



ACT
Government

City and Environment

OFFICIAL

Our ref: CED FOI 25-135

Dear [REDACTED]

Freedom of Information – Notice of Decision

I refer to your application under section 30 of the [Freedom of Information Act 2016](#) (the FOI Act), received by the City and Environment Directorate (CED) on 12 November 2025. Specifically, you are seeking:

I would like to request access to the following documents which detail:

- *Provided by the City and Environment Directorate representative to the New South Wales government on 22 September 2025 regarding the proposed development in the EIS. This includes comments from relevant entities covering water quality; erosion and sediment controls; issues of air quality; dust, noise and vibration impacts; fire management issues; heritage; and additional application requirements for development within the ACT*
- *The comments provided in 2021 by the Environment Planning and Sustainable Development Directorate on the Planning Secretary's Environmental Assessment Requirements (SEAR) and other matters to be addressed in the EIS.*
- *The comments that were made to the NSW Planning Portal.*
- *Correspondence between EPSDD and the Minister for Planning (2021) on input from EPSDD on the SEARs – including briefs and emails*
- *Correspondence between CED and the Minister for Planning (2025) on comments made by CED on the EIS – including briefs and emails*
- *Any other correspondence to the Minister for Planning from EPSDD and CED on the Monaro Rock Quarry Project between 2021 and the present*
- *Any correspondence to the Minister for Planning from the NSW Government on the Monaro Rock Quarry Project between 2021 and the present*
- *Any correspondence to the Minister for Planning from the community on the Monaro Rock Quarry Project from 2021 to present.*

Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your access application within 30 working days. As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the FOI Act. Therefore, a decision is due on or by **22 January 2026**.

Authority

I am an Information Officer appointed by the Director-General of the City and Environment Directorate under section 18 of the FOI Act to deal with access applications made under Part 5 of the FOI Act.

Decision on access

Under section 43(1)(d) of the FOI Act, a respondent agency may refuse to deal with an access application wholly or in part if the government information is already available to the applicant. Section 45 sets out the circumstances in which government information is already available to the applicant. Those circumstances include where the government information is publicly available (section 45(a) of the FOI Act).

I have refused to deal with parts of your application under section 43(1)(d) and section 45 of the FOI Act as 2 records within the scope of your application are already available to you.

Attachments to scheduled documents 9 and 10 have been made publicly available by the NSW Department of Planning, Housing and Infrastructure via their projects page - <https://www.planningportal.nsw.gov.au/major-projects/projects/monaro-rock-quarry-project>

Excluding the 2 records which are publicly available, a search for CED records has identified an additional 52 records within the scope of your application. The records are listed in the schedule at **Attachment A**.

In your application you referred to a response provided by CED to the New South Wales Government on 22 September 2025, please note the response was provided on the 24 September 2025.

I have decided to:

- grant **full** access to 35 records.
- grant **partial** access to 17 records.

The reasons for my decision are detailed in the *statement of reasons* section below. The records being released to you are provided at **Attachment B** with redactions applied to any information contrary to the public interest to release.

Statement of reasons

The FOI Act has a pro-disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

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

- the FOI Act
- the information that falls within the scope of your application

- the views of third parties consulted
- the *Human Rights Act 2004*
- the ACT Ombudsman FOI Guidelines
- information already publicly available.

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

Schedule 1 – Information taken to be contrary to the public interest

- No relevant sections identified.

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*

In reviewing the information within the scope of your application, I have decided that disclosure promotes open discussion of public affairs and enhances government's accountability generally. It is well established that the Canberra community have an interest in development of the ACT and its surrounding areas.

I have given moderate weight to these factors favouring disclosure.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Documents contain the mobile numbers of an ACT Government employees. The mobile numbers of employees are either personal phone numbers or provided by CED to staff for a specific purpose, such as out of hours contact. I consider that the disclosure of the mobile number is likely to prejudice the personal privacy of employees and their right to disconnect, and that the advancement to the public in disclosing this information is minimal as information on how to contact the directorate is already publicly available.

Some of the information within scope includes the names and contact details of employees of third parties or members of the public. I have considered that the information has been provided to CED with the expectation that it is handled in accordance with published privacy statements and policies, I consider that this information is not readily available to the public and has not otherwise been disclosed by CED. It is my view that the information if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy.

I have given this factor favouring nondisclosure significant weight.

Balancing the factors

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that some information contained in the records is not in the public interest to disclose. Accordingly, I have redacted this specific information under section 50(2) of the FOI Act.

Charges

Processing charges are not applicable for this application because the fee has been waived in accordance with section 107 of the FOI Act.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Choose an item.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT 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 FOI Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

Craig Weller
Information Officer
City and Environment Directorate
22 January 2026