



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2022-168 and 2022-169

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	34
7. Decision made by Ombudsman	Yes
8. Additional information identified by Ombudsman	No
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Sunday, 29 May 2022 2:32:49 PM

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**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

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

### Your details

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

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

### Request for information

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

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

Stop work order notice by Construction Audit team (Access Canberra) was placed on the construction works at [REDACTED], Monday 23 May 2022, under section 53 (1) Building Act 2004. A site inspection occurred on Friday 20 May 2022. Requesting any documents relating to the stop work order, including but not limited to: 1. Stop notice? 2. Reason for the stop work order? 3. What was the building construction non-compliance? 4. What was the audit findings of Construction Audit team or building certifier on building construction? 5. What rectification for the building non-compliance been requested or ordered, if any by Construction Audit team, building certifier or any other authority? 6. Any other information relevant to audit findings and non-compliance

I do not want to access the following documents in relation to my request::

Thank you.  
Freedom of Information Coordinator

**From:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Sunday, 29 May 2022 3:46:26 PM

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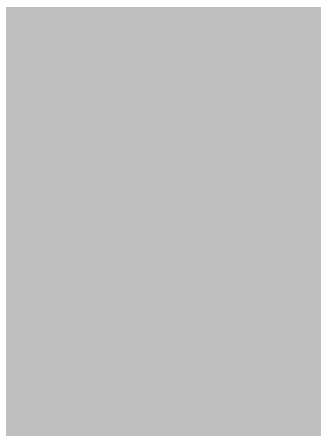
**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

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

### Your details

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

Title:  
First Name:  
Last Name:  
Business/Organisation:  
Address:  
Suburb:  
Postcode:  
State/Territory:  
Phone/mobile:  
Email address:

A large grey rectangular area redacting the user's personal details in the form fields.

### Request for information

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

An audit of the building construction works at [redacted] [redacted] was conducted by the Construction Audit team (Access Canberra), during the period December 2021 – current. An onsite inspection occurred 7 March 2022. A number of building non-compliance issues were identified, with requests/orders to rectify the non-compliance and plans of on-going monitoring of the rectification by Construction Audit team.

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

Requesting any documents relating to the audit findings and non-compliance found by the Construction Audit team, including but not limited to:

1. What was the identified building non-compliance that was found?
2. What was the audit findings of the Construction Audit team or building certifier on building construction?
3. What was the rectification (requested or ordered) for the building non-compliance and by what date, by the Construction Audit team, building certifier or any other authority?
4. What has been flagged by the Construction Audit team to be monitored and how or what on-going monitoring was specified?
5. Any other information relating to audit findings, non-compliance, rectification and monitoring

I do not want to access

the following  
documents in relation  
to my request::

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2022-168 and 2022-169



## **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 24 May 2022:

Specifically, you are seeking: *“Requesting any documents relating to the stop work order for [REDACTED]: 1. Stop notice? 2. Reason for the stop work order? 3. What was the building construction non-compliance? 4. What was the audit findings of Construction Audit team or building certifier on building construction? 5. What rectification for the building non-compliance been requested or ordered, if any by Construction Audit team, building certifier or any other authority? 6. What has been flagged by the Construction Audit team to be monitored and how or what on-going monitoring was specified? 7. What was the identified building non-compliance that was found? 8. What was the audit findings of the Construction Audit team or building certifier on building construction? 9. What was the rectification (requested or ordered) for the building non-compliance and by what date, by the Construction Audit team, building certifier or any other authority? 10. Any other information relevant to audit findings and non-compliance, rectification and monitoring.”*

### **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 20 July 2022.

### **Decision on access**

Searches were completed for relevant information and 11 documents were identified that fall within the scope of your request.

I have decided to refuse access to part of these documents under sections 43(1)(d) and 45(a) of the Act. We have been advised by Access Canberra that the Stop Work Notice is already displayed on site and is visible to the general public.

Section 43(1)(d) states a respondent may refuse to deal with an access application wholly or in part only if— the government information is already available to the applicant.

Section 45(a) states government information is already available to the applicant if the information is made publicly available.

The remaining documents I have found to be exempt under schedule 1 of the Act.

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 decision, I have taken the following into account:

- the Act
- the content of the documents that fall within the scope of your request
- advice from the Construction Occupations Registrar

### **Exemption claimed**

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

#### Contrary to the public interest information under schedule 1 of the Act

Some of the information in the documents identified is contrary to the public interest under schedule 1 of the Act.

Schedule 1 covers information disclosure of which is taken to be contrary to the public interest. Information mentioned in this schedule is taken to be contrary to the public interest to disclose unless the information identifies corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

Schedule 1 section 1.14(1)(f) states:

#### *1.14 Law enforcement or public safety information*

- 1) *Information the disclosure of which would, or could reasonably be expected to—  
(f) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law.*

The information identified refers to a current investigation and could prejudice outcomes. It also identifies methods used during investigations, disclosure of which could impede future investigations. Additionally, the Construction Occupations Registrar has made the decision that this information is not to be made available to the public under Section 59(a)(6) of the *Building Act 2004*.

### **Charges**

Processing charges are not applicable for this request because no pages are being released to you.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. A description of the access application and my decision will be published in the CMTEDD disclosure log after 23 July 2022. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely



Katharine Stuart  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate

18 July 2022



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

### WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

Requesting any documents relating to the stop work order for [REDACTED]: 1. Stop notice? 2. Reason for the stop work order? 3. What was the building construction non-compliance? 4. What was the audit findings of Construction Audit team or building certifier on building construction? 5. What rectification for the building non-compliance been requested or ordered, if any by Construction Audit team, building certifier or any other authority? 6. What has been flagged by the Construction Audit team to be monitored and how or what on-going monitoring was specified? 7. What was the identified building non-compliance that was found? 8. What was the audit findings of the Construction Audit team or building certifier on building construction? 9. What was the rectification (requested or ordered) for the building non-compliance and by what date, by the Construction Audit team, building certifier or any other authority? 10. Any other information relevant to audit findings and non-compliance, rectification and monitoring.

CMTEDDFOI 2022-168 and 2022-169

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-16	Email with attachment to General Inspection Report	7 Mar 22	Full release	N/A	Yes
2	17-21	General Inspection Report – Construction Audit Team	21 Dec 21	Full release	N/A	Yes
3	22-23	Email from Builder to ACT Government – Re: Inspection report and stop notice [REDACTED]	7 Mar 22	Full release	N/A	Yes
4	24-41	Email with attachment to General Inspection Report and Stop Notice	7 Mar 22	Full release	N/A	Yes
5	42-43	Email from ACT Government to Builder and Certifier - RE: Inspection report and stop notice [REDACTED]	10 Mar 22	Full release	N/A	Yes
6	44-46	Email from Certifier to ACT Government - RE: Inspection report and stop notice [REDACTED]	10 Mar 22	Full release	N/A	Yes
7	47-53	General Inspection Report – Construction Audit Team	12 Apr 22	Full release	N/A	Yes
8	54-56	Email from Builder and Certifier to ACT Government – Re: Pre-sheeting inspection [REDACTED]	18 May 22	Full release	N/A	Yes
9	57-60	Email from Certifier to ACT Government – RE: Pre-sheeting inspection [REDACTED]	19 May 22	Full release	N/A	Yes
10	61-62	Photo of stop notice installed on site	23 May 22	Full release	(applicant already has access to this information)	Yes
11	63-81	Internal communication between ACT Government with attachment to Stop Notice and General Inspection Report	20 May 22	Full release	N/A	Yes

Total No  
of Docs





**From:** "Muir, Joel" <Joel.Muir@act.gov.au>  
**Sent:** 07/03/2022 3:42 AM  
**To:** "Zarak, Marko" <Marko.Zarak@act.gov.au>  
**Cc:** "Connors, Brian" <Brian.Connors@act.gov.au>  
**Subject:** [REDACTED] inspection report  
**Attachments:** [REDACTED]-Class-1-inspection-report.pdf

**OFFICIAL**

Hi Marko,

Please find attached my inspection report from the requested site inspection this morning.

I will issue a stop notice on the basis the void has been filled in with floor joists, increasing the GFA and putting it over the max 50%.

The other issues are fairly minor and should be able to be fixed easily enough. We may need to monitor the site further to see what is done with the extra plumbing waste pipe in the lower floor bedroom area.

Let me know if you need any more info on any of the issues identified.

Cheers.

Joel Muir, Senior Inspector

Ph [REDACTED] Email: [Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)

Construction Audit Team, Access Canberra, ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>





# General Inspection Report - Construction Audit Team

Class 1 inspection report

Complete

Score 0% Failed items 0 Actions 0

Audit Title

Class 1 inspection report

Unit

Block

Section

Suburb

Project #

Project Description

New single dwelling

Description of Construction Stage

Brick up/ Cladding

Certifier

Builder/Nominee

Conducted on

7 Mar 2022 09:09 AEDT

Personnel

Joel Muir

## Report Details

### Scope

This building work inspection report is a visual assessment of reasonably accessible and/or visible elements of the building at the time of inspection.

### Purpose

This report is intended as an assessment of building work at a point in time and is not intended to be a certificate for the building work within the requirements of any Act's or regulations. However, information gathered in this report may be used as information or evidence to achieve compliant building work through education and/or compliance action.

### Assumptions and Limitations

This report is a subjective appraisal by the building inspectors on a visual inspection of the reasonably accessible parts of the building.

This report will not disclose defective building work in inaccessible areas, defective building work that is concealed and/or not reasonably visible, defective building work that may be apparent in other weather conditions or defective building work that has not arisen yet.

This report is not an assessment of fixtures and fittings other than those included in the building to make the building comply with the Building Code of Australia (BCA).

This report does not confirm that every aspect of the subject building work complies with the Building Act 2004, the BCA and/or relevant Australian standards. It is the responsibility of other parties to ensure full compliance with codes and standards is achieved.



Photo 1

Photo 2

### Items for Comment

Is building work being carried out and is a Notice About Building Work displayed correctly?

Pass



Photo 3

Is the licensed builder or licensed certifier on-site?

No

Building Work Items for Comment

See issue item/s below.

No access to upper floor

Building Work Items

**Building Work Item**

**Building Work Item 1**

**Subject** No brick ties in parapet walls

**Relevant Law** Building Act 2004 S42 1)b)

(1) Building work must not be carried out except in accordance with the following requirements:  
(b) the way the materials are used in the building work must comply with their acceptable use under the building code for buildings of the kind being built or altered;

**Relevant Code** Building Code of Australia 2019  
volume 2 part 3.3.5.10

**Conformance** Fail

Inspectors observed that there was no brick ties installed in the parapet walls across the site. A performance solution will be required to ensure the brick veneer is adequately supported.



Photo 4

Photo 5

Photo 6

**Building Work Item 2**

**Subject** Lower floor roof not yet tied down

**Relevant Law** Building Act 2004 s42 1)c) and  
Building Regulations 2008 s31

S42

(1) Building work must not be carried out except in accordance with the following requirements:  
(c) the building work must be carried out in a proper and skilful way;

S31

In deciding whether building work has been carried out in a proper and skilful way, the following considerations must be taken into account:

(a) whether the work uses a product or system in accordance with any accessible instructions, directions, guidelines or suggestions of the maker or seller of the product or system;

**Relevant Code** N/A

**Conformance** Followup

Inspectors observed that the lower story roof was not yet tied down to the frame as required by the product manufacturer. These tiedown MUST be installed prior to the roofing being installed to prevent uplift.



Photo 7

Photo 8

Photo 9

### Building Work Item 3

#### Subject

Extra floor waste point

#### Relevant Law

Building Act 2004 s42 1)d)i)

(1) Building work must not be carried out except in accordance with the following requirements:

(d) for building work that requires building approval under division 3.3, the building work—

(i) must be carried out in accordance with approved plans;

#### Relevant Code

N/A

#### Conformance

Followup

Inspectors observed that an extra waste pipe has been installed where there is no plumbing fixtures shown on the approved plans.



Photo 10

Photo 11

Photo 12

### Building Work Item 4

#### Subject

From ground floor, upper roof trusses do not appear to be tied to top plate

#### Relevant Law

Building Act 2004 s42 1)c) and Building Regulations 2008 s31

S42

(1) Building work must not be carried out except in accordance with the following requirements:

(c) the building work must be carried out in a proper and skilful way;

S31

In deciding whether building work has been carried out in a proper and skilful way, the following considerations must be taken into account:

(a) whether the work uses a product or system in accordance with any accessible instructions, directions, guidelines or suggestions of the maker or seller of the product or system;

#### Relevant Code

N/A

#### Conformance

Followup

From the ground floor it appeared that the upper floor trusses were not tied down to the frame as required by the manufacturer's installation instructions. It is recommended that this is investigated immediately to ensure the sheeted roof is not at risk of lifting.



Photo 13

Photo 14

### Building Work Item 5

#### Subject

Floor joists installed in entry void

#### Relevant Law

Building Act 2004 S42 1)d)i)

- (1) Building work must not be carried out except in accordance with the following requirements:
- (d) for building work that requires building approval under division 3.3, the building work—
  - (i) must be carried out in accordance with approved plans;

#### Relevant Code

N/A

#### Conformance

Fail

Inspector observed that floor joists have been installed in the entry void, which is not on the approved plans. This change will put the build over the allowable Gross Floor Area for the site. This area of floor joists will have to be removed and the house built strictly as per the approved plans.



Photo 15

Photo 16

## Summary

### Comments

Inspectors observed non-compliances relating to the timber framing, brick veneer and the house being constructed as per the approved plans.

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## Recommendations

### Comments

It is recommended that the issues raised in this report are brought to the attention of the builder and certifier for their appropriate action.

A stop notice will be placed on the site until the entry void is brought back into compliance with the approved plans.

