



**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 2021-165

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)	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:** [EPSDFOI](#)  
**To:** [CMTEDD FOI](#)  
**Subject:** Advise if documents held by CMTEDD - [REDACTED]  
**Date:** Thursday, 8 July 2021 10:49:02 AM  
**Attachments:** [image001.png](#)

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OFFICIAL

Good morning team

Please see point 2 of the below application.

We have been in contact with [REDACTED] regarding point one of the application. [REDACTED] has advised they are mostly interested in documents relating to noise management plans as well as the associated implementation of these plans, and also their certification (against an identified Australian standard applicable to the development at the time), however you may want to confirm this should you hold documents

Please advise if CMTEDD holds documents within scope of the application.

Thank you

**Angelina Aloisi | Information Governance Officer**

Information Governance

Environment, Planning and Sustainable Development Directorate | ACT Government

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[www.environment.act.gov.au](http://www.environment.act.gov.au) | [www.planning.act.gov.au](http://www.planning.act.gov.au)

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**From:** [REDACTED]  
**Sent:** Wednesday, 23 June 2021 4:10 PM  
**To:** EPSDFOI <[EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au)>  
**Cc:** [REDACTED]  
**Subject:** FOI REQUEST – [REDACTED]

Good Afternoon,

**RE: FREEDOM OF INFORMATION REQUEST – [REDACTED]**

I write to request under the *Freedom of Information Act 2016* all documents relating to [REDACTED] at [REDACTED]. This request includes, but is not limited to:

- all development application documentation for [REDACTED] especially including its noise management plan, as made available for public comment and subsequently approved by the

relevant authority; and

- all building certification documentation for [REDACTED] especially as applicable to the implementation of the noise management plan against the relevant standards.

I ask that my request be transferred to other entities that may hold relevant documents. Duplicate documents may be excluded.

Should you require any further information or clarification about my request, please contact my office on [REDACTED]

Thank you,





## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), partially transferred from Environment, Planning and Sustainable Development Directorate (EPSDD) and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 9 July 2021, in which you sought access to:

- All documents relating to [REDACTED] ) at [REDACTED]  
[REDACTED]. This request includes, but is not limited to:
  - all building certification documentation for [REDACTED] especially as applicable to the implementation of the noise management plan against the relevant standards.

## 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 5 August 2021.

On 20 July 2021 I wrote to you proposing to refuse to deal with your request as it would require an unreasonable and substantial diversion of resources pursuant to section 44(1) of the Act. In that letter you were provided with the opportunity to amend your application. The time allowed for your response to my proposal, as stated under section 46(4)(a) was 10 working days meaning a response was due to this office by 4 August 2021. I did not receive a response by that date.

## Proposed Decision on Access

Based on the estimated time and resourcing it would take to process your request for all building certification documentation for [REDACTED] which is a [REDACTED] development, I am proposing to refuse to deal with this access application under section 43(1)(a) of the Act. Dealing with this request in its current form would require an unreasonable and substantial diversion of resources pursuant to section 44(1) of the Act. I have

considered the public interest that would be advanced by processing this request in its current form and have concluded that it does not justify the use of the required resources.

### **Decision on access**

I have decided to refuse to deal with your application under section 43(1)(a) as an unreasonable and substantial diversion of resources.

### **Charges**

Processing charges are not applicable for this request because no pages are being released to you.

### **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 21 August 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](mailto: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 by email at [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Riley', with a stylized, cursive script.

Daniel Riley  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
5 August 2021