



**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 2023-058

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	Yes
5. Fees	N/A
6. Processing time (in working days)	35
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:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** Project ID [REDACTED] DA - Exempt New retaining wall in [REDACTED]  
**Date:** Thursday, 23 February 2023 1:13:13 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](#)

Dear Sir/Madam,

Please refer to Decision Ref: CMTEDDFOI2021-070 of 12 May 2021 for our request of 28/4/21 for site identification survey report. It was not made available to us. It was also indicated as follow: **"This is still an ongoing project and Building Approval is still active"**.

BA for this project was issued by certifier [REDACTED] on 24 Feb 2020 and its 3-years' validity is ending today.

We request under FOI the following with respect to the above project:

1. Site Identification survey and report;
2. Certifier's Inspection reports. The certifier committed to undertake three **staged inspections**;
3. Certificate of Occupancy and Use (COU), if issued; and
4. All correspondence with reference to 1,2 & 3 above  
b [REDACTED] berra, the Certifier and nominated builder [REDACTED]

Thank you for your assistance.

Yours Truly,

[REDACTED]



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDD 2023-058

## FREEDOM OF INFORMATION REQUEST

I refer to your request submitted under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 23 February 2023, in which you sought access to the following:

*CMTEDDFOI2021-070 of 12 May 2021 for our request of 28/4/21 for site identification survey report. It was not made available to us. It was also indicated as follow: "**This is still an ongoing project and Building Approval is still active**". BA for this project was issued by certifier [REDACTED] on 24 Feb 2020 and its 3-years' validity is ending today.*

*We request under FOI the following with respect to the above project:*

- 1. Site Identification survey and report;*
- 2. Certifier's Inspection reports. The certifier committed to undertake three **staged inspections**;*
- 3. Certificate of Occupancy and Use (COU), if issued; and*
- 4. All correspondence with reference to 1,2 & 3 above between Access Canberra, the Certifier and nominated builder [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 was required to provide a decision on your access application by 20 March 2023.

The Act requires a decision and response be given within 20 working days of the access application being received. However, following third-party consultation as required under section 38 of the Act, the due date for a decision was rescheduled to **18 April 2023**.

### Decision on access

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

However, the documents identified address point 2 of your request and there were no relevant documents identified that address points 1, 3 and 4.

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 partial access to these documents as I consider these documents to contain information that is:

- is 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 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
- the views of the relevant third parties consulted under section 38 of the Act
- the *Human Rights Act 2004*

### **Exemption claimed**

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

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

#### Public Interest

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 [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’.

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 nondisclosure.

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 s2.1:

- (i) *disclosure of the information could reasonably be expected to do any of the following:*
  - (ii) *promote open discussion of public affairs and enhance the government's accountability.*
  - (iii) *contribute to positive and informed debate on important issues or matters of public interest.*
  - (iv) *ensure effective oversight of expenditure of public funds.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in these documents may reasonably be expected to promote open discussion about government operations within the community, particularly those relating to building applications. Disclosure of the information identified as in scope of your request could also contribute to procedural fairness.

Noting that the Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy, I must consider the above factors for disclosure against those factors favouring nondisclosure. However, in this case I do give some weight to the factors for disclosure.

Factors favouring nondisclosure in the public interest Schedule 2 s2.2:

- (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 information, I consider that the protection of an individual's right to privacy, especially when dealing with the ACT Government is a significant factor. The parties involved have provided their personal information for the purposes of working with the ACT Government, and this in my opinion, outweighs the benefit which may be derived from releasing personal information of individuals involved in this matter.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' is interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'.

Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. In my opinion, to release methodology and details of a business entity, including intellectual property, in the course of the business entity providing a service to the ACT Government could reasonably be expected to prejudice their business affairs.

When considering the information in scope for your request, and factors in favour of nondisclosure, I have considered the personal information and business information contained in the 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*, in addition to potential adverse effects of releasing commercially sensitive information. I am satisfied that the factors favouring nondisclosure should be afforded significant weight.

Having applied the test outlined in section 17 of the Act and deciding that release of personal and business 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.

### **Charges**

Pursuant to the *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages to be released to you does not exceed the charging threshold of 50 pages.

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

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the CMTEDD disclosure log. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>.

