
From: [REDACTED]
Sent: Tuesday, 1 August 2023 12:04 PM
To: EPSDFOI <EPSDFOI@act.gov.au>
Subject: Re: FOI 23/078794 – ACKNOWLEDGEMENT AND SCOPE CLARIFICATION FOR FREEDOM OF INFORMATION APPLICATION

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Dear Jemma

Thank you for your email of 28 July 2023.

Scope Clarification

Despite the broad nature of the FOI request it is not my intention that the request will actually capture a large number of documents and I would be happy to consider refining the request further to avoid that if the refinement below does not achieve this.

In terms of the public register associated documents, I do believe I hold the submitted plans for each of the three DA's so do not require those but I would like to informally be provided with:

1. Any supporting documents submitted by the Applicant in relation to the three DAs;
2. Notices of Decisions and Endorsement Letters – I understand there will be at least three Notices of Decisions.

In terms of the other non public documents you have set out below I do not require or seek any of those you have listed other than I do want all correspondence sent to the Applicant, even if that correspondence is simply notifying a decision.

I propose the following amendment to the request to reflect the above:

All documents in relation to:

1. DA 201732775, and any building works undertaken or sought to be undertaken pursuant to it;
2. DA 201732775S197B, and any buildings works undertaken or sought to be undertaken pursuant to it;
3. DA 201732775S197C;
4. Any unapproved, or allegedly unapproved, building works at 43 Cockle Street, O'Connor (Section 65 Block 7) during the period 1 January 2017 to date;
5. Any compliance action undertaken or contemplated by the Compliance, Monitoring and Inspections, ACT Government (or predecessor) in relation to item 4 above;

but excluding:

a. any correspondence between a complainant regarding item 4 above and Compliance, Monitoring and Inspections, ACT Government;

b. documents available to the public pursuant to section 30 of the Planning and Development Act;

c. Draft documents, administrative checklists, automated emails, failed documents, documents comprising the 'public notification package', documents relating only to fees.

Kind regards

On Fri, 28 Jul 2023 at 2:30 pm, EPSDFOI <EPSDFOI@act.gov.au> wrote:

OFFICIAL

Good afternoon,

FOI 23/078794 – ACKNOWLEDGEMENT AND SCOPE CLARIFICATION FOR FREEDOM OF INFORMATION APPLICATION

I refer to your application (below) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 27 July 2023, in which you sought access to information under the *Freedom of Information Act 2016* (the Act).

Specifically you are seeking:

"All documents in relation to:

- 1. DA 201732775, and any building works undertaken or sought to be undertaken pursuant to it;*
- 2. DA 201732775S197B, and any buildings works undertaken or sought to be undertaken pursuant to it;*
- 3. DA 201732775S197C;*
- 4. Any unapproved, or allegedly unapproved, building works at 43 Cockle Street, O'Connor (Section 65 Block 7) during the period 1 January 2017 to date;*
- 5. Any compliance action undertaken or contemplated by the Compliance, Monitoring and Inspections, ACT Government (or predecessors) in relation to item 4 above;"*

Partial Transfer

Development Application documents are held by EPSDD. However, building files (including documents relating to building works undertaken or sought to be undertaken), and documents relating to points 4 and 5 of your application will be held by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). As such, I have partially transferred your application to the CMTEDD FOI team and they will contact you regarding that portion of your application.

Decision

In accordance with section 40 of the FOI Act, the standard processing time requires that a decision on access to documents must be made by within 30 working days of receipt, being on or by **7 September 2023**.

Third Party Consultation

In processing your application, consultation with relevant third parties may be required. In line with the Act, if third party consultation is required, the due date may be extended by 15 working days. If this is the case, you will be notified and advised of a revised decision due date.

Charges

Please be aware that processing charges may be payable in relation to your request. Should you be liable to pay a processing charge, you will be notified in writing of the preliminary assessment and given an opportunity to make an application that the charge should be remitted in whole or in part. Alternatively, you may wish to revise the scope of your request. A specific request of narrow scope may reduce the time required to process your application and the likelihood of fees applying

Open Access Information

The Act requires that details regarding your request such as your application, decision notices, and information released to you, must be recorded in the agency disclosure log and made publicly available. The disclosure log is published at <https://www.environment.act.gov.au/about-us/access-government-information/disclosure-log>. The identity of applicants is not disclosed. If you have any concerns about the information released to you being published, please let us know.

Should you have any queries in relation to the processing of your request please contact me at epsdfoi@act.gov.au

Scope Clarification

We can provide the following documents informally, as under section 30 of the Planning and Development Act 2007 they are public register associated documents. Please advise which of these you are seeking:

- Plans (excluding any plans showing the internal layout of a residential area. Internal layout plans can be provided if authorisation from the lessee is received).
- Supporting documents submitted by the DA Applicant
- Entity advice – Advice from agencies consulted about the DA
- Representations – Comments from the public regarding the proposed development

- Notices of Decisions and Endorsement Letters – Decision on the DA, or Endorsement of any response to conditions of approval

The documents for DA 201732775S197C are currently available online at the following link:

<https://www.planning.act.gov.au/development-applications-assessments/development-applications/da-details?da-number=201732775&amendment-version=S197C>

In relation to other documents on the Development Application file, they will be assessed under the FoI Act. Can you clarify which other documents you are seeking, as this can assist with avoiding duplicate information or documents that you may not require. Please advise if you do require the following:

- Draft documents – where a final copy can be provided for example the signed pdf version of a letter
- Administrative checklists
- Automated emails from eDevelopment (the system used for lodgement of Development Applications) e.g. confirmation of creation of DA or payment received
- Failed documents – Documents that were replaced and not considered in the decision making
- Public notification package - This includes map of notified properties, sample letter to adjoining neighbours, signage template, letter to applicant and lessee advising of commencement of public notification, report listing notified properties
- Emails notifying the applicant, lessee, commenting agencies and representors of the decision

Please Note: Processing of your application will be suspended under section 34(4) of the *Freedom of Information Act 2016* (the Act), and will resume once we have received clarification from you to enable us to identify the documents you are seeking. If we do not receive a response from you within six weeks we will close the application under section 34(6)(b) of the Act.

Kind regards,

Jedda Kelly (she/her/they/them) | Information Governance Officer | Information Governance

Environment, Planning and Sustainable Development Directorate | ACT Government

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region.

I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: [REDACTED]
Sent: Thursday, 27 July 2023 10:47 PM
To: EPSDFOI <EPSDFOI@act.gov.au>
Subject: FOI Application

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Dear Officer

I wish to submit the following FOI application.

All documents relation to:

1. DA 201732775, and any building works undertaken or sought to be undertaken pursuant to it;
2. DA 201732775S197B, and any buildings works undertaken or sought to be undertaken pursuant to it;
3. DA 201732775S197C;
4. Any unapproved, or allegedly unapproved, building works at 43 Cockle Street, O'Connor (Section 65 Block 7) during the period 1 January 2017 to date;
5. Any compliance action undertaken or contemplated by the Compliance, Monitoring and Inspections, ACT Government (or predecessors) in relation to item 4 above;

but excluding any correspondence between a complainant regarding item 4 above and Compliance, Monitoring and Inspections, ACT Government.

I had sought to submit an application online on 25 July 2023 but it may not have been successful and, in any event, it seems the online portal for FOI applications is with respect to the chief minister, whereas this request should be directed to this email address.

I would be grateful if you are able to confirm receipt of this request and that it has been directed to the correct email address, and if you would like to discuss any aspect of the request my number is below.

Regards

[REDACTED]

[REDACTED]



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