



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 23 February 2026. It is my understanding you sought access to the following information:

“...any information, documents or correspondence relating to the exemption process for Block 11, Section 38, Macnamara, including:

- 1. The full Exemption Declaration application lodged for the block.*
- 2. All architectural drawings, site plans, elevations, shadow diagrams and boundary setback measurements submitted as part of that application.*
- 3. The assessment report and decision record prepared by the Territory Planning Authority.*
- 4. All documentation identifying the specific departures sought from the Planning (Exempt Development) Single Dwelling Housing Development Control Declaration 2023 and/or the Territory Plan 2023.*
- 5. Any internal assessment notes, file notes, or correspondence relating to the determination of whether the departures were considered “minor”.*
- 6. [REDACTED]*
- 7. Any compliance inspection reports or certifications issued to date for the development.”*

I thank you for engaging with our office on 26 May 2026 to clarify the scope of your application, in which you amended the scope of your application to exclude:

- Draft plans
- Fee advice requests and payments relating to Exemption Declaration applications
- Correspondence between the Exemption Declaration applicant and the ACT Government relating to requests for further information to progress the application.

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. Under section 41 of the FOI Act, you agreed an additional amount of time to decide your application. Therefore, a decision is due on or by **2 June 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

A search for records held by CED has been completed and 23 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 eight records.
- grant **partial** access to 15 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
- your views regarding the public interest
- 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)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

In reviewing the information within the scope of your application and taking into account your statement on the public interest in your application, I consider that disclosure would reveal the reasons for the government's decision, including the background and contextual information that informed that decision. I have placed significant weight on this factor in favour of 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.*

Some of the records within the scope of your application contain personal information of individuals and details of a residence. 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*.

Balancing the factors

In balancing the factors favouring disclosure against those favouring nondisclosure, I have carefully considered the public interest in promoting transparency, accountability and understanding government processes. I acknowledge that disclosure of certain information would advance these interests, particularly where it relates to the government's operations and the context surrounding decisions.

However, I must also consider the strong public interest in protecting personal privacy. I am of the view that individuals are entitled to expect that government agencies will collect, use and disclose their personal information in a way that safeguards their privacy.

On balance, the weight of the privacy considerations outweighs the factors favouring disclosure for this specific information. While releasing the remaining information promotes government transparency and accountability, disclosing the personal information would be contrary to the public interest. Accordingly, I am satisfied that the personal information should not be disclosed and have applied redactions under section 50(2) of the FOI Act.

Consistent with the pro-disclosure intent of the FOI Act, I am satisfied that redacting only the information that is contrary to the public interest ensures compliance with the FOI Act while still providing access to the majority of the information held by CED within the scope of your application.

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

Helen Stoddart
Information Officer
City and Environment Directorate
2 June 2026