



1 September 2023

Our ref: GIPA23/ [REDACTED]

[REDACTED]

By Email: [REDACTED]

Dear [REDACTED]

Formal Access Application - Notice of Decision

I refer to your Formal Access Application under the *Government Information (Public Access) Act 2009* (GIPA Act) that you lodged with the Department of Communities and Justice (the Department), where you requested a copy of the following information:

I'm writing with a request for data relating to recent public housing estate renewal projects in Arncliffe (161-179 Princes Highway and 26-42 Eden Street) and Glebe (17-31 Cowper Street and 2A-2D Wentworth Park Road).

This follows my previous request GIPA23/[REDACTED] I am seeking the same data as was provided for the Ivanhoe renewal project through that request.

I would like to access the following data:

For Arncliffe:

- The date of relocation of each public housing household, and household size [prior to use as emergency housing]*
- The number of public housing households relocated to:
 - (i) a headleased property,*
 - (ii) community housing property,*
 - (iii) public housing property, and*
 - (iv) other property [prior to use as emergency housing]**
- For the period of use as emergency housing: date each household commenced and ceased residence, and household size*

For Glebe:

- The date of relocation of each public housing household, and household size*
- The number of households relocated to:
 - (i) a headleased property,*
 - (ii) community housing property,**

- (iii) public housing property, and*
- (iv) other property*

Access 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 some of the information sought in your access application.
- Under section 58(1)(b) of the GIPA Act that the information is not held by the Department.
- Under section 75 of the GIPA Act, to create a new record in response to some parts of your access application and in accordance with section 58(1)(a) of the GIPA Act, provide access to that information.

These decisions are reviewable under sections 80(d-e) of the GIPA Act.

The public interest test

The applicant has a legally enforceable right to access the information requested, unless there is an overriding public interest against disclosing the information (section 9(1) of the GIPA Act). The public interest balancing test for determining whether there is an overriding public interest against disclosure is set out in section 13 of the GIPA Act.

The general public interest consideration in favour of access to government information set out in section 12 of the GIPA Act means that this balance is always weighted in favour of disclosure. Section 5 of the GIPA Act establishes a presumption in favour of disclosure of government information.

Before deciding whether to release or withhold information, the Department must apply the public interest test and decide whether or not an overriding public interest against disclosure exists for the information.

I have made my decision in accordance with section 13 of the GIPA Act by:

- a. identifying relevant public interest considerations in favour of disclosure
- b. identifying relevant public interest considerations against disclosure
- c. attributing weight to each consideration for and against disclosure
- d. determining whether the balance of the public interest lies in favour of or against disclosure of the government information.

I have applied the public interest test in accordance with the principles set out in section 15 of the GIPA Act which are:

- 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)
- e. with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

Public interest considerations in favour of disclosure

Section 12(1) of the GIPA Act sets out a general public interest in favour of disclosing government information, which must always be weighed in the application of the public interest test. The Department may take into account any other considerations in favour of disclosure which may be relevant (s12(2) GIPA Act).

In my view the following public interest considerations in favour of disclosure apply when considering the documents in issue:

- a. The statutory presumption in favour of the disclosure of government information.
- b. The general right of the public to have access to government information held by agencies.
- c. Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.
- d. Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.
- e. Disclosure of the information could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision.

Searches for information

In processing your application, I have taken into account the obligations referred to in section 53 of the GIPA Act, which states:

53 Searches for information held by agency

- (1) The obligation of an agency to provide access to government information in response to an access application is limited to information held by the agency when the application is received.*
- (2) An agency must undertake such reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received. The agency's searches must be conducted using the most efficient means reasonably available to the agency.*
- (3) The obligation of an agency to undertake reasonable searches extends to searches using any resources reasonably available to the agency including resources that facilitate the retrieval of information stored electronically.*
- (4) An agency is not required to search for information in records held by the agency in an electronic backup system unless a record containing the information has been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the [State Records Act 1998](#) or contrary to the agency's established record management procedures.*
- (5) An agency is not required to undertake any search for information that would require an unreasonable and substantial diversion of the agency's resources.*

In accordance with the obligations outlined above, I liaised extensively with the Housing Statewide Services Relocation Team within the Department, which is responsible for managing the relocation of public housing tenants from large-scale redevelopment and sales projects of NSW Land and Housing Corporation-owned properties.

