



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 2022-010

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)	8 days
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: no-reply@act.gov.au
To: [CMTEDD.FOI](#)
Subject: 2022-010 - Freedom of Information request
Date: Thursday, 13 January 2022 5:17:20 PM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

A large grey rectangular area redacting the user's personal details, covering the fields for Title, First Name, Last Name, Business/Organisation, Address, Suburb, Postcode, State/Territory, Phone/mobile, and Email address.

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

A large grey rectangular area redacting the details of the information request, covering the text area where the user would describe the documents they want to access.

• Certificate of Occupancy; • Electrical and air-conditioning certification; and • Details of the building certifier engaged on the construction of the Property.

I do not want to access

the following
documents in relation
to my request::

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2022-010



FREEDOM OF INFORMATION REQUEST

I am writing to you in response 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 13 January 2022.

In summary your request sought: *"...I would like to request if you could provide my office copies of the below documents in relation to the above address: • Certificate of Occupancy; • Electrical and air-conditioning certification; and • Details of the building certifier engaged on the construction of the Property."*

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 is required to provide a decision on your access application by 11 February 2022.

Decision on access

Searches were completed for relevant documents and five documents have been 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 full access to 2 documents and partial access to 3 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; and
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to components of these documents are as follows:

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

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:*

- (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:*

- ii) *prejudice the protection of an individual’s right to privacy or any other right under the Human Rights Act 2004.*

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.

When considering the documents and factors in favour of non-disclosure, I have considered the personal information contained in the documents. I consider it unreasonable to release information that could identify the details of the person or persons that have been in contact with the ACT Government in these documents. I believe the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring non-disclosure should be afforded significant weight as it relates to the individuals' privacy.

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 being released are below the charging threshold of 50 pages or above.

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 3 days after the date of my decision. 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-2020>.

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 CMTEDDFOI@act.gov.au.

Yours sincerely



Matt Leonard
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

25 January 2022



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Request for documents in relation to a property in Griffith ACT.	CMTEDDFOI2022-040

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Certificate of Completion of Demolition	19 Feb 2015	Full release	N/A	Yes
2	2	COU	2 Mar 2015	Full release	N/A	Yes
3	3-5	Appointment of a Certifier	undated	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
4	6-7	Appointment of a Certifier	6 Jan 2014	Partial release	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
5	8	Certificate of Electrical Safety	undated	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
5						



ACT
Government

Environment and Planning

Certificate of Completion of Demolition

Certificate No.: **B2014662C1**

Planning and Land Authority

ABN 46 346 672 655
8 Darling Street Mitchell
GPO Box 1908 ACT 2601
www.environment.act.gov.au

This Certificate is issued in accordance with Section 71 (2) of the Building Act 2004.

The demolition of the building works listed on this certificate has been completed in accordance with the prescribed requirements.

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

Plans

B2014662/A

Building Works

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Const.	Unit	BCN ID	Builder
1a(l)	Demolition	DA EXEMPT-RESIDENCE		NA		B2014662N1	IRWIN & HARTSHORN PTY LTD
10a	Demolition	DA EXEMPT-GARAGE		NA		B2014662N1	IRWIN & HARTSHORN PTY LTD
1a(l)	Other	DA EXEMPT-SEE DESCRIPTION	Asbestos Removal	NA		B2014662N1	IRWIN & HARTSHORN PTY LTD

Comments

Important Note:

The issue, under this Part, of a certificate in respect of a building or portion of a building does not affect the liability of a person to comply with the provisions of a law of the territory (including this Act) relating to the building or portion of the building.

Issued by: Tina Gioffre

Issued on: 19/02/2015

Delegate of the ACT Construction
Occupations Registrar.



ACT
Government

Environment and Planning

Certificate of Occupancy and Use

Certificate No.: **B2014995C1**

Planning and Land Authority

ABN 46 346 672 655
8 Darling Street Mitchell
GPO Box 1908 ACT 2601
www.environment.act.gov.au

This Certificate is issued in accordance with Section 69 (2) of the Building Act 2004.

The building work listed on this certificate has been completed substantially in accordance with the prescribed requirements and is considered fit for occupation and use.

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

Plans
B2014995/A
B2014995/B
B2014995/C

Building Works

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Const.	Unit	BCN ID	Builder
1a(l)	New	DA EXEMPT-RESIDENCE		NA		B2014995N1	TEMPERATE LIVING PTY LIMITED
10a	New	DA EXEMPT-GARAGE		NA		B2014995N1	TEMPERATE LIVING PTY LIMITED
10a	New	DA EXEMPT-DECK AND PERGOLA	Incl. Terrace	NA		B2014995N1	TEMPERATE LIVING PTY LIMITED

Comments

Important Note:

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1. Statutory warranties and statutory warranty insurance or a statutory warranty fidelity certificate apply in relation to some or all of the building work.

2. The issue of this certificate in respect of a building or a portion of a building does not affect the liability of a person or other entity to comply with the provisions of an ACT law, including the Building Act 2004, relating to the building or portion of the building.

Issued by: Douglas Farr

Issued on: 02/03/2015

Delegate of the ACT Construction
Occupations Registrar.



