



ACT
Government

Environment, Planning and
Sustainable Development



Dear 

Freedom of information request: 18/32475

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 31 October 2018, in which you sought access to information relating to the decision to exempt the Ginninderry development from completing a full Environment Impact Statement.

Specifically, you are seeking:

"I write to request under the Freedom of Information Act 2016 documents related to the decision to the decision to exempt the Ginninderry development from completing a full Environmental impact Statement and any advice that was received to inform this decision. These documents may include, but are not limited to, correspondence, Ministerial briefs, point in time or working versions of internal documents, meeting notes, assessments or analysis of the issue, advice received, directions to ACT Government officials, media enquires or planning for enquires, and contingency plans...."

I note on the 12 February 2019 you agreed to a two-part release of the documents held by the Directorate, within the scope of your request under section 36 of the Act. The first part consisting of 10 documents (Part 1), to be processed with a decision due date of 13 February 2019.

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.

Decision on access

Searches were completed for documents relevant to your access request and 10 documents of 96 pages in total were identified that fall within the scope of the first part release your request.

I have included as **Attachment A** to this decision the schedule of documents relevant to the scope of your request. The schedule provides a description of each document and the access to these documents.

I have decided to grant access in full, to nine documents relevant to your request. While the schedule identifies 10 documents as relevant to your request, there are a number of documents relating to the EIS exemption already in the public domain and readily accessible. You may view these documents at:

https://www.planning.act.gov.au/topics/design_build/da_assessment/environmental_assessment/exemption_from_requiring_an_eis_s211/ginninderry-stage-2

The remaining document not released, is a duplicate attachment to a released email and therefore not provided.

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 *Freedom of Information Act 2016*, with consideration given to sections 17, 36, 45, 46, 107 and schedules 1 and 2;
- the content of the documents that fall within the scope of your request;
- the *Information Privacy Act 2014*
- information contained within the public domain and on the ESPDD website

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 and my decision will be published in the EPSDD disclosure log after 24 August 2018. Your personal contact details will not be published.

You may view the EPSDD's disclosure log at:

<http://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

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: 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/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on 62071923 and ask for the FOI team, or email to EPSDFOI@act.gov.au

Yours sincerely



Brett Phillips
Information Officer
Environment, Planning and Sustainable Development Directorate

13 February 2019

