

Jim Corrigan.

Jim- can you please draft a response, with input from Regulation and Services as appropriate. Thank you.

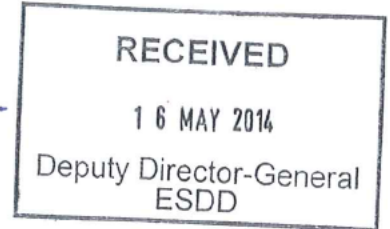
13 May 2014

Deputy Director-General Planning
Environment & Sustainable Development Directorate
GPO Box 158
Canberra
ACT 2602

cheers.

Bess.

16-5-14



10 McKail Crescent Stirling

Dear Sir/Madam,

The property at 10 McKail Crescent, Stirling, is a burnt-out derelict shell and has been in this condition for at least 3 years that I am aware of. The property and its derelict condition adversely impacts on the surrounding environment and streetscape of the Stirling neighbourhood.

Some 6 months or so ago, two large containers and other smaller units were placed in the front yard of the said property and these additions have made what was an eyesore previously, worse.

The front of the property and the containers are enclosed by a 'cyclone' wire fence and a sign on the fence indicates the site is a construction zone. Please refer to attached photos: A, B and C.

The sign on the fence also gives the name and phone number of a person to contact in relation to the site; namely: [REDACTED]

Some months ago, I spoke with the contact and was advised by him that development of the site was held up by ACT planning who would not issue the appropriate DA. The contact also indicated that he anticipated completion of works at the site by May 2014. Obviously this has not occurred. The conversation was not particularly amicable.

Against this background, could you please advise the following:

- a. Are there any Government controls or ordinances that govern the appearance and use of a suburban residential site?
- b. Can a Government Agency such as yours, direct an owner to construct a dwelling - or refurbish an existing dwelling - such that the dwelling is habitable where the dwelling is on a block and section in a suburban setting? And, if so, is there a maximum time for the dwelling to be completed?

c. Can a suburban site be declared a construction site and if so is there a time limit whereby the construction must be completed?

d. Can you advise me whether or not a valid DA has been submitted with respect to 10 McKail Crescent and, if so, whether or not the DA approval process is stopping, or impacting on construction in any way at 10 McKail crescent?

As I am sure you would appreciate, the nearby neighbours and those residents of Stirling who pass by are becoming more and more dismayed with the state of the property at 10 McKail Crescent. The residence is derelict; the site has become a storage area and construction site with large containers out the front; the adverse appearance of the property mars the otherwise pleasant suburban environment and adversely impacts on Stirling residents. In excess of 3 years to mitigate the site with the burnt out home would seem to be more than sufficient.

Any assistance you can provide to rectify the problems identified above would be highly appreciated. Surely there must be some condition of ownership of property in the ACT that would preclude use of a suburban block as an on-going building site and storage area.

Yours faithfully,



ATTACHMENT A



2014 05 13

Attachment B



2014 05 13

SITE CONTACT



2014 05 13





14/10707



Dear 

Thank you for your letter dated 13 May 2014 about the condition of 10 McKail Crescent Stirling. I apologise for the delay in responding to you.

My response to each of the questions you raised is as follows:

- a. With respect to appearance; the *Planning and Development Act 2007* gives the Environment and Planning Directorate (EPD) powers to undertake an investigation to determine whether the block is an unclean leasehold. An unclean leasehold is when 30% or more of the block is covered in rubbish, plastic containers, whitegoods, unregistered vehicles, car parts, builders rubble or other household items. An inspection conducted by EPD on 17 June 2014 indicates that the property does not meet the criteria for an unclean leasehold.

With respect to use; the covenants of the Crown lease require that a property be used for its intended purpose, and typically provide the ultimate sanction of termination should the lessee fail to do so for a period of 12 months or more. The impact on the lessee of a termination action is severe, and as such the EPD only consider such measures in relation to long standing issues. The property has not yet progressed to a point where EPD would intervene on this issue alone.

There is no blanket law that prohibits the use of shipping containers in residential areas. Shipping containers are widespread across the Territory and are used for a range of purposes. However, a shipping container that is being used as a permanent shed type structure may be considered as a development and therefore subject to a development approval. Whether it is unlawful depends upon where the structure is, what it is used for and any evidence of whether it is permanent or not. A shipping container on a front yard during renovations or building work is not prohibited.

- b. While EPD has the power to direct a lessee to undertake building work, this power is only exercised to address serious concerns for life safety. In general, EPD does not issue these sorts of notices unless there is a clear risk of harm to the occupants of the property, and people in the immediate vicinity. There is

protective site fencing currently in place, and that fencing appears to be both intact and secure. EPD have not identified any specific life safety risks associated with this property and as such would not consider the exercise of this power to be appropriate at this time.

- c. A site can be considered a construction site when a building approval and commencement notice is issued. The statutory timeframe for a building approval is three years.
- d. EPD has not approved, nor is currently assessing, any development approvals for the site since the building was substantially damaged by fire on 21 December 2010. Further, EPD has no record of any building approval being issued for the site during this time.

EPD is already investigating complaints made in relation to this site, including concerns raised regarding the shipping containers located forward of the building line. However, if you would like further information on the action and steps that can be taken under the *Planning and Development Act 2007*, please contact the Advice and Support Coordinator of the Construction Services Branch of EPD on (02) 6207 3022.

I can advise you that the current owner was not the owner at the time of the fire, and only purchased the property in 2012. EPD has been in contact with the new owner and has raised concerns regarding the state of the fire damaged building. EPD will continue to follow up with the owner regarding his intentions.

Thank you for raising your concern with me. I trust that this information is of assistance.

Yours sincerely

Mr Ben Ponton
Deputy Director-General Planning
Environment and Planning Directorate

July 2014



ACT

Government

Environment and
Sustainable Development

Director-General Correspondence Clearance form

SUBJECT	DDG Correspondence re: 10 McKail Crescent Stirling
CORRESPONDENT	[REDACTED]
OBJECTIVE NUMBER	14/10707

	Signature:	Date:
Director General	[REDACTED]	
Deputy Director-General	[REDACTED]	16-7-14
Executive Director	[REDACTED]	
Director	[REDACTED]	10/7/14
Contact Officer: Sean Moysey	Telephone No: [REDACTED]	
Division		

Further Action/Comment:

.....
.....
.....
.....

Signature:



14/10707



Dear [REDACTED]

Thank you for your letter dated 13 May 2014 about the condition of 10 McKail Crescent Stirling. I apologise for the delay in responding to you.

My response to each of the questions you raised is as follows:

- a. With respect to appearance; the *Planning and Development Act 2007* gives the Environment and Planning Directorate (EPD) powers to undertake an investigation to determine whether the block is an unclean leasehold. An unclean leasehold is when 30% or more of the block is covered in rubbish, plastic containers, whitegoods, unregistered vehicles, car parts, builders rubble or other household items. An inspection conducted by EPD on 17 June 2014 indicates that the property does not meet the criteria for an unclean leasehold.

With respect to use; the covenants of the Crown lease require that a property be used for its intended purpose, and typically provide the ultimate sanction of termination should the lessee fail to do so for a period of 12 months or more. The impact on the lessee of a termination action is severe, and as such the EPD only consider such measures in relation to long standing issues. The property has not yet progressed to a point where EPD would intervene on this issue alone.

There is no blanket law that prohibits the use of shipping containers in residential areas. Shipping containers are widespread across the Territory and are used for a range of purposes. However, a shipping container that is being used as a permanent shed type structure may be considered as a development and therefore subject to a development approval. Whether it is unlawful depends upon where the structure is, what it is used for and any evidence of whether it is permanent or not. A shipping container on a front yard during renovations or building work is not prohibited.

- b. While EPD has the power to direct a lessee to undertake building work, this power is only exercised to address serious concerns for life safety. In general, EPD does not issue these sorts of notices unless there is a clear risk of harm to the occupants of the property, and people in the immediate vicinity. There is

protective site fencing currently in place, and that fencing appears to be both intact and secure. EPD have not identified any specific life safety risks associated with this property and as such would not consider the exercise of this power to be appropriate at this time.

- c. A site can be considered a construction site when a building approval and commencement notice is issued. The statutory timeframe for a building approval is three years.
- d. EPD has not approved, nor is currently assessing, any development approvals for the site since the building was substantially damaged by fire on 21 December 2010. Further, EPD has no record of any building approval being issued for the site during this time.

EPD is already investigating complaints made in relation to this site, including concerns raised regarding the shipping containers located forward of the building line. However, if you would like further information on the action and steps that can be taken under the *Planning and Development Act 2007*, please contact the Advice and Support Coordinator of the Construction Services Branch of EPD on (02) 6207 3022.

I can advise you that the current owner was not the owner at the time of the fire, and only purchased the property in 2012. EPD has been in contact with the new owner and has raised concerns regarding the state of the fire damaged building. EPD will continue to follow up with the owner regarding his intentions.


Thank you for raising your concern with me. I trust that this information is of assistance.

Yours sincerely



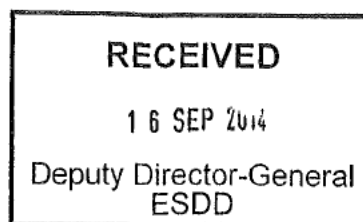
Mr Ben Ponton
Deputy Director-General Planning
Environment and Planning Directorate

16 July 2014



25 Sep 2014

Mr Ben Ponton
Deputy Director-General Planning
GPO Box 158
Canberra
ACT 2601



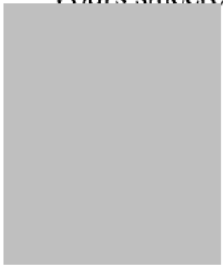
Dear Mr Ponton,

Thank you for your letter of the 15th September. I am delighted that action is to be taken to have the shipping containers and skip removed from 10 McKail Crescent. I would hope that if it is necessary for any extension of time to be negotiated, such an extension should be a matter of days - not weeks or months.

I am also pleased that action to address the derelict building is also being considered; hopefully this matter can also be rectified without delay.

Thank you for your assistance in this matter. I do appreciate the action you and your staff are taking.

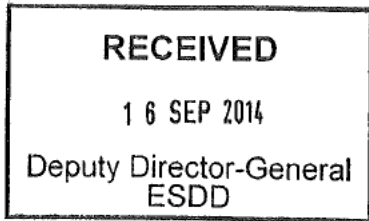
Yours sincerely,



Copies for Information:

Mr Mick Gentleman MLA Minister for Planning

Mrs Guilia Jones MLA Member for Molonglo



14 October 2014

Ms Kym Strudwicke
Office of Mr Ben Ponton
Deputy Director-General Planning
GPO Box 158
Canberra ACT 2601

Dear Kym,

As discussed during our telecon this morning, I enclose the subject letter for your further processing.

I must admit to being somewhat offended by having my mail returned – unopened - and I can understand your concern to have the problem identified and addressed. Thank you for calling me and for your assistance.

On the subject of 10 McKail Crescent Stirling, Mr Ponton advised me in his letter of 15 September that the lessee of 10 McKail Crescent has 30 days as of that date to respond. As of today, no physical change at the address is evident; the offending containers and skip are still in place.

If there is no evidence of change at the address tomorrow – on the expiry of 30 days – I would appreciate advice as to what further action is to be taken to rectify the site.

Yours sincerely



From: Strudwicke, Kym
To: [Connors, Brian](#)
Subject: FW: Phone Call from [REDACTED]
Date: Monday, 10 November 2014 3:52:00 PM

Hi Brian

Please see the file note that I made following a call from [REDACTED] regarding a block at 10 McKail St Stirling.

Kind Regards
Kym

14/10707

File Note:

[REDACTED] called at 1.58pm (10/11/2014) to note that he is growing frustrated with the condition of -10 McKail Crescent Stirling. He was eager to find out what had been actioned on the block to date. [REDACTED] also noted that the block now had overgrown grass and that he was concerned that this presents a fire hazard.

While I was not able to provide exact details of actions taken to date, I assured him that a letter was being sent out today that outlines the best way forward for his complaint and offered to email the letter should he require it sooner. [REDACTED] said that although he does have an email address, he would wait for the letter to arrive in the post.

[REDACTED] asked me to note his call on file and record his frustration with the situation.

Kym Strudwicke

Executive Assistant to Mr Ben Ponton | Deputy Director-General

Environment and Planning Directorate | **ACT Government**

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

[REDACTED]



ACT
Government

Environment and Planning

Ref: 14/10707



Dear 

Thank you for your letter dated 14 October 2014 regarding the current state of 10 McKail Crescent Stirling.

I again take the opportunity to apologise that your previous mail to the Environment and Planning Directorate (EPD) was returned to you unopened.

