

Notice of Decision and Reasons for Decision

Applicant:	'AN1'
Agency:	Moreland City Council
Decision Date:	24 September 2019
Exemptions considered:	Sections 33(1), 34(1)(b)
Citation:	'AN1' and Moreland City Council (<i>Freedom of Information</i>) [2019] VICmr 118 (25 September 2019)

FREEDOM OF INFORMATION – building works – Protection Works Notices – building plans, drawings and designs – personal affairs information – business affairs information

All references to legislation in this document are to the *Freedom of Information Act 1982* (Vic) (**FOI Act**) unless otherwise stated.

Notice of Decision

I have conducted a review under section 49F of the Agency's decision to refuse access to documents requested by the Applicant under the FOI Act.

My decision on the Applicant's request differs from the Agency's decision in that I have decided to release additional information in the documents.

The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

My reasons for decision follow.

Joanne Kummrow
Public Access Deputy Commissioner

24 September 2019

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency for access to the following documents:

I seek access to the following document(s), dated/created between: [date] and: [date] in relation to the building works carried out at [address in Victoria] and for which I am the neighbouring proprietor at [address in Victoria].

- Protection works notices;
- As-Built Plans;
- All other stamped plans held by the [Agency].

2. Following consultation with the Agency, the Applicant amended the date range of their request.
3. In its decision, the Agency identified 25 documents falling within the terms of the Applicant's request. It decided to:
 - (a) grant access to three documents in full;
 - (b) grant access to 16 documents in part; and
 - (c) refuse access to six documents in full.

Review

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. In their submission, the Applicant indicated they sought access to the documents in relation to alleged illegal protection works carried out on the adjoining property.
6. The Applicant submits the owners of the adjoining property failed to provide all relevant documentation to the Applicant. Therefore, the Applicant seeks access to the documents in order to compare the as-built drawings and stamped plans with those previously provided to the Applicant. The Applicant seeks to determine whether the up-to-date plans were lodged with the Agency by the relevant building surveyor.
7. On 4 September 2019, the Agency agreed to release additional information to the Applicant without making a fresh decision, as outlined in the Schedule of Documents in Annexure 1.
8. I have examined copies of the documents subject to review.
9. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
10. I have considered all communications and submissions received from the parties, including:
 - (a) the Agency's decision on the FOI request;
 - (b) the Applicant's submission dated 16 May 2019 and information provided with the Applicant's review application;

- (c) the Agency's submission dated 24 May 2021; and
 - (d) further information provided by the parties following inquiries by OVIC staff.
11. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.

Review of exemptions

12. The Agency relied on the exemptions in sections 33(1) and 34(1)(b) to refuse access to certain information contained in the documents.
13. The Agency's decision letter sets out the reasons for its decision.

Section 33(1)

14. A document is exempt under section 33(1) if two conditions are satisfied:
- (a) disclosure of the document under the FOI Act would 'involve' the disclosure of information relating to the 'personal affairs' of a person other than the Applicant;¹ and
 - (b) such disclosure would be 'unreasonable'.

Does the information exempted by the Agency constitute personal affairs information?

15. Information relating to a person's 'personal affairs' includes information that identifies any person, or discloses their address or location. It also includes any information from which this may be reasonably determined.²
16. On 4 September 2019, the Agency advised certain personal affairs information exempted in its decision could be released. Accordingly, this review relates to the remainder of the personal affairs information exempted by the Agency.
17. The information exempted by the Agency under section 33(1) includes signatures and names of third parties.
18. I am satisfied this information constitutes 'personal affairs' information for the purposes of section 33(1).

Would disclosure of the personal affairs information constitute unreasonable disclosure?

19. Determining whether disclosure would be unreasonable involves balancing the public interest in the disclosure of official information with the personal interest in privacy in the particular circumstances of a matter.
20. In determining whether the release of the personal affairs information is unreasonable, I consider the following matters are particularly relevant:
- (a) the nature of the personal affairs information (for example, whether it is sensitive or its current relevance);

¹ Sections 33(1) and (2).

