



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 2020-210

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)	9
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: Correct email attachment - Partial transfer - FOI 20/87072 - [REDACTED]
Date: Monday, 9 November 2020 2:13:36 PM
Attachments: [20201109 - Original request - \[REDACTED\].pdf](#)

OFFICIAL

Dear CMTEDD Colleagues,

I apologise I attached the incorrect application, please disregard the previous email.

EPSDD has received the attached FOI application seeking the below:

1. *A copy of all development applications and related documents relating [REDACTED] [REDACTED] ACT 2913, this includes any:*
 - a. *draft documents – where a final copy can be provided (for example the signed pdf version of a letter);*
 - b. *administrative checklists*
 - c. *automated emails from eDevelopment (the system used for lodgement of Development Applications) e.g confirmation of creation of DA or payment received;*
 - d. *failed documents – Documents that were replaced and not considered in the decision making;*
 - e. *public notification package – This includes map of notified properties, sample letter to adjoining neighbours, signage template, letter to applicant and lessee advising of commencement of public notification, report listing notified properties; and*
 - f. *e-mails notifying the applicant, lessee, commenting agencies and representors of the decision;*
2. *A copy of all documents related to the construction of the building located at [REDACTED] [REDACTED] ACT 2913, including but not limited to any documents relating to the identity of the insurers of Meier Constructions Pty Ltd.*
3. *A copy of all documents relating to the certificate for occupancy of the building located at [REDACTED] ACT 2913.*
4. *A copy of the public register associated documents, which are permitted to be provided informally;*
 - a. *Plans (excluding any including the internal layout of residential area);*
 - b. *Supporting documents*
 - c. *Entity advice*
 - d. *Representations; and;*
 - e. *Any Notice of Decision;*

Could you please advise if you hold documents regarding points 2 & 3 and if you would accept partial transfer for any documents falling within the parameters of this request.

Thank you for your assistance.

Kind regards,

Libby Hill

Freedom of Information/Records Officer

Information & Knowledge Management

Governance and Legal Services Branch

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 620 71720 | Email: libby.hill@act.gov.au 480 Northbourne Avenue, Dickson ACT.

GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au | www.planning.act.gov.au

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30 October 2020

Information Management Team
Environment, Planning and Sustainable
Development Directorate
GPO Box 158
Canberra ACT 2601

Email: epsdfoi@act.gov.au

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Dear Sir/Madam

The Owners - [REDACTED]
Request under the Freedom of Information Act 2016

We act for [REDACTED] in relation to a claim for damages for personal injury made by [REDACTED] under Chapter 5 of the *Civil Law (Wrongs) Act 2002 (ACT) (CLWA)*.

The claimant alleges she fell when she was descending an internal staircase at the respondent's premises, known as the [REDACTED] located at [REDACTED] ACT 2913 (**the premises**).

We wish to request information under the *Freedom of Information Act 2016 (FOI Act)* relating to the development, construction and certification for occupancy of the premises.

Specifically, we request the following information:

1. A copy of all development applications and related documents relating to [REDACTED] ACT 2913, this includes any
 - (a) draft documents – where a final copy can be provided (for example the signed pdf version of a letter);
 - (b) administrative checklists;
 - (c) automated emails from eDevelopment (the system used for lodgement of Development Applications) e.g. confirmation of creation of DA or payment received;

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Canberra
Darwin
Hobart
Melbourne
Norwest
Perth
Sydney

- (d) failed documents – Documents that were replaced and not considered in the decision making;
 - (e) public notification package - This includes map of notified properties, sample letter to adjoining neighbours, signage template, letter to applicant and lessee advising of commencement of public notification, report listing notified properties; and
 - (f) e-mails notifying the applicant, lessee, commenting agencies and representors of the decision.
2. A copy of all documents related to the construction of the building located at [REDACTED] ACT 2913, including but not limited to any documents relating to the identity of the insurers of Meier Constructions Pty Ltd.
 3. A copy of all documents relating to the certification for occupancy of the building located at [REDACTED] ACT 2913.
 4. A copy of all public register associated documents, which are permitted to be provided informally:
 - (a) plans (excluding any including the internal layout of residential area);
 - (b) supporting documents;
 - (c) entity advice;
 - (d) representations; and
 - (e) any Notice of Decision.

We look forward to your decision on the above application in accordance with the FOI Act.

Thank you for your assistance and we look forward to hearing from you.

Yours faithfully,

[REDACTED]



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-210



Dear [redacted]

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), specifically points two and three, transferred by Environment Planning and Sustainable Development Directorate (EPSDD) to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 9 November 2020, in which you sought access to:

- A copy of all documents related to the construction of the building located at [redacted] ACT 2913, including but not limited to any documents relating to the identity of the insurers of Meier Constructions Pty Ltd.
- A copy of all documents relating to the certificate for occupancy of the building located at [redacted] ACT 2913.

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 of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 7 December 2020.

Decision on access

As you are acting for the owner, as stated in your request to EPSDD dated 30 October 2020, I have decided to refuse to deal with your application under section 43(1)(d) and section 45(g) of the Act because the information you are seeking is publicly available for a fee.

Section 43(1)(d) states:

- (1) A respondent may refuse to deal with an access application wholly or in part only if—
 - (d) the government information is already available to the applicant (see section 45).

Section 45(g) states:

For section 43(1)(d), government information is already available to the applicant only if the information—

(g) is usually available for purchase.

A request for a copy of the building file can be submitted at:

<https://form.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1073>

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 26 November 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 grey 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
23 November 2020