

# **Freedom of Information Publication Coversheet**

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

# FOI Reference: CMTEDDFOI 2020-142

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)	32
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

#### UNCLASSIFIED

Good morning

Please see the below access request for transfer as I believe this relates to records held by Access Canberra.

Please confirm if the transfer is accepted.

Kind Regards

#### Angelina Aloisi | Freedom of Information and Records Officer

Information and Knowledge Management

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 6207 7912 | Email: Angelina.Aloisi@act.gov.au

Level 2, Dame Pattie Menzies House South Building | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au | www.planning.act.gov.au

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-----Original Message-----

From:

Sent: Thursday, 23 July 2020 10:21 AM

To: EPSDFOI < EPSDFOI@act.gov.au>

Subject: Information regarding building compliance for

To whom it may concern,

I would like to request a copy of the report sent to Ajith Buddhadasa, Assistant Director Manager, Rapid Regulatory Response Team.

A report by the Certifier for **constructions** was given to Mr Buddhadasa regarding the building height compliance and compliance with the approved plans.

We would like to request a copy of the report under the freedom of information act as we can see that the building which is **see that the building which is see that the building which is <b>see that the building which is see that the building which is <b>see that the building which is see that the building which is <b>see that the building which is see that the building which** 

directly

Mr Buddhadasa has suggested that we apply for a copy of the report by the certifier under the freedom of information act.

Please feel free to contact me on to discuss. Please let me know how I would go about picking up this report.

Kind Regards

Our ref: CMTEDDFOI 2020-142



	[	
via email		

Dear

# 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 27 July 2020, in which you sought access to:

• "A copy of the report sent to Ajith Buddhadasa, Assistant Director Manager, Rapid Regulatory Response Team. A report by the Certifier for constructions was given to Mr Buddhadasa regarding the building height compliance and compliance with the approved plans."

#### Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

#### Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 24 August 2020 however, following on from third party consultations, the due date is now 14 September 2020.

#### **Third Party Consultation**

In making this decision, third party consultation was completed in accordance with section 38 of the Act. The views of the relevant third parties were taken into consideration when making this decision.

#### **Decision on access**

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

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

I have decided to grant access in full to one document and partial access to six documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

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

# **Statement of Reasons**

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the Human Rights Act 2004.

# **Exemption claimed**

My reasons for deciding not to grant 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 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.

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 the public interest:

- (a) disclosure of the information could reasonably be expected to do any of the following:
  - *(b)* (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the document may contribute to procedural fairness by allowing you to have a copy of the documents that fall within the scope of your request.

# Factors favouring nondisclosure in the public interest:

(a) disclosure of the information could reasonably be expected to do any of the following:(b) (ii) Prejudice the protection of an individual's right to privacy or other rights under

# the Human Rights Act 2004;

Taking into account the submissions put to me by the relevant third parties as part of the consultation undertaken in accordance with section 38 of the Act and having reviewed the documents, 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 information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

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. 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 (addresses, phone numbers, internal layout and names of individuals not employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

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.

# Access to documents

Pursuant to section 38(6) of the Act, I am required to defer access to all the identified documents which release was objected to by third parties. These third parties may apply for review of my release decision within 20 working days after my decision, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred.

# Charges

Processing charges are not applicable for this request because the 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 on the CMTEDD disclosure log after the conclusion of the third party review period. Your personal contact details will not be published. You may view CMTEDD disclosure log at <u>https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020</u>.

#### **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

# 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 6207 7754 or email <u>CMTEDDFOI@act.gov.au</u>.

Yours sincerely

1. Rut.

Philip Dachs Information Officer Information Access Team Chief Minister, Treasury and Economic Development Directorate

