



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-104

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	13
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Freedom of Information request
Date: Thursday, 2 May 2019 6:55:11 PM

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

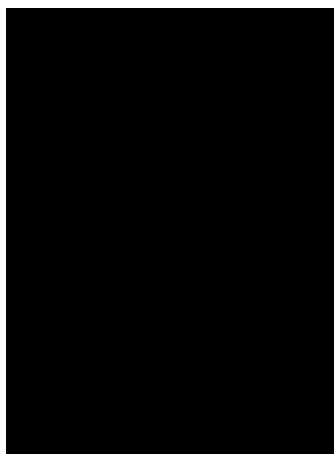
Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:



Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

Information regarding the change of use, sale or intention to sell Block 6, section 72 Lyneham ACT. Also known as E.P.I.C.

I do not want to access the following documents in relation to my request::

Thank you.

Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI2019-104



via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION ACCESS APPLICATION

I refer to your application received by the Chief Minister, Treasury and Economic Development Directorate on 2 May 2019 in which you are seeking access to *“Information regarding the change of use, sale or intention to sell Block 6, section 72 Lyneham ACT. Also known as E.P.I.C.”* under the *Freedom of Information Act 2016* (the Act).

Authority

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

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 31 May 2019.

Decision on access

Searches were completed for relevant documents and 1 Cabinet file and 1 document was identified that falls within the scope of your request.

I have decided to refuse access to the entire Cabinet file as the information within it is contrary to the public interest information under section 1.6 of Schedule 1 of the Act. I have decided that the remaining document will be released in full.

In accordance with section 54(2) of the Act a statement containing the reason for my decision is below.

Material considered

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

- the Act; and
- the content of both the Cabinet file and document that fall within the scope of your request.

Exemption claimed

Contrary to the public interest information under schedule 1 of the Act

The Cabinet file that has been identified as being within the scope of your request is entirely composed of information that is considered to be contrary to the public interest information under section 1.6 of Schedule 1 of the Act as it is Cabinet information. Under this provision, Cabinet information is exempt from release. The purpose of this exemption is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.

The Cabinet file falls within section 1.6 of the Act as it is information which has been commissioned by the Cabinet to guide it in its decision making and to assist it in its deliberations. It is therefore exempt from release under the Act.

The remaining document will be released in full.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision in response to your access application together with the document that is being released to you (but not the Cabinet file) will be published in the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published. You may view the CMTEDD disclosure log at: <https://www.cmtedd.act.gov.au/functions/foi/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 a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman. 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

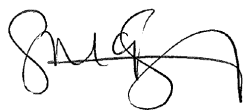
ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made by the Ombudsman under section 82(1), you may apply to the ACAT for a 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/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely,



Sarah McBurney
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

21 May 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	Information regarding the change of use, sale or intention to sell Block 6, section 72 Lyneham ACT	CMTEDDFOI2019-104

