



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 2020-221

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)	2
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: [EPSDFOI](#)
To: [CMTEDD_FOI](#)
Subject: FW: FOI Request from [REDACTED]
Date: Tuesday, 24 November 2020 2:09:05 PM
Attachments: [image001.png](#)

OFFICIAL: Sensitive

Good afternoon

Please see the below access application. Please advise if CMTEDD hold documents and if you accept partial transfer.

Kind Regards

Angelina Aloisi | Freedom of Information and Records Officer

Information and Knowledge Management

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: 02 6207 7912 | Email: Angelina.Aloisi@act.gov.au

Level 5, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au | www.planning.act.gov.au

Please consider the environment before printing this email

This email, and any attachments, may contain confidential information. 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.

From: TCCS_FreedomOfInformation <TCCS.FOI@act.gov.au>
Sent: Tuesday, 24 November 2020 11:08 AM
To: Aloisi, Angelina <Angelina.Aloisi@act.gov.au>; EPSDFOI <EPSDFOI@act.gov.au>
Subject: FOI Transfer : FOI Request from Elizabeth Kikkert MLA

OFFICIAL: Sensitive

Hi Angelina

I was calling you in relation to this request. TCCS received this FOI application yesterday and I think it might sit with EPSD. Just making some enquiries to see if we would hold any documents on the matter but most likely a full transfer to EPSD.

Thanks
Nicole

From: [REDACTED]
Sent: Monday, 23 November 2020 12:32 PM
To: TCCS_FreedomOfInformation <TCCS.FOI@act.gov.au>
Subject: FOI Request from [REDACTED]

Freedom of Information requests

Transport Canberra and City Services
GPO Box 158
Canberra City ACT 2601

Dear Madam or Sir:

I write to request under the *Freedom of Information Act 2016* (FOI Act) documents generated or received by the ACT Government that include both of the following: (a) single dwelling residential blocks in Lionel Rose Street, Holt, and (b) Rule 37A of the Single Dwelling Housing Development Code. These documents could include, but should not be limited to, stop notices, notices of non-compliance, notices of exemptions granted, communications (including queries and internal communications) addressing either compliance or exemption, Forms 1N seeking exemption from Rule 37A, development applications that mention Rule 37A, and/or decisions on development applications that mention Rule 37A.

I make this request pursuant to section 30 of the FOI Act.

As a member of the ACT Legislative Assembly, I note that any fees and charges associated with this request will be waived pursuant to section 107 (2)(e) of the Act.

Should you require any further information or clarification about my request, please contact my office on [REDACTED]

Kind regards,





ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-221



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 24 November 2020.

Specifically, you are seeking: *“Documents generated or received by the ACT Government that include both of the following: (a) single dwelling residential blocks in Lionel Rose Street, Holt, and (b) Rule 37A of the Single Dwelling Housing Development Code. These documents could include, but should not be limited to, stop notices, notices of non-compliance, notices of exemptions granted, communications (including queries and internal communications) addressing either compliance or exemption, Forms 1N seeking exemption from Rule 37A, development applications that mention Rule 37A, and/or decisions on development applications that mention Rule 37A.”*

In consultation with yourself the scope was refined on 24 November 2020 to *“Documents generated or received by the ACT Government that include both of the following: (a) single dwelling residential blocks on the east side of Lionel Rose Street, Holt, (even street numbers) and (b) Rule 37A of the Single Dwelling Housing Development Code. These documents could include, but should not be limited to, stop notices, notices of non-compliance, notices of exemptions granted, communications (including queries and internal communications) addressing either compliance or exemption, Forms 1N seeking exemption from Rule 37A, development applications that mention Rule 37A, and/or decisions on development applications that mention Rule 37A.”*

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 22 December 2020. However, following on from third party consultations, the due date is now 15 January 2021.

Third Party Consultation

In processing this request, third party consultation was undertaken with relevant third parties pursuant to section 38 of the Act. The views of these third parties were considered as part of the decision-making process.

Decision on access

Searches were completed for relevant documents and 30 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 the documents that fall within the scope of your request and the access decision for those documents.

I have decided to grant partial access to the documents.

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

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

Statement of Reasons

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

- the Act;
- the content of the documents that fall within the scope of your request;
- views of relevant third parties; and
- the *Human Rights Act 2004*.

Exemption claimed

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

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

Public Interest

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

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test,

to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

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

Factors favouring disclosure in the public interest:

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

(ii) contribute to positive and informed debate on important issues or matters of public interest;

(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 within the scope of the request, may contribute to positive and informed debate on a matter of public interest and enhance the government's accountability. The documents identified as being within the scope of the request provide information regarding stop notices, communications addressing Rule 37A and Form 1N. These matters have also been subject to recent media attention. Further, I also consider that release of these documents may contribute to the administration of justice generally, including procedural fairness by allowing you to have a record of the documents that fall within the scope of your request.

Factors favouring nondisclosure in the public interest:

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

ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

Having 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.

When considering the documents and factors in favour of non-disclosure, I have considered the personal 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 non-disclosure 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.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2018* 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 on the CMTEDD disclosure log 3 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/disclosure-log-2020>.

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 at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

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

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

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

Yours sincerely

A handwritten signature in grey ink, appearing to read 'P. Dachs', is positioned above the typed name.

Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

15 January 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

Documents generated or received by the ACT Government that include both of the following: (a) single dwelling residential blocks on the east side of Lionel Rose Street Holt (even street numbers) and (b) Rule 37A of the Single Dwelling Housing Development Code.

CMTEDDFOI 2020-221

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-6	RZ1 Zone Single Dwelling Assessment for Exempt Development	15 Aug 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	7-12	RZ1 Zone Single Dwelling Assessment for Exempt Development	29 Oct 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
3	13-21	SDHDC Code checklist Block 16 Section 128	17 Jan 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	22-30	SDHDC Code checklist Block 13 Section 128	20 Jan 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	31-36	Site Inspection – Block 13 Section 128	21 Jan 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	37-42	Site inspection – Block 16 Section 128	21 Jan 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
7	43	Email – Stop work notices – blocks 13 & 16 section 128 Holt	22 Jan 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
8	44-47	Attachments to above email – marked plans	N/A	Partial release	Sch 2 s2.2 (a)(ii)	Yes
9	48-50	Stop Notice – Section 128 Block 13 - Slab	22 Jan 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
10	51-53	Stop Notice – Section 128 Block 16 – Slab	22 Jan 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
11	54-56	Email trail – Stop work notices	22 Jan 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
12	57-63	Access Canberra Site Work Notice – Block 11 Section 128	25 Mar 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
13	64-69	Email trail – Documents required for blocks 13/128 and 16/128	2 Apr 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
14	70	Email – CAT to Delta Design & Construction – 1N exemption	20 Apr 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes

15	71	Email – CAT to Ministry Design – Blocks 13 & 16 Section 128 Holt	21 Apr 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
16	72	Email – Show Cause Notices	3 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
17	73-75	Show cause demerit points notice – Kenyon Hopkins – block 13 section 128	3 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
18	76-78	Show cause demerit points notice – Kenyon Hopkins – block 16 section 128	3 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
19	79-81	Show cause demerit points notice –CTECK HOP PTY LTD – block 13 section 128	3 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
20	82-84	Show cause demerit points notice –CTECK HOP PTY LTD – block 16 section 128	3 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
21	85-93	SDHDC checklist – Block 11 Section 128	12 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
22	94-95	Letter to Rapid Regulatory Response Team from CTECKHOP Pty Ltd	17 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
23	96-97	Email –Re: Show Cause Notice – Demerit Points	17 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
24	98-99	Email – Re: Show Cause Notice – RRT response	23 Jun 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
25	100-102	Email – Internal Construction Audit Team	7 Aug 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
26	103-104	Email – FW: Stop work notices – blocks 13 & 16 section 128 Holt	30 Sep 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
27	105-107	Email – Re: Stop work notices – meeting request	6 Oct 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
28	108-110	Email – Advice for owner Block 13 Section 128	28 Oct 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
29	111-121	Building/Site plans attached to email above	N/A	Partial release	Sch 2 s2.2 (a)(ii)	Yes
30	122-125	Email from owner Block 13 Section 128 to Construction Audit Team	30 Oct 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
30						

RZ1 Zone

Single Dwelling

Assessment for Exempt Development

BLOCK: [Redacted]	SECTION: [Redacted]	DIVISION: Holt	ZONE: RZ1	BLOCK SIZE: 249
BLOCK TYPE:	STANDARD:	COMPACT: ✓	MIDSIZED:	
BUILDER: Delta Design and Construction				

Date:	15/08/2019
Client/Lessee:	Sch 2.2(a)(ii)
Description of works:	New Single Storey House CLASS: 1a & 10a
Certifiers Name:	CTECKHOP PTY LTD
License Number:	2012392

Element 1: Building and Site controls

Rule	Prompt	Complies with Rule Yes/No/NR	Assessment Comment
R1	Plot Ratio	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	Rule applies to single dwelling blocks
R2	No. of storeys	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	Number of stories does not exceed: a) in RZ1,RZ2 & RZ3 – 2 b) in RZ4 - 3
R3	Attics & Basement car parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	R4 – RZ1 single dwelling blocks basement parking not permitted directly below any 2 storey element of a single dwelling house
R5	Height	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	Max height of building is: a) RZ1,RZ2 & RZ3 – 8.5m b) RZ4 – 12m
R6	Envelope	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	All large & midsize blocks approved after 5/7/2013
R7	Sun Angle	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	All large & midsize blocks approved after 5/7/2013 all compact blocks approved after 5/7/2013
R8	Envelope	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Midsized blocks approved before 5/7/2013
R9	Envelope	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Midsized blocks & compact blocks i) Approved under estate development plan before 5/7/2013 ii) For which a lease was granted before 5/7/2013
R10	Bushfire	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	In accordance with specified bushfire construction level of Australian Standard AS 3959 – Construction of buildings in bushfire prone areas
R11	Front boundary setbacks	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	All blocks
R12	Side & Rear setbacks	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	All blocks
R13	Setbacks less than 900 mm	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	External wall within 900mm of side or rear boundary are set back not more than 180mm
R14	Garages & carports near side & rear boundaries	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Large blocks
R15	Walls on or near side & rear boundaries	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Midsized blocks

R16	Allowable encroachments - setbacks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R17	Allowable encroachments - front setback	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R18	Allowable encroachments – building envelopes	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R19	Surveillance blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R20	Cut and fill	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Max cut or fill within 1.5m of side and rear boundaries is 1.5m
R21	Blocks between 500m2 & 550m2	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	

Element 2: Lease and Development Conditions

Rule	Prompt	Complies with Rule Yes/No/NR	Assessment Comment
R22	Lease and Development conditions	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	

Element 3: Building design

Rule	Prompt	Complies with Rule Yes/No/NR	Assessment Comment
R23	Materials & finishes	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Structures, plant & equipment on roof not visible from street frontage or other unleased territory land unless exempt under Planning & Development Act 2007
R24	Fencing – large & mid-sized blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Fences comply with the Residential Boundaries Fences General Code
R25	Courtyard walls – large blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R26	Courtyard walls – mid-sized blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R27	Front fences & courtyard walls – compact blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R28	Front fences and side fences – compact blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	

Element 4: Parking and site access

R29	Pedestrian access	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	For blocks with boundary to a rear lane, pedestrian access is provided from the street address
R30	Vehicle access	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Driveway verge crossings are endorsed by Dept of Territory & Municipal Services
R31	Parking	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	Car parking is adequate for residents & visitors Complies with the following: a) for single dwelling house on compact blocks containing not more than 1 bedroom – 1 b) in all other cases - 2
R32	Parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Car parking space dimension are not less than the following: i) single roofed space – 6m x 3m ii) double roofed space – 6m x 5.5 m iii) single unroofed space – 5.5m x 3m iv) multiple unroofed spaces side by side – 5.5m x 2.3m

R32 (cont)	Parking		v) parallel parking spaces -6.7m x 2.3m vi) 2.1m minimum clearance to any overhead structure
R33	Parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Car parking spaces on the block comply with all the following: a) are not located in the front zone, except on i) compact blocks ii) any part of a driveway in tandem with another car parking space that is located behind the front building line b) Do not encroach any property boundaries c) at least one car parking space is roofed and is behind the front zone d) comply with sightlines for off-street parking facilities and other relevant requirements in Australian Standard AS2890.1 – Parking Facilities
R34	Parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	In RZ1 & RZ2 on single dwelling blocks ramps accessing basement car parking are behind the building line, where the block is less than 30m wide as measured at the street frontage. Ramps comply with the relevant requirement in Australian Standard AS2890.1 Parking Facilities
R35	Parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Car parking not permitted on verges
R36	Street frontages except frontages to laneways	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Maximum total width of garage doors and external width of carports the less of the following: a) 6m b) 50% of frontage

Element 5: Amenity

Rule	Prompt	Complies with Rule Yes/No/NR	Assessment Comment
R37	Solar Access	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	
R38	Private open space – large blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R39	Private open space – mid-sized blocks	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	
R40	Private open space – compact blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R41	Principal private open space	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R42	Noise Attenuation – external sources	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	No indication of compliance on plans and no report from a member of the Australian Acoustics Society has been supplied

Element 6: Environment

R43	Water sensitive urban design	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	This rule applies to all new single dwellings, secondary residences, extensions and alterations (but not minor extensions)
R44	Heritage	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R45	Tree Protection	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R46	Erosion Control	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	For sites less than 3,000m ²
R47	Erosion Control	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	For sites 3,000m ² or larger

Element 7: Services

R48	Construction waste management – all zones	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Rule applies to residential development that is likely to generate more than 20m3 of construction waste comprising one or more of the following a) demolition waste b) construction waste c) excavation material
R49	Utilities – all zones	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Rule applies to any proposed encroachment into a registered easement. Must be approved in writing by relevant service provider

I certify that the single dwelling referred to in this *Assessment for Exempt Development*, meets each applicable approval requirement under Section 29 of the *Building Act 2004* and building approval is not prevented from being issued under Section 30 or Section 30A of the *Building Act 2004*.

Signature: Sch 2.2(a)(ii) Licence No.: 2012392

Date: 05/11/2019



SITE WORK NOTICE

Building Act 2004, s151

For section 28 (1A) of the Building Act 2004

To be completed by the appointed Building Certifier and submitted to the Construction Occupations Registrar within 7 days of issue

Lease/Site Details

Block	Sch 2.2(a)(ii)	Section	Sch 2.2(a)(ii)	Suburb	Belconnen	Division	Holt
Unit No		Street Address	Lionel Rose Street				

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)

on: 15/08/2019

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, erecting a pergola

Building Certifier Details *Please Print*

Surname	HOPKINS	First Name	KEN		
Company Name	CTECK HOP PTY LTD				
Licence Number	135713763	Contact Number	62970324		
Postal Address	115/2 ENDEAVOUR HOUSE CAPTAIN COOK CRESCENT				
Suburb	MANUKA	State	ACT	Postcode	2603

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:

Please include all relevant regulations and codes relied on for your assessment and an outline of your reasoning, such the assessment you undertook; advice from referral entities, compliance with lease and development conditions etc. You can attach additional information if needed and supporting documents including checklists or your own assessment documents. You do not need to attach a copy of the plans or building approval application.

Single Dwelling Housing Code- Planning and development Act 2007

Planning and Development Regulation 2008 and Territory Plan Codes

Please attach additional information if required

Building Certifier Signature
(or nominee)

Sch 2.2(a)(ii)

Date of
Issue

05/11/2019

Giving false or misleading information is a serious offence

Privacy Notice

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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
Or call 132281 to find an
Access Canberra Shopfront.

RZ1 Zone

Single Dwelling

Assessment for Exempt Development

BLOCK <small>Sch 2.2(a)(iii)</small>	SECTION <small>Sch 2.2(a)(ii)</small>	DIVISION: Holt	ZONE: RZ1	BLOCK SIZE: 249
BLOCK TYPE:	STANDARD:	COMPACT: ✓	MIDSIZED:	
BUILDER: Delta Design and Constructions				

Date:	29/10/2019		
Client/Lessee:	Sch 2.2(a)(ii)		
Description of works:	New Dwelling and Garage	CLASS: 1a & 10a	
Certifiers Name:	CTECKHOP PTY LTD		
License Number:	2012392		

Element 1: Building and Site controls

Rule	Prompt	Complies with Rule Yes/No/NR	Assessment Comment
R1	Plot Ratio	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	Rule applies to single dwelling blocks
R2	No. of storeys	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	Number of stories does not exceed: a) in RZ1,RZ2 & RZ3 – 2 b) in RZ4 - 3
R3	Attics & Basement car parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	R4 – RZ1 single dwelling blocks basement parking not permitted directly below any 2 storey element of a single dwelling house
R5	Height	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	Max height of building is: a) RZ1,RZ2 & RZ3 – 8.5m b) RZ4 – 12m
R6	Envelope	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	All large & midsize blocks approved after 5/7/2013
R7	Sun Angle	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	All large & midsize blocks approved after 5/7/2013 all compact blocks approved after 5/7/2013
R8	Envelope	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Midsized blocks approved before 5/7/2013
R9	Envelope	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Midsized blocks & compact blocks i) Approved under estate development plan before 5/7/2013 ii) For which a lease was granted before 5/7/2013
R10	Bushfire	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	In accordance with specified bushfire construction level of Australian Standard AS 3959 – Construction of buildings in bushfire prone areas
R11	Front boundary setbacks	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	All blocks
R12	Side & Rear setbacks	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	All blocks
R13	Setbacks less than 900 mm	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	External wall within 900mm of side or rear boundary are set back not more than 180mm
R14	Garages & carports near side & rear boundaries	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Large blocks
R15	Walls on or near side & rear boundaries	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Midsized blocks

R16	Allowable encroachments - setbacks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R17	Allowable encroachments - front setback	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R18	Allowable encroachments – building envelopes	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R19	Surveillance blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R20	Cut and fill	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Max cut or fill within 1.5m of side and rear boundaries is 1.5m
R21	Blocks between 500m2 & 550m2	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	

Element 2: Lease and Development Conditions

Rule	Prompt	Complies with Rule Yes/No/NR	Assessment Comment
R22	Lease and Development conditions	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	

Element 3: Building design

Rule	Prompt	Complies with Rule Yes/No/NR	Assessment Comment
R23	Materials & finishes	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Structures, plant & equipment on roof not visible from street frontage or other unleased territory land unless exempt under Planning & Development Act 2007
R24	Fencing – large & mid-sized blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Fences comply with the Residential Boundaries Fences General Code
R25	Courtyard walls – large blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R26	Courtyard walls – mid-sized blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R27	Front fences & courtyard walls – compact blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R28	Front fences and side fences – compact blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	

Element 4: Parking and site access

R29	Pedestrian access	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	For blocks with boundary to a rear lane, pedestrian access is provided from the street address
R30	Vehicle access	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Driveway verge crossings are endorsed by Dept of Territory & Municipal Services
R31	Parking	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	Car parking is adequate for residents & visitors Complies with the following: a) for single dwelling house on compact blocks containing not more than 1 bedroom – 1 b) in all other cases – 2
R32	Parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Car parking space dimension are not less than the following: i) single roofed space – 6m x 3m ii) double roofed space – 6m x 5.5 m iii) single unroofed space – 5.5m x 3m iv) multiple unroofed spaces side by side – 5.5m x 2.3m

R32 (cont)	Parking		v) parallel parking spaces -6.7m x 2.3m vi) 2.1m minimum clearance to any overhead structure
R33	Parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Car parking spaces on the block comply with all the following: a) are not located in the front zone, except on i) compact blocks ii) any part of a driveway in tandem with another car parking space that is located behind the front building line b)Do not encroach any property boundaries c) at least one car parking space is roofed and is behind the front zone d)comply with sightlines for off-street parking facilities and other relevant requirements in Australian Standard AS2890.1 – Parking Facilities
R34	Parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	In RZ1 & RZ2 on single dwelling blocks ramps accessing basement car parking are behind the building line, where the block is less than 30m wide as measured at the street frontage. Ramps comply with the relevant requirement in Australian Standard AS2890.1 Parking Facilities
R35	Parking	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Car parking not permitted on verges
R36	Street frontages except frontages to laneways	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Maximum total width of garage doors and external width of carports the less of the following: a) 6m b) 50% of frontage

Element 5: Amenity

Rule	Prompt	Complies with Rule Yes/No/NR	Assessment Comment
R37	Solar Access	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	
R38	Private open space – large blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R39	Private open space – mid-sized blocks	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	
R40	Private open space – compact blocks	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R41	Principal private open space	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R42	Noise Attenuation – external sources	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	No indication of compliance on plans and no report from a member of the Australian Acoustics Society has been supplied

Element 6: Environment

R43	Water sensitive urban design	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	This rule applies to all new single dwellings, secondary residences, extensions and alterations (but not minor extensions)
R44	Heritage	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R45	Tree Protection	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	
R46	Erosion Control	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NR	For sites less than 3,000m ²
R47	Erosion Control	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	For sites 3,000m ² or larger

Element 7: Services

R48	Construction waste management – all zones	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Rule applies to residential development that is likely to generate more than 20m ³ of construction waste comprising one or more of the following a) demolition waste b) construction waste c) excavation material
R49	Utilities – all zones	<input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> NR	Rule applies to any proposed encroachment into a registered easement. Must be approved in writing by relevant service provider

I certify that the single dwelling referred to in this *Assessment for Exempt Development*, meets each applicable approval requirement under Section 29 of the *Building Act 2004* and building approval is not prevented from being issued under Section 30 or Section 30A of the *Building Act 2004*.

Signature: Sch 2.2(a)(ii) Licence No.: 2012392

Date: 05/11/2019



To be completed by the appointed Building Certifier and submitted to the Construction Occupations Registrar within 7 days of issue

Lease/Site Details

Block Section Suburb Division
Unit No Street Address

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:

on:

- 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, erecting a pergola

Building Certifier Details *Please Print*

Surname First Name
Company Name
Licence Number Contact Number
Postal Address
Suburb State Postcode

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:

Please include all relevant regulations and codes relied on for your assessment and an outline of your reasoning, such the assessment you undertook, advice from referral entities, compliance with lease and development conditions etc. You can attach additional information if needed and supporting documents including checklists or your own assessment documents. You do not need to attach a copy of the plans or building approval application.

Single Dwelling Housing Code- Planning and development Act 2007

Planning and Development Regulation 2008 and Territory Plan Codes

Please attach additional information if required

Building Certifier Signature
(or nominee)

Sch 2.2(a)(ii)

Date of
Issue

05/11/2019

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SINGLE DWELLING HOUSING DEVELOPMENT CODE CHECKLIST

Audit Date: 17/01/2020 SDHDC Version Date: 10/2019 BA Date: 05/11/2019

Sch 2.2(a)(ii) DIVISION: HOLT ZONE: RZ1 BLOCK SIZE (m²): 249

BLOCK TYPE: Compact Midsized R21 Midsized Large

EDP or subdivision approval date: 09/11/2019 N/A Part of an IHD? (Yes or No): NO

CERTIFIER/Lic#: CTECK HOP PTY LTD/2012392

PROJECT: DA exempt residence, garage, porch & alfresco

PROJECT NO: B20194538

AUDITOR: Chris Southwell

NOTE: This check list is not a legislative instrument. It is designed to assist auditors in making exempt development assessments of dwellings in conjunction with the most applicable version of Single Dwelling Housing Development Code under the Territory Plan that may apply.

Commented [tf1]: Check details including orientation using ACTMAP1

Commented [tf2]: Compact block - site area 250m² or less.

Commented [tf3]: Midsized block – site area greater than 250m² but less than or equal to 500m².

Commented [tf4]: The provisions of this code relating to mid-sized blocks apply to blocks from 500m² or greater but less than 550m² that are identified in a precinct code as mid-sized blocks. See Rule 21.

Commented [tf5]: Large block – site area greater than 500m²

Commented [TF6]: Estate Development Plan (EDP). Only applies to subdivisions approved on or after 31 March 2008. Hint Search for Subdivision & EDP at <http://www.planning.act.gov.au> (i.e. Coombs EDP). For a subdivision approval date on older block search Tarquin, if required.

Commented [tf7]: Is the block part of an Integrated Housing Development (IHD)? Hint: Read the definition of Integrated Housing Development under the Territory Plan definitions.

Commented [tf8]: Check license

Element 1: Building and site controls

Rule	Complies	Assessment Comment
1.1 Plot ratio – single dwelling blocks		
R1 This rule applies to <i>single dwelling blocks</i> . <i>Plot ratio</i> is: a) for <i>large blocks</i> , other than those referred to in item b) – not more than 50% b) for <i>blocks</i> created by subdivision of <i>dual occupancy housing</i> , the greater of – i) the <i>plot ratio</i> of the approved development at the time of creation of the new block, or ii) the maximum <i>plot ratio</i> calculated for the original block (ie. before subdivision) under: A) for RZ1- R6 of the Multi Unit Housing Development Code B) for RZ2- R7 of the Multi Unit Housing Development Code c) in all other cases – not applicable. For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m ² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
1.2 Number of storeys		
R2 The number of <i>storeys</i> does not exceed: a) in RZ1, RZ2 and RZ3 – 2 b) in RZ4 – 3. Rooftop plant that is set back and screened from the street is not included in the maximum number of storeys.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Single storey
1.3 Attics and basement car parking – single dwelling blocks - RZ1		
R3 In RZ1, on <i>single dwelling blocks</i> , <i>attics</i> are not permitted where they are located directly above any 2 storey element of a <i>single dwelling house</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No attic
R4 In RZ1, on <i>single dwelling blocks</i> , <i>basement</i> car parking is not permitted where located directly below any 2 storey element of a <i>single dwelling house</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No basement
1.4 Height of buildings		
R5 Maximum <i>height of building</i> is: a) in RZ1, RZ2 and RZ3 – 8.5m. b) in RZ4 – 12m.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	

Commented [BT9]: Plot Ratio also includes a garage and an alfresco that is under the same roof line and enclosed by more than 2 walls.

NOTE: The checks for rules 11 to 17 have been placed out of order to assist the auditor with the flow of their assessment.

1.9 Front boundary setbacks – all blocks			
<p>R11 Front boundary setbacks comply with the following:</p> <p>a) <i>large blocks</i> - tables 2A, 2B or 2C, as applicable</p> <p>b) <i>mid-sized blocks</i> - tables 3A, 3B or 3C, as applicable</p> <p>c) <i>compact blocks</i> - tables 3A, 3B or 4, as applicable.</p> <p>The minimum boundary setbacks for corner <i>blocks</i> apply only to one street frontage nominated by the applicant or nominated in a precinct code as a <i>secondary street frontage</i>.</p> <p>Nomination by a precinct code takes precedence.</p> <p>Chamfers may be included in the <i>secondary street frontage</i>, but only if the length of the chamfer is less than the length of the front boundary.</p> <p>Note: Chamfers are ordinarily found at the corner of a <i>block</i> at the junction of streets.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Table: 4	
1.10 Side and rear setbacks – all blocks			
<p>R12 This rule applies to one of the following:</p> <p>i) <i>single dwelling blocks</i> that are not part of an <i>integrated housing development parcel</i></p> <p>ii) <i>single dwelling blocks</i> in an <i>integrated housing development parcel</i> that adjoin <i>residential blocks</i> that are not part of that parcel</p> <p>Side and rear setbacks for:</p> <p>a) <i>large blocks</i> - comply with table 5</p> <p>b) <i>mid-sized blocks</i> - comply with tables 6A or 6B, as applicable</p> <p>c) <i>mid-sized blocks</i> nominated for alternative side boundary setbacks in a precinct code - comply with table 6C</p> <p>d) <i>compact blocks</i> - comply with table 7.</p> <p>In relation to the tables referred to in this rule, side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in this code or in a precinct code</p> <p>Note: Ordinarily a corner <i>block</i> has two <i>front boundaries</i>, one of which is the secondary frontage, two <i>side boundaries</i>, but no rear boundary.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Table: 7	
1.11 Setbacks less than 900mm			
<p>R13 <i>External walls</i> within 900mm of a side or rear boundary are set back from the boundary by not more than 180mm</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>		
1.12 Garages and carports on or near side and rear boundaries – large blocks			
<p>R14 This rule applies to <i>large blocks</i>.</p> <p><i>Garages</i> and <i>carports</i> within 900mm of a side or rear boundary comply with the following:</p> <p>The maximum length of all walls facing the boundary is 8m.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>		
1.13 Walls on or near side and rear boundaries – mid sized blocks			
<p>R15 This rule applies to <i>mid sized blocks</i>, but does not apply to that part of the building that is required to be built to a boundary of the block by a precinct code applying to an <i>integrated housing development parcel</i> of which the block is a part.</p> <p>A wall with a setback of less than 900mm to a side or rear boundary complies with all of the following:</p> <p>a) not more than 13m in length</p> <p>b) extends no more than 2.5m into the rear zone</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>		

1.14 Allowable encroachments – setbacks						
<p>R16 Encroachments into the minimum side and/or rear boundary setback are permitted for any of the following building elements:</p> <p>a) an eave or roof overhang with a horizontal width of not more than 600mm</p> <p>b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, unroofed pergolas, sun blinds</p> <p>c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Eaves allowable				
<p>R17 Encroachments into the front setback are permitted for one or more of the following building elements:</p> <p>a) an eave or roof overhang with a horizontal width of not more than 600mm</p> <p>b) fascias, gutters, downpipes, light fittings, sun blinds</p> <p>c) landings, steps or ramps, none of which are more than 1m above finished ground level.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Eaves allowable				
1.5 Building envelope - all large blocks; mid sized blocks approved on or after 5 July 2013						
<p>R6 This rule applies to:</p> <p>a) <i>large blocks</i></p> <p>b) <i>mid sized blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013 but does not apply to that part of a <i>building</i> that is required to be built to a boundary of the <i>block</i> by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule. An example of a typical building envelope is shown at Figure 1.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>					
1.6 Solar building envelope - all large blocks approved before 5 July 2013						
<p>R7 This rule applies to <i>large blocks</i> approved before 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the solar building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the 'solar fence' on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>X° is the apparent sun angle at noon on the winter solstice. Values for X are given in Table 1.</p> <p>The height of the 'solar fence' is:</p> <p>i) in the <i>primary building zone</i> – 2.4m</p> <p>ii) all other parts of the boundary – 1.8m</p> <p>This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a "battleaxe handle"). The previous rule applies to this part of the boundary. An example of a typical building envelope is shown at Figure 1.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	Boundary	Degree from North	Sun Angle		

NOTE: The checks for rules 14 to 17 have been placed out of order to assist the auditor with the flow of their assessment.

1.6A Solar building envelope - all blocks approved on or after 5 July 2013				
<p>R7A This rule applies to blocks approved under an estate development plan on or after 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the solar building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the 'solar fence' on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>X° is the apparent sun angle at noon on the winter solstice.</p> <p>Values for X are given in Table 1.</p> <p>The height of the 'solar fence' is:</p> <p>i) in the <i>primary building zone</i> – 3m</p> <p>ii) all other parts of the boundary – 2.3m</p> <p>This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a "battleaxe handle").</p> <p>The previous rule applies to this part of the boundary. An example of a typical building envelope is shown at Figure 1.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>		<p>Boundary</p> <p>Side</p>	<p>Degree from North</p> <p>0-10</p>
			<p>Sun Angle</p> <p>31</p>	
1.7 Building envelope – mid sized blocks approved before 5 July 2013				
<p>R8 This rule applies to <i>mid sized blocks</i> approved under an estate development plan before 5 July 2013 or for which a <i>lease</i> was granted before 5 July 2013, but does not apply to that part of a <i>building</i> that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the building envelope comprising:</p> <p>a) for 'north facing boundaries' of adjoining <i>residential blocks</i>:</p> <p>i) within the <i>primary building zone</i> –</p> <p>A) planes projected at 45° from a height of 2m above the boundary</p> <p>B) where a nil setback is permitted, building elements may encroach beyond the building envelope provided they do not encroach beyond a plane projected at 30° from a height of 3m above the boundary</p> <p>ii) within the <i>rear zone</i> – planes projected at 30° from a height of 2m above each side and rear boundary</p> <p>b) for boundaries other than 'north facing boundaries' of adjoining <i>residential blocks</i>:</p> <p>i) within the <i>primary building zone</i> – planes projected at 45° from a height of 4.5m above each side boundary</p> <p>ii) within the <i>rear zone</i> – planes projected at 30° from a height of 3.5m above each side and rear boundary</p> <p>For this rule:</p> <p>North facing boundary means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between 30° east of north and 20° west of north. An example of a typical building envelope is shown at Figure 2.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>			
<p>R9 This rule applies to <i>mid-sized blocks</i> and <i>compact blocks</i> with one of the following characteristics:</p> <p>a) approved under an estate development plan before 5 July 2013</p> <p>b) for which a <i>lease</i> was granted before 5 July 2013</p> <p>Where a garage wall is located on, or setback from, the <i>northern boundary</i> of an adjoining <i>residential block</i>, a 1m encroachment of the wall is permitted vertically beyond the building envelope, provided the wall and roof element associated with the wall do not encroach beyond a plane projected at 30° from a height of 3m above the respective boundary.</p> <p>Refer Figure 2.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>			
1.8 Bushfire				
<p>R10 Where identified in a precinct code or current and approved <i>lease and development conditions</i> as being within a bushfire prone area, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959 - <i>Construction of buildings in bushfire-prone areas</i>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>		<p>Not identified in precinct code</p>	

1.15 Allowable encroachments – building envelopes		
R18 Encroachments outside the building envelope specified in this element are permitted for one or more of the following: a) flues b) chimneys c) antennae d) aerials e) cooling appliances f) heating appliances.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No encroachments
1.16 Surveillance blocks		
R19 Where identified in a precinct code or current and approved <i>lease and development conditions</i> as a surveillance block, provide <i>habitable room(s)</i> above the garage with windows facing and overlooking the rear lane.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Not identified in precinct code
1.17 Cut and fill		
R20 The maximum cut or fill within 1.5m of side and rear boundaries is 1.5m	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
1.18 Blocks between 500m2 and 550m2		
R21 The provisions of this code relating to <i>mid-sized blocks</i> apply to <i>blocks</i> from 500m2 or greater but less than 550m2 that are identified in a precinct code as <i>mid-sized blocks</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

Commented [BT10]: Room is only required to extend onto part of the garage and is not required to be an entire room over the whole garage.

