



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 2019-221

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)	38
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: [CMTEDD FOI](#)
Cc: [REDACTED]
Subject: ATTN: Kelly Yule - Formal FOI application re 2 Akuna Street, Canberra City [CU-Legal.FID2699550]
Date: Wednesday, 18 September 2019 4:21:18 PM

ATTN: Kelly Yule

Hi Kelly,

As per our discussion this afternoon, we confirm we are making a formal application for documents contained in the building file for 2 Akuna Street, Canberra City:

**Block 13
Section 12
Division City
Unit Plan 1792**

As a formal request, we understand there is a 20 working day statutory period to process this request.

We are seeking information and documents relating to the use of the property as well as any approval relating to the construction of the original building.

We request copies of any:

- a) development applications;
- b) development approvals;
- c) building applications; and
- d) building approvals

that sought approval for or approved the use of the property.

We note that this is a critically urgent matter for our client and appreciate your co-operation. To this end, we confirm that any identifying information relating to third parties that would trigger the requirement for a third party consultation can be redacted.

We request that the documents be provided electronically via email. If it would assist with expediting the process, we are happy to review an index or list of documents contained in the building file to identify which documents we require.

Kind regards,

[REDACTED]



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FREEDOM OF INFORMATION REQUEST

I refer to [redacted] 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 18 September 2019, in which [redacted] is seeking access to documents in the building file for 2 Akuna Street, Canberra City (Property).

Specifically, [redacted] is seeking copies of any:

- a) development applications;
- b) development approvals;
- c) building applications; and
- d) building approvals

that sought approval for or approved the use of the Property.

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

On 15 October 2019 in accordance with section 41 of the Act, you agreed to a 20-day extension to the due date of your application so you could seek further instructions from your client. The new due date to provide a decision on your access application is 12 November 2019.

On 11 November 2019 Kelly-Jane Yule (Freedom of Information Coordinator) of this office wrote to you requesting any further information with respect to this request and requested that a response be provided by COB on 11 November 2019. As of 12 November 2019, no further information has been provided.

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, including a telephone discussion between [redacted] and the Supervisor of the Building

Services Shopfront where it was determined that the documents you are seeking access to could be located on the Territory lease file held by EPSDD.

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

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)*, processing charges are not applicable for this request because no documents 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 three days after the date of my decision. Your personal contact details will not be published. You may view the 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 a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision 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 by the Ombudsman under section 82(1), you may apply to the ACAT for a 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 02 6207 7754 or by email at CMTEDDFOI@act.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'SMcB', with a stylized flourish extending to the right.

Sarah McBurney
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

12 November 2019