



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 2018-0302

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	11
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]
Sent: Monday, 16 July 2018 8:19 PM
To: EPSDFOI
Cc: [REDACTED]
Subject: FOI Request - [REDACTED]

FOI – Information Management Team
Environment, Planning and Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601

Dear EPSDD Information Management Team,

We are seeking the following information from the Environment, Planning and Sustainable Development Directorate under the Freedom of Information Act 2016:

- Any documents, reports or correspondence about Territory Plan Zone “Kingston Section 62”, often referred to as “Trevillian Quay, Kingston” or “Trevillian Quay, Kingston Foreshore”
- In particular, we are seeking any documents, reports or correspondence about “Kingston Section 62” relating to the structural engineering work done at the site, and concerns about the integrity of the construction on reclaimed land since the completion of the first residential development at the site in 2012.

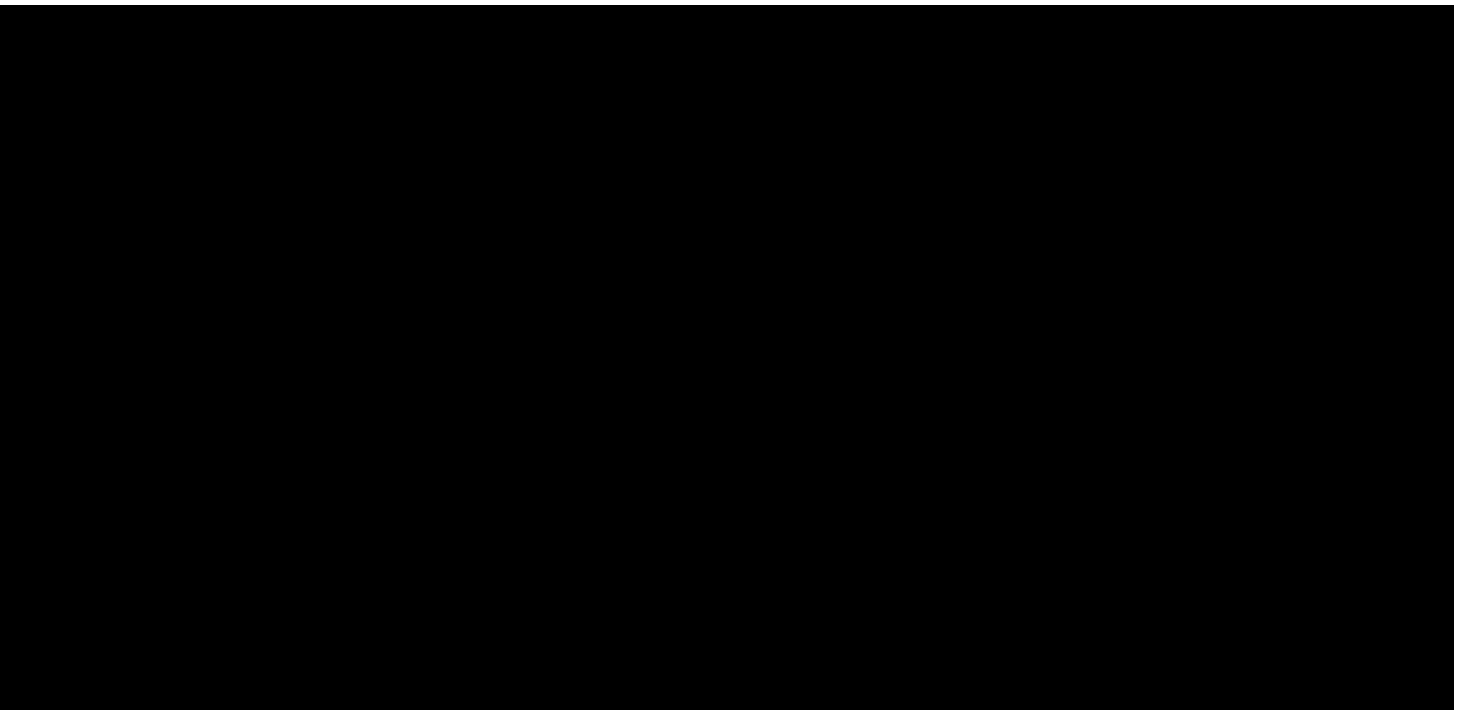
We note that this information is in the public interest given the significant investment and development that has happened around the Kingston Foreshore area.

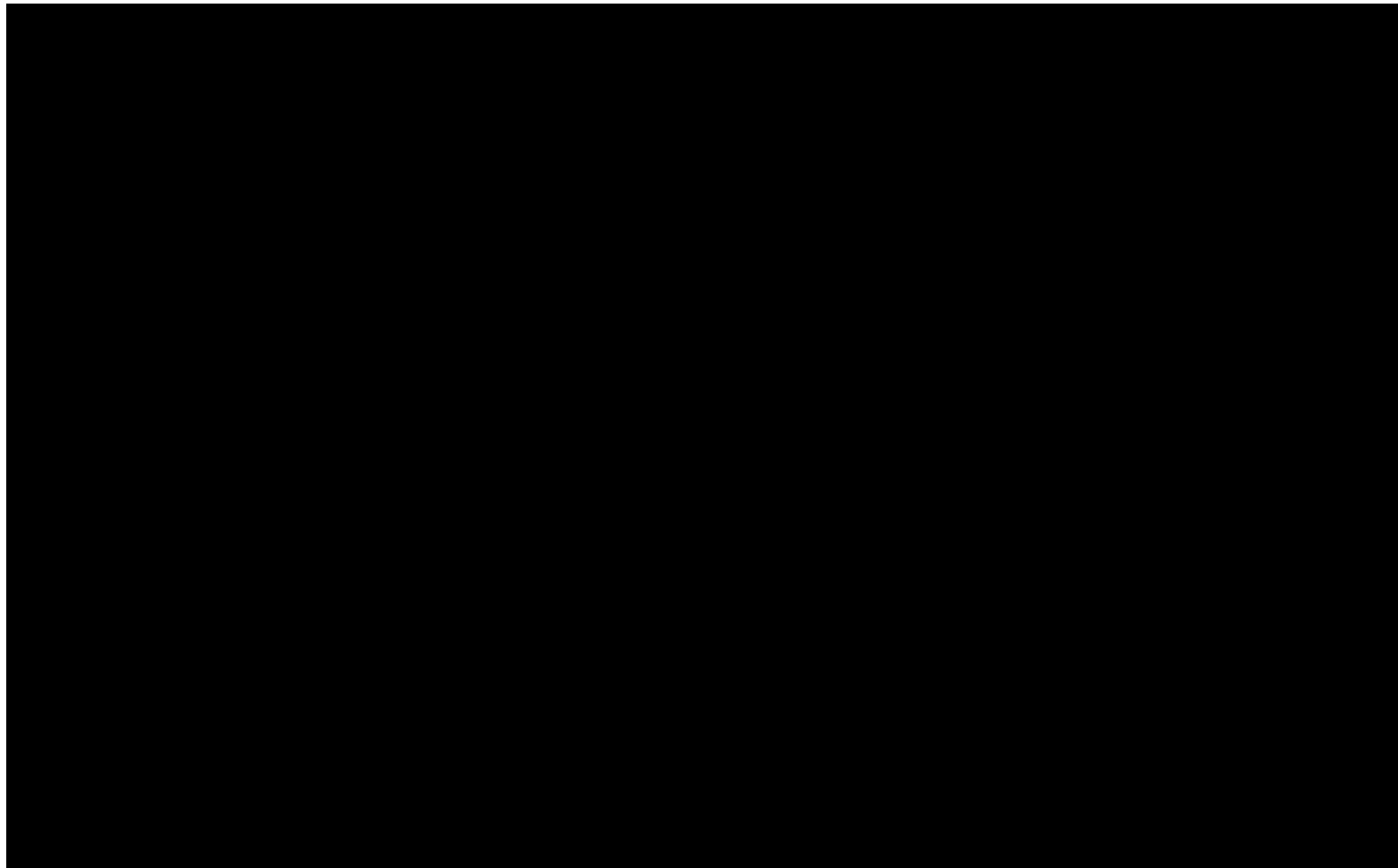
We make this request as a journalists employed by ABC News in Canberra, and ask that all associated fees be waved in accordance with the public interest in making this information accessible.

We note the onus rests with the Directorate to prove why the information should not be released, and we would also ask the Directorate provides evidence in support of any assumptions used to justify non-disclosure.

Our contact details are below. Please do not hesitate to contact us.

Sincerely,








ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0302



via email: 

Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), that was transferred to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 22 October 2018, in which you sought access to:

- Final structural engineering reports for blocks 2, 3, 14, 15, 16, and 17 section 62, Kingston

Please note that Blocks 14 and 15 of Section 62 Kingston were previously known as Block 59 Section 50 Kingston.

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 19 November 2018.

Decision on access

Searches were completed for relevant documents and 9 documents were identified that fall within the scope of your request.

I have decided to grant partial access to 9 documents. The information redacted in the documents I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- your views on the public interest in disclosing the government information applied for (as per section 37 of the Act); and
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure (Schedule 2.1)

- Contribute to the administration of justice generally, including procedural fairness.

Factors favouring non-disclosure (Schedule 2.2)

- Prejudice the protection of an individual’s right to privacy or other right under the *Human Rights Act 2004*.

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to contribute to the administration of justice generally, including procedural fairness by allowing you to have a copy of the certificates of structural sufficiency in both design and construction from the from the consulting engineers to the ACT Government and the steps taken to comply with Australian Standards and construction legislation.

However, when considering this finding against the factor favouring non-disclosure, I am satisfied that the protection of an individual’s right to privacy, especially in the course of

assisting in a line of enquiry with a government agency, is a significant factor as the parties involved have provided their personal information for the purposes of meeting obligations under relevant legislation which, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved.

I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (contacts names, email addresses and mobile phone numbers) could prejudice their right to privacy under the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Folios 1-9 of the identified documents contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number folio's to be released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 9 November 2018. 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.

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 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,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

6 November 2018



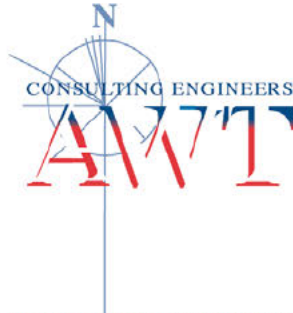
ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
()	Final structural engineering reports for blocks 2, 3, 14, 15, 16, and 17 section 62, Kingston	2018-0302

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Certificate of Structural Sufficiency – Construction – Block 2 Section 62	27-Jul-2012	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	2	Certificate of Structural Sufficiency - Design – Block 2 Section 62	18-Jun-2011	Partial release	Sch 2 s2.2 (a)(ii)	Yes
3	3	Letter of Confirmation – Block 2 Section 62	08-Apr-2011	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	4	Certificate of Structural Sufficiency - Design – Block 2 Section 62	09-Mar-2011	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	5	Certificate of Structural Sufficiency - Construction – Block 3 Section 62	17-Mar-2012	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	6	Certificate of Structural Sufficiency - Design – Block 3 Section 62	10-Dec-2010	Partial release	Sch 2 s2.2 (a)(ii)	Yes
7	7	Certificate of Structural Sufficiency - Construction – Block 59 Section 50	03-Jul-2017	Partial release	Sch 2 s2.2 (a)(ii)	Yes
8	8	Certificate of Structural Sufficiency - Construction – Block 59 Section 50	11-Oct-2016	Partial release	Sch 2 s2.2 (a)(ii)	Yes
9	9	Certificate of Structural Sufficiency - Design – Block 59 Section 50	17-Feb-2016	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
9						



CERTIFICATE OF STRUCTURAL SUFFICIENCY - CONSTRUCTION

BLOCK: 2 **SECTION:** 62 **SUBURB:** Kingston Foreshore

Lessee or Permit Holder's Name: Lakefront Development D Pty Limited & Lakefront Development G Pty Limited

Contact: Sch 2 s2(a)(ii) Sch 2 s2(a)(ii)

AWT Job No: 099370
Title: LakeFront

Description of Building Work:

New Work x **Additions** **Alterations** **Other**

I certify that:

1. AWT have inspected the above building and/or the following components and of their supporting elements
Baseman SOG, Columns, Walls, Stairs, Suspended Slabs and Structural Steelwork
and to the best of our knowledge the building is structurally sufficient, sound and stable for the purpose for which its to be occupied and used
2. This certificate applies to AWT structural drawings prefixed **099370**
3. **To the best of our knowledge the building structural components complies to fire rating requirements of the BCA**
4. In inspecting the building works, we have paid attention to the structural integrity of the building, the strength requirements and serviceability requirements of the building and its structural elements and to the best of our knowledge the building structure complies with the BCA and relevant SAA codes.

Declaration

I am a professional engineer as defined in Part A1 Clause A1.1 of the Building Code of Australia. This "Structural Engineers Certificate" is issued pursuant to Section 47 of the ACT Building Act 2004

Signature: Sch 2 s2(a)(ii) Date: 27/07/12

Engineer: Alan Tingcombe
Qualifications: BE(Hons) F.I.E. Aust
Address: Unit 17 Level 2, 18 Brindabella Cct, Canberra Airport ACT 2609
Telephone: (02) 6257 2614
Fax: (02) 6257 1723
Email: alan@awtce.net.au

Design Solutions



1000/1001, 1002/1003
Level 10/11, 1004/1005
1006/1007, 1008/1009
1010/1011, 1012/1013
1014/1015, 1016/1017
1018/1019, 1020/1021

1022/1023, 1024/1025
1026/1027, 1028/1029
1030/1031, 1032/1033
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1038/1039, 1040/1041
1042/1043, 1044/1045

AWT CONSULTING ENGINEERS PTY LTD

AWT CONSULTING ENGINEERS PTY LTD

Schedule 2 s2(a)(ii)

Sch 2 s2(a)(ii)

AWT CONSULTING ENGINEERS PTY LTD

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AWT CONSULTING ENGINEERS PTY LTD

- 1. The design shall be based on the following assumptions:
 - a. The structure shall be designed for a service life of 100 years.
 - b. The structure shall be designed for a design wind speed of 40 m/s.
 - c. The structure shall be designed for a design seismicity of 0.2g.
 - d. The structure shall be designed for a design temperature of 15°C.
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AWT CONSULTING ENGINEERS PTY LTD

AWT CONSULTING ENGINEERS PTY LTD

Sch 2 s2(a)(ii)

AWT CONSULTING ENGINEERS PTY LTD

AWT CONSULTING ENGINEERS PTY LTD

AWT CONSULTING ENGINEERS PTY LTD

Design Submittals

08 April 2011

Mainland Civil
15 Tench Street, Kingston ACT 2604

Attention: **Sch 2 s2(a)(ii)**

Design of Piled Foundations

Lakefront, Trevillian Quay
Block 2, Section 62
Kingston ACT

We confirm the following:

- Vibropile's alternative geotechnical design of individual piles and pile groups has been undertaken in accordance with Australian Standard AS2159:2009, Piling - Design and Installation.
- The pile design has been based on design actions and the general layout indicated on drawing No. 099370-S100 Revision C, prepared by consulting structural engineers AWT, to load combinations as required by AS/NZS 1170.0:2002, Structural Design Actions, Part 0: General Principles.
- Structural requirements for the piles have been determined in accordance with Australian Standard AS3600:2009, Concrete Structures and AS2159:2009 where applicable.
- Geotechnical design has been carried out to the soil and rock details as provided in the Geotechnical Investigation Report prepared by ACT Geotechnical Engineers Pty Ltd, reference JM/C5705 dated 23 April 2010.
- All design work has been carried out by a suitably qualified professional engineers, acting in their appropriate fields of expertise.

Vibropile (Aust) Pty Ltd

Sch 2 s2(a)(ii)

Stephen Andrews
Design & Estimating Manager
B. Eng, MIE Aust. 2377856

Sch 2 s2(a)(ii)

Slav Tchepak
Chief Engineer
Dip CE, CP Eng 497870



CERTIFICATE OF STRUCTURAL SUFFICIENCY - DESIGN

BLOCK: 2 **SECTION:** 62 **SUBURB:** Kingston Foreshore

Lessee or Permit Holder's Name: Milin Bros Builders Pty Ltd.
Contact: Sch 2 s2(a)(ii)

Sch 2 s2(a)(ii)

AWT Job No: 099370
Title: LakeFront

Description of Building Work:

New Work x **Additions** **Alterations** **Other**

I certify that:

1. I have checked the structural design computations for the building named above and/or the following components and of their supporting elements
Basement Slabs, Precast Retaining Walls, Columns Walls & Lift Pits to u/s Ground
2. In checking the structural design, I have paid attention to the integrity of the building under normal conditions relevant for this type of structure. The strength requirements and serviceability requirements of the building and its structural elements comply with the Building Code of Australia and all relevant SAA Codes (including AS 1170 Part 4 Earthquake Code).
3. This certificate applies to the structural drawings prefixed 099370
4. The documents adequately convey the structural design intentions for the construction of this structure.

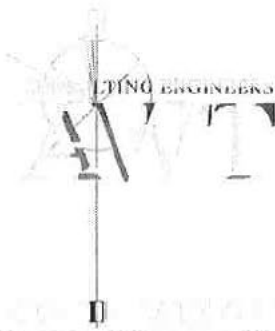
Declaration

I am a professional engineer as defined in Part A1 Clause A1.1 of the Building Code of Australia.
This "Structural Engineers Certificate" is issued pursuant to Section 47 of the ACT Building Act 2004

Sch 2 s2(a)(ii)

Signature **Date:** 09/03/11

Engineer: Alan Tingcombe
Qualifications: BE(Hons) F.I.E. Aust
Address: Unit 17 Level 2, 18 Brindabella Cct, Canberra Airport ACT 2609
Telephone: (02) 6257 2614
Fax: (02) 6257 1723
Email: alan@awtce.net.au



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DESIGN SOLUTIONS

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Sch 2 s2(a)(i)

Sch 2 s2(a)(ii)

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Sch 2 s2(a)(ii)

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Design Solutions



CERTIFICATE OF STRUCTURAL SUFFICIENCY - CONSTRUCTION

BLOCK: 59 **SECTION:** 50 **SUBURB:** Kingston

Lessee or Permit Holder's Name: BLOC (ACT) Pty Ltd

Contact: Sch 2 s2(a)(ii) Sch 2 s2(a)(ii)

AWT Job No: 179206
Title: The Pier - Harbour Shed Facilities

Description of Building Work:

New Work **Additions** **x** **Alterations** **Other**

I certify that:

1. AWT have inspected the above building and/or the following components and of their supporting elements
Blockwork Walls and Structural Steelwork
and to the best of our knowledge the building is structurally sufficient, sound and stable for the purpose for which its to be occupied and used
2. This certificate applies to Land Development Agency for project 12/14, drawings DD-A-50, 51, 100, 101, 200, 201, 250 & 251
3. **To the best of our knowledge the building structural components complies to fire rating requirements of the BCA**
4. In inspecting the building works, we have paid attention to the structural integrity of the building, the strength requirements and serviceability requirements of the building and its structural elements and to the best of our knowledge the building structure complies with the BCA and relevant SAA codes, listed below:
 - BCA - Part B Structures
 - AS/NZS 1170 Structural Design Actions - Parts 0 to 4 Incl.
 - AS/NZS 3600 Concrete Structures
 - AS/NZS 4100 Steel Structures

Declaration

I am a professional engineer as defined in Part A1 Clause A1.1 of the Building Code of Australia. This "Structural Engineers Certificate" is issued pursuant to Section 47 of the ACT Building Act 2004

Signature: Sch 2 s2(a)(ii) Date: 03/07/17

Engineer: Alan Tingcombe
Qualifications: BE(Hons) F.I.E. Aust
Address: 2 Brindabella Cct, Canberra Airport ACT 2609
Telephone: (02) 6257 2614
Fax: (02) 6257 1723
Email: alan@awtce.net.au

Design Solutions



CERTIFICATE OF STRUCTURAL SUFFICIENCY - CONSTRUCTION

BLOCK: 59 **SECTION:** 50 **SUBURB:** Kingston

Lessee or Permit Holder's Name: Doma Constructions Pty Ltd

Contact: Sch 2 s2(a)(ii) Sch 2 s2(a)(ii)

AWT Job No: 139276
Title: The Pier Kingston

Description of Building Work:

New Work **Additions** **Alterations** **Other**

I certify that:

1. AWT have inspected the above building and/or the following components and of their supporting elements
Footings, SOG, Columns, Walls, Stairs, and Suspended Slabs
and to the best of our knowledge the building is structurally sufficient, sound and stable for the purpose for which its to be occupied and used
2. This certificate applies to AWT structural drawings prefixed **139276**
3. **To the best of our knowledge the building structural components complies to fire rating requirements of the BCA and the requirements set in the Core Engineering Group Fire Engineering report 20032_FER-07 dated 15 February 2016 and the Defire Alternative Solution Report Revision R1.2 dated 29 September 2016**
4. In inspecting the building works, we have paid attention to the structural integrity of the building, the strength requirements and serviceability requirements of the building and its structural elements and to the best of our knowledge the building structure complies with the BCA and relevant SAA codes, listed below:
 - BCA - Part B Structures
 - AS/NZS 1170 Structural Design Actions - Parts 0 to 4 Incl.
 - AS/NZS 3600 Concrete Structures
 - AS/NZS 4100 Steel Structures
 - AS/ 2159 Piling Code

Declaration

I am a professional engineer as defined in Part A1 Clause A1.1 of the Building Code of Australia. This "Structural Engineers Certificate" is issued pursuant to Section 47 of the ACT Building Act 2004

Signature: Sch 2 s2(a)(ii) Date: 11/10/16

Engineer: Alan Tingcombe
Qualifications: BE(Hons) F.I.E. Aust
Address: 2 Brindabella Cct, Canberra Airport ACT 2609
Telephone: (02) 6257 2614
Fax: (02) 6257 1723
Email: alan@awtce.net.au

Design Solutions



CERTIFICATE OF STRUCTURAL SUFFICIENCY – DESIGN

BLOCK: 59 **SECTION:** 50 **SUBURB:** Kingston

Lessee or Permit Holder's Name: BLOC Constructions

Contact: Sch 2 s2(a)(ii) Sch 2 s2(a)(ii)

AWT Job No: 139276
Title: The Pier Kingston

Description of Building Work:

New Work x **Additions** **Alterations** **Other**

I certify that:

1. I have checked the structural design computations for the building named above and/or the following components and of their supporting elements
Foundations, Shoring, Slab on Ground, Suspended Slabs, Columns, Walls, Stairs, Precast and Structural Steelwork
2. In checking the structural design, I have paid attention to the integrity of the building under normal conditions relevant for this type of structure. The strength requirements and serviceability requirements of the building and its structural elements comply with the Building Code of Australia and all relevant SAA Codes (including AS 1170 Part 4 Earthquake Code).
3. The structure has been designed to comply with the FRL's required for a Class 2, 5, 6 & 7a building of Type A construction.
4. This certificate applies to the structural drawings prefixed 139276
5. The documents adequately convey the structural design intentions for the construction of this structure.

Declaration

I am a professional engineer as defined in Part A1 Clause A1.1 of the Building Code of Australia. This "Structural Engineers Certificate" is issued pursuant to Section 47 of the ACT Building Act 2004

Signature: Sch 2 s2(a)(ii) Date: 17/02/16

Engineer: Alan Tingcombe
Qualifications: BE(Hons) F.I.E. Aust
Address: 2 Brindabella Cct, Canberra Airport ACT 2609
Telephone: (02) 6257 2614
Fax: (02) 6257 1723
Email: alan@awtce.net.au

Design Solutions