



Certificate of Occupancy and Use

Certificate No.: s47F

Access Canberra Building Services

ABN 16 479 763 216
8 Darling Street Mitchell
GPO Box 158 ACT 2601
www.act.gov.au/accesscbr

This Certificate is issued in accordance with Section 69 (2) of the Building Act 2004.

The building work listed on this certificate has been completed substantially in accordance with the prescribed requirements and is considered fit for occupation and use.

Unit	Block	Section	Division (Suburb)	District	Jurisdiction
	14	0		JERVIS BAY	Australian Capital Territory

Plans

s47F

Building Works

Class of Occupancy	Nature of Work	Project Item Description	Other Description	Type Of Const.	Unit	BCN ID	Builder
1a(I)	New	RESIDENCE	Small Cottage	NA		s47F	

Comments

Important Note:

1. Residential building statutory warranties and residential insurance do not apply in relation to building work.
2. The issue, under this Part, of a certificate in respect of a building or portion of a building does not affect the liability of a person to comply with the provisions of a law of the territory (including this Act) relating to the building or portion of the building.

Issued by:

s47F

Delegate of the ACT Construction
Occupations Registrar.

Issued on: 26/03/2018

From: s47F
To: s22(1)(a)(ii)
Subject: Re: Unexpected archaeological Finds [SEC=UNCLASSIFIED]
Date: Wednesday, 17 June 2015 1:18:12 PM

s47F

On 17 Jun 2015, at 12:20 pm, s22(1)(a)(ii)
 s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)> wrote:

Hi s47F

You will be aware that the Christian's Minde site is of archaeological significance, and that your proposed dwelling sits upon an aboriginal shell midden.

You will also be aware that the Department recently commissioned an Indigenous Heritage Management report for the Christian's Minde site.

Although the report is still in draft form, it recommends that the Department adopts an Unexpected Archaeological Finds Procedure. Therefore I am providing you with a copy of the draft procedure to enable you to deal with any unexpected archaeological finds uncovered during the construction process.

Although permission has been granted to build on the site, please note that this was before the report was received and accordingly, I urge you to keep disruption of the site to the minimum necessary to safely complete the work.

Happy to discuss

s22(1)(a)(ii)

s22(1)(a)(ii)

Assistant Director
 Jervis Bay Territory Administration
 Jervis Bay & Indian Ocean Territories Branch
 Local Government and Territories Division
 Department of Infrastructure & Regional Development
 02 s22(1)(a)(ii)
 62 Northbourne Avenue | GPO Box 594 | Canberra ACT 2601
 s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)>

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and delete all copies of this transmission together with any attachments.

<Draft Unexpected Archaeological Finds Procedure.docx>

UNEXPECTED ARCHAEOLOGICAL FINDS PROCEDURE

If potential archaeological items are found during site works, the following procedure must be followed:

- 1) Cease work in the immediate area and ensure the protect the find is protected.
- 2) Notify the local Department Administration Officer (DAO): (02) 444 222 06.
- 3) If the find is potential Aboriginal artefact, the DAO will advise the WBACC, and determine if the item is to be inspected by the WBACC.
- 4) The finder should photograph the item in situ, or wait until the DAO can arrange to photograph the item.
- 5) Inspect the item with the WBACC if applicable and determine if the item can be safely moved for further examination and allow works to continue.
- 6) The DAO will arrange for a brief report documenting the item's location, including in situ photographs, and recommendations for management and future storage.
- 7) If the item cannot be moved without further archaeological excavation and recording, engage a suitably qualified archaeologist to record the item. Determine if adjacent works need to be amended to protect the item in consultation with the qualified archaeologist, and input from Department of the Environment (DoE) officers as necessary, if the works are subject to EPBC Act approval.
- 8) Implement the guidance of the qualified archaeologist and DoE, including ongoing requirements for the item's protection as required.

From: s22(1)(a)(ii)
To: s47F
Subject: FW: Message from NB3EM01C [SEC=UNCLASSIFIED]
Date: Wednesday, 10 June 2015 9:36:58 AM
Attachments: [SNB3EM01C15042914050.pdf](#)

Hi s47F

Attached is the application from s47F containing the plans.