### **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,



Emma Hotham  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
18 April 2023



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
1. Site Identification survey and report; 2. Certifier's Inspection reports. The certifier committed to undertake three staged inspections; 3. Certificate of Occupancy and Use (COU), if issued; and 4. All correspondence with reference to 1,2 & 3 above between Access Canberra, the Certifier and nominated builder [REDACTED]	2023-058

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Certifier Appointment-APPOINT A CERTIFIER-01	13/01/2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
2	4-33	Assessment Document CHECKLIST-01, attachments and Building Approval letter 24/2/2020 LETTER TO CLIENT-01	24/02/2020	Partial	Sch 2 s2.2 (a)(ii) Sch 2 s2.2 (a)(xi)	Yes
3	39-40	Inspection-Cert. of Structural Sufficiency	03/09/2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
4	41-43	Building Commencement Notice Application-SIGNED BCN-01	2020	Partial	Sch 2 s2.2 (a)(ii)	Yes
<b>Total No of Docs</b>						
4						





# APPOINTMENT OF A CERTIFIER APPLICATION FOR BUILDING APPROVAL

Building Act 2004, S151

This form is to be completed by the Owner/s of the land to which the building work relates.

## PART A PROJECT DETAILS

Block  Section  Suburb  Unit No.

Street Address

Description of Building Works relevant to this application - *If more than 4 items please attach further details*

Describe each item of building work in this building approval	BCA Occupancy Class	BCA Construction Type	Area (m <sup>2</sup> )	Number of Storeys	Cost of Works (refer to building cost guide)
---	---------------------	-----------------------	------------------------	-------------------	--

Sch 2.2(a)(ii)

## Applicable approved requirements and reasons why building approval is not prevented from being issued

Is all work exempt from development approval?

YES Attach assessment for exempt development checklist (if applicable)

NO Provide reason/s or description of work: \_\_\_\_\_

## Description of Attachments compliant with Division 3.3 Building Act 2004

Please attach any additional documentation not listed below

Building Approval Plans

Referrals, consultations & consents outcomes

Asbestos Advice - If documents accompanying building approval do not include an asbestos assessment report as per the Building Act 2004, the building approval must have an AA attached as per the Act

## PART B OWNERS DETAILS – Please Print

All owners **must** be listed

Owner 1 will be considered the contact person in relation to this application

Company Details

ACN/ABN Number

Owner 1  Owner 2

Owner 3  Owner 4

## PART B continued OWNERS DETAILS – Please Print

Postal Address

Suburb  State  Postcode

Phone Number Business Hours

EMAIL ADDRESS

Sch 2.2(a)(ii)

## PART C APPOINTMENT OF CERTIFIER

As required under the Building ACT 2004 I/we hereby advise that I/we the owner/s have appointed the person whose details appear below as the certifier in relation to the building works described in this form

Company Details

Name of Certifier

Postal Address

Suburb

Phone Number

Business Hours

EMAIL ADDRESS

Sch 2.2(a)(ii)

**PART D**

**APPLICATION FOR BUILDING APPROVAL**

I/we the owners of the abovementioned property hereby apply under Section 26 of the *Building Act 2004* to the certifier named above to issue a building approval for the building work described in this form. I/we have provided the certifier with information and documentation required to issue a building approval as specified in the *Building (General) Regulation 2008*.

**PART E**

**AUTHORITY TO ACCESS BUILDING FILE**

I/we hereby authorise the certifier to access the building file for the property which is the subject of this application for the purposes of obtaining information relevant to the issuing of a building approval and associated processes.

**PART F**

**OWNER/S SIGNATURE/S**

1<sup>st</sup> Owners Signature

Sch 2.2(a)(ii)

13/1/2020

2<sup>nd</sup> Owners Signature

3<sup>rd</sup> Owners Signature

Date

4<sup>th</sup> Owners Signature

Date

**NOTE:** There are penalties for deliberately giving false and misleading information. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by fraud or misrepresentation.

Where relevant the following information **MUST** be included in either the application or the plans accompanying the application for building approval:

#### General Requirements

- ▶ Estimated Cost of Works -as per *Building (General) (Cost of Building Work) Determination 2011*
- ▶ if the proposed building work to be carried out at or near a street or place that is open to or used by the public the application must contain details of the precautions proposed to be taken to protect the safety of people using the street or place while the building work is carried out
- ▶ the area of the parcel of land to which this application relates
- ▶ the class of the building according to the intended use of the building as proposed to be erected or altered;
- ▶ if applicable what fire-resisting construction type (under the building code) the building as proposed to be erected or altered will be.  
*Note: Fire-resisting construction type may not be applicable if an alternative solution under the building code is used.*
- ▶ for an application relating to the erection of a class 1 building the site classification of the parcel of land
- ▶ for an application relating to the alteration of a class 1 building if the alteration will increase the building load carried by foundation material beyond the building load carried by the foundation before the alteration.
- ▶ the site classification of the parcel of land
- ▶ for an application relating to the alteration of a building the class and type of fire-resisting construction of the existing building classified under the building code and the materials used in the existing building  
*Note Fire-resisting construction type may not be applicable if an alternative solution under the building code is used.*
- ▶ the number of storeys of the building as proposed to be erected or altered;
- ▶ the number of new dwellings (if any) created by the proposed building work;
- ▶ the floor area of the proposed building or proposed new part of the building;
- ▶ the materials to be used in the frame, floor, walls and roof of the proposed building or proposed new part of the building
- ▶ if a performance requirement of the building code is to be complied with by use of an alternative solution under the code -
  - (i) the performance requirement; and
  - (ii) the alternative solution; and
  - (iii) each assessment method used to show that the alternative solution complies with the performance requirement;
- ▶ if the building code does not state a standard of work in relation to any part of the proposed building work and it is intended to carry out that part of the proposed building work in accordance with a standard of work stated in another document -
  - (i) the nature of the proposed building work; and
  - (ii) the title of the document; and
  - (iii) each assessment method used to show that the proposed building work complies with the standard of work stated in the document.

