

Johnston, HeatherG

From: [REDACTED]
Sent: Friday, 1 March 2013 8:44 AM
To: ACTPLA LRU
Cc: Allen, Richard; McKeown, Helen; Brice, Michael
Subject: [REDACTED]
Attachments: 20130301070810890.pdf

Good morning,

Re: Breach of Tree Protection Plan at (block 5 Section 26) [REDACTED]
Macquarie.

I bring to your attention another breach by a certifier, please follow up with appropriate action to protect the high quality regulated trees on the block.

Can you please let me know what action will be taken and the timeframe for this as the ground is being compacted damaging tree 2 at present.

Regards
[REDACTED]



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 actplaru@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)

[REDACTED], an authorised officer under the Tree Protection Act 2005 was attending a work request in Macquarie yesterday when driving past [REDACTED] and noticed that the developer has not protected the high quality trees on the block in accordance with the Tree Management Plan E.g. Page 8 states the need for prevention of compaction within the TPZ (tree 2), Page 11 - The driveway is not to be demolished but retained intact, Prior to commencement of construction, surface protection is to be installed over all unfenced areas of the tree protection zone of Tree 2 at all times that any part of the tree protection zone is not protected by fences.

Page 12, 5) Fences. (see page 19 for the diagram of the Tree Management plan and fence positions)

(a) The Tree Protection Fence is to be erected around the designated fenced sections of the Tree Protection Zones of the Regulated Trees that are to be retained on this site.

(b) The Tree Protection Fence is to be 1.8m high continuous chain mesh erected on steel posts that have been driven well into the ground.

(c) The Tree Protection Fence is to be maintained in good condition during the period of the demolition and construction.

(d) Opening up the fence for any purpose is not permitted during the demolition and construction period, except where a Specific Condition of this Tree Management Plan allows it.

Page 13, 6) Surface Protection

(a) Surface Protection may be used to protect some designated areas of the Tree Protection Zones of the Regulated Trees that are to be retained on this site where this is specified in the Specific Conditions.

(b) Surface Protection is to consist of:

- i. A layer of wood chip spread at 50-75mm depth over the entire area of the Tree Protection Zone;
- ii. A layer of fabric, or fabric, that prevents entry of liquids in to the soil of the entire area of the Tree Protection Zone;
- iii. A Load Sharing Surface, such as Altumamats or Trakmats. (see www.wse.com.au or www.trakmats.com.au) or;
- iv. Solid panels suspended no more than 300mm above ground, as part of a scaffold installation, may replace the load sharing surface in some areas at some times,

7) Signage. A sign is to be erected adjacent to the Tree Protection Zone and facing towards the front of the block. The sign should clearly state in permanent writing that can be read from 5m away, that:

(a) The area within the fence or protected by load sharing surfaces is a Tree Protection Zone;

(b) Prohibited activities within the Tree Protection Zone include:

- Entry onto unprotected soil;
- Storage of materials;

Page 16, 21) Driveway. The existing driveway is to be retained intact and used as surface protection during demolition and construction on the site. It is to remain intact and have the new driveway installed over it.

7. Prohibited Activities in the Surface Protected Area of the Tree Protection Zones. An area adjacent to the tree is to be covered by surface protection. Prohibited activities include:

- o Lifting, or removal of the surface protection mats

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

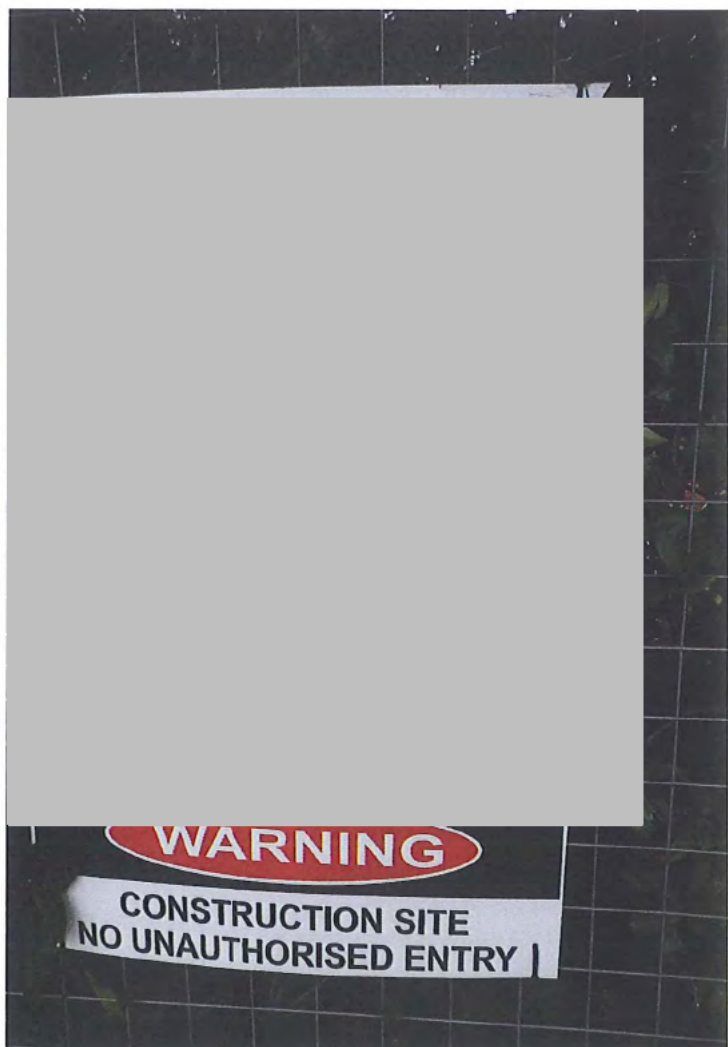
I/we the undersigned acknowledge that I/we have read and understood the details outlined on this form. I/we acknowledge that this complaint, including the personal information provided on this form, may be referred to another ACT Government Agency or ACT Policing for the purposes of investigating the 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

1 March 2013



[Redacted]

Dear [Redacted]

Block 5 Section 26 MACQUARIE – Complaint

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) on 1 March 2013 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 ESDD.

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

Should you require any further information you may contact the Utilities, Land and Lease Regulation Section on 6207 3022 or via email at actplalru@act.gov.au.

Yours sincerely

Investigations Unit

4 March 2013



ACT
Government

Environment and
Sustainable Development



Dear I 

Block 5 Section 26 Macquarie — Controlled Activity

I refer to your complaint made to the Environment and Sustainable Development Directorate (ESDD) regarding the above block. The complaint is still under investigation and attempts to regulate the matter are in progress.

Due to the ESDD'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



Josh Turk
Inspector
Utilities, Land and Lease Regulation Section

23 April 2013



ACT
Government

Environment and
Sustainable Development



Dear 

Block 5 Section 26 Macquarie — Controlled Activity

I refer to your complaint made to the Environment and Sustainable Development Directorate (ESDD) regarding the above block. I have been informed by my Team Leader Mr Reuben Gaze that you have advised him that the conduct complained about is no longer a controlled activity as identified in Schedule 2 of the *Planning and Development Act 2007* (the Act).

In accordance with section 345 (1) (a) of the Act, ESDD has determined that no further action is required in relation to your complaint. Should you have any questions in relation to this matter please contact the Investigation Unit on 6207 3022 or email actplalru@act.gov.au.

Yours sincerely



Josh Turk
Inspector
Utilities, Land and Lease Regulation Section

24 May 2013

Johnston, HeatherG

From: Turk, Josh
Sent: Friday, 1 March 2013 10:39 AM
To: Moysey, Sean
Cc: Gaze, Reuben
Subject: FW: 45 BennelongCrescent Macquarie
Attachments: 20130301070810890.pdf

Dear Sean,

I have just gotten off the phone with [REDACTED], a Tree Protection Officer, who has just lodged a Controlled Activity Complaint form (CAC) regarding non compliance with a Tree Management Plan for a knock down rebuild in Macquarie.

As you can see in the attached CAC form, [REDACTED] is complaining about two issues, one being that the existing driveway that was to going to be retained has been dug up (the removal of an existing and replacement of a new driveway is exempt) and the second regarding noncompliance with the Tree Management Plan. [REDACTED] the goes into quite specific details on how they are not complying with the Tree Management Plan subsequently the Tree Protection Act.

In the telephone conversation with [REDACTED] this morning I advised [REDACTED] that I thought it was best addressed by the Tree Protection Unit as they should have the ability to regulate through the Tree Protection Act. [REDACTED] response was that unless they damage the tree they are unable to do anything. [REDACTED] further stated that in the past [REDACTED] has lodged these types of complaints for us to action and that it has been done and if I wasn't to action [REDACTED] request then [REDACTED] will just have to advise us once the Trees are dead.

The issues I raised with [REDACTED] were as follows:

- Whilst there is an ability for us to regulate the matter of noncompliance with a Tree Management Plan, I would have thought it could be addressed by [REDACTED] area in the first instance given it is their area of expertise.
- The Tree Protection Unit work directly under the Tree Protection Act where as the Tree Protection Act is an auxiliary legislation to our operational Acts.
- I do not believe that they are unable to do anything unless the tree is actually damaged.
- We are unable to give first hand expert witness statements of the matter except for the simple fact that either we saw the fence there or we didn't.

As you can see by [REDACTED] email (Helen McKeown is CC into the email) below he has requested that we advise [REDACTED] with what action will be taken and the timeframe for this as the ground is being compacted damaging tree 2 at present.

I thought it best that you are aware of this complaint given my views on the matter as indicated above.

Regards,

Josh Turk | Investigation Unit
Phone [REDACTED] | Email 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
www.actpla.act.gov.au

-----Original Message-----

From: ACTPLA LRU
Sent: Friday, 1 March 2013 9:26 AM
To: Turk, Josh
Subject: FW: [REDACTED]

Josh

Should someone look at this today? Also if a tree protection officer is driving by and sees a breach - do they not have the capacity, legislation etc to allow them to take immediate action??

Please advise.

Glenys

-----Original Message-----

From: [REDACTED]
Sent: Friday, 1 March 2013 8:44 AM
To: ACTPLA LRU
Cc: Allen, Richard; McKeown, Helen; Brice, Michael
Subject: [REDACTED]

Good morning,

Re: Breach of Tree Protection Plan at (block 5 Section 26) [REDACTED]
Macquarie.

I bring to your attention another breach by a certifier, please follow up with appropriate action to protect the high quality regulated trees on the block.

Can you please let me know what action will be taken and the timeframe for this as the ground is being compacted damaging tree 2 at present.

Regards
[REDACTED]

Johnston, HeatherG

From: [REDACTED]
Sent: Thursday, 4 April 2013 10:04 AM
To: ACTPLA LRU
Subject: Development not in accord with approval DA 201120734
Attachments: img018.pdf; [REDACTED]

Dear ACTPLA,

Pls see attached complaint form regarding a development that is not in accord with approval (DA 201120734, Block 5, Section 26, Macquarie).

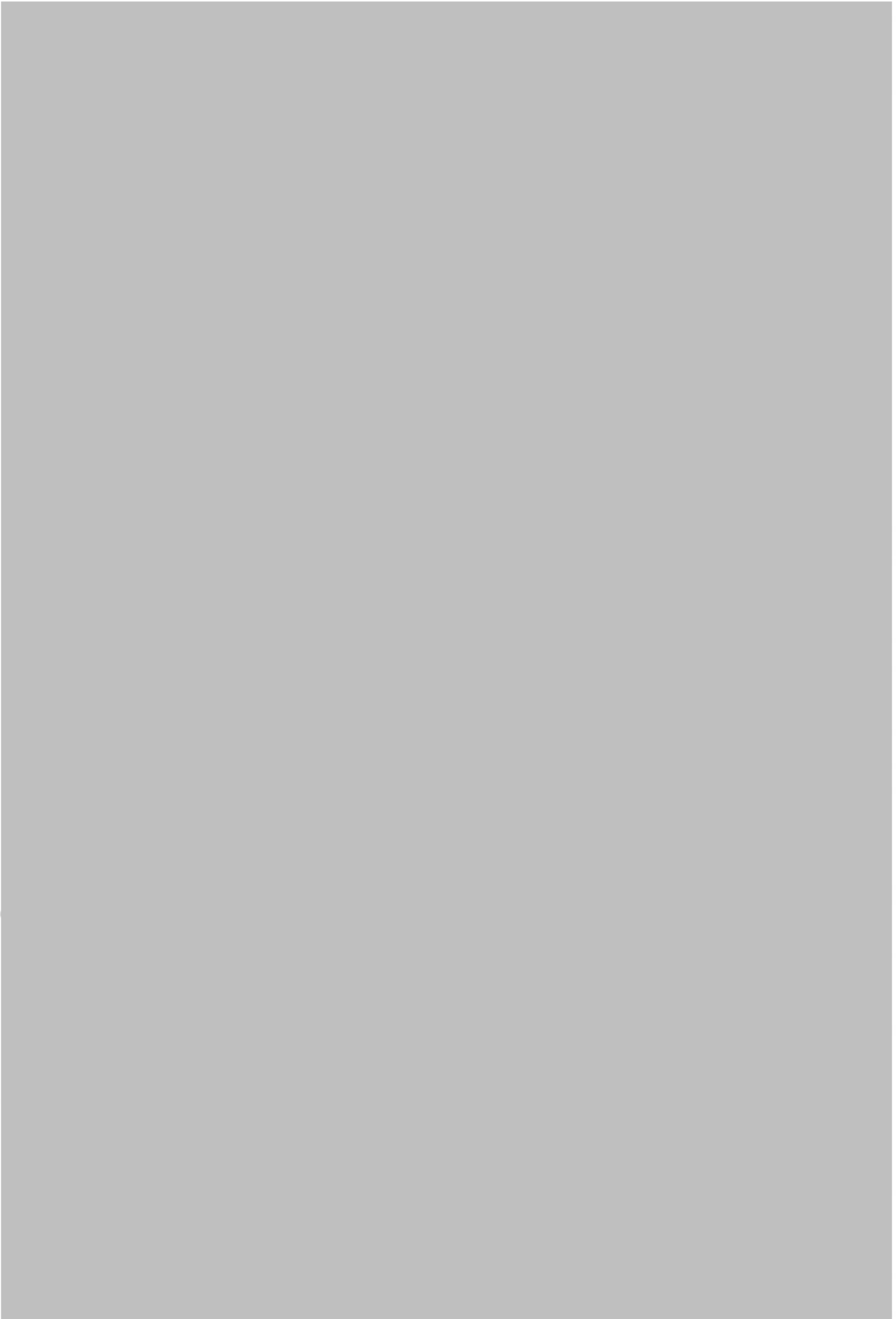
[REDACTED] The dwelling is currently under construction.

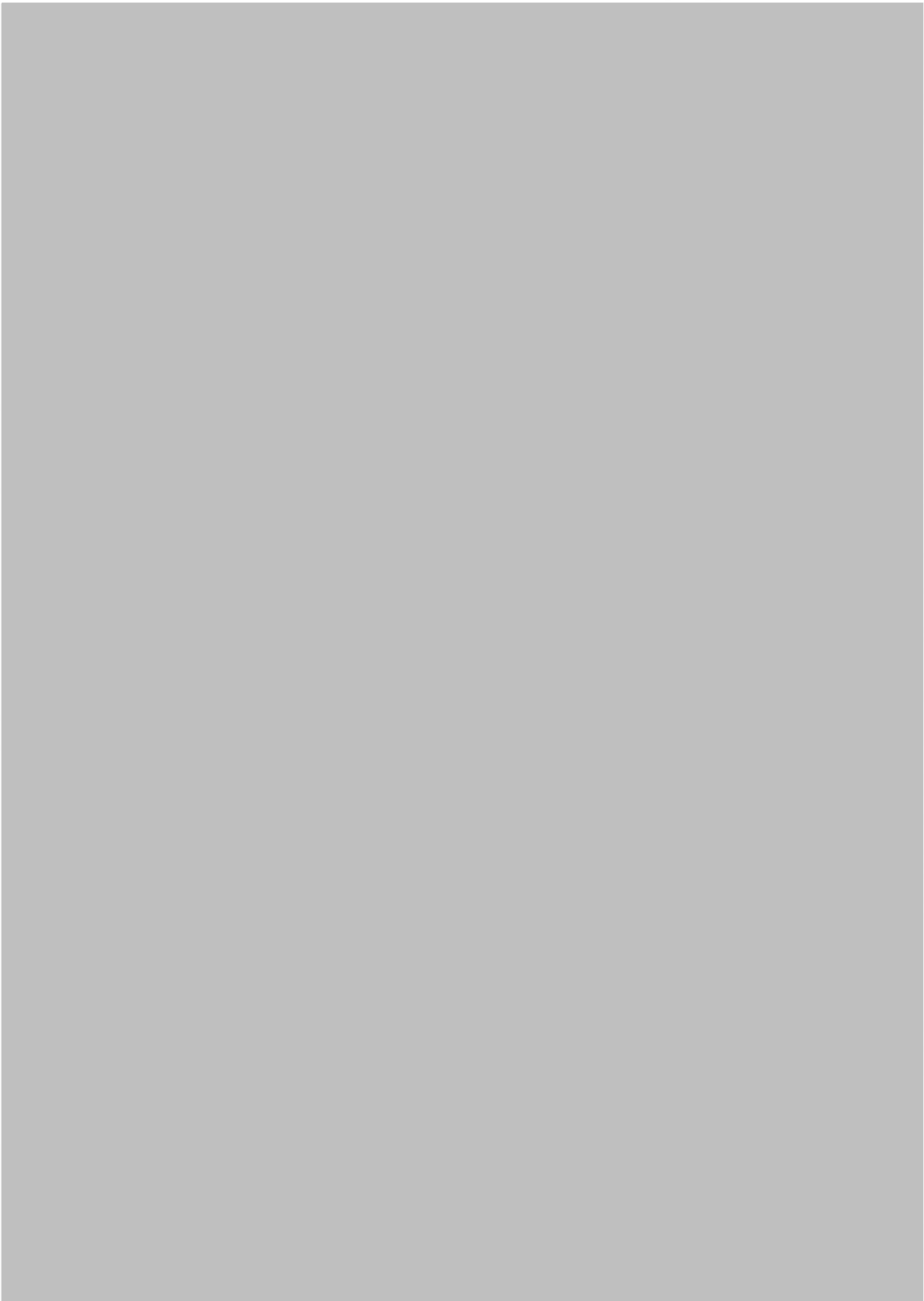
If you have any questions regarding this issue pls get in touch.

Regards,

[REDACTED]

[REDACTED]









Dear 

Block 5 Section 26 MACQUARIE – Complaint

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) on 4 April 2013 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 ESDD.

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

Should you require any further information you may contact the Utilities, Land and Lease Regulation Section on 6207 3022 or via email at actplalru@act.gov.au.

Yours sincerely

Investigations Unit

8 April 2013



ACT
Government

Environment and
Sustainable Development



Dear 

Block 5 Section 26 Macquarie – Controlled Activity Complaint

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) on 4 April 2013 regarding the above block. ESDD has investigated your complaint and has determined that a controlled activity is being conducted and that ESDD considers it appropriate to take action under section 345 (k) of the *Planning and Development Act 2007*. Specifically, ESDD has issued the lessee with directions requiring them to take steps to rectify the breach.

You will be informed on significant milestones and finalisation of the complaint; however specific details and actions of ESDD's investigation will not be disclosed to you. This is a legal requirement under the *Privacy Act 1988* to protect private information of individuals involved and to avoid prejudice of potential litigation.

I trust that this information is of assistance. Should you have any further questions I can be contacted on telephone 6207 7898 or via email at actplalru@act.gov.au.

Yours sincerely



Peter Apps
Inspector
Investigation Unit

20 May 2013



ACT
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Sustainable Development

Record of Inspection

Block: 5 **Section:** 26 **Division:** Macquarie **Unit:**

Date of Inspection: 17 April 2013

Time Inspection Commenced: 12:15 pm

Time Inspection Completed: 12:40 pm

Acknowledgement of Consent Form Required: N/A

Acknowledgement of Consent Form Completed: N/A

Photographic Evidence: 6

Photo No.	Photo Name	Taken From
1	Concrete landing outside ensuite	On site
2	Storm water outlet	On site
3	Concrete landing outside ensuite	On site
4	Doors into bedroom	On site
5	Window of ensuite	On site
6	View from inside bedroom	On site

Purpose: Peter Apps and Jon Swale conducted an inspection in regard to an allegation that the house is not being constructed to the conditions of the DA

Findings and Facts: On inspection met with the builder [REDACTED] and [REDACTED] architect [REDACTED] AS showed us to the area of contention from there we could see that a concrete platform has been put in place amongst the structural aspect of the roof frame work. [REDACTED] and [REDACTED] said that this was structural component of the frame to aid stability and rigidity to the large roof area and is tied back into the house. [REDACTED] said that it will have a roof cladding placed over the top nearing completion of works to meet with the conditions of the DA. At this stage in the construction it is being used as an access point for workers to the roof. I asked [REDACTED] about the doors leading from the bedroom and that they should be windows as stipulated in the approved plans. [REDACTED] said that he will arrange to have fixed panels put in place to make them windows as approved. I pointed out to [REDACTED] that if any major changes are being made to the original DA that he will need to follow the process and

obtain the proper approval before works commence, AS agreed to this and will get his certifier to make amendments for approval.

Peter Apps
Inspector
Utilities, Land and Lease Regulation Section

Jon Swale
Inspector

18 April 2013







CONCRETE AGAINST WEATHER AND INSECTS
SOUTH AUSTRALIA SOUTH 1300-409-131
THE HOUSE OF CONSTRUCTION

17.04.2013 13:36





Record of Inspection

Block: 5 **Section:** 26 **Division:** Macquarie **Unit:**

Date of Inspection: 8 May 2013

Time Inspection Commenced: 4:05 pm

Time Inspection Completed: 5:00 pm

Acknowledgement of Consent Form Required: N/A

Acknowledgement of Consent Form Completed: N/A

Photographic Evidence: 10

Photo No.	Photo Name	Taken From
1	View of privacy & support post	Within the lease
2	Unfenced regulated tree	Within the lease
3	View of bondek to slab	Within the lease
4	View of bondek to slab	Within the lease
5	View of steel section to bondek	Within the lease
6	View of upper roof structure	Within the lease
7	LVL beams and battern supports	Within the lease
8	Welded bracket for LVL beams	Within the lease
9	Front regulated tree with paraweb	Within the lease
10	Stop work notice on front gate	Public domain

Purpose: Peter Apps and Sam Zeller conducted an inspection in regard to placing a "Stop Work notice on the above block.

Findings and Facts: On arrival we were met by the builder [REDACTED]. I informed [REDACTED] that I was here to place a Stop Work on the site because of the non compliance to the conditions of the DA. [REDACTED] argued the point that it should not be placed and the stop work is not valid as the area is now a platform to accommodate the air conditioning units for the house. I told [REDACTED] that's fine but you will still need to amend the DA to reflect this and it's not my decision to make that call. I again told [REDACTED] that the avenues of recourse for the stop work to be lifted is put it in writing to the registrar. [REDACTED] wanted the name and number of him so he can talk to him about this. I told him it was David Middlemiss on 62073022. [REDACTED] could not get through to him and

then asked for Reuben Gaze's number to talk to him. I told [redacted] that Reuben will tell him the same thing I have been telling you that your concerns are to be put in writing. [redacted] said not good enough and demanded Reuben's office number. [redacted] then had a phone conversation with Reuben for quite some time. [redacted] returned to me and said go ahead and put the sign up but you haven't heard the last of this and legal action against people will be taken and if he finds that anyone one at ACTPLA is co-ercing with the complainant they will be sued. SZ and I then attached the notice to the front gate of the work site.

