



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 2019-055

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)	2
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [EPSDFOL](#); [REDACTED]; [REDACTED]
Subject: Fwd: Noise Complaint - Pool Pump - [REDACTED] - Forde [Incident: 190121-000227] [SEC=UNOFFICIAL]
Date: Friday, 8 March 2019 10:32:52 AM

Hello

Re: Request for information under the FOI Act.

I refer to ongoing noise complaint, details of which are listed above. We have been advised that a warning notice was sent to the relevant party by the EPA. Could you please forward, by email, a copy of the warning notice for our information.

Many thanks

[REDACTED]

----- Forwarded message -----

From: Gibb, Timothy <Timothy.Gibb@act.gov.au>
Date: Wed, Mar 6, 2019 at 1:51 PM
Subject: RE: Noise Complaint - Pool Pump - [REDACTED] - Forde [Incident: 190121-000227] [SEC=UNOFFICIAL]
To: [REDACTED] <[REDACTED]>

Hi [REDACTED],

Thank you for your email, if you would like a copy of the warning notice you will need to apply for a Freedom of Information FOI, you can do this via Access Canberra on 132281.

If you are still affected after a week please let us know when you are affected. EPA will need to obtain another sound level reading if the issue has not been resolved, if another complaint is validated then further regulatory action will be taken been an infringement notice issued or an order placed on the property.

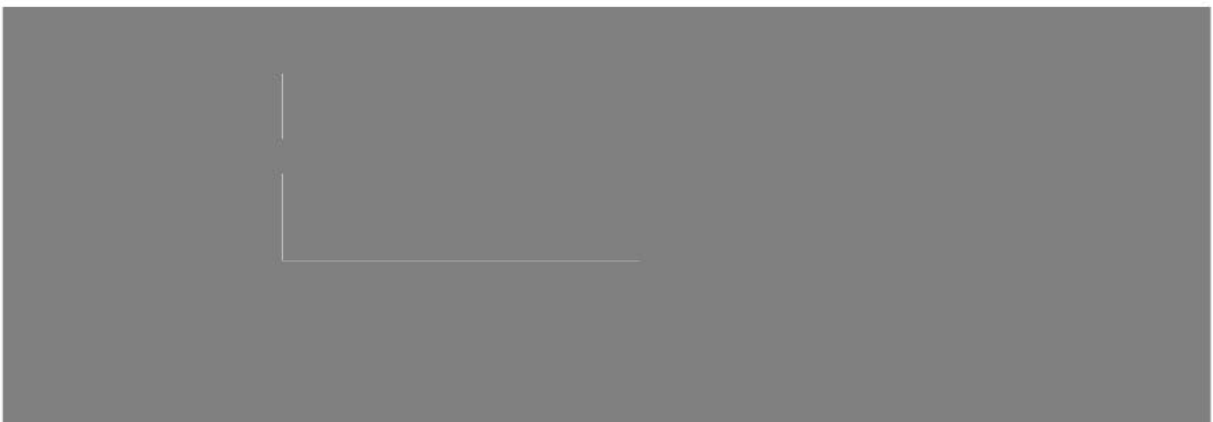
If another complaint is validated after infringement/order stage, EPA may decide on compiling a brief of evidence for court action to be taken.

Please feel free to call if you would like to discuss further

Thank you

Tim Gibb | Environment Protection Officer

Phone: 02 6207 5490 | Fax: 02 6207 6084 | email: timothy.gibb@act.gov.au Environment Protection | Environment Protection Branch | Access Canberra | ACT Government Ground Floor TranACT House | 470 Northbourne Avenue Dickson | GPO BOX 158 | CANBERRA ACT 2601 | www.act.gov.au





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Economic Development

Our ref: CMTEDDFOI2019-055

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

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 8 March 2019, in which you sought access to a copy of the warning notice issued to the residents at [REDACTED] Ford ACT regarding a noise complaint coming from a pool pump.

Authority

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

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 8 April 2019.

Decision on access

Searches were completed for relevant documents and 1 document was identified that falls within the scope of your request.

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

I have decided to grant full access to the relevant document. The document released to you is provided as **Attachment B** to this letter.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages 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 18 March 2019. 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

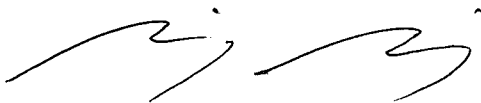
ACT Civil and Administrative Tribunal (ACAT) Review

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 02 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,



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

13 March 2019



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FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	Request for a copy of the warning notice for a pool pump at [REDACTED] Forde	CMTEDDFOI2019-055

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	EPA Warning Letter – [REDACTED] Forde ACT 2914	5 March 2019	Full Release	N/A	Yes
Total No of Docs						
1						



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ENVIRONMENT PROTECTION AUTHORITY

WARNING

Contravention of the *Environment Protection Act 1997* (the Act)

Issued on the: 4 March 2019
To: The Occupier
[REDACTED]
Forde ACT 2914

Between 10.47am and 10.57am on 14 February 2019 two Environment Protection Officers attended a complaint concerning noise that was coming from a pool filter/pump at your property [REDACTED] Forde.

In accordance with the *Environment Protection Act 1997* (the Act) the noise emitted from the property was measured and recorded. The noise from the pool filter/pump was recorded as having an L10 value of 52.6dB(A).

The Noise Standard at the time of the sound level recording was 45dB(A). **Therefore the noise from the pool filter/pump was 7.6dB(A) above the Noise Standard.**

Under section 5(a) of the Act this is deemed to cause environmental harm.

Loud noise such as this is disturbing for others and is an offence under the Act. The Environment Protection Authority has considered this incident and has decided that on this occasion no further action will be taken.

You can contact me on 6207 5490 to discuss the matter further if you wish.

This warning is issued by Tim Gibb, an Authorised Officer under the *Environment Protection Act 1997*.



Signature of Authorised Officer

05-3-2019
Date

Please note that the Environment Protection Act 1997 provides penalties for such breaches and if the alleged offence continues, further action will be considered.