

# **Freedom of Information Publication Coversheet**

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

FOI Reference: CMTEDDFOI 2020-074

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)	18
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:

To: EPSDFOI

Subject: RE: FOI- Latest approved plan- [SEC=UNOFFICIAL]

**Date:** Tuesday, 7 April 2020 4:18:02 PM

#### **UNOFFICIAL**

**From:** EPSDFOI < EPSDFOI@act.gov.au> **Sent:** Tuesday, 7 April 2020 4:16 PM

To: EPSDFO

<EPSDFOI@act.gov.au>

Subject: RE: FOI- Latest approved plan-

[SEC=UNOFFICIAL]

#### **UNOFFICIAL**

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Apologies if I was unclear. Are you submitting an application in a personal capacity or on behalf of as it has been sent from a account? Under the FOI Act, we must report on applicant categories.

Thank you

#### Genevra Donne | Director, Information and Knowledge Management

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 620 54753 | Fax: 02 620 79313 | Email: genevra.donne@act.gov.au

Level 2, Dame Pattie Menzies House South Building | GPO Box 158 Canberra ACT 2601|

www.environment.act.gov.au | www.planning.act.gov.au

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From:

**Sent:** Tuesday, 7 April 2020 4:13 PM **To:** EPSDFOI < <u>EPSDFOI@act.gov.au</u>> **Subject:** RE: FOI- Latest approved plan-

[SEC=UNOFFICIAL] UNOFFICIAL

#### Hi Genevra.

Not sure what information you are expecting from me.

Please direct the my request to the appropriate department please.

Thank you,

From: EPSDFOI < <u>EPSDFOI@act.gov.au</u>>
Sent: Tuesday, 7 April 2020 4:07 PM

To:

**Cc:** EPSDFOI < <u>EPSDFOI@act.gov.au</u>> **Subject:** RE: FOI- Latest approved plan-

[SEC=UNOFFICIA	L
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#### **UNOFFICIAL**

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Please advise if you are submitting your application under the ACT *Freedom of Information Act* 2016 on behalf of the Department to the ACT Environment, Planning and Sustainable Development Directorate.

The reference number you have provided is for an application managed by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). CMTEDD manages ACT Building Files.

Once we have received a response from you, we will redirect your application accordingly. Thank you

#### Genevra Donne | Director, Information and Knowledge Management

Environment, Planning and Sustainable Development Directorate | ACT Government Phone: 02 620 54753 | Fax: 02 620 79313 | Email: <a href="mailto:genevra.donne@act.gov.au">genevra.donne@act.gov.au</a> Level 2, Dame Pattie Menzies House South Building | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au | www.planning.act.gov.au

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From:

Sent: Tuesday, 7 April 2020 2:42 PM
To: EPSDFOI < EPSDFOI@act.gov.au >
Subject: FW: FOI- Latest approved plan-

[SEC=UNOFFICIAL]
UNOFFICIAL

#### Dear Sir/Madam.

The above property is under construction over 2 years adjoining our residence. The owner builder of the property has made numerous external structural changes which is not reflected in the copy of the plan that was sent to us by your department on 26 Feb 2018 (Ref: CMTEDDFOI 2018-0024).

Hence, we need a copy of the latest approved plan of the above property asap to raise our concerns with the Dept of Environment and planning. We do really appreciate your assistance in proving the following information at your earliest:

- 1.Site plan
- 2.Building envelope
- 3. Building heights and
- 4. Solar shadow diagram.

Kind regards,

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Our ref: CMTEDDFOI 2020-074

via email:	
Dear	

# FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), redirected by the Environment, Planning and Sustainability Development Directorate to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 7 April 2020, in which you sought access to building plans.

Specifically, you are seeking: Latest approved plans for including:

- Site plan
- Building envelope
- · Building heights
- · Solar shadow diagram

# **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 with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 11 May 2020.

#### Decision on access

Searches were completed for relevant documents and 12 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant partial access to the documents relevant to your request.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

#### Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act:
- the content of the documents that fall within the scope of your request;
- the Human Rights Act 2004.

### **Exemption claimed**

My reasons for deciding not to grant access to components of the identified documents within the Building File are as follows:

#### **Public Interest**

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In Hogan v Hinch (2011) 243 CLR 506, [31] French CJ stated that when 'used in a statute, the term [public interest] derives its content from "the subject matter and the scope and purpose" of the enactment in which it appears'. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

#### Factors favouring disclosure in the public interest:

- (a) disclosure of the information could reasonably be expected to do any of the following:
  - (i) promote open discussion of public affairs and enhance the government's accountability.

Having considered the factor identified above as relevant in this matter, I consider that the release of the requested information will promote an open discussion and enhance the ACT Government's accountability regarding the building application for Block 14 Section 200 Gungahlin.

#### Factors favouring nondisclosure in the public interest:

- (a) disclosure of the information could reasonably be expected to do any of the following:
  - (i) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

When considering the above finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the process of complying with ACT Government regulations is a significant factor as the parties involved have provided personal information which includes the interior layout of the property, for the purposes of meeting obligations under relevant legislation. I consider that the layout

of an individual's home is a matter that the individual should have the right to choose to disclose or not. I am of the opinion that the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied in the above instance that this factor favouring non-disclosure should be afforded significant weight as it relates to the individuals' privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

#### Charges

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

#### 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 documents released to you in response to your access application will be published in the CMTEDD disclosure log after 3 days after date of decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <a href="https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020">https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020</a>.

#### **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 6207 7754 or email <a href="mailto:CMTEDDFOI@act.gov.au">CMTEDDFOI@act.gov.au</a>.

Yours sincerely

Philip Dachs

**Information Officer** 

**Information Access Team** 

Chief Minister, Treasury and Economic Development Directorate

7 May 2020



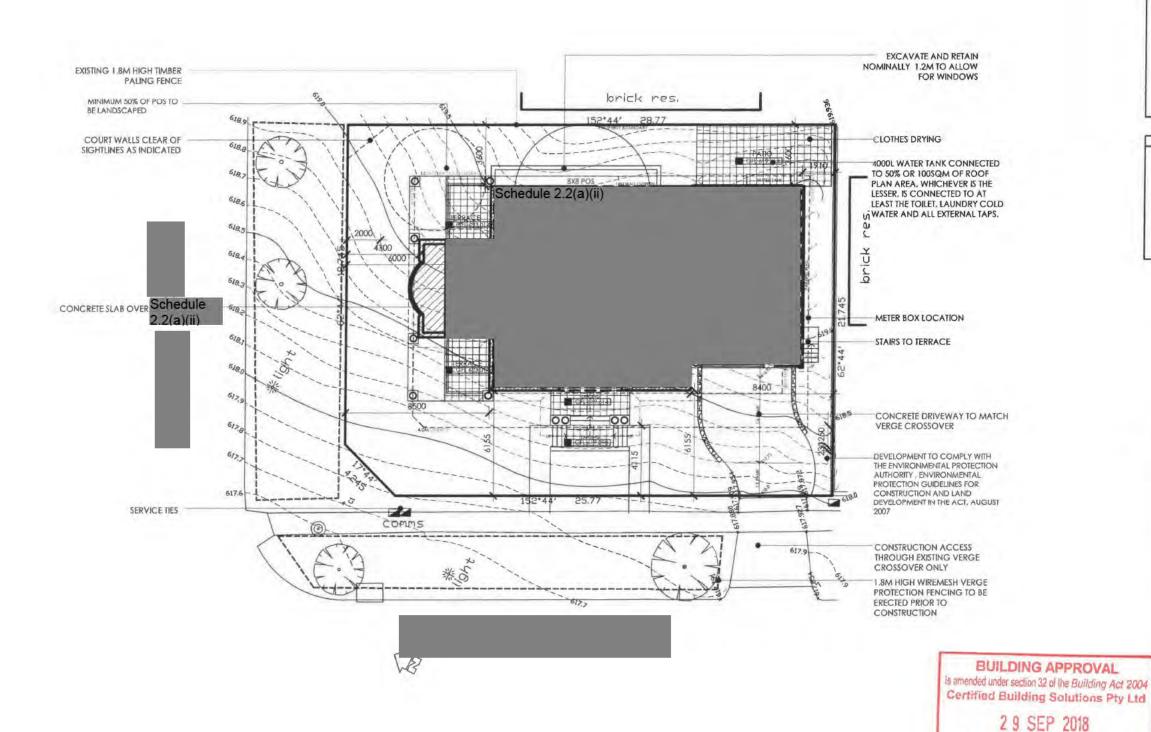
# FREEDOM OF INFORMATION **REQUEST SCHEDULE**

