



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923

Reference: 23/066170

Dear [REDACTED]

Decision on Freedom of Information Access Application 23/066170

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 22 June 2023.

Specifically, you are seeking:

“...documents, correspondence, or minutes EPSDD hold in regards to the request, action, approval and processing of custodianship change and split of the block, so that the section of the block that a car park is built on is managed by TCCS Roads ACT as opposed to Sports and Recreation, as per management plan.”

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 must decide your application on or by 3 August 2023.

Decision on Access

I have decided to refuse to deal with your application under sections 43(1)(d) and sections 45(e) and 45(g) of the Act.

Comprehensive searches were conducted and 10 documents containing information within the scope of your application were identified.

Five documents within scope of your application, were made available to you under a previous access application processed and is publicly available via the disclosure log:

<https://www.environment.act.gov.au/about-us/access-government-information/disclosure-log/disclosure-logs/epsdd-22135476>

Five documents within the scope of your application, are available as part of the Land Titles public register on the Access Canberra website:

<https://www.accesscanberra.act.gov.au/s/article/land-title-lodgements-registrations-and-searches-tab-public-register-searches>

Under section 43(1)(d) of the Act a respondent agency may refuse to deal with an access application wholly or in part if the government information is already available to the

applicant. Section 45 sets out the circumstances in which government information is already available to the applicant. Those circumstances include where the government information has previously been given to the applicant under the Act (section 45(e)) or is available for purchase (section 45(g)). I have decided, under section 43(1)(d) of the Act, that it is not necessary for the directorate to deal with your access application.

Material Considered

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 6, 43 and 45
- the content of the documents that fall within the scope of your request
- information released to you previously
- information publicly available

Charges

No charges are applicable to this application.

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

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
15 Constitution Avenue
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

(signed electronically)

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

01 August 2023