



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2022-195

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	30
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Friday, 1 July 2022 5:55:23 AM

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

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

### Your details

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

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

### Request for information

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

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

All inspector reports relating to complaints regarding activities at [REDACTED] ACT since 2016. Including details of times visited, the methods of conducting an inspection, and what was observed. All details regarding whether the information of people who had lodged complaints have been passed on to the occupant of [REDACTED].

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

Thank you.  
Freedom of Information Coordinator

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** Re: Freedom of Information request - CMTEDDFOI 2022-195  
**Date:** Friday, 1 July 2022 12:26:02 PM

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

Hi Sophie

Thank you for your call earlier today.

I am after all inspection reports regarding Access Canberra responding to complaints about the conduct of the home business being operated at [REDACTED]. This would include every time an inspector of any sort attended the premises. Did they enter the backyard? What notes were recorded and what was observed? Ideally I would like to see any notes made regarding this case.

As discussed on the phone I have made several complaints as well as other people doing so. The person who is the subject of the complaints has stated to another person living on the street that [REDACTED] put in a Freedom of Information request to see who was responsible for the complaints and that my name and [REDACTED] was given. I want to know whether our details as having made complaints were provided by anyone from Access Canberra to the occupant of [REDACTED], or whether [REDACTED] was lying (which is plausible). I am not requesting the names of people who have complained. I am only requesting information regarding whether these names were given out. I do not see how that could impinge on anyone's privacy.

Thanks

[REDACTED]

On Fri, Jul 1, 2022 at 10:56 AM CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)> wrote:

**OFFICIAL**

Hi [REDACTED]

Thank you for your time on the phone earlier.

As discussed, could you please clarify the inspection reports you are looking to obtain?

This will help me process your request.

Kind regards

Sophie Bell | Freedom of Information Coordinator | Information Access Team

Phone: 02 6207 7754 | Email: [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)

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

Level 5, 220 London Circuit, Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [act.gov.au](http://act.gov.au)



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**From:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au) <[no-reply@act.gov.au](mailto:no-reply@act.gov.au)>  
**Sent:** Friday, 1 July 2022 5:55 AM  
**To:** CMTEDD FOI <[CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au)>  
**Subject:** Freedom of Information request

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

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

#### Your details

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

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

#### Request for information

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

Under the Freedom of All inspector reports relating to complaints regarding activities at



Information Act 2016 I [REDACTED] ACT since 2016. Including details of times  
want to access the [REDACTED] visited, the methods of conducting an inspection, and what was  
following document/s [REDACTED] observed. All details regarding whether the information of people who  
(\*required field): [REDACTED] had lodged complaints have been passed on to the occupant of [REDACTED].

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

Thank you.  
Freedom of Information Coordinator

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

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2022-195



## FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 1 July 2022.

Specifically, you are seeking: *All inspector reports relating to complaints regarding activities at [REDACTED] ACT since 2016. Including details of times visited, the methods of conducting an inspection, and what was observed. All details regarding whether the information of people who had lodged complaints have been passed on to the occupant of [REDACTED].*

### Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

### Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 2 September 2022.

### Decision on access

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

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

I have decided to grant access in full to one document relevant to your request. I have decided to partially grant access to 10 documents as I consider them contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons in accordance with section 54(2) of the Act, and the documents released to you are provided as **Attachment B** to this letter.

### **Statement of Reasons**

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

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

### **Exemption claimed**

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

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

#### Public Interest

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

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it [public interest] appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

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

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

(a) *disclosure of the information could reasonably be expected to do any of the following:*

- (iii) *inform the community of the government’s operations including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the documents will demonstrate how Access Canberra conducted itself while inspecting reports of complaint. There is also the chance that the

release may contribute to procedural fairness by allowing you to have a copy of the documents that fall within the scope of your request.

Factors favouring nondisclosure in the public interest under Schedule 2.2:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

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

Having reviewed the documents, I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

Businesses working with Access Canberra also have the right to expect that their business affairs will not be prejudiced through cooperating with the regulatory body. As such, I have chosen to redact that information which I believe could prejudice the business affairs of the occupant of [REDACTED].

When considering the information and factors in favour of nondisclosure, I have considered the personal and business information contained in the documents. I consider it unreasonable to release information that could identify the details of the person or persons that have been in contact with the ACT Government in these documents. I believe the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring nondisclosure should be afforded significant weight as it relates to the individuals' privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

No personal information of complainants has been given to the occupants of 16 Ardlethan Street Fisher.

### **Charges**

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

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

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after three days after the date of my decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **Ombudsman Review**

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

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

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

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

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

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

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

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

Yours sincerely



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

1 September 2022



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

### WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

All inspector reports relating to complaints regarding activities at [REDACTED] since 2016. Including details of times visited, methods of conducting inspection, and what was observed. Details regarding if information of people who lodged complaints have been passed on to occupant of [REDACTED].

