

Freedom of Information – Access Application Form

PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, [AGENCY] may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The [AGENCY] Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the [AGENCY], as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the [AGENCY] website at [WEBSITE].

Applicant details

I wish to make an access application to Environment, Planning and Sustainable Development Directorate - Planning under the *Freedom of Information Act 2016*.

Name	
Address (where notices relating to this request can be sent – either postal or electronic)	
Telephone Contact Residential	
Telephone Contact Mobile	
Email Contact	

What documents are you requesting under the Act?

Please see Attachment A

I would like

a copy of these documents sent to the above address

OR

to inspect these document

Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Ombudsman guidelines see Section 66).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the [Social Security Act 1991](#); a current pensioner concession card issued in relation to a pension under the [Veterans' Entitlements Act 1986](#) or [the Military Rehabilitation and Compensation Act 2004](#); a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

[AGENCY] must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

APPLICANTS SIGNATURE

DATE OF REQUEST

15/02/2018

Attachment A – Details of documents requested under the *Freedom of Information Act 2016*

For the purposes of this request:

“Date Range” means January 2010 to 15 February 2019.

“Land” means any of Blocks 2, 3, 4, 5, 6 and 7 Section 28 Greenway of the Australian Capital Territory (Blocks 3, 4, and 5 were previously Block 2, Section 28 Greenway of the Australian Capital Territory prior to subdivision).

We wish to request the following documents within the Date Range:

1. Any Estate Development Plan prepared in relation to the Land.
2. Any documents evidencing an Estate Development Plan for the Land.
3. The Estate Development Plan for Block 2 Section 28 Greenway in the Australian Capital Territory prepared in 2016.
4. The Estate Development Plan referred to in the email of 15 November 2017 from Sushma Upreti of ACT Government to Trent Varlow, assessment officer of Environmental, Planning and Sustainable Development extracted at **Figure 1** below.
5. Any documents relating to:
 - (a) the preparation of an Estate Development Plan for the Land;
 - (b) the consideration of whether an Estate Development Plan was required for the Land; and
 - (c) any decision not to prepare an Estate Development Plan for the Land.
6. Any documents relating to:
 - (a) the subdivision of the Land being the subdivision of Block 2 Section 28 Greenway into Blocks 3, 4, 5, 6 and 7;
 - (b) the process for the subdivision of the Land; and
 - (c) the decision to subdivide the Land.
7. Any documents relating to:
 - (a) approved dwelling numbers for the Land;
 - (b) dwelling yield for the Land;
 - (c) rezoning of the Land;
 - (d) Site Reports for the Land;
 - (e) Traffic Management Reports for the Land; or
 - (f) traffic management of the Land.
8. Any communications or any documents evidencing communications between ACTPLA and:
 - (a) the Suburban Land Agency;
 - (b) Transport Canberra and City Services;
 - (c) Territory and Municipal Services Directorate;in relation to the matters in paragraphs 1 – 7 inclusive above.

9. Any internal ACTPLA communications in relation to the matters in paragraphs 1 – 8 inclusive above.



Our client does not require information previously provided in response to request dated 17 December 2018 (18-38258).

From: Upreti, Sushma
Sent: Wednesday, 15 November 2017 11:14 AM
To: Varlow, Trent
Cc: Chowdhury, Abu Sayem; Cilliers, George
Subject: RE: COMM-TCCS-201732193-S141A- Block 5 Section 28 GREENWAY-01 [SEC=UNCLASSIFIED]

Hello Trent

Thank you for your concern.

Block 2 Section 28, Greenway EDP was prepared in 2016. The site is now divided into blocks 3, 4 and 5. Traffic Impact Assessment for the combined development was prepared in 2016 and was submitted at DA stage (DA 201731192). The report was prepared for the combined development of up to 350 residential dwellings on Section 28 Block 2 and identified that the proposed development would have minimal impact on the performance of the two Mortimer Lewis Drive intersections with Drakeford Drive.

The proposed development on Section 28 block 5 is consistent with the approved EDP which was previously checked and approved.

TCCS do not have any further comments in relation to traffic impact at this stage.

Any representations received on this matter should be addressed by the proponent.

Please do not hesitate to contact me should you have any questions.

Thank you.

Regards,
Sushma Upreti

Figure 1

Freedom of Information – Access Application Form

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Applicant details

I wish to make an access application to Suburban Land Agency (SLA) of the Environment, Planning and Sustainable Development Directorate – Environment under the *Freedom of Information Act 2016*.

Name

Address

(where notices relating to this request can be sent – either postal or electronic)

Telephone Contact Residential

Telephone Contact Mobile

Email Contact

What documents are you requesting under the Act?

