



**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 2019-093

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:** [CMTEDD FOI](#); [REDACTED]  
**Subject:** Second Warning Notice - FOI Request  
**Date:** Monday, 15 April 2019 2:30:54 PM

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Hello

Re: Request for information under the FOI Act.

I refer to ongoing noise complaint; case number 8663. We have been advised by the EPA that a second warning notice was hand delivered to the owners of [REDACTED], FORDE on Friday 5 April 2019. Could you please forward, by email, a copy of the second warning notice for our information.

Thanks in advance.

[REDACTED]



**ACT**  
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Our ref: CMTEDDFOI2019-093

Ms [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 15 April 2019, in which you sought access to a copy of the second 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 16 May 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 24 April 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](mailto:actfoi@ombudsman.gov.au)

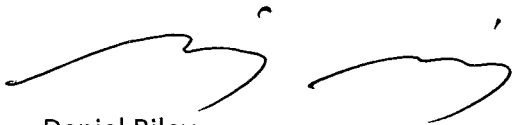
### **ACT Civil and Administrative Tribunal (ACAT) Review**

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,



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

17 April 2019



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	Request for a copy of the second warning notice for a pool pump at [REDACTED] Forde	CMTEDDFOI2019-093

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



## ENVIRONMENT PROTECTION AUTHORITY

### **WARNING**

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

Issued on the: 5 April 2019  
To: The Occupant  
Place of residence or business: [REDACTED]  
Forde ACT 2914

#### **Provisions of the *Environment Protection Regulation 2005* contravened:**

##### **39 Offence to make noise louder than noise standard**

- (2) A person commits an offence if—
- (a) the person is an occupier of a place in the ACT;
  - (b) noise is emitted from a thing in the place; and
  - (c) the noise causes environmental harm in an affected place.

#### **Nature of alleged contravention**

Between 10:36hrs and 10:47hrs on 19/03/2019 noise from a swimming pool pump/filter at [REDACTED] Forde was above the noise standard. For the purposes of the *Environment Protection Regulation 2005* (the Regulation), [REDACTED] Forde is located in noise Zone G and is subject to a noise standard of 45dB(A) between 7am to 10pm from Monday to Saturday and 8am to 10pm on Sunday and Public Holidays as per Schedule 2 of the Regulation.

The noise emitted from the swimming pool pump/filter was measured in accordance with Division 3.3 of the Regulation and Noise Measurement Manual 2009. The  $L_{10}$  was found to be 53.7dB(A), therefore the noise from the swimming pool pump/filter was 8.7dB(A) above the noise standard at the time.

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

#### **This Warning letter requires the following**

The swimming pool pump/filter at [REDACTED] Forde must undergo repairs or works to reduce the amount of noise emitted to a level within the allowable noise standards for Zone G and cannot be used until this occurs.

For your information the noise standards for Zone G are as follows:

Monday – Saturday	7 am - 10 pm - 45 dB(A)
	10 pm - 7 am - 35 dB(A)
Sunday and Public holidays	8 am - 10 pm - 45 dB(A)
	10 pm - 8 am - 35 dB(A)

Please contact me on 6207 2142 to discuss what action will be taken to achieve compliance with the noise standard.

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



Signature of Authorised Officer

5/4/2019

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.**