



Darebin City Council
ABN 75 815 980 522

03 February 2025

FOI Ref: FOI 24/25-31

Ms Cathy Audley

By Email: foi+request-12462-bf512e81@righttoknow.org.au

To Ms Audley

REQUEST FOR ACCESS TO DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT 1982 (Vic) –
Decision Letter

I refer to your valid FOI Application dated 05 December 2024 seeking access to documents under the provisions of the Freedom of Information Act 1982 ('the Act'), specifically requesting the following information:

I request access to the Town Planning Department file for Application Number 377/2024, 14 Hopetoun Avenue, Reservoir 3073. The documents requested would include but not limited to internal referrals from the Town Planning Department to Engineering Department, Strategic Planner City Development, Transport Management Planning Referral, Sustainable Design Assessment Referral and Arborist Referral.

I require both the referrals from the Town Planning Department and all replies/comments/emails/reports/drafts from the aforementioned departments/individuals.

On 17 January 2025 via telephone conversation, you agreed to exclude personal information of Darebin City Council employees from the scope of your request. This information has been removed from the documents as 'out of scope'.

City of Darebin (DCC) has identified 25 documents relevant to your request.

Decision

I have assessed all the documents held by the City of Darebin that fall within the scope of your request. Documents which fall within the category requested by you have been processed in response to the request received.

My decision on access is to:

- Grant access to eight documents
- Refuse access to seventeen documents



Darebin City Council
ABN 75 815 980 522

Exemption

A document is exempt under section 30(1) of the FOI Act if two conditions are satisfied:

- (a) disclosure of the document under the FOI Act would disclose matter in the nature of opinion, advice or recommendation prepared by an officer or Minister, or consultation or deliberation that has taken place between officers, Ministers, or an officer and a Minister, in the course of, or for the purpose of, the deliberative processes involved in the functions of an agency or Minister or of the government; and
- (b) such disclosure would be contrary to the public interest.

I applied the exemption in section 30(1) of the FOI Act to documents listed in the schedule of documents. This exemption relates to internal working documents of the Council.

Each of the internal working documents contained matter in the nature of opinion, advice or recommendation prepared by an officer of the Council, and or consultation between officers in the course of, or for the purpose of, the deliberative processes involved in the functions by Council in the assessment process of planning permits as per the Planning and Environment Act 1987. I am satisfied that their disclosure would disclose matter in that nature.

In considering whether access to the internal working documents should be granted, I considered that the internal working documents contain advice and recommendations of officers of the Council prior to any delegated or resolved decision being made. If disclosed, the documents may prejudice the proper decision-making process and confidential processes of the Council and which could be reasonably expected to adversely affect the ability and capability of the Council to perform its statutory functions, and to have a substantial effect on the proper and efficient conduct of the Council's operations.

In each case, I considered the public interest in the disclosure of the relevant document, including having regard to the objects of the FOI Act, and your right of access in accordance with section 13 of the FOI Act and have decided that the disclosure of the documents would be contrary to the public interest.

Review rights.

If you are not satisfied with my decision, you may seek a review from the Office of the Victorian Information Commissioner. Requests for review must be made in writing within 28 days of receiving this decision letter.

You are able to submit a request for review in the following ways:

Information Commissioner
Office of the Victorian Information Commissioner
PO Box 24274



Darebin City Council
ABN 75 815 980 522

MELBOURNE VIC 3001 Ph 1300 842 364
Email: enquiries@ovic.vic.gov.au

If you have any queries, please feel free to contact me on 437 847 975

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mark Aylward". The signature is fluid and cursive, with the first name "Mark" being more prominent.

