



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: (02) 6207 1923  
Reference: 22/166910

Dear [REDACTED]

### **Decision on Freedom of Information Access Application 22/166910**

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 21 December 2022.

On 9 January 2023, you amended the scope of your application and confirmed your preference to receive a decision under the Act rather than receive the information directly.

Specifically, you are seeking:

1. *A list of the development approval (DA's) applications that have had a s 141(request for further information) for not have toilet roll holders in access and mobility plan (21/11/2022 to 21/12/2022)*
2. *A list of the development approval (DA's) applications that have had a s 141(request for further information) rejected for not have grab rails in access and mobility plan (21/11/2022 to 21/12/2022).*

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

A decision on your application must be made on or by 23 January 2023.

From 21/11/2022 to 21/12/2022, the planning and land authority issued approximately 56 requests for information (RFI) for development applications, pursuant to section 141 of the Planning and Development Act. Of these, four RFI's related to accessibility compliance and one of these RFI's mentioned grab rails and toilet roll holders.

This information is based on best available data given system limitations and may be considered an approximate figure.

### **Decision on Access**

I have included as **Attachment A** to this decision the document schedule. The schedule provides a description of the document that falls within the scope of your application and the access decision for this document.

I have decided to grant full access to the document relevant to your application. This document was generated from the data search.

My access decisions are detailed further in the following statement of reasons and the document 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, Schedule 2

### **Public Interest Considerations**

My reasons for deciding to grant access to the document is 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.

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.

### **Charges**

In accordance with the *Freedom of Information (Fees) Determination 2018* no charges are applicable to this application, the number of pages to be released is below the minimum 50 page threshold.

### **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/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

(signed electronically)

Craig Weller  
Information Officer  
Executive Branch Manager, Statutory Planning  
Environment, Planning and Sustainable Development Directorate

23 January 2023