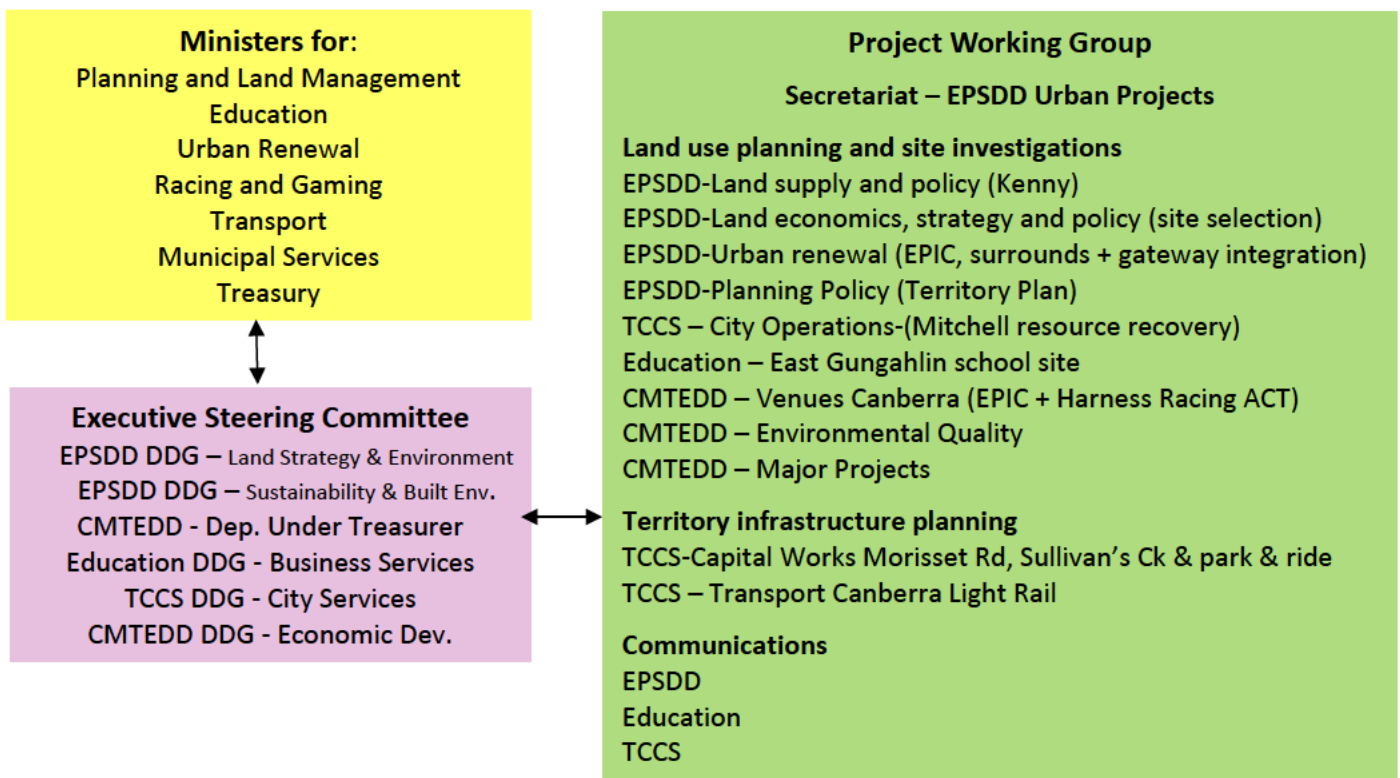
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1		Cabinet Documents (CAB2018-474)	11 Sep 2018	Exempt	Schedule 1 – 1.6 Cabinet Information	No
2	1-4	Terms of Reference	26 Feb 2019	Full release	N/A	Yes
Total No of Docs						
4						

EPIC / KENNY PLANNING INVESTIGATIONS TERMS OF REFERENCE

PURPOSE: To work cooperatively, focusing on the outcomes and actions relevant to the **Project Goal** of an integrated planning vision for East Gungahlin and EPIC that gives direction to the creation of a distinctive urban precinct that defines Canberra’s northern gateway. The extent of the study area is shown in Figure 2.

As illustrated in Figure 1, *Working Group* members will be supported by the *Executive Steering Committee*. The role of the *Steering Committee* is to assist to resolve competing interests across Directorates, advise the *Working Group* on Government direction, review project progress, brief Ministers and address the media.