Element 2: Lease and development conditions

2.1 Approved lease and development conditions		
Rule	Complies?	Assessment Comment
R22 This rule applies to blocks affected by approved lease and development conditions that provide for one or more of the following matters: a) plot ratio yes <input type="checkbox"/> b) building envelope yes <input type="checkbox"/> c) building height yes <input type="checkbox"/> d) front street setback yes <input type="checkbox"/> e) side setback yes <input type="checkbox"/> f) rear setback yes <input type="checkbox"/> g) building design yes <input type="checkbox"/> h) materials and finish yes <input type="checkbox"/> i) interface yes <input type="checkbox"/> j) vehicle access yes <input type="checkbox"/> k) parking yes <input type="checkbox"/> l) solar access yes <input type="checkbox"/> m) private open space yes <input type="checkbox"/> n) water sensitive urban design yes <input type="checkbox"/> o) landscaping yes <input type="checkbox"/> Approved lease and development conditions for the matters listed above shall take precedence over the provisions of this code, but only to the extent of any inconsistency.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No L&Ds

Element 3: Building design

Rule	Complies?	Assessment Comment
3.1 Materials and finishes		
R23 Structures, plant and equipment situated on the roof are not visible from the street frontage or other unleased territory land unless exempt under <i>Planning and Development Act 2007</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No structures on roof
3.2 Fencing – large blocks and mid sized blocks		
R24 This rule applies to <i>large blocks</i> and <i>mid sized blocks</i> . Walls or fencing are not permitted forward of the <i>building line</i> except where they comply with one or more of the following: a) a previously approved estate development plan b) a relevant precinct code c) form a gate to a maximum height of 1.8m in an established, vigorous hedge d) otherwise complies with this code (eg courtyard wall provisions) e) is exempt under the <i>Planning and Development Act 2007</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
3.3 Courtyard walls – large blocks		
R25 This rule applies to <i>large blocks</i> . Courtyard walls forward of the <i>building line</i> comply with all of the following: a) total length complies with one of the following i) not more than 50% of the width of the <i>block</i> ii) not more than 70% where the width of the <i>block</i> at the line of the wall is less than 12m b) setback from the front boundary not less than 50% of the minimum front setback applying to the <i>block</i> c) height does not exceed 1.8m d) constructed only of brick, block or stonework, any of which may be combined with feature panels e) incorporate shrub planting between the wall and the front boundary f) do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with Australian Standard <i>AS2890.1- Off-Street Parking</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
3.4 Courtyard walls – mid sized blocks		
R26 This rule applies to <i>mid-sized blocks</i> . Courtyard walls forward of the <i>building line</i> comply with all of the following: a) have a maximum total length of i) where the width of the <i>block</i> at the line of the wall is less than 12m – 70% of the width of the <i>block</i> ii) in all other cases - 50% of the width of the <i>block</i> b) have a minimum <i>setback</i> from the <i>front boundary</i> of not less than - i) where the total length of the courtyard wall measured parallel to the front street boundary does not exceed 6.5m and the courtyard wall does not exceed 1.5m in height - 1m ii) in all other cases – 50% of the minimum front setback applying to the <i>block</i> c) do not exceed 1.8m in height d) are constructed of one of the following - i) only of brick, block or stonework, any of which may be combined with feature panels ii) finished to match or complement the dwelling house e) incorporate shrub planting between the wall and the front boundary f) do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with <i>A2890.1-The Australian Standard for Off-Street Parking</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

3.5 Front fences and courtyard walls – compact blocks		
<p>R27 This rule applies to <i>compact blocks</i>. Courtyard walls forward of the <i>building line</i> comply with all of the following:</p> <p>a) have a maximum total length of i) where the width of the <i>block</i> at the line of the wall is less than 12m – 60% of the <i>block</i> ii) in all other cases - 50% of the width of the <i>block</i>.</p> <p>b) have a minimum <i>setback</i> from the <i>front boundary</i> of not less than - i) where the courtyard encloses north facing <i>principal private open space</i> – 1m ii) in all other cases – 2m</p> <p>c) have a maximum height of - i) where the courtyard encloses <i>principal private open space</i> – 1.5m ii) where both of the following apply A) the courtyard encloses <i>principal private open space</i> B) the <i>block</i> is a corner <i>block</i> – 1.8m iii) in all other cases – 1.2m</p> <p>d) comply with one or more of the following - i) constructed of brick, block or stonework, any of which may be combined with feature panels ii) constructed and finished to match or complement the <i>single dwelling house</i></p> <p>e) provide for sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1-<i>The Australian Standard for Off-Street Parking</i>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	No courtyard walls or front fences
<p>R28 For <i>compact blocks</i>, front fences and side fences forward of the <i>building line</i> comply with all of the following:</p> <p>a) do not exceed one of the following - i) where located adjacent to the dwelling's <i>principal private open space</i> – 1.5m in height ii) where located adjacent to the dwelling's <i>principal private open space</i>, where the <i>block</i> is a corner <i>block</i> - 1.8m in height iii) in all other cases – 1.2m in height</p> <p>b) A2890.1-<i>The Australian Standard for Off- Street Parking</i> in relation to site lines for vehicles and pedestrians on public paths or driveways.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	No front fences

Element 4: Parking and site access

4.1 Pedestrian access		
<p>R29 For <i>blocks</i> with a boundary to a rear lane, pedestrian access is provided from the street address.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	No rear lane
4.2 Vehicle access		
<p>R30 Driveway verge crossings comply with all of the following:</p> <p>a) 1.2m horizontally clear of stormwater sumps and other services b) 1.5m horizontally clear of transformers, bus stops, public light poles c) 6m horizontally clear of the tangent point of the radius of the curve on a corner <i>block</i> (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance) d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb e) at a right angle to the kerb line with a maximum 10% deviation f) for <i>large blocks</i> and <i>mid sized blocks</i>, a maximum of 5.5 m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb g) for <i>compact blocks</i>, 3m wide at the front street boundary</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

<p>h) outside of the drip line of mature trees</p> <p>i) minimum of 3m clear of small and new street trees</p> <p>j) compliant with Australian Standard AS2890.1- <i>Parking facilities</i> as amended from time to time, having particular regard for sightlines and cross fall of the site</p> <p>k) where there is a public footpath across the driveway verge crossing, the footpath is continuous (i.e. the footpath is to have precedence).</p> <p>l) If the existing footpath is replaced, it is constructed at the same level in the same material and colour as the original.</p>		
4.3 Parking		
<p>R31 The minimum number of car parking spaces provided on the <i>block</i> complies with the following:</p> <p>a) for a <i>single dwelling house</i> on <i>compact blocks</i> containing not more than 1 bedroom – 1</p> <p>b) in all other cases - 2.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	2 covered spaces
<p>R32 Dimensions of car parking spaces are not less than the following:</p> <p>i) single roofed space - 6m x 3m</p> <p>ii) double roofed space - 6m x 5.5m</p> <p>iii) single unroofed space - 5.5m x 3m</p> <p>iv) multiple unroofed spaces side by side - 5.5m x 2.6m</p> <p>v) parallel parking spaces - 6.7m x 2.3m</p> <p>vi) 2.1m minimum clearance to any overhead structure.</p> <p>For this rule dimensions for roofed spaces are internal dimensions.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R33 Car parking spaces on the <i>block</i> comply with all of the following:</p> <p>a) are not located in the <i>front zone</i>, except on:</p> <p>i) <i>compact blocks</i></p> <p>ii) any part of a driveway in tandem with another car parking space that is located behind the <i>front building line</i>.</p> <p>b) do not encroach any property boundaries</p> <p>c) at least one car parking space is roofed and is behind the <i>front zone</i></p> <p>d) comply with sightlines for off-street carparking facilities and other relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R34 In RZ1 and RZ2, on <i>single dwelling blocks</i> ramps accessing <i>basement</i> car parking are behind the building line, where the <i>block</i> is less than 30 m wide as measured at the street frontage. Ramps comply with the relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	No basement parking
<p>R35 Car parking is not permitted on verges.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R36 This rule applies to street frontages except frontages to laneways (rear loading blocks). The maximum total width of garage doors and external width of carports is the lesser of the following:</p> <p>a) 6m</p> <p>b) 50% of the <i>façade</i> of the dwelling.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

Element 5: Amenity

5.1 Solar access – blocks which were approved or had a lease granted before 5 July 2013			
R37	Solar access	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
5.1A Solar access – blocks which were approved on or after 5 July 2013			
R37A	Solar access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
5.2 Private open space			
R38	Private open space – large blocks	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
R39	Private open space – mid-sized blocks	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
R40	Private open space – compact blocks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
5.3 Principal private open space			
R41	Principal private open space	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	PPOS does not meet minimum dimensions
5.4 Noise attenuation – external sources			
R42	Noise attenuation – external sources	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Not identified in precinct code

Element 6: Environment

6.1 Water sensitive urban design			
R43	Water sensitive urban design	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	3 star wels fixtures
6.2 Heritage			
R44	Heritage	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Not a heritage block
6.3 Tree protection			
R45	Tree protection	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No trees on block
6.4 Erosion and sediment control			
R46	Erosion and sediment control - sites less than 3,000m2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
R47	Erosion and sediment control - sites 3,000m2 or larger	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

Element 7: Services

7.1 Construction waste management – all zones			
R48	Construction waste management – all zones	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
7.2 Utilities – all zones			
R49	Utilities – all zones	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

AUDITOR: ISSUES: No Yes (See job related notes)

JOB RELATED NOTES: Rules 37A & 41 not met

SINGLE DWELLING HOUSING DEVELOPMENT CODE CHECKLIST

Audit Date: 20/01/2020 SDHDC Version Date: 10/2019 BA Date: 05/11/202019

Sch 2.2(a)(ii) DIVISION: HOLT ZONE: RZ1 BLOCK SIZE (m²): 249

BLOCK TYPE: Compact Midsized R21 Midsized Large

EDP or subdivision approval date: 09/11/2019 N/A Part of an IHD? (Yes or No): NO

CERTIFIER/Lic#: CTECK HOP PTY LTD/2012392

PROJECT: DA exempt residence, garage & porch

PROJECT NO: B20194546

AUDITOR: Chris Southwell

NOTE: This check list is not a legislative instrument. It is designed to assist auditors in making exempt development assessments of dwellings in conjunction with the most applicable version of Single Dwelling Housing Development Code under the Territory Plan that may apply.

Commented [tf1]: Check details including orientation using ACTMAP1

Commented [tf2]: Compact block - site area 250m² or less.

Commented [tf3]: Midsized block – site area greater than 250m² but less than or equal to 500m².

Commented [tf4]: The provisions of this code relating to mid-sized blocks apply to blocks from 500m² or greater but less than 550m² that are identified in a precinct code as mid-sized blocks. See Rule 21.

Commented [tf5]: Large block – site area greater than 500m²

Commented [TF6]: Estate Development Plan (EDP). Only applies to subdivisions approved on or after 31 March 2008. Hint Search for Subdivision & EDP at <http://www.planning.act.gov.au> (i.e. Coombs EDP). For a subdivision approval date on older block search Tarquin, if required.

Commented [TF7]: Is the block part of an Integrated Housing Development (IHD)? Hint: Read the definition of Integrated Housing Development under the Territory Plan definitions.

Commented [tf8]: Check license

Element 1: Building and site controls

Rule	Complies	Assessment Comment		
1.1 Plot ratio – single dwelling blocks				
R1 This rule applies to <i>single dwelling blocks</i> . <i>Plot ratio</i> is: a) for <i>large blocks</i> , other than those referred to in item b) – not more than 50% b) for <i>blocks</i> created by subdivision of <i>dual occupancy housing</i> , the greater of – i) the <i>plot ratio</i> of the approved development at the time of creation of the new block, or ii) the maximum <i>plot ratio</i> calculated for the original block (ie. before subdivision) under: A) for RZ1- R6 of the Multi Unit Housing Development Code B) for RZ2- R7 of the Multi Unit Housing Development Code c) in all other cases – not applicable. For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m ² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	
1.2 Number of storeys				
R2 The number of <i>storeys</i> does not exceed: a) in RZ1, RZ2 and RZ3 – 2 b) in RZ4 – 3. Rooftop plant that is set back and screened from the street is not included in the maximum number of storeys.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Single storey
1.3 Attics and basement car parking – single dwelling blocks - RZ1				
R3 In RZ1, on <i>single dwelling blocks</i> , <i>attics</i> are not permitted where they are located directly above any 2 storey element of a <i>single dwelling house</i> .	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	No attic
R4 In RZ1, on <i>single dwelling blocks</i> , <i>basement</i> car parking is not permitted where located directly below any 2 storey element of a <i>single dwelling house</i> .	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	No basement
1.4 Height of buildings				
R5 Maximum <i>height of building</i> is: a) in RZ1, RZ2 and RZ3 – 8.5m. b) in RZ4 – 12m.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	

Commented [BT9]: Plot Ratio also includes a garage and an alfresco that is under the same roof line and enclosed by more than 2 walls.

NOTE: The checks for rules 11 to 17 have been placed out of order to assist the auditor with the flow of their assessment.

1.9 Front boundary setbacks – all blocks			
<p>R11 Front boundary setbacks comply with the following:</p> <p>a) <i>large blocks</i> - tables 2A, 2B or 2C, as applicable</p> <p>b) <i>mid-sized blocks</i> - tables 3A, 3B or 3C, as applicable</p> <p>c) <i>compact blocks</i> - tables 3A, 3B or 4, as applicable.</p> <p>The minimum boundary setbacks for corner <i>blocks</i> apply only to one street frontage nominated by the applicant or nominated in a precinct code as a <i>secondary street frontage</i>.</p> <p>Nomination by a precinct code takes precedence.</p> <p>Chamfers may be included in the <i>secondary street frontage</i>, but only if the length of the chamfer is less than the length of the front boundary.</p> <p>Note: Chamfers are ordinarily found at the corner of a <i>block</i> at the junction of streets.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Table: 4	
1.10 Side and rear setbacks – all blocks			
<p>R12 This rule applies to one of the following:</p> <p>i) <i>single dwelling blocks</i> that are not part of an <i>integrated housing development parcel</i></p> <p>ii) <i>single dwelling blocks</i> in an <i>integrated housing development parcel</i> that adjoin <i>residential blocks</i> that are not part of that parcel</p> <p>Side and rear setbacks for:</p> <p>a) <i>large blocks</i> - comply with table 5</p> <p>b) <i>mid-sized blocks</i> - comply with tables 6A or 6B, as applicable</p> <p>c) <i>mid-sized blocks</i> nominated for alternative side boundary setbacks in a precinct code - comply with table 6C</p> <p>d) <i>compact blocks</i> - comply with table 7.</p> <p>In relation to the tables referred to in this rule, side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in this code or in a precinct code</p> <p>Note: Ordinarily a corner <i>block</i> has two <i>front boundaries</i>, one of which is the secondary frontage, two <i>side boundaries</i>, but no rear boundary.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Table: 7	
1.11 Setbacks less than 900mm			
<p>R13 <i>External walls</i> within 900mm of a side or rear boundary are set back from the boundary by not more than 180mm</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>		
1.12 Garages and carports on or near side and rear boundaries – large blocks			
<p>R14 This rule applies to <i>large blocks</i>.</p> <p><i>Garages</i> and <i>carports</i> within 900mm of a side or rear boundary comply with the following:</p> <p>The maximum length of all walls facing the boundary is 8m.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>		
1.13 Walls on or near side and rear boundaries – mid sized blocks			
<p>R15 This rule applies to <i>mid sized blocks</i>, but does not apply to that part of the building that is required to be built to a boundary of the block by a precinct code applying to an <i>integrated housing development parcel</i> of which the block is a part.</p> <p>A wall with a setback of less than 900mm to a side or rear boundary complies with all of the following:</p> <p>a) not more than 13m in length</p> <p>b) extends no more than 2.5m into the rear zone</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>		

1.14 Allowable encroachments – setbacks						
<p>R16 Encroachments into the minimum side and/or rear boundary setback are permitted for any of the following building elements:</p> <p>a) an eave or roof overhang with a horizontal width of not more than 600mm</p> <p>b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, unroofed pergolas, sun blinds</p> <p>c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Eaves allowable				
<p>R17 Encroachments into the front setback are permitted for one or more of the following building elements:</p> <p>a) an eave or roof overhang with a horizontal width of not more than 600mm</p> <p>b) fascias, gutters, downpipes, light fittings, sun blinds</p> <p>c) landings, steps or ramps, none of which are more than 1m above finished ground level.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Eaves allowable				
1.5 Building envelope - all large blocks; mid sized blocks approved on or after 5 July 2013						
<p>R6 This rule applies to:</p> <p>a) <i>large blocks</i></p> <p>b) <i>mid sized blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013 but does not apply to that part of a <i>building</i> that is required to be built to a boundary of the <i>block</i> by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule. An example of a typical building envelope is shown at Figure 1.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>					
1.6 Solar building envelope - all large blocks approved before 5 July 2013						
<p>R7 This rule applies to <i>large blocks</i> approved before 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the solar building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the 'solar fence' on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>X° is the apparent sun angle at noon on the winter solstice. Values for X are given in Table 1.</p> <p>The height of the 'solar fence' is:</p> <p>i) in the <i>primary building zone</i> – 2.4m</p> <p>ii) all other parts of the boundary – 1.8m</p> <p>This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a "battleaxe handle"). The previous rule applies to this part of the boundary. An example of a typical building envelope is shown at Figure 1.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	Boundary	Degree from North	Sun Angle		

NOTE: The checks for rules 14 to 17 have been placed out of order to assist the auditor with the flow of their assessment.

1.6A Solar building envelope - all blocks approved on or after 5 July 2013					
<p>R7A This rule applies to blocks approved under an estate development plan on or after 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code. <i>Buildings</i> are sited wholly within the solar building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the 'solar fence' on any <i>northern boundary</i> of an adjoining <i>residential block</i>. X° is the apparent sun angle at noon on the winter solstice. Values for X are given in Table 1. The height of the 'solar fence' is: i) in the <i>primary building zone</i> – 3m ii) all other parts of the boundary – 2.3m This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a "battleaxe handle"). The previous rule applies to this part of the boundary. An example of a typical building envelope is shown at Figure 1.</p>	Yes <input checked="" type="checkbox"/>		Boundary	Degree from North	Sun Angle
	No <input type="checkbox"/>		Side	0-10	31
N/A <input type="checkbox"/>					
1.7 Building envelope – mid sized blocks approved before 5 July 2013					
<p>R8 This rule applies to <i>mid sized blocks</i> approved under an estate development plan before 5 July 2013 or for which a <i>lease</i> was granted before 5 July 2013, but does not apply to that part of a <i>building</i> that is required to be built to a boundary of the block by a precinct code. <i>Buildings</i> are sited wholly within the building envelope comprising: a) for 'north facing boundaries' of adjoining <i>residential blocks</i>: i) within the <i>primary building zone</i> – A) planes projected at 45° from a height of 2m above the boundary B) where a nil setback is permitted, building elements may encroach beyond the building envelope provided they do not encroach beyond a plane projected at 30° from a height of 3m above the boundary ii) within the <i>rear zone</i> – planes projected at 30° from a height of 2m above each side and rear boundary b) for boundaries other than 'north facing boundaries' of adjoining <i>residential blocks</i>: i) within the <i>primary building zone</i> – planes projected at 45° from a height of 4.5m above each side boundary ii) within the <i>rear zone</i> – planes projected at 30° from a height of 3.5m above each side and rear boundary For this rule: North facing boundary means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between 30° east of north and 20° west of north. An example of a typical building envelope is shown at Figure 2.</p>	Yes <input type="checkbox"/>				
	No <input type="checkbox"/>				
N/A <input checked="" type="checkbox"/>					
<p>R9 This rule applies to <i>mid-sized blocks</i> and <i>compact blocks</i> with one of the following characteristics: a) approved under an estate development plan before 5 July 2013 b) for which a <i>lease</i> was granted before 5 July 2013 Where a garage wall is located on, or setback from, the <i>northern boundary</i> of an adjoining <i>residential block</i>, a 1m encroachment of the wall is permitted vertically beyond the building envelope, provided the wall and roof element associated with the wall do not encroach beyond a plane projected at 30° from a height of 3m above the respective boundary. Refer Figure 2.</p>	Yes <input type="checkbox"/>				
	No <input type="checkbox"/>				
N/A <input checked="" type="checkbox"/>					
1.8 Bushfire					
<p>R10 Where identified in a precinct code or current and approved <i>lease and development conditions</i> as being within a bushfire prone area, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959 - <i>Construction of buildings in bushfire-prone areas</i>.</p>	Yes <input type="checkbox"/>				
	No <input type="checkbox"/>				
N/A <input checked="" type="checkbox"/>					Not identified in precinct code

1.15 Allowable encroachments – building envelopes		
R18 Encroachments outside the building envelope specified in this element are permitted for one or more of the following: a) flues b) chimneys c) antennae d) aerials e) cooling appliances f) heating appliances.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No encroachments
1.16 Surveillance blocks		
R19 Where identified in a precinct code or current and approved <i>lease and development conditions</i> as a surveillance block, provide <i>habitable room(s)</i> above the garage with windows facing and overlooking the rear lane.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Not identified in precinct code
1.17 Cut and fill		
R20 The maximum cut or fill within 1.5m of side and rear boundaries is 1.5m	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
1.18 Blocks between 500m2 and 550m2		
R21 The provisions of this code relating to <i>mid-sized blocks</i> apply to <i>blocks</i> from 500m2 or greater but less than 550m2 that are identified in a precinct code as <i>mid-sized blocks</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

Commented [BT10]: Room is only required to extend onto part of the garage and is not required to be an entire room over the whole garage.

Element 2: Lease and development conditions

2.1 Approved lease and development conditions		
Rule	Complies?	Assessment Comment
R22 This rule applies to blocks affected by approved lease and development conditions that provide for one or more of the following matters: a) plot ratio yes <input type="checkbox"/> b) building envelope yes <input type="checkbox"/> c) building height yes <input type="checkbox"/> d) front street setback yes <input type="checkbox"/> e) side setback yes <input type="checkbox"/> f) rear setback yes <input type="checkbox"/> g) building design yes <input type="checkbox"/> h) materials and finish yes <input type="checkbox"/> i) interface yes <input type="checkbox"/> j) vehicle access yes <input type="checkbox"/> k) parking yes <input type="checkbox"/> l) solar access yes <input type="checkbox"/> m) private open space yes <input type="checkbox"/> n) water sensitive urban design yes <input type="checkbox"/> o) landscaping yes <input type="checkbox"/> Approved lease and development conditions for the matters listed above shall take precedence over the provisions of this code, but only to the extent of any inconsistency.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No L&Ds

Element 3: Building design

Rule	Complies?	Assessment Comment
3.1 Materials and finishes		
R23 Structures, plant and equipment situated on the roof are not visible from the street frontage or other unleased territory land unless exempt under <i>Planning and Development Act 2007</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No structures on roof
3.2 Fencing – large blocks and mid sized blocks		
R24 This rule applies to <i>large blocks</i> and <i>mid sized blocks</i> . Walls or fencing are not permitted forward of the <i>building line</i> except where they comply with one or more of the following: a) a previously approved estate development plan b) a relevant precinct code c) form a gate to a maximum height of 1.8m in an established, vigorous hedge d) otherwise complies with this code (eg courtyard wall provisions) e) is exempt under the <i>Planning and Development Act 2007</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
3.3 Courtyard walls – large blocks		
R25 This rule applies to <i>large blocks</i> . Courtyard walls forward of the <i>building line</i> comply with all of the following: a) total length complies with one of the following i) not more than 50% of the width of the <i>block</i> ii) not more than 70% where the width of the <i>block</i> at the line of the wall is less than 12m b) setback from the front boundary not less than 50% of the minimum front setback applying to the <i>block</i> c) height does not exceed 1.8m d) constructed only of brick, block or stonework, any of which may be combined with feature panels e) incorporate shrub planting between the wall and the front boundary f) do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with Australian Standard <i>AS2890.1- Off-Street Parking</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
3.4 Courtyard walls – mid sized blocks		
R26 This rule applies to <i>mid-sized blocks</i> . Courtyard walls forward of the <i>building line</i> comply with all of the following: a) have a maximum total length of i) where the width of the <i>block</i> at the line of the wall is less than 12m – 70% of the width of the <i>block</i> ii) in all other cases - 50% of the width of the <i>block</i> b) have a minimum <i>setback</i> from the <i>front boundary</i> of not less than - i) where the total length of the courtyard wall measured parallel to the front street boundary does not exceed 6.5m and the courtyard wall does not exceed 1.5m in height - 1m ii) in all other cases – 50% of the minimum front setback applying to the <i>block</i> c) do not exceed 1.8m in height d) are constructed of one of the following - i) only of brick, block or stonework, any of which may be combined with feature panels ii) finished to match or complement the dwelling house e) incorporate shrub planting between the wall and the front boundary f) do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with <i>A2890.1-The Australian Standard for Off-Street Parking</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

3.5 Front fences and courtyard walls – compact blocks		
<p>R27 This rule applies to <i>compact blocks</i>. Courtyard walls forward of the <i>building line</i> comply with all of the following:</p> <p>a) have a maximum total length of i) where the width of the <i>block</i> at the line of the wall is less than 12m – 60% of the <i>block</i> ii) in all other cases - 50% of the width of the <i>block</i>.</p> <p>b) have a minimum <i>setback</i> from the <i>front boundary</i> of not less than -</p> <p>i) where the courtyard encloses north facing <i>principal private open space</i> – 1m ii) in all other cases – 2m</p> <p>c) have a maximum height of -</p> <p>i) where the courtyard encloses <i>principal private open space</i> – 1.5m ii) where both of the following apply A) the courtyard encloses <i>principal private open space</i> B) the <i>block</i> is a corner <i>block</i> – 1.8m iii) in all other cases – 1.2m</p> <p>d) comply with one or more of the following -</p> <p>i) constructed of brick, block or stonework, any of which may be combined with feature panels ii) constructed and finished to match or complement the <i>single dwelling house</i></p> <p>e) provide for sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1-<i>The Australian Standard for Off-Street Parking</i>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	No courtyard walls or front fences
<p>R28 For <i>compact blocks</i>, front fences and side fences forward of the <i>building line</i> comply with all of the following:</p> <p>a) do not exceed one of the following -</p> <p>i) where located adjacent to the dwelling's <i>principal private open space</i> – 1.5m in height ii) where located adjacent to the dwelling's <i>principal private open space</i>, where the <i>block</i> is a corner <i>block</i> - 1.8m in height iii) in all other cases – 1.2m in height</p> <p>b) A2890.1-<i>The Australian Standard for Off- Street Parking</i> in relation to site lines for vehicles and pedestrians on public paths or driveways.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	No front fences

Element 4: Parking and site access

4.1 Pedestrian access		
<p>R29 For <i>blocks</i> with a boundary to a rear lane, pedestrian access is provided from the street address.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	No rear lane
4.2 Vehicle access		
<p>R30 Driveway verge crossings comply with all of the following:</p> <p>a) 1.2m horizontally clear of stormwater sumps and other services b) 1.5m horizontally clear of transformers, bus stops, public light poles c) 6m horizontally clear of the tangent point of the radius of the curve on a corner <i>block</i> (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance) d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb e) at a right angle to the kerb line with a maximum 10% deviation f) for <i>large blocks</i> and <i>mid sized blocks</i>, a maximum of 5.5 m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb g) for <i>compact blocks</i>, 3m wide at the front street boundary</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

<p>h) outside of the drip line of mature trees</p> <p>i) minimum of 3m clear of small and new street trees</p> <p>j) compliant with Australian Standard AS2890.1- <i>Parking facilities</i> as amended from time to time, having particular regard for sightlines and cross fall of the site</p> <p>k) where there is a public footpath across the driveway verge crossing, the footpath is continuous (i.e. the footpath is to have precedence).</p> <p>l) If the existing footpath is replaced, it is constructed at the same level in the same material and colour as the original.</p>		
4.3 Parking		
<p>R31 The minimum number of car parking spaces provided on the <i>block</i> complies with the following:</p> <p>a) for a <i>single dwelling house</i> on <i>compact blocks</i> containing not more than 1 bedroom – 1</p> <p>b) in all other cases - 2.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	2 covered spaces
<p>R32 Dimensions of car parking spaces are not less than the following:</p> <p>i) single roofed space - 6m x 3m</p> <p>ii) double roofed space - 6m x 5.5m</p> <p>iii) single unroofed space - 5.5m x 3m</p> <p>iv) multiple unroofed spaces side by side - 5.5m x 2.6m</p> <p>v) parallel parking spaces - 6.7m x 2.3m</p> <p>vi) 2.1m minimum clearance to any overhead structure.</p> <p>For this rule dimensions for roofed spaces are internal dimensions.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R33 Car parking spaces on the <i>block</i> comply with all of the following:</p> <p>a) are not located in the <i>front zone</i>, except on:</p> <p>i) <i>compact blocks</i></p> <p>ii) any part of a driveway in tandem with another car parking space that is located behind the <i>front building line</i>.</p> <p>b) do not encroach any property boundaries</p> <p>c) at least one car parking space is roofed and is behind the <i>front zone</i></p> <p>d) comply with sightlines for off-street carparking facilities and other relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R34 In RZ1 and RZ2, on <i>single dwelling blocks</i> ramps accessing <i>basement</i> car parking are behind the building line, where the <i>block</i> is less than 30 m wide as measured at the street frontage. Ramps comply with the relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	No basement parking
<p>R35 Car parking is not permitted on verges.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R36 This rule applies to street frontages except frontages to laneways (rear loading blocks). The maximum total width of garage doors and external width of carports is the lesser of the following:</p> <p>a) 6m</p> <p>b) 50% of the <i>façade</i> of the dwelling.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

Element 5: Amenity

5.1 Solar access – blocks which were approved or had a lease granted before 5 July 2013			
R37	Solar access	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
5.1A Solar access – blocks which were approved on or after 5 July 2013			
R37A	Solar access	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
5.2 Private open space			
R38	Private open space – large blocks	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
R39	Private open space – mid-sized blocks	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
R40	Private open space – compact blocks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
5.3 Principal private open space			
R41	Principal private open space	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	PPOS does not meet minimum dimensions
5.4 Noise attenuation – external sources			
R42	Noise attenuation – external sources	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Not identified in precinct code

Element 6: Environment

6.1 Water sensitive urban design			
R43	Water sensitive urban design	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	3 star wels fixtures
6.2 Heritage			
R44	Heritage	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Not a heritage block
6.3 Tree protection			
R45	Tree protection	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	No trees on block
6.4 Erosion and sediment control			
R46	Erosion and sediment control - sites less than 3,000m2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
R47	Erosion and sediment control - sites 3,000m2 or larger	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

Element 7: Services

7.1 Construction waste management – all zones			
R48	Construction waste management – all zones	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
7.2 Utilities – all zones			
R49	Utilities – all zones	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

AUDITOR: ISSUES: No Yes (See job related notes)

JOB RELATED NOTES: Rules 37A & 41 not met



20200121-HOLT-Sch 2.2(a)(ii)-Site Inspection

General Inspection Report - Construction Audit Team

Complete

Failed items	Created actions
0	0

Audit Title	20200121-HOLT-Sch 2.2(a)(ii) Site Inspection
Unit	NA
Block	
Section	
Suburb	Holt
Project #	B20194546
Project Description	DA exempt residence, garage & porch
Description of Construction Stage	Slab
Certifier	CTECK HOP PTY LTD/2012392
Builder/Nominee	No builder appointed
Conducted on	📅 21st Jan, 2020 ⌚ 10:54 AM AEDT
Personnel	Chris Southwell & Billy Cross

Report Details

This building work inspection report is a visual assessment of reasonably accessible and/or visible elements of the building at the time of inspection.