Peter Apps
Inspector
Utilities, Land and Lease Regulation Section

Sam Zeller
Inspector

9 May 2013





08.05.2013 17:24



08.05.2013 17:25





08.05.2013 17:26



08.05.2013 17:26

TRIAL LAMINATED WHEELS LUMBER
NO. 2-2000 ED 25-01-12
317 13 122
25-01-12 12-48
FIRE ARMS 28
UP-DOWN



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12:44
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OF

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08.05.2013 17:27





08.05.2013 17:51





ACT
Government

Environment and
Sustainable Development

Record of Inspection

Block: 5 **Section:** 26 **Division:** Macquarie **Unit:**

Date of Inspection: 27 May 2013

Time Inspection Commenced: 11:00 am

Time Inspection Completed: 11: 20 am

Acknowledgement of Consent Form Required: N/A

Acknowledgement of Consent Form Completed: N/A

Photographic Evidence: 5

Photo No.	Photo Name	Taken From
1	Removed door & frame from bedroom	Within the lease
2	Removed door & frame from ensuite	Within the lease
3	Removed door & frame from ensuite	Within the lease
4	Removed door & frame from bedroom	Within the lease
5	Removed doors & frames	Within the lease

Purpose: Peter Apps and Mat Bond conducted a follow up inspection in regard to removal of unapproved doors and frames from the upper level bedroom / ensuite.

Findings and Facts: On inspection met with builder [REDACTED] and informed him that we are here to inspect and take photos of the removed doors and frames from the upper level bedroom / ensuite leading to the AC area. Found the unapproved doors and frames have been removed from the area [REDACTED] informed me that the new window for the bedroom is here and is waiting for the window manufacturer to come out fix the other window to make it compliant to the approval.

Peter Apps
Inspector
Utilities, Land and Lease Regulation Section

Mat Bond
Inspector

27 May 2013

27.05.2013 12:09











27.05.2013 12:10

Johnston, HeatherG

From: Apps, Peter
Sent: Wednesday, 8 May 2013 3:55 PM
To: [REDACTED]
Subject: Block 5 section 26 Macquarie
Attachments: 201305081526.pdf; 201305081513.pdf

Dear [REDACTED]

Discussions have been conducted with management and the decision has been made that the stop work notice for the entire above site will be enforced. Please see the attached documentation regarding this decision. Applications for reviewing of this matter must be in writing and addressed to the Construction Occupations Registrar or to the ACT Civil & Administrative Tribunal (ACAT)

Kind regards

[Peter Apps](#) | [Inspector](#) | [Investigation Unit](#)

Phone 02 6207 7898 | Fax 02 6207 1862 | email actplalru@act.gov.au

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

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au



NOTICE OF DECISION

For issue of stop work notice under section 53 of the *Building Act 2004*

BLOCK 5 SECTION 26 Macquarie

Lessee/Occupant: [REDACTED]

Builder: [REDACTED]

A. THE DECISION

In accordance with Section 53 of the *Building Act 2004*, I Peter Apps, Building Inspector of the Australian Capital Territory have decided to issue a stop work notice for the following reasons:

B. FACTS AND REASONS

1. On 8 March 2012, development approval DA-201120734, being for the "demolition of existing brick house and the erection of a new two storey residence with attached garage", was given conditional approval.
2. On 7 May 2012, DA-201120734 was reconsidered, removing conditions A1 (a) (i) & (ii) from the notice of decision, but retaining all other conditions.
3. On 1 March 2013 a complaint was received by the Environment and Sustainable Development Directorate (ESDD) that development underway at block 5 section 26 Macquarie was not in accordance with the tree management plan submitted to the Conservator of Flora and Fauna.
4. On 4 April 2013 a complaint was received by the Environment and Sustainable Development Directorate (ESDD) that development underway at block 5 Section 26 Macquarie was not in accordance with the conditions of DA-201120734.
5. On 6 July 2012 building approval B20123255 was issued for the demolition of the existing residence and garage by [REDACTED] building surveyor with license number 200426203. No asbestos control plan was included in the building approval documents for the demolition.
6. On 6 July 2012 a building commencement notice was issued for the demolition of the existing residence and garage to [REDACTED] D class builder with license number 200012208.

7. On 30 August 2012 building approval B20124207 was issued for the construction of new residence, garage, alfresco and porch by C [REDACTED]
8. On 30 August 2012 a building commencement notice was issued for the construction of new residence, garage, alfresco and porch to [REDACTED] 3 class builder with license number 20081142.
9. Condition A2 in the notice of decision for DA-201120734 states:
 - A2. The type of roof shall be of lightweight material and shall not be accessible from the upper floor level bedroom and/or ensuite. The roof shall be non-trafficable, except for maintenance purposes.
10. I conducted an inspection of the site on 17 April 2013. At the inspection I observed a residence under construction and at framing stage. I observed that the roof was accessible from the upper floor level bedroom and ensuite via doors that had been installed in place of the windows shown on the approved plans. I also observed that a concrete slab had been poured which would be consistent with a load-bearing and trafficable surface for an outdoor upper-floor terrace.
11. On 30 April 2013, Mr George Cilliers, Technical Coordinator Merit North, provided advice that the upper-floor slab as installed was unlikely to be compliant with the relevant condition, being A2 of the notice of decision attached to DA -201120734.
12. At approximately 9:00 am on 8 May 2013, I phoned and advised [REDACTED] that I intended to place a stop work notice on the works being undertaken at block 5 section 26 Macquarie.
13. At 9:30 am on 8 May 2013, I [REDACTED] arrived at the ESDD shopfront located at 16 Challis Street and requested a meeting to discuss matters in relation to amendments he intended to lodge for changes to the area outside the upper bedroom / ensuite.
14. I attended the shopfront accompanied by Mr Sam Bond , building inspector. At this meeting [REDACTED] discussed his intentions in relation to lodging an amendment for the building works at the above block. [REDACTED] also wrote a letter to Mr David Middlemiss, the Construction Occupations Registrar, stating that he would not be undertaking any further works to the upper floor area outside the bedroom / ensuite until such time as the required amendments are approved.
15. [REDACTED] letter presumes development approval; which is not certain. Rectifying any unlawful development would be more complicated as the development progresses.

16. After consideration of the above, I have determined it appropriate to issue a stop work notice under Section 53(1)(b)—the building work is being carried out otherwise in accordance with the approved plans for the building work; and Section 53(1)(g)—for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval;



Peter Apps
Building Inspector
Environment and Sustainable Development Directorate

8 May 2013

Contact Officer	Phone Number	Facsimile Number
Peter Apps	6207 7898	

Builder	Lessee
<input type="checkbox"/> Licence # 20081142 Class B	<input type="checkbox"/>

Suburb	Section	Block	Stage of development
MACQUARIE	26	5	Framing

I Peter Apps, Building Inspector, hereby **prohibit** the carrying out of building work, namely: any construction work being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004.

Building work is being carried out:

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

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

Posted/Handed to

.....

.....

...../...../2013
 Building Inspector

REVIEW OF THE DECISION

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

REASONS

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

CONTACT DETAILS

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

Location:

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

Contact details:

Website: www.courts.act.gov.au

Email: tribunal@act.gov.au

Telephone: (02) 6207 1740

Facsimile: (02) 6205 4855

Post: GPO Box 370, CANBERRA, ACT, 2601

Document exchange: DX 5691

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

TIME LIMITS FOR APPLICATIONS

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

FEES

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

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

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

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

TRANSLATING AND INTERPRETING SERVICE

131 450

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

Johnston, HeatherG

From: ACTPLA LRU
Sent: Thursday, 16 May 2013 4:33 PM
To: [REDACTED]
Cc: Apps, Peter
Subject: RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

As you are aware, an investigation into this development is currently underway. Your submission regarding the stop-work notice has been received and the Construction Occupations Registrar is considering the matter and will make a decision as soon as practicable. You will be advised of the outcome and provided with a copy of the decision via email once the decision is made.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
www.actpla.act.gov.au

From: Andrew Sarri [REDACTED]
Sent: Friday, 10 May 2013 7:59 AM
To: Apps, Peter
Cc: [REDACTED]
Subject: Stop Work 5/26 Macquarie

Dera Registrar,

Please find attached submission in relation to the stop work placed on block 5 section 26 Macquarie, to expedite the matter I would appreciate all correspondence via email is possible.

A hard copy has been hand delivered to ESDD at Dickson this morning.

[REDACTED]

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Johnston, HeatherG

From: Gaze, Reuben
Sent: Thursday, 16 May 2013 4:45 PM
To: Cilliers, George
Cc: Apps, Peter
Subject: FW: Stop Work 5/26 Macquarie
Attachments: Compliance SW.pdf

Dear George

Would you be available to meet Friday or early next week about this matter? Construction Services need to make a decision whether or not to lift a stop work notice at 5/26 Macquarie. The submission from [REDACTED] is attached.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: [REDACTED]
Sent: Friday, 10 May 2013 7:59 AM
To: Apps, Peter
Cc: [REDACTED]
Subject: Stop Work 5/26 Macquarie

Dera Registrar,

Please find attached submission in relation to the stop work placed on block 5 section 26 Macquarie, to expedite the matter I would appreciate all correspondence via email is possible.

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[REDACTED]

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Please consider the environment before printing this e-mail

Mr. David Middlemiss
The Registrar of Construction Compliance
ESDD, Dickson
ACT, 2601

HAND DELIVERED
Friday, May 10, 2013

Dear Registrar,

RE: Stop work notice Block 5 Section 26 Macquarie

I am writing to you in the hope we can resolve this matter today; in the event that we are unable to reach an agreement it is my intention to place this matter before the minister and seek his intervention. It is my view that minor matters such as those itemised below can be easily resolved by reasonable people without the need for take heavy handed and unnecessary action.

The details are as follows.

I refer to the notice 8 May 2013, Mr. Peter Apps (*Building Inspector*), below

Items 1 & 2

Are self-explanatory.

Item 3

1. The tree preservation plan was found to be deficient by the (*EDDD*) inspector in relation to tree canopy coverage, which prohibited all access to the block via the driveway.
2. The driveway was required to be removed for access by ACTEW to unblock the sewer tie; the remedies applied after was that course mulch was put down around the tree canopy to minimise compaction.
3. The (*ESDD*) officer assisted with a better management plan.
4. The tree is an intricate part of the overall development; extremely healthy; is deep watered regularly; is fenced correctly with erosion controls.

Item 4

Please refer to [redacted] correspondence 8 May 2013 (*attached*)

Item 5 to 6

1. [redacted] took out the license for demolition, insofar as we were aware this company is reputable and carries out numerous demolitions in Canberra and Queanbeyan.
2. In the event this was an issue it should have been taken up with [redacted] by (*ESDD*) compliance during the demolition phase.

Item 7 & 8

Are self-explanatory





Item 9

Condition A2 stipulates that the roof is non-trafficable, **except for maintenance purposes.**

1. The concrete pad along with the 1.1Mtr double brick wall is an engineering element for the support of air conditioning plant that requires a solid and stable platform for the reduction of vibration and sound emissions.

Item 10

Please refer to  correspondence attached

Item 12

Are self-explanatory.

Item 13

Mr. George Gilliers comments in relation to (item 11), 'that the upper floor slab as installed was unlikely to be compliant'.

Mr. Gilliers did not have all of information in relation to the engineering drawings and was not aware at the time that the concrete pad was to support the air conditioning plant, nor was he aware that the air conditioning plant consisted of three units and will take up 75% to 80% of the concrete slab.

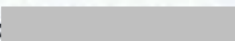
Item 14 & 15

I had then agreed to give you an undertaking on the area causing the drama with the neighbor. This undertaking was given under duress and in good faith, and not to be used as a weapon against the project or me at a later stage.

Please refer to



Item 16

Please refer to  correspondence 8 May 2013 (*attached*)





Submission to the Registrar.

1. In light of the Engineering drawings supplied by [redacted] and that the concrete pad is an engineering element and not a planning element, the stop work is lifted so that the project can progress to pre-sheet stage.
2. In the event you see fit to continue the stop work then my submission is.

That the stop work be partially lifted so that the following works in progress can be completed.

- a. The roof is 80% complete and is in urgent need of completion so that the building is watertight and internal frames are not damaged by weather; the frames have already been plumbed and planned (*pre-sheeted*).
- b. The electrical, plumbing and insulation rough-ins are currently 75% complete and need to be completed before last roofing sections are placed.
- c. The removal of the scaffolding and site clean up

I would appreciate a response from you in writing by close of business today.

The effect of the stop work has put four trade's people out of work with no other job to go to, they have families and mortgages to pay and like myself are members of the CFMEU.

Yours sincerely



Attachments

1. Stop work notice Mr. Peter Apps 8 May 2013
2. Engineering drawings Mr. Ken Murtagh (*Murtagh Bond Engineers*)
3. Correspondence Mr. Glen Dowes (*DNA Architects*)





NOTICE OF DECISION

For issue of stop work notice under section 53 of the *Building Act 2004*

BLOCK 5 SECTION 26 Macquarie

Lessee/Occupant: [REDACTED]

Builder: Mr Andrew Sarri

A. THE DECISION

In accordance with Section 53 of the *Building Act 2004*, I Peter Apps, Building Inspector of the Australian Capital Territory have decided to issue a stop work notice for the following reasons:

B. FACTS AND REASONS

1. On 8 March 2012, development approval DA-201120734, being for the "demolition of existing brick house and the erection of a new two storey residence with attached garage", was given conditional approval.
2. On 7 May 2012, DA-201120734 was reconsidered, removing conditions A1 (a) (i) & (ii) from the notice of decision, but retaining all other conditions.
3. On 1 March 2013 a complaint was received by the Environment and Sustainable Development Directorate (ESDD) that development underway at block 5 section 26 Macquarie was not in accordance with the tree management plan submitted to the Conservator of Flora and Fauna.
4. On 4 April 2013 a complaint was received by the Environment and Sustainable Development Directorate (ESDD) that development underway at block 5 Section 26 Macquarie was not in accordance with the conditions of DA-201120734.
5. On 6 July 2012 building approval B20123255 was issued for the demolition of the existing residence and garage by [REDACTED] building surveyor with license number 200426203. No asbestos control plan was included in the building approval documents for the demolition.
6. On 6 July 2012 a building commencement notice was issued for the demolition of the existing residence and garage to [REDACTED] class builder with license number 200012208.

7. On 30 August 2012 building approval B20124207 was issued for the construction of new residence, garage, alfresco and porch by [REDACTED]
8. On 30 August 2012 a building commencement notice was issued for the construction of new residence, garage, alfresco and porch to [REDACTED] B class builder with license number 20081142.
9. Condition A2 in the notice of decision for DA-201120734 states:
 - A2. The type of roof shall be of lightweight material and shall not be accessible from the upper floor level bedroom and/or ensuite. The roof shall be non-trafficable, except for maintenance purposes.
10. I conducted an inspection of the site on 17 April 2013. At the inspection I observed a residence under construction and at framing stage. I observed that the roof was accessible from the upper floor level bedroom and ensuite via doors that had been installed in place of the windows shown on the approved plans. I also observed that a concrete slab had been poured which would be consistent with a load-bearing and trafficable surface for an outdoor upper-floor terrace.
11. On 30 April 2013, Mr George Cilliers, Technical Coordinator Merit North, provided advice that the upper-floor slab as installed was unlikely to be compliant with the relevant condition, being A2 of the notice of decision attached to DA -201120734.
12. At approximately 9:00 am on 8 May 2013, I phoned and advised [REDACTED] that I intended to place a stop work notice on the works being undertaken at block 5 section 26 Macquarie.
13. At 9:30 am on 8 May 2013, [REDACTED] arrived at the ESDD shopfront located at 16 Challis Street and requested a meeting to discuss matters in relation to amendments he intended to lodge for changes to the area outside the upper bedroom / ensuite.
14. I attended the shopfront accompanied by Mr Sam Bond , building inspector. At this meeting Mr Sarri discussed his intentions in relation to lodging an amendment for the building works at the above block. [REDACTED] also wrote a letter to Mr David Middlemiss, the Construction Occupations Registrar, stating that he would not be undertaking any further works to the upper floor area outside the bedroom / ensuite until such time as the required amendments are approved.
15. [REDACTED] letter presumes development approval; which is not certain. Rectifying any unlawful development would be more complicated as the development progresses.

16. After consideration of the above, I have determined it appropriate to issue a stop work notice under Section 53(1)(b)—the building work is being carried out otherwise in accordance with the approved plans for the building work; and Section 53(1)(g)—for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval;



Peter Apps
Building Inspector
Environment and Sustainable Development Directorate



May 2013

Subject: Macquarie Development

Date: Wednesday, 8 May 2013 8:08:52 PM Australian Eastern Standard Time

From: [REDACTED]

To: [REDACTED]

I was present at the meeting on site where we discussed non-compliance issues with ESDD Compliance Staff. It was explained at the time that the issue concerned a work in progress that hadn't reached the stage of being non-compliant. The slab in question was a structural element below roof sheeting level and as such exempt from Development Approval. There were a few minor modifications to the structure on site with the intent of still achieving the required outcome as per the conditions of the DA.

- The screen wall has been changed from light weight foam to solid brick and lifted to 1.1m above floor level. The enclosed roof area is now to contain AC units and will become a Plant area. A structural beam and concrete slab have been put in place to support this. The drainage has also been redirected to the side rather than run through under the wall with the roof. As such the roof sheeting now runs to the drain that has been created as part of the underlying slab. This area will still be a roof rather than a terrace area and be fully compliant with the DA and Territory Plan.
- Condition A2 allows for maintenance access to the roof. This is provided by the French doors off the bedroom. Double doors were selected to reduce the area lost by the swing of the doors to allow for more service area on the service platform.
- The full height frame to the Ensuite is being modified to fit a full height fixed pane of glass. This is slightly different to the openable windows indicated on the approved plans but consistent with the intent.

There were a number of other minor design changes on site that needed to be picked up in an amendment application to be approved. It was agreed on site with the Compliance officers that the roof would be constructed over the concrete slab; the window would be modified on the approved plans; the French doors were ambiguous on the elevations and would be fixed up with the amendment and that they were for service access consistent with the condition of the DA. This work was to be completed by DNA and submitted to ACTPLA. We have almost completed this documentation along with a few other modifications ready to lodge. The undertaking advised on site was that no action would be taken on the Stop Work Notice as long as these issues were addressed. Neither work on site or work in our office on the DA application has varied from this undertaking. There should be no justification for ESDD to go back on the agreement that was reached and now place a Stop Work Notice on the site.

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Johnston, HeatherG

From: [REDACTED]
Sent: Thursday, 16 May 2013 5:53 PM
To: ACTPLA LRU
Cc: [REDACTED]
Subject: Re: Stop Work 5/26 Macquarie

Dear Mr Gaze,

Thank you for your email in relation to the stop work, both my [REDACTED] and myself have lived at [REDACTED] for the past 33 years and the redevelopment of the property has become more of an emotional issue rather than just a project. I have also had to lay-off trades who have no other work to go to adding to the pressure.

We would appreciate the Registrars prompt response.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]

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From: ACTPLA LRU <ACTPLALRU@act.gov.au>
Date: Thursday, 16 May 2013 4:33 PM
To: [REDACTED]
Cc: "Apps, Peter" <peter.apps@act.gov.au>
Subject: RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

As you are aware, an investigation into this development is currently underway. Your submission regarding the stop-work notice has been received and the Construction Occupations Registrar is considering the matter and will make a decision as soon as practicable. You will be advised of the outcome and provided with a copy of the decision via email once the decision is made.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] Email actplalru@act.gov.au

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
www.actpla.act.gov.au

From: [REDACTED]
Sent: Friday, 10 May 2013 7:59 AM
To: Apps, Peter

Cc: [Redacted]

Subject: Stop Work 5/26 Macquarie

Dera Registrar,

Please find attached submission in relation to the stop work placed on block 5 section 26 Macquarie, to expedite the matter I would appreciate all correspondence via email is possible.

A hard copy has been hand delivered to ESDD at Dickson this morning.

Kind Regards

[Redacted Signature]

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Johnston, HeatherG

From: Gaze, Reuben
Sent: Thursday, 16 May 2013 4:43 PM
To: McKeown, Helen
Cc: Apps, Peter
Subject: FW: Stop Work 5/26 Macquarie
Attachments: Compliance SW.pdf

Dear Helen

Can you advise if the development at block 5 section 26 Macquarie has a Tree Management plan to the satisfaction of the Conservator of Flora and Fauna, and if that plan had been appropriately enacted?

My team has been investigating several alleged planning and building breaches which may include tree protection contraventions, and your advice would be most helpful in determining whether grounds for a stop-work notice still exist, and whether grounds for prosecution under the *Planning and Development Act 2007* may exist.

Please see the attachment for further information.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[Redacted] | Email actplalru@act.gov.au

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www.actpla.act.gov.au

From: [Redacted]
Sent: Friday, 10 May 2013 7:59 AM
To: Apps, Peter
Cc: [Redacted]
Subject: Stop Work 5/26 Macquarie

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Kind Regards

[Redacted]

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Johnston, HeatherG

From: [REDACTED]
Sent: Thursday, 16 May 2013 3:03 PM
To: ACTPLA LRU; Gaze, Reuben
Subject: Re: Block 5 Section 26 Macquarie-Complaint

Hello Mr Gaze,

Thank you for your prompt reply.

[REDACTED]

Look forward to seeing an update shortly.

Regards,

[REDACTED]

On 16/05/2013, at 1:47 PM, ACTPLA LRU <ACTPLALRU@act.gov.au> wrote:

Dear [REDACTED]

I understand that Mr Peter Apps, the building inspector assigned to this case, placed a stop work notice on this development last week. Peter has just left the office and will not be returning to work until Monday. I will remind Peter to provide you with an update if he has not already sent one.

[REDACTED]

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: [REDACTED]
Sent: Thursday, 16 May 2013 7:54 AM
To: Gaze, Reuben
Subject: Block 5 Section 26 Macquarie-Complaint

Hello Mr Gaze,

I am writing to seek further information about the complaint that I lodged with the Environment and Sustainable Development in early April regarding Block 5 Section 26 Macquarie.

I have not received any further information since our conversation two weeks ago, it has now been a month and a half since my original letter.

Can you please advise if there has been any progress with this matter, or if any major developments have occurred.

Regards,



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Johnston, HeatherG

From: ACTPLA LRU
Sent: Friday, 17 May 2013 1:12 PM
To: [REDACTED]
Subject: RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

Thank you for the additional information. It will be considered as part of your submission.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
www.actpla.act.gov.au

From: [REDACTED]
Sent: Friday, 17 May 2013 10:52 AM
To: ACTPLA LRU
Subject: Re: Stop Work 5/26 Macquarie

Dear Mr Gaze,

I have attached line drawings that may assist the Registrar in relation to the positioning of the air-conditioning units on concrete slab. The small diagram at the bottom roughly shows positing of the three units, they need to be 200mm from the wall leaving an access area for servicing of around 1.1sqm. I am happy to supply additional information If you required.

Kind Regards

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Date: Thursday, 16 May 2013 4:33 PM
Cc: "Apps, Peter" <peter.apps@act.gov.au>
Subject: RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

As you are aware, an investigation into this development is currently underway. Your submission regarding the stop-work notice has been received and the Construction Occupations Registrar is considering the matter and will

make a decision as soon as practicable. You will be advised of the outcome and provided with a copy of the decision via email once the decision is made.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[Redacted] | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: [Redacted]

Sent: Friday, 10 May 2013 7:59 AM

To: Apps, Peter

Cc: [Redacted]

Subject: Stop Work 5/26 Macquarie

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[Redacted Signature]

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Johnston, HeatherG

From: ACTPLA LRU
Sent: Friday, 17 May 2013 11:19 AM
To: [REDACTED]
Cc: Apps, Peter
Subject: RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

I appreciate that you have concerns regarding the impact that this process is having on you. Please be advised that advice is currently being sought from Development Assessment area as well as the Conservator of Fauna and Flora to support the Registrar's decision. The Registrar is duty bound to follow due process, which means properly considering both your representation and also the advice from the other relevant areas, however, I assure you that he is mindful that the stop work notice is impacting on you and your family and will make a decision as soon as practicable.