	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Latest approved plans for	including: Site plan, building envelope, building heights and solar shadow diagram.	CMTEDDFOI 2020-074
		<u> </u>

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Plans - Site Plan – Site plan including sediment and erosion control plan, verge management plan.	29 Sep 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
2	2	Plans - Ground floor plan	29 Sep 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
3	3	Plans - First floor plan	29 Sep 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
4	4-5	Plans - Elevations	29 Sep 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
5	6	Plans - Section A-A and Section B-B	29 Sep 2018	Partial	Sch 2 s2.2 (a)(ii)	Yes
6	7-8	Building Plans – Elevations	28 Jan 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
7	9	Building Plans – Basement plan	28 Jan 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
8	10	Building Plans – Ground floor plan	28 Jan 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
9	11	Building Plan – First floor plan	28 Jan 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
10	12	Building Plan	28 Jan 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
11	13	Building Plan – Section A-A and Section B-B	28 Jan 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
12	14	Building Plan – Site Plan	28 Jan 2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
Total No	I		ı			I

of Docs

12



SITE SUMMARY SITE AREA: 621 SQM GROUND FLOOR: FIRST FLOOR LIVING 202.6 SQM 107.4 SQM TOTAL GFA: 310.0 SQM PLOT RATIO: 49.9 % OPEN SPACE REQUIRED OPEN SPACE ACHIEVED 316.0 SQM 413.2 SQM 200.0 SQM 072.0 SQM BASEMENT GARAGE: TERRACES : ENTRY PORTICO 013.0 SQM 034.0 SQM

BASEMENT AREA:

GROUND AREA:

FIRST AREA:



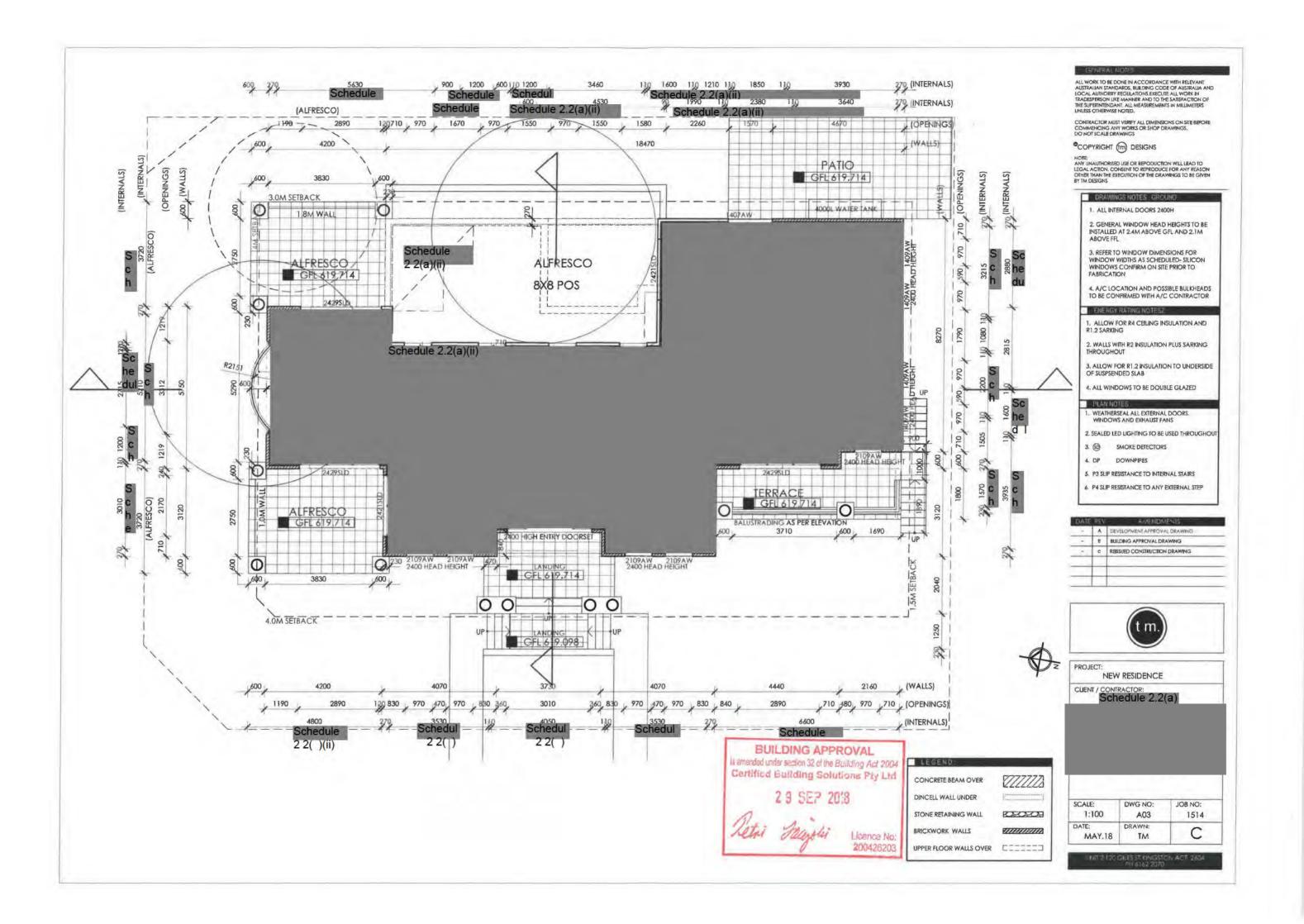
		AMENDMENIS
-	A	DEVELOPMENT APPROVAL DRAWING
	В	BUILDING APPROVAL DRAWING
	c	RESSUED CONSTRUCTION DRAWING
-		

