



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923

Reference: 21/77038

Dear [REDACTED],

Freedom of Information 21/77038

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 18 August 2021 seeking:

All correspondence regarding the approval of DV 352 including sent or received correspondence from the Health Protection Service, the Environment Planning Authority and the Children's Education and Care Assurance by the Minister and to the Minister, for the timeframe 1 January 2018 – 1 December 2018.

Including:

- *Reports prepared or commissioned by EPSDD*
- *Memoranda, Minutes, recommendations, proposals and records of inspections.*
- *Notes of attendees to any relevant meetings including personal notes.*
- *Diary entries of attendees*
- *Copies of documents no longer in the possession of EPSDD relating to the above.*

EPSDD is required to provide a decision to you on your access application in accordance with section 41 of the Act, by 14 October 2021. Thank you for your patience with this matter.

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 and now write to provide you with my decision in relation to your request.

Decision on Access

The Planning and Urban Policy Division within EPSDD is responsible for a wide range of policy, projects and programs across strategic planning, and infrastructure planning. Relevantly, the Division has responsibility for the Territory Plan, including processes associated with variation of its provisions.

In responding to your application advice was sought from the Division to identify any documents that fall within the scope of your request. The Division has advised that no correspondence, reports, memoranda, Minutes, or records of inspections were prepared for the Minister, relating to communications with the Health Protection Service, the Environment Planning Authority, and the Children's Education and Care Assurance, in relation to the approval of DV352 during the timeframe 1 January 2018 – 1 December 2018.

This has been confirmed through searching of the Directorate's digital records management system, which did not identify any correspondence, ministerial reports, memoranda, or subsequent associated documents falling within the scope of your request.

For these reasons, I am satisfied that EPSDD has taken reasonable steps to identify information that falls within the scope of your application and that there are no documents relevant to your request held by EPSDD.

Online Publication

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released 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-us/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/>

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

Electronically Signed

Carolyn O'Neill
Information Officer
Executive Branch Manager, Planning and Urban Policy
Environment, Planning and Sustainable Development Directorate

13 October 2021