

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 31 March 2026. Your application was received by full transfer from the Chief Minister, Treasury and Economic Development Directorate. It is my understanding you are seeking access to the following information:

*For the FOI Information Officer,*

*I am writing to request access to documents under the Freedom of Information Act 2016 regarding Development Application DA202342447 (specifically Amendment S205F) for Block 4 Section 57 Turner.*

*I request copies of the following documents submitted by the proponent:*

- 1. The Revised Deep Soil Zone Plan: Including the specific square metre calculations used to satisfy the 10% "Living Infrastructure" requirement under the Multi-Unit Housing Development Code.*
- 2. The Basement Construction Footprint: Specifically any plan showing the proximity of the basement wall and concrete footings to the western (Forbes Street) boundary.*
- 3. The Tree Management Plan (TMP): Specifically the approved protection measures for the Japanese Pagoda Tree and the dimensions of the required Tree Protection Zone (TPZ).*
- 4. The Solar Study (Winter Solstice): The updated shadow diagrams for the "interconnected" building form (S205F) compared to the original "pavilion" approval.*

I thank you for providing the following statement on the public interest in your application. Your views have been considered in reaching my decision on your application:

*As a resident and formal representor, I believe the release of these documents is in the public interest. There is significant community concern regarding the loss of rare urban forest canopy and the potential failure of the "Substantially the Same" test under Section 168 of the Planning Act 2023.*

*I request that any fees or charges associated with this request be waived on the basis that the information is of significant interest to the local community.*

## 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. Therefore, a decision is due on or by **15 May 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 available as part of a public register (section 45(c) 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 three records within the scope of your application are already available to you. The amendments (DA-202342447-s205F) are publicly available at: [Development Application no. 202342447 - City and Environment Directorate - Planning](#), including the following:

- Point 1: **The Revised Deep Soil Zone Plan:** The requested calculation regarding Revised Deep Soil Zone Plan can be found at: <https://dafinder.blob.core.windows.net/dadocuments/DOCs/PLAN-202342447-S205F-COMMUNAL-01.pdf>
- Point 4: **The Solar Study (Winter Solstice)** updated shadow diagrams can be found at: <https://dafinder.blob.core.windows.net/dadocuments/DOCs/SHADOW-202342447-01.pdf>. A shadow analysis was not provided for the amendment (DA-202342447-s205F) and as such previous shadow analysis' have been included.

Furthermore, a search for records held by CED has been completed and one records within the scope of your application has been identified. I have decided to grant **full** access to one record.

- Point 2: **The Basement Construction Footprint:** The basement construction footprint is shown on section and floor plans (i.e. SECTION-202342447-S205F-03 and %FLOORASSESS-202342447-S205F-B1-01 <https://dafinder.blob.core.windows.net/dadocuments/DOCs/SECTION-202342447-S205F-03.pdf> however I have included the basement floor plan in addition to that which is included in the public register.
- Point 3: **The Tree Management Plan (TMP):** A tree management plan is provided at <https://dafinder.blob.core.windows.net/dadocuments/DOCs/TREE-202342447-01.pdf> on the website, however some tree protection measures were also outlined on an approved amended sediment plan (SEDIMENT-202342447-S205D-02). I have therefore provided you with full access of the amended sediment plan.

The reasons for my decision are detailed in the *statement of reasons* section below. The record 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
- your views regarding the public interest
- 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.*

In reviewing the information within the scope of your application, I consider that disclosure promotes open discussion of public affairs and enhances government's accountability generally. I have placed significant weight on this factor.

##### *Factors favouring nondisclosure (Schedule 2.2)*

- *No relevant factors have been identified.*

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that the information contained in the records is the public interest to disclose. Accordingly, I have decided to provide you with full access.

## **Charges**

Processing charges are not applicable for this application because the number of pages released to you is below the charging threshold of 50 pages.

## **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](mailto: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](mailto:CEDFOI@act.gov.au).

Yours sincerely

*Signed electronically.*

**Craig Weller**  
Information Officer  
City and Environment Directorate  
15 May 2026