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- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

[AGENCY] must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

APPLICANTS SIGNATURE

DATE OF REQUEST

15/02/2018

Attachment A – Details of documents requested under the *Freedom of Information Act 2016*

For the purposes of this request:

“Date Range” means January 2010 to 15 February 2019.

“Land” means any of Blocks 2, 3, 4, 5, 6 and 7 Section 28 Greenway of the Australian Capital Territory (Blocks 3, 4, and 5 were previously Block 2, Section 28 Greenway of the Australian Capital Territory prior to subdivision).

We wish to request the following documents within the Date Range:

1. Any Estate Development Plan prepared in relation to the Land.
2. Any documents evidencing an Estate Development Plan for the Land.
3. The Estate Development Plan for Block 2 Section 28 Greenway in the Australian Capital Territory prepared in 2016.
4. The Estate Development Plan referred to in the email of 15 November 2017 from Sushma Upreti of ACT Government to Trent Varlow, assessment officer of Environmental, Planning and Sustainable Development extracted at **Figure 1** below.
5. Any documents relating to:
 - (a) the preparation of an Estate Development Plan for the Land;
 - (b) the consideration of whether an Estate Development Plan was required for the Land; and
 - (c) any decision not to prepare an Estate Development Plan for the Land.
6. Any documents relating to:
 - (a) the subdivision of the Land being the subdivision of Block 2 Section 28 Greenway into Blocks 3, 4, 5, 6 and 7;
 - (b) the process for the subdivision of the Land; and
 - (c) the decision to subdivide the Land.
7. Any site investigation report prepared in relation to:
 - (a) the Land;
 - (b) Block 2 Section 28 Greenway; or
 - (c) a three block subdivision of the Land into Blocks 2A, 2B & 2C.
8. The 2012 site investigation report for the Land in relation to a three block subdivision (designated Blocks 2A, 2B & 2C) referred to in the Stage 1 Site Investigation Report dated 3 August 2016 submitted with DA 201731192 extracted at **Figure 2** below.
9. Any drafts or working documents of the site investigation reports referred to in paragraphs 7 and 8 above.
10. Any documents relating to the matters in paragraphs 7 – 9 inclusive above.
11. The professional planning advice provided in relation to dwelling yield by DFP Designs referred to at paragraph A4 of the Questions and Answers document for Blocks 3 and 4, Section 28 Greenway.
12. Any drafts, working documents or sketches in relation the advice referred to at paragraph 11 above.
13. Any documents relating to the matters in paragraphs 11 and 12 above.

14. Any documents relating to:
 - (a) approved dwelling numbers for the Land;
 - (b) dwelling yield for the Land;
 - (c) Development Intention Plan for the Land;
 - (d) rezoning of the Land;
 - (e) Site Reports for the Land;
 - (f) Traffic Management Reports for the Land; or
 - (g) traffic management of the Land.
15. Any communications or any documents evidencing communications between the Suburban Land Agency and:
 - (a) ACTPLA;
 - (b) Transport Canberra and City Services;
 - (c) Territory and Municipal Services Directorate;in relation to the matters in paragraphs 1 – 14 inclusive above.
16. Any internal SLA communications in relation to the matters in paragraphs 1 – 15 inclusive above.



Our client does not require information previously provided in response to request dated 27 September 2018 (18-28456).

From: Upreti, Sushma
Sent: Wednesday, 15 November 2017 11:14 AM
To: Varlow, Trent
Cc: Chowdhury, Abu Sayem; Cilliers, George
Subject: RE: COMM-TCCS-201732193-S141A- Block 5 Section 28 GREENWAY-01 [SEC=UNCLASSIFIED]

Hello Trent

Thank you for your concern.

Block 2 Section 28, Greenway EDP was prepared in 2016. The site is now divided into blocks 3, 4 and 5. Traffic Impact Assessment for the combined development was prepared in 2016 and was submitted at DA stage (DA 201731192). The report was prepared for the combined development of up to 350 residential dwellings on Section 28 Block 2 and identified that the proposed development would have minimal impact on the performance of the two Mortimer Lewis Drive intersections with Drakeford Drive.

The proposed development on Section 28 block 5 is consistent with the approved EDP which was previously checked and approved.

TCCS do not have any further comments in relation to traffic impact at this stage.

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Thank you.