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Photo 1



Photo 2



Photo 3

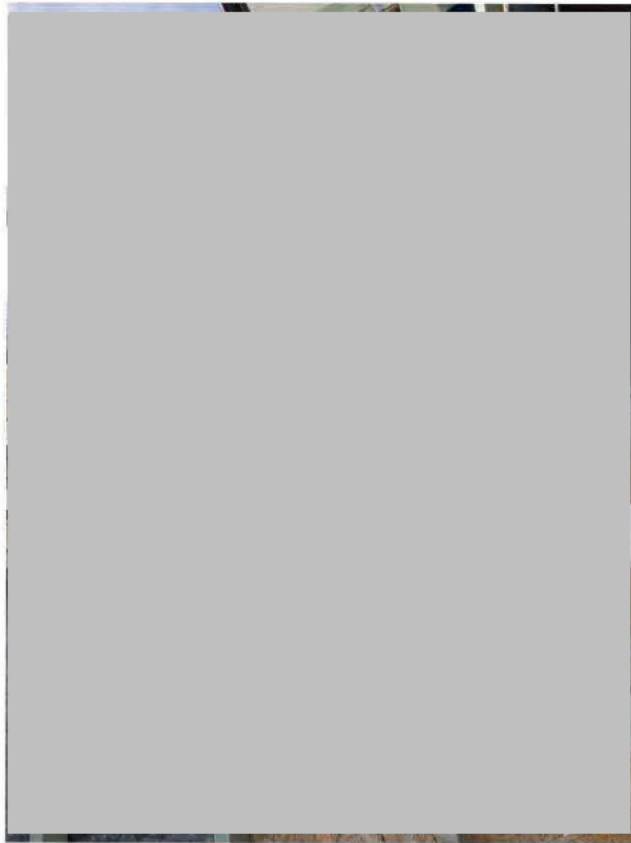


Photo 4

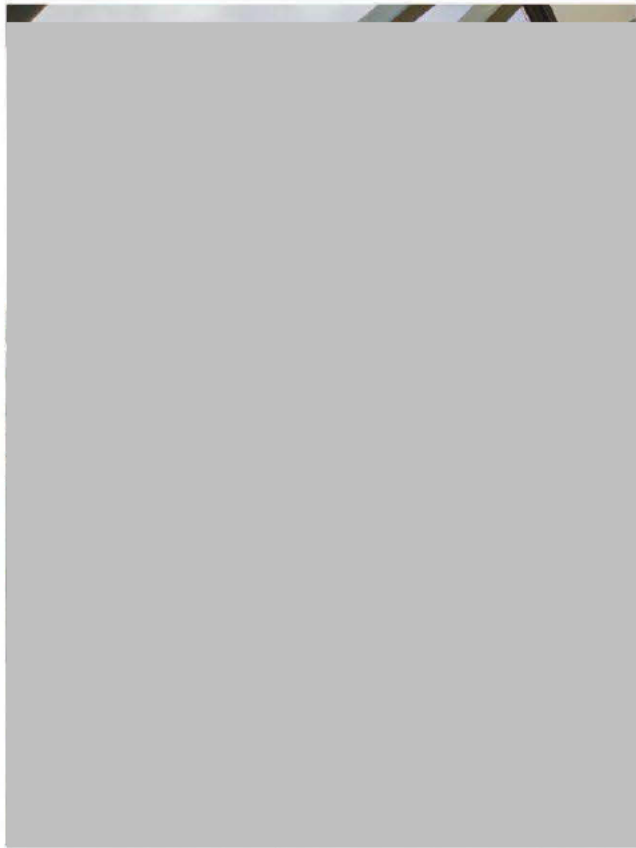


Photo 5



Photo 6



Photo 7

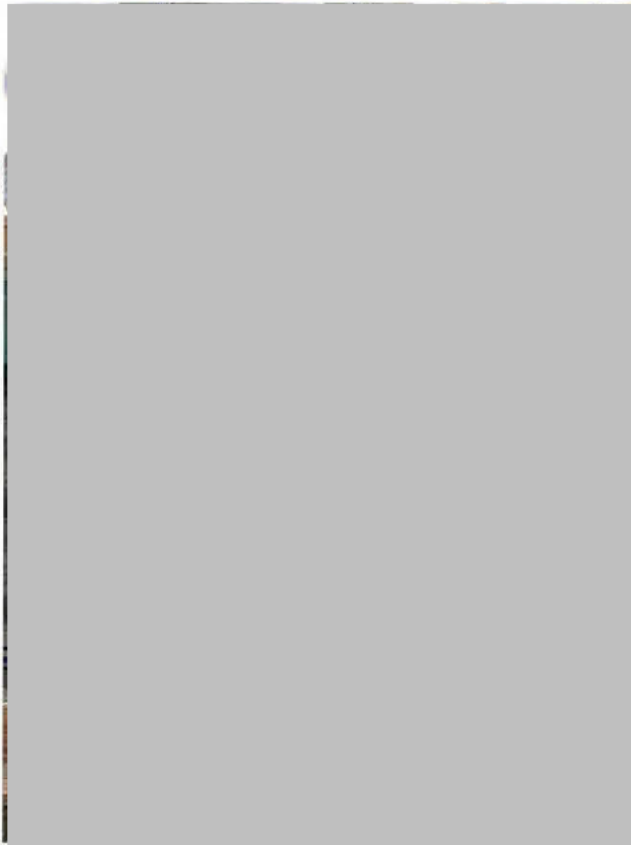


Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



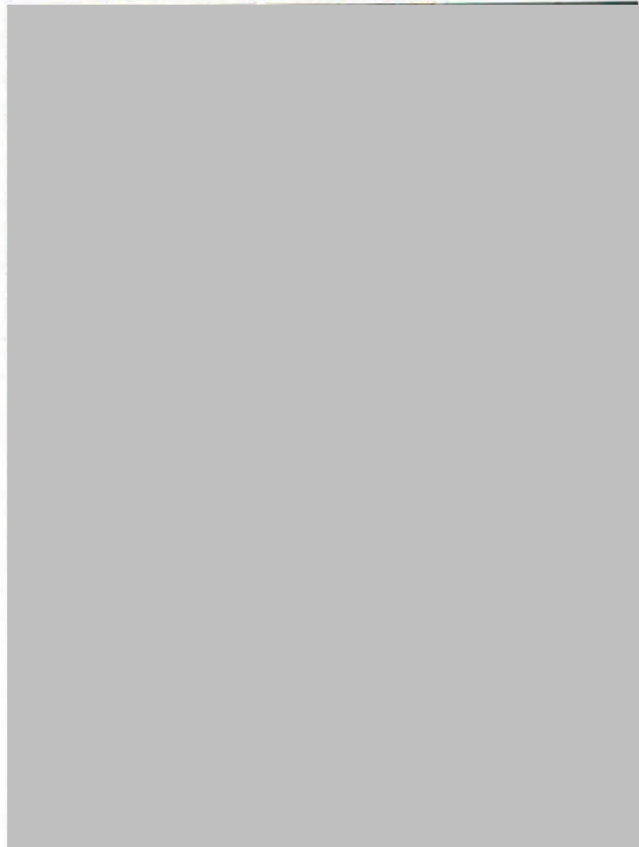


Photo 15

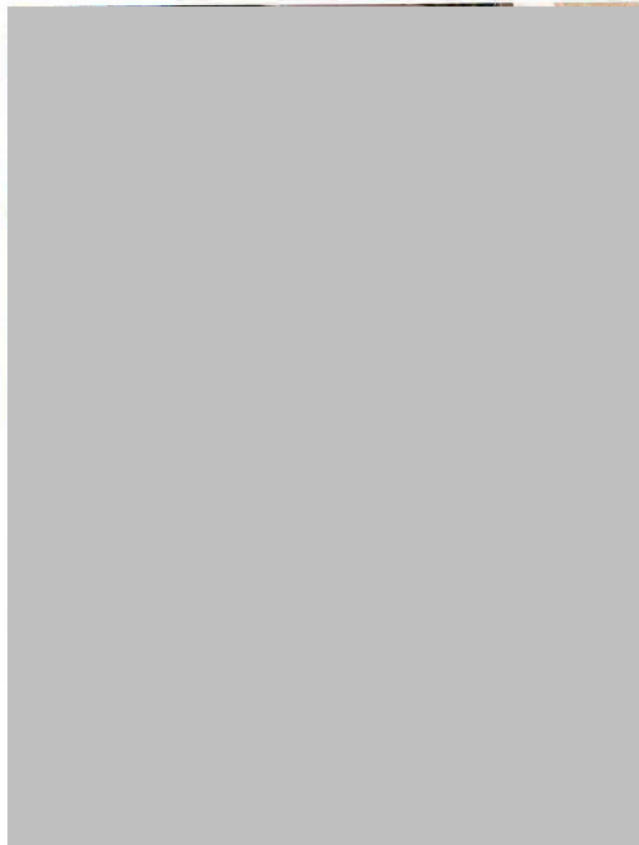


Photo 16



# General Inspection Report - Construction Audit Team

**[Redacted]** -Class-1a-Site-Inspection Complete

Score	0%	Failed items	0	Actions	0
Audit Title	<b>[Redacted]</b> Class-1a-Site-Inspection				
Unit					
Block	<b>[Redacted]</b>				
Section	<b>[Redacted]</b>				
Suburb	<b>[Redacted]</b>				
Project #	<b>[Redacted]</b>				
Project Description	DA exempt residence				
Description of Construction Stage	framing				
Certifier	<b>[Redacted]</b>				
Builder/Nominee	<b>[Redacted]</b>				
Conducted on	21 Dec 2021 00:35 AEDT				
Personnel	Jonathan Swale				

## Report Details

### Scope

This building work inspection report is a visual assessment of reasonably accessible and/or visible elements of the building at the time of inspection.

### Purpose

This report is intended as an assessment of building work at a point in time and is not intended to be a certificate for the building work within the requirements of any Act's or regulations. However, information gathered in this report may be used as information or evidence to achieve compliant building work through education and/or compliance action.

### Assumptions and Limitations

This report is a subjective appraisal by the building inspectors on a visual inspection of the reasonably accessible parts of the building.

This report will not disclose defective building work in inaccessible areas, defective building work that is concealed and/or not reasonably visible, defective building work that may be apparent in other weather conditions or defective building work that has not arisen yet.

This report is not an assessment of fixtures and fittings other than those included in the building to make the building comply with the Building Code of Australia (BCA).

This report does not confirm that every aspect of the subject building work complies with the Building Act 2004, the BCA and/or relevant Australian standards. It is the responsibility of other parties to ensure full compliance with codes and standards is achieved.



Photo 1

### Items for Comment

Is building work being carried out and is a Notice About Building Work displayed correctly?

Pass



Photo 2

Is the licensed builder or licensed certifier on-site?

No

Building Work Items for Comment

Nothing apparent or of significant concern at this time.

## Summary

## Comments

An audit of the approved plans was carried out, no issues or inconsistencies with the plans were observed.

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**Recommendations**

**Comments**

N/A

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Appendix

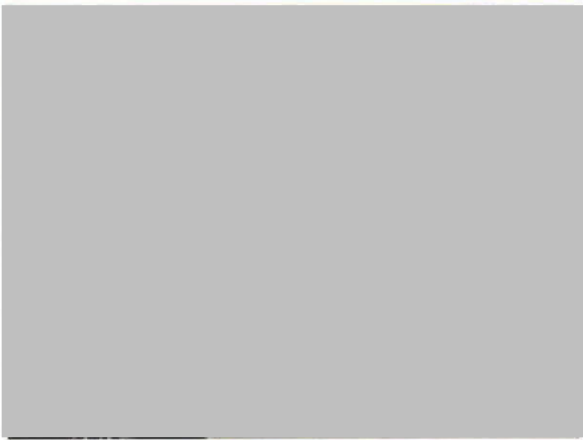


Photo 1



Photo 2

**From:** [REDACTED]  
**Sent:** 07/03/2022 4:12 PM  
**To:** "CAT" <CAT@act.gov.au>  
**Cc:** [REDACTED]

**Subject:** Re: Inspection report and stop notice [REDACTED]  
**Attachments:** image001.jpg

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

Hello Joel,

Thank you for your time on the phone earlier. As discussed the flooring that has been installed in the entry void is used as a platform to carry out the work on the high side of the building. I assure you that it would be removed as soon as the pre-sheeting is done. I have already asked the carpenter to tie down the trusses and I shall send you the photos as soon as I have them.

Thank you once again.

Kind regards

[REDACTED]

On Mon, Mar 7, 2022, 3:28 PM CAT <CAT@act.gov.au> wrote:

**OFFICIAL**

Dear Certifier and Builder,

An inspection was carried out at [REDACTED] by the Construction Audit Team in relation to building approval number [REDACTED]. The inspection identified an issue or a numbers of issues which are now being brought to your attention for appropriate action.

Find a copy of the relevant inspection report attached to this email.

Find a copy of the stop notice now in force also attached to this email. The stop notice is being issued due to works not being carried out as per the approved plans. The flooring that has been installed in the entry void will need to be removed before the stop notice can be lifted.

Please update this team with any relevant progress and/or outcome.

If you require any further information regarding the report or stop notice please contact me via return email or on the phone number listed below.

