



Environment Protection Authority
GPO Box 2607 Adelaide SA 5001
211 Victoria Square Adelaide SA 5000
T (08) 8204 2004
Country areas 1800 623 445

File Ref: 05/25247

Your reference:

Botten Levinson Lawyers
Level 1, 28 Franklin St
ADELAIDE SA 5000

Dear

I refer to your application, made under the *Freedom of Information Act 1991* (FOI Act) as received by the Environment Protection Authority (EPA) on 20 November 2019 for access to the following documents:

All documents (including all letters, emails reports, notes, file notes, diary notes, diary entries, memoranda, records, of meetings or telephone discussions whether handwritten, printed or created, conveyed or stored in electronic form) related to the determination of an "appropriate person" under section 103C of the Environment Protection Act 1993 and any proposed orders under s 103H, 103I or 103J of that Act in relation to the land described as Lot 101 Port Lincoln Boulevard, Pasadena SA 5042 being the land comprised in Certificate of Title Volume 5792 Folio 592.

On 3 December 2019 you agreed to amend the scope of the application to;

All correspondence between the Environment Protection Authority (EPA) and anyone the EPA considers as an 'appropriate person' in relation to Lot 101 Port Lincoln Boulevard Pasadena for the last 2 years.

On 5 December 2019 the EPA's Acting Principal Officer, Ms Kathryn Bellette, advised you that she had determined that, pursuant to Section 14A of the FOI Act, the due date of 20 December 2019 would be extended to 6 March 2020 due to the likelihood that consultation would be required with third parties [Section 14A(1)(b)].

Following a search of EPA records I have determined that the 79 documents that fall within the scope of your application are those listed in the attached document schedule.

Section s20(4) of the FOI Act provides that if it is practicable to give access to a copy of a document with exempt matter deleted, and it appears that the applicant would wish to be given such a copy, the agency must give access to a copy of the document to this limited extent. Therefore, I have determined to grant you partial access to 22 documents that have been redacted to remove content that contain third party personal affairs from your application.

Determination

I determined to:

- Grant full access to 57 documents as detailed in the attached document schedule.
- Grant partial access to 22 documents as detailed in the attached document schedule.

As required under the FOI Act, the EPA has provided third parties written notice of this determination. Access to 6 documents will be deferred, initially for 30 days, to enable third parties to exercise their rights of review or appeal under the FOI Act.

The reason I have refused access to certain parts of a document, are summarised in the attached document schedule.

Right of appeal

If you are unhappy with this determination you are entitled to apply for an internal review in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or send the attached form entitled *Application for Review of Determination* to the Chief Executive of the Environment Protection Authority, Mr Tony Circelli, within 30 (calendar) days after you receive this letter. Should you submit an application for an Internal Review, please include an application fee of \$35.00.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, may be published in the agency's disclosure log. 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 queries in relation to this determination please contact Mr Luciano Palumbo Freedom of Information / Public Register Administrator on 8204 9128 or email Luciano.palumbo@sa.gov.au.

Yours sincerely

Suzanne Behrendt
~~Accredited Freedom of Information Officer~~
General Manager People and Performance
Environment Protection Authority

Date: 10/3/20