

From: Gaze, Reuben
To: [Moysey, Sean](#)
Subject: 4 46 Turner
Date: Thursday, 10 July 2014 4:37:00 PM
Attachments: [Controlled Activity Complaint Form DA 4 46 Turner.pdf](#)
[image001.gif](#)
[image002.jpg](#)

Dear Sean

Thank you for agreeing to oversee this investigation. As discussed, I will contact [REDACTED] for clarification of his survey concern, contact the lessee who provided the statutory declaration and confirm whether they will abide by that statement. I will also try and make contact with the other lessee and ask if they wish to make a statement regarding the matter.

I will advise you of my findings and seek your review before finalising this investigation.

Kind regards

Reuben Gaze | Team Leader Investigation Unit





10th April 2014

To Whom it may concern

Block 4 Section 46 Turner

Letter of Confirmation

I write this letter to confirm the following points:

1. I was engaged as certifier for BA for demolition works at 4/46 Turner and the required Government fees were paid 24/09/13.
2. A booking was made on 10/10/13 to attend site (19 Forbes Street) and undertake an inspection to confirm the commencement of site works (demolition) as per the approved DA.
3. I attended the site on the 16/10/13 and after inspection of site, issued an Inspection Record confirming works had commenced on site.

Should you require further information on this matter, please do not hesitate to contact me.



Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 *Insert the name, address and occupation of person making the declaration*

I,¹

make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

2

1. I am the lessee of Block 4 Section 46 Turner ACT
2. I arranged for demolition site works to commence on the above-mentioned block, in accordance with the approved DA and confirm that these works were commenced and undertaken on 10 October 2012.
3. On 10 October 2012, I arranged a booking for the Private Certifier [REDACTED] to attend site and inspect the commencement of works.
4. The Private Certifier [REDACTED] was only able to attend site on 16 October 2012 and confirm that works had been commenced on site.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

4 *Place*

5 *Day*

6 *Month and year*

7 *Signature of person before whom the declaration is made (see over)*

8 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
Bailliff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution



46

4

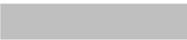
19

ACTPLA Authority

Date: 11th June 2014

Block 4 Section 46 Suburb: Turner

Lessee: 

As Lessee on the above property, I hereby authorise  to obtain any information relating to the DA Application 201017034 or the Building Conveyancing File

If you have any concerns please feel free to contact me on 

Regards





ACT

Government

Environment and
Sustainable Development



Dear 

Block 4 Section 46 Turner – Complaint

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) on 28th May 2014 regarding the above block. Your complaint will be allocated to an inspector of the Investigations Unit to determine whether a person has committed an offence or is undertaking a breach of the laws administered by ESDD.

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

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

Yours sincerely

Investigations Unit

28th May 2014



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Record of Actions and Communication

Block: 4 Section: 46 Division: Turner

Action or Conversation with: [REDACTED]

Date of event: 10 July 2014

Telephone number: [REDACTED]

Time of event: 4.40pm

Time event finished: 5.00pm

Officer: Reuben Gaze

Details: I called [REDACTED] to seek clarification regarding his complaint, and to establish what his concerns were with regard to the survey issue. [REDACTED] pointed me towards ACTMAPi and explained that his concerns stemmed around the boundary alignment, and highlighted the apparent encroachment of the boundary of number 21 across number 19 (block 4) as shown on ACTMAPi with respect to the positioning of garages and the driveways. [REDACTED] was concerned that the survey relied on for the development might not be accurate. I explained that because this is an ex-government house there would probably not be an original government survey showing the set out of the building footprint, the deposited plan might still be helpful, and I would seek a copy of that to aid me in considering the survey submitted. [REDACTED] reiterated the concerns he raised in his complaint regarding the status of the proposed development, and pointed out that there was more than one lessee for the property.

I advised that I would write to him at the conclusion of the investigation.

Next Action:

Await information from the lessees.

Action or Conversation with:

Date of event:

Telephone number:

Time of event:

Time event finished:

Officer:

Details:

Next Action:

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EPD Investigation Report

Summary of Particulars							
ID No.	A9740016	Investigating Officer	Reuben Gaze	Cat. (1,2 or 3)	3		
Date complaint received	28 May 2014						
Site Investigated							
Unit		Block	4	Section	46	Suburb	TURNER

Contravention of Law

No contravention of law is alleged, rather a concern has been raised regarding the facts that formed the basis of a decision to consider DA-201017034 as being commenced within the required timeframe, and therefore still "live". An additional concern was raised in the complaint regarding the accuracy of the survey which was submitted as part of the development application.

Facts and evidence of the Investigation

In Chronological Order

1. The lessee of block 4 section 46 Turner are two separate entities, being [REDACTED] and [REDACTED]. A copy of the title is at **Attachment A**.
2. On 4 April 2014, DA officer Ms Ravi Singh approached Mr Reuben Gaze, Technical Coordinator of Investigation Team regarding whether development had commenced on block 4 section 46 Turner. A building inspection record from a building surveyor, [REDACTED] was attached. A copy of that email and building inspection are at **Attachment B** and **Attachment C** respectively.
3. On 9 April 2014, Mr Gaze responded that the works contemplated were consistent with commencement of development, however additional evidence was required to confirm whether works commenced on or before 12 October 2013, which is the latest possible commencement date as required under the development approval (being 2 years from the date of the ACAT decision to approve the development subject to conditions).
4. On 9 April 2014, [REDACTED] contacted Mr Gaze regarding the matter and provided a letter of authority from one of the lessee's of the property, [REDACTED] to communicate with the EPD on her behalf.
5. On 10 April 2014, Mr Gaze contacted [REDACTED] and advised that additional supporting documents would be required to substantiate claims the works commenced on or before 12 October 2013. Mr Gaze outlined reasons why additional documents would be required and their acceptable format.
6. On 11 April 2014, [REDACTED] provided a letter of confirmation from [REDACTED] (at **Attachment D**), and a statutory declaration from [REDACTED] (at **Attachment E**) regarding the commencement of development at the block.
7. On 11 April 2014, Mr Gaze advised Ms Singh that in his opinion the evidence supported the claims that the works had commenced within the timeframe. A copy of that email is at **Attachment F**.
8. On 11 April 2014, Ms Singh wrote to [REDACTED] to advise that DA-201017034 had not expired.



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9. On 28 May 2014, [REDACTED] lodged a complaint form with Utilities, Land and Lease Regulation Section alleging that the decision to consider DA-201017034 as not expired is unsound. Reasons given were that the decision relies on conflicting declarations. [REDACTED] also points out that there is not a single lessee, rather two parties that are a joint lessee, and raised concerns with the site associated with the survey. A copy of the complaint is at **Attachment G**.
10. On 10 July 2014, Mr Gaze contacted [REDACTED] to seek clarification regarding his complaint, specifically on the survey issue. [REDACTED] referred to the ACTMAPi aerial photograph and indicated his concerns that the survey was defective and pointed out a possible driveway encroachment. A copy of the 2014 aerial photograph is at **Attachment H**.
11. On 11 July 2014, Mr Gaze wrote to [REDACTED] raising three matters:
 - (i) the date inconsistency between the statements;
 - (ii) requesting that the other lessee be notified regarding the matter; and
 - (iii) concerns regarding the survey.A copy of that email is at **Attachment I**.
12. On 17 July 2014, [REDACTED] contacted Mr Gaze, and provided a short statement regarding the three matters:
 - (i) an updated statutory declaration from [REDACTED] is attached;
 - (ii) [REDACTED] is authorised to act on behalf of the joint venture group, and that [REDACTED] is aware of the status of the development and has no other comment; and
 - (iii) The survey used for the DA was undertaken by a registered surveyor.A copy of that email, and the revised statutory declaration is at **Attachment J**.
13. On 17 July 2014, [REDACTED] emailed Mr Gaze stating that she acted on behalf of both parties for the joint venture.
14. On 21 July 2014, Mr Ajith Buddhadasa of Planning Delivery provided links to a survey document prepared by M&S Surveys Pty Ltd, which were provided by the proponent as part of the development application. The only original survey data for this property showing boundaries (but not building footprint setbacks) are contained within deposited plan 324. Comparison of the survey (at **Attachment K**) and deposited plan (at **Attachment L**) indicates that the survey boundary lengths and angles are consistent between the documents.

Report Summary

Brief summary (Only required if chronology is longer than one and a half pages)

The complaint does not relate to a breach of law, rather it was a concern that a decision made that a DA had commenced within the required timeframe was based on evidence that was faulty. The object of the investigation was to review the existing evidence and determine whether there were any inconsistencies and if so, determine how to address them.

Planning Delivery have advised that for development approval DA-201017034 to still be considered live, development must have commenced on or before 12 October 2013.

The investigation confirmed [REDACTED] concern about a discrepancy in the documents provided to establish a commencement date. [REDACTED] provided a statutory declaration that identifies that the development commenced in 2012, while [REDACTED] identifies the development commenced in 2013.

This discrepancy has been put to the lessee, and a corrected statutory declaration has been provided. Both documents indicate that the works commenced 10 April 2013.



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The point raised by [REDACTED] is correct, in that there are two (joint) lessees for the block. While this situation would require both lessees to consent to lodgment of formal applications, it does not restrict [REDACTED] or her representative from contacting EPD to confirm the status of an existing matter. The investigator is satisfied that contact from the other lessee is not required at this time.

The complainant also raised possible survey inconsistencies. The survey and the original deposited plan are in accordance with each other, although the deposited plan does not show the building footprint or driveway. The aerial photographs from ACTMAPi for both 2012 and 2014 were also considered. While it is accepted that the aerial photographs and the boundaries don't always line up perfectly, and heavily foliage blocked a clear view of the ground in places, it does appear that the existing driveway for number 21 encroaches onto the subject block. This discrepancy is more likely to demonstrate that the original works were not properly aligned, rather than pointing to a problem with the survey. No other inconsistencies were quantifiable.

Reasons

Officers from the Planning Delivery division have advised that for development approval DA-201017034 to still be considered live, development must have commenced on or before 12 October 2013.

The definition of development outlined in section 7 of the Planning and Development Act 2007 is very broad, and the works undertaken as outlined [REDACTED] inspection dated 16 October 2013, which include dismantling of front entry pergola, and removal of rear area brick and timber wall would appear to be consistent with the meaning of development as given under s7(1)(a) which is "building, altering or demolishing a building or structure on the land". Further, as these works appear to be part of what is contemplated as part of DA-201017034, it only remains to determine whether the works were performed on or before 12 October 2013.

No evidence has been obtained to demonstrate that the survey provided by the proponent in the original development application is faulty. While (with reference to ACTMAPi) it may appear that some driveway encroachments currently exist, it is expected that those undertaking future development will exercise due diligence to ensure that all works are appropriately sited as per the relevant approvals and that neighboring properties are not unduly compromised.

Recommendation

There are no breaches of building or planning legislation occurring on the block at this time.

Original advice to DA area regarding the evidence submitted to demonstrate when the development commenced is to be reconfirmed.



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Dear Mr Buddhadasa

Block 4 section 46 Turner – DA-201017034

Please be advised that the investigation into a complaint lodged for the above block has now been finalised.

The complaint raised concerns relating to inconsistencies in the documents submitted by the proponent to demonstrate that DA-201017034 had expired. The complaint also raised concerns relating to the identity of the lessee, and the survey data relied on for documents submitted as part of the application.

I have addressed the concerns raised in the complaint in the Investigation Report. A copy of the report is attached for your information. The Investigation report has been reviewed by Sean Moysey, Senior Manager of Utilities, land and Lease Regulation Section.

I reconfirm my earlier advice that the evidence provided by the proponent, which now includes a corrected statutory declaration by [REDACTED] of [REDACTED] [REDACTED] should be considered sufficient to demonstrate the commencement date of the development.

I trust this information is of assistance.



Reuben Gaze
Technical Coordinator
Investigation Unit

22 July 2014



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Dear Mr Buddhadasa

Block 4 section 46 Turner – DA-201017034

Please be advised that the investigation into a complaint lodged for the above block has now been finalised.

The complaint raised concerns relating to inconsistencies in the documents submitted by the proponent to demonstrate that DA-201017034 had expired. The complaint also raised concerns relating to the identity of the lessee, and the survey data relied on for documents submitted as part of the application.

