



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 21/104117

[Redacted]

By Email: [Redacted]

Dear [Redacted]

Decision on Freedom of Information Access Application 21/104117

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 1 November 2021 in which you sought access to the clarification notes referred to in Briefing 18/04484.

Specifically, you are seeking, in relation to brief number 18/04484, “a copy of the ‘clarification notes’ mentioned on page 17 of the brief and all emails and other written information relating to these notes”.

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

EPSDD must make a decision on your application on or by 29 November 2021.

Searches Conducted

Comprehensive searches were conducted by EPSDD for documents relevant to your application.

Decision on Access

Searches conducted by EPSDD have not identified any information specific to the scope of your request. The searches were conducted using the information you provided, including additional Directorate database searches. I am satisfied that all appropriate searches were conducted and completed and therefore, there are no documents held by EPSDD relevant to the scope of your request.

In considering your request advice was sought from the Territory Plan Section regarding the ‘clarification notes’ referenced in the brief referenced above. This advice clarified that notes were not prepared as Variation 350 (V350) Single Dwelling Blocks was released for public consultation on 25 May 2018 and had immediate effect, which removed the ambiguity that clarification notes had been intended to address.



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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 this decision will be published in the EPSDD disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the EPSDD 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

Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: 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/>



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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 to EPSDFOI@act.gov.au

Yours sincerely

Signed Electronically

Carolyn O'Neill

A/g Executive Group Manager, Planning and Urban Policy
Environment, Planning and Sustainable Development Directorate
29 November 2021