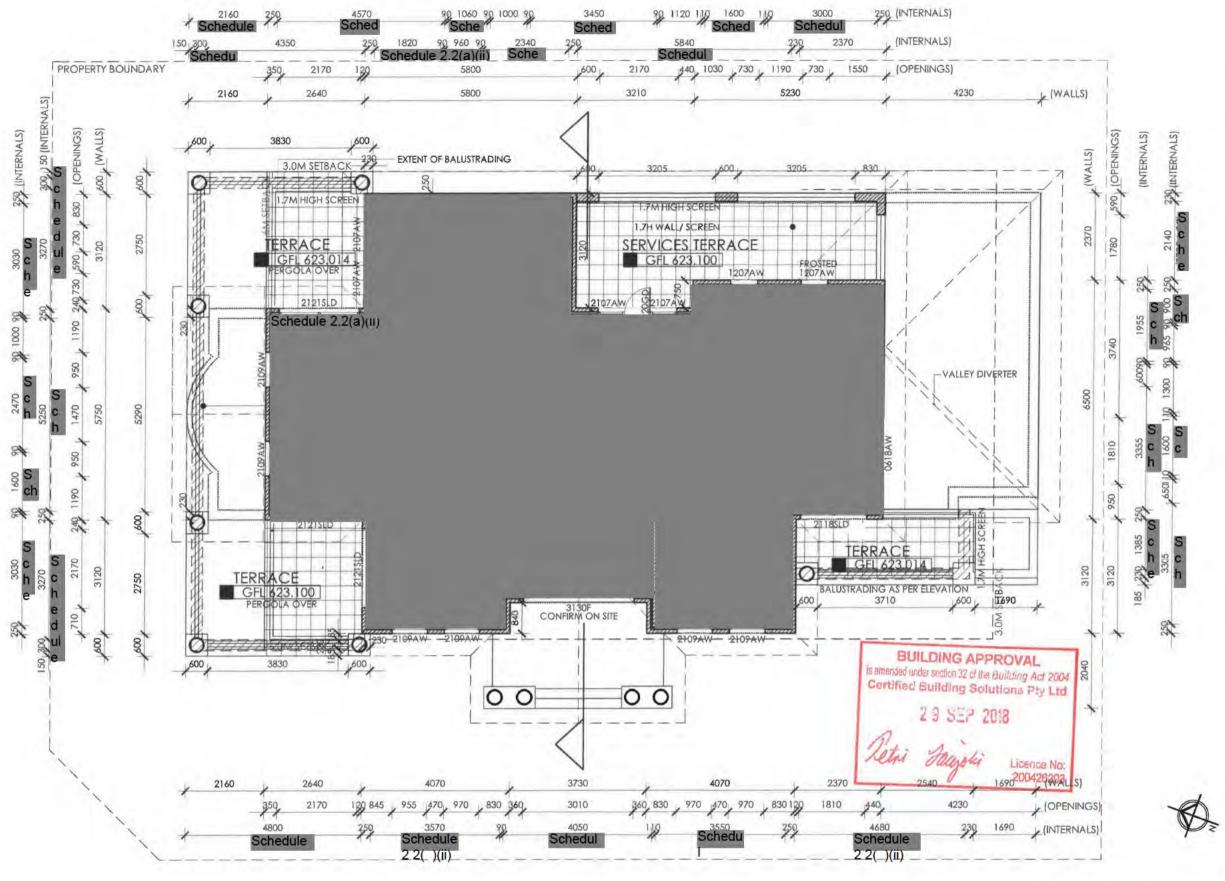


PROJECT: NEW RESIDENCE Schedule BLOCK 2 2( )(ii) SECTION DRAWING: SITE PLAN SEDIMENT AND EROSION CONTROL PLAN, VERGE MANAGEMNT PLAN MATERIALS SCHEDULE SCALE: JOB NO: DWG NO: 1:200 A01 1514 DRAWN: DATE C MAY.18 TM

Licenca No: 200426203

UNIT 2 120 GILES ST KINGSTON ACT 260





CONCRETE BEAM UNDER

BRICK CAVITY WALL UNDER

STONE RETAINING WALL

BRICKWORK WALLS

BEAM OVER

#### CENEDAL NO

ALL WORK TO BE DONE IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS, BUILDING CODE OF AUSTRALIA AND LOCAL AUTHORITY REGULATIONS, EXECUTE ALL WORK IN TRADESPERSON LIKE MANNER AND TO THE SATISFACTION OF THE SUPERINTENDANT, ALL MEASUREMENTS IN MILLIMETERS UNLESS, OTHERWISE MODERNIS.

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#### DRAWINGS NOTES : GROUND