I have addressed the concerns raised in the complaint in the Investigation Report. A copy of the report is attached for your information. The Investigation report has been reviewed by Sean Moysey, Senior Manager of Utilities, land and Lease Regulation Section.

I reconfirm my earlier advice that the evidence provided by the proponent, which now includes a corrected statutory declaration by [REDACTED] of [REDACTED], should be considered sufficient to demonstrate the commencement date of the development.

I trust this information is of assistance.

Reuben Gaze
Technical Coordinator
Investigation Unit

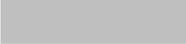
22 July 2014



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Dear 

Block 4 Section 46 TURNER – Controlled Activity Complaint

I refer to your complaint submitted to the Environment and Planning Directorate (EPD) on 28 May 2014 regarding the above block.

Your complaint has been investigated and it has been confirmed that the two documents in question were not dated consistently. This matter has been put to the lessee who provided one of the statements and they have taken the opportunity to correct the record.

I also note that the lessee is two separate entities who are tenants in common and acknowledge that the EPD has been dealing with only one of those entities for the purpose of collecting evidence to determine when the development commenced. While the lodgement of a development application requires the consent of all lessees, there is no restriction on a single lessee seeking or submitting information.

I have also considered the matter of the survey. I have checked the survey against the original deposited plan and the dimensions appear to be consistent, and that being the case have not been able to identify any fault with the survey information lodged with the development application. It should be noted that correct set out of any future development is something that is monitored by the building certifier during construction. Failure to properly set out the building correctly can have serious consequences for the developer.

After referring to ACTMAPi, I note that the existing driveway for the block to the north of the site appears to be constructed partly across block 4. Best practice is that any future developer would discuss the matter with the neighbour prior to undertaking any work. I have brought this to the attention of the lessee who provided the statements.

EPD is satisfied that no further action is necessary in relation to the complaint at this time. This does not prevent you from initiating further investigation as the development progresses.

Yours sincerely

Reuben Gaze
Inspector
Utilities, Land and Lease Regulation Section

23 July 2014



[Redacted]

Dear [Redacted]

Block 4 Section 46 TURNER – Controlled Activity Complaint

I refer to your complaint submitted to the Environment and Planning Directorate (EPD) on 28 May 2014 regarding the above block.

Your complaint has been investigated and it has been confirmed that the two documents in question were not dated consistently. This matter has been put to the lessee who provided one of the statements and they have taken the opportunity to correct the record.

I also note that the lessee is two separate entities who are tenants in common and acknowledge that the EPD has been dealing with only one of those entities for the purpose of collecting evidence to determine when the development commenced. While the lodgement of a development application requires the consent of all lessees, there is no restriction on a single lessee seeking or submitting information.

I have also considered the matter of the survey. I have checked the survey against the original deposited plan and the dimensions appear to be consistent, and that being the case have not been able to identify any fault with the survey information lodged with the development application. It should be noted that correct set out of any future development is something that is monitored by the building certifier during construction. Failure to properly set out the building correctly can have serious consequences for the developer.

After referring to ACTMAPi, I note that the existing driveway for the block to the north of the site appears to be constructed partly across block 4. Best practice is that any future developer would discuss the matter with the neighbour prior to undertaking any work. I have brought this to the attention of the lessee who provided the statements.

EPD is satisfied that no further action is necessary in relation to the complaint at this time. This does not prevent you from initiating further investigation as the development progresses.

Yours sincerely

[Redacted Signature]

Reuben Gaze
Inspector
Utilities, Land and Lease Regulation Section

23 July 2014



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Government

Environment and
Sustainable Development



Dear 

Block 4 Section 46 TURNER – Complaint

I refer to your complaint submitted to the Environment and Planning Directorate (EPD) on 6 August 2014 regarding the above block. Your complaint will be allocated to an inspector of the Investigations Unit to determine whether a person has committed an offence or is undertaking a breach of the laws administered by EPD.

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

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

Yours sincerely

Investigations Unit

7 August 2014

From: basubmission_electricity@actewagl.com.au
To: [ACTPLA ACTEWAGL Comments](#)
Subject: ActewAGL Application Decision. Application - 107535 (Email 1 of 2)
Date: Wednesday, 31 March 2010 3:21:34 PM
Attachments: [Conditional Approval Electricity107535.pdf](#)
[%FLOORASSESS-201017034-First Level-01.PDF](#)
[%FLOORASSESS-201017034-Ground Level-01.PDF](#)
[%FLOORASSESS-201017034-Second Level-01.PDF](#)
[ELEV-201017034-01.PDF](#)
[FLOOR-201017034-Basement Level-01.PDF](#)
[FLOORREG-201017034-01.PDF](#)
[SITE-201017034-01.PDF](#)

ACTEWAGL - ELECTRICITY NETWORKS DIVISION

Approval ID : 107535, Turner 4 /46

Please note that your application has been assessed for compliance with ActewAGL's Electricity Network and conditionally complies with our Electricity Networks requirements.

Please find attached, your stamped plans together with a conditional statement of compliance.

Separate compliance statements may be required from other entities.

Regards

Denise Thurtell
[ActewAGL Electricity Networks Division](#)

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From: BSubmission_watersewer@actewagl.com.au
To: [ACTPLA ACTEWAGL Comments](#)
Subject: ActewAGL Application Decision. Application - 113540
Date: Monday, 8 November 2010 8:33:27 AM
Attachments: [Approved113540.pdf](#)
[%FLOORASSESS-201017034-S144B-Basement Level-01.PDF](#)
[%FLOORASSESS-201017034-S144B-First Floor Level-01.PDF](#)
[%FLOORASSESS-201017034-S144B-Ground Floor Level-01.PDF](#)
[ELEV-201017034-S144B-01.PDF](#)
[SITE-201017034-S144B-01.PDF](#)

ACTEWAGL - WATER DIVISION

Approval ID : 113540, Turner 4 /46

Your application has been assessed by ActewAGL and complies with our water and sewerage requirements.

Please find attached, your stamped plans together with a statement of compliance.

Separate compliance statements are required from other utilities (eg: electricity, gas, stormwater and communications)

Future applications

ActewAGL has introduced an online planning application process for obtaining utility clearances prior to submitting a development application or seeking building approval.

This revised application process consists of an electronic form available [here](#). By using the online form applicants will no longer need to complete the respective Water/Sewerage and Electricity/Gas application forms.

When an application is submitted it will be assessed against the water, sewerage, electricity and gas networks.

ActewAGL requests that organisations register their details if they regularly submit applications. Registration will reduce the time it takes to lodge an application. To register, send a return email including the organisation's name, a contact name, phone number and email address.

Regards

Eddie Gonzalez
[Customer Support and Education](#)
[ActewAGL Water Division](#)



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From: BAsubmission_watersewer@actewagl.com.au
To: [ACTPLA ACTEWAGL Comments](#)
Subject: ActewAGL Application Decision. Application - 113570
Date: Tuesday, 9 November 2010 9:59:49 AM
Attachments: [Approved113570.pdf](#)
[%FLOORASSESS-201017034-S144B-Basement Level-01.PDF](#)
[%FLOORASSESS-201017034-S144B-Ground Floor Level-01.PDF](#)
[ELEV-201017034-S144B-01.PDF](#)
[SECTION-201017034-S144B-01.PDF](#)
[SITE-201017034-S144B-01.PDF](#)

ACTEWAGL - WATER DIVISION

Approval ID : 113570, Turner 4 /46

Your application has been assessed by ActewAGL and complies with our water and sewerage requirements.

Please find attached, your stamped plans together with a statement of compliance.

Separate compliance statements are required from other utilities (eg: electricity, gas, stormwater and communications)

Future applications

ActewAGL has introduced an online planning application process for obtaining utility clearances prior to submitting a development application or seeking building approval.

This revised application process consists of an electronic form available [here](#). By using the online form applicants will no longer need to complete the respective Water/Sewerage and Electricity/Gas application forms.

When an application is submitted it will be assessed against the water, sewerage, electricity and gas networks.

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Regards

Eddie Gonzalez
[Customer Support and Education](#)
[ActewAGL Water Division](#)



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From: basubmission_electricity@actewagl.com.au
To: [ACTPLA Customer Services](#)
Subject: ActewAGL Application Decision. Application - 116489. Turner - 4/46
Date: Monday, 18 April 2011 2:36:55 PM
Attachments: [Conditional Approval Electricity116489.pdf](#)
[4 46 Turner site plan.pdf](#)
[Minimum Separation Guidelines.pdf](#)

ACTEWAGL - ELECTRICITY NETWORKS DIVISION

Approval ID : 116489, Turner 4 /46

Please note that your application has been assessed for compliance with ActewAGL's Electricity Network and conditionally complies with our Electricity Networks requirements.

Please find attached, your stamped plans together with a conditional statement of compliance.

Separate compliance statements may be required from other entities.

Regards

Denise Thurtell
[ActewAGL Electricity Networks Division](#)



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Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of the organisation.

From: BSubmission_watersewer@actewagl.com.au
To: [ACTPLA Customer Services](#)
Subject: ActewAGL Application Decision. Application - 116524
Date: Friday, 1 April 2011 9:00:08 AM
Attachments: [Approved116524.pdf](#)
[SITE-201017034-RECONSIDERATION-01.PDF](#)

ACTEWAGL - WATER DIVISION

Approval ID : 116524, Turner 4 /46

Your application has been assessed by ActewAGL and complies with our water and sewerage requirements.

Please find attached, your stamped plans together with a statement of compliance.

Separate compliance statements are required from other utilities (eg: electricity, gas, stormwater and communications)

Future applications

ActewAGL has introduced an online planning application process for obtaining utility clearances prior to submitting a development application or seeking building approval.

This revised application process consists of an electronic form available [here](#). By using the online form applicants will no longer need to complete the respective Water/Sewerage and Electricity/Gas application forms.

When an application is submitted it will be assessed against the water, sewerage, electricity and gas networks.

ActewAGL requests that organisations register their details if they regularly submit applications. Registration will reduce the time it takes to lodge an application. To register, send a return email including the organisation's name, a contact name, phone number and email address.

Regards

Eddie Gonzalez
[Customer Support and Education](#)
[ActewAGL Water Division](#)



PLEASE NOTE This email and any attachments may be confidential. If received in error, please delete all copies and advise the sender. The reproduction or dissemination of this email or its attachments is prohibited without the consent of the sender.

WARNING RE VIRUSES: Our computer systems sweep outgoing email to guard against viruses, but no warranty is given that this email or its attachments are virus free. Before opening or using attachments, please check for viruses. Our liability is limited to the re-supply of any affected attachments.

Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of the organisation.

AUSTRALIAN CAPITAL TERRITORY

TITLE SEARCH

Turner Section 46 Block 4 on Deposited Plan 324
 Lease commenced on 09/10/2012, granted on 09/10/2012, term terminating on 12/02/2055
 Area is 974 square metres or thereabouts



Registered Date	Dealing Number	Description
		Original title is Volume 2061 Folio 16 Purpose Clause: Refer Crown Lease Easement In Crown Lease: Current Market Value Lease: Applies For Term Of Lease
25/08/2009	1645027	Mortgage to [REDACTED]
06/11/2012	1827869	Application to Register a Crown Lease (DCL1827868) End of interests

ADMINISTRATIVE INTERESTS

(This information is not guaranteed)

ACT Planning and Land Authority (ACTPLA) - For further information concerning the following administrative interests, please contact ACTPLA on (02) 6207 1923. ACTPLA administrative interests information has been provided to the Registrar-General since 1 February 2010.

Reference Number	Type	Lodgement Date	Assessment Track	Status	Status Date
201017034	Development Application	18/03/2010	MERIT TRACK - MAJOR NOTIFICATION	APPROVAL CONDITIONAL	14/02/2011

Description

S144B AMENDMENT - MULTIPLE DWELLING - DEMOLITION - NEW RESIDENCES - LEASE VARIATION. Proposed demolition of the existing residence and structures and construction of a three storey building containing 8 dwellings with basement parking. Vary the Crown lease to permit 8 multi unit dwellings. Amendments include altering the rear walls of proposal to increase deep root planting potential; reduce FFLs by 250mm to reduce overall height; Increase gradient of driveway ramp; remove tree within front setback; Increase size of balconies; alter depth of windows at side of buildings screened to 1700 FFLs; retain existing verge crossing dimensions; reconfigure basement storage units and Increase courtyard size for Unit 2.

