



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2019-120

| 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)              | 28        |
| 7. Decision made by Ombudsman                     | N/A       |
| 8. Additional information identified by Ombudsman | N/A       |
| 9. Decision made by ACAT                          | N/A       |
| 10. Additional information identified by ACAT     | N/A       |

**From:** [Leonard, Matt](#) on behalf of [CMTEDD FOI](#)  
**To:** [Johnston, HeatherG](#)  
**Subject:** RE: FOI Application || 152552 [HW-Active.FID2196985] - Partial transfer of FOI  
**Date:** Tuesday, 4 June 2019 1:04:00 PM

---

Hi Heather,

CMTEDDFOI would be pleased to accept carriage of point 3 of the request.

Cheers

**Matt Leonard | Senior Freedom of Information Coordinator | Information Access Team**

Ph: 02 6207 3417

**Corporate | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Level 2, Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

---

**From:** Johnston, HeatherG  
**Sent:** Tuesday, 4 June 2019 12:53 PM  
**To:** CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)>  
**Cc:** EPSDFOI <[EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au)>  
**Subject:** FW: FOI Application || 152552 [HW-Active.FID2196985] - Partial transfer of FOI

UNCLASSIFIED

Hi CMTEDD FOI

I just spoke to the applicant, [REDACTED] about this request and she indicated that for part 3 of the request she is also seeking documents relating to the construction of the buildings such as the building file and any controlled activity complaints. I believe an application may have already been made to CMTEDD but with a different scope.

Do you agree to a partial transfer of part 3? EPSDD will respond to parts 1 and 2.

Please note that blocks 16/17 have become block 35 following the approval of DA 200812307.

Please feel free to give me a call if you have any questions

Heather

Heather Johnston

Freedom of Information

**Phone 02 6207 1941**

**Information Management** | Environment, Planning and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

---

**From:** [REDACTED]  
**Sent:** Thursday, 30 May 2019 9:01 AM  
**To:** EPSDFOI <[EPSDFOI@act.gov.au](mailto:EPSDFOI@act.gov.au)>

**Subject:** FOI Application | | 152552 [HW-Active.FID2196985]

Good morning

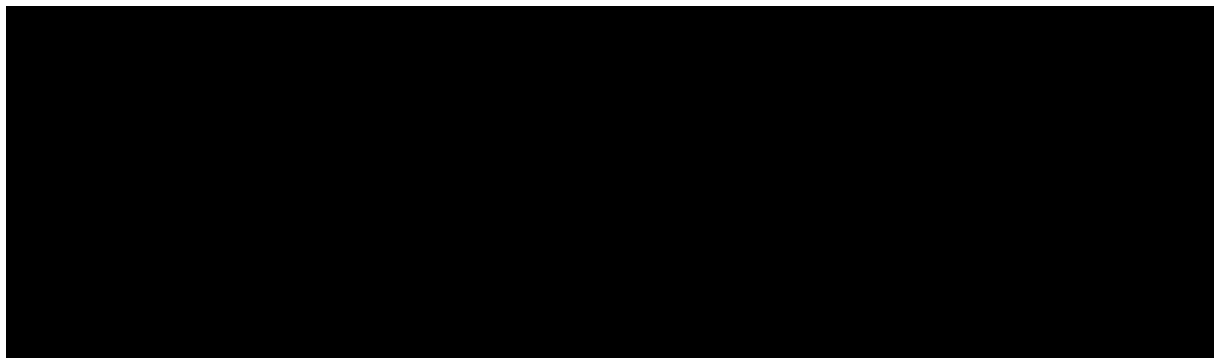
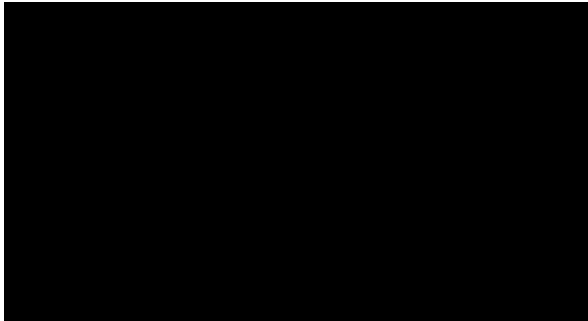
We act on behalf of Pierre Dragh Consulting Engineers Pty Ltd in response to a claim being pressed by the Owners of Strata Plan 80647 (otherwise known as 51 Ainsworth Street, Mawson) (**the Property**). The Property was the subject of a residential development application and approval in 2009 with construction being completed thereafter.

We have previously made an informal request for information. We have been instructed to lodge a formal freedom of information request for the following information.

