



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2024-155
Date of Application	3 May 2024
Date of Decision	9 July 2024
Processing time (in working days)	45
Fees	N/A
Decision on Access	Partial Release
<b>Information Requested (summary)</b>	Information on complaints made to a building company.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
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 - CMTEDDFOI 2024-155  
**Date:** Friday, 3 May 2024 8:19:36 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):

Details of any complaints made regarding Cubitt's Granny Flats and Home Extensions since 2019 Information requested: date of complaint, nature of the complaint, and any action taken. I do not require the personal contact details of any complainant. Please note this request is a personal request and not in any way related to [REDACTED].

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

This excludes the complaint that [REDACTED] unless there is any additional information to add since that time.

Thank you.  
Freedom of Information Coordinator



## **FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION**

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 3 May 2024.

Specifically, you have sought access to the following information:

*“Details of any complaints made regarding Cubitt’s Granny Flats and Home Extensions since 2019 Information requested: date of complaint, nature of the complaint, and any action taken. I do not require the personal contact details of any complainant. Please note this request is a personal request and not in any way related to [REDACTED]*

*This excludes the complaint that [REDACTED] unless there is any additional information to add since that time*

### **Authority**

I am an Information Officer appointed by the CMTEDD 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 within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **9 July 2024**.

### **Decision on access**

Searches of CMTEDD records have identified four documents within the scope of your request.

I have decided to grant **partial access** to one document and **refuse access** to the remaining three documents.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

## Release of documents

The information being released to you is provided at Attachment B.

## Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- third party views
- *Human Rights Act 2004*
- *Fair Trading (Australian Consumer Law) Act 1992*

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

## Exemptions claimed

### Schedule 1: Information taken to be contrary to the public interest.

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

- *Section 1.3 - Information disclosure of which is prohibited under law.*

Schedule 1 Section 1.3(6)(a) prohibits government information to be released by a secrecy provision of a law. Under *section 54 of the Fair Trading Act 1992* it is an offence for any staff member to divulge any information relating to a complaint without the express consent of the complainant.

### Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and 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.

### Schedule 2: Factors to be considered when deciding the public interest.

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 (Section 2.1)**

- *Section 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed followed by the government in its dealings with members of the community.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

I have placed substantial weight on the above factors favouring disclosure. The release of this information can reasonably be expected to reveal the reason for a government decision and provide some background or context on how Access Canberra dealt with the complaints lodged.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

### **Factors favouring nondisclosure (Section 2.2)**

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

When considering this information against the factors favouring nondisclosure, I am satisfied that the protection of an individual's right to privacy is a significant factor. The parties involved did not provide their consent to release their personal information which include names, contact details and location of the complaint. These individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. The identifying details of a third party business has been withheld as its release could be prejudice trade secrets or business affairs I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. The information withheld from release could reasonably be expected to unfairly prejudice the business affairs of a third party, along with unwanted commercial implications. Having applied the test outlined in section 17 of the Act and deciding that release of personal 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.

### **Charges**

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50 pages.

### **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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, 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  
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 the Information Access Team by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely



Emma Hotham  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate

9 July 2024



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

### WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

*"Details of any complaints made regarding Cubitt's Granny Flats and Home Extensions since 2019 Information requested: date of complaint, nature of the complaint, and any action taken. I do not require the personal contact details of any complainant. Please note this request is a personal request and not in any way related to [REDACTED].  
This excludes the complaint that [REDACTED] unless there is any additional information to add since that time."*

CMTEDDFOI – 2024-155

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-16	AC Internal Investigations	30 September 2020	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
2	17-39	Document 1		Exempt	Sch 1 s1.3(6)	No
3	40-59	Document 2		Exempt	Sch 1 s1.3(6)	No
4	60-70	Document 3		Exempt	Sch 1 s1.3(6)	No
<b>Total No of Docs</b>						
4						

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

# FOI Request

Case

 00197624

Outcome

 O26304 O26305 O26306 O26307 O26308 O26309

Related Licence

Related Third Party

Related Legislation

 RL12023

AC Internal investigations

 20210423-21459

## AC Internal investigations

Field Label	Value
deleted	false
ac internal investigations name	20210423-21459
created date	30/09/2020, 02:03 pm AEST
last modified date	02/05/2021, 12:09 pm AEST
system modstamp	02/05/2021, 12:09 pm AEST
last viewed date	08/05/2024, 11:02 am AEST
last referenced date	08/05/2024, 11:02 am AEST
anzsic level four	House Construction
anzsic level one	Construction
anzsic level three	Residential Building Construction
anzsic level two	Building Construction
alledge conduct	unapproved extension will have overlooking issues
block no.	14
business	a614a000000023IAAA
cmt category level 1	Planning
cmt category level 2	Lease compliance (Owner)