Reference Number	Type	Lodgement Date	Assessment Track	Status	Status Date
201017034	Development Application	18/03/2010	DA - RECONSIDERATION	ACTIVE	18/03/2010

Description

S144B AMENDMENT - MULTIPLE DWELLING - DEMOLITION - NEW RESIDENCES - LEASE VARIATION. Proposed demolition of the existing residence and structures and construction of a three storey building containing 8 dwellings with basement parking. Vary the Crown lease to permit 8 multi unit dwellings. Amendments include altering the rear walls of proposal to increase deep root planting potential; reduce FFLs by 250mm to reduce overall height; Increase gradient of driveway ramp; remove tree within front setback; Increase size of balconies; alter depth of windows at side of buildings screened to 1700 FFLs; retain existing verge crossing dimensions; reconfigure basement storage units and Increase courtyard size for Unit 2.

Reference Number	Type	Lodgement Date	Assessment Track	Status	Status Date
201017034	Development Application	18/03/2010	DA - RECONSIDERATION	REFUSED	26/05/2011

Description

S144B AMENDMENT - MULTIPLE DWELLING - DEMOLITION - NEW RESIDENCES - LEASE VARIATION. Proposed demolition of the existing residence and structures and construction of a three storey building containing 8 dwellings with basement parking. Vary the Crown lease to permit 8 multi unit dwellings. Amendments include altering the rear walls of proposal to increase deep root planting potential; reduce FFLs by 250mm to reduce overall height; Increase gradient of driveway ramp; remove tree within front setback; Increase size of balconies; alter depth of windows at

side of buildings screened to 1700 FFLs; retain existing verge crossing dimensions; reconfigure basement storage units and Increase courtyard size for Unit 2.

Reference Number	Type	Lodgement Date	Assessment Track	Status	Status Date
201017034	Development Application	18/03/2010	AAT - APPEAL	ACTIVE	18/03/2010

Description

S144B AMENDMENT - MULTIPLE DWELLING - DEMOLITION - NEW RESIDENCES - LEASE VARIATION. Proposed demolition of the existing residence and structures and construction of a three storey building containing 8 dwellings with basement parking. Vary the Crown lease to permit 8 multi unit dwellings. Amendments include altering the rear walls of proposal to increase deep root planting potential; reduce FFLs by 250mm to reduce overall height; Increase gradient of driveway ramp; remove tree within front setback; Increase size of balconies; alter depth of windows at side of buildings screened to 1700 FFLs; retain existing verge crossing dimensions; reconfigure basement storage units and Increase courtyard size for Unit 2.

Reference Number	Type	Lodgement Date	Assessment Track	Status	Status Date
201017034	Development Application	18/03/2010	AAT - APPEAL	APPROVAL CONDITIONAL	18/10/2011

Description

S144B AMENDMENT - MULTIPLE DWELLING - DEMOLITION - NEW RESIDENCES - LEASE VARIATION. Proposed demolition of the existing residence and structures and construction of a three storey building containing 8 dwellings with basement parking. Vary the Crown lease to permit 8 multi unit dwellings. Amendments include altering the rear walls of proposal to increase deep root planting potential; reduce FFLs by 250mm to reduce overall height; Increase gradient of driveway ramp; remove tree within front setback; Increase size of balconies; alter depth of windows at side of buildings screened to 1700 FFLs; retain existing verge crossing dimensions; reconfigure basement storage units and Increase courtyard size for Unit 2.

Sequence No. 9395

File Reference No. 10/25

Building Inspection Record

For the purposes of Section 37 of the Building Act 2004

Suburb <i>Turner</i>	Street <i>19 Forbes St</i>	Unit <i>-</i>	Block <i>4</i>	Section <i>46</i>
Builder		Project description <i>Demolition</i>		
Class of Occupancy <i>1a(1) + 10a/b</i>	Approved Plan No. <i>B2013</i>	Type of Construction (commercial buildings)		
Relevant inspection stage from building regulation 16 & description of portion of building it relates to (e.g. first floor timber framing)				
<i>Demolition Commencement</i>		<input checked="" type="checkbox"/> Footings	<input type="checkbox"/> Slab Preparation	<input type="checkbox"/> Pre Sheet
		<input type="checkbox"/> Stormwater	<input type="checkbox"/> Framing	<input type="checkbox"/> Final

I have received notice from the builder that the stage of works indicated above has been reached and I have carried out an inspection of the building work.

INSPECTION RECORD Date of Inspection: *16/10/13* Time: *9.15 am*
 Photographic Record Taken Yes - No

Remarks / Conditions found:

- Project for demolition of house & erection of apartments. DA approval date 15/11/2012*
- Front Entry pergola dismantled*
- Rear Area Brick & timber wall removed - partially unsafe as a structure*

The following information must be provided within the next 48 hours:

DA condition of commencement has been met

As a result of that inspection I hereby certify that the building work has been generally constructed in accordance with the approved plans, the reference documentation, the ACT Building Act including the BCA and relevant Australian Standards and complies with section 42 of the Building Act 2004 and I give my permission for work to proceed beyond the above mentioned inspection stage.

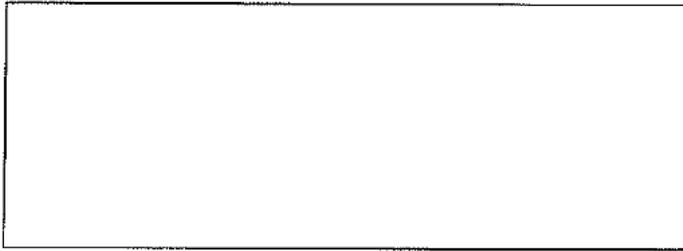
[Redacted Signature]
 Date *16/10/13* Don Waring
 ACT Registered Certification Authority: 19812186

OR

As a result of that inspection, I have formed the opinion that building work is not in compliance with section 42 of the Building Act 2004. I do not give permission for work to proceed and I give the following directions to the licensee in charge of the building work, for achieving compliance: A reinspection of this stage is required.

Signature _____ Date *1/1* Don Waring
 ACT Registered Certification Authority: 19812186

Directions / Instructions to owner and / or Builder:	Date Checked	Outcome	Signature



10th April 2014

To Whom it may concern

Block 4 Section 46 Turner

Letter of Confirmation

I write this letter to confirm the following points:

1. I was engaged as certifier for BA for demolition works at 4/46 Turner and the required Government fees were paid 24/09/13.
2. A booking was made on 10/10/13 to attend site (19 Forbes Street) and undertake an inspection to confirm the commencement of site works (demolition) as per the approved DA.
3. I attended the site on the 16/10/13 and after inspection of site, issued an Inspection Record confirming works had commenced on site.

Should you require further information on this matter, please do not hesitate to contact me.



Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 *Insert the name, address and occupation of person making the declaration*

I, ¹

make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

2

1. I am the lessee of Block 4 Section 46 Turner ACT
2. I arranged for demolition site works to commence on the above-mentioned block, in accordance with the approved DA and confirm that these works were commenced and undertaken on 10 October 2012.
3. On 10 October 2012, I arranged a booking for the Private Certifier [REDACTED] to attend site and inspect the commencement of works.
4. The Private Certifier [REDACTED] was only able to attend site on 16 October 2012 and confirm that works had been commenced on site.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

4 *Place*

5 *Day*

6 *Month and year*

7 *Signature of person before whom the declaration is made (see over)*

8 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
Bailliff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

From: [Gaze, Reuben](#)
To: [Buddhadasa, Ajith](#)
Cc: [Oshyer, Aaron](#); [Cilliers, George](#)
Subject: b4 s46 Turner DA-201017034 RE evidence to support commencement
Date: Tuesday, 22 July 2014 5:43:24 PM
Attachments: [20140717 - Investigation Report.doc](#)
[image001.gif](#)
[image002.jpg](#)
[20140722 - Findings of investigation - letter to Ajith Buddhadasa#3.pdf](#)
Importance: High

Dear Ajith

Please find attached a letter outlining the findings of the investigation, and a full copy of the investigation report for your records.

Kind regards

Reuben Gaze | Team Leader Investigation Unit



To: [REDACTED]
Subject: [Buddhadasa Ajith](#)
Block 4 Section 46 Turner - DA No. 201017034
Date: Wednesday, 11 June 2014 1:43:17 PM
Attachments: [ATT00001.jpg](#)
[4112_001.tif](#)

Hi Ajith,

As discussed by phone, please find attached letter of authority from the lessee of this site to allow me to search and obtain information for my client

Can you please provide a full current copy of the notice of decision including all entity approvals and any conditions, as the copy I have been given by the lessee is incomplete

Can you also please confirm the current status of this DA. What is the current expiry date of this DA and the date for the building works to be completed by

Also what process would my client need to take if they were to purchase this property and obtain an extension of time for the DA

[REDACTED]

Thank you



From: Singh, Ravi
To: [Gaze, Reuben](#)
Cc: [Buddhadasa, Ajith](#)
Subject: Block 4 section 46 Turner - DA201017034 - Commencement Date
Date: Monday, 16 June 2014 3:47:00 PM

Hi Reuben

[REDACTED] came to the counter today and asked one of our technical officers for the commencement date of the works approved under the above application. I believe [REDACTED] is in the process of buying this property.

This is the inquiry I took in Ajith's (the assessing officer's) absence and discussed with you in April and then you took on to respond to the inquirer.

Is it okay if I give him your number?

Regards

Ravi Singh
[REDACTED]

From: Arugay, Fred
To: [REDACTED]
Subject: Block 4 Section 46 Turner
Date: Monday, 26 May 2014 4:49:00 PM
Attachments: [Controlled Activity Complaint Form.pdf](#)

Good Afternoon [REDACTED]

I have been advised from Land Regulation Unit to please complete the attached form. If you can provide the details in the complaint details section as you did in your email to me this will be appreciated.

Please provide the stat dec + certifiers claims or point out the relevant documents that you obtained under FOI for the Inspector to access the file. Upon receipt the Directorate can then look at your concerns about the status of the DA as well.

The burden of evidence to prove fraudulent activity would rest with the Directorate.

If you require assistance lodging the complaint, please provide contact the complaint secretariat by email actplalru@act.gov.au or phone 6207 3022.

Kind Regards

Customer Services



From: [REDACTED]
To: [ACTPLA LRU](#)
Subject: Controlled Activity Construction Complaint Form 20140728 Block 4 Section 46 TURNER
Date: Monday, 28 July 2014 12:27:04 PM
Attachments: [Controlled_Activity_Complaint_Form_DA_19_Forbes_St.pdf](#)

Hi

Attached is a Controlled Activity Construction Occupation Complaints Form outlining concern that the decision taken to accept that work had commenced on Block 4 Section 46 Turner was unsound and problems with the survey material presented and subsequently used in the DA assessment

Regards

[REDACTED]



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

Controlled Activity/Construction Occupations Complaint Form

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

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

All reasonable steps will be taken to investigate your complaint.

Please note:

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

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

1. Contact details

*Your Name(s)

*Address

*Contact Number

2. Site details (subject of complaint)

Unit

Block

Section

Suburb

*Street Address

3. * Summary of complaint

Unlawful Development

- Development without Approval
 Development not in accordance with approval

Construction Work

- Building
 Electrical
 Plumbing
 Gas

Breach of Lease

- Unclean Leasehold
 Unlawful Use

Licensee

- Unlicensed
 Licence Breach
 Building Certifier
 Works Assessor

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

A decision (Attachment 1 - dated 11 April 2014)) has been taken to accept that work had commenced on DA 201017034 within the 2 year period required by ACAT's decision. This decision has been made based on conflicting declarations.

In seeking to establish that work had commenced within the 2 year period as required by the ACAT decision a person purporting to be "the" lessee has provided a statutory declaration (Attachment 2 - dated 10 April 2014) stating that work had taken place in October 2012.

Another declaration (Letter of Confirmation - dated 10 April 2014) has been provided by the certifier undertaking the work to stating that the work took place in October 2013. This work was removal of a minor front pergola.