In your letter you advise that no physical change at the address has occurred, and that the shipping containers and skip are still in place. As I mentioned previously, EPD is in the process of investigating complaints made in relation to this site.

To make an order, the *Planning and Development Act 2007* (the Act) sets out the process for natural justice and decision making. The Act requires that the Planning and Land Authority must give written notice (show cause notice) to the owner of the authority's intention to make a controlled activity order.

The Act entitles the owner to give the Planning and Land Authority written reasons explaining why the controlled activity order should not be made. Before deciding whether to make a controlled activity order the Planning and Land Authority must consider any submissions made by the owner. The controlled activity order is also open to merit review by the ACT Administrative Tribunal (ACAT) and is subject to the requirements of the *ACT Human Rights Act 2007* to be able to demonstrate procedural fairness and due process. All going well this process typically takes 12 to 18 months to reach a resolution should it need to run its full course.

To both expedite the matter and to enable you to be kept up to date of the progress of any investigation, I would encourage you to lodge a formal complaint directly with EPD. A complaint form and fact sheet has been provided with this letter. A formal complaint enlivens the investigative powers of the Act and enables complainants to be advised of an investigation.

If you do make a formal complaint the Act enables provisions within the Act that allow officers within EPD to communicate directly with you as the complainant during the course of the investigation and at the resolution of the complaint. It also enables complainants to provide witness statements of the offending conduct. Should you require assistance in completing the complaint form or would like further information on the action and steps that can be taken under the Act, please contact Mr Brian Connors in the Construction Services Branch of EPD on (02) 6207 3022 for further assistance.

With respect to the shipping containers, I am advised that the matter of the shipping containers and site fencing located on the front verge has been referred to the Territory and Municipal Services (TAMS) City Rangers. As these structures are located on unleased Territory Land, TAMS has jurisdiction for this matter.

Thank you once again for raising your concerns with me. I trust that this information is of assistance.

Yours sincerely



Mr Ben Ponton
Deputy Director-General
8 November 2014



14/21335



Dea 

Thank you for your further letter dated 25 August 2014 about the condition of 10 McKail Crescent Stirling.

The Environment and Planning Directorate (EPD) has investigated your concerns and has determined that a controlled activity is being conducted and that EPD considers it appropriate to take action under section 345 (k) of the *Planning and Development Act 2007*. Specifically, EPD has issued the lessee with directions requiring them to take steps to rectify the breach with regard to the removal of the shipping containers and skip. The lessee has 30 days in which to respond to this letter or provide reasons why they require an extension of time.

With regards to the current state of the damaged building, EPD is considering options to address these evident problems. At this time, specific details and actions of EPD's investigation cannot be disclosed to you. This is a legal requirement under the *Information Privacy Act 2014* to protect private information of individuals involved and to avoid prejudice of potential litigation.

Thank you for raising your concern with me. I trust that this information is of assistance.

Yours sincerely

Ben Ponton
Deputy Director-General Planning

September 2014



ACT
Government

Environment and Planning

W

Deputy Director-General Correspondence Clearance form

SUBJECT	10 McKail Crescent Stirling
CORRESPONDENT	[REDACTED]
OBJECTIVE NUMBER	14/21335

	Signature:	Date:
Deputy Director General, Planning	[REDACTED]	15.9.14
Executive Director, Construction and Client Services	[REDACTED]	10/9/14
Director, Construction Services	[REDACTED]	9/9/14
Contact Officer: Radmila Andric	Telephone No: 6207 4988	
Division		

Further Action/Comment:

.....

.....

.....

.....

Signature:



ACT
Government

Environment and Planning

14/21335



Dear 

Thank you for your further letter dated 25 August 2014 about the condition of 10 McKail Crescent Stirling.

The Environment and Planning Directorate (EPD) has investigated your concerns and has determined that a controlled activity is being conducted and that EPD considers it appropriate to take action under section 345 (k) of the *Planning and Development Act 2007*. Specifically, EPD has issued the lessee with directions requiring them to take steps to rectify the breach with regard to the removal of the shipping containers and skip. The lessee has 30 days in which to respond to this letter or provide reasons why they require an extension of time.

With regards to the current state of the damaged building, EPD is considering options to address these evident problems. At this time, specific details and actions of EPD's investigation cannot be disclosed to you. This is a legal requirement under the *Information Privacy Act 2014* to protect private information of individuals involved and to avoid prejudice of potential litigation.

Thank you for raising your concern with me. I trust that this information is of assistance.

Yours sincerely



Ben Ponton
Deputy Director-General Planning

15 September 2014

RECEIVED

27 AUG 2014

DEPUTY

Director-General
ESDD

Tel: 0411236327

↳ Craig Simmons.

Craig - this correspondence requests EPD make certain orders against the Crown of the property the subject of

25 August 2014

Deputy Director-General Planning
Environment and Planning Directorate
GPO Box 158
Canberra
ACT 2601

of concern. I would be grateful if you could please arrange for a response to this matter. Thank you

10 McKail Crescent

Cheers,
Ben.

28.8.14

- References: A. My letter of 13 May 2014.
B. Your Letter 14/10707 of 16 July 2014.

Dear Sir,

Thank you for your response at Reference B to my letter of 13 May 2014.

The information you have provided has been useful in informing further consideration of a matter of particular irritation and importance to Stirling residents; namely; the cleaning up and restoration of the derelict site and storage area that is presently No 10 McKail Crescent Stirling.

The issue is not only of importance to Stirling residents - the underlying principles of what constitutes proper use of a residential lease is of interest to all Canberra homeowners, regardless of suburb.

I note in your Reference B the statement:

'With respect to use; the covenants of the Crown lease require that a property be used for its intended purpose, and typically provide the ultimate sanction of termination should the lessee fail to do so for a period of 12 months or more.'

I also note the following:

(However)... *'a shipping container that is being used as a permanent shed type structure may be considered as a development and therefore subject to a development approval'*. And:

EPD has not approved, nor is currently assessing, any development approvals for the site since the building was substantially damaged by fire on 21 December 2010. Further, EPD has no record of any building approval being issued for the site during this time.

Reflecting on these extracts, it is my view that the Lessee of 10 McKail Crescent is not using the property for its intended use as required by the covenants of the Crown lease. And has not done so for a substantial period of time.

The proper purpose of a lease such as that at 10 McKail Crescent must surely be to provide a domestic residence. In the case of 10 McKail Crescent the property is being used as a storage facility only. In this regard I do not understand why EPD is of the view that *'The property has not yet progressed to a point where EPD would intervene on this issue alone.'*

Notwithstanding, if EPD requires more justification before taking action against the Lessee to return the property to its intended and proper use, the fact that proper process has not been followed to site the shipping containers should provide the necessary weight for EPD action to be taken.

The shipping containers at the property can only be assessed as *'permanent shed type structures'*. The property is not being used for accommodation – nor has it for at least three plus years. Either the containers are being used for storage or the site is being used as storage for the containers. In either circumstance one would have thought a DA was necessary in accordance with your advice.

Taken together, the absence of the requisite DA approval for the containers and the obvious improper use of the lease, EPD should have no hesitation in making an order to the Lessee to remove the containers from the property and, ideally, refurbish the existing damaged residence or rebuild a home.

You also advise at Reference B that *'EPD has been in contact with the new owner and has raised concerns regarding the state of the damaged building. EPD will continue to follow up with the owner regarding his intentions.'*

Could I respectfully request that contact with the owner be made on two fronts; namely: (1) the refurbishment of the home and (2) the continued location of storage containers on the site. Action on one of these matters should not be conditional on the other. If some leniency is to be provided to the Lessee regarding making good the residence, an order to remove the containers should be made without delay.

To date, the residents of Stirling have been particularly patient and reserved in addressing this significant irritant in the amenity of their suburb. The adverse situation needs to be resolved as a matter of urgency and I seek your assistance in achieving same.

I am copying the relevant correspondence to the appointees listed below as I consider the issue sufficiently important to make relevant Ministers and others aware of the problem and the need for early resolution.



Copies for Information:

Minister for Housing: Andrew Barr, MLA

Minister for the Environment: Simon Corbell, MLA

Leader of the Opposition: Jeremy Hanson, MLA

Guilia Jones, MLA

Chair, Weston Creek Community Council.

From: Strudwicke, Kym
To: [Corrigan, Margarete](#)
Cc: [Simmons, Craig](#); [O'Reilly, Samantha](#)
Subject: Letter to Minister Rattenbury - cc - DDG - 10 McKail Crescent - Stirling ACT - [REDACTED]
(fA6509951)
Date: Wednesday, 26 November 2014 5:54:00 PM
Attachments: [Letter to Minister Rattenbury - cc - DDG - 10 McKail Crescent - Stirling ACT - \[REDACTED\]](#)

Hi All

RE: 10 McKail Crescent - Stirling - Additional correspondence

Please see attached link to a file within objective for a response letter from DDG, as instructed.

The hard copy letter is on the way to you via John Meyers office.

Many Thanks

Kym Strudwicke
Executive Assistant to Mr Ben Ponton | Deputy Director-General
Environment and Planning Directorate | ACT Government
Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 |
www.environment.act.gov.au
Phone: [REDACTED]



19 November 2014

Mr Shane Rattenbury
Minister for Territory & Municipal Services
GPO Box 1020
Canberra
ACT 2601

RECEIVED
26 NOV 2014
Deputy Director-General
ESDD

For Information – Without Attachments

Minister for Planning, Mick Gentleman MLA
Mr Ben Ponton, Deputy Director-General Planning
Jeremy Hanson MLA, Leader of the Opposition

*Noted.
I have discussed with the EPD Planning
OLO. EPD can assist TAMS in preparing
a response to this correspondence.*

Dear Minister,

Thank you.

RE: 10 McKail Crescent, Stirling ACT

Ben.

In a recent letter from Mr Ben Ponton, Deputy Director-General, Environment and Planning, he advised me that the matter of 'shipping containers' and fencing (further discussion of these issues is included below) has been referred to the Territory and Municipal Services (TAMS) City Rangers. He also advised that as the structures are located on 'unleased' Territory land, 'TAMS has jurisdiction for this matter.' A copy of the relevant letter from Mr Ponton dated 8 November is attached and marked as **Flag A**.

26.11.14

There are numerous issues associated with this latest advice from Mr Ponton and, hopefully, I will be able to bring clarity to them in the following text. However, it is because Mr Ponton has stated that TAMS has jurisdiction that I am writing to you.

Discussion of the issues associated with 10 McKail Crescent goes back to at least 13 May 2014 when I wrote to Mr Ponton seeking his assistance in rectifying the problems identified in my correspondence; namely, in summary:

- a. The property at 10 McKail Crescent is a burnt-out derelict shell and has been in this condition for at least 3 years.
- b. The property and its derelict condition adversely impacts on the surrounding environment and streetscape of the Stirling neighbourhood.
- c. There are three large shipping containers and a rubbish 'skip' in the front yard and these additions have made what was an unacceptable eyesore, worse. And now, as of about a month ago,
- d. Grass approaching 2 metres in height surrounds the above-mentioned containers and must surely be adjudged as a fire hazard to adjacent homes.

A copy of my original submission is attached – **Flag B** refers.

Mr Ponton responded to my letter in 16 July – after a period of some two months had elapsed - and amongst other things advised that: 'EPD is already investigating complaints made in relation to this site, including concerns raised regarding the shipping containers located forward of the building line.' He also advised that 'EPD has not approved, nor is currently assessing, any development approvals for the site since the building was substantially damaged by fire on 21 December 2010. Further, EPD has no record of any building approval being issued for the site during this time.' (Note that we are now approaching four years during which time no action to rebuild or replace a burnt out home has been taken.)

A copy of Mr Ponton's correspondence of 16 July is attached at **Flag C**.

On 25 August, I responded to Mr Ponton and questioned why EPD could not take action against the lessee of the property at 10 McKail Crescent. The main thrust of my submission at that time was that the shipping containers were either being used for storage or the site, itself, was being used as a storage site. I also opined that 'in the absence of the requisite DA approval for the containers and the obvious improper use of the lease, EPD should have no hesitation in making an order to the Lessee to remove the containers from the property and, ideally, refurbish the existing damaged residence or build a home.'

My submission of 25 August was also copied for info to: Minister for Housing, Minister for Environment, Leader of the Opposition, Guilia Jones – Local member and Chair, Weston Creek Community Council.

A copy of my submission is at **Flag D**.

In a letter dated 15 September, Mr Ponton advised me as follows:

'The Environment and Planning Directorate (EPD) has investigated your concerns and has determined that a controlled activity is being conducted and that EPD considers it appropriate to take action under section 345(k) of the Planning and Development Act 2007. Specifically, EPD has issued the lessee with directions requiring them to take steps to rectify the breach with regard to the removal of the shipping containers and skip. The lessee has 30 days in which to respond to this letter or provide reasons why they require an extension of time.' **Flag E** refers.

