



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 21/56009



Dear 

Freedom of information request: 21/56009

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 23 June 2021, in which you sought access to information relating to UP4066 at Easty Street & Mower Place, Phillip ACT.

Specifically, you are seeking:

All documents relating to UP4066) at 121 Easty Street & 15 Mower Place, PHILLIP ACT 2606.

This request includes, but is not limited to:

- *all development application documentation for UP4066, especially including its noise management plan, as made available for public comment and subsequently approved by the relevant authority; and*
- *all building certification documentation for UP4066, especially as applicable to the implementation of the noise management plan against the relevant standards.*

On the 25 June 2021 EPSDD corresponded with you seeking clarification of the scope of your request.

On the 7 July 2021, you acknowledged an agreement to be provided with publicly notified documents through informal release on the 9 July 2021 (including the Noise Impact Assessment), and a partial transfer of your request was undertaken to the *Chief Minister, Treasury and Economic Development Directorate* (CMTEDD).

Therefore, the scope of your request was revised to only seeking:

The noise management plan for UP4066 at 121 Easty Street & 15 Mower Place, PHILLIP ACT 2606

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

EPSDD is required to provide a decision on your access application in accordance with section 41 of the Act, by 6 August 2021.

Searches conducted

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

Decision on access

Searches conducted by EPSDD has failed to identify any noise management plans specific to the scope of your request. The search was conducted using the information you provided, including additional Directorate database searches.

On the 7 July 2021 EPSDD with your agreement, provided you with publicly notified documents through informal release on the 9 July 2021

As confirmed on the 9 July 2021, EPSDD also partially transferred your request to the Chief Minister Treasury and Economic Development Directorate (CMTEDD) for processing of documents held by CMTEDD.

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.

Online publication

Under section 28 of the Act, EPSDD maintains an online record of access applications called a disclosure log. Under the Open Access Information Scheme, documents associated with access applications are published on the disclosure log no earlier than three days after a decision on access is provided to the applicant.

You may view the EPSDD's disclosure log at:

<http://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/>

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,



George Cilliers
Information Officer
Executive Branch Manager
Environment, Planning and Sustainable Development Directorate (EPSDD)
6 August 2021