



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: 6207 1923  
Reference: 22/136219

[REDACTED]  
Email: [REDACTED]

Dear [REDACTED]

### **Freedom of information request: 22/136219**

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 October 2022, in which you sought access to information relating to ACT District Strategies.

The scope of your application was seeking:

*"...maps and associated documentation that was provided to ACT Planning (EPSDD) for the purpose of informing the new ACT District Strategies."*

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 provide a decision on your access application in accordance with section 41 of the Act, by 10 November 2022.

### **Searches conducted**

Comprehensive searches were conducted by the EPSDD for documents relevant to your application.

### **Decision on Access**

Thirty-nine documents were located that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of documents relevant to the scope of your request. The schedule provides a description of each document and the access to these documents.

I have decided to refuse access to six documents in full under section 43(1)(d) of the Act, as the information is publicly available.

I have decided to grant access in full, to twenty-five documents relevant to the scope of your request.

I have decided to grant partial access to eight documents relevant to your request as I consider information contained within these documents would, on balance, be contrary to public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant access, under section 50 of the Act, to copies of these documents with deletions applied to the information that I consider would be contrary to public interest to disclose. My access decision is detailed further in the following statement of reasons and the documents released to you is 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, 41, 43, 47, 50, Schedule 2;
- the content of the documents that fell within the scope of your request;
- information contained within the public domain and on the ESPDD website.

### **Public Interest Considerations**

My reasons for deciding to not grant access to documents, and components of the documents are explained below; these documents contain information that I consider to be contrary to the public interest to disclose.

### **Information Disclosure – Contrary to the Public Interest under 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 accessing the public interest, I must apply the test outlined under section 17 of the Act which requires consideration of factors favouring disclosure, any favouring non-disclosure and the balance of those factors when considered cumulatively.

#### Factors Favouring Disclosure

Disclosure of the identified 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, I have determined that disclosure of the information could reasonably be expected to do the following and meet relevant factors favouring non-disclosure:

- Schedule 2.2(a)(xviii) – prejudice the conservation of any place or object of natural, cultural or heritage value, or reveal any information relating to Aboriginal or Torres Strait Islander traditional knowledge.

#### Aboriginal Cultural Heritage Sites

I have given regard to the general interest of the Canberra community in the planning of the new ACT District Strategies. I have further considered the public benefit of transparency in

Government processes and the enduring protection of Aboriginal cultural heritage sites. Some documents relevant to your application contain information that identifies specific items of Aboriginal cultural heritage. I have decided on balance, the disclosure of material that would assist in identifying specific items would be contrary to the public interest to disclose.

In accordance with section 50 of the Objects of the Act, I have decided to partially refuse documents that identify these items of cultural and heritage significance.

### **Charges**

In accordance with section 107(2)(d) 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. Under the Open Access Information Scheme, documents associated with access applications are published on the disclosure log no earlier than three days after a decision on access is provided to the applicant.

You may view the EPSDD's disclosure log at:

<http://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:

[https://www.ombudsman.act.gov.au/\\_data/assets/pdf\\_file/0026/79190/Apply-for-Ombudsman-review.pdf](https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf)

Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto: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 to [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au)

Yours sincerely,



Bren Burkevics  
Information Officer  
Executive Group Manager, Environment, Heritage and Water



November 2022