I. ALL INTERNAL DOORS 2400H

2. GENERAL WINDOW HEAD HEIGHTS TO BE INSTALLED AT 2.4M ABOVE GFL AND 2.1M ABOVE FFL

3. REFER TO WINDOW DIMENSIONS FOR WINDOW WIDTHS AS SCHEDULED-SILICON WINDOWS CONFIRM ON SITE PRIOR TO FABRICATION

4. A/C LOCATION AND POSSIBLE BULKHEADS TO BE CONFIRMED WITH A/C CONTRACTOR

#### ENERGY RATING NOTES

1. ALLOW FOR R4 CEILING INSULATION AND R1.2 SARKING

2. WALLS WITH R2 INSULATION PLUS SARKING THROUGHOUT

3. ALLOW FOR R1.2 INSULATION TO UNDERSIDE OF SUSPSENDED SLAB

4. ALL WINDOWS TO BE DOUBLE GLAZED

#### PLAN NOT

. WEATHERSEAL ALL EXTERNAL DOORS, WINDOWS AND EXHAUST FANS

2. SEALED LED LIGHTING TO BE USED THROUGHOUT

3. (S) SMOKE DETECTORS

DOWNPIPES

5. P3 SLIP RESISTANCE TO INTERNAL STAIRS

6. P4 SLIP RESISTANCE TO ANY EXTERNAL STEP

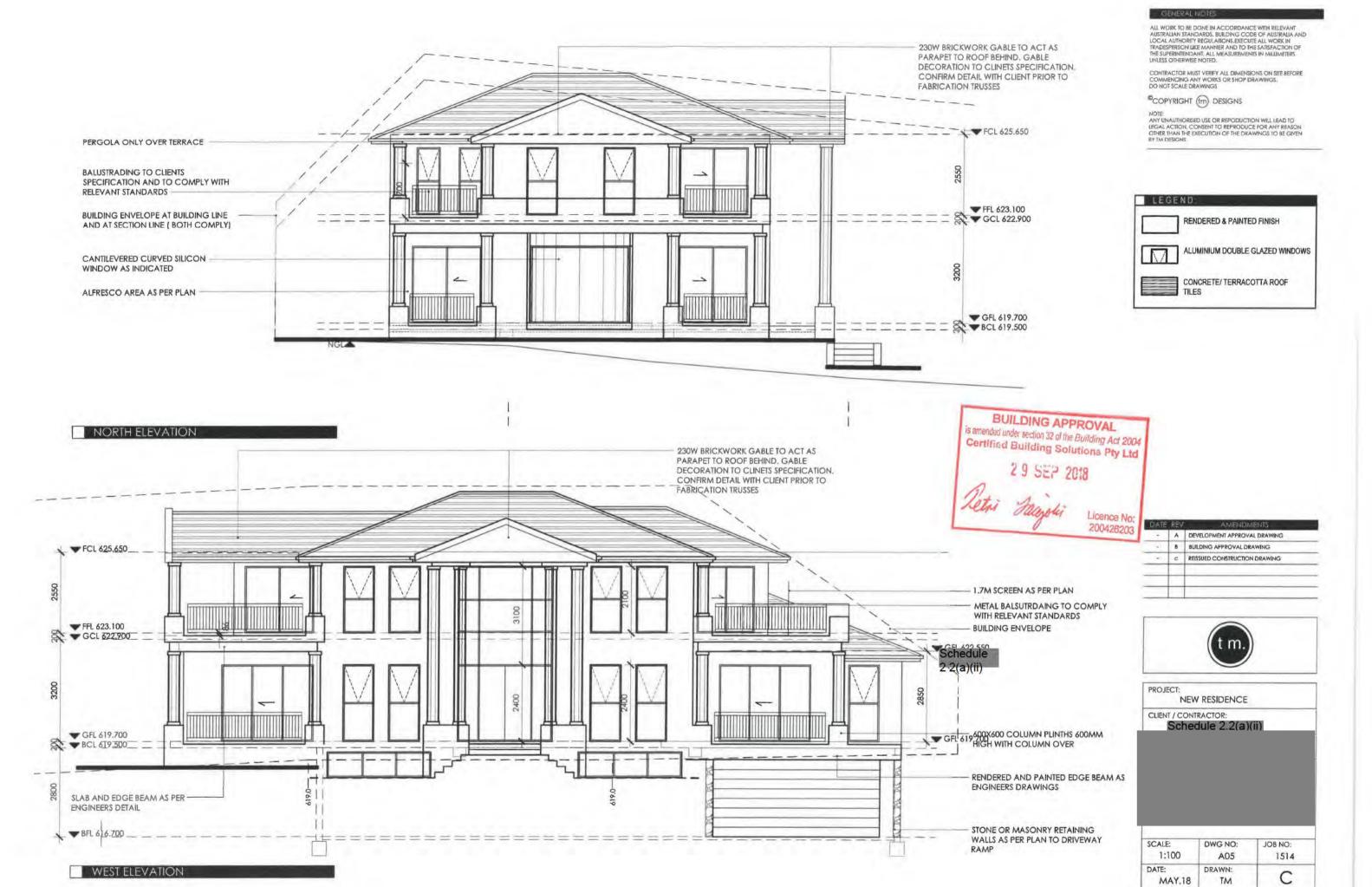
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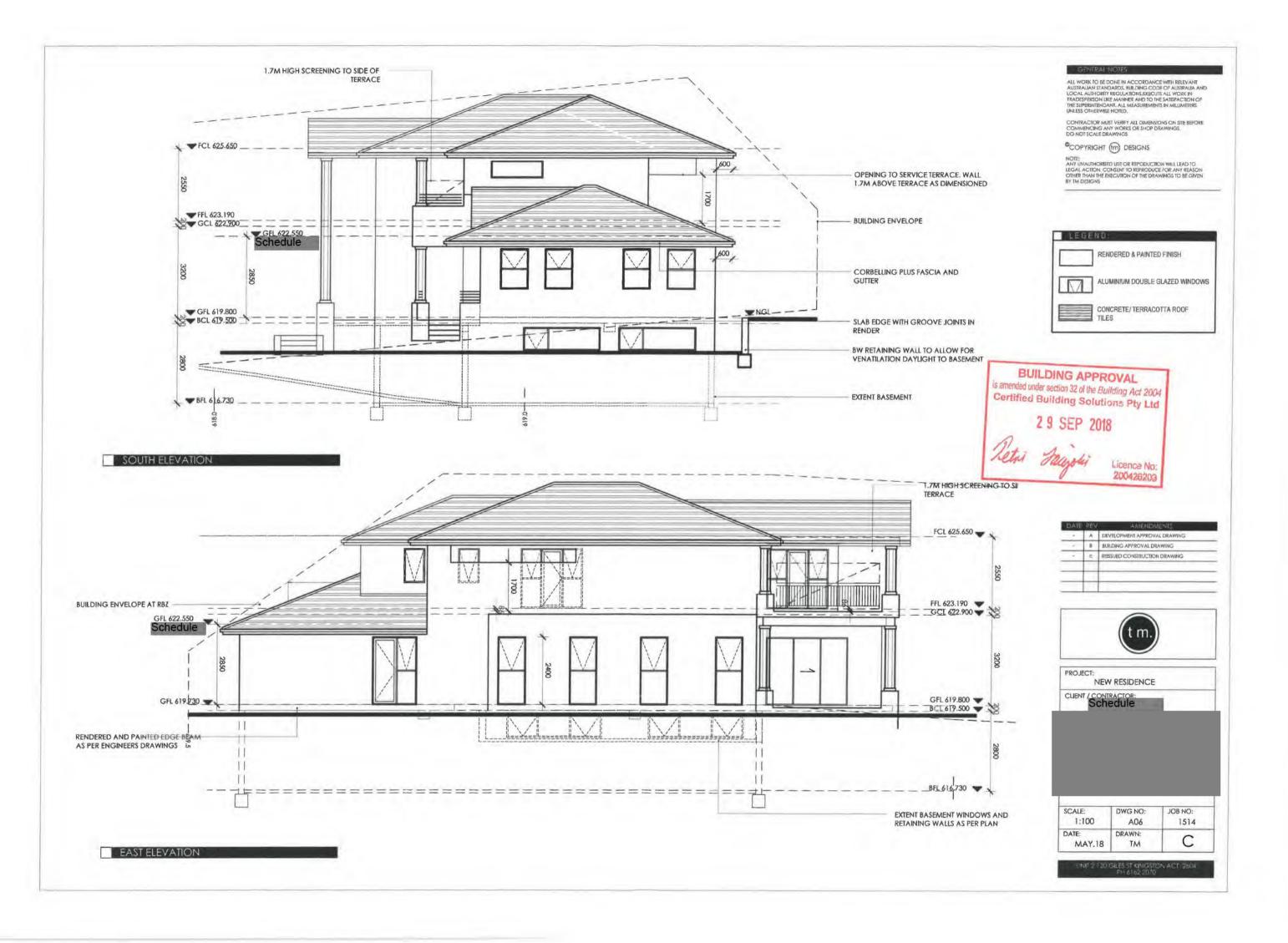
PROJECT:
NEW RESIDENCE
CLIENT / CONTRACTOR:
Schedule 2.2(a)