The important point is that the person accepting the evidence has relied on these contradictory declarations and has in my opinion made an unsound decision. That person has declared that DA 201017034 is now not expired and has appeared to make the completion of the DA open ended.

An additional problem is that there is no single lessee of the block in question (the DA application was in the name of 2 parties and there have been no documents on the file that indicate that this has changed) so a single person cannot be described as "the" lessee by rather a lessee.

I believe there are other problems with the site associated with the survey undertaken as a part of the DA and this may pose serious problems preventing the DA proceeding.

The premises is currently on the market as being ready to go, one of the lessees being the agent.

I am concerned that a buyer may not be made aware of the problems and the site will become another dumping ground as 3 Forbes St. has become.

5. Privacy Note

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

6. Acknowledgement

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

*Signature(s)

*Date

Fiona, Ruth

From: Singh, Ravi
Sent: Friday, 11 April 2014 9:41 AM
To: [REDACTED]
Cc: Gaze, Reuben
Subject: DA 201017034 for Block 4 Section 46 Turner

Dear [REDACTED]

The information and evidence you provided is considered sufficient to demonstrate compliance with the commencement requirement of the DA.

I can now confirm DA201017034 is not expired.

Regards

Ravi Singh
Senior Planner
Development Assessment
[REDACTED]

Commonwealth of Australia
STATUTORY DECLARATION
Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

I, ¹ [REDACTED]

make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs

- 2
1. I am the lessee of Block 4 Section 46 Turner ACT
 2. I arranged for demolition site works to commence on the above-mentioned block, in accordance with the approved DA and confirm that these works were commenced and undertaken on 10 October 2012.
 3. On 10 October 2012, I arranged a booking for the Private Certifier [REDACTED] to attend site and inspect the commencement of works.
 4. The Private Certifier [REDACTED] was only able to attend site on 16 October 2012 and confirm that works had been commenced on site.

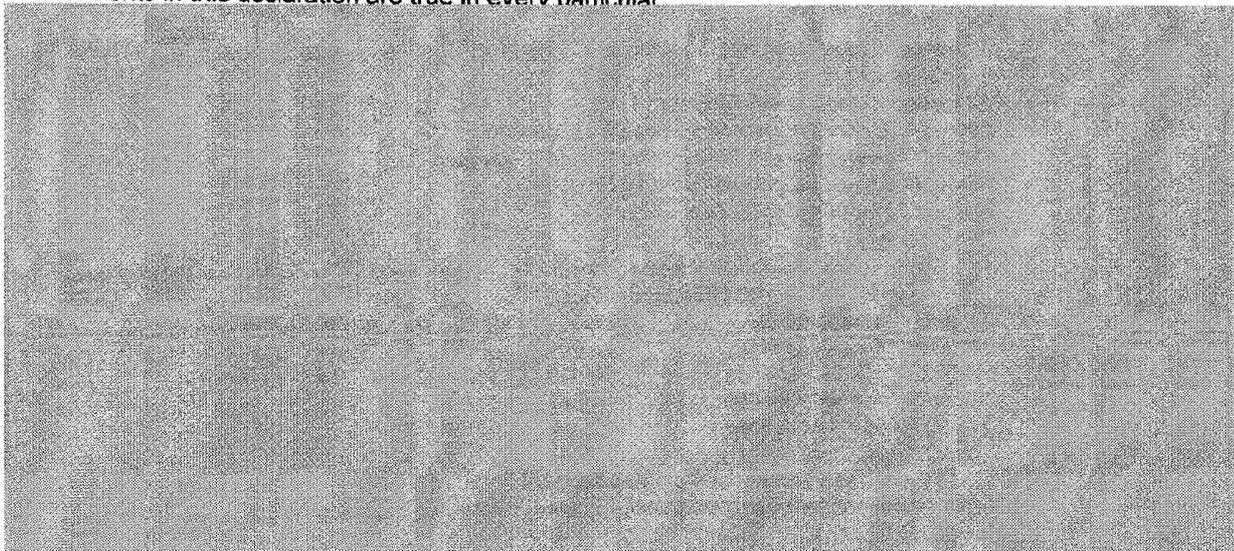
I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

4 Place
5 Day
6 Month and year

7 Signature of person before whom the declaration is made (see over)

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)



Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

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A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

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Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
Bailliff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

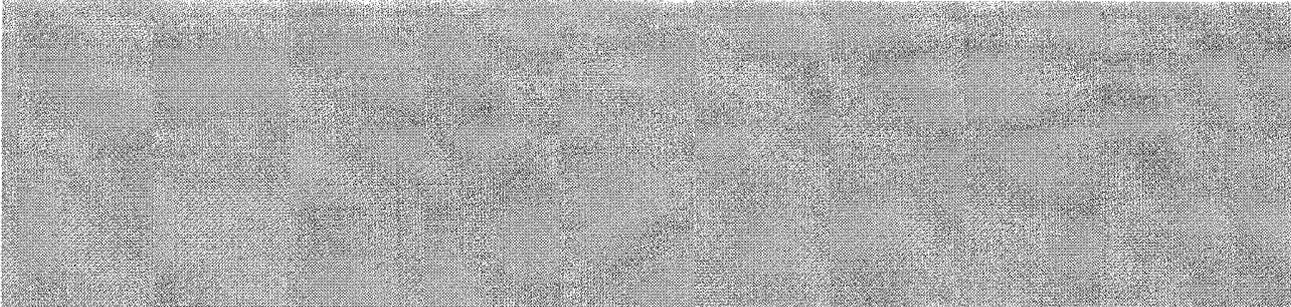
(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution



10th April 2014

To Whom it may concern

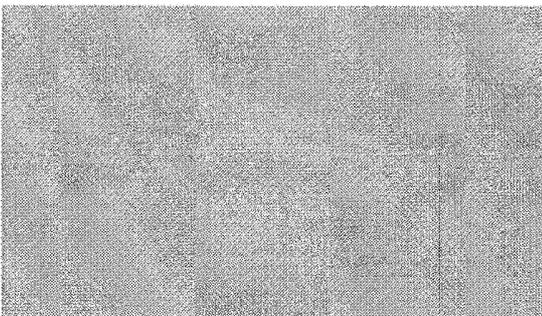
Block 4 Section 46 Turner

Letter of Confirmation

I write this letter to confirm the following points:

1. I was engaged as certifier for BA for demolition works at 4/46 Turner and the required Government fees were paid 24/09/13.
2. A booking was made on 10/10/13 to attend site (19 Forbes Street) and undertake an inspection to confirm the commencement of site works (demolition) as per the approved DA.
3. I attended the site on the 16/10/13 and after inspection of site, issued an Inspection Record confirming works had commenced on site.

Should you require further information on this matter, please do not hesitate to contact me.





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

Controlled Activity/Construction Occupations Complaint Form

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All reasonable steps will be taken to investigate your complaint.

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- You will be kept informed of the progress of the investigation.

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

1. Contact details

*Your Name(s)

*Address

*Contact Number

2. Site details (subject of complaint)

Unit Block Section Suburb

*Street Address

3. * Summary of complaint

Unlawful Development

- Development without Approval
 Development not in accordance with approval

Construction Work

- Building
 Electrical
 Plumbing
 Gas

Breach of Lease

- Unclean Leasehold
 Unlawful Use

Licensee

- Unlicensed
 Licence Breach
 Building Certifier
 Works Assessor

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

A decision (Attachment 1 - dated 11 April 2014)) has been taken to accept that work had commenced on DA 201017034 within the 2 year period required by ACAT's decision. This decision has been made based on conflicting declarations.

In seeking to establish that work had commenced within the 2 year period as required by the ACAT decision a person purporting to be "the" lessee has provided a statutory declaration (Attachment 2 - dated 10 April 2014) stating that work had taken place in October 2012.

Another declaration (Letter of Confirmation - dated 10 April 2014) has been provided by the certifier undertaking the work to stating that the work took place in October 2013. This work was removal of a minor front pergola.

The important point is that the person accepting the evidence has relied on these contradictory declarations and has in my opinion made an unsound decision. That person has declared that DA 201017034 is now not expired and has appeared to make the completion of the DA open ended.

An additional problem is that there is no single lessee of the block in question (the DA application was in the name of 2 parties and there have been no documents on the file that indicate that this has changed) so a single person cannot be described as "the" lessee by rather a lessee.

I believe there are other problems with the site associated with the survey undertaken as a part of the DA and this may pose serious problems preventing the DA proceeding.

The premises is currently on the market as being ready to go, one of the lessees being the agent.

I am concerned that a buyer may not be made aware of the problems and the site will become another dumping ground as 3 Forbes St. has become.

5. Privacy Note

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

6. Acknowledgement

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

*Signature(s)

*Date

From: [ACTPLA LRU](#)
To: [REDACTED]
Cc: [Singh, Ravi](#)
Subject: DA 201017034 for block 4 section 46 Turner
Date: Thursday, 10 April 2014 10:39:08 AM

Dear [REDACTED]

I acknowledge that you are authorised by the lessee to discuss issues relating to DA 201017034 for block 4 section 46 Turner.

Ultimately some form of evidence would be required to confirm that works occurred no later than 12 October 2013, which is two years after the date the consent order was made at ACAT (the date the approval takes effect).

The inspection record from [REDACTED] would ordinarily be deemed sufficient, however it is dated 16 October 2013, and therefore outside the required commencement period. After discussing this issue with you I understand that the works are likely to have occurred up to a week prior to [REDACTED] inspection.

That being the case, further evidence to substantiate this is required.

I expect that relatively minor works such as these may not have been subcontracted out so receipts may not exist.

Sufficient evidence to support the lessee's claim that work commenced no later than 12 October 2013 could include [REDACTED] providing a statement indicating when he received the request to conduct the inspection, and that he understood the works to be commenced when he received that request.

While [REDACTED] statement doesn't necessarily have to be in the form of a statutory declaration. A supporting statutory declaration from the lessee should be provided, and should corroborate details provided by [REDACTED], with the lessee also advising who undertook the works and over what period.

Emailed copies of these documents are sufficient.

Please provide via return email at your convenience. After receipt of sufficient evidence, the status of DA201017034 will be confirmed to you in writing. Please feel free to contact me on the number below should you have any concerns, or if you wish to discuss providing alternate evidence.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit





[@ESDD_Comms](#)



facebook.com/actgoesdd

From: Singh, Ravi
To: [REDACTED]
Cc: [Gaze, Reuben](#)
Subject: DA 201017034 for Block 4 Section 46 Turner
Date: Friday, 11 April 2014 9:40:00 AM

Dear [REDACTED]

The information and evidence you provided is considered sufficient to demonstrate compliance with the commencement requirement of the DA.
I can now confirm DA201017034 is not expired.

Regards

Ravi Singh
Senior Planner
Development Assessment
[REDACTED]

From: [Singh, Ravi](#)
To: [REDACTED]
Cc: [Gaze, Reuben](#)
Subject: DA 201017034 for Block 4 Section 46 Turner
Date: Friday, 11 April 2014 9:40:58 AM

Dear [REDACTED]

The information and evidence you provided is considered sufficient to demonstrate compliance with the commencement requirement of the DA.
I can now confirm DA201017034 is not expired.

Regards

Ravi Singh
Senior Planner
Development Assessment
[REDACTED]





From: [Buddhadasa, Ajith](#)
To: [ACTPLA LRU](#)
Cc: [redacted]; [Cilliers, George](#)
Subject: FW: 19 Forbes St Turner
Date: Thursday, 10 July 2014 8:11:50 AM
Attachments: [image001.jpg](#)

Dear ACTPLA LRU

Please find below request from [redacted]
Can you please send a response to [redacted]

Regards

Ajith Buddhadasa | Senior Development Assessment Officer

[redacted]

From: [redacted]
Sent: Thursday, 10 July 2014 8:06 AM
To: Buddhadasa, Ajith
Subject: Re: 19 Forbes St Turner

Thanks, but as the owners i presume we have a right to be notified. Please supply all details about the complaint.

Regards

[redacted]

On 10 Jul 2014, at 8:01 am, "Buddhadasa, Ajith" <[redacted]> wrote:

Dear [redacted]

Thank you for the email.