**Appointment of a Certifier and
Application for Building Approval**

Project ID: B2014995

This form is to be completed by the Owner/s of the land to which the building work relates

PART A - PROJECT DETAILS

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

PART B - OWNER DETAILS

Name	Address	Email Address
2.2(a)(ii)		

PART C - APPOINTMENT OF CERTIFIER

As required under the Building ACT 2004 I/we herby advise that I/we the owner/s have appointed the person whose details appear below as the certifier in relation to the building works described in this form

Full Name	Address	License Number	Expiry Date
ACT METROPOLITAN BUILDING CERTIFIERS PTY LTD	PO Box 310 DEAKIN WEST ACT 2600	200428123	17/11/2014

PART D - APPLICATION FOR BUILDING APPROVAL

I/we the owners of the abovementioned property hereby apply to the certifier named above to issue a building approval under Section 26 of the Building Act 2004 for the building works detailed in the following table

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Construction	Storeys	Area (m2)	Cost of Works (\$)
1a(l)	New	DA EXEMPT-RESIDENCE		NA	1	361.20	2.2(a)(ii)
10a	New	DA EXEMPT-GARAGE		NA	1	61.97	
10a	New	DA EXEMPT-DECK AND PERGOLA	Incl. Terrace	NA	1	68.90	
10b	New	DA EXEMPT-SWIMMING POOL	Concrete	NA	0	0.00	

I/we have provided the certifier with the information and documentation required to issue a building approval as specified in the Building (General) Regulation 2008.

PART E - AUTHORITY TO ACCESS BUILDING FILE

I/we hereby authorise the certifier to access the Planning and Land Authority's building file for the property which is the subject of this application for the purposes of obtaining information relevant to the issuing of a building approval and associated processes.

PART F - OWNER/S SIGNATURE/S

Name	Signature	Date
2.2(a)(ii)		

APPLICATION FOR BUILDING APPROVAL REQUIREMENTS
Building (General) Regulations 2008

Where relevant the following information **MUST** be included in either the application or the plans accompanying the application for building approval:

General Requirements

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.

- Estimated Cost of Works -as per Building (General) (Cost of Building Work) Determination 2011
- if the proposed building work to be carried out at or near a street or place that is open to or used by the public the application must contain details of the precautions proposed to be taken to protect the safety of people using the street or place while the building work is carried out
- the area of the parcel of land to which this application relates
- the class of the building according to the intended use of the building as proposed to be erected or altered;
- if applicable what fire-resisting construction type (under the building code) the building as proposed to be erected or altered will be.

Note: Fire-resisting construction type may not be applicable if an alternative solution under the building code is used.

- for an application relating to the erection of a class 1 building the site classification of the parcel of land
- for an application relating to the alteration of a class 1 building if the alteration will increase the building load carried by foundation material beyond the building load carried by the foundation before the alteration.

- the site classification of the parcel of land

- for an application relating to the alteration of a building the class and type of fire-resisting construction of the existing building classified under the building code and the materials used in the existing building

Note Fire-resisting construction type may not be applicable if an alternative solution under the building code is used.

- the number of storeys of the building as proposed to be erected or altered;
- the number of new dwellings (if any) created by the proposed building work;
- the floor area of the proposed building or proposed new part of the building;
- the materials to be used in the frame, floor, walls and roof of the proposed building or proposed new part of the building

- if a performance requirement of the building code is to be complied with by use of an alternative solution under the code -

(i) the performance requirement; and

(ii) the alternative solution; and

(iii) each assessment method used to show that the alternative solution complies with the performance requirement;

- if the building code does not state a standard of work in relation to any part of the proposed building work and it is intended to carry out that part of the proposed building work in accordance with a standard of work stated in another document -

(i) the nature of the proposed building work; and

(ii) the title of the document; and

(iii) each assessment method used to show that the proposed building work complies with the standard of work stated in the document.

Removal or demolition of building/s

- Details of the methods to be used in carrying out the proposed building work, including a work plan stated or set out in AS 2601 (Demolition of structures), as in force from time to time;
- the number of dwellings (if any) to be demolished.

Asbestos

- The application must include a description of the method proposed to be used to remove the bonded asbestos sheeting from the building.

- the application must include the following information:

(i) the method proposed to be used to remove the asbestos;

(ii) the approximate amount and kind of asbestos to be removed;

(iii) the equipment proposed to be used to remove the asbestos, including any personal protective equipment;

(iv) details of a program, prepared in accordance with the asbestos removal code, for monitoring airborne asbestos to be followed during the removal. be followed during the removal.



**APPOINTMENT OF A CERTIFIER
APPLICATION FOR BUILDING
APPROVAL**

This form is to be completed by the Owner/s of the land to which the building work relates.

PART A PROJECT DETAILS

Block Section Suburb Unit No.

Street Address

Description of Building Works relevant to this application-If more than 4 items please attach further details

Describe each item of building work in this building approval	BCA Occupancy Class	BCA Construction Type	Area (m ²)	Number of Storeys	Cost of Works (refer to building cost guide)
1 New Residence	1a(i)	—	361.2	1	2.2(a)(ii)
2 Garage	10a	—	61.97	1	
3 Deck + Terrace	10a	—	68.9	1	
4					

Applicable approved requirements and reasons why building approval is not prevented from being issued

Is all work exempt from development approval?

- YES Attach assessment for exempt development checklist (if applicable)
- NO Provide reason/s or description of work: _____

Description of Attachments compliant with Division 3.3 Building Act 2004
Please attach any additional documentation not listed below

- Building Approval Plans
- Referrals, consultations & consents outcomes
- 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 AA attached as per the Act

PART B OWNERS DETAILS – Please Print

All owners must be listed Owner 1 will be considered the contact person in relation to this application

Company Details

ACN/ABN Number

Owner 1 Owner 2

Owner 3 Owner 4

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.

PART B continued

OWNERS DETAILS – Please Print

Postal Address	2.2(a)(ii)
Suburb	
Phone Number Business Hours	
EMAIL ADDRESS	

PART C

APPOINTMENT OF CERTIFIER

As required under the Building ACT 2004 I/we hereby advise that I/we the owner/s have appointed the person whose details appear below as the certifier in relation to the building works described in this form

Company Details	ACT Metropolitan Building Cert.		
Name of Certifier	AS ABOVE	ABN/ACN	110 661 142
Postal Address	PO BOX 2010		
Suburb	DEAKIN WEST	State	ACT
		Postcode	2600
Phone Number Business Hours	6290 0961	Mobile	—
EMAIL ADDRESS	contact@actmetro.com.au.		

PART D

APPLICATION FOR BUILDING APPROVAL

I/we the owners of the abovementioned property hereby apply under Section 26 of the *Building Act 2004* to the certifier named above to issue a building approval for the building work described in this form. I/we have provided the certifier with information and documentation required to issue a building approval as specified in the *Building (General) Regulation 2008*.

PART E

AUTHORITY TO ACCESS BUILDING FILE

I/we hereby authorise the certifier to access the Planning and Land Authority's building file for the property which is the subject of this application for the purposes of obtaining information relevant to the issuing of a building approval and associated processes.

PART F

OWNER/S SIGNATURE/S

1 st Owners Signature	2.2(a)(ii)	Date	6.01.2014
2 nd Owners Signature		Date	6.01.2014
3 rd Owners Signature		Date	
4 th Owners Signature		Date	

NOTE: There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation.



ACT
Government

Environment and
Sustainable Development

Addition - Alteration - Repair CERTIFICATE OF ELECTRICAL SAFETY

Electricity Safety Act 1971 Section 6

Phone: (02) 6207 7775 Fax: (02) 6205 4510

A 15459

Part 1: Installation owner details

Name of installation owner Ultima Constructions Phone _____

Building ID _____ Floor / Level _____ Unit / Shop No. _____

Street Address _____ Postcode _____

Suburb _____ Section _____ Block _____

Is a certificate of occupancy required? No. Yes. If Yes, building project number must be supplied: _____

Part 2: Category

Please tick one box

Residential Commercial Alternative Energy Supply (AES)
(eg. Solar PV, wind, generator)

Part 3: Type of Work

Please tick one box

Addition Alteration Repair

Part 4: Installation

Tick as applicable

Normal Street lights External lighting Hazardous location Swimming pool
 UPS Traffic lights Soft wiring Schools and child care Spa or hot tub
 Standalone Public lights Solar PV Medical and health care Safety services

Part 5: Work Load Details

Item	QTY	Item	QTY	Load KW	Item	QTY	Load KW
Lights		Hot plates			Street lights		
Ceiling fans		Wall oven			Smoke detectors		
10A single socket-outlets		Range			Circuits for pool equipment		
10A double socket-outlets		Storage hot water			Pool heater		
10A multiple socket-outlets		Instantaneous hot water			Spa or Hot tub		
15A & 20A socket-outlets		Off peak hot water			Sauna		
3 phase socket-outlets		Electric solar hot water			Air conditioning	3	1x12KW 1x15KW 1x18KW
Other socket-outlets		Direct heating			Motors		
Exhaust fans		Off peak heating			Qty		Supply KW
Safety switches		Fan light heater			Alternative energy supply (AES)		

Consumer mains _____ mm² Main switchboard Distribution board

Main earth location _____ Equipotential earth bond locations _____

Other load details (if insufficient space please attach list) _____

Part 6: Certification

WORK TESTED BY

Unrestricted electrician _____
 COLA licence No. 19947191 Date tested 18/12/14
 Signature _____

INSTALLED BY

(Details of the electrical contractor or unrestricted electrician who installed the electrical installation covered by this CES)

Name _____
 COLA licence No. 19947191
 Telephone No. 2.2(a)(ii)

To: Construction Occupations Registrar. I hereby notify that the electrical wiring work described in this report has been tested in accordance with AS/NZS 3017 by the following persons and complies with AS/NZS 3000 Wiring Rules (The tester must sign this certification).

OFFICE USE ONLY

E _____ I N S P _____

Defect report / Seal ID No _____ Reinspection fee required

CES# **A 15459**

Inspector remarks: _____

Passed Signature _____ Date ____/____/____

SCANNED