Regards

Joel Muir, Senior Inspector

Ph [REDACTED] Email: [Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)

Construction Audit Team, Access Canberra, ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



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This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

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**From:** "CAT"  
**Sent:** 07/03/2022 4:27 AM  
**To:** [REDACTED]  
**Subject:** Inspection report and stop notice [REDACTED]  
**Attachments:** [REDACTED]-Class-1-inspection-report.pdf, 20220307- Building Act  
Stop Notice [REDACTED].pdf

**OFFICIAL**

Dear Certifier and Builder,

An inspection was carried out at [REDACTED] by the Construction Audit Team in relation to building approval number [REDACTED]. The inspection identified an issue or a numbers of issues which are now being brought to your attention for appropriate action.

Find a copy of the relevant inspection report attached to this email.

Find a copy of the stop notice now in force also attached to this email. The stop notice is being issued due to works not being carried out as per the approved plans. The flooring that has been installed in the entry void will need to be removed before the stop notice can be lifted.

Please update this team with any relevant progress and/or outcome.

If you require any further information regarding the report or stop notice please contact me via return email or on the phone number listed below.

Regards

Joel Muir, Senior Inspector

Ph [REDACTED] Email: [Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)

Construction Audit Team, Access Canberra, ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>





# General Inspection Report - Construction Audit Team

Class 1 inspection report

Complete

Score 0% Failed items 0 Actions 0

Audit Title

Class 1 inspection report

Unit

Block

Section

Suburb

Project #

Project Description

New single dwelling

Description of Construction Stage

Brick up/ Cladding

Certifier

Builder/Nominee

Conducted on

7 Mar 2022 09:09 AEDT

Personnel

Joel Muir

## Report Details

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This report does not confirm that every aspect of the subject building work complies with the Building Act 2004, the BCA and/or relevant Australian standards. It is the responsibility of other parties to ensure full compliance with codes and standards is achieved.



Photo 1

Photo 2

### Items for Comment

Is building work being carried out and is a Notice About Building Work displayed correctly?

Pass



Photo 3

Is the licensed builder or licensed certifier on-site?

No

Building Work Items for Comment

See issue item/s below.

No access to upper floor

Building Work Items

**Building Work Item**

**Building Work Item 1**

**Subject** No brick ties in parapet walls

**Relevant Law** Building Act 2004 S42 1)b)

(1) Building work must not be carried out except in accordance with the following requirements:  
(b) the way the materials are used in the building work must comply with their acceptable use under the building code for buildings of the kind being built or altered;

**Relevant Code** Building Code of Australia 2019  
volume 2 part 3.3.5.10

**Conformance** Fail

Inspectors observed that there was no brick ties installed in the parapet walls across the site. A performance solution will be required to ensure the brick veneer is adequately supported.



Photo 4

Photo 5

Photo 6

**Building Work Item 2**

**Subject** Lower floor roof not yet tied down

**Relevant Law** Building Act 2004 s42 1)c) and  
Building Regulations 2008 s31

S42

(1) Building work must not be carried out except in accordance with the following requirements:  
(c) the building work must be carried out in a proper and skilful way;

S31

In deciding whether building work has been carried out in a proper and skilful way, the following considerations must be taken into account:

(a) whether the work uses a product or system in accordance with any accessible instructions, directions, guidelines or suggestions of the maker or seller of the product or system;

**Relevant Code** N/A

**Conformance** Followup

Inspectors observed that the lower story roof was not yet tied down to the frame as required by the product manufacturer. These tiedown MUST be installed prior to the roofing being installed to prevent uplift.



Photo 7

Photo 8

Photo 9

### Building Work Item 3

#### Subject

Extra floor waste point

#### Relevant Law

Building Act 2004 s42 1)d)i)

(1) Building work must not be carried out except in accordance with the following requirements:

(d) for building work that requires building approval under division 3.3, the building work—

(i) must be carried out in accordance with approved plans;

#### Relevant Code

N/A

#### Conformance

Followup

Inspectors observed that an extra waste pipe has been installed where there is no plumbing fixtures shown on the approved plans.



Photo 10

Photo 11

Photo 12

### Building Work Item 4

#### Subject

From ground floor, upper roof trusses do not appear to be tied to top plate

#### Relevant Law

Building Act 2004 s42 1)c) and Building Regulations 2008 s31

S42

(1) Building work must not be carried out except in accordance with the following requirements:

(c) the building work must be carried out in a proper and skilful way;

S31

In deciding whether building work has been carried out in a proper and skilful way, the following considerations must be taken into account:

(a) whether the work uses a product or system in accordance with any accessible instructions, directions, guidelines or suggestions of the maker or seller of the product or system;

#### Relevant Code

N/A

#### Conformance

Followup

From the ground floor it appeared that the upper floor trusses were not tied down to the frame as required by the manufacturer's installation instructions. It is recommended that this is investigated immediately to ensure the sheeted roof is not at risk of lifting.



Photo 13

Photo 14

### Building Work Item 5

#### Subject

Floor joists installed in entry void

#### Relevant Law

Building Act 2004 S42 1)d)i)

- (1) Building work must not be carried out except in accordance with the following requirements:
- (d) for building work that requires building approval under division 3.3, the building work—
  - (i) must be carried out in accordance with approved plans;

#### Relevant Code

N/A

#### Conformance

Fail

Inspector observed that floor joists have been installed in the entry void, which is not on the approved plans. This change will put the build over the allowable Gross Floor Area for the site. This area of floor joists will have to be removed and the house built strictly as per the approved plans.



Photo 15

Photo 16

## Summary

### Comments

Inspectors observed non-compliances relating to the timber framing, brick veneer and the house being constructed as per the approved plans.

---

## Recommendations

### Comments

It is recommended that the issues raised in this report are brought to the attention of the builder and certifier for their appropriate action.

A stop notice will be placed on the site until the entry void is brought back into compliance with the approved plans.

