



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 18/00450

Dear [REDACTED]

Freedom of information request: Girl Guides Hall, Hackett

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 8 January 2018, in which you sought access to documents relating to DA201630803.

Specifically, you are seeking:

"I am seeking access to the following documents related to DA 201630803 for the Girl Guides Hall in Holze Close, Hackett. Can you please provide:

- 1. Documents relating to the work instructions, procedures, processes and/or guidelines that have been used to assess the Development Application*
- 2. Documents relating to the review, feedback, discussion, and/or assessment of the public submission by Canberra City Soccer Club related to the Development Application. In particular and/or in addition, we want to see the assessment of the points raised by Canberra City Soccer Club in their submission with regards to point (1) above relating to the assessment process"*

I am an Information Officer appointed by the Director-General 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 6 February 2018.

Decision on access

Searches were completed for relevant documents and 21 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 18 documents relevant to your request. I have decided to refuse access to three documents as I consider them to be:

- information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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 schedule 2.2;
- the content of the documents that fall within the scope of your request;
- the *Planning and Development Act 2007*

Exemptions claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

The documents contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Folios 19-21 of the identified documents are entirely composed of information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

These documents contain deliberative information or draft assessment documentation which is under consideration while the development application is being assessed.

A factor in favour of disclosure is that the documents potentially reveal the reason for a government decision through the processes undertaken for assessing development applications. In this case the decision has not yet been made and the deliberative process is ongoing.

A number of factors favour non-disclosure.

As this process is still underway, to release the documents now would impede the administration of justice including procedural fairness; and impede the administration of justice for a person, in this case the applicant and lessee of the development application.

To release assessment documentation before a decision was reached would prejudice the management function of the agency.

Once the decision on this development application is made, the Notice of Decision will be published in accordance with the *Planning and Development Act 2007*.

On balance, I consider that the factors favouring non release outweigh the factor favouring release. It is my view that the public interest will not be advanced by premature release of assessment documents.

Online publishing – disclosure log

Under section 28 of the Act, 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 disclosure log from 3 days after the date of this letter. Your personal contact details will not be published.

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.

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: ombudsman@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/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDFOI@act.gov.au or phone 6207 1923 and ask for the Freedom of Information Team.

Yours sincerely



Brett Phillips

Information Officer

Environment, Planning and Sustainable Development Directorate

5 February 2018