This report is intended as an assessment of building work at a point in time and is not intended to be a certificate for the building work within the requirements of any Act's or regulations. However, information gathered in this report may be used as information or evidence to achieve compliant building work through education and/or compliance action.

This report is a subjective appraisal by the building inspectors on a visual inspection of the reasonably accessible parts of the building.

This report will not disclose defective building work in inaccessible areas, defective building work that is concealed and/or not reasonably visible, defective building work that may be apparent in other weather conditions or defective building work that has not arisen yet.

This report is not an assessment of fixtures and fittings other than those included in the building to make the building comply with the Building Code of Australia (BCA).

This report does not confirm that every aspect of the subject building work complies with the Building Act 2004, the BCA and/or relevant Australian standards. It is the responsibility of other parties to ensure full compliance with codes and standards is achieved.

– Photos



Photo 1

Items for Comment

Is building work being carried out and is a Notice About Building Work displayed correctly?

Pass

– Photos



Photo 2

Is the licensed builder or licensed certifier on-site?

No


Building Work Items for Comment

See issue item/s below.

Building Work Items

Building Work Item

Building Work Item 1

Subject Building work commenced without appointment of builder or building commencement notice	
Relevant Law Section 37 - Building Act 2004	
Relevant Code NA	
Conformance	Followup
- Notes At the time of inspection a building commencement notice has not been issued in accordance with section 37 of the Building Act 2004 for building approval number B20194546. Building work has progressed to the slab stage past the slab inspection stage.	
- Photos	
	
Photo 3	

Summary

Comments

Building work has been undertaken without a valid building commencement notice being issued.

Recommendations

Comments

Further investigation required



20200121-HOLT-Sch 2.2(a)(ii)-Site Inspection

General Inspection Report - Construction Audit Team

Complete

Failed items	Created actions
0	0

Audit Title	20200121-HOLT-Sch 2.2(a)(ii) Site Inspection
Unit	NA
Block	
Section	
Suburb	Holt
Project #	B20194538
Project Description	DA exempt residence, garage, porch & alfresco
Description of Construction Stage	Slab
Certifier	CTECK HOP PTY LTD/2012392
Builder/Nominee	No builder appointed
Conducted on	📅 21st Jan, 2020 ⌚ 10:55 AM AEDT
Personnel	Chris Southwell & Billy Cross

Report Details

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This report does not confirm that every aspect of the subject building work complies with the Building Act 2004, the BCA and/or relevant Australian standards. It is the responsibility of other parties to ensure full compliance with codes and standards is achieved.

– Photos



Photo 1

Items for Comment

Is building work being carried out and is a Notice About Building Work displayed correctly?

Pass

– Photos



Photo 2

Is the licensed builder or licensed certifier on-site?

No


Building Work Items for Comment

See issue item/s below.

Building Work Items

Building Work Item

Building Work Item 1

Subject Building work commenced without appointment of builder or building commencement notice	
Relevant Law Section 37 - Building Act 2004	
Relevant Code NA	
Conformance	Followup
- Notes At the time of inspection a building commencement notice has not been issued in accordance with section 37 of the Building Act 2004 for building approval number B20194538. Building work has progressed to the slab stage past the slab inspection stage.	
- Photos	
	
Photo 3	

Summary

Comments

Building work has been undertaken without a valid building commencement notice being issued.

Recommendations

Comments

Further investigation required

Media summary

3 Photos



Photo 1



Photo 2



Photo 3

From: "CAT"

Sent: 22/01/2020 3:41 AM

To: "Ken Hopkins" <cteckhop@gmail.com>

Subject: Stop work notices - blocks Sch 2.2(a)(ii) Holt [SEC=UNCLASSIFIED]

Attachments: Sch 2.2(a)(ii) Holt plan marked.pdf, Sch 2.2(a)(ii) Holt plan marked.pdf, 20200122-HOLT-Sch 2.2(a)(ii)-Building Act Stop Notice.pdf, 20200122-HOLT-Sch 2.2(a)(ii)-Building Act Stop Notice.pdf

UNCLASSIFIED

Good afternoon Ken

Audits of the DA exempt Building Approvals for Sch 2.2(a)(ii) Holt have been undertaken against the Single Dwelling Housing Development Code.

The audits have found the following issues (see attached plans for reference):

Rule 37A Solar access – The developments do not have any vertical glazing that is oriented between 45 degrees east and 45 degrees west of north. The rule requires that 4 square metres of vertical glazing that is oriented between 45 degrees east and 45 degrees west of north must allow sunlight into a daytime living area. Both developments do not appear to have adequate glazing to comply with the rule.

Rule 41 Principal private open space (PPOS) – The minimum dimensions required for the PPOS on a compact block are 4 metres by 4 metres. The plans show that the PPOS is only 4m by 3.74m for both blocks.

Additionally the BA documents that have been uploaded to eDevelopment do not contain an appointment of builder or a building commencement notice. A site inspection undertaken on 21 January 2020 found that building work on both sites have been commenced and slabs have been poured.

Both sites will need to stop work immediately until the above issues have been resolved, stop work notices are attached and signs will be placed on the site. Can you please advise the persons undertaking the building work of the stop notices.

I suggest that you seek advice from the Development Application Gateway team in regards to the planning issues raised above. If there are any issues or you have any further questions regarding the planning requirements the DA Gateway Team will be able to assist you and provide advice in regards to these matters. You can contact the DA gateway team by phone on 02 6205 2888, [submit an online enquiry](#) or in person at 16 Challis Street, Dickson ACT between 8:30am and 4:30pm, Monday to Friday.

If you have any issues or questions please let me know.

Regards

Chris Southwell

Construction Audit Team

Access Canberra | ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesschr>



NOTE
 -A MIN. OF 50% OF THE POS IS TO BE RETAINED AS PLANTING AREA TO COMPLY WITH TERRITORY PLAN - R50.
 -FOOTPATH IN VERGE NOT TO BE DISTURBED BY DRIVEWAY
 -BUILDER TO CONFIRM FINISHED FLOOR HEIGHTS PRIOR TO CONSTRUCTION
 -RL'S TO BE WITHIN 40mm OF SPECIFIED HEIGHT

NOTE
 -PLUMBING TIE INFORMATION NOT AVAILABLE AT TIME OF ARCHITECTURAL COMPLETION
 -BUSHFIRE (BAL) INFORMATION NOT AVAILABLE AT TIME OF ARCHITECTURAL COMPLETION

Roofs to be predominantly concrete or clay tiles or pre-coloured metal sheeting Galvanised sheet metal or unpainted Zincalume cladding will not be permitted on any buildings including sheds, fencing or ancillary structure.

Upper floor level setbacks where design incorporated blank walls, windows and permanently fixed panes of obscure glass or screen walls

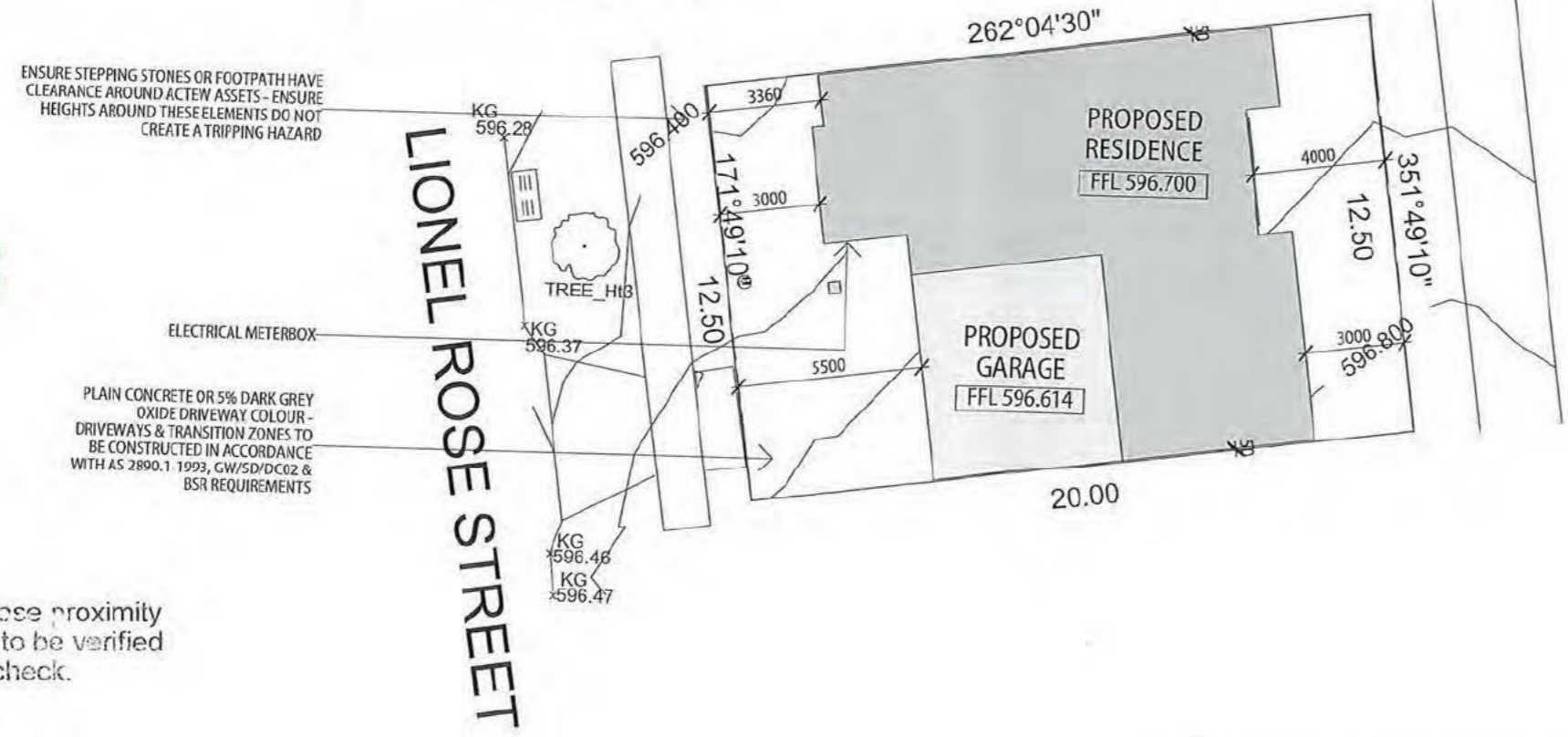
UNDERGROUND CABLE CLEARANCES REQUIRED

ALL DWELLINGS ARE REQUIRED TO HAVE AN EXTERNAL GUTTER PROTECTION SHROUD OR A GUTTER SYSTEM THAT PREVENTS THE ACCUMULATION OF LEAVES OR OTHER FLAMMABLE MATERIAL. ANY MATERIAL USED IN SUCH A SYSTEM SHALL HAVE A FLAMMABILITY INDEX NO GREATER THAN FIVE (%) AS MEASURED AGAINST AS1530.2.

Metal wall or roofing not white or off-white in accordance with R33 of the Single Dwelling Housing & Development Code

APPROVAL SUBJECT TO ELECTRICITY, GAS AND WATER CLEARANCES

Exempt Development Certification
 Approved under s.29 of the Building Act 2004
 05 NOV 2019
 CTECK HOP PTY LTD - Reg. No. 2012392
 Signature: [Signature] ACN: 135 713 763



Actew requirements to be complied with

ENSURE STEPPING STONES OR FOOTPATH HAVE CLEARANCE AROUND ACTEW ASSETS - ENSURE HEIGHTS AROUND THESE ELEMENTS DO NOT CREATE A TRIPPING HAZARD

PLAIN CONCRETE OR 5% DARK GREY OXIDE DRIVEWAY COLOUR - DRIVEWAYS & TRANSITION ZONES TO BE CONSTRUCTED IN ACCORDANCE WITH AS 2890.1 1993, GW/SD/DC02 & BSR REQUIREMENTS

Buildings within close proximity to boundaries are to be verified by survey check.

Survey certificate required at floor level

Building to be completed within 12 mths

Building materials: Walls to be predominately of masonry construction including face brickwork or an applied finish. Other materials such as stone treated timber or weatherboard, pre-coloured corrugated metal sheeting are suggested as relief elements.

AREAS	
SITE-	249 m ²
GROUND FLOOR-	115.47 m ²
GARAGE-	35.41 m ²
TOTAL-	150.88 m²
PORCH-	3.75 m ²

Dwelling to comply with site sensitive Urban Design guidelines

Dwelling floor level to be 300mm above the lowest point on the block

Amendment	MINISTRY DESIGN	Site Plan	Drawing Title: Sch 2.2(a)(ii)	Suburb: Holt	Scale: 1:200	Job no.: 1412	Drawing Number: A101	Revision: J	
			Client: Delta Constructions	Date: 18.3.19	Drawn: PI				

NOTE
 · A MIN. OF 50% OF THE POS IS TO BE RETAINED AS PLANTING AREA TO COMPLY WITH TERRITORY PLAN - R50.
 · FOOTPATH IN VERGE NOT TO BE DISTURBED BY DRIVEWAY
 · BUILDER TO CONFIRM FINISHED FLOOR HEIGHTS PRIOR TO CONSTRUCTION
 · RL's TO BE WITHIN 40mm OF SPECIFIED HEIGHT

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 · BUSHFIRE (BAL) INFORMATION NOT AVAILABLE AT TIME OF ARCHITECTURAL COMPLETION

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Building to be completed within **12mths**

APPROVAL SUBJECT TO ELECTRICITY, GAS AND WATER CLEARANCES

Survey certificate required at floor level

BUILDING APPROVAL
 Issued under s.28 of the Building Act 2004
CTECK HOP Pty Ltd
 ACN: 135 713 763
 Licence No: 2012 392
1a & 10a
 BCA Occupancy Class
 BCA Type of Construction
 Issue date: *05.11.19*
[Signature]
 Certifier signature

Metal wall or roofing not white or off-white in accordance with R33 of the Single Dwelling Housing & Development Code

Roofs to be predominantly concrete or clay tiles or pre-coloured metal sheeting Galvanised sheet metal or unpainted Zincolume cladding will not be permitted on any buildings including sheds, fencing or ancillary structure.

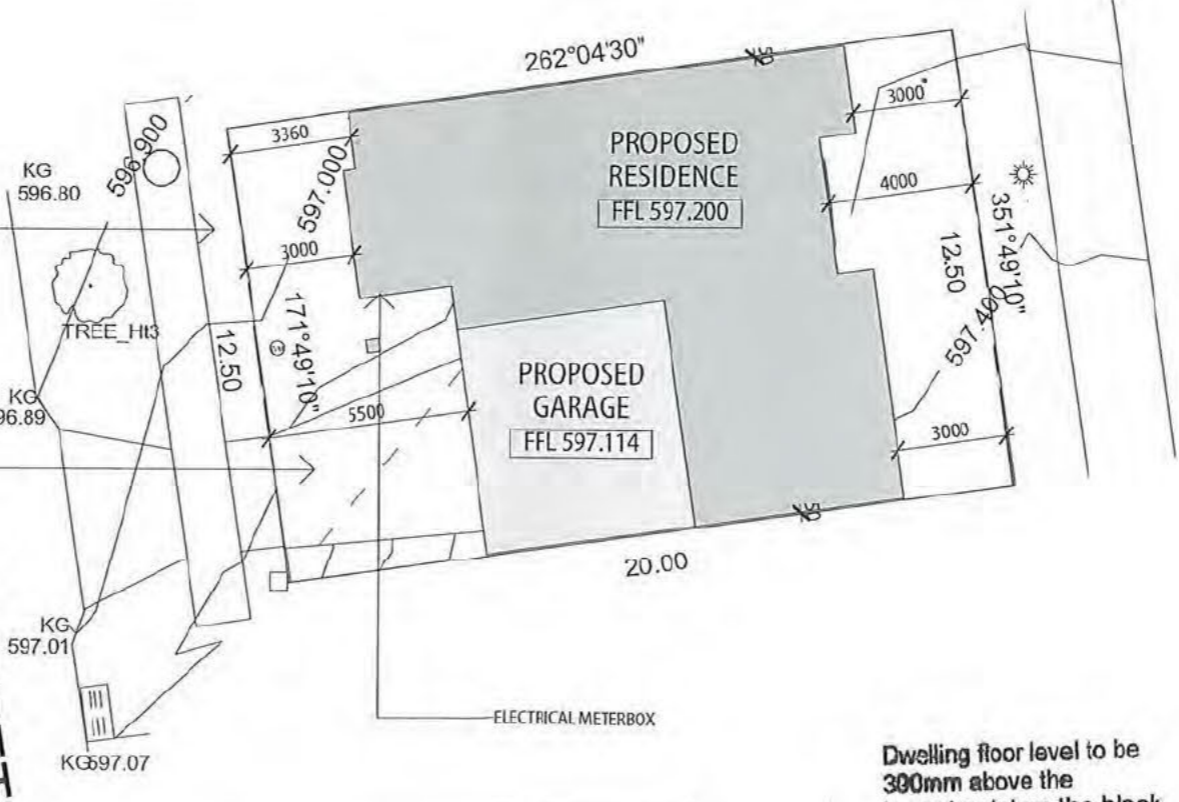
Upper floor level setbacks where design incorporated blank walls, windows and permanently fixed panes of obscure glass or screen walls

Actew requirements to be complied with

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PLAIN CONCRETE OR 5% DARK GREY OXIDE DRIVEWAY COLOUR - DRIVEWAYS & TRANSITION ZONES TO BE CONSTRUCTED IN ACCORDANCE WITH AS 2890.1-1993, GW/SD/DC02 & BSR REQUIREMENTS

LIONEL ROSE STREET



Dwelling floor level to be 300mm above the lowest point on the block

AREAS

SITE-	250 m ²
GROUND FLOOR -	115.47 m ²
GARAGE -	35.41 m ²
TOTAL-	150.88 m²
PORCH -	3.75 m ²
ALFRESCO -	14.11 m ²

ALL DWELLINGS ARE REQUIRED TO HAVE AN EXTERNAL GUTTER PROTECTION SHROUD OR A GUTTER SYSTEM THAT PREVENTS THE ACCUMULATION OF LEAVES OR OTHER FLAMMABLE MATERIAL. ANY MATERIAL USED IN SUCH A SYSTEM SHALL HAVE A FLAMMABILITY INDEX NO GREATER THAN FIVE (%) AS MEASURED AGAINST AS1530.2.

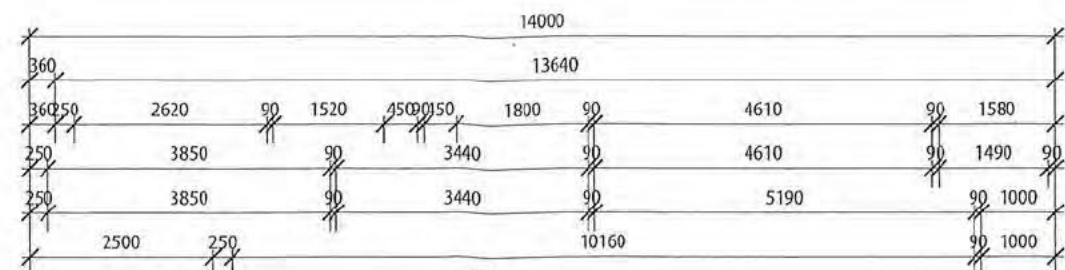
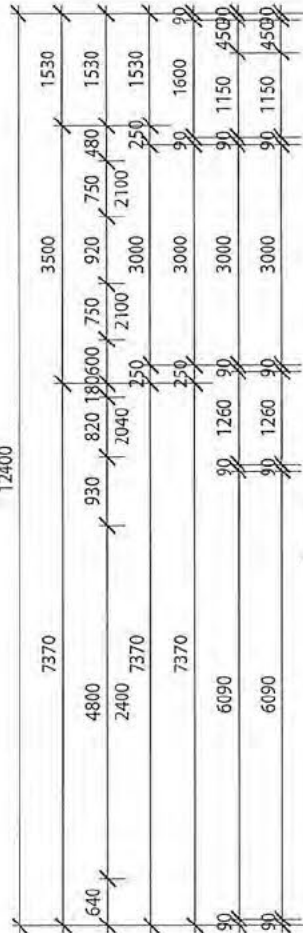
Exempt Development Certification
 Approved under s.29 of the Building Act 2004
05 NOV 2019
 CTECK HOP PTY LTD - Reg. No. 2012392
[Signature]
 ACN: 135 713 763

APPROVED FOR CONSTRUCTION
 Date: _____ Signed: _____

Amendment		MINISTRY DESIGN	Site Plan	Sch 2.2(a)(ii)	Suburb Holt	Scale 1:200	Job no. 1412	Drawing Number A101	Revision F	

NOTE
SMOKE ALARM TO COMPLY WITH NCC
PART 3.7.2 & LOCATION TBC BY
ELECTRICIAN

INSULATION
WALLS - R2.0 BATTS
CEILING - R4.1 BATTS
ROOF - HEAVY DUTY SARKING



1
A401

Rule 37A
Does not have 4m² of
north oriented vertical
glazing in daytime living
areas as required.

Sch 2.2(a)(ii)

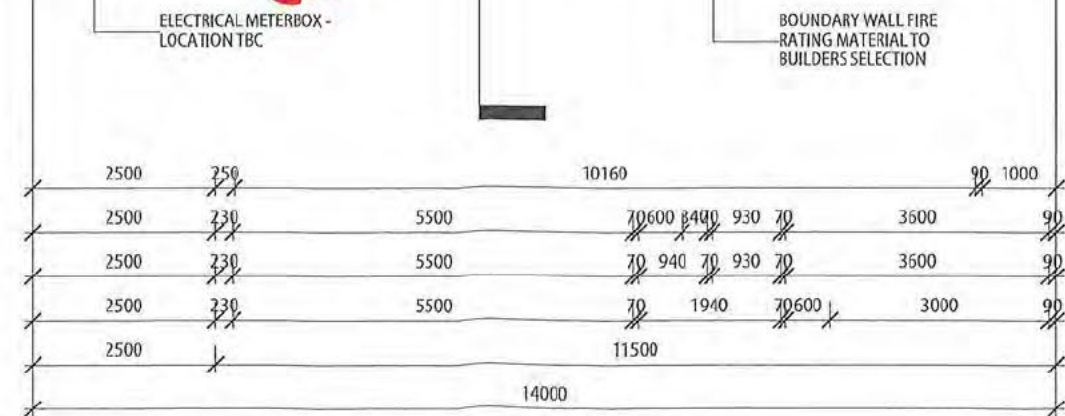
Rule 41
PPOS does not meet
minimum dimensions
of 4m x 4m

BUILDING APPROVAL
or part of the approval, under
the Building Act 2004 s.28A(2)
is in another document.
Licence No: 2012392
Initiated by Certifier Date 05/11/19

Exempt Development Certification
Approved under s.29 of the Building Act 2004
05 NOV 2019
CITECK HOP PTY LTD - Reg. No. 2012392
Signature ACN: 135 713 763

AREAS

SITE-	250 m ²
GROUND FLOOR-	115.47 m ²
GARAGE -	35.41 m ²
TOTAL-	150.88 m ²
PORCH -	3.75 m ²
ALFRESCO -	14.11 m ²



APPROVED FOR
CONSTRUCTION
Date: Signed:

Amendment		MINISTRY DESIGN		Drawing Title: Sch 2.2(a)(ii)		Scale: 1:100		Job no.: 1412		Drawing Number: A201		Revision: F	
A	Client Issue	28.5.19	1	Floor Plan		Date: 9.11.15		Delta Constructions		PI			



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Chris Southwell	6205 3830	cat@act.gov.au

Builder name and license number	Lessee
No builder appointed	Sch 2.2(a)(ii)

Suburb	Section	Block	Stage of development
HOLT	Sch 2.2(a)(ii)		SLAB

I Chris Southwell, Building Inspector, hereby **prohibit** the carrying out of building work 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.

Sch 2.2(a)(ii)

.....
Building Inspector

22/1/2020

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

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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

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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.

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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-għajnuna 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 telefoniрајте:
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



ACT
Government

Chief Minister, Treasury and
Economic Development

Stop Notice

Contact Officer	Phone Number	contact email
Chris Southwell	6205 3830	cat@act.gov.au

Builder name and license number	Lessee
No builder appointed	Sch 2.2(a)(ii)

Suburb	Section	Block	Stage of development
HOLT	Sch 2.2(a)(ii)		SLAB

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Sch 2.2(a)(ii)

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22.1.2020

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PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
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

From: "Ken Hopkins" <cteckhop@gmail.com>

Sent: 22/01/2020 4:25 PM

To: "CAT" <CAT@act.gov.au>

Subject: Re: Stop work notices - Sch 2.2(a)(ii) Holt [SEC=UNCLASSIFIED]

Hi Chris,

Thanks for the email.

No Building Commencement Notice has been issued for the two dwellings at the above mentioned blocks.

We have issued a Stop Work Notice and forwarded the issues to the architect and builder.

Kind Regards

Sch 2.2(a)(ii)

Administration

CTECK HOP PTY LTD

ACN: 135713763 Licence Number: 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603

Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

On Wed, Jan 22, 2020 at 2:41 PM CAT <CAT@act.gov.au> wrote:

UNCLASSIFIED

Good afternoon Ken

Audits of the DA exempt Building Approvals for Sch 2.2(a)(ii) Holt have been undertaken against the Single Dwelling Housing Development Code.

The audits have found the following issues (see attached plans for reference):

Rule 37A Solar access – The developments do not have any vertical glazing that is oriented between 45 degrees east and 45 degrees west of north. The rule requires that 4 square metres of vertical glazing that is oriented between 45 degrees east and 45 degrees west of north must allow sunlight into a daytime living area. Both developments do not appear to have adequate glazing to comply with the rule.

Rule 41 Principal private open space (PPOS) – The minimum dimensions required for the PPOS on a compact block are 4 metres by 4 metres. The plans show that the PPOS is only 4m by 3.74m for both blocks.

Additionally the BA documents that have been uploaded to eDevelopment do not contain an appointment of builder or a building commencement notice. A site inspection undertaken on 21 January 2020 found that building work on both sites have been commenced and slabs have been poured.

Both sites will need to stop work immediately until the above issues have been resolved, stop work notices are attached and signs will be placed on the site. Can you please advise the persons undertaking the building work of the stop notices.

I suggest that you seek advice from the Development Application Gateway team in regards to the planning issues raised above. If there are any issues or you have any further questions regarding the planning requirements the DA Gateway Team will be able to assist you and provide advice in regards to these matters. You can contact the DA gateway team by phone on 02 6205 2888, [submit an online enquiry](#) or in person at 16 Challis Street, Dickson ACT between 8:30am and 4:30pm, Monday to Friday.

If you have any issues or questions please let me know.

Regards

Chris Southwell

Construction Audit Team
Access Canberra | ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



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.



SITE WORK NOTICE

Building Act 2004, s151

For section 28 (1A) of the Building Act 2004

To be completed by the appointed Building Certifier and submitted to the Construction Occupations Registrar within 7 days of issue

Lease/Site Details

Block	Sch 2.2(a)(ii)	Section	Sch 2.2(a)(ii)	Suburb	HOLT	Division	
Unit No		Street Address	Sch 2.2(a)(ii)	LIONEL ROSE STREET			

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)

on: date 25 / 3 / 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, erecting a pergola

Building Certifier Details *Please Print*

Surname	CBS Residential Certifiers Pty Ltd	First Name	
Company Name	CBS Residential Certifiers Pty Ltd		
Licence Number	2019937	Contact Number	(02) 6253 9911
Postal Address	PO Box 76		
Suburb	Mitchell	State	ACT
		Postcode	2911

Approved form AF2016-76 approved by David Middlemiss, Construction Occupations Deputy Registrar on 02 August 2016 under section 151 the Building Act 2004 and revokes AF2015-3

Building Certifier Statement

I state that:

- the plans for the building work(s) 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:

The building work(s), as described on part A of the Appointment of Certifier Application for Building Approval Form, have been assessed against Part 1.2 & Part 1.3, Schedule 1 of Planning and Development Regulations 2008. They are consistent with the following sections of schedule 1 as nominated in the tables below. (Please tick all relevant)

Table 1: Building work(s) are exempt as per the Single Dwelling Housing Development Code

<input checked="" type="checkbox"/>	Assessment has been made under the Single Dwelling Housing Development Code (SDHDC)*	Please list any further details below:
<input type="checkbox"/>	Development on Old Res. Land (1.100)	
<input checked="" type="checkbox"/>	Development on New Res. Land (1.100AA)	
<input type="checkbox"/>	1N Exemption Applies (1.100AB, 1.100AB)	
<input type="checkbox"/>	Demolition under SDHDC (1.100B, 1.101)	

*Please see attached copy of CBS Single Dwelling Assessment for Exempt Development sheet

Table 2: Building work(s) are exempt as per the following section of Schedule 1

<input type="checkbox"/>	Internal alterations (1.20)	<input type="checkbox"/>	Photovoltaic Panels (1.27A)
<input type="checkbox"/>	Low impact window & doors (1.21)	<input type="checkbox"/>	Roofed class 10a – enclosed or open to one side (1.45)
<input type="checkbox"/>	High impact window & doors (1.21a)	<input type="checkbox"/>	Roofed class 10a – unenclosed or partially open (1.46)
<input type="checkbox"/>	External refinishing of building (1.22)	<input type="checkbox"/>	Class 10a – external deck (1.48)
<input type="checkbox"/>	Maintenance (1.23)	<input type="checkbox"/>	Class 10a – external verandas (1.49)
<input type="checkbox"/>	Chimney/Flue/Vents (1.25)	<input type="checkbox"/>	Retaining Walls (1.53)
<input type="checkbox"/>	External Heater or Cooler (1.27)	<input type="checkbox"/>	Swimming Pool (1.54)
<input type="checkbox"/>	Other Please list:		

Table 3: Amended building work(s) are exempt as per the following section of Schedule 1

<input type="checkbox"/>	The building works(s), as per the amended stamped building approval, are within the permitted construction tolerances for horizontal siting and height tolerances schedule 1A (1A.10, 1A.11)
<input type="checkbox"/>	Other Please list:

Please list any further information that may be relevant in deciding that the works are exempt under Schedule 1 as identified above

Building Certifier Signature
(or nominee)

Sch 2.2(a)(ii)

Date of Issue

15/09/2020

Giving false or misleading information is a serious offence

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CONTACT INFORMATION

Email:
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
Or call 132281 to find an
Access Canberra Shopfront.



Assessment against Single Dwelling Housing Development Code

Block ^{Sch 2.2(a)(i)} Section: ^{Sch 2.2(a)(ii)} Suburb: Holt

Date of Assessment:	30.3.20						
Client/Lessees:	Jigsaw Building Group						
Description of works:	New residence						
Block Size:	250 m ²	LARGE <input type="checkbox"/>	MIDSIZED <input type="checkbox"/>	COMPACT <input checked="" type="checkbox"/>	R21 <input type="checkbox"/>	Zoning:	RZ1
Date of Original Block Approval:	2018						
Certifier's Name:	Certified Building Solutions Pty Ltd.						
Licence Number:	200426203						

Element 1 – Building & Site Controls

Rule	Prompt	Complies with Rule Y/N/NR	Assessor's Comments		
R1	Plot Ratio – Large blocks	N/R	Compact block		
R2	Number of Storeys	Y			
R3	Attics – RZ1 only	N/R			
R4	Basement Car Parking – RZ1 only	N/R			
R5	Height	Y			
R6/R8	Building Envelope	N/R	Compact block		
R7/R7A	Sun Angle Envelope	Y	Boundary:	° from North:	Sun Angle:
			SIDE	7°	31°
R9	Garage Building Envelope – Mid-sized and Compact Blocks only	N/R	After 2013		
R10	Bushfire	N/R			
R11	Front Boundary Setbacks	Table: 4 Y			
R12	Side & Rear Setbacks	Table: 7 Y			
R13	Setbacks <900mm	Y			
R14	Garage Wall Length – Large Blocks only	N/R			
R15	<900mm Setback Wall Length – Mid-sized Blocks only	N/R			
R16	Allowable Encroachments – Side & Rear	Y			
R17	Allowable Encroachments – Front	Y			
R18	Allowable Encroachments – Envelopes	Y			
R19	Surveillance Blocks	N/R			
R20	Cut & Fill	Y			
R21	Blocks 500-550m2	N/R			

Element 2 – Lease & Development Conditions

Rule	Prompt	Complies with Rule Y/N/NR	Assessor's Comments
R22	Lease & Development Conditions	N/R	

Element 3 – Building Design

Rule	Prompt	Complies with Rule Y/N/NR	Assessor's Comments
R23	Materials & Finishes	N/R	
R24	Fencing	Y	
R25	Courtyard Walls – Large Blocks	N/R	
R26	Courtyard Walls – Mid-sized Blocks	↓	
R27	Courtyard Walls – Compact Blocks		
R28	Front Fences – Compact Blocks		

Element 4 – Parking & Site Access

Rule	Prompt	Complies with Rule Y/N/NR	Assessor's Comments
R29	Pedestrian Access	N/R	
R30	Vehicle Access	Y	
R31	Parking Space No.	Y	
R32	Parking Space Dimensions	Y	
R33	Parking Space Location	Y	
R34	RZ1 & RZ2 – Ramps	N/R	
R35	Verge Parking	Y	
R36	Garage Width	Y	4.81m DOOR WIDTH < 6.0m MAX.

Element 5 – Amenity

Rule	Prompt	Complies with Rule Y/N/NR	Assessor's Comments
R37 R37A	Solar Access	Y	Via living room (HIGH windows)
R38	POS – Large Blocks	N/R	
R39	POS – Mid-Sized	N/R	
R40	POS – Compact	Y	50m ² Required < 98.26m ² Provided
R41	PPOS – All Blocks	Y	VIA FAMILY ROOM
R42	Noise Attenuation	N/R	

$$\begin{aligned}
 \text{POS} - 250 \times 20\% &= 50\text{m}^2 \\
 115.99 + 35.75 &= 151.74\text{m}^2 \\
 250 - 151.74 &= 98.26\text{m}^2
 \end{aligned}$$

Element 6 – Environment

Rule	Prompt	Complies with Rule Y/N/NR	Assessor's Comments
R43	WSUD	Y	
R44	Heritage	N/R	
R45	Tree Protection	N/R	
R46	Erosion & Sediment (site <0.3ha)	Y	
R47	Erosion & Sediment (site ≥0.3ha)	N/R	

Element 7 – Services

Rule	Prompt	Complies with Rule Y/N/NR	Assessor's Comments
R48	Waste Management	N/R	
R49	Utilities	Y	

I certify that the single dwelling referred to in this *Assessment for Exempt Development* meets each applicable approval requirement under Section 29 of the *Building Act 2004* and building approval is not prevented from being issued under Section 30 or Section 30A of the *Building Act 2004*.

Signature: Sch 2.2(a)(ii) Licence No.: 2019937
Date: 15/04/2020

Other ongoing provisions

This part applies to blocks and parcels identified as ongoing provisions (OPn) in the Holt Precinct Map. It should be read in conjunction with the relevant zone development code and related codes.

OP1 – Holt residential area

This part applies to blocks and parcels identified in area OP1 shown on the Holt Precinct Map.

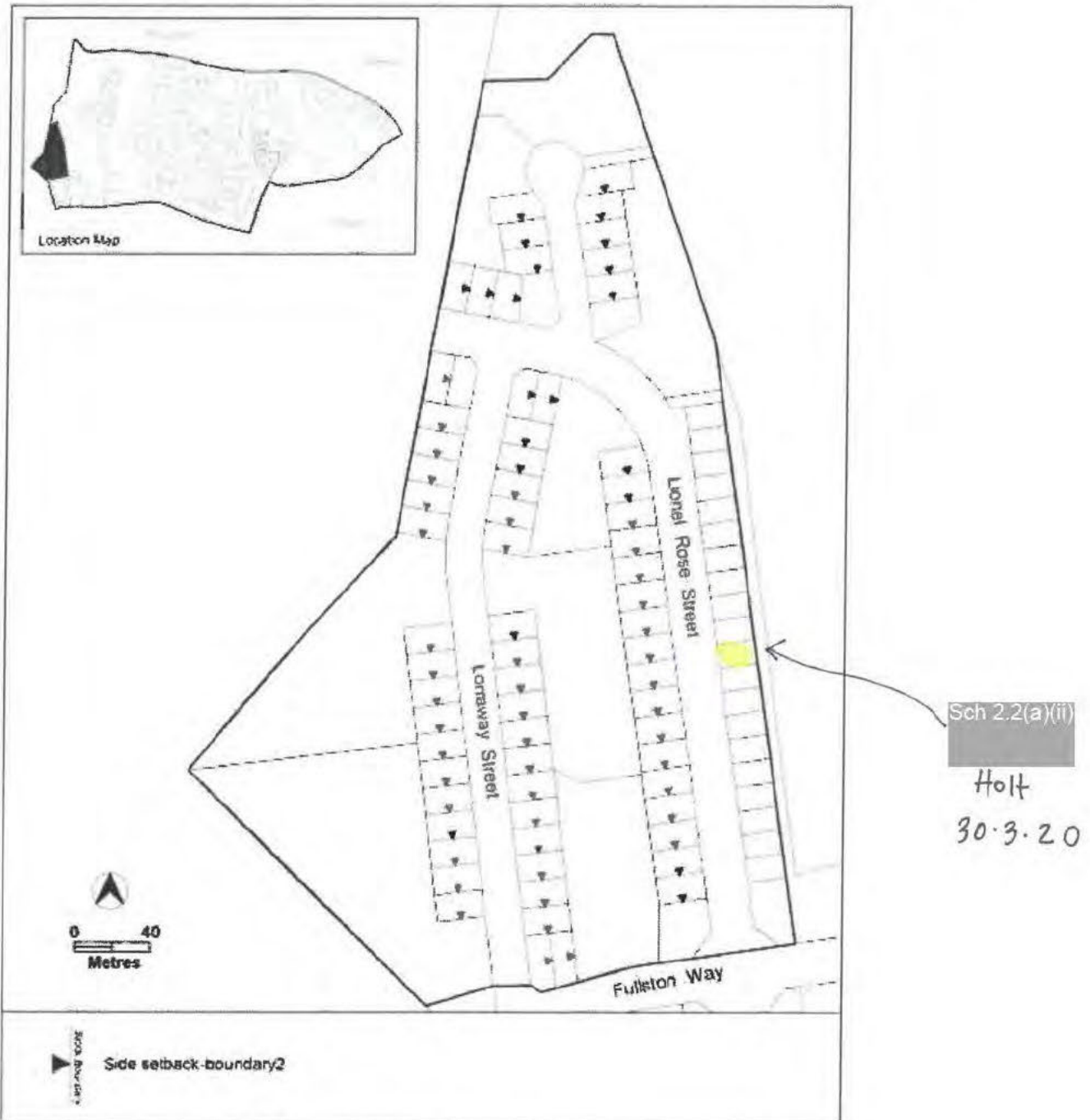
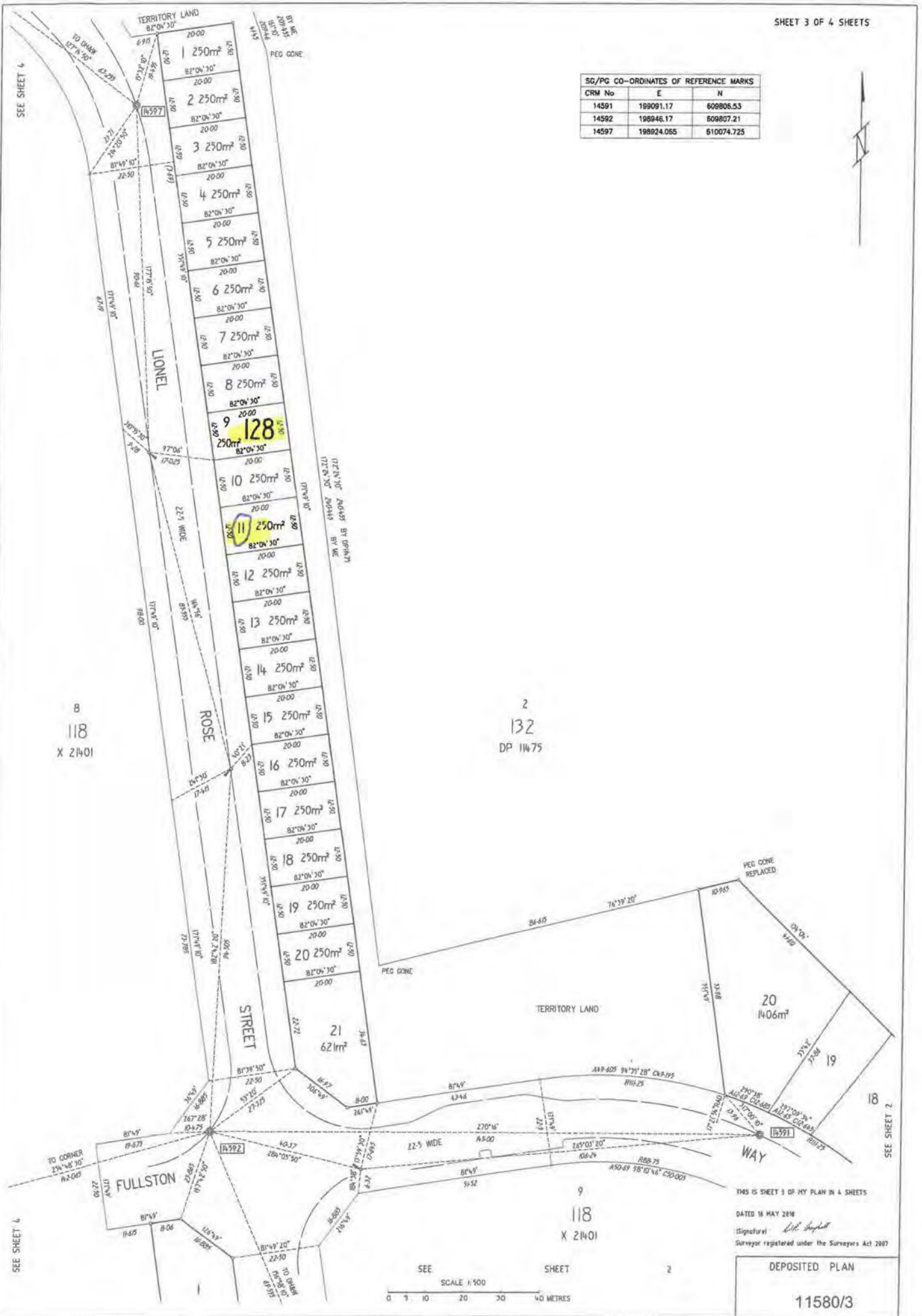


Figure 6 Holt residential area ongoing provisions

SG/PG CO-ORDINATES OF REFERENCE MARKS	CRM No	E	N
	14591	1989091.17	609808.53
	14592	198946.17	609807.21
	14597	198924.065	610074.725



8
118
X 21401

2
132
DP 11475

9
118
X 21401

THIS IS SHEET 3 OF MY PLAN IN 4 SHEETS
DATED 16 MAY 2016
(Signature) *W.L. Shepherd*
Surveyor registered under the Surveyors Act 2007

SEE SHEET 4
SCALE 1:100
SHEET 2
0 5 10 20 30 40 METRES

DEPOSITED PLAN
11580/3

From: "CAT"

Sent: 02/04/2020 10:59 PM

To: "Ali - Delta Design & Construction" <[redacted]@deltaconstruction.com.au>

Subject: RE: Att: Chris - [redacted] Holt [SEC=UNCLASSIFIED]

Good morning Ali,

Thank you for adding me into the email with the forms. You will need to follow up with Ken Hopkins to see if anything else is required to issue the building commencement notice.

You will also need to discuss how you are going to be able to progress with the approval process in regards to the slabs that have already been poured without the inspections being undertaken.

I appreciate the difficult circumstances that you are in with the current situation however at this stage unfortunately I am unable to do anything that will be able to progress the matters.

When the building commencement notices have been issued and the 1N application has been assessed we will then be able to assess and discuss the lifting of the stop work notices.

Regards

Chris Southwell | Building Inspector | Compliance Auditor

Phone: 02 6205 3830 | Email cat@act.gov.au

Construction, Environment and Workplace Protection | **Access Canberra** | ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



From: Ali - Delta Design & Construction [mailto:[redacted]@deltaconstruction.com.au]

Sent: Wednesday, 1 April 2020 7:07 PM

To: CAT <CAT@act.gov.au>

Subject: Re: Att: Chris - [redacted] Lionel Rose Street, Holt [SEC=UNCLASSIFIED]

Hello Chris,

I hope you're well.

Since your previous email, I have sent the signed forms to the Certifier again, in which you were also copied.

We are in a desperate cash flow position at the present time due to the current crises and need to continue with the build to receive the next stage payment.

I would sincerely appreciate anything you could do to speed up the process to have the stop work order lifted.

Thank you in advance.

Kind regards,

Ali

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From: CAT <CAT@act.gov.au>

Sent: Thursday, March 26, 2020 11:27:36 AM

To: Ali - Delta Design & Construction [redacted]@deltaconstruction.com.au>

Cc: Tom - Delta Design & Construction <tom@deltaconstruction.com.au>
Subject: RE: Att: Chris - [Sch 2.2(a)(ii)] Lionel Rose Street, Holt [SEC=UNCLASSIFIED]

Good morning Ali and Tom

My apologies for the delay in getting back to you.

Unfortunately the 1N process is handled by a different part of government and I am unable to give you a timeframe for when it will be assessed due to the current situation.

I have had a look at the documents that you sent through and have found there are signatures missing from both attached applications for commencement notice. Without these being complete the certifier is unable to issue the commencement notices.

[Sch 2.2(a)(ii)] will require your signature in part D, the owners signatures in part E and the insurance information in part [Sch 2.2(a)(ii)] will require your signature in part F and the insurance information in part G.

While the 1N is being assessed you will need to get these forms completed and sent to the certifier. I suggest that you contact them and see if there is any additional forms required to have the commencement notices issued, you should also discuss with the certifier how to move forward with the approval process as there is already existing building work that has not been inspected.

If there is anything else that you need please let me know.

Regards

Chris Southwell | Building Inspector | Compliance Auditor

Phone: 02 6205 3830 | Email cat@act.gov.au

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From: Ali - Delta Design & Construction [[mailto:\[redacted\]@deltaconstruction.com.au](mailto:[redacted]@deltaconstruction.com.au)]

Sent: Tuesday, 24 March 2020 9:22 AM

To: CAT <CAT@act.gov.au>

Cc: Tom - Delta Design & Construction <[redacted]@deltaconstruction.com.au>

Subject: Re: Att: Chris - [Sch 2.2(a)(ii)] Lionel Rose Street, Holt

Good morning Chris,

I hope you're well.

Further to our previous correspondence, I understand our architect lodged the 1N forms for [Sch 2.2(a)(ii)] of [Sch 2.2(a)(ii)] last week.

I would greatly appreciate a timely process of the applications as we are in a desperate position with the outbreak of the Coronavirus and it's ramifications on our progress.

Also, I note that we are in a dire financial position as all windows, trusses and bricks for these two builds have already been ordered and paid for and we desperately need to complete the next stage to receive payments from clients.

Your kind consideration would be greatly appreciated.

Many thanks,

Ali Ghasemi

Director

Delta Design and Construction

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From: Ali - Delta Design & Construction <[redacted]@deltaconstruction.com.au>

Sent: Tuesday, March 17, 2020 3:38:27 PM

To: CAT <CAT@act.gov.au>

Cc: Tom - Delta Design & Construction <[redacted]@deltaconstruction.com.au>

Subject: Att: Chris [Sch 2.2(a)(ii)] Lionel Rose Street, Holt

Dear Chris,

I also just came across the email, in which, I had to re-attach the signed forms and send back to Ken's office, together with more documents.

Please see attachments.

Many thanks,
Ali Ghasemi
Director
Delta Design and Construction

From: Ali - Delta Design & Construction <[redacted]@deltaconstruction.com.au>

Sent: Thursday, 31 October 2019 10:36 PM

To: Ken Hopkins <cteckhop@gmail.com>

Cc: Ken Hopkins <cteckhon@gmail.com>

Subject: Re: Sch 2.2(a)(ii) Holt

Good afternoon,

Please see all remaining signed documents attached.

We do not have a copy of the rates notice for any of the blocks as yet.

Please do a title search and issue the exempt BA so that we can commence construction.

Kind regards,



Sch 2.2(a)(ii)

Director, Delta Design and Construction Pty Ltd

1300911162 | 0423427866 | ali@deltaconstruction.com.au

www.deltaconstructions.com.au

PO Box 23, Cherrybrook NSW 2126



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From: Ken Hopkins <cteckhop@gmail.com>

Sent: Wednesday, 30 October 2019 12:54 PM

To: Ali - Delta Design & Construction <[redacted]@deltaconstruction.com.au>

Subject: Re: Sch 2.2(a)(ii) Holt

Good afternoon,

We still require the following, the previous email was just in relation to the paperwork you attached:

Sch 2.2(a)(ii) Holt

- Inspection Sheet –Attached.
- Asbestos Advisory Form. –Attached.
- Home Owners Warranty Insurance.
- Exempt Development Application form (attached)
- Soil Classification (by Geotechnical Engineer)
- Rates Notice
- Copy of Builders License (front & back with signature)

Sch 2.2(a)(ii) Holt

- Inspection Sheet –Attached.
- Appointment of Builder signed by the owners on the second page.
- Asbestos Advisory Form. –Attached.
- Exempt Development Application form (attached)
- Soil Classification (by Geotechnical Engineer)
- Rates Notice

-Copy of Builders License (front & back with signature)

We will need the forms signed and returned before we can issue the BA's

Kind Regards

Administration

CTECK HOP PTY LTD

ACN: 135713763 Licence Number: 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603

Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

On Tue, Oct 29, 2019 at 4:04 PM Ali - Delta Design & Construction <Ali@deltaconstruction.com.au>

wrote:

Hi

Further to my previous email, please see HOW for Holt attached.

Please ask to issue the BAs for both builds as we are behind schedule.



From: Ken Hopkins <cteckhop@gmail.com>

Sent: Tuesday, 29 October 2019 11:22 AM

To: Ali - Delta Design & Construction <Ali@deltaconstruction.com.au>

Subject: Re: Holt

Good morning,

We will require the appt of builder to be signed by the builder for

For

- The HOW has the wrong address.

- Appt of certifier not signed by owner.

- Appt of builder not signed by owner or builder.

If you have any questions, please let us know.

Kind Regards

Administration

CTECK HOP PTY LTD

ACN: 135713763 Licence Number: 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603


Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

On Tue, Oct 29, 2019 at 6:26 AM Ali - Delta Design & Construction <Ali@deltaconstruction.com.au>

wrote:

Ali - Delta Design & Construction has shared OneDrive for Business files with you. To view them, click the links below.

 [DE2E24CE-1764-45FC-B247-7DF16B6CFD8A.pdf](#) 

 [Sch 2.2\(a\)\(ii\)](#)   [17092019183416.pdf](#) 

 [DA Issue- 9719.pdf](#) 



Good morning ^{Sch 2.2(a)(ii)}
Please find attached the required documents for ^{Sch 2.2(a)(ii)} Holt.
I will supply the missing documents asap.
Kind regards,

Kind regards,



^{Sch 2.2(a)(ii)}

Director, Delta Design and Construction Pty Ltd
1300911162 | 0423427866 | ^{Sch 2.2(a)(ii)}@deltaconstruction.com.au
www.deltaconstructions.com.au
PO Box 23, Cherrybrook NSW 2126



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From: Ken Hopkins <cteckhop@gmail.com>
Sent: Tuesday, 15 October 2019 11:25 AM
To: Ali - Delta Design & Construction <^{Sch 2.2(a)(ii)}@deltaconstruction.com.au>
Subject: ^{Sch 2.2(a)(ii)} Holt

Good morning Ali,

We're still missing all the paperwork as mentioned 12/09/2019, some documents have been provided by the client (for ^{Sch 2.2(a)(ii)} Holt only) but they're all unclear and missing signatures.

So please find the following list of paperwork we require for the approval of both jobs in Holt:

- Inspection Sheet –Attached.
- Appointment of Certifier –Attached.
- Appointment of Builder –Attached.
- Asbestos Advisory Form. –Attached.

- Home Owners Warranty Insurance.
- Exempt Development Application form (attached)
- Signed Engineers Drawings.
- Soil Classification (by Geotechnical Engineer)
- 7A & 7B Neighbour notification forms – Attached.
- Rates Notice
- Copy of Builders License (front & back with signature)

So please note we haven't received the above documents completed. If you have sent them through could you please resend it again as I've searched the inbox but nothing has come through other than what I've previously mentioned.

Please let us know if there's any troubles.

Kind Regards

for 2010

Administration

CTECK HOP PTY LTD

ACN: 135713763 Licence Number: 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603

Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

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From: "CAT"

Sent: 20/04/2020 6:19 AM

To: "Ali - Delta Design & Construction" <[REDACTED]@deltaconstruction.com.au>; "[REDACTED] - Delta Design & Construction" <tom@deltaconstruction.com.au>

Subject: Sch 2.2(a)(ii) [REDACTED] Holt [SEC=UNCLASSIFIED]

Good afternoon Ali & Tom,

I have been in discussion with the team that undertakes the 1N exemption declaration applications and they have advised me that they have not received an application for either block.

Can you please follow this up with whoever was responsible for lodging the application and ensure that the application is lodged as soon as possible.

Additionally have you had discussions with Ken Hopkins regarding the building commencement notices and resuming work with the existing slabs?

Please feel free to call me if you have any further issues or questions.

Regards

Chris Southwell | Building Inspector | Compliance Auditor

Phone: 02 6205 3830 | Email cat@act.gov.au

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GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



From: "CAT" <CAT@act.gov.au>
Sent: 21/04/2020 11:33 PM
To: "Petar | ministry design" <[redacted]@ministrydesign.com.au>
Cc: "Ali - Delta Design & Construction" <[redacted]@deltaconstruction.com.au>
Subject: Sch 2.2(a)(ii) [redacted] Holt [SEC=UNCLASSIFIED]

Good morning [redacted]

As discussed yesterday I have spoken with my manager regarding the 1N applications for blocks 13 & 16 section 128 Holt.

It has been agreed that the 1N application will be required for the rule 41 – principal private open space and not for the rule 37A – solar access due to the limitations of the blocks.

When the applications have been submitted and accepted I have been advised that they should be assessed within the next 2 weeks.

If there are any additional issues or if you have any questions please let me know.

Regards

Chris Southwell | Building Inspector | Compliance Auditor
Phone: 02 6205 3830 | Email cat@act.gov.au
Construction, Environment and Workplace Protection | **Access Canberra** | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



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From: "Regulatory Response Team" <rrt@act.gov.au>

Sent: 03/06/2020 5:44 AM

To: "Ken Hopkins" <cteckhop@gmail.com>

Bcc: "Sekara, Bojan" <Bojan.Sekara@act.gov.au>

Subject: Show Cause Notice - Demerit Points - Sch 2.2(a)(ii) Holt

Attachments: Ken Hopkins-Notice to Show Cause - Licence Demerit - Sch 2.2(a)(ii) Holt.pdf, Ken Hopkins -Notice to Show

Cause - Licence Demerit - Sch 2.2(a)(ii) Holt.pdf, CTECK HOP PTY LTD- Notice to Show Cause - Licence Demerit - Sch 2.2(a)(ii)

Sch 2.2(a)(ii) Holt.pdf, CTECK HOP PTY LTD- Notice to Show Cause - Licence Demerit - Sch 2.2(a)(ii) Holt.pdf

UNCLASSIFIED

Dear Kenyon Hopkins,

Please find attached:

Notice to Show Cause – Demerit Points - Sch 2.2(a)(ii) Holt

- Kenyon Hopkins
- Cteck Hop Pty Ltd

Regards,

Regulatory Response Team | rrt@act.gov.au

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Notice to show cause Demerit Points

Under Part 8 of the *Construction Occupations (Licensing) Act 2004*

Kenyon Hopkins

Sch 2.2(a)(ii)

Dear Mr Hopkins,

Kenyon Hopkins – Licence No. 19967883

You are the holder of Building Surveyor Licence number 19967883 and this notice is in relation to building approval number B20194546 over Sch 2.2(a)(ii) Holt.

1. Facts and allegations:

It is alleged that a ground for occupational discipline exists under section 55(1)(a) of the *Construction Occupations (Licensing) Act 2004* (COLA). Section 55 (1)(a) states the following:

“the licensee, or a director, partner, nominee or employee of the licensee, contravened, or is contravening, this Act or an operational Act (including a direction given to the licensee under an operational Act)”

In relation to Building Approval 20194546 for Sch 2.2(a)(ii) Holt. The Alleged breaches are as followed:

- (a) Failed to comply with *Building Act 2004* s28 – certifier failed to issue building approval when should have or issued building approval when no grounds to issue.

On 5 November 2019 building approval was issued in relation to the above-mentioned block in contravention of the Single Dwelling Housing Development Code:

- i. Rule 37A - Solar access
- ii. Rule 41 – Principal Private open space (PPOS)

It is alleged that on 20 January 2020 an Audit of the DA Exempt building Approval was undertaken, the following items were identified inconsistent with the Single Dwelling Housing Development Code:

- i. The development does not have any vertical glazing that is oriented between 45 degrees east and 45 degrees west of north. The rule requires that 4 square metres of vertical glazing that is oriented between 45 degrees east and 45 degrees west of north must allow sunlight into a daytime living area.
- ii. The minimum dimensions required for the PPOS on a compact block are 4 metres by 4 metres. The plans show that the PPOS is only 4m by 3.74m.

See **Appendix A** for a marked up copy of the inconsistency identified.

Subsequently, a Stop Notice was issued by the Access Canberra Construction Audit Team on 22 January 2020.

It is further noted that the Certifier who approved the plans notified the Construction Occupations Registrar of the alleged non-compliance by formal notice on 22 January 2020.

2. Occupational Discipline

You should be aware that in accordance with section 56 of the *Construction Occupations (Licensing) Act 2004* (COLA), I may apply to the ACAT for occupational discipline orders if I consider that a ground for occupational discipline exists under section 55 of COLA. I may also take action under section 56(1)(b) of the COLA.

Please Note: Section 91 of the COLA requires that demerit points be recorded in the demerit points register if a demerit ground for occupational discipline exists in relation to a licensee.

3. Proposed Recording of Demerit Points

Noting the alleged demerit grounds for occupational discipline in part 1 of this notice I propose to record the following demerit points in the demerit points register against your licence:

Demerit Item No.	Demerit Short Description	Site where alleged breach occurred	Demerit Points
2.2.2	failure to issue required building approval, or issue of unauthorised building approval	Sch 2.2(a)(ii) Holt	2

4. Response

As the licensee I invite you to provide me with submissions and/or explanation regarding the proposal to record the demerit points against your licence in the demerit points register as is outlined in part three of this notice. Your submission and/or explanation must be received by 17:00 on 9 June 2020 (14 days from the date of this notice). Please address your submissions to me at the postal address, GPO Box 158, Canberra ACT 2601. Alternatively, you may send an attachment via the e-mail address: cat@act.gov.au.

Should you require further information in relation to the matters contained within the notice please contact Mr Chris Southwell, Building Inspector – Compliance Auditor, Construction Audit Team on 6205 3830 or e-mail address cat@act.gov.au

If after considering your submissions I am satisfied that the demerit points do not need to be recorded I will consider any further action that needs to be undertaken. If I do not receive anything from you, I may still consider whether or not to take further action.

Yours sincerely

Bojan Sekara

Bojan Sekara

Building Inspector and Compliance Auditor

03 June 2020



Access
Canberra.

Notice to show cause Demerit Points

Under Part 8 of the *Construction Occupations (Licensing) Act 2004*

Kenyon Hopkins

Sch 2.2(a)(ii)

Dear Mr Hopkins,

Kenyon Hopkins – Licence No. 19967883

You are the holder of Building Surveyor Licence number 19967883 and this notice is in relation to building approval number B20194538 over Sch 2.2(a)(ii) Holt.

1. Facts and allegations:

It is alleged that a ground for occupational discipline exists under section 55(1)(a) of the *Construction Occupations (Licensing) Act 2004* (COLA). Section 55 (1)(a) states the following:

“the licensee, or a director, partner, nominee or employee of the licensee, contravened, or is contravening, this Act or an operational Act (including a direction given to the licensee under an operational Act)”

In relation to Building Approval 20194538 for Sch 2.2(a)(ii) Holt. The Alleged breaches are as followed:

- (a) Failed to comply with *Building Act 2004* s28 – certifier failed to issue building approval when should have or issued building approval when no grounds to issue.

On 5 November 2019 building approval was issued in relation to the above-mentioned block in contravention of the Single Dwelling Housing Development Code:

- i. Rule 37A - Solar access
- ii. Rule 41 – Principal Private open space (PPOS)

It is alleged that on 20 January 2020 an Audit of the DA Exempt building Approval was undertaken, the following items were identified inconsistent with the Single Dwelling Housing Development Code:

- i. The development does not have any vertical glazing that is oriented between 45 degrees east and 45 degrees west of north. The rule requires that 4 square metres of vertical glazing that is oriented between 45 degrees east and 45 degrees west of north must allow sunlight into a daytime living area.
- ii. The minimum dimensions required for the PPOS on a compact block are 4 metres by 4 metres. The plans show that the PPOS is only 4m by 3.74m.

See **Appendix A** for a marked up copy of the inconsistency identified.

Subsequently, a Stop Notice was issued by the Access Canberra Construction Audit Team on 22 January 2020.

It is further noted that the Certifier who approved the plans notified the Construction Occupations Registrar of the alleged non-compliance via email on 22 January 2020.

2. Occupational Discipline

You should be aware that in accordance with section 56 of the *Construction Occupations (Licensing) Act 2004* (COLA), I may apply to the ACAT for occupational discipline orders if I consider that a ground for occupational discipline exists under section 55 of COLA. I may also take action under section 56(1)(b) of the COLA.

Please Note: Section 91 of the COLA requires that demerit points be recorded in the demerit points register if a demerit ground for occupational discipline exists in relation to a licensee.

3. Proposed Recording of Demerit Points

Noting the alleged demerit grounds for occupational discipline in part 1 of this notice I propose to record the following demerit points in the demerit points register against your licence:

Demerit Item No.	Demerit Short Description	Site where alleged breach occurred	Demerit Points
2.2.2	failure to issue required building approval, or issue of unauthorised building approval	Sch 2.2(a)(ii) Holt	2

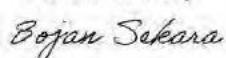
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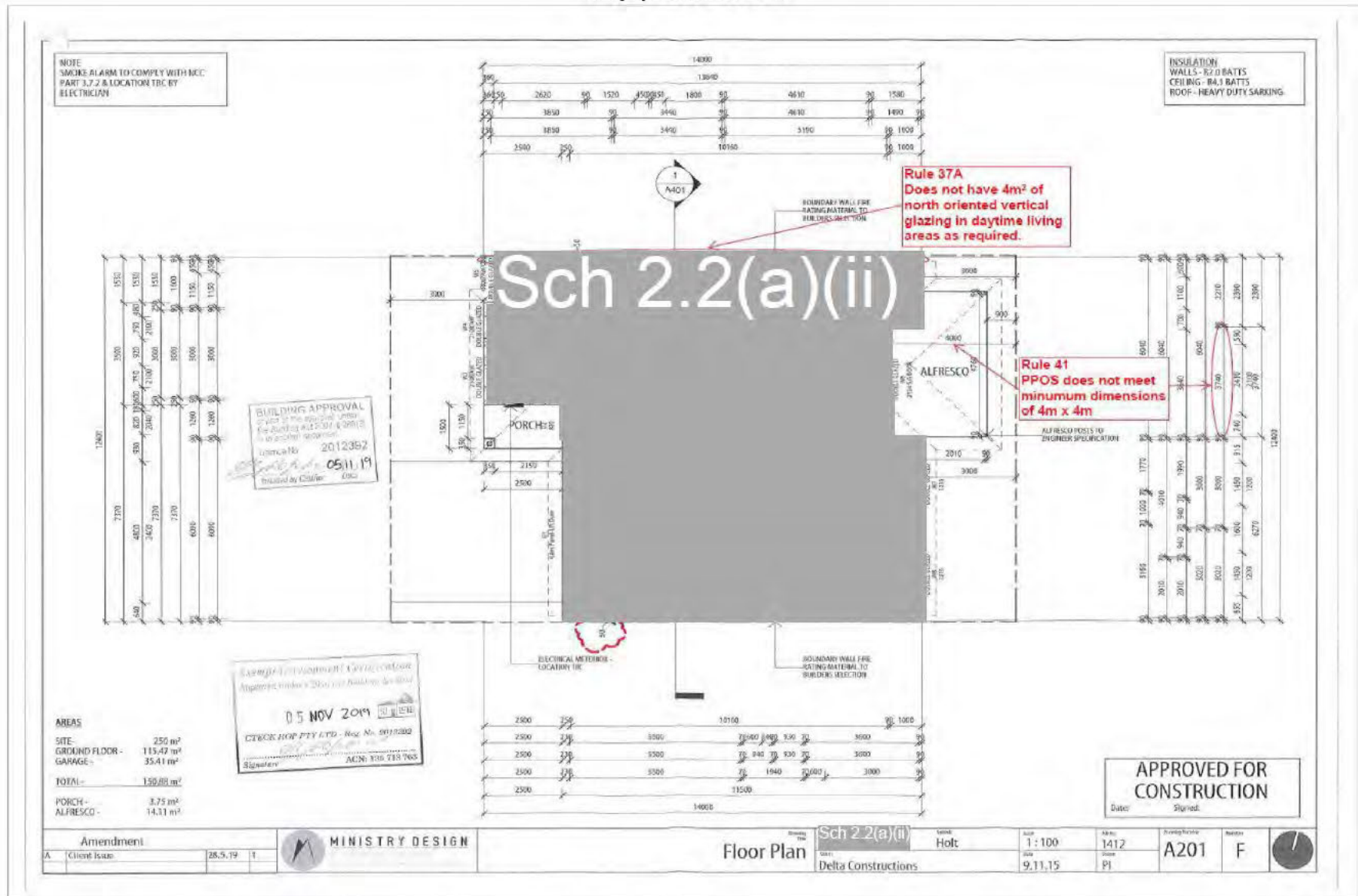
If after considering your submissions I am satisfied that the demerit points do not need to be recorded I will consider any further action that needs to be undertaken. If I do not receive anything from you, I may still consider whether to take further action.