Please contact Mr Peter Apps or myself via return email should you wish to make any further representations in support of your application to revoke the stop work notice, or if you seek an update into progress regarding the Registrar's decision. I understand that Mr Apps has advised you that you also have right of appeal to the ACT Civil and Administrative Appeals Tribunal (ACAT). You have every right to lodge an appeal with the ACAT pending the Registrar's decision.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
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From: [REDACTED]
Sent: Thursday, 16 May 2013 5:53 PM
To: ACTPLA LRU
Cc: [REDACTED]
Subject: Re: Stop Work 5/26 Macquarie

Dear Mr Gaze,

Thank you for your email in relation to the stop work, both my wife and myself have lived at Bennelong Crescent for the past 33 years and the redevelopment of the property has become more of an emotional issue rather than just a project. I have also had to lay-off trades who have no other work to go to adding to the pressure.

We would appreciate the Registrars prompt response.

Kind Regards

[REDACTED]

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Cc: "Apps, Peter" <peter.apps@act.gov.au>
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Dear [Redacted]

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Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[Redacted] | Email actplalru@act.gov.au

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www.actpla.act.gov.au

From: [Redacted]
Sent: Friday, 10 May 2013 7:59 AM
To: Apps, Peter
Cc: [Redacted]
Subject: Stop Work 5/26 Macquarie

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Johnston, HeatherG

From: [REDACTED]
Sent: Friday, 17 May 2013 10:52 AM
To: ACTPLA LRU
Subject: Re: Stop Work 5/26 Macquarie
Attachments: img-130517104402.pdf

Dear Mr Gaze,

I have attached line drawings that may assist the Registrar in relation to the positioning of the air-conditioning units on concrete slab. The small diagram at the bottom roughly shows positing of the three units, they need to be 200mm from the wall leaving an access area for servicing of around 1.1sqm.

I am happy to supply additional information If you required.

Kind Regards



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Please consider the environment before printing this e-mail

From: ACTPLA LRU <ACTPLALRU@act.gov.au>
Date: Thursday, 16 May 2013 4:33 PM
To: [REDACTED]
[REDACTED] pps, Peter" <peter.apps@act.gov.au>
Subject: RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

As you are aware, an investigation into this development is currently underway. Your submission regarding the stop-work notice has been received and the Construction Occupations Registrar is considering the matter and will make a decision as soon as practicable. You will be advised of the outcome and provided with a copy of the decision via email once the decision is made.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: [REDACTED]
Sent: Friday, 10 May 2013 7:59 AM
To: Apps, Peter
Cc: [REDACTED]
Subject: Stop Work 5/26 Macquarie

Dera Registrar,

Please find attached submission in relation to the stop work placed on block 5 section 26 Macquarie, to expedite the matter I would appreciate all correspondence via email is possible.

A hard copy has been hand delivered to ESDD at Dickson this morning.

Kind Regards



The information in this email is only for the intended recipient and contains confidential and privileged information or material. If you have received this email in error, please notify the sender and immediately delete all copies and attachments. We do not guarantee this email or any of its attachments are error or virus free.



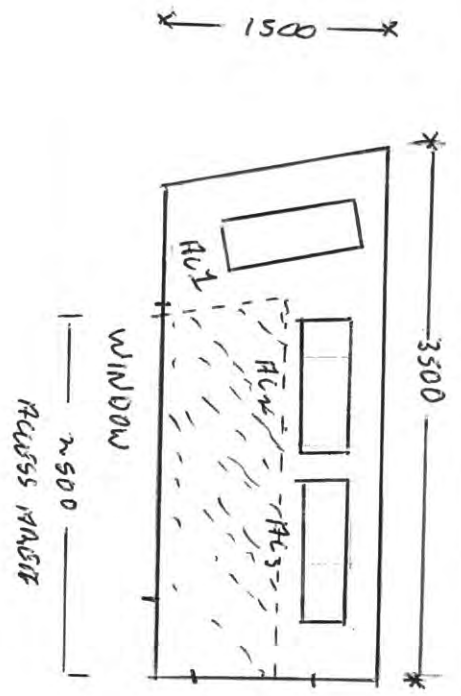
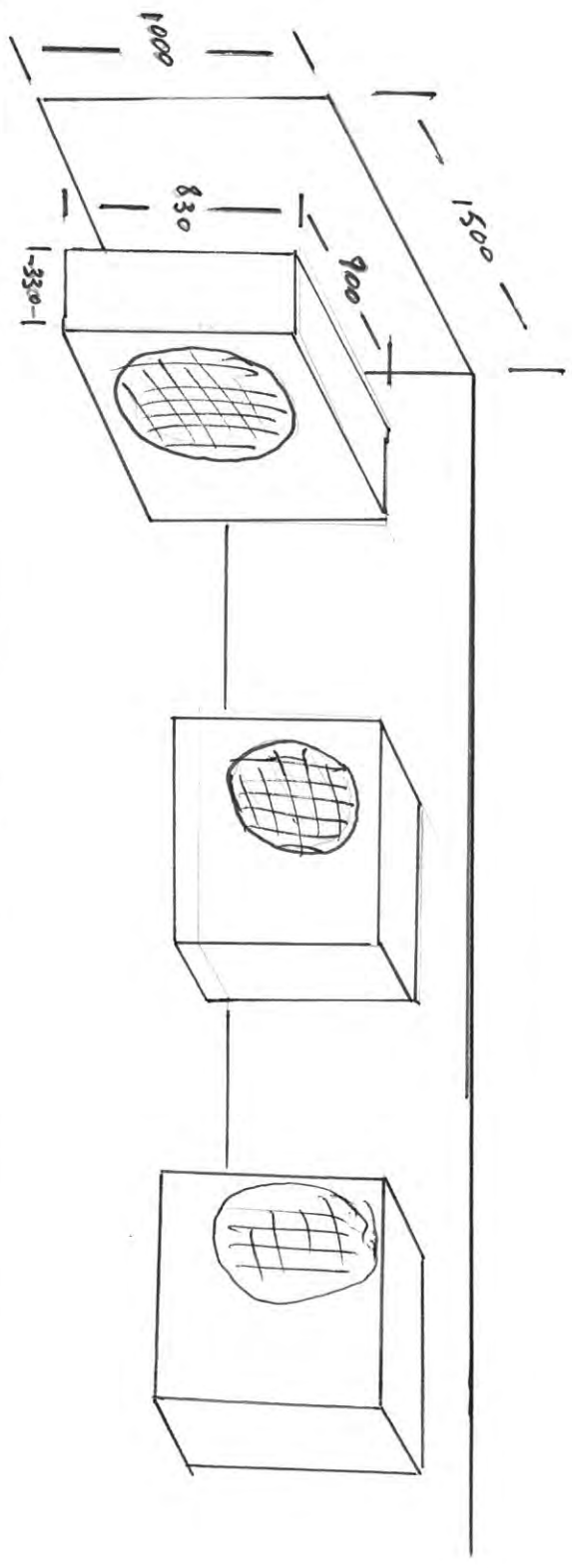
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Deck - Upper Level
 2x ACOT30LAT4

Block 5, Section 26 Macquarie
 Brewerying St.

OUTDOOR LIGHT

H : 830 mm
 W : 900 mm
 D : 330 mm



↑ 300 window from brick wall.
 ← Access DOOR.

↑ 700 RECESS MASON
 ↓

Johnston, HeatherG

From: [REDACTED]
Sent: Saturday, 18 May 2013 1:20 PM
To: ACTPLA LRU
Cc: [REDACTED]
Subject: Re: Stop Work 5/26 Macquarie
Attachments: [REDACTED]

Dear Mr Gaze,

Please find attached copies of emails to Mss Kadir and subsequent letter of agreement to Mr Gillies in relation to the louvered section over the fixed panel window on the ensuit. They are currently on order (work in progress) scheduled to be installed when the fixed glazed panel is delivered.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]

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Please consider the environment before printing this e-mail

From: ACTPLA LRU <ACTPLALRU@act.gov.au>
Date: Friday, 17 May 2013 1:12 PM
To: [REDACTED]
Subject: RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

Thank you for the additional information. It will be considered as part of your submission.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: [REDACTED]
Sent: Friday, 17 May 2013 10:52 AM
To: ACTPLA LRU
Subject: Re: Stop Work 5/26 Macquarie

Dear Mr Gaze,

I have attached line drawings that may assist the Registrar in relation to the positioning of the air-conditioning units on concrete slab. The small diagram at the bottom roughly shows positing of the three units, they need to be 200mm from the wall leaving an access area for servicing of around 1.1sqm. I am happy to supply additional information If you required.

Kind Regards



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From: ACTPLA LRU <ACTPLALRU@act.gov.au>
Date: Thursday, 16 May 2013 4:33 PM
To: [Redacted]
Cc: "Apps, Peter" <peter.apps@act.gov.au>
Subject: RE: Stop Work 5/26 Macquarie

Dear [Redacted]

As you are aware, an investigation into this development is currently underway. Your submission regarding the stop-work notice has been received and the Construction Occupations Registrar is considering the matter and will make a decision as soon as practicable. You will be advised of the outcome and provided with a copy of the decision via email once the decision is made.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[Redacted] | Email actplalru@act.gov.au

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
www.actpla.act.gov.au

From: [Redacted]
Sent: Friday, 10 May 2013 7:59 AM
To: Apps, Peter
Cc: [Redacted]
Subject: Stop Work 5/26 Macquarie

Dera Registrar,

Please find attached submission in relation to the stop work placed on block 5 section 26 Macquarie, to expedite the matter I would appreciate all correspondence via email is possible.

A hard copy has been hand delivered to ESDD at Dickson this morning.

Kind Regards

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Subject: Information required

Date: Monday, 30 April 2012 11:47:47 AM Australian Eastern Standard Time

From: Kabir, Mantasa

To: [REDACTED]

CC: Cilliers, George

[REDACTED]

As discussed with George Cilliers on Friday afternoon, regarding the screening of the ensuite window, as mentioned you indicated to provide screening by using louvers or similar – can you please provide us something in writing?

I am emailing on behalf of George Cilliers. You can email directly to George and CC it to me.

Regards

MANTASA KABIR

[REDACTED]
Development Services | Environment and Sustainable Development | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

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Subject: RE: Information required

Date: Monday, 30 April 2012 3:28:02 PM Australian Eastern Standard Time

From: [REDACTED]

To: 'Kabir, Mantasa'

CC: [REDACTED]

Dear Mantasa,

Thank you for your email, I would appreciate it if you could pass this attachment onto George for I do not have his email address

[REDACTED]

The information in this email is only for the intended recipient and contains confidential and privileged information or material. If you have received this email in error, please notify the sender and immediately delete all copies and attachments. We do not guarantee this email or any of its attachments are error or virus free.

P Please consider the environment before printing this e-mail

From: Kabir, Mantasa [mailto:Mantasa.Kabir@act.gov.au]

Sent: Monday, 30 April 2012 [REDACTED]

[REDACTED] andrew@sarrigroup.com.au

Cc: Cilliers, George

Subject: Information required

[REDACTED]

As discussed with George Cilliers on Friday afternoon, regarding the screening of the ensuite window, as mentioned you indicated to provide screening by using louvers or similar – can you please provide us something in writing?

I am emailing on behalf of George Cilliers. You can email directly to George and CC it to me.

Regards

MANTASA KABIR

[REDACTED]

Development Services | Environment and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

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Mr. George Cilliers

ACT Planning and Land Authority
16 Challis Street Dickson
ACT 2602

Dear Mr Cilliers,

RE: Block 5 Section 26 Macquarie (45 Bennelong Crescent)

I refer to our telephone conversation Friday 27th April 2012 regarding the neighbours objection to the ensuite window, as discussed we will place screening (*louvers or similar*) on that particular window.

It is my understanding that the screening is not a conditional planning requirement and that the neighbour's objections to this window are only their '*personal perceptions*', in relation to line of sight.

This concession is given without prejudice on the basis that the DA will progress to the approval stage and we can commence works without any further delays.

In the event you require further information please call my mobile on 0407 575 705.

Johnston, HeatherG

From: Gaze, Reuben
Sent: Wednesday, 22 May 2013 5:46 PM
To: [REDACTED]
Subject: Apps, Peter
Stop Work 5/26 Macquarie

Dear [REDACTED]

Thank you for the below information, however, in order to be able to determine whether the development is in accordance with the conditions of approval contained within DA 201120734 please advise whether condition C3 is currently met.

C3. TREE PROTECTION

The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan.

Can you please specifically advise if the development is either compliant or non-compliant Condition C3 above? I assume this means TMP Ref 29125 or an amended TMP as approved by the Conservator.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: [REDACTED]
Sent: Wednesday, 22 May 2013 1:12 PM
To: Gaze, Reuben; McKeown, Helen
Cc: Apps, Peter
Subject: RE: Stop Work 5/26 Macquarie

Hi Reuben,

Following the site inspection with Andrew Sarri and his brother at [REDACTED], Macquarie on 21 May 2013, the construction of the external portion of the house has been completed and the development is at landscape stage. There does not appear to be any damage to the tree and the tree has a protective fence in place for the landscape works, I confirmed with [REDACTED] that there was no excavation for the landscape works that would exceed 100mm, otherwise he would need approval for ground works by the Conservator.

[REDACTED]

Contact Officer		Phone Number	Facsimile Number
Peter Apps		6207 7898	
Builder		Lessee	
[REDACTED] # 20081142 Class B		[REDACTED]	
Suburb	Section	Block	Stage of development
MACQUARIE	26	5	Framing

I Peter Apps, Building Inspector, hereby **prohibit** the carrying out of building work, namely: any construction work being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004, **Except for:** removal of non compliant doors, frame work and glass panelling from the upper floor AC area adjacent to the master bedroom and ensuite.

Building work is being carried out:

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

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

Posted/Handed to

.....

.....

..... /...../2013
 Building Inspector

REVIEW OF THE DECISION

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

REASONS

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

CONTACT DETAILS

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

Location:

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

Contact details:

Website: www.courts.act.gov.au

Email: tribunal@act.gov.au

Telephone: (02) 6207 1740

Facsimile: (02) 6205 4855

Post: GPO Box 370, CANBERRA, ACT, 2601

Document exchange: DX 5691

POWERS OF THE ACAT

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

APPLICATIONS TO THE ACAT

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

TIME LIMITS FOR APPLICATIONS

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

FEES

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

fee of not less than \$247 (the Tribunal Registry will advise of the current fee), unless you are receiving legal or financial assistance from the ACT Attorney-General. You can apply to have the fee waived on the grounds of hardship, subject to approval (refer to section 22T of the *ACT Civil and Administrative Tribunal Act 2008*). Decisions to grant assistance are made on the grounds of hardship and that it is reasonable, in all the circumstances, for the assistance to be granted. Write to: The Chief Executive, Justice and Community Safety Directorate, GPO Box 158, CANBERRA ACT 2601. Ask the ACAT for more details.

FORMS OF LEGAL, FINANCIAL AND OTHER ADVICE AND ASSISTANCE

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

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

AWARDING OF COSTS

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

ACCESS TO DOCUMENTS ABOUT THE DECISION

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

PROCEDURES OF THE ACAT

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

TRANSLATION AND INTERPRETER SERVICES

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

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

TRANSLATING AND INTERPRETING SERVICE**131 450**

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

Johnston, HeatherG

From: ACTPLA LRU
Sent: Thursday, 23 May 2013 4:07 PM
To: [REDACTED]
Subject: [REDACTED]
Attachments: 20130523 - Signed stop work notice with amendments.pdf

Dear [REDACTED]

I understand from the below email that you are seeking to have the stop work notice lifted in part (remade) to allow removal/demolition of the non-compliant works. Specifically; removal of the doors and associated framework between the upper-floor ensuite and the external upper-floor AC area as well as the framework and glass panelling (and any door if installed) between main bedroom and the external upper-floor AC area. I note you intend to make these changes to enable the development to comply with DA-201120734.

Mr Peter Apps has remade the stop-work notice to allow the doors and associated components not in accordance with DA-201120734 to be removed. Please do not install windows unless they are either strictly compliant with the original DA or you have an approved amendment. Undertaking any other works at this time will be a breach of the stop work notice. I have informed the Construction Occupations Registrar of your intentions and I expect that he will consider delaying his decision on your application to cancel the stop work notice pending the above works being completed. Your application to cancel the stop work notice issued 8 May 2013 will be taken to include any other stop work notice issued over the site up to the time the Registrar's decision is made. Please advise Mr Apps and myself once the doors have been removed.

On consideration, It would be best not to undertake the cutting in of the sill trimmer and stud for the framing of the future window until the amendment has been resolved.

Please contact me if you have any specific concerns regarding the new stop work notice.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: [REDACTED]
Sent: Thursday, 23 May 2013 12:01 PM
To: ACTPLA LRU
Cc: [REDACTED]
Subject: [REDACTED]

Ruben

As discussed this is the email I sent to George last night containing drawings and proposed method. Further to this and today's conversation the idea would be for you to allow minor work to proceed to remove the non-compliance for further assessment and removal of the stop work. That would allow the DA amendment to proceed. The minor work would constitute a Carpenter going to site and removing the French Doors and frame. He would then cut in a sill trimmer and stud for the framing to the future window. As the window will change from a wraparound to a window on its own nothing will be put back in its place until the DA Amendment has been approved. Once the doors have gone the rest is a work in progress and there would be no non-compliant elements. We would be in a position to send the carpenter in as soon as you give permission.

Look forward to hearing from you later today.



George

These would be the proposed amended drawings to go forward with. I haven't been able to get Ruben to take my calls to resolve the issue of disconnecting the DA amendment from the Stop Work. I am about to go for a meeting that will take the rest of the afternoon.

The proposal is for Ruben to allow demolition to occur on site to remove the French doors in their entirety. These would be replaced with a window that has a sill at 900mm consistent with the conditions of the DA. There would be no access to the AC area without climbing onto the roof and over the screen wall. In my opinion as soon as the door is removed the job is 100% compliant with the DA on this issue and there would be no need for the Stop Work. There is no need for an amendment to the existing DA to make the project compliant. The amendment will pick up the additional changes being requested but the AC area with the sole exception of changing the orientation of the roof sheeting and the material of the wall going to brick will be unchanged from the DA.

The attached drawings clearly show the intent and as the project is a work in progress there should be no further reason to justify holding up the construction. There is no justification for not allowing the immediate rectification of the non-compliance. Failure to do this would be to justify the accusation of harassment. I have offered a simple solution. Please act on it with haste.

George. As I don't have Rubens contact info I would appreciate it if you could pass this on and see if we can get this resolved.



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From: [Redacted]
Sent: Wednesday, 22 May 2013 3:33 PM
To: [Redacted]
Subject: [Redacted]

Change made to A13



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Stop Notice

Contact Officer	Phone Number	Facsimile Number	
Peter Apps	6207 7898		
Builder	Lessee		
[REDACTED] # 20081142 Class B	[REDACTED]		
Suburb	Section	Block	Stage of development
MACQUARIE	26	5	Framing

I Peter Apps, Building Inspector, hereby **prohibit** the carrying out of building work, namely: any construction work being erected on the above mentioned parcel of land, pursuant to Section 53(1) of the Building Act 2004, **Except for:** removal of non compliant doors, frame work and glass panelling from the upper floor AC area adjacent to the master bedroom and ensuite.

Building work is being carried out:

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

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

Posted/Handed to

.....	[REDACTED]
.....	[REDACTED]

Building Inspector

23/5/2013

Johnston, HeatherG

From: Gaze, Reuben
Sent: Thursday, 23 May 2013 3:48 PM
To: [REDACTED]
Subject: Apps, Peter; McKeown, Helen
RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

At this stage we are considering lifting the stop work in part to allow rectification of some non-compliant work to the dwelling. As it is still unclear whether condition C3 is met or in breach I have not re-addressed it with the builder. It may be that the stop work notice could be lifted as early as tomorrow on the basis that other outstanding issues have been resolved. If your issues are still current you must advise me as soon as possible.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
www.actpla.act.gov.au

From: Gaze, Reuben
Sent: Wednesday, 22 May 2013 5:46 PM
To: [REDACTED] McKeown, Helen
Cc: Apps, Peter
Subject: Stop Work 5/26 Macquarie

Dear [REDACTED]

Thank you for the below information, however, in order to be able to determine whether the development is in accordance with the conditions of approval contained within DA 201120734 please advise whether condition C3 is currently met.

C3. TREE PROTECTION

The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan.

Can you please specifically advise if the development is either compliant or non-compliant Condition C3 above? I assume this means TMP Ref 29125 or an amended TMP as approved by the Conservator.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] 1862 | Email actplalru@act.gov.au

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
www.actpla.act.gov.au

From: [REDACTED]
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To: Gaze, Reuben; McKeown, Helen
Cc: Apps, Peter
Subject: RE: Stop Work 5/26 Macquarie

Hi Reuben,

Following the site inspection with [REDACTED] and [REDACTED] at [REDACTED] Macquarie on 21 May 2013, The construction of the external portion of the house has been completed and the development is at landscape stage. There does not appear to be any damage to the tree and the tree has a protective fence in place for the landscape works, I confirmed with [REDACTED] that there was no excavation for the landscape works that would exceed 100mm, otherwise [REDACTED] would need approval for ground works by the Conservator.