With regards to your concerns the only information I have is that there is an investigation currently taking place as mentioned in my email to

[redacted]

Regards

[redacted]

From: [redacted]
Sent: Wednesday, 9 July 2014 5:49 PM
To: Buddhadasa, Ajith
Cc: [redacted]
Subject: RE: 19 Forbes St Turner

Hi Ajith

Just a follow up email from yesterday to see if you received below? Just to review- it seems to be an email sent by yourself to [REDACTED] in regards to our DA 201017034. Can you reply asap?

From: [REDACTED]
Sent: Tuesday, 8 July 2014 8:16 PM
To: [Ajith](#) [REDACTED]
[REDACTED]
Subject: 19 Forbes St Turner

Hi Ajith

We have been sent the below email from [REDACTED]. As the owners of this property we have not been informed by any complaint so are suprised by this. We can move forward either way until we know more. Can you urgently shed some light on the below email you sent to [REDACTED]

Thank you for the email querying about the effect of the development approval (DA) granted on [DA201017034](#).

The DA took effect pursuant to the consent decision at the ACAT mediation on 12 October 2011.

Section 184 of the Planning and Development Act 2007 states that a development approval ends if the works approved have not commenced within 2 years from the approval took effect.

Records submitted to ACTPLA shows that the works approved under above DA had commenced on 10 October 2013 therefore the development approval took effect on 12 October 2011 is still valid, as conveyed to you earlier by Ravi Singh.

However, I've been advised that a formal complaint has been raised by a concerned third party regarding the validity of the commencement date on several grounds. I understand that there is an investigation underway into this matter. I am not certain how long the investigation will take, but it is my understanding that until this investigation proves otherwise, the current determination of the commencement date of the approved works under this DA i.e. 10 October 2013, stands.

I trust that I have adequately answered your query.

Regards

Regards

[REDACTED]

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.

From: [REDACTED]
To: [Buddhadasa. Ajith](mailto:Buddhadasa.Ajith)
Cc: [REDACTED]
Subject: FW: b4 s46 Turner
Date: Friday, 1 August 2014 12:22:51 PM
Attachments: [4A1003CB-B5FF-4A7D-8BAA-FCC92C99D4B4\[1\].png](#)
[image001.gif](#)
[image002.jpg](#)

Hello Ajith,

I believe that Reuben sent you his findings from his investigation last week and we as yet have not heard back from you regarding the outcome.

Can you please advise immediately the status of the DA so our client can finalise the pending sale of the land and associated development?

Regards,

From: <Gaze>, Reuben [REDACTED] >
Date: Monday, 21 July 2014 5:24 pm
[REDACTED]
Subject: b4 s46 Turner

Dear [REDACTED] [REDACTED]

Please be advised that I have nearly finalised the investigation. All the remains is review by either my manager or other senior officer. I hope to pass my findings on to the relevant DA officer tomorrow or Wednesday at the latest.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

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From: Buddhadasa, Ajith
To: [redacted] -Irma
Subject: FW: Block 4 Section 46 Turner - DA No. 201017034
Date: Wednesday, 11 June 2014 2:23:00 PM
Attachments: [4112_001.tif](#)
[Endorsement Letter -Signed.pdf](#)
[Notice of Decision - Signed.pdf](#)
[Notice of Decision-201017034-reconsideration-signed alias.pdf](#)
[AT11_53-Peter Byfield-Consent Decision alias.pdf](#)
[image001.jpg](#)

Dear [redacted]

Thank you for the email attaching lessee's authority for you to obtain details of the decision of this DA.

Please find attached DA decision (consent decision pursuant to ACAT mediation) and other documents as requested (Agency endorsements will be sent in a separate email).

ACTPLA records shows that the works relating to this DA had commenced on 10/10/2013 therefore the approved works must be completed within 24 months from the date work commenced [refer s184 of the Planning and Development Act 2007 (the Act)] i.e. by 10/10/2015. Section 184 of the Act provide provisions to consider extending the time to complete the works and such request in writing must be made to the planning and land authority prior to the expiry of development approval i.e. in this instance prior to 10/10/2015.

[redacted]

Hi Irma

[redacted]

Regards

Ajith Buddhadasa | Senior Development Assessment Officer

[redacted]

Sent: Wednesday, 11 June 2014 1:43 PM
To: Buddhadasa, Ajith
Subject: Block 4 Section 46 Turner - DA No. 201017034

Hi Ajith,

As discussed by phone, please find attached letter of authority from the lessee of this site to allow me to search and obtain information for my client

Can you please provide a full current copy of the notice of decision including all entity approvals and any conditions, as the copy I have been given by the lessee is incomplete

Can you also please confirm the current status of this DA What is the current expiry date of this DA and the date for the building works to be completed by

Also what process would my client need to take if they were to purchase this property and obtain an extension of time for the DA

[redacted]

Thank you

Kind Regards,

[redacted]

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From: Sare Irma
Cc: [Buddhadasa Ajith](#)
Subject: FW: Block 4 Section 46 Turner - DA No. 201017034
Date: Thursday, 12 June 2014 10:19:00 AM
Attachments: [image001.jpg](#)

Dear [REDACTED]

All leasing matters have been completed, The new Crown lease permitting 8 dwellings is registered at the land Titles office. You can obtain a copy of the Crown lease from Land Titles Office, at the Office of Regulatory Services, 255 Canberra Avenue, Fyshwick. Please contact on 62073000 or email ors@act.gov.au.

Regards,

Irma Sare I Assistant Manager - Leasing DA - Lease Administration [REDACTED]

From: Buddhadasa, Ajith
Sent: Wednesday 11 June 2014 2:24 PM
Subject: FW: Block 4 Section 46 Turner - DA No. 201017034

Dear [REDACTED]

Thank you for the email attaching lessee's authority for you to obtain details of the decision of this DA.

Please find attached DA decision (consent decision pursuant to ACAT mediation) and other documents as requested (Agency endorsements will be sent in a separate email).

ACTPLA records shows that the works relating to this DA had commenced on 10/10/2013 therefore the approved works must be completed within 24 months from the date work commenced [refer s184 of the Planning and Development Act 2007 (the Act)] i.e. by 10/10/2015. Section 184 of the Act provide provisions to consider extending the time to complete the works and such request in writing must be made to the planning and land authority prior to the expiry of development approval i.e. in this instance prior to 10/10/2015.

With regards to your query on CUC I will pass this email to DA Leasing Section for a response.

Hi Irma

Can you please respond to Anthony on his query about CUC as mentioned at last paragraph of below email?

Regards

Ajith Buddhadasa | S... | D... | t A... | t Off...

Sent: Wednesday, 11 June 2014 1:43 PM
To: Buddhadasa, Ajith
Subject: Block 4 Section 46 Turner - DA No. 201017034

Hi Ajith,

As discussed by phone, please find attached letter of authority from the lessee of this site to allow me to search and obtain information for my client

Can you please provide a full current copy of the notice of decision including all entity approvals and any conditions, as the copy I have been given by the lessee is incomplete

Can you also please confirm the current status of this DA. What is the current expiry date of this DA and the date for the building works to be completed by

Also what process would my client need to take if they were to purchase this property and obtain an extension of time for the DA

Thank you

Kind Regards,



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From: Buddhadasa, Ajith
To: [REDACTED]
Cc: [Cilliers, George](#); [Singh, Ravi](#)
Subject: FW: DA 201017034 for Block 4 Section 46 Turner
Date: Tuesday, 8 July 2014 9:02:00 AM
Attachments: [image001.jpg](#)

Dear [REDACTED]

Thank you for the email querying about the effect of the development approval (DA) granted on DA 201017034.

The DA took effect pursuant to the consent decision at the ACAT mediation on 12 October 2011.

Section 184 of the Planning and Development Act 2007 states that a development approval ends if the works approved have not commenced within 2 years from the approval took effect.

Records submitted to ACTPLA shows that the works approved under above DA had commenced on 10 October 2013 therefore the development approval took effect on 12 October 2011 is still valid, as conveyed to you earlier by Ravi Singh.

However, I've been advised that a formal complaint has been raised by a concerned third party regarding the validity of the commencement date on several grounds. I understand that there is an investigation underway into this matter. I am not certain how long the investigation will take, but it is my understanding that until this investigation proves otherwise, the current determination of the commencement date of the approved works under this DA i.e. 10 October 2013, stands.

I trust that I have adequately answered your query.

Regards

Ajith Buddhadasa | Senior Development Assessment Officer

[REDACTED]

From: Singh, Ravi [REDACTED]
Sent: Thursday, 3 July 2014 10:23 AM
Subject: RE: DA 201017034 for Block 4 Section 46 Turner

[REDACTED]

Thanks for your email.

I have asked the case officer Ajith Buddhadasa to respond to your query below.

Regards

Ravi Singh
Weston Creek and Rural

[REDACTED]
Sent: Thursday, 3 July 2014 10:18 AM

To: Singh, Ravi

Subject: FW: DA 201017034 for Block 4 Section 46 Turner

Dear Ravi

In April this year you confirmed that the above DA remained current and had not expired. See your email below.

Could you please confirm that it has still not expired and advice as to the expiration date would be very helpful.

This advice is required because the Notice of Decision confirming approval is dated 13/12/2010 yet the approval would, or should be dated from the date of the ACAT decision which was 12/10/2011 or the date of approval of the plans which was 15/11/2012?

We would be very grateful if you could confirm as a matter of urgency.

Thankyou in anticipation.

[REDACTED]

Please consider the environment before printing this e-mail

From: Singh, Ravi [REDACTED]

Sent: Friday, 11 April 2014 9:41 AM

Cc: Gaze, Reuben

Subject: DA 201017034 for Block 4 Section 46 Turner

Dear [REDACTED]

The information and evidence you provided is considered sufficient to demonstrate compliance with the commencement requirement of the DA.

I can now confirm DA201017034 is not expired.

Regards

Ravi Singh

Senior Planner

Development Assessment
[REDACTED]

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This email is confidential and may be subject to legal professional privilege and/or contain copyright material. Receipt of this email by anyone other than the intended recipient is not intended to, and does not, waive legal professional privilege. Its use or disclosure by any person other than the intended recipient is unauthorised. If you have received this email in error, please contact the sender by telephone on 1300 505 387 or by return email, and promptly delete it. No warranty is made that this email or any attachment is free from viruses or other defect or error.

From: [Gaze, Reuben](#)
To: [Singh, Ravi](#)
Subject: FW: DA 201017034 for block 4 section 46 Turner
Date: Friday, 11 April 2014 9:19:56 AM
Attachments: [4A1003CB-B5FF-4A7D-8BAA-FCC92C99D4B4\[3\].png](#)
[image001.gif](#)
[image002.jpg](#)
[4-46 TURNER Lessee Commencement Stat Dec.pdf](#)
[4-46 TURNER Certifier Letter of Confirmation.pdf](#)

Dear Ravi

The evidence supporting that the demolition works commenced 10 October 2013 are attached, and I consider them to be sufficient to demonstrate compliance with the commencement requirement of the DA. As such, as I understand it, DA201017034 is still live.

Kind regards

Reuben Gaze | Team Leader Investigation Unit



Sent: Friday, 11 April 2014 8:08 AM
To: ACTPLA LRU
Cc: Singh, Ravi; 
Subject: Re: DA 201017034 for block 4 section 46 Turner

Good Morning Reuben,

Please find attached the following documents:

- Letter of Confirmation from the Certifier.
- Statutory Declaration from the Lessee

Both these documents are evidence in support of the fact that commencement of site works occurred on 10 October 2013.

After review, can you please confirm back to me in writing the status of DA 201017034?

Please let me know if you have any further questions.

Regards,



From: "actplalru@act.gov.au" <actplalru@act.gov.au>

Date: Thursday, 10 April 2014 10:39 am

To: [REDACTED]

Cc: "Singh, Ravi" [REDACTED]

Subject: DA 201017034 for block 4 section 46 Turner

Dear [REDACTED]

I acknowledge that you are authorised by the lessee to discuss issues relating to DA 201017034 for block 4 section 46 Turner.

Ultimately some form of evidence would be required to confirm that works occurred no later than 12 October 2013, which is two years after the date the consent order was made at ACAT (the date the approval takes effect).

The inspection record from [REDACTED] would ordinarily be deemed sufficient, however it is dated 16 October 2013, and therefore outside the required commencement period. After discussing this issue with you I understand that the works are likely to have occurred up to a week prior to [REDACTED] inspection.

