



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference:19/23400

Dear [REDACTED]

Freedom of Information 19/23400

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 24 July 2019, in which you sought access to information relating to 72 Printers Way, Kingston, ACT.

Specifically, you are seeking:

“any correspondence (email, letter, paper forms, online forms, file notes) to and from Environment, Planning and Sustainable Development Directorate - Planning regarding 72 Printers Way, Kingston, ACT, for the period 1 Mar to 24 May 2019.”

On 2 August 2019, the scope of your application was amended to include:

“all documentation and correspondence (to and from) relating to the development approval for 72 Printers Way and subsequent building certification and issuing of the Certificate of Occupancy and Use.”

Your application was provided to Chief Minister, Treasury and Economic Development Directorate as they may also hold documents relevant to part 2 of your request.

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

Due to the additional information requested after your initial request, you agreed to an extension to the decision due date. The EPSDD is required to make a decision on your access application by 30 August 2019.

Searches Conducted

Searches were completed for relevant documents, and 119 documents have been identified as relevant to your application.

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.

Decision on Access

I have decided to grant access in full to 88 documents relevant to your request.

One duplicate is listed on the schedule, but not provided.

I have refused access to two documents. Scheduled item 4 is refused under section 43(d) of the Act, a certified copy of this document is available to purchase from the EPSDD.

Scheduled item 51 contains personal information that would be contrary to the public interest to release, even with the redaction of personal information from this document, no additional information would be provided that was not already captured in scheduled item 45.

Documents identified as relevant to your request contain information that I consider 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. I have decided to grant access to these 28 documents, under section 50 of the Act, to copies of documents with deletions applied to information that I consider would be contrary to the public interest to disclose. These documents are indicated on the schedule as for 'Partial Release'.

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 17, 50 and schedule 2;
- the content of the documents that fall within the scope of your request;
- the *Information Privacy Act 2014* (Privacy Act)
- the *Human Rights Act 2004*

Public Interest Considerations

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

Information Disclosure – Contrary to the Public Interest under Schedule 2 of the Act

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 collectively.

Personal Information

I have considered that the release of information relevant to your application may promote open discussion of public affairs and enhance the government's accountability, contribute to positive and informed debate and reveal the reason for a government decision and any background or contextual information that informed the decision.

Some of the documents relevant to your application contain information that includes the names and contact details of third party individuals and the internal layout of a residence, which I consider, if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. I have considered whether public benefit would be served by the release of this information and I have decided, on balance, that it would be contrary to the public interest to disclose this information.

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 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'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

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
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

Yours sincerely



George Cilliers

Information Officer
Environment, Planning and Sustainable Development Directorate

30 August 2019