



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 21/90438

[REDACTED]

By Email: [REDACTED]

Dear [REDACTED]

Freedom of Information 21/90438

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 30 September 2021, in which you sought access to information relating to the Woden Community Centre (WCC).

Specifically, you are seeking:

1. *All current plans including designs, perspectives, and feasibility studies since 2018.*
2. *Reasoning of why Cox architecture were selected for the Tender, given their current workload of apartment designs for the Woden town centre.*
3. *The siting of the community centre on Callam St given the original location for the centre didn't include this site.*
4. *What are to be the full inclusions of the community centre other than the offices for the Woden community Services.*
5. *Expectation on when the community centre will be up and running.*

I note points 1, 2 and 4 of your application were partially transferred to Major Projects Canberra (MPC) on 7 October 2021, as they hold relevant information, within scope of your application. A response on these parts of your application will be provided by MPC.

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 make a decision on your application on or by 29 October 2021.

Searches Conducted

Comprehensive searches were conducted and two documents containing information within the scope of your application were located.

Decision on Access

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

I have decided to grant full access to one document relevant to your application.

I have refused access to one document. This document is refused as the information is contrary to the public interest under Schedule 1 section 1.6 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 sections 6, 17, Schedules 1 and 2
- the content of the documents that fall within the scope of your request

Public Interest Considerations

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

Information Disclosure – Contrary to the Public Interest under Schedule 1 of the Act

Scheduled item 1 is information considered to be contrary to the public interest under Schedule 1, 1.6(1)(a).

In reviewing the document, I note the requirements of Schedule 1, section 1.6(2) of the Act which state that the exemption for Cabinet information does not apply to 'purely factual information' unless disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not officially been published. In the case of *Parnell & Dreyfus and Attorney-General's Department* [2014] AICmr 71, the Australian Information Commissioner stated that the term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

Having reviewed the document, I consider that the purely factual information within the document identified is an integral part of the deliberative content and as stated by the Commissioner, the analysis and views in the document would be robbed of their essential meaning without incorporation of this material. I am satisfied that disclosure of this purely factual information would impact on and effect the future deliberative process of Cabinet.

This information does not identify corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

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.

Factors Favouring Disclosure

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)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision.

Government information and context

The information that has been made available provides some background and reasoning for the siting of the planned Woden Community Centre. Whilst not expressed in scheduled item 2, the general reasoning provided for the siting of the Community Centre on Callum Street (point 3 of your application) includes the following points:

- Permissible use within the CZ2 zoning.
- Provides good accessibility to all transport modes.
- Provides activity and surveillance over the southbound platforms of the new bus station.
- Provides an active interface with Woden Town park.
- Provides an architectural response that sits comfortably alongside Callum Offices (a heritage listed place).

Factors favouring Nondisclosure

In applying the public interest test, I have determined that disclosure of the information could reasonably be expected to do the following:

- Schedule 2, 2.2(a)(xvi) – prejudice a deliberative process of government.

Deliberative process of government

Scheduled item 1 contains information for Cabinet consideration and decision (relating to point 5 of your application). This information for example includes the details relating to the options for construction funding which remains subject to further budget consideration.

Charges

No charges are applicable to this application, the number of pages to be released is below the minimum 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

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



Ben Green
Executive Group Manager, Development and Implementation
Environment, Planning and Sustainable Development Directorate

21 October 2021