Sorry for the delay.

Regards

s22(1)

s22(1)(a)(ii)

Assistant Director

Jervis Bay Territory Administration

Jervis Bay & Indian Ocean Territories Branch

Local Government and Territories Division

Department of Infrastructure & Regional Development

02 s22(1)(a)(ii)

62 Northbourne Avenue | GPO Box 594 | Canberra ACT 2601

s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)

From: s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au) [mailto:s22(1)(a)(ii)@infrastructure.gov.au]

Sent: Wednesday, 29 April 2015 2:06 PM

To: s22(1)(a)(ii)

Subject: Message from NB3EM01C

Pages 2 to 23 of Document 4 have been removed under s47F of the FOI Act

From: s47F
To: s22(1)(a)(ii)
Subject: Re: Development application [SEC=UNCLASSIFIED]
Date: Tuesday, 19 May 2015 3:22:07 PM

s47F

Sent from my iPad

> On 19 May 2015, at 1:25 pm, s22(1)(a)(ii) @infrastructure.gov.au> wrote:

>

> Dear s47F

>

> Your Development Application has been approved s22(1)(a)(ii) Director, Jervis Bay Territory Administration Section (Attached). The hard-copy of the letter will be sent to you by post.

>

s22(1)(a)(ii) has asked me to convey to you her appreciation for the standard and relevance of the information provided in the application. s47F

>

> Subject to the conditions applying to the approval and the terms of your lease, you may now commence development. We look forward to seeing the completed project.

>

> Kind regards

>

> s22(1)(a)(ii)

>

>

s22(1)(a)(ii)

> Jervis Bay Territory Administration

> Jervis Bay & Indian Ocean Territories Branch

> Local Government and Territories Division

> Department of Infrastructure & Regional Development

> 02 s22(1)(a)(ii)

> 62 Northbourne Avenue | GPO Box 594 | Canberra ACT 2601

> s22(1)(a)(ii) @infrastructure.gov.au

>

>

>

> -----

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> and delete all copies of this transmission together with any attachments.

> -----

>

><Block 14 - Christians Minde Development Proposal - Letter of Approval -pdf>

From: s22(1)(a)(ii)
To: s47F
Cc: s22(1)(a)(ii)
Subject: Development application [SEC=UNCLASSIFIED]
Date: Tuesday, 19 May 2015 1:24:43 PM
Attachments: [Block 14 - Christians Minde Development Proposal - Letter of Approval -pdf](#)

Dear s47F

Your Development Application has been approved by s22(1)(a)(ii), Director, Jervis Bay Territory Administration Section (Attached). The hard-copy of the letter will be sent to you by post.

s22(1)(a)(ii) has asked me to convey to you her appreciation for the standard and relevance of the information provided in the application. s47F

Subject to the conditions applying to the approval and the terms of your lease, you may now commence development. We look forward to seeing the completed project.

Kind regards

s22(1)(a)(ii)

s22(1)(a)(ii)
 Assistant Director
 Jervis Bay Territory Administration
 Jervis Bay & Indian Ocean Territories Branch
 Local Government and Territories Division
 Department of Infrastructure & Regional Development
 02 s22(1)(a)(ii)
 62 Northbourne Avenue | GPO Box 594 | Canberra ACT 2601
 s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)



Australian Government

Department of Infrastructure and Regional Development

MINUTE

File Reference: TERR15/0014-01

Contact: s22(1)(a)(ii)

s22(1)(a)(ii)

Director
Jervis Bay Territory Administration Section

Subject: Development Application - Block 14 - Christian's Minde

Purpose

To obtain your approval of a development application from the lessees of Block 14, Christians Minde, for the construction of a manager's residence (cottage).