I also liaised with Housing Services within the Sydney, South Eastern Sydney & Northern Sydney District for information relating to the use of the Arncliffe site as emergency housing.

I will now respond to each point of your request in turn:

Arncliffe:

- The date of relocation of each public housing household, and household size [prior to use as emergency housing]

The *Void Date/Left property* in **Attachment A** states the date that each tenant was relocated from Arncliffe.

The *Number of Household Members* in **Attachment A** states the household size on the *Void Date/Left property*.

- The number of public housing households relocated to:

- (i) a headleased property,**
- (ii) community housing property,**
- (iii) public housing property, and**
- (iv) other property [prior to use as emergency housing]**

I have taken into consideration section 75 of the GIPA Act, which provides that although there is no obligation to provide access to government information by way of creating a new record or document, an agency is not prevented from doing so.

Therefore, I have used my discretion on this occasion to create a new record pursuant to section 75 of the GIPA Act to respond to this specific aspect of your access application. This information has been provided to you at the end of this notice and is titled '**Attachment B**'.

- For the period of use as emergency housing: date each household commenced and ceased residence, and household size

Housing Services, Sydney, South Eastern Sydney & Northern Sydney District, confirm that in accordance with section 58(1)(b), the Department does not hold information relating to the date each household commenced emergency housing at the Arncliffe site.

I confirm that the *Remarks* column in **Attachment C** states the date the household ceased residing at Arncliffe when used as emergency housing.

I confirm that the *Household Details* column in **Attachment C** describes the household size at Arncliffe when used as emergency housing.

Glebe:

- The date of relocation of each public housing household, and household size

The *Void Date/Relocated* and the *Number of Household Members* in **Attachment D** states the date of relocation and household size (respectively) of each household relocated from the Cowper Street site at Glebe.

The *Void Date/Relocated* and the *Number of Household Members* in **Attachment E** states the date of relocation and household size (respectively) of each household relocated from the Wentworth Park Road site at Glebe.

- The number of households relocated to:**
(i) a headleased property,
(ii) community housing property,
(iii) public housing property, and
(iv) other property

I have taken into consideration section 75 of the GIPA Act, which provides that although there is no obligation to provide access to government information by way of creating a new record or document, an agency is not prevented from doing so.

Therefore, I have used my discretion on this occasion to create a new record pursuant to section 75 of the GIPA Act to respond to this specific aspect of your access application. This information has been provided to you at the end of this notice and is titled '**Attachment B**'.

Review rights

If you disagree with any of the decisions in this notice, you may seek a review under Part 5 of the GIPA Act.

You have three review options:

- internal review by another officer of this agency, who is no less senior than me
- external review by the Information Commissioner, or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice to apply for an internal review.

If you would prefer to have the decision reviewed externally, you have 40 working days from the date of this Notice to apply for a review by the Information Commissioner or the NCAT.

If you have any questions about this decision please contact me at peter.bazzo@dcj.nsw.gov.au.

Yours sincerely

Peter Bazzo

Peter Bazzo
OGIP Senior Advisor
Open Government, Information and Privacy Unit
Department of Communities and Justice

Attachment B

Question

Arncliffe: The number of public housing households relocated to:

- (i) a headleased property
- (ii) community housing property
- (iii) public housing property
- (iv) other property [prior to use as emergency housing]

Answer:

Where tenants moved after leaving Arncliffe	Number of tenants
Public housing property	121
Headlease	0
Other (Private, family, nursing home, deceased, etc)	18
Community Housing property	3
Total relocations	142

Question

Glebe: The number of households relocated to:

- (i) a headleased property,
- (ii) community housing property,
- (iii) public housing property, and
- (iv) other property

Answer:

Where tenants moved after leaving Glebe	Number of tenants	
	Cowper Street	Wentworth Park Road
Public housing property	0	4
Already vacant	1	0
Community Housing property	14	0
Total relocations	15	4

Attachment A

Number of Household Members	Void Date/Left property
2	16/08/2020
1	10/07/2018
1	26/11/2018
1	24/10/2018
1	4/07/2018
1	8/10/2018
1	14/01/2019
1	19/06/2018
1	
1	9/08/2018
1	15/03/2018
1	28/06/2018
1	9/07/2018
1	10/07/2018
1	9/08/2019
3	17/12/2018
1	16/08/2018
1	9/07/2018
1	14/06/2019
1	28/06/2018
2	22/05/2019
1	30/09/2019
1	20/12/2018
1	25/09/2018
1	6/03/2019
1	21/06/2019
1	1/11/2018
1	2/07/2018
1	19/10/2018
1	14/10/2019
1	22/08/2019
1	28/05/2021
1	13/12/2018
2	11/07/2018
1	14/08/2018
2	18/02/2019
1	13/11/2018
2	18/08/2019
4	7/06/2019
4	8/12/2021
1	1/10/2020
2	13/02/2020
1	3/12/2018
1	2/07/2019
2	25/01/2019
1	20/12/2018
2	9/09/2019
1	7/09/2018
1	27/09/2018
2	9/04/2020
1	2/05/2019
2	18/12/2018
2	21/12/2018
1	10/06/2020
1	9/08/2020
2	7/06/2021
2	31/01/2019
2	18/07/2018
1	21/05/2019
3	23/10/2018
3	31/01/2020
1	23/04/2019
3	28/06/2019
1	3/05/2019
3	26/11/2018
1	13/07/2018
1	28/09/2020
1	30/7/2019
1	31/01/2020
1	28/08/2018
1	15/01/2019
1	27/03/2019

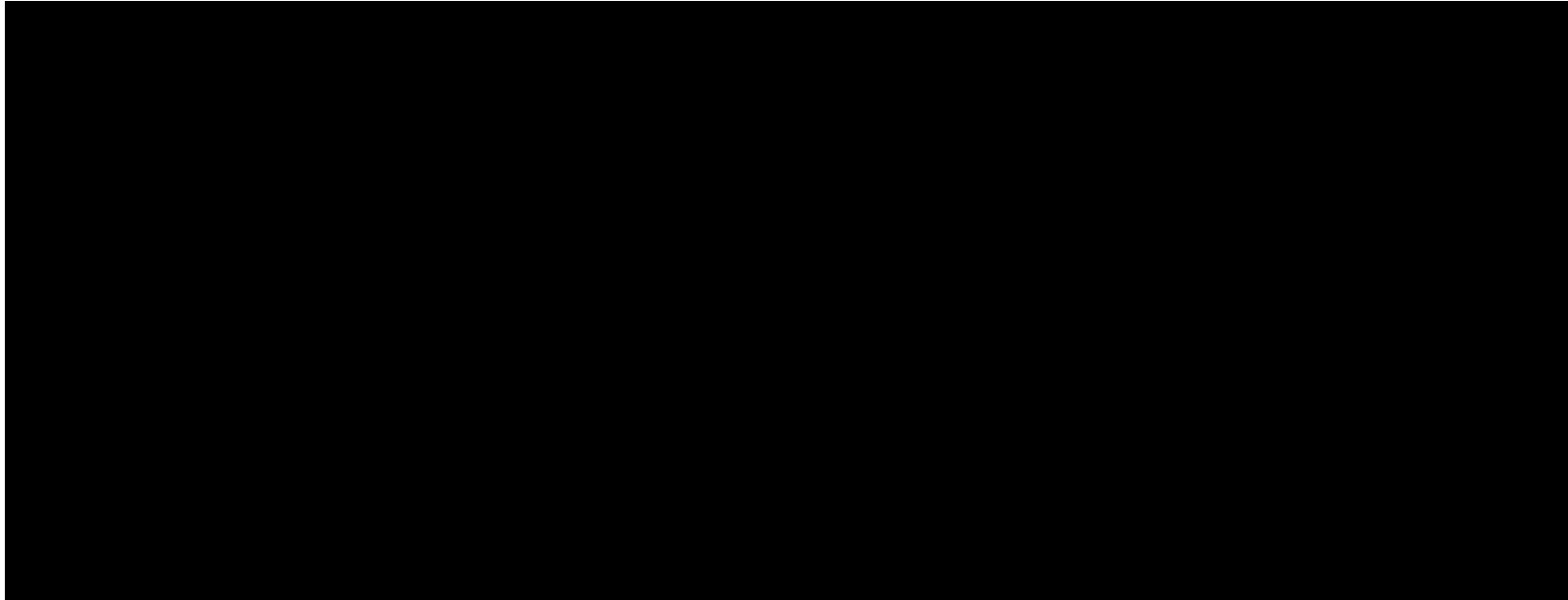
Attachment A

1	11/07/2018
1	12/03/2018
1	26/08/2019
1	6/03/2019
1	14/03/2019
2	5/06/2018
2	11/07/2018
1	15/08/2018
1	31/05/2019
1	3/10/2018
1	7/09/2020
1	29/03/2019
2	23/07/2018
1	30/09/2019
1	13/07/2018
1	13/07/2018
1	17/07/2018
2	13/07/2018
1	18/11/2019
1	14/01/2019
1	11/09/2018
1	8/04/2019
2	13/06/2018
1	18/07/2018
1	9/04/2018
1	10/09/2019
1	23/08/2018
1	14/06/2019
1	6/09/2018
1	16/08/2020
1	21/01/2019
1	13/08/2018
1	31/10/2018
1	29/03/2019
1	16/08/2020
1	26/11/2019
1	
1	21/12/2018
1	23/03/2018
1	27/11/2018
3	14/06/2018
1	27/03/2019
1	10/07/2018
1	4/03/2019
1	2/11/2018
1	15/06/2018
1	21/05/2019
2	15/07/2019
1	6/07/2018
2	28/10/2019
1	26/08/2019
1	27/06/2018
1	21/12/2019
1	15/11/2019
1	4/07/2018
1	12/10/2018
1	26/06/2019
1	6/04/2020
2	14/09/2018
1	26/11/2018
1	21/10/2019
1	11/10/2019
1	4/09/2018
2	16/08/2018

Attachment C

	Household Details		Remarks
	53F		Tenancy commence from 30 May 22
	48F		Tenancy commence from 13 June 22
	26M		Tenancy Commence from 27 June 22
	21F		Tenancy Commence from 27 June 22
	31F, 6M(Son)		Tenancy commence from 13 June 22
	23M		Tenancy commence from 04 July 22
	38M		Tenancy commence from 11 July 22
	39F,18M(Son),14F(DAU)		Tenancy commence from 18/07/2022
	32F, 61F(MOT)		Tenancy commence from 25/07/2022
	47M,11M(SON),9F(DAU)		Tenancy Commenced from 08/08/2022
	49F		Tennacy Commenced from 01/08/2022
	23M, 5M(SON), 4(SON)		Tennacy Commenced from 01/08/2022
	57M		Tenancy Commenced from 15/08/2022
	41F, 14M(SON)		Tenancy Commenced from 22 Aug 22
	39M		Tenancy Commenced from 29 Aug 22
	53M		Tenancy Commenced from 08 Aug 22
	47F,16F(DAU)		Tenancy Commenced from 12 Sep 22
	23F		Tenancy Commenced from 19 Sep 2022
	47F,19M(SON)		Tenancy Commenced from 26 Sep 22
	50M		Tenancy Commenced from 03 Oct 22
	37F		Tenacy Commenced from 03 Oct 22
	22F		Tenancy Commenced from 17 oct 22
	52M		Tenacy commenced from 17 Oct 22
	54M		Tenancy Commenced from 17 oct 22
	63F		Tenancy Commenced from 17 oct 22
	54M		Tenancy Commenced from 24 oct 22
	51M		Tenancy Commenced from 31 Oct 22
	20F		Tenancy Commenced from 05 Dec 22
	26F		Tenancy Commenced From 12 Dec 2022
	65M		Tenancy Commenced From 10 Oct 2022

Attachment D



Number of Household Members	Void Date/Relocated
1	Relocated 26/07/18
1	Relocated 25/07/18
N/A	Vacant
2	Relocated 24/07/18
1	Relocated 24/07/18
1	Relocated 31/07/18
1	Relocated 26/07/18
1	Relocated 6/08/18
1	Relocated 25/7/18
1	Relocated 25/07/18
1	Relocated 8/08/18
1	Relocated 6/08/18
2	Relocated 15/07/18
1	Relocated 18/07/18
1	Relocated 25/7/18

Attachment E

Number of Household Members	Void Date/Relocated
1	23/06/2021
4	31/07/2020
1	8/11/2021
2	1/12/2020