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Field Label	Value
cmt category level 3	Unapproved Structure
cmt status	Resolved
investigation queue	AC CMT - Issue
current risk	Category - 2
current user	false
formatted address	Sch 2.2(a)(ii)
description	Created Time 2020-09-30 14:03:40 Created By Alexandra Moleva Concerns that house extension being built does not have relevant approval & poses privacy issues.
palm flag	false
reason for risk change	C claims that development does not comply with DA exemption/BA
reason for risk assessment?	Involving alleged non-compliance with obligations when performing a licensed activity
resolution status	No breach identified
risk category	Category - 2
safety alert?	false
section no	Sch 2.2(a)(ii)
state	
street address	
subject	Building & Planning - Unapproved Structure/Privacy - Sch 2.2(a)(ii)
suburb	Sch 2.2(a)(ii)
ac investigation paths	Closed
legacy case id	20325
lockdown to queue	false
ac cmt closed date	18/11/2020, 10:53 am AEDT
cmt closed	30/09/2020, 02:34 pm AEST
ac queue last changed	30/09/2020, 01:57 pm AEST
record id	a6t4a0000000kRzAAI
business	IAN CUBITT'S CLASSIC HOME IMPROVEMENTS PTY LIMITED

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

## Notes

N/A

## Related Legislation

Field Label	Value
deleted	false
related legislation number	RL12023
created date	01/10/2020, 07:03 am AEST
last modified date	27/04/2021, 02:22 pm AEST
system modstamp	27/04/2021, 02:22 pm AEST
legislation	a6C4a0000000YIOEAU
active flag	true
legislation name	Planning and Development Act 2007
sections	a6H4a0000001P5sEAE
ac internal investigation	a6t4a0000000kRzAAI
record id	a6L4a0000000DCPGEA4
legislation	Planning and Development Act 2007
sections	S2.3-undertaking a development for whic
ac internal investigation	20210423-21459

## Notes

N/A

## Outcome

Field Label	Value
deleted	false
outcome number	O26304
created date	30/09/2020, 02:18 pm AEST
last modified date	27/04/2021, 11:23 am AEST
system modstamp	27/04/2021, 11:23 am AEST

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Field Label	Value
actions taken	Notes
case note heading	E-development Search
date and time of action	30/09/2020, 02:18 pm AEST
management significant	No
number of actions	1
rcac significant	No
entered by	iConnect Team
outcome legacy	54874
ac internal investigation	a6t4a0000000kRzAAI
record id	a6E4a0000000pvwEAA
ac internal investigation	20210423-21459

## Notes

Private Note - ACT Digital

Wednesday 30 Sept 2020, 02:18 pm

Title: Private

Content:

Created By: Alexandra Moleva

Type: Private

BA B20203576/A for DA exempt 'Additions and Alterations to Residence', issued 01/08/2020.

## Outcome

Field Label	Value
deleted	false
outcome number	O26305
created date	18/11/2020, 10:55 am AEDT
last modified date	27/04/2021, 11:23 am AEST
system modstamp	27/04/2021, 11:23 am AEST
actions taken	Notes

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Field Label	Value
case note heading	Compliant with approval Close
date and time of action	18/11/2020, 10:55 am AEDT
management significant	No
number of actions	1
rcac significant	No
entered by	iConnect Team
outcome legacy	57638
ac internal investigation	a6t4a0000000kRzAAI
record id	a6E4a0000000pvxEAA
ac internal investigation	20210423-21459

## Notes

Private Note - ACT Digital

Wednesday 18 Nov 2020, 10:55 am

Title: Private

Content:

Created By: David Kyburz

Type: Private

No breachClose

## Outcome

Field Label	Value
deleted	false
outcome number	O26306
created date	20/10/2020, 02:22 pm AEDT
last modified date	27/04/2021, 11:23 am AEST
system modstamp	27/04/2021, 11:23 am AEST
actions taken	Notes
case note heading	Escalated to line area

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Field Label	Value
date and time of action	20/10/2020, 02:22 pm AEDT
external reference number	200916-001760
management significant	No
number of actions	1
rcac significant	No
entered by	iConnect Team
outcome legacy	55828
ac internal investigation	a6t4a0000000kRzAAI
record id	a6E4a0000000pvyEAA
ac internal investigation	20210423-21459

## Notes

Private Note - ACT Digital

Tuesday 20 Oct 2020, 02:22 pm

Title: Private

Content:

Created By: Tim Boulton

Type: Private

Escalated to BPC 20/10/2020.