² Section 33(9).

- (b) the circumstances in which the information was obtained;
 - (c) the Applicant's interest in the information, including their purpose or motive for seeking access to the documents;
 - (d) whether any public interest would be promoted by disclosure;
 - (e) the likelihood of further disclosure of the information if it is released; and
 - (f) whether the individual to whom the information relates consents or objects to the disclosure.
21. I have also taken into consideration the nature of disclosure of a document under the FOI Act is unconditional and unrestricted, which means an applicant is free to disseminate widely or use a document disclosed to them as they choose.³
22. Section 33(2A) requires that, in deciding whether the disclosure of a document would involve the unreasonable disclosure of information relating to the personal affairs of any person, I must take into account whether the disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person. However, I do not consider this to be a relevant factor in the circumstances.
23. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document containing material claimed exempt under section 33(1).

Section 34(1)(b)

24. On 4 September 2019, the Agency advised that certain documents exempted under section 34(1)(b) could be released. Accordingly, my reasons outlined below only relate to Documents 22 and 23, for which the Agency remains of the view are exempt under section 34(1)(b).
25. Section 34(1)(b) provides a document is an exempt document if its disclosure under the FOI Act would disclose information acquired by an agency (or a Minister) from a business, commercial or financial undertaking and:
- (a) the information relates to other matters of a business, commercial or financial nature; and
 - (b) the disclosure of the information would be likely to expose the undertaking unreasonably to disadvantage.
26. In *Thwaites v Department of Human Services*,⁴ the Victorian Civil and Administrative Tribunal (VCAT) observed the phrase 'information acquired' in section 34(1) signifies the need for some positive handing over of information in some precise form.
27. VCAT has also recognised the words 'business, commercial or financial nature' have their ordinary meaning.⁵
28. I consider the reference in section 34(1)(b) to 'expose the undertaking unreasonably to disadvantage' contemplates that disclosure of documents may involve a measure of disadvantage for an undertaking. Parliament determined, by the introduction in 1993 of the word 'unreasonably' that the exemption contemplates a certain level of disadvantage. The issue is whether an undertaking will be exposed unreasonably to disadvantage

³ *Victoria Police v Marke* [2008] VCSCA 218 at [68].

⁴ (1999) 15 VAR 1.

⁵ *Gibson v Latrobe CC* [2008] VCAT 1340 at [25].

29. Section 34(2) provides:

In deciding whether disclosure of information would expose an undertaking unreasonably to disadvantage, for the purposes of paragraph (b) of subsection (1), an agency or Minister may take account of any of the following considerations:

- (a) whether the information is generally available to competitors of the undertaking;
- (b) whether the information would be exempt matter if it were generated by an agency or a Minister;
- (c) whether the information could be disclosed without causing substantial harm to the competitive position of the undertaking; and
- (d) whether there are any considerations in the public interest in favour of disclosure which outweigh considerations of competitive disadvantage to the undertaking, for instance, the public interest in evaluating aspects of government regulation of corporate practices or environmental controls—

and of any other consideration or considerations which in the opinion of the agency or Minister is or are relevant.

30. I have also had regard to VCAT's approach in *Dalla-Riva v Department of Treasury and Finance*,⁶ where VCAT held documents are exempt under section 34(1)(b) if disclosure would:

- (a) give the undertaking's competitors a financial disadvantage;
- (b) enable competitors to engage in destructive competition with the undertaking; and
- (c) would lead to the drawing of unwarranted conclusions as to the undertaking's financial affairs and position with commercial and market consequences.

Do the documents contain information acquired from a business undertaking related to matters of a business, commercial or financial nature?

- 31. The documents exempted by the Agency pursuant to section 34(1)(b) include drawings for a proposed air conditioning, kitchen exhaust and kitchen hood.
- 32. I am satisfied these documents were acquired by the Agency in the course of its planning and building jurisdiction.
- 33. I am satisfied the information was acquired by the Agency from a business undertaking and relates to matters of a business, commercial or financial nature. Therefore, I must consider whether disclosure of the documents would be likely to expose each of the business undertakings unreasonably to disadvantage.

