

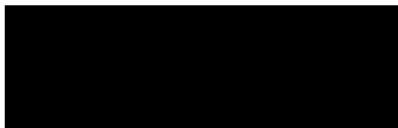


ACT

Government

Chief Minister, Treasury and
Economic Development

Reference: FOI-AC: 17-0101



Via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application received by Access Canberra on 4 September 2017 in which you sought access, under the *Freedom of Information Act 1989* (the Act) to documents included in building file B20144002, specifically:

- 1) Building Approval Application;
- 2) Owner's Consent (normally required when the applicant is not the owner of the property);
- 3) Memo or file note recording that the applicant was told, if a Development Application is submitted, any objection will result in the application being refused;
- 4) Copy of the 'See Description' noted under the heading 'Project Description' in the Certificate of Occupancy and Use;
- 5) Memo or file note explaining why the repurposing of two car parking spaces to storage at basement level, which requires both development and building approval, is not mentioned in the Certificate of Occupancy, but drawings showing the work are included in the Building Approval;
- 6) Memo or file note of the direction given to Delegate Carl Bunk to ignore accepted procedure and issue a Certificate of Occupancy, without first establishing that development approval had been given; and
- 7) Correspondence from the Dockside Executive Committee (UP3940) which would encourage Acting Deputy Director Gary Rake say "I had a good look through our files. I hadn't fully appreciated just how clearly the committee had considered the proposal".

I am the officer authorised under section 22 of the Act to make a decision in relation to your request.

Please note that a search of documents held by Access Canberra has returned a nil result for points 3, 5, 6 and 7. Access to information for points 1, 2 and 4 is subject to a number of exemption provisions as set out in the Act.

- Section 41(1) provides that information may be exempt if disclosure would unreasonably release personal information.
- 43(1)(c)(i) of the Act provides that information may be exempt if disclosure would, or could reasonably be expected to, unreasonably affect the person adversely in respect of his or her business.

The information you requested contains personal information - that is '*Information or an opinion, whether true or not; and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained from the information or opinion*' as defined by the Act. I believe that the information you requested is also personal and exempt given that it is not available from publicly accessible sources or well known.

I have decided that the release of specific information in the documents you requested such as the cost of works would be unreasonable to release and is information which could easily be contested by the owner of the information as exempt information under the Act.

I have therefore decided documents relevant to your request will be partially released in accordance with this section. The attached schedule details what is being released.

I have also assessed your request for information under the ACT Government's Online FOI Publication Policy and have determined that your original application and this decision letter will be published online. For more information on the policy, please visit http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

You have the right to seek a review of the outcome under section 59 of the Act within 28 days from the date of this letter, or such other period as the Director-General permits. This right of review extends to the adequacy of the search for documents undertaken by Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

Requests for review should be submitted via email to AccessCanberraGBC@act.gov.au or in writing to the following address:

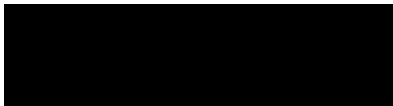
The Director-General
Chief Minister, Treasury, and Economic Development Directorate
C/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601

You also have the right to discuss the processing of your request with the Ombudsman. If you wish to do so please write to:

The Ombudsman
GPO Box 442
CANBERRA ACT 2601

If you have any further queries regarding the processing of your request, please contact the FOI Coordinator, Matt Leonard on 6207 3417.

Yours sincerely,



Linda Southwell
Decision Maker
Deputy Director, Customer Coordination
Access Canberra

19 September 2017