



By Email: [REDACTED]

Dear [REDACTED]

Decision on Freedom of Information Access Application 24/017238

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the FOI Act) transferred from the Community Services Directorate (CSD), and received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 26 February 2024.

Specifically, you are seeking:

"...Under Option 1F of the ACT Housing Strategy 2018 one action was to:

'Investigate planning and design provisions that encourage the supply of affordable housing across the spectrum of community need. This could include investigation of planning options such as inclusionary zoning and incentive mechanisms.' (1F.3)

The ACT Housing Strategy Year 5 Report Card tabled in the Legislative Assembly on 20 November 2023 advised for Action 1F.3:

Indicator/s:

- *Literature review into inclusionary zoning*
- *Outcomes to be considered as part of the planning system review*

Status:

- *Completed*

In respect to 'Literature review into inclusionary zoning' I am seeking the following:

- *A list of the articles, books, papers that made up the 'literature review'*
- *Any report/document that summarises the results/outcomes of the 'literature review'*
- *Any brief, correspondence (including emails) on the 'literature review'*
- *Any reports prepared by a consultant on inclusionary zoning*

On the 'Outcomes to be considered as part of the planning system review' I am seeking documents, including emails, reports, briefings which show how the outcomes of the inclusionary zoning review were considered as part of the planning review."

EPSDD is required to decide your application on or by 11 April 2024.

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under part 5 and now write to provide notice of my decision in relation to your application.

Decision on access

In response to your application, comprehensive searches were conducted and 8 documents containing information within the scope of your application were identified.

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.

In considering your application, I have taken the following into account:

- the FOI Act, particularly sections 6, 17, 50 and Schedule 1;
- the content of the documents that fall within the scope of your request;
- the *Freedom of Information (Volume 4 – Considering the public interest) Guidelines 2023* (Notifiable Instrument [NI2023-751](#)) and;

I have decided to:

- grant **full** access to 7 documents.
- **refuse** access to one document as it is contrary to the public interest under schedule 1 of the Act.

The documents released to you by my decision are provided at **Attachment B** to this letter.

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

Schedule 1 of the Act recognises a range of information that is taken to be contrary to the public interest to disclose unless the information identifies:

- 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.

Document 6 relating to Part 2 of your request has been identified under schedule 1.6 Cabinet Information. Applicable is subsection 1.6(1) being information that is a copy of, or part of, or contains an extract from information that has been submitted to Cabinet for its consideration and that was brought into existence for that purpose.


To apply, I must be satisfied that these terms are met, and that the information is not purely factual.

The purpose of this section is to maintain the confidentiality of the Cabinet process and to uphold the principle of ministerial responsibility. This document contains proposed courses of action regarding the ACT Housing strategy and has not been officially released. Therefore, access to this information has been refused as disclosure would divulge Cabinet deliberations.

Right to review

Information regarding your right to review of this decision, the processing and publication of your request and this decision are set out at **Attachment C**.

Yours sincerely



Ben Green
Information Officer
Executive Group Manager, Planning and Urban Policy.
11 April 2024



ACT
Government

Environment, Planning and
Sustainable Development



ACT
Government

Decision Notice Fact Sheet

Charges

No charges are applicable to this application as the number of pages to be released is below the minimum 50-page threshold.

Online publication

Under section 28 of the FOI Act, EPSDD maintains an online record of access applications called a disclosure log. As your application sought access to personal information your application and decision letter will not be published in accordance with section 28 (6) of the FOI Act

The EPSDD disclosure log is at the following link:

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

Ombudsman review

Decisions on access requests are reviewable decisions 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 a decision is provided to you, 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/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

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 EPSDFOI@act.gov.au or call (02) 6207 1923 and ask for the Information Governance team.