Key issues

1. The lessees of Block 41 (known as Christians Minde) lodged a Development Application (DA) (**Attachment A**) through the Jervis Bay Territory office on 16 March 2015. The DA proposes the construction of a new cottage as a manager's residence that will free up heritage accommodation: s47F
- (**Attachment B**).
2. You wrote to the lessees on 25 March 2015 (**Attachment C**) indicating a response to their DA by 15 April 2015, subject to any external advice required: s47F
3. A due diligence process (refer to the **Background**) and evaluation was conducted and found all matters compliant:
 - a. The applicants had been provided with the DA information and guidelines (**Attachment D**);
 - b. The evaluation (**Attachment E**) determined that the DA is compliant and the applicants have gone further than required in providing a Heritage Impact Report.

s42

Sensitivities

6. Block 14, known as the Christian's Minde Homestead, is a Commonwealth heritage-listed site. Any development must be consistent with:
- heritage requirements, the *Environment Protection and Biodiveristy Conservation Act 1999* (EPBC) and best practice heritage site management principles;
 - Departmental requirements, the recommendations of the Department's draft *Historic Heritage Report* (prepared by GML Heritage) and all lease requirements.

s47F

Delegation

8. Refer to **Background**:

- Under the *Christmas Island, Cocos (Keeling) Islands, and Jervis Bay Territory Delegation Instrument 2012 (No.2)* you are delegated the authority to exercise the powers and perform duties required under the *Leases Ordinance 1992 (Jervis Bay Territory)*.
- By virtue of your delegated authority you also have powers under the lease.

Recommendations

That you:

- Note that you have the delegation to approve this Development Application and set conditions of the approval related to Block 14; and
- Approve the Development Application Christians Minde (**Attachment A**) for the construction of a manager's residence (cottage) as submitted by the lessees of Block 14 on conditions specified in the letter (**Attachment I**); and
- Sign the letter advising the applicants of the decision to conditionally approve their Development Application (**Attachment I**).

Noted

Approved / Not Approved

Signed / Not Signed

s22(1)(a)(ii)

19/5/2015

s22(1)(a)(ii)

Assistant Director
18 May 2015

Background

The lessees for Christian's Minde Homestead have lodged a Development Application (DA) to replace a cottage-style structure on the land that they lease from the Commonwealth. Following a due diligence process and an evaluation of the DA, there has been no issues raised or identified that would prevent the DA from being approved.

The following describes the process that enabled this determination to be made.

Chronology

s47F

February 2015

2. The lessees were provided with details of the Department's requirements for a Development Application (DA) (**Attachment D**) and were invited to make a formal application.
3. The DA requirements were based on a simplified version of the ACT Planning Authority and Shoalhaven City Council requirements for DAs in their regions.

s42

6. The DA was received at the Jervis Bay Territory Office on 16 March 2015 at JBT Office and provided to me on 17 March 2015. Your letter of 25 March 2015 to the proponents acknowledged the submission.
7. An evaluation (**Attachment E**) of the DA was initiated 25 March 2015.

April 2015

8. A due diligence process was conducted, including:
 - a. an assessment of the current lease requirements;
 - b. determination of the appropriate authority for the Delegate to approve development applications;
 - c. an inspection of the financial delegations;
 - d. determining whether the application was subject to a controlled action under the EPBC Act;
 - e. requesting a compliant lease management plan (provided at **Attachment A**);
 - f. a standard internet search of the applicants (google, Linked-In, ABN search), and

g. a physical inspection of the proposed site on 1 April 2015.

The due diligence process did not reveal any information that would prevent the application from being approved.

Context

9. Christian's Minde Homestead operates as a guest house, providing short term holiday accommodation. ^{s47F}
^{s47F}
10. The construction of a replacement cottage will allow the lessees to return their occupied rooms to guest/holiday accommodation.
11. This is consistent with the GML historic heritage report recommendation that the heritage listed buildings should continue to be used in accordance with their original purpose as guest/holiday accommodation.
12. If the DA is approved, the number of bed-nights available to guests at Christian's Minde will increase. The resulting revenue increase will support restoration of the heritage listed buildings on Christian's Minde and make a viable accommodation business in the JBT.