Would disclosure of the information likely expose the undertaking unreasonably to disadvantage?

- 34. While I agree disclosure of the documents may expose the undertaking to some form of disadvantage, given the undertakings have indicated the documents are either confidential or commercially sensitive, I do not consider the degree of disadvantage would be unreasonable.
- 35. I am not satisfied disclosure of the documents in these circumstances would be likely to expose the undertakings unreasonably to disadvantage, for the following reasons:

⁶ [2007] VCAT 1301 at [33].

- (a) While the information may not be known to competitors of the business undertakings, it is unlikely the documents can be used for the purposes of any other projects as the documents were prepared for a specific property. I am therefore not satisfied that that the information contained in the documents is of a nature that would give a competitor a financial advantage or allow a competitor to engage in destructive competition with the undertakings if released.
- (b) The Applicant's interest in the documents relates to [their] view that illegal works were carried out on an adjoining property. Therefore, I do not consider the documents are being sought to obtain a commercial or competitive advantage by a business competitor. Rather, the documents are being sought in relation to the specific circumstances as they relate to [the Applicant's] property.
- (c) The Agency sought the views of the business undertakings in accordance with section 34(3). Although the business undertakings objected to disclosure, submitting the documents are commercially sensitive or confidential in nature, neither of the business undertakings described, with sufficient detail, the sensitivity of the documents and how they would be unreasonably disadvantaged should the information be released.
- (d) I am also mindful of the general right of access provided to each person under the FOI Act. This broad right of access provides that any person may request access to any document held by an agency without cause or connection to the document or its subject matter. In this case, it is common for the FOI Act to be used by a neighbour seeking further information about a construction project on a neighbouring property where they hold concerns about the project's effect on their property.

36. The Schedule of Documents in **Annexure 1** contains a summary of my decision in respect to each document.

Deletion of exempt or irrelevant information

- 37. Section 25 requires an agency to grant access to an edited copy of a document when it is practicable for the agency or Minister to delete exempt or irrelevant information and the applicant agrees to receiving such a copy.
- 38. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'⁷ and the effectiveness of the deletions. Where deletions would render the document meaningless they are not 'practicable' and release of the document is not required under section 25.⁸
- 39. I have considered the effect of deleting exempt information from the documents. In my view, it is practicable to delete the exempt information, because it would not require substantial time and effort, and the edited documents would retain meaning.

Conclusion

- 40. On the information available, I am satisfied the exemptions in section 33(1) applies to certain information in the documents. I have decided to release additional information in the documents to the Applicant.
- 41. As it is practicable to edit the documents to delete exempt information, I have determined to grant access to the documents in part.

⁷ *Mickelborough v Victoria Police (General)* [2009] VCAT 2786 at [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967 at [82].

⁸ *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267 at [140] and [155].

Review rights

42. If either party to this review is not satisfied with my decision, they are entitled to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for it to be reviewed.⁹
43. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.¹⁰
44. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.¹¹
45. Information about how to apply to VCAT is available online at www.vcat.vic.gov.au. Alternatively, VCAT may be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.
46. The Agency is required to notify the Information Commissioner in writing as soon as practicable if either party applies to VCAT for a review of my decision.¹²

Other matters

47. Section 49P(5) states that if I decide to disclose a document claimed to be exempt under section 33(1) and 34(1)(b) I must, if practicable, notify any person or business undertaking who has a right to apply to VCAT for a review of my decision of their right to do so.
48. In considering the meaning of 'practicable' in relation to other sections of the FOI Act, VCAT has stated the following:

The use of the word 'practicable' in the legislation to my mind connotes a legislative intention to apply common sense principles. 'Practicable' is not a term of art or a term of precise meaning.