That being the case, further evidence to substantiate this is required.

I expect that relatively minor works such as these may not have been subcontracted out so receipts may not exist.

Sufficient evidence to support the lessee's claim that work commenced no later than 12 October 2013 could include [REDACTED] providing a statement indicating when he received the request to conduct the inspection, and that he understood the works to be commenced when [REDACTED] received that request.

While [REDACTED] statement doesn't necessarily have to be in the form of a statutory declaration. A supporting statutory declaration from the lessee should be provided, and should corroborate details provided by [REDACTED], with the lessee also advising who undertook the works and over what period.

Emailed copies of these documents are sufficient.

Please provide via return email at your convenience. After receipt of sufficient evidence, the status of DA201017034 will be confirmed to you in writing. Please feel free to contact me on the number below should you have any concerns, or if you wish to discuss providing alternate evidence.

Yours sincerely



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From: Gaze, Reuben
To: [REDACTED]
Subject: FW: DA 201017034 for block 4 section 46 Turner
Date: Friday, 11 July 2014 5:21:00 PM
Attachments: [image001.gif](#)
[image002.jpg](#)
[4-46 TURNER Lessee Commencement Stat Dec.pdf](#)
[4-46 TURNER Certifier Letter of Confirmation.pdf](#)

Dear [REDACTED]

Please be advised that a complaint has been made with Utilities, land and Lease Regulation Section regarding block 4 section 46 Turner. I apologise for not bringing this matter to your attention earlier.

The complaint highlights what appears to be an inconsistency between your statutory declaration (where you indicate events occurred in 2012) and the certifier's letter of confirmation (which indicate events took place in 2013).

Given the above, can you please advise whether you abide by your previous statutory declaration, or whether this is an error and you wish to provide a new declaration?

Further, I think it appropriate to provide the other lessee, [REDACTED] an opportunity to make a statement regarding any commencement should they wish to (providing of course that they are in a position to make comment). Please feel free to notify them directly on my behalf, or in the alternative provide me with a contact email.

Any additional information you provide will be considered and passed on to the DA Merit, North Team which was the team responsible for determining whether or not the DA was still considered as "live".

Please also be advised that another issue was raised as part of the complaint concerning the accuracy of the survey provided through the development application. Although unrelated to the commencement issue, if I am able to determine any discrepancies I will advise you immediately.

This investigation should be able to be finalised in a matter of days.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit

[REDACTED]



From: [REDACTED]
To: [ACTPLA LRU](#)
Subject: Fwd: 19 Forbes St Turner development application No 201017034
Date: Wednesday, 9 April 2014 5:29:52 PM
Attachments: [image001.jpg](#)

Hi Reuben,
Good to speak with you this afternoon and Thanks for your time.

Please see below the authority to act on behalf of the leasee.

Can you please forward to Ravi and explain the background we discussed. Let her know to contact me for whatever further info needed to evidence the commencement.

Much appreciated.

Regards.



----- Original message -----

From: [REDACTED]
Date: 08/04/2014 15:26 (GMT+10:00)
To: [REDACTED]
Subject: 19 Forbes St Turner development application No 201017034

To whom it may concern at ACTPLA

I, [REDACTED]
[REDACTED] to handle related matters to our DA.

Please provide the necessary information to [REDACTED] on our behalf.

If you need any further calcification please call me on 0 [REDACTED]

Kind Regards



From: [REDACTED]
To: [Gaze, Reuben](#)
Cc: [REDACTED]
Subject: Re: DA 201017034 for block 4 section 46 Turner
Date: Thursday, 17 July 2014 3:54:40 PM
Attachments: [4A1003CB-B5FF-4A7D-8BAA-FCC92C99D4B4.png](#)
[4-46 TURNER Lessee Commcement Confrimation amended.pdf](#)

Hello Reuben,

Thanks for your time today and please find following the response to your request for information regarding the complaint against the development at 4/46 TURNER:

1. COMMENCEMENT DATE; attached is a stat dec from the Lessee, which corrects a typographical error in the previous stat dec, in which the wring year was noted.
2. JOINT VENTURE LESSEE; [REDACTED] has advised that [REDACTED] is the noted representative of the joint venture lesees [REDACTED] and is authorised to act on behalf of the [REDACTED]. The other party to the lease is aware of the status of the development and has no other comment.
3. SURVEY; I am advised the survey used for the DA was undertaken by a registered surveyor and should meet the requirements for ACT Planning.

As you are aware, there is a sale of the project, pending a resolution and response to the below complaint.

Please let me know if you require any further information.

Regards,



From: [REDACTED]
Date: Friday, 11 July 2014 6:39 pm
To: [REDACTED]
[REDACTED]
Subject: Fwd: DA 201017034 for block 4 section 46 Turner

This has what I have advised

I haven't heard from you. May be we can talk next wee

Have a look at this.

We have had to push actpla to get this

Did [REDACTED] go into actpla as I haven't heard from him

[REDACTED]

Begin forwarded message:

From: "Gaze, Reuben" <Reuben.Gaze@act.gov.au>

Date: 11 July 2014 5:21:56 pm AEST

[REDACTED]
Subject: FW: DA 201017034 for block 4 section 46 Turner

Dear [REDACTED]

Please be advised that a complaint has been made with Utilities, land and Lease Regulation Section regarding block 4 section 46 Turner. I apologise for not bringing this matter to your attention earlier.

The complaint highlights what appears to be an inconsistency between your statutory declaration (where you indicate events occurred in 2012) and the certifier's letter of confirmation (which indicate events took place in 2013). Given the above, can you please advise whether you abide by your previous statutory declaration, or whether this is an error and you wish to provide a new declaration?

Further, I think it appropriate to provide the other lessee, [REDACTED] an opportunity to make a statement regarding any commencement should they wish to (providing of course that they are in a position to make comment). Please feel free to notify them directly on my behalf, or in the alternative provide me with a contact email.

Any additional information you provide will be considered and passed on to the DA Merit, North Team which was the team responsible for determining whether or not the DA was still considered as "live".

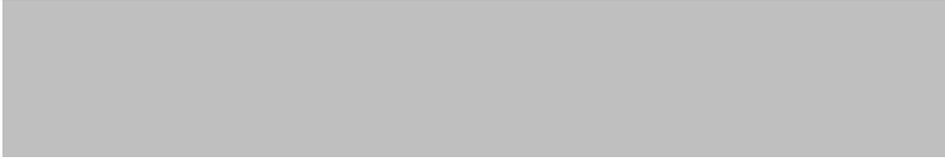
Please also be advised that another issue was raised as part of the complaint

concerning the accuracy of the survey provided through the development application. Although unrelated to the commencement issue, if I am able to determine any discrepancies I will advise you immediately.

This investigation should be able to be finalised in a matter of days.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit



From: [Buddhadasa, Ajith](#)
To: [Gaze, Reuben](#)
Subject: RE: 4/46 Turner
Date: Monday, 21 July 2014 7:57:03 AM
Attachments: [SURVEY-201017034-01.obr](#)
[SURVEYCERT-201017034-01.obr](#)
[image001.gif](#)
[image002.jpg](#)

Hi Ruben

Pls find attached links to survey plans provided with the DA.

Regards

Ajith

From: Gaze, Reuben
Sent: Friday, 18 July 2014 4:49 PM
To: Buddhadasa, Ajith
Subject: 4/46 Turner

Hi Ajith

In Brian's absence I am commencing investigation into this complaint. I hope to have it finalised next week. Sean will provide independent oversight to ensure proper process.

Can you confirm if a survey was provided as part of the development application? If so I am unable to locate it in the DA file.

Kind regards

Reuben Gaze | Team Leader Investigation Unit



From: Buddhadasa, Ajith
To: [REDACTED]
Subject: RE: b4 s46 Turner
Date: Monday, 4 August 2014 10:01:00 AM
Attachments: [image003.png](#)
[image004.gif](#)
[image005.jpg](#)

Dear [REDACTED]

Thank you for the email.

With regards to your query please find below response.

Further to advice received from EPD-Land Regulation Unit it had been determined that the works in relation to above DA have commenced on 10 October 2013. Therefore this is to confirm that the development approval for DA 201017034 which took effect on 12 October 2011 is still valid.

Regards

Ajith Buddhadasa | Senior Development Assessment Officer

[REDACTED]

From: [REDACTED]
Sent: Friday, 1 August 2014 12:23 PM
To: Buddhadasa, Ajith
Cc: [REDACTED]
Subject: FW: b4 s46 Turner

Hello Ajith,

I believe that Reuben sent you his findings from his investigation last week and we as yet have not heard back from you regarding the outcome.

Can you please advise immediately the status of the DA so our client can finalise the pending sale of the land and associated development?

Regards,

[REDACTED]

From: <Gaze>, Reuben [REDACTED]
Date: Monday, 21 July 2014 5:24 pm
To: [REDACTED]
Subject: b4 s46 Turner

Dear [REDACTED]

Please be advised that I have nearly finalised the investigation. All that remains is review by either my manager or other senior officer. I hope to pass my findings on to the relevant DA officer tomorrow or Wednesday at the latest.

Kind regards

Reuben Gaze | Team Leader Investigation Unit

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From: Buddhadasa, Ajith
Subject: RE: Block 4 Section 46 Turner - DA No. 201017034 - entity endorsements 1/2
Date: Wednesday, 11 June 2014 2:32:00 PM
Attachments: [ActewAGL Application Decision Application - 107535 \(Email 1 of 2\).msg](#)
[ActewAGL Application Decision Application - 113540.msg](#)
[image002.jpg](#)
[ActewAGL Application Decision Application - 113570.msg](#)
[ActewAGL Application Decision Application - 116524.msg](#)
[ActewAGL Application Decision Application - 116489_Turner - 446.msg](#)

[REDACTED]

Please find attached entity endorsements and copies of other necessary correspondence.

Regards

Ajith Buddhadasa | Senior Development Assessment Officer

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 11 June 2014 1:43 PM
To: Buddhadasa, Ajith
Subject: Block 4 Section 46 Turner - DA No. 201017034

Hi Ajith,

As discussed by phone, please find attached letter of authority from the lessee of this site to allow me to search and obtain information for my client

Can you please provide a full current copy of the notice of decision including all entity approvals and any conditions, as the copy I have been given by the lessee is incomplete

Can you also please confirm the current status of this DA What is the current expiry date of this DA and the date for the building works to be completed by

Also what process would my client need to take if they were to purchase this property and obtain an extension of time for the DA

[REDACTED]

Thank you

[REDACTED]

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From: Singh, Ravi
To: [Gaze, Reuben](#)
Subject: RE: Block 4 Section 46 Turner - DA 201017034
Date: Thursday, 10 April 2014 8:55:00 AM

Hi Reuben

Thanks for your advice.

Since you have discussed the matter with the lessee's representative, I won't mind you confirming your advice by an email directly to them (with cc to me so that I can save it in DA file). Otherwise I will cut and paste the relevant parts from your email and send it to them. (I haven't had any involvement with this DA before.)

Regards

Ravi Singh
Development Assessment
[REDACTED]

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

From: Gaze, Reuben
Sent: Wednesday, 9 April 2014 5:49 PM
To: Singh, Ravi
Subject: RE: Block 4 Section 46 Turner - DA 201017034

Dear Ravi

I didn't pick it up until I spoke with the lessee's authorised representative (authority attached), but I note that the due commencement date was 12/10/2013 and the date of the surveyor's inspection was 16/10/2013. Often it is the case that a surveyor will take up to (or sometimes over) a week to inspect after receiving a request to do so.

Ultimately some form of evidence would be required to confirm that works occurred no later than 12 October 2013, however I expect that relatively minor works such as these may not have been subcontracted out so receipts are unlikely.

In my opinion, the current lack of evidence to support the lessee's claims can be resolved by [REDACTED] providing a statement indicating when he received the request to conduct the inspection (from my experience I expect that this would be sure to have occurred some days earlier), and that he understood the works to be commenced when he received that request. A similar statement from the lessee should corroborate this detail, with the lessee also advising who undertook the works and when.

Bear in mind, from a regulatory position, that should such a matter (in general) go before the ADJR, proving that works had not commenced by 12 October 2013 would be very difficult for ESDD.