*In respect of the development at Block 16/17 of Section 13 or 51 Ainsworth Street, Mawson (**the Property**) by Hillcorp Developments Pty Ltd:*

- 1. All development applications lodged by or on behalf of HillCorp in respect of the Property for the period 2008 - 2012;*
- 2. A copy of the development consent and any prescribed conditions for the Property for the period 2008 – 2012; and*
- 3. All other documents, records, certificates, reports and dealings in relation to the Property for the period 2008 – 2019.*

Kind regards






**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2019-120



via email: 

Dear 

### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 4 June 2019, in which you sought access to documents:

*In respect of the development at Block 16/17 of Section 13 or 51 Ainsworth Street, Mawson (the Property) by Hillcorp Developments Pty Ltd:*

- 1. All development applications lodged by or on behalf of HillCorp in respect of the Property for the period 2008 - 2012;*
- 2. A copy of the development consent and any prescribed conditions for the Property for the period 2008 – 2012; and*
- 3. All other documents, records, certificates, reports and dealings in relation to the Property for the period 2008 – 2019.*

On 4 June 2019 point 3 of your access request was transferred to Chief Minister, Treasury and Economic Development Directorate (CMTEDD) as it is the most appropriate agency to respond to this part of your request.

### **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 was required to provide a decision on your access application by 3 July 2019. However, following third party consultation the due date was extended to 24 July 2019.

### **Decision on access**

Searches were completed for relevant documents and 24 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that fall within the scope of your request and the access decision for each of those documents.

I have decided to grant access in full to 3 documents and partial access to 21 documents considered to be within the scope of your request.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

In reaching my access decisions, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*.

### **Exemption claimed**

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

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

#### Public Interest

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.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

#### Factors favouring disclosure in the public interest under Schedule 2.1:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- xiii) contribute to the administration of justice generally, including procedural fairness.*

Factors favouring nondisclosure in the public interest under Schedule 2.2:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004*

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to the administration of justice generally, including procedural fairness by allowing you to have a complete record of the documents associated with point 3 of your request.

However, when considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially in making of a complaint to a government agency or responding to a complaint being dealt with by a government agency, is a significant factor as the parties involved have provided their personal information (including, names, email addresses and private mobile numbers) for the purposes of facilitating a resolution to the issue. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of these individuals. 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.

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 and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Folios 1-20 and 24 of the identified documents contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act or they contain information which is out of scope.

**Charges**

Pursuant to *Freedom of Information (Fees) Determination 2018* processing charges are not applicable for this request because the total number of pages to be released to you does not exceed 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, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 18 July 2019. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

### **Ombudsman Review**

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

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

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



Daniel Riley

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

15 July 2019



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

| NAME | WHAT ARE THE PARAMETERS OF THE REQUEST   | Reference NO. |
|------|--|---------------|
|      | <p>In respect of the development at Block 16/17 of Section 13 or Mawson (the Property) by Hillcorp Developments Pty Ltd:</p> <ol style="list-style-type: none"> <li>1. All development applications lodged by or on behalf of HillCorp in respect of the Property for the period 2008 - 2012;</li> <li>2. A copy of the development consent and any prescribed conditions for the Property for the period 2008 – 2012; and</li> <li>3. All other documents, records, certificates, reports and dealings in relation to the Property for the period 2008 – 2019.</li> </ol> | 2019-120      |

| Ref No | Page number | Description            | Date        | Status          | Reason for Exemption | Online Release Status |
|--------|-------------|------------------------|-------------|-----------------|----------------------|-----------------------|
| 1      | 1           | File note              | 04-Jul-2012 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 2      | 2           | Letter                 | 04-Jul-2012 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 3      | 3           | Email                  | 04-Jul-2012 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 4      | 4           | Letter                 | 13-Jun-2012 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 5      | 5           | Record of Conversation | 13-Jun-2012 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 6      | 6           | Email                  | 13-Jun-2012 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 7      | 7           | Email                  | 12-Jun-2012 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 8      | 8           | Email                  | 22-Feb-2012 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 9      | 9           | Record of Conversation | 31-Oct-2011 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 10     | 10          | Email                  | 31-Oct-2011 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |
| 11     | 11          | Letter                 | 02-Aug-2011 | Partial release | Sch 2 s2.2 (a)(ii)   | Yes                   |



|                         |       |  |             |                 |                    |     |
|-------------------------|-------|--|-------------|-----------------|--------------------|-----|
| 12                      | 12    | Letter   | 29-Jun-2011 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 13                      | 13    | Email  | 25-Jun-2011 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 14                      | 14    | Maintenance sign off as attachment to above email  | 17-Oct-2010 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 15                      | 15    | Email  | 23-Jun-2011 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 16                      | 16-17 | Controlled Activity/Construction Occupations Complaint Form as attachment to above email | 23-Jun-2011 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 17                      | 18-19 | Email chain as attachment to above email   | 26-Oct-2010 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 18                      | 20    | Email chain as attachment to above email   | 18-Oct-2010 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 19                      | 21-22 | Photographs as attachment to above email   | Undated     | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 20                      | 23    | Certificate of Compliance  | 15-Dec-2009 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 21                      | 24    | Tax Invoice/Receipt  | 15-Dec-2009 | Partial release | Sch 2 s2.2 (a)(ii) | Yes |
| 22                      | 25    | Certificate of Compliance  | 03-Nov-2006 | Full release    | N/A                | Yes |
| 23                      | 26    | Certificate of Occupancy and Use   | 20-Oct-2006 | Full release    | N/A                | Yes |
| 24                      | 27    | Certificate of Completion of Demolition  | 20-Oct-2006 | Full release    | N/A                | Yes |
| <b>Total No of Docs</b> |       |  |             |                 |                    |     |
| 24                      |       |  |             |                 |                    |     |



**ACT**  
Government

Environment and  
Sustainable Development

## File Note – Closed Case

**Block:** 35    **Section:** 13    **Division:** Mawson    **Unit:** Xx

**Date:** 4 July 2012

### Details:

- I have called the builder and they have advised me that the work has been completed.
- I have tried to contact the complainant by phone, email and letter and have had no response.
- A letter and email has been sent to Sch 2 2(a)(ii) advising of the closure of the case.

Mathew Bond  
Utilities, Land and Lease Regulation Section



**ACT**

Government

Environment and  
Sustainable Development

**Sch 2.2(a)(ii)**

Dear **Sch 2.2(a)(ii)**

**Block 35 Section 13 Mawson – Complaint**

I refer to your complaint received by the Environment and Sustainable Development Directorate (ESDD) on 28 June 2011 regarding the above block. On 31 October 2011 an email was sent by Simon Grice asking whether the water issues have been rectified and addressed. A letter and email was also sent to you on 13 June 2012 requesting further information within 14 days of the letter. To date no further information has been provided and ACTPLA has not received any request to extend that period.

In accordance with section 123 (b) (i) of the *Construction Occupations (Licensing) Act 2004*, ESDD is satisfied that no further action is necessary in relation to the complaint.

Should you have any questions in relation to this matter please contact me on 620 73022 or by email to [actplaru@act.gov.au](mailto:actplaru@act.gov.au).

Yours sincerely

Mathew Bond  
Inspector  
Utilities, Land and Lease Regulation Section

4 July 2012

**From:** "Bond, Mathew"

**Sent:** 04/07/2012 12:27 AM

**To:** "Sch 2.2(a)(ii)"

**Subject:** Sch 2.2(a)(ii) - No update recieved - Complaint is now closed

**Attachments:** 20120704101449522.pdf

Dear Sch 2.2(a)(ii)

I had sent you a letter and email asking you to update me into whether or not these water leakage issues have been addressed. As of today I have had no response.

I have spoken to the builder and they have told me that he has addressed the water leakage issues.

Please find attached the letter I have sent by post.

Yours Sincerely

Mathew Bond | Inspector

Phone 02 6207 6853 | Fax 02 6207 1862 | Email [actplalru@act.gov.au](mailto:actplalru@act.gov.au)

Construction Services | Environment and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601



**ACT**

Government

Environment and  
Sustainable Development

**Sch 2.2(a)(ii)**

Dear **Sch 2.2(a)(ii)**

**Block 35 Section 13 Mawson – Controlled Activity Complaint – Water Leakages**

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) on 28 June 2011 regarding the above block. In accordance with section 343(1) of the *Planning and Development Act 2007* (the Act), I require you to provide the following further information:

- On the 13 June 2012 I had called **Sch 2.2(a)(ii)** (Builder) to ask if the water leakage issues have been resolved. **Sch 2.2(a)(ii)** advised me that these issues have been addressed and have been resolved.
- I have tried to get in contact with you a number of times by phone and email but had no success. I would like to know if these issues have been addressed by the builder and if so could you provide me with a date of when the works were done.

The information requested is required to be provided to ESDD within 14 working days from the date of this letter or in such further time as may be approved in writing by ESDD.

The requested information can be sent to the Investigation Unit via email to [actplalru@act.gov.au](mailto:actplalru@act.gov.au) or posted to GPO Box 1908, Canberra City ACT 2601.

In accordance with section 343(3) of the Act, should the information not be provided within the specified time ESDD will not to take any further action in relation to your complaint.

Should you require any further information regarding this matter please contact me on telephone 6207 6853 or via email at [actplalru@act.gov.au](mailto:actplalru@act.gov.au).

Yours sincerely

Mathew Bond  
Inspector  
Utilities, Land and Lease Regulation Section

13 June 2012

**Conversation Conducted With:** Sch 2.2(a)(ii)

**Telephone Number:** Sch 2.2(a)(ii)

**Date of Conversation:** 13 June 2012

**Time of Conversation:** 0912

**Details of Conversation:** I left a message on Sch 2.2(a)(ii) mobile asking her to call me back and get a update with her complaint.

**Conversation Conducted With:** Sch 2.2(a)(ii)

**Telephone Number:** Sch 2.2(a)(ii)

**Date of Conversation:** 13 June 2012

**Time of Conversation:** 3:40

**Details of Conversation:** I called Sch 2.2(a)(ii) and asked if he had gone out and fixed the issues at the above block. He told me that he has been out several times and that the problem is fixed.