Regards

[REDACTED]

BUILDING ENERGY RATING SCHEME



BLOCK 5 SECTION 26
SUBURB MACQUARIE POSTCODE 2614
CLIMATE ZONE 24

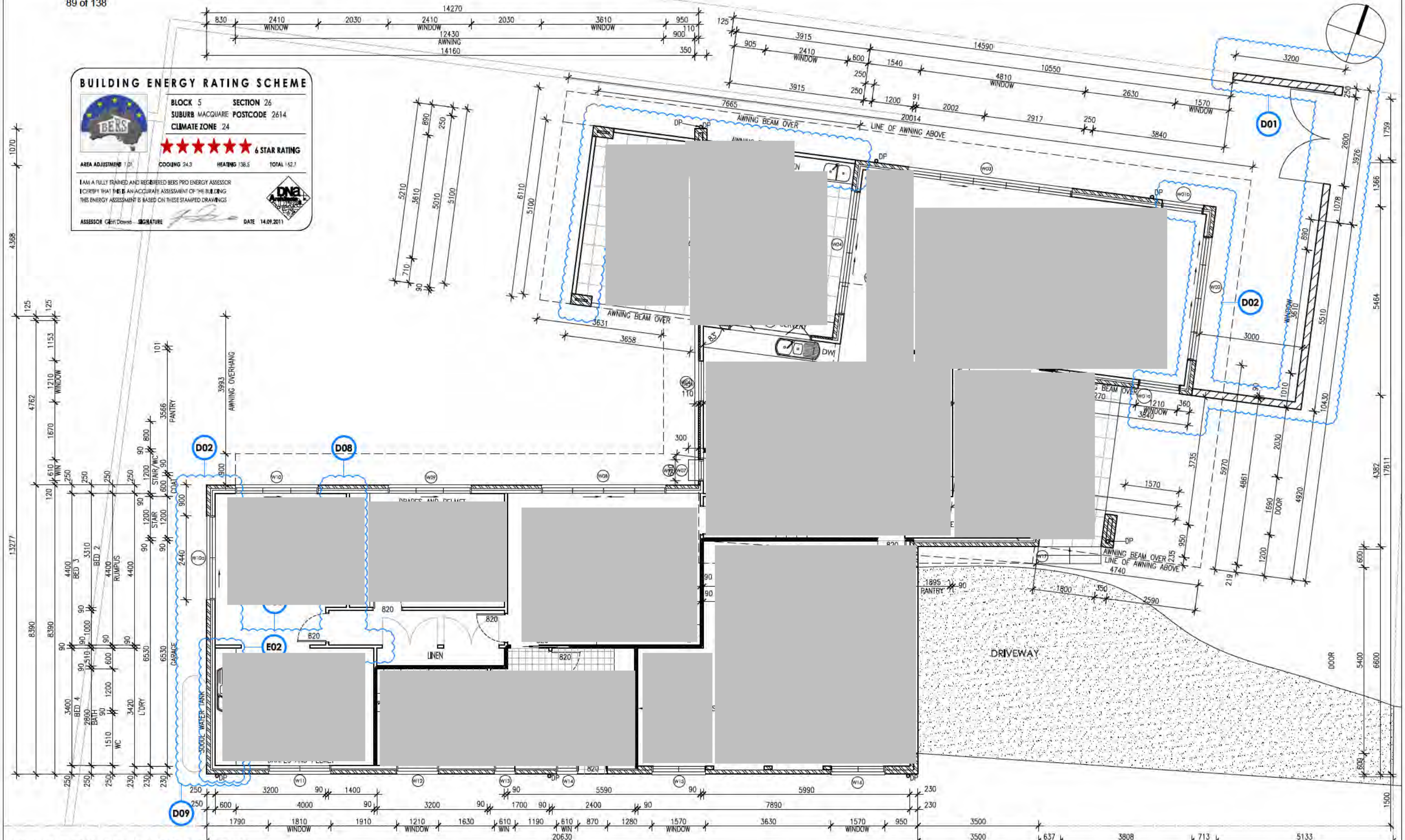
★★★★★★ 6 STAR RATING

AREA ADJUSTMENT 1.01 COOLING 24.3 HEATING 136.5 TOTAL 162.7

I AM A FULLY TRAINED AND REGISTERED BERS PRO ENERGY ASSESSOR
 I CERTIFY THAT THIS IS AN ACCURATE ASSESSMENT OF THE BUILDING
 THIS ENERGY ASSESSMENT IS BASED ON THESE STAMPED DRAWINGS



ASSESSOR Glen Dawes SIGNATURE DATE 14.09.2011



GROUND FLOOR PLAN

Scale 1:100 @ A3



SUITE 10, 14 LONSDALE ST
 BRADBOOM A.C.T.
 PH: 02 937 308 325
 F: 02 6230 4886
 WWW.DNAARCHITECTS.COM.AU

GENERAL NOTES:
 All works are to comply with the relevant Australian standards & all relevant authority requirements.
 All dimensions dependent on existing site conditions shall be verified by the builder on site prior to the commencement of the works. DO NOT SCALE OFF DRAWINGS.
 A registered engineer to set out structure & confirm positions of all relevant building envelope setbacks & squatters prior to the commencement of the works.
 All timber framing & construction must comply with AS1684 'The national timber framing code'. Provide temporary & permanent bracing to all framing in accordance with the standard.
 All concrete slabs & footings are subject to a soil classification & are to comply with engineers drawings or AS2870 'residential slabs & footings code'. Indicate all relevant region specific requirements.
 All storm water drainage & sewerage to be connected to existing services in accordance with the BCA & all local authority requirements or related sewerage tank or septic system.
 All Bricks, beams, & supports to be specified by a registered engineer or relevant Australian Standard.
 Provide termite control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide anti-capping and termite tanks.
 The structure shall be maintained in a stable condition at all times, & no element shall be over-stressed, during & after construction.
 All new areas shown shall be to the satisfaction of the relevant authority.
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REVISION NO.	DESCRIPTION	DATE
A	14.11.2011	
A01	AMEND GLASS BALUSTRADE TO BE SOLID	22.11.2011
B	22.11.2011	
B02	RETAIN REGULATED TREES T5,T6,T7,T8	
B03	ELEVATIONS NAMES AMENDED	
B04	TERRACE REMOVED FROM BED 1	
C	14.11.2011	
A01	POLYSTYRENE AWNING CORRECTED	

REVISION NO.	DESCRIPTION	DATE
D	24.04.2013 - AMENDMENTS TO DA	
D01	PROPOSED LANDSCAPE WALL	
D02	AMENDMENTS TO WINDOWS/ DOORS	
D03	AMENDMENTS TO ROOF	
D04	AMENDMENTS TO AWNING	
D05	NEW AWNING	
D06	AMENDMENTS TO THE ALFRESCO AREA	
D07	AMENDMENTS TO RETAINING WALL	

REVISION NO.	DESCRIPTION	DATE
D08	AMENDMENTS TO ROOM LAYOUT	
D09	AMENDMENTS TO WATER TANK	
D10	AMENDMENTS TO MATERIAL SELECTION	
D11	AMENDMENTS TO A/C PLANT	
E	22.05.2013 - AMENDMENTS TO DA	
E01	AMENDMENTS TO WINDOWS/ DOORS	
E02	AMENDMENTS TO FIXTURES	

BLOCK 5
SECTION 26
 ADDRESS [REDACTED]
 SUBURB [REDACTED]
 STATE ACT
 SCALE 1:100 @ A3

DRAWING **GROUND FLOOR PLAN**
 PROJECT **PROPOSED NEW RESIDENCE**
 CLIENT [REDACTED]

DRAWN **GD/MW**
 REVISION **E**
 REVISION DATE **22.05.13**
 PROJECT NO **1165**
 PRINT DATE **09.05.2013**
 DWG NO **DA-A05**

90 of 138
BUILDING ENERGY RATING SCHEME



BLOCK 5 SECTION 26
SUBURB MACQUARIE POSTCODE 2614
CLIMATE ZONE 24

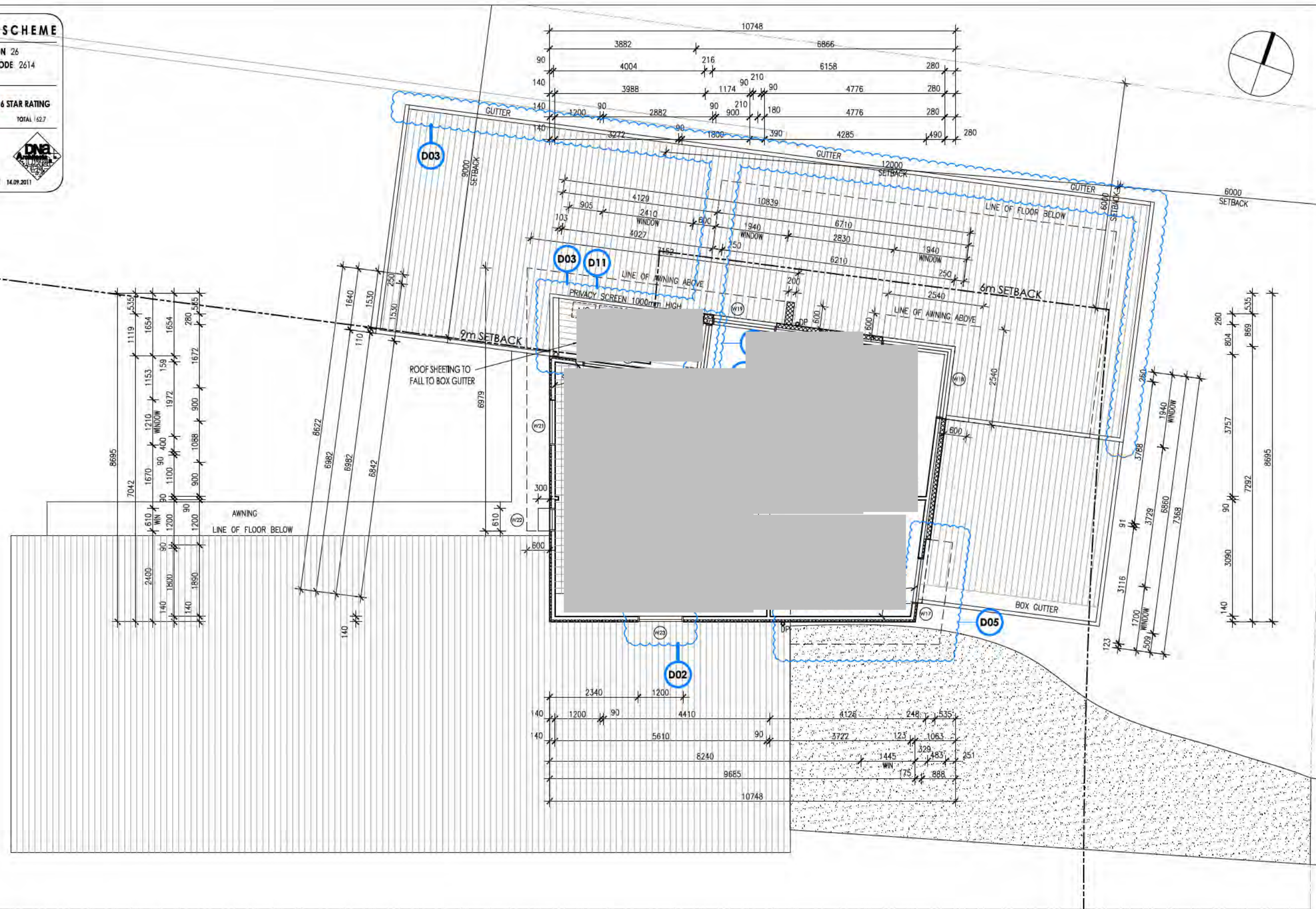
★★★★★★ **6 STAR RATING**

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ASSESSOR Glen Dawse SIGNATURE DATE 14.09.2011



UPPER FLOOR PLAN
Scale 1:100 @ A3



SUITE 10, 14 LONSDALE ST
BRADSDON A.C.Y
ABN: 49 037 308 325
T: 02 6230 4888
F: 02 6230 4898
www.dnaarchitects.com.au
Registration 988
Principal Nominee Glen Dawse

GENERAL NOTES:
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All new areas shown shall be to client's satisfaction & include the following:
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E01	AMENDMENTS TO WINDOWS/ DOORS	
E02	AMENDMENTS TO FIXTURES	

BLOCK 5
SECTION 26
ADDRESS [REDACTED]
SUBURB [REDACTED]
STATE **ACT**
SCALE **1:100 @ A3**

DRAWING UPPER FLOOR PLAN
PROJECT **PROPOSED NEW RESIDENCE**
CLIENT [REDACTED]

DRAWN **GD/MW**
REVISION **E**
REVISION DATE **22.05.13**
PROJECT NO **1165**
PRINT DATE **09.05.2013**
DWG NO **DA-A06**

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BUILDING ENERGY RATING SCHEME

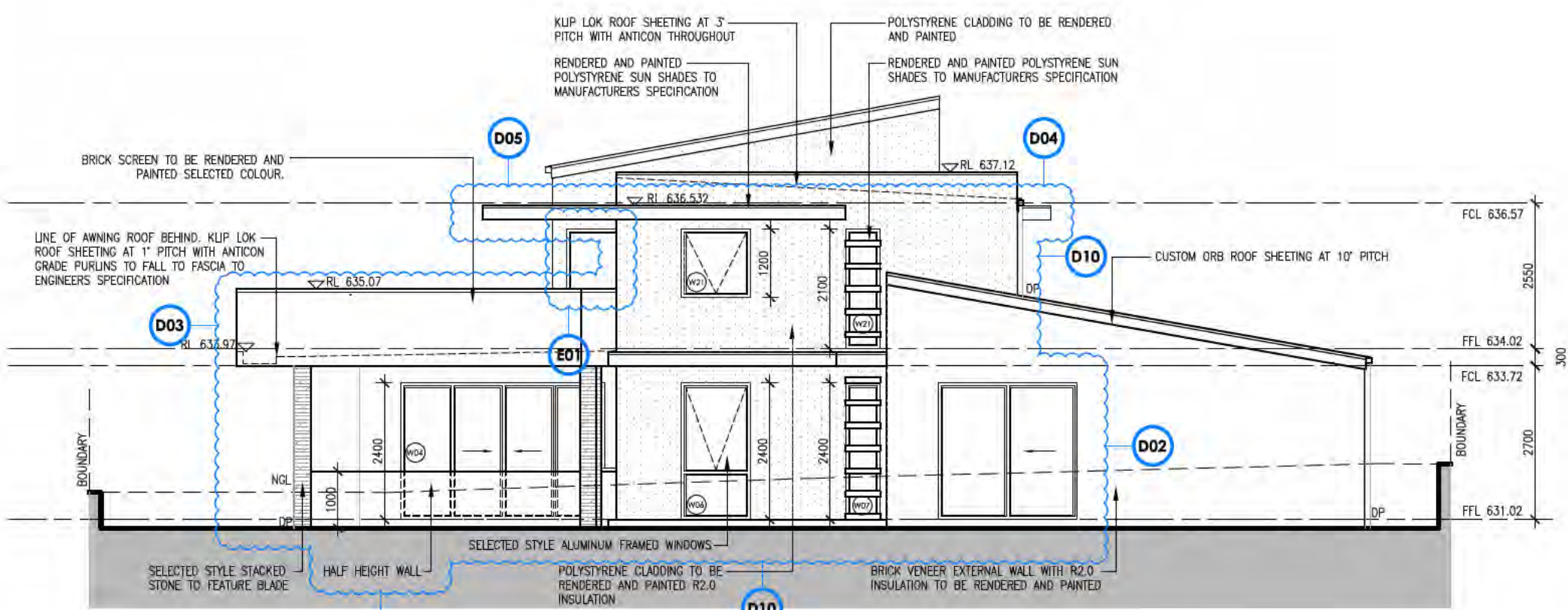
BLOCK 5 SECTION 26
 SUBURB MACQUARIE POSTCODE 2614
 CLIMATE ZONE 24

★ ★ ★ ★ ★ ★ **6 STAR RATING**

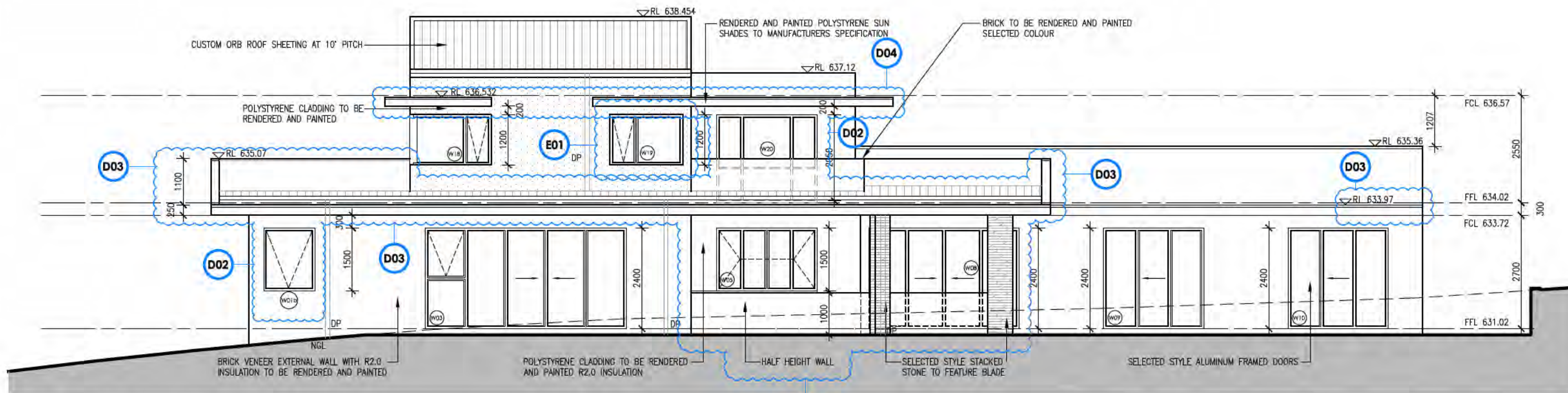
AREA ADJUSTMENT 1.01 COOLING 24.3 HEATING 138.5 TOTAL 162.7

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 I CERTIFY THAT THIS IS AN ACCURATE ASSESSMENT OF THE BUILDING
 THIS ENERGY ASSESSMENT IS BASED ON THESE STAMPED DRAWINGS

ASSASSOR: Glen Dowse SIGNATURE: [Signature] DATE: 14.09.2011



WEST ELEVATION
 1:100 @ A3



NORTH ELEVATION
 1:100 @ A3

dna architects

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Registration 968
 Principal: Glen Dowse

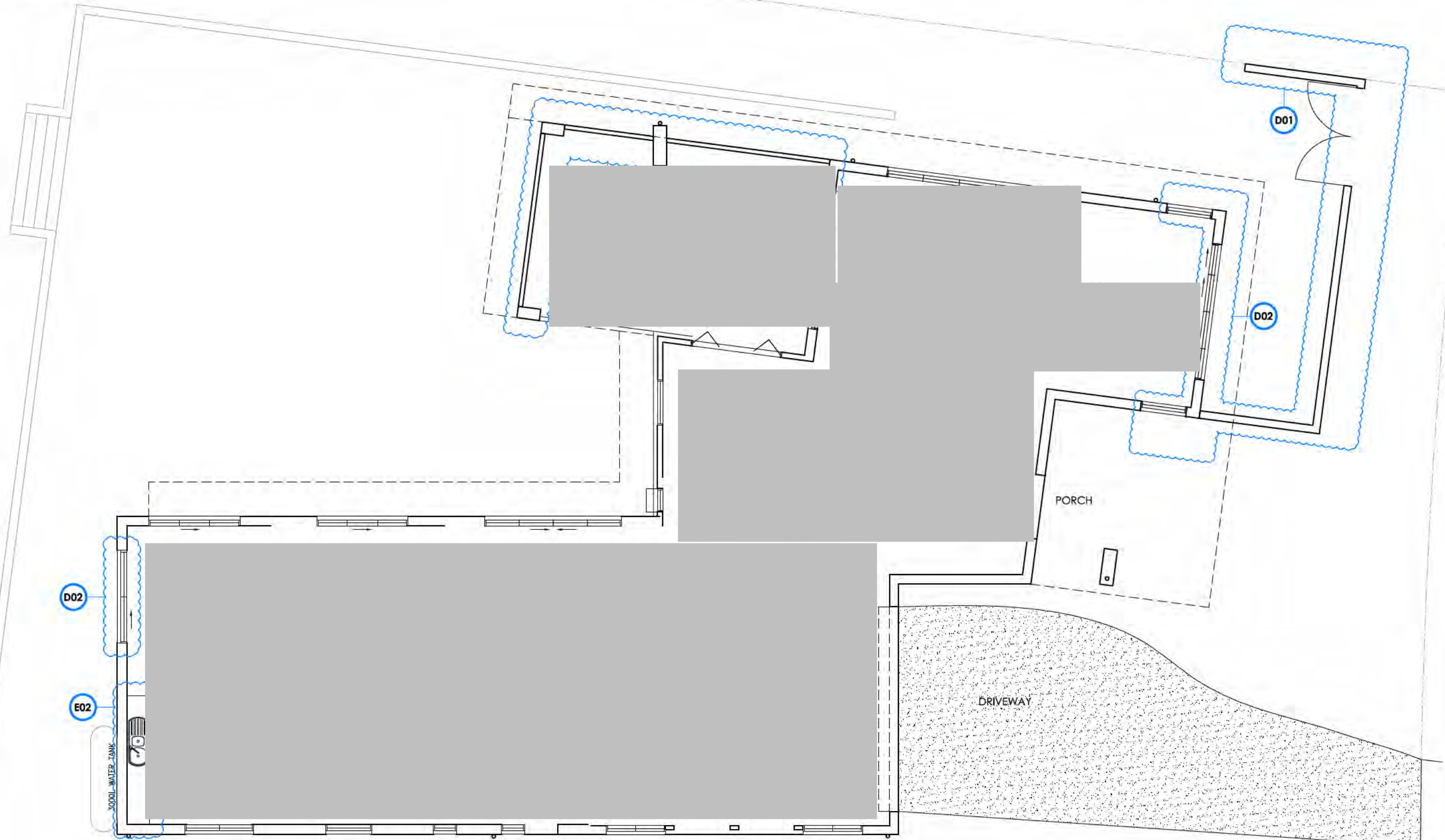
GENERAL NOTES:
 All works are to comply with the relevant Australian standards & all relevant authority requirements.
 All dimensions dependent on existing site conditions shall be verified by the builder on site prior to the commencement of the works. DO NOT SCALE OFF DRAWINGS.
 A registered surveyor to set out structures & confirm positions of all relevant building envelope surfaces & requirements prior to the commencement of the works.
 All timber framing & construction must comply with AS1684 (The national timber framing code), provide temporary & permanent bracing to all framing in accordance with the standard.
 All concrete slabs & footings are subject to a soil classification & are to comply with engineers drawings & AS2870 (residential slabs & footings code) including all relevant region specific requirements.
 All storm water drainage & sewerage to be connected to existing services in accordance with the BCA & all local authority requirements or selected rainwater tank or septic system.
 All brash, beams, & supports to be specified by a registered engineer or relevant Australian Standard.
 Provide (as per) control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide anti-clogging and vermin barriers.
 The structure shall be maintained in a suitable condition at all times, & no element shall be over-stressed, damaged or altered.
 All relevant fixtures shall be to client's selection or inclusion etc.