---





Photo 1

Photo 2

Photo 3



Photo 4

Photo 5

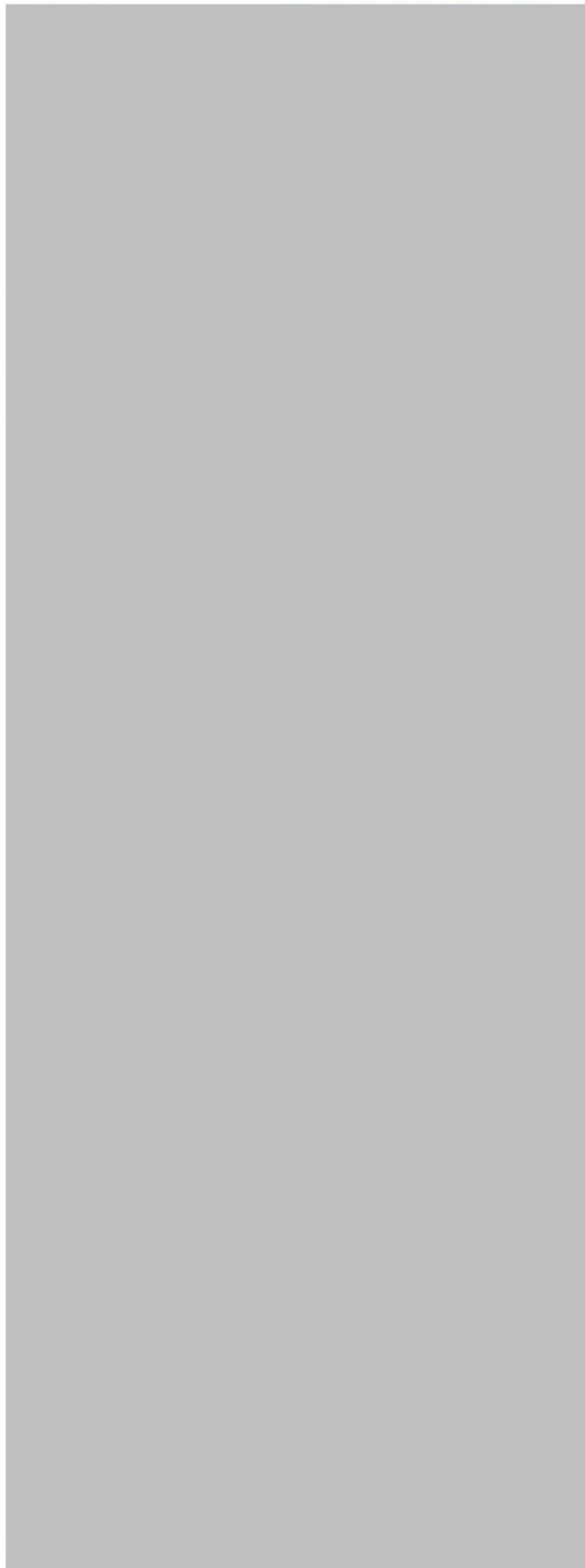


Photo 6

Photo 7

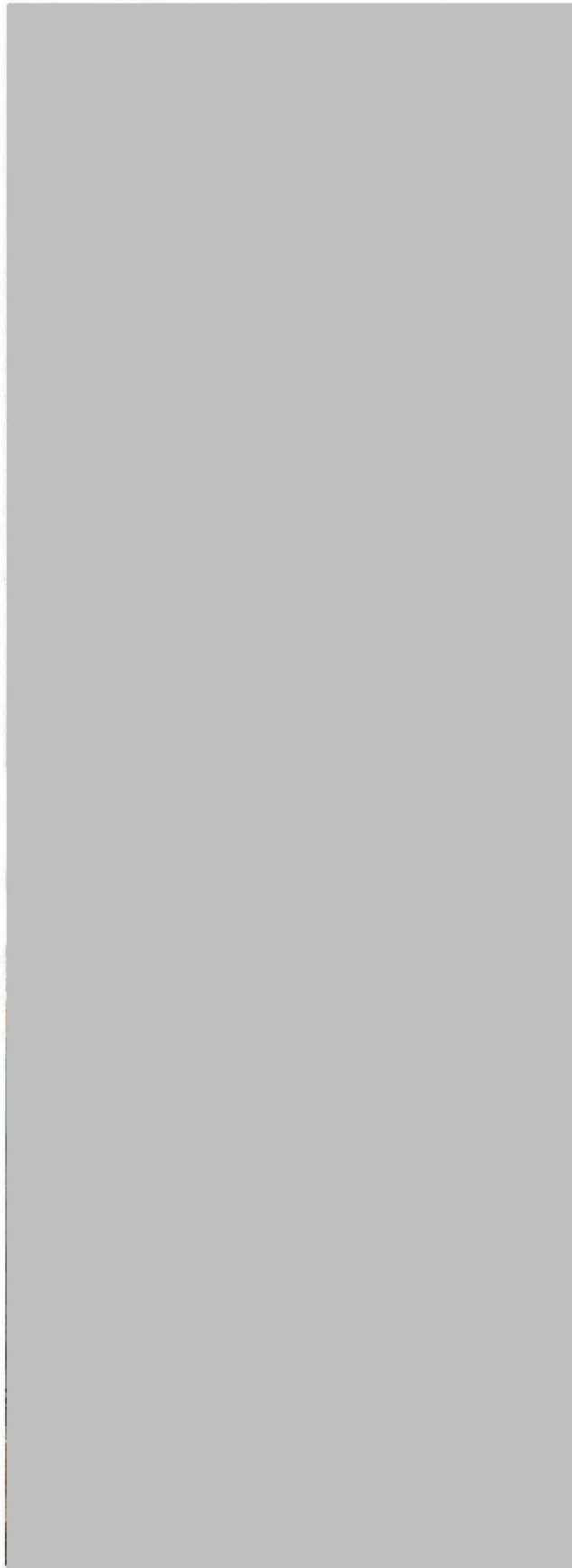


Photo 8

Photo 9



Photo 10



Photo 11



Photo 12

Photo 13



Photo 14



Photo 15

Photo 16





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

# Stop Notice

<b>Contact Area</b>	<b>Contact email</b>
Construction Audit Team (CAT)	cat@act.gov.au

<b>Builder name and license number</b>	<b>Lessee</b>
[REDACTED]	[REDACTED]


<b>Suburb</b>	<b>Section</b>	<b>Block</b>	<b>Stage of development</b>
[REDACTED]	[REDACTED]	[REDACTED]	Brickwork/cladding

I, Joel Muir, Building Inspector, hereby **prohibit** the carrying out of 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—
    - (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.**

  
 ..... 07/03/2022  
 Building Inspector

### Important Information

Provided in accordance with s 7 of the ACT Civil and Administrative Tribunal Regulation 2009  
Section 142C – Applications for review - See reverse side for advisory information.

**REVIEW OF THE DECISION BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL**

You may apply to the ACT Civil and Administrative Tribunal (ACAT) for administrative review of this decision.

## CONTACT DETAILS

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: <a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

## APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the [Application for review of a decision](#) form from the ACAT website.

## TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date that you receive this Notice of Decision.

## FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee. 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*).

## TRANSLATION AND INTERPRETER SERVICES

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

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 τηλεφωνήστε 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 ihtiyacımız 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

**From:** "CAT"  
**Sent:** 10/03/2022 12:33 AM  
**To:** [REDACTED]  
**Subject:** RE: Inspection report and stop notice [REDACTED]

OFFICIAL

Good morning [REDACTED]  
Thank you for clarifying the issues identified in the stop notice.  
Works may continue on site on the condition that the floor joists are removed as soon as pre-sheeting works on the upper void are completed.

[REDACTED]  
Can you please advise of compliance once you have completed your pre-sheet inspection?  
If you would like, I would be happy to attend site at the same time to confirm all issues that I have identified have rectified?

Thanks

Joel Muir, Senior Inspector  
Ph [REDACTED] Email: [Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)  
Construction Audit Team, Access Canberra, ACT Government  
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



---

**From:** [REDACTED]  
**Sent:** Monday, 7 March 2022 4:12 PM  
**To:** CAT <CAT@act.gov.au>  
**Cc:** [REDACTED]  
**Subject:** Re: Inspection report and stop notice [REDACTED]

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

Hello Joel,

Thank you for your time on the phone earlier. As discussed the flooring that has been installed in the entry void is used as a platform to carry out the work on the high side of the building. I assure you that it would be removed as soon as the pre-sheeting is done. I have already asked the carpenter to tie down the trusses and I shall send you the photos as soon as I have them.

Thank you once again.

[REDACTED]

On Mon, Mar 7, 2022, 3:28 PM CAT <[CAT@act.gov.au](mailto:CAT@act.gov.au)> wrote:

**OFFICIAL**

Dear Certifier and Builder,

An inspection was carried out at [REDACTED] by the Construction Audit Team in relation to building approval number [REDACTED]. The inspection identified an issue or a numbers of issues which are now being brought to your attention for appropriate action.

Find a copy of the relevant inspection report attached to this email.

Find a copy of the stop notice now in force also attached to this email. The stop notice is being issued due to works not being carried out as per the approved plans. The flooring that has been installed in the entry void will need to be removed before the stop notice can be lifted.

Please update this team with any relevant progress and/or outcome.

If you require any further information regarding the report or stop notice please contact me via return email or on the phone number listed below.

Regards

Joel Muir, Senior Inspector

Ph [REDACTED] Email: [Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)

Construction Audit Team, Access Canberra, ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



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This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.  
-----

**From:** [REDACTED]  
**Sent:** 10/03/2022 1:07 PM  
**To:** "CAT" <CAT@act.gov.au>  
**Cc:** [REDACTED]  
**Subject:** RE: Inspection report and stop notice [REDACTED]

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

Thanks Joel

I will let you know when I am called for the presheet inspection and we can go through it together

Regards

---

**From:** CAT <CAT@act.gov.au>  
**Sent:** Thursday, 10 March 2022 11:33 AM  
**To:** [REDACTED]  
**Subject:** RE: Inspection report and stop notice [REDACTED]

**OFFICIAL**

Good morning [REDACTED]  
Thank you for clarifying the issues identified in the stop notice.  
Works may continue on site on the condition that the floor joists are removed as soon as pre-sheeting works on the upper void are completed.

[REDACTED]  
Can you please advise of compliance once you have completed your pre-sheet inspection?  
If you would like, I would be happy to attend site at the same time to confirm all issues that I have identified have rectified?

Thanks

Joel Muir, Senior Inspector  
Ph [REDACTED] Email: [Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)  
Construction Audit Team, Access Canberra, ACT Government  
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

**From:** [REDACTED]

**Sent:** Monday, 7 March 2022 4:12 PM

**To:** CAT <[CAT@act.gov.au](mailto:CAT@act.gov.au)>

**Cc:** [REDACTED]

**Subject:** Re: Inspection report and stop notice [REDACTED]

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Hello Joel,

Thank you for your time on the phone earlier. As discussed the flooring that has been installed in the entry void is used as a platform to carry out the work on the high side of the building. I assure you that it would be removed as soon as the pre-sheeting is done. I have already asked the carpenter to tie down the trusses and I shall send you the photos as soon as I have them.

Thank you once again.

Kind regards

[REDACTED]

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Find a copy of the relevant inspection report attached to this email.

Find a copy of the stop notice now in force also attached to this email. The stop notice is being issued due to works not being carried out as per the approved plans. The flooring that has been installed in the entry void will need to be removed before the stop notice can be lifted.

Please update this team with any relevant progress and/or outcome.

If you require any further information regarding the report or stop notice please contact me via return email or on the phone number listed below.

Regards

Joel Muir, Senior Inspector

Ph [REDACTED] Email: [Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)



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-----



# General Inspection Report - Construction Audit Team

CLASS 1 INSPECTION

Complete

Score 0% Flagged items 0 Actions 0

Audit Title [Redacted]

Unit [Redacted]

Block [Redacted]

Section [Redacted]

Suburb [Redacted]

Project # [Redacted]

Project Description NEW SINGLE DWELLING

Description of Construction Stage Approaching presheet

Certifier [Redacted]

Builder/Nominee [Redacted]

Conducted on 12 Apr 2022 08:45 AEST

Personnel Joel Muir



## Report Details

### Scope

This building work inspection report is a visual assessment of reasonably accessible and/or visible elements of the building at the time of inspection.

### Purpose

This report is intended as an assessment of building work at a point in time and is not intended to be a certificate for the building work within the requirements of any Act's or regulations. However, information gathered in this report may be used as information or evidence to achieve compliant building work through education and/or compliance action.

### Assumptions and Limitations

This report is a subjective appraisal by the building inspectors on a visual inspection of the reasonably accessible parts of the building.