#### Removal or demolition of building/s

- ▶ Details of the methods to be used in carrying out the proposed building work, including a work plan stated or set out in AS 2601 (Demolition of structures), as in force from time to time;
- ▶ the number of dwellings (if any) to be demolished.

#### Asbestos

- ▶ The application must include a description of the method proposed to be used to remove the bonded asbestos sheeting from the building.
- ▶ the application must include the following information:
  - (i) the method proposed to be used to remove the asbestos;
  - (ii) the approximate amount and kind of asbestos to be removed;
  - (iii) the equipment proposed to be used to remove the asbestos, including any personal protective equipment;
  - (iv) details of a program, prepared in accordance with the asbestos removal code, for monitoring airborne asbestos to be followed during the removal.

#### Privacy Notice

The personal information on this form is provided to the Environment and Planning Directorate (EPD) to enable the processing of your application. The collection of personal information is authorised by the *Building Act 2004*. If all or some of the personal information is not collected EPD cannot process your application. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office and the Taxation Office. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD Information Privacy Policy can be found at [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

#### CONTACT INFORMATION

##### Email:

[ACTPLAdevelopmentBA@act.gov.au](mailto:ACTPLAdevelopmentBA@act.gov.au)

##### Post:

Access Canberra  
Building Services  
Shopfront Mitchell  
GPO Box 158  
Canberra, ACT 2601

##### In Person:

Please visit

[www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)

Or call **132281** to find an  
Access Canberra Shopfront.

Sch 2.2(a)(xi)



**Lease/Site Details**

**Block** [redacted] **Section** [redacted] **Suburb** [redacted]

**Unit No** [redacted] **Street Address** [redacted]

**Building Approval Application and Site Work Details**

This notice is issued in relation to the site work shown in the plans submitted as part of the application for a building approval dated made by the following applicants:

Sch 2.2(a)(ii)

[redacted]

[redacted]

[redacted]

Date: 24/02/2020

This notice applies to all site work in that application for which there is there is no:

- (a) exemption assessment D notice stating that the site work is exempt development issued for the work not more than 3 months before the day the application was made;
- (b) exemption declaration under the *Planning and Development Regulation 2008*, Schedule 1, Section 1.100A (1) (b) or Section 1.100AB (1) (b) made by the planning and land authority; or
- (c) current development approval issued in relation to the site work.

**NOTE: Site work is development that is:**

- (a) building work; and
- (b) work other than building work that:
  - (i) physically affects the place (the building site) where the building work is being carried out; and
  - (ii) if not carried out at the building site, is carried out near and connected with, the building site.

*Examples: putting up temporary fencing, installing measures for erosion control, building a house, damaging or removing a significant tree, laying paving for driveways and parking areas, installing landscaping, site clearing and excavation, erecting site signage or erecting a pergola*

**Building Certifier Details:**

**Surname**

**Company Name**

**Licence Number**

**Postal Address**

**Suburb**

Sch 2.2(a)(xi)

## Building Certifier Statement

I state that:

- the plans for the building work to which the application for building approval relates show all the information necessary to establish that the site work is exempt development under the *Planning and Development Act 2007*, Section 133; and
- the site work is exempt development; and
- I have assessed that the site work is exempt development for the following reasons and in accordance with the following provisions of the *Planning and Development Regulation 2008* and Territory Plan Codes:

Schedule 1, Part 1.2 General exemption criteria of the Planning and Development Regulation 2008 (01 Oct 2019);

Schedule 1, Part 1.3 Exempt developments, Division 1.3.2 Non-habitable buildings and structures:

1.53 Retaining walls.

Buildi  
Certifi  
Signatu  
(or nomine

Sch 2.2(a)(ii)

Date of Issue

24/02/2020

**Giving false or misleading information is a serious offence**

**Privacy Notice!** The personal information on this form is provided to the Environment and Planning Directorate (EPD). The collection of personal information is authorised by the *Building Act 2004*. If all or some of the required personal information is not collected this notice is not considered complete. The personal information provided may be disclosed to Australian Bureau of Statistics, ACT Revenue Office and the Taxation Office. The information may also be disclosed where authorised by law or court order, or where the EPD reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement-related activities conducted by, or on behalf of, an enforcement body. EPD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD Information Privacy Policy can be found at [www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR).

