



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 2020-090

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)	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: [REDACTED]
To: [EPSDFOI](#)
Subject: Freedom of Information request -
Date: Monday, 27 April 2020 4:23:09 PM

Good afternoon

I write to request the following information from the Environment, Planning and Sustainable Development Directorate under the Freedom of Information Act 2016.

A. All information in relation to the construction, installation and operation of a swimming pool and related equipment or machinery at [REDACTED] including

- relevant planning applications, approvals and/or permissions; and
- information relating to the installation, operation and maintenance of pool pump and/or heating systems

B. All information in relation to noise generated by the pool and/or any related machinery (such as pool pumps) at [REDACTED] including

- any complaints made about noise and the resolution of those complaints.

Personal information is excluded from my request.

Thank you for your assistance.



From: [EPSDFOI](#)
To: [CMTEDD FOI](#)
Subject: RE: Possible Transfer (FOI 20/2135) - Installation and Operation of Swimming Pool, [REDACTED]
Date: Monday, 11 May 2020 5:20:21 PM
Attachments: [Freedom of Inofmrtaion request -msg](#)

UNCLASSIFIED

Good afternoon

I am writing to confirm if the attached application is accepted for transfer.

No relevant documents have been identified by EPSDD.

The application refers to approvals for installation or operation of a pool and any pool equipment related noise complaints.

Please advise if this application is accepted for transfer, I can be contacted on x77912 if you have any questions.

Thank you

Angelina Aloisi | Freedom of Information and Records Officer

Information and Knowledge Management

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 6207 7912 | Email: Angelina.Aloisi@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: EPSDFOI
Sent: Tuesday, 28 April 2020 10:11 AM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: Possible Partial Transfer (FOI 20/ - Installation and Operation of Swimming Pool, [REDACTED])

UNCLASSIFIED

Good morning Team

Please see the attached access application proposed for partial transfer.

Please advise if the partial transfer is accepted.

Kind Regards

Angelina Aloisi | Freedom of Information and Records Officer

Information and Knowledge Management

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 6207 7912 | Email: Angelina.Aloisi@act.gov.au

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

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ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-090

[REDACTED]
via email: [REDACTED]

Dear Mr [REDACTED]

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 11 May 2020, in which you sought access to:

- “All information in relation to the construction, installation and operation of a swimming pool and related equipment or machinery at [REDACTED] including:
 - Relevant planning applications, approvals and/or permissions;
 - Information relating to the installation, operation and maintenance of pool pump and/or heating systems.
- All information in relation to noise generated by the pool and/or any related machinery (such as pool pumps) at [REDACTED] including:
 - Any complaints made about noise and the resolution of those complaints.”

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 of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 10 June 2020.

Decision on access

Searches were completed for relevant documents and 18 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 refuse access to all identified documents under s13 of the *Freedom of Information Act 2016* as the records are covered under the *Territory Records Act 2002*.

Release of documents under *Territory Records Act 2002*

All of the documents identified as within the scope of your request are over 20 years old and therefore are subject to the access provisions under section 26 of the *Territory Records Act 2002*. Section 26 states that:

- (1) *A record of an agency is open to public access under this Act on the next Canberra Day after the end of 20 years after the record, or the original of which it is a copy, came into existence.*
- (2) *A person is entitled to access under this Act to a record of an agency that is open to public access.*

I have considered the documents in the *Building file relating to* [REDACTED] and I have decided that these records are able to be released to you in full.

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 and my decision in response to your access application will be published in the CMTEDD disclosure log after three working days after the date of my decision. Your personal contact details and the documents provided to you under the *Territory Records Act 2002* will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020>.

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

25 May 2020