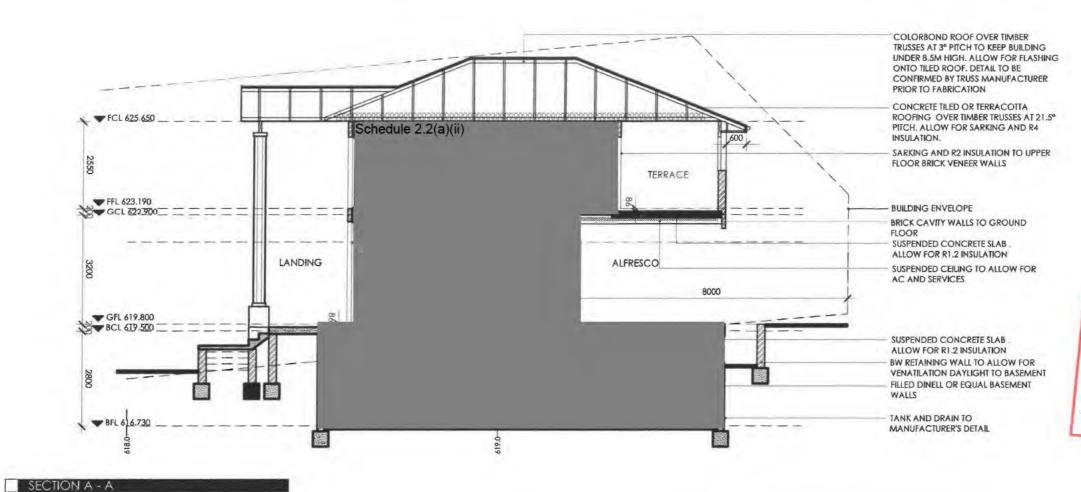
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DATE: DRAWN: MAY.18 TM C



UNIT 2 120 GILES ST KINGSTON ACT 2604





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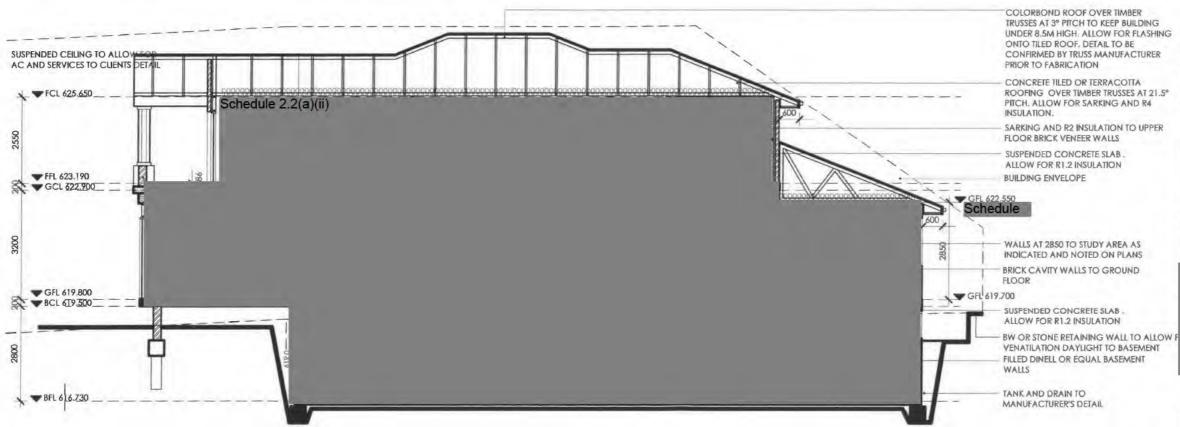
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Petri Jacyoki Licence No: 200428203

200426203



SECTION B - B

DATE	REV	AMENDMENTS
-	A	DEVELOPMENT APPROVAL DRAWING
-	В	BUILDING APPROVAL DRAWING
-	c	RBSSUED CONSTRUCTION DRAWING



PROJECT: NEW RESIDENCE

CHENT / CONTRACTOR: Schedule 2.2(a)(ii)

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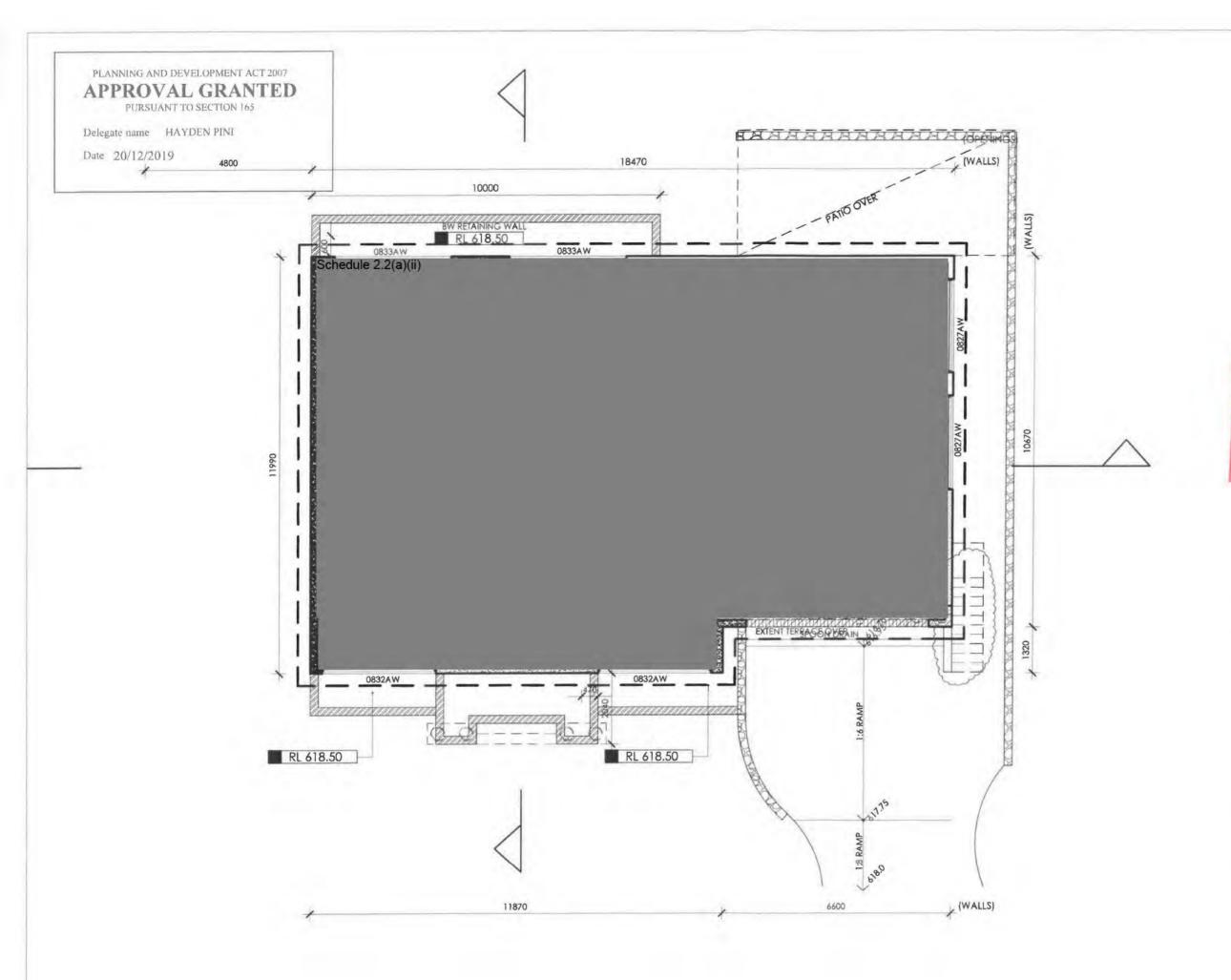
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WALLS AS PER PLAN TO DRIVEWAY

RAMP

UNIF 2 120 GILES ST KINGSTON ACT 2604 PH 6162 2070





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2 8 JAN 2020



Licence No: 200426203



DATE	REV	AMENDMENTS
14/	A	DEVELOPMENT APPROVAL DRAWING



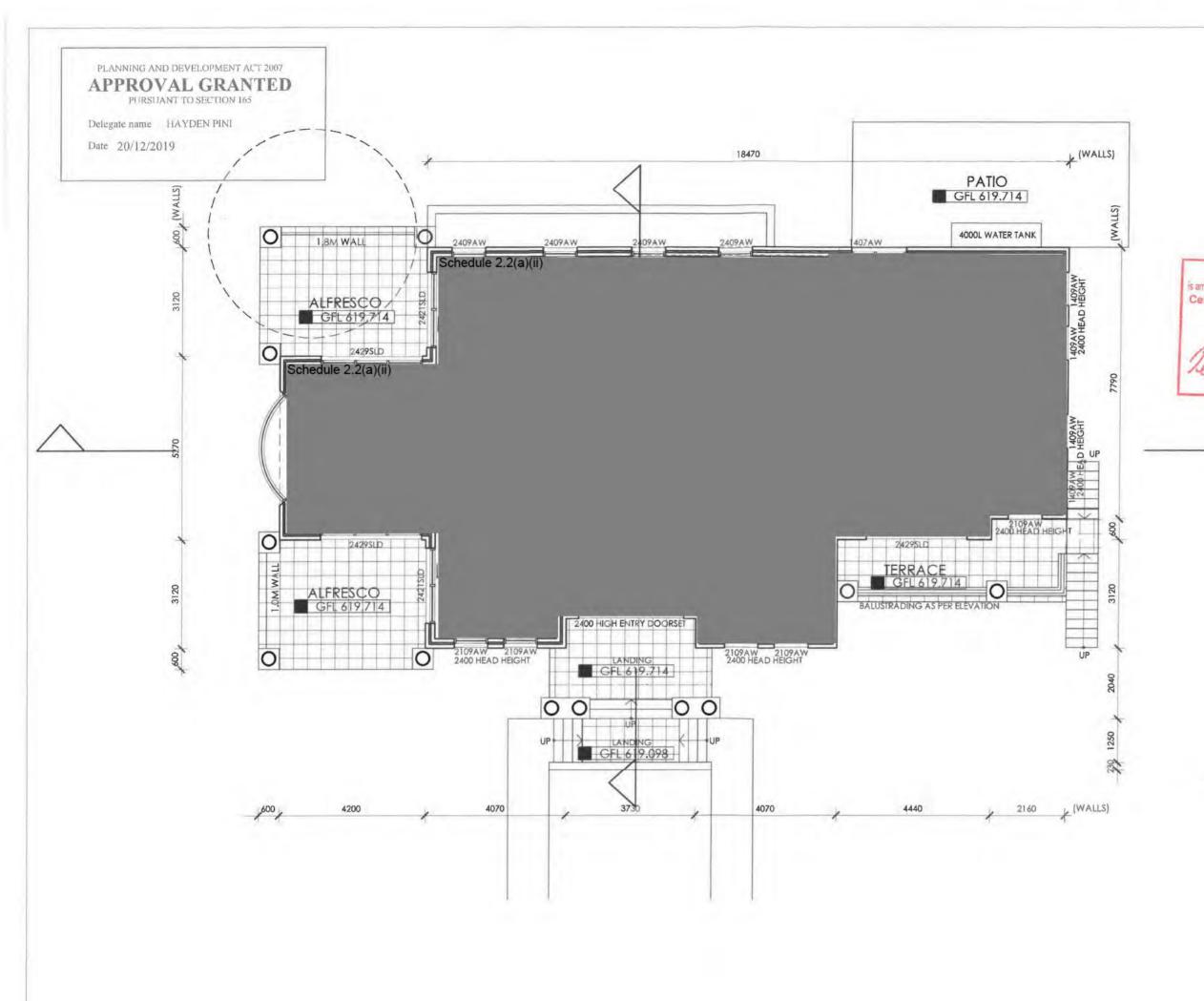
ROJECT: ALTER

ALTERATIONS AND ADDITIONS

CLIENT / CONTRACTOR: Schedule 2.2(a)(ii)

SCALE:	DWG NO:	JOB NO:
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UNIT 2 120 GILES ST KINGSTON AGT 2604 PH 6162 2070



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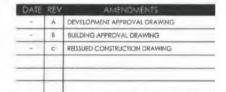
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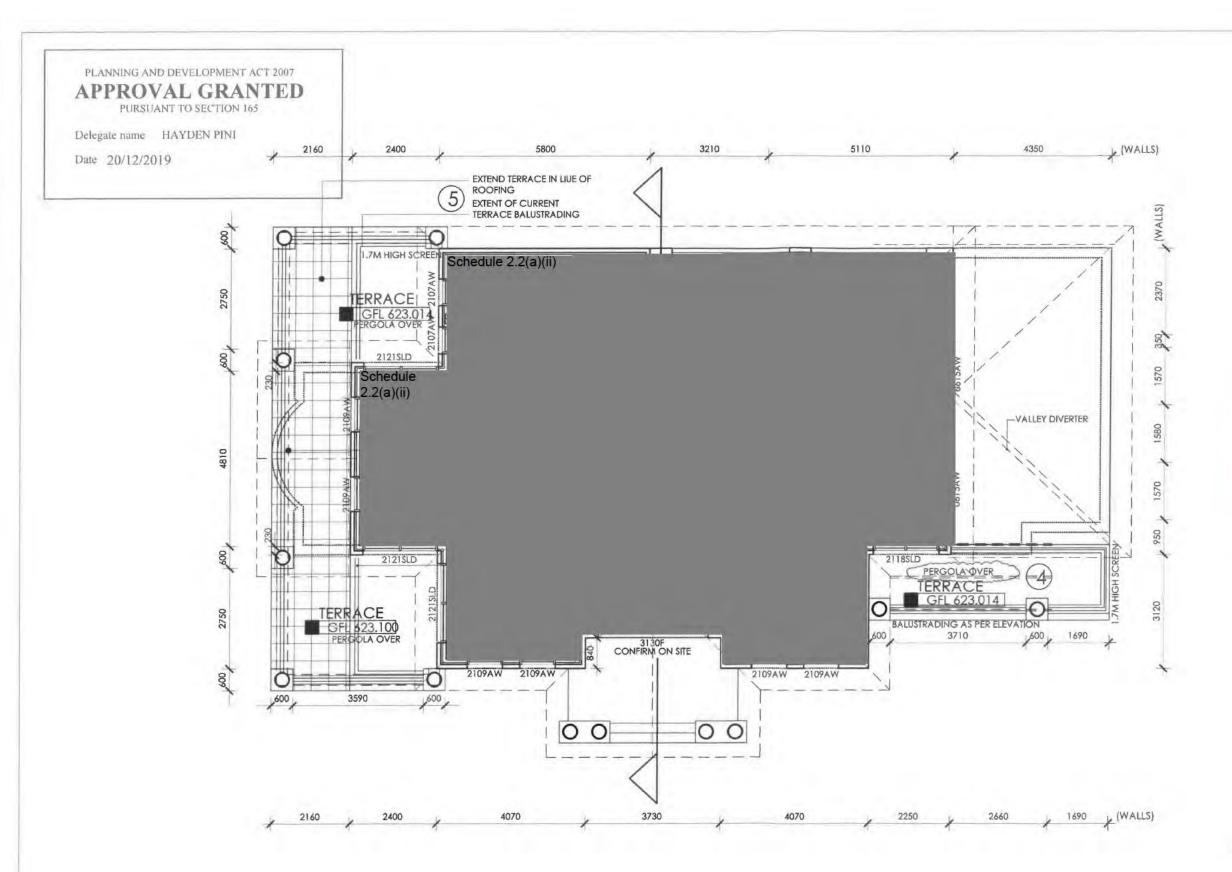




