



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 02 6207 1923
Reference: 20/62610

Dear [REDACTED]

Freedom of Information 20/62610

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 27 August 2020, in which you sought access to documents relating to Chabad Jewish School.

Specifically, you are seeking documentation relating to:

- “(a) the decision by the ACT Heritage Council to approve the development of the security fence at the Chabad Jewish School, 3 Gari Pl Giralang ACT.*
- (b) the Statement of Heritage Effect for the development referred in (a)*
- (c) all Correspondence between the Heritage Council and the Chabad Centre regarding a Statement of Heritage Effect for the development referred in (a).”*

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 24 September 2020.

Searches Conducted

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

The Chabad Jewish School is registered on the ACT Heritage Register as part of the ‘Giralang Primary School Complex’.

ACT Heritage Council approvals for works at registered heritage places are only required where those works ‘may diminish the heritage significance’ of those places; as set out in Section 61G of the *Heritage Act 2004*. In this instance, the installation of a security fence at the Chabad Jewish School is not considered to have diminished the heritage significance of the Giralang Primary School.

Accordingly, ACT Heritage Council approval was not required prior to the commencement of the works. Further the *Planning and Development Regulation 2008* includes extensive exemptions for activities at schools, including the installation of fences.

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/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



Ian Walker
Information Officer
Executive Group Manager Environment (E00757)
Environment, Planning and Sustainable Development Directorate

23 September 2020