



By email: [redacted]

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 26 September 2025. It is my understanding you sought access to the following information:

I request access to the following documents for each development listed below:

- *reports by National Capital Design Review Panel (NCDRP)*
- *advice from CED Secretariat to NCDRP on documentation considered by NCDRP – noting that in the event of multiple sessions there may be more than one brief generated.*

<i>Site of proposed development</i>	<i>DA No</i>	<i>NCDRP report provided with Development Application</i>	<i>NCDRP report requested</i>	<i>All documents provided by CED Secretariat for each session eg brief</i>
<i>Blk 1 Sec 15 Curtin</i>	<i>202543965</i>	<i>2nd session</i>	<i>1st session</i>	<i>For all 2 sessions</i>
<i>Blk 2 Sec 22 Phillip</i>	<i>202443325</i>	<i>3 sessions</i>	<i>Nil</i>	<i>For all 3 sessions</i>
<i>Blk 4 Sec 79 Phillip</i>	<i>202443254</i>	<i>1st session</i>	<i>Nil</i>	<i>For the only session</i>
<i>Blks 1 and 2 Sec 52 Lawson</i>	<i>202544120</i>	<i>1st session</i>	<i>Nil</i>	<i>For the only session</i>
<i>Blk 13 Section 34 Dickson</i>	<i>202544701</i>	<i>3rd session</i>	<i>1st and 2nd session</i>	<i>For all 3 sessions</i>

I thank you for engaging with our office on 29 October 2025 to clarify the scope of your application, in which you stated:

“The focus of the FOI request was on the advice provided by CED to the NCDRP. If the advice provided includes documents provided by the proponents eg plans, drawings etc it would be appreciated if those documents could be included in the request.”

Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your 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. Under Section 41 of the FOI Act, you also agreed an additional amount of time. Therefore, a decision is due on or by **8 December 2025**.

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

A search for CED records has been completed and 27 records within the scope of your application have been identified. The records are listed in the schedule at **Attachment A**.

I have decided to:

- grant **full** access to six records.
- grant **partial** access to 20 records.
- **refuse** access to one record as I consider the disclosure of the information to be contrary to the public interest.

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.

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)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

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.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

Personal Information

Records relevant to your application contain personal information of individuals. I have considered how the public interest would be advanced by releasing this information in part or in whole. It is my view that the information if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under section 12 of the *Human Rights Act 2004*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest.

To provide you with the information that I have determined to be in the public interest to release, copies of some records have been prepared with personal information redacted in accordance with section 50 and the Objects of the Act.

Business Affairs

One record contains information relating to a staged development, the release of this information would be expected to diminish commercial value and compromise commercial competitiveness in a limited market and provide a commercial advantage to other businesses. At this time, the release of this information would reasonably prejudice trade secrets and business affairs, a factor in favour of non-disclosure under Schedule 2.2(a)(xi) of the Act.

I have considered the release of business affairs information and whether its disclosure would provide relevant contextual, or background information. In reaching my decision my decision I have weighed on balance these public interest considerations, the information available and contractual agreements with third parties. On balance I have decided that the detriment caused by the release of this information, which may constitute a breach of confidence, outweighs any anticipated benefit provided by its release.

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. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

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



Ben Green
Information Officer
City and Environment Directorate
5 December 2025