PROJECT: ALTERATIONS AND ADDITIONS

Schedule 2.2(a)(ii)

1:100	A03	JOB NO:
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#### GENERAL NO

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- A DEVELOPMENT APPROVAL DRAWING - B BUILDING APPROVAL DRAWING - C RESSUED CONSTRUCTION DRAWING	DATE	BEA	AMENDMENTS
	-	A.	DEVELOPMENT APPROVAL DRAWING
- C RESSUED CONSTRUCTION DRAWING	-	В	BUILDING APPROVAL DRAWING
		c	RESSUED CONSTRUCTION DRAWING
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ROJECT: ALTERATIONS AND ADDITIONS

Schedule 2.2(a)(ii)

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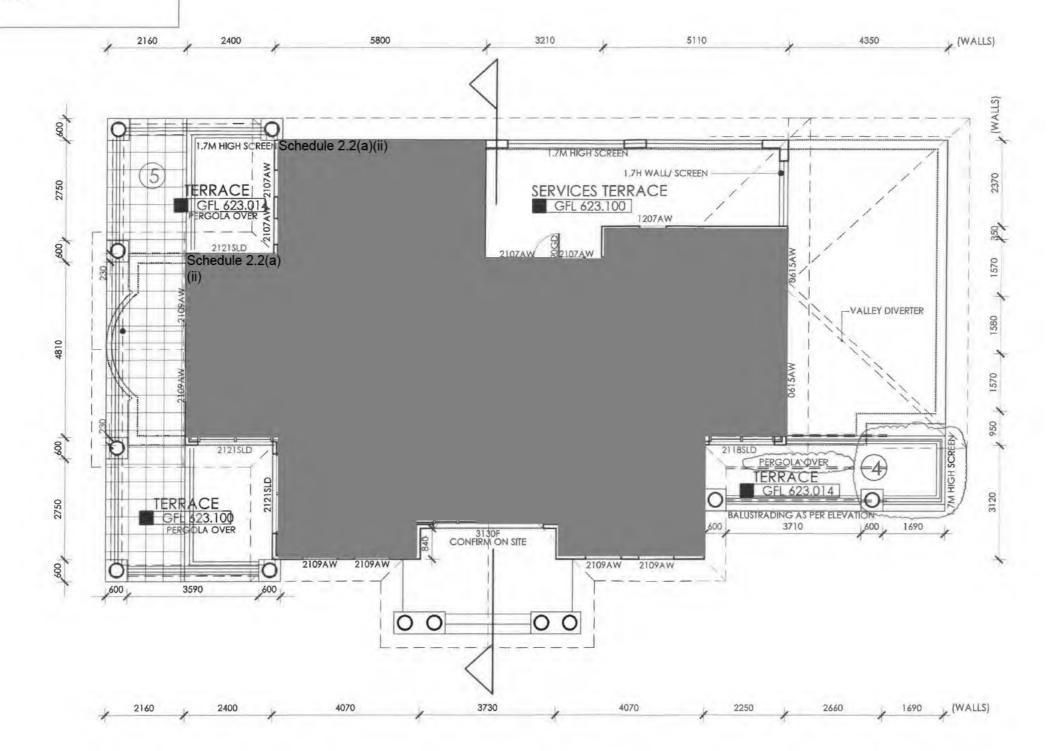
UNIT 2 120 GILES STRINGSTON ACT 2404 PH 4142 2070 PLANNING AND DEVELOPMENT ACT 2007

# APPROVAL GRANTED

PURSUANT TO SECTION 165

Delegate name HAYDEN PINI

Date 20/12/2019



#### GENERAL NOT

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2 8 JAN 2020

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Licence No: 200426203



DATE	REV	AMENOMENTS
	Α	DEVELOPMENT APPROVAL DRAWING



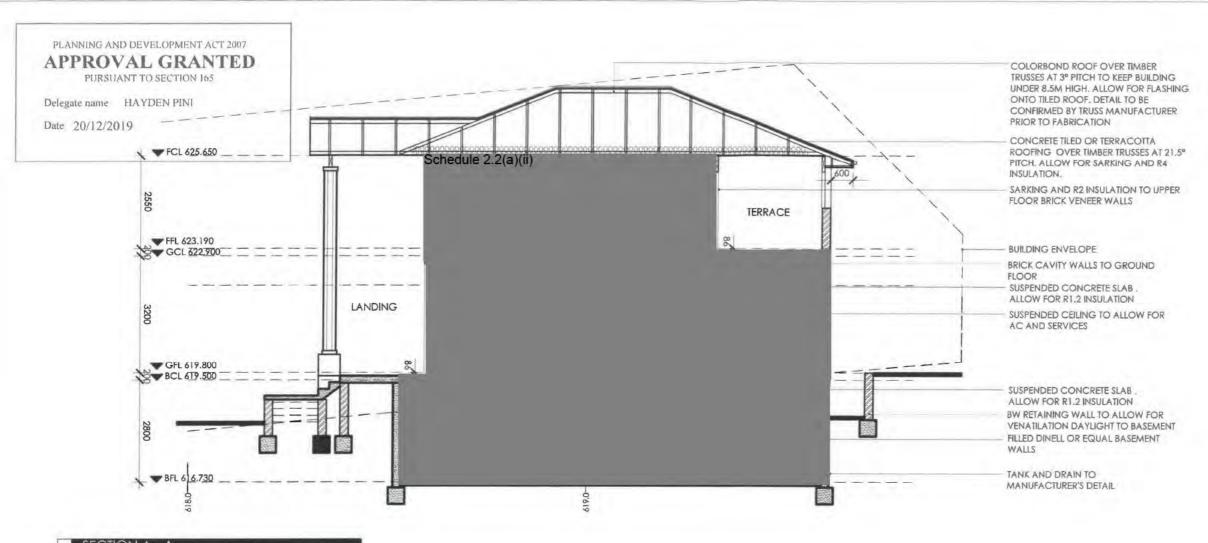
PROJECT

ALTERATIONS AND ADDITIONS

Schedule 2.2(a)

