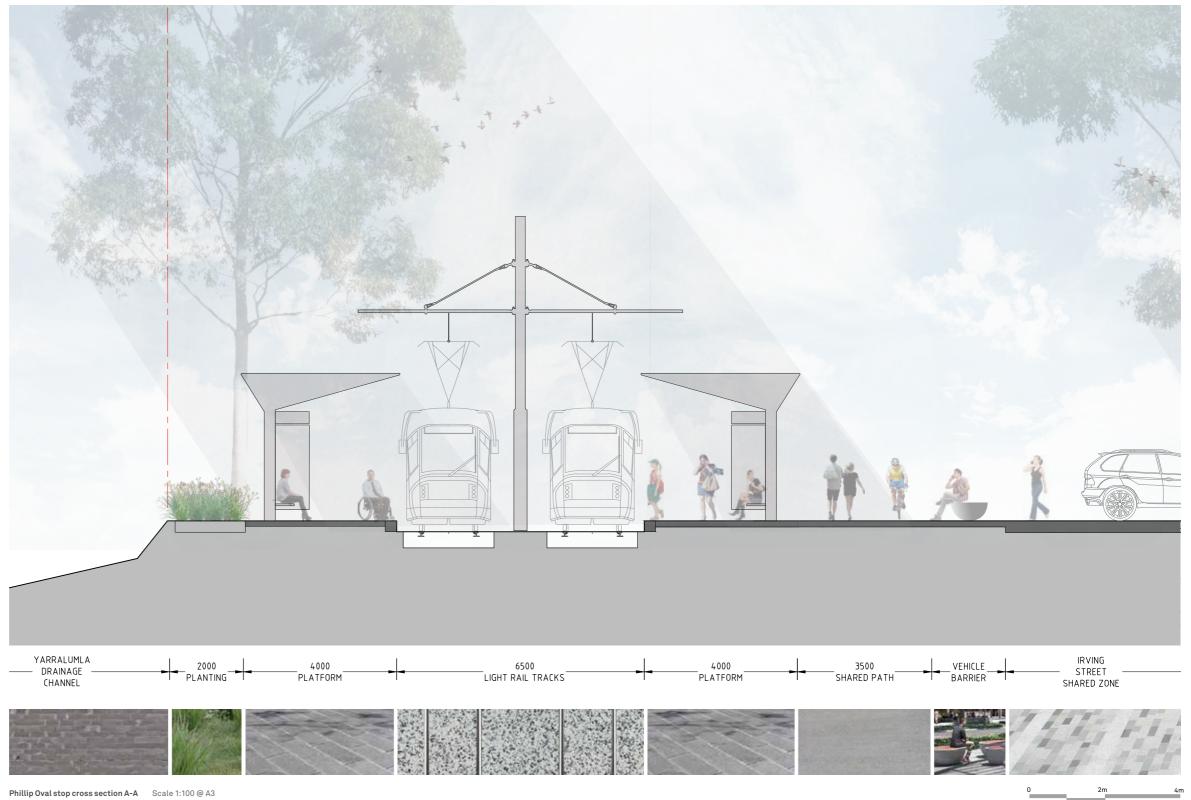


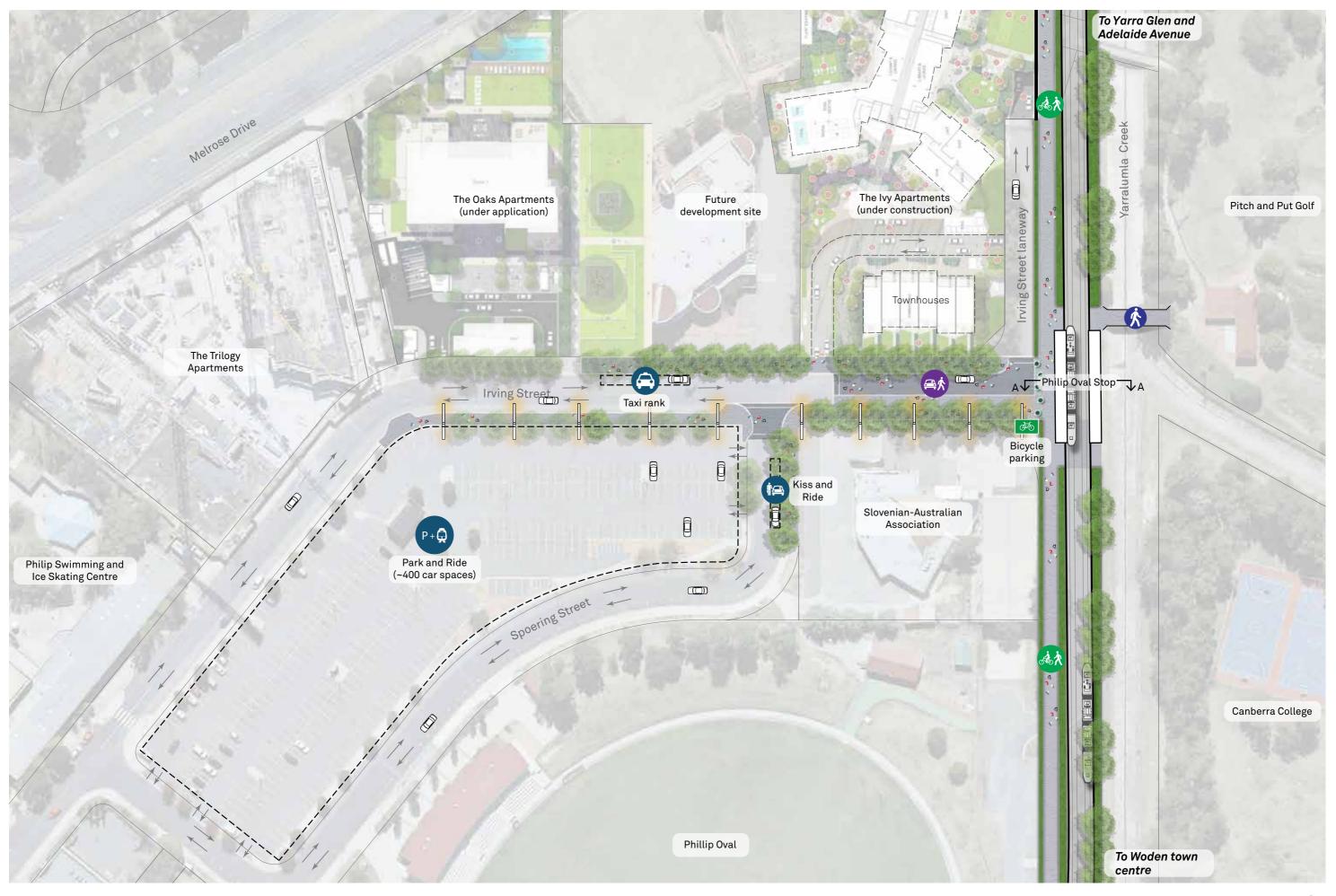
# DRAFT











Phillip Oval stop plan - showing stop location Option 1 Scale 1:1000 @ A3

### Phillip Oval Stop Shared Zone

# DRAFT

# Key characteristics Length / Width 60m length / 18.5m wide Function Shared use for pedestrians & vehicles Movement priority Pedestrians Accessed via Irving Street Material type Paving Street elements Street trees, lighting, furniture

#### **Role and Function**

A Shared Zone at the terminus of Irving Street will provide a pedestrian priority zone, allowing general vehicle access, mixed with pedestrians and cyclists accessing the Phillip Oval Stop and adjacent Active Travel corridor. It is expected that vehicle movement will be low-speed (10kph) and will generally be used by service vehicles e.g. delivery and garbage trucks.

Shared Zones provide an environment for pedestrians, cyclists and low speed vehicles to share the same space, special consideration needs to be given to the provision of adequate tactile or other clues for visually impaired peopled including options for 'safe' spaces (normally along the building line) if a traditional kerbline is not provided.

#### Examples

- \_Bunda Street, Canberra ACT (image 03, 05)
- \_Hibberson Street, Woden ACT
- \_Exhibition Road, London UK
- \_New Road, Brighton UK (image 02)











- Images
- 01 Woonerf, London UK (Proctor and Matthews Architects)
- 02 New Road, Brighton UK
- 03 Bunda Street, Canberra ACT
- 04 Example of stone sett paving
- 05 Bunda Street, Canberra ACT