Authority to approve Development Applications

7. The authority for the Minister to approve Development Applications comes from the *Leases Ordinance 1992 (Jervis Bay Territory)* (Leases Ordinance) made under the *Jervis Bay Territory Acceptance Act 1915*.
8. The Minister has delegated powers and functions under s.23B of the Leases Ordinance to, *inter-alia*, the Executive Level 2 having responsibility for the Jervis Bay Territory (refer *Christmas Island, Cocos (Keeling) Islands, and Jervis Bay Territory Delegation Instrument (No.2)* dated 20 July 2012).
9. Section 5 of the Leases Ordinance enables the Minister or Delegate to grant leases. A lease has been granted to the lessees of Block 14, Christian's Minde.
10. Section 6 enables the Minister or Delegate to exercise powers and perform duties that have been conferred or imposed under the law applicable in the JBT (ACT applied law) as if the power were imposed or conferred under the lease.
11. Section 7 enables the Minister or Delegate to impose conditions under the lease. The lease for Block 14, Christian's Minde, has conditions included that impose certain obligations upon the lessees.
12. The lease defines 'buildings' to include 'buildings subsequently constructed on the land or any buildings replacing the same...'. Accordingly, the new dwelling proposed in the application is a building for the purposes of the lease and the application.
13. The lessee has covenanted with the Commonwealth, under subclause 4 f), 'that the lessee will not erect or remove any buildings on the land ... without the previous approval in writing of the Commonwealth'. Accordingly, the Development Application can be considered an application under subclause 4 f) of the lease, which requires approval of the Commonwealth before it can proceed.
14. Other lease clauses that provide obligations on the lessee that affect the application are:

- 4 g) provide information regarding the cost of any improvements;
 - 4 h) remove liquid and solid wastes;
 - 4 j) repair and maintain existing buildings and improvements;
 - 4 m) provide reasonable access at reasonable times to authorised persons to inspect the premises;
 - 4 o) comply with all applicable statutes, ordinances and regulations; and
 - 4 q) provide a draft plan of management for the land.
15. The Commonwealth's obligations to the lessee under the lease affecting the application are minimal, except for clause
- 6 i) any notice served upon the lessee is deemed to have been served if it is signed for and on behalf of the Commonwealth and delivered in a prepaid letter addressed to the Lessee at the premises or last known address, or fixed conspicuously to the premises.
16. Any other obligations are those determined by the Minister or Delegate exercising the functions under subclause 6 k) of the lease and s.6 of the Leases Ordinance. The lease gives the Minister or Delegate of the Minister, under subclause 6 k), 'every right power and or remedy' to exercise powers conferred or implied by law.

Pages 7 to 29 of Document 6 have been removed under s47F of the FOI Act

B

s22(1)(a)(ii)

From: s47F
Sent: Wednesday, 29 April 2015 5:32 PM
To: s22(1)(a)(ii)
Subject: Re: Query: Cost of Proposed Dwelling [SEC=UNCLASSIFIED]
Follow Up Flag: Follow up
Flag Status: Completed

s47F

On 28 Apr 2015, at 12:44 pm, s22(1)(a)(ii) @infrastructure.gov.au> wrote:

Hi s47F

Could you please give me an estimate of the cost of the proposed cottage?

Cheers

s22(1)(a)(ii)

s22(1)(a)(ii)

Assistant Director
 Jervis Bay Territory Administration
 Jervis Bay & Indian Ocean Territories Branch
 Local Government and Territories Division
 Department of Infrastructure & Regional Development
 s22(1)(a)(ii)
 62 Northbourne Avenue | GPO Box 594 | Canberra ACT 2601
 s22(1)(a)(ii) @infrastructure.gov.au

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Australian Government

Department of Infrastructure and Regional Development

File Reference: TERR15/0014-01

s47F

Development Application - Christian's Minde

Thank you for your development application and draft management plan dated 1 March 2015, which was received in the Jervis Bay Territory Office (JBTO) on Monday 16 March 2015.

Your application is being considered and the Jervis Bay Territory Administration expects to provide a response by 15 April 2015, subject to any entity referrals or additional information required.