SCALE:	DWG NO:	JOB NO:
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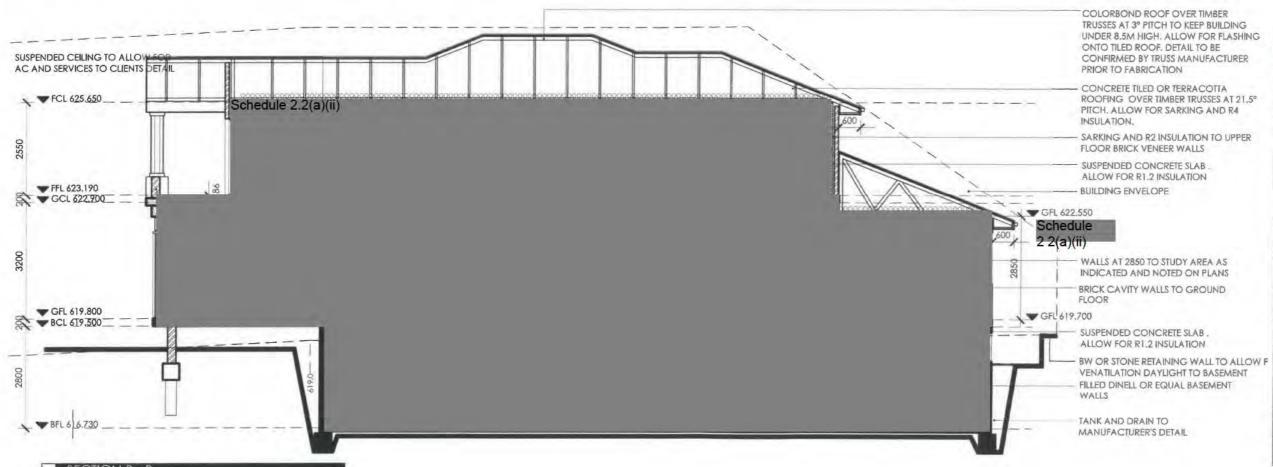
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SECTION A - A



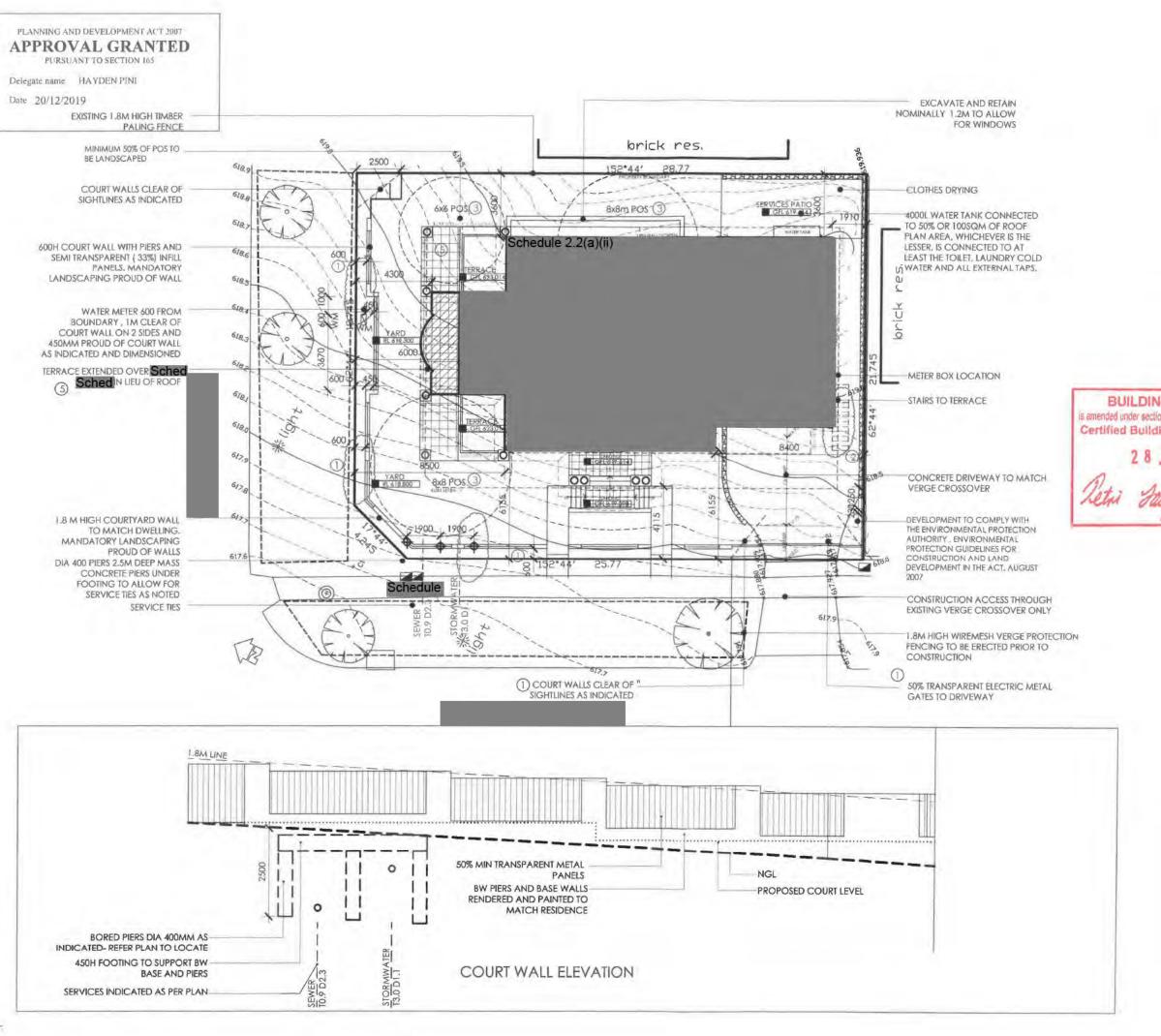
DATE	REV	AMENDMENTS
4	A	DEVELOPMENT APPROVAL DRAWING
	В	BUILDING APPROVAL DRAWING
	С	REISSUED CONSTRUCTION DRAWING



PROJECT ALTERATIONS AND ADDITIONS

Schedule 2.2(a)

SCALE:	DWG NO:	JOB NO:
1:100	A07	1514
DATE:	DRAWN:	_
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SITE SUMMARY SITE AREA 621 SQM GROUND FLOOR: 202.6 SQM FIRST FLOOR LIVING : 107.4 SQM TOTAL GFA: 310.0 SQM PLOT RATIO: 49.9 % OPEN SPACE REQUIRED 316.0 SQM OPEN SPACE ACHIEVED 413.2 SQM BASEMENT GARAGE 200.0 SQM TERRACES : 072.0 SQM ENTRY PORTICO : 013.0 SQM ALFRESCO 034.0 SQM

LEGEND. BASEMENT AREAS GROUND AREA: FIRST AREA:

BUILDING APPROVAL s amended under section 32 of the Building Act 2004 Certified Building Solutions Pty Ltd

2 8 JAN 2020

Licence No: 200426203



DATE	FIV	AMENDMENTS
*	A	DEVELOPMENT APPROVAL DRAWING
×	В	BUILDING APPROVAL DRAWING
	c	REISSUED CONSTRUCTION DRAWING
_	- 1	
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PROJECT: ALTERATIONS AND ADDITION

Schedule 2.2(a)(ii)

SCALE:	DWG NO:	JOB NO:

UNIT 2 120 GILES ST KINGSTON ACT 26