Regards,
Sushma Upreti

Figure 1

EXECUTIVE SUMMARY

Subsequent to the completion of site investigation reports for Block 2 Section 28 Greenway (March 2012) and for the northern part of Block 2 (September 2015), RD Gossip Pty Ltd was engaged by the Land Development Agency (LDA) in March 2016 to amend the earlier 2012 site investigation report for a 3 block subdivision (designated Blocks 2A, 2B & 2C), creating an approx 350 unit development. The southern end of the site (Block 2C) is currently proposed to be developed by the Public Housing Renewal Taskforce as a 26 x 2 bedroom unit site. Subsequent to the initiation circulation of this report an X plan has been prepared and Blocks 2A, 2B & 2C have been renamed Blocks 3, 4 & 5 respectively.

Figure 2

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Applicant details

I wish to make an access application to Transport Canberra and City Services (TCCS) under the *Freedom of Information Act 2016*.

Name

Address

(where notices relating to this request can be sent – either postal or electronic)

Telephone Contact Residential

Telephone Contact Mobile

Email Contact

What documents are you requesting under the Act?

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I would like

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- The applicant is a member of the Legislative Assembly.

[AGENCY] must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

APPLICANTS SIGNATURE

DATE OF REQUEST

26/02/2019

Attachment A – Details of documents requested under the *Freedom of Information Act 2016*

For the purposes of this request:

“Date Range” means January 2010 to 15 February 2019.

“Land” means any of Blocks 2, 3, 4, 5, 6 and 7 Section 28 Greenway in the Australian Capital Territory (Blocks 3, 4, and 5 were previously known as Block 2, Section 28 Greenway in the Australian Capital Territory).

We wish to request the following documents within the Date Range:

1. Any Estate Development Plan prepared in relation to the Land.
2. Any documents evidencing an Estate Development Plan for the Land.
3. The Estate Development Plan for Block 2 Section 28 Greenway in the Australian Capital Territory prepared in 2016.
4. The Estate Development Plan referred to in the email of 15 November 2017 from Sushma Upreti of ACT Government to Trent Varlow, assessment officer of Environmental, Planning and Sustainable Development extracted at **Figure 1** below.
5. Any Estate Development Plan for the Land required in accordance with the Estate Development Code extracted at **Figure 3** below and the TCCS website extracted at **Figure 2** below.
6. Any documents relating to:
 - (a) the preparation of an Estate Development Plan for the Land;
 - (b) the consideration of whether an Estate Development Plan was required for the Land; or
 - (c) any decision not to prepare an Estate Development Plan for the Land.
7. Any plans, survey or contour maps of the Land.
8. Any lease, head lease or holding lease for the Land.
9. Any draft or approved Development Intentions Plan for the Land (as referred to in rule 56 of the Estate Development Code).
10. Any draft or approved report of any kind prepared in relation to the Land including any environmental site assessment report prepared in relation to the Land.
11. Any documents relating to:
 - (a) the subdivision or division of the Land (whereby Block 2 Section 28 Greenway was divided into Blocks 3, 4 and 5);
 - (b) the process used to divide the Land;
 - (c) the decision to divide the Land; or
 - (d) gazetting the Land.
12. Any documents relating to:
 - (a) draft or approved dwelling numbers for the Land;
 - (b) draft or approved dwelling yield for the Land; or
 - (c) rezoning of the Land.
13. Any documents relating to the Land and concerning:
 - (a) asbestos;

- (b) asbestos containing material;
 - (c) uncontrolled fill;
 - (d) contamination;
 - (e) contaminants of potential concern;
 - (f) soil testing;
 - (g) building rubble;
 - (h) rubbish;
 - (i) mounds; or
 - (j) hillocks.
14. Any documents relating to the use of the Land or part of the Land as a dumping site or waste disposal ground.
 15. Any of the following documents received in relation to the Land:
 - (a) public consultation;
 - (b) letters from the public; or
 - (c) correspondence with members of the public.
 16. Any objections received by ACTPLA in relation to the rezoning of the Land.
 17. Any documents relating to:
 - (a) the decision to assess documents relating to DA 201731192 against the Residential Zones Development Code;
 - (b) the decision to not assess documents relating to DA 201731192 against the Estate Development Code;
 - (c) advice provided by TCCS in relation to assessment of DA 201731192.
 18. Any communications or any documents evidencing communications between TCCS and:
 - (a) the Minister for Transport Canberra and City Services;
 - (b) the Minister for Housing and Suburban Development;
 - (c) the Minister for Planning and Land Management;
 - (d) the Chief Minister; or
 - (e) any other relevant minister;
 in relation to the matters in paragraphs 1 – 17 inclusive above.
 19. Any correspondence or documents evidencing communications between TCCS and other entities in relation to the matters raised in paragraphs 1 – 17 inclusive above.
 20. Any internal TCCS communications in relation to the matters in paragraphs 1 – 19 inclusive above.
 21. Any documents evidencing communication between the Minister for Planning, the Minister for Environment, the Minister for Parks and Conservation and the Minister for Housing, with any department of the ACT Government in relation to the Land.

