

Dear 

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) and the Suburban Land Agency (SLA) on 30 March 2026. Your application was also received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and subsequently transferred in full to CED. To allow for one decision to be provided to you, these identical applications (26-088 and SLA 26-005) have been combined, and relevant information held by the SLA was transferred to CED under section 58 of the FOI Act.

It is my understanding you sought access to the following information:

All documents which are communications, reports and draft reports, (including conservators and ecological reports, and site investigation reports), advice, plans, designs, opinions, development applications, notices of decision, responses, presentations, assessments, endorsements, submissions, variations, feedbacks, marketing material, contracts & leases, minutes of meetings and sales information, being or relating to land known as Section 76, Watson in the Australian Capital Territory, in the period between 1 January 2020 to date.

I thank you for engaging with our office to clarify the scope of your application, in which you amended the scope as follows:

All correspondence and documents sent to or received by the Conservator and all communications between SLA, Spacelab, and planning authority between 1 January 2020 and 30 March 2026 which:

- *relate to the land at Section 76 Block C Watson; and*
- *relate to any environmental issues, specifically ecological, biodiversity and trees.*

As a high volume of records were identified during initial searches, I thank you for providing the following clarity and agreeing to exclude certain information as follows:

Document formats include emails, letters, reports, advice, assessments, responses, briefs, opinions and environmental/development outcomes. This request includes records capturing the decision-making process regarding land use which relate to environmental issues, specifically ecological, biodiversity and trees.

Drafts are only relevant if they were sent to or from the Conservator; including instances where drafting changes were requested or made in relation to environmental issues, specifically ecological, biodiversity and trees.

For clarity, the following information is not relevant:

- *records related to general planning, such as traffic or infrastructure, unless they environmental issues, specifically ecological, biodiversity and trees.*
- *drafts which were not provided to the Conservator.*
- *communications between the Conservator, SLA, Spacelab and ACT planning authority which do not relate to environmental issues.*
- *records relating to trees outside of the context of environmental issues.*
- *publicly available information.*
- *emails between [REDACTED] and ACT Government.*

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. 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 agreed an additional amount of time to decide your application. Therefore, a decision is due on or by **28 August 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 44 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 44 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**.

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 the third party consulted
- 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.*

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. Disclosure would also reveal the background information and reasons for government decisions regarding Block C, Section 76 Watson. I have placed significant weight on these factors.

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 applicable for this application because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, I have decided not to impose a fee in response to your application.

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

Signed electronically

Craig Weller
Information Officer
City and Environment Directorate
14 August 2026