



ACT
Government

City and Environment

Our ref: FOI 25/0195919



Dear 

Decision on Freedom of Information Access Application 25/0195919

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 7 May 2025.

Specifically, you are seeking:

“...all documents, including but not limited to ministerial briefings, internal memos, correspondence, meeting notes, emails, feasibility assessments, or planning advice held by the Suburban Land Agency and/or the Environment, Planning and Sustainable Development Directorate (EPSDD) relating to the scheduling, delay, deferral, or removal of Block 1 Section 295 Wanniasa (the block), which was previously listed in the Indicative Land Release Program (ILRP) as part of the Erindale Group Centre; the block’s inclusion in, modification to, or removal from the Indicative Land Release Programs between 2017 and 2023; any reference to the Erindale Group Centre Master Plan (2012) in relation to this site’s development, timing, or exclusion; any communication with the Minister for Planning, Suburban Land Agency Board, or Chief Minister’s Office regarding this site’s commercial viability, strategic priorities, or delivery risk. I am not seeking duplicate published versions of the ILRP or general newsletters or announcements...”

On 17 June 2025, you clarified the scope of the application stating *“We’re happy to exclude some categories you’ve suggested:*

- *invoices from providers*
- *calendar invites and purely administrative coordination emails.*

We are also happy to exclude the procurement documentation and quotes from providers unless they were specifically referenced in policy briefings or decision-making material.”

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.

In accordance with section 41 of the Act, as agreed by you, a decision on your access application must be made on or by 25 July 2025.

Searches Conducted

Comprehensive searches were conducted and 82 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.

I have decided to

- grant **full** access to 45 documents, and
- grant **partial** access to 37 documents.

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, 38, 50 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.

Public Interest Considerations

My reasons for deciding not to grant access to components of 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

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

- Schedule 2, 2.2(a)(ii) – 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)(xi) – prejudice trade secrets, business affairs or research of an agency or person.

Personal Information

Some documents relevant to your application contain personal information of individuals. This information includes the mobile contact numbers and signatures of ACT employees, and the names and contact information of third parties’ employees engaged in providing services to ACT Government. 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*. On balance, and the information available to me, I am satisfied that the disclosure of this personal information is not in the public interest. To provide you with the information that I have determined to be in the public interest to release, copies of some documents have been prepared with personal information redacted in accordance with section 50 and the objects of the Act.

Trade secrets, business affairs and research

Information within scope of your application includes several reports (and draft versions) prepared by consultants. These reports include substantial details outlining the methodology and research undertaken by these businesses, from which competitors could discern their approach and methodology, consequently leaving them at a disadvantage, a factor favouring nondisclosure under Schedule 2, 2.2(a)(xi) of the Act. I have taken into consideration the objections to disclosure raised by third parties in relation to this information and have decided to give significant weight to this factor favouring nondisclosure.

Charges

In accordance with section 107(2)(e) of the Act any charges applicable are waived.

Online Publication

Under section 28 of the Act, EPSDD 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 EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD 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 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



Sanzida Akhter

Information Officer

Executive Group Manager, Development and Implementation

City and Environment Directorate

24 July 2025