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E01	AMENDMENTS TO WINDOWS/ DOORS	
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BLOCK	5	DRAWING	ELEVATIONS 2	DRAWN	GD/MW
SECTION	26	PROJECT	PROPOSED NEW RESIDENCE	REVISION	E
ADDRESS		REVISION DATE	22.05.13	PROJECT NO	1165
SUBURB	MACQUARIE	PRINT DATE	09.05.2013	DWG NO	DA-A08
STATE	ACT				
SCALE	1:100 @ A3				



GROUND PUBLIC NOTIFICATION PLAN
1:100 @ A3



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Principal Nominee Glen Dowse

GENERAL NOTES:
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All concrete slabs & footings are subject to a soil classification & are to comply with engineers drawings or AS2870 residential slabs & footings code including all relevant region specific requirements.
All storm water drainage & sewerage to be connected to existing services in accordance with the BCA & all local authority requirements or rejected to sewer tank or septic system.
All beams, joists, & supports to be specified by a registered engineer or relevant Australian Standard.
Provide termite control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide ant capping and termite tanks.
This structure shall be maintained in a stable condition at all times, & no element shall be over-stressed, during & after construction.
All new areas feature shall be to client's selection or inclusion list.
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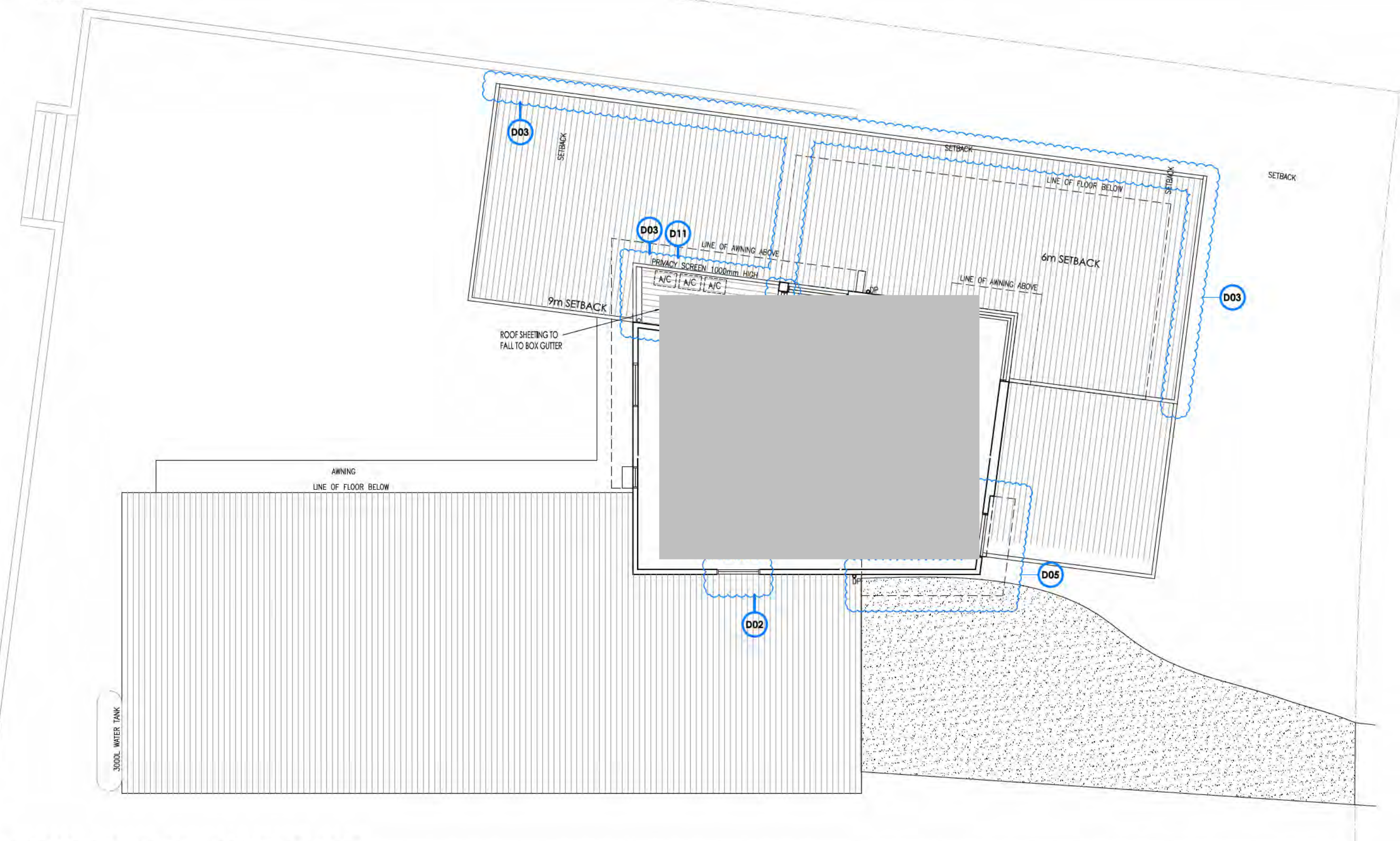
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E01	AMENDMENTS TO WINDOWS/ DOORS	
E02	AMENDMENTS TO FIXTURES	

BLOCK **5**
SECTION **26**
ADDRESS [REDACTED]
SUBURB **MACQUARIE**
STATE **ACT**
SCALE **1:100 @ A3**

DRAWING **GROUND FLOOR PLAN PUBLIC NOTIFICATION**
PROJECT **PROPOSED NEW RESIDENCE**
CLIENT [REDACTED]

DRAWN **GD/MW**
REVISION **E**
REVISION DATE **22.05.13**
PROJECT NO **1165**
PRINT DATE **09.05.2013**
DWG NO **DA-A12**



UPPER PUBLIC NOTIFICATION PLAN
1:100 @ A3



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F: 02 6230 4898
www.dnaarchitects.com.au
Registration 986
Principal Nominee Glen Cowse

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All storm water drainage & sewerage to be connected to existing services in accordance with the BCA & all local authority requirements or selected sewer tank or septic system.
All beams, trusses, & supports to be specified by a registered engineer or relevant Australian Standard.
Provide termite control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide ant capping and termite tanks.
This structure shall be maintained in a safe condition at all times, & no element shall be overstressed, during & after construction.
All roof areas features shall be to client's selection or inclusion.
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D11	AMENDMENTS TO A/C PLANT	
E	22.05.2013 - AMENDMENTS TO DA	
E01	AMENDMENTS TO WINDOWS/ DOORS	
E02	AMENDMENTS TO FIXTURES	

BLOCK **5**
SECTION **26**
ADDRESS [REDACTED]
SUBURB **MACQUARIE**
STATE **ACT**
SCALE **1:100 @ A3**

DRAWING **UPPER FLOOR PLAN PUBLIC NOTIFICATION**
PROJECT **PROPOSED NEW RESIDENCE**
CLIENT [REDACTED]

DRAWN **GD/MW**
REVISION **E**
REVISION DATE **22.05.13**
PROJECT NO **1165**
PRINT DATE **09.05.2013**
DWG NO **DA-A13**

Johnston, HeatherG

From: [REDACTED]
Sent: Thursday, 23 May 2013 12:01 PM
To: ACTPLA LRU
Cc: [REDACTED]
Subject: [REDACTED]

Ruben

As discussed this is the email I sent to George last night containing drawings and proposed method. Further to this and today's conversation the idea would be for you to allow minor work to proceed to remove the non-compliance for further assessment and removal of the stop work. That would allow the DA amendment to proceed. The minor work would constitute a Carpenter going to site and removing the French Doors and frame. He would then cut in a sill trimmer and stud for the framing to the future window. As the window will change from a wraparound to a window on its own nothing will be put back in its place until the DA Amendment has been approved. Once the doors have gone the rest is a work in progress and there would be no non-compliant elements. We would be in a position to send the carpenter in as soon as you give permission.

Look forward to hearing from you later today.

[REDACTED]

George

These would be the proposed amended drawings to go forward with. I haven't been able to get Ruben to take my calls to resolve the issue of disconnecting the DA amendment from the Stop Work. I am about to go for a meeting that will take the rest of the afternoon.

The proposal is for Ruben to allow demolition to occur on site to remove the French doors in their entirety. These would be replaced with a window that has a sill at 900mm consistent with the conditions of the DA. There would be no access to the AC area without climbing onto the roof and over the screen wall. In my opinion as soon as the door is removed the job is 100% compliant with the DA on this issue and there would be no need for the Stop Work. There is no need for an amendment to the existing DA to make the project compliant. The amendment will pick up the additional changes being requested but the AC area with the sole exception of changing the orientation of the roof sheeting and the material of the wall going to brick will be unchanged from the DA.

The attached drawings clearly show the intent and as the project is a work in progress there should be no further reason to justify holding up the construction. There is no justification for not allowing the immediate rectification of the non-compliance. Failure to do this would be to justify the accusation of harassment. I have offered a simple solution. Please act on it with haste.

George. As I don't have Rubens contact info I would appreciate it if you could pass this on and see if we can get this

[REDACTED]

unauthorized and prohibited. If you have received this message in error, please notify the sender by return e-mail immediately and delete the message from your computer without making copies.

From: [REDACTED]
Sent: Wednesday, 22 May 2013 3:33 PM
To: Glen [REDACTED]
Subject: [REDACTED]

Change made to A13



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Johnston, HeatherG

From: [REDACTED] 2013 7:51 AM
To: Gaze, Reuben
Cc: Apps, Peter; McKeown, Helen
Subject: RE: Stop Work 5/26 Macquarie

Hi Reuben,

The tree is currently being protected by a fence, therefore C3 TREE PROTECTION appears to be met.

From: Gaze, Reuben
Sent: Thursday, 23 May 2013 3:48 PM
To: [REDACTED]
Cc: Apps, Peter; McKeown, Helen
Subject: RE: Stop Work 5/26 Macquarie

Dear [REDACTED]

At this stage we are considering lifting the stop work in part to allow rectification of some non-compliant work to the dwelling. As it is still unclear whether condition C3 is met or in breach I have not re-addressed it with the builder. It may be that the stop work notice could be lifted as early as tomorrow on the basis that other outstanding issues have been resolved. If your issues are still current you must advise me as soon as possible.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: Gaze, Reuben
Sent: Wednesday, 22 May 2013 5:46 PM
To: [REDACTED]; McKeown, Helen
Cc: Apps, Peter
Subject: Stop Work 5/26 Macquarie

Dear [REDACTED]

Thank you for the below information, however, in order to be able to determine whether the development is in accordance with the conditions of approval contained within DA 201120734 please advise whether condition C3 is currently met.

C3. TREE PROTECTION

The applicant/lessee shall protect and maintain all existing trees and shrubs located on the subject site, on adjoining blocks overhanging the subject site, on the verge and unleased Territory land immediately adjacent, except for those specifically identified for removal in the approved drawings and a Tree Management Plan.

Can you please specifically advise If the development is either compliant or non-compliant Condition C3 above? I assume this means TMP Ref 29125 or an amended TMP as approved by the Conservator.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

From: [REDACTED]
Sent: Wednesday, 22 May 2013 1:12 PM
To: Gaze, Reuben; McKeown, Helen
Cc: Apps, Peter
Subject: RE: Stop Work 5/26 Macquarie

Hi Reuben,

Following the site inspection with [REDACTED] on 21 May 2013, The construction of the external portion of the house has been completed and the development is at landscape stage. There does not appear to be any damage to the tree and the tree has a protective fence in place for the landscape works, I confirmed with [REDACTED] that there was no excavation for the landscape works that would exceed 100mm, otherwise he would need approval for ground works by the Conservator.

Regards

[REDACTED]



NOTICE OF DECISION

On application to cancel stop work notice under section 55 of the *Building Act 2004*

BLOCK 5 SECTION 26 Macquarie

Lessee/Occupant: [REDACTED]

Builder: [REDACTED]

A. THE DECISION

In accordance with Section 55 of the *Building Act 2004*, I Reuben Gaze, Deputy registrar of the Australian Capital Territory have reviewed an application to cancel the stop work notice made 8 May 2013, and decided to cancel the stop work notice issued 8 May 2013 and reissued 23 May 2013 for the following reasons:

B. FACTS AND REASONS

1. On 8 March 2012, development approval DA-201120734, being for the "demolition of existing brick house and the erection of a new two storey residence with attached garage", was given conditional approval.
2. On 7 May 2012, DA-201120734 was reconsidered, removing conditions A1 (a) (i) & (ii) from the notice of decision, but retaining all other conditions.
3. On 1 March 2013 a complaint was received by the Environment and Sustainable Development Directorate (ESDD) that development underway at block 5 section 26 Macquarie was not in accordance with the tree management plan submitted to the Conservator of Flora and Fauna.
4. On 4 April 2013 a complaint was received by the Environment and Sustainable Development Directorate (ESDD) that development underway at block 5 Section 26 Macquarie was not in accordance with the conditions of DA-201120734.
5. On 6 July 2012 building approval B20123255 was issued for the demolition of the existing residence and garage by [REDACTED] building surveyor with license number 200426203. No asbestos control plan was included in the building approval documents for the demolition.
6. On 6 July 2012 a building commencement notice was issued for the demolition of the existing residence and garage to [REDACTED] class builder with license number 200012208.

7. On 30 August 2012 building approval B20124207 was issued for the construction of new residence, garage, alfresco and porch by [REDACTED]
8. On 30 August 2012 a building commencement notice was issued for the construction of new residence, garage, alfresco and porch to [REDACTED] B class builder with license number 20081142.
9. Condition A2 in the notice of decision for DA-201120734 states:
 - A2. The type of roof shall be of lightweight material and shall not be accessible from the upper floor level bedroom and/or ensuite. The roof shall be non-trafficable, except for maintenance purposes.
10. On 17 April 2013, Mr Peter Apps, Building Inspector of the ESDD conducted an inspection of the site. Mr Apps record of inspection indicates the roof was accessible from the upper floor level bedroom and ensuite via doors that had been installed in place of the windows shown on the approved plans. The record of inspection also indicates that a concrete slab had been poured which would be consistent with a load-bearing and trafficable surface for an outdoor upper-floor terrace.
11. On 30 April 2013, Mr George Cilliers, Technical Coordinator Merit North, provided advice that the upper-floor slab as installed was unlikely to be compliant with the relevant condition, being A2 of the notice of decision attached to DA -201120734.
12. At 9:30 am on 8 May 2013, [REDACTED] arrived at the ESDD shopfront located at 16 Challis Street and requested a meeting to discuss matters in relation to amendments [REDACTED] intended to lodge for changes to the area outside the upper bedroom / ensuite.
13. Mr Apps and Mr Sam Bond, building inspector, met with [REDACTED] at the shopfront. At this meeting [REDACTED] discussed [REDACTED] intentions in relation to lodging an amendment for the building works at the above block. [REDACTED] also wrote a letter to Mr David Middlemiss, the Construction Occupations Registrar, stating that [REDACTED] would not be undertaking any further works to the upper floor area outside the bedroom / ensuite until such time as the required amendments are approved.
14. [REDACTED] letter presumes development approval; which is not certain. Rectifying any unlawful development would be more complicated as the development progresses.
15. On 8 May 2013, Mr Apps issued a stop work notice under Section 53(1)(b)—the building work is being carried out otherwise in accordance with the approved plans for the building work; and Section 53(1)(g)—for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval;
16. On 8 May 2013, [REDACTED] wrote to Mr Apps giving grounds why the stop work notice should be cancelled.
17. On 8 May 2013, Mr Apps lifted the stop work notice in part to allow [REDACTED] to apply an acrylic sealant to the render of the house in response to a request

from [REDACTED] to allow the works. On the telephone, Mr Apps also advised [REDACTED] that [REDACTED] was permitted to remove the scaffolding and tidy the block.

18. On 9 May 2013, [REDACTED] wrote to Mr Apps with additional information to support the request of 8 May 2013. [REDACTED] provided a structural drawing showing a first floor reinforced concrete slab over permanent Bondek formwork and a statement that it was a structural element and therefore not a planning issue.
19. On 10 May 2013, [REDACTED] made submission to the registrar to cancel the stop work notice. In the application, [REDACTED] addressed key issues as follows:
 - I. [REDACTED] advised that the Tree Protection issues had been addressed and a new Tree Management Plan had been agreed to with Tree Protection Officers and was being complied with.
 - II. The upper-floor area which is contemplated by condition A2 was to be an air conditioning area with the concrete floor to support the air conditioners and to reduce vibration and sound emissions caused by their operation.
 - III. Engineering drawings were supplied to demonstrate how the slab would perform as a structural building element.
20. In the application, I [REDACTED] requested that the stop work be lifted in part to allow completion of the roof, finishing of the electrical, plumbing and insulation rough-ins, and the removal of scaffolding and a site clean-up.
21. On 17 May 2013, [REDACTED] provided additional documents demonstrating the proposed positioning of the air conditioning units on the upper floor concrete slab.
22. On 18 May 2013, [REDACTED] provided additional supporting documents demonstrating window design to replace the non-compliant door located between the ensuite and air conditioner area.
23. On 23 May 2013, Mr George Cilliers, Technical Coordinator Merit North provided advice that the upper floor slab was not in contravention of condition A2 and compliant with the original DA, however, the doors providing access to the area were not compliant with the condition.
24. On 23 May 2013, [REDACTED] emailed requesting that the stop work notice be lifted in part to allow the removal of the non-compliant door elements to the air conditioning area.
25. On 23 May 2013, I reissued the stop notice to allow the removal of the non-compliant doors and frames only.
26. On 24 May 2013, [REDACTED] of the Tree Protection Unit provided advice that the development was in accordance with condition C3.
27. On 27 May 2013, Building Inspectors Peter Apps and Mat Bond conducted an inspection to verify the removal of the unapproved doors and frames from the upper bedroom and ensuite leading out onto the AC area.
28. On 27 May 2013, the building approval was amended to show structural design of the upper floor slab.

29. After consideration of the above in accordance with section 55 of the Building Act, I have determined it appropriate to cancel the stop work notice under Section 53(4)(b), as the grounds for the stop work notice no longer exist and that there are no safety or public confidence reasons for maintaining the stop work notice as outlined in Section 55(4).



Reuben Gaze
Deputy Construction Occupations Registrar

28 May 2013

Johnston, HeatherG

From: Cilliers, George
Sent: Tuesday, 30 April 2013 3:56 PM
To: Gaze, Reuben
Cc: Apps, Peter
Subject: RE: DA201120734 - possible breach of condition
Attachments: ELEV-201120734-CORRECTED-WN-01.obr; SECTION-201120734-01.obr; [REDACTED]

Hi Reuben,

I was not aware of any concrete slab in the position as described, and it was certainly not indicated on any of the drawings endorsed for approval. I find it a bit unusual and hard to accept that whilst the roof is described with some detail on the endorsed drawings as an "... AWNING ROOF BEHIND. KLIP LOK ROOF SHEETINGS AT A 1° PITCH WITH ANTICON GRADE PURLINS TO FALL TO FASCIA TO ENGINEERS SPECIFICATION" that the developer neglected to describe the concrete slab. Regardless, the question is whether the roof will satisfy the condition of being "lightweight" and "non-trafficable". My first impression would be that the roof is certainly not lightweight, although it may be rendered non-trafficable by installing a roof of sorts on top of it, it is still unlikely to be compliant with the relevant condition.

[REDACTED]
Regards
George

George Cilliers | Technical Coordinator (Merit North)

[REDACTED]
Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

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From: Gaze, Reuben
Sent: Monday, 29 April 2013 4:54 PM
To: Cilliers, George
Cc: Apps, Peter
Subject: DA201120734 - possible breach of condition

Dear George

My team is currently investigating a complaint in relation to building work undertaken ay block 3 section 26 Macquarie, and concerns that works are not in accordance with the DA approval (DA201120734)—notice of decision condition A2 because a concrete slab has been poured for the floor of the outdoor "terrace area" bounded by what may be intended to be a BCA compliant 1m high balustrade or "architectural feature". We are not too concerned about the architectural feature as yet, although it may be indicative of the final intent of the development.

The argument put forward by the architect and developer is that the concrete slab is a structural component, will have Bondek sheet metal roofing laid over the top, and would therefore still comply with the "lightweight" roofing material condition. As part of the decision making process, were you aware that a concrete slab was intended to be poured in that area? There is no mention of it in any of the approved DA or BA plans. Windows in the DA have been replaced by doors which is a clear enough breach and an easy rectification back to plan for the builder.

Would you consider the concrete slab a contravention of the condition of approval? There is no structural need for it and as stated it is not shown on the building approval.

We are considering preparing a decision to issue a stop work notice but would seek your input beforehand.

Please contact me or Peter Apps when you can.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

 | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

Johnston, HeatherG

From: [REDACTED]
Sent: Wednesday, 8 May 2013 9:09 PM
To: Apps, Peter
Cc: [REDACTED]
 FW: Macquarie Development

Dear Peter,

Please find attached (below) a copy of an email sent by Mr. Dowes. In light of his email please as a matter of urgency advise on your intentions in relation to the continuance of the stop work notice.

Kind Regards

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Please consider the environment before printing this e-mail

From: [REDACTED]
Date: Wednesday, 8 May 2013 8:08 PM
To: [REDACTED]
Subject: Macquarie Development

I was present at the meeting on site where we discussed non-compliance issues with ESDD Compliance Staff. It was explained at the time that the issue concerned a work in progress that hadn't reached the stage of being non-compliant. The slab in question was a structural element below roof sheeting level and as such exempt from Development Approval. There were a few minor modifications to the structure on site with the intent of still achieving the required outcome as per the conditions of the DA.

- The screen wall has been changed from light weight foam to solid brick and lifted to 1.1m above floor level. The enclosed roof area is now to contain AC units and will become a Plant area. A structural beam and concrete slab have been put in place to support this. The drainage has also been redirected to the side rather than run through under the wall with the roof. As such the roof sheeting now runs to the drain that has been created as part of the underlying slab. This area will still be a roof rather than a terrace area and be fully compliant with the DA and Territory Plan.
- Condition A2 allows for maintenance access to the roof. This is provided by the French doors off the bedroom. Double doors were selected to reduce the area lost by the swing of the doors to allow for more service area on the service platform.
- The full height frame to the Ensuite is being modified to fit a full height fixed pane of glass. This is slightly different to the openable windows indicated on the approved plans but consistent with the intent.

There were a number of other minor design changes on site that needed to be picked up in an amendment application to be approved. It was agreed on site with the Compliance officers that the roof would be constructed over the concrete slab; the window would be modified on the approved plans; the French doors were ambiguous on the elevations and would be fixed up with the amendment and that they were for service access consistent with the condition of the DA. This work was to be completed by DNA and submitted to ACTPLA. We have almost completed this documentation along with a few other modifications ready to lodge. The undertaking advised on site was that no action would be taken on the Stop Work Notice as long as these issues were addressed. Neither work on site or work in our office on the DA application has varied from this undertaking. There should be no justification for ESDD to go back on the agreement that was reached and now place a Stop Work Notice on the site.



106 of 138
The Registrar of Construction Occupation
ESDD
Dickson


8/5/13

RE: Block 5 Section 26 Macquarie

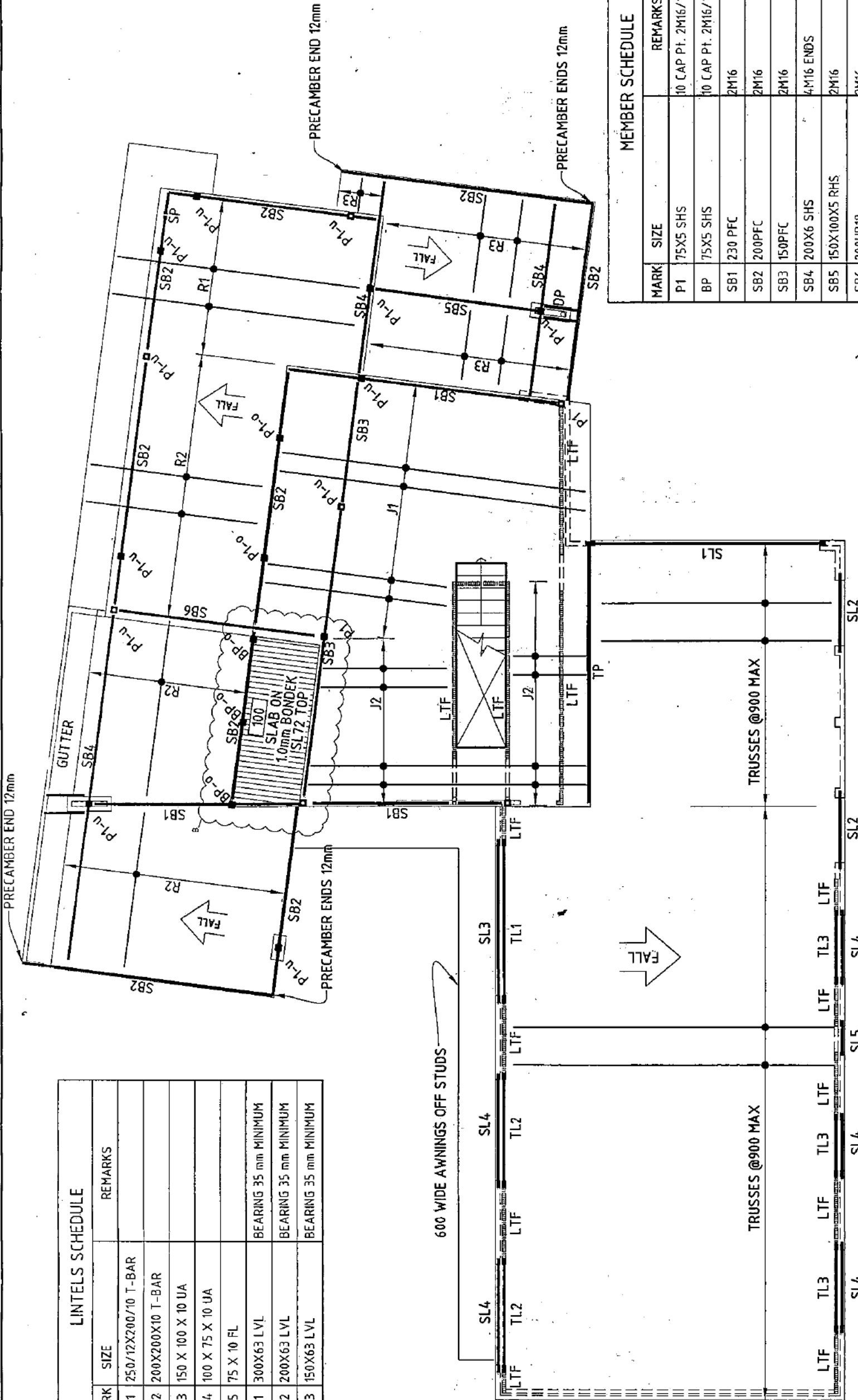
Dear Registrar,

in relation to amendments 5/25 Macquarie
I give an undertaking that NO work will be
carried out on the roofed area of air conditioning
units, other than access (for construction purposes), until
the amendments to the DIA & BIA are approved.

Yours sincerely



LINTELS SCHEDULE	
MARK	REMARKS
SL1	250/12X200/10 T-BAR
SL2	200X200X10 T-BAR
SL3	150 X 100 X 10 UA
SL4	100 X 75 X 10 UA
SL5	75 X 10 FL
TL1	300X63 LVL BEARING 35 mm MINIMUM
TL2	200X63 LVL BEARING 35 mm MINIMUM
TL3	150X63 LVL BEARING 35 mm MINIMUM



MARK	SIZE	REMARKS
P1	75X5 SHS	10 CAP PT. 2M16/10 BASE PT. 2M16 CHEMSETS
BP	75X5 SHS	10 CAP PT. 2M16/10 BASE PT. 2M16 CHEMSETS
SB1	230 PFC	2M16
SB2	200PFC	2M16
SB3	150PFC	2M16
SB4	200X6 SHS	4M16 ENDS
SB5	150X100X5 RHS	2M16
SB6	200UB18	2M16
TP	200x45 LVL	
LTF	LOAD BEARING TIMBER FRAME	
J1	250 HJ JOISTS @ 450	
J2	200X45 LVL JOISTS @ 450	
R1	240X45 LVL @ 900	
R2	200X45 LVL @ 900	
R3	130X45 LVL @ 900	
SP	2x10PT.2M16 BOLTS	

Issue 1 A B	FOR INFORMATION	Date	13/02/12
	FOR CONSTRUCTION	Date	13/03/13
	CHANGES AS CLOUSED	Date	08/05/13
PROJECT PROPOSED NEW RESIDENCE BLOCK 5 SECTION 26, MACQUARIE ACT		ARCHITECTS DNA ARCHITECTS	CONSULTING ENGINEERS Unit 4 Southern Cross House 9 Melky St, Turner ACT 2611 Tel: (02) 6247 0011 Fax: (02) 6248 7518
DIRECTOR K.J.M.		DRAWING TITLE UPPER FLOOR PLAN	Job no. 11-069 Date MAY'11 Dwg. no. S200 Rev-B

Johnston, HeatherG

From: [REDACTED]
Sent: Thursday, 9 May 2013 10:50 AM
To: Middlemiss, David; Apps, Peter
Cc: [REDACTED]
Attachments: FW: Macquarie Development
S200-B.pdf

Dear David and Peter,

Please find attached the structural drawing. Which show the bondek area that is currently causing a stop work notice. As you are now aware this is a structural element and not a planning issue.

Refer to my email below.

Kind regards,



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From: [REDACTED]
Sent: Wednesday, 8 May 2013 7:09 PM
To: [REDACTED]

[REDACTED]

I was present at the meeting on site where we discussed non-compliance issues with ESDD Compliance Staff. It was explained at the time that the issue concerned a work in progress that hadn't reached the stage of being non-compliant. The slab in question was a structural element below roof sheeting level and as such exempt from Development Approval. There were a few minor modifications to the structure on site with the intent of still achieving the required outcome as per the conditions of the DA.

- The screen wall has been changed from light weight foam to solid brick and lifted to 1.1m above floor level. The enclosed roof area is now to contain AC units and will become a Plant area. A structural beam and concrete slab have

been put in place to support this. The drainage has also been redirected to the side rather than run through under the wall with the roof. As such the roof sheeting now runs to the drain that has been created as part of the underlying slab. This area will still be a roof rather than a terrace area and be fully compliant with the DA and Territory Plan.

- Condition A2 allows for maintenance access to the roof. This is provided by the French doors off the bedroom. Double doors were selected to reduce the area lost by the swing of the doors to allow for more service area on the service platform.
- The full height frame to the Ensuite is being modified to fit a full height fixed pane of glass. This is slightly different to the openable windows indicated on the approved plans but consistent with the intent.

There were a number of other minor design changes on site that needed to be picked up in an amendment application to be approved. It was agreed on site with the Compliance officers that the roof would be constructed over the concrete slab; the window would be modified on the approved plans; the French doors were ambiguous on the elevations and would be fixed up with the amendment and that they were for service access consistent with the condition of the DA. This work was to be completed by DNA and submitted to ACTPLA. We have almost completed this documentation along with a few other modifications ready to lodge. The undertaking advised on site was that no action would be taken on the Stop Work Notice as long as these issues were addressed. Neither work on site or work in our office on the DA application has varied from this undertaking. There should be no justification for ESDD to go back on the agreement that was reached and now place a Stop Work Notice on the site.



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Johnston, HeatherG

From: [REDACTED]
Sent: Friday, 10 May 2013 7:59 AM
To: Apps, Peter
Cc: [REDACTED]
Subject: Stop Work 5/26 Macquarie
Attachments: Compliance SW.pdf

Dera Registrar,

Please find attached submission in relation to the stop work placed on block 5 section 26 Macquarie, to expedite the matter I would appreciate all correspondence via email is possible.

A hard copy has been hand delivered to ESDD at Dickson this morning.

Kind Regards

 Please consider the environment before printing this e-mail

Mr. David Middlemiss
The Registrar of Construction Compliance
ESDD, Dickson
ACT, 2601

Dear Registrar,

RE: Stop work notice Block 5 Section 26 Macquarie

I am writing to you in the hope we can resolve this matter today; in the event that we are unable to reach an agreement it is my intention to place this matter before the minister and seek his intervention. It is my view that minor matters such as those itemised below can be easily resolved by reasonable people without the need for take heavy handed and unnecessary action.

The details are as follows.

I refer to the notice 8 May 2013, Mr. Peter Apps (*Building Inspector*), below

Items 1 & 2

Are self-explanatory.

Item 3

1. The tree preservation plan was found to be deficient by the (*EDDD*) inspector in relation to tree canopy coverage, which prohibited all access to the block via the driveway.
2. The driveway was required to be removed for access by ACTEW to unblock the sewer tie; the remedies applied after was that course mulch was put down around the tree canopy to minimise compaction.
3. The (*ESDD*) officer assisted with a better management plan.
4. The tree is an intricate part of the overall development; extremely healthy; is deep watered regularly; is fenced correctly with erosion controls.

Item 4

Please refer to [REDACTED] correspondence 8 May 2013 (*attached*)

Item 5 to 6

1. Mr. [REDACTED] took out the license for demolition, insofar as we were aware this company is reputable and carries out numerous demolitions in Canberra and Queanbeyan.
2. In the event this was an issue it should have been taken up with [REDACTED] by (*ESDD*) compliance during the demolition phase.

Item 7 & 8

Are self-explanatory

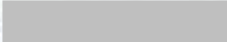


Item 9

Condition A2 stipulates that the roof is non-trafficable, **except for maintenance purposes.**

1. The concrete pad along with the 1.1Mtr double brick wall is an engineering element for the support of air conditioning plant that requires a solid and stable platform for the reduction of vibration and sound emissions.

Item 10

Please refer to  correspondence attached

Item 12

Are self-explanatory.

Item 13

Mr. George Gilliers comments in relation to (item 11), 'that the upper floor slab as installed was unlikely to be compliant'.

Mr. Gilliers did not have all of information in relation to the engineering drawings and was not aware at the time that the concrete pad was to support the air conditioning plant, nor was he aware that the air conditioning plant consisted of three units and will take up 75% to 80% of the concrete slab.


Item 14 & 15

I had then agreed to give you an undertaking on the area causing the drama with the neighbor. This undertaking was given under duress and in good faith, and not to be used as a weapon against the project or me at a later stage.

Please refer to



Item 16

Please refer to  correspondence 8 May 2013 (*attached*)





Submission to the Registrar.

1. In light of the Engineering drawings supplied by [REDACTED] and that the concrete pad is an engineering element and not a planning element, the stop work is lifted so that the project can progress to pre-sheet stage.
2. In the event you see fit to continue the stop work then my submission is.

That the stop work be partially lifted so that the following works in progress can be completed.

- a. The roof is 80% complete and is in urgent need of completion so that the building is watertight and internal frames are not damaged by weather; the frames have already been plumbed and planned (*pre-sheeted*).
- b. The electrical, plumbing and insulation rough-ins are currently 75% complete and need to be completed before last roofing sections are placed.
- c. The removal of the scaffolding and site clean up

I would appreciate a response from you in writing by close of business today.

The effect of the stop work has put four trade's people out of work with no other job to go to, they have families and mortgages to pay and like myself are members of the CFMEU.

Yours sincerely





NOTICE OF DECISION

For issue of stop work notice under section 53 of the *Building Act 2004*

BLOCK 5 SECTION 26 Macquarie

Lessee/Occupant: [REDACTED]

Builder: [REDACTED]

A. THE DECISION

In accordance with Section 53 of the *Building Act 2004*, I Peter Apps, Building Inspector of the Australian Capital Territory have decided to issue a stop work notice for the following reasons:

B. FACTS AND REASONS

1. On 8 March 2012, development approval DA-201120734, being for the "demolition of existing brick house and the erection of a new two storey residence with attached garage", was given conditional approval.
2. On 7 May 2012, DA-201120734 was reconsidered, removing conditions A1 (a) (i) & (ii) from the notice of decision, but retaining all other conditions.
3. On 1 March 2013 a complaint was received by the Environment and Sustainable Development Directorate (ESDD) that development underway at block 5 section 26 Macquarie was not in accordance with the tree management plan submitted to the Conservator of Flora and Fauna.
4. On 4 April 2013 a complaint was received by the Environment and Sustainable Development Directorate (ESDD) that development underway at block 5 Section 26 Macquarie was not in accordance with the conditions of DA-201120734.
5. On 6 July 2012 building approval B20123255 was issued for the demolition of the existing residence and garage by [REDACTED] building surveyor with license number 200426203. No asbestos control plan was included in the building approval documents for the demolition.
6. On 6 July 2012 a building commencement notice was issued for the demolition of the existing residence and garage to [REDACTED] class builder with license number 200012208.

7. On 30 August 2012 building approval B20124207 was issued for the construction of new residence, garage, alfresco and porch by [REDACTED]
8. On 30 August 2012 a building commencement notice was issued for the construction of new residence, garage, alfresco and porch to [REDACTED] B class builder with license number 20081142.
9. Condition A2 in the notice of decision for DA-201120734 states:
 - A2. The type of roof shall be of lightweight material and shall not be accessible from the upper floor level bedroom and/or ensuite. The roof shall be non-trafficable, except for maintenance purposes.
10. I conducted an inspection of the site on 17 April 2013. At the inspection I observed a residence under construction and at framing stage. I observed that the roof was accessible from the upper floor level bedroom and ensuite via doors that had been installed in place of the windows shown on the approved plans. I also observed that a concrete slab had been poured which would be consistent with a load-bearing and trafficable surface for an outdoor upper-floor terrace.
11. On 30 April 2013, Mr George Cilliers, Technical Coordinator Merit North, provided advice that the upper-floor slab as installed was unlikely to be compliant with the relevant condition, being A2 of the notice of decision attached to DA -201120734.
12. At approximately 9:00 am on 8 May 2013, I phoned and advised [REDACTED] that I intended to place a stop work notice on the works being undertaken at block 5 section 26 Macquarie.
13. At 9:30 am on 8 May 2013, [REDACTED] arrived at the ESDD shopfront located at 16 Challis Street and requested a meeting to discuss matters in relation to amendments he intended to lodge for changes to the area outside the upper bedroom / ensuite.
14. I attended the shopfront accompanied by Mr Sam Bond , building inspector. At this meeting [REDACTED] discussed his intentions in relation to lodging an amendment for the building works at the above block. [REDACTED] also wrote a letter to Mr David Middlemiss, the Construction Occupations Registrar, stating that he would not be undertaking any further works to the upper floor area outside the bedroom / ensuite until such time as the required amendments are approved.
15. [REDACTED] letter presumes development approval; which is not certain. Rectifying any unlawful development would be more complicated as the development progresses.

16. After consideration of the above, I have determined it appropriate to issue a stop work notice under Section 53(1)(b)—the building work is being carried out otherwise in accordance with the approved plans for the building work; and Section 53(1)(g)—for building work forming part of a development with development approval—contrary to the approval, or a condition of the approval;



Peter Apps
Building Inspector
Environment and Sustainable Development Directorate



May 2013

Subject: Macquarie Development

Date: Wednesday, 8 May 2013 8:08:52 PM Australian Eastern Standard Time

From: [REDACTED]

To: [REDACTED]

I was present at the meeting on site where we discussed non-compliance issues with ESDD Compliance Staff. It was explained at the time that the issue concerned a work in progress that hadn't reached the stage of being non-compliant. The slab in question was a structural element below roof sheeting level and as such exempt from Development Approval. There were a few minor modifications to the structure on site with the intent of still achieving the required outcome as per the conditions of the DA.

- The screen wall has been changed from light weight foam to solid brick and lifted to 1.1m above floor level. The enclosed roof area is now to contain AC units and will become a Plant area. A structural beam and concrete slab have been put in place to support this. The drainage has also been redirected to the side rather than run through under the wall with the roof. As such the roof sheeting now runs to the drain that has been created as part of the underlying slab. This area will still be a roof rather than a terrace area and be fully compliant with the DA and Territory Plan.
- Condition A2 allows for maintenance access to the roof. This is provided by the French doors off the bedroom. Double doors were selected to reduce the area lost by the swing of the doors to allow for more service area on the service platform.
- The full height frame to the Ensuite is being modified to fit a full height fixed pane of glass. This is slightly different to the openable windows indicated on the approved plans but consistent with the intent.

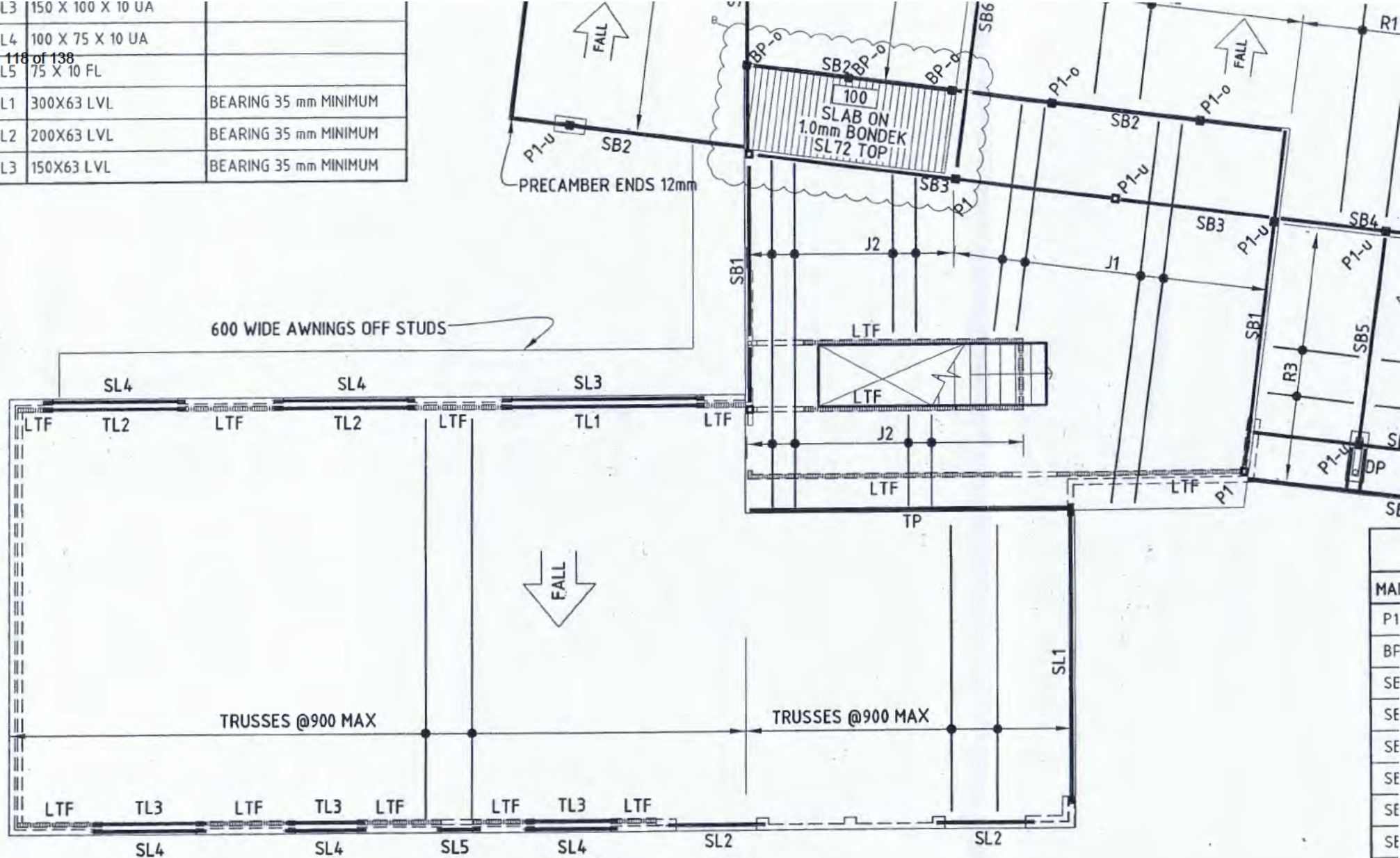
There were a number of other minor design changes on site that needed to be picked up in an amendment application to be approved. It was agreed on site with the Compliance officers that the roof would be constructed over the concrete slab; the window would be modified on the approved plans; the French doors were ambiguous on the elevations and would be fixed up with the amendment and that they were for service access consistent with the condition of the DA. This work was to be completed by DNA and submitted to ACTPLA. We have almost completed this documentation along with a few other modifications ready to lodge. The undertaking advised on site was that no action would be taken on the Stop Work Notice as long as these issues were addressed. Neither work on site or work in our office on the DA application has varied from this undertaking. There should be no justification for ESDD to go back on the agreement that was reached and now place a Stop Work Notice on the site.

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SL3	150 X 100 X 10 UA	
SL4	100 X 75 X 10 UA	
SL5	75 X 10 FL	
TL1	300X63 LVL	BEARING 35 mm MINIMUM
TL2	200X63 LVL	BEARING 35 mm MINIMUM
TL3	150X63 LVL	BEARING 35 mm MINIMUM

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Johnston, HeatherG

From: Oshyer, Aaron
Sent: Wednesday, 22 May 2013 5:57 PM
To: Gaze, Reuben
Cc: Cilliers, George
Subject: [REDACTED]

dt

Hi Reuben,

[REDACTED] requested that this information be forward to you.

Regards,

Aaron

From: [REDACTED]
Sent: Wednesday, 22 May 2013 4:35 PM
To: Cilliers, George; Oshyer, [REDACTED]
[REDACTED]

George

These would be the proposed amended drawings to go forward with. I haven't been able to get Ruben to take my calls to resolve the issue of disconnecting the DA amendment from the Stop Work. I am about to go for a meeting that will take the rest of the afternoon.

The proposal is for Ruben to allow demolition to occur on site to remove the French doors in their entirety. These would be replaced with a window that has a sill at 900mm consistent with the conditions of the DA. There would be no access to the AC area without climbing onto the roof and over the screen wall. In my opinion as soon as the door is removed the job is 100% compliant with the DA on this issue and there would be no need for the Stop Work. There is no need for an amendment to the existing DA to make the project compliant. The amendment will pick up the additional changes being requested but the AC area with the sole exception of changing the orientation of the roof sheeting and the material of the wall going to brick will be unchanged from the DA.

The attached drawings clearly show the intent and as the project is a work in progress there should be no further reason to justify holding up the construction. There is no justification for not allowing the immediate rectification of the non-compliance. Failure to do this would be to justify the accusation of harassment. I have offered a simple solution. Please act on it with haste.