Similar advice was provided to me by The Minister for Planning Mr Mick Gentleman in an undated letter. Copy at **Flag F**.

Minister, against the background of the letters and issues identified above, I seek your assistance to finally get this matter resolved as a matter of urgency. Unfortunately, until I received the latest letter from Mr Ponton I had thought the matter had been resolved and that action was being taken.

I am now concerned that the matter of 10 McKail Crescent is caught up in bureaucratic process where definitional matters, jurisdictional inconsistencies and reluctance to drive the matter forward will delay any resolution of this long standing contravention of ACT acts and /or standing orders.

I am bemused by the latest letter from Mr Ponton whereby he declares the matter is one for TAMS. And particularly so because of his assertion that the subject structures are located on unleased Territory land. If the containers are on unleased territory land why has this not been identified before. And, furthermore, why has Mr Ponton previously and frequently referred to the lessee of 10 McKail Crescent? Can there be a lessee of an unleased property?

There are other anomalies. In Minister for Planning, Mr Mick Gentleman's letter (undated – **Flag F**)

he states that:

'.....As a result of this investigation a first warning letter was sent to the lessee regarding the removal of the shipping containers and skip. The letter informs the lessee that a controlled activity is being conducted and provides the lessee with 30 days in which to respond.'

In Mr Ponton's latest letter (**Flag A**) he confuses the issue – at least to me - by seeming to imply that a decision has yet to be made as to whether or not there has been a controlled activity. The process identified by Mr Ponton includes the possibility that 'the process' typically takes 12 to 18 months to reach a resolution should it need to run its full course.

Mr Ponton also urges me to lodge a formal complaint to EPD – when in the same letter he states that TAMS has jurisdiction.

Apart from the anomalous situation regarding who has carriage of the issue, I would have thought that more than enough correspondence has been submitted to satisfy any observer regarding the complaint. (As an aside, I also note that if I were to fill in the form that has been suggested, I would be unable to complete same as specialist and professional knowledge is required to do so.)

In summary, the situation regarding 10 McKail Crescent requires early resolution through determined and capable stewardship from one agreed department or division. Until recently I was optimistic that the requisite action was being taken. Now, however, following receipt of Mr Ponton's letter of 8 November, not only does it seem that little if any effective action has been taken, it seems that carriage of the matter has been transferred from one Minister to another – for reasons that I can not understand. Apparently the issue turns on the site being 'unleased'.

I brought this matter to attention on 13 May 2014. (And in his correspondence of 16 July Mr Ponton states that EPD is already investigating complaints regarding 10 McKail Crescent.) Six months later, it would seem nothing has been done. A domestic home site is blatantly being used as a storage site in contravention of ACT planning requirements. Stirling residents are rightly and understandably annoyed that their elected Government seems unable to take the necessary action to resolve the problem.

While the focus of this letter has been on the containers and skip, there are actually two issues of concern; namely: the house structure itself and the unauthorised siting of three containers and a skip. I acknowledge that resolution of the house issue – be it by refurbishment or demolition – may take some longer period than taking away unauthorised containers and a skip and cutting the grass. Accordingly, resolution of the two issues should be pursued independently. The complexities of resolving the house issue should not be allowed to delay removal of the containers and skip.

As the Minister of the Department who it seems now has responsibility for the shipping containers and skip at 10 McKail Crescent, could I please ask that you have this matter finalised as soon as possible.

Yours sincerely,



From: EPD Ministerials - Government Services
To: [EPD Ministerials - Regulation and Services](#)
Cc: [Corrigan, Margarete](#); [O'Reilly, Samantha](#)
Subject: 14/22577 - MINISTERIAL CORRESPONDENCE - 10 McKail Crescent Stirling - [REDACTED]
Date: Thursday, 11 September 2014 3:45:00 PM
Attachments: [20140908164753230.pdf](#)
[image001.png](#)
[14_22577 - Ministerial-10 McKail Crescent Stirling - Mr Alistair Coe.obr](#)

Good afternoon

Please see the attached ministerial correspondence for reply, due to GS COB 18 September 2014.

Kind regards

Rebecca Butchart | Ministerial Liaison Officer

[REDACTED]
[REDACTED]
Communications, Government Services & Executive Support | Environment and Planning | ACT Government
Level 3 South, Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au

IMPORTANT NOTICE

The information contained in this email and any attachments is for the intended recipient only. It may contain material of a confidential nature relating to the operations of the Environment and Sustainable Development Directorate, or its clients, contractors or stakeholders. Information of this nature may be subject to the provisions of the *Privacy Act 1988* and/or the *Public Sector Management Act*. Any person who inappropriately discloses this information may be subject to disciplinary/criminal proceedings under any of these Acts. If you have received this email in error, please notify the sender and then delete this transmission and any attachments.

ACTGov_EaSD_inline
Ministerial Correspondence / Brief Request Form



Objective Number: 14/22577
Date due Ministerial Services: 18 September 2014
Date due Deputy Director-General:
Date due Director-General: 19 September 2014
Date due MINISTER'S OFFICE: 23 September 2014
Priority: Urgent / Normal
Critical Date:

Subject: 10 McKail Crescent Stirling - [REDACTED]

To:

- | | |
|--|---|
| <input type="checkbox"/> Strategic Planning | <input checked="" type="checkbox"/> <u>Construction and Services</u> |
| <input type="checkbox"/> Sustainability and Climate Change | <input type="checkbox"/> Director-General |
| <input type="checkbox"/> Planning Delivery | <input type="checkbox"/> Deputy Director-General |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Other |
-

Response by:

Minister

Chief Minister

Director-General ESDD

Minister Chief of Staff

Adviser

Other:

Action required:

Reply to correspondence

Directorate Input

Media Release / Media Alert

Information brief

Dept Officer to attend

(Produced in Consultation with Communications)

Speech / Speaking Notes

Information only / NFA

Functions Brief
(inc arrangements brief)

(Produced in Consultation with Communications)

Questions and Answers

Phone constituent

For appropriate action

Other

Meeting / Event:

Time:

Date:

Location:

Event Contact/Organiser:

Equipment:

Further Information: Ministerial 14/21608 relates.

Mr Mick Gentleman MLA
Minister for Planning
ACT Legislative Assembly

RECEIVED

08 SEP 2014

Dear Minister,

[REDACTED] have contacted me about the property at 10 McKail Crescent in Stirling. [REDACTED] are concerned that the house is not currently habitable and the yard has several shipping containers in it. I am also advised that the property is fenced off and has been in this state for at least three years. [REDACTED] are concerned that the property has become an eyesore and would like to know when it can be expected to be occupied again.

Minister, would you please advise what is the status of this property? Would you also advise whether a development application has been submitted and if not, what timeframes apply for the development of the property?

I look forward to your response.

Yours sincerely,

[REDACTED]

4 September 2014

[REDACTED]



Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Dear [REDACTED]

Thank you for your letter of 4 September 2014 regarding your constituents' concerns about a property at 10 McKail Crescent in Stirling.

I have been informed that the investigations unit of the Environment and Planning Directorate (EPD) has now undertaken an assessment of 10 McKail Crescent, Stirling. As a result of this investigation a first warning letter was sent to the lessee regarding the removal of the shipping containers and skip. The letter informs the lessee that a controlled activity is being conducted and provides the lessee with 30 days in which to respond.

With regard to the current status of the property, I am advised that EPD has determined that the building has deteriorated to a point where the building is currently likely to be unfit for any kind of use and may be a danger to health as a result of the fire. EPD is carefully considering the range of issues in this matter in order to determine the most appropriate course of action.

Under the *Information Privacy Act 2014* specific details and actions of EPD's investigation are unable to be disclosed. This is a legal requirement to protect private information of individuals involved and to avoid prejudice of potential litigation.

Thank you for raising this matter with me. I trust that this information is of assistance.

Yours sincerely

Mick Gentleman MLA
Minister for Planning
September 2014

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman





ACT

Government

Environment and Planning

20

MINISTER	Minister for Planning Mick Gentleman MLA
SUBJECT	10 McKail Crescent Stirling
CORRESPONDENT	[REDACTED]
OBJECTIVE NUMBER	14/22577

	Signature:	Date:
Director General		16/9/14
Executive Director		16/9/14
Director, Construction Services		15/9/14
Contact Officer: Radmila Andric	Telephone No: [REDACTED]	

Further Action/Comment:

.....

.....

.....

.....

Signature:



E-MAILED
19 SEP 2014

Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING
MEMBER FOR BRINDABELLA



Thank you for your letter of 4 September 2014 regarding your constituents' concerns about a property at 10 McKail Crescent in Stirling.

I have been informed that the investigations unit of the Environment and Planning Directorate (EPD) has now undertaken an assessment of 10 McKail Crescent, Stirling. As a result of this investigation a first warning letter was sent to the lessee regarding the removal of the shipping containers and skip. The letter informs the lessee that a controlled activity is being conducted and provides the lessee with 30 days in which to respond.

With regard to the current status of the property, I am advised that EPD has determined that the building has deteriorated to a point where the building is currently likely to be unfit for any kind of use and may be a danger to health as a result of the fire. EPD is carefully considering the range of issues in this matter in order to determine the most appropriate course of action.

Under the *Information Privacy Act 2014* specific details and actions of EPD's investigation are unable to be disclosed. This is a legal requirement to protect private information of individuals involved and to avoid prejudice of potential litigation.

Thank you for raising this matter with me. I trust that this information is of assistance.

Yours sincerely

Mick Gentleman MLA
Minister for Planning
18th September 2014

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman



From: EPD Ministerials - Government Services
To: [EPD Ministerials - Construction and Client Services](#)
Cc: [Corrigan, Margarete](#)
Subject: MINISTERIAL CORRESPONDENCE - 10 McKail Crescent Stirling - [REDACTED]
Date: Thursday, 13 November 2014 12:44:00 PM
Attachments: [20141111185439218.pdf](#)
[14_26666 - Ministerial-10 McKail Crescent Stirling - \[REDACTED\]](#)

Ministerial Correspondence / Brief Request Form

Objective Number: 14/26666
Date due Ministerial Services: 19 November 2014
Date due Deputy Director-General: 19 November 2014
Date due Director-General: 21 November 2014
Date due MINISTER'S OFFICE: 26 November 2014
Priority: Urgent / Normal
Critical Date:

Subject: 10 McKail Crescent Stirling - [REDACTED]

To:

- | | |
|--|--|
| <input type="checkbox"/> Strategic Planning | <input checked="" type="checkbox"/> Construction and Services |
| <input type="checkbox"/> Sustainability and Climate Change | <input type="checkbox"/> Director-General |
| <input type="checkbox"/> Planning Delivery | <input type="checkbox"/> Deputy Director-General |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Other |
-

Response by:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Minister | <input type="checkbox"/> Chief Minister | <input type="checkbox"/> Director-General ESDD |
| <input type="checkbox"/> Minister Chief of Staff | <input type="checkbox"/> Adviser | <input type="checkbox"/> Other: |
-

Action required:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Reply to correspondence | <input type="checkbox"/> Directorate Input | <input type="checkbox"/> Media Release / Media |
|--|--|--|

Information brief

Dept Officer to attend

Alert (**Produced in Consultation
with Communications**)

Speech / Speaking Notes

Information only / NFA

Functions Brief
(inc arrangements brief)

(**Produced in Consultation with
Communications**)

Questions and Answers

Phone constituent

For appropriate action

Other

Meeting / Event:

Time:

Date:

Location:

Event Contact/Organiser:

Equipment:

Further Information:



RECEIVED


11 NOV 2014

Mr Mick Gentleman MLA
Minister for Planning
Legislative Assembly for the ACT
196 London Circuit
CANBERRA CITY, ACT, 2601

Dear Minister,


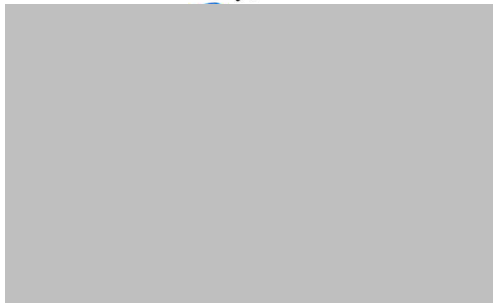
I refer to your correspondence of 15 September 2014 in regard to the condition of the property at 10 McKail Cres, Stirling.

In your correspondence you stated that: "A first warning letter was sent to the lessee regarding the removal of the shipping containers and skip. The letter informs the lessee that a controlled activity is being conducted and provides the lessee with 30 days in which to respond".