**From:** "Bond, Mathew"

**Sent:** 13/06/2012 6:18 AM

**To:** Sch 2.2(a)(ii)

**Subject:** further information request - S13 B35 Mawson - Water Leakage

Dear Sch 2.2(a)(ii)

**Block 35 Section 13 Mawson – Controlled Activity Complaint – Water Leakages**

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) on 28 June 2011 regarding the above block. In accordance with section 343(1) of the *Planning and Development Act 2007* (the Act), I require you to provide the following further information:

- On the 13 June 2012 I had called Sch 2.2(a)(ii) (Builder) to ask if the water leakage issues have been resolved. Sch 2.2(a)(ii) advised me that these issues have been addressed and have been resolved.
- I have tried to get in contact with you a number of times by phone and email but had no success. I would like to know if these issues have been addressed by the builder and if so could you provide me with a date of when the works were done.

The information requested is required to be provided to ESDD within 14 working days from the date of this letter or in such further time as may be approved in writing by ESDD.

The requested information can be sent to the Investigation Unit via email to [actplalru@act.gov.au](mailto:actplalru@act.gov.au) or posted to GPO Box 1908, Canberra City ACT 2601.

In accordance with section 343(3) of the Act, should the information not be provided within the specified time ESDD will not take any further action in relation to your complaint.

Should you require any further information regarding this matter please contact me on telephone 6207 6853 or via email at [actplalru@act.gov.au](mailto:actplalru@act.gov.au).

Yours sincerely

**Mathew Bond** | Inspector

Phone 02 6207 6853 | Fax 02 6207 1862 | Email [actplalru@act.gov.au](mailto:actplalru@act.gov.au)

**Construction Services** | Environment and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601

**From:** "Bond, Mathew"

**Sent:** 12/06/2012 11:18 PM

**To:** Sch 2.2(a)(ii)

**Subject:** Water leakage Issues - S13 B35 Mawson - Update

Dear Sch 2.2(a)(ii)

I'm writing to you to find out if the builder has completed the works and a update on the water leakage issues. If you could please respond to this email or call me by phone that would be most appreciated.

I also tried to call your mobile and left a message.

Yours Sincerely

**Mathew Bond** | Inspector

**Phone 02 6207 6853** | Fax 02 6207 1862 | Email [actplalru@act.gov.au](mailto:actplalru@act.gov.au)

**Construction Services** | Environment and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601



**From:** "Bond, Mathew"

**Sent:** 22/02/2012 2:26 AM

**To:** Sch 2.2(a)(ii)

**Subject:** 16/17 Mawson - Water Damage - Complaint

Dear Sch 2.2(a)(ii)

I am Mathew now taken over the case from Simon. I just wanted to touch bases with you in regards to your water damage complain. Could you please confirm whether the building work rectifications to your unit #6, block 16/17, section 13, Mawson have been completed?

Regards,

**Mathew Bond** | Inspector

**Phone 02 6207 6853** | Fax 02 6207 1862 | Email [actplalru@act.gov.au](mailto:actplalru@act.gov.au)

**Construction Services** | Environment and Sustainable Development | ACT Government  
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601

**Mathew Bond** | Inspector

**Phone 02 6207 6853** | Fax 02 6207 1862 | Email [actplalru@act.gov.au](mailto:actplalru@act.gov.au)

**Construction Services** | Environment and Sustainable Development | ACT Government  
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601



**ACT**  
Government

Environment and  
Sustainable Development

## Record of Conversations

**Block:** 35    **Section:** 13    **Division:** Mawson    **Unit:** <sup>SC1</sup>/51

**Conversation Conducted With:** **Sch 2.2(a)(ii)**

**Telephone Number:** **Sch 2.2(a)(ii)**

---

**Date of Conversation:** 31/10/11

**Time of Conversation:** 14:08

**Details of Conversation:**

Call to complainant to check whether there had been any developments in her complaint with the builder since filing the complaint with ESDD. She believed that the builder had been back to carry out the necessary repairs and said that she would confirm the situation by email in the next few days.

---

**Date of Conversation:** 30/1/12

**Time of Conversation:** 10:12

**Details of Conversation:**

Left message for her to call and confirm whether or not the case was closed / needed further action.

Simon Grice  
Utilities, Land and Lease Regulation Section

**From:**"ACTPLA LRU"

**Sent:**31/10/2011 3:47 AM

**To:**Sch 2.2(a)(ii)

**Subject:**Complaint regarding 6/51 Ainsworth Street (Unit [redacted] block 16/17, section 13, Mawson)

Dear [redacted]

Please can you confirm whether the building work rectifications to your unit # [redacted] block 16/17, section 13, Mawson have been completed.