Action Officer:

s22(1)(a)(ii)

Phone:

E-mail:

Yours sincerely

s22(1)(a)(ii)

Director

Jervis Bay Territory Administration Section

25/03/2015



Australian Government

Department of Infrastructure and Regional Development

Jervis Bay Territory Administration Development Application information

What is a development?

A development is any

- building construction, alteration or demolition;
- landscaping, land clearance, demolition, or
- related activity

that you wish to undertake on land owned by the Commonwealth.

What is a development application?

If you are undertaking new construction or renovation you must submit a development application (DA) to the Jervis Bay Territory Administration Office for approval.

Often people are assisted in this process by industry professionals such as architects, draftspersons and building certifiers.

Development applications are lodged in writing or by hand to the Jervis Bay Territory Administration Office, Village Rd, Jervis Bay Village, or by e-mail to jbt@infrastructure.gov.au

A DA must be approved before any development activity on the property occurs.

What developments require approval?

All developments will require approval. This is because we must be certain that what you wish to do is compliant with ACT and Commonwealth laws.

You should always consult the Jervis Bay Territory Administration Office before undertaking any new construction or renovation, such as building of new houses, additions and alterations to existing houses, and even smaller projects like pergolas, carports and fences.

What development and building laws apply?

The laws of the ACT generally apply in the Jervis Bay Territory. ACT building standards apply to any building work undertaken by you will be required to comply with ACT building codes as a condition of the granting of your application.

ACT development laws do not apply, however the Minister has delegated authority to determine development applications to the Jervis Bay Territory Administration.

How are DAs assessed?

DAs are assessed by staff in the Jervis Bay Territory Administration Section, Canberra. Staff check whether all the necessary information has been provided in your application.

Your DA is assessed against the objectives of the Commonwealth's land use policy, the suitability of land for the development, a plan of management for the land, and the likely impact of the development, including any heritage and environmental impacts.

The *Development Application Guidelines* explain what you need to provide to help determine your application.

Do I need to consult with my neighbours about my DA?

If your development is located in an established area you are strongly encouraged to consult with your neighbours during the design stage to ensure the development proposal considers all of the issues that might arise. Even though consulting your neighbours is not mandatory, it is encouraged and should occur before a DA is lodged.

Public notification of development applications

There are no mandatory public notification requirements. The Department will notify you if you will be required to undertake any public consultation activities, which may include consulting neighbours adjoining your property, advising them of your application, and /or placing a sign on the site and an advertisement placed in the newspaper. The Department may also issue a Community Bulletin advising the community of your application and inviting community comment.

What about entity referrals?

You may be required to get approvals from other ACT and Commonwealth agencies. For example, building activities must conform to ACT Government building codes. Environmental and heritage considerations may require a referral from the Department of the Environment

How long does it take to decide an application?

There is no statutory timeframe for assessing applications. Your application will be processed as quickly as possible. Processing time for an application will depend on the nature of the application, whether any entity referrals are required and whether any public consultation is needed.

What happens when a decision is made?

The Department will notify you of its decision in writing. Any other relevant stakeholders will also be notified.

For more information on development applications, contact the Jervis Bay Territory Administration Office on **phone: (02) 4442 1217** or email jbt@infrastructure.gov.au.



Australian Government

Department of Infrastructure and Regional Development

Jervis Bay Territory Administration Development Application Guidelines

What we need to know

1. Applicants Details:

- Your name, address and contact details

2. If the Applicant is not the Owner/lessee

- Provide the name, address and contact details of the Owner/Lessee.
- Provide a letter of support from the Owner.

3. Management Plan

- Is there a current site management plan in place? If yes, provide a copy.
- If not, a site management plan must be submitted with (or before) your application.

4. Description and Details of Proposal

- A brief explanation of what you want to do.
- Provide details of the work you are planning to undertake, for example:
 - (a) erecting, altering or adding to a building structure;
 - (b) demolition, or
 - (c) changing the use of land or a building.