It is now November - well past the end of the 30 days notice period given to the lessee, and  have informed me that there have been no changes made.

This is an eyesore and an ongoing health hazard for the other residents in the area, please advise what action you are undertaking currently, and have taken since the end of the notice period, to resolve these issues.

Yours sincerely,





Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Dear [REDACTED]

Thank you for your letter of 10 November 2014 regarding the condition of the property at 10 McKail Crescent, Stirling.

I am advised that the Environment and Planning Directorate (EPD) is in the process of investigating complaints made in relation to this site. The EPD has undertaken an assessment of 10 McKail Crescent and has identified that there are no active building works being carried out at the site, and therefore the lessee of the block is currently undertaking a controlled activity by having the shipping containers and skip forward of the building line. These types of structures are typically used by builders when a site is an active building site, and in those situations are generally permitted to remain.

EPD has been in contact with the lessee who has been advised that unless the site is an active building site, the shipping containers and skip are to be removed. The lessee has been asked to remove the structures before Christmas, or alternatively start works at the site. Should the lessee not cooperate with this request, EPD will consider whether it is appropriate to issue the lessee with a controlled activity order. A controlled activity order is an order made under the *Planning and Development Act 2007* and usually addressed to a lessee, and outlines stated actions to be taken within set timeframes. Failure to comply with an order is an offence.

To make an order, the *Planning and Development Act 2007* (the Act) sets out the process for natural justice and decision making. The Act requires that EPD must give written notice (show cause notice) to the lessee that the EPD intends to make a controlled activity order.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman



The Act entitles the owner to give the Planning and Land Authority written reasons explaining why the controlled activity order should not be made. Before deciding whether to make a controlled activity order the Planning and Land Authority must consider any submissions made by the owner. The controlled activity order is also open to merit review by the ACT Administrative Tribunal (ACAT) and is subject to the requirements of the *ACT Human Rights Act 2007* to be able to demonstrate procedural fairness and due process. All going well, this process typically takes 12 to 18 months to reach a resolution should it need to run its full course.

To enable your constituent to be kept up to date of the process of the investigation, I would encourage your constituent to lodge a formal complaint directly with EPD. A formal complaint enlivens the investigative powers of the Act and enables complainants to be advised of an investigation. It also enables complainants to provide witness statements in relation to the offending conduct.

Should your constituent require assistance in completing the complaint form or would like further information on the action and steps that can be taken under the Act, please contact Mr Brian Connors in the Construction Services Branch of EPD on (02) 6207 3022 for further assistance.

I am further advised that the matter of the shipping containers and site fencing located on the front verge has been referred to the Territory and Municipal Services (TAMS) City Rangers. As these structures are located on unleased Territory Land, TAMS share jurisdiction for this matter.

A senior ranger from TAMS met the lessee on site on 1 December 2014. An application has been lodged with TAMS by the lessee to use the verge and is currently under assessment.

Thank you for raising this matter. I trust that I have clarified the situation for you.

Yours sincerely

Mick Gentleman MLA
Minister for Planning
December 2014

Handwritten mark



ACT

Government

Environment and Planning

MINISTER	Minister for Planning Mick Gentleman MLA
SUBJECT	10 McKail Crescent Stirling
CORRESPONDENT	[REDACTED]
OBJECTIVE NUMBER	14/26666

	Signature:	Date:
Director General		25/11/14
Executive Director		25/11/14
Director, Construction Services		19/11/14
Contact Officer: Sean Moysey		10/11/14

CO
21/11/14

Amended 21/11/14

Further Action/Comment:

.....


.....

.....

.....

Signature:



 **COPY**
09 DEC 2014
sent via
post

Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Dear 

Thank you for your letter of 10 November 2014 regarding the condition of the property at 10 McKail Crescent, Stirling.

I am advised that the Environment and Planning Directorate (EPD) is in the process of investigating complaints made in relation to this site. The EPD has undertaken an assessment of 10 McKail Crescent and has identified that there are no active building works being carried out at the site, and therefore the lessee of the block is currently undertaking a controlled activity by having the shipping containers and skip forward of the building line. These types of structures are typically used by builders when a site is an active building site, and in those situations are generally permitted to remain.

EPD has been in contact with the lessee who has been advised that unless the site is an active building site, the shipping containers and skip are to be removed. The lessee has been asked to remove the structures before Christmas, or alternatively start works at the site. Should the lessee not cooperate with this request, EPD will consider whether it is appropriate to issue the lessee with a controlled activity order. A controlled activity order is an order made under the *Planning and Development Act 2007* and usually addressed to a lessee, and outlines stated actions to be taken within set timeframes. Failure to comply with an order is an offence.

To make an order, the *Planning and Development Act 2007* (the Act) sets out the process for natural justice and decision making. The Act requires that EPD must give written notice (show cause notice) to the lessee that the EPD intends to make a controlled activity order.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman



Y903
The Act entitles the owner to give the Planning and Land Authority written reasons explaining why the controlled activity order should not be made. Before deciding whether to make a controlled activity order the Planning and Land Authority must consider any submissions made by the owner. The controlled activity order is also open to merit review by the ACT Administrative Tribunal (ACAT) and is subject to the requirements of the *ACT Human Rights Act 2007* to be able to demonstrate procedural fairness and due process. All going well, this process typically takes 12 to 18 months to reach a resolution should it need to run its full course.

To enable your constituent to be kept up to date of the process of the investigation, I would encourage your constituent to lodge a formal complaint directly with EPD. A formal complaint enlivens the investigative powers of the Act and enables complainants to be advised of an investigation. It also enables complainants to provide witness statements in relation to the offending conduct.

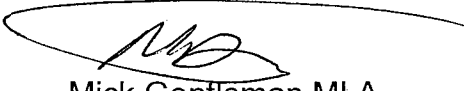
Should your constituent require assistance in completing the complaint form or would like further information on the action and steps that can be taken under the Act, please contact Mr Brian Connors in the Construction Services Branch of EPD on (02) 6207 3022 for further assistance.

I am further advised that the matter of the shipping containers and site fencing located on the front verge has been referred to the Territory and Municipal Services (TAMS) City Rangers. As these structures are located on unleased Territory Land, TAMS share jurisdiction for this matter.

A senior ranger from TAMS met the lessee on site on 1 December 2014. An application has been lodged with TAMS by the lessee to use the verge and is currently under assessment.

Thank you for raising this matter. I trust that I have clarified the situation for you.

Yours sincerely



Mick Gentleman MLA
Minister for Planning
9th December 2014

From: EPD Ministerials - Government Services
To: [EPD Ministerials - Construction and Client Services](#)
Cc: [Corrigan, Margarete](#)
Subject: MINISTERIAL CORRESPONDENCE - condition of 10 McKail Crescent - [REDACTED]
Date: Monday, 1 December 2014 3:18:00 PM
Attachments: [FW Block 18 section 26 Stirling \(10 McKail Crescent\).msg](#)
[14_28814 - Ministerial-condition of 10 McKail Crescent - \[REDACTED\]](#)

Ministerial Correspondence / Brief Request Form

Objective Number: 14/28814

Date due Ministerial Services: 9 December 2014

Date due Deputy Director-General: 9 December 2014

Date due Director-General: 11 December 2014

Date due MINISTER'S OFFICE: 16 December 2014

Priority: Normal

Critical Date:

Subject: MINISTERIAL CORRESPONDENCE - condition of 10 McKail Crescent [REDACTED]

To:

- | | |
|--|---|
| <input type="checkbox"/> Strategic Planning | <input checked="" type="checkbox"/> <u>Construction and Services</u> |
| <input type="checkbox"/> Sustainability and Climate Change | <input type="checkbox"/> Director-General |
| <input type="checkbox"/> Planning Delivery | <input type="checkbox"/> Deputy Director-General |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Other |
-

Response by:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> <u>Minister</u> | <input type="checkbox"/> Chief Minister | <input type="checkbox"/> Director-General ESDD |
| <input type="checkbox"/> Minister Chief of Staff | <input type="checkbox"/> Adviser | <input type="checkbox"/> Other: |
-

Action required:

X Reply to correspondence

- | | | |
|---|--|--|
| <input type="checkbox"/> Directorate Input | <input type="checkbox"/> Media Release / Media Alert (Produced in Consultation with Communications) | |
| <input type="checkbox"/> Information brief | <input type="checkbox"/> Dept Officer to attend | <input type="checkbox"/> Speech / Speaking Notes (Produced in Consultation with Communications) |
| <input type="checkbox"/> Information only / NFA | <input type="checkbox"/> Functions Brief (inc arrangements brief) | <input type="checkbox"/> Questions and Answers |
| <input type="checkbox"/> Phone constituent | <input type="checkbox"/> For appropriate action | <input type="checkbox"/> Other |
-

Meeting / Event:

Time:

Date:

Location:

Event Contact/Organiser:

Equipment:

Further Information:

Note: EPD to arrange input from TAMS, as required.



Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Dear [REDACTED]

Thank you for your email of 26 November 2014 regarding the property at 10 McKail Crescent, Stirling.

I understand that you lodged a formal complaint with the Environment and Planning Directorate (EPD) about this matter on 3 July 2014. EPD has undertaken an assessment of 10 McKail Crescent and has identified that there is no active building works being carried out at the site, and therefore the lessee of the block is currently undertaking a controlled activity by having a shipping container and skip forward of the building line. These types of structures are typically used by builders when a site is an active building site, and in those situations are generally permitted to remain.

EPD has been in contact with the lessee who has been advised that unless the site is an active building site, the shipping container and skip bin located on the front of the block are to be removed. The lessee has been asked to remove the structures before Christmas, or alternatively seek and obtain building approval to start works at the site. Should the lessee not cooperate with this request, EPD will consider whether it is appropriate to issue the lessee with a controlled activity order. A controlled activity order is an order made under the *Planning and Development Act 2007* and usually addressed to a lessee, and outlines stated actions to be taken within set timeframes. Failure to comply with an order is an offence.

To make an order, the *Planning and Development Act 2007* (the Act) sets out the process for natural justice and decision making. The Act requires that EPD must give written notice (show cause notice) to the lessee that EPD intends to make a controlled activity order.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman



The Act entitles the owner to give the planning and land authority written reasons explaining why the controlled activity order should not be made. Before deciding whether to make a controlled activity order the planning and land authority must consider any submissions made by the owner. The controlled activity order is also open to merit review by ACAT and is subject to the requirements of the *ACT Human Rights Act 2007* to be able to demonstrate procedural fairness and due process.

I am advised that the shipping containers and site fencing located on the front verge has been referred to the Territory and Municipal Services (TAMS). As these structures are located on unleased Territory Land, TAMS share jurisdiction for this matter. A senior TAMS ranger met the lessee on site on 1 December 2014 and I am advised that an application has been lodged with TAMS to store the two shipping containers and site fencing on the verge. The application is currently under assessment by TAMS.

Thank you for raising this matter.

Yours sincerely

Mick Gentleman MLA
Minister for Planning
December 2014



ACT

Government

Environment and Planning

18 DEC 2014

MINISTER	Minister for Planning Mick Gentleman MLA
SUBJECT	Condition of 10 McKail Crescent
CORRESPONDENT	[REDACTED]
OBJECTIVE NUMBER	14/28814

	Signature:	Date:
Director General	[REDACTED]	12/12/14
Executive Director	[REDACTED]	11/12/14
Director, Construction Services	[REDACTED]	10/12/14
Contact Officer: Sean Moysey	Telephone No: [REDACTED] 3	

10/12/14

Further Action/Comment:

.....

.....

.....

.....

Signature:

sent S.C
28/12



Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

[REDACTED]

[REDACTED]

Thank you for your email of 26 November 2014 regarding the property at 10 McKail Crescent, Stirling.

I understand that you lodged a formal complaint with the Environment and Planning Directorate (EPD) about this matter on 3 July 2014. EPD has undertaken an assessment of 10 McKail Crescent and has identified that there is no active building works being carried out at the site, and therefore the lessee of the block is currently undertaking a controlled activity by having a shipping container and skip forward of the building line. These types of structures are typically used by builders when a site is an active building site, and in those situations are generally permitted to remain.

EPD has been in contact with the lessee who has been advised that unless the site is an active building site, the shipping container and skip bin located on the front of the block are to be removed. The lessee has been asked to remove the structures before Christmas, or alternatively seek and obtain building approval to start works at the site. Should the lessee not cooperate with this request, EPD will consider whether it is appropriate to issue the lessee with a controlled activity order. A controlled activity order is an order made under the *Planning and Development Act 2007* and usually addressed to a lessee, and outlines stated actions to be taken within set timeframes. Failure to comply with an order is an offence.

