



ACT
Government

Environment, Planning and
Sustainable Development

Phone: 6207 1923
Reference: 18/02916

Dear [REDACTED]

Freedom of Information Request 18/02735

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 1 February 2018. Your application sought access to information regarding conditions A3 and B2 of the Notice of Decision for Development Application (DA) 201528818. Specifically, you are seeking the following:

*any documents both submitted and approved, **subsequent** to the attached Notice of Decision dated 7 April 2016. In particular, documents referenced in the attached 'Notice of Decision' as follows:*

1. *A3 – Construction Measures: 'Appropriate specifications and measures necessary for the structural integrity of adjoining neighbouring properties shall be prepared and obtained relevant building approval.' Have these documents been submitted and approved?*
2. *B2 – Construction Management Plan: 'A Construction Management Plan shall be prepared by a suitably qualified person and approved by the Manager, Traffic Management & Safety, Roads ACT, Roads and Public Transport Division, Territory and Municipal Services Directorate (TAMSD) **prior** to commencement of any work on the site. This plan is to address, as a minimum, measures to be employed during construction to manage all traffic, including construction traffic, in and around the site, provision of safe pedestrian movement around the site, the provision of parking for construction workers, and associated traffic control devices.' Has a construction management plan been developed and approved? Noting that work on the site has already commenced.*

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. EPSDD is required to make a decision on your access application by 28 February 2018.

Decision on access

Searches were completed for relevant documents and nine 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 each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant full access to eight of nine documents. The documents released to you are provided as **Attachment B** to this letter.

One document contains information that, if released, would prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004* which is a factor favouring nondisclosure in the public interest under schedule 2.2 (a)(ii). No factors favouring disclosure in the public interest apply to this information. I have therefore decided to exempt from release, the internal details of the private residence.

Online Publishing – Disclosure Log

Under section 28 of the Act, EPSDD 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 EPSDD disclosure log 3 days after date of decision. Your personal contact details will not be published.

You may view EPSDD's disclosure log at <https://www.environment.act.gov.au/about/access-government-information/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 EPSDD's 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: ombudsman@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/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD's Customer Service Centre on (02) 6207 1923 and ask for the Information Management Team.

Yours sincerely



Brett Phillips
Information Officer
Planning Delivery, Environment Planning and Sustainable Development Directorate

27 February 2018