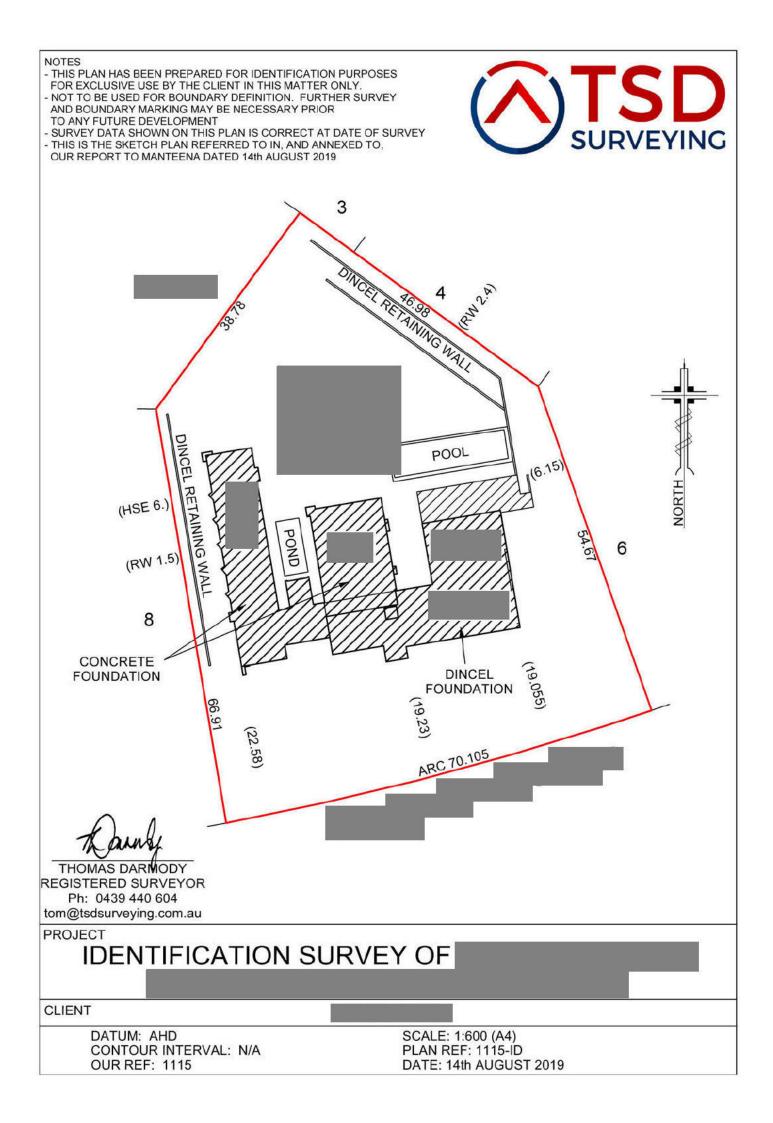
9 September 2020



# FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
I would like to request a copy of the report sent to Ajith Buddhadasa, Assistant Director Manager, Rapid Regulatory Response Team. A report by the	CMTEDDFOI 2020-142
Certifier for constructions was given to Mr Buddhadasa regarding the building height compliance and compliance with the approved plans.	

Ref No	Page number	Description	Date	Status	Reason for Exemption	<b>Online Release Status</b>
1	1	Identification survey	14 Aug 2019	Full release	N/A	Yes
2	2	Letter – updated structural with attachments	22 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
3	3	Attachment 1 to Document 2	22 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	4	Attachment 2 to Document 2	22 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	5	Attachment 3 to Document 2	22 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	6	Attachment 4 to Document 2	22 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
7	7	Attachment 5 to Document 2	22 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs	ļ		polity of			
7						





BUILDING APPROVALS | CERTIFICATION | COMPLIANCE

00000873 22 June 2020

Sch	2.2	(a)(ii)	
Sch 2.2(a)	)(ii)	-	

Re:	
Address:	
Owner:	Sch 2.2(a)(ii)
Description:	Updated structurals, Terrace FFL added to plans
Building Classification:	1a, 10a & 10b

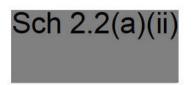
Attached are the amended plans for your project at the above address. A copy has been forwarded to the Construction Occupations Registrar in accordance with sub-section 33 (3) of the Building Act.

The plans registered by BCA Certifiers as No. 00000873 have been assessed and approved subject to compliance with the Deemed-to-Satisfy Provisions of the Housing Provisions of the Building Code of Australia. This amended plan approval contains drawing numbered 1 of 5.

This amended building approval is subject to the original conditions of approval dated 24/01/2019

If you have any enquiries I can be contacted on Sch 2.2(a)(ii)

Yours faithfully,



Sch 2.2(a)(ii) General Building Surveyor BCA Certifiers Australia Pty Ltd - Lic. No: 200714

#### CANBERRA

Suite 3 1/50 Giels Court Deakin ACT 2600 T (02) 6285 1199 F (02) 6285 2795 E mail@bcacertifiers.com.au