This report will not disclose defective building work in inaccessible areas, defective building work that is concealed and/or not reasonably visible, defective building work that may be apparent in other weather conditions or defective building work that has not arisen yet.

This report is not an assessment of fixtures and fittings other than those included in the building to make the building comply with the Building Code of Australia (BCA).

This report does not confirm that every aspect of the subject building work complies with the Building Act 2004, the BCA and/or relevant Australian standards. It is the responsibility of other parties to ensure full compliance with codes and standards is achieved.



Photo 1

### Items for Comment

Is building work being carried out and is a Notice About Building Work displayed correctly?

Followup



Photo 2

Is the licensed builder or licensed certifier on-site?

No

Building Work Items for Comment

See issue item/s below.

Building Work Items

**Building Work Item**

**Building Work Item 1**

**Subject** Floor joists have been removed

**Relevant Law** N/A

**Relevant Code** N/A

**Conformance** Pass

Inspectors observed that the extra floor joists which had been installed, have now been removed and the wall which was supported on the joists has been supported along the entire bottom plate.



Photo 3

Photo 4

## Summary

## Comments

Issues relating to the extra floor area have been rectified.

---

## Recommendations

### Comments

It is recommended that inspectors attend the presheet inspection with the certifier as planned to ensure the other issues identified have been rectified prior to proceeding.

---



Photo 1

Photo 2

Photo 3

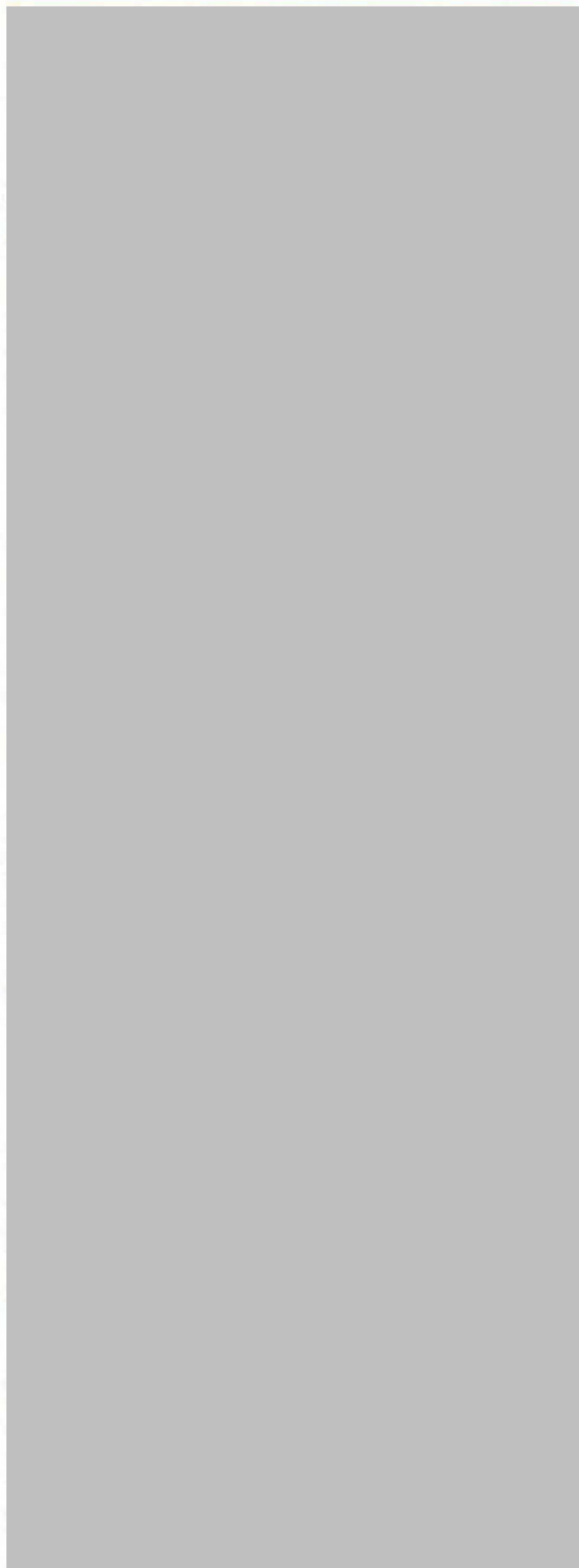


Photo 4

**From:** "Zarak, Marko" <Marko.Zarak@act.gov.au>  
**Sent:** 18/05/2022 12:43 PM  
**To:** "Muir, Joel" <Joel.Muir@act.gov.au>  
**Subject:** Re: Pre-sheeting inspection [REDACTED]

OFFICIAL

Hi  
Mainly in accordance with the approved plans as the approval of the plans was in question  
Once this is done, I will verify with nick if any further action is required  
Thanks  
Marko

Get [Outlook for iOS](#)  
**From:** Muir, Joel <Joel.Muir@act.gov.au>  
**Sent:** Wednesday, May 18, 2022 3:31:50 PM  
**To:** Zarak, Marko <Marko.Zarak@act.gov.au>  
**Subject:** Fwd: Pre-sheeting inspection [REDACTED]

OFFICIAL

Hi Marko  
I'll be meeting [REDACTED] for the presheet inspection tomorrow afternoon at 330 for the site at [REDACTED].  
Is there anything specific that needs to be looked at?

Cheers  
Get [Outlook for iOS](#)  
**From:** Muir, Joel <Joel.Muir@act.gov.au>  
**Sent:** Wednesday, May 18, 2022 3:30:00 PM  
**To:** [REDACTED]  
**Subject:** Re: Pre-sheeting inspection [REDACTED]

Hi [REDACTED]  
Thanks for letting me know, I can make 3:30 tomorrow.  
Cheers see you then  
Joel

Get [Outlook for iOS](#)  
**From:** [REDACTED]  
**Sent:** Wednesday, May 18, 2022 3:23:41 PM  
**To:** Muir, Joel <Joel.Muir@act.gov.au>  
**Subject:** FW: Pre-sheeting inspection [REDACTED]

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Joel

You

requested to join me when I do the presheet inspection at [REDACTED]

Are you available tomorrow afternoon around 3:30pm? If not, let me know when you are available.

Regards





---

**From:** [REDACTED]

**Sent:** Wednesday, 18 May 2022 2:38 PM

**To:** [REDACTED]

**Subject:** Re: Pre-sheeting inspection [REDACTED]

Hi [REDACTED]

All electrical, plumbing and aircon rough-ins have been completed.

Thank you  
[REDACTED]

On Tue, May 17, 2022, 8:29 PM [REDACTED] wrote:


Hi [REDACTED]

Please send me the truss and framing certificate and layouts.

Joel Muir from the Construction Audit Team has requested to attend the presheet inspection.

Have electrical, plumbing and air conditioning rough-ins been all completed? If so, I will contact Joel to arrange the inspection hopefully on Friday.

Regards



---

**From:** [REDACTED]

**Sent:** Tuesday, 17 May 2022 8:00 PM

**To:** [REDACTED]



Cc: [REDACTED]

Subject: Pre-sheeting inspection [REDACTED]

Hi [REDACTED]

Please see the pre-sheeting inspection request form attached and kindly book the inspection for 20/06/2022 at 3:30pm.

Thank you

Kind regards

[REDACTED]

**From:** [REDACTED]  
**Sent:** 19/05/2022 8:15 AM  
**To:** "Muir, Joel" <Joel.Muir@act.gov.au>  
**Subject:** RE: Pre-sheeting inspection [REDACTED]

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Thanks Joel

No

problems. Happy to help with the overtime & [REDACTED] See you then.

Regards



---

**From:** Muir, Joel <Joel.Muir@act.gov.au>  
**Sent:** Thursday, 19 May 2022 7:52 AM  
**To:** [REDACTED]  
**Subject:** RE: Pre-sheeting inspection [REDACTED]

OFFICIAL

Hi [REDACTED]  
I can make 3:30 Friday. I might have to log some overtime though [REDACTED]  
See you then.  
Cheers  
Joel

---

**From:** [REDACTED]  
**Sent:** Wednesday, 18 May 2022 3:47 PM  
**To:** Muir, Joel <Joel.Muir@act.gov.au>  
**Subject:** RE: Pre-sheeting inspection [REDACTED]

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi Joel

Sorry,  
[REDACTED] has

asked for the presheet inspection at 3:30pm on Friday. Is that time OK with you?

Regards



---

**From:** Muir, Joel <[Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)>

**Sent:** Wednesday, 18 May 2022 3:30 PM

**To:** [redacted]

**Subject:** Re: Pre-sheeting inspection [redacted]

Hi [redacted],

Thanks for letting me know, I can make 3:30 tomorrow.

Cheers see you then

Joel

Get [Outlook for iOS](#)

---

**From:** [redacted]

**Sent:** Wednesday, May 18, 2022 3:23:41 PM

**To:** Muir, Joel <[Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)>

**Subject:** FW: Pre-sheeting inspection [redacted]

**Caution:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)


Hi Joel

You requested

to join me when I do the presheet inspection at [redacted]

Are you available tomorrow afternoon around 3:30pm? If not, let me know when you are available.

Regards





---

**From:** [REDACTED]

**Sent:** Wednesday, 18 May 2022 2:38 PM

**To:** [REDACTED]

**Subject:** Re: Pre-sheeting inspection [REDACTED]

Hi [REDACTED]

All electrical, plumbing and aircon rough-ins have been completed.

Thank you  
[REDACTED]

On Tue, May 17, 2022, 8:29 PM [REDACTED] wrote:


H [REDACTED]

Please send me the truss and framing certificate and layouts.

Joel Muir from the Construction Audit Team has requested to attend the presheet inspection.

Have electrical, plumbing and air conditioning rough-ins been all completed? If so, I will contact Joel to arrange the inspection hopefully on Friday.

Regards



---

**From:** [REDACTED]

**Sent:** Tuesday, 17 May 2022 8:00 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Pre-sheeting inspection [REDACTED]

Hi [REDACTED]

Please see the pre-sheeting inspection request form attached and kindly book the inspection for 20/06/2022 at 3:30pm.

Thank you  
Kind regards



-----  
This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.  
-----

Stop notice installed on site at 2:21 PM 23 May 2022 and site perspective photo.

Sign installed by Joel and Brian





**From:** "CAT" <CAT@act.gov.au>  
**Sent:** 26/05/2022 12:33 AM  
**To:** "Zarak, Marko" <Marko.Zarak@act.gov.au>  
**Subject:** FW: Inspection report and stop notice [REDACTED]  
**Attachments:** [REDACTED] Building Act Stop Notice [REDACTED].pdf, [REDACTED]  
[REDACTED] - class 1 inspection report.pdf

OFFICIAL

Hi Marko,  
Just forwarding this FYI.  
Looks like the site at [REDACTED] will haunt us a little longer yet. I have requested to attend the reinspection with [REDACTED] when the issues have been rectified.  
I have also started drafting a SCN for the builder.  
Cheers  
Joel

---

**From:** CAT  
**Sent:** Monday, 23 May 2022 11:27 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Inspection report and stop notice [REDACTED]

OFFICIAL

Dear Certifier and Builder,  
An inspection was carried out at [REDACTED] by the Construction Audit Team in relation to building approval number [REDACTED]. The inspection identified an issue or a numbers of issues which are now being brought to your attention for appropriate action.  
Find a copy of the relevant inspection report attached to this email.

Find also attached the Stop notice now issued on the site due to the issues identified. Only works to rectify the issues outlined in the report may be undertaken under the stop notice.  
Once all of the issues are rectified, please rebook your pre-sheet inspection and I will request to again attend prior to lifting the stop notice.

Please update this team with any relevant progress and feel free to contact me if you have any questions.

Regards

Joel Muir, Senior Inspector  
Ph [REDACTED] Email: [Joel.Muir@act.gov.au](mailto:Joel.Muir@act.gov.au)  
Construction Audit Team, Access Canberra, ACT Government  
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>





**ACT**

Government

Chief Minister, Treasury and  
Economic Development

# Stop Notice

<b>Contact Area</b>	<b>Contact email</b>
Construction Audit Team (CAT)	cat@act.gov.au

<b>Builder name and license number</b>	<b>Lessee</b>
[REDACTED]	[REDACTED]


<b>Suburb</b>	<b>Section</b>	<b>Block</b>	<b>Stage of development</b>
[REDACTED]	[REDACTED]	[REDACTED]	Pre-sheet

I, Joel Muir, Building Inspector, 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—
    - (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.**

  
 ..... 23/05/2022  
 Building Inspector

**Important Information**

Provided in accordance with s 7 of the ACT Civil and Administrative Tribunal Regulation 2009  
Section 142C – Applications for review - See reverse side for advisory information.

**REVIEW OF THE DECISION BY THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL**

You may apply to the ACT Civil and Administrative Tribunal (ACAT) for administrative review of this decision.

## CONTACT DETAILS

Location	Contact details
ACT Civil and Administrative Tribunal Level 4, 1 Moore Street CANBERRA CITY ACT 2601	Website: <a href="http://www.acat.act.gov.au">www.acat.act.gov.au</a> Email: <a href="mailto:tribunal@act.gov.au">tribunal@act.gov.au</a> Telephone: (02) 6207 1740 Facsimile: (02) 6205 4855 Post: GPO Box 370, CANBERRA, ACT, 2601

## APPLICATIONS TO THE ACAT

To apply for a review, obtain an application form from the ACAT. You can also download the [Application for review of a decision](#) form from the ACAT website.

## TIME LIMITS FOR APPLICATIONS

The time limit to make a request for a review is 28 days from the date that you receive this Notice of Decision.

## FEES

Applications to the ACAT, including an application to be joined as a party to a proceeding, require payment of a fee. 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*).

## TRANSLATION AND INTERPRETER SERVICES

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

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 τηλεφωνήστε 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 ihtiyacımız 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



## General Inspection Report - Construction Audit Team

[Redacted]		Complete			
Score	0%	Flagged items	0	Actions	0
Audit Title	[Redacted]				
Unit	[Redacted]				
Block	[Redacted]				
Section	[Redacted]				
Suburb	[Redacted]				
Project #	[Redacted]				
Project Description	New single dwelling				
Description of Construction Stage	Pre-sheet- inspection conducted with certifier				
Certifier	[Redacted]				
Builder/Nominee	[Redacted]				
Conducted on	20 May 2022 15:13 AEST				
Personnel	Joel Muir				

## Report Details

### Scope

This building work inspection report is a visual assessment of reasonably accessible and/or visible elements of the building at the time of inspection.

### Purpose

This report is intended as an assessment of building work at a point in time and is not intended to be a certificate for the building work within the requirements of any Act's or regulations. However, information gathered in this report may be used as information or evidence to achieve compliant building work through education and/or compliance action.

### Assumptions and Limitations

This report is a subjective appraisal by the building inspectors on a visual inspection of the reasonably accessible parts of the building.

This report will not disclose defective building work in inaccessible areas, defective building work that is concealed and/or not reasonably visible, defective building work that may be apparent in other weather conditions or defective building work that has not arisen yet.

This report is not an assessment of fixtures and fittings other than those included in the building to make the building comply with the Building Code of Australia (BCA).

This report does not confirm that every aspect of the subject building work complies with the Building Act 2004, the BCA and/or relevant Australian standards. It is the responsibility of other parties to ensure full compliance with codes and standards is achieved.



Photo 1

Photo 2

### Items for Comment

Is building work being carried out and is a Notice About Building Work displayed correctly?

Followup



Photo 3

Is the licensed builder or licensed certifier on-site?

Yes

Pre-arranged to meet certifier on site for pre-sheet inspection

Building Work Items for Comment

See issue item/s below.

Building Work Items

**Building Work Item**

**Building Work Item 1**

**Subject**

Extra plumbing for kitchen not shown on plans

**Relevant Law**

Building Act 2004 s42 1)d)i)

(1) Building work must not be carried out except in accordance with the following requirements:  
d) for building work that requires building approval under division 3.3, the building work  
(i) must be carried out in accordance with approved plans

**Relevant Code**

N/A

**Conformance**

Followup

Inspectors observed that plumbing has been installed where there is no wet area shown on the approved plans.



Photo 4

Photo 5

Photo 6

**Building Work Item 2**

**Subject**

Floor to ceiling heights as per plan-  
double check height of trusses

**Relevant Law**

Building Act 2004 s42 1)d)i)

(1) Building work must not be carried out except in accordance with the following requirements:  
d) for building work that requires building approval under division 3.3, the building work  
(i) must be carried out in accordance with approved plans

**Relevant Code**

N/A

**Conformance**

Pass

**Building Work Item 3**

**Subject**

Steel out of plumb

**Relevant Law**

Building Act 2004 s42 1)c)

(1) Building work must not be carried out except in accordance with the following requirements:  
(c) the building work must be carried out in a proper and skilful way;

**Relevant Code**

Guide to standards and tolerances  
part 4.02

4.02 Verticality or plumbness of steel and timber frames and exposed posts:  
Posts and wall frames are defective if they deviate from vertical by more than 5 mm over a 1.8 m height.

**Conformance**

Fail

The steel columns at the rear of the alfresco were measured to be 15mm out of plumb over a 1200 level. The posts will need to be brought back to within tolerance ensuring that the roof trusses are adequately supported and compliant with AS4440.



Photo 7

Photo 8

**Building Work Item 4**

**Subject**

Upper roof larger than on plans

**Relevant Law**

Building Act 2004 s42 1)d)i)

(1) Building work must not be carried out except in accordance with the following requirements:  
d) for building work that requires building approval under division 3.3, the building work  
i) must be carried out in accordance with approved plans

**Relevant Code**

N/A

**Conformance**

Fail

Inspectors observed that the roof was not constructed as per the approved plans. The approved plans show the roof and eave not entirely covering the rear alfresco where the onsite roof completely covers the alfresco with eaves extending beyond.



Photo 9

Photo 10

Photo 11

Photo 12

**Building Work Item 5**

**Subject**

Trusses not as truss plan- greater than 600mm spacings

**Relevant Law**

Building Act 2004 s42 1)c)

(1) Building work must not be carried out except in accordance with the following requirements:  
(c) the building work must be carried out in a proper and skilful way

**Relevant Code**

Truss manufacturer's installation instructions.

