

[REDACTED]

By Email: [REDACTED]

Cc: [REDACTED]

Dear [REDACTED]

Decision on Freedom of Information Access Application 25/020108

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 22 May 2025.

In your application, you have sought:

“...all documents held by Planning and Sustainable Development Directorate (EPSDD) relating to the reclassification, management and use of the Point Hut Dog Exercise Area produced between 1 November 2020 and 21 May 2025.

This request includes, but is not limited to:

- *Correspondence between EPSDD, Conservator of Flora and Fauna and Transport Canberra and City Services regarding the status, management, or classification of the Point Hut Dog Exercise Area, and the off-leash policy*
- *Any internal or ministerial briefs, meeting records, or file notes discussing land use, off-leash policy, or access restrictions at Point Hut*
- *Documents relating to the assessment, protection, or conservation of flora and fauna in or around the Point Hut area in connection with dog access or land use*
- *Public or stakeholder consultation documents, including community feedback, internal memos, or reports summarising consultation outcomes*
- *Draft or final planning documents that informed or proposed changes to the dog leash status of the area”*

As agreed, a decision on your access application must be made on or by 18 August 2025.

Authority

On 1 July 2025, EPSDD was abolished and replaced by the City and Environment Directorate (CED). CED brings together a range of services previously provided by EPSDD, Transport Canberra and City Services (TCCS), Access Canberra 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.

In the processing of your application, it was identified that relevant records may have been held by the then TCCS. However, your application was not transferred under section 57 of the FOI Act as an application had been made directly by you to TCCS. A separate decision by CED on the records held by TCCS administrative unit was provided to you separately on 31 July 2025 ([TCCS 25-091 - City Services](#)).

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

- the FOI Act, particularly sections 6, 17 and Schedule 2
- the content of the documents that fall within the scope of your request
- the CED decision – TCCS 25-091 - City Services.
- the *Human Rights Act 2004*.

Decision on Access

As your application was received prior to the establishment of CED, records systems searched solely related to those used by EPSDD administrative units. 61 documents were identified within the scope of your application, which are listed in the schedule of documents at **Attachment A**.

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

- grant **full** access to 41 documents.
- grant **partial access** to 20 documents relevant to your application.

The documents released to you are provided as **Attachment B**. My reasons for deciding not to grant access to certain documents and components of these documents are as follows.

Statement of reasons

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

I consider that disclosure of the information that they contain could reasonably be expected to:

- promote open discussion of public affairs and enhance the government's accountability (Schedule 2.1(a)(i)).
- contribute to positive and informed debate on important issues or matters of public interest (Schedule 2.1(a)(ii)).
- ensure effective oversight of expenditure of public funds (Schedule 2.1(a)(iv)).

I have identified that the information subject to your application relates to the management of public land, use of the land and dog park facility by the local community and a service contracted by the ACT Government. I have considered that the management of government assets and expenditure by government agencies is of public interest, and the disclosure of the information is likely to contribute to open discussions of public affairs and contribute to positive and informed debate on matters of public interest. These factors carry considerable weight and is relevant to the decision before me.

Factors Favouring Non-disclosure

I have also determined that disclosure of some of the information could reasonably be expected to:

- 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* (Schedule 2, 2.2(a)(ii)).
- prejudice security, law enforcement or public safety (Schedule 2, 2.2(a)(iii)).

Twenty documents contain personal information, this includes the name and contact information of a member of the public, mobile numbers and signatures. I have considered how the public interest would be advanced by releasing this information (whether in part or in whole). I am not satisfied that there is any public interest that would be promoted or advanced to warrant a reduction of the right to privacy. Rather, 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*.

Two documents contain Microsoft Teams meeting links and codes. Disclosure of this information could allow access by unauthorised external parties to the meeting spaces thereby creating a cyber security risk.

I have placed significant weight on these factors and find the disclosure of this information to be, on balance, contrary to the public interest.

Balancing relevant factors

Applying section 17 as intended, I am satisfied that the factors favouring disclosure can be satisfied by the deletion of information which is contrary to the public interest. The schedule of documents at **Attachment A** summarises these documents and is included to assist you see those which have been partially released as per this decision.

Charges

Charges applicable to this application are waived under section 107(d) of the Act.

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 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



Jaime Elton

Information Officer

Executive Branch Manager, People and Capability,

Corporate Services and Operations

City and Environment Directorate

18 August 2025