George. As I don't have Rubens contact info I would appreciate it if you could pass this on and see if we can get this

[REDACTED]

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From: [REDACTED]
Sent: Wednesday, 22 May 2013 3:33 PM
To: [REDACTED]
Subject: [REDACTED]

Change made to A13



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BUILDING ENERGY RATING SCHEME



BLOCK 5 SECTION 26
SUBURB MACQUARIE POSTCODE 2614
CLIMATE ZONE 24

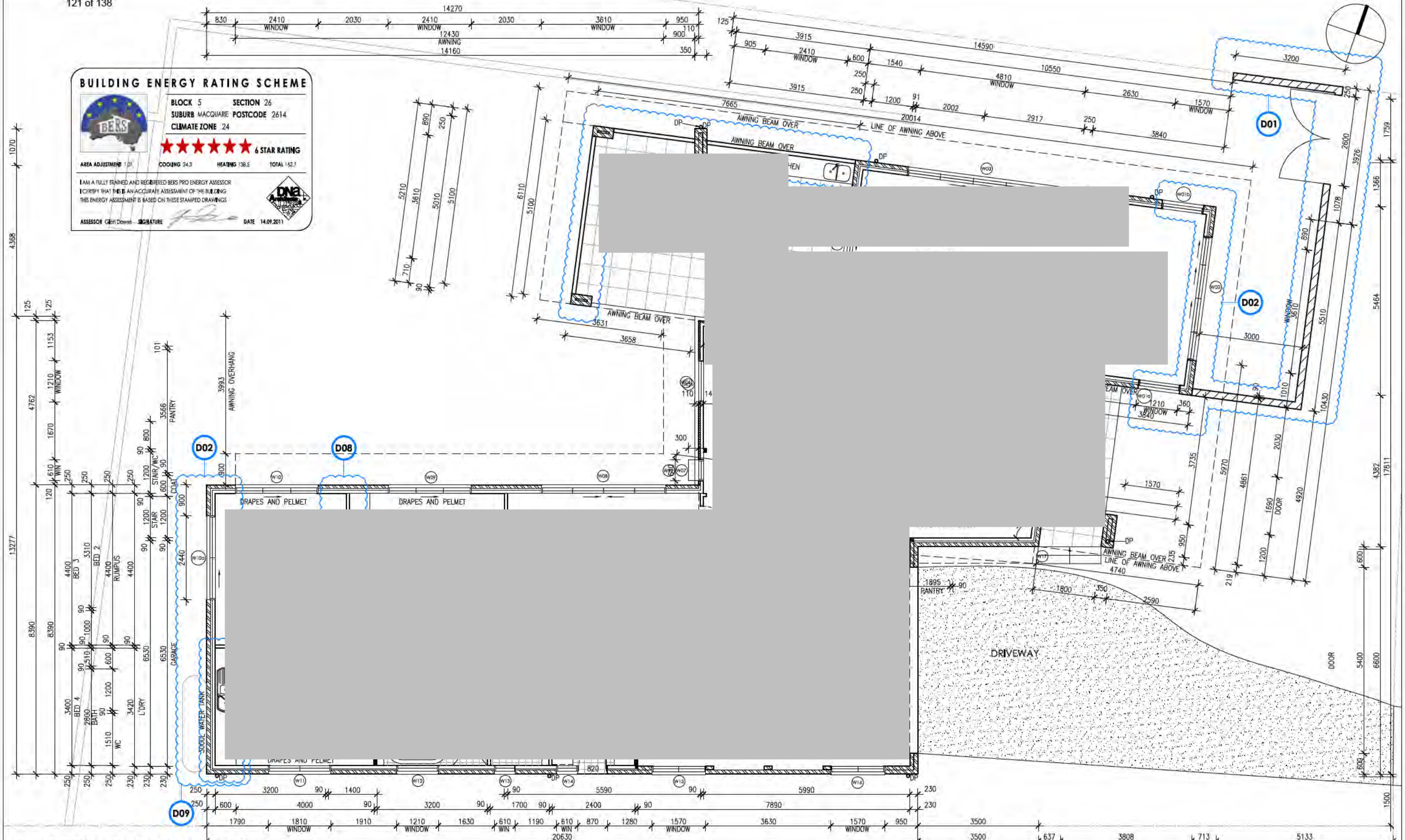
★★★★★★ 6 STAR RATING

AREA ADJUSTMENT 1.01 COOLING 24.3 HEATING 136.5 TOTAL 162.7

I AM A FULLY TRAINED AND REGISTERED BERS PRO ENERGY ASSESSOR
 I CERTIFY THAT THIS IS AN ACCURATE ASSESSMENT OF THE BUILDING
 THIS ENERGY ASSESSMENT IS BASED ON THESE STAMPED DRAWINGS



ASSESSOR Glen Doves SIGNATURE DATE 14.09.2011



GROUND FLOOR PLAN

Scale 1:100 @ A3



SUITE 10, 14 LONSDALE ST
 BRADBOOM A.C.T.
 ABN: 49 037 308 325
 T: 02 8230 4888
 F: 02 6230 4898
 www.dnatech.com.au

GENERAL NOTES:
 All works are to comply with the relevant Australian standards & all relevant authority requirements.
 All dimensions dependent on existing site conditions shall be verified by the builder on site prior to the commencement of the works. DO NOT SCALE OFF DRAWINGS.
 A registered engineer to set out structure & confirm positions of all relevant building envelope structures & openings prior to the commencement of the works.
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 All concrete slabs & footings are subject to a soil classification & are to comply with engineers drawings or AS2870 'residential slabs & footings code' including all relevant region specific requirements.
 All storm water drainage & sewerage to be connected to existing services in accordance with the BCA & all local authority requirements or existing sewer tank or septic system.
 All beds, beams, & supports to be specified by a registered engineer or relevant Australian Standard.
 Provide termite control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide anti-capping and termite tanks.
 The structure shall be maintained in a stable condition at all times, & all elements shall be over-strengthened, during & after construction.
 All new areas shown shall be to client satisfaction or inclusion by client.
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REVISION NO.	DESCRIPTION	DATE
A	14.11.2011	
A01	AMEND GLASS BALUSTRADE TO BE SOLID	
B	22.11.2011	
B02	RETAIN REGULATED TREES T5,T6,T7,T8	
B03	ELEVATIONS NAMES AMENDED	
B04	TERRACE REMOVED FROM BED 1	
C	14.11.2011	
A01	POLYSTYRENE AWNING CORRECTED	

REVISION NO.	DESCRIPTION	DATE
D	24.04.2013 - AMENDMENTS TO DA	
D01	PROPOSED LANDSCAPE WALL	
D02	AMENDMENTS TO WINDOWS/ DOORS	
D03	AMENDMENTS TO ROOF	
D04	AMENDMENTS TO AWNING	
D05	NEW AWNING	
D06	AMENDMENTS TO THE ALFRESCO AREA	
D07	AMENDMENTS TO RETAINING WALL	

REVISION NO.	DESCRIPTION	DATE
D08	AMENDMENTS TO ROOM LAYOUT	
D09	AMENDMENTS TO WATER TANK	
D10	AMENDMENTS TO MATERIAL SELECTION	
D11	AMENDMENTS TO A/C PLANT	
E	22.05.2013 - AMENDMENTS TO DA	
E01	AMENDMENTS TO WINDOWS/ DOORS	
E02	AMENDMENTS TO FIXTURES	

BLOCK 5
SECTION 26
ADDRESS [REDACTED]
SUBURB MACQUARIE
STATE ACT
SCALE 1:100 @ A3

DRAWING GROUND FLOOR PLAN
PROJECT PROPOSED NEW RESIDENCE
CLIENT [REDACTED]

DRAWN GD/MW
REVISION E
REVISION DATE 22.05.13
PROJECT NO 1165
PRINT DATE 09.05.2013
DWG NO DA-A05

122 of 138
BUILDING ENERGY RATING SCHEME



BLOCK 5 SECTION 26
SUBURB MACQUARIE POSTCODE 2614
CLIMATE ZONE 24

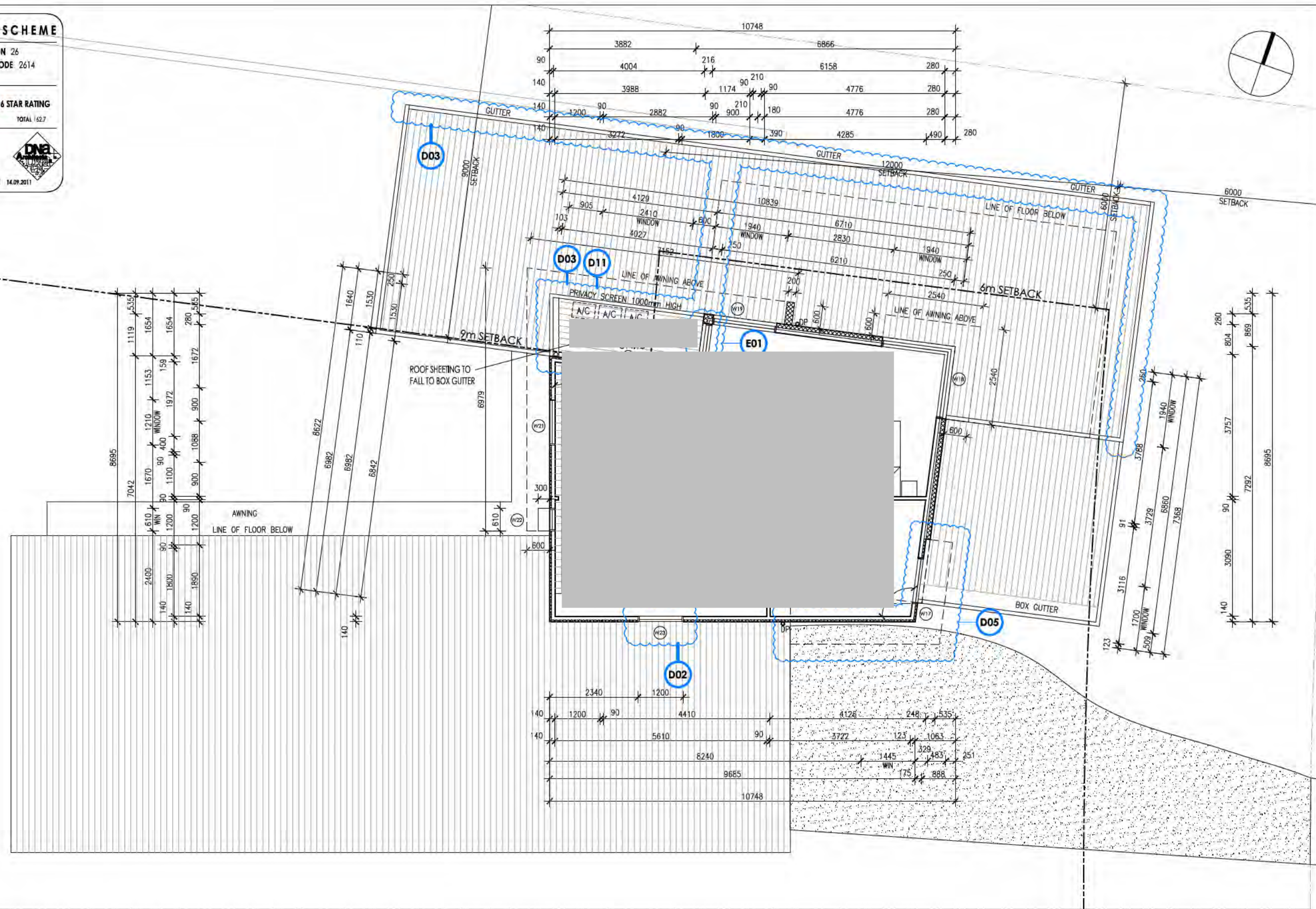
★★★★★ **6 STAR RATING**

AREA ADJUSTMENT 1.01 COOLING 24.3 HEATING 138.5 TOTAL 162.7

I AM A FULLY TRAINED AND REGISTERED BERS PRO ENERGY ASSESSOR
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THIS ENERGY ASSESSMENT IS BASED ON THESE STAMPED DRAWINGS



ASSESSOR Glen Dawse SIGNATURE DATE 14.09.2011



UPPER FLOOR PLAN
Scale 1:100 @ A3

SUITE 10, 14 LONSDALE ST
BRADSDON A.C.Y
ABN: 49 037 308 325
T: 02 8230 4888
F: 02 6230 4898
www.dnaarchitects.com.au
Registration 988
Principal Nominee Glen Dawse

GENERAL NOTES:
All works are to comply with the relevant Australian standards & all relevant authority requirements.
All dimensions dependent on existing site conditions shall be verified by the builder on site prior to the commencement of the works. DO NOT SCALE OFF DRAWINGS.
A registered surveyor to set out structure & confirm positions of all relevant building envelope setbacks & easements prior to the commencement of the works.
All timber framing & construction must comply with AS1684 (the national timber framing code), provide temporary & permanent bracing to all framing in accordance with the standard.
All concrete slabs & footings are subject to a soil classification & are to comply with engineers drawings or AS2870 residential slabs & footings code including all relevant region specific requirements.
All storm water drainage & sewerage to be connected to existing services in accordance with the BCA & all local authority requirements or selected sewer tank or septic system.
All beds, beams, & supports to be specified by a registered engineer or relevant Australian Standard.
Provide termite control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide anti-capping and termite tanks.
The structure shall be maintained in a stable condition at all times, & no adjustment shall be undertaken, during & after construction.
All work areas shall be to the satisfaction of the relevant authority.
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C	14.11.2011	
C01	POLYSTYRENE AWNING CORRECTED	
D	24.04.2013 - AMENDMENTS TO DA	
D01	PROPOSED LANDSCAPE WALL	
D02	AMENDMENTS TO WINDOWS/ DOORS	
D03	AMENDMENTS TO ROOF	
D04	AMENDMENTS TO AWNING	
D05	NEW AWNING	
D06	AMENDMENTS TO THE ALFRESCO AREA	
D07	AMENDMENTS TO RETAINING WALL	

BLOCK 5
SECTION 26
ADDRESS: [REDACTED]
SUBURB **MACQUARIE**
STATE **ACT**
SCALE **1:100 @ A3**

DRAWING UPPER FLOOR PLAN
PROJECT **PROPOSED NEW RESIDENCE**
CLIENT: [REDACTED]

DRAWN **GD/MW**
REVISION **E**
REVISION DATE **22.05.13**
PROJECT NO **1165**
PRINT DATE **09.05.2013**
DWG NO **DA-A06**

123 of 138
BUILDING ENERGY RATING SCHEME



BLOCK 5 SECTION 26
SUBURB MACQUARIE POSTCODE 2614
CLIMATE ZONE 24

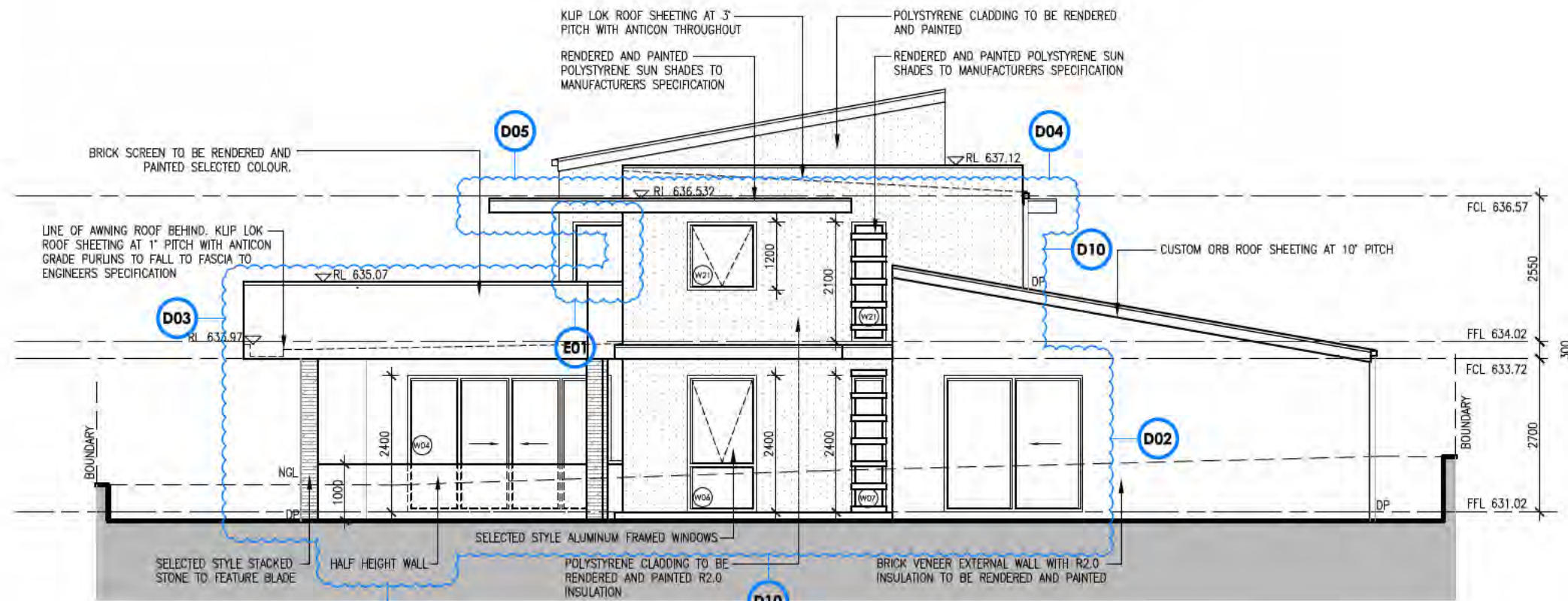
★ ★ ★ ★ ★ ★ **6 STAR RATING**

AREA ADJUSTMENT 1.01 COOLING 24.3 HEATING 138.5 TOTAL 162.7

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I CERTIFY THAT THIS IS AN ACCURATE ASSESSMENT OF THE BUILDING
THIS ENERGY ASSESSMENT IS BASED ON THESE STAMPED DRAWINGS

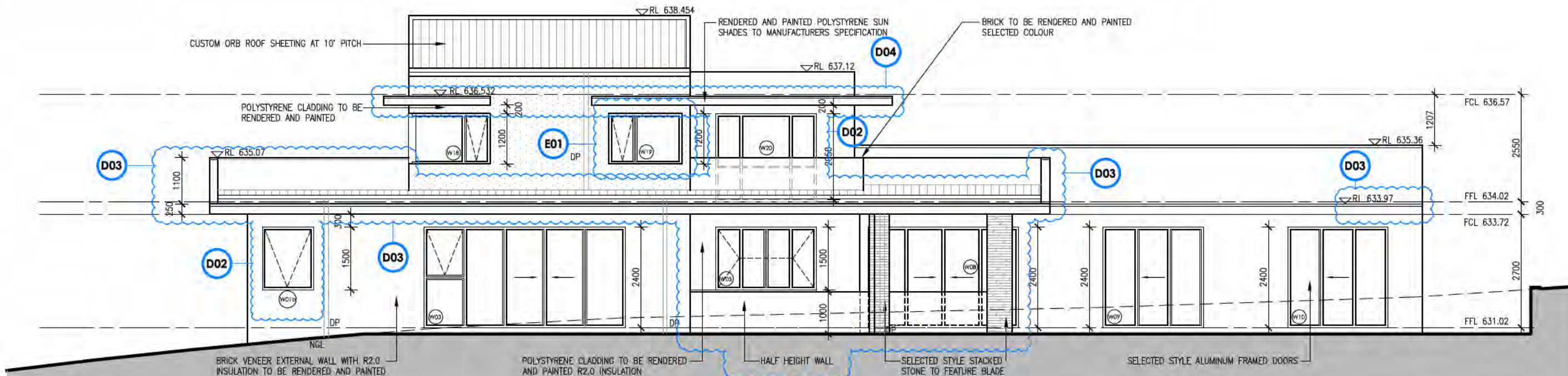


ASSESSOR Glen Dowse SIGNATURE DATE 14.09.2011



WEST ELEVATION

1:100 @ A3



NORTH ELEVATION

1:100 @ A3



dna architects

SUITE 10, 14 LONSDALE ST
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www.dnarchitects.com.au

Registration 968
Principal Nombee Glen Dowse

GENERAL NOTES:

All works are to comply with the relevant Australian standards & all relevant authority requirements.
All dimensions dependent on existing site conditions shall be verified by the builder on site prior to the commencement of the works. DO NOT SCALE OFF DRAWINGS.
A registered surveyor to set out structures & confirm positions of all relevant building envelope surfaces & requirements prior to the commencement of the works.
All timber framing & construction must comply with AS1684 The national timber framing code. Provide temporary & permanent bracing to all framing in accordance with the standard.
All concrete slabs & footings are subject to a soil classification & are to comply with engineers drawings & AS2870 residential slabs & footings code (including all relevant region specific requirements).
All storm water drainage & sewerage to be connected to existing services in accordance with the BCA & all local authority requirements or selected rainwater tank or septic system.
All bricks, blocks, & supports to be specified by a registered engineer or relevant Australian Standard.
Provide (separate) control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide anti-clogging and vermin barriers.
The structure shall be maintained in a suitable condition at all times, & no element shall be over-stressed, damaged or altered.
All relevant fixtures shall be to client's selection or inclusion etc.
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AMENDMENTS

REVISION NO	DESCRIPTION	DATE
A	14.11.2011	
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B03	ELEVATIONS NAMES AMENDED	
B04	TERRACE REMOVED FROM BED 1	
C	14.11.2011	
A01	POLYSTYRENE AWNING CORRECTED	

REVISION NO	DESCRIPTION	DATE
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D01	PROPOSED LANDSCAPE WALL	
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D03	AMENDMENTS TO ROOF	
D04	AMENDMENTS TO AWNING	
D05	NEW AWNING	
D06	AMENDMENTS TO THE ALFRESCO AREA	
D07	AMENDMENTS TO RETAINING WALL	

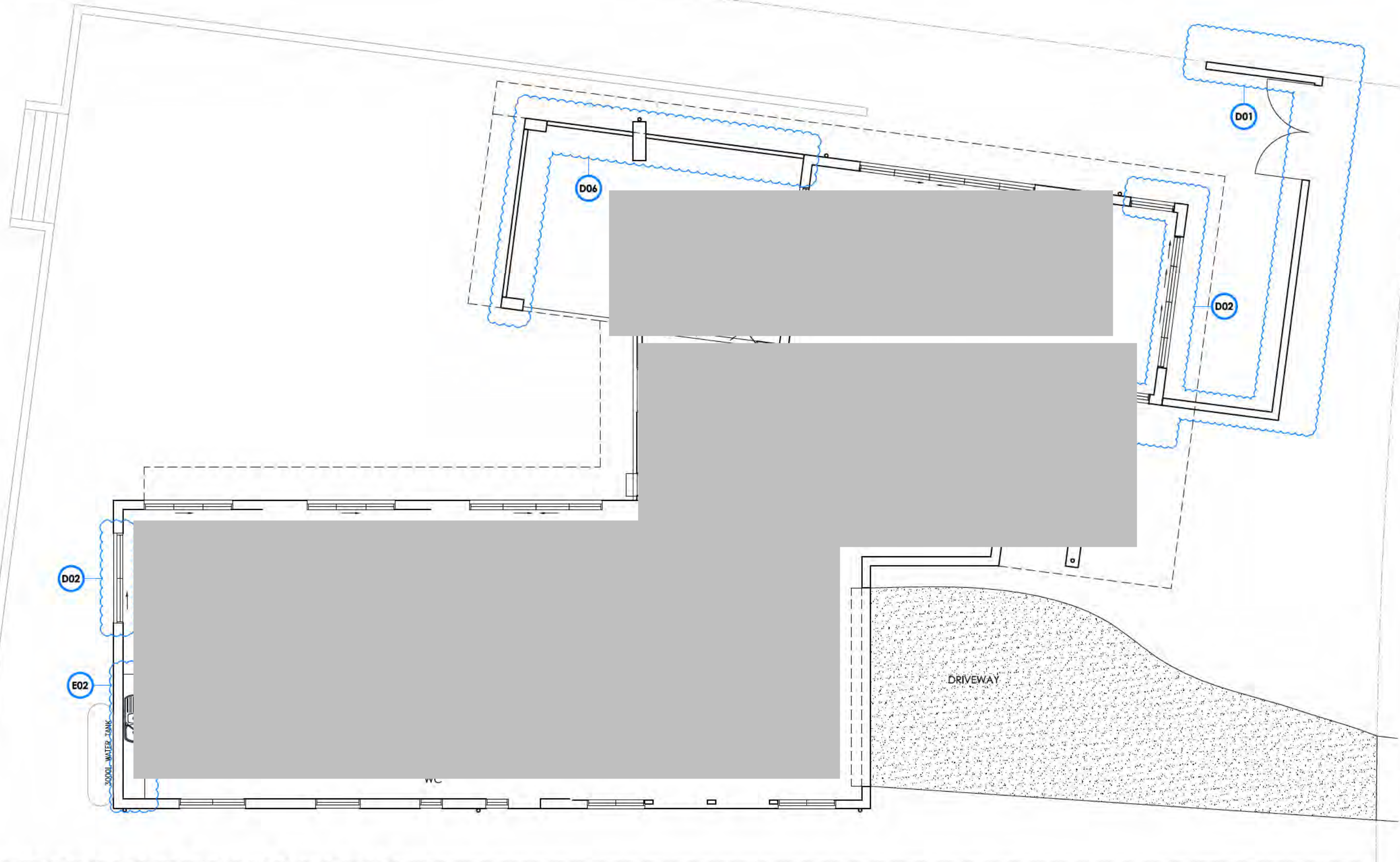
REVISION NO	DESCRIPTION	DATE
E	22.05.2013 - AMENDMENTS TO DA	
E01	AMENDMENTS TO WINDOWS/ DOORS	
E02	AMENDMENTS TO FIXTURES	

BLOCK 5
SECTION 26
ADDRESS [REDACTED]
SUBURB **MACQUARIE**
STATE **ACT**
SCALE **1:100 @ A3**

DRAWING ELEVATIONS 2

PROJECT **PROPOSED NEW RESIDENCE**
CLIENT [REDACTED]

DRAWN **GD/MW**
REVISION **E**
REVISION DATE **22.05.13**
PROJECT NO **1165**
PRINT DATE **09.05.2013**
DWG NO **DA-A08**