... The use of the word indicates there should be imported into the process the exercise of judgment by the agency concerned. It does not allow for the conclusion that because a task is possible, it must, ergo, be undertaken.¹³

49. VCAT also considers the possibility of an unnecessary intrusion into the lives of third parties is relevant when assessing the practicability of notifying them.¹⁴
50. On the balance, I am satisfied it is practicable to notify certain individuals and business undertakings of their right to seek review of my decision to disclose their personal affairs information.

When this decision takes effect

51. I have decided to release documents that contain information relating to the personal affairs of third parties and matters of a commercial nature relating to third party business undertaking.
52. The relevant third parties will be notified of my decision and are entitled to apply to VCAT for a review within 60 days from the date they are given notice.
53. For that reason, my decision does not take effect until that 60 day period expires, or if an application to VCAT is made, until the VCAT proceeding is concluded.

⁹ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

¹⁰ Section 52(5).

¹¹ Section 52(9).

¹² Sections 50(3F) and (3FA).

¹³ *Re Schubert and Department of Premier and Cabinet* (2001) 19 VAR 35 at [45].

¹⁴ *Coulston v Office of Public Prosecutions Victoria* [2010] VCAT 1234 at [42].

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
1.	[date]	Form 3 – Protection Work Notice	1	Released in part Section 33(1)	Release in full	Section 33(1): On 4 September 2019, the Agency advised OVIC that it was of the view that the document could be released in full. I have therefore decided release of the personal affairs information in the document is not unreasonable.
2.	[date]	Form 4 – Protection Work Response Notice	1	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.
3.	[date]	Letter to [named] Building Consultants	2	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.
4.	[date]	Statutory Declaration	1	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.
5.	[date]	Building Protection Work Notice – Forms 3 and 4	3	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.
6.	v	Architectural plans <ul style="list-style-type: none"> • WD01 – Proposed floor plans • WD02- Proposed 	6	Refused in full Section 34(1)(b)	Release in full	Section 34(1)(b): On 4 September 2019, the Agency advised OVIC it was of the view that the document could be released in full. Therefore, I have decided release of the business affairs information in the document would not expose the

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
		<p>Elevations</p> <ul style="list-style-type: none"> • WD03- Sections • WD04- Proposed Site Plans • WD05 – Proposed Site Plans • WD06 – Existing Site / roof plans 				undertaking unreasonably to disadvantage.
7.	[date]	Structural engineering plans	7	Released in full	Not subject to review	
8.	v	Site Investigation Report	9	Released in part Section 33(1)	<p>Release in part Sections 33(1), 25</p> <p>The document is to be released to the Applicant with the exception of signatures which are exempt under section 33(1) and to be deleted in accordance with section 25.</p>	<p>Section 33(1): I am satisfied the name of a third party and signatures exempted by the Agency in its decision is 'personal affairs information' for the purposes of section 33(1). However, I am not satisfied it would be unreasonable to release the name of the third party in this instance for the following reasons:</p> <p>(a) the contents of the documents are not particularly sensitive – as they are a site inspection, civil computations and design and engineering drawings;</p> <p>(b) I consider the Applicant is already</p>

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
						<p>aware of the identity of the third parties, from documents previously released to the Applicant prior to their FOI request and in the additional documents the Agency has agreed to release during this review;</p> <p>(c) I do not consider it unreasonable to release the names of third parties where their personal affairs information relates to their professional role;</p> <p>(d) while I note that one of the third parties have objected to the release of their personal affairs information, I consider the right of access to information under the FOI Act outweighs the third party's privacy in the circumstances of this matter; and</p> <p>(e) although there is no information before me regarding the views of the other third party, I do not consider it unreasonable to release their name to the Applicant for the reasons outlined above.</p> <p>In relation to the personal signature, I consider disclosure would be unreasonable as I consider this information is sensitive and would not serve the Applicant's purpose in seeking access to the</p>

