



**ACT**  
Government

Environment, Planning and  
Sustainable Development

Phone: 6207 1923  
Reference: 20/37904

Dear [REDACTED]

### **Freedom of Information - Decision Notice FOI 20/37904**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 15 June 2020, in which you sought access to:

- Referrals to and comments made by the EPA in respect of noise and odour assessments in relation to:
  - Draft Plan Variation No 368 - City and Gateway South Northbourne Avenue Corridor and Northbourne Avenue Corridor precinct code, and
  - the Draft and Approved Lease and Development Conditions or other documents relating to the proposed sale of the land described as Block 4 Section 115 Lyneham and marketed as "Block 5 Section 115 Macarthur on Northbourne" (the Land);
- Assessment of any potential noise and odour impacts on adjacent residential development arising from the proposed development of the land for mixed uses;
- Detailed design studies undertaken to demonstrate that the development of the land for mixed use development would not result in potential internal conflicts between commercial and residential tenants arising from noise or odour generated by future commercial uses on the land; and
- Detailed design studies and assessments undertaken to demonstrate that any proposed residential development on the land would not be impacted by traffic noise or pollutants generated from adjacent arterial roads when windows and doors to such dwellings were open.

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

In accordance with section 42 of the Act, EPSDD is required to make a decision on your access application by 13 July 2020.

### **Searches Conducted**

Comprehensive searches were conducted. No documents relevant to your application were identified as the Territory Plan Variation (TPV) for these sites did not involve a rezoning and therefore the assessments regarding noise and odour were not required.

### **Decision on Access**

As noise and odour assessments were not undertaken in relation to the TPV, I have decided, under section 35(1)(b) of the Act, that no documents are held by EPSDD that are relevant to your application.

### **Online Publication**

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application and my decision will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal information will not be published.

You may view the EPSDD's disclosure log at

<https://www.environment.act.gov.au/about/access-government-information/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 Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the disclosure log, or a longer period allowed by the Ombudsman.

For more information and the application form for Ombudsman review, please visit:

[https://www.ombudsman.act.gov.au/\\_data/assets/pdf\\_file/0026/79190/Apply-for-Ombudsman-review.pdf](https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0026/79190/Apply-for-Ombudsman-review.pdf)

Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

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

**Further Information**

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on (02) 6207 1923 and ask for the FOI team, or email [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au)

Yours sincerely

Lesley Cameron

Information Officer

Environment, Planning and Sustainable Development Directorate

12 July 2020