



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 2019-164

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	Waived
6. Processing time (in working days)	20
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: [REDACTED]
To: [CMTEDD FOI](#)
Subject: Stop work notices
Date: Tuesday, 16 July 2019 3:31:14 PM

Hi,

I wish to make an application for the following documents under the Freedom of Information Act 2016.

Digital copies of all Stop Work notices issued under the Building Act 2004 in the ACT in the period from January 1, 2019 to July 16, 2019. Digital copies of all Prohibition Notices issued under the Planning and Development Act 2007 in the ACT in the period from January 1, 2019, to July 16, 2019.

I ask that the directorate waive the fee associated with the application on the grounds that the subject of this request is of special benefit to the public.

Should you request further information, or have any queries about this application, please do not hesitate to contact me.

I look forward to hearing from you.

Kind regards,

--






ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2019-164



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 16 July 2019.

Specifically, you are seeking: *“Digital copies of all Stop Work notices issued under the Building Act 2004 in the ACT in the period from January 1, 2019 to July 16, 2019. Digital copies of all Prohibition Notices issued under the Planning and Development Act 2007 in the ACT in the period from January 1, 2019, to July 16, 2019.”*

Authority

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.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 13 August 2019.

Decision on access

Searches were completed for relevant documents and 29 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 that document.

I have decided to grant partial access to all documents as I consider each document to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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 *Information Privacy Act 2014*.

Exemption claimed

My reasons for deciding not to grant full access to the identified 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 interest lies. As part of this process I must consider factors favouring disclosure and factors favouring 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:*
- (ii) *contribute to positive and informed debate on important issues or matters of public interest.*

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; and*
 - (xi) *prejudice trade secret, business affairs or research of an agency or person.*

While assessing the documents found within the scope of your request, I was aware of the great public interest surrounding the building industry and building standards. Accordingly, I consider that the release of these documents to you could allow you to see what breaches have occurred and what initial steps have been taken by the ACT Government to rectify these breaches. Therefore, the release of these document would

contribute to positive and informed debate on important issues or matters of public interest.

When considering the documents and factors in favour of non-disclosure I consider that it is unreasonable to release certain information on the basis that it would prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*. The names of the lessees have been redacted as each lessee has a right to privacy in respect of their ownership of, and development of their property. The location of each work site has also been redacted to protect the privacy of the lessees. I have also taken the decision to redact the interior layout of a home on page []. I consider that the layout of an individual's home is private and that the release of this would prejudice an individual's right to privacy.

I have also considered the impact that the release of these documents could have on builders. Releasing the names of the builders sighted in the documents could harm their reputation and money-making ability due to the possible implication that they are responsible for poor quality work, when this is not necessarily the case. Accordingly, I have decided to remove the names of the builders from the final documents. The release of the identity of the builders would, I consider, prejudice their business affairs.

Having applied the test outlined in section 17 of the Act and deciding that release of personal and business 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

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

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 in the CMTEDD disclosure log three days after the date of my decision. Your personal contact details will not be published.

You may view the CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/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 a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD 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: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made by the Ombudsman under section 82(1), you may apply to the ACAT for a 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 by email at CMTEDDFOI@act.gov.au.

Yours sincerely,



Sarah McBurney

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

13 August 2019



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	<i>Digital copies of all Stop Work notices issued under the Building Act 2004 in the ACT in the period from January 1, 2019 to July 16, 2019. Digital copies of all Prohibition Notices issued under the Planning and Development Act 2007 in the ACT in the period from January 1, 2019, to July 16, 2019.</i>	CMTEDDFOI 2019-164

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Stop work notice	9-Jan-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy	Yes
2	4-6	Stop work notice	24-Jan-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
3	7-9	Stop work notice	24-Jan-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
4	10-12	Stop work notice	26-Feb-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
5	13-15	Stop work notice	26-Feb-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
6	16-18	Stop work notice	26-Feb-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
7	19-21	Stop work notice	26-Feb-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
8	22-24	Stop work notice	26-Feb-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
9	25-27	Stop work notice	26-Feb-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
10	28-30	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
11	31-33	Stop work notice	1-Feb-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
12	34-36	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
13	37-39	Stop work notice	1-Feb-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes

14	40-42	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
15	43-45	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
16	46-48	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
17	49-51	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
18	52-54	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
19	55-57	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
20	58-60	Stop work notice	1-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
21	61-63	Stop work notice	8-Mar-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
22	64-66	Stop work notice	10-Apr-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
23	67-70	Stop work notice	10-Apr-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
24	71-73	Stop work notice	10-Apr-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
25	74-76	Stop work notice	9-May-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
26	77-79	Stop work notice	13-May-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
27	80-81	Prohibition notice	24-May-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
28	82-83	Stop work notice	24-May-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
29	84-86	Stop work notice	11-July-2019	Partial release	Schedule 2 2.2(a)(ii) – Personal privacy Schedule 2 2.2(a)(xi) – Business Affairs	Yes
Total No of Docs						
29						



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Bojan Sekara	62071170	rrt@act.gov.au

Builder name and license number	Lessee
N/A	Sch 2 2.2(a)(ii)

Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Excavation and retaining

I Bojan Sekara, Building Inspector, hereby **prohibit** the carrying out of building work, namely:

Retaining walls being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

- (a) without a building approval having been issued for the work;
- (b) otherwise than in accordance with the approved plans for the building work;
- (c) in accordance with a building approval that is, or part of which is, defective because it contains information that—
 - (i) is false, misleading or inaccurate in a material respect; or
 - (ii) conflicts with other information in the approval so that carrying out building work, or site work that materially affects the building work, in accordance with the approval or part—
 - (A) is not physically possible; or
 - (B) is unlikely to be physically possible without amending the building approval; or
 - (C) is likely to contravene this Act, another territory law or a condition of a consent that applies to the building work or a lease, licence, permit or other authority that applies to the land where the building work is being carried out; or
- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
- (f) for building work forming part of a development requiring development approval—without development approval; or
- (g) for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval; or
- (h) for building work for an exempt building—so that the building, or part of the building, is or will be on an easement.

A tick in a box indicates the particular ground on which the notice is issued.

Posted/ Emailed/ Handed to

Property owner: Sch 2 2.2(a)(ii)

Bojan Sekara **09.01.2019**

 Building Inspector

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*.

REASONS

If a decision has been made and you, as the entity to whom the decision relates, have not already been given reasons for the decision, you are entitled to apply for a statement of reasons to explain why the decision was made. If you wish to obtain a statement of reasons you must make your request within 28 days of the date of this decision. Applications should be made to the Construction Occupations Registrar, Construction Services Branch, ACT Planning and Land Authority, GPO Box 1908, CANBERRA ACT 2601.

CONTACT DETAILS

The review authority is the ACT Civil & Administrative Tribunal (ACAT).

Location:

ACT Civil & Administrative Tribunal
ACT Magistrates Court Building
Knowles Place
CANBERRA CITY ACT 2601

Contact details:

Website: www.courts.act.gov.au

Email: tribunal@act.gov.au

Telephone: (02) 6207 1740

Facsimile: (02) 6205 4855

Post: GPO Box 370, CANBERRA, ACT, 2601

Document exchange: DX 5691

POWERS OF THE ACAT

The ACAT is an independent body. It can review on their merits a large number of decisions made by ACT Government ministers, officials and statutory authorities. The ACAT can agree with, change or reject the original decision, substitute its own decision or send the matter back to the decision maker for reconsideration in accordance with ACAT recommendations.

APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT.

TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from receiving this Notice of decision. The time limit can be extended in some circumstances. Check with the ACAT for more details.

FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee of not less than \$247 (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to

section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

The following organisations can provide advice and assistance if you are eligible:

- ACT Attorney-General, write to The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA, ACT, 2601;
- the ACT Legal Aid Office, telephone 1300 654 314;
- Legal Advice Bureau, telephone (02) 6247 5700;
- ACT Council of the Ageing, telephone (02) 6282 3777;
- Welfare Rights and Legal Centre, telephone (02) 6218 7977; and
- Environmental Defender's Office (ACT), telephone (02) 6243 3460.

AWARDING OF COSTS

You will have to pay any costs involved in preparing or presenting your case. The ACAT also has the power to award costs against a party if the party contravenes a direction of the ACAT and the ACAT considers it in the interests of justice to make such an order. This power is in addition to the power of the ACAT to strike out a party and to dismiss an application for failure to comply with the ACAT's directions.

ACCESS TO DOCUMENTS ABOUT THE DECISION

You may apply for access to any documents you consider relevant to this decision under the *ACT Freedom of Information Act 1989*. Information about Freedom of information requests is available on the ACT Planning and Land Authority's website (www.actpla.act.gov.au) or by contacting us by phone on (02) 6207 1923.

PROCEDURES OF THE ACAT

The procedures of the ACAT are outlined on the ACAT's website. Contact the ACAT for alternative ways to access information about the ACAT's procedures.

TRANSLATION AND INTERPRETER SERVICES

The ACT Government's translation and interpreter service runs 24 hours a day, every day of the week.
Telephone 131 450.

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Chris Southwell	02 6205 3830	chris.southwell@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

Suburb	Section	Block	Stage of development
Denman Prospect	Sch 2 2.2(a)(ii)		Lockup

I Chris Southwell, Building Inspector, hereby **prohibit** the carrying out of building work, being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

- (a) without a building approval having been issued for the work;
- (b) otherwise than in accordance with the approved plans for the building work;
- (c) in accordance with a building approval that is, or part of which is, defective because it contains information that—
 - (i) is false, misleading or inaccurate in a material respect; or
 - (ii) conflicts with other information in the approval so that carrying out building work, or site work that materially affects the building work, in accordance with the approval or part—
 - (A) is not physically possible; or
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 - (C) is likely to contravene this Act, another territory law or a condition of a consent that applies to the building work or a lease, licence, permit or other authority that applies to the land where the building work is being carried out; or;
- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
- (f) for building work forming part of a development requiring development approval—without development approval; or
- (g) for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval; or
- (h) for building work for an exempt building—so that the building, or part of the building, is or will be on an easement.

A tick in a box indicates the particular ground on which the notice is issued.

Posted/ Emailed/ Handed to

Sch 2 2.2(a)(ii)

Chris Southwell
.....
Building Inspector

24.1.2019

REVIEW OF THE DECISION

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REASONS

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CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Chris Southwell	02 6205 3830	chris.southwell@act.gov.au
Builder name and license number	Lessee	
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)	
Suburb	Section	Block
Denman Prospect	Sch 2 2.2(a)(ii)	Lockup
		Stage of development

I Chris Southwell, Building Inspector, hereby **prohibit** the carrying out of building work, being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

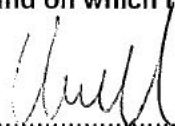
Building work is being carried out:

- (a) without a building approval having been issued for the work;
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 - (ii) conflicts with other information in the approval so that carrying out building work, or site work that materially affects the building work, in accordance with the approval or part—
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 - (C) is likely to contravene this Act, another territory law or a condition of a consent that applies to the building work or a lease, licence, permit or other authority that applies to the land where the building work is being carried out; or;
- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
- (f) for building work forming part of a development requiring development approval—without development approval; or
- (g) for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval; or
- (h) for building work for an exempt building—so that the building, or part of the building, is or will be on an easement.

A tick in a box indicates the particular ground on which the notice is issued.

Posted/ Emailed/ Handed to

Sch 2 2.2(a)(ii)


.....
Building Inspector

24, 1, 2019

REVIEW OF THE DECISION

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CONTACT DETAILS

The review authority is the ACT Civil & Administrative Tribunal (ACAT).

Location:

ACT Civil & Administrative Tribunal
ACT Magistrates Court Building
Knowles Place
CANBERRA CITY ACT 2601

Contact details:

Website: www.courts.act.gov.au

Email: tribunal@act.gov.au

Telephone: (02) 6207 1740

Facsimile: (02) 6205 4855

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section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

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ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Marko Zarak	6205 5340	cat@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)


Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		After presheet

I Marko Zarak, Deputy Construction Occupations Registrar, hereby **prohibit** the carrying out of all building work, on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

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- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
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26/.02/.19...
 Deputy Construction Occupations Registrar

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131 450

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ACT
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Stop Notice

Contact Officer	Phone Number	contact email
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Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

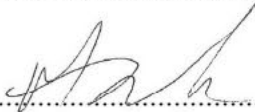
Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Framing

I Marko Zarak, Deputy Construction Occupations Registrar, hereby **prohibit** the carrying out of all building work, on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