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
						documents. Accordingly, this information is exempt under section 33(1). Section 25: I have considered the effect of deleting exempt information from the documents. In my view, it is practicable to delete the exempt information, because it would not require substantial time and effort, and the edited documents would retain meaning.
9.	[year]	Survey plan	1	Released in full	Not subject to review	
10.	[date]	Form 4 – Building Protection Work Notice	2	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.
11.	[date]	Letters to Applicant	4	Released in part Sections 33(1), 34(1)(b)	Release in full	Section 33(1): See comment for Document 1.
12.	[date]	Architectural stamped plans <ul style="list-style-type: none"> • WD01 – Proposed floor plans • WD02- Proposed 	5	Refused in full Section 34(1)(b)	Release in full	Section 33(1): See comment for Documents 1 and 6.

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
		Elevations <ul style="list-style-type: none"> • WD03- Sections • WD04- Proposed Site Plans • WD06 – Existing Site / roof plans 				
13.	[date]	Engineering working drawings <ul style="list-style-type: none"> • S01 – General Notes • S03 – First floor framing plan • S04- Roof framing plan • S05- Ground floor wall bracing plan • S06- First floor wall bracing plan • S30- Framing details 1 • S31- Framing 	11	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
		details 2 <ul style="list-style-type: none"> • S32- Framing Details 3 • S33- Framing details 4 • S40- Bracing details • S41- Wall bracing details 2 				
14.	[date]	Engineering drawings <ul style="list-style-type: none"> • 16707- General note • 16707 – Slab Plan Shop Front • 16707 – Slab details • 16707 – Details 1 • 16707 – Details 2 • 16707 – Details 3 	7	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
		<ul style="list-style-type: none"> 16707- Details 4 				
15.	[date]	<p>Wet Area Plans</p> <ul style="list-style-type: none"> SK02 – Wet are plan and elevations 	1	<p>Released in part</p> <p>Section 33(1)</p>	Release in full	Section 33(1): See comment for Document 1.
16.	v	<p>Civil computations and designs</p> <ul style="list-style-type: none"> C001 – Stormwater drainage plan C02- Stormwater drainage design C03- Stormwater drainage design C04- Stormwater drainage design 	8	<p>Released in part</p> <p>Section 33(1)</p>	Release in full	<p>Section 33(1): In its decision, the Agency exempted the following information under section 33(1):</p> <p>(a) the name and registration number of a building surveyor</p> <p>(b) the name, postnominals and initials of the designer;</p> <p>(c) signatures of an agency staff member; and</p> <p>(d) the name of a third party.</p> <p>On 4 September 2019, the Agency advised that it was of the view additional information contained in this document could be released to the Applicant, except for the name of a third party. In the circumstances, I am not satisfied it would be unreasonable to release the name of the third party for which the document was</p>

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
						prepared as it has already been released to the Applicant in other documents within this review and in documentation provided to the Applicant prior to the FOI request. Accordingly, this information is not exempt under section 33(1).
17.	v	[Reference number] Application for report and consent of Council precautions pursuant to the Building Regulations 2006	8	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.
18.	[month and year]	Superstructural designs <ul style="list-style-type: none"> • WD01 – Proposed floor plans • WD02 – Proposed elevations revision E • WD03- Sections revision E • TP01 	5	Refused in full Section 34(1)(b)	Release in full	Section 34(1)(b): See comment for Document 6.

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
		<ul style="list-style-type: none"> TP02 				
19.	[month and year]	<ul style="list-style-type: none"> Engineering drawings: S01 – General Notes S03 – First floor framing plan S05- Ground floor wall bracing plan S30- Framing details 1 S31- Framing details 2 S32- Framing Details 3 S33- Framing details 4 	7	<p>Released in part</p> <p>Section 33(1)</p>	<p>Release in full</p>	<p>Section 33(1): In its decision, the Agency exempted the following information under section 33(1):</p> <p>(a) the name and registration number of a building surveyor; and</p> <p>(b) name of the client; and</p> <p>(c) the name of a third party.</p> <p>On 4 September 2019, the Agency advised it was of the view additional information in this document could be released to the Applicant, except for the name of the client.</p> <p>In the circumstances, I am not satisfied it would be unreasonable to release the name of the client. Accordingly, this information is not exempt under section 33(1). See my comment for Document 16 above.</p>
20.	[date]	Application for report and consent of council precautions	7	<p>Released in part</p> <p>Section 33(1)</p>	<p>Release in full</p>	<p>Section 33(1): See comment for Document 1.</p>