**E**  
ACTPLAdevelopmentBA@act.gov.au

**C N A C N A N**  
**P**  
Access Canberra  
Building Services  
Shopfront Mitchell  
GPO Box 158  
Canberra, ACT 2601

**P**  
Please visit  
[www.act.gov.au/accessCBR](http://www.act.gov.au/accessCBR)  
Or call to find an  
Access Canberra Shopfront.

District Name

**CANBERRA CENTRAL**

Division Name

Block No.

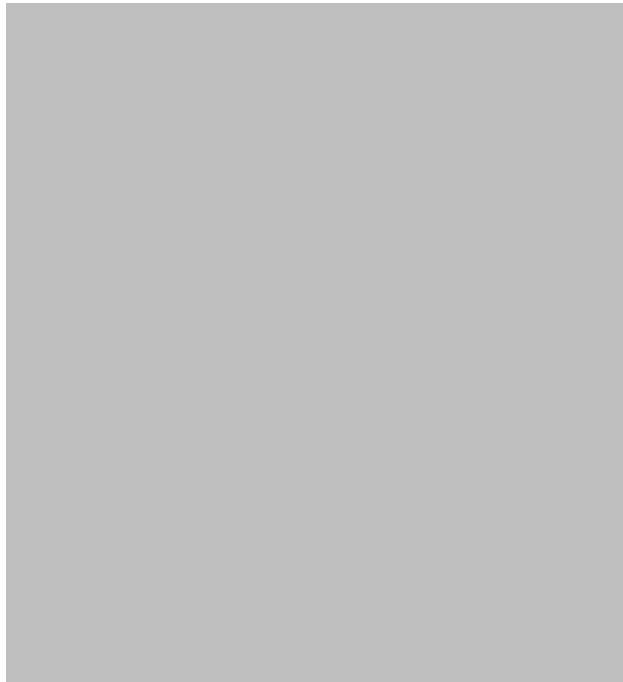
Section No.

Block Key

Life Cycle Stage

Volume and Folio

Block Derived Area  
(m<sup>2</sup>)



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Address



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Plan Numbers



---

Territory Plan-  
Land Use Zone

RZ1: SUBURBAN

---

Territory Plan-  
Overlay Zone



# Block Details Report











Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

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[REDACTED]

## AUSTRALIAN CAPITAL TERRITORY TITLE SEARCH

### LAND

[REDACTED]

Lease commenced on 30/04/1973, granted on 18/03/1974, term of 99 years

[REDACTED]

### Sole Proprietor

Sch 2.2(a)(ii) [REDACTED]

of Sch 2.2(a)(ii) [REDACTED]

### REGISTERED ENCUMBRANCES AND INTERESTS

Original title is [REDACTED]

Purpose Clause: Refer Crown Lease

S.28A City Area Leases Act 1936: 5 Years From Grant Date

***End of interests***

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## Total Fire Ban

The ACT Emergency Services Agency Commissioner has declared a Total Fire Ban for the whole of the ACT under Section 114 of the Emergencies Act 2004 from midnight Wednesday 18 December 2019 to 23:59 Saturday 21 December 2019.

[Additional park and campground closures are in place](https://www.environment.act.gov.au/home/home-news-listing/act-parks-and-conservation-and-total-fire-ban)

[\(https://www.environment.act.gov.au/home/home-news-listing/act-parks-and-conservation-and-total-fire-ban\)](https://www.environment.act.gov.au/home/home-news-listing/act-parks-and-conservation-and-total-fire-ban).

For more information on the current Total Fire Ban declaration in the ACT and how it affects you, visit the [ESA website \(http://www.esa.act.gov.au\)](http://www.esa.act.gov.au), follow [@ACT\\_ESA](https://twitter.com/ACT_ESA) on Twitter ([https://twitter.com/ACT\\_ESA](https://twitter.com/ACT_ESA)) or like [ACT Emergency Services Agency on Facebook](https://www.facebook.com/actemergencyservicesagency) (<https://www.facebook.com/actemergencyservicesagency>).

## Lease and development conditions register search

Sorry, no matches were found containing the information entered.

It is possible that you may not find the lease and development conditions that you are seeking. This may occur as a result of incorrect entry of block and section details, title information, or date. Additionally, it may be possible that the scanned copy of the lease and development conditions is not yet available.

If you have difficulty in locating the information required please **phone (02) 6207 1923** during business hours.

Please [click here \(https://www.planning.act.gov.au/tools-resources/plans-registers/registers/lease\\_and\\_development\\_conditions\\_register\\_search?](https://www.planning.act.gov.au/tools-resources/plans-registers/registers/lease_and_development_conditions_register_search?sq_content_src=%2BdXJsPWh0dHAIM0EIMkYIMkZhchBzLmFjdHBsYS5hY3QuZ292LmF1JTJGcGxhb)

[sq\\_content\\_src=%2BdXJsPWh0dHAIM0EIMkYIMkZhchBzLmFjdHBsYS5hY3QuZ292LmF1JTJGcGxhb](https://www.planning.act.gov.au/tools-resources/plans-registers/registers/lease_and_development_conditions_register_search?sq_content_src=%2BdXJsPWh0dHAIM0EIMkYIMkZhchBzLmFjdHBsYS5hY3QuZ292LmF1JTJGcGxhb)



[mRldiUyRmUtcMvnaXNOZXJzJTJGbGRjJTJGbGRjU2VhcmNoX25ldy5odG0mYWxsPTE%3D](#)) to search again.



### [Acknowledgement of Country \(https://www.act.gov.au/ngunnawal-country\)](https://www.act.gov.au/ngunnawal-country)

We wish to acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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[Feedback \(https://www.accesscanberra.act.gov.au/app/ask/\)](https://www.accesscanberra.act.gov.au/app/ask/)

[Contact us \(https://www.planning.act.gov.au/about\\_us/contact-us\)](https://www.planning.act.gov.au/about_us/contact-us)

[Jobs \(http://www.jobs.act.gov.au\)](http://www.jobs.act.gov.au)   [Emergency Services \(http://www.esa.act.gov.au\)](http://www.esa.act.gov.au)



<https://www.youtube.com/user/ACTGovESDD>



<https://www.facebook.com/EnvironPlan/>



<https://twitter.com/environplan>

[Accessibility \(https://www.planning.act.gov.au/about\\_us/access\)](https://www.planning.act.gov.au/about_us/access)

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(<https://www.canberra.com.au/>)



(<https://www.yoursay.act.gov.au/>)

(<https://www.accesscanberra.act.gov.au>)



(<https://www.act.gov.au>)

## Total Fire Ban

The ACT Emergency Services Agency Commissioner has declared a Total Fire Ban for the whole of the ACT under Section 114 of the Emergencies Act 2004 from midnight Wednesday 18 December 2019 to 23:59 Saturday 21 December 2019.

[Additional park and campground closures are in place](https://www.environment.act.gov.au/home/home-news-listing/act-parks-and-conservation-and-total-fire-ban)

[\(https://www.environment.act.gov.au/home/home-news-listing/act-parks-and-conservation-and-total-fire-ban\)](https://www.environment.act.gov.au/home/home-news-listing/act-parks-and-conservation-and-total-fire-ban).

For more information on the current Total Fire Ban declaration in the ACT and how it affects you, visit the [ESA website \(http://www.esa.act.gov.au\)](http://www.esa.act.gov.au), follow [@ACT\\_ESA](https://twitter.com/ACT_ESA) on Twitter ([https://twitter.com/ACT\\_ESA](https://twitter.com/ACT_ESA)) or like [ACT Emergency Services Agency](https://www.facebook.com/actemergencyservicesagency) on Facebook (<https://www.facebook.com/actemergencyservicesagency>).

## Lease and development conditions register search

Find the lease and development conditions for your block

**Please enter all applicable fields and click "Continue".**



**(Please Note: Only one type of search may be performed at a time)**

### Search By Suburb / Section / Block




You can search by entering:

- a Suburb
- a Section and Block
- a Suburb, Section and Block

<b>Suburb:</b>	<input type="text"/>
----------------	----------------------

<b>Section:</b>		
<b>Block:</b>		(Required if Section is entered)
	<input type="button" value="Continue"/> <input type="button" value="Clear"/>	

### Search for a rural block

Title	Date
	26/08/2008
	07/10/2008
	09/07/2009

### Search by street address development

Lease and Development Conditions cannot be searched by using a street address, only block/section numbers. If you do not know the block/section number then please go to the [ACTMAPi \(http://www.actmapl.act.gov.au/\)](http://www.actmapl.act.gov.au/) site and obtain the block and section number. Then go to Search by Block/Section/Suburb.

### Search by lease and development condition title

<b>Title:</b>	<input type="text"/>
	<b>Continue</b> <b>Clear</b>

## Search by lease and development condition approved date

You can search by entering a date range (ie. enter both from and to dates)

<b>Date for Approval</b> <i>(dd/mm/yyyy)</i>			
<b>From:</b>	<input type="text"/>	<b>To:</b>	<input type="text"/>
	<b>Continue</b> <b>Clear</b>		



**Acknowledgement of Country** (<https://www.act.gov.au/ngunnawal-country>)

We wish to acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

[Feedback \(https://www.accesscanberra.act.gov.au/app/ask/\)](https://www.accesscanberra.act.gov.au/app/ask/)