## Outcome

Field Label	Value
deleted	false
outcome number	O26307
created date	12/11/2020, 12:09 pm AEDT
last modified date	27/04/2021, 11:23 am AEST
system modstamp	27/04/2021, 11:23 am AEST
actions taken	Notes
case note heading	Inspection and record of conversations

Field Label	Value
date and time of action	12/11/2020, 12:09 pm AEDT
management significant	No
number of actions	1
rcac significant	No
entered by	iConnect Team
outcome legacy	57324
ac internal investigation	a6t4a0000000kRzAAI
record id	a6E4a0000000pvzEAA
ac internal investigation	20210423-21459

## Notes

Private Note - ACT Digital

Thursday 12 Nov 2020, 12:09 pm

Title: Private

Content:

Created By: David Kyburz

Type: Private

On 11.11.2020 at about 9:40am Ajith Buddhadasa arrived on site and I knocked on the front door. A gentleman answered the door AB and I introduced ourselves and he introduced himself as [Sch 2.2(a)(ii)]. The lessee advised [Sch 2.2(a)(ii)] the purpose of our inspection. I asked [Sch 2.2(a)(ii)] if we could enter the block and ask him some questions in relation to the extension. [Sch 2.2(a)(ii)] agreed and signed the Acknowledgment of Consent form. [Sch 2.2(a)(ii)] said that his certifier is [Sch 2.2(a)(xi)] and approval had been given [Sch 2.2(a)(ii)]. [Sch 2.2(a)(ii)] then invited us to the front of the property where the extension was being constructed. We observed that the extension was at pre-sheet stage and that construction appeared to be in accordance with the approval. We thanked [Sch 2.2(a)(ii)] and left. I telephoned the certifier [Sch 2.2(a)(ii)] and advised him that we had been to this property in response to a complaint. [Sch 2.2(a)(ii)] said that he would email a copy of the survey to me to confirm construction is in accordance with the approval. I thanked him and the conversation ended. I telephoned the complainant [Sch 2.2(a)(ii)] and advised him that we had investigated his complaint and that approval had been given by a building certifier, [Sch 2.2(a)(xi)] and that work was in accordance with the approval. [Sch 2.2(a)(ii)] thanked me and the conversation ended. No further action required.

## Outcome

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Field Label	Value
deleted	false
outcome number	O26308
created date	12/11/2020, 12:09 pm AEDT
last modified date	27/04/2021, 11:23 am AEST
system modstamp	27/04/2021, 11:23 am AEST
actions taken	Notes
case note heading	Inspection and records of conversation
date and time of action	12/11/2020, 12:09 pm AEDT
management significant	No
number of actions	1
rcac significant	No
entered by	iConnect Team
outcome legacy	57323
ac internal investigation	a6t4a0000000kRzAAI
record id	a6E4a0000000pw0EAA
ac internal investigation	20210423-21459

## Notes

Private Note - ACT Digital

Thursday 12 Nov 2020, 12:09 pm

Title: Private

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Content:

Created By: David Kyburz

Type: Private

Ajith Buddhadasa (AB) and I conducted a site inspection on 10 November 2020 at about 11:20am We parked the car on the street and walked to the front door I knocked on the front door a gentleman answered the door and introduced both AB and myself He introduced himself as Sch 2.2(a)(ii) and said that he was the lessee We advised him of the purpose of our visit I asked him if he consented to our inspecting the building activity and that he answer some questions He agreed and signed the Acknowledgment of Consent form Sch 2.2(a)(ii) said that he had approval for the extension and advised us Sch 2.2(a)(ii) is the builder is and Sch 2.2(a)(ii) is the certifier ES invited us to the front of the property where the extension is under construction We observed that the extension was at pre-sheet stage and appeared to be in accordance with the approval We thanked Sch 2.2(a)(ii) and left I called Sch 2.2(a)(ii) and advised him that we had been to this project and I asked that he send me a copy of the survey Mr Sch 2.2(a)(ii) emailed the survey and the construction I consistent with that as approved I telephoned the complainant, Sch 2.2(a)(ii) and advised him that we had investigated his complaint and inspected the site on 10 November 2020 and informed him of our findings I advised Sch 2.2(a)(ii) that there was no further action RRRT will be taking and that if he had concerns with what is being constructed he could contact the building certifier Sch 2.2(a)(ii) was not happy however he thanked me and the conversation ended

