



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 17/02306

Freedom of Information Request – 17/02306 Section 49 Kingston (Kingston Switch Room)

I refer to your application under section 14 of the *Freedom of Information Act 1989* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 9 February 2017, in which you requested the following documents:

“All EPD and LDA communication about the 1948 Switch Room on Section 49 Kingston with the ACT Heritage Unit and ACT Heritage Council concerning a development application (DA 201425930) for its demolition and the subsequent decision. Also a full copy of DA 201425930 including supporting documentation.

This is a public interest request on behalf of a community group.”

I am an officer authorised to make a decision in respect of a request for information, under section 22 of the Act.

Schedule detailing decisions

Please refer to the attached schedule that lists decisions regarding access to all documents, which have been identified as relevant to your request. The terms used on the schedule are either ‘Release’, ‘Partial release’ or ‘Exempt’. Where an exemption is made, a reference will be made on the schedule to the relevant section or combinations of sections of legislation that apply to the decision.

Duplicate documents are listed on the schedules, however where possible I have included only one copy with the released documents.

A range of documents associated with Heritage Council meetings are not within the scope of this request as they relate to other Heritage building and registrations. These documents have been removed from the package of documents prepared in response to this request.

Decision

The Directorate has identified 127 documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

Under the Act, documents may be partially exempt/exempt or provided to applicants with deletions and I have decided to exempt some documents under section 41 (Documents relating to personal privacy).

Access to documents not to apply to certain documents:

Personal Privacy

Section 41 of the Act provides:

- 1. a document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

Review rights

My decision is appealable under the Act. This means that if you are dissatisfied with this outcome you have a right to seek a review under section 59 of the Act. This right of review extends to a review of the adequacy of the search for documents undertaken by EPD. If you wish to seek a review you should write to:

The Director-General
Environment, Planning and Sustainable Development
GPO Box 1908
CANBERRA ACT 2601

Email: EPDFOI@act.gov.au

You have 28 days from the date of this letter to seek a review of the outcome or such other period as the Director-General permits.

Under section 54 of the Act, if you are concerned about the processing of your request or related administrative matters, you may complain to the Ombudsman, who may conduct an independent investigation into your complaint. There is no fee for this, and the contact details are as follows:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

Email: ombudsman@ombudsman.gov.au

Online FOI Publication Policy

Please be aware that under the ACT Government's "Online FOI Publication Policy" (the Policy), information released to you under this Freedom of Information Application may be released on the internet.

Personal information or business affairs information will not be made available under the policy. If you think the content of your request would contain such information, please inform our contact officer immediately.

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/open_government/report/freedom_of_information_online

If you have any queries in relation to this matter please EPSDD's Information Manager, Ms Ruth Fiona, on 02 6207 5587 or via email to Ruth.Fiona@act.gov.au.

Yours sincerely



Brett Phillips
Executive Director
Planning Delivery

// May 2017