GROUND PUBLIC NOTIFICATION PLAN
1:100 @ A3



SUITE 10, 14 LONSDALE ST
BRADBOON A.C.T.
ABN: 43 037 308 329
T: 02 8230 4888
F: 02 6230 4899
www.dnaarchitects.com.au
Registration 086
Principal Nominee Glen Dowse

GENERAL NOTES:
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All beams, joists, & supports to be specified by a registered engineer or relevant Australian Standard.
Provide termite control to sub-floor in accordance with the BCA & all relevant local authority requirements or provide ant capping and termite tanks.
This structure shall be maintained in a stable condition at all times, & no element shall be over-stressed, during & after construction.
All work areas features shall be to client's satisfaction or inclusion list.
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B03	ELEVATIONS NAMES AMENDED	
B04	TERRACE REMOVED FROM BED 1	
C	14.11.2011	
C01	POLYSTYRENE AWNING CORRECTED	

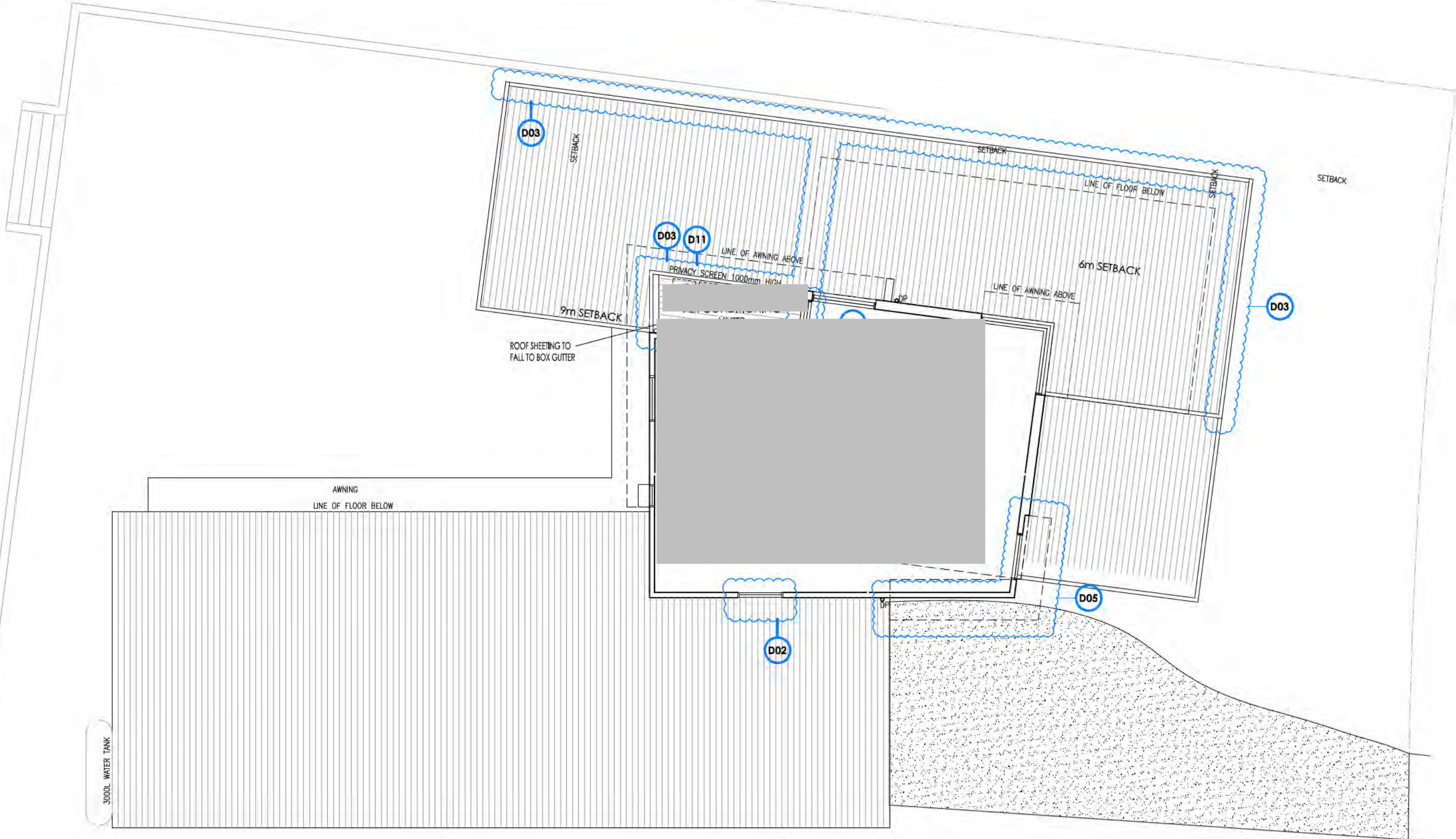
REVISION NO	DESCRIPTION	DATE
D	24.04.2013 - AMENDMENTS TO DA	
D01	PROPOSED LANDSCAPE WALL	
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D06	AMENDMENTS TO THE ALFRESCO AREA	
D07	AMENDMENTS TO RETAINING WALL	

REVISION NO	DESCRIPTION	DATE
D08	AMENDMENTS TO ROOM LAYOUT	
D09	AMENDMENTS TO WATER TANK	
D10	AMENDMENTS TO MATERIAL SELECTION	
D11	AMENDMENTS TO A/C PLANT	
E	22.05.2013 - AMENDMENTS TO DA	
E01	AMENDMENTS TO WINDOWS/ DOORS	
E02	AMENDMENTS TO FIXTURES	

BLOCK 5
SECTION 2A
ADDRESS [REDACTED]
SUBURB MACQUARIE
STATE ACT
SCALE 1:100 @ A3

DRAWING GROUND FLOOR PLAN PUBLIC NOTIFICATION
PROJECT PROPOSED NEW RESIDENCE
CLIENT [REDACTED]

DRAWN GD/MW
REVISION E
REVISION DATE 22.05.13
PROJECT NO 1165
PRINT DATE 09.05.2013
DWG NO DA-A12



UPPER PUBLIC NOTIFICATION PLAN
1:100 @ A3



SUITE 10, 14 LONSDALE ST
BRADBON A.C.T.
ABN: 43 037 308 325
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F: 02 6230 4899
www.dnaarchitects.com.au
Registration 986
Principal Nominee Glen Cowse

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C	14.11.2011	
A01	POLYSTYRENE AWNING CORRECTED	

REVISION NO	DESCRIPTION	DATE
D	24.04.2013 - AMENDMENTS TO DA	
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REVISION NO	DESCRIPTION	DATE
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D11	AMENDMENTS TO A/C PLANT	
E	22.05.2013 - AMENDMENTS TO DA	
E01	AMENDMENTS TO WINDOWS/ DOORS	
E02	AMENDMENTS TO FIXTURES	

BLOCK **5**
SECTION **26**
ADDRESS [REDACTED]
SUBURB **MACQUARIE**
STATE **ACT**
SCALE **1:100 @ A3**

DRAWING **UPPER FLOOR PLAN PUBLIC NOTIFICATION**
PROJECT [REDACTED]
CLIENT **SARRI RESIDENCE**

DRAWN **GD/MW**
REVISION **E**
REVISION DATE **22.05.13**
PROJECT NO **1165**
PRINT DATE **09.05.2013**
DWG NO **DA-A13**

Johnston, HeatherG

From: Cilliers, George
Sent: Thursday, 23 May 2013 12:33 PM
To: [REDACTED]
Subject: Oshyer, Aaron
RE: Macquarie development

Hi Reuben,

The approved DA plans showed a kliplock metal roof in that area. I am of the view that that the metal roof part, as such, will be in accordance with the approved DA and would therefore not require an amendment for that purpose. (That is to say that it is not a "metal deck", but a part of the roof)

Regards

George Cilliers | Technical Coordinator (Merit North)

[REDACTED]
Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

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From: Gaze, Reuben
Sent: Thursday, 23 May 2013 12:28 PM
To: Cilliers, George
Cc: Oshyer, Aaron
Subject: FW: Macquarie development

Dear George

Further to the below, can you also advise whether the installation of metal deck sheeting on the upper floor slab is a change that is DA exempt or whether it is required to be shown on a DA amendment and therefore approved before it can be commenced.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au
Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
www.actpla.act.gov.au

From: Gaze, Reuben
Sent: Thursday, 23 May 2013 12:24 PM
To: Cilliers, George
Cc: Oshyer, Aaron
Subject: Macquarie development

Dear George

I understand from our conversation yesterday that the proponents proposal to install metal deck roof sheeting over the upper floor external slab and to change the doors that open out on to that upper floor external area into windows would essentially address planning concerns that the development may not comply with condition A2. Can you confirm that this is the case?

Kind regards

Reuben Gaze | Team Leader Investigation Unit

2 | Email actplalru@act.gov.au

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

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

www.actpla.act.gov.au

Johnston, HeatherG

From: Cilliers, George
Sent: Thursday, 23 May 2013 12:34 PM
To: Gaze, Reuben
Cc: Oshyer, Aaron
Subject: RE: Macquarie development

Hi Reuben,
That is correct
Regards

George Cilliers | Technical Coordinator (Merit North)

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

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Sent: Thursday, 23 May 2013 12:24 PM
To: Cilliers, George
Cc: Oshyer, Aaron
Subject: Macquarie development

Dear George

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Kind regards

Reuben Gaze | Team Leader Investigation Unit

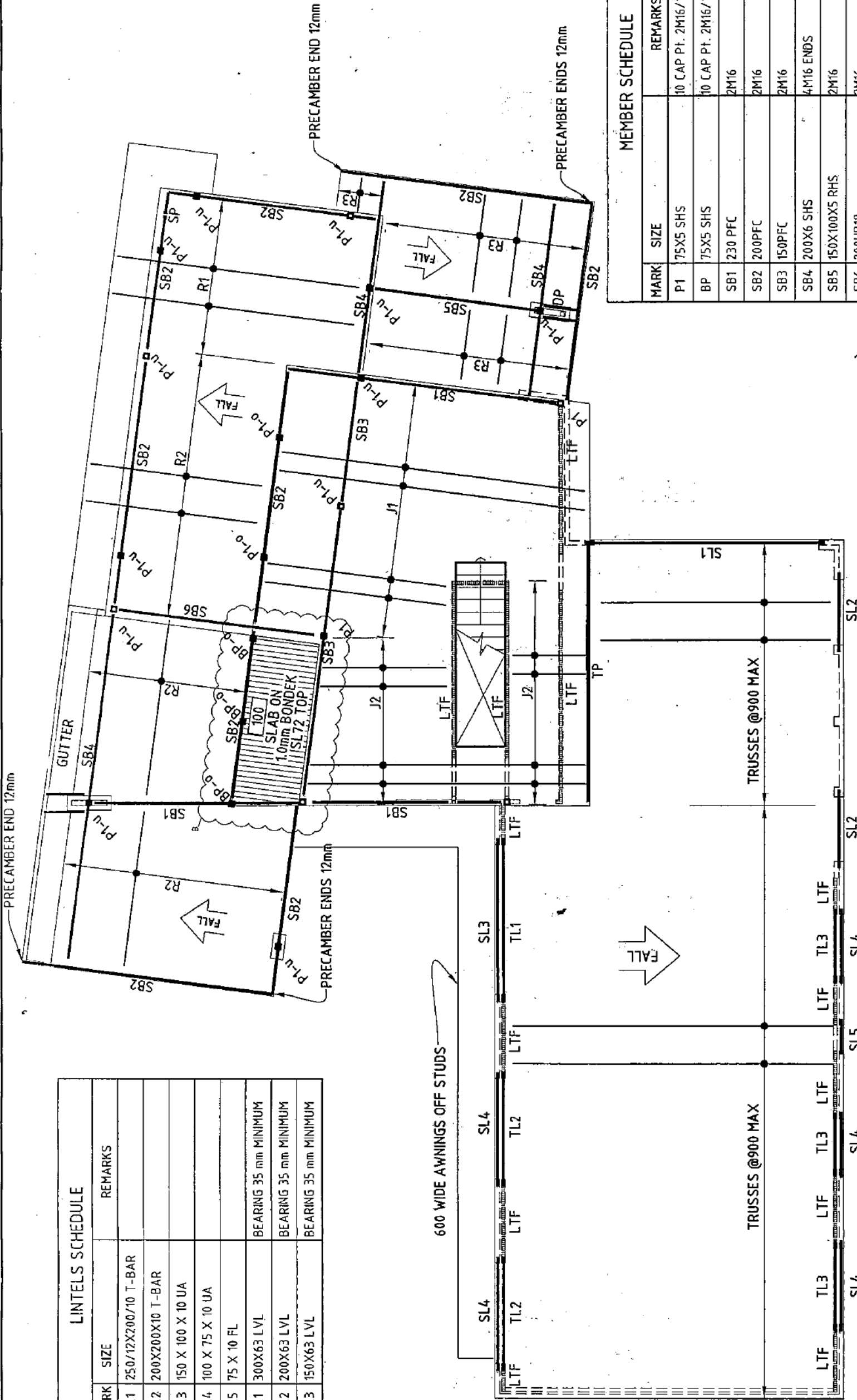
 | Email actplalru@act.gov.au

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


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

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LINTELS SCHEDULE	
MARK	REMARKS
SL1	250/12X200/10 T-BAR
SL2	200X200X10 T-BAR
SL3	150 X 100 X 10 UA
SL4	100 X 75 X 10 UA
SL5	75 X 10 FL
TL1	300X63 LVL BEARING 35 mm MINIMUM
TL2	200X63 LVL BEARING 35 mm MINIMUM
TL3	150X63 LVL BEARING 35 mm MINIMUM



MEMBER SCHEDULE	
MARK	REMARKS
P1	10 CAP PT. 2M16/10 BASE PT. 2M16 CHEMSETS
BP	10 CAP PT. 2M16/10 BASE PT. 2M16 CHEMSETS
SB1	230 PFC
SB2	200PFC
SB3	150PFC
SB4	200X6 SHS
SB5	150X100X5 RHS
SB6	200UB18
TP	200x45 LVL
LTF	LOAD BEARING TIMBER FRAME
J1	250 HJ JOISTS @ 450
J2	200X45 LVL JOISTS @ 450
R1	240X45 LVL @ 900
R2	200X45 LVL @ 900
R3	130X45 LVL @ 900
SP	2x10PT.2M16 BOLTS

	CONSULTING ENGINEERS Unit 4 Southern Cross House 9 Melky St. Turner Mt. (02) 6247 0011 Fax: (02) 6248 7518	Director: K.J.M. Design: K.J.M. Scale: 1/500A1 Drawn: DRE Checked: _____ Date: MAY'11	DRAWING TITLE: UPPER FLOOR PLAN Job no. 11-069 Dwg. no. S200 Rev. B
	ARCHITECTS: DNA ARCHITECTS	PROJECT: PROPOSED NEW RESIDENCE BLOCK 5 SECTION 26, MACQUARIE ACT	Date: 13/02/12 13/03/13 08/05/13

Record of Actions and Communication

Block: 5 **Section:** 26 **Division:** Macquarie **(Unit:** Xx)

Action or Conversation with: [REDACTED]

Date of event: 8 May 2013

Telephone number: 0407575705

Time of event: 9:30 am

Time event finished: 10:00 am

Officer: Peter Apps and Sam Bond

Details: Met with [REDACTED] builder for the above block at the counter of Dame Pattie Menzies [REDACTED] wanted to discuss with me the amended plans [REDACTED] is in the process of submitting for approval and reasons why [REDACTED] did not want a stop work placed over the site. [REDACTED] produced new amended plans that [REDACTED] is going to submit in relation to the area outside the upper bedroom / ensuite area. [REDACTED] was under the opinion that everything was fine, as long as [REDACTED] go the amendments approved. I pointed out to [REDACTED] that he still does not meet the condition of A2 of the approved DA and window 19 was to be a corner window not a door opening. [REDACTED] said he will change the door to a window if that's what's required. [REDACTED] said the concrete slab is still a structural component to whole roof and ties back into the framework. I said to [REDACTED] that [REDACTED] should get his engineer to do up drawings and specifications to the slab and include this into his amendments. [REDACTED] wrote out a letter stating, that no further works will be undertaken in the area until approval is given to the amendments. I informed [REDACTED] that I will talk to management about the stop work notice to which said that if its to go on can it only apply to the area outside the bedroom / ensuite and not the whole site. I told [REDACTED] that I will be contact to let him know.

Next Action: Seek advise from management in regards to stop work notice.

Action or Conversation with:

Date of event:

Telephone number:

Time of event:

Time event finished:

Officer:

Details:

Next Action:

Johnston, HeatherG

From: Apps, Peter

Sent:

Subject:

Stop work

As discussed on the phone I will allow you to apply the acrylic sealant to the render of the house. Please be mindful that this is all that is permitted to be done and no other works.

Kind regards

Peter Apps | Inspector | Investigation Unit

email actplalru@act.gov.au

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

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

Johnston, HeatherG

From: Gaze, Reuben
Sent: Tuesday, 28 May 2013 12:13 PM
To: [REDACTED]
Subject: FW: Message from "DPMB01L02P08"
Attachments: 201305281156.pdf

Dear [REDACTED]

Please find attached a copy of the decision to cancel the stop work notice effective today. Please also be advised that a final inspection will be required by ESDD to ensure that the metal roofing material has been installed over the concrete slab prior to the Certification Of Occupancy and Use being issued. To ensure that there is no delay in the issuing of the final certificate, please advise Peter once the metal roofing has been installed so an inspection can be organised.

You are welcome to contact me or Mr Peter Apps should you have any further questions.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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Johnston, HeatherG

From: Gaze, Reuben
Sent: Tuesday, 28 May 2013 1:34 PM
To: [REDACTED]
Cc: Moysey, Sean; Middlemiss, David
Subject: RE: 20130523 Update to complainant for Block 5 Section 26 Macquarie

[REDACTED]

Mr Middlemiss has referred this matter to me to respond to as your complaint is currently being investigated by the Investigation team.

As we discussed on the telephone yesterday, the upper floor area is not to be used as a balcony. The non-compliant doors have been removed and it is anticipated that they will be replaced with windows either compliant with the original DA or an amended DA if one is sought and approved. There is to be no access to that upper floor area, which I have been informed is to be used to as an air conditioner area, from the upper floor bedroom or ensuite.

I have been given advice from the development assessment area that the upper floor external slab will not contravene the original DA provided that it is covered with metal roofing and there is no access to the area from the ensuite or upstairs bedroom. It is important to note that the development is not yet complete.

At this time, the grounds for issuing the stop work notice no longer exist, and I have had no option other than to cancel the stop work notice. The development will be re-investigated to ensure DA compliance prior to the certificate of occupancy and use being issued.

Please be advised that this is not a reluctance to enforce the legislation as you put it, rather that the concerns you raise are not currently a contravention of the *Planning and Development Act 2007* or the *Building Act 2004*.

[REDACTED]

The decision on whether to cancel the stop work notice is not a planning decision and does not engage DA assessment requirements such as re-assessment of subjective criteria or third party representations. In making this decision I have relied wholly on the legislation and advice that I have received from experienced officers of the relevant areas within the Environment and Sustainable Development Directorate (ESDD), including that provided by qualified planners from the development assessment area.

Should you feel that the issues you have raised with the development still constitute a breach of the *Planning and Development Act 2007* you may lodge an application for controlled activity order with the Utilities, land and Lease Regulation Section of ESDD. If you disagree with the decision made on your application for order you may appeal the matter in the ACT Civil and Administrative Tribunal (ACAT). There is a fee of \$116 for lodging the application with ESDD. A copy of the application can be found at the below web address:

http://www.actpla.act.gov.au/_data/assets/pdf_file/0012/3009/ca_order.pdf

If you feel that there has been administrative deficiency with the way your complaint has been handled you may contact the ACT Ombudsman on telephone 1300 362 072.

As mentioned, your complaint is still under investigation and the development will be re-inspected prior to the certificate of occupancy and use being issued. Furthermore, you are not precluded from lodging a further complaint should the external area be modified in a way that is not compliant with the development approval.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[redacted] email actplalru@act.gov.au

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From: [redacted]
Sent: Sunday, 26 May 2013 7:25 PM
To: Middlemiss, David; Gaze, Reuben; [redacted]
Subject: FW: 20130523 Update to complainant for Block 5 Section 26 Macquarie

Hello Mr Middlemiss,

I have just received an update in regard to a matter I raised with you in late April.

[redacted]

I would appreciate it if someone could turn their mind to this problem and advise why this has not been addressed. [redacted] This is becoming farcical and we are going round in circles.

It is now over a month and a half since my original complaint, and I am none the wiser as to what is being done to fix the problem. [redacted]

[redacted]

I look forward to your response.

Regards,

[redacted]

From: Reuben.Gaze@act.gov.au
To: [redacted]
Subject: 20130523 Update to complainant for Block 5 Section 26 Macquarie
Date: Thu, 23 May 2013 06:32:51 +0000

[redacted]

Please be advised that the stop work notice has been lifted in part to allow the removal of the non-compliant doors to what should be the upper-floor roof. I understand that eventually windows are to be installed in their place. If the intended windows are not strictly compliant with the existing DA then an amendment may be required before new windows are installed. I have been advised that if a (clip lock)roofing system is installed over the slab and the doors are removed the area will no longer be in contravention of condition A2 of the notice of decision.

An application to the Construction Occupations Registrar (Registrar) for the cancellation of the stop work notice under section 55 of the *Building Act 2004* is currently under consideration. There are no third party appeal rights against the Registrar's decision.

For your information, where a stop work notice has been removed but concerns remain in relation to possible future non-compliance, it is common practice for an internal caveat to be applied to the building file to prevent the issue of a certificate of occupancy and use pending a final review by Environment and Sustainable Development Directorate.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[Redacted] | Email actplalru@act.gov.au

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From: [Redacted]
Sent: Monday, 20 May 2013 10:45 AM
To: Gaze, Reuben
Subject: [Possible SPAM] Fwd: Block 5 Section 26 Macquarie-Complaint
Importance: Low

Hello Mr Gaze,

[Redacted]

Regards,

[Redacted]

Begin forwarded message:

From: [Redacted]
Date: 16 May 2013 3:02:36 PM AEST
To: ACTPLA LRU <ACTPLALRU@act.gov.au>, "reuben.gaze@act.gov.au" <reuben.gaze@act.gov.au>
Subject: Re: Block 5 Section 26 Macquarie-Complaint

Hello Mr Gaze,

Thank you for your prompt reply.

[Redacted]

Look forward to seeing an update shortly.

Regards,

[Redacted]

On 16/05/2013, at 1:47 PM, ACTPLA LRU <ACTPLALRU@act.gov.au> wrote:

[REDACTED]

I understand that Mr Peter Apps, the building inspector assigned to this case, placed a stop work notice on this development last week. Peter has just left the office and will not be returning to work until Monday. I will remind Peter to provide you with an update if he has not already sent one. If you are able to advise use should you observe any building work continuing on site that would be appreciated.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

[REDACTED] | Email actplalru@act.gov.au

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www.actpla.act.gov.au

From: [REDACTED]
Sent: Thursday, 16 May 2013 7:54 AM
To: Gaze, Reuben
Subject: Block 5 Section 26 Macquarie-Complaint

Hello Mr Gaze,

I am writing to seek further information about the complaint that I lodged with the Environment and Sustainable Development in early April regarding Block 5 Section 26 Macquarie.

I have not received any further information since our conversation two weeks ago, it has now been a month and a half since my original letter.

Can you please advise if there has been any progress with this matter, or if any major developments have occurred.

Regards,

[REDACTED]

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