Yours sincerely



Bojan Sekara
Building Inspector and Compliance Auditor
03 June 2020

Appendix A



Please see in red where the contraventions are circled.



Access
Canberra.

Notice to show cause Demerit Points

Under Part 8 of the *Construction Occupations (Licensing) Act 2004*

CTECK HOP PTY LTD
ENDEAVOUR HOUSE
2/115 Captain Cook Crescent
Manuka ACT 2603

Dear Mr Hopkins,

CTECK HOP PTY LTD – Licence No. 2012392

You are the holder of Building Surveyor Licence number 2012392 and this notice is in relation to building approval number B20194546 over **Sch 2.2(a)(ii)** Holt.

1. Facts and allegations:

It is alleged that a ground for occupational discipline exists under section 55(1)(a) of the *Construction Occupations (Licensing) Act 2004* (COLA). Section 55 (1)(a) states the following:

“the licensee, or a director, partner, nominee or employee of the licensee, contravened, or is contravening, this Act or an operational Act (including a direction given to the licensee under an operational Act)”

In relation to Building Approval 20194546 for **Sch 2.2(a)(ii)** Holt. The Alleged breaches are as followed:

- (a) Failed to comply with *Building Act 2004* s28 – certifier failed to issue building approval when should have or issued building approval when no grounds to issue.

On 5 November 2019 building approval was issued in relation to the above-mentioned block in contravention of the Single Dwelling Housing Development Code:

- i. Rule 37A - Solar access
- ii. Rude 41 – Principal Private open space (PPOS)

It is alleged that on 20 January 2020 an Audit of the DA Exempt building Approval was undertaken, the following items were identified inconsistent with the Single Dwelling Housing Development Code:

- i. The development does not have any vertical glazing that is oriented between 45 degrees east and 45 degrees west of north. The rule requires that 4 square metres of vertical glazing that is oriented between 45 degrees east and 45 degrees west of north must allow sunlight into a daytime living area.
- ii. The minimum dimensions required for the PPOS on a compact block are 4 metres by 4 metres. The plans show that the PPOS is only 4m by 3.74m.

See **Appendix A** for a marked up copy of the inconsistencies identified.

Subsequently, a Stop Notice was issued by the Access Canberra Construction Audit Team on 22 January 2020.

It is further noted that the Certifier who approved the plans notified the Construction Occupations Registrar of the alleged non-compliance via email on 22 January 2020.

2. Occupational Discipline

You should be aware that in accordance with section 56 of the *Construction Occupations (Licensing) Act 2004* (COLA), I may apply to the ACAT for occupational discipline orders if I consider that a ground for occupational discipline exists under section 55 of COLA. I may also act under section 56(1) (b) of the COLA.

Please Note: Section 91 of the COLA requires that demerit points be recorded in the demerit points register if a demerit ground for occupational discipline exists in relation to a licensee.

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Noting the alleged demerit grounds for occupational discipline in part 1 of this notice I propose to record the following demerit points in the demerit points register against your licence:

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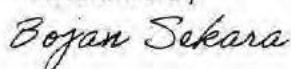
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As the licensee I invite you to provide me with submissions and/or explanation regarding the proposal to record the demerit points against your licence in the demerit points register as is outlined in part three of this notice. Your submission and/or explanation must be received by 17:00 on 17 June 2020 (14 days from the date of this notice). Please address your submissions to me at the postal address, GPO Box 158, Canberra ACT 2601. Alternatively, you may send an attachment via the e-mail address: cat@act.gov.au.

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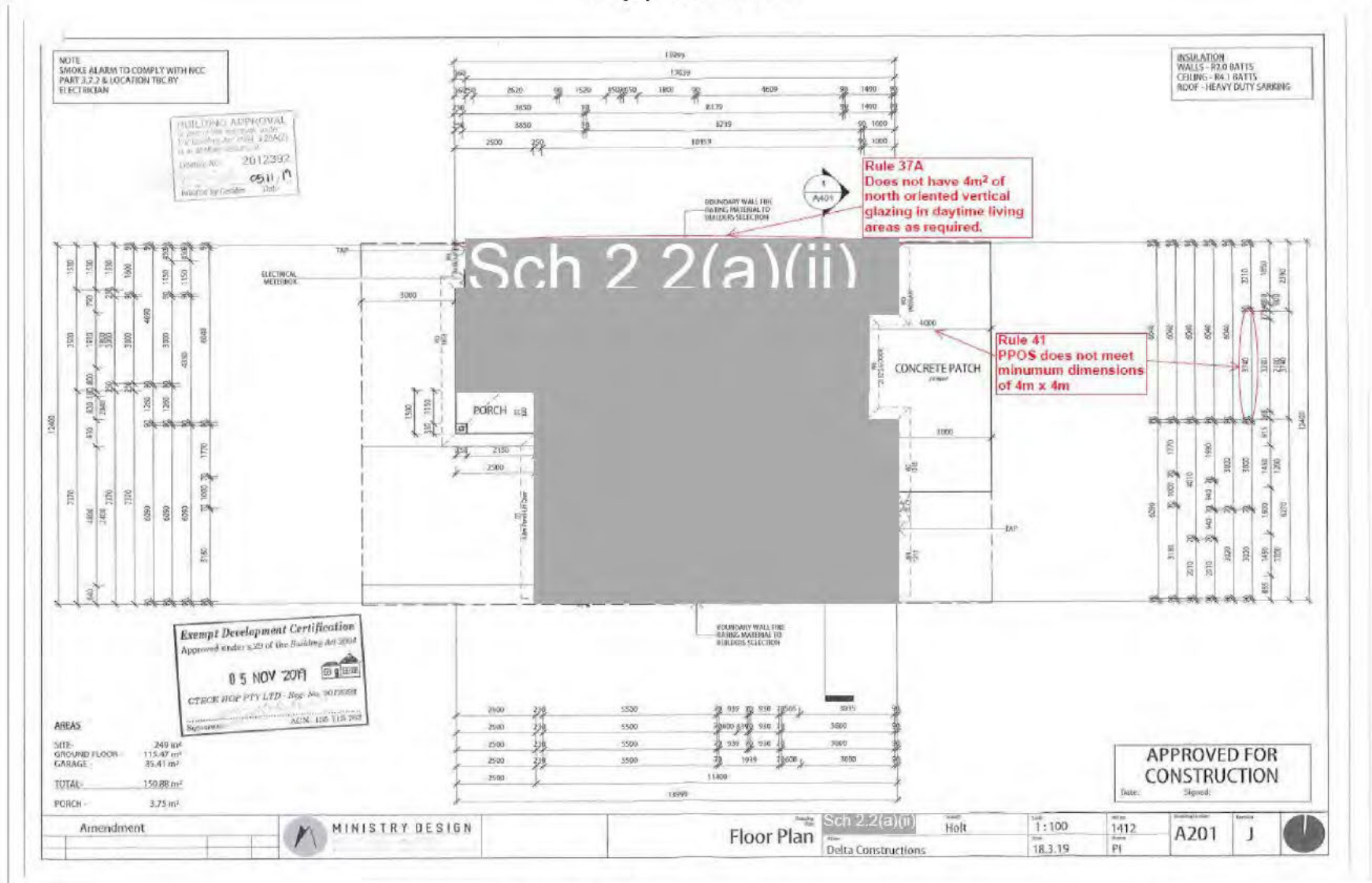
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Yours sincerely



Bojan Sekara
Building Inspector and Compliance Auditor
03 June 2020

Appendix A



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Access
Canberra.

Notice to show cause Demerit Points

Under Part 8 of the *Construction Occupations (Licensing) Act 2004*

CTECK HOP PTY LTD
ENDEAVOUR HOUSE
2/115 Captain Cook Crescent
Manuka ACT 2603

Dear Mr Hopkins,

CTECK HOP PTY LTD – Licence No. 2012392

You are the holder of Building Surveyor Licence number 20194538 and this notice is in relation to building approval number B20194538 over **Sch 2.2(a)(ii)** Holt.

1. Facts and allegations:

It is alleged that a ground for occupational discipline exists under section 55(1)(a) of the *Construction Occupations (Licensing) Act 2004* (COLA). Section 55 (1)(a) states the following:

“the licensee, or a director, partner, nominee or employee of the licensee, contravened, or is contravening, this Act or an operational Act (including a direction given to the licensee under an operational Act)”

In relation to Building Approval 20194538 for **Sch 2.2(a)(ii)** Holt. The Alleged breaches are as followed:

- (a) Failed to comply with Section 28 of the *Building Act 2004* – certifier failed to issue building approval when should have or issued building approval when no grounds to issue.

On 5 November 2019 building approval was issued in relation to the above-mentioned block in contravention of the Single Dwelling Housing Development Code:

- i. Rule 37A - Solar access
- ii. Rude 41 – Principal Private open space (PPOS)

It is alleged that on 20 January 2020 an Audit of the DA Exempt building Approval was undertaken, the following items were identified inconsistent with the Single Dwelling Housing Development Code:

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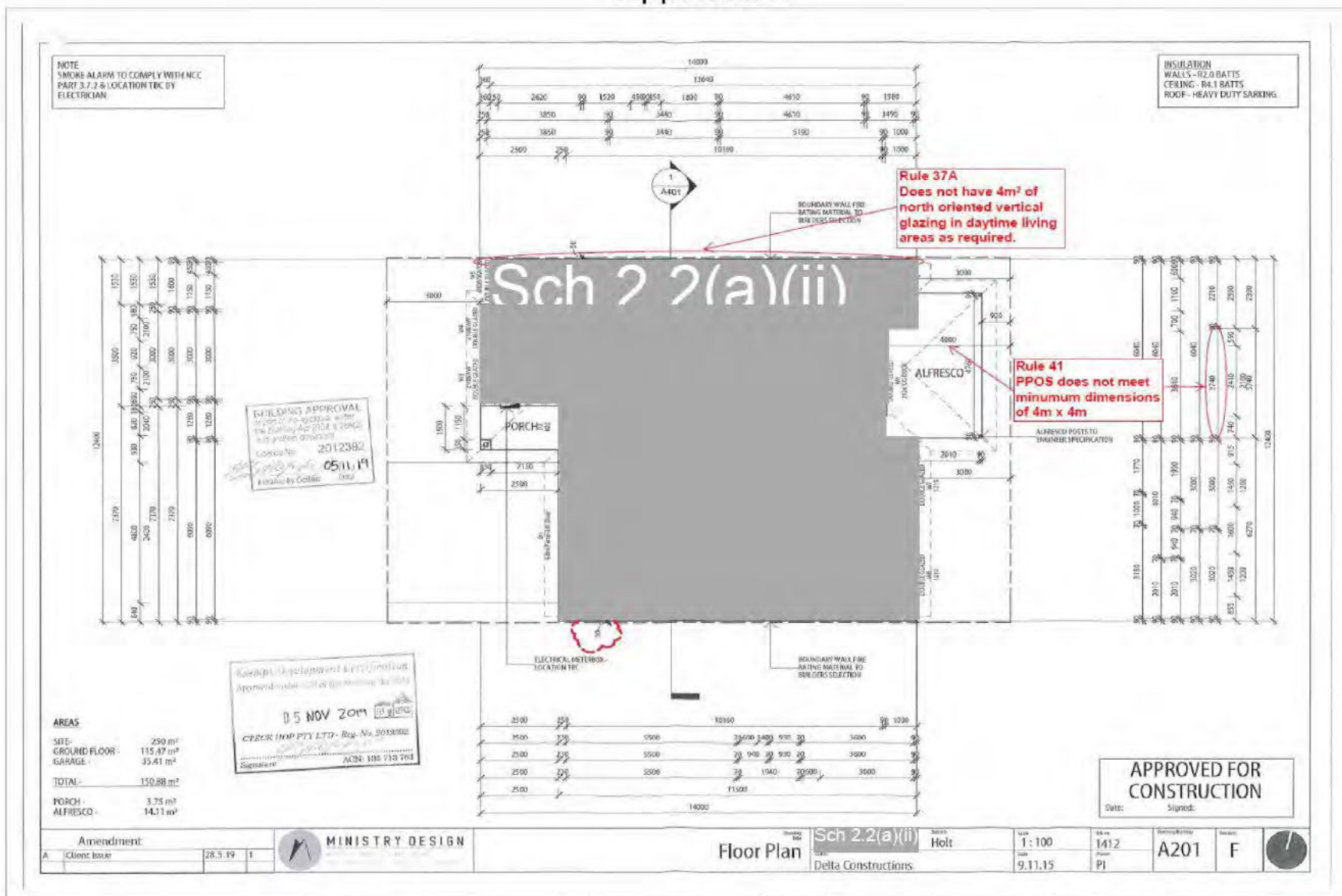
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Yours sincerely

Bojan Sekara

Bojan Sekara
Building Inspector and Compliance Auditor
03 June 2020

Appendix A



Please see in red where the contraventions are circled.

SINGLE DWELLING HOUSING DEVELOPMENT CODE CHECKLIST

Audit Date: 12/6/2020 SDHDC Version Date: 12/2019 BA Date: 15/4/2020

Sch 2.2(a)(ii) DIVISION: Hot ZONE: RZ1 BLOCK SIZE (m²): 249

BLOCK TYPE: Compact Mid-sized R21 Mid-sized Large

EDP or subdivision approval date: / / N/A Part of an IHD? (Yes or No): No

CERTIFIER/Lic#: CBS 2019937

PROJECT: New Single Dwelling

PROJECT NO: B20201588

AUDITOR: Joel Muir

NOTE: This check list is not a legislative instrument. It is designed to assist auditors in making exempt development assessments of dwellings in conjunction with the most applicable version of Single Dwelling Housing Development Code under the Territory Plan that may apply.

Commented [tf1]: Check details including orientation using ACTMAP1

Commented [tf2]: Compact block - site area 250m² or less.

Commented [tf3]: Mid-sized block – site area greater than 250m² but less than or equal to 500m².

Commented [tf4]: The provisions of this code relating to mid-sized blocks apply to blocks from 500m² or greater but less than 550m² that are identified in a precinct code as mid-sized blocks. See Rule 21.

Commented [tf5]: Large block – site area greater than 500m²

Commented [TF6]: Estate Development Plan (EDP). Only applies to subdivisions approved on or after 31 March 2008. Hint Search for Subdivision & EDP at <http://www.planning.act.gov.au> (i.e. Coombs EDP). For a subdivision approval date on older block search Tarquin, if required.

Commented [TF7]: Is the block part of an Integrated Housing Development (IHD)? Hint: Read the definition of Integrated Housing Development under the Territory Plan definitions.

Commented [tf8]: Check license

Element 1: Building and site controls

Rule	Complies	Assessment Comment
1.1 Plot ratio – single dwelling blocks		
R1 This rule applies to <i>single dwelling blocks</i> . <i>Plot ratio</i> is: a) for <i>large blocks</i> , other than those referred to in item b) – not more than 50% b) for <i>blocks</i> created by subdivision of <i>dual occupancy housing</i> , the greater of – i) the <i>plot ratio</i> of the approved development at the time of creation of the new block, or ii) the maximum <i>plot ratio</i> calculated for the original block (ie. before subdivision) under: A) for RZ1- R6 of the Multi Unit Housing Development Code B) for RZ2- R7 of the Multi Unit Housing Development Code c) in all other cases – not applicable. For the purpose of calculating <i>plot ratio</i> for this rule, the <i>gross floor area</i> includes 18m ² for each roofed car space provided to meet Territory requirements for resident car parking, but does not include <i>basement</i> car parking.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
1.2 Number of storeys		
R2 The number of <i>storeys</i> does not exceed: a) in RZ1, RZ2 and RZ3 – 2 b) in RZ4 – 3. Rooftop plant that is set back and screened from the street is not included in the maximum number of storeys.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
1.3 Attics and basement car parking – single dwelling blocks - RZ1		
R3 In RZ1, on <i>single dwelling blocks</i> , <i>attics</i> are not permitted where they are located directly above any 2 storey element of a <i>single dwelling house</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
R4 In RZ1, on <i>single dwelling blocks</i> , <i>basement</i> car parking is not permitted where located directly below any 2 storey element of a <i>single dwelling house</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
1.4 Height of buildings		
R5 Maximum <i>height of building</i> is: a) in RZ1, RZ2 and RZ3 – 8.5m. b) in RZ4 – 12m.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	

Commented [BT9]: Plot Ratio also includes a garage and an alfresco that is under the same roof line and enclosed by more than 2 walls.

NOTE: The checks for rules 11 to 17 have been placed out of order to assist the auditor with the flow of their assessment.

1.9 Front boundary setbacks – all blocks			
<p>R11 Front boundary setbacks comply with the following:</p> <p>a) <i>large blocks</i> - tables 2A, 2B or 2C, as applicable</p> <p>b) <i>mid-sized blocks</i> - tables 3A, 3B or 3C, as applicable</p> <p>c) <i>compact blocks</i> - tables 3A, 3B or 4, as applicable.</p> <p>The minimum boundary setbacks for corner <i>blocks</i> apply only to one street frontage nominated by the applicant or nominated in a precinct code as a <i>secondary street frontage</i>.</p> <p>Nomination by a precinct code takes precedence.</p> <p>Chamfers may be included in the <i>secondary street frontage</i>, but only if the length of the chamfer is less than the length of the front boundary.</p> <p>Note: Chamfers are ordinarily found at the corner of a <i>block</i> at the junction of streets.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Table: 4	
1.10 Side and rear setbacks – all blocks			
<p>R12 This rule applies to one of the following:</p> <p>i) <i>single dwelling blocks</i> that are not part of an <i>integrated housing development parcel</i></p> <p>ii) <i>single dwelling blocks</i> in an <i>integrated housing development parcel</i> that adjoin <i>residential blocks</i> that are not part of that parcel</p> <p>Side and rear setbacks for:</p> <p>a) <i>large blocks</i> - comply with table 5</p> <p>b) <i>mid-sized blocks</i> - comply with tables 6A or 6B, as applicable</p> <p>c) <i>mid-sized blocks</i> nominated for alternative side boundary setbacks in a precinct code - comply with table 6C</p> <p>d) <i>compact blocks</i> - comply with table 7.</p> <p>In relation to the tables referred to in this rule, side boundary 1 and side boundary 2 are nominated by the applicant unless otherwise specified in this code or in a precinct code</p> <p>Note: Ordinarily a corner <i>block</i> has two <i>front boundaries</i>, one of which is the secondary frontage, two <i>side boundaries</i>, but no rear boundary.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	Table: 7	
1.11 Setbacks less than 900mm			
<p>R13 <i>External walls</i> within 900mm of a side or rear boundary are set back from the boundary by not more than 180mm</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>		
1.12 Garages and carports on or near side and rear boundaries – large blocks			
<p>R14 This rule applies to <i>large blocks</i>.</p> <p><i>Garages</i> and <i>carports</i> within 900mm of a side or rear boundary comply with the following:</p> <p>The maximum length of all walls facing the boundary is 8m.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>		
1.13 Walls on or near side and rear boundaries – mid sized blocks			
<p>R15 This rule applies to <i>mid sized blocks</i>, but does not apply to that part of the building that is required to be built to a boundary of the block by a precinct code applying to an <i>integrated housing development parcel</i> of which the block is a part.</p> <p>A wall with a setback of less than 900mm to a side or rear boundary complies with all of the following:</p> <p>a) not more than 13m in length</p> <p>b) extends no more than 2.5m into the rear zone</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>		

1.14 Allowable encroachments – setbacks				
R16 Encroachments into the minimum side and/or rear boundary setback are permitted for any of the following building elements: a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, rainwater tanks, chimneys, flues, domestic fuel tanks, cooling or heating appliances, light fittings, electricity and gas meters, aerials, antennae, unroofed pergolas, sun blinds c) unroofed terraces, landings, steps or ramps, none of which are more than 1m above finished ground level.	Yes <input checked="" type="checkbox"/>			
	No <input type="checkbox"/>			
	N/A <input type="checkbox"/>			
R17 Encroachments into the front setback are permitted for one or more of the following building elements: a) an eave or roof overhang with a horizontal width of not more than 600mm b) fascias, gutters, downpipes, light fittings, sun blinds c) landings, steps or ramps, none of which are more than 1m above finished ground level.	Yes <input checked="" type="checkbox"/>			
	No <input type="checkbox"/>			
	N/A <input type="checkbox"/>			
1.5 Building envelope - all large blocks; mid sized blocks approved on or after 5 July 2013				
R6 This rule applies to: a) <i>large blocks</i> b) <i>mid sized blocks</i> approved under an <i>estate development plan</i> on or after 5 July 2013 but does not apply to that part of a <i>building</i> that is required to be built to a boundary of the <i>block</i> by a precinct code. <i>Buildings</i> are sited wholly within the building envelope formed by planes projected over the subject <i>block</i> at 45° to the horizontal from a height of 3.5m above each side and rear boundary, except as required by the next rule. An example of a typical building envelope is shown at Figure 1.	Yes <input type="checkbox"/>			
	No <input type="checkbox"/>			
	N/A <input checked="" type="checkbox"/>			
1.6 Solar building envelope - all large blocks approved before 5 July 2013				
R7 This rule applies to <i>large blocks</i> approved before 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code. <i>Buildings</i> are sited wholly within the solar building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the 'solar fence' on any <i>northern boundary</i> of an adjoining <i>residential block</i> . X° is the apparent sun angle at noon on the winter solstice. Values for X are given in Table 1. The height of the 'solar fence' is: i) in the <i>primary building zone</i> – 2.4m ii) all other parts of the boundary – 1.8m This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a "battleaxe handle"). The previous rule applies to this part of the boundary. An example of a typical building envelope is shown at Figure 1.	Yes <input type="checkbox"/>	Boundary	Degree from North	Sun Angle
	No <input type="checkbox"/>			
	N/A <input checked="" type="checkbox"/>			

NOTE: The checks for rules 14 to 17 have been placed out of order to assist the auditor with the flow of their assessment.

1.6A Solar building envelope - all blocks approved on or after 5 July 2013					
<p>R7A This rule applies to blocks approved under an estate development plan on or after 5 July 2013 but does not apply to that part of a building that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the solar building envelope formed by planes projected over the subject <i>block</i> at X° to the horizontal from the height of the 'solar fence' on any <i>northern boundary</i> of an adjoining <i>residential block</i>.</p> <p>X° is the apparent sun angle at noon on the winter solstice.</p> <p>Values for X are given in Table 1.</p> <p>The height of the 'solar fence' is:</p> <p>i) in the <i>primary building zone</i> – 3m</p> <p>ii) all other parts of the boundary – 2.3m</p> <p>This rule does not apply to those parts of a boundary where the adjacent part of the adjoining <i>residential block</i> comprises only an access driveway (i.e. a "battleaxe handle").</p> <p>The previous rule applies to this part of the boundary. An example of a typical building envelope is shown at Figure 1.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>		Boundary	Degree from North	Sun Angle
1.7 Building envelope – mid sized blocks approved before 5 July 2013					
<p>R8 This rule applies to <i>mid sized blocks</i> approved under an <i>estate development plan</i> before 5 July 2013 or for which a <i>lease</i> was granted before 5 July 2013, but does not apply to that part of a <i>building</i> that is required to be built to a boundary of the block by a precinct code.</p> <p><i>Buildings</i> are sited wholly within the building envelope comprising:</p> <p>a) for 'north facing boundaries' of adjoining <i>residential blocks</i>:</p> <p>i) within the <i>primary building zone</i> –</p> <p>A) planes projected at 45° from a height of 2m above the boundary</p> <p>B) where a nil setback is permitted, building elements may encroach beyond the building envelope provided they do not encroach beyond a plane projected at 30° from a height of 3m above the boundary</p> <p>ii) within the <i>rear zone</i> – planes projected at 30° from a height of 2m above each side and rear boundary</p> <p>b) for boundaries other than 'north facing boundaries' of adjoining <i>residential blocks</i>:</p> <p>i) within the <i>primary building zone</i> – planes projected at 45° from a height of 4.5m above each side boundary</p> <p>ii) within the <i>rear zone</i> – planes projected at 30° from a height of 3.5m above each side and rear boundary</p> <p>For this rule:</p> <p>North facing boundary means a boundary of a block where a line drawn perpendicular to the boundary outwards is orientated between 30° east of north and 20° west of north. An example of a typical building envelope is shown at Figure 2.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>				
<p>R9 This rule applies to <i>mid-sized blocks</i> and <i>compact blocks</i> with one of the following characteristics:</p> <p>a) approved under an <i>estate development plan</i> before 5 July 2013</p> <p>b) for which a <i>lease</i> was granted before 5 July 2013</p> <p>Where a garage wall is located on, or setback from, the <i>northern boundary</i> of an adjoining <i>residential block</i>, a 1m encroachment of the wall is permitted vertically beyond the building envelope, provided the wall and roof element associated with the wall do not encroach beyond a plane projected at 30° from a height of 3m above the respective boundary.</p> <p>Refer Figure 2.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>				
1.8 Bushfire					
<p>R10 Where identified in a precinct code or current and approved <i>lease and development conditions</i> as being within a bushfire prone area, buildings are constructed in accordance with the specified bushfire construction level of Australian Standard AS 3959 - <i>Construction of buildings in bushfire-prone areas</i>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>				

1.15 Allowable encroachments – building envelopes		
R18 Encroachments outside the building envelope specified in this element are permitted for one or more of the following:	Yes <input checked="" type="checkbox"/>	
a) flues	No <input type="checkbox"/>	
b) chimneys	N/A <input type="checkbox"/>	
c) antennae		
d) aerials		
e) cooling appliances		
f) heating appliances.		
1.16 Surveillance blocks		
R19 Where identified in a precinct code or current and approved <i>lease and development conditions</i> as a surveillance block, provide <i>habitable room(s)</i> above the garage with windows facing and overlooking the rear lane.	Yes <input type="checkbox"/>	
	No <input type="checkbox"/>	
	N/A <input checked="" type="checkbox"/>	
1.17 Cut and fill		
R20 The maximum cut or fill within 1.5m of side and rear boundaries is 1.5m	Yes <input checked="" type="checkbox"/>	
	No <input type="checkbox"/>	
	N/A <input type="checkbox"/>	
1.18 Blocks between 500m2 and 550m2		
R21 The provisions of this code relating to <i>mid-sized blocks</i> apply to <i>blocks</i> from 500m2 or greater but less than 550m2 that are identified in a precinct code as <i>mid-sized blocks</i> .	Yes <input type="checkbox"/>	
	No <input type="checkbox"/>	
	N/A <input checked="" type="checkbox"/>	

Commented [BT10]: Room is only required to extend onto part of the garage and is not required to be an entire room over the whole garage.

Element 2: Lease and development conditions

2.1 Approved lease and development conditions		
Rule	Complies?	Assessment Comment
R22 This rule applies to blocks affected by approved lease and development conditions that provide for one or more of the following matters:	Yes <input checked="" type="checkbox"/>	
a) plot ratio yes <input type="checkbox"/>	No <input type="checkbox"/>	
b) building envelope yes <input type="checkbox"/>	N/A <input type="checkbox"/>	
c) building height yes <input type="checkbox"/>		
d) front street setback yes <input type="checkbox"/>		
e) side setback yes <input checked="" type="checkbox"/>		
f) rear setback yes <input type="checkbox"/>		
g) building design yes <input type="checkbox"/>		
h) materials and finish yes <input type="checkbox"/>		
i) interface yes <input type="checkbox"/>		
j) vehicle access yes <input type="checkbox"/>		
k) parking yes <input type="checkbox"/>		
l) solar access yes <input type="checkbox"/>		
m) private open space yes <input type="checkbox"/>		
n) water sensitive urban design yes <input type="checkbox"/>		
o) landscaping yes <input type="checkbox"/>		
Approved lease and development conditions for the matters listed above shall take precedence over the provisions of this code, but only to the extent of any inconsistency.		