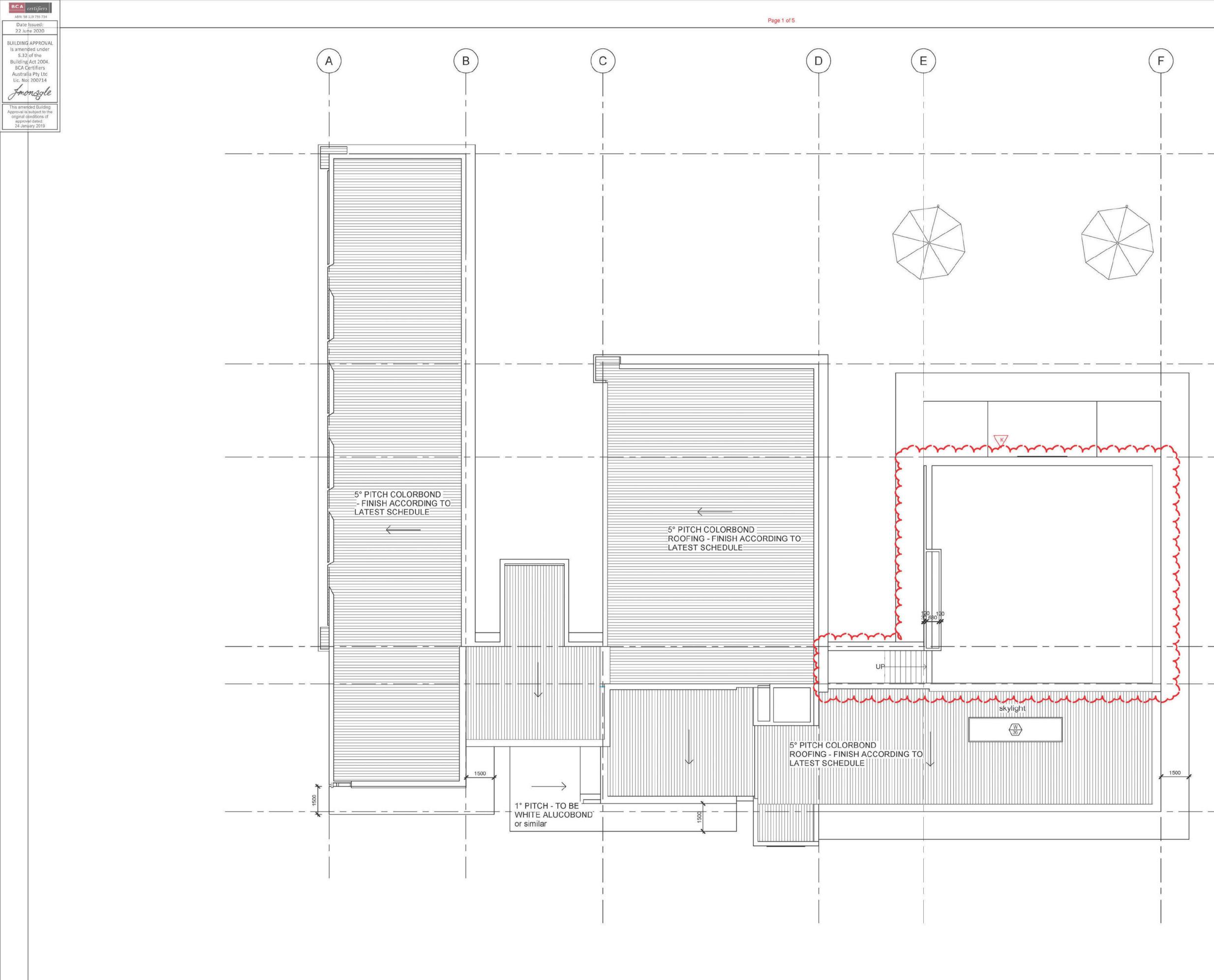
#### BRISBANE

Level 16 200 Mary Street Brisbane QLD 4000 T (07) 3365 0401 F (07) 3365 0498 E info@bcacertifiers.com.au

#### NEWCASTLE

level 2 240-244 Pacific Highway Charlestown NSW 2290 T (02) 4943 1755 F (02) 4943 3845 E admin@bcacertifiers.com.au