To make an order, the *Planning and Development Act 2007* (the Act) sets out the process for natural justice and decision making. The Act requires that EPD must give written notice (show cause notice) to the lessee that EPD intends to make a controlled activity order.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman

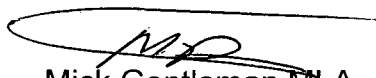


The Act entitles the owner to give the planning and land authority written reasons explaining why the controlled activity order should not be made. Before deciding whether to make a controlled activity order the planning and land authority must consider any submissions made by the owner. The controlled activity order is also open to merit review by ACAT and is subject to the requirements of the *ACT Human Rights Act 2007* to be able to demonstrate procedural fairness and due process.

I am advised that the shipping containers and site fencing located on the front verge has been referred to the Territory and Municipal Services (TAMS). As these structures are located on unleased Territory Land, TAMS share jurisdiction for this matter. A senior TAMS ranger met the lessee on site on 1 December 2014 and I am advised that an application has been lodged with TAMS to store the two shipping containers and site fencing on the verge. The application is currently under assessment by TAMS.

Thank you for raising this matter.

Yours sincerely


Mick Gentleman MLA
Minister for Planning
23rd December 2014

From: [Bourne, Sarah](#)
To: [McEvoy, Justin](#)
Cc: [Carter, Tania](#)
Subject: FW: Block 18 section 26 Stirling (10 McKail Crescent)
Date: Monday, 1 December 2014 1:28:14 PM
Importance: High

Hi Justin – Are you responding to this one?

From: McLennan, Logan **On Behalf Of** RATTENBURY
Sent: Thursday, 27 November 2014 11:42 AM
To: Bourne, Sarah
Subject: FW: Block 18 section 26 Stirling (10 McKail Crescent)
Importance: High

Hi Sarah

Can you please forward this correspondence to whoever is responding on this issue?

Thanks, Logan.

From: [REDACTED]
Sent: Wednesday, 26 November 2014 12:12 PM
To: RATTENBURY; GENTLEMAN
Subject: Fwd: Block 18 section 26 Stirling (10 McKail Crescent)
Importance: High

Dear Ministers,

Please see attached a follow-up email that I sent to the Environment and Planning Department this morning. The situation with this property (the house was built out about three years ago and has been enclosed by a cyclone fence with 3 shipping containers and large filled skip in the front yard for a number of years) it that no-one seems to be able to get any clean-up action on this property particularly given the owner is according to the department storing inappropriate materials in the shipping containers, the skip is full of rubbish and the weeds are growing extremely high (and are dry) around the shipping containers at the moment.

It appears any cause of action has been totally ineffectual to date and the owner of the property is clearly demonstrating total disregard for the Territory Government and the residents of the area.

Can you please advise what if any action is being taken to rectify this issue and when the residents of the area can expect to see resolution of the issue.

Regards

[REDACTED]

Begin forwarded message:

From: [REDACTED]
Subject: Re: Block 18 section 26 Stirling (10 McKail Crescent)

Date: 26 November 2014 11:57:15 am AEDT

To: "Apps, Peter" [REDACTED]

Hi Peter,

Just a follow-up. Can you please advise if a show cause has been sent to this party as yet. It has been many months (years) since this was first brought to the attention of Environment and Planning. In talking to many of the local residents it appears as though the property owner has been ignoring or has total disregard for the Territory Government and its residents.

Regards

[REDACTED]

On 20 Oct 2014, at 2:10 pm, Apps, Peter <[REDACTED]> wrote:

[REDACTED]

I have conducted a follow up inspection of the above property last Thursday 16 October and found that the lessee has not complied with our warning letter. I will now be issuing the lessee with a more formal letter to have the outstanding issue resolved if this is not complied with then a Show Cause may be issued.

Kind regards

Peter Apps | Inspector | Investigation Unit

[REDACTED]
Construction Services | Environment and Planning | ACTPLA | ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601
| www.actpla.act.gov.au

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: [Marsh, Sherridan](#)
To: [ESDD Ministerials - Government Services](#)
Cc: [Feain, Luke](#)
Subject: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC
Date: Friday, 5 October 2012 9:37:50 AM

Good morning

Regarding Block 18 Section 26 Stirling (10 McKail Street) could you please advise:

1. If there has been any formal complaints received about this property.
2. If there has been any phone calls from neighbours complaining about this property.
3. Current status of an investigations including detail about options available to the lessee and relevant timeframes.
4. If there is a breach of the lease.

Could you please provide this information by 10am on Tuesday 9 October 2012.

Thank you for your assistance.

Sherridan


Sherridan Marsh | Directorate Liaison Officer | Office of Simon Corbell MLA | Minister for the Environment and Sustainable Development | Legislative Assembly Building | GPO Box 1020 CANBERRA ACT 2601 | 


From: Feain, Luke
To: [Guest, Clare](#)
Cc: [Marsh, Sherridan](#)
Subject: FW: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC
Date: Wednesday, 10 October 2012 1:13:00 PM

Hi Clare,

Please see John Meyer's email below.

Thanks

Luke Feain | Ministerial Liaison Officer | Ministerials, Government and Legal Services | Environment and Sustainable Development | ACT Government |
L3 Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 1908 CANBERRA ACT 2601 | 
www.actpla.act.gov.au

From: Meyer, John
Sent: Wednesday, 10 October 2012 1:08 PM
To: Marsh, Sherridan
Cc: Feain, Luke
Subject: FW: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Hi Sherridan. I support Sean's view that this is not information that we can give out. I don't know who would have provided any earlier commentary on the block in question, as you seem to suggest from the constituents comments, but I hope it wasn't one of my officers. I think it is squarely a privacy issue. While not the test, whomever is requesting it may, for example, want to use it to deter buyers of the property, or provide information to other parties with a view to in some way affecting or disadvantaging the lessee. It may be a neighbour dispute or be part of family dispute. The point is that we simply don't know the motive and, unless it is part of a court order, don't need to know. The mere admission that there is or isn't a complaint of some sort (whatever it is) potentially does the damage.

If the constituent in question here has a problem with the lessee's of the block or the state in which they keep it, assuming it is a land use issue that they are interested in, then they are entitled to lodge a formal complaint with ESDD. Otherwise, frankly, it is not their business.

Cheers

John

John Meyer

Executive Director | Regulation and Services Division

 | web www.actpla.act.gov.au

Environment & Sustainable Development Directorate | ACT Government

Dame Pattie Menzies House | 16 Challis Street Dickson | GPO Box 1908 Canberra ACT 2601

From: Feain, Luke
Sent: Wednesday, 10 October 2012 11:21 AM
To: McKeown, Brianna


Cc: Corrigan, Margarete; Moysey, Sean
Subject: FW: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Good morning,

Please see Sherridan's email below concerning the constituent inquiry for Block 18 Section 26 Stirling.

Please note that she has requested that John Meyer supply this information.

Thanks

Luke Feain | Ministerial Liaison Officer | Ministerials, Government and Legal Services | Environment and Sustainable Development | ACT Government |
L3 Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 1908 CANBERRA ACT 2601 | 
www.actpla.act.gov.au

From: Marsh, Sherridan
Sent: Wednesday, 10 October 2012 11:01 AM
To: Feain, Luke
Cc: Hartwig, Tasha
Subject: RE: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Good morning Luke

Could you please request information about how many complaints, if any, have been made in relation to the block. Specifics of the complaints are not being requested.

A constituent had previously contacted this Office and the information supplied suggested that no complaints had been made. The constituent has now queried this.

Could you please request John Meyer to supply this information.

Regards

Sherridan

Sherridan Marsh | Directorate Liaison Officer | Office of Simon Corbell MLA | Minister for the Environment and Sustainable Development | Legislative Assembly Building | GPO Box 1020 CANBERRA ACT 2601 |  |

From: Feain, Luke
Sent: Wednesday, 10 October 2012 10:42 AM
To: Marsh, Sherridan
Subject: FW: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Hi Sherridan,

Please see Sean email below regarding privacy issues in relation to the constituent inquiry for Block 18 Section 26 Stirling.

Thanks

Luke Feain | Ministerial Liaison Officer | Ministerials, Government and Legal Services | Environment and Sustainable Development | ACT Government |

L3 Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 1908 CANBERRA ACT 2601 |

www.actpla.act.gov.au

From: Moysey, Sean

Sent: Wednesday, 10 October 2012 10:39 AM

To: Feain, Luke; Simmons, Craig

Subject: Re: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Dear Luke

Records of complaints and phone calls made by individuals are covered by the Privacy Act.

The privacy of the leaseholder is also covered by the Act in relation to complaints made about the leaseholder.

Regards

Sean

On 09/10/2012, at 3:45 PM, "Feain, Luke" > wrote:

Good afternoon,

Please see Sherridan's email below. She would like a response for the first two questions in her original email.

Thanks

Luke Feain | Ministerial Liaison Officer | Ministerials, Government and Legal Services | Environment and Sustainable Development | ACT Government |

L3 Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 1908 CANBERRA ACT 2601 |

| e: www.actpla.act.gov.au

From: Marsh, Sherridan

Sent: Tuesday, 9 October 2012 3:38 PM

To: Feain, Luke

Subject: RE: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Good afternoon Luke

Could you please ask for a response to questions 1 and 2, there does not seem to be any potential for breach of the Privacy Act by these.

Regards

Sherridan

Sherridan Marsh | Directorate Liaison Officer | Office of Simon Corbell MLA |
Minister for the Environment and Sustainable Development | Legislative
Assembly Building | GPO Box 1020 CANBERRA ACT 2601 | [REDACTED]

From: Feain, Luke
Sent: Friday, 5 October 2012 4:41 PM
To: Marsh, Sherridan
Subject: FW: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Hi Sherridan,

Please see Sean Moysey email below outlining privacy concerns in relation to the constituent enquiry for Block 18 Section 26 Stirling.

Thanks

Luke Feain | Ministerial Liaison Officer | Ministerials, Government and Legal Services | Environment and Sustainable Development | ACT Government |
L3 Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 1908 CANBERRA ACT 2601 | [REDACTED]
e: www.actpla.act.gov.au

From: Moysey, Sean
Sent: Friday, 5 October 2012 4:29 PM
To: Feain, Luke; Corrigan, Margarete
Cc: Meyer, John
Subject: RE: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Dear Luke, Margarete, John

If this information is for a constituent who is not the leaseholder, then the information should not be disclosed as to do so would be a breach of the *Privacy Act 1988*. If it is the leaseholder themselves, then we will need to verify that the person seeking the information is the leaseholder themselves

If the constituent has a formal complaint with us, then there is information that we can disclose, and information that we can't. Again, we would need to verify the identity of the person so as not to breach the *Privacy Act 1988*.

I'm happy to talk directly to the person directly to explain what can and can't be disclosed.

The *Privacy Act 1988* applies to any information or opinion about individuals (natural persons) collected by Government agencies. The Act defines this as 'personal information'.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Act includes specific exemptions to the prohibition on disclosure:

- prevent or lessen serious and imminent threat to life or health of any person;
- the disclosure is authorised by law; and
- the disclosure is necessary to enforce criminal law, civil (administrative) law, or to protect public revenue.

For the purposes of development approvals, building approvals, the regulation of leases and other associated matters, ESDD collects personal information that is not a matter of public record.

ESDD collects personal information for the purpose of making decisions on planning, development and construction. The Privacy Act prohibits publically disclosing the information unless there is a law that authorises the disclosure.

Part 3.6 of the *Planning and Development Act 2007* authorises the DG to establish a public register of development applications etc and other authorised information required to exercise the Planning and Development Act. These provisions do not authorise DG to disclose all information collected for the exercise of the Planning and Development Act. The Directorate would offend the *Privacy Act 1988* if it did so. Matters under investigation and complaints made are not the subject of information that is authorised to be disclosed by the Act.

Regards
Sean

Sean Moysey | Manager, Utilities, Land and Lease Regulation

[REDACTED]
Construction Services Branch | Environment and Sustainable Development Directorate |
ACT Government
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 |
www.actpla.act.gov.au

From: Feain, Luke
Sent: Friday, 5 October 2012 12:07 PM
To: Corrigan, Margarete; Moysey, Sean
Cc: Meyer, John
Subject: FW: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Good morning,

Could you please provide an answer to the following constituent enquiry regarding Block 18 Section 26 Stirling (10 McKail Street):

1. If there has been any formal complaints received about this property.
2. If there has been any phone calls from neighbours complaining about this

- property.
3. Current status of an investigations including detail about options available to the lessee and relevant timeframes.
 4. If there is a breach of the lease.

Please note that a response is required by close of business today.

