



**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 2019-254

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)	4
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:** [EPSDFOI](#)  
**To:** [CMTEDD FOI](#)  
**Subject:** FW: FOI Request  
**Date:** Friday, 8 November 2019 3:20:33 PM

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UNCLASSIFIED For-Official-Use-Only

Good afternoon,

I have completed research on the request below and EPSDD has no documents. The block is a former government housing property for which there are no DAs.

Could you please accept transfer of this request for a response in relation to the building file?

Kind regards  
Denise

*Denise Easton*

**Denise Easton | Freedom of information, Records and Administration Support Officer**  
**Information and Knowledge Management |** Environment, Planning and Sustainable Development Directorate  
| ACT Government  
Phone: 02 620 55298 | Fax: 02 620 79313 | Email: [denise.easton@act.gov.au](mailto:denise.easton@act.gov.au)  
Level 2 South, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au) | [www.planning.act.gov.au](http://www.planning.act.gov.au)

This email, and any attachments, may contain confidential information. If you are not the intended recipient please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

**From:** [REDACTED]  
**Sent:** Thursday, 7 November 2019 4:23 PM  
**To:** EPSDFOI <EPSDFOI@act.gov.au>  
**Subject:** FOI Request

I write to request under the Freedom of Information Act 2016 documents relating to [REDACTED] [REDACTED] – Narrabundah.

In particular, please provide:

1. Any applications received for development or building approval.
2. Any applications received for waiver of development approval.
3. The outcome, where applicable, of these applications.
4. The status, where applicable, of any applications that remain under consideration.

I understand that more than one of the criteria specified above may be addressed by a single document, depending on the status of the process. Should you require any further information or wish to clarify any aspect of this request, please contact me via a reply to this email address.



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2019-254

[REDACTED]  
via email: [REDACTED]

Dear Sir/Madam

### **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 7 November 2019, in which you are seeking access to:

*Documents relating to [REDACTED] – Narrabundah.*

*In particular:*

- *Any applications received for development or building approval.*
- *Any applications received for waiver of development approval.*
- *The outcome, where applicable, of these applications.*
- *The status, where applicable, of any applications that remain under consideration.*

### **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 with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 6 December 2019.

### **Decision on access**

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

I have included as **Attachment A** to this decision a schedule which outlines the 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 partial access to the document relevant to your request.

My access decision is detailed further in the following statement of reasons and the document released to you is 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; and
- the content of the document that falls within the scope of your request.

## Exemption claimed

### Public Interest

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 factors favouring 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 document 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 this document is within the 'public interest'.

### Factors favouring disclosure in the public interest under Schedule 2.1:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (iii) *inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

### Factors favouring nondisclosure in the public interest under Schedule 2.2:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (xi) *prejudice trade secrets, business affairs or research of an agency or person.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the document may contribute to informing the community of the government's operations, in its dealings with members of the community by allowing you to have a copy of the document that falls within the scope of your request.

I have also considered the impact of disclosing information which relates to business affairs. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. In this instance, I consider that releasing the cost of works could prejudice the business affairs of the owner of the property and the entity engaged to complete the work.

Having applied the test outlined in section 17 of the Act and deciding that the release of business information, being the pricing of the project, contained in the document is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2) of the Act. 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 being released 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, my decision and the document released to you in response to your access application will be published in the CMTEDD disclosure log after 15 November 2019. Your personal contact details will not be published.

You may view the 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 a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the 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](mailto:actfoi@ombudsman.gov.au)


### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made by the Ombudsman under section 82(1), you may apply to the ACAT for a 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 by email at [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Riley', with a stylized, cursive style.

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

14 November 2019



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME		WHAT ARE THE PARAMETERS OF THE REQUEST				Reference NO.
		Documents relating to [REDACTED] – Narrabundah. In particular: <ul style="list-style-type: none"><li>• Any applications received for development or building approval.</li><li>• Any applications received for waiver of development approval.</li><li>• The outcome, where applicable, of these applications.</li><li>• The status, where applicable, of any applications that remain under consideration.</li></ul>				CMTEDDFOI 2019-254
Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-2	Building Approval	20-Aug-2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
1						



Building Act 2004, S151  
**Building Approval**

Project ID: B20193260

**PART A - PROJECT DETAILS**

Unit	Block	Section	Division (Suburb)	District	Jurisdiction
				CANBERRA CENTRAL	Australian Capital Territory

**PART B - WORKS REQUIRING BUILDING APPROVAL**

Item of building work to which this Building Approval relates:

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Construction	Storeys	Area (m2)	Cost of Works (\$)
10a	Other	DA EXEMPT- SEE DESCRIPTION	New steel frame structure for pergola/carport	NA	0	31.65	Sch 2.2(a)(xi)

The following work is exempt from development approval:

- Carports and shade structures

**PART C - CERTIFIERS DECLARATION**

I declare that in issuing this building approval under section 28 of the Building Act 2004:

- I am satisfied on reasonable grounds that the plans meet each applicable approval requirement under section 29 and is not prevented from being issued under section 30 or section 30A
- I have supplied all documents as required under 3.3 Building Act 2004
- I have prepared a notice (building approval certificate) certifying what approval requirements apply to the application and why the building approval is not prevented from being issued; and
- I have given the building approval certificate to the applicant.

In performing services as a certifier in relation to the work detailed in this application I am not in breach of my entitlement to act as a certifier in accordance with the Building Act 2004.

Full Name	Address	License Number	Expiry Date
SHAHROKH KASHANI VAZIRI	PO Box 1077 MAWSON ACT 2607	19926208	26/03/2021

Date Issued : 20/08/2019

**NOTES**

**Utilities**

This application must also be accompanied by a Statement of Compliance from each relevant utility provider (for water, sewerage, electricity and stormwater) which confirms that the location and nature of earthworks, utility connections, proposed buildings, pavements and landscape features comply with utility standards, access provisions and asset clearance zones.



**Note 1:** If there is no stormwater easement or Territory owned stormwater pipes located within the property boundary, a "Statement of Compliance" for stormwater from TAMS (Asset Acceptance) is not required to be obtained.

**Note 2:** Where there is conflict between planning and utility requirements, the utility requirements take precedence over other codified or merit provisions.

## **Utilities – Demolition Only**

This application must be accompanied by a Statement of Endorsement for utilities (including water, sewerage, electricity and stormwater) stating that:

- all network infrastructure on or immediately adjacent to the site has been identified on the plan
- all potentially hazardous substances and conditions (associated with or resulting from the demolition process) that may constitute a risk to utility services have been identified
- all required network disconnections have been identified and the disconnection works comply with utility requirements
- all works associated with the demolition comply with and are in accordance with utility asset access and protection requirements

**Note: The documentation provided to the utility provider for endorsement must be consistent with the documentation that forms part of a development approval or the documentation verified as exempt from requiring development approval by a licensed certifier.**

## **Asbestos Advice**

If documents accompanying building approval do not include an asbestos assessment report as per the Building Act 2004, the building approval must have an Asbestos Advice attached as per the Act

Privacy Notice: The personal information on this form is being collected to enable processing of your application and to enable auditing and compliance of builders and certifiers by the Government appointed auditor. The information that you provide may be disclosed to the Australian Bureau of Statistics, ACT Revenue Office and the Taxation Office. The information may also be accessed by other government agencies and commercial organisations interested in building information.

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