



FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: 24-176

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Not Applicable
4. Documents	Not Applicable
5. Additional information identified	Not Applicable
6. Fees	Not Applicable
7. Processing time (in working days)	24 Days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not Applicable
10. Decision made by ACAT	Not applicable

11. Additional information identified by ACAT	Not applicable
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Freedom of Information - Access Application to Transport Canberra and City Services - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

02 Dec 2024 10:33:35 PM

Reference code

MF2WB6W2

Transport Canberra and City Services
(TCCS)

GPO Box 158
Canberra City, ACT 2601

Phone: 02 6207 2987
TCCS.FOI@act.gov.au

Applicant details

Title

 ▾

Given name

Family name

Preferred name

Preferred method of contact

Phone

Email

Post

Contact phone number

Contact email address

Contact postal address

Address line 1

[Redacted]

Address line 2

[Redacted]

Suburb

[Redacted]

State

ACT

Postcode

2607

Preferred method to receive information*

Email

Post

Same as contact email address

Information request

Who are you making the request on behalf of?

Myself ▼

What type of information are you requesting access to?*

Other information

What information are you requesting access to under the Act?*

I would like to understand who in TCCS is authorised to make decisions under: • Control 26(d) of Planning (Exempt Development) Single Dwelling Housing Development Control Declaration 2024 (No 3); or • 1.35(c) Schedule 1 Part 1.4 Division 1.4.1 Planning (Exempt Development) Regulation 2023. Could you please provide copies of all instruments authorising or delegating officers to make these decisions however described, including the names of all officers authorised or delegated to make these decisions and which provisions they can make decisions under.

Attach a description or additional details about the information you are requesting access to (optional)

Do you have a similar or identical request currently under review by another ACT Government Directorate?

Yes

No

Are you enquiring as

A member of the public



Do you wish to apply for a waiver of fees associated with processing your application?

Yes

No

Provide a statement about how the release of information is in the public interest (optional)

Release of this information is in the public interest because it provides confidence in the administration agency's administration. Understanding who is able to make these decision allows people affected by these decisions to confirm that the person making the decision has been properly empowered to make the decision.

Would you like to provide any additional information? (optional)

Attach additional documents to support your application (optional)

Dear [REDACTED]

Freedom of Information Request - Reference 24-176

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 2 December 2024. It is my understanding that you are seeking access to the following government information under the Freedom of Information Act 2016 (FOI Act):

“I would like to understand who in TCCS is authorised to make decisions under:

- *Control 26(d) of Planning(Exempt Development) Single Dwelling Housing Development Control Declaration 2024 (No 3); or*
- *1.35(c)Schedule 1 Part 1.4 Division 1.4.1 Planning (Exempt Development) Regulation 2023.*

Could you please provide copies of all instruments authorising or delegating officers to make these decisions however described, including the names of all officers authorised or delegated to make these decisions and which provisions they can make decisions under.”

Timeframes

In accordance with section 40 of the FOI Act, TCCS is required to decide on your application by 22 January 2025.

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.

Decision on access

A search for records has been completed and no subordinate instruments authorising or delegating authority to TCCS employees to make decisions for the following has been identified:

- *Control 26(d) of Planning(Exempt Development) Single Dwelling Housing Development Control Declaration 2024 (No 3); or*
- *1.35(c)Schedule 1 Part 1.4 Division 1.4.1 Planning (Exempt Development) Regulation 2023.*

As no delegations to staff within TCCS under the legislation referred to in your application exists, I am confident that all reasonable searches have been completed and the information you seek is not held by TCCS.

While outside of the scope of your application, I also provide the following information to clarify this outcome:

The *Planning (Exempt Development) Single Dwelling Housing Development Control Declaration 2024 (No 3)* is used by certifiers to determine whether they can certify a development under their authority. The instrument is a check list to determine whether they can endorse those developments.

The *Planning (Exempt Development) Regulation 2023* is used by the certifiers/ architects/ general public to determine whether a proposed development is planning exempt; for example, to determine whether a DA needs to be lodged for a proposed development.

Under *1.35(c) Schedule 1 Part 1.4 Division 1.4.1 Planning (Exempt Development) Regulation 2023*, the Director-General of TCCS holds the statutory authority to agree to the construction of driveways.

While both instruments confirm TCCS's authority to endorse driveways, it is not the legislative formwork under which we operate. Endorsements of driveways are carried out under the *Public Unleased Land Act 2013*. For completeness, I enclose the link to the relevant delegation instrument (Public Sector Management (Public Unleased Land) Delegation 2024 (No 1)) [here](#), which lists the positions authorised to provide "Approval to carry out work on public unleased land".

Charges

In accordance with [Freedom of Information \(Fees\) Determination 2018](#), a fee of \$0.35 per page of information disclosed, except for the first 50 pages, may be applied to an access application. No fee is applicable as no information relevant to your application was found to be held by TCCS.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you will be published within 3 – 10 business days from the date this notice is provided to you. Your personal information within these records, including the released records, will be removed from these copies prior to publication.

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 an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' 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:

ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

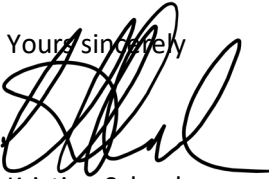
Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to tccs.foi@act.gov.au.

Yours sincerely



Kristine Scheul
Information Officer

14 January 2025