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
21.	[month and year]	Endorsed amended site plans	5	Released in part Section 33(1)	Release in full	Section 33(1): See comment for Document 1.
22.	[month and year]	Proposed air conditioning and kitchen exhaust	1	Refused in full Section 34(1)(b)	Release in full with irrelevant information deleted Sections 25 The document is to be released to the Applicant with the exception of the building surveyor's registration number which is irrelevant and is to be deleted in accordance with section 25.	Section 34(1)(b): This document contains the proposed designs for the air conditioning and kitchen exhaust. The Agency submitted that in exempting the document under section 34(1)(b), it considered the views of the business undertaking and that the drawing contains internal layouts of the commercial premises. I note the business undertaking that submitted this document to the Agency objected to its disclosure to the Applicant on the basis the drawing has 'critical commercial and intellectual property values'. However, the undertaking did not provide detailed information or reasons outlining how disclosure of the information would expose it unreasonably to disadvantage, as required under this exemption. While I have taken the business

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
						<p>undertaking's objection to disclosure into account, the FOI Act provides a general right of access to documents to members of the community, limited only by exceptions or exemptions necessary for the protection of essential public interests and the private and business affairs in respect of whom information is collected by agencies. On the information before me, I am not satisfied disclosure of this document would be reasonably likely to expose the undertaking unreasonably to disadvantage for the following reasons:</p> <ul style="list-style-type: none"> (a) while the information may not be known to competitors of the business undertaking, it is unlikely the drawing can be used for the purpose of any other projects as the drawing were prepared for a specific property; (b) I am not satisfied the information contained in the documents is of such a nature that disclosure would allow for destructive competition; and (c) there is no information before me to suggest the Applicant seeks the document to obtain a commercial or competitive advantage against the undertaking or is a competitor of a

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
						<p>business competitor.</p> <p>Accordingly, I am not satisfied this document is exempt under section 34(1)(b).</p> <p>Section 25: This document contains the registration number of a building surveyor. In this instance, I consider this information to be irrelevant to the Applicant's request and is to be deleted.</p>
23.	[month and year]	Kitchen hood plan	1	<p>Refused in full</p> <p>Section 34(1)(b)</p>	<p>Release in full with irrelevant information deleted</p> <p>Section 25</p> <p>The document is to be released to the Applicant with the exception of the name of the designer in the bottom-left corner of the document which is irrelevant and is to be deleted in accordance with section 25.</p>	<p>Section 34(1)(b): This document contains the initial designs for a kitchen hood.</p> <p>I note the business undertaking that submitted this document to the Agency objected to its disclosure to the Applicant on the basis that it is 'confidential for design'. While I have taken the business undertaking's objection into consideration in relation to the application of section 34(1)(b), for the reasons outlined above in my comment for Document 22, I am not satisfied this document is exempt under section 34(1)(b).</p> <p>Section 25: I consider the name of the third party who designed the drawings is irrelevant to the request and is to be deleted.</p>

Annexure 1 – Schedule of Documents

No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
24.	[month and year]	Site and set out revised plans	27	Released in full	Not subject to review	
25.	[month and year]	Stamped working drawings: <ul style="list-style-type: none"> • WD01 – Proposed floor plans • WD02- Proposed elevations • WD03- Sections • WD04 – Proposed site plans • WD06- Existing site/roof plans 	5	Refused in full Section 34(1)(b)	Release in full	Section 34(1)(b): See comment for Document 6.