Regards,

Simon

Simon Grice  
Inspector  
Investigations Unit  
Environment and Sustainable Development Directorate  
ACT Government

t: 02 6205 3078

Dame Pattie Menzies House  
16 Challis Street, ACT 2602



Sch 2.2(a)(ii)

Dear Sch 2.2(a)(ii)

**Unit 6 Block 35 Section 13 Mawson ACT – Controlled Activity Complaint**

I refer to your complaint made to the ACT Planning and Land Authority (ACTPLA) regarding the above matter. The complaint is still under investigation and attempts to regulate the matter are in progress.

Due to the ACTPLA's obligations under the *Privacy Act 1988* we are unable to provide you with any specific information regarding this case at this stage

Yours sincerely

Marko Zarak  
Inspector  
Investigation Unit

2011/08/02



**ACT**  
Government

Environment and  
Sustainable Development

**Sch 2.2(a)(ii)**

Dear **Sch 2.2(a)(ii)**

**Block 35 Section 13 MAWSON – Complaint**

I refer to your complaint submitted to the ACT Planning and Land Authority (ACTPLA) on 23 June 2011 regarding the above block. Your complaint will be allocated to an inspector of the Investigations Unit to determine whether a person has committed an offence or is undertaking a breach of the laws administered by ACTPLA.

You will be contacted within 30 working days from the date of this letter to advise you of the progress of the investigation.

Yours sincerely

**Investigations Unit**

29 June 2011

**From:** Sch 2.2(a)(ii)  
**Sent:** 25/06/2011 9:02 AM  
**To:** Sch 2.2(a)(ii)  
**Cc:** Sch 2.2(a)(ii) "ACTPLA LRU"  
<ACTPLALRU@act.gov.au>  
**Attachments:** scan0001.pdf

Please find attached maintenance sign off by Sch 2.2(a)(ii)

Regards Sch 2.2(a)(ii)

# Sam Kontiainen - Building Maintenance

ABN 16 734 549 789



Phone [Sch 2.2(a)(ii)] ♦ email [Sch 2.2(a)(ii)]@yahoo.com.au

Re 90 Day Maintenance carried out at Unit [Sch 2] 51 Ainsworth St Mawson

Maintenance has been satisfactory completed at the above unit. *EXCEPT FOR THAT LISTED BELOW \**

Signed by the owner,

[Sch 2.2(a)(ii)]

*17/10/2010*

*\* STILL TO BE ADDRESSED:*

- KITCHEN SHELF MISSING*
- PAINTING IN LAUNDRY*

From: Sch 2.2(a)(ii)  
Sent: 23/06/2011 4:48 PM  
To: "ACTPLA LRU" <ACTPLALRU@act.gov.au>  
Cc: Sch 2.2(a)(ii)  
Sch 2.2(a)(ii)  
Subject: Building defect - water leakage  
Attachments: Unit Sch 2.2(a)(ii) JPG, Email 1 - Mawson.htm, Email 2.htm, Complaint Form - Sch 2.2(a)(ii).pdf

Please find information relating to my complaint against builder Sch 2.2(a)(ii) of Hillcorp attached.

Other residents of 51 Ainsworth Street MAWSON and my property manager, Sch 2.2(a)(ii) are happy to provide further information if needed.

Kind regards,  
Sch 2.2(a)(ii)

\*\*\*\*\* IMPORTANT MESSAGE \*\*\*\*\*  
This e-mail message is intended only for the addressee(s) and contains information which may be confidential.  
If you are not the intended recipient please advise the sender by return email, do not use or disclose the contents, and delete the message and any attachments from your system. Unless specifically indicated, this email does not constitute formal advice or commitment by the sender or the Sch 2.2(a)(ii) or its subsidiaries.  
We can be contacted through our web site: Sch 2.2(a)(ii)  
If you no longer wish to receive commercial electronic messages from us, please reply to this e-mail by typing Unsubscribe in the subject line.  
\*\*\*\*\*





Planning and Development Act 2007, s425  
 Construction Occupations (Licensing) Act 2004, s128

## Controlled Activity/Construction Occupations Complaint Form

This form is to be used should you believe that there has been a breach by a licensee or former licensee under the *Construction Occupations (Licensing) Act 2004* (COLA), or an operational Act; and/or a person is conducting or has conducted a controlled activity under the *Planning and Development Act 2007* (PDA). Fields marked with an (\*) must be completed.

Before completing this form please read the fact sheet on Development and Construction Occupation Complaints which provides information about breaches of COLA and Controlled Activities.

All reasonable steps will be taken to investigate your complaint.

Please note:

- You may be required to provide further information as part of the investigation process.
- Complaints are prioritised based on the risk to public safety.
- Investigation and action on your complaint may take a significant amount of time to be completed.
- You will be kept informed of the progress of the investigation.

The completed form can be submitted by email to [actplalru@act.gov.au](mailto:actplalru@act.gov.au) or mailed to ACTPLA Investigation Unit, GPO Box 1908, Canberra City, ACT, 2601.

