



**ACT**  
Government

Economic Development



Land  
Development  
Agency

CANBERRA FIRST

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Our ref: LDA 10/15-16



Dear 

### Request for documents

I refer to your request under the *Freedom of Information Act 1989* (the Act) received on 8 December 2015 by the Chief Minister, Treasury and Economic Development Directorate. Your request seeks access to documents related to functions delivered by the Land Development Agency (LDA).

Specifically, you are seeking:

*"...for the two valuations provided to me by FOI on 7 December 2015... for land acquired by the LDA in City Section 65 since 1 July 2014...:*

- 1. Instructions given to the valuer;*
- 2. Invoice for the valuation; and*
- 3. Confirmation of payment of the invoice".*

### Decision Maker

I am authorised under section 22 of the Act to make decisions on access to documents and liability for charges.

### Charges

I have decided, under section 29, of the Act not to impose processing charges for this request.

### Identification of Documents

Officers from the LDA have conducted searches of paper and electronic files for documents that may relate to your request and three documents have been located. These are detailed in the attached schedule.

Your request refers to two valuation reports, by Opteon (ACT) Pty Ltd and Colliers International, provided to you in response to FOI LDA 6/15-16.

In relation to the Colliers International valuation no documents relevant to items 1-3 of your request have been identified.

In relation to the Opteon (ACT) Pty Ltd valuation three documents were located, and these are detailed in the attached schedule of documents.

### **Decision on Access**

In accordance with section 21 of the Act, I have decided to fully release to you two of the documents and partially release the remaining document. My reason for not providing access to a portion of that document is outlined below and in the attached schedule of documents.

### **Exemptions claimed**

#### Business information

Under section 43 of the Act, I have decided to exempt the portion of the document containing consultant charging rates/costings as the release of this information could potentially, when viewed by competitors, have an adverse impact on a particular person or business. Section 43 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would disclose—*
- a. trade secrets; or*
  - b. any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
  - c. information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
    - i. the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.*

### **Further Document on Previous FOI Request**

Further, since the decision relating to your previous FOI request, referenced LDA 6/15-16, I have become aware of another document that falls within the scope of that request. I have decided to release this document to you in full and have included it in the schedule of documents for your current request, referenced LDA 10/15-16.

### **Your Right of Review**

#### Internal Review

Under section 59 (1) of the Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Director-General.

Your request should be addressed to:

Chief Executive Officer  
Land Development Agency  
GPO Box 158  
CANBERRA ACT 2601

### Complaints to the Ombudsman

Under section 54 of the Act, you may complain to the Ombudsman about administrative matters relating to the processing of your Freedom of Information request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

### **Online FOI Policy**

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the documents relevant to your request, not including your original application, will be published online. Personal Information or business information will not be made available under this policy. If you think the content of your request would contain such information, please inform the Freedom of Information Coordinator immediately on (02) 6207 8175.

A copy of the policy, with details about what information may be published on the Internet, is available online at:

[http://www.cmd.act.gov.au/data/assets/pdf\\_file/0016/250333/FOI\\_Web\\_Release\\_Policy - Final.pdf](http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf)

Should you have any queries regarding this matter, please contact me on (02) 6207 9646.

Yours sincerely



Mr Nicholas Hudson  
Director City to the Lake  
Land Development Agency  
7 January 2016