## Outcome

Field Label	Value
deleted	false
outcome number	O26309
created date	19/10/2020, 11:15 am AEDT
last modified date	27/04/2021, 11:23 am AEST
system modstamp	27/04/2021, 11:23 am AEST
actions taken	Notes
case note heading	DLT Request
date and time of action	19/10/2020, 11:15 am AEDT
external reference number	200916-001760
management significant	No
number of actions	1
rcac significant	No
entered by	iConnect Team
outcome legacy	55712

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Field Label	Value
ac internal investigation	a6t4a0000000kRzAAI
record id	a6E4a0000000pw1EAA
ac internal investigation	20210423-21459

## Notes

Private Note - ACT Digital

Monday 19 Oct 2020, 11:15 am

Title: Private

Content:

Created By: Alexandra Moleva

Type: Private

Matter forwarded to CMT inbox for DLT assessment.

## Case

Field Label	Value
deleted	false
case number	00197624
case type	Feedback
status	Closed
case origin	Web
visible in self-service portal	true
subject	Building & Planning - Unapproved Structure/Privacy - QTPVM7 <span style="background-color: #cccccc; padding: 2px;">Sch 2.2(a)(ii) Ref:</span>
priority	Medium
closed	true
closed date	01/07/2021, 09:35 am AEST
escalated	false
new self-service comment	false
self-service commented	false

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Field Label	Value
created date	16/09/2020, 01:33 pm AEST
last modified date	03/02/2024, 01:43 pm AEDT
system modstamp	03/02/2024, 01:43 pm AEDT
url of creator's profile photo	[REDACTED]
url of creator's thumbnail photo	[REDACTED]
name of creator	
days till expired	-1302
taxonomy group 1	a6J4a00000000viEAA
access canberra owner	0054a000000lex8AAA
block no.	14
cmt category level 1	Building
cmt category level 2	Unapproved structure
category	Business > Other
comment category	Complaint
date/time of incident	16/09/2020, 01:33 pm AEST
case casesafeid	5004a000002pRjoAAE
feedback assigned status	Action Not Required
feedback queues	AC CMT - Feedback
financial loss	0
first name	Sch 2.2(a)(ii)
formatted address	[REDACTED]
involves vulnerable person?	No
last name	Sch 2.2(a)(ii)
on going issue	Yes
raised with third party?	No
section no.	10

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

Field Label	Value
vehicle moving	No
voluntary demographic information?	false
case reference number	AC-00197624
contact email	Sch 2.2(a)(ii)
contact first name	
contact last name	
legacy case id	9626766
current user	false
ac internal investigation	a6t4a0000000kRzAAI
email	Sch 2.2(a)(ii)
ac form type	Oracle Migration
sent to tccs?	false
case id	5004a000002pRjoAAE
created by id	00528000003i1N3AAI
taxonomy group 1	Other
access canberra owner	Sch 2.2(a)(ii)
ac internal investigation	20210423-21459

## Notes

Private Note - ACT Digital

Tuesday 20 Oct 2020, 04:00 pm

Title: Staff Account

Content:

Created By: Alexandra Moleva

Type: Staff Account

Dear Sch 2.2(a)(ii)

Thank you for your reply.

Please be advised that I have forwarded this incident to the appropriate business area for further review.

Generated by: Michael Frew on Wed May 08 01:04:21 GMT 2024

To assist with the assessment of the matter, please consider supplying any photo evidence via reply email.

An officer will be in contact with you in due course.

