



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 2020-220

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)	2
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: FW: FOI request for building approval plans: Sensitive - Personal privacy
Date: Monday, 23 November 2020 10:28:51 AM
Importance: High

OFFICIAL

Good morning

Please see the below access request relating to Access Canberra held documents.
Please confirm acceptance of transfer.

Thank you

Angelina Aloisi | A/g Assistant Director

Information and Knowledge Management

Environment, Planning and Sustainable Development Directorate | ACT Government

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

Level 5, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au | www.planning.act.gov.au

Please consider the environment before printing this email

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [REDACTED]
Sent: Monday, 23 November 2020 10:09 AM
To: EPSDFOI <EPSDFOI@act.gov.au>
Subject: FOI request for building approval plans: Sensitive - Personal privacy
Importance: High


CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning,

I wish to lodge an FOI request for the release of the full set of building approval plans relevant to my new apartment.

I have previously requested them from the developer (also the seller), who would not provide them and told me to ask my strata. My strata do not have them either, except for the very basic level floor plans. My solicitor also didn't receive the complete set.

I also spoke to ACTPLA by phone and they would not release them to me without submitting an FOI request. As such our details are as follows:



I wish to request all detailed plans, elevations, sections, joinery, electrical, plumbing, and engineering details which show my apartment [REDACTED] [REDACTED] along with all energy efficiency reports and documentation.

I can be contacted on this email or by phone on [REDACTED]

In case it is relevant, I have a background in architecture, engineering, and energy efficiency so I have the knowledge to read these drawings.

If you require any further information, please let me know.

Regards,
[REDACTED]






ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-220






via email: 

Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), transferred by Environment Planning and Sustainable Development Directorate (EPSDD) to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 23 November 2020, in which you sought access to:

- All detailed plans, elevations, sections, joinery, electrical, plumbing, and engineering details which show my apartment  along with all energy efficiency reports and documentation for 



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 21 December 2020.

Decision on access

As you are the owner of , as stated in your request to EPSDD dated 23 November 2020, I have decided to refuse to deal with your application under section 43(1)(d) and section 45(g) of the Act because the information you are seeking is publicly available for a fee.

Section 43(1)(d) states:

- (1) A respondent may refuse to deal with an access application wholly or in part only if—
 - (d) the government information is already available to the applicant (see section 45).

Section 45(g) states:

For section 43(1)(d), government information is already available to the applicant only if the information—

(g) is usually available for purchase.

A request for a copy of the building file can be submitted at:

<https://form.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1073>

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 26 November 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

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
23 November 2020