### 1. Contact details

\*Your Name(s)

\*Address

\*Contact Number  Email:

### 2. Site details (subject of complaint)

Unit  Block  Section  Suburb

\*Street Address

### 3. \* Summary of complaint

#### Unlawful Development

- Development without Approval  
 Development not in accordance with approval

#### Construction Work

- Building  
 Electrical  
 Plumbing  
 Gas

#### Breach of Lease

- Unclean Leasehold  
 Unlawful Use

#### Licensee

- Unlicensed  
 Licence Breach  
 Building Certifier  
 Works Assessor

**4. \* Complaint details** ( full description of the complaint. Attach any technical reports or associated material)

I purchased [redacted] 51 Ainsworth Street MAWSON off the plan in February 2009. I subsequently settled and obtained occupancy in February 2010. The builder of the property is [redacted] mobile: [redacted].

In October 2010, I was advised by my property manager [redacted] that the tenants had experienced water leaking through the back sliding door area (attached email 1). The water had caused a significant amount of damage to the frame (attached image). As the property was less than 12 months old at the time, I contacted the builder (attached email 2) on 22 October 2010 but did not receive a positive response.

My property manager arranged with the builder to attend the site and inspect the damage on 2 November 2010. The builder noted that the back sliding door had not been sealed. The builder sealed the back door and advised my property manager that he would return in 8 weeks to see if there was any further damage.

To my knowledge, [redacted] has not returned to the property or fixed the damage around the door frame caused by his sub-standard finishes. [redacted] has not returned my emails and refuses to take my calls. He is of the opinion that this is not his responsibility. However, I disagree.

The entire complex has been riddled with problems (from very simple things like caps not put on drainage pipes, to severe issues such as extremely poor drainage and lime leaking on cars in the garage), and [redacted] has shown nothing but contempt for those who purchased within his development. I have spoken with others who have dealt with [redacted] as a builder and they too have experienced numerous problems with nothing but belligerent responses from him.

This was a very simple oversight which the builder should have checked during finish. It has now caused further damage to my property and I want him to fix it.

**5. Privacy Note**

The personal information on this form is being collected to enable processing of your complaint. Collection of personal information is authorised by Part 11 of the *Construction Occupations (Licensing) Act 2004* and Chapter 11 of the *Planning and Development Act 2007*.

**6. Acknowledgement**

I/we the undersigned acknowledge that I/we have read and understood the details outlined on this form. I/we acknowledge that this complaint, including the personal information provided on this form, may be referred to another ACT Government Agency or ACT Policing for the purposes of investigating the complaint or a breach of another law. I/we declare that all the information given on this form and its attachments is true and correct.

\*Signature(s)

[redacted]

\*Date

23/6/2011

**From:** Sch 2.2(a)(ii)  
**Sent:** Tuesday, 26 October 2010 10:27 AM  
**To:** Sch 2.2(a)(ii)  
**Subject:** RE: Sch 2.2(a)(ii) /51 Ainsworth Street, Mawson - water damage

Hi Sch 2.2(a)(ii)

Yes, Dad popped in quickly on Saturday and apparently had a great chat with Sch 2.2(a)(ii) 😊

I spoke with the builder and he'd like to arrange a time with you to inspect the damage. If you are happy to speak with him, his name is Sch 2.2(a)(ii). He's a bit of a cranky old thing so I completely understand if you'd like to communicate with him through me – whatever you think is easiest.

There's also a unit owners meeting on Thursday to discuss all the problems with the builder – I'll let you know what the outcome of that is.

Many thanks,

Sch 2.2(a)(ii)

---

**From:** Sch 2.2(a)(ii)  
**Sent:** Monday, 25 October 2010 1:40 PM  
**To:** Sch 2.2(a)(ii)  
**Cc:**  
**Subject:** Re: 6/51 Ainsworth Street, Mawson - water damage

Thanks for the update Sch 2.2(a)(ii).

I am happy either way, just let me know what you need.

Did Sch 2.2(a)(ii) get to have a look?

Regards

Sch 2.2(a)(ii)

Sent from my iPhone

On 25/10/2010, at 8:25 AM, Sch 2.2(a)(ii) wrote:

Hi Sch 2.2(a)(ii) –

This is the response I received from the builder – I don't think it's appropriate that he speak to you when I'm the owner, so I will follow it up with him.

---

**From:** Sch 2.2(a)(ii)  
**Sent:** Saturday, 23 October 2010 7:23 AM  
**To:** Sch 2.2(a)(ii)  
**Subject:** RE: Sch 2.2(a)(ii) /51 Ainsworth Street, Mawson - water damage

Who is your agent ? if there was leakage problems we should have been informed when it was first observed not nine months later when other damage has occurred get you agent to contact me please. There was no photo attached

Hillcorp

**From:** Sch 2.2(a)(ii)  
**Sent:** Friday, 22 October 2010 11:42 AM  
**To:** Sch 2.2(a)(ii)  
**Subject:** 751 Ainsworth Street, Mawson - water damage

Hi Sch 2.2(a)(ii)

Please find attached a photo which shows water damage in Unit [redacted] above the back sliding door. Apparently this is also occurring around the kitchen cabinet joinery.