Element 3: Building design

Rule	Complies?	Assessment Comment
3.1 Materials and finishes		
R23 Structures, plant and equipment situated on the roof are not visible from the street frontage or other unleased territory land unless exempt under <i>Planning and Development Act 2007</i> .	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
3.2 Fencing – large blocks and mid sized blocks		
R24 This rule applies to <i>large blocks</i> and <i>mid sized blocks</i> . Walls or fencing are not permitted forward of the <i>building line</i> except where they comply with one or more of the following: a) a previously approved estate development plan b) a relevant precinct code c) form a gate to a maximum height of 1.8m in an established, vigorous hedge d) otherwise complies with this code (eg courtyard wall provisions) e) is exempt under the <i>Planning and Development Act 2007</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
3.3 Courtyard walls – large blocks		
R25 This rule applies to <i>large blocks</i> . Courtyard walls forward of the <i>building line</i> comply with all of the following: a) total length complies with one of the following i) not more than 50% of the width of the <i>block</i> ii) not more than 70% where the width of the <i>block</i> at the line of the wall is less than 12m b) setback from the front boundary not less than 50% of the minimum front setback applying to the <i>block</i> c) height does not exceed 1.8m d) constructed only of brick, block or stonework, any of which may be combined with feature panels e) incorporate shrub planting between the wall and the front boundary f) do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with Australian Standard <i>AS2890.1- Off-Street Parking</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
3.4 Courtyard walls – mid sized blocks		
R26 This rule applies to <i>mid-sized blocks</i> . Courtyard walls forward of the <i>building line</i> comply with all of the following: a) have a maximum total length of i) where the width of the <i>block</i> at the line of the wall is less than 12m – 70% of the width of the <i>block</i> ii) in all other cases - 50% of the width of the <i>block</i> b) have a minimum <i>setback</i> from the <i>front boundary</i> of not less than - i) where the total length of the courtyard wall measured parallel to the front street boundary does not exceed 6.5m and the courtyard wall does not exceed 1.5m in height - 1m ii) in all other cases – 50% of the minimum front setback applying to the <i>block</i> c) do not exceed 1.8m in height d) are constructed of one of the following - i) only of brick, block or stonework, any of which may be combined with feature panels ii) finished to match or complement the dwelling house e) incorporate shrub planting between the wall and the front boundary f) do not obstruct sight lines for vehicles and pedestrians on public paths on driveways in accordance with <i>A2890.1-The Australian Standard for Off-Street Parking</i> .	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

3.5 Front fences and courtyard walls – compact blocks		
<p>R27 This rule applies to <i>compact blocks</i>. Courtyard walls forward of the <i>building line</i> comply with all of the following:</p> <p>a) have a maximum total length of i) where the width of the <i>block</i> at the line of the wall is less than 12m – 60% of the <i>block</i> ii) in all other cases - 50% of the width of the <i>block</i>.</p> <p>b) have a minimum <i>setback</i> from the <i>front boundary</i> of not less than - i) where the courtyard encloses north facing <i>principal private open space</i> – 1m ii) in all other cases – 2m</p> <p>c) have a maximum height of - i) where the courtyard encloses <i>principal private open space</i> – 1.5m ii) where both of the following apply A) the courtyard encloses <i>principal private open space</i> B) the <i>block</i> is a corner <i>block</i> – 1.8m iii) in all other cases – 1.2m</p> <p>d) comply with one or more of the following - i) constructed of brick, block or stonework, any of which may be combined with feature panels ii) constructed and finished to match or complement the <i>single dwelling house</i> e) provide for sight lines for vehicles and pedestrians on public paths on driveways in accordance with A2890.1-<i>The Australian Standard for Off-Street Parking</i>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	
<p>R28 For <i>compact blocks</i>, front fences and side fences forward of the <i>building line</i> comply with all of the following:</p> <p>a) do not exceed one of the following - i) where located adjacent to the dwelling's <i>principal private open space</i> – 1.5m in height ii) where located adjacent to the dwelling's <i>principal private open space</i>, where the <i>block</i> is a corner <i>block</i> - 1.8m in height iii) in all other cases – 1.2m in height</p> <p>b) A2890.1-<i>The Australian Standard for Off- Street Parking</i> in relation to site lines for vehicles and pedestrians on public paths or driveways.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

Element 4: Parking and site access

4.1 Pedestrian access		
<p>R29 For <i>blocks</i> with a boundary to a rear lane, pedestrian access is provided from the street address.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	
4.2 Vehicle access		
<p>R30 Driveway verge crossings comply with all of the following:</p> <p>a) 1.2m horizontally clear of stormwater sumps and other services b) 1.5m horizontally clear of transformers, bus stops, public light poles c) 6m horizontally clear of the tangent point of the radius of the curve on a corner <i>block</i> (excluding locations with roundabouts and signalised intersections, which require separate formal approval and support from Asset Acceptance) d) uphill grade of less than 17% as measured from the kerb; downhill grade of less than 12% as measured from the kerb e) at a right angle to the kerb line with a maximum 10% deviation f) for <i>large blocks</i> and <i>mid sized blocks</i>, a maximum of 5.5 m wide, and a minimum of 5m wide at the kerb, a minimum 3m wide at the front boundary, and a maximum width no greater than the width at the kerb g) for <i>compact blocks</i>, 3m wide at the front street boundary</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

<p>h) outside of the drip line of mature trees</p> <p>i) minimum of 3m clear of small and new street trees</p> <p>j) compliant with Australian Standard AS2890.1- <i>Parking facilities</i> as amended from time to time, having particular regard for sightlines and cross fall of the site</p> <p>k) where there is a public footpath across the driveway verge crossing, the footpath is continuous (i.e. the footpath is to have precedence).</p> <p>l) If the existing footpath is replaced, it is constructed at the same level in the same material and colour as the original.</p>		
4.3 Parking		
<p>R31 The minimum number of car parking spaces provided on the <i>block</i> complies with the following:</p> <p>a) for a <i>single dwelling house</i> on <i>compact blocks</i> containing not more than 1 bedroom – 1</p> <p>b) in all other cases - 2.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R32 Dimensions of car parking spaces are not less than the following:</p> <p>i) single roofed space - 6m x 3m</p> <p>ii) double roofed space - 6m x 5.5m</p> <p>iii) single unroofed space - 5.5m x 3m</p> <p>iv) multiple unroofed spaces side by side - 5.5m x 2.6m</p> <p>v) parallel parking spaces - 6.7m x 2.3m</p> <p>vi) 2.1m minimum clearance to any overhead structure.</p> <p>For this rule dimensions for roofed spaces are internal dimensions.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R33 Car parking spaces on the <i>block</i> comply with all of the following:</p> <p>a) are not located in the <i>front zone</i>, except on:</p> <p>i) <i>compact blocks</i></p> <p>ii) any part of a driveway in tandem with another car parking space that is located behind the <i>front building line</i>.</p> <p>b) do not encroach any property boundaries</p> <p>c) at least one car parking space is roofed and is behind the <i>front zone</i></p> <p>d) comply with sightlines for off-street carparking facilities and other relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R34 In RZ1 and RZ2, on <i>single dwelling blocks</i> ramps accessing <i>basement</i> car parking are behind the building line, where the <i>block</i> is less than 30 m wide as measured at the street frontage. Ramps comply with the relevant requirements in Australian Standard AS2890.1- <i>Parking facilities</i>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input checked="" type="checkbox"/></p>	
<p>R35 Car parking is not permitted on verges.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	
<p>R36 This rule applies to street frontages except frontages to laneways (rear loading blocks). The maximum total width of garage doors and external width of carports is the lesser of the following:</p> <p>a) 6m</p> <p>b) 50% of the <i>façade</i> of the dwelling.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

Element 5: Amenity

5.1 Solar access – blocks which were approved or had a lease granted before 5 July 2013			
R37	Solar access	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
5.1A Solar access – blocks which were approved on or after 5 July 2013			
R37A	Solar access	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	via highlight in living room
5.2 Private open space			
R38	Private open space – large blocks	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
R39	Private open space – mid-sized blocks	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
R40	Private open space – compact blocks	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
5.3 Principal private open space			
R41	Principal private open space	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
5.4 Noise attenuation – external sources			
R42	Noise attenuation – external sources	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

Element 6: Environment

6.1 Water sensitive urban design			
R43	Water sensitive urban design	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
6.2 Heritage			
R44	Heritage	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
6.3 Tree protection			
R45	Tree protection	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
6.4 Erosion and sediment control			
R46	Erosion and sediment control - sites less than 3,000m2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
R47	Erosion and sediment control - sites 3,000m2 or larger	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

Element 7: Services

7.1 Construction waste management – all zones			
R48	Construction waste management – all zones	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
7.2 Utilities – all zones			
R49	Utilities – all zones	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	

AUDITOR: ISSUES: No Yes (See job related notes)

JOB RELATED NOTES:

CTECKHOP PTY LTD

ABN: 56 969 319 701

115/2 Endeavour House Captain Cook Crescent

Manuka ACT 2603

Office Mobile: 0429 800 896 ~ Mobile: 0401 298 565 ~ Office: 02 62970324

Email: cteckhop@gmail.com.

17/06/2020

Re: Block: Sch 2.2(a)(ii) Holt

Dear Bojan Sekara,
Rapid Regulatory Response Team
rrt@act.gov.au

With response to the letter dated 3 June 2020, we would like to address some issues raised.

In August 2019 our office was contacted to be involved in this project as the certifier. On the 16/08/2020 we advised that the PPOS had to be shown on the plan and the architect amended the plans to satisfy our request.

The amended plans were received and the architect showed the 4m to the rear on the plan although failed to note the width which was only 3740mm. Our office mistakenly passed this after only reading the 4m.

We note that a Building Approval was issued on the 05/11/2019 for the new dwelling, garage and porch. We also note that a commencement notice has not been issued by our office. The Building Approval had two issues which were brought to our attention on the 22 January 2020 with respect to Rule 37A and Rule 41 of the Single Dwelling Housing Development Code.

Our office issued a Stop Work Notice on the 22 January 2020 as soon as we became aware of the issues. The builder was then advised what was required in order to rectify the issue and commence this project.

At this time our office advised that a DA will need to be applied for and we couldn't have any input in the design as the certifier. On the 8 April 2020 the Builder had advised us that his architect had lodged the 1N exempt declaration for the Principal Private Open Space. Upon further investigation to solve this issue, it is clear that the exempt declaration was only lodged on the 21 April 2020. The exempt declaration was approved on the 1 May 2020 for the PPOS only.

Also on the 21 April 2020 an email from Chris Southwell, after speaking to his manager clarified that rule 37A didn't require an exempt declaration due to the limitations of the block.

So at this stage, it was our understanding that we had resolved both the issues. I believe the inconsistency from your team to contradict previous advice given by a team member makes it very confusing when trying to resolve issues.

The communication between our office and the Construction Audit Team has proved difficult in the past with issues raised and receiving no response. When asking simple questions on projects problems we struggle to get a response. I believe if we had more support from your team and better communication we could work together to receive better results. This may also reduce the inconsistency we receive from talking to different team members. As you are probably aware, the rules and technology are constantly changing and after being in the industry for over 30 years change is made very difficult with no support.

If you require any further information, please contact us on the numbers provided.

Yours Sincerely

Sch 2.2(a)(ii)

Principal Building Certifier
M.A.I.B.S M.A.I.E.H. A.A.C. M.B.A
Licensed Builder ACT & NSW
BSAP Certificate of Accreditation Register No. 1425

From: "Ken Hopkins" <cteckhop@gmail.com>
Sent: 17/06/2020 4:23 PM
To: "Regulatory Response Team" <rrt@act.gov.au>
Subject: Re: Show Cause Notice - Demerit Points - Sch 2.2(a)(ii) Holt
Attachments: Sch 2.2(a)(ii) holt letter to show.pdf, Sch 2.2(a)(ii) Holt letter to show.pdf

Good afternoon,

Please find attached the letter to address the Notice to Show Causes.

If you have any questions, please let us know.

Kind Regards

Sch 2.2(a)(ii)

Administration

CTECK HOP PTY LTD

ACN: 135713763 **Licence Number:** 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603

Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

On Wed, Jun 3, 2020 at 3:45 PM Regulatory Response Team <rrt@act.gov.au> wrote:
UNCLASSIFIED

Dear Kenyon Hopkins,

Please find attached:

Notice to Show Cause – Demerit Points – Sch 2.2(a)(ii) Holt

- Kenyon Hopkins
- Cteck Hop Pty Ltd

Regards,

Regulatory Response Team | rrt@act.gov.au

Access Canberra | Chief Minister and Economic Development Directorate | ACT Government

GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



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From: "Regulatory Response Team"

Sent: 23/06/2020 4:07 AM

To: "Ken Hopkins" <cteckhop@gmail.com>

Subject: RE: Show Cause Notice - Demerit Points - Sch 2.2(a)(ii) Holt

UNCLASSIFIED

Good afternoon Kenyon,

Thank you for submitting your response to the Show Cause Notice issued on 3 June 2020.

The contact officer in the Show Cause Notice is Chris Southwell, therefore, your response has been forwarded on to Chris to further review your response.

While understanding that due to the limitation of the block it may have been difficult to achieve a DA exempt development, the Rule 37A of the SDHDC (the rule) is a mandatory requirement. If the development cannot be constructed in a way to comply with the rule than development approval from Actpla is required.

Please contact Chris Southwell for any further information in relation to this matter.

Thank you and hope the above information is of assistance.

Kind Regards,

Bojan Sekara | Rapid Regulatory Response Team

Phone: 02 6207 1170 | Email: rrt@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra, ACT, 2601 | www.act.gov.au/accessCBR



From: Ken Hopkins <cteckhop@gmail.com>

Sent: Wednesday, 17 June 2020 4:24 PM

To: Regulatory Response Team <rrt@act.gov.au>

Subject: Re: Show Cause Notice - Demerit Points - Sch 2.2(a)(ii) Holt

Good afternoon,

Please find attached the letter to address the Notice to Show Causes.

If you have any questions, please let us know.

Kind Regards

Sch 2.2(a)(ii)

Administration

CTECK HOP PTY LTD

ACN: 135713763 Licence Number: 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603

Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

On Wed, Jun 3, 2020 at 3:45 PM Regulatory Response Team <rrt@act.gov.au> wrote:

UNCLASSIFIED

Dear Kenyon Hopkins,

Please find attached:

Notice to Show Cause – Demerit Points – **Sch 2.2(a)(ii)** Holt

- Kenyon Hopkins
- Cteck Hop Pty Ltd

Regards,

Regulatory Response Team | rrt@act.gov.au

Access Canberra | Chief Minister and Economic Development Directorate | ACT Government

GPO Box 158, Canberra ACT 2601 | www.act.gov.au/accessCBR



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From: "Southwell, Chris"
Sent: 07/08/2020 5:03 AM
To: "Connors, Brian" <Brian.Connors@act.gov.au>
Subject: Re: Holt SDHDC audit for Holt - re: R37A and R41

Fair enough, the perfect ones to look at are blocks [REDACTED] in section [REDACTED] if that's the case cause I think they were all done by Hopkins and Bates.

There's a couple that are in section [REDACTED] that are a bit touch and go, I'm pretty sure there's a couple that we discussed and let go even though I think they don't strictly comply.

Out of scope

[REDACTED] I'll look to get back out next week and might try and sort something out with Joel.

Get [Outlook for iOS](#)

From: Connors, Brian <Brian.Connors@act.gov.au>
Sent: Friday, August 7, 2020 2:58:47 PM
To: Southwell, Chris <Chris.Southwell@act.gov.au>
Subject: RE: Holt SDHDC audit for Holt - re: R37A and R41

OFFICIAL

Thanks mate.

He basically wants to audit and see what certifiers assessment of them were and potentially take to Alix to assist with territory plan review.

He'll most probably want to take demerits against the certifiers, but that's another conversation.

Cheers
Brian

From: Southwell, Chris <Chris.Southwell@act.gov.au>
Sent: Friday, 7 August 2020 1:11 PM
To: Connors, Brian <Brian.Connors@act.gov.au>
Subject: Re: Holt SDHDC audit for Holt - re: R37A and R41

OFFICIAL

Hey mate, there's only really an issue with the 37A on these blocks, the rule 41 breaches were pretty specific to the two sites that were audited.

Most of the area there this is an issue is already done with COUs issued so I don't see why Marko wants to do any audits on them.

The two main sections where this is a problem are sections [Sch 2, 2\(a\)\(ii\)](#) in Holt. All the marked sites have already had audits done.



From: Connors, Brian <Brian.Connors@act.gov.au>
Sent: Friday, August 7, 2020 10:14:16 AM
To: Southwell, Chris <Chris.Southwell@act.gov.au>
Subject: RE: Holt SDHDC audit for Holt - re: R37A and R41

OFFICIAL

Oh, I meant to say when you are feeling better.

From: Connors, Brian
Sent: Friday, 7 August 2020 9:42 AM

To: Southwell, Chris <Chris.Southwell@act.gov.au>

Subject: Holt SDHDC audit for Holt - re: R37A and R41

OFFICIAL

Hey Chris, how are you going?

Marko has been on to me wanting an audit done of the area of Holt that was subject to the Ken Hopkins matter - contravention of SDHDC R37A and 41.

Are you able to flick me an ACTmapi screen shot of the blocks that will need to be audited?
I'm going to give it to Alan to sink his teeth into..

Cheers

Brian Connors | Assistant Director | Construction Audit Team

Phone: 02 62075644 | Email: brian.connors@act.gov.au or cat@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

8 Darling Street Mitchell | GPO Box 158, Canberra, ACT, 2601 | www.act.gov.au/accessCBR



From: "CAT"
Sent: 30/09/2020 12:27 AM
To: "Zarak, Marko" <Marko.Zarak@act.gov.au>
Cc: "Connors, Brian" <Brian.Connors@act.gov.au>
Subject: FW: Stop work notices - Sch 2.2(a)(ii) Holt [SEC=UNCLASSIFIED]
Attachments: Holt engineers.pdf, B20194538.obr

UNOFFICIAL

Hey Marko,

These two blocks in Holt that we put stops on have come back in, the certificate they have attached is for the existing slabs that have been poured.

I will get in touch with them to find out what the situation is with the new builder, as there was no appointment of builder or commencement notice issued does the builder that did the work or the owners have to notify the registrar? Also will they need a new BA seeing as there is already existing slabs or can they appoint a builder for the completion of the existing BA?

Also what was the determination on the planning issues in the area? These ones failed rule 37A of the SDHDC and is one of those blocks in Holt that we found are not reasonable to meet the rule.

Let me know what you think and what we will need to have the stop lifted.

There is an objective reference to one of the blocks attached, once I find out a bit more I will let you know.

Thanks

Chris Southwell | Building Inspector | Compliance Auditor
Phone: 02 6205 3830 | Email cat@act.gov.au
Construction, Environment and Workplace Protection | **Access Canberra** | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



From: Ken Hopkins <cteckhop@gmail.com>
Sent: Wednesday, 23 September 2020 11:51 AM
To: CAT <CAT@act.gov.au>
Subject: Re: Stop work notices - Sch 2.2(a)(ii) Holt [SEC=UNCLASSIFIED]

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.

Hi Chris,

Please find attached the engineer's report for the existing slab.

What else do you require to lift the stop work in order for us to raise the commencement under the new builder?

Kind Regards

Sch 2.2(a)(ii)

Administration

CTECK HOP PTY LTD

ACN: 135713763 Licence Number: 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603

Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

On Wed, Jan 22, 2020 at 2:41 PM CAT <CAT@act.gov.au> wrote:

UNCLASSIFIED

Good afternoon Ken

Audits of the DA exempt Building Approvals for **Sch 2.2(a)(ii)** Holt have been undertaken against the Single Dwelling Housing Development Code.

The audits have found the following issues (see attached plans for reference):

Rule 37A Solar access – The developments do not have any vertical glazing that is oriented between 45 degrees east and 45 degrees west of north. The rule requires that 4 square metres of vertical glazing that is oriented between 45 degrees east and 45 degrees west of north must allow sunlight into a daytime living area. Both developments do not appear to have adequate glazing to comply with the rule.

Rule 41 Principal private open space (PPOS) – The minimum dimensions required for the PPOS on a compact block are 4 metres by 4 metres. The plans show that the PPOS is only 4m by 3.74m for both blocks.

Additionally the BA documents that have been uploaded to eDevelopment do not contain an appointment of builder or a building commencement notice. A site inspection undertaken on 21 January 2020 found that building work on both sites have been commenced and slabs have been poured.

Both sites will need to stop work immediately until the above issues have been resolved, stop work notices are attached and signs will be placed on the site. Can you please advise the persons undertaking the building work of the stop notices.

I suggest that you seek advice from the Development Application Gateway team in regards to the planning issues raised above. If there are any issues or you have any further questions regarding the planning requirements the DA Gateway Team will be able to assist you and provide advice in regards to these matters. You can contact the DA gateway team by phone on 02 6205 2888, [submit an online enquiry](#) or in person at 16 Challis Street, Dickson ACT between 8:30am and 4:30pm, Monday to Friday.

If you have any issues or questions please let me know.

Regards

Chris Southwell

Construction Audit Team

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From: "CAT"
Sent: 06/10/2020 1:48 AM
To: "Ken Hopkins" <cteckhop@gmail.com>
Subject: RE: Stop work notices - Sch 2.2(a)(ii) Holt [SEC=UNCLASSIFIED]

OFFICIAL

Hi Sch 2.2(a)(ii)

Marko has advised that he would like to have a meeting with Ken to discuss these the stop work notices and what is required moving forward.

Is Ken available for a meeting at the Mitchell Customer service centre 11am on Thursday?

If this time doesn't suit can you please let me know what days Ken would be available and I will organise something with Marko.

Regards

Chris Southwell | Building Inspector | Compliance Auditor
Phone: 02 6205 3830 | Email cat@act.gov.au
Construction, Environment and Workplace Protection | **Access Canberra** | ACT Government
GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



From: Ken Hopkins <cteckhop@gmail.com>
Sent: Wednesday, 30 September 2020 10:57 AM
To: CAT <CAT@act.gov.au>
Subject: Re: Stop work notices - Sch 2.2(a)(ii) Holt [SEC=UNCLASSIFIED]

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.

Hi Chris,

The new builder is Remarkable Building (Peter Lowes).

Thanks Chris, that sounds good.

Kind Regards

Sch 2.2(a)(ii)

Administration

CTECK HOP PTY LTD

ACN: 135713763 **Licence Number:** 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603

Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

On Wed, Sep 30, 2020 at 10:34 AM CAT <CAT@act.gov.au> wrote:

OFFICIAL

Hi [REDACTED]

Sorry for taking so long to get back to you, I have asked the registrar what is required to lift the stops and am waiting on that advice.

Are you able to advise who the proposed new builder is?

I will be in touch when I have received the advice and can provide a clear set of requirements for having the stop work notices lifted and work to commence.

If you have any further issues please let me know.

Regards

Chris Southwell | Building Inspector | Compliance Auditor

Phone: 02 6205 3830 | Email cat@act.gov.au

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GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesschr>



From: Ken Hopkins <cteckhop@gmail.com>

Sent: Wednesday, 23 September 2020 11:51 AM

To: CAT <CAT@act.gov.au>

Subject: Re: Stop work notices - [REDACTED] Holt [SEC=UNCLASSIFIED]

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.

Hi Chris,

Please find attached the engineer's report for the existing slab.

What else do you require to lift the stop work in order for us to raise the commencement under the new builder?

Kind Regards

[REDACTED]

Administration

CTECK HOP PTY LTD

ACN: 135713763 **Licence Number:** 2012392

Office: 5/43 Bayldon Road Queanbeyan

Postal: 115/2 Endeavour House, Captain Cook Crescent, Manuka ACT 2603

Phone: 02 62970324 M: 0429 800 896 / 0401 298 565

cteckhop@gmail.com

On Wed, Jan 22, 2020 at 2:41 PM CAT <CAT@act.gov.au> wrote:

UNCLASSIFIED

Good afternoon Ken

Audits of the DA exempt Building Approvals for [REDACTED] Holt have been undertaken against the Single Dwelling Housing Development Code.

The audits have found the following issues (see attached plans for reference):

Rule 37A Solar access – The developments do not have any vertical glazing that is oriented between 45 degrees east and 45 degrees west of north. The rule requires that 4 square metres of vertical glazing that is oriented between 45 degrees east and 45 degrees west of north must allow sunlight into a daytime living area. Both developments do not appear to have adequate glazing to comply with the rule.

Rule 41 Principal private open space (PPOS) – The minimum dimensions required for the PPOS on a compact block are 4 metres by 4 metres. The plans show that the PPOS is only 4m by 3.74m for both blocks.

Additionally the BA documents that have been uploaded to eDevelopment do not contain an appointment of builder or a building commencement notice. A site inspection undertaken on 21 January 2020 found that building work on both sites have been commenced and slabs have been poured.

Both sites will need to stop work immediately until the above issues have been resolved, stop work notices are attached and signs will be placed on the site. Can you please advise the persons undertaking the building work of the stop notices.

I suggest that you seek advice from the Development Application Gateway team in regards to the planning issues raised above. If there are any issues or you have any further questions regarding the planning requirements the DA Gateway Team will be able to assist you and provide advice in regards to these matters. You can contact the DA gateway team by phone on 02 6205 2888, [submit an online enquiry](#) or in person at 16 Challis Street, Dickson ACT between 8:30am and 4:30pm, Monday to Friday.

If you have any issues or questions please let me know.

Regards

Chris Southwell

Construction Audit Team

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From: "CAT"

Sent: 28/10/2020 5:27 AM

To: "Southwell, Chris" <Chris.Southwell@act.gov.au>

Subject: FW: Block 13 Section 128 Holt

Attachments: [Sch 2.2(a)(ii)] Holt- DA Issue- 21420.pdf, [Sch 2.2(a)(ii)] Holt [SEC=UNCLASSIFIED].eml, 26052020094841.pdf, EXEMPTION-DECLARATION-[Sch 2.2(a)(ii)] HOLT-PLANS-01.pdf

UNOFFICIAL

Hey Chris

I think after conversations with Marko and Ajith about this section [Sch 2.2(a)(ii)] we have to direct the owner to get a DA, as exemption cannot be achieved. Ken appears to support this view.

Let me know your thoughts.

Cheers

Brian

From: [Sch 2.2(a)(ii)]

Sent: Wednesday, 28 October 2020 11:48 AM

To: CAT <CAT@act.gov.au>

Cc: Petar | ministry design [Sch 2.2(a)(ii)]@ministrydesign.com.au>

Subject: Fwd: [Sch 2.2(a)(ii)] Holt

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.

Dear Mr Chris Southwell

I am a [Sch 2.2(a)(ii)] pensioner and my wife and I are the owner of [Sch 2.2(a)(ii)] Holt that for various reasons has stalled at the slab stage of the build

We purchased the block as part of a house and land contract with Delta Design and Construction in May 2019 and had a verbal agreement with the builder that he expected to complete the build around January 2020 so that we would no longer have to commute 3 to 4 days a week [Sch 2.2(a)(ii)] and for me to be closer to attend my [Sch 2.2(a)(ii)]

As advised by you to Petar Ivancevic (Ministry Design) in emails below a 1N application was lodged and subsequently approved for rule 41 and not required for rule 37A due to the orientation and limitations of the block.

As was also required I obtained an engineering report for the slab (attached) but unfortunately the build didn't recommence and Delta was eventually placed into administration due to insolvency on 01 Oct 2020 which released us from the contract.

We have now signed a contract with Remarkable Building to complete the build but on Friday 23/10/20 was advised by Ken Hopkins that the stop work order could not be lifted due to non compliance with rule 37A that was advised to Ken by someone in ACTPLA.

I contacted Petar seeking his advice regarding the situation and he suggested that I should contact you and confirm that we can have the stop work order lifted so the build can recommence.

I look forward to your advice and thank you for your consideration in this matter.

Kind Regards

Sch 2.2(a)(ii)

----- Forwarded message -----

From: **Petar | ministry design** <[redacted]@ministrydesign.com.au>

Date: Wed, 22 Apr 2020 at 11:31 am

Subject: RE: Sch 2.2(a)(ii)

To: [redacted]
Cc: [redacted]

Good Morning [redacted]

Please see attached submitted plans and CATs response regarding stop works notice on your property
Feel free to give me a call to discuss

Thanks

Petar Ivancevic | o: 6112 8280 | o: [redacted]
a: Unit [10, 26 Francis Forde Boulevard, Forde](#)
[redacted]@ministrydesign.com.au | [www.ministrydesign.com.au](#)

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

From: [redacted]
Sent: Wednesday, 22 April 2020 10:46 AM
To: **Petar | ministry design** <[redacted]@ministrydesign.com.au>
Cc: [redacted]
Subject: [redacted]

Hi Petar

Ali gave me your contact details and suggested we contact you directly. My wife and I are the owners of [redacted]
[redacted] Holt.

Would it be possible to get a copy of the cease work order and associated exemption paperwork that you have/are submitting to have the cease work order lifted please.

Also would you be able to give us a layman's summary of what the issues are please.

Kind Regards
[redacted]

----- Forwarded message -----

From: CAT <CAT@act.gov.au>
To: "Petar | ministry design" <[redacted]@ministrydesign.com.au>
Cc: "'Ali - Delta Design & Construction'" <[redacted]@deltaconstruction.com.au>
Bcc:
Date: Tue, 21 Apr 2020 23:33:32 +0000
Subject: [redacted] Holt [SEC=UNCLASSIFIED]
Good morning Petar,

As discussed yesterday I have spoken with my manager regarding the 1N applications for blocks 13 & 16 section 128 Holt.

It has been agreed that the 1N application will be required for the rule 41 – principal private open space and not for the rule 37A – solar access due to the limitations of the blocks.

When the applications have been submitted and accepted I have been advised that they should be assessed within the next 2 weeks.

If there are any additional issues or if you have any questions please let me know.

Regards

Chris Southwell | Building Inspector | Compliance Auditor

Phone: 02 6205 3830 | Email cat@act.gov.au

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GENERAL NOTES:

- ALL DIMENSIONS ARE IN MILLIMETERS.
- DIMENSIONS TAKE PREFERENCE OVER SCALE & ARE TO STRUCTURE NOT FINISH.
- ALL DIMENSIONS MUST BE VERIFIED ON SITE BEFORE COMMENCING ANY WORK OR MAKING ANY CONSTRUCTION DRAWINGS. USE FIGURED DIMENSIONS ONLY & DO NOT SCALE OFF THE DRAWING.
- SURVEYOR TO CONFIRM EASEMENT LOCATIONS PRIOR TO COMMENCEMENT OF ANY WORKS.
- WORK SHALL COMPLY WITH THE BCA & ALL RELEVANT CURRENT AUSTRALIAN STANDARDS. ANY OUTDATED STANDARDS LISTED IN THESE NOTES ARE TO BE REFERRED TO THE CURRENT EDITION.
- MANUFACTURES SPECIFICATION MEANS A CURRENT APPROVED SPECIFICATION FOR USE UNDER CONDITIONS APPLICABLE.
- 1800mm(h) TIMBER PALING FENCE TO REAR & SIDE BOUNDARIES - TO BUILDING LINE AS PER ANY RELEVANT LEASE & DEVELOPMENT CONDITIONS OR BSR REQUIREMENTS.
- ALL LEVELS, SITE CUTS, GROUND LEVELS, FFL'S TO BE CONFIRMED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS. (INCLUDING DRIVEWAY LEVELS)
- ANY DISCREPANCIES TO BE DIRECTED TO BUILDER &/OR DESIGNER IMMEDIATELY. INCLUSIONS LIST TO TAKE PRECEDENCE OVER DRAWINGS.
- CARRY OUT ALL WORK IN COMPLIANCE WITH THE RELEVANT SAA & NCC CODES OF PRACTICE IN THE BEST TRADESMAN-LIKE MANNER TO THE APPROVAL OF THE BUILDING CERTIFIER & AUTHORITIES HAVING JURISDICTION OVER THE WORKS INCLUDING BUT NOT RESTRICTED TO:
 - ACT GOVERNMENT.
 - BUILDING CODE OF AUSTRALIA & THE ACT APPENDIX.
 - ACT ELECTRICITY & WATER.
 - AS1684 TIMBER FRAMING CODE & AS FURTHER SPECIFIED.
- MATERIALS & WORKMANSHIP TO BE IN ACCORDANCE WITH THE BCA, ALL OTHER RELEVANT CODES & AUSTRALIAN STANDARDS.
- PROVIDE SMOKE ALARMS IN ACCORDANCE WITH PART 3.7.2 OF THE BCA. ELECTRICIAN TO CONFIRM.
- ALL WINDOWS/GLAZED DOORS TO BE MINIMUM ALUMINIUM IMPROVED FRAMES (UNLESS NOTED OTHERWISE) AS PER ATTACHED EER.
- LIGHTING TO COMPLY WITH 3.12.5.5 OF THE BCA.
- ALL TIMBER FRAMING & CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST TIMBER FRAMING CODE AS1684 & BCA.
- EXTERNAL WALLS TO BE BRICK VENEER UNLESS STATED ON PLANS, WHEN LIGHTWEIGHT CLADDING IS USED IT IS TO BE INSTALLED TO MANUFACTURERS SPECIFICATIONS, SARKED & INSULATED AS PER THE BCA & ATTACHED EER.
- ALL INSULATION R VALUES & WINDOW SHGC & U-VALUES AS PER THE EER.
- ALL OPENABLE WINDOWS & SLIDING DOORS TO HAVE FLYSCREENS TO BE POWDERCOATED ALUMINIUM FRAMES TO MATCH WINDOWS. NOTE: METALLIC FLYSCREENS ARE REQUIRED IN SOME BUSHFIRE PRONE AREAS.

SITE WORKS:

- SITE TO BE EXCAVATED & AIR FILED TO THE LEVELS SHOWN.
- FOOTINGS TO BE PLACED AS PER BUILDER SPEC, ENGINEERING DETAILS OR SURVEY MARK.
- FOOTINGS TO BEAR ON NON-EXPONCIVE NATURAL MATERIALS HAVE A MIN BEARING CAPACITY OF 100kpa.
- GROUND SURFACE TO BE SLOPED 1:20 (min) AWAY FROM BUILDING FOR 900mm (min) & TO A POINT WHERE PONDING WILL NOT OCCUR NEAR THE BUILDING. DISH DRAINS & AG-PIPES TO BE PROVIDED AS INDICATED TO FACILITATE DRAINAGE OF WATER AWAY FROM THE BUILDING TO THE DRAINAGE SYSTEM.

SERVICES/ELECTRICAL/WASTE:

- NO INTERNAL DRAINAGE FOR PROPOSED STRUCTURE TO BE LOCATED IN SEWER EASEMENT/PIPE PROTECTION ENVELOPE. ALL WORKS DONE TO ACTEW GUIDELINES/ADVICE.
- ALL BUILDING WASTE TO BE COLLECTED IN HOPPER LOCATED ON SITE. RESIDENTIAL WASTE TO BE COLLECTED BY ROADSIDE PICKUP & BINS TO BE LOCATED ON SITE.
- METER BOX TO BE INSTALLED TO ACTEW AGL SERVICE & INSTALLATION RULES.
- LIGHTING TO COMPLY WITH 3.12.5.5 OF THE BCA - ARTIFICIAL LIGHTING MUST NOT EXCEED 514/M2. ELECTRICIAN TO CONFIRM PRIOR TO COMMENCEMENT.
- WATER HEATER IN HOT WATER SUPPLY SYSTEM TO COMPLY WITH 3.12.5.6 OF THE BCA.
- STORMWATER, SEWER & WATER TIES TO BE LOCATED ON HYDRAULIC/DRAINAGE PLANS.
- TELSTRA & GAS TIES TO BE PROVIDED BY GAS FITTER & ELECTRICIAN.
- 100x75 RECTANGULAR (TBC) DOWNPIPES SIZE & LOCATION TO ROOF PLUMBERS SPECIFICATIONS - TO BE CONFIRMED PRIOR TO DRAINAGE.
- ENSURE THAT THE DEVELOPMENT COMPLIES WITH TERRITORY & MUNICIPAL SERVICES (TAMS) STATING THAT WASTE FACILITIES & MANAGEMENT ASSOCIATED WITH DEVELOPMENT ARE IN ACCORDANCE WITH THE DEVELOPMENT CONTROL CODE FOR BEST PRACTICE WASTE MANAGEMENT IN THE ACT 1999.

