



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 02 6207 1923
Reference: 21/118095

Dear [REDACTED]

Freedom of Information 21/118095

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the Act) received by Environment, Planning and Sustainable Development Directorate (EPSDD) on 17 November 2021, in which you sought access to documents relating to home business complaints.

Specifically, you are seeking :

"I would like to find out some information about home businesses complaints and would like to submit an FOI request.

Please include breaches of Land planning development as well as Environmental Protection (ie noise complaints)

Definition: Complaint Instance

A Complaint Instance being each unique instance of some type of contact (website, email, phone or letter etc.) to the ACT government in regards to a home business that raises an issue of possible non-compliance or complaint. This is not the same as a single open complaint that all additional evidence is tacked on to, I would like the actual numbers to reflect how many times a home business has been reported by a resident/neighbour/3rd party and not a summation of contacts merged into a single complaint.

Information requested.

- *How many total home business Complaint Instances were received between 1 Jul 2018 and 30 Jun 2019 ?*

please break this down into:

1. *Total number of Complaint Instances*
 2. *Total number of Complaint Instances that were to do with personal training or gyms*
- *How many total distinct residences were the subject of Complaint Instances that were received between 1 Jul 2018 and 30 Jun 2019 ?*

please break this down into:

1. *Total number of distinct residences*
2. *Number of distinct residences that were the subject to any Complaint Instances to do with personal training or gyms*
3. *Number of distinct residences that were the subject to 2 or more Complaint Instances to do with personal training or gyms*

4. *Number of distinct residences that were the subject to 5 or more Complaint Instances to do with personal training or gyms*
5. *Number of distinct residences that were the subject to 10 or more Complaint Instances to do with personal training or gyms*
6. *Number of distinct residences that were the subject to 20 or more Complaint Instances to do with personal training or gyms*
7. *Number of distinct residences/businesses that were prosecuted (stop order / injunction) due to the nature of the Complaint Instances received*

Number of distinct residences/businesses that were prosecuted (stop order / injunction) due to the nature of the Complaint Instances received and were the subject to a complaint to do with personal training or gyms”

Your application was partially transferred to Chief Minister, Treasury and Economic Development (CMTEDD). CMTEDD will respond to you separately.

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 is required to make a decision regarding your application on or by 15 December 2021.

Searches Conducted

Comprehensive searches of EPSDD recordkeeping systems were undertaken. However, no documentation containing information relevant to your application was identified.

Decision on Access

I am satisfied that a thorough process was completed in an effort to locate the information you are seeking. I have therefore 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 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-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

Alternately, 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

(Signed electronically)

Craig Weller

Information Officer

A/g Executive Branch Manager, Statutory Planning

Environment, Planning and Sustainable Development Directorate

15 December 2021