



ACT
Government

City and Environment

Our ref: FOI 25/0240342

[REDACTED]

By Email: [REDACTED]

Dear [REDACTED]

Decision on Freedom of Information Access Application 25/0240342

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 26 June 2025.

Specifically, you are seeking:

"...Development Application DA202544140, lodged for Block 7 Section 56, Suburb Latham. I request access to all records held by the Environment, Planning and Sustainable Development Directorate and/or the Territory Planning Authority related to this application, including but not limited to:

- 1. All documents lodged with the application.*
- 2. Internal assessment reports, officer notes, and recommendations.*
- 3. Any internal and external correspondence (including emails and memos) discussing the application.*
- 4. All versions of draft and final shadow diagrams, elevation drawings, and landscape assessments.*
- 5. Documentation or communication related to the reasons for refusal.*
- 6. Minutes or records of meetings where the application was discussed.*
- 7. Any records or decision-making materials relating to the six-stage assessment process used under section 185 of the Planning Act 2023.*
- 8. The names and roles of all ACT Government Planning Authority staff involved in the assessment or decision-making process for this application.*

Timeframe: The relevant date range is from 1 March 2025 to present."

On 17 July 2025, you clarified the scope of your application, stating you did not require automated documents.

On 1 July 2025, the City and Environment Directorate (CED) was established, bringing together services previously delivered by Access Canberra, the Environment, Planning and Sustainable Development Directorate (EPSDD), Transport Canberra and City Services (TCCS), and the Better Regulation Taskforce.

Section 101 of the FOI Act provides that an access application made to an abolished agency is taken to have been made to the agency that acquired the abolished agency's functions. Therefore, a decision has been made on your application by CED.

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

In accordance with section 40 of the Act, a decision on your access application must be made on or by 28 August 2025.

Searches Conducted

Comprehensive searches were conducted and 53 documents containing information within the scope of your application were identified.

Decision on Access

I have included as **Attachment A** to this decision the schedule of relevant documents. The schedule provides a description of each document that falls within the scope of your application and the access decision for each of those documents.

As the Information Officer under the Act, it is my decision to:

- grant **full** access to 23 documents relevant to your application.
- refuse to deal with your application in part as 32 documents are already available to you.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

Material Considered

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

- the FOI Act, particularly sections 6, 17, 43, 45, and Schedule 2
- the content of the documents that fall within the scope of your request
- the *Human Rights Act 2004*
- the views of third parties consulted
- information released to you previously
- information publicly available.

Public Interest Considerations

My reasons for deciding to grant access to these documents are as follows:

Information Disclosure – Schedule 2 of the Act

The Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7, the Act). As an Information Officer, I am required to allow access to information subject to the Act, unless, on balance, disclosure would be contrary to the public interest.

In assessing the public interest, I must apply the test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring nondisclosure and the balance of those factors when considered cumulatively.

Factors Favouring Disclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.1(a)(i) – promote open discussion of public affairs and enhance the government’s accountability.
- Schedule 2, 2.1(a)(ii) – contribute to positive and informed debate on important issues or matters of public interest.
- Schedule 2, 2.1(a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring Nondisclosure

No factors favouring the nondisclosure of the information were identified.

Refuse to deal

I have refused to deal with part of your application under sections 43(1)(d), 45(d) and 45(f) of the Act as 32 documents within the scope of your application are already available to you. Under section 43(1)(d) of the 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 to the applicant because it has been produced in accordance with a subpoena or court order (Section 45(d)) and has otherwise previously been given to the applicant (Section 45(f)). Thirty two documents identified have previously been provided to you during the Development Application process and/or part of the ACAT review.

Charges

No charges are applicable to this application.

Online Publication

Under section 28 of the Act, CED maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released will be published in the CED disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the CED disclosure log at

https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

<https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

Alternatively, you may write to the 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 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

15 Constitution Avenue

GPO Box 370

CANBERRA CITY ACT 2601


Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Further Information

Should you have any queries in relation to your request please contact the Information Access Team by via email CEDFOI@act.gov.au or call (02) 6207 2987.

Yours sincerely



Alix Kaucz
Information Officer
Executive Branch Manager, DA Services and Support
City and Environment Directorate
26 August 2025