Let me know if you require any further assistance. I advised the Lessee's authorised representative that you had carriage of the matter [REDACTED] asked if you could contact him to confirm ESDD's position once you made a decision. [REDACTED] contact details are contained within the attached email.

Kind regards

Reuben Gaze | Team Leader Investigation Unit Phone [REDACTED]
[REDACTED]

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

From: Gaze, Reuben
Sent: Wednesday, 9 April 2014 5:10 PM
To: Singh, Ravi
Subject: RE: Block 4 Section 46 Turner - DA 201017034

Dear Ravi

It appears that the dismantling of the entrance pergola is within the scope of the development approval and could therefore be considered as commencement for the purposes of the DA. My understanding is that this condition can be satisfied by even relatively minor works. The supporting evidence is from a building surveyor and is credible.

These works carried out alone might be considered exempt building work, but in combination with the remained of the works require a building approval. I understand that a building approval was issued on 24 October 2013 by that same surveyor, acting as Building Certifier for the project.

It is reasonable to consider that the commencement condition has been met. It is probably best practice that such advice should only be provided to the lessee or applicant acting on behalf of the lessee, who could then provide it to any other party as appropriate.

Reuben Gaze | Team Leader Investigation Unit Phone [REDACTED]

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

From: Singh, Ravi
Sent: Friday, 4 April 2014 3:14 PM
To: ACTPLA LRU
Cc: Gaze, Reuben
Subject: FW: Block 4 Section 46 Turner - DA 201017034

Dear LRU

I refer to the following inquiry.

ACTPLA refused this DA and the decision was appealed by the applicant. The matter was settled at the mediation and a consent order was issued on 12/10/11, which I believe is the date the approval takes effect.

A certifier has confirmed that the commencement condition is met, however he mentioned the approval date to be 15/11/2012.

Can you please confirm if the commencement condition is met?
Secondly, should we give such advice to potential purchasers?

Thanks

Ravi Singh
Development Assessment
[REDACTED]

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

Sent: Friday, 4 April 2014 3:03 PM
To: Singh, Ravi
Subject: RE: Block 4 Section 46 Turner - DA 201017034

Thanks Ravi

The current lessee has provided us with the attached copy of Building Inspection Record provided by a private certifier. This states that "DA condition of commencement has been met" because of the fact that some minor demolition works have been undertaken. I am not prepared to accept the Certifier's position on this issue without ACTPLA's confirmation.

Are you able to confirm (or otherwise) that for the purposes of the Act, work has commenced and that the DA is still valid (ie. has not lapsed).

Regards

Please consider the environment before printing this e-mail -----Original Message-----

From: Singh, Ravi [redacted]
Sent: Friday, 4 April 2014 2:06 PM
To: [redacted]
Subject: RE: Block 4 Section 46 Turner - DA 201017034

[redacted]

The Notice of Decision you have attached is a draft copy and not the actual NOD. A consent decision was issued on 12/10/2011 by the ACT Civil and Administrative Tribunal (ACAT) and this is the date the approval took effect. Pursuant to S184 of the Act DA approval expires if works are not commenced within 2 years from the date the approval takes effect (as explained in Part 4 of the draft NOD that you attached). The current lessee should be able to provide you with the details.

Regards

Ravi Singh
Development Assessment
[redacted]

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From: [Gaze, Reuben](#)
To: [Singh, Ravi](#)
Subject: RE: Block 4 Section 46 Turner - DA 201017034
Date: Wednesday, 9 April 2014 5:09:59 PM

Dear Ravi

It appears that the dismantling of the entrance pergola is within the scope of the development approval and could therefore be considered as commencement for the purposes of the DA. My understanding is that this condition can be satisfied by even relatively minor works. The supporting evidence is from a building surveyor and is credible.

These works carried out alone might be considered exempt building work, but in combination with the remained of the works require a building approval. I understand that a building approval was issued on 24 October 2013 by that same surveyor, acting as Building Certifier for the project.

It is reasonable to consider that the commencement condition has been met. It is probably best practice that such advice should only be provided to the lessee or applicant acting on behalf of the lessee, who could then provide it to any other party as appropriate.

Reuben Gaze | Team Leader Investigation Unit



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

From: Singh, Ravi
Sent: Friday, 4 April 2014 3:14 PM
To: ACTPLA LRU
Cc: Gaze, Reuben
Subject: FW: Block 4 Section 46 Turner - DA 201017034

Dear LRU

I refer to the following inquiry.

ACTPLA refused this DA and the decision was appealed by the applicant. The matter was settled at the mediation and a consent order was issued on 12/10/11, which I believe is the date the approval takes effect.

A certifier has confirmed that the commencement condition is met, however he mentioned the approval date to be 15/11/2012.

Can you please confirm if the commencement condition is met?
Secondly, should we give such advice to potential purchasers?

Thanks

Ravi Singh
Development Assessment



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



Sent: Friday, 4 April 2014 3:03 PM
To: Singh, Ravi
Subject: RE: Block 4 Section 46 Turner - DA 201017034

Thanks Ravi

The current lessee has provided us with the attached copy of Building Inspection Record provided by a private certifier. This states that "DA condition of commencement has been met" because of the fact that some minor demolition works have been undertaken. I am not prepared to accept the Certifier's position on this issue without ACTPLA's confirmation.

Are you able to confirm (or otherwise) that for the purposes of the Act, work has commenced and that the DA is still valid (ie. has not lapsed).

Regards





The Notice of Decision you have attached is a draft copy and not the actual NOD. A consent decision was issued on 12/10/2011 by the ACT Civil and Administrative Tribunal (ACAT) and this is the date the approval took effect. Pursuant to S184 of the Act DA approval expires if works are not commenced within 2 years from the date the approval takes effect (as explained in Part 4 of the draft NOD that you attached). The current lessee should be able to provide you with the details.

Regards

Ravi Singh
Development Assessment



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From: Gaze, Reuben
To: [Buddhadasa, Ajith](#); [Singh, Ravi](#)
Cc: [Connors, Brian](#)
Subject: RE: Block 4 section 46 Turner - DA201017034 - Commencement Date
Date: Tuesday, 17 June 2014 12:39:00 PM
Attachments: [image001.gif](#)
[image002.jpg](#)

Dear All

Please be advised that a formal complaint has been raised by a concerned third party regarding the validity of the commencement date on several grounds. I understand that there is an investigation underway into this matter. As I was party to the original decision I have removed myself from the investigation. I am not certain how long the investigation will take.

My understanding is that the decision regarding the commencement date is not invalidated simply because there is an investigation underway, however on conclusion, the investigation may reveal evidence that will be brought to the decision makers attention. Whether or not it is appropriate for the decision maker to revisit the decision at a later date, on the basis of any evidence presented, is a matter for yourselves to consider.

Kind regards

Reuben Gaze | Team Leader Investigation Unit



From: Buddhadasa, Ajith
Sent: Tuesday, 17 June 2014 8:58 AM
To: Singh, Ravi
Cc: Gaze, Reuben
Subject: RE: Block 4 section 46 Turner - DA201017034 - Commencement Date

Hi Ravi

May I have  contact details. I will contact him.
Commencement date had already confirmed i.e. work had commenced on 10/10/2013.
Please refer attached correspondence in Objective.

Regards

Ajith

Ajith Buddhadasa | Senior Development Assessment Officer



From: Singh, Ravi
Sent: Monday, 16 June 2014 3:48 PM

To: Gaze, Reuben

Cc: Buddhadasa, Ajith

Subject: Block 4 section 46 Turner - DA201017034 - Commencement Date

Hi Reuben

[REDACTED] came to the counter today and asked one of our technical officers for the commencement date of the works approved under the above application. I believe [REDACTED] is in the process of buying this property.

This is the inquiry I took in Ajith's (the assessing officer's) absence and discussed with you in April and then you took on to respond to the inquirer.

Is it okay if I give him your number?

Regards

Ravi Singh

[REDACTED]

From: [REDACTED]
To: actplaru@act.gov.au
Cc: [Arugay, Fred](#)
Subject: Re: Block 4 Section 46 Turner
Date: Wednesday, 28 May 2014 9:18:08 AM
Attachments: [Controlled Activity Complaint Form DA 4 46 Turner.pdf](#)

Hi

Attached is a Controlled Activity Construction Occupation Complaints Form outlining concern that the decision taken to accept that work had commenced on Block 4 Section 46 Turner was unsound.

Regards

[REDACTED]

On Mon, May 26, 2014 at 4:49 PM, Arugay, Fred [REDACTED] wrote:

[REDACTED]

I have been advised from Land Regulation Unit to please complete the attached form. If you can provide the details in the complaint details section as you did in your email to me this will be appreciated.

Please provide the stat dec + certifiers claims or point out the relevant documents that you obtained under FOI for the Inspector to access the file. Upon receipt the Directorate can then look at your concerns about the status of the DA as well.

The burden of evidence to prove fraudulent activity would rest with the Directorate.

If you require assistance lodging the complaint, please provide contact the complaint secretariat by email actplalru@act.gov.au or phone 6207 3022.

Kind Regards

Fred Arugay | Assistant Manager | Customer Services

[REDACTED]
Regulation and Services Division | Environment and Sustainable Development | **ACT Government**

16 Challis Street Dickson ACT 2602 | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

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From: [REDACTED]
To: [ACTPLA LRU](#)
Subject: Re: Controlled Activity Construction Complaint Form 20140728 Block 4 Section 46 TURNER
Date: Wednesday, 6 August 2014 10:16:50 AM
Attachments: [Controlled_Activity_Complaint_Form_DA_19_Forbes_St.pdf](#)

Hi

Can you please confirm that the attached complaint was received by you office.

Regards

[REDACTED]

On Mon, Jul 28, 2014 at 12:26 PM, [REDACTED] wrote:

Hi

Attached is a Controlled Activity Construction Occupation Complaints Form outlining concern that the decision taken to accept that work had commenced on Block 4 Section 46 Turner was unsound and problems with the survey material presented and subsequently used in the DA assessment

Regards

[REDACTED]

From: [REDACTED]
To: [ACTPLA LRU](#)
Cc: [Singh, Ravi](#); [REDACTED]
Subject: Re: DA 201017034 for block 4 section 46 Turner
Date: Friday, 11 April 2014 8:09:02 AM
Attachments: [4A1003CB-B5FF-4A7D-8BAA-FCC92C99D4B4\[3\].png](#)
[image001.gif](#)
[image002.jpg](#)
[4-46 TURNER Lessee Commencement Stat Dec.pdf](#)
[4-46 TURNER Certifier Letter of Confirmation.pdf](#)

Good Morning Reuben,

Please find attached the following documents:

- Letter of Confirmation from the Certifier.
- Statutory Declaration from the Lessee

Both these documents are evidence in support of the fact that commencement of site works occurred on 10 October 2013.

After review, can you please confirm back to me in writing the status of DA 201017034?

Please let me know if you have any further questions.

Regards,

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From: "actplalru@act.gov.au" <actplalru@act.gov.au>
Date: Thursday, 10 April 2014 10:39 am
To: [REDACTED]
Cc: "Singh, Ravi" [REDACTED]
Subject: DA 201017034 for block 4 section 46 Turner

Dear [REDACTED]

I acknowledge that you are authorised by the lessee to discuss issues relating to DA 201017034 for block 4 section 46 Turner.

Ultimately some form of evidence would be required to confirm that works occurred no later than 12 October 2013, which is two years after the date the consent order was made at ACAT (the date the approval takes effect).

The inspection record from [REDACTED] would ordinarily be deemed sufficient, however it is dated 16 October 2013, and therefore outside the required commencement period. After discussing this issue with you I understand that the works are likely to have occurred up to a week prior to [REDACTED] inspection.

That being the case, further evidence to substantiate this is required.

I expect that relatively minor works such as these may not have been subcontracted out so receipts may not exist.

Sufficient evidence to support the lessee's claim that work commenced no later than 12 October 2013 could include [REDACTED] providing a statement indicating when he received the request to conduct the inspection, and that he understood the works to be commenced when he received that request.

While [REDACTED] statement doesn't necessarily have to be in the form of a statutory declaration. A supporting statutory declaration from the lessee should be provided, and should corroborate details provided by [REDACTED], with the lessee also advising who undertook the works and over what period.

Emailed copies of these documents are sufficient.

