



**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 2021-082

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)	33
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]  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Tuesday, 11 May 2021 8:16:32 AM

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**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.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title: [REDACTED]  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Business/Organisation: [REDACTED]  
Address: [REDACTED]  
Suburb: [REDACTED]  
Postcode: [REDACTED]  
State/Territory: [REDACTED]  
Phone/mobile: [REDACTED]  
Email address: [REDACTED]

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):

1) documents pertaining to complaints made by [REDACTED] against [REDACTED], trading as [REDACTED] tenant of [REDACTED] - note all these are the same respondent - between the dates 1 March 2021 to present, including EPA, Worksafe, Access Canberra relating to noise and air pollution, construction permits, public access, asbestos. For the purposes of clarity the documents I am referring to include the original complaints made by [REDACTED], file notes, resolutions, responses/findings/reports. 2) information relating to outdoor vendor permits and liquor licenses held by [REDACTED], trading as [REDACTED] unit [REDACTED]

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2021-082



## **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 11 May 2021, in which you sought access to:

*“1) Documents pertaining to complaints made by [REDACTED] against [REDACTED], trading as [REDACTED], tenant of [REDACTED] (previously trading as [REDACTED]) - note all these are the same respondent - between the dates 1 March 2021 to present, including EPA, Worksafe, Access Canberra relating to noise and air pollution, construction permits, public access, asbestos. For the purposes of clarity, the documents I am referring to include the original complaints made by [REDACTED], file notes, resolutions, responses/findings/reports.*

*2) information relating to outdoor vendor permits and liquor licenses held by [REDACTED], trading as [REDACTED], unit [REDACTED]”*

### **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 was required to provide a decision on your access application by 1 July 2021.

### **Decision on access**

Searches were completed for relevant documents and 3 documents were identified that fall within the original scope of your request.

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.

### **Third party consultation**

In determining this access request, I identified that some of the information may reasonably be expected to be of concern of a third party. In accordance with section 38 of the Act, I have undertaken third party consultation. I have considered the contentions raised by the third party in making this decision.

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

### **Material considered**

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;
- the contentions of relevant third parties; and
- the *Human Rights Act 2004*.

### **Exemption claimed**

I have decided to grant partial access to the three (3) documents that fall within the scope of your request. My reasons for deciding not to grant full 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 lie. 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 in public interest:

*(a) disclosure of the information could reasonably be expected to do any of the following:*

*(xi) reveal environmental or health risks or measures relating to public health and safety;*

*(xiv) contribute to administration of justice for a person*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the documents may contribute to revealing environmental and health and safety risks for the identified area which could contribute to the administration of justice generally by allowing you to have a copy of the documents that fall within the scope of your request.

#### Factors favouring nondisclosure in public interest

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;*

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal contact information for the purposes of working with the ACT Government. I have considered this information and in my opinion the protection of these individuals' personal details (such as emails addresses and personal phone numbers which are not publicly available) outweighs the benefit which may be derived from releasing them. I consider that these individuals are entitled to expect that the personal information they have supplied as part of this process to the ACT Government will be dealt with in a manner that protects their privacy.

Additionally, I have considered the contact details of ACT Public Servants which appear in the documents. I have decided to remove the personal mobile phone numbers of these individuals. I am satisfied that there is no public interest in releasing this information as key information about these individuals and their work contact details are still available.

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 (names of individuals not employed by the ACT Public Service and their address, phone numbers and email; and personal mobile numbers of ACT Public Servants) could prejudice their right to privacy under the *Human Rights Act 2004*.

#### **Access to documents**

Pursuant to section 38(6) of the Act, I am required to defer access to all the identified documents as an affected third party has objected to disclosure. This third party may apply for review of my release decision within 20 working days after my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred.

#### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are not applicable for this request because the total number of pages to be released is less than 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 on the CMTEDD disclosure log not earlier than 3 working days and not later than 10 working days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at: [Disclosure Log 2021 - Chief Minister, Treasury and Economic Development Directorate \(act.gov.au\)](#)

### **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 02 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink that reads "A Friend". The signature is written in a cursive style with a large, looping "F" and "A".

Angela Friend  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
29 June 2021

## Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

31 Mar 2021 3:40:36 PM

QVR2T9HH

WorkSafe ACT

PO Box 158  
Canberra ACT 2601

Phone: 13 22 81  
Email: [worksafe@act.gov.au](mailto:worksafe@act.gov.au)

## Report a Workplace Concern or Issue

### Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category \*

Mr Fluffy asbestos demolition

Workplace name \*

.

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) \*

Good afternoon, this afternoon we received a call from a woman named [REDACTED] calling in regards to a property next door to her shop doing demolition works without a asbestos report. she said she has been in contact with the EPD and ACT police in regards to this matter that has been happening over the last two weeks. she urged me to stress the urgency of this matter and request a work safe member come out ASAP. unfortunately i could not get onto a work safe inspector so can someone please contact her ASAP in regards to this matter.

Attach an image or other information to support your report or enquiry

### Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

[REDACTED]

Address line 2

[REDACTED]

Suburb

[REDACTED]

State

ACT

Postcode

[REDACTED]

our contact information

Submit anonymously

Title      Given name \*      Family name \*

Provide an email address and/or phone number: \*

Phone number      Email

Would you like to receive a response? \*

Yes       No

Outcome/action type	Actions taken	Created By	Text	Date time of action
Incident note	210318-001654	Angus Boden	<p>Note</p> <p>From:Gibb, Timothy &amp; Timothy.Gibb@act.gov.au&gt; Sent:Tuesday, 16 March 2021 3:12 PMTo:AccessCanberraCMT &amp; AccessCanberraCMT@act.gov.au&gt;; Subject:FW: Environment Protection complaint, DC69PHZ9, [REDACTED] [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]</p> <p>OFFICIAL</p> <p>Hi CMT,</p> <p>Please see attached first time complaint for your actioning, EPA has not spoken to complainant.</p> <p>Thank you</p> <p>Tim</p> <p>From:smartforms@act.gov.au&amp;smartforms@act.gov.au&gt; Sent:Friday, 12 March 2021 3:24 PMTo:Environment Protection &amp; Environment.Protection@act.gov.au&gt;; AccessCanberraCMT &amp; AccessCanberraCMT@act.gov.au&gt;; Access Canberra Contact Centre &amp; AccessCanberraContactCentre@act.gov.au&gt;; Subject:Environment Protection complaint, DC69PHZ9, [REDACTED] [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]</p> <p>Environment Protection complaint Form data summary Customer service operator initials: JOS Caller name: [REDACTED] KINGSTON Police officer name: [REDACTED] Complaint type: Noise Number of times complained about noise: 0 Complaint details: [REDACTED] [REDACTED] called today very upset and agitated and wanted to make a complaint about noise and air pollution that is happening at a neighbouring shopfront (noise coming from a shop fitout)-this is impacting her business and she would like this investigated-[REDACTED] said that she was not notified about the work. Inspector contacted: Tracking code: DC69PHZ9 Submission ID: DC69PHZ9 For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email</p>	18/03/2021 02.25 PM

Action	Affected party contact	Rodney Dix	<p>Below email saved into objective</p> <p>From: Sargent, Narelle &lt;Narelle.Sargent@act.gov.au&gt;  Sent: Thursday, 25 March 2021 4:18 PM  To: Dix, Rodney &lt;Rodney.Dix@act.gov.au&gt;  Subject: Screen shot - [REDACTED]</p> <p>[REDACTED]</p> <p>From: Sargent, Narelle &lt;Narelle.Sargent@act.gov.au&gt;  Sent: Thursday, 25 March 2021 3:31 PM  To: Sargent, Narelle &lt;Narelle.Sargent@act.gov.au&gt;  Subject: Screen shot</p>	19/03/2021 01.10 PM
Action	Inspection	Tim Gibb	<p>On 24 Maech 2021 at around 12.40hrs I attended the location of where the works are been undertaken at 39 Kennedy Street Kingston, I spoke to the new lesee of the commercial space, he informed me he is doing a internal fit out for a new restaurant.</p> <p>I advised of the hours of exemptions for the works been 7am till 6pm Monday to Saturday and I was informed they have never worked outside those times. he was not sure of completion date as there was a lot to do and the builder was not there to comment.</p> <p>I advised EPA would attend if a complainant is received outside of mentioned hours and if validated further action will be taken.</p>	24/03/2021 12.40 PM

Incident note	210324-001443	Theresa Jaico	Customer Proxy Complaint details  Type of complaint Noise  How many times has the caller phoned about the complaint previously? 2 or more  Details Building Work Going On And Using Power Tools All Throughout The Day, The caller has reported this several times and she is quite irate as no one has gotten back to her  Has this call been made after hours? * Yes  Time reported 21:28  Name of inspector to attend Luke	24/03/2021 02.08 PM
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Incident note	210324-001443	Theresa Jaico	<p>Note</p> <p>From: Pearson, Luke &lt;Luke.Pearson@act.gov.au&gt;;  Sent: Tuesday, 23 March 2021 3:12 PM  To: AccessCanberraCMT &lt;AccessCanberraCMT@act.gov.au&gt;;  Subject: FW: Environment Protection complaint, FDBPR855, [REDACTED] [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]</p> <p>OFFICIAL</p> <p>Hi CMT,</p> <p>Please action – 1st time complaint of this nature.</p> <p>Luke</p> <p>From: Dix, Rodney &lt;Rodney.Dix@act.gov.au&gt;;  Sent: Monday, 22 March 2021 8:03 AM  To: Pearson, Luke &lt;Luke.Pearson@act.gov.au&gt;;  Subject: FW: Environment Protection complaint, FDBPR855, 39 KENNEDY ST, KINGSTON [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]</p> <p>OFFICIAL</p> <p>Hi Luke</p> <p>a/h call</p> <p>Rodney Dix   Assistant Director  Phone: +61 2 6207 2586   Email: rodney.dix@act.gov.au  Environment Protection   Access Canberra   ACT Government</p>	24/03/2021 02.08 PM
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Incident note	210324-001481	Theresa Jaico	<p>Customer Proxy</p> <p>Complaint details</p> <p>Type of complaint Noise</p> <p>How many times has the caller phoned about the complaint previously? 2 or more</p> <p>Details Builders are doing renovations on shop next to caller's shop. They start from 6pm, with loud banging and other noises, when the caller is trying to serve customers. She also claims the builder is not licenced to do this work. She requested the EPA OCO come out straight away. I spoke to the OCO, and he will call her back as soon as he can, as he has a number of other cases on the go already.</p> <p>Has this call been made after hours? Yes</p> <p>Time reported 18:40</p> <p>Name of inspector to attend Luke</p>	24/03/2021 02.15 PM
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Incident note	210324-001481	Theresa Jaico	<p>Note</p> <p>From: Pearson, Luke &lt;Luke.Pearson@act.gov.au&gt; Sent: Tuesday, 23 March 2021 3:12 PM To: AccessCanberraCMT &lt;AccessCanberraCMT@act.gov.au&gt; Subject: FW: Environment Protection complaint, NKP7YLM4, [REDACTED] [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]</p> <p>OFFICIAL</p> <p>Hi CMT,</p> <p>Please action as appropriate.</p> <p>Luke</p> <p>From: Dix, Rodney &lt;Rodney.Dix@act.gov.au&gt; Sent: Monday, 22 March 2021 8:03 AM To: Pearson, Luke &lt;Luke.Pearson@act.gov.au&gt; Subject: FW: Environment Protection complaint, NKP7YLM4, [REDACTED] [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]</p> <p>OFFICIAL</p> <p>Hi Luke</p> <p>a/h call</p> <p>Rodney Dix   Assistant Director Phone: +61 2 6207 2586   Email: rodney.dix@act.gov.au Environment Protection   Access Canberra   ACT Government</p>	24/03/2021 02.15 PM
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Incident note	210324-001481	Angus Boden	<p>Staff Account</p> <p>Good morning [REDACTED]</p> <p>Thank you for contacting Access Canberra.</p> <p>From the details you have provided, an information letter advising of noise restrictions has been sent to the builder.</p> <p>Noise from construction work is permitted between 7am and 6pm Monday to Saturday and no noise exceeding the standard is permitted on Sundays and Public Holidays.</p> <p>If the construction work is completed in less than two weeks, the subsequent noise is permitted between 7am and 8pm Monday to Saturday and 8am to 8pm on Sundays and Public Holidays.</p> <p>Our experience is that until notified of a possible breach of legislation, an occupant may not be aware of their responsibilities. Often our initial contact will compel the respondent act appropriately. If the issue is still occurring after Date, please let us know by replying to this email.</p> <p>Kind regards</p> <p>Angus  Case Manager Access Canberra   Complaints Management Team <a href="http://www.act.gov.au/accesscbr">www.act.gov.au/accesscbr</a>   13 22 81</p>	25/03/2021 09.54 AM
Incident note	210324-001481	Angus Boden	<p>Staff Account</p> <p>Hi [REDACTED]</p> <p>Sorry there was an error in the previous email.</p> <p>If the issue is still occurring after 02/04/2021, please let us know by replying to this email.</p> <p>Kind regards</p> <p>Angus  Case Manager Access Canberra   Complaints Management Team <a href="http://www.act.gov.au/accesscbr">www.act.gov.au/accesscbr</a>   13 22 81</p>	25/03/2021 09.56 AM

**From:** [Sargent, Narelle](#)  
**To:** [Green, Ben](#)  
**Subject:** Ms Damiano - matter  
**Date:** Thursday, 25 March 2021 7:21:00 PM  
**Attachments:** [IMG\\_0081.PNG](#)  
[IMG\\_0082.PNG](#)  
[IMG\\_0083.PNG](#)  
[IMG\\_0084.PNG](#)  
[IMG\\_0085.PNG](#)  
[Conflict of interest disclosure form.pdf](#)  
[image001.png](#)

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Hi Ben

Asper request below, attached is the Conflict of Interest Form and documentation. The text messages are attached as 5 screen shots in order.

Warm regards

Narelle



**Ben Green | Executive Branch Manager Construction, Utilities and Environment Protection  
Construction Occupations Registrar  
Delegate of the Environment Protection Authority  
Access Canberra | ACT Government  
Phone: 02 6207 7387**

GPO Box 158 Canberra ACT 2601 | [www.act.gov.au/accesscbr](http://www.act.gov.au/accesscbr)









Hi Narelle. [redacted] was the wrong person. She just rang me. If I am left on my own to deal with these issues this afternoon I will increasingly point to those who have failed me. The banging etc continues and if I hear anything past 6pm I will voice my objections. 2 wks today of noise! Perhaps find the right building licencing area and urgently alert them. [redacted]

Women, my customers, my fans cannot believe the inaction of the local govt.

How do you allow these bullies to get away with it?!

Friday 9:42 pm

Hi Narelle. Seems your Luke tonight does not want to assist. He has laughed at me, told me he was hanging up and refused to come out and hear the noise tonight.

Your department is a sham.

Luke wants two letters and 5 days to act! You lied to me and now I am going public.

You don't protect disabled women or their businesses.



Text Message





It's continuing and will for a long time. I'm not going to play tag with the govt and I expect action TODAY. I've arrived the work is noisy and unacceptable as I have NOT been informed. There is no asbestos report so how can they do the work in the first instance.


You missed a call, but the caller didn't leave a message.

They r doing this for 6mths!

Get your inspectors out here NOW!

Ring Andrew Barrs office reporting on your slack service!

Friday 3:39 pm

Hi Narelle. Deana was the wrong person. She just rang me. If I am left on my own to deal with these issues this afternoon I will increasingly point to those who have failed me. The banging etc continues and if I hear anything past 6pm I will voice my objections. 2 wks today of noise! Perhaps find the right building licencing area and urgently alert them. 

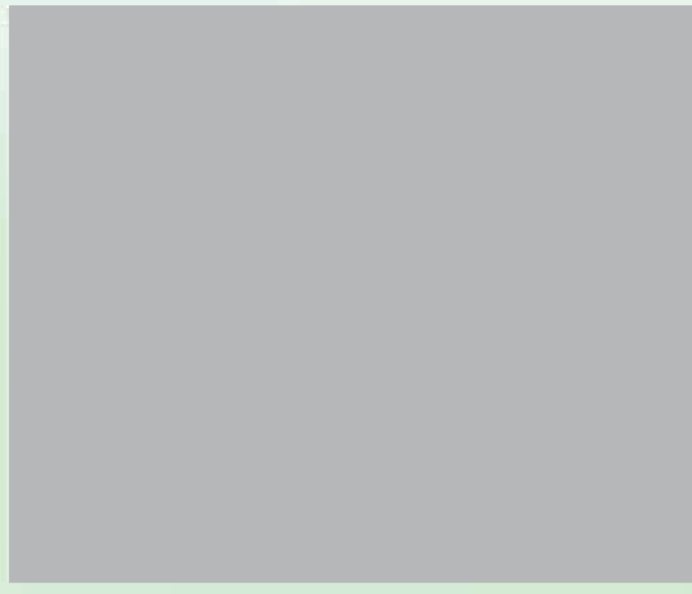
Women, my customers, my fans cannot believe the inaction of the



Text Message



1:08



Thanks. Yes, had a chat. Filling form out... already informed Min Steel of maj issues at UP584

Hadn't drifted down to hin YET!

Very annoying!

Mr Pat Bacon from the EPA will call you when he finishes the job he is on. Warm regards Narelle

Yes. Spoken to him also. Thank you Narelle.

If this continues past 2 weeks which will be in a day or so it triggers Building Compliance issues because the wk cannot go longer than 2 wks. Two weeks is up this weekend! I want immediate action to stop the work. There is also NO asbestos report for the body corporate! I took them to ACAT and still did not receive justice!!!

please call Access Canberra if it continues to be an issue. As Mr Bacon explained, the noise requirements change if the renovations take more than two weeks for completion. Warm regards Narelle



Text Message





I trade from noon.

Please make them known to me. I am still a journalist and I'm reporting on the unnecessary delays.

Also tge unlawful build going on downstairs!

I have not sighted any plans or been given timelines of the work etc.

Until I am officially informed WORKSAFE are to shut it diwn.

Down\*

Please ensure Worksafe attend at same time! Otherwise I will take action over the weekend.

Including writing to all the Legislative Assembly members.

You have had 8 days to get out there and do your job.

In the meantime I and my customers have suffered the banging, drilling, sawing, dirt, skips, etc at all hours of the day n night.

Mr Matt Davis from Worksafe will call you soon. Warm regards Narelle



Text Message



Text Message  
Friday 10:07 am

Can I call you later?

Thanks. Yes.

No notification of new tenant and v. Noisy building going on and friends informed me of deathtrap bar going in downstairs. I am notifying the insurer and underwriter today. NO work is permitted as the body corp has no Asbestos Report.

I will progress and be in contact. Warm regards Narelle

Thanjs Narelle. Can u send inspector out this arvo please? I've been waiting since mid last week!

I hope to get an officer out today

I was told by your office last week inspector would be there Thurs last week! Why the delay! Kingston Kennedy St is well known for asbestos issues!

Great. The delay is unsatisfactory.



Text Message



On Thursday 18 March at about 3.00pm the EPA received a request from the Minister Barr's Office (MO) to call back [REDACTED] *who reports that she has contacted the EPA regarding a noise complaint last week but has not received any response. Could someone please call her back to confirm action taken as well as next steps.* Ms Sargent rang Mr Dix and requested that he call the complainant as I know her from a few years ago from aqua-aerobics as a casual acquaintance.

On Thursday 18 March 2021 at about 3.15pm, Mr Rodney Dix, Assistant Director Environment Protection with the Environment Protection Authority (EPA) called and left a message and sent an email advising of this. Email was sent to ACDLO.

On Friday 19 March Mr Dix was on leave on Friday 19 March 2021 therefore Mrs Sargent progressed the matter as I know it was a priority having come from the MO. Mr Dix advised that a search of CRM has no record of [REDACTED] contact with Access Canberra. Email sent to ACDLO.

On Friday 19 March 2021 at 8.45 am Mrs Narelle Sargent, Senior Director Environment Protection, Access Canberra called and left a message. The complainant returned this call at 9.05 am however had to take another call, so it was quite short. When the complainant called, she did not indicate that she recalled having known me, therefore I didn't offer this information as I assumed, she had forgotten and it was not a personal call.

Email sent to ACDLO.

The complainant called again at 10.20am and again did not indicate that she knew me. She advised that [REDACTED] She advised that she contacted Access Canberra last week and was told by the office that an inspector would be there last Thursday. She advised that the delay was unsatisfactory. I advised that I was not aware of that contact.

[REDACTED] advised that the shop next door [REDACTED] is undergoing internal renovations/fit out. The complainant has concerns about no notification of new tenant and the internal/renovations/fit out, asbestos in the building in particular no Asbestos Report and noise for the renovations/internal fit out. I advised that I look into the matter and see if I could get an officer to inspect the site but made no promises. This was followed up with 12 text messages.

Email and called ACDLO given that the complainant was irate and indicated that she would contact the MO office.

I contacted Mr Matt Davis, Assistant Director Construction Operations Team Manager with WorkSafe ACT and advised him of [REDACTED] concerns about no Asbestos Report and asked him to contact her. I texted the complaint to advise her that Mr Matt Davis from WorkSafe would contact her. Mr Davis advised that he contacted [REDACTED] at about 10.30 am about her asbestos concerns. He advised [REDACTED] of the relevant form for her to complete. This was confirmed by three text messages from the complainant.

Email sent to ACDLO.

I called [REDACTED] back to advise that Mr Patrick Bacon, an Environment Protection Officer with the Environment Protection Authority (EPA) would contact her about the noise issue. During this conversation, [REDACTED] advised that she had taken the Body Corporate to ACAT and still did not receive justice. I confirmed with a text so she recognised Mr Bacon when he called.

Mr Patrick Bacon contacted [REDACTED] at about 11.30am on 19 March 2021 and advised her of the permitted hours for renovations and the Access Canberra complaint process.

This was confirmed in two text messages from the complainant. I text the complaint with the process as she hung up whilst I was confirming the process advised by Mr Bacon. This was followed by 5 text messages (attached).

Email sent to ACDLO.

Ms Diana Ubojic, Acting Assistant Director Building Investigations Team contacted [REDACTED] to discuss her concerns about being notification requirements of the internal renovations/fit out. [REDACTED] advised that she had not received any notice for the fit out to the premises next to hers. [REDACTED] was unable to advise who was carrying out work and what business the premises was going to conduct. She was advised that if the premises required a liquor license this may be something that needs notification and it would also need to meet the lease purpose clause. Further to this depending on what works were taking place they may not need development application and it would be best to submit a complaint form via the Access Canberra website in order to track her complaint and ensure that is allocated to the correct area. This contacted was confirmed by 3 text messages from the complainant.

Ms Ubojic advised that of CRM has no record of [REDACTED] contact with Access Canberra.

Email and phone call to ACDLO.

In accordance with advice about Access Canberra complaints process, the complainant called Access Canberra on Friday evening. The call was referred to the on-call officer, Mr Luke Pearson, who contacted [REDACTED]. Mr Pearson called me at 9.44 pm to advise me. Mr Pearson confirmed that a search of CRM has no record [REDACTED] contact with Access Canberra.

The complainant confirmed contact with four text messages (attached).

I confirm that on Saturday 20 March 2021 at about 2.20pm I attended the site of the activity manager as a private citizen to familiarise myself with location. I confirm that I entered [REDACTED]. This was not for the purpose of testing noise levels.

At 12.31pm on Wednesday the complainant called and asked if I was in her shop on Saturday which I confirmed I was. She then claimed I was stalking her and would go the MO. The complainant was irate and hung up.

I text Mr Green, Executive Branch Manager to advised of this call.

I then called Ms Maggie Drejer-White Senior Director People and Development in CMTEDD to seek advice about conflict of interest (COI) from having known the complainant. I text Mr Green with the outcome of this conversation and confirmed in an email to Mr Green.

I submitted a COI form and have removed myself from the matter.

I have blocked [REDACTED] number on my mobile phone.

**From:** [Sargent, Narelle](#)  
**To:** [Green, Ben](#)  
**Cc:** [Drejer-White, Maggie](#)  
**Subject:** Potential Conflict of Interest  
**Date:** Wednesday, 24 March 2021 1:47:00 PM  
**Attachments:** [image001.png](#)

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Hi Ben

I had a conversation with Maggie in regards to [REDACTED] about a potential conflict of interest and claim of stalking. I outlined the nature of my former brief "casual acquaintance" with [REDACTED] [REDACTED] about 4 years ago and the reason for the current contact. Maggie advised that as there is monetary benefit, or any other gain/benefit, there is no conflict of interest. Maggie also advised that you cannot claim stalking on a public premises.

Maggie is happy for you to contact her in relation to this matter.

Warm regards  
Narelle

**Narelle Sargent**  
*Environment Protection Authority (including Water Resources)*  
*Clinical Waste Controller*  
*Delegate for Lakes*  
**Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Phone: 02 6207 5782 | Mobile 0466 510 033 | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)  
480 Northbourne Avenue, Dickson | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



**From:** [Sargent, Narelle](#)  
**To:** [Ubojcic, Diana](#)  
**Cc:** [Lhuede, Nick](#)  
**Subject:** RE: Notification requirements for building renovations  
**Date:** Friday, 19 March 2021 3:37:00 PM  
**Attachments:** [image001.png](#)

---

Hi Diana

No further action required, I can advise that WorkSafe, EPA and Building Team have all contacted her today.

Warm regards

Narelle

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**From:** Ubojcic, Diana <Diana.Ubojcic@act.gov.au>  
**Sent:** Friday, 19 March 2021 3:29 PM  
**To:** Sargent, Narelle <Narelle.Sargent@act.gov.au>  
**Cc:** Lhuede, Nick <Nick.Lhuede@act.gov.au>  
**Subject:** RE: Notification requirements for building renovations

OFFICIAL

Hi Narelle

I called her but have no background information and she is still upset about the EPA and just abused me.

I'm not sure what you want further. I advised her she should lodge a feedback form which I informed her to do so.

From what she said there is a [REDACTED] moving in next store, she has no knowledge of the new business coming in the premise and is inquiring to the no notice given to that, however this may need to go to license not BIT.

Thanks

Diana

---

**From:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>  
**Sent:** Friday, 19 March 2021 3:09 PM  
**To:** Ubojcic, Diana <[Diana.Ubojcic@act.gov.au](mailto:Diana.Ubojcic@act.gov.au)>  
**Subject:** RE: Notification requirements for building renovations

Hi Dianna

No – it was a request from the Ministers office to call [REDACTED] – no record in the system. It's an shop internal renovation.

Warm regards

Narelle

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**From:** Ubojcic, Diana <[Diana.Ubojcic@act.gov.au](mailto:Diana.Ubojcic@act.gov.au)>  
**Sent:** Friday, 19 March 2021 2:56 PM  
**To:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>  
**Cc:** Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>  
**Subject:** RE: Notification requirements for building renovations

OFFICIAL

Hi Narelle

Do you have the original complaint.

Do you know what kind of work is being undertaken?

Thanks  
Diana

---

**From:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>  
**Sent:** Friday, 19 March 2021 1:16 PM  
**To:** Ubojcic, Diana <[Diana.Ubojcic@act.gov.au](mailto:Diana.Ubojcic@act.gov.au)>  
**Cc:** Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>  
**Subject:** Notification requirements for building renovations

Hi Diana

As discussed, can someone please contact [REDACTED] on 0414 512 012 to explain the requirements about notification of renovations. Ms [REDACTED] owns [REDACTED] located at [REDACTED] and the shop next door is undergoing renovations which according to Ms Damiano will last about 6 months. [REDACTED] is concerned that she was not notified of the works.

Warm regards  
Narelle

**Narelle Sargent**  
*Environment Protection Authority (including Water Resources)*  
*Clinical Waste Controller*  
*Delegate for Lakes*  
**Access Canberra | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Phone: 02 6207 5782 | Mobile 0466 510 033 | Email: [narelle.sargent@act.gov.au](mailto:narelle.sargent@act.gov.au)  
480 Northbourne Avenue, Dickson | GPO Box 158 Canberra City ACT 2601 | [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)



**From:** [Matthews, Catherine](#) on behalf of [ACDLO](#)  
**To:** [Sargent, Narelle](#)  
**Cc:** [Green, Ben](#)  
**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint  
**Date:** Friday, 19 March 2021 11:55:06 AM  
**Attachments:** [image001.png](#)

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OFFICIAL

Ok thanks Narelle

Could you send some dot points on this one to Ben for clearance and I'll push the information back to the Office.

Cheers

Cath

**Cath Matthews**

**A/g Directorate Liaison Officer | ACT Legislative Assembly**

Minister Tara Cheyne | Minister for Business and Better Regulation

Minister Mick Gentleman | Minister for Planning and Land Management

Minister Shane Rattenbury | Minister for Consumer Affairs

**Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government**

GPO Box 158, Canberra, ACT 2601

Phone: 6205 4007 | Email: [acdlo@act.gov.au](mailto:acdlo@act.gov.au)

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**From:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>

**Sent:** Friday, 19 March 2021 11:50 AM

**To:** ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>

**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

Hi Cath

No inspections are required at this time as both WorkSafe and EPA have explained the process/requirements to [REDACTED]

Warm regards

Narelle

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**From:** Matthews, Catherine <[Catherine.Matthews@act.gov.au](mailto:Catherine.Matthews@act.gov.au)> **On Behalf Of** ACDLO

**Sent:** Friday, 19 March 2021 11:46 AM

**To:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>; AC Ministerial

<[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>

**Cc:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>; Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>

**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

OFFICIAL

Thanks Narelle

I've spoken to the Cheyne advisor regarding our phone conversation on this matter and he asked me to thank you for passing the information along.

They appreciate the effort to get the matter inspected asap by EPA/Building and WorkSafe and will advise the CMO that the complaint is being looked into.

They are happy for the information to come back to the office once the inspections have been undertaken.

Kind regards  
Cath

**Cath Matthews**

**A/g Directorate Liaison Officer | ACT Legislative Assembly**

Minister Tara Cheyne | Minister for Business and Better Regulation

Minister Mick Gentleman | Minister for Planning and Land Management

Minister Shane Rattenbury | Minister for Consumer Affairs

**Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government**

GPO Box 158, Canberra, ACT 2601

Phone: 6205 4007 | Email: [acdlo@act.gov.au](mailto:acdlo@act.gov.au)

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**From:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>

**Sent:** Friday, 19 March 2021 11:43 AM

**To:** AC Ministerial <[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>

**Cc:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>; Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>

**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

Hi Cath and Varish

Mr Pat Bacon from EPA spoke to [REDACTED] at about 11.30am today and advised her of the permitted hours for building renovations for Kingston and the Access Canberra complaints process.

Warm regards  
Narelle

---

**From:** Sargent, Narelle

**Sent:** Friday, 19 March 2021 11:17 AM

**To:** AC Ministerial <[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>

**Cc:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>; Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>

**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne [REDACTED] - Noise Complaint

Hi Cath and Varish

Mr Matt Davis from WorkSafe called [REDACTED] this morning at about 10.45am.

Warm regards  
Narelle

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**From:** Sargent, Narelle  
**Sent:** Friday, 19 March 2021 10:24 AM  
**To:** AC Ministerial <[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>  
**Cc:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>; Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>  
**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

Hi Cath and Varish

[REDACTED] call back at about 10.20am. The shop next door is doing renovations so noisy all day and into night. I understand that she belongs to a body corporate. She also has concerns about asbestos and safety, so I will contact WorkSafe.

Warm regards  
Narelle

---

**From:** Sargent, Narelle  
**Sent:** Friday, 19 March 2021 10:01 AM  
**To:** AC Ministerial <[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>  
**Cc:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>; Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>  
**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

Hi Varish and Cath

[REDACTED] returned my call at 9.05 am – very brief as she had to take a call. She will call me back.

[REDACTED] and is complaining about the shop next door, [REDACTED] which is currently vacant.

I will update when she calls back.

Warm regards  
Narelle

---

**From:** Sargent, Narelle  
**Sent:** Friday, 19 March 2021 8:46 AM  
**To:** AC Ministerial <[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>  
**Cc:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>; Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>  
**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

Hi Cath

Rod is not in today. [REDACTED] didn't return Rod's call so I have left a message at 8.45 am.

Warm regards  
Narelle

---

**From:** Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>  
**Sent:** Thursday, 18 March 2021 3:15 PM  
**To:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>; AC Ministerial <[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>  
**Cc:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>  
**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

OFFICIAL

Hi Narelle

I have called and left a message as there was no answer.

Rodney Dix | Assistant Director  
Phone: +61 2 6207 2586 | Email: [rodney.dix@act.gov.au](mailto:rodney.dix@act.gov.au)  
Environment Protection | Access Canberra | ACT Government  
Dickson Office Block | 480 Northbourne Avenue Dickson | GPO Box 158 Canberra ACT 2601 | [www.accesscanberra.act.gov.au](http://www.accesscanberra.act.gov.au)

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**From:** Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>  
**Sent:** Thursday, 18 March 2021 3:14 PM  
**To:** AC Ministerial <[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>  
**Cc:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>; Dix, Rodney <[Rodney.Dix@act.gov.au](mailto:Rodney.Dix@act.gov.au)>  
**Subject:** RE: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

Hi Vaish  
Rod will call [REDACTED] and will advise of outcome.

Warm regards  
Narelle

---

**From:** Bharadwaj, Vaishnavi <[Vaishnavi.Bharadwaj@act.gov.au](mailto:Vaishnavi.Bharadwaj@act.gov.au)> **On Behalf Of** AC Ministerial  
**Sent:** Thursday, 18 March 2021 2:54 PM  
**To:** Strategic Compliance and Coordination <[strategiccompliance@act.gov.au](mailto:strategiccompliance@act.gov.au)>; Sargent, Narelle <[Narelle.Sargent@act.gov.au](mailto:Narelle.Sargent@act.gov.au)>  
**Subject:** Due: 22/03 - 21/24620 - Call Back - Cheyne - [REDACTED] - Noise Complaint

OFFICIAL

Hi all,

Could you please arrange for someone to call the constituent urgently regarding the correspondence below?

Please find attached template to provide a brief report on the conversation.

Could I have this cleared by EBM and returned to ACMin **by COB 22 March** to be able to progress and close the loop with the MO.

Thanks,  
Vaish

---

**From:** Matthews, Catherine <[Catherine.Matthews@act.gov.au](mailto:Catherine.Matthews@act.gov.au)> **On Behalf Of** ACDLO  
**Sent:** Thursday, 18 March 2021 2:01 PM  
**To:** AC Ministerial <[ACMinisterialCMT@act.gov.au](mailto:ACMinisterialCMT@act.gov.au)>  
**Cc:** Pryce, David <[David.Pryce@act.gov.au](mailto:David.Pryce@act.gov.au)>; Green, Ben <[Ben.Green@act.gov.au](mailto:Ben.Green@act.gov.au)>; Short, Rachael <[Rachael.Short@act.gov.au](mailto:Rachael.Short@act.gov.au)>; ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>  
**Subject:** CALL BACK - [REDACTED] - Noise Complaint

OFFICIAL

Hi Team

Could you please arrange for someone to give [REDACTED] to discuss her noise complaint?

Appreciate a outcome to close the loop by 23 March please.

Cheers  
Cath

**Cath Matthews**

**A/g Directorate Liaison Officer | ACT Legislative Assembly**

Minister Tara Cheyne | Minister for Business and Better Regulation

Minister Mick Gentleman | Minister for Planning and Land Management

Minister Shane Rattenbury | Minister for Consumer Affairs

**Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government**

GPO Box 158, Canberra, ACT 2601

Phone: 6205 4007 | Email: [acdlo@act.gov.au](mailto:acdlo@act.gov.au)

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**From:** CHEYNE <[CHEYNE@act.gov.au](mailto:CHEYNE@act.gov.au)>  
**Sent:** Thursday, 18 March 2021 1:58 PM  
**To:** ACDLO <[ACDLO@act.gov.au](mailto:ACDLO@act.gov.au)>  
**Subject:** FW: Access Canberra Callback

Hi Cath

[REDACTED] reports that she has made contact with the EPA regarding a noise complaint last week but has not received any response. Could someone please call her back to confirm action taken as well as next steps.

Thanks  
Nick

---

**From:** BARR Reception <[BARR@act.gov.au](mailto:BARR@act.gov.au)>

**Sent:** Thursday, 18 March 2021 1:50 PM

**To:** CHEYNE <[CHEYNE@act.gov.au](mailto:CHEYNE@act.gov.au)>

**Subject:** Access Canberra Callback

Hi Jemma

As discussed, could Access Canberra please call [REDACTED] to follow up on her noise complaint, which was made last week.

Thanks

**Iris Eagar**

**Office of Andrew Barr MLA**

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong