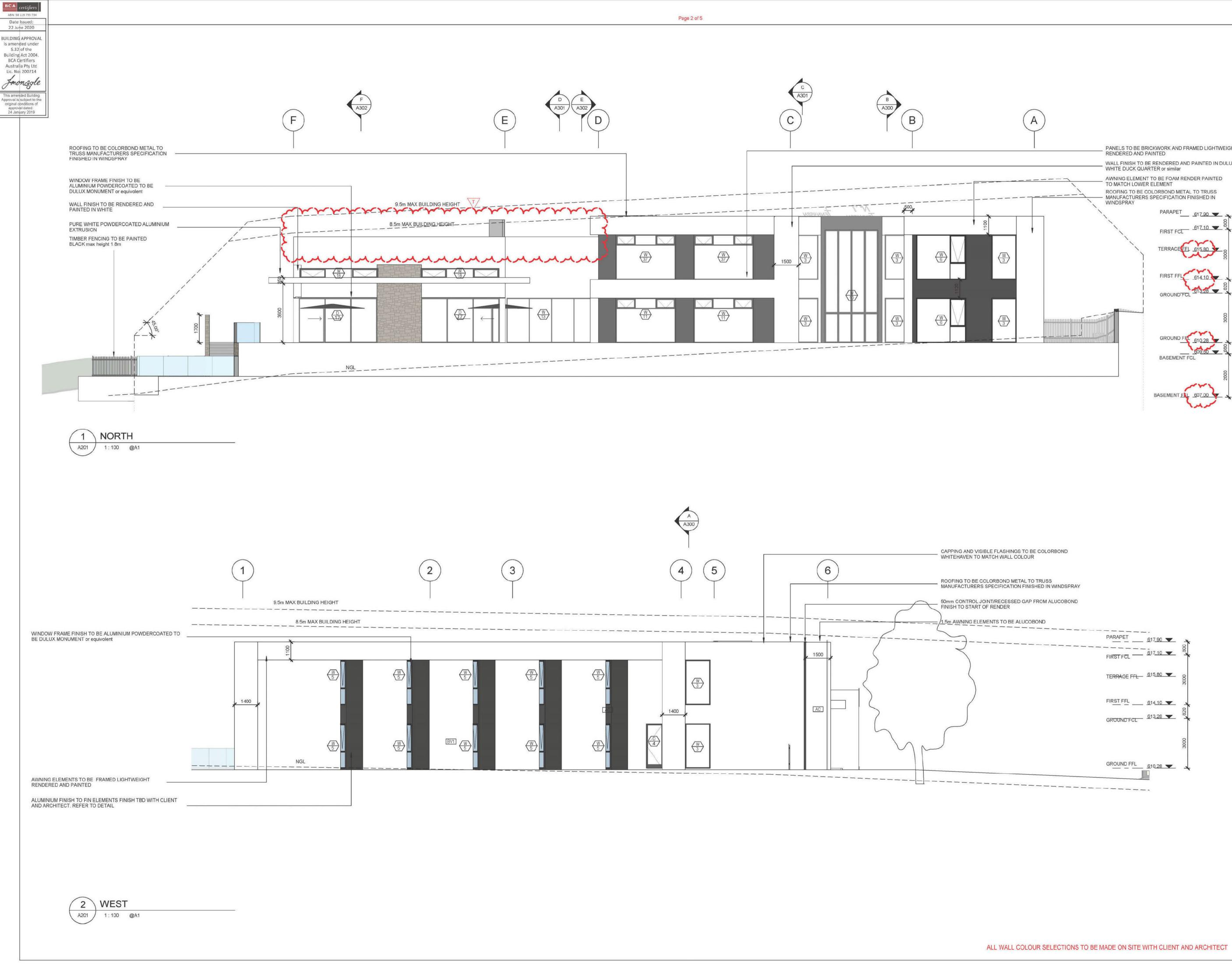
BCA Certifiers (Aust) Pty Ltd COLA Lic # 200714 ACN 119 755 734 ABN 58 119 755 734



ROOF PLAN 1 A104 1:100 @A1

	NORTH
<u>1</u>	Date         Amendment         Code           DA submission         A
	05.10.18 AMENDED BASEMENT LAYOUT B 14.11.18 C
	20.11.18     REDUCING RETAINING WALL     D       5.12.18     MOVED BUILDING 600mm     E
	10.01.19     ADDITION OF VERGOLA     F       13.03.19     WINDOW CHANGES     G
	2.05.19     ADDITIONAL BULKOUT     H       18.09.19     REVISIONS PER COMMUNICATION     I       22.10.10     ADDITION OF SUMPSION OF SUMPSION     I
	22.10.19     ADDITION OF SHADE STRUCTURE     J       18.06.2020     REVISION TERRACE BALUSTRADE     K       HEIGHTS AS PER IDENT SURVEY
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	GENERAL NOTES: ALL WORK TO BE CONSTRUCTED IN ACCORDANCE WIT RELEVANT AUSTRALIAN STANDARDS, BUILDING CODE AUSTRALIA AND LOCAL AUTHORITIES REGULATIONS. EXECUTE ALL WORK IN THE BEST AND MOST TRADESM LIKE MANNER AND TO THE SATISFACTION OF THE SUPERINTENDENT. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHER NOTED.
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CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR DRAWING SHOP DRAWINGS. DO NOT SCALE DRAWING.

DO NOT SCALE THIS DRAWING

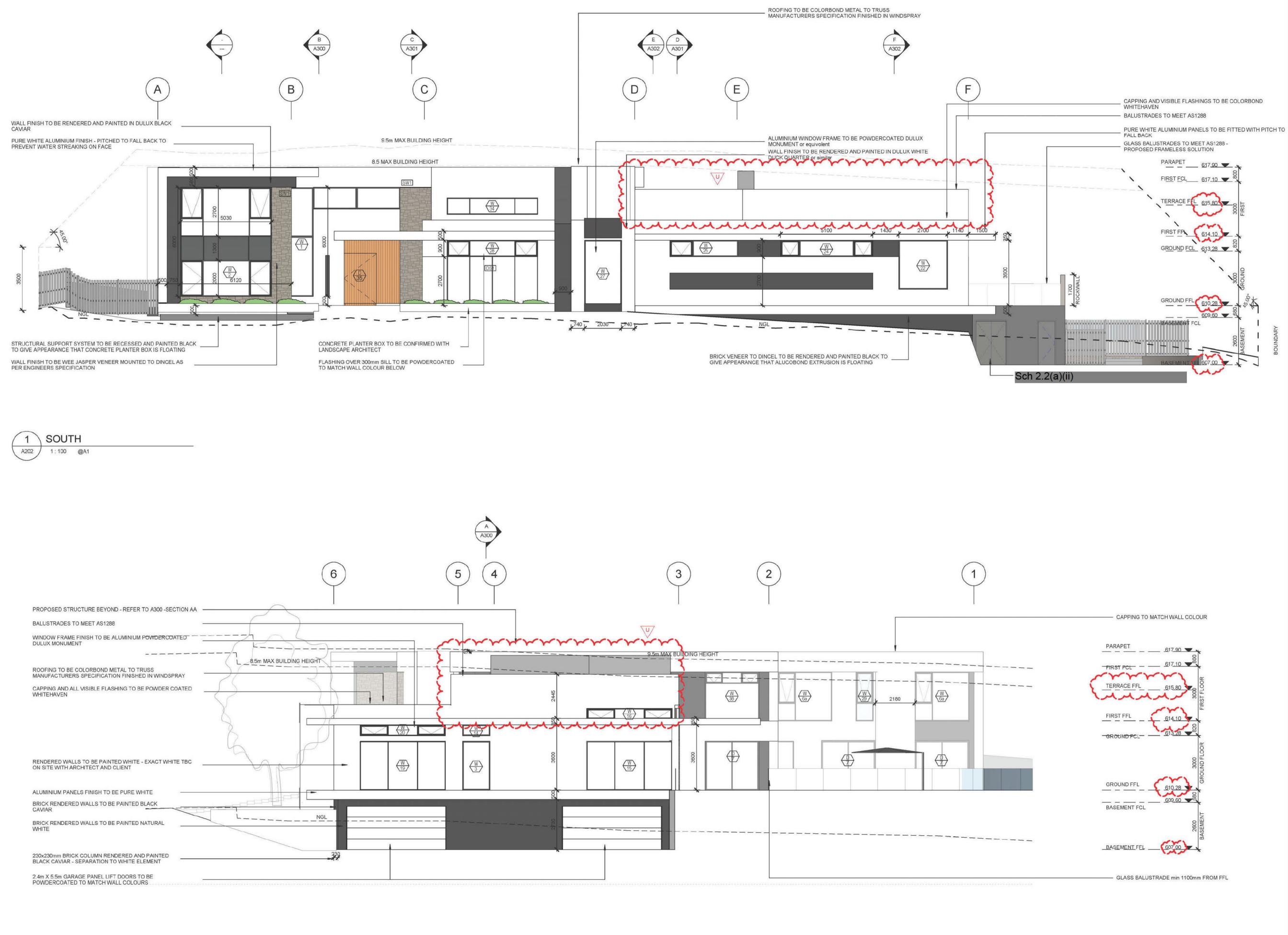
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	Amendment	Code
	DA submission	А
05.10.18	AMENDED BASEMENT LAYOUT	В
14.11.18		С
20.11.18	REDUCING RETAINING WALL	D
5.12.18	MOVED BUILDING 600mm	E
10.01.19	ADDITION OF VERGOLA	F
23.01.19	AMENDING FENCE TYPE	G
27.02.19	WINDOW CHANGES	н
08.3.19	WINDOW CHANGES	1
13.3.19	WINDOW CHANGES	J
13.3.19	RETAINING WALL LOCATION	K
11.04.19	REQUESTED WIN. CHANGES	L
2.05.19	ADDITIONAL BULKOUT	M
14.06.19	EXTENDING ROCK WALL	N
	Addition of Brick column and change of colour	N
20.06.19	REVISIONS AS PER VIEWCO	0
28.08.19	reduced awning depths	Ρ
18.09.19	REVISIONS PER COMMUNICATION	Q
22.10.19	ADDITION OF SHADE STRUCTURE	R
02.06.2020	REVISION OF SHADE STRUCTURE	S
10.00000	REVISION TERRACE BALUSTRADE	т
18.06.2020		