Please provide via return email at your convenience. After receipt of sufficient evidence, the status of DA201017034 will be confirmed to you in writing. Please feel free to contact me on the number below should you have any concerns, or if you wish to discuss providing alternate evidence.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit



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From: [Gaze, Reuben](#)
To: [Arugay, Fred](#)
Cc: [Singh, Ravi](#)
Subject: RE: DA 201017034
Date: Thursday, 22 May 2014 10:25:01 AM

Hi Fred

Can you encourage [REDACTED] to lodge a formal complaint about the state of the block?

We can look at [REDACTED] other concerns about the status of the DA as well. If [REDACTED] has any evidence that the stat dec + certifiers claims are fraudulent, [REDACTED] should also provide that if possible, or at least outline what it is.

The burden of evidence to prove fraudulent activity would rest with the ESDD, and the quality and quantity of evidence to prove this type of conduct must meet the criminal standard.

If [REDACTED] needs assistance lodging the complaint, please provide [REDACTED] with the contact email actplalru@act.gov.au and phone 6207 3022 for the complaint secretariat.

Thanks for your help.

Kind regards

Reuben Gaze | Team Leader Investigation Unit



From: Arugay, Fred
Sent: Wednesday, 21 May 2014 7:32 AM
To: Singh, Ravi; Gaze, Reuben
Subject: FW: DA 201017034

Good Morning Ravi and Reuben,

Please see correspondence below in regards to DA201017034. [REDACTED] saw me at the counter and is claiming that either the lessee or the certifier was fraudulent in their statements about when the demolition took place after obtaining information under FOI.

To help me respond to [REDACTED], Ravi can you please confirm the DA expiry dates. Reuben should I encourage [REDACTED] to complete a CAC form so we can further investigate?

Sorry I don't have access to the objective files as I am out of the office today, but I would like to respond to [REDACTED] by the end of the week.

Kind Regards

Fred Arugay

From: [REDACTED]
Sent: Monday 19 May 2014 20:58
To: Arugay, Fred

Subject: DA 201017034

Hi Fred,

Further to our meeting earlier today.

My main concerns are;

1. There is a Statutory Declaration from the lessee claiming that work was carried out in 2012. The original DA application had two lessees and not a singular lessee as is implied in the Stat Dec.
2. There is a Letter of Confirmation from the Building Certifier stating that the work was conducted in 2013 after the expiry of the 2 year period although he or she was engaged prior to that time but not in 2012.
3. The email confirming that the DA has not expired fails to state a date on which the DA will expire. Unless this is specified in an Act or Regulations it seems extraordinary that a DA with a deadline can be made open ended based on conflicting declarations and the removal of a couple of pieces of timber.
4. As I mentioned the property is up for sale and I am concerned that a buyer will not be aware of other problems with the site and it will sit as an unoccupied premises as 3 Forbes St has for some time and become a dumping site for rubbish.

Regards

[Redacted]

[Redacted]

From: [Singh, Ravi](#)
To: [Gaze, Reuben](#)
Cc: [Arugay, Fred](#)
Subject: RE: DA 201017034
Date: Wednesday, 21 May 2014 4:00:32 PM
Attachments: [image001.gif](#)
[image002.jpg](#)

Hi Reuben

Thanks for agreeing to follow up with this matter. If the matter relates to fraudulent statement and/or non-compliance with the legislative requirements (regarding dates), you are in a better position to deal with it than myself.

P.N. I have moved from DA North team to Rural and Weston Creek Section (Ray's team). While I am happy to provide any input, Ajith Buddhadasa may be a better person from DA team to deal with the matter as he (and Thara) had an involvement with the DA and also because Ajith works in both the sections - DA Merit and Compliance. My involvement in this DA was limited to responding to the inquiry about the expiry date, which I did in consultation with you.

Kind regards

Ravi Singh



From: Gaze, Reuben
Sent: Wednesday, 21 May 2014 1:30 PM
To: Arugay, Fred; Singh, Ravi
Subject: RE: DA 201017034

Dear Fred and Ravi

Let me follow up with Sean to determine if this should be subject to a formal complaint. Once Sean advises I will let you know. This is a tricky one as it revolves around documents relied on by ESDD to make a decision.

Kind regards

Reuben Gaze | Team Leader Investigation Unit



From: Arugay, Fred
Sent: Wednesday, 21 May 2014 7:32 AM
To: Singh, Ravi; Gaze, Reuben
Subject: FW: DA 201017034

Good Morning Ravi and Reuben,

Please see correspondence below in regards to DA201017034.  saw me at the counter

and is claiming that either the lessee or the certifier was fraudulent in their statements about when the demolition took place after obtaining information under FOI.

To help me respond to [REDACTED], Ravi can you please confirm the DA expiry dates. Reuben should I encourage [REDACTED] to complete a CAC form so we can further investigate?

Sorry I don't have access to the objective files as I am out of the office today, but I would like to respond to Mr McAndrew by the end of the week.

Kind Regards

Fred Arugay

From: [REDACTED]
Sent: Monday 19 May 2014 20:58
To: Arugay, Fred
Subject: DA 201017034

Hi Fred,

Further to our meeting earlier today.

My main concerns are;

1. There is a Statutory Declaration from the lessee claiming that work was carried out in 2012. The original DA application had two lessees and not a singular lessee as is implied in the Stat Dec.
2. There is a Letter of Confirmation from the Building Certifier stating that the work was conducted in 2013 after the expiry of the 2 year period although he or she was engaged prior to that time but not in 2012.
3. The email confirming that the DA has not expired fails to state a date on which the DA will expire. Unless this is specified in an Act or Regulations it seems extraordinary that a DA with a deadline can be made open ended based on conflicting declarations and the removal of a couple of pieces of timber.
4. As I mentioned the property is up for sale and I am concerned that a buyer will not be aware of other problems with the site and it will sit as an unoccupied premises as 3 Forbes St has for some time and become a dumping site for rubbish.

Regards

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [ACTPLA LRU](#)
Subject: Re: Delivery Status Notification (Failure)
Date: Wednesday, 28 May 2014 10:47:32 AM
Attachments: [Controlled Activity Complaint Form DA 4 46 Turner.pdf](#)

Hi

Sorry about that.

Regards

[REDACTED]

On Wed, May 28, 2014 at 10:43 AM, ACTPLA LRU <ACTPLALRU@act.gov.au> wrote:

Dear [REDACTED]

There is no CAC form attached to this email. Please resend.

Kind regards,

Investigations Unit | Complaints Section

Phone 02 6207 3022 | Construction Services Branch | ACTPLA | Environment and Sustainable Development

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

From: [REDACTED]
Sent: Wednesday, 28 May 2014 9:29 AM
To: ACTPLA LRU
Subject: Fwd: Delivery Status Notification (Failure)

Hi

Attached is a Controlled Activity Construction Occupation Complaints Form outlining concern that the decision taken to accept that work had commenced on Block 4 Section 46 Turner was unsound.

Regards

[Redacted]

On Mon, May 26, 2014 at 4:49 PM, Arugay, Fred [Redacted] >wrote:

> Good Afternoon Roy,

>

>

>

> I have been advised from Land Regulation Unit to please complete the
> attached form. If you can provide the details in the complaint details
> section as you did in your email to me this will be appreciated.

>

>

>

> Please provide the stat dec + certifiers claims or point out the relevant
> documents that you obtained under FOI for the Inspector to access the
> file. Upon receipt the Directorate can then look at your concerns about the
> status of the DA as well.

>

>

>

> The burden of evidence to prove fraudulent activity would rest with the
> Directorate.

>

>

>

> If you require assistance lodging the complaint, please provide
> contact the complaint secretariat by email actplalru@act.gov.au or phone
> 6207 3022.

>

>

>

> Kind Regards

>

> Fred Arugay | Assistant Manager | Customer Services

>

> [Redacted]
> *Regulation and Services Division* | Environment and Sustainable
> Development | *ACT Government*

>

> 16 Challis Street Dickson ACT 2602 | GPO Box 1908 Canberra ACT 2601 |
> www.actpla.act.gov.au

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> other person.

> -----

>

From: [REDACTED]
To: [REDACTED]; [Gaze, Reuben](#)
Cc: [REDACTED]
Subject: RE: Re; DA 201017034 for block 4 section 46 Turner
Date: Thursday, 17 July 2014 4:14:18 PM
Attachments: [image001.jpg](#)
[image002.png](#)

Good afternoon Reuben

I act on behalf of both parties for the Joint Venture.

If you need anything further from me to confirm this please let me know

Kind Regards

You should not copy or use it for any purpose, nor disclose its contents to any other person

From: [REDACTED]
Sent: Thursday, 17 July 2014 3:55 PM
To: reuben.gaze@act.gov.au
Cc: [REDACTED]
Subject: Re; DA 201017034 for block 4 section 46 Turner

Hello Reuben,

Thanks for your time today and please find following the response to your request for information regarding the complaint against the development at 4/46 TURNER:

1. COMMENCEMENT DATE; attached is a stat dec from the Lessee, which corrects a typographical error in the previous stat dec, in which the wrong year was noted.
2. JOINT VENTURE LESSEE; [REDACTED] has advised that [REDACTED] is the noted representative of the joint venture lessees [REDACTED] and is authorised to act on behalf of the [REDACTED]. The other party to the lease is aware of the status of the development and has no other comment.
3. SURVEY; I am advised the survey used for the DA was undertaken by a registered surveyor and should meet the requirements for ACT Planning.

As you are aware, there is a sale of the project, pending a resolution and response to the below complaint.

Please let me know if you require any further information.

Regards,



From: [REDACTED]
Date: Friday, 11 July 2014 6:39 pm
To: [REDACTED]
Cc: [REDACTED]
Subject: Fwd: DA 201017034 for block 4 section 46 Turner

This has what I have advised

I haven't heard from you. May be we can talk next wee

Have a look at this.

We have had to push actpla to get this

Did [REDACTED] go into actpla as I haven't heard from him

[REDACTED]

Begin forwarded message:

From: "Gaze, Reuben" [REDACTED]
Date: 11 July 2014 5:21:56 pm AEST
To: [REDACTED]
Subject: FW: DA 201017034 for block 4 section 46 Turner

Dear [REDACTED]

Please be advised that a complaint has been made with Utilities, land and Lease Regulation Section regarding block 4 section 46 Turner. I apologise for not bringing this matter to your attention earlier.

The complaint highlights what appears to be an inconsistency between your statutory declaration (where you indicate events occurred in 2012) and the certifier's letter of

confirmation (which indicate events took place in 2013).

Given the above, can you please advise whether you abide by your previous statutory declaration, or whether this is an error and you wish to provide a new declaration?

Further, I think it appropriate to provide the other lessee, [REDACTED], an opportunity to make a statement regarding any commencement should they wish to (providing of course that they are in a position to make comment). Please feel free to notify them directly on my behalf, or in the alternative provide me with a contact email.

Any additional information you provide will be considered and passed on to the DA Merit, North Team which was the team responsible for determining whether or not the DA was still considered as "live".

Please also be advised that another issue was raised as part of the complaint concerning the accuracy of the survey provided through the development application. Although unrelated to the commencement issue, if I am able to determine any discrepancies I will advise you immediately.

This investigation should be able to be finalised in a matter of days.

Yours sincerely

Reuben Gaze | Team Leader Investigation Unit





ACT

Government

Environment and
Sustainable Development

NAME
ADDRESS LINE 1
ADDRESS LINE 2

Dear Mr/Ms SURNAME

Block XX Section XXX SUBURB – Controlled Activity Complaint

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) on regarding the above block. Your complaint will be allocated to an inspector of the Investigations Unit to determine whether a person has committed an offence or is undertaking a breach of the laws administered by ESDD.

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

Please note that the ESDD offices will be closed from 25 December 2013 until 2 January 2014.

Yours sincerely

Investigations Unit
Utilities, Land and Lease Regulation Section

DATE



ACT
Government

Environment and
Sustainable Development

Record of Actions and Communication

Block: Section: Division:

Action or Conversation with:

Date of event:

Telephone number:

Time of event:

Time event finished:

Officer:

Details:

Next Action:

Action or Conversation with:

Date of event:

Telephone number:

Time of event:

Time event finished:

Officer:

Details:

Next Action: