



**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 2020-157

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)	20
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:** Partial Transfer - Number of BAs Nicholls  
**Date:** Thursday, 20 August 2020 10:01:51 AM

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UNOFFICIAL

Good morning Team

Please see the below access application, and confirm if CMTEDD accepts partial transfer of point 2.

Please feel free to contact me if you have any questions.

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](mailto:Angelina.Aloisi@act.gov.au)

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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:** Thursday, 20 August 2020 8:32 AM  
**To:** Davis, Matt <[Matt.Davis@act.gov.au](mailto:Matt.Davis@act.gov.au)>  
**Cc:** [REDACTED] Forman, Matthew  
<[Matthew.Forman@act.gov.au](mailto:Matthew.Forman@act.gov.au)>  
**Subject:** RE: [REDACTED] Nicholls Lease and Development Conditions

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Matt

Thanks for the reply.

We will speak to our client and likely move to the DA stage.

We subsequently make a Freedom Of Information under Request Freedom of Information Act 2016 relating to.

1. [REDACTED]

[REDACTED]

2. Total number of BA application's granted since December 2007 in the decision of Nicholls also incorporating Harcourt Hill.

3. [REDACTED]

If you could please forward that to the FOI office in your department within the directorate id be grateful.

Thanks

[REDACTED]



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2020-157



via email: [redacted]

Dear [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 20 August 2020, in which you sought access to:

- Total number of BA application's granted since December 2007 in the Division of Nicholls also incorporating Harcourt Hill.

### **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 17 September 2020.

On 16 September 2020 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 30 September 2020 and I did not receive a response by that date.

### **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 6 October 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 email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Philip Dachs  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

1 October 2020