



Dear [REDACTED]

**Freedom of Information 19/31533**

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 2 October 2019, in which you sought access to information relating to Development Application refusals in the past 12 months.

Specifically, you are seeking:

*We seek specific policy-related documents and agency operations that relate to the following:*

- 1. How many development applications, and supporting documents, that have been rejected by the directorate, in the past 12 months, on the grounds that; The nature and design of the proposed detached addition to an existing residence would result in residence result in a building that can be easily modified into a third occupancy on the a block and the polices that supported this decision making process.*
- 2. How many development applications, and supporting documents, that have been rejected by the directorate, in the past 12 months, on the grounds that: With the addition of a kitchen through DA exempt alterations the detached addition could function as a separate dwelling and the polices that supported this decision making process.*
- 3. How many development applications, and supporting documents, that have been rejected by the directorate, in the past 12 months, on the grounds that: The proposal (application) failed to demonstrate how an extension would be associated with the "main residence"*
- 4. The total investment made by the Environment, Planning and Sustainable Development Directorate in acquiring "minority report – reference the movie" technology or consultants that could predict the intentions of lessee holders and what they could do to their properties in the future.*
- 5. The total value payments may by the directorate as a result of defective decision making in the past 12 months.*

On 22 October 2019, you confirmed that only the quantities or amounts relevant to your request.

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 is required to make a decision on your access application by 31 October 2019.

## **Decision on Access**

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each documents and the access decision for each of those documents. The documents released to you are provided at **Attachment B**.

A search of Development Applications (DAs) refused in the last 12 months identified one DA refused for the reasons as outlined in points 1 through 3 of your application. A copy of the Notice of Decision for DA-201935428 has been provided in full for your information.

One DA was identified where refusal reasons included reference to the proposed development outcomes and future context of the sites. The Notice of Decision for DA 201630166 has been provided in full for your information.

Searches were conducted and no documents or information were identified which address points 4 and 5 of your request.

## **Material Considered**

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

- the Act, particularly sections 17, 53 and Schedule 2;
- the content of the documents that fall within the scope of your request.

## **Charges**

Processing charges are not applicable for this request as the number of pages provided is below the threshold of 50 pages.

## **Online Publication**

Under section 28 of the Act, 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 3 days and no later than 10 days after this decision letter is provided to you. 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](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](mailto: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](mailto:EPSDFOI@act.gov.au)

Yours sincerely



George Cilliers

Information Officer

Environment, Planning and Sustainable Development Directorate

20 October 2019