Obviously, I can ask my estate agent to get someone in to fix the damage itself but I think the bigger problem is to sort out where the water is actually getting in. This should come under the builder's warranty, shouldn't it?

Can you please advise what the quickest and most effective way of fixing this problem would be?

Many thanks,  
Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

\*\*\*\*\* IMPORTANT MESSAGE \*\*\*\*\*  
This e-mail message is intended only for the addressee(s) and contains information which may be confidential.  
If you are not the intended recipient please advise the sender by return email, do not use or disclose the contents, and delete the message and any attachments from your system. Unless specifically indicated, this email does not constitute formal advice or commitment by the sender or the Sch 2.2(a)(ii) or its subsidiaries.  
We can [redacted]  
If you no longer wish to receive commercial messages from us, please reply to this e-mail by typing Unsubscribe in the subject line.  
\*\*\*\*\*

\*\*\*\*\* IMPORTANT MESSAGE \*\*\*\*\*  
This e-mail message is intended only for the addressee(s) and contains information which may be confidential.  
If you are not the intended recipient please advise the sender by return email, do not use or disclose the contents, and delete the message and any attachments from your system. Unless

From: Sch 2.2(a)(ii)  
Sent: Monday, 18 October 2010 5:24 PM  
To: Sch 2.2(a)(ii)  
Subject: Fwd: [SEC=UNCLASSIFIED:NO CAVEATS]

Hi Sch 2.2(a)(ii)

As per my voice mail, following is an email from your tenant advising of the water damage I am seeing the house tomorrow and will advise the condition in detail  
Would you please forward me the email  
your Father mentioned re the body Corp and neighbour with water damage issues?

Regards

Sch 2.2(a)(ii)  
Sent from my iPhone

Begin forwarded message:

From: Sch 2.2(a)(ii)  
Date: 18 October 2010 1:48:30 PM AEDT  
To: Sch 2.2(a)(ii)  
Cc:  
Subject: RE: [SEC=UNCLASSIFIED:NO CAVEATS]

Hi Sch 2.2(a)(ii),

**Out of Scope**

We are having some issues with the house which became obvious on the weekend due to the rain. The area above the back door is leaking water quite severely, it is leaking out of the top left hand side of the door and dripping down onto the blind and then onto the floor. It also seems to be causing issues to the right of the door where the water is bowing the plasterboard next to the dishwasher. It now looks like this may be what is causing the issues with the floor boards. I haven't received a call yet regarding the owners father coming to look at things and I would like to stress again that I think it would be best if they looked into this sooner rather than later.

Let me know if there is anything we need to do to facilitate some repairs.

Regards,

Sch 2.2(a)(ii)

---

# Out of Scope












# OFFICE COPY


|  |   |                   |                 |  |
|--|---|-------------------|-----------------|--|
| <br><b>ACT Planning &amp; Land Authority</b><br>Customer and Information Services Branch | <b>Australian Capital Territory</b><br>Planning and Development Act 2007, Section 296<br><b>CERTIFICATE OF COMPLIANCE</b> |                   |                 | <b>NUMBER</b><br><br>66315                                       |
|  | Division<br><br>MAWSON  | Section<br><br>13 | Block<br><br>35 | Unit/s   |
|  |   |                   |                 | Certificate of Occupancy<br>No. : 093552N1C1<br>Date : 14-DEC-09 |


PURSUANT TO SECTION 296 OF THE Planning and Development Act 2007,  
I CERTIFY THAT I AM SATISFIED THAT THE BUILDING AND  
DEVELOPMENT COVENANTS CONTAINED IN THE CROWN LEASE

REGISTERED VOLUME 1881 FOLIO 0096

HAVE BEEN COMPLIED WITH

DATED THIS 15th DAY OF December 2009

  
.....  
(Delegate of the Australian Capital Territory Planning  
and Land Authority.)

Received by   
.....  
Signature

Hillcorp Developments Pty Ltd  
.....  
Name of Person, Firm or Agent

15-DEC-09  
.....  
Date





# ACT Planning and Land Authority

# Tax Invoice/Receipt

**ABN 46 346 672 655**  
 16 Challis Street Dickson  
**GPO Box 1908 Canberra ACT 2601**  
 ACTPLA Homepage: [www.actpla.act.gov.au](http://www.actpla.act.gov.au)

**Telephone Enquiries:**  
 -Customer Service Centre (02) 6207 1923  
 -Plan Room (02) 6207 1939  
 -Mitchell Office (02) 6207 6262

Receipt No: 785/0119/000007      Date: 15/12/2009      Time: 15:18:57

Sch 2.2(a)(ii)

