



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 2020-192

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	No
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




Mandatory requirements for the development to meet approval requires a 2.3 meter in high privacy screen erected inside the boundary line of block above the determined NGL the development was approved.

What date was the reconsideration of the application made on these altered documents? and when will a compliant 2.3 meter privacy screen be erected?

Under a new FOi request. Who signed off on the controlled activities in 2016 an approved those building works habitable meeting the mandatory conditions of approval? I need the date, person, officer or position, and when that determination and how that determination was record3d as being meet. William Aldcrfot stated ion Supreme Court that "***final approval for occupance consisted of a hand sake and statement of "well done" made to him by some unidentified person.***

What date was the reconsideration of the application made on these altered documents?





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Chief Minister, Treasury and
Economic Development


Our ref: CMTEDDFOI 2020-192



Dear 

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 September 2020, in which you sought access to:

Specifically, you are seeking, in relation to :

- Mandatory requirements for the development to meet approval requires a 2.3 meter in high privacy screen erected inside the boundary line of block above the determined NGL the development was approved.
- What date was the reconsideration of the application made on these altered documents? and when will a compliant 2.3 meter privacy screen be erected?
- Who signed off on the controlled activities in 2016 an approved those building works habitable meeting the mandatory conditions of approval?
- What date was the reconsideration of the application made on these altered documents?

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 is required to provide a decision on your access application by 27 October 2020.

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.

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

However, the Building & Planning Compliance Team has advised the following:

- An initial Development Application was lodged for the secondary residence in June 2016. This DA was withdrawn in August 2016. A new Development Application

was submitted in August 2016 and was approved in September 2016. This Development Application was not a reconsideration as the previous DA was withdrawn prior to a decision being made. The Development Application is held by Environment, Planning and Sustainable Development Directorate (EPSDD).

- A 2.3-meter-high above natural ground level screen is mentioned on the plans and was a condition of the approval. This approval was certified by the private certifier for the development.
- There was no Controlled Activity Order issued in relation to your complaint in 2016.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number folio's 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. A description of the access application and my decision will be published in the CMTEDD disclosure log after 27 October 2020. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/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 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 CMTEDDFOI@act.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Dachs', is positioned above the typed name.

Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
21 October 2020