Kind regards

Alexandra | Complaints Management Team

Phone 13 22 81

Access Canberra | ACT Government

Private Note - ACT Digital

Monday 19 Oct 2020, 10:15 am

Title: Customer

Content:

Created By: Sch 2.2(a)(ii)

Type: Customer

I am unhappy with this response. My dissatisfaction is two-fold:1. The extension has progressed and blocks the entire view from our bedroom window. Our neighbours' block is higher than ours. There is a window that will look down into two of our bedrooms. You have said that this structure has building approval and did not require development approval and yet we have no assurance that our privacy will not be adversely impacted by this building. Surely someone could visit the site and ensure whatever the conditions of the building approval are, that they are being followed, as it does not seem right that a building could be approved that will look into my bedroom. 2. The fact that this enormous extension is apparently exempt from consultation with neighbours is a huge flaw in your regulatory framework. Had the extension been built on the other side of their block it would not have adversely impacted anyone as there is a driveway and bigger space between the houses on that side. That does not seem good enough. Thank you.

Private Note - ACT Digital

Wednesday 30 Sept 2020, 02:35 pm

Title: Staff Account

Content:

Created By: Alexandra Moleva

Type: Staff Account

Dear Sch 2.2(a)(i)

Thank you for contacting Access Canberra.

Please be advised that according to our records the development at Block 14 Section 10 Page (additions and alterations to residence) is exempt from a DA. Developments which meet the exemption criteria set out in the *Planning and Development Regulation 2008* do not require a neighbourhood consultation.

Building Approval may still be required in most of these instances and a licensed private certifier is required to submit plans for approval with Access Canberra so a Certificate of Occupancy and Use (COU) can be issued.

You can find more information about the DA process by following the link:

<https://www.planning.act.gov.au/build-buy-renoate/build-buy-or-renoate/approvals/development-applications> (<https://www.planning.act.gov.au/build-buy-renoate/build-buy-or-renoate/approvals/development-applications>).

Further information regarding the exemption criteria is available here:

<https://www.planning.act.gov.au/build-buy-renoate/build-buy-or-renoate/approvals/exempt-work/da-exemption-self-check> (<https://www.planning.act.gov.au/build-buy-renoate/build-buy-or-renoate/approvals/exempt-work/da-exemption-self-check>) (<https://www.planning.act.gov.au/build-buy-renoate/build-buy-or-renoate/approvals/exempt-work/da-exemption-self-check>).

If you believe that the development in question does not meet the exemption criteria, please reply to this email with any supporting evidence and this matter will be reactivated in queue for further review.

Kind regards

Alexandra | Complaints Management

Private Note - ACT Digital

Wednesday 30 Sept 2020, 01:52 pm

Title: Customer Proxy

Content:

Created By: Alexandra Moleva

Type: Customer Proxy

Unlawful development:

*Development without approval*

Type: \*

*Other*

Please enter a description of the structure

*Extension to the front of the house potentially with overlooking issues.*

Construction work

*Building*

Licensee name

Licence number

*Classic building improvements*

Complaint details

Provide a full description of your complaint

*Our neighbours seem to have commenced a significant extension on their house (see photo). We were not notified or told about the extension and are concerned that there may be overlooking issues that impact the amenity of our home. The ACT govt has not been able to confirm whether appropriate building or development approvals have been granted. We would like to establish that the development has been properly authorised and is within the relevant rules, and that any procedural steps (such as providing notification and an opportunity to object to neighbouring properties) have been taken.*

Private Note - ACT Digital

Wednesday 16 Sept 2020, 01:33 pm

Title: Customer Proxy

Content:

Created By: Matt Sasso

Type: Customer Proxy

**From:** smartforms@act.gov.au (mailto:smartforms@act.gov.au)

(mailto:smartforms@act.gov.au) smartforms@act.gov.au (mailto:smartforms@act.gov.au)

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**Sent:** Tuesday, 15 September 2020 8:45 PM

**To:** AccessCanberraCMT AccessCanberraCMT@act.gov.au (mailto:AccessCanberraCMT@act.gov.au)

(mailto:AccessCanberraCMT@act.gov.au)>

**Subject:** Controlled Activity or Construction Occupations Complaint, [REDACTED] S10-B14, QTPVM7,

[SEC=UNCLASSIFIED, DLM=Sensitive: Personal]

Sch 2.2(a)(i)

# Controlled Activity or Construction Occupations Complaint

## Form data summary

**Customer name**

Sch 2.2(a)(ii)

**Submission ID**

99124420200915207586

**Reference code**