



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 18/14843

Dear [REDACTED]

Freedom of information request: Lawson Section 34 Block 7

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 4 June 2018, in which you sought access to information relating to 11 Bellbird Loop Lawson.

Specifically, you are seeking:

1. *The building plans of 11 Bellbird Loop, Lawson, ACT-2617,*
2. *All development and building approvals for this property including retaining walls, trenches, side cuts, fences, etc. and when these approvals were given, and*
3. *The details of persons signing off on all the approvals; this includes details of the respective staff at ACT Access Canberra, ACT WorkSafe, and ACT Environment, Planning and Sustainment Development Directorate.*

As the Chief Minister, Treasury and Economic Development Directorate hold government information in relation to points 1 and 3 and building approval documents in point 2, on 5 June 2018 EPSDD partially transferred the application to that Directorate for decision and a response.

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 2 July 2018.

Decision on access

Searches were completed for relevant documents and ten documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents; this provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to four documents relevant to your request, and partial access to six documents as I consider them to contain:

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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 Act, particularly section 17 and Schedule 2,
- the content of the documents that fall within the scope of your request, and
- the *Information Privacy Act 2014*.

Exemptions claimed



Contrary to the public interest information under schedule 2 of the Act

The Act recognises the right of every person to obtain access, under its provisions, to government information (section 7 of 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 (section 17 of the Act).

In assessing the public interest, I must apply the cascading test set out by section 17 of the Act which requires consideration of factors when considered cumulatively.

In relation to the documents identified as falling within the scope of your request (scheduled with the status of 'partial release'), section 17 applies as follows:

Some documents contain internal floor plans and details of private spaces within a proposed residence. The release of this information could prejudice the protection of an individual's right to privacy under schedule 2.2 (a)(ii) following completion of the building.



I have considered the release of personal information consisting of names and contact information and my view in this instance is that the identification of individuals would not serve to further open discussion, government accountability, informed debate and the provision of contextual or background information.

I am satisfied that the disclosure of this personal information could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. This is a factor favouring nondisclosure under Schedule 2.2 (a)(ii) of the Act.

In balancing public interest considerations I am satisfied that, on the information available, disclosure of the identified personal information of members of the public may constitute a breach of privacy and is therefore contrary to the public interest.

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, my decision and documents released to you in response to your access application will be published in the disclosure log from three working days after the date of this decision. Your personal contact details will not be published.

You may view the EPSDD 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 decision 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.

If you wish to request a review of my decision, you may apply for Ombudsman review by completing the form at:

http://www.ombudsman.act.gov.au/_data/assets/pdf_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.pdf

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
Executive Director, Planning Delivery

15 June 2018