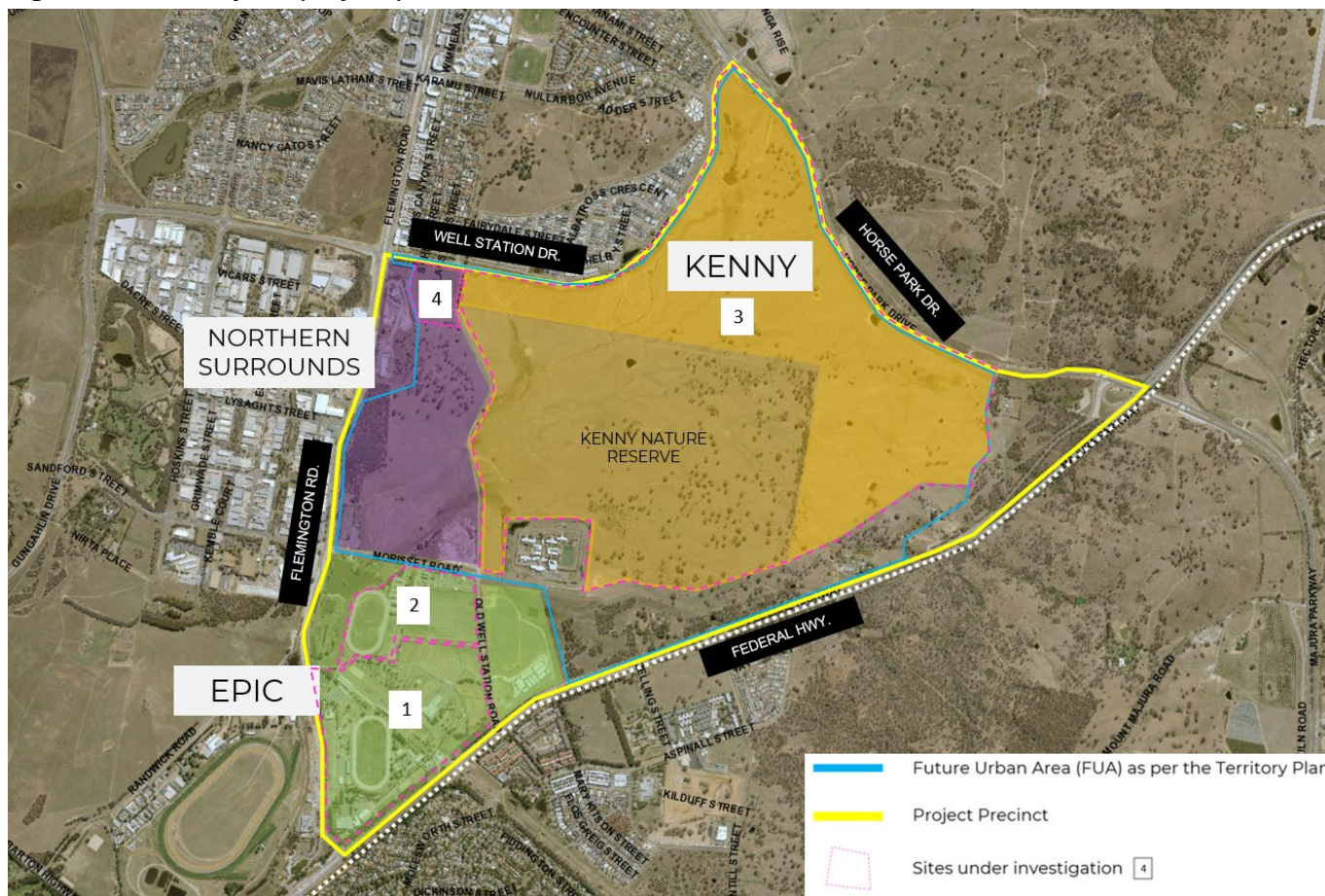
Figure 1: Coordination and governance



MEMBERSHIP AND OPERATION: Membership of the *Steering Committee* and *Working Group* is reflected in Figure 1 above. Additional members may be proposed in response to changes in Government priorities and to other emerging issues that may impact on project outcomes. The *Working Group* will meet at least monthly. Thereafter, matters will be dealt with when required. The *Steering Committee* meetings will occur every six months, or more frequently if required.

Secretariat support will be provided by EPSDD Urban Renewal, which will be responsible for preparing meeting agendas, recording minutes and following up action items. The secretariat will also provide a brief written report of its meetings to the *Steering Committee*.

Figure 2: Extent of the project precinct



OBJECTIVES: The objectives are to:

- Identify interdependencies and special areas of agency interest for all planning, design and development activity being proposed or undertaken in the precinct.
- Assist with scoping any statutory planning reviews impacting on the precinct.
- Oversee and input into the tasks defined in the detailed work program at Attachment A.
- Assist in resolving issues related to the timely delivery of significant projects.
- Elevate issues to the *Executive Steering Committee* to achieve the required milestones.

In its deliberations the *Working Group* will take account of:

- Government priorities and budgets.
- Program requirements for statutory processes such as Territory Plan variations.
- The *City and Gateway Framework* Dec 2018.

- Other agreed plans and strategies such as the *Kenny Concept Plan*.
- The strategic planning implications of individual projects on achieving the objectives of the *Territory Plan*.
- The indicative *Land Release Strategy*.
- New initiatives and inputs as they arise.

SUB-GROUPS: The *Working Group* may create sub- groups dealing with such issues as:

- East Gungahlin School site.
- Mitchell waste recovery centre.
- Major projects and developments.
- Morisset Road and trunk infrastructure.
- Reimagining EPIC.
- Special Projects.

COMMITMENTS: To achieve coordinated whole of government outcomes, *Working Group* members, on behalf the organisation that they represent, commit to the following approach:

- Recognise the *Working Group's* role in supporting the *Steering Committee's* promotion of coordinated development outcomes in the project precinct.
- Coordinate all relevant policy positions impacting on the precinct and where appropriate, seek input and guidance through the *Steering Committee*.
- Provide active and constructive participation on the *Working Group* to deliver timely and coordinated program outputs.
- Collaborate on developing an agreed future vision and concept design for the project precinct that recognises the unique opportunity to create a new urban gateway to Canberra.
- Collaborate on providing coordinated internal and external communications and community engagement.

