



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference:19/25429

Dear [REDACTED]

Freedom of Information Request 19/25429

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 13 August 2019, in which you sought access to documents relied upon by Minister for Planning and Land Management and Mr Ben Ponton in the responses given to questions asked on 9 November 2019.

Specifically, you are seeking:

"... a copy of all reports, documents, briefings, correspondence, surveys etc however described, including:

(a) those relied on by the Minister for Planning in the response he gave to a question (page 107) from Mr Mark Parton on 9.11.18 during a hearing of the Environment, Planning and Sustainable Development Committee of the Legislative Assembly in which the Minister said,

" Particularly younger people advised us that they want to live in denser opportunities, as long as they have good amenity. When we say "dense" they were talking about apartment-style living. They said they would like to live in these opportunities, as long as we have good amenity and good urban open space with it as well."

" Moreover, they did not talk particularly about the size or the height of their building. They told us how they would actually want to live, close to great opportunities for dining, for recreation, close to their friends, close to work if possible, and close to public transport stops. This is where the evidence started to come through about how we change from, as I mentioned earlier, greenfield to urban intensification, if you like."

(b) those which relate explicitly to the advice which the Minister says was provided particularly by younger people. In this regard I would be grateful for a copy of all responses however provided or collated by or collected from the people to whom the Minister was explicitly referring.

(c) those relied on by Mr Ponton in response to a question from Mr Parton on 9.11.18 (page 108) during the same hearings in which Mr Ponton said : " I know the survey figures have been quoted often. In that survey it is important to keep in mind that you cannot take the response to a particular question in isolation. For example, in terms of those people who wanted to live in a detached home, the figure was quite high, The nature of that particular question was: if there were no other considerations, what is your ideal home? People were saying," Yes, we would like a detached home."

'But then you ask them to start weighing up other considerations such as: do you want the city to spread; are you okay with the environmental impacts that you might have; are you

okay with the social costs and the environmental costs of that? As people started to filter that through, the results started to shift in terms of " Well, yes, we would like a detached home but we are also okay with medium and high-density if that means we can protect other important values."

(d) in relation to the response by Mr Ponton I would be grateful for a copy of all of " the results" of " other considerations" however recorded or collated or presented to which Mr Ponton explicitly referred including those which in Mr Ponton's words show that " the results started to shift".

(e) In relation to the response by Mr Ponton I would also welcome all documents either relevant or related to " the environmental impacts' , "social costs and environmental costs " of the city spreading to which the respondents were referred . In addition I assume the respondents would in the interests of balance have been asked to also consider the environmental impacts and social and environmental costs of densification and I would therefore be grateful for all documents which relate to impacts and social and environmental costs of high rise flats and denser development."

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

EPSDD is required to make a decision on your access application by 10 September 2019.

In finalising this request I consulted with Mr Ben Ponton. Mr Ponton advised me that he relied on a wide range of documents and information in formulating his response to the Hearings. The documents span from 2015 and were reviewed by Mr Ponton in his capacity as an ACT Government executive, including as the ACT Chief Planner from April 2017 to present. Other information, including presentations and meetings also contributed to Mr Ponton's knowledge of this subject.

Decision on Access

Searches were conducted, 16 documents relevant to your application have been identified. A schedule documents is provided at **Attachment A** to this letter.

I have decided to grant full access to 11 of the relevant documents.

The documents contain no information that I consider contrary to the public interest under Schedules 1 or 2.2 of the Act.

Five documents are currently publicly available (scheduled items 12 to 16), hyperlinks to these documents are provided via the schedule.

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 17 and schedule 2;
- the content of the documents that fall within the scope of your request;

Online Publication

Under section 28 of the Act, the EPSDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the EPSDD's disclosure log,

no earlier than 3 working days and no later 10 working days after this decision is provided to you. Your personal contact details will not be published.

You may view the EPSDD's disclosure log at

<https://www.environment.act.gov.au/about/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:

http://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.pdf

If you wish to request a review of my decision 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
Level 4, 1 Moore St
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 Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on 02 6207 1923 and ask for the FOI team, or email EPSDFOI@act.gov.au

Yours sincerely



Bruce Fitzgerald
Information Officer
Environment, Planning and Sustainable Development Directorate

10 September 2019