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BCA certifiers ABN: 58 119 755 734

Date Issued: 22 June 2020

BUILDING APPROVAL

is amended under

S.32 of the Building Act 2004.

BCA Certifiers

Australia Pty Ltd Lic. No: 200714

Imonsgle

This amended Building Approval is subject to th original conditions of approval dated: 24 January 2019

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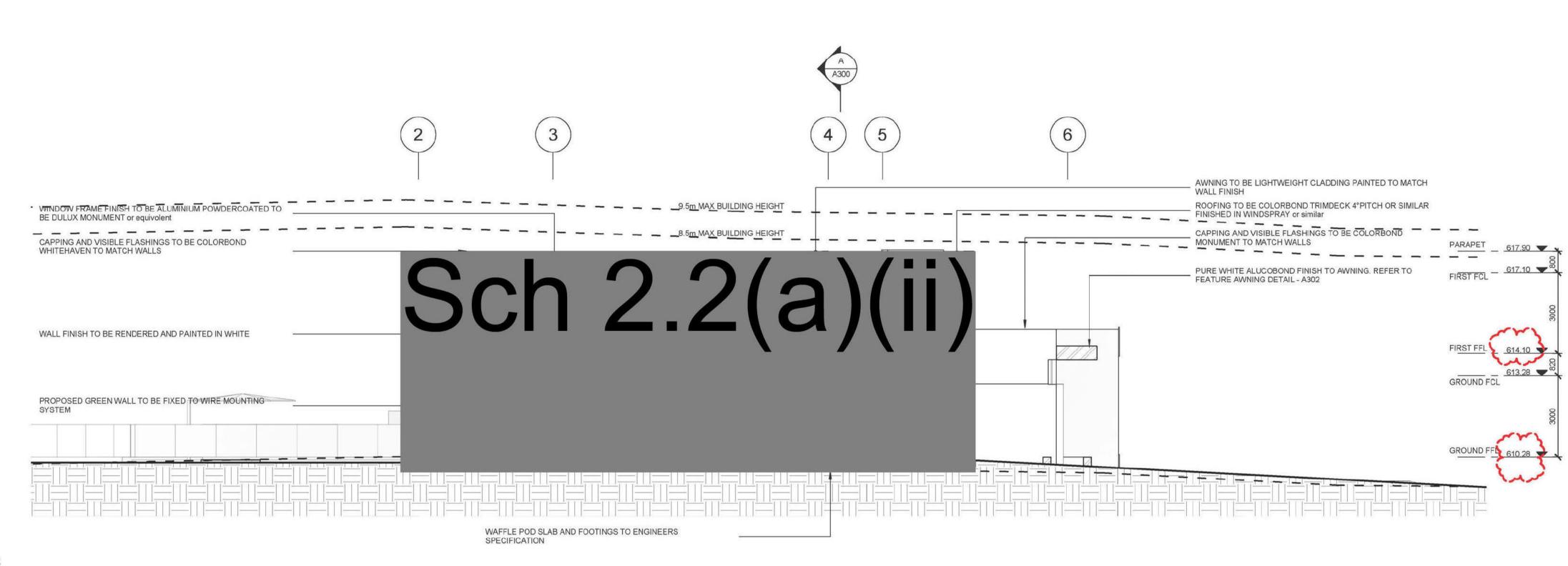
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Date	Amendment	Code
	DA submission	А
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14.11.18		С
20.11.18	REDUCING RETAINING WALL	D