Mark Aylward
Freedom of Information Officer
City of Darebin



Darebin City Council
ABN 75 815 980 522

Appendix A – Schedule of Documents

| Doc # | # Pages | File title | Document description | Decision summary |
|-------|---------|---|---|------------------------|
| 1. | 17 | WSUD Report - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520053).pdf | Water Sensitive Urban Design Report | DENIED IN FULL s.30(1) |
| 2. | 5 | Traffic - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520052).pdf | Traffic analysis report | RELEASED IN FULL |
| 3. | 8 | Title search - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520051).pdf | Tite register document | RELEASED IN FULL |
| 4. | 8 | Title - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520050).pdf | Tite register document | RELEASED IN FULL |
| 5. | 21 | Report - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520048).pdf | Application for planning permit | RELEASED IN FULL |
| 6. | 5 | PRE APPLICATION MEETING ADVICE - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520047).pdf | Pre application proforma | DENIED IN FULL s.30(1) |
| 7. | 8 | Plans - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520046).pdf | Permit plans | DENIED IN FULL s.30(1) |
| 8. | 1 | GIS Map(vA10520044).pdf | Image of map | DENIED IN FULL s.30(1) |
| 9. | 1 | Feature & level survey - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520043).pdf | Survey plans | RELEASED IN FULL |
| 10. | 21 | Arborist Report - 30-07-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024(vA10520037).pdf | Arborist report | RELEASED IN FULL |
| 11. | 2 | D3772024 14 Hopetoun Avenue RESERVOIR VIC 3073 Online Application For.pdf | Planning permit online application form | DENIED IN FULL s.30(1) |
| 12. | 1 | D3772024 14 Hopetoun Avenue RESERVOIR VIC 3073 Online Acknowledgement Letter.pdf | Application Acknowledgement letter | DENIED IN FULL s.30(1) |
| 13. | 1 | D3772024 14 Hopetoun Avenue RESERVOIR VIC 3073 Application Allocation Letter .pdf | Application Acknowledgement letter | DENIED IN FULL s.30(1) |
| 14. | 4 | 240813 Tree management referral for D-377-2024.pdf | Tree management referral | DENIED IN FULL s.30(1) |
| 15. | 3 | Engineering Response to TP Referral - 14 Hopetoun Avenue Reservoir - D-377-2024.pdf | planning permit referral | DENIED IN FULL s.30(1) |
| 16. | 2 | RE_ Internal Referral - 14 Hopetoun | planning permit referral | DENIED IN FULL |



Darebin City Council
ABN 75 815 980 522

| Doc # | # Pages | File title | Document description | Decision summary |
|-------|---------|--|---|---------------------------|
| | | Avenue Reservoir - D-377-2024 | | s.30(1) |
| 17. | 1 | Email to Engineering Internal Referral - 14 Hopetoun Avenue Reservoir - D-377-2024 | planning permit referral | DENIED IN FULL s.30(1) |
| 18. | 1 | Email to Tree Management Internal Referral - 14 Hopetoun Avenue Reservoir - D-377-2024 | planning permit referral | DENIED IN FULL s.30(1) |
| 19. | 1 | ESD Walkaround Referral Comments - 28-10-2024 - D-377-2024.pdf | planning permit referral | DENIED IN FULL s.30(1) |
| 20. | 1 | Transport Walkaround Referral Comments - 14-08-2024 - 14 Hopetoun Avenue | planning permit referral | DENIED IN FULL s.30(1) |
| 21. | 6 | D_377_2024 14 Hopetoun Avenue RESERVOIR VIC 3073 Further Information Request.pdf | Planning permit request for further information | DENIED IN FULL s.30(1) |
| 22. | 1 | RFI - 14 Hopetoun Avenue Reservoir - D-377-2024.pdf | Planning permit request for further information | DENIED IN FULL s.30(1) |
| 23. | 1 | Cover Letter - 18-09-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024 | Cover Letter | DENIED IN FULL s.30(1) |
| 24. | 11 | Plans - 18-09-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024 | Plans | RELEASED IN FULL |
| 25. | 44 | SDA - 18-09-2024 - 14 Hopetoun Avenue RESERVOIR - D-377-2024 | Sustainable design assessment | RELEASED IN FULL |