

Ms Pratichi Chatterjee  
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Marrickville NSW 2204

By email: [pratichi.chatterjee@hotmail.com](mailto:pratichi.chatterjee@hotmail.com)

16 March 2017

Our Ref: LGEN16/215759

Dear Ms Chatterjee

### **Formal Access Application - Notice of Decision**

I refer to your Formal Access Application under the *Government Information (Public Access) Act 2009* (the **GIPA Act**) received on 17 October 2016 in which you sought access to the following information:

Building surveys and/or any other documentation which contains information regarding the structural soundness, life expectancy or condition of the housing and buildings which constitute the Waterloo Estate, Sydney.

Relevant documents which contains the information mentioned above e.g. surveys, reports, studies or drawings, from the point the buildings were constructed. If this is not feasible, the most relevant documents will suffice.

On 16 November 2016, I wrote to you and invited you to amend the scope of your Formal Access Application under section 60(4) of the GIPA Act on the basis that your Formal Access Application would likely require an unreasonable and substantial diversion of Land and Housing Corporation (LAHC's) resources. On 23 November 2016 you agreed to amend the scope of your application (**Reduced Scope**) as follows:

I would like to access the structural surveys carried out in the last 5 years on the following high rise buildings on the Waterloo Estate in Sydney – James Cook, Matavai, Turanga, Daniel Solander, Marton and Banks.

If no structural surveys have been carried out for these buildings in the last 5 years, I would like access to structural surveys or structural testing that was used to inform the Redfern-Waterloo Built Environment Plan Stage 2 from 2011 (the **Information**).

#### **1. Processing of the Formal Access Application**

Under the GIPA Act, agencies must conduct reasonable searches for government information that comes within the scope of a Formal Access Application. In certain circumstances, they must also consult with third parties to see whether they object to the release of their information.

##### **1.1 Searches conducted**

I have caused a thorough search of LAHC's records to be undertaken in order to identify any government information which may come within the Reduced Scope of your Formal Access Application.

## 1.2 Consultation

I do not consider that LAHC is required to consult with any third parties in relation to the Information to which you seek access.

## 2. Decision to provide access

I am authorised, for the purposes of section 9(3) of the GIPA Act, to decide your Formal Access Application.

**2.1 Date of decision:** 16 January 2017.

### 2.2 Notice of decision

I have decided, under section 58(1)(a) of the GIPA Act, to provide you with access to the Information sought in your Reduced Scope Formal Access Application. A copy of the Information is **enclosed**.

The Information is as follows:

Ref	Details	Date
1	Matavai, 2 Phillip Street, Waterloo, Structural Condition Report	August 2005
2	Excel spreadsheet entitled "Department of Housing, High Rise Condition Survey – DRAFT"	Undated
3	Resitech survey report – 148 Cope Street, 1 Phillip Street and 180 Pitt Street, Waterloo	8 May 2008

I have not been able to locate any other information which comes within the scope of your Reduced Scope Formal Access Application. On that basis, I have determined that LAHC does not hold any other documents relevant to your Reduced Scope Formal Access Application under section 58(1)(b) of the GIPA Act.

This decision is reviewable under section 80(d) and (e) of the GIPA Act (see Part 4 of this Notice of Decision for information about your review rights).

### 2.3 Reasons for decision

Under section 9(1) of the GIPA Act, you have a legally enforceable right to be provided with access to government information unless there is an overriding public interest against disclosure of that information. In making such a determination, agencies must apply the public interest test under section 13 of the GIPA Act, which provides that there will only be an overriding public interest against disclosure where public interest considerations in favour of disclosure are, on balance, outweighed by those against disclosure. Under section 5 of the GIPA Act there is a presumption in favour of the disclosure of government information.

I have applied the public interest test and determined that there is no overriding public interest against the disclosure of the Information which I have identified in the table above. Notwithstanding the Information I have identified is outside the scope of your Reduced Scope Formal Access Application (that is, it is outside the 5 year period you have specified and, in respect to item 3, is not a structural survey) I am authorised under section 76 of the GIPA Act to make available to you any government information held by an agency provided there is no overriding public interest against the disclosure of the information.

I have conducted a search of LAHC's TRIM (Total Records Information Management) system for information which comes within the Reduced Scope of your Formal Access Application. TRIM is the electronic management system used by LAHC and where the vast majority of LAHC's records are stored. No information has been identified. I have also consulted with LAHC's Library, Technical Services Unit, Survey Unit, Operational Policy and

Standards – Assets Unit, Development Services Unit and the Communities Plus Division in order to identify any relevant information held by those business units. No such information has been identified. On that basis, I am satisfied LAHC does not hold structural surveys for the James Cook, Matavai, Turanga, Daniel Solander, Marton and Banks buildings in the Waterloo estate since 2011-2016 (being the last 5 years).

In respect to the structural surveys or structural testing that were used to inform the Redfern-Waterloo Built Environment Plan Stage 2 from 2011, I have not been able to identify any such survey documents. I note that the Redfern-Waterloo Built Environment Plans for Stages 1 and 2 are publicly available.

#### **2.4 Form of access**

You have been provided with a copy of the Information with this Notice of Decision.

#### **3. Disclosure log**

You have not indicated in your Formal Access Application whether you consent to details of your application being recorded in LAHC's disclosure log. I have decided on this occasion not to record the details in LAHC's disclosure log.

#### **4. Your rights of review**

If you are aggrieved by any of the reviewable decisions in this Notice of Decision, you may seek a review under Part 5 of the GIPA Act, by requesting any one of the following:

- An Internal Review which must be lodged with the Right to Information Unit, Legal within 20 working days of this Notice of Decision. You must lodge your Internal Review at the address shown at the bottom of this page and must be accompanied by the application fee of \$40.
- Alternatively, a request for an External Review may be lodged with either the Information and Privacy Commission, or the NSW Civil and Administrative Tribunal. Please note that you must lodge your request for an external review within 8 weeks of this Notice of Decision.

Further information about your appeal rights under the GIPA Act is available on the Information and Privacy Commission's website: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

If you require any further information regarding this Notice of Decision, please do not hesitate to contact Anke Gibbons, GIPA Officer on telephone (02) 8753 9416.

Yours sincerely



Anke Gibbons  
**GIPA Officer**  
**Land and Housing Corporation**