

Date: 26 September 2023  
Contact: Rob Brandon  
Location: Waterside West  
Telephone: 07 5581 7501  
Our reference: [REDACTED]

[REDACTED]  
**Via Email:** [REDACTED]

Dear [REDACTED]

### **Decision – Application under the *Right to Information Act 2009***

I refer to your application for access to documents made to City of Gold Coast Council on 13 July 2023 under the *Right to Information Act 2009 (RTI)* wherein you are seeking:

*Documents if any, as to the reason why a section of Tabilban Street in Burleigh Heads was not sealed with asphalt and closed in the late 1960's*

The purpose of this letter is to notify you of my decision on your application.

#### **Decision**

I have decided to refuse access under section 47(3)(e) of the RTI Act on the basis that the documents requested are either non-existent or unlocatable.<sup>1</sup>

Section 52 of the RTI Act states:-

*(1) For section 47(3)(e), a document is non-existent or unlocatable if—*

*(a) the agency or Minister dealing with the application for access is satisfied the document does not exist;...*

Pursuant to section 52(1)(a) of the RTI Act, I am satisfied that the Gold Coast City Council holds no documents relevant to the above scope on the basis that there is no record or evidence that any such document exists.

I, Rob Brandon, made this decision on 3 August 2022 as the Right to Information and Information Privacy Decision maker.

#### **Access Charges**

Section 5(1)(a) of the *Right to Information Regulation 2009* (the RTI Regulation) states that the processing charge under s 56 of the RTI Act for an access application is nil if the agency spends no more than 5 hours processing the application. As I have not spent more than 5 hours processing this application, no processing charges are applicable.

#### **Review Rights**

---

<sup>1</sup> 52 of the RTI Act

If you are not satisfied with this decision you can apply for an internal or external review.

An internal review application must be made to the City of Gold Coast within 20 business days after the date of the written notice of this decision. Your application can be lodged in one of the following ways:

**In person:** at an office of the City of Gold Coast  
**Post:** PO Box 5042 Gold Coast Mail Centre Qld 9726  
**Email:** RTIIP@goldcoast.qld.gov.au

If you are dissatisfied with the internal review decision, you can then apply for external review. You may however apply directly for external review without first seeking internal review.

If applying for external review, either directly or after internal review, the application must be made to the Information Commissioner within 20 business days from the date of the written notice of the decision to be reviewed. An application can be lodged with the Office of the Information Commissioner in one of the following ways:

**In person:** Level 7, 133 Mary St, Brisbane  
**Post:** PO Box 10143, Adelaide Street, Brisbane, Qld, 4000  
**Email:** administration@oic.qld.gov.au  
**Online:** www.oic.qld.gov.au

If you have a question about applying for external review, you can contact the Office of the Information Commissioner's enquiries service on 07 3234 7373.

Please do not hesitate to contact me should you have any queries regarding your application on 07 5581 7501.

Yours Faithfully,



Rob Brandon

**Right to Information &  
Information Privacy Decision Maker  
City of Gold Coast**