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 26...02...19.....
 Deputy Construction Occupations Registrar

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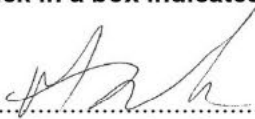
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TRANSLATING AND INTERPRETING SERVICE

131 450

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ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Marko Zarak	6205 5340	cat@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)


Suburb	Section	Block	Stage of development
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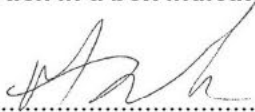
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131 450

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ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Marko Zarak	6205 5340	cat@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)


Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Approaching pre-sheet

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TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Marko Zarak	6205 5340	cat@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)


Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Pre-sheet

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- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
- (f) for building work forming part of a development requiring development approval—without development approval; or
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01/03/2019
 Deputy Construction Occupations Registrar

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Email: tribunal@act.gov.au

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Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)


Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Approaching pre-sheet

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Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Framing

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TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Marko Zarak	6205 5340	cat@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Pre-sheet

I Marko Zarak, Deputy Construction Occupations Registrar, hereby **prohibit** the carrying out of all building work, on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

- (a) without a building approval having been issued for the work;
- (b) otherwise than in accordance with the approved plans for the building work;
- (c) in accordance with a building approval that is, or part of which is, defective because it contains information that—
 - (i) is false, misleading or inaccurate in a material respect; or
 - (ii) conflicts with other information in the approval so that carrying out building work, or site work that materially affects the building work, in accordance with the approval or part—
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 - (B) is unlikely to be physically possible without amending the building approval; or
 - (C) is likely to contravene this Act, another territory law or a condition of a consent that applies to the building work or a lease, licence, permit or other authority that applies to the land where the building work is being carried out; or;
- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
- (f) for building work forming part of a development requiring development approval—without development approval; or
- (g) for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval; or
- (h) for building work for an exempt building—so that the building, or part of the building, is or will be on an easement.

A tick in a box indicates the particular ground on which the notice is issued.


 01 / 03 / 2019
 Deputy Construction Occupations Registrar

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*.

REASONS

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CONTACT DETAILS

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grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

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ACT
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Chief Minister, Treasury and
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Stop Notice

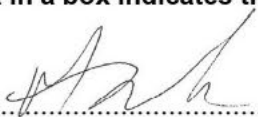
Contact Officer	Phone Number	contact email
Marko Zarak	6205 5340	cat@act.gov.au
Builder name and license number	Lessee	
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)	
Suburb	Section	Block
Taylor	Sch 2 2.2(a)(xi)	
		Stage of development
		slab

I Marko Zarak, Deputy Construction Occupations Registrar, hereby **prohibit** the carrying out of all building work, on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

- (a) without a building approval having been issued for the work;
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- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
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01/03/2019
 Deputy Construction Occupations Registrar

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TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer Bojan Sekara	Phone Number 6207 1170	contact email rrt@act.gov.au
---------------------------------	---------------------------	---------------------------------

Builder name and license number Sch 2 2.2(a)(xi)	Lessee Sch 2 2.2(a)(ii)
-----------------------------------------------------	----------------------------

Suburb Lyons	Section Sch 2 2.2(a)(ii)	Block	Stage of development Excavation and retaining
-----------------	-----------------------------	-------	--------------------------------------------------

I Bojan Sekara , Building Inspector, hereby **prohibit** the carrying out of building work, namely:

Dual occupancy including garages, porches, alfrescos and balconies being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

- (a) without a building approval having been issued for the work;
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 - (i) is false, misleading or inaccurate in a material respect; or
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- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
- (f) for building work forming part of a development requiring development approval—without development approval; or
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Posted/ Emailed/ Handed to

Sch 2 2.2(a)(ii)

.....
Bojan Sekara
.....
Building Inspector

.....
08 / 03 / 19
.....

REVIEW OF THE DECISION

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131 450

Canberra and District - 24 hours a day, seven days a week



ACT
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Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Alan Holmes	62071343	Alan.holmes@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Approaching Presheet

I Alan Holmes, Building Inspector, hereby **prohibit** the carrying out of building work, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

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Emailed to

Sch 2 2.2(a)(ii)

A Holmes
.....
Building Inspector

10/04/2019

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TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Tamara	6207 3268	cat@act.gov.au
Builder name and license number	Lessee	
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)	
Suburb	Section	Block
Taylor	Sch 2 2.2(a)(ii)	
		Stage of development
		Post pre-sheet

I Tamara Blissenden , Building Inspector, hereby **prohibit** the carrying out of building work, namely:

In the location indicated in the attached plan - Construction of a new dwelling

being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

- (a) without a building approval having been issued for the work;
- (b) otherwise than in accordance with the approved plans for the building work;
- (c) in accordance with a building approval that is, or part of which is, defective because it contains information that—
 - (i) is false, misleading or inaccurate in a material respect; or
 - (ii) conflicts with other information in the approval so that carrying out building work, or site work that materially affects the building work, in accordance with the approval or part—
 - (A) is not physically possible; or
 - (B) is unlikely to be physically possible without amending the building approval; or
 - (C) is likely to contravene this Act, another territory law or a condition of a consent that applies to the building work or a lease, licence, permit or other authority that applies to the land where the building work is being carried out; or
- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
- (f) for building work forming part of a development requiring development approval—without development approval; or
- (g) for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval; or
- (h) for building work for an exempt building—so that the building, or part of the building, is or will be on an easement.

.....
Building Inspector

..... 10 / 04 / 19

REVIEW OF THE DECISION

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REASONS

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Email: tribunal@act.gov.au

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Facsimile: (02) 6205 4855

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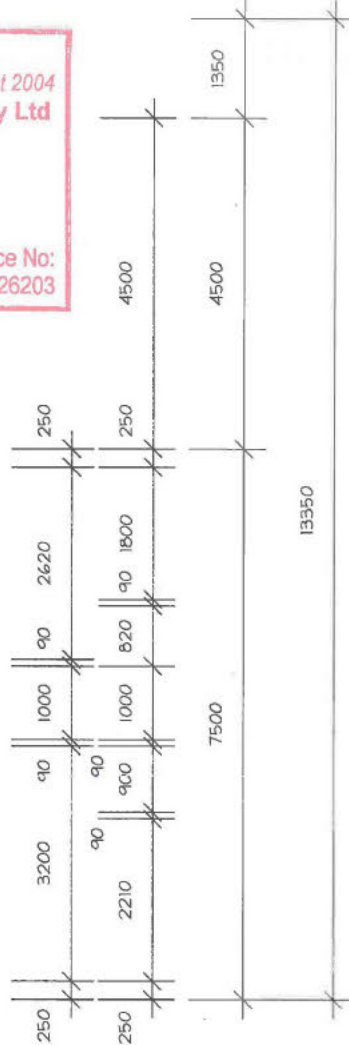
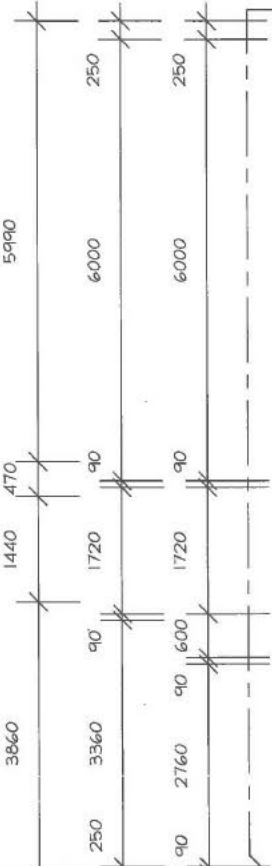
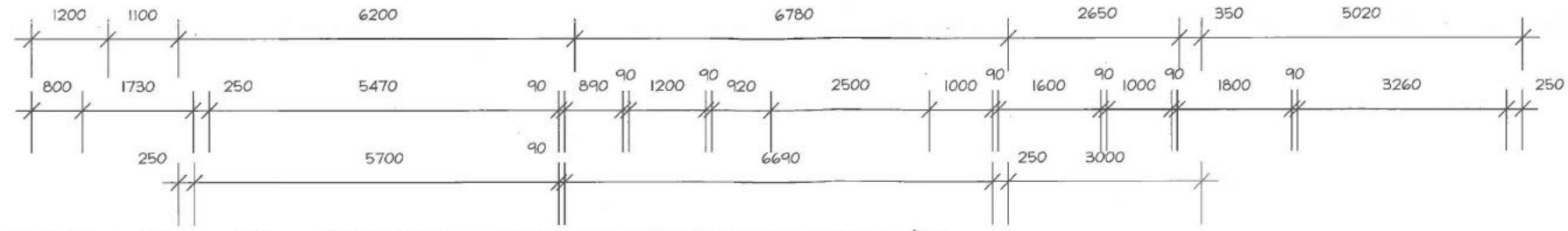
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TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



Sch 2 2.2(a)(ii)

BUILDING APPROVAL
 Issued under section 28 of the Building Act 2004
 Certified Building Solutions Pty Ltd
 6 - NOV 2018
 Licence No: 200426203

(CONCRETE)
ALFRESCO
 RL 683.0

RL 683.0

APPROVED

PURSUANT TO SECTION 1.100A/1.100A OF THE
 PLANNING AND DEVELOPMENT REGULATION 2008

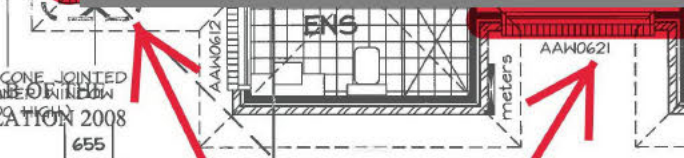
Delegate: GEORGE CILLIERS

Date 4/9/2018

DECLARATION OF EXTENDED DISTANCE

Rule 11 - Front boundary setback departure of a maximum of 655mm for a length of 655mm

LOCATION OF STOP NOTICE



FLOOR PLAN ☉ = SMOKE ALARM

HOUSE ENERGY RATING
 149.4 MJ/m²/ANNUM 6.4 STARS
 24-08-2018
 Sch 2 2.2(a)(ii)
 ASSESSOR

AKDESIGN
 ARCHITECTURAL DRAFTING
 Alex Kwong
 35 Marungul Avenue Ngunnawal ACT 2913
 MOBILE: 0414 227 079
 EMAIL: akdesign@ozemail.com.au

PROPOSED RESIDENCE

BLOCK:	Sch 2 2.2(a)
SECTION:	TAYLOR
CLIENT:	Sch2 2.2(a)(xii)
DWN:	A.KWONG
SCALE:	1:100
DATE:	21/8/18
DWG No.:	1834
SHEET:	2 OF 5



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Kalon Roncon	6205 0426	cat@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

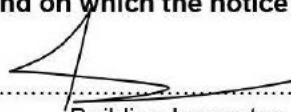
Suburb	Section	Block	Stage of development
Taylor	Sch 2 2.2(a)(ii)		Approaching Pre-Sheet

I, Kalon Roncon, Building Inspector, hereby **prohibit** the carrying out of building work being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

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A tick in a box indicates the particular ground on which the notice is issued.

.....

 Building Inspector

10/04/2019

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ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Alan Holmes	62071343	Alan.holmes@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

Suburb	Section	Block	Stage of development
Throsby	Sch 2 2.2(a)(ii)		Framing

I Alan Holmes, Building Inspector, hereby **prohibit** the carrying out of building work, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

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~~Posted/ Emailed/ Handed to~~

Sch 2 2.2(a)(ii)
.....

..... *A Holmes* 09./05/2019
 Building Inspector

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ACT
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Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
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Builder name and license number	Lessee	
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)	
Suburb	Section	Block
Holt	Sch 2 2.2(a)(ii)	
		Stage of development
		Framing

I Kalon Roncon, Building Inspector, hereby **prohibit** the carrying out of building work, being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

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- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
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- (g) for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval; or
- (h) for building work for an exempt building—so that the building, or part of the building, is or will be on an easement.

A tick in a box indicates the particular ground on which the notice is issued.

.....
Building Inspector

13/05/2019

REVIEW OF THE DECISION

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REASONS

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CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
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TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

Environment and Planning

PROHIBITION NOTICE

This is a prohibition notice issued in accordance with Section 377 of the *Planning and Development Act 2007*.
This prohibition notice takes effect when it is given to the person/entity identified in Part 3 of this Notice.

