



ACT
Government

Environment, Planning and
Sustainable Development

Phone: (02) 6207 1923
Reference: 24/127173

Dear [REDACTED]

Decision on Freedom of Information Access Application 24/127173

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the FOI Act) received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 22 November 2024.

Specifically, you are seeking:

"...public interest access under the FOI Act to all the relevant papers concerning the initial listing of the heritage listed block known as Pikes Paddock adjacent to Tuggeranong Homestead for future development under the revised planning policies and legislation."

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 notice of my decision in relation to your application.

EPSDD must decide your application on, or by 3 February 2025.

Searches Conducted

Comprehensive searches were conducted by EPSDD's Environment, Heritage and Parks Division and the Planning and Urban Policy Division for documents relevant to your application. This included searches of our Directorate's Electronic Document and Records Management System, the heritage database and related hard copy files.

During the document searches for relevant information, Pikes Corner was initially considered to be within the Tuggeranong Homestead area due to a geospatial mapping error. As a result, the documents relating to the Tuggeranong Homestead were processed as being within the scope of your application and third-party consultation was undertaken in relation to these documents.

It was later confirmed by our subject matter experts that Pikes Corner (Block 1 Section 450) is considered separate to the Tuggeranong Homestead and that the documents initially identified during the searches do not fall within the scope of your application. Pikes Corner has not yet been Heritage registered and remains a stand-alone application which forms part of the ACT Heritage Council's priority plan. Therefore, we have been unable to locate *"relevant papers concerning the initial listing"*. I apologise for this confusion during the processing of your application.

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.

I understand that the Heritage Branch identified two 1994 documents related to some heritage considerations of the Tuggeranong Homestead, including Pikes Corner, and the Information Governance team wrote to you separately on 22 January 2025 to advise of the process for applying for documents that are more than 20 years old under the *Territory Records Act 2002*, should you be interested in accessing these documents.

Charges

In accordance with the *Freedom of Information (Fees) Determination 2018* no charges are applicable to this application.

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 on 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/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

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

15 Constitution Avenue

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 Agency's processing of your request, or would like further information, please email EPSDFOI@act.gov.au or call (02) 6207 1923 and ask for the Information Governance team.

Yours sincerely



Bren Burkevics
Information Officer
Executive Group Manager, Environment, Heritage and Parks

30 January 2025