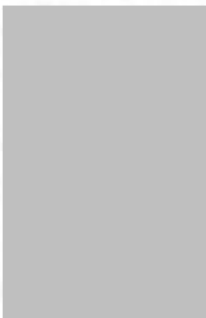
CMTEDDFOI 2022-195

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-8	Inspection report	13 Oct 18	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	9-28	Inspection report	16 Oct 18	Partial release	Sch 2 s2.2 (a)(ii) and Schedule s2.2 (a)(xi)	Yes
3	29-32	Inspection report	3 Jan 18	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	33-37	Record of Inspection	12 Dec 18	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	38-40	Record of Inspection	28 Aug 21	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	41-43	Record of Inspection	12 Jan 21	Partial release	Sch 2 s2.2 (a)(ii)	Yes
7	44-49	Record of Inspection	27 Oct 21	Partial release	Sch 2 s2.2 (a)(ii)	Yes
8	50-54	Record of Inspection	7 Dec 21	Partial release	Sch 2 s2.2 (a)(ii)	Yes
9	55-57	Record of Inspection	7 Jun 22	Partial release	Sch 2 s2.2 (a)(ii)	Yes
10	58-59	Notes	3 Mar 22	Partial release	Sch 2 s2.2 (a)(ii)	Yes
11	60	Field note	29 Feb 16	Full release	N/A	Yes
<b>Total No of Docs</b>						
11						

# Investigations Team inspection record

**File name**

Site Inspections - Mechanic Business



**Date and time**

13/10/18, 12:30 pm

**Lead inspector, case officer**

Mathew Bond

**Accompanying officer**

Stephen O'Rourke

**Completed on**

16/10/18, 2:25 pm

## Audit

Question	Response	Details
Did you access leased land?	No	
If yes under what authority?	N/A	
Purpose of inspection	To conduct surveillance over a period of time on a weekend	
Points of interest, findings and facts		
Points of interest 1		
Summary of issue	<p>Photos 1-6 show different photos taken at various times of the day 13 October 2018.</p> <p>Photos were taken from 7am-8pm, 9am-10am and 12am-1pm.</p> <p>At the time of the surveillance there wasn't any noise being generated from the home business. In the morning during 7am the [REDACTED] was parked on the driveway.</p> <p>The following inspections identified that the [REDACTED] had gone, and a additional blue ford had arrived at the premises. During the surveillance times the [REDACTED] didn't arrive pack at the premises.</p>	
Photos of issue		
[REDACTED]		
Appendix 1	Appendix 2	Appendix 3
		Appendix 4
		Appendix 5
		Appendix 6



## Media



Appendix 1



Appendix 2





Appendix 3



Appendix 4



Appendix 5



Appendix 6

# Investigations Team inspection record

**File name**

Site Inspection - Mechanic business



**Date and time**

16/10/18, 10:30 am

**Lead inspector, case officer**

Mathew Bond

**Accompanying officer**

Stephen O'Rourke

**Completed on**

16/10/18, 1:24 pm





Question	Response	Details
Points of interest 3		
Summary of issue	Schedule 2.2(a)(xi)	
Photos of issue		
Schedule 2.2(a)(ii), Schedule 2.2(a)(xi)		
Points of interest 4		
Summary of issue	Schedule 2.2(a)(xi)	

# Schedule 2.2(a)(xi)

Photos of issue

## Schedule 2.2(a)(ii), Schedule 2.2(a)(xi)

Appendix 12

Appendix 13

Appendix 14

Appendix 15

Appendix 16

Points of interest 5

Summary of issue

Next Recommended Action:

Investigate whether the garage has approval, advise lessee to get approved plans done. (Will affect home business activities).


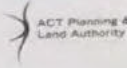
Get supporting evidence to prove that the [REDACTED] lives at the premises.

Advise lessee to ensure to only use 40sqm of area for the business and that he will need to remove or move vehicles and parts to accommodate the 40sqm.

Possible re-inspection at a later date.

Photos of issue

# Media

 **ACKNOWLEDGEMENT OF CONSENT**  
S.201 of Planning and Development Act 2007 

**1. LAND**  
[Redacted]

**2. DATE AND TIME**  
15/10/18 12:52pm

**3. ADDRESS**  
[Redacted]

**4. NAME OF OCCUPIER**  
Schedule 2.2(a)(ii)

**5. ACKNOWLEDGEMENT**  
I, being the person identified and named in Item 4 above, hereby acknowledge:  
A. That inspectors have produced his or her identity cards, and  
B. I have been told:  
i. The purpose of the entry, and  
ii. That consent may be refused, and  
iii. That I may withdraw consent to remain at the premises, and  
iv. That I do not have to say or do anything but that anything I do or say may be used in evidence; and  
C. That I consented to the entry, and  
D. That the time and date that consent was given is that identified in Item 2 above.

