



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 19/35698

Dear [REDACTED]

Freedom of Information 19/35698

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 13 November 2019, in which you sought access to correspondence relating to Development Application (DA) 201835032.

Specifically, you are seeking:

1. *What correspondence has occurred within the department (with a particular focus on the DA Gateway Team, and those involved in the DA process) regarding the Development Approval Application for Block 17 Section 53 in Gilmore, DA number 201835032, in the last six weeks (from the date of this email being sent, the 13/11/19)?*
2. *What external correspondence has been received or sought regarding this same application in the last six weeks?*
3. *What assessing officers have handled or examined the application in this same time period?*

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

I have decided your application under the scope confirmed with you in correspondence and conversation with the FOI Team on 22 November and 16 December 2019 (respectively).

I note that the scope of your application covers, for the period of time of 2 October to 13 November 2019, internal and external written communications (such as emails between EPSDD staff or between assessing officers and external utility service providers) and documents identifying assessing officers.

As agreed by you, the EPSDD is required to make a decision on your access application on or by 18 December 2019.

Decision on Access

Comprehensive searches were conducted in response to your application and three relevant documents were identified. These three documents address parts 1 and 3 of your application.

No documents were identified that are within scope of part 2 of your application. A review of the records evidencing the processing of DA-201835032 has been completed and I am

satisfied that EPSDD does not hold information relevant to part 2 of your application as specified above. I have interpreted “external” correspondence to be correspondence with any person who was not an employee of EPSDD during the specified timeframe. I note that internal correspondence is captured in point 1 of your application.

I have decided to grant full access to all relevant documents. A schedule of the documents is provided at **Attachment A** to this letter.

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, 35 and Schedule 2
- the content of the documents that fall within the scope of your request

Public Interest Considerations

My reasons for deciding to grant access to the identified documents are as follows:

Information Disclosure

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

- Schedule 2.1(a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision

As no factors favouring nondisclosure were identified, I have concluded that the information is in the public interest to release.

Charges

Pursuant to the *Freedom of Information (Fees) Determination 2018*, processing charges are not applicable for 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, my decision and documents released to you in response to your access application will be published in the EPSDD disclosure log three to ten days after this decision 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:

https://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.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/>

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 EPSDFOI@act.gov.au

Yours sincerely



Brett Phillips

Information Officer
Environment, Planning and Sustainable Development Directorate

18 December 2019