



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 2022-141

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)	12
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



Freedom of Information - Access Application to Transport Canberra and City Services - Submission confirmation

our submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

13 Apr 2022 11:12:36 AM

Q8G4YKZ4

Transport Canberra and City Services (TCCS)

GPO Box 158
Canberra ACT 2601

Phone 02 6207 2987
Email: TCCS.FOI@act.gov.au

Applicant details

Title

Given name

Family name

[Redacted]

Preferred name

[Redacted]

Preferred method of contact

Phone Email Post

Contact phone number

Contact email address

[Redacted]

[Redacted]

Contact postal address

Address line 1

[Redacted]

Address line 2

[Redacted]

Suburb

State

Postcode

[Redacted]

Preferred method to receive information *

Email Post

Same as contact email address

Information request

Who are you making the request on behalf of?

Myself

What type of information are you requesting access to? *

Other information

What information are you requesting access to under the Act? *

I am seeking details about the plans submitted by a building contractor [REDACTED] for a site office on [REDACTED] for works on the roof (repairing hail damaged roof). The camp - an office for the foreman, a tea room and a toilet shed, three containers in total in a large, fenced area - requires electricity, water and a sewage outlet to function.

Was Owners Corporation approval gained prior to submission of the plans?

Water is trucked in, and another truck takes the waste out of the toilet block. And the whole site requires electricity. This electricity is drawn from the building being repaired, via holes drilled through external walls, and power cables run through conduit suspended above the footpath from the building to the site. It is not a small camp. See short video uploaded for an idea of its scale.

The Strata Manager insists she only found out about the site when approval was granted by TCCS. The foreman does not know the detail as it was requested by the company prior to him starting on the site. So, absent any clear information from the key parties I am seeking confirmation from TCCS that Owners Corporation agreement to supply power was gained prior to the submission of the plan for this site.

Note - this is not a 'brown fields' construction site where a camp like this is justified. It is an office for one, a place for meetings of up to 8, a tea room and a toilet. Less than the footprint of a one bedroom apartment of which we have many vacant inside the building, so the decision to not use the existing option and camp outside requires an explanation. And no credible explanation has been available to date. Hence our request.

Also, we know there is a 20 day turn around and there are Public Holidays coming, however it would be really appreciated if this could be resolved by the morning of 9 May as we have a Committee Meeting that evening which will be informed by this information. Or not, depends on what is available.

Attach a description or additional details about the information you are requesting access to (optional)

Do you have a similar or identical request currently under review by another ACT Government Directorate?

Yes No

Are you enquiring as

Other

Do you wish to apply for a waiver of fees associated with processing your application?

Yes No

Provide a statement about how the release of information is in the public interest (optional)

This is an interesting edge case. In theory the ACT govt is only interested in the nature strip (approving its use in this case) and rightly assumes the Owners Corporation is representing the interests of the residents in the building. The Owners Corporation for its part, in theory, has no interest in what a builder is applying for when using Territory land adjacent to the building. OK. However, what about a case like this where the site, if approved by TCCS can only work if it draws power from the building? Does the ACT Govt require confirmation that power supply has been confirmed prior to submission of their plans?

If this is currently not the case, then perhaps the approval process might benefit from having Owners Corporation signature on applications like these just to make sure that builders are consulting Owners Corporations, and Strata Managers on residents' behalf are also signing that they have agreed to supply power.

Because it does not make sense that the Owners Corporation can be 'surprised' by a site office going up on the lawn and drilling holes through walls to access electricity.

I have attached a short clip of the water truck servicing the camp to give an idea of the scale of this thing, and hence how incredible it is that Owners Corporation agreement was not gained prior to it being installed. If not, formal agreement should be required.

All we need from you, please, is confirmation the agreement to draw power was provided by the Strata Manager to the building contractor prior to submission of the builder's plans for approval to use TCCS land. We do not need names, prices or any other contractual info, just this Owners Corp confirmation.

Would you like to provide any additional information? (optional)

Attach additional documents to support your application (optional)

Site Office.mp4



ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2022-141



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 29 April 2022, in which you sought:

- plans submitted by [REDACTED] for a site office on [REDACTED] for works on the roof (repairing hail damaged roof)

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 May 2022.

Decision on access

A search of 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 information relevant to your request is held by the CMTEDD.

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. Your original access application, my decision and the information released to you in response to your access application will be published in the CMTEDD disclosure log after 3 days after the date of my 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 of my decision, 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



Matt Leonard
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

16 May 2022