



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 2021-070

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	10
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: [REDACTED]
To: [CMTEDD FOI](#)
Subject: RE: Project ID: [REDACTED] - DA Exempt Construction of new retaining wall, in [REDACTED]
Campbell ACT
Date: Wednesday, 28 April 2021 9:38:23 AM

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.

Dear Sir/Madam,

On 24 Feb 2020, certifier *Select* [REDACTED] issued BA for [REDACTED] as well as the building commencement notice to builder [REDACTED]. The construction was completed in May 2020. Engineer [REDACTED] has issued Certificate of Structural Sufficiency on 03 Sep 2020 to file with Access Canberra.

A gate in the eastern side, being an element of the approved landscape plan, has been installed in the ANZAC long weekend 26/4/2021. A new driveway leading to this gate (though not in the approved DA Exempt plan) was constructed ahead in Nov 2020.

Both the Project [REDACTED] and landscaping have now been completed. Please see the two photos attached to this email.

[REDACTED] Consulting Engineers designed the two retaining walls, siting [REDACTED] in [REDACTED] along the eastern boundary, and [REDACTED] parallel to the drainage easement in the south of the block.

With respect to project [REDACTED] we request under FOI the following three items:

<!--[if !supportLists]-->1. <!--[endif]-->Site Identification survey and report.

2. <!--[endif]-->We are aware that Access Canberra has written a year ago on 14 April 2020 to the certifier requesting identification survey and again on 1 July 2020. Both emails originated from inspector Domonic Hides of RRRT with the subject header – ***Identification survey required for retaining wall for*** [REDACTED]
We request the response(s) received for this request.

<!--[if !supportLists]-->3. <!--[endif]-->All correspondence with reference to identification survey beginning July 2020 between Access Canberra and the certifier, and nominated builder.

Thank you for your assistance

Yours truly,

[REDACTED]



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-070

Dear [REDACTED]

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 28 April 2021, in which you sought access to:

"With respect to project [REDACTED], we request under FOI the following three items:

- 1. Site Identification survey and report.*
- 2. We are aware that Access Canberra has written a year ago on 14 April 2020 to the certifier requesting identification survey and again on 1 July 2020. Both emails originated from inspector Domonic Hides of RRRT with the subject header – Identification survey required for retaining wall for [REDACTED].*

We request the response(s) received for this request.

- 3. All correspondence with reference to identification survey beginning July 2020 between Access Canberra and the certifier, and nominated builder."*

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 26 May 2021.

Decision on access

A search of CMTEDD records has failed to identify any documentation in relation to your request. The search was conducted using the information you provided.

As advised to you in your previous FOI request, CMTEDDFOI 2020-241, the identification survey from Select Structures was requested by Access Canberra, however Access Canberra did not direct that it be supplied by [REDACTED] under s79 of the

Construction Occupations (Licensing) Act 2004. This is still an ongoing project and the Building Approval is still active.

I am satisfied that appropriate searches were completed and that no documents relevant to your request are held by CMTEDD.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because there are no documents available to be processed.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. A description of the access application and my decision will be published in the CMTEDD disclosure log 3 days after the date of 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 made 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 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Friend', with a large, stylized loop at the end.

Angela Friend
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

12 May 2021