Thanks

Luke Feain | Ministerial Liaison Officer | Ministerials, Government and Legal Services | Environment and Sustainable Development | ACT Government |

L3 Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 1908 CANBERRA ACT 2601

e: www.actpla.act.gov.au

From: [Moysey, Sean](#)
To: [Feain, Luke](#); [Corrigan, Margarete](#)
Cc: [Meyer, John](#)
Subject: RE: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC
Date: Friday, 5 October 2012 4:28:37 PM

Dear Luke, Margarete, John

If this information is for a constituent who is not the leaseholder, then the information should not be disclosed as to do so would be a breach of the *Privacy Act 1988*. If it is the leaseholder themselves, then we will need to verify that the person seeking the information is the leaseholder themselves

If the constituent has a formal complaint with us, then there is information that we can disclose, and information that we can't. Again, we would need to verify the identity of the person so as not to breach the *Privacy Act 1988*.

I'm happy to talk directly to the person directly to explain what can and can't be disclosed.

The *Privacy Act 1988* applies to any information or opinion about individuals (natural persons) collected by Government agencies. The Act defines this as 'personal information'.

[REDACTED]

[REDACTED]

[REDACTED]

The Act includes specific exemptions to the prohibition on disclosure:

- prevent or lessen serious and imminent threat to life or health of any person;
- the disclosure is authorised by law; and
- the disclosure is necessary to enforce criminal law, civil (administrative) law, or to protect public revenue.

For the purposes of development approvals, building approvals, the regulation of leases and other associated matters, ESDD collects personal information that is not a matter of public record.

ESDD collects personal information for the purpose of making decisions on planning, development and construction. The Privacy Act prohibits publically disclosing the information unless there is a law that authorises the disclosure.

Part 3.6 of the *Planning and Development Act 2007* authorises the DG to establish a public register of development applications etc and other authorised information required to exercise the Planning and Development Act. These provisions do not authorise DG to disclose all information collected for the exercise of the Planning and Development Act. The Directorate would offend the *Privacy Act 1988* if it did so. Matters under investigation and complaints made are not the subject of information that is authorised to be disclosed by the Act.

Regards
Sean

Sean Moysey | Manager, Utilities, Land and Lease Regulation

Construction Services Branch | Environment and Sustainable Development Directorate |
ACT Government

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

From: Feain, Luke

Sent: Friday, 5 October 2012 12:07 PM

To: Corrigan, Margarete; Moysey, Sean

Cc: Meyer, John

Subject: FW: 20121005 - 10 McKail St, Stirling - Block 18 Section 26 - Constituent inquiry - LC

Good morning,

Could you please provide an answer to the following constituent enquiry regarding Block 18 Section 26 Stirling (10 McKail Street):

1. If there has been any formal complaints received about this property.
2. If there has been any phone calls from neighbours complaining about this property.
3. Current status of an investigations including detail about options available to the lessee and relevant timeframes.
4. If there is a breach of the lease.

Please note that a response is required by close of business today.

Thanks

Luke Feain | Ministerial Liaison Officer | Ministerials, Government and Legal Services | Environment and Sustainable Development | ACT Government |

L3 Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 1908 CANBERRA ACT 2601 |

www.actpla.act.gov.au

Chief Ministers Talkback Brief

EPD 18: 10 McKail Crescent Stirling

27 November 2014

Minister responsible:	Directorate:	Contact Officer:
Mick Gentleman	EPD	Craig Simmons/ 76322

KEY POINTS

- I am advised that the Environment and Planning Directorate (EPD) has a formal complaint about the site and has investigated the circumstances and the state of the block.
 - EPD officers are in contact with the owner and the owner was formally informed of their legal obligations regarding shipping containers and skips on the part of the block facing the street.
 - The owner has been asked to remove the structures before Christmas, or alternatively obtain a building approval and start work on the site.
 - TAMS is also investigating a potential breach on public land.
 - If the owner fails to address the breach, EPD will consider whether it is appropriate to issue the lessee with a controlled activity order. A controlled activity order is a formal order made under the *Planning and Development Act 2007*. These orders can only be made if the statutory procedures are exercised, which takes time. The orders are also open for review by the ACT Civil and Administrative Tribunal and usually result in litigation.
 - If the owner fails to comply with the order, then prosecution or termination of lease are the only options for enforcement. Again, this involves lengthy litigation and long time-frames.
 - Obviously, everyone would like to avoid litigation. What I cannot tell you is the personal circumstances of the leaseholder and how that would affect whether an order would be fair or proportionate.
 - There are a hundreds of vacant blocks in Canberra at the moment. The choices that owners are making and their capacity to build on blocks are limited by their personal circumstance. It takes time and money to prepare a build, and life circumstances change. I would ask the community to be more tolerant of their neighbours and accept that not everyone can maintain their leasehold to a community standard.
 - Shipping containers are also a controversial issue for Canberra, many people love them, many people hate them. There is no statistical record of exactly how many shipping containers are in use on private and public land. However, containers are
-

Chief Ministers Talkback Brief


EPD 18: 10 McKail Crescent Stirling

used in established suburbs by a plethora of households for things such as temporary storage, garden sheds, modification into garages etc.

- Many schools, universities, churches, nursing homes use containers for storage of sporting equipment, gardening equipment, furniture etc in lieu of purpose built sheds. As estimation, the use of containers would be in the 10,000s.
- There is a thriving business in Canberra that involves the re-use of shipping containers. Yes, to many they are an eyesore, but to many people and organisations they are a cheap and sustainable form of storage. In some cases entire buildings are constructed of them.

BACKGROUND INFORMATION

- EPD's investigation of 10 McKail Crescent has identified that there are no active building works being carried out at the site. If there was a building approval or exempt works, then the use of shipping containers and skips forward of the building line would be lawful. These types of structures are commonly used by builders when a site is an active building site, and in those situations the law permits them to remain for the duration of the building work.
 - To make an order, the *Planning and Development Act 2007* (the Act) sets out the process for natural justice and decision making. The Act requires that EPD must give written notice (show cause notice) to the lessee that the EPD intends to make a controlled activity order.
 - The Act entitles the owner to give the Planning and Land Authority written reasons explaining why the controlled activity order should not be made. Before deciding whether to make a controlled activity order the Planning and Land Authority must consider any submissions made by the owner. The controlled activity order is also open to merit review by the ACT Administrative Tribunal (ACAT) and is subject to the requirements of the *ACT Human Rights Act 2007* to be able to demonstrate procedural fairness and due process. All going well, this process typically takes 12 to 18 months to reach a resolution should it need to run its full course.
 - The personal circumstances of the leaseholder are a factor in the decision-making. It can take considerable time to settle plans, borrow money, contract a certifier, builder and other tradespeople etc before a building approval is made and building commences. The current lessee purchased the property after the fire that damaged the property.
 - The matter of the shipping containers and site fencing located on the front verge has been referred to the Territory and Municipal Services (TAMS) City Rangers. As these structures are located on unleased Territory Land, TAMS share jurisdiction for this matter.
-



25 August 2014

Minister for Housing
Mr Andrew Barr, MLA
GPO Box 1020
Canberra
ACT 2601




Dear Minister,

Attached for your information is correspondence from the undersigned and the Deputy Director-General Planning regarding the property at 10 McKail Crescent in Stirling.

I bring this matter to your attention seeking your support for early resolution of the problem whereby a Lessee is seemingly using a domestic property for storage in contravention of Crown lease requirements.

The issue has been a problem for a substantial period and is causing much aggravation within the Stirling community.

Yours faithfully,



25 August 2014

Deputy Director-General Planning
Environment and Planning Directorate
GPO Box 158
Canberra
ACT 2601

10 McKail Crescent

- References: A. My letter of 13 May 2014.
B. Your Letter 14/10707 of 16 July 2014.

Dear Sir,

Thank you for your response at Reference B to my letter of 13 May 2014.

The information you have provided has been useful in informing further consideration of a matter of particular irritation and importance to Stirling residents; namely; the cleaning up and restoration of the derelict site and storage area that is presently No 10 McKail Crescent Stirling.

The issue is not only of importance to Stirling residents - the underlying principles of what constitutes proper use of a residential lease is of interest to all Canberra homeowners, regardless of suburb.

I note in your Reference B the statement:

'With respect to use; the covenants of the Crown lease require that a property be used for its intended purpose, and typically provide the ultimate sanction of termination should the lessee fail to do so for a period of 12 months or more.'

I also note the following:

(However)... 'a shipping container that is being used as a permanent shed type structure may be considered as a development and therefore subject to a development approval'. And:

EPD has not approved, nor is currently assessing, any development approvals for the site since the building was substantially damaged by fire on 21 December 2010. Further, EPD has no record of any building approval being issued for the site during this time.

Reflecting on these extracts, it is my view that the Lessee of 10 McKail Crescent is not using the property for its intended use as required by the covenants of the Crown lease. And has not done so for a substantial period of time.

The proper purpose of a lease such as that at 10 McKail Crescent must surely be to provide a domestic residence. In the case of 10 McKail Crescent the property is being used as a storage facility only. In this regard I do not understand why EPD is of the view that *'The property has not yet progressed to a point where EPD would intervene on this issue alone.'*

Notwithstanding, if EPD requires more justification before taking action against the Lessee to return the property to its intended and proper use, the fact that proper process has not been followed to site the shipping containers should provide the necessary weight for EPD action to be taken.

The shipping containers at the property can only be assessed as *'permanent shed type structures'*. The property is not being used for accommodation – nor has it for at least three plus years. Either the containers are being used for storage or the site is being used as storage for the containers. In either circumstance one would have thought a DA was necessary in accordance with your advice.

Taken together, the absence of the requisite DA approval for the containers and the obvious improper use of the lease, EPD should have no hesitation in making an order to the Lessee to remove the containers from the property and, ideally, refurbish the existing damaged residence or rebuild a home.

You also advise at Reference B that *'EPD has been in contact with the new owner and has raised concerns regarding the state of the damaged building. EPD will continue to follow up with the owner regarding his intentions.'*

Could I respectfully request that contact with the owner be made on two fronts; namely: (1) the refurbishment of the home and (2) the continued location of storage containers on the site. Action on one of these matters should not be conditional on the other. If some leniency is to be provided to the Lessee regarding making good the residence, an order to remove the containers should be made without delay.

To date, the residents of Stirling have been particularly patient and reserved in addressing this significant irritant in the amenity of their suburb. The adverse situation needs to be resolved as a matter of urgency and I seek your assistance in achieving same.

I am copying the relevant correspondence to the appointees listed below as I consider the issue sufficiently important to make relevant Ministers and others aware of the problem and the need for early resolution.

Yours faithfully,



Copies for Information:

Minister for Housing: Andrew Barr, MLA

Minister for the Environment: Simon Corbell, MLA

Leader of the Opposition: Jeremy Hanson, MLA

Guilia Jones, MLA

Chair, Weston Creek Community Council.



ACT
Government

Environment and Planning

14/10707



Dear 

Thank you for your letter dated 13 May 2014 about the condition of 10 McKail Crescent Stirling. I apologise for the delay in responding to you.

My response to each of the questions you raised is as follows:

- a. With respect to appearance; the *Planning and Development Act 2007* gives the Environment and Planning Directorate (EPD) powers to undertake an investigation to determine whether the block is an unclean leasehold. An unclean leasehold is when 30% or more of the block is covered in rubbish, plastic containers, whitegoods, unregistered vehicles, car parts, builders rubble or other household items. An inspection conducted by EPD on 17 June 2014 indicates that the property does not meet the criteria for an unclean leasehold.

With respect to use; the covenants of the Crown lease require that a property be used for its intended purpose, and typically provide the ultimate sanction of termination should the lessee fail to do so for a period of 12 months or more. The impact on the lessee of a termination action is severe, and as such the EPD only consider such measures in relation to long standing issues. The property has not yet progressed to a point where EPD would intervene on this issue alone.

There is no blanket law that prohibits the use of shipping containers in residential areas. Shipping containers are widespread across the Territory and are used for a range of purposes. However, a shipping container that is being used as a permanent shed type structure may be considered as a development and therefore subject to a development approval. Whether it is unlawful depends upon where the structure is, what it is used for and any evidence of whether it is permanent or not. A shipping container on a front yard during renovations or building work is not prohibited.

- b. While EPD has the power to direct a lessee to undertake building work, this power is only exercised to address serious concerns for life safety. In general, EPD does not issue these sorts of notices unless there is a clear risk of harm to the occupants of the property, and people in the immediate vicinity. There is

protective site fencing currently in place, and that fencing appears to be both intact and secure. EPD have not identified any specific life safety risks associated with this property and as such would not consider the exercise of this power to be appropriate at this time.