5. Plans of the land and development proposal

- You need to provide plans that show what you intend to do. Hardcopy should be A3 or A4 size. Electronic document submission is encouraged.
- Please attach:
 - (a) a site plan of the land, drawn to scale; and
 - (b) plans and elevations of the proposal, drawn to scale, and
 - (c) where relevant:
 - i. an A4 size plan of the proposed building and other structures on the site.
 - ii. a plan of the existing building, drawn to scale.
 - iii. a waste minimisation and management plan.

6. Entity referrals

- You may be required to get approvals from other ACT and Commonwealth agencies. For example, building activities must conform to ACT Government building codes. Environmental and heritage considerations may require a referral from the Department of the Environment

7. Environmental and Heritage impact

- Is your land / building area listed on the Commonwealth Heritage List? If so, do you have a plan in place to manage heritage requirements? Provide details.

Note: ideally, your site management plan should contain provisions for managing heritage requirements.

8. Waste Management plan

- Provide information on how you intend to manage waste resulting from your development activities.

9. Supporting Information

- You can support your application with additional material, such as reports, photographs and diagrams.
- Please list what you have attached.

10. Compliance

- You and your contractors, builders and trades must comply with all Commonwealth and ACT laws applying to the Jervis Bay Territory.
- Builders must have the relevant ACT Class A, B, C or D builder's licence.
- Owner-builders must have an ACT owner-builder licence to work in the Jervis Bay Territory.
- The Department requires that your contractors, builders and trades have all required ACT licences and appropriate work health and safety credentials and insurances in place.

11. Access to site

- You must agree to allow Departmental officers to enter the land or premises.

12. Enquires and Submission of your Application

- E-mail: jbt@Infrastructure.gov.au, or
- Mail to: Development Applications, Jervis Bay Territory Administration, Jervis Bay Village, 2540
- Hand deliver to: Jervis Bay Territory Administration Office, Village Rd, Jervis Bay Village, during office hours.

Pages 38 to 59 of Document 6 have been removed under s47F and s42 of the FOI Act



Australian Government

Department of Infrastructure and Regional Development

File Reference: TERR15/0014-01

s47F

Development Approval - Christians Minde

Following my letter to you on 25 March 2015, the Department of Infrastructure and Regional Development (Department) has finalised consideration of your Development Application to erect a new cottage.

Your Development Application is approved subject to the following conditions, in addition to your lease obligations:

1. Any variation to the Development Application must be agreed in writing by the Department prior to implementing any changes.
2. All contractors and sub-contractors must comply with ACT laws and regulatory requirements.
3. Copies of all approved technical drawings (e.g. plumbing and electrical schematics) are to be provided to the Department on completion of the development.
4. A copy of the Certificate of Occupancy must be provided to the Department once it is issued.

It is recommended that you notify your neighbours of the development before works commence to allow them time to comment.

If you have any queries related to your Development Application please contact s22(1)(a)(ii) on s22(1)(a)(ii) [@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au).

Yours sincerely
s22(1)(a)(ii)

Director
Jervis Bay Territory Administration Section

19 May 2015

s47F

On 11 May 2015, at 10:30 am, s22(1)(a)(ii)
s22(1)(a)(ii) <[s22\(1\)\(a\)\(ii\)@infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)> wrote:

s47F

The application is still proceeding through our due diligence and clearances process.

Unfortunately, at this time I cannot give you an estimation of when the process will be completed.

I will contact you should any further advice become available.

Kind regards

s22(1)(a)(ii)

s22(1)(a)(ii)

Assistant Director
Jervis Bay Territory Administration
Jervis Bay & Indian Ocean Territories Branch
Local Government and Territories Division
Department of Infrastructure & Regional Development
s22(1)(a)(ii)
e Avenue | GPO Box 594 | Canberra ACT 2601
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s47F

Could you please give me an estimate of the cost of the proposed cottage?

Cheers

s22(1)(a)(ii)

s22(1)(a)(ii)

Assistant Director
Jervis Bay Territory Administration
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s22(1)(a)(ii) [infrastructure.gov.au](mailto:s22(1)(a)(ii)@infrastructure.gov.au)

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