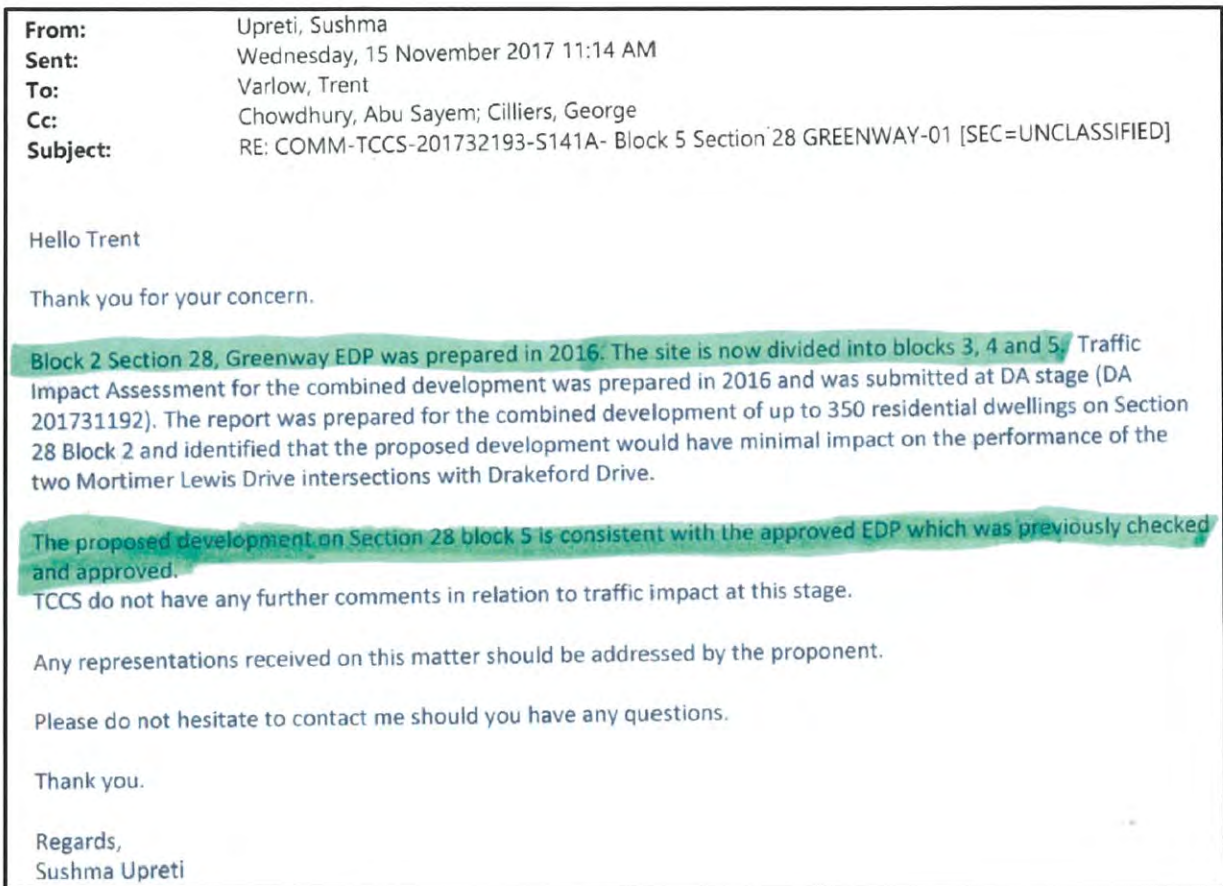


Figure 1

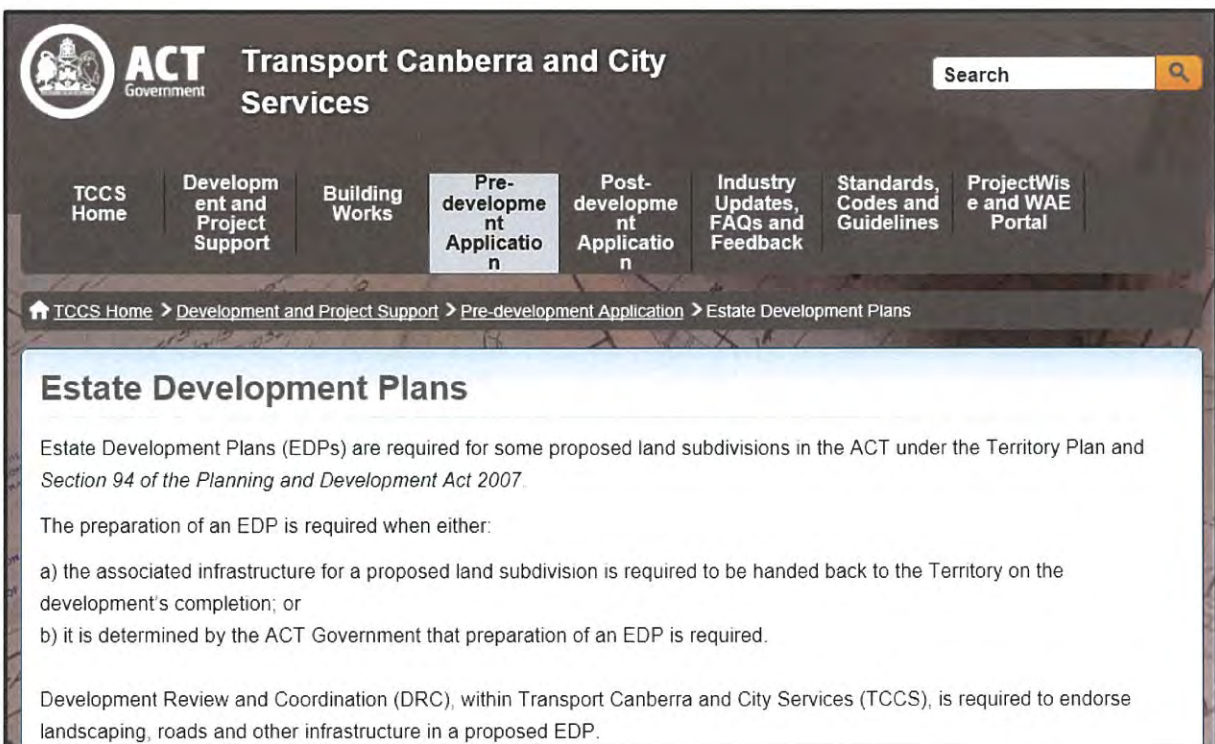


Figure 2

Assessment tracks

DA lodged 13/4/2017 approved 3/7/2017

Assessment tracks for particular developments are specified in the relevant zone development table.

Proposals in the **code track** must comply with all rules relevant to the development.

Proposals in the **merit track** and **impact track** must comply with a rule or its associated criterion, unless the rule is mandatory (i.e. it has no related criterion). When a rule is fully met, no reference to the related criterion needs to be made. Where there is a departure from a rule, or where a criterion only applies, the onus is on the applicant to demonstrate, through supporting drawings and/or documentation, that the relevant criterion is satisfied. In addition, the applicant for proposals in the impact track must justify any non-compliance by reference to the Statement of Strategic Directions.

Estate development plans are ordinarily assessed under the **merit track**.

Code hierarchy

Under the *Planning and Development Act 2007*, where more than one type of code applies to a development and there is inconsistency between provisions, the order of precedence is: precinct code, development code, and general code.

Precinct codes and concept plans

Precinct codes and concept plans may apply to certain areas. These documents contain more detailed or site-specific provisions. Where there is an inconsistency between one of these documents and this code, the precinct code (which may be a concept plan) will prevail to the extent of that inconsistency.

General codes

The following general codes may be relevant to estate development plans.

Crime Prevention through Environmental Design General Code

Planning for Bushfire Risk Mitigation General Code

Waterways: Water Sensitive Urban Design General Code

Estate development plans

Estate development plans (EDPs) set out the proposed subdivision pattern and infrastructure works for an estate. EDPs must be submitted as development applications for approval by ACTPLA. Development approval of the EDP is required before design acceptance can be obtained from TAMS, works can commence and leases issued for the subdivided blocks. The EDP is assessed against the relevant parts of this code and any applicable structure plan or precinct code.

TCLS

An EDP that relates to a future urban area must comply with section 94 of the *Planning and Development Act 2007*. For land that is not future urban area, or subject to a precinct code, an EDP will be assessed primarily against this code.

Future urban areas

An estate development plan may introduce additional ongoing provisions relating to particular blocks or areas within a future urban area, providing such provisions are not inconsistent with the objectives of the applicable zone and to any concept plan applying to the area. At the discretion of ACTPLA these provisions may be incorporated into the Territory Plan under s96(2) of the *Planning and Development Act 2007*, typically in a precinct code. Section 115 of the *Planning and Development Act 2007* would apply where there is any inconsistency between a provision in a precinct code and this code.

Figure 3