DRIVEWAY NOTES: (IF APPLICABLE)

- DRIVEWAY TO ABUT FOOTPATH (IF RELEVANT), FOOTPATH TO TAKE PRECEDENCE OVER DRIVEWAY.

DRIVEWAY REQUIREMENTS:

- 1.2m HORIZONTALLY CLEAR OF STORMWATER SUMPS & SERVICES
- 1.5m HORIZONTALLY CLEAR OF TRANSFORMERS, BUS STOPS, LIGHT POLES, UPHILL GRADE OF LESS THAN 17%, DOWNHILL GRADE OF LESS THAN 12%
- AT A RIGHT ANGLE TO THE KERB LINE WITH A MAXIMUM 10% DEVIATION
- A MAXIMUM OF 5.5m WIDTH, & MINIMUM OF 5m WIDTH AT THE KERB, A MINIMUM 3m WIDTH AT THE FRONT BOUNDARY, & A MAXIMUM WIDTH NO GREATER THAN THE WIDTH AT KERB.
- OUTSIDE OF THE DRIP LINE OF MATURE TREES, & A MINIMUM OF 3m CLEAR OF 5 MALL & NEW STREET TREES.
- COMPLIANT WITH AS2890.1
- COMPLIANT WITH T.A.M.S REQUIREMENTS/ADVICE.

BUSHFIRE MITIGATION MEASURES (WHERE REQUIRED)

- BUSHFIRE ATTACK LEVEL 12.5 (BAL - 12.5) & BUSHFIRE ATTACK LEVEL 19 (BAL - 19) IN ACCORDANCE WITH AUSTRALIAN STANDARD 3959-2009.
- BLOCK WITHIN EMER ASSET PROTECTION ZONE BUILDING OF THESE BLOCKS TO COMPLY WITH AS 3959-2009.
- EXTERNAL WALLS TO BE CONSTRUCTED OF NON-COMBUSTIBLE MATERIALS SUCH AS BRICK, CLADDING OVER SARKED TIMBER FRAME.
- ALL WINDOWS SHALL BE TOUGHENED GLASS MINIMUM 4mm UNLESS STATED OTHERWISE.
- ALL VENTS & WEEPHOLE OPENINGS TO BE PROTECTED WITH FINE MESA MATERIAL.
- SKYLIGHTS REQUIRE PENETRATIONS & SHAFTS TO BE SEALED WITH A NON-COMBUSTIBLE LINING WITH TOUGHENED OR WIRE MESH WITHIN METAL FRAMES.
- EXTERNAL GUTTER PROTECTION TO PREVENT ACCUMULATION OF LEAF LITTER OR OTHER FLAMMABLE MATERIAL WITH A FLAMMABILITY INDEX OF NO MORE THAN 5% MEASURE AGAINST AS1530.1.
- WATER & GAS PIPES BE METAL UNTIL INTO THE BUILDING OR BURIED AT LEAST 300mm UNDER GROUND.
- REFER TO STRUCTURAL ENGINEER'S ATTACHED DOCUMENTATION FOR ALL STRUCTURAL DETAILS.
- ALL EXTERNAL WINDOWS TO HAVE BRICK ON EDGE WINDOW SILLS WITH DAMP PROOF MEMBRANE UNDER TO BCA.
- PROVIDE TERMITE PROTECTION TO CODE & AS3660-2000 PARTS 1, 2 & 3.

EROSION & SEDIMENT CONTROL PLAN

- MAINTAIN AS MANY GRASSED AREAS AS POSSIBLE, PARTICULARLY ON THE VERGES TO TRAP SOIL BEFORE IT REACHES THE ROADWAY & STORMWATER SYSTEM, FENCE OFF UNDISTURBED AREAS.
- USE ONLY ONE EXIT/ENTRY TO THE SITE. BUILD A STABILISED ACCESS POINT BY ROAD BASE, 50mm AGGREGATE, RECYCLED CONCRETE OR SIMILAR.
- ASSIGN A DESIGNATED PARKING AREA.
- LIMIT ACCESS TO THE SITE DURING & IMMEDIATELY AFTER WET WEATHER.
- KEEP STOCKPILES WITHIN THE SITE AREA & AWAY FROM THE STORMWATER SYSTEM.
- INSTALL ON-SITE WASTE COLLECTION.
- REGULARLY REMOVE ANY SEDIMENT FROM ROADS ADJACENT TO THE SITE. DO NOT WASH INTO THE STORMWATER SYSTEM.
- INSTALL A SEDIMENT CONTROL BARRIER OF GEOTEXTILE FABRIC ON THE LOW SIDE OF THE BLOCK (AS NOTED ON THE VERGE MANAGEMENT PLAN & AS PER DETAIL)
- DESIGNATE A BRICK CUTTING & WASHING AREA AWAY FROM STORMWATER DRAINS.
- ENSURE THE AREA IS LARGE ENOUGH TO CONTAIN ALL EXCESS WATER, RESIDUES & WASTE.
- REGULARLY CHECK & MAINTAIN POLLUTION CONTROLS THROUGHOUT CONSTRUCTION.
- ENSURE THAT THE DEVELOPMENT COMPLIES WITH THE ACT ENVIRONMENT PROTECTION AUTHORITY, ENVIRONMENT PROTECTION GUIDELINES FOR CONSTRUCTION & LAND DEVELOPMENT IN THE ACT, MARCH 2010.

BRICKWORK:

- BRICKWORK TO CONFORM TO AS 3700 1998 MASONRY IN BUILDINGS CODE.
- WALLS SHALL HAVE A CONTINUOUS CAVITY KEPT CLEAR OF MORTAR DROPPINGS.
- BRICK FOUNDATION WALLS UNDER TIMBER FLOORS SHALL HAVE BRICK VENTS AT 2000mm SPACING.
- PROVIDE WALL TILES AT 600mm SPACING BOTH VERTICAL & HORIZONTAL & WITHIN 300mm OF ARTICULATION JOINTS.
- ARTICULATIONS JOINT SHALL FORM A CONTINUOUS VERTICAL JOINT FROM TOP TO BOTTOM OF THE WALL. ARTICULATION JOINT SPACING SHALL NOT EXCEED 6000mm.

STEEL WORK:

- ALL STEEL WORK SHALL BE IN ACCORDANCE WITH THE ENGINEERS DRAWINGS, DETAILS & SPECIFICATIONS.

TIMBER FRAMING:

- ALL TIMBER FRAMING SHALL BE IN ACCORDANCE WITH AS 1684, 1999 NATIONAL TIMBER FRAMING CODE.
- PRE FABRICATED FRAMES & ROOF TRUSSES SHALL BE INSTALLED AS PER THE MANUFACTURES DRAWINGS, SPEC & DETAILS.

POOL FENCING:

- ALL POOL FENCING SHALL BE A MIN 1200mm(h) & IN ACCORDANCE WITH AS 1926.1.

RETAINING WALLS:

- RETAINING WALLS NOT SPECIFICALLY DETAILED & FOUNDATION WALING REQUIRED TO RETAIN EARTH UP TO BE A MIN 230mm(th.) UP TO A HEIGHT OF 750mm OF
- RETAINED EARTH. CAVITY WALLS USED TO RETAIN EARTH ARE TO HAVE THE LEAF ADJACENT TO THE RETAINED EARTH A MINIMUM OF 230mm THICK, TO A MAXIMUM OF 900mm OF RETAINED EARTH HEIGHT.
- ALL RETAINING WALL BE TO BE PROPERLY BONDED & PROVIDE AGRICULTURAL DRAIN TO THE EARTH SIDE OR THE WALL.
- FOR RETAINING WALLS ABOVE HEIGHTS OF RETAINED EARTH LISTED ABOVE SHALL REQUIRE ENGINEERING DETAILS.
- ALL RETAINING WALLS ARE TO COMPLY WITH PLANNING POLICY ON RETAINING WALLS & EMBANKMENTS ON RESIDENTIAL BUILDING SITES.

DESIGN LOADS:

- ALL TIMBER MEMBER SIZES DEDUCED FROM AS 1684
- ALL REMAINING TIMBERS SIZING TO BE DEDUCED FROM AUSTRALIAN DOMESTIC CONSTRUCTION MANUALS OR MANUFACTURES DRAWINGS & SPECIFICATIONS.
- ALL STEEL MEMBERS TO BE IN ACCORDANCE WITH THE ENGINEERS DRAWINGS & SPECIFICATIONS.

REINFORCED CONCRETE:

- ALL REINFORCED CONCRETE SHALL BE IN ACCORDANCE WITH THE ENGINEERS DETAILS & SPECIFICATIONS.

BLOCKWORK:

- ALL BLOCKWORK SHALL BE IN ACCORDANCE WITH THE ENGINEERS DETAILS & SPECIFICATIONS.
- ALL CONCRETE BLOCKWORK & REINFORCED MASONRY UNITS SHALL COMPLY WITH AS1500, AS4473 OR AS 3700.
- CONSTRUCTION BEDDING - ALL FACE & END JOINTS SHALL BE FULLY FILED WITH MORTAR & JOINTS SHALL BE SQUEEZED TIGHT. SLUSHING OF MORTAR INTO JOINTS SHALL NOT BE PERMITTED. THE FIRST COURSE OF BLOCKS SHALL BE LAID ON A FULL BED OF MORTAR.
- JOINTS - INTERNAL JOINTS SHALL BE IRONED, WHERE FLUSH JOINTS ARE LEFT EXPOSED THEY SHALL BE FIRST COMPACTED, THAN REPOINTED & EXCESS MORTAR REMOVED. ALL OTHER JOINTS SHALL BE FINISHED AS SPECIFIED WITH A JOINT SHAPING TOOL TO ON ADEQUATELY COMPACTED SURFACE.
- ARTICULATION JOINTS - SHALL BE LOCATED WHERE SPECIFIED & SHALL FORM CONTINUOUS VERTICAL BREAK FROM TOP TO BOTTOM OF THE WALL OR FROM BOND BEAM. JOINTS SHALL BE FILED WITH MORTAR & RAKED BACK 16mm & PAINTED WITH A NON-HARDENING PLASTIC FILER. NO REINFORCING SHALL BE CARRIED ACROSS CONTROL JOINT. PROVISION SHALL BE MADE FOR ADEQUATE LATERAL STABILITY.
- ARTICULATION JOINTS ARE PROHIBITED OVER GARAGE DOORS.
- JOINT REINFORCEMENT - REINFORCE EVERY 600mm IN HEIGHT & IN THE TWO COURSES IMMEDIATELY ABOVE & BELOW WINDOW OPENINGS, LAP MESH AT LEAST 150mm AT ALL JOINTS & INTERSECTIONS EXCEPT AT ARTICULATION & EXPANSION JOINTS WHERE A SLIP JOINT MAY BE REQUIRED.
- WEATHERPROOFING - ALL CONCRETE MASONRY WALL EXPOSED TO THE WEATHER OR BELOW GROUND LEVEL SHALL BE ADEQUATELY WATER PROOFED. USING AN APPROVED PAINT OR OTHER COATING & APPLIED IN ACCORDANCE WITH MANUFACTURES SPECIFICATIONS & INSTRUCTIONS.

STAIR REQUIREMENTS:

- STAIRS SHALL BE CONSTRUCTED IN ACCORDANCE WITH BCA 3.9.1 - BCA 3.9.2.
- HANDRAILS TO BE A MIN. 1000mm FROM FFL INCLUDING FLOOR FINISH TO TAP OF RAIL.
- TREADS TO BE A NON SLIP SURFACE.
- OPENINGS BETWEEN TREADS NET TO EXCEED 125mm.
- MIN TREAD SIZE 240mm - MIN. RISER 115mm (NON SPIRAL STAIR).
- MAX TREAD SIZE 355mm - MAX. RISER 190mm (NON SPIRAL STAIR).

SMOKE DETECTORS:

- SMOKE DETECTORS TO BE HARD WIRED WITH EMERGENCY BACKUP INSTALLED PER AS 3766. ELECTRICIAN TO CONFIRM LOCATIONS.

RELEVANT STANDARDS:

- AS 1288 - 1994 - GLASS IN BUILDINGS SELECTIONS & INSTALLATION.
- AS 1562 - 1992 - DESIGN & INSTALLATION OF SHEET ROOF & WALL CLADDING.
- AS 1684 - 1999 - NATIONAL TIMBER FRAMING CODE
- AS 2049 - 1992 - ROOF TILES.
- AS 2050 - 1995 - INSTALLATION OF ROOF TILES.
- AS 2870 - 1996 - RESIDENTIAL SLAB & FOOTINGS - CONSTRUCTION.
- AS/NZS 2904 - 1995 - DAMP-PROOF COURSE & FLASHINGS.
- AS 3600 - 1994 - CONCRETE STRUCTURES.
- AS 3660 - 2004 - BARRIERS FOR SUBTERRANEAN TERMITES.
- AS 3700 - 1998 - MASONRY IN BUILDINGS.
- AS 3786 - 1993 - WATERPROOFING OF WET AREAS IN RESIDENTIAL BUILDING.
- AS 4055 - 1992 - WIND LOADING FOR HOUSES.
- AS 4100 - 1996 - STEEL STRUCTURES.

Door Schedule

Mark	Level	Height	Width	Name
1	FINISHED FLOOR LEVEL - FFL 596.700	2400	4800	GARAGE
2	FINISHED FLOOR LEVEL - FFL 596.700	2040	820	MEALS
78	FINISHED FLOOR LEVEL - FFL 596.700	2040	820	MEALS
81	FINISHED FLOOR LEVEL - FFL 596.700	2040	1560	WIP
82	FINISHED FLOOR LEVEL - FFL 596.700	2040	1760	BED 1
83	FINISHED FLOOR LEVEL - FFL 596.700	2040	820	
84	FINISHED FLOOR LEVEL - FFL 596.700	2040	820	BED 3
85	FINISHED FLOOR LEVEL - FFL 596.700	2040	820	BED 2
86	FINISHED FLOOR LEVEL - FFL 596.700	2040	1560	
87	FINISHED FLOOR LEVEL - FFL 596.700	2040	820	
88	FINISHED FLOOR LEVEL - FFL 596.700	2040	820	BATH
89	FINISHED FLOOR LEVEL - FFL 596.700	2040	1560	MEALS
90	FINISHED FLOOR LEVEL - FFL 596.700	2040	1560	ENS.
91	FINISHED FLOOR LEVEL - FFL 596.700	2040	1560	WIR

Window Schedule

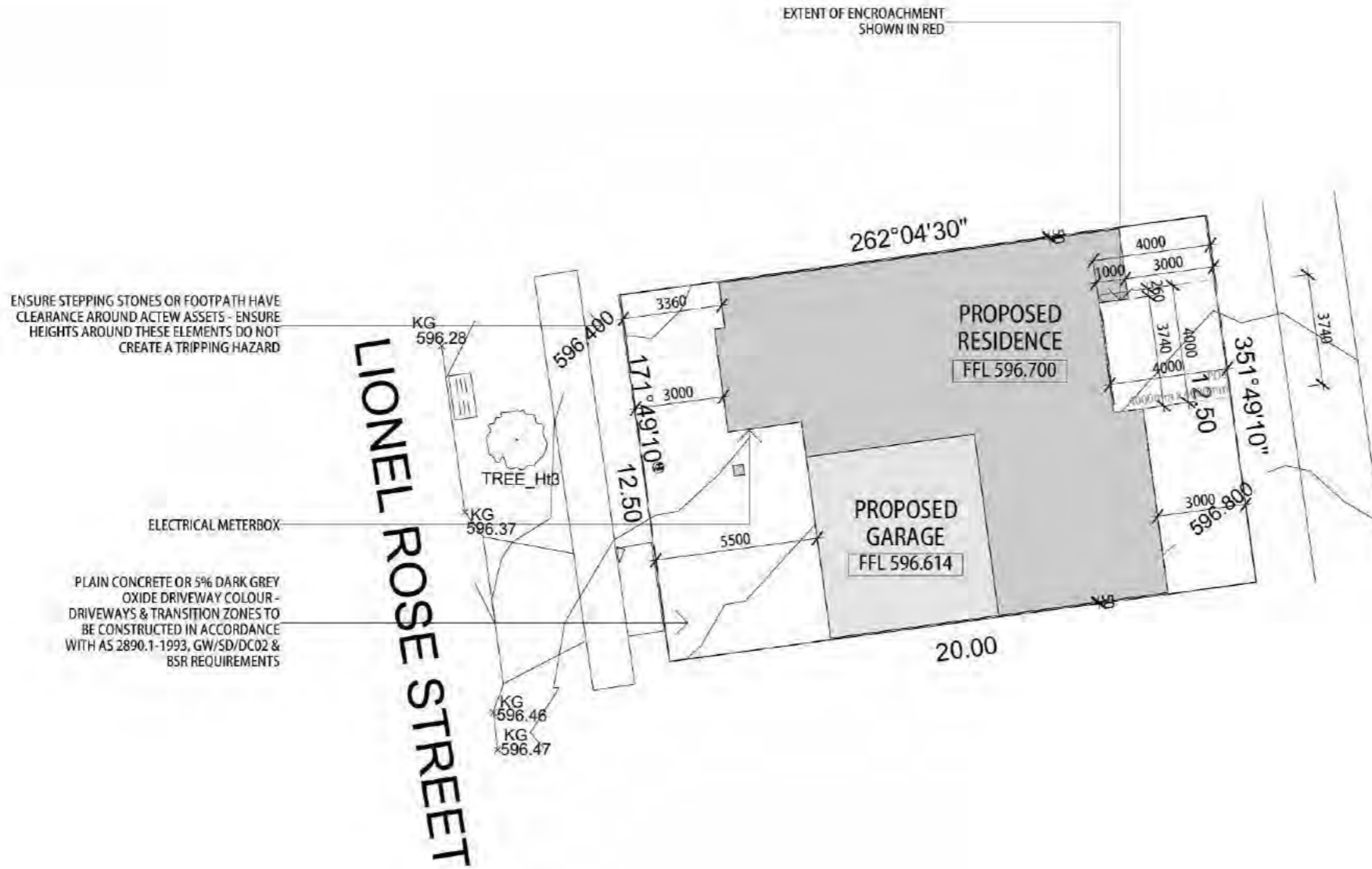
Mark	Level	Width	Height	Name
3	FINISHED FLOOR LEVEL - FFL 596.700	1810	1800	
4	FINISHED FLOOR LEVEL - FFL 596.700	610	900	
5	FINISHED FLOOR LEVEL - FFL 596.700	300	900	
6	FINISHED FLOOR LEVEL - FFL 596.700	3200	2100	MEALS
7	FINISHED FLOOR LEVEL - FFL 596.700	1450	1200	BED 2
8	FINISHED FLOOR LEVEL - FFL 596.700	1450	1200	BED 3

APPROVED FOR CONSTRUCTION

Date: _____ Signed: _____

NOTE
 -A MIN. OF 50% OF THE POS IS TO BE RETAINED AS PLANTING AREA TO COMPLY WITH TERRITORY PLAN - R50.
 -FOOTPATH IN VERGE NOT TO BE DISTURBED BY DRIVEWAY
 -BUILDER TO CONFIRM FINISHED FLOOR HEIGHTS PRIOR TO CONSTRUCTION
 -RL's TO BE WITHIN 40mm OF SPECIFIED HEIGHT

NOTE
 -PLUMBING TIE INFORMATION NOT AVAILABLE AT TIME OF ARCHITECTURAL COMPLETION
 -BUSHFIRE (BAL) INFORMATION NOT AVAILABLE AT TIME OF ARCHITECTURAL COMPLETION



ENSURE STEPPING STONES OR FOOTPATH HAVE CLEARANCE AROUND ACTEW ASSETS - ENSURE HEIGHTS AROUND THESE ELEMENTS DO NOT CREATE A TRIPPING HAZARD

ELECTRICAL METERBOX

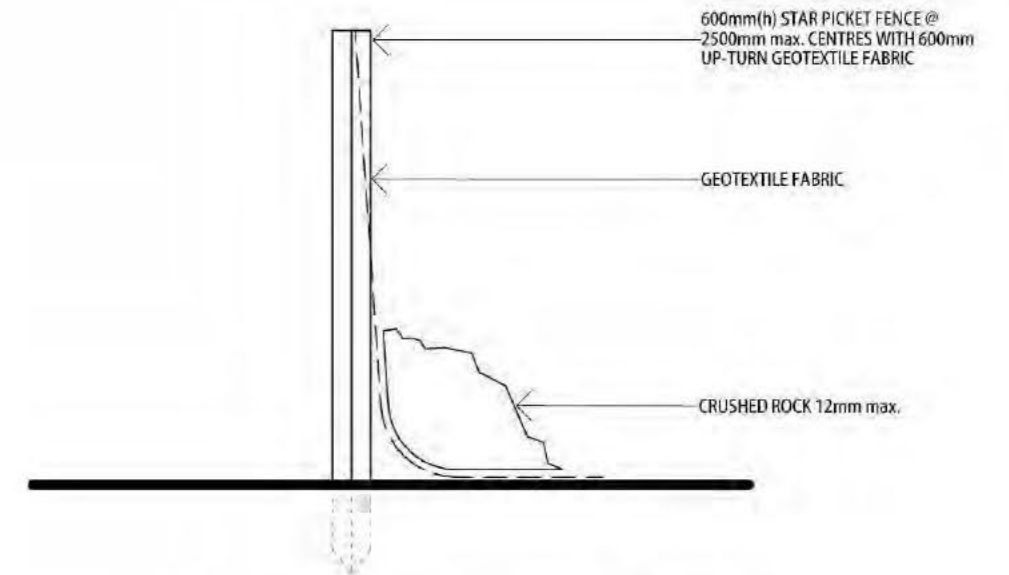
PLAIN CONCRETE OR 5% DARK GREY OXIDE DRIVEWAY COLOUR - DRIVEWAYS & TRANSITION ZONES TO BE CONSTRUCTED IN ACCORDANCE WITH AS 2890.1-1993, GW/SD/DC02 & BSR REQUIREMENTS

AREAS

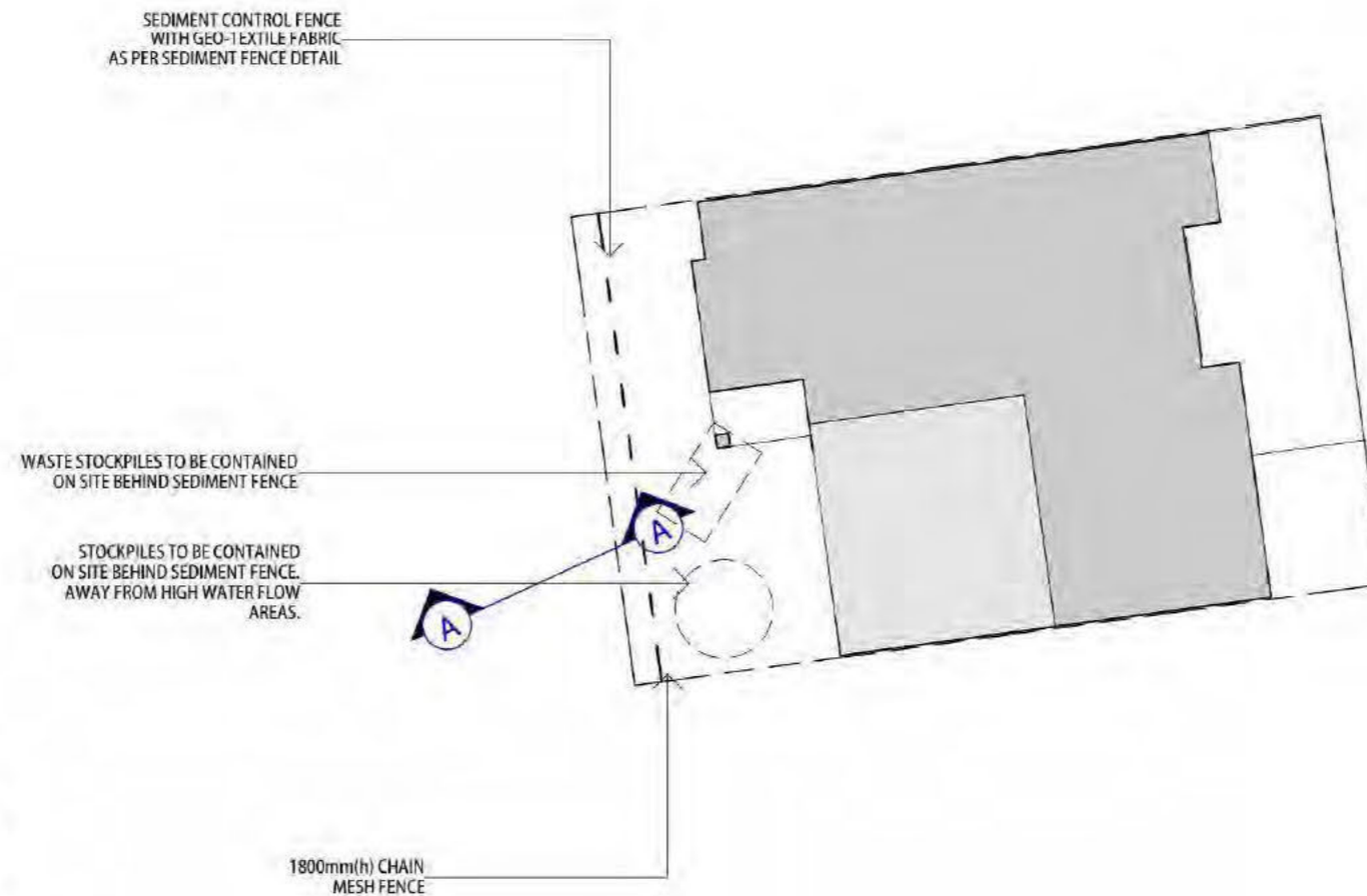
SITE-	249 m ²
GROUND FLOOR-	115.47 m ²
GARAGE-	35.41 m ²
TOTAL-	150.88 m²
PORCH-	3.75 m ²

APPROVED FOR CONSTRUCTION
 Date: _____ Signed: _____

Amendment	MINISTRY DESIGN	Site Plan	Drawing Title Sch 2.2(a)(ii)	Suburb Holt	Scale 1 : 200	Job No. 1412	Drawing Number A101	Revision L	
			Client Delta Constructions	Date 18.3.19	Drawn PI				



SEDIMENT CONTROL FENCE SECTION



VERGE MANAGEMENT NOTES

INSTALL 1800mm CHAIN MESH FENCE SUPPORTED BY 2400mm TALL STAR STEEL POSTS AROUND VERGES AND RETAINED VEGETATION.

FENCING TO BE ERECTED ON COMMENCEMENT OF SITE WORKS AND REMOVED AT COMPLETION OF CONSTRUCTION AND COMMENCEMENT OF VERGE RESTORATION. THE FENCE IS TO REMAIN CONTINUOUS THROUGHOUT PROJECT, EXCEPT WHERE APPROVED SERVICE INSTALLATION OCCURS.

ENSURE ADEQUATE WATER IS APPLIED TO THE ROOT ZONE OF RETAINED TREES THROUGHOUT THE CONSTRUCTION PERIOD.

ALL WORK IS TO BE IN ACCORDANCE WITH THE "CANBERRA LANDSCAPE GUIDELINES" & THE BASIC SPECIFICATIONS FOR ROADS HYDRAULICS AND LANDSCAPE, JULY 1991.

MAKE GOOD ANY DAMAGE TO EXISTING GRASS VERGES, RE-INSTATE AS PER BASIC SPECIFICATIONS.

IT IS THE RESPONSIBILITY OF THE BUILDER TO ENSURE THAT ANY DISTURBANCES TO THE VERGE GROUND COVER, TREES, PATHS, KERBS, ROADWAYS OR SERVICES OCCURRING FROM EITHER CONSTRUCTION WORKS OR STORAGE OF MACHINERY / MATERIALS DURING THE CONSTRUCTION WORKS ARE RECTIFIED TO THE SATISFACTION OF RELEVANT AUTHORITIES.



AT THE COMPLETION OF CONSTRUCTION, VERGES SHOULD STILL HAVE ESTABLISHED DRYLAND GRASS COVER. TOPSOIL IS NOT TO BE REMOVED AND LEVELS NOT TO BE CHANGED.

NO CARPARKING OR EQUIPMENT PARKING PERMITTED ON VERGES OR UNDER DRIPLINE OF RETAINED TREES.

NO SITE SHEDS, STORAGE SHEDS, SITE AMENITIES OR BILLBOARDS TO BE ERECTED ON VERGES OR UNDER DRIPLINE OF RETAINED TREES.

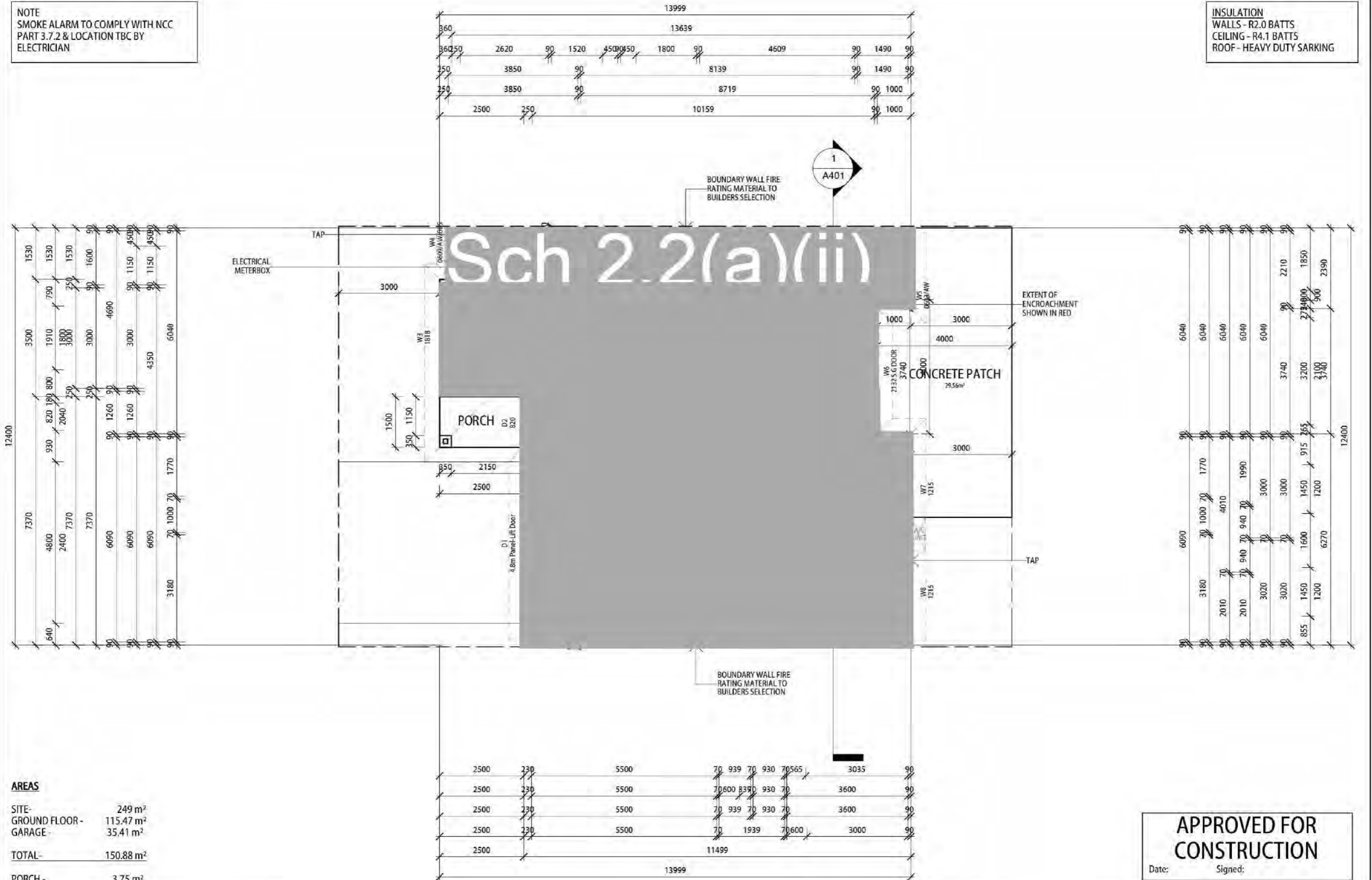
NO CONSTRUCTION MATERIAL TO BE STORED ON VERGES OR UNDER DRIPLINE OF RETAINED TREES.