**6. INFORMATION**  
In signing this acknowledgement of consent, you are advised that the inspector may undertake general powers on entry to premises in accordance with S.202 of the Planning and Development Act 2007 (P & D Act).  
The ticked boxes describe the powers that YOU HAVE AGREED that the inspectors may use during the inspection.  
 Inspect or examine.  
 Take measurements or conduct tests.  
 Take photographs, films, or audio, video or other recordings, or make sketches.  
 Ask the occupier or anyone at the premises to give the inspector information.  
 Ask the occupier or anyone at the premises to produce documents to the inspector.  
 Ask the occupier or anyone at the premises to give the inspector reasonable help to exercise a power under Chapter 12 of the P & D Act.  
Following the inspection an inspector will, within 10 working days after the date of the inspection, provide you with a written response advising whether there, is or is not a breach to the P & D Act.

**7. EXECUTION**  
Schedule 2.2(a)(ii) [Redacted]

*Stephen O'Brien*  
Name of Inspector      Signature of Inspector

GPO Box 1906, Canberra ACT 2601      www.actpa.act.gov.au

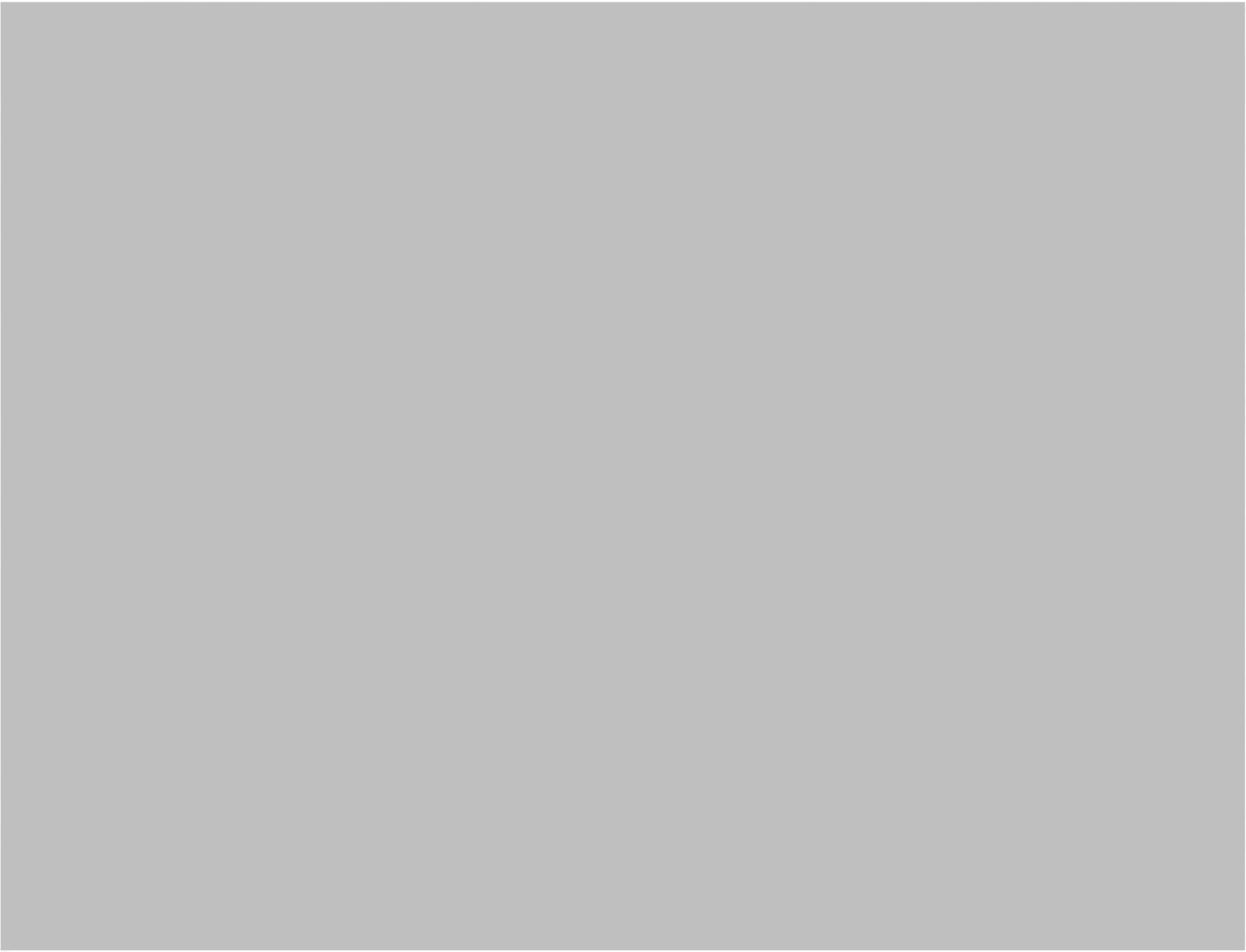
## Appendix 1



Appendix 2



Appendix 3



Appendix 4



Appendix 5

# Schedule 2.2(a)(ii)



Appendix 6



# Schedule 2.2(a)(ii)



Appendix 7

# Schedule 2.2(a)(ii)



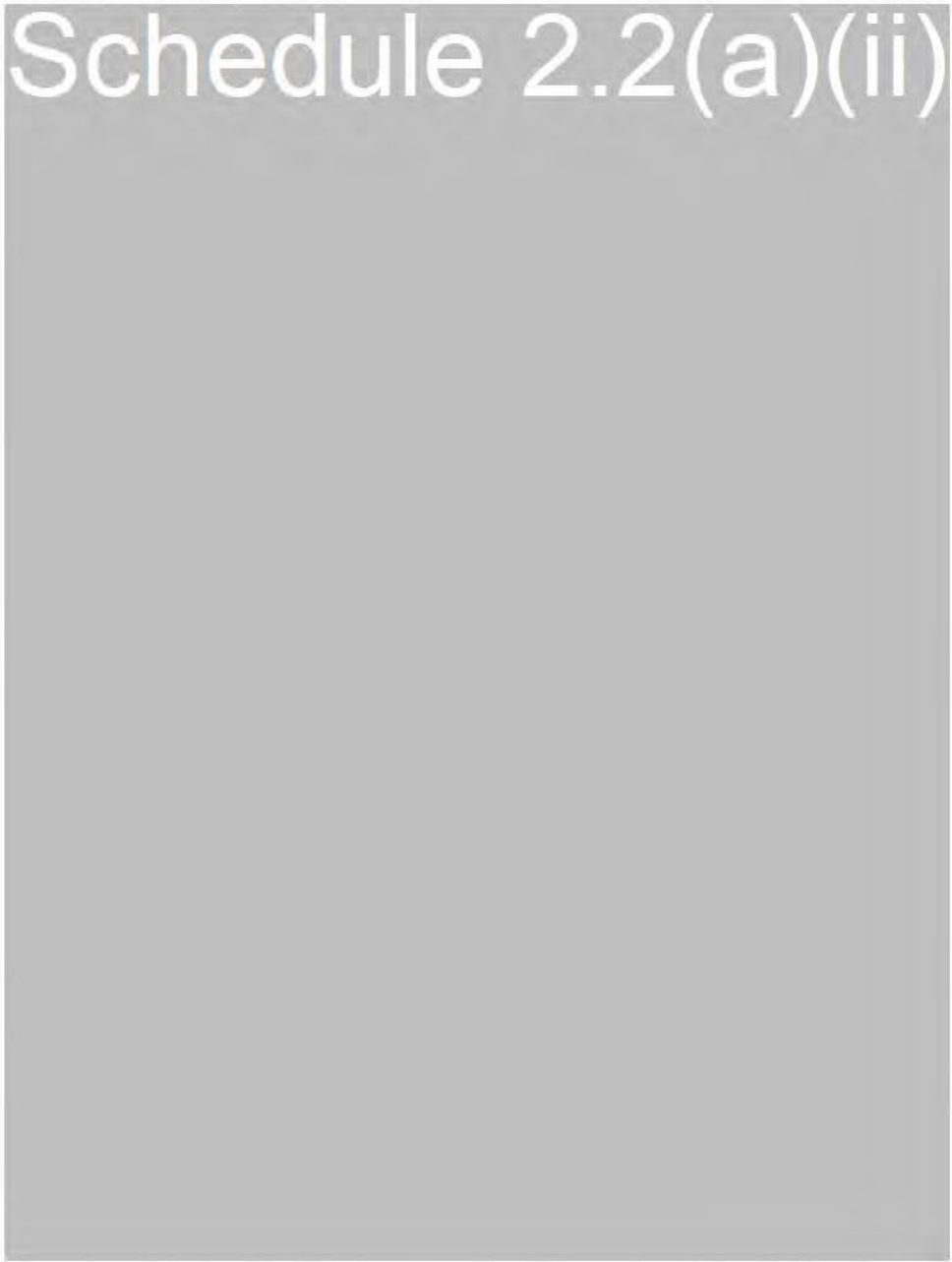
Appendix 8

# Schedule 2.2(a)(ii)



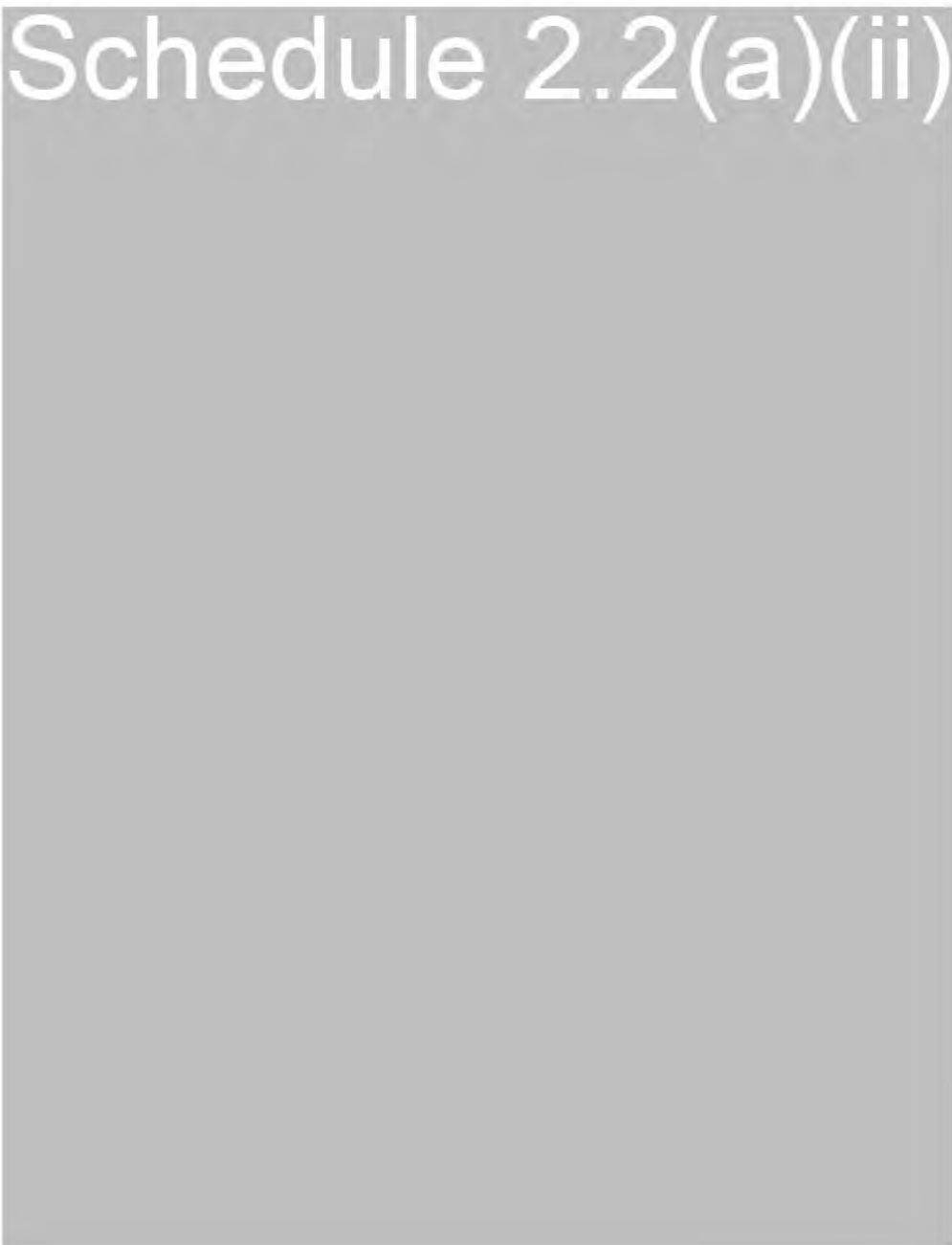
Appendix 9

# Schedule 2.2(a)(ii)



Appendix 10

# Schedule 2.2(a)(ii)



Appendix 11

# Schedule 2.2(a)(ii)



Appendix 12

# Schedule 2.2(a)(ii)



Appendix 13

# Schedule 2.2(a)(ii)



Appendix 14



# Schedule 2.2(a)(ii)



Appendix 15

# Schedule 2.2(a)(ii)



Appendix 16

# Investigations Team inspection record



**Date and time**

3/1/18, 12:10 PM

**Lead inspector, case officer**

Brendan O'Neill

**Accompanying officer**

Jon Swale

**Completed on**

3/26/18, 4:15 PM

## Audit

Question	Response	Details
Did you access leased land?	No	
If yes under what authority?		
Purpose of inspection	Suspected home business that has been investigated previously.	
Points of interest, findings and facts		
Points of interest 1		
Summary of issue	Complaint regarding [REDACTED] business with multiple cars on the property. Inspection showed the property did not meet the dirty block criteria.	
Photos of issue		



Appendix 1	Appendix 2	Appendix 3	Appendix 4	Appendix 5	Appendix 6
[REDACTED]					
Appendix 7					



# Media



Appendix 1

Appendix 2



Appendix 3

Appendix 4





Appendix 5

Appendix 6



Appendix 7





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Record of Inspection CRM: 467

**Date of Inspection:** 12 December 2018

**Time Inspection Commenced:** 11.30am

**Time Inspection Completed:** 11.50am

**Did you access leased land?:** No

**If you accessed leased land, under what authority?:**

Access to property to inspect shed denied by female occupant – [Schedule 2.2\(a\)\(iii\)](#)

**Lessee:**

[Schedule 2.2\(a\)\(ii\)](#)

**Purpose:**

The objective of this investigation is to gather evidence and determine whether there is a breach of section 1.108 - Home businesses - conducted from a residential lease under Planning and Development Regulations 2008.

