

[Redacted]

Dear [Redacted]

Freedom of Information Request 17/33651 – Rural Leases – Business Cases and Plans

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 2 December 2017, in which you requested the following documents:

“Request 1: Business cases for the purchase of rural land

I seek access to the final business cases for the following ACT Government acquisitions of rural leases:

- Land End
- Milapuru
- Fairvale
- Huntly
- Pine Ridge
- Winslade

Request 2: Development of draft or preliminary master plans or structure plans

I seek access to documents related to the development of final, draft or preliminary master plans, structure plans or estate development plans for the area covering the following rural leases:

- Land End
- Milapuru
- Fairvale
- Huntly
- Pine Ridge
- Winslade

This request is restricted to documents relating to work undertaken by the Land Development Agency or the Suburban Land Agency, and dated on or after 1 January 2013.”

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

I apologise for the delay in provided you a response. Your ongoing patience and understanding throughout this process has been greatly appreciated.

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 term used on the schedule is 'Partial release'. 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.

Decision

The Directorate and the Suburban Land Agency have identified six documents in its possession that meet the scope of your request, as identified in the schedule attached to this letter.

No documents related to the second part of your request have been identified. This is because the planning processes referred to in the request have not yet been undertaken in relation to the area covered by these rural leases.

Under the Act, documents may be exempt or provided to applicants with deletions and I have decided to exempt some documents under sections 35 (Executive documents), 39 (financial or property interests of the Territory), 41 (Documents relating to personal privacy) and 43 (Documents relating to business affairs).

Access to documents does not apply to certain information or documents:

Executive documents

Section 35 of the Act provides:

1. *A document is an exempt document if it is—*
 - a. *a document that has been submitted to the Executive for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Executive; or*
 - b. *an official record of the Executive; or*
 - c. *a document that is a copy of, or of a part of, or contains an extract from, a document referred to in paragraph (a) or (b); or*
 - d. *a document the disclosure of which would involve the disclosure of any deliberation or decision of the Executive, other than a document by which a decision of the Executive was officially published."*

Some of the documents contain extracts or discussion of Cabinet discussions and decisions. To disclose this information would reveal the deliberations of the Cabinet and is thus exempt.

Financial and Property Affairs of the Territory

Section 39 of the Act provides:

1. *Subject to subsection (2), a document is an exempt document if its disclosure under this Act would have a substantial adverse effect on the financial or property interests of the Territory or of an agency.*
2. *This section does not apply to a document the disclosure of matter in which under this Act would, on balance, be in the public interest.*

I have applied the public interest test to information containing material the release of which would have a substantial adverse effect on the financial or property interest of the Territory. The documents contain information about land values and potential future sale figures that if released could prejudice the Territory realising the best price for future sales and result in having a substantial adverse effect on financial or property transactions Territory but would not benefit the public interest, and is thus exempt.

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).*

Some of the documents contain names, signatures and contact details, which is personal information and thus exempt.

Business affairs

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; or*
 - (ii) the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

Some documents contain information that relates to the valuation and sale of land not the subject of this request. This information has the potential to affect the business or commercial affairs of third parties and is thus exempt.

Review rights

My decision is reviewable under section 59 of the Act. If you wish to seek a review you may write to:

The Director-General
Environment, Planning and Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601

Email: EPDFOI@act.gov.au

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

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 contact EPSDD's Customer Service Centre on 6207 1923 and ask for the Information Management Team.

Yours sincerely,



Tom Gordon
Executive Director
Greenfields, Suburban Land Agency

18 April 2018