APPROVED FOR CONSTRUCTION
Date: _____ Signed: _____

Amendment	 MINISTRY DESIGN	<h2>Verge + Sediment Control Plan</h2>	Drawing Title Sch 2.2(a)(ii)	Suburb Holt	Scale As indicated	Job No. 1412	Drawing Number A102	Revision L	
			Client Delta Constructions		Date 18.3.19	Drawn PI			

NOTE
SMOKE ALARM TO COMPLY WITH NCC
PART 3.7.2 & LOCATION TBC BY
ELECTRICIAN

INSULATION
WALLS - R2.0 BATTS
CEILING - R4.1 BATTS
ROOF - HEAVY DUTY SARKING



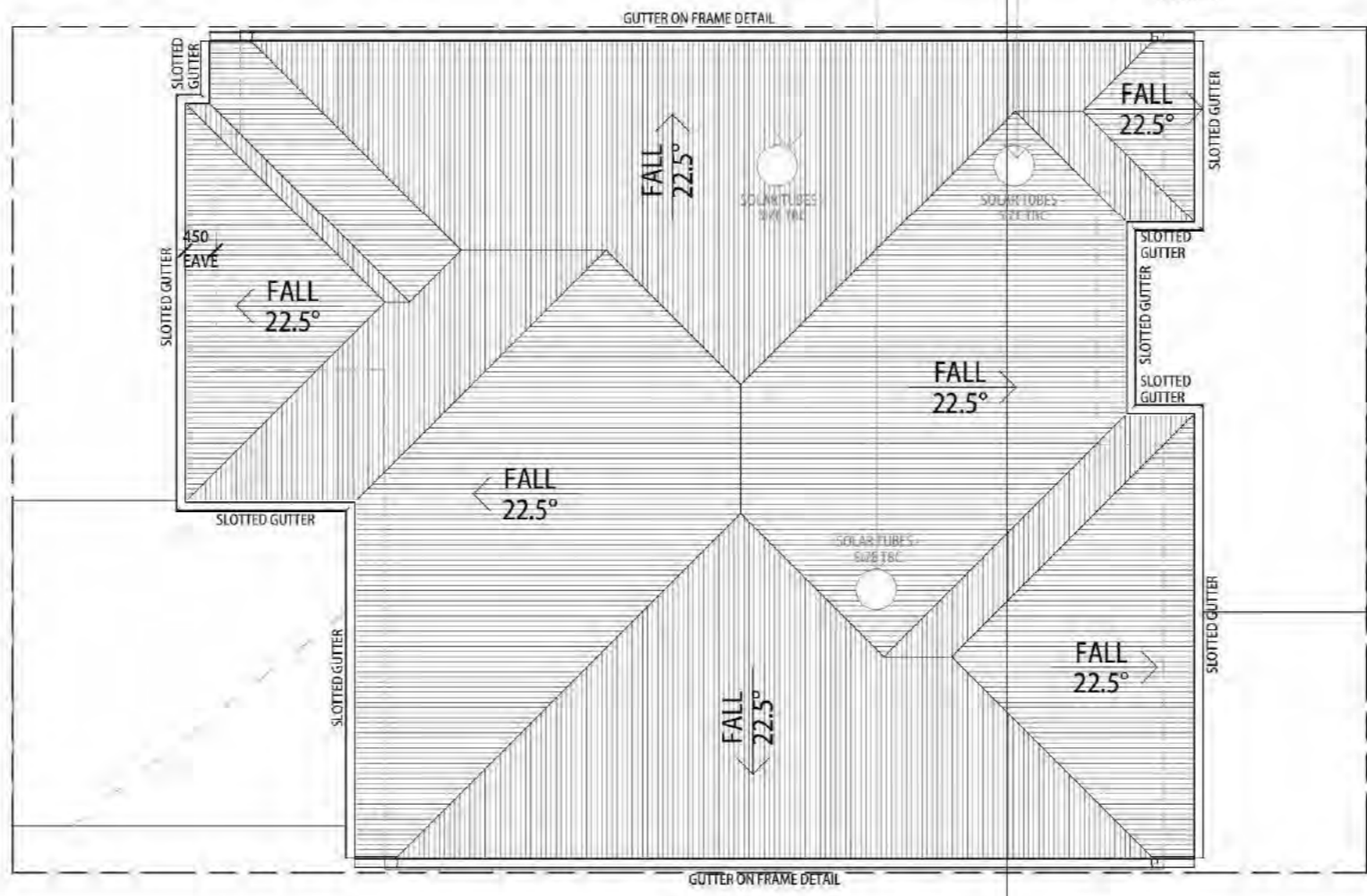
AREAS

SITE-	249 m ²
GROUND FLOOR-	115.47 m ²
GARAGE-	35.41 m ²
TOTAL-	150.88 m²
PORCH -	3.75 m ²

APPROVED FOR CONSTRUCTION
Date: _____ Signed: _____

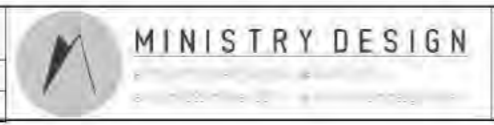


ALL SKYLIGHT POSITIONS
TBC ON SITE



APPROVED FOR CONSTRUCTION
 Date: _____ Signed: _____

Amendment			



MINISTRY DESIGN
 ARCHITECTS

Roof Plan

Sch 2.2(a)(ii)
 Client: Delta Constructions

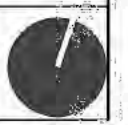
Suburb: Holt

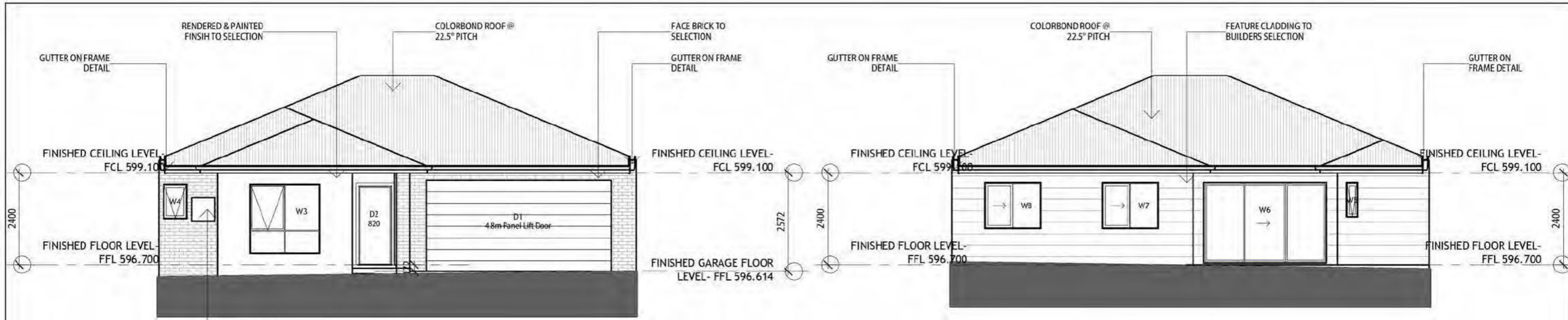
Scale: 1:100
 Date: 18.3.19

Job no: 1412
 Drawn: PI

Drawing Number: A204

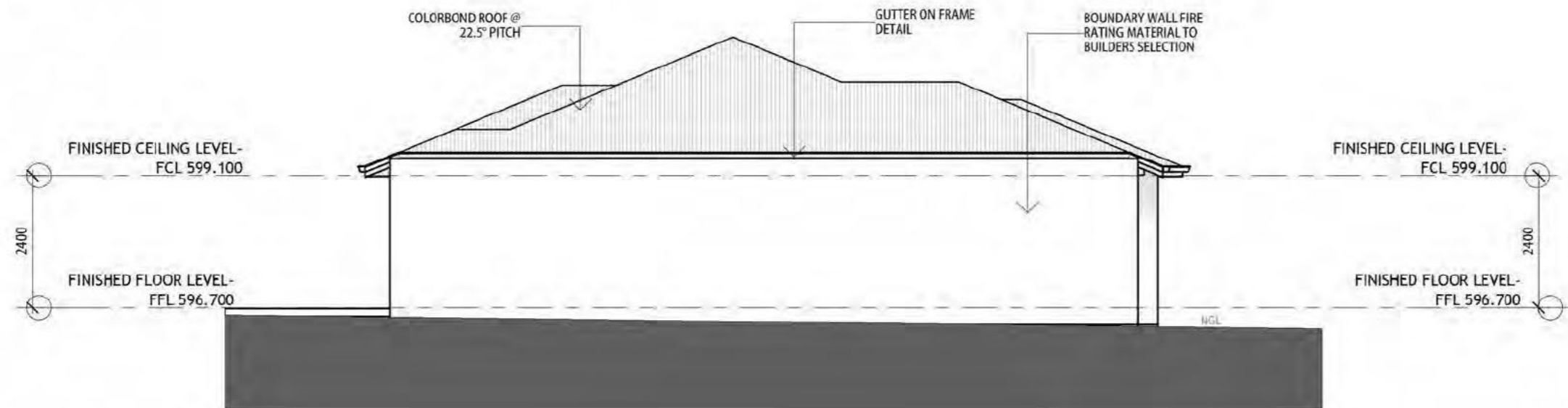
Revision: L



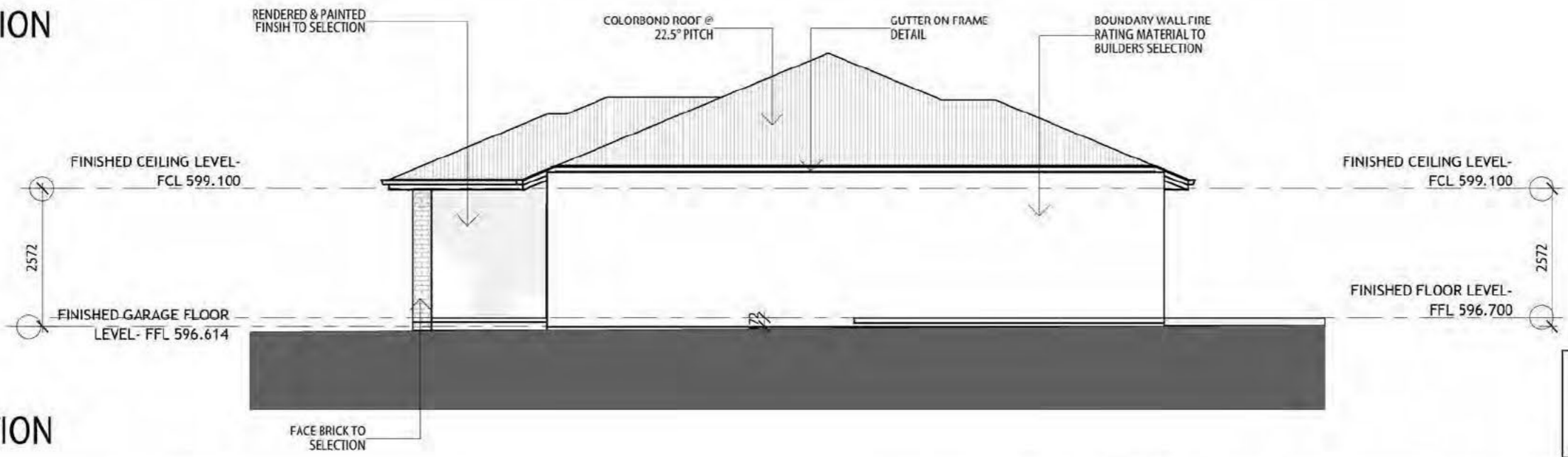


west ELEVATION

east ELEVATION



north ELEVATION



south ELEVATION

APPROVED FOR CONSTRUCTION
 Date: _____ Signed: _____

Amendment	MINISTRY DESIGN <small>Architectural & Engineering Services</small>	Drawing Title Elevations	Sch 2,2(a)(ii) Client Delta Constructions	Suburb Holt	Scale 1 : 100 Date 18.3.19	Job no. 1412 Drawn PI	Drawing Number A303	Revision L

INSULATION
 WALLS - R2.0 BATTS
 CEILING - R4.1 BATTS
 ROOF - HEAVY DUTY SARKING

PRE-FABRICATED ROOF TRUSSES @
 REQUIRED CENTRES INSTALLED & DESIGNED
 TO MANUFACTURERS SPECIFICATIONS

COLORBOND ROOF @ 22.5° PITCH
 (colour not to be white or off-white
 as per territory plan R66) WITH
 SARKING BENEATH

R4.1 CEILING INSULATION

GUTTER ON
 FRAME DETAIL

GUTTER ON
 FRAME DETAIL

FINISHED CEILING LEVEL-
 FCL 599.100

FINISHED CEILING LEVEL-
 FCL 599.100

R2.0 WALL
 INSULATION

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

FINISHED FLOOR LEVEL-
 FFL 596.700

FINISHED FLOOR LEVEL-
 FFL 596.700

FOOTING TO ENGINEERS
 DETAILS
 AND SOIL CLASSIFICATION

R.C SLAB ON WATERPROOF
 MEMBRANE TO ENGINEERS
 DETAILS & SOIL CLASSIFICATION

CONSTRUCTION MUST COMPLY WITH
 NATIONAL TIMBER FRAMING CODE
 RELEVANT REQUIREMENTS

**APPROVED FOR
 CONSTRUCTION**

Date: Signed:

Amendment



MINISTRY DESIGN

Section A-A

Drawing
 Title

Sch 2.2(a)(ii)

Suburb
 Holt

Scale
 1 : 50

Job no.
 1412

Drawing Number
 A401

Revision
 L

Client
 Delta Constructions

Date
 18.3.19

Drawn
 PI

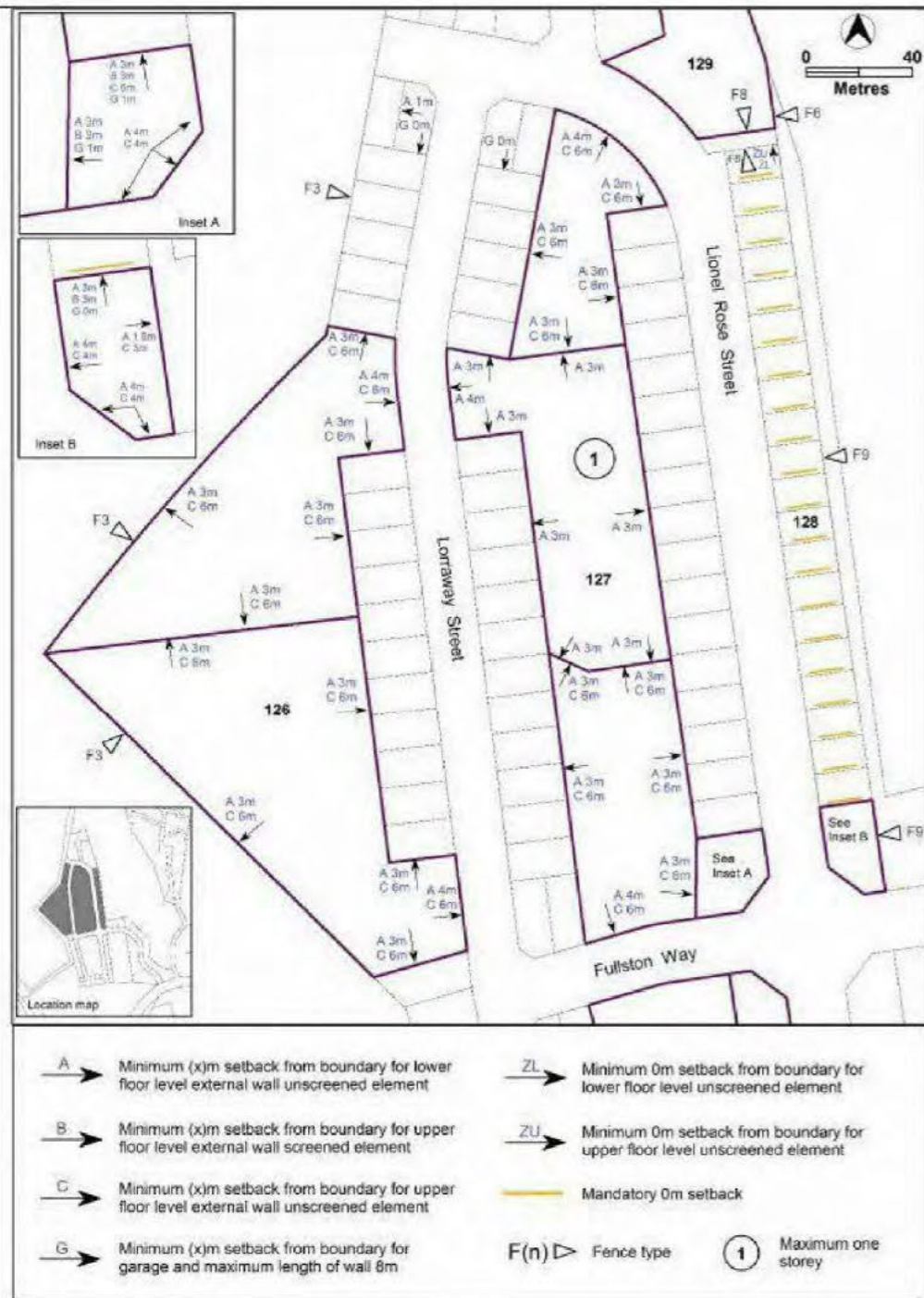
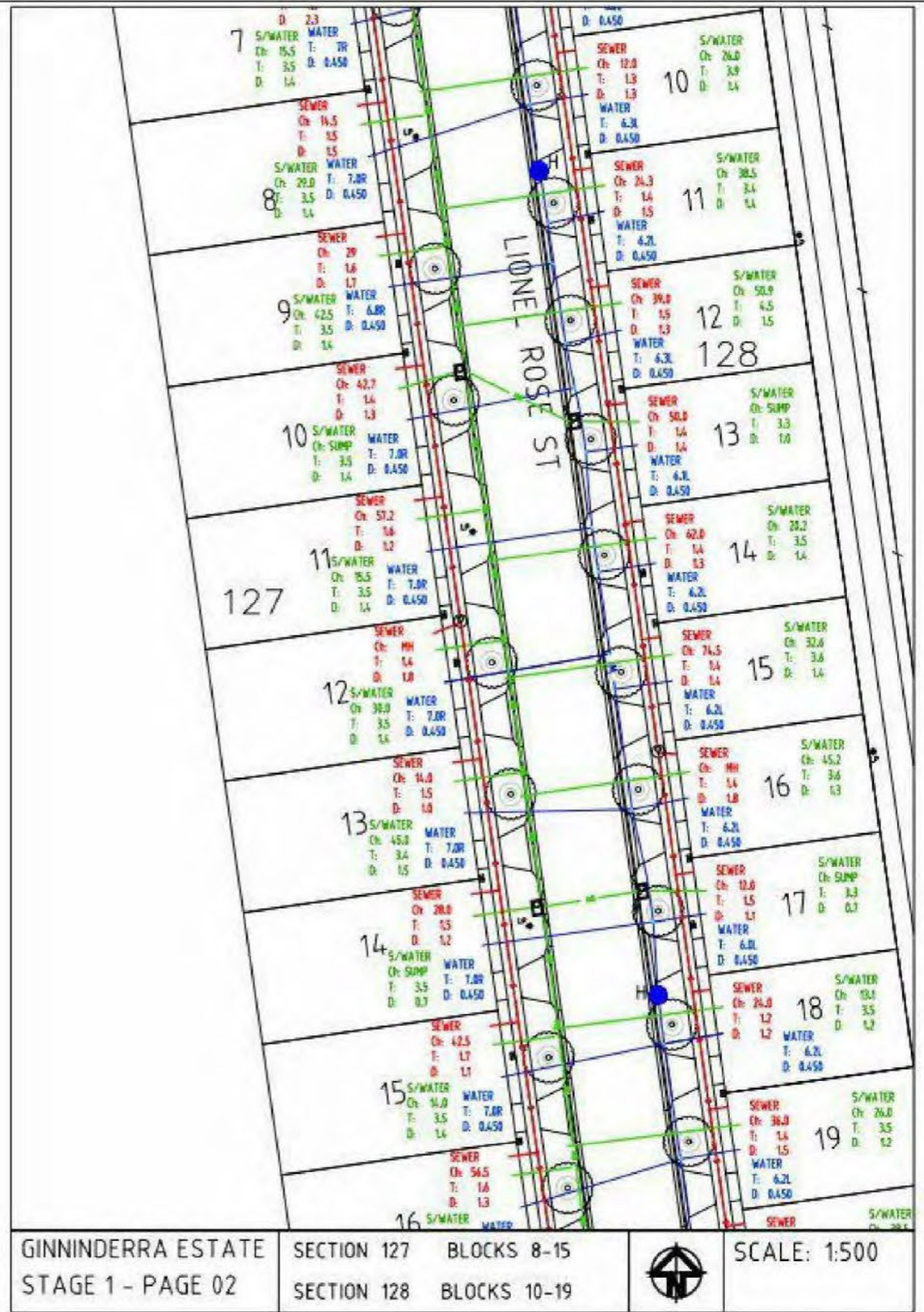


Figure 3 Holt residential area 2

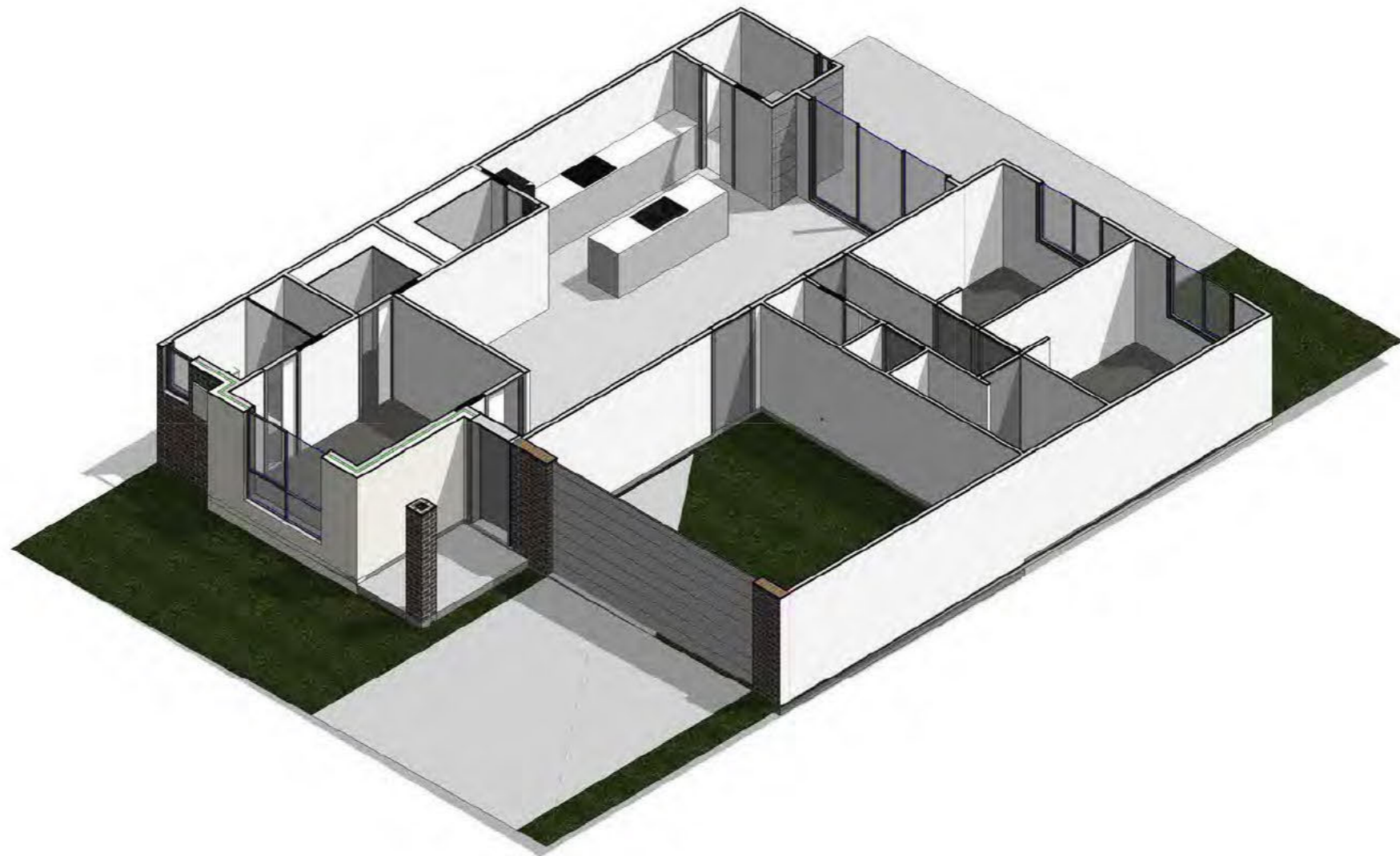


PLUMBING TIES

APPROVED FOR CONSTRUCTION
 Date: _____ Signed: _____

PRECINCT CODE

Amendment	MINISTRY DESIGN <small>© 2019 Ministry Design. All rights reserved. 18/03/2019 4/10/2019 2:59:11 PM 2/11 www.ministrydesign.com.au</small>	Drawing Title Plumbing Ties & BAL Zone	Drawing Title Sch 2.2(a)(ii)	Suburb Holt	Scale Date 18.3.19	Job no. Checker Drawn Author	Drawing Number A505	Revision L



**APPROVED FOR
CONSTRUCTION**

Date: _____ Signed: _____

Amendment			



3d Floor Plan

Sch 2.2(a)(ii)
Client: Delta Constructions

Suburb: Holt

Scale: _____
Date: 18.3.19

Job no.: 1412
Drawn: PI

Drawing Number: A901

Revision: L

From: Sch 2.2(a)(ii)
Sent: 30/10/2020 4:46 PM
To: "CAT" <CAT@act.gov.au>; "Connors, Brian" <Brian.Connors@act.gov.au>
Cc: "Petar | ministry design" <petar@ministrydesign.com.au>
Subject: Re: Sch 2.2(a)(ii) Holt

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.

Dear Mr Connors

Thank you for your email explaining the situation.

As you can imagine this has been quite difficult for us and I understand that it is not in your purview to give design advice but could I ask for some suggestions; eg how our neighbours Sch 2.2(a)(ii) were able to comply with rule 37A?

Would Velux Skylights be a solution that we can take to the architect to incorporate into our design?

So sorry to bother you but we are in quite a bind and hoping to resolve the situation as quickly as possible so we don't lose our new builder and also for us of course.

Thanks for your consideration and kind regards

Sch 2.2(a)(ii)

On Fri, 30 Oct 2020 at 12:08 pm, CAT <CAT@act.gov.au> wrote:

UNOFFICIAL

Dear Sch 2.2(a)(ii)

My apologies for the miscommunication that has occurred regarding your site.

At the stage there are a number of issues that need to be resolved prior to the stop work noticed being lifted.

As Chris Southwell has explained, there are planning related issues associated with this site, and unfortunately the Construction Audit team has been advised that the development will need to comply with Rule 37A of the *Single Dwelling Housing Development Code* (SDHDC).

However, the current design of the house does not meet the requirements of this rule. In order to continue with the development in its current design, a Development Application must be lodged to address this non-compliance.

There is also the issue of the slab being constructed prior to the Building Commencement Notice (BCN) being issued by the building certifier CTEK HOP PTY LTD. Due to the previous builder undertaking this work without having received a BCN the certifier did not undertake the mandatory inspections as required under Section 44 the *Building Act 2004* (building act).

The Construction Occupations Registrar (the Registrar) has indicated that due to the slab not being inspected, this may become an issue when applying for a Certificate of Occupancy and Use (COU). The Registrar may have to issue a COU under Section 69(2B) of the building act. This certificate is only issued when the Registrar is not satisfied on reasonable grounds that building work has been completed in accordance or substantially in accordance with the requirements of the act.

You may wish to speak to your certifier directly to discuss the best way to move forward and what options you have, you can contact Mr Ken Hopkins of CTEK HOP PTY LTD by phone on 6297 0324 or by email at cteekhop@gmail.com.

When these matters have been resolved you will be notified when the stop work notice is lifted.

If you have any further issues or questions please let me know.

Kind regards

Brian Connors | Assistant Director | Construction Audit Team

Email: brian.connors@act.gov.au or cat@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

8 Darling Street Mitchell | GPO Box 158, Canberra, ACT, 2601 | www.act.gov.au/accessCBR



From: Sch 2.2(a)(ii)
Sent: Wednesday, 28 October 2020 11:48 AM
To: CAT <CAT@act.gov.au>
Cc: Petar | ministry design <[Sch 2.2\(a\)\(ii\)@ministrydesign.com.au](mailto:Sch 2.2(a)(ii)@ministrydesign.com.au)>
Subject: Fwd: Sch 2.2(a)(ii) Holt

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.

Dear Mr Chris Southwell

I am a Sch 2.2(a)(ii) pensioner and my wife and I are the owner of Sch 2.2(a)(ii) Holt that for various reasons has stalled at the slab stage of the build

We purchased the block as part of a house and land contract with Delta Design and Construction in May 2019 and had a verbal agreement with the builder that he expected to complete the build around January 2020 so that we would no longer have to commute 3 to 4 days a week to Sch 2.2(a)(ii) and for me to be closer to attend my Sch 2.2(a)(ii)

As advised by you to Petar Ivancevic (Ministry Design) in emails below a 1N application was lodged and subsequently approved for rule 41 and not required for rule 37A due to the orientation and limitations of the block.

As was also required I obtained an engineering report for the slab (attached) but unfortunately the build didn't recommence and Delta was eventually placed into administration due to insolvency on 01 Oct 2020 which released us from the contract.

We have now signed a contract with Remarkable Building to complete the build but on Friday 23/10/20 was advised by Ken Hopkins that the stop work order could not be lifted due to non compliance with rule 37A that was advised to Ken by someone in ACTPLA.

I contacted Petar seeking his advice regarding the situation and he suggested that I should contact you and confirm that we can have the stop work order lifted so the build can recommence.

I look forward to your advice and thank you for your consideration in this matter.

Kind Regards

Sch 2.2(a)(ii)

----- Forwarded message -----

From: Petar | ministrydesign <[redacted]@ministrydesign.com.au >

Date: Wed, 22 Apr 2020 at 11:31 am

Subject: RE: Sch 2.2(a)(ii) Holt

To: Sch 2.2(a)(ii)

Cc:

Good Morning

Please see attached submitted plans and CATs response regarding stop works notice on your property
Feel free to give me a call to discuss

Thanks

Petar Ivancevic | o: 6112 8280 | o: [redacted]
a: Unit 10, 26 Francis Forde Boulevard, Forde
[redacted]@ministrydesign.com.au | www.ministrydesign.com.au

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

From: Sch 2.2(a)(ii)

Sent: Wednesday, 22 April 2020 10:46 AM

To: Petar | ministrydesign <[redacted]@ministrydesign.com.au >

Cc: Sch 2.2(a)(ii)

Subject: Sch 2.2(a)(ii)

Hi Petar

Ali gave me your contact details and suggested we contact you directly. My wife and I are the owners of
Sch 2.2(a)(ii) Holt.

Would it be possible to get a copy of the cease work order and associated exemption paperwork that you have/are submitting to have the cease work order lifted please.

Also would you be able to give us a layman's summary of what the issues are please.

Kind Regards

Sch 2.2(a)(ii)

----- Forwarded message -----

From: CAT <CAT@act.gov.au>

To: "Petar | ministrydesign" <[redacted]@ministrydesign.com.au >

Cc: "Ali - Delta Design & Construction" <[redacted]@deltaconstruction.com.au >

Bcc:

Date: Tue, 21 Apr 2020 23:33:32 +0000

Subject: Sch 2.2(a)(ii) Holt [SEC=UNCLASSIFIED]

Good morning Petar,

As discussed yesterday I have spoken with my manager regarding the 1N applications for Sch 2.2(a)(ii) Holt.

It has been agreed that the 1N application will be required for the rule 41 – principal private open space and not for the rule 37A – solar access due to the limitations of the blocks.

When the applications have been submitted and accepted I have been advised that they should be assessed within the next 2 weeks.

If there are any additional issues or if you have any questions please let me know.

Regards

Chris Southwell | Building Inspector | Compliance Auditor

Phone: 02 6205 3830 | Email cat@act.gov.au

Construction, Environment and Workplace Protection | **Access Canberra** | ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



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