**Background:**

The lessee of the property are [Schedule 2.2\(a\)\(ii\)](#). The home business is both a motor vehicle repairs and tow-truck operation including possibly stretched limousine hire. The total operations of the home business/businesses clearly exceed the 40m2 rule. Complaints from the operation of his business are repeated and concern noise, the loading and unloading of vehicles from a tow truck, the amount of vehicles parked at the premises and on the road and the operation of the mechanic and tow truck business in breach of the home business general exemption criteria.

A home business does not need development approval if:

- No more than 2 people work on the premises at any time
- Anyone who works on the premises genuinely lives there
- The area used for the business (including storage) is not more than 40m2
- Any vehicles parked at the premises for the purposes of the business are parked in a driveway, garage, carport or location screened from the road

- Averaged over a period of 7 days, the conduct of the business does not generate more than 5 vehicle arrivals each day

A home business that doesn't comply with the exemption criteria will require a development application (DA).

**Findings and Facts:**

About 11.30am on Wednesday 12 December 2018 Access Canberra Building and Planning Compliance Inspectors Hides and Sheargold attended [redacted] to determine the breach of home business planning law.

At the time of the inspection various vehicles were parked on the road and in the vicinity of the address and in the front boundary of [redacted]. Inspectors took various photos of the vehicles in situ.

Inspectors spoke to a female occupant of the residence, who identified herself as the wife of [redacted]. Inspector Hides requested to enter the rear yard under Section 389(1)(b) of the Planning and Development Act and to inspect the property concerning the alleged home business which she refused. Inspector HIDES asked the occupant to contact [redacted] to speak with him and ask for consent.

The female occupant then contacted her husband and handed the mobile phone to Inspector HIDES. Inspector HIDES spoke to [redacted] who also refused consent to enter the rear yard to inspect the garage. Inspector HIDES informed [redacted] the alleged breach of the home business and the possibility of issuing controlled activity order against him for the operation of home business without a development approval. [redacted] made allegations of speaking with his solicitor.

Inspector Hides asked [redacted] about his tow trucks and vehicles parked at the premises.

[redacted] said words to the effect, "I'm a tow truck operator. I pick cars up at night and park them there. Where else am I going to park them?"

Inspector Hides said, "Where is your tow truck registered?"

[redacted] said, "Here."

Inspector Hides said, "What is your business address?"

[redacted] said, "At home."

[redacted] continued to complain about his neighbour and it being unfair for him to make a living with the current laws. Inspector Hides informed [redacted] the matter is being investigated and he may receive a show cause controlled activity order where he could give a formal explanation of why and order should not be placed upon him seeking a development approval.



Inspector Hides and Sheargold left the property spoke to a neighbour at [REDACTED]  
[REDACTED] The female occupant stated there were many vehicles being parked on the road which had been dropped off by a [REDACTED]

Record of conversation in notebook pg 128.

**Photographic Evidence:**

Photo No.	Photo Name	Description
Img:1089	[REDACTED]	Vehicles parked on road within vicinity of [REDACTED] allegedly for tow truck home business
Img:1090	[REDACTED]	Silver coloured Toyota vehicle registered number [REDACTED] ACT parked on Fisher Street within vicinity of residence
Img:1091	[REDACTED]	Blue coloured Toyota Seca vehicle registered number [REDACTED] ACT parked on Fisher Street within vicinity of residence
Img:1092	[REDACTED]	Silver coloured Citroën vehicle registered number [REDACTED] ACT parked on Fisher Street within vicinity of residence

Img:1097		View of various vehicles at [redacted] and upon [redacted] and upon unleased territory land and in front boundary of property as part of either the tow truck or home mechanic business
Img:1095		View of various vehicles at [redacted] and upon [redacted] and upon unleased territory land and in front boundary of property allegedly as part of either the tow truck or home mechanic business
Img:1099		Silver coloured Mercedes vehicle registered number [redacted] ACT at [redacted] Fisher / unleased land unleased territory land and in front boundary of property allegedly as part of either the tow truck or home mechanic business
Img:1098		Gold coloured Honda hatch back Odyssey vehicle registered number [redacted] ACT at [redacted] / unleased territory land and in front boundary of property allegedly as part of either the tow truck or home mechanic business
Img:1100		White van vehicle registered number [redacted] ACT at [redacted] and in front boundary of property allegedly as part of either the tow truck or home mechanic business



Dominic Hides  
Manager Building and Planning Compliance  
18/1/19



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

### Record of Inspection

**Date of Inspection:** 28 September 2021

**Time Inspection Commenced:** 12:10 PM

**Time Inspection Completed:** 12:30 PM

**Did you access leased land?:** No

**If you accessed leased land, under what authority?:** Consent not required. Photos taken from public land.

**Photographic Evidence:**



2.		Photo taken from the public domain

**Purpose:** Adam Pascoe and Jean-Marie Nshimirimana conducted an inspection on above property to check whether a home business was operating from the premises in contravention with section 1.108 – Home business – conducted from a residential lease under *Planning and Development Regulations 2008*.

