



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-216

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	16
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [EPSDFOI](#)
To: [CMTEDD FOI](#)
Subject: Seeking transfer of access application - [REDACTED]
Date: Thursday, 19 August 2021 3:15:04 PM
Attachments: [image002.png](#)
[image005.png](#)
[FOI request 18.8.21 EPA - DV352.pdf](#)
[image003.png](#)
[image004.png](#)

OFFICIAL

Good afternoon CMTEDD Colleagues,

EPSDD has received the attached FOI application regarding the EPA (EPSDD also received the same application so not sure whether this one was sent in error to us)

Could you please advise if you would accept transfer of this application.

Thank you for your assistance, stay safe.

Kind regards,

Lib

From: [REDACTED]
Sent: Wednesday, 18 August 2021 11:25
To: EPSDFOI <EPSDFOI@act.gov.au>
Cc: [REDACTED]
[REDACTED]
Subject: FOI request to EPA


CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To the relevant officer,

Please see **attached** our Freedom of Information request dated 18 August 2021.

Any questions, please do not hesitate to contact me.

Kind regards,



Your Ref: Block 18 Section 11 Mitchell

18 August 2021

By Email: epsdfoi@act.gov.au


FOI – Information Management Team
Environment Protection Authority
GPO Box 158,
CANBERRA CITY ACT 2601

Dear Sir/Madam,

FREEDOM OF INFORMATION REQUEST

We make a request for documents pursuant to *Freedom of Information Act 2016* (ACT) in relation to Notifiable Instrument NI2018-53 – Planning and Development (Plan Variation No 352) Approval 2018 (**DV352**).

Therefore we request, in the period 1 January 2018 to 1 December 2018, the following documents (in the possession, custody or control of the Environment Protection Authority (**EPA**)) in respect of the DV352:

1. all correspondence (including emails) sent to or received from:
 - a. the Health Protection Service (**HPS**);
 - b. the ACT Planning and Land Authority (**ACTPLA**);
 - c. the Children's Education and Care Assurance (**CECA**);from officers of these relevant organisations (**Relevant Organisations**);
 2. all correspondence (including emails) sent to or received from the relevant Minister and the Relevant Organisations;
 3. any reports prepared or commissioned by the EPA involving the Relevant Organisations;
 4. any memoranda involving the Relevant Organisations;
 5. any recommendations involving the Relevant Organisations;
 6. any proposals involving the Relevant Organisations;
 7. any records of inspections involving the Relevant Organisations;
 8. any minutes or other records of meetings involving the Relevant Organisations;
- 

9. any notes of attendees of any meeting, including any personal notes by attendees involving the Relevant Organisations;
10. any diary entries of attendees of meetings involving the Relevant Organisations;
11. any working papers prepared by, or on behalf of, the EPA involving the Relevant Organisations; and
12. copies of any of the documents sought in paragraph 1 to 11 above where the original documents are no longer in the possession, custody or control of the EPA.

Please note that the definition of documents in this Freedom of Information request is as is outlined in the definition of 'documents' as defined in the *Legislation Act 2001* (ACT).

If you have any questions associated with the request, we would be grateful if you could contact [REDACTED] of our office in the first instance. Please be so kind to advise of any fees associated with the request.

Yours faithfully





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-216



DECISION - FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 18 August 2021.

You specifically sought: *“Documents in relation to Notifiable Instrument NI2018-53 – Planning and Development (Plan Variation No 352) Approval 2018 (DV352). Therefore, we request, in the period 1 January 2018 to 1 December 2018, the following documents (in the possession, custody or control of the Environment Protection Authority (EPA)) in respect of the DV352:*

- 1. all correspondence (including emails) sent to or received from:
 - a. the Health Protection Service (HPS).*
 - b. the ACT Planning and Land Authority (ACTPLA).*
 - c. the Children’s Education and Care Assurance (CECA).**
- from officers of these relevant organisations (Relevant Organisations);*
- 2. all correspondence (including emails) sent to or received from the relevant Minister and the Relevant Organisations.*
- 3. any reports prepared or commissioned by the EPA involving the Relevant Organisations.*
- 4. any memoranda involving the Relevant Organisations.*
- 5. any recommendations involving the Relevant Organisations.*
- 6. any proposals involving the Relevant Organisations.*
- 7. any records of inspections involving the Relevant Organisations.*
- 8. any minutes or other records of meetings involving the Relevant Organisations.*
- Environment & Planning Directorate 2 18 August 2021*
- 9. any notes of attendees of any meeting, including any personal notes by attendees involving the Relevant Organisations.*
- 10. any diary entries of attendees of meetings involving the Relevant Organisations.*
- 11. any working papers prepared by, or on behalf of, the EPA involving the Relevant Organisations; and*

12. copies of any of the documents sought in paragraph 1 to 11 above where the original documents are no longer in the possession, custody or control of the EPA.

Authority

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.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 20 September 2021.

Decision on access

Searches were completed for relevant documents and **three documents** were identified that fall within the scope of your request. Two of these documents are available on public domain with details below

1. https://www.planning.act.gov.au/_data/assets/pdf_file/0006/1135446/DV352-Report-on-Consultation-pdf.pdf
2. https://www.planning.act.gov.au/_data/assets/pdf_file/0003/1135452/Appendix-3-Summary-table-of-comments-in-public-submissions-DV352-relating-to-child-care-in-industrial-zones.pdf

I have decided to grant full access to the third document. The document released to you is provided as **Attachment A** to this letter. This document also makes reference to the above documents that are publicly available.

Charges

Processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and the document released to you in response to your access application will be published in the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

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 CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. 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/>

Should you have any queries in relation to your request please contact me by telephone on CMTEDDFOI 2021-216 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
10 September 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST						Reference NO.
Documents in possession of Environmental Protection Authority in relation to Notifiable Instrument NI2018-53 – Planning and Development (Plan Variation No 352) Approval 2018 (DV352) between 1 January 2018 to 1 December 2018						CMTEDDFOI2021-216
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	E-mail: DV352 Report on Consultation and summary table of contents	22 February 2018	Full	N/A	Yes
Total No of Docs						
1						

From: Ridsdale, Janine
Sent: Thursday, 22 February 2018 9:44 AM
To: Brown, Robin
Subject: DV352 Report on Consultation and Summary table of comments [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]
Attachments: ObjRef.obr

Hi Robin,
Following our discussion re removal of child care centres as an assessable use in Industrial Zones, here is the consultation report and summary table of comments on the issue.

Please call if you wish to discuss.

Regards

Janine

Janine Ridsdale has sent you links to the following 2 documents from Objective:
"DV352 Report on Consultation" (A13845700) "Summary table of comments in public submissions DV352 relating to child care in industrial zones" (A14007279)

Open in Navigator
Double click on the attachment

Open in ECM for Browser
DV352 Report on Consultation
<https://objective.act.gov.au:8443/#/documents/A13845700/details>
Summary table of comments in public submissions DV352 relating to child care in industrial zones
<https://objective.act.gov.au:8443/#/documents/A14007279/details>

Open in Your Browser
DV352 Report on Consultation
Latest: <https://objective.act.gov.au/id:A13845700/document/versions/latest>
Published: <https://objective.act.gov.au/id:A13845700/document/versions/published>
Summary table of comments in public submissions DV352 relating to child care in industrial zones
Latest: <https://objective.act.gov.au/id:A14007279/document/versions/latest>
Published: <https://objective.act.gov.au/id:A14007279/document/versions/published>