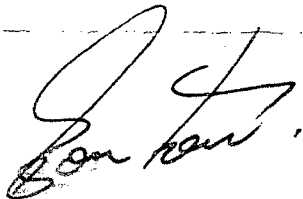
- c. A site can be considered a construction site when a building approval and commencement notice is issued. The statutory timeframe for a building approval is three years.
- d. EPD has not approved, nor is currently assessing, any development approvals for the site since the building was substantially damaged by fire on 21 December 2010. Further, EPD has no record of any building approval being issued for the site during this time.

EPD is already investigating complaints made in relation to this site, including concerns raised regarding the shipping containers located forward of the building line. However, if you would like further information on the action and steps that can be taken under the *Planning and Development Act 2007*, please contact the Advice and Support Coordinator of the Construction Services Branch of EPD on (02) 6207 3022.

I can advise you that the current owner was not the owner at the time of the fire, and only purchased the property in 2012. EPD has been in contact with the new owner and has raised concerns regarding the state of the fire damaged building. EPD will continue to follow up with the owner regarding his intentions.

Thank you for raising your concern with me. I trust that this information is of assistance.

Yours sincerely



Mr Ben Ponton
Deputy Director-General Planning
Environment and Planning Directorate

16 July 2014

FILE



13 May 2014

Deputy Director-General Planning
Environment & Sustainable Development Directorate
GPO Box 158
Canberra
ACT 2602

10 McKail Crescent Stirling

Dear Sir/Madam,

The property at 10 McKail Crescent, Stirling, is a burnt-out derelict shell and has been in this condition for at least 3 years that I am aware of. The property and its derelict condition adversely impacts on the surrounding environment and streetscape of the Stirling neighbourhood.

Some 6 months or so ago, two large containers and other smaller units were placed in the front yard of the said property and these additions have made what was an eyesore previously, worse.

The front of the property and the containers are enclosed by a 'cyclone' wire fence and a sign on the fence indicates the site is a construction zone. Please refer to attached photos: A, B and C.

The sign on the fence also gives the name and phone number of a person to contact in relation to the site; namely: [REDACTED])

Some months ago, I spoke with the contact and was advised by him that development of the site was held up by ACT planning who would not issue the appropriate DA. The contact also indicated that he anticipated completion of works at the site by May 2014. Obviously this has not occurred. The conversation was not particularly amicable.

Against this background, could you please advise the following:

- a. Are there any Government controls or ordinances that govern the appearance and use of a suburban residential site?
- b. Can a Government Agency such as yours, direct an owner to construct a dwelling - or refurbish an existing dwelling - such that the dwelling is habitable where the dwelling is on a block and section in a suburban setting? And, if so, is there a maximum time for the dwelling to be completed?

c. Can a suburban site be declared a construction site and if so is there a time limit whereby the construction must be completed?

d. Can you advise me whether or not a valid DA has been submitted with respect to 10 McKail Crescent and, if so, whether or not the DA approval process is stopping, or impacting on construction in any way at 10 McKail crescent?

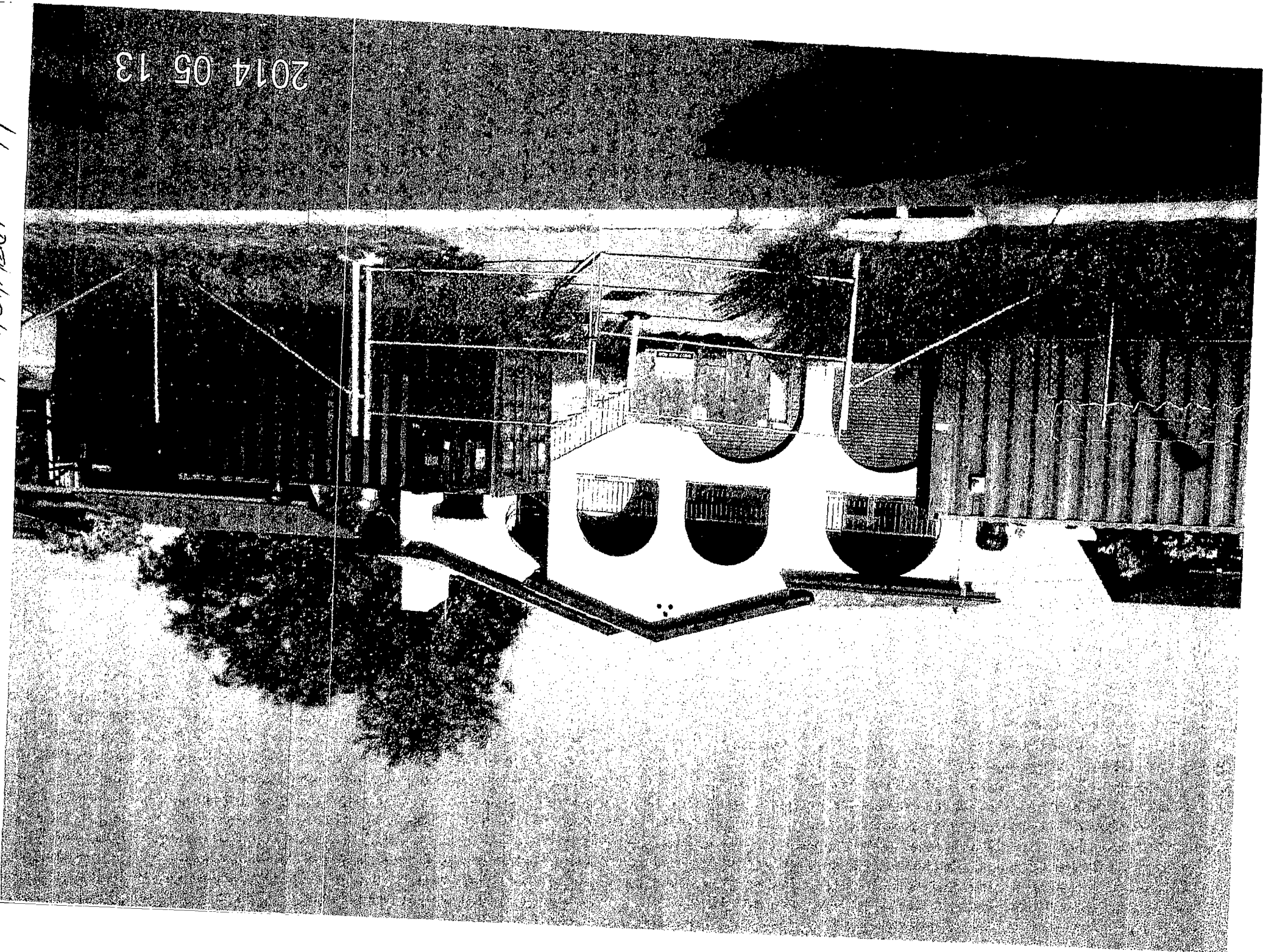
As I am sure you would appreciate, the nearby neighbours and those residents of Stirling who pass by are becoming more and more dismayed with the state of the property at 10 McKail Crescent. The residence is derelict; the site has become a storage area and construction site with large containers out the front; the adverse appearance of the property mars the otherwise pleasant suburban environment and adversely impacts on Stirling residents. In excess of 3 years to mitigate the site with the burnt out home would seem to be more than sufficient.

Any assistance you can provide to rectify the problems identified above would be highly appreciated. Surely there must be some condition of ownership of property in the ACT that would preclude use of a suburban block as an on-going building site and storage area.

Yours faithfully,

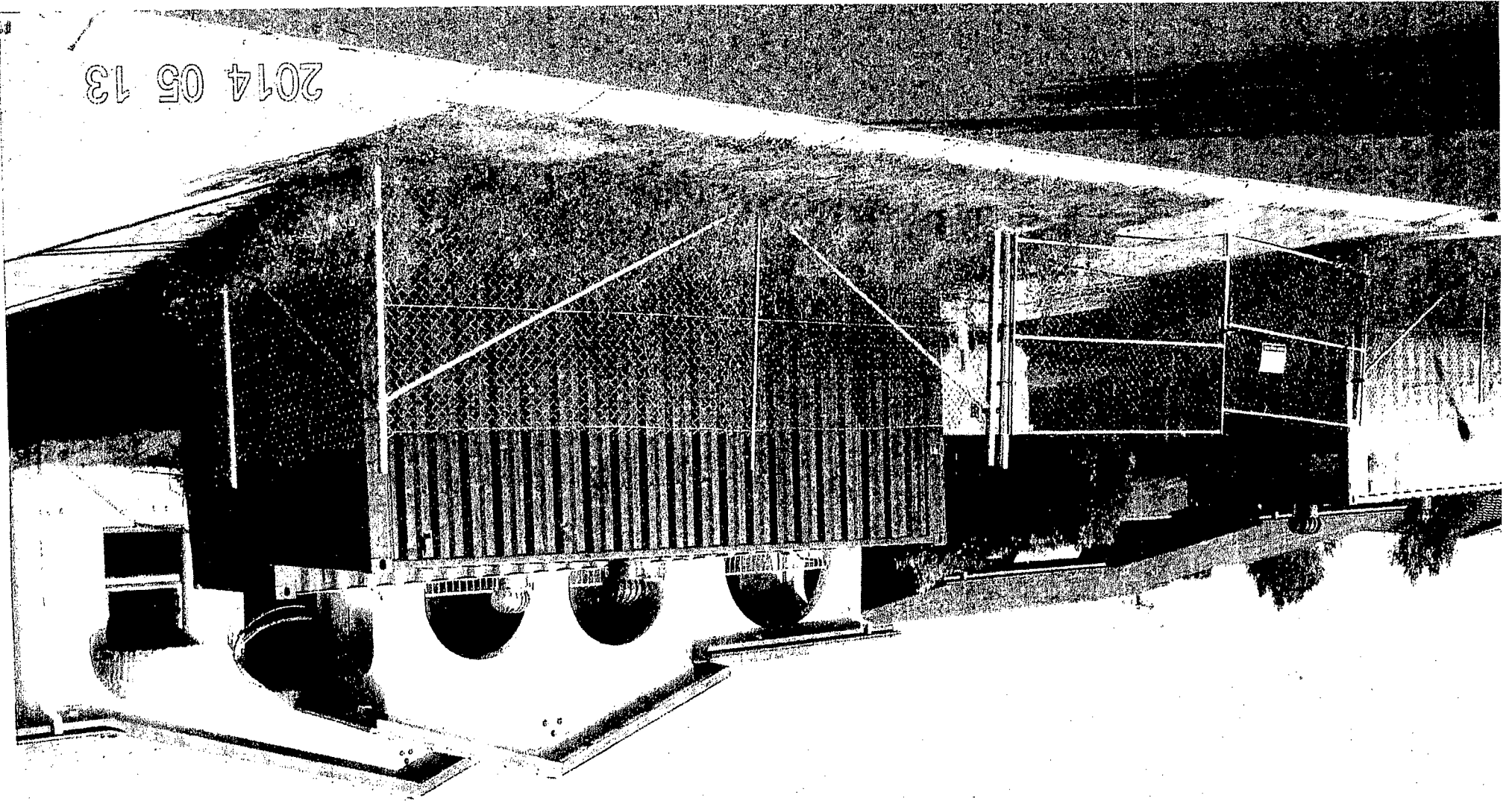


Attachment A



2014 05 13

Attachment B



A black and white photograph of a chain-link fence. A white rectangular sign is attached to the fence with two black fasteners. The sign has the text "SITE CONTACT" in bold, black, sans-serif capital letters. Below the text is a large, solid gray rectangular redaction box. The background behind the fence is dark and textured, possibly a wall or another fence.

SITE CONTACT

From: EPD Ministerials - Government Services
To: [EPD Ministerials - Regulation and Services](#)
Cc: [Corrigan, Margarete](#); [O'Reilly, Samantha](#)
Subject: 14/21608 - MINISTERIAL CORRESPONDENCE - 10 McKail Crescent Stirling - [REDACTED]
Date: Monday, 1 September 2014 1:46:00 PM
Attachments: [FW Message from LAB00L02P11.msg](#)
[image003.png](#)
[14_21608 - Ministerial - GENTLEMAN - 10 McKail Crescent Stirling - \[REDACTED\]](#)
[14_10707 - Letter to DDG re 10 McKail Crescent Stirling - \[REDACTED\]](#)
[14_21335 - 10 McKail Crescent - Air Vice Marshal \[REDACTED\]](#)

Good afternoon

Please see the attached ministerial correspondence for reply, due to GS COB Friday 5 September 2014.