**Findings and Facts:**

At the time of inspection, Inspectors observed the following:

- e  
n
- 
- 
- 
- 

During the inspection, Inspectors spoke with the lessee  Schedule 2.2(a)(ii)  
He indicated the that:

- 
- 
-

- [REDACTED]

[REDACTED]

using a new email: [REDACTED]

**Adam Pascoe**  
Inspector

**Jean-Marie Nshimirimana**  
Inspector

Access Canberra

28 September 2021



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

### Record of Inspection



**Date of Inspection:** 20211012

**Time Inspection Commenced:** 2:40pm



**Time Inspection Completed:** 2:45pm

**Did you access leased land?** No

**If you accessed leased land, under what authority?** N/A

**Photographic Evidence:** Nil

Photo No.	Photo Name	Taken From
1		Public stre et

2		Publi c stre et
3		Publi c stre et



**Purpose:** Will Hogan conducted an inspection on behalf of [REDACTED] concerning a Home mechanic business allegation, to check whether the vehicles and trailers associated with the home mechanic business have been removed.

**Findings and Facts:** The photos show a [REDACTED] (including a [REDACTED]) parked on the front open space of the property – all carrying ACT licence plates.  
During the inspection there were no trailers at the front of the block.

Will Hogan  
Inspector  
Access Canberra

20121012



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

### Record of Inspection

**Date of Inspection:** 27 October 2021


**Time Inspection Commenced:** 11:45 am

**Time Inspection Completed:** 12:00 pm

**Did you access leased land?:** No

**If you accessed leased land, under what authority?:** Consent to entry under Section 389(1)(b) of the Planning and Development Act , Section 131 Building Act, Section 130 Building Act

#### Photographic Evidence:

Photo No.	Photo Name	Taken From
1		Public area

2

3.

Publi  
c  
area



5

Publi  
c  
area

6

**Purpose:** The purpose of the inspection was to check whether the direction to remove everything relating to the home mechanic business was removed from the premises. This includes vehicles, trailers and spare parts.

**Findings and Facts:**

Inspectors couldn't access the premises because of Covid-19 restrictions. The attached Photos were taken from the public domain. During the inspection, Inspectors observed the following:

1. [REDACTED] boundary.
2. [REDACTED] were packed at the front yard and driveway of the property. One of the vehicles was covered and the [REDACTED] were bearing the ACT plate numbers as follows:
  - [REDACTED]: Schedule 2.2(a)(ii)
  - [REDACTED]: Schedule 2.2(a)(ii)
  - [REDACTED] n) with a trailer: Schedule 2.2(a)(i)
  - [REDACTED] Red): Schedule 2.2(a)(ii) and
  - [REDACTED] Schedule 2.2(a)(ii)

Inspectors identified that some of the cars were different to those sighted during previous inspections.

Jean-Marie Nshimirimana  
Inspector  
Access Canberra

Will Hogan  
Inspector

27/10/2021



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

### Record of Inspection

**Date of Inspection:** 07/12/2021

**Time Inspection Commenced:** 12:10

**Time Inspection Completed:** 12:30

**Did you access leased land?:** No

**If you accessed leased land, under what authority?:** Consent to entry under Section 389(1)(b) of the Planning and Development Act , Section 131 Building Act, Section 130 Building Act

#### Photographic Evidence:

Photo No.	Photo Name	Taken From
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1

Publi  
c  
area

2

Publi  
c  
area

3

Publi  
:  
area

4

Publi  
:  
area



**Purpose:** Inspectors Jean-Marie Shima, Will Hogan and Brad Marler conducted a Drive-by inspection to monitor the vehicles parked at the premises particularly that the block is alleged to accommodate a home mechanic business.

**Findings and Facts:**

Due to Covid-19 restrictions, Inspectors couldn't enter the premises. During this inspection Inspectors observed the following:

-5 Cars parked at the front yard with following details:

- [Redacted] s22(a)(1)
- [Redacted] s22(a)(1) with a towing trailer
- [Redacted] i Schedule 2.2(a)(1)
- [Redacted] s22(a)(1)
- [Redacted] en the [Redacted] nd the house

-On the driveway behind the gate line towards the garage, inspectors could see a Ute [Redacted] and other cars that were parked in front of it. They couldn't identify all of them because they were not allowed to enter due to the covid-19 restrictions.

Based on previous inspection records, the observation is that there a movement of different cars at the premises. It may be required to check what is done in the garage when it is practical to do so.