[Contact us \(https://www.planning.act.gov.au/about\\_us/contact-us\)](https://www.planning.act.gov.au/about_us/contact-us)

[Jobs \(http://www.jobs.act.gov.au\)](http://www.jobs.act.gov.au)   [Emergency Services \(http://www.esa.act.gov.au\)](http://www.esa.act.gov.au)



<https://www.youtube.com/user/ACTGovESDD>



<https://www.facebook.com/EnvironPlan/>



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[Accessibility \(https://www.planning.act.gov.au/about\\_us/access\)](https://www.planning.act.gov.au/about_us/access)

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info

## Total Fire Ban 19 - 21 December 2019

For up-to-date information on the current Total Fire Ban declaration in the ACT and more information about how it affects you, visit the ACT Emergency Services Agency website [www.esa.act.gov.au](http://www.esa.act.gov.au), follow [@ACT\\_ESA](#) on Twitter or like [ACT Emergency Services Agency](#) on Facebook.

info

## Air quality update

Smoke haze is continuing to impact the ACT, so people who are more sensitive to the effects of smoke should continue to take care.

[Read more](#)

[Home](#) / [Construction professionals](#) / [Licensed builders](#) / Licencee

**Occupation:**

Builder

**Licence No:****Expiry Date:****24 July 2020****Class Description:**

Class C

**Class Condition / Endorsement:**

Excludes Building Code of Australia (BCA) Class 2.

Please contact Access Canberra on 02 6207 8096 or via a [web form](#) for condition details. For more information on conditions/endorsements please see the [Builders](#) page.

[info](#)

## Total Fire Ban 19 - 21 December 2019

For up-to-date information on the current Total Fire Ban declaration in the ACT and more information about how it affects you, visit the ACT Emergency Services Agency website [www.esa.act.gov.au](http://www.esa.act.gov.au), follow [@ACT\\_ESA](#) on Twitter or like [ACT Emergency Services Agency](#) on Facebook.

[info](#)

## Air quality update

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[Read more](#)

[Home](#) / [Construction professionals](#) / [Licensed builders](#) / Licencee



**Occupation:**

Builder

**Licence No:**



**Expiry Date:**

6 November 2020

**Class Description:**

Class C

**Class Condition / Endorsement:**

Excludes Building Code of Australia (BCA) Class 2.

Please contact Access Canberra on 02 6207 8096 or via a [web form](#) for condition details. For more information on conditions/endorsements please see the [Builders](#) page.





<b>S</b>	Exemptions from requirement for development approval
<b>P</b>	Exempt developments
<b>D</b>	Exempt developments—non-habitable buildings and structures

Section 1.53

---

- (iv) the form, finish and colour of the fence is the same for the full length of the open space boundary for the block for that side of the fence.

(3) In this section:

**development requirement**—see the [Act](#), section 416A.

- (1) A designated development for a retaining wall on a block if—
  - (a) if the retaining wall is between a front boundary and a building line for the block—the retaining wall is not higher than 0.4m above natural ground level on the lowest side of the wall; and
 

*Note* **Building line** and **front boundary**—see the [territory plan](#) (13 Definitions).
  - (b) the retaining wall is not higher than—
    - (i) if it is a cut-in retaining wall—
      - (A) for any part of the wall that is within 1.5m of a side boundary or rear boundary of the block—0.4m above natural ground level on the lowest side of the wall; and
      - (B) for any other part of the wall—1.2m above natural ground level on the lowest side of the wall; and
    - (ii) if it is a fill retaining wall—
      - (A) for any part of the wall that is within 1.5m of a side boundary or rear boundary of the block—0.4m above natural ground level on the lowest side of the wall; and
      - (B) for any other part of the wall—1m above natural ground level on the lowest side of the wall; and

- (iii) if it is a combination retaining wall—
  - (A) for any part of the wall that is within 1.5m of a side boundary or rear boundary of the block—0.4m above natural ground level on the lowest side of the wall; and
  - (B) for any other part of the wall—1.2m above natural ground level on the lowest side of the wall; and

*Note* **Natural ground level**—see the [territory plan](#) (13 Definitions).

- (c) if any part of the retaining wall is higher than 0.4m above natural ground level on the lowest side of the wall and within 1.5m of a side boundary or rear boundary of the block—
  - (i) the retaining wall is the only class 10 building or structure (other than a boundary fence) that has any part of it that is within 1.5m of the boundary; or
  - (ii) section 1.41 (Class 10 buildings and structures—2nd exempt building or structure within boundary clearance area) applies to the retaining wall; and
- (d) the designated development complies with the general exemption criteria that are applicable to the development.

*Note 1* **Designated development**, in relation to land—see s 1.2.

*Note 2* **General exemption criteria**, for a development—see s 1.10.

- (2) In this section:

**combination retaining wall** means a retaining wall that is both a cut-in retaining wall and a fill retaining wall.

**cut-in retaining wall** means a wall, or that part of a wall, retaining earth below natural ground level.

**fill retaining wall** means a wall, or that part of a wall, retaining earth above natural ground level.



**ACT**  
Government

Environment and  
Sustainable Development

**C**

**P**

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# A

The following tables identify the additional prohibited development and additional merit track development for blocks and parcels shown in the Campbell Precinct Map (identified as PDn or MTn). Development that is exempt from requiring development approval, other prohibited development and the minimum assessment track applicable to each development proposal is set out in the relevant zone development table.

The following tables constitute part of the relevant zone development table.

**A**

<b>A</b>		
<b>S</b>		<b>D</b>
PD1	CFZ	<i>retirement village supportive housing</i>

**A**

<b>A</b>		
<b>S</b>		<b>D</b>
MT1	CFZ	<i>scientific research establishment</i>

Sch 2.2(a)(ii)



Sch 2.2(a)(ii)

Sch 2.2(a)(xi), Sch 2.2(a)(ii)

Sch 2.2(a)(xi)

Sch 2.2(a)(xi), Sch 2.2(a)(ii)

Sch 2.2(a)(xi)

# Sch 2.2(a)(xi)

**DCI - DESIGN CONSTRUCT INDUSTRIES PTY LTD**  
**STRUCTURAL & CONSTRUCTION CONSULTANTS**

ABN: 50 117 543 129  
99 Tralee Street, HUME ACT 2620  
TEL: 02 6260 1500/ 0411 725 886  
Email: Sch 2.2(a)(ii)  
Web: www.designconstructindustries.com.au



Attention: Sch 2.2(a)(ii)  
Email: Sch 2.2(a)(ii)

Date: 3/9/20

**DESIGN CHECK/ INSPECTION- CERTIFICATE OF STRUCTURAL SUFFICIENCY #32**

Suburb/Shire      Block/Lot      Approved Plan No.      Permit Number  
[Redacted]

Lessee's or Permit Holder's  
Sch 2.2(a)(ii)

Description of Building Work:  
 #New Work       Additions/Alterations       Existing/Approved       Existing/Unapproved

I certify that:

- 1. I have inspected the above building work related to the following components and their supporting elements and/or checked the relevant structural computations to the best of my knowledge that building work is structurally sufficient, sound and stable for the purposes for which it is to be occupied and used.

Sch 2.2(a)(ii)

- 2. This certificate applies to the following (approved/unapproved) structural drawings (as above)
- 3. **NOTE: IF NEITHER (a) nor (b) ARE DELETED THEN IT IS UNDERSTOOD THAT 3(a) APPLIES**  
 a. In inspecting the building work, I have paid attention to the structural integrity of the building. The strength requirements and serviceability requirement of the building and its structural sufficiency elements comply with the Building Code of Australia and relevant SAA Codes.

**OR**

- b. Although the building work does not comply with the Building Code of Australia and the relevant SAA Codes, it is structurally sufficient, sound and safe for the purposes for which it is to be used, as supported by the attached, relevant computations and test results.

**On Site Representative:  
Declaration**

- 4. I am practicing structural engineering with qualifications in structural engineering which are acceptable to the Institution of Engineers, Australia, for the Grade of Corporate Member and actively engaged in structural design and supervision of building construction.

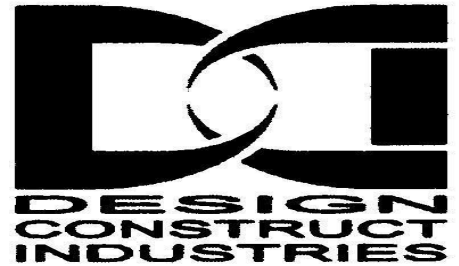
Sch 2.2(a)(ii)

**COMPANY & PRODUCT AWARDS**

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BAENERGY 96 • TELSTRA 97 • YELLOW PAGES 97 • BUILDING SCIENCEFORUM 97 • A.I.B. - BORALR &  
D 98 • I.E. AUST. DESIGN 98 • AUSTRALIAN STANDARDS ENGINEERING 99 •

**DCI - DESIGN CONSTRUCT INDUSTRIES PTY LTD**  
**STRUCTURAL & CONSTRUCTION CONSULTANTS**

**ABN: 50 117 543 129**  
99 Tralee Street HUME ACT 2620  
TEL: 02 6260 1500/ 0411 725 886  
Email: aSch 2.2(a)(ii)  
Web: www.designconstructindustries.com.au



Attention Sch 2.2(a)(ii)

Email: Sch 2.2(a)(ii)

Date: 3/9/20

**DESIGN CHECK/ INSPECTION- CERTIFICATE OF STRUCTURAL SUFFICIENCY**  
**INVOICE #32**

Client Sch 2.2(a)(ii)

**Report Reference: RW INSPECTION AND CERTIFICATION CAMPBELL**

**Amount Payable GST included:** Sch 2.2(a)(ii)

**Invoice No: 32**

**Please Pay to**

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)



**COMPANY & PRODUCT AWARDS**

- HIA INNOVATION 95 • HIA-COMMONWEALTH SCIENCEAWARD 95 • I.E. AUSTEXCELLENCE95 • M  
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D 98 • I.E. AUST.DESIGN 98 • AUSTRALIAN STANDARDS ENGINEERING 99 •





Access Canberra.

APPOINTMENT OF BUILDER & APPLICATION FOR COMMENCEMENT NOTICE

Building Act 2004, S151

In completing this form the owner is authorising the builder nominated below to apply to the appointed certifier to issue a Commencement Notice for the works detailed in this application form.

PART A PROJECT DETAILS

Block [redacted] Section [redacted] Suburb [redacted] Unit No. [redacted]

Street Address [redacted]

Certifiers Name Sch 2.2(a)(ii)

Description of Building Works relevant to this application-If more than 6 items please attach further details

1. Construction of new retaining wall

PART B OWNERS DETAILS - Please Print

All owners must be listed Owner 1 will be considered the contact person in relation to this application

Company Details [redacted]

Owner 1 Sch 2.2(a)(ii) Owner 2 [redacted]

Owner 3 [redacted] Owner 4 [redacted]

Postal Address [redacted]

Suburb [redacted] State [redacted] Postcode [redacted]

Phone Number Business Hours Sch 2.2(a)(ii)

EMAIL ADDRESS Sch 2.2(a)(ii)

PART C APPOINTMENT OF BUILDER

I/we the owner/s have appointed the person whose details appear below as the builder in relation to the building works described in this form

Licence Holders appears on li Sch 2.2(a)(ii)

Licence Number Sch 2.2(a)(ii)

List any conditions or endorsements li

Approved for 2016 under s [redacted]

EMAIL ADDRESS

**PART D**

**NOMINEE'S DETAILS**

If the builder is a company or partnership provide details of the Nominee who will supervise the building work

Nominee's Name

Licence Number

Class

Expiry Date

Signature of Nominee

Date

**PART E**

**OWNER SIGNATURE**

Owner 1

Sch 2.2(a)(ii)

Signature

DATE: 13/1/2020

Owner 2

Signature

DATE:

Owner 3

Signature

DATE:

Owner 4

Signature

DATE:

**PART F**

**BUILDER APPLICATION TO CERTIFIER FOR COMMENCEMENT NOTICE**

I hereby apply to the building certifier listed above for a commencement notice for the works detailed in Part A of this form in accordance with the Building Act 2004.

A site sign was **not** required to be displayed for the required period of my application.

A site sign **was** required to be displayed for the required period of my application and I declare that a compliant sign was erected and displayed for the required period.

Signature of Builder

Sch 2.2(a)(ii)

Date

17-2-2020

NOTE: There are penalties for deliberate or negligent non-compliance with the Building Act 2004. The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by deception or fraud.

Information: The Planning and Land Authority or Minister may revoke an approval if satisfied that the approval was obtained by deception or fraud.

**PART G**

**FIDELITY CERTIFICATE**

For residential building work please provide details of insurance where applicable

Insurance Provider

Policy No.

Date Issued

**PLEASE NOTE:**

- ▶ A copy of this notice and where applicable the residential building insurance policy or fidelity certificate must be given to the Construction Occupations Registrar within one (1) week of the issue date
- ▶ A copy of the Commencement Notice must also be provided to the owner/s

**Privacy Notice**

The personal information on this form is provided to the Environment and Planning Directorate (EPD) to enable the processing of your application. The collection of personal information is authorised by the Building Act 2004. If all or some of the personal information is not collected EPD cannot process your application. The personal information you provide may be disclosed to Australian Bureau of Statistics, ACT Revenue Office and the Taxation Office. The information may also be disclosed where authorised by law or court order, or where the Directorate reasonably believes that the use or disclosure of the information is reasonably necessary for enforcement related activities conducted by or on behalf of an enforcement body. EPD's Information Privacy Policy contains information about how you may access or seek to correct your personal information held by EPD, and how you may complain about an alleged breach of the Territory Privacy Principles. The EPD Information Privacy Policy can be found at [http://www.act.gov.au/epd/privacy](#).

**CONTACT INFORMATION**

**Email:**

[ACTPLAdevelopment@act.gov.au](mailto:ACTPLAdevelopment@act.gov.au)

**Post:**

Access Canberra  
Building Services  
Shopfront Mitchell  
GPO Box 158  
Canberra ACT 2601

**In Person:**

Please visit

Or call 132281 to find an  
Access Canberra Shopfront