PO Box 3671 Manuka ACT 2603

|                      | Cash           | Cheque | Card | EFTPOS | Total |
|----------------------|----------------|--------|------|--------|-------|
| Payment Totals-----> | Sch 2.2(a)(ii) |        |      |        |       |

| Item                   | Block/Section      | Remarks    | Debtor | Invoice Qty | Amount         | GST Incl | Total |
|------------------------|--------------------|------------|--------|-------------|----------------|----------|-------|
| Compliance Certificate | 000-0035-0013-MAWS | Multi Unit |        | 0 0         | Sch 2.2(a)(ii) |          |       |
| Total Payments         |                    |            |        |             |                |          |       |

Cashier Signature..... *[Handwritten Signature]*

# OFFICE COPY



ACT Planning &  
Land Authority

Customer and Information  
Services Branch

## Australian Capital Territory

Land (Planning and Environment) Act 1991, Section 179

## CERTIFICATE OF COMPLIANCE

NUMBER

61454

Division

MAWSON

Section

13

Block

34

Unit/s

Certificate of Occupancy

No. : 054574N2C1

Date : 20-OCT-06

PURSUANT TO SECTION 179 OF THE Land (Planning and Environment)  
Act 1991, I CERTIFY THAT I AM SATISFIED THAT THE BUILDING AND  
DEVELOPMENT COVENANTS CONTAINED IN THE CROWN LEASE

REGISTERED VOLUME 1749 FOLIO 0003

HAVE BEEN COMPLIED WITH

DATED THIS 3rd DAY OF November 2006

(Delegate of the Australian Capital Territory Planning  
and Land Authority.)

Received by

Signature

JASON BISA

Name of Person, Firm or Agent

03-NOV-06

Date



# ACT Building, Electrical and Plumbing Control

GPO Box 1908, Canberra ACT 2601

## Certificate of Occupancy and Use

Certificate No. **054574N2C1**

This Certificate is issued in accordance with Section 69 (2) of the Building Act.

The building work listed on this certificate has been completed substantially in accordance with the prescribed requirements and is considered fit for occupation and use.

|   |                             |                      |                    |
|---|-----------------------------|----------------------|--------------------|
| Builder<br><b>PROSTYLE BUILDING GROUP</b>                   | Suburb<br><b>MAWSON</b>     | Section<br><b>13</b> | Block<br><b>34</b> |
| Notice of Intention to Start Work Number<br><b>054574N2</b> | Plans<br><b>054574/A /B</b> |                      |                    |

### Building Work

| Nature of Work     | Project Item Description | Unit | Other Description | Class of Occupancy | Type of Construction |
|--------------------|--------------------------|------|-------------------|--------------------|----------------------|
| NEW MEDIUM DENSITY | TOWNHOUSE                | 1    |                   |                    |                      |
| NEW MEDIUM DENSITY | TOWNHOUSE                | 2    |                   |                    |                      |
| NEW MEDIUM DENSITY | TOWNHOUSE                | 3    |                   |                    |                      |
| NEW MEDIUM DENSITY | TOWNHOUSE                | 4    |                   |                    |                      |

### Comments

### Important note:

1. Residential building statutory warranties and residential insurance apply in relation to building work.
2. The issue, under this Part, of a certificate in respect of a building or portion of a building does not affect the liability of a person to comply with the provisions of a law of the Territory (including this Act) relating to the building or portion of the building.

*N. Marquette*

NATALIE MARQUETTE  
Delegate of the Registrar

*20, 10, 2006*

Date



# ACT Building, Electrical and Plumbing Control

GPO Box 1908, Canberra ACT 2601

## Certificate of Completion of Demolition

Certificate No. **054574N1C1**

This Certificate is issued in accordance with Section 71 (2) of the Building Act.

The demolition of building work listed on this certificate has been completed in accordance with the prescribed requirements.

|   |                             |                      |                    |
|---|-----------------------------|----------------------|--------------------|
| Builder<br><b>ANDREW JOHN IRWIN</b>                         | Suburb<br><b>MAWSON</b>     | Section<br><b>13</b> | Block<br><b>34</b> |
| Notice of Intention to Start Work Number<br><b>054574N1</b> | Plans<br><b>054574/A /B</b> |                      |                    |

### Building Work

| Nature of Work | Project Item Description | Unit | Other Description                                      | Class of Occupancy | Type of Construction |
|----------------|--------------------------|------|--|--------------------|----------------------|
| DEMOLITION     | RESIDENCE                |      | DEMOLITION FOR HOUSE ON BLOCK 33 AND HOUSE ON BLOCK 32 |                    |                      |

### Comments

Empty box for comments.

### Important note:

The issue, under this Part, of a certificate in respect of a building or portion of a building does not affect the liability of a person to comply with the provisions of a law of the Territory (including this Act) relating to the building or portion of the building.

*N. Marquette*

NATALIE MARQUETTE  
Delegate of the Registrar

*20, 10, 2006*

Date