Part 1. PLACE IN RELATION TO WHICH THIS NOTICE APPLIES

District/Division	Section	Block	Unit
BRUCE	Sch 2 2.2(a)(ii)		

Part 2. DATE OF ISSUE

24/ MAY / 2019

Part 3. THIS NOTICE IS DIRECTED TO

Name of Person/Entity/lessee/occupier

Sch 2 2.2(a)(xi)

Part 4. GROUNDS ON WHICH THIS NOTICE IS GIVEN

- To prevent the entity identified in Part 3 from starting, or continuing, to undertake prohibited development in, on or under the place identified in Part 1; or
- To prevent the entity identified in Part 3 from continuing to undertake development without approval in, on or under the place identified in Part 1; or
- To prevent the entity identified in Part 3 from continuing to undertake development other than in accordance with the conditions of a development approval relating to the place identified in Part 1.

Part 5. ACTIVITY TO WHICH THIS NOTICE APPLIES

Specify Activity

Undertaking of ground excavation and construction of basement walls and removal of regulated trees without the required approvals.

- The activity must not be carried on by the entity identified in Part 3; or
- The activity must not be carried on by the entity identified in Part 3 except in accordance with this notice.

Part 6. ENDING OF PROHIBITION NOTICE

- This prohibition notice ends when revoked by the Environment and Planning Directorate ; or

Note: Please see to the important information on the back of this notice.

Part 7. EXECUTION


Signed Marko Zarak
Delegate of the planning and land authority
Environment and Planning Directorate

Part 8. CONTACT OFFICER

Name Jade Walters	62077391
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assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

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TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Jade Walters	62077391	Jade.walters@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

Suburb	Section	Block	Stage of development
Bruce	Sch 2 2.2(a)(ii)		Excavation and basement retaining structures

I Jade Walters, Building Inspector, hereby **prohibit** the carrying out of building work, namely: All building work Being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.


Building work is being carried out:

- (a) without a building approval having been issued for the work;
- (b) otherwise than in accordance with the approved plans for the building work;
- (c) in accordance with a building approval that is, or part of which is, defective because it contains information that—
 - (i) is false, misleading or inaccurate in a material respect; or
 - (ii) conflicts with other information in the approval so that carrying out building work, or site work that materially affects the building work, in accordance with the approval or part—
 - (A) is not physically possible; or
 - (B) is unlikely to be physically possible without amending the building approval; or
 - (C) is likely to contravene this Act, another territory law or a condition of a consent that applies to the building work or a lease, licence, permit or other authority that applies to the land where the building work is being carried out; or
- (d) contrary to a provision of this Act relating to the building work; or
- (e) if the building work is being carried out on a parcel of land held under lease from the Commonwealth—contrary to a provision, covenant or condition of the lease; or
- (f) for building work forming part of a development requiring development approval—without development approval; or
- (g) for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval; or
- (h) for building work for an exempt building—so that the building, or part of the building, is or will be on an easement.

A tick in a box indicates the particular ground on which the notice is issued.

Posted/ Emailed/ Handed to

.....
.....


.....
Building Inspector

24.5.19

REVIEW OF THE DECISION

The following notes are provided in accordance with regulation 7 of the *ACT Civil and Administrative Tribunal Regulation 2009*.

REASONS

If a decision has been made and you, as the entity to whom the decision relates, have not already been given reasons for the decision, you are entitled to apply for a statement of reasons to explain why the decision was made. If you wish to obtain a statement of reasons you must make your request within 28 days of the date of this decision. Applications should be made to the Construction Occupations Registrar, Construction Services Branch, ACT Planning and Land Authority, GPO Box 1908, CANBERRA ACT 2601.

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TIME LIMITS FOR APPLICATIONS

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ACT
Government

Chief Minister, Treasury and
Economic Development

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Contact Officer	Phone Number	contact email
Marko Zarak	02 6205 5340	marko.zarak@act.gov.au

Builder name and license number	Lessee
Sch 2 2.2(a)(xi)	Sch 2 2.2(a)(ii)

Suburb	Section	Block	Stage of development
Belconnen	Sch 2 2.2(a)(ii)		

I Marko Zarak, Deputy Construction Occupations Registrar, pursuant to Section 53(1) of the Building Act 2004 hereby **prohibit** the carrying out of any further building work.

Building work is being carried out:

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 Deputy Construction Occupations Registrar

11 / 7 / 2019

REVIEW OF THE DECISION

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