Many thanks

Rebecca Butchart | Ministerial Liaison Officer

[REDACTED]
[REDACTED]
Communications, Government Services & Executive Support | Environment and Planning | ACT Government
Level 3 South, Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au

IMPORTANT NOTICE

The information contained in this email and any attachments is for the intended recipient only. It may contain material of a confidential nature relating to the operations of the Environment and Sustainable Development Directorate, or its clients, contractors or stakeholders. Information of this nature may be subject to the provisions of the *Privacy Act 1988* and/or the *Public Sector Management Act*. Any person who inappropriately discloses this information may be subject to disciplinary/criminal proceedings under any of these Acts. If you have received this email in error, please notify the sender and then delete this transmission and any attachments.

Ministerial Correspondence / Brief Request Form



Objective Number: 14/21608
Date due Ministerial Services: COB 5 September 2014
Date due Deputy Director-General:
Date due Director-General: 8 September 2014
Date due MINISTER'S OFFICE: 12 September 2014
Priority: Urgent / Normal
Critical Date:

Subject: 10 McKail Crescent Stirling - [REDACTED]

To:

- | | |
|--|--|
| <input type="checkbox"/> Strategic Planning | <u>X Construction and Services</u> |
| <input type="checkbox"/> Sustainability and Climate Change | - |
| <input type="checkbox"/> Planning Delivery | <input type="checkbox"/> Director-General |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Deputy Director-General |
| | <input type="checkbox"/> Other |

Response by:

X Minister

Minister Chief of Staff

Chief Minister

Adviser

Director-General ESDD

Other:

Action required:

X Reply to correspondence

Information brief

Information only / NFA

Phone constituent

Directorate Input

Dept Officer to attend

Functions Brief
(inc arrangements brief)

For appropriate action

Media Release / Media Alert

**(Produced in Consultation with
Communications)**

Speech / Speaking Notes

**(Produced in Consultation with
Communications)**

Questions and Answers

Other

Meeting / Event:

Time:

Date:

Location:

Event Contact/Organiser:

Equipment:

Further Information:



ACT

Government

Environment and Planning

MINISTER	Minister for Planning Mick Gentleman MLA
SUBJECT	10 McKail Crescent Stirling
CORRESPONDENT	[REDACTED]
OBJECTIVE NUMBER	14/21608

	Signature:	Date:
Director General	[REDACTED]	11/10/14
Executive Director	[REDACTED]	10/9/14
Director, Construction Services	[REDACTED]	9/9/14
Contact Officer: Radmila Andric	Telephone No: [REDACTED]	

Further Action/Comment:

.....

.....

.....

.....

Signature:



Sent via mail



COPY

17 SEP 2014

Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

Dear [REDACTED]

Thank you for your letter of 25 August 2014 to Mr Simon Corbell MLA, Minister for the Environment, regarding the condition of 10 McKail Crescent Stirling. Minister Corbell has referred your letter to me as responsibility for this matter falls within my portfolio.

I have been informed that the investigations unit of the Environment and Planning Directorate (EPD) have now undertaken an assessment of 10 McKail Crescent, Stirling. As a result of this investigation a first warning letter was sent to the lessee regarding the removal of the shipping containers and skip. The letter informs the lessee that a controlled activity is being conducted and provides the lessee with 30 days in which to respond.

With regards to the current state of the damaged building, I am advised that EPD has determined that the building has deteriorated to a point where the building is currently likely to be unfit for any kind of use and a danger to health as a result of the fire. EPD is carefully considering the range of issues in this matter in order to determine the most appropriate course of action.

Under the *Information Privacy Act 2014* specific details and actions of EPD's investigation are unable to be disclosed. This is a legal requirement to protect private information of individuals involved and to avoid prejudice of potential litigation.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman



CANBERRA

NOS 932 V1

Thank you for bringing this matter to my attention. I am assured the EPD is taking these issues seriously and is taking the necessary steps to resolve the identified problems.

Yours sincerely



Mick Gentleman MLA
Minister for Planning
15th September 2014



Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR COMMUNITY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA



Dear 

Thank you for your letter of 25 August 2014 to Mr Simon Corbell MLA, Minister for the Environment, regarding the condition of 10 McKail Crescent Stirling. Minister Corbell has referred your letter to me as responsibility for this matter falls within my portfolio.

I have been informed that the investigations unit of the Environment and Planning Directorate (EPD) have now undertaken an assessment of 10 McKail Crescent, Stirling. As a result of this investigation a first warning letter was sent to the lessee regarding the removal of the shipping containers and skip. The letter informs the lessee that a controlled activity is being conducted and provides the lessee with 30 days in which to respond.

With regards to the current state of the damaged building, I am advised that EPD has determined that the building has deteriorated to a point where the building is currently likely to be unfit for any kind of use and a danger to health as a result of the fire. EPD is carefully considering the range of issues in this matter in order to determine the most appropriate course of action.

Under the *Information Privacy Act 2014* specific details and actions of EPD's investigation are unable to be disclosed. This is a legal requirement to protect private information of individuals involved and to avoid prejudice of potential litigation.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman



Thank you for bringing this matter to my attention. I am assured the EPD is taking these issues seriously and is taking the necessary steps to resolve the identified problems.

Yours sincerely

Mick Gentleman MLA
Minister for Planning
September 2014

From: [Apostoloski, Natasha](#)
To: [McEvoy, Justin](#)
Subject: Corro from [REDACTED]
Date: Friday, 30 January 2015 11:17:17 AM
Attachments: [20150130101147686.pdf](#)

Natasha Apostoloski | Office Manager
Office of Mick Gentleman MLA | Member for Brindabella
Minister for Planning,
Minister for Roads and Parking,
Minister for Workplace Safety and Industrial Relations,
Minister for Children and Young People,
Minister for Ageing
[REDACTED]



RECEIVED
29 JAN 2015



27 January 2015

Mr Mick Gentleman MLA
Minister for Planning
GPO Box 1020
Canberra ACT 2601

For Information

Minister for TAMS, Mr Shane Rattenbury MLA
Jeremy Hanson MLA, Leader of the Opposition

Dear Minister,

Re 10 McKail Crescent, Stirling ACT

I regret that I need to submit a further letter re the above-named property; I do so because no obvious action has been taken to rectify the issues surrounding 10 McKail Crescent - despite copious paperwork and correspondence over the last 8 months.

I do not intend to go over the issues once again; they have been more than adequately covered in the earlier correspondence on this matter. My interest is to get answers to the specific questions that follow:

- a. Do you as the responsible Minister agree that the containers and/or skips and/or fencing at 10 McKail Crescent are sited in contravention of an ACT ordinance or requirement? (Presumably the answer is 'yes' as this has been acknowledged in previous correspondence.)
- b. If so, on what date was the lessee of 10 McKail Crescent ordered to remove the illegally sited objects?
- c. If such an order has not been made, why not?
- d. By what date does the lessee have to remove the offending items - assuming the order has been made?
- e. If the lessee refuses to remove the objects in contravention of an ACT Government Order, what action will the Government take and when will this action be taken?
- f. What action has the Government taken to resolve the issues that directly relate to the burnt out residence at 10 McKail crescent.
- g. Can the Minister confirm that the burnt out residence poses health and safety concerns to nearby home owners?
- h. By what date can the Stirling residents anticipate removal of the offending items at the front

of the residence at 10 McKail Crescent?

- i. By what date can residents anticipate rectification of the home site at 10 McKail Crescent?

In a letter dated 16 December 2014, Minister Rattenbury clarified who has carriage of all matters associated with 10 McKail Crescent. He advised me that you would now have sole responsibility. It is for this reason that I seek answers to the queries above, from you.

I look forward to your early response.



Yours faithfully,





Mick Gentleman MLA

MINISTER FOR PLANNING
MINISTER FOR ROADS AND PARKING
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING

MEMBER FOR BRINDABELLA

[REDACTED]

[REDACTED]

Thank you for your letter of 27 January 2015 regarding the condition of the property at 10 McKail Crescent, Stirling.

I am advised that the Environment and Planning Directorate (EPD) is in the process of investigating complaints made in relation to this site. Please be aware that all complaints received by EPD are prioritised to ensure that the available resources are used effectively. Under the authorised enforcement policy, investigations of complaints where there is an imminent threat to life safety and/or property take priority over all other matters. The consequence of this prioritisation is that non life safety matters have longer time frames for resolution.

Having said that, action is underway to address the issues associated with the condition of the property. *The Planning and Development Act 2007* requires that before an order can be made the lessee must be given an opportunity to show cause as to why the Planning and Land Authority should not issue a controlled activity order. Depending on the result of that process a controlled activity order may or may not be issued. Both the show cause and the controlled activity order process are subject to merits review by the ACT Civil and Administrative Tribunal.

Under the current legislative regime in place you should expect that the resolution of this matter will take between 12 and 18 months to complete.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone: (02) 6205 0218 Fax: (02) 6205 0368 Email: GENTLEMAN@act.gov.au
Twitter: @GENTLEMANMick Facebook: www.facebook.com/MickGentleman



I can advise you that at my direction, EPD is working on the development of an alternative regulatory model which will significantly speed up the process of dealing with matters of this nature. I expect to be able to bring legislation to this effect to the ACT Legislative Assembly later in 2015.

I have been informed that a senior ranger from TAMS met the lessee on site on 1 December 2014. An application was lodged with TAMS by the lessee to use the verge and is currently under consideration.

Thank you for raising this matter.

Yours sincerely

Mick Gentleman MLA
Minister for Planning
February 2015

From: EPD Ministerials - Government Services
To: [EPD Ministerials - Construction and Client Services](#)
Cc: [Corrigan, Margarete](#)
Subject: MINISTERIAL CORRESPONDENCE - 10 McKail Crescent Stirling [REDACTED]
Date: Wednesday, 4 February 2015 10:18:00 AM
Attachments: [14_21608 - Ministerial - GENTLEMAN - 10 McKail Crescent Stirling - \[REDACTED\]](#)
[14_21335 - 10 McKail Crescent Stirling - \[REDACTED\]](#)
[14_10707 - Letter to DDG re_ 10 McKail Crescent Stirling - \[REDACTED\]](#)
[Corro from \[REDACTED\]](#)
[15_01960 - Ministerial-10 McKail Crescent Stirling - \[REDACTED\]](#)

Ministerial Correspondence / Brief Request Form

Objective Number: 15/01960
Date due Ministerial Services: 10 February 2015
Date due Deputy Director-General: 10 February 2015
Date due Director-General: 12 February 2015
Date due MINISTER'S OFFICE: 17 February 2015
Priority: Urgent / Normal
Critical Date:

Subject: MINISTERIAL CORRESPONDENCE - 10 McKail Crescent Stirling - [REDACTED]

To:

- | | |
|--|---|
| <input type="checkbox"/> Strategic Planning | <input checked="" type="checkbox"/> <u>Construction and Services</u> |
| <input type="checkbox"/> Sustainability and Climate Change | <input type="checkbox"/> Director-General |
| <input type="checkbox"/> Planning Delivery | <input type="checkbox"/> Deputy Director-General |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Other |
-

Response by:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> <u>Minister</u> | <input type="checkbox"/> Chief Minister | <input type="checkbox"/> Director-General ESDD |
| <input type="checkbox"/> Minister Chief of Staff | <input type="checkbox"/> Adviser | <input type="checkbox"/> Other: |
-

Action required:

X Reply to correspondence

- | | | |
|---|---|--|
| <input type="checkbox"/> Information brief | <input type="checkbox"/> Directorate Input | <input type="checkbox"/> Media Release / Media Alert (Produced in Consultation with Communications) |
| <input type="checkbox"/> Information only / NFA | <input type="checkbox"/> Dept Officer to attend | <input type="checkbox"/> Speech / Speaking Notes (Produced in Consultation with Communications) |
| <input type="checkbox"/> Phone constituent | <input type="checkbox"/> Functions Brief (inc arrangements brief) | <input type="checkbox"/> Questions and Answers |
| | <input type="checkbox"/> For appropriate action | <input type="checkbox"/> Other |
-

Meeting / Event:

Time:

Date:

Location:

Event Contact/Organiser:

Equipment:

Further Information:

Also attached are links to related files from [redacted] from EPD and Minister Gentleman.

From: [Howell, Elizabeth](#) on behalf of [CMCD DLO](#)
To: [McEvoy, Justin](#)
Cc: [Bourne, Sarah](#); [CMTD MLO](#)
Subject: RE: request to transfer mincorro - 10 McKail Crescent Stirling - [REDACTED]
Date: Thursday, 2 April 2015 3:36:17 PM
Attachments: [Corro from \[REDACTED\]](#)
[Minister response 15_01960.docx](#)
[MINISTERIAL CORRESPONDENCE - 10 McKail Crescent Stirling - \[REDACTED\]](#)

Hi Justin

Transfer accepted.

MLO team – can you please arrange transfer to Access Canberra – Construction Services.

Thanks
Elizabeth

From: McEvoy, