



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-134
Date of Application	17 April 2024
Date of Decision	31 May 2024
Processing time (in working days)	30
Fees	N/A
Decision on Access	Partial Release
<b>Information Requested (summary)</b>	Inspection reports for the sewer infrastructure for blocks 19, 21 & 22 Moncrieff.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

**From:** [CMTEDD FOI](#)  
**To:** [EPSDFOI](#)  
**Cc:** [CMTEDD FOI](#)  
**Subject:** RE: Possible partial transfer - FOI 24/023331 - CMTEDDFOI 2024-134  
**Date:** Wednesday, 17 April 2024 9:18:47 AM

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OFFICIAL: Sensitive

Good afternoon,  
Thank you speaking with me today, Libby.

As discussed, preliminary searches indicate that we can provide screen shots of the plumbing system showing that the inspections have passed. Once the job is completed inspection dockets are no longer kept. For a fee Access Canberra can provide Hydraulic Drainage plans for all three blocks.

Therefore **CMTEDD accepts a partial transfer of the request**. In particular, for point 2 of the request.

For your records this matter is allocated CMTEDD Reference Number CMTEDDFOI 2024-134.

Could you please forward to us information that contains the Applicant's full name and a copy of any personal identification if you if you have that on file.

Kind regards

Lisa

**Information Access Team**

Phone: 02 6207 7754 | [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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**From:** EPSDFOI <EPSDFOI@act.gov.au>  
**Sent:** Monday, April 15, 2024 9:56 AM  
**To:** CMTEDD FOI <CMTEDDFOI@act.gov.au>  
**Subject:** Possible partial transfer - FOI 24/023331

OFFICIAL: Sensitive

Good morning CMTEDD,

Could you please advise if you have any documents in scope of the below application particularly point 2:

1. *Inspection reports for the above mentioned sewer infrastructure for blocks 19, 21 & 22 in public interest.*

I am not sure if this is your area, so just wanted to check.

Thank you for your assistance.

Kind regards,

Libby Hill

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**From:** EPSDFOI

**Sent:** Wednesday, March 6, 2024 4:04 PM

**To:** [REDACTED]

**Subject:** FOI 24/023331 – Acknowledgement of Freedom of Information Application (Application 2)

OFFICIAL: Sensitive

Dear [REDACTED]

**FOI 24/023331 – Acknowledgement of Freedom of Information Application (Application 2)**

Thank you for your prompt response to our clarification requests.

I refer to your access application received on 6 March 2024, in which you sought access to information under the [Freedom of Information Act 2016](#) (the FOI Act).

Under a service agreement, access applications received for the Suburban Land Agency (SLA) are coordinated by the Information Governance team within Environment, Planning and Sustainable Development Directorate (EPSDD).

As confirmed on 6 March 2024, specifically, you are seeking:

1. Sewerage plans for blocks 19, 21 & 22 in public interest. In particular, I am after sewerage plans that show a pink/red line for these blocks as shown for the other blocks at the following document made public by SLA <https://www.rgoonline.act.gov.au/pubreg/TieBooks/N/MONCRIEFF/1/0115.pdf> (accessed today i.e. 5 March 2023)
2. Inspection reports for the above mentioned sewer infrastructure for blocks 19, 21 & 22 in public interest.
3. Who (which company/contractor engaged by the SLA) has built the above-mentioned sewer infrastructure and the terms of the contract between SLA & the contractor. In particular, I am after the terms in relation to inspection, warranty and defect periods only. Commercial-in-confidence information can be redacted
4. Documents submitted to the ACT government to register the community title scheme CT29 - 71-105 Limb Circuit & Bernard Heinze Ave, Moncreiff that's relevant to the abovementioned blocks. In particular, I am after the common property infrastructure plans submitted to obtain the approval. I think they might be called 'Master Plan' or

something similar.

5. Documents relating to due-diligence performed by ACT government when assessing these plans and approving the above mentioned Community Title scheme. In particular, I am after the criteria/standards used to assess the sewerage infrastructure. When it comes to Community Title Schemes, other state government regulations prohibit joint sewerage services. That is, each parcel of land must be serviced from a council sewer. I am trying to locate similar criteria which most likely exist for the ACT government. Hence, this request.
6. Finally, complete guidance (policies, procedures etc.) on how complaints are handled by the SLA including timeframes for resolution, what cost benefit analysis is conducted before allocating governments resources in resolving complaints etc.

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#### Decision

In accordance with section 40(1) of the FOI Act, the standard processing time requires that a decision on access to documents must be made no later than 30 working days after the day of receipt, being on or by **22 April 2024**.

#### Third Party Consultation

In processing your application, consultation with relevant third parties may be required. In line with the Act, if third party consultation is required, the due date may be extended by 15 working days. If this is the case, you will be notified and advised of a revised decision due date.

#### Charges

Please be aware that processing charges may be payable in relation to your request. Should you be liable to pay a processing charge, you will be notified in writing of the preliminary assessment and given an opportunity to make an application that the charge should be remitted in whole or in part.

#### Open Access Information

The Act requires that details regarding your request such as your application, decision notices, and information released to you, must be recorded in the agency disclosure log and made publicly available; the disclosure log is published on <https://www.environment.act.gov.au/about-us/access-government-information/disclosure-log>. The identity of applicants is not disclosed. If you have any concerns about the information released to you being published, please let us know.

Should you have any queries in relation to the processing of your request please contact me at [EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au).

Kind regards

**Angelina Aloisi** (she/her) | **A/g Assistant Director Information Governance (FOI and Information Access)**

Phone: 02 6207 7912 | Email: [epsdfoi@act.gov.au](mailto:epsdfoi@act.gov.au)

**Legal Policy and Information Access | Environment, Planning and Sustainable Development Directorate | ACT Government**

480 Northbourne Avenue, Dickson | GPO Box 158, Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

**I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.**



## FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your access application under section 30 of the *Freedom of Information Act 2016* (the Act) to Environment, Planning and Sustainable Development Directorate (EPSDD). You requested as follows:

- 1. Sewerage plans for blocks 19, 21 & 22 in public interest. In particular, I am after sewerage plans that show a pink/red line for these blocks as shown for the other blocks at the following document made public by SLA  
<https://www.rgoonline.act.gov.au/pubreg/TieBooks/N/MONCRIEFF/1/0115.pdf>  
(accessed today i.e. 5 March 2023)*
- 2. Inspection reports for the above mentioned sewer infrastructure for blocks 19, 21 & 22 in public interest.*
- 3. Who (which company/contractor engaged by the SLA) has built the above-mentioned sewer infrastructure and the terms of the contract between SLA & the contractor. In particular, I am after the terms in relation to inspection, warranty and defect periods only. Commercial-in-confidence information can be redacted*
- 4. Documents submitted to the ACT government to register the community title scheme CT29 - 71-105 Limb Circuit & Bernard Heinze Ave, Moncreiff that's relevant to the abovementioned blocks. In particular, I am after the common property infrastructure plans submitted to obtain the approval. I think they might be called 'Master Plan' or something similar.*
- 5. Documents relating to due-diligence performed by ACT government when assessing these plans and approving the above mentioned Community Title scheme. In particular, I am after the criteria/standards used to assess the sewerage infrastructure. When it comes to Community Title Schemes, other state government regulations prohibit joint sewerage services. That is, each parcel of land must be serviced from a council sewer. I am trying to locate similar criteria which most likely exist for the ACT government. Hence, this request.*
- 6. Finally, complete guidance (policies, procedures etc.) on how complaints are handled by the SLA including timeframes for resolution, what cost benefit analysis is conducted before allocating governments resources in resolving complaints etc.*

Your access application was transferred in part to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD), and was received by CMTEDD on 17 April 2024. Point 2 was transferred to CMTEDD under section 57 of the Act as CMTEDD may be the agency that holds these records.

Therefore, the scope of this decision by CMTEDD is for point 2 of your request, [with point 1 included in square brackets for context], as follows:

- *“2. Inspection reports for the above mentioned sewer infrastructure for blocks 19, 21 & 22 [Sewerage plans for blocks 19, 21 & 22 in public interest. In particular, I am after sewerage plans that show a pink/red line for these blocks as shown for the other blocks at the following document made public by SLA <https://www.rgoonline.act.gov.au/pubreq/TieBooks/N/MONCRIEFF/1/0115.pdf> (accessed today i.e. 5 March 2023) [Moncrieff]] in public interest.”*

### **Authority**

I am an Information Officer appointed by the CMTEDD Director-General 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 within 30 days of your request being received by CMTEDD. Therefore, a decision is due by **31 May 2024**.

### **Decision on access**

Searches of CMTEDD records have identified 1 document within the scope of your request.

I have decided to grant **partial access** to 1 document.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each document.

### **Release of documents**

The information being released to you is provided at **Attachment B**.

### **Statement of Reasons**

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- *Human Rights Act 2004*
- the information that falls within the scope of your request

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the

factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

### **Scope of requested information.**

As noted above your application was partially transferred to CMTEDD for part 2 of the request. Therefore, this decision is for records held by CMTEDD within scope of point 2 of your request.

An additional copy of a document was located, which I have determined to be outside the scope of requested information. This is plan, titled “DRN3-127850-16-12-2022 (A42338361) – Hydraulic services ground floor plan” has been published, and is already publicly available, and is for part 1 of your scope of requested information. This document, and decision on its release, can be accessed on the EPSDD Disclosure Log here:

[EPSDD 24/023331 - Environment, Planning and Sustainable Development Directorate - Environment \(act.gov.au\)](https://www.environment.act.gov.au/epsdd-disclosure-log/2022/02/24/023331-Environment-Planning-and-Sustainable-Development-Directorate-Environment-act.gov.au)

The project plan document is Project No 4900-081, drawing number 101. Plan document is already released by EPSDD, on page 18, here:

[https://www.environment.act.gov.au/data/assets/pdf\\_file/0003/2452296/24\\_023331-Documents-Point-1-1-19.pdf](https://www.environment.act.gov.au/data/assets/pdf_file/0003/2452296/24_023331-Documents-Point-1-1-19.pdf)

### **Exemptions claimed**

#### **Schedule 1: Information taken to be contrary to the public interest.**

No Schedule 1 factors were identified and therefore this has not been a relevant factor in my decision.

#### **Public Interest Test**

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest 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.

#### **Schedule 2: Factors to be considered when deciding the public interest.**

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 (under Sch. 2, Section 2.1 of the Act)***

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government’s accountability.*
- *Section 2.1(a)(xi) - reveal environmental or health risks or measures relating to public health and safety.*

Information within scope of your request concerns inspection of public facilities by the Territory, or sewerage infrastructure as described by you. The document referred to at Folio 1 of Attachment A, the Schedule, is a record of activities undertaken to inspect public facilities that may impact environmental management and or public health. In this respect there were no other documents located within scope of your requested information. Releasing information with scope of your request may enhance the government's accountability.

The above two factors have been identified as relevant factors and I have given them moderate weight.

While I am satisfied that these factors favouring disclosure carry some weight, these factors are to be balanced against the factors favouring nondisclosure.

***Factors favouring nondisclosure (under Sch. 2, Section 2.2 of the Act)***

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. I have decided to redact personal information of staff and or contractors contained in the information being released. In this respect, the circumstances of the application and the processing of this request have been considered and I have considered it would be contrary to the public interest to release the information as it may be contrary to rights under the *Human Rights Act 2004*, such as the right to privacy, and the right to not have one's reputation personally attacked, and may result in individuals being personally attacked on the internet.

When considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in the course of their employment or fulfilling a contract, is a significant factor as the parties involved have provided their personal information for the purposes of employment and or fulfilling their contract, 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. I have decided to release information that reveals only that the employee or contractor was performing their public duties.

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 that 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.

**Charges**

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50.

## 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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

## 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 provided to you, 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

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 the Information Access Team by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Katharine Stuart

Information Officer

Chief Minister, Treasury and Economic Development Directorate

31 May 2024



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

### WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

CMTEDDFOI 2024-134

- “2. *Inspection reports for the above mentioned sewer infrastructure for blocks 19, 21 & 22 [1. Sewerage plans for blocks 19, 21 & 22 in public interest. In particular, I am after sewerage plans that show a pink/red line for these blocks as shown for the other blocks at the following document made public by SLA <https://www.rqoonline.act.gov.au/pubreg/TieBooks/N/MONCRIEFF/1/0115.pdf> (accessed today i.e. 5 March 2023) [Moncrieff]] in public interest.”*

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Document “Moncrieff Section 66 Blocks 19-21-22#2” - Screenshot of electronic record	undated	Partial	Sch 2 s2.2 (a)(ii)	Yes
<b>Total No of Docs</b>						
1						

19/66/MONCRIEFF - DP No: 129949

- 19/66/MONCRIEFF - DP No: 129949
  - Work As Executed Plan - Rego No: N/A - GAS INSTALLATION - 31/10/2017
  - Work As Executed Plan - Rego No: N/A - WAE - 28/02/2017
  - 28/02/2017 - Work Notice No: 120382 - (PD)
  - 17/11/2017 14:30 - Final - Sch 2.2(a)(ii)
  - 13/03/2017 13:30 - Drainage - full - Sch 2.2(a)(ii)

**Inspection**

Inspector: Sch 2.2(a)(ii)

Appointment: 17/11/2017 14:30

Inspection Type: Final

No of Inspections: 1

Result: PASSED

Comments:

**Cross Check BA Exist Before Plumbing Activity**

No Approved BA: N/A

Action Taken: Actioned Date: 00/00/0000

Action Comments:

21/66/MONCRIEFF - DP No: 129945

- 21/66/MONCRIEFF - DP No: 129945
  - Work As Executed Plan - Rego No: N/A - GAS INSTALLATION - 01/11/2017
  - Work As Executed Plan - Rego No: N/A - WAE - 28/02/2017
  - 28/02/2017 - Work Notice No: 120384 - (PD)
  - 20/11/2017 09:00 - Final - Sch 2.2(a)(ii)
  - 13/03/2017 14:30 - Drainage - full - Sch 2.2(a)(ii)

**Inspection**

Inspector: 70

Appointment: 20/11/2017 09:00

Inspection Type: Final

No of Inspections: 1

Result: PASSED

Comments:

**Cross Check BA Exist Before Plumbing Activity**

No Approved BA: N/A

Action Taken: Actioned Date: 00/00/0000

Action Comments:

22/66/MONCRIEFF - DP No: 130056

- 22/66/MONCRIEFF - DP No: 130056
  - Work As Executed Plan - Rego No: N/A - GAS INSTALLATION - 01/11/2017
  - Work As Executed Plan - Rego No: N/A - WAE - 27/04/2017
  - 27/04/2017 - Work Notice No: 120392 - (PD)
  - 13/12/2017 14:00 - Final - Sch 2.2(a)(ii)
  - 01/05/2017 14:00 - Drainage - full - Sch 2.2(a)(ii)

**Inspection**

Inspector: Sch 2.2(a)(ii)

Appointment: 13/12/2017 14:00

Inspection Type: Final

No of Inspections: 1

Result: PASSED

Comments:

**Cross Check BA Exist Before Plumbing Activity**

No Approved BA: N/A

Action Taken: Actioned Date: 00/00/0000

Action Comments: