



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 19/11446

Ms Robyn King
Canberra Town Planning
5/32 Lonsdale Street
Braddon ACT 2612
By email: Robyn@CanberraTownPlanning.com.au

Dear Ms King

Freedom of Information 19/11446

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 12 April 2019, in which you sought access to documents relating to the Development Applications at Section 200 Belconnen.

Specifically, you are seeking:

1. *All supporting documentation and information relied upon in satisfying the Notice of Decision for the following Development Approvals for Belconnen Section 200 and 45 Block 12:*
 - *DA No: 201731563 (Stage 1A, 1B, 1C), 201731563B (S144), 201731563E (S144)*
 - *DA No: 201731646 (Stage 2), 201731646 (S144A), 201731646 (S144B)*
 - *DA No: 201731647 (Stage 3), 201731647 (S144A), 201731647 (S144B)*

2. *All documentation and advice relied upon in satisfying the conditions under the Notice of Decision below:*
 - *A9 (b) A Revised Traffic Impact Assessment*
 - *A11 (Entire condition)*
 - *C4 (Entire Condition)*

3. *The below documents and reports and/or any other documentation that was used in satisfying the above conditions of the Notice of Decision (listed under point 2):*
 - *Pre-sale Site Investigation Traffic Report*
 - *Traffic Impact Assessment Report*
 - *Microsimulation Modelling*
 - *Modelling Calibration and Validation Report*
 - *Parking Assessment*
 - *Traffic Control Devices Plan*
 - *Traffic Management Plan*
 - *Temporary Traffic Management Plan*
 - *Construction Parking Plan*
 - *Traffic Control Data*
 - *Temporary Public Road Closure*

4. Any advice received from TCCS relied upon to satisfy the Notice of Decision.

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

A decision on your access application, as agreed with you, is required by 12 July 2019.

Your application has also been provided to the Suburban Land Agency (the Agency). The Agency will respond to you directly on any information relevant to your application that they may hold.

Searches Conducted

Comprehensive searches were conducted in response to your application. Over 1800 documents were located in our recordkeeping system and assessed for associated documents (as defined by section 30 of the *Planning and Development Act 2007*). EPSDD identified and arranged for over 1600 associated documents that related to your application to be provided to you outside of this process. I understand these were provided to you by Access Canberra Land and Environment Shopfront, Dickson on 21 May 2019.

Following an assessment of the remaining located documents, 13 were identified to fall within the scope of your application.

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 access in full to nine documents relevant to your request.

The four remaining documents identified as relevant to your request contain information that I consider would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act; I have decided to grant access to copies of these documents with deletions applied to this information.

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 17, 50 and schedule 2;
- the content of the documents that fall within the scope of your request;
- the *Information Privacy Act 2014* (Privacy Act); and
- information publicly available.

Public Interest Considerations

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

Information Disclosure – Contrary to the Public Interest under Schedule 2 of the Act

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 collectively.

I have considered that the release of the development application documents relevant to your application may promote open discussion of public affairs and enhance the government's accountability, contribute to positive and informed debate and reveal the reason for a government decision and any background or contextual information that informed the decision.

Some of the documents relevant to your application contain information that, if disclosed, could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. I have considered whether public benefit would be served by the release of this information and I have decided, on balance, that it would be contrary to the public interest to disclose the personal information identified.

I have decided to grant access, under section 50 of the Act, to copies of scheduled items 4, 9, 10 and 13 with deletions applied to information that I consider would be contrary to the public interest to disclose.

Scheduled items 4, 10 and 13 of the identified documents contain information (internal floor layout of residential units). Scheduled item 9 contains personal information relating to members of the public.

Online Publication

Under section 28 of the Act, the 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 sooner than three days after the date the decision 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

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) of the Act 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



James Bennett

Information Officer
Environment, Planning and Sustainable Development Directorate

12 July 2019