**Conformance**

Fail

Inspectors measured the trusses as being installed at up to 800mm centres where the truss plan states they are to be installed at max 600mm centres.



Photo 13

Photo 14

### Building Work Item 6

#### Subject

Internal wall tight to trusses at no load bearing point

#### Relevant Law

Building Act 2004 s42 1)b)

#### Relevant Code

Building Code of Australia 2019 volume 2 part 3.4.3 and AS4440

#### Conformance

Fail

The roof trusses were observed to be supported mid-span. It is an installation requirement of roof trusses that they are only supported where specified by the manufacturer.



Photo 15

Photo 16

Photo 17

## Summary

### Comments

Inspectors observed multiple issue relating to the timber framing, roof trusses, steel columns, and the building not being constructed as per the approved plans.

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## Recommendations

### Comments

It is recommended that the issues identified in this report be brought to the attention of the builder and certifier for their appropriate action.

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Photo 1

Photo 2

Photo 3

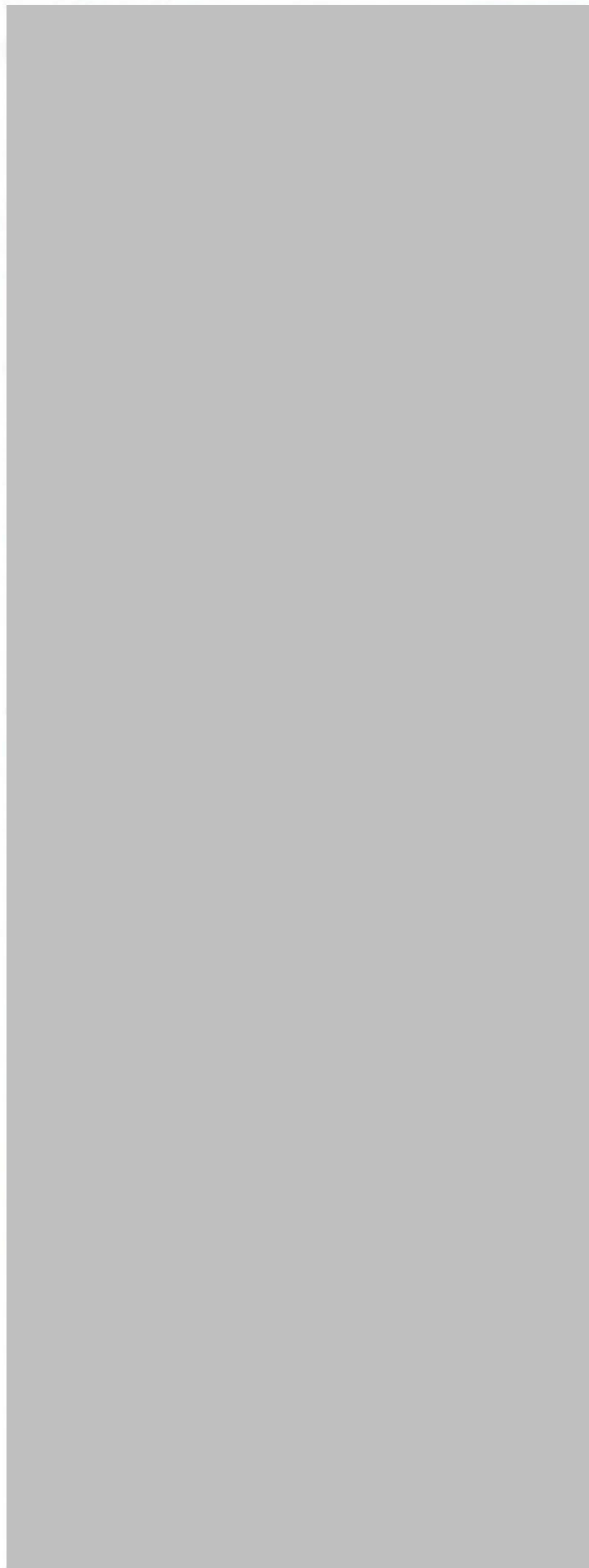


Photo 4

Photo 5



Photo 6

Photo 7



Photo 8

Photo 9

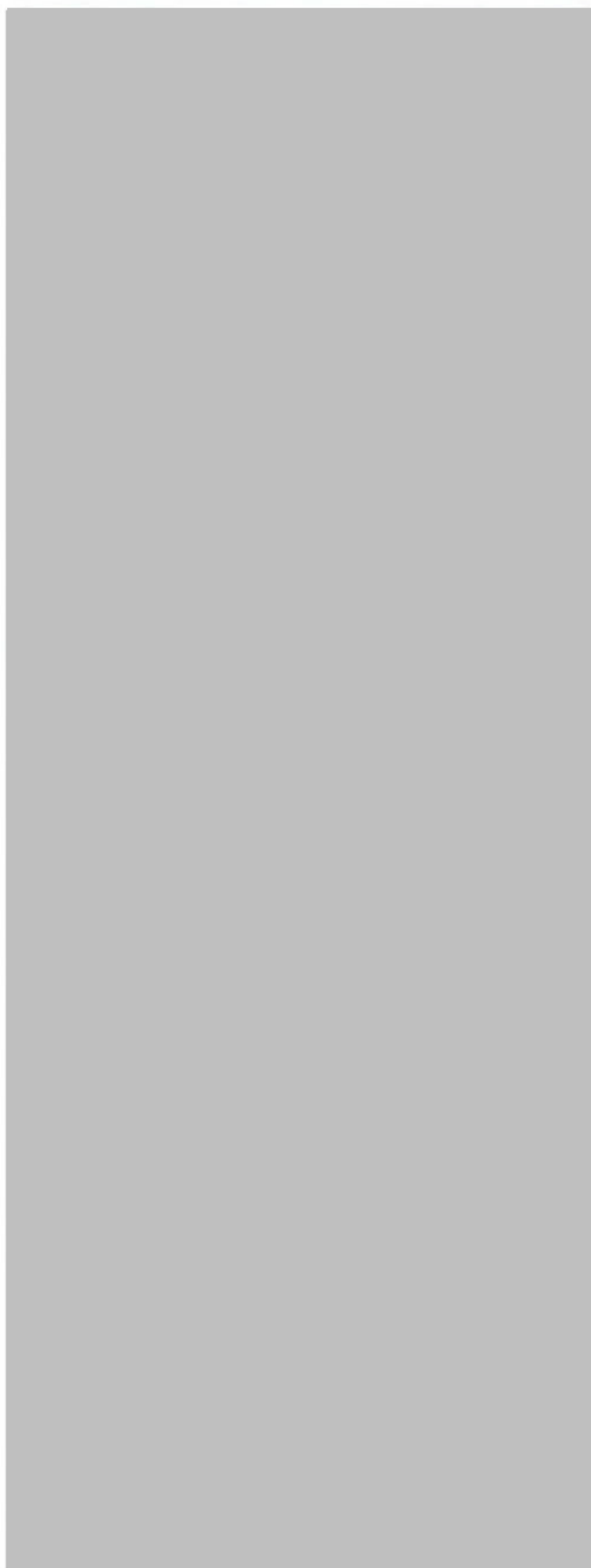


Photo 10



Photo 11



Photo 12

Photo 13



Photo 14





Photo 15



Photo 16

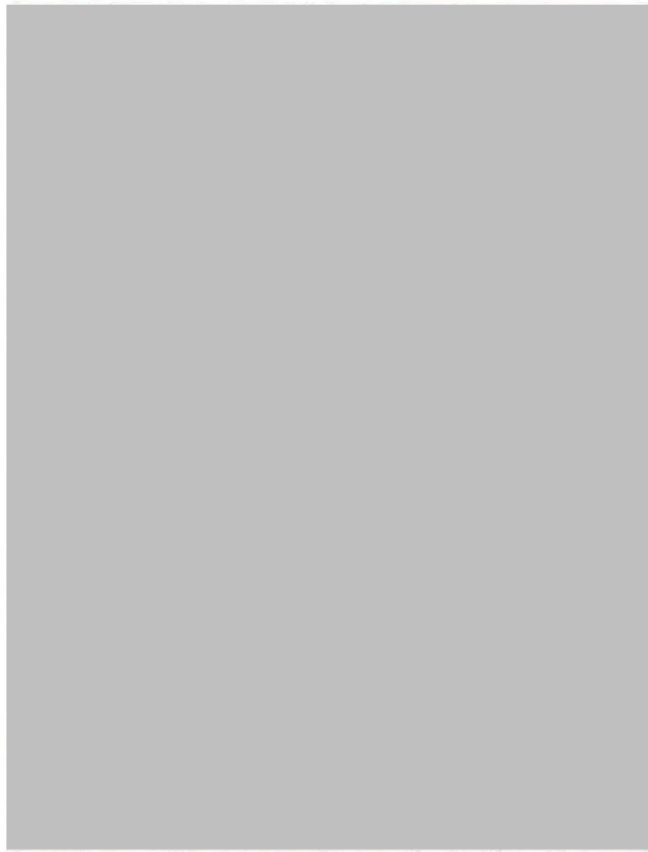


Photo 17