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18.01.19	STRUCTURAL CHANGES	G
27.02.19	WINDOW CHANGES	н
08.03.19	WINDOW CHANGES	I.
13.03.19	WINDOW CHANGES	J
25.03.19	POOL LOCATION CHANGE	K
	RETAINING WALL LOCATION	
11.04.19	REQUESTED WIN. CHANGES	L
2.05.19	REVISION TO LEVELS AT BOUNDARY	M
14.06.19	EXTENDING ROCK WALL	N
	Addition of Brick column and change of colour	N
20.06.19	REVISIONS AS PER VIEWCO	0
28.08.19	reduced awning depths	Ρ
18.09.19	REVISIONS PER COMMUNICATION	Q
22.10.19	ADDITION OF SHADE STRUCTURE	R
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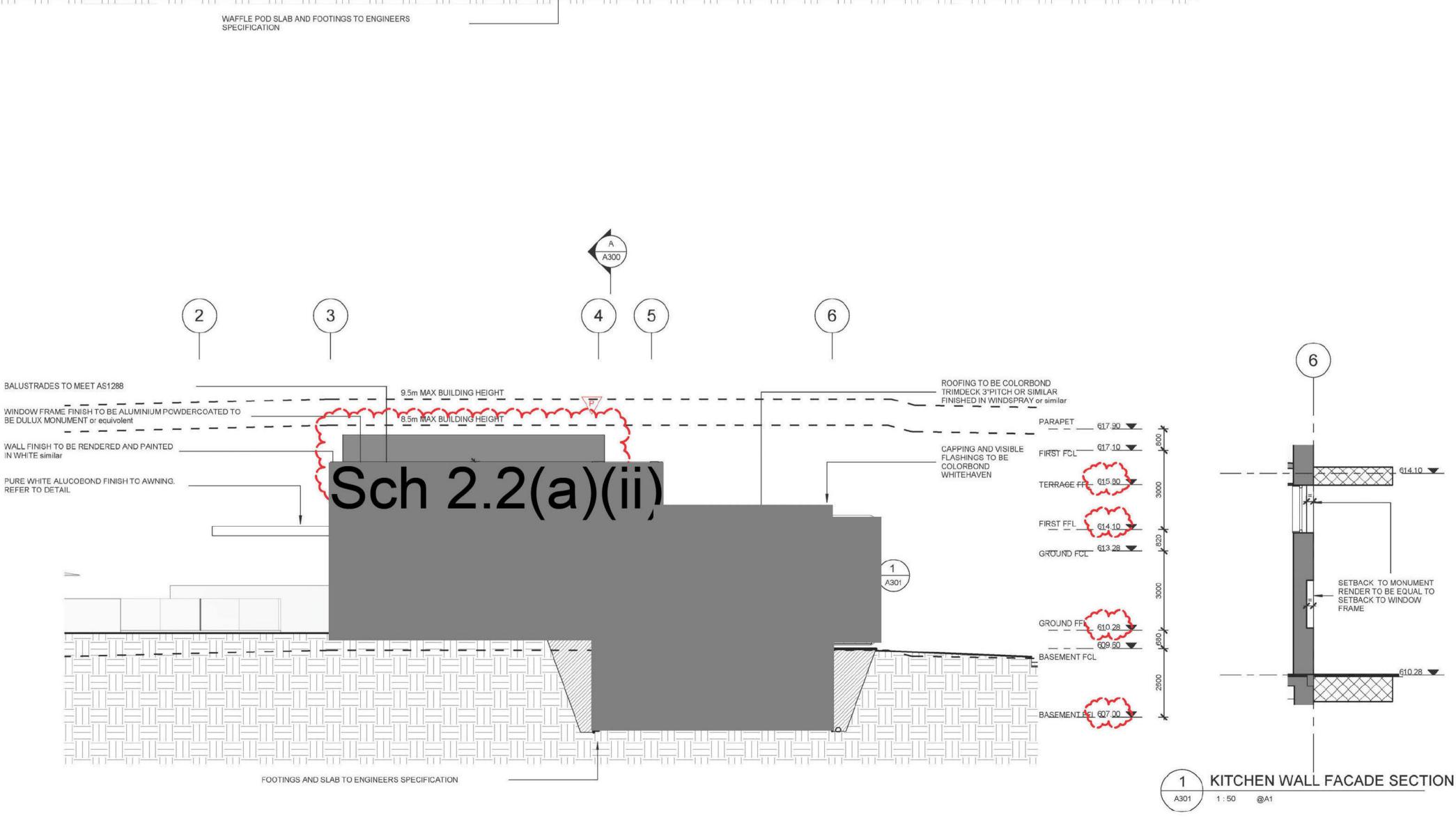




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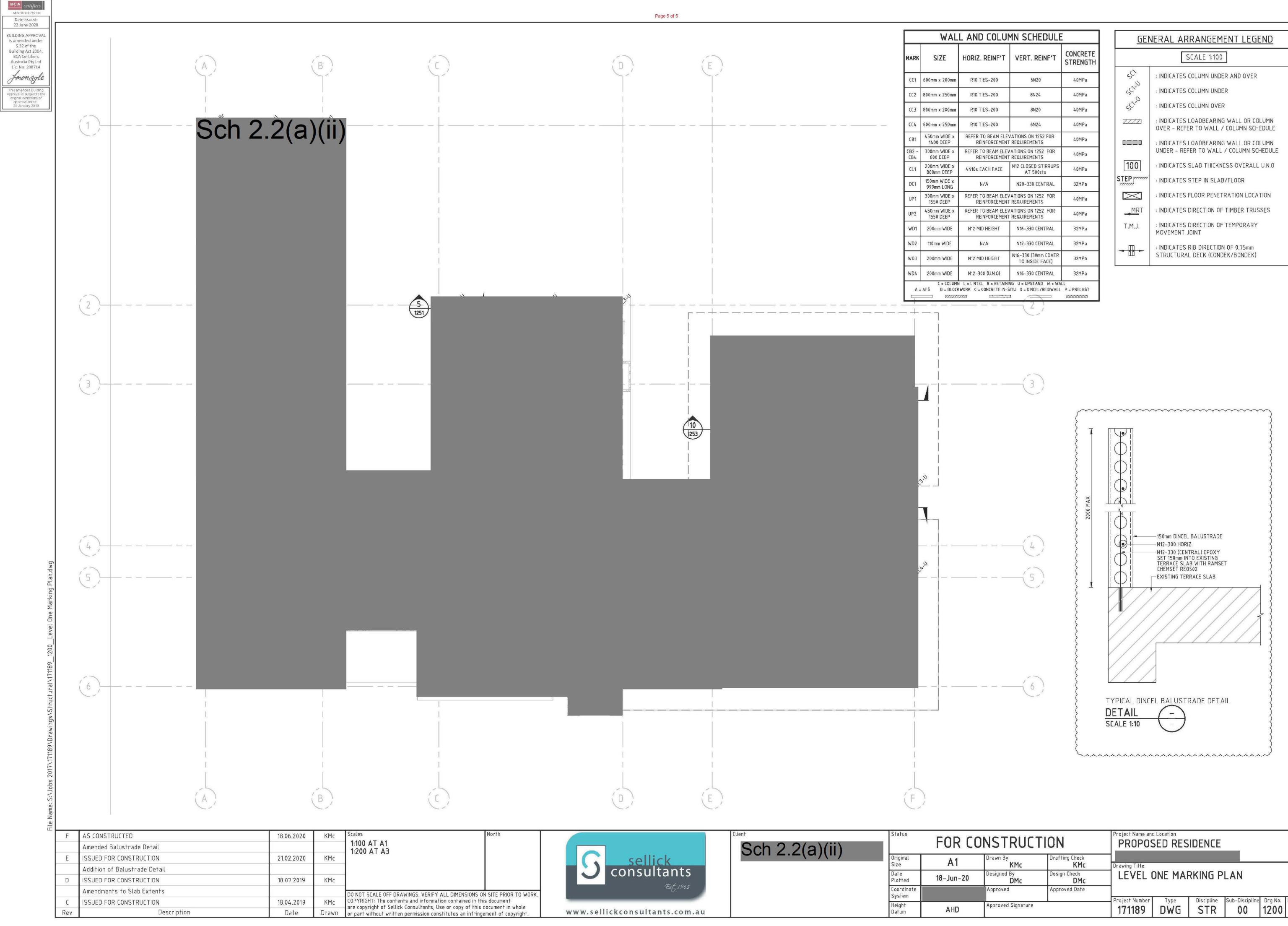
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11.12.19	ADDITION OF CALLOUT	N
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N12 CLOSED STIRRUPS AT 500cts	40MPa	
N20-330 CENTRAL	32MPa	
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ATIONS ON 1252 FOR REQUIREMENTS	40MPa	
N16-330 CENTRAL	32MPa	
N12-330 CENTRAL	32MPa	
N16-330 (30mm COVER TO INSIDE FACE)	32MPa	
N16-330 CENTRAL	32MPa	

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MRT	: INDICATES DIRECTION OF TIMBER TRUSSES						
T.M.J.	: INDICATES DIRECTION OF TEMPORARY MOVEMENT JOINT						
	: INDICATES RIB DIRECTION OF 0.75mm STRUCTURAL DECK (CONDEK/BONDEK)						

TRUCTION		Project Name and Location <b>PROPOSED RESIDENCE</b>						
by KMc d By DMc	Drafting Check KMc Design Check DMc	Drawing Title LEVEL ONE MARKING PLAN						
ed	Approved Date		0				-	
ed Signature		Project Number 171189	Type DWG	Discipline STR	Sub-Discipline	Drg No.	Rev F	