



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 19/40027



Dear ,

Freedom of information request: 20/01526

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 14 January 2020, in which you sought access to information relating to Development Application (DA) 201935777, Block 3, Section 822, Isabella Plains ACT.

Final clarification regarding the scope of your request was confirmed on 20 January 2020, your application is specifically seeking:

Within the timeframe of 24 June 2019 to 13 January 2020, all internal and external written communications (including between the DA applicant and the EPSDD) relating DA 201935777.

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

As agreed by you, EPSDD is required to make a decision on your application on or by 19 February 2020.

Searches conducted

Comprehensive searches were conducted and 56 documents relevant to your application were identified that fall within the scope of your request.

Decision on Access

I have included as **Attachment A** to this decision the schedule of documents relevant to your request; the schedule outlines the descriptions and access decisions of each of these documents.

I have decided to grant full access to all 56 documents relevant to your application.

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 sections 6, 17 and Schedule 2; and
- The content of the documents that fall within the scope of your request.

Public Interest Considerations

My access decisions are set out in the following statement of reasons.

Information Disclosure – Schedule 2 of the Act

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. I have identified the following factors favouring disclosure.

Factors Favouring Disclosure

Disclosure of the identified information could reasonably be expected to do the following:

- Schedule 2.1(a)(i) – promote open discussion of public affairs and enhance the government’s accountability;
- Schedule 2.1(a)(ii) – contribute to positive and informed debate on important issues or matters of public interest;
- Schedule 2.1(a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision.
- Schedule 2.1(b) – the information is personal information of the applicant

I have given regard to advancing the public’s understanding of, and transparency in, government processes and how the release of the relevant information may provide further contextual information concerning government decisions. I have taken into consideration that the personal information contained in some of the documents concerns your personal matters.

I have not identified any factors favouring nondisclosure in relation to releasing the relevant information to you. It is for this reason that I have decided to release to you all 56 documents in full (as outlined at **Attachment B**).

Online publication

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Under the Open Access Information Scheme, documents associated with access applications are published on the disclosure log no earlier than three days after a decision on access is provided to the applicant. I have determined that it would be contrary to the public interest to release the personal information identified that concerns you. Therefore, the documents released to you will be published in redacted form to protect your privacy.

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:

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

Alternatively, 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 to EPSDFOI@act.gov.au

Yours sincerely



Brett Phillips

Information Officer
Environment, Planning and Sustainable Development Directorate

19 February 2020