Jean-Marie Shima  
Inspector

Will Hogan  
Inspector

Brad Marler  
Inspector

Access Canberra

07 December 2021



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

### Record of Inspection

[REDACTED]

**Date of Inspection:** 07 June 2022

**Time Inspection Commenced:** 11:05 am

**Time Inspection Completed:** 11:20 am

**Did you access leased land?:** No

**If you accessed leased land, under what authority?:** N/A

**Purpose:** Jean-Marie Shima and Alan Chipperfield conducted a drive by inspection to check the current status of the block with reference to the email dated 20 May 2022 from [REDACTED]. This case was closed on 8 March 2022 and relates to a complaint made to Access Canberra on [REDACTED] 2020 regarding above block. The Complaint alleged that a home business (motor vehicle repair - [REDACTED] was being run at the premises. This complaint was consecutive to others that were made back in 2018 for the same issue.

#### Findings and Facts:


During the inspection, inspectors observed the following from the public area:

- 
- 
- 
- 
- 
- 

[REDACTED]

Inspectors couldn't see any evidence of home mechanic business-based activities being conducted at the premises.

**Photographic Evidence:**

<b>Photo No.</b>	<b>Photo Name</b>	<b>Taken From</b>
1		Public area by Alan
		Public area by Alan



Jean-Marie Shima  
Inspector  
Access Canberra

Alan Chipperfield  
Inspector

07 June 2022

Thursday, 3 Mar 2022, 03:14 pm- Mason Tate

Private Note

Title: Compliance check - surveillance

Content:

Drove past the address ( [REDACTED] ) with Georgia Green at approximately 2.30pm and saw one [REDACTED] in the driveway. Nothing else to suggest that a MVR business is operating out of the residential premises. Will contact phone number that appears online for [REDACTED] (advertised as operating out of this address) to see if operating as an MVR or not. Will then refer to EPA for concerns relating to pollution and damage to reserve.

Thursday, 3 May 2018, 03:56 pm- ACT Digital

Private Note

Title: Private

Content:

Created By: Stephen

O'Rourke Type:

Private

03/05/2018 - 03:10pm Inspectors Stephen O'Rourke and Corey Dashwood attended [REDACTED] to speak with [REDACTED] Schedule 2.2(a)(iii). The premises was vacant at the time of inspection, nil issues identified at the time of attendance. Both inspectors vacated premises, will follow up with phone call to [REDACTED].

Created By: Stephen O'Rourke

Type: Private

23/04/2018 - 11:50am Inspectors Stephen O'Rourke and Corey Dashwood attended [REDACTED] to speak with [REDACTED] Schedule 2.2(a)(i). The premises was vacant at the time of inspection, nil issues identified at the time of attendance. Both inspectors vacated premises at 11:55am. Took images of activities and condition of premises - see Objective.

Monday, 9 Apr 2018, 11:53 am- ACT Digital

Private Note

Title: Private

Content:

Created By: Stephen

O'Rourke Type:

Private

09/04/2018 - 10:35am Inspectors Stephen O'Rourke and Jonathan Swale (Building Inspector) attended [REDACTED]. At the time of inspection there appeared to be nobody home. Inspector O'Rourke contacted [REDACTED] Schedule 2.2(a)(ii) via the business mobile phone number displayed on the tow truck at the premises [REDACTED] Schedule 2.2(a)(ii). Mr O'Rourke advised my [REDACTED] that Access Canberra inspectors were in attendance to make enquiries about his Motor Vehicle Repairers licence and the use of his residential lease under the 'Home Business' exemption [REDACTED] Schedule 2.2(a)(ii) advised that he was in



a meeting and would contact Inspector O'Rourke to advise of a suitable time to discuss the matters further. Inspector O'Rourke obtained images of a vehicle related to the business parked on the street in front of neighbouring house - see Objective. Inspectors vacated the area at 10:45am.



- Premises
  - Licences
  - Inspection Details
    - Inspection: 31030 - 01/06/2016
      - Email Notifications
      - Audit History
  - Complaint Details
    - Complaint - 7436
      - Complaint Note Summary**
      - Audit History

Display All File Notes

Search For:

**File Notes**  
File Note entered by Corey Dashwood, 29/02/2016 at 1:39PM  
Category: Complaint Note

Attended [redacted] as a complaint was lodged regarding motor vehicle repair work.

The property was visited on 22/2/16, 25/2/16 and 29/2/16. On all three occasions T was not home.

A check on IBS established T was licenced to carry on work.

An email was sent to Parking review on 22/2/16 which reads as:

Hi Richard

As discussed a formal complaint was received in the office in relation to a motor vehicle repairer at [redacted]

Another component of this complaint was that the person performing repair work is parking his tow truck partially on the road and what appears to be a reserve.

If you require any further information please do not hesitate to contact me.

Regards

Corey Dashwood  
Phone:02 62053727 | e: corey.dashwood@act.gov.au  
Compliance & Investigations  
ACT Gambling & Racing  
Access Canberra | ACT Government