



By Email: [REDACTED]

Dear [REDACTED]

Decision on Freedom of Information Access Application 25/0203274

I refer to your application made under Section 30 of the *Freedom of Information Act 2016* (the FOI Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 25 May 2025.

Specifically, you are seeking:

- *“The information provided by Housing ACT to support the request that seven developments be identified as TPPs*
- *The assessment of the request/s by EPSDD of Housing ACT’s request that seven developments be granted TPP status*
 - *This includes advice (including legal advice) provided from other agencies*
- *Which explain how the assessment of TPP for ‘the public housing element is that it needs to be done on a development basis, not on a program basis (p111)’.*
 - *This includes advice (including legal advice) that is provided from other agencies*
- *Briefs to the Minister for Planning and Sustainable Development and/or the Minister for Homes and New Suburbs on*
 - *The outcome of the request by Housing ACT for TPP status for seven developments*
 - *The need to amend the TPP provisions of the Planning Act 2023 to allow public housing to be declared a TPP”*

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.

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under part 5 and now write to provide notice of my decision in relation to your application.

In accordance with section 38 of the FOI Act), third party consultation was undertaken. EPSDD must decide your application on or by 29 July 2025.

Decision On Access

In response to your application, comprehensive searches were conducted and 208 documents containing information within the scope of your application were identified.

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.

In considering your application, I have taken the following into account:

- the FOI Act, particularly sections 6, 17, 38, 50 and Schedules 1 and 2
- the content of the documents that fall within the scope of your request
- the *Freedom of Information (Volume 4 – Considering the public interest) Guidelines 2023* (Notifiable Instrument [NI2023-751](#)).
- the views of third parties consulted.

I have decided to:

- grant **full** access to 168 documents in scope of your request; and
- grant **partial access** to 27 documents and, in accordance with Section 50 of the FOI Act, and provide you with copies of documents with deletions applied to components of contrary to the interest information; and
- refuse access to 13 documents in scope of your request.

The documents released to you by my decision are provided at **Attachment B** to this letter.

Statement of reasons

The FOI 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 disclosure would be contrary to the public interest.

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

Thirteen documents in scope of your request contains information which if disclosed would identify information which has been proposed to be submitted to Cabinet for its consideration. The information if disclosed could prejudice cabinet deliberations, as the legislation is yet to be decided. Disclosure of this information is taken to be contrary to the public interest under Schedule 1.6(1)(a) of the FOI Act.

This information being withheld does not identify corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

Public Interest Considerations

Information Disclosure – Schedule 2 of the FOI Act

In assessing whether disclosure of the remaining information identified in relation to your request would, on balance be contrary to the public interest, I must apply the test outlined under Section 17 of the FOI Act.

This requires consideration of factors favouring disclosure, any favouring nondisclosure and the balancing of those factors when considered cumulatively. Unless, on balance, disclosure would be contrary to the public interest, access to the information must be allowed.

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

Factors Favouring Non-disclosure

In applying the public interest test to the documents identified in relation to your application, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.2(a)(ii) – disclosure of the information could reasonably be expected to prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*.

Personal Information

Twenty-seven documents contain personal information, including mobile numbers, email addresses, and signatures of individuals. I am satisfied that the factors in favour of release can still be met while protecting relevant personal information. I have therefore weighed the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information could prejudice the individual’s right to privacy under the *Human Rights Act 2004*. Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2) of the Act.

Charges

Charges applicable to this application have been waived under section 107(2).

Online Publication

Under section 28 of the Act, your original access application, this decision and documents released will be published in the disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the disclosure log at

<https://www.environment.act.gov.au/about-us/access-government-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 provided to you, 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

If you have any queries concerning the processing of your request, or would like further information, please email EPSDFOI@act.gov.au or call 13 22 81 and ask for the Information Governance team.

Yours sincerely



Freya O'Brien

Information Officer
Executive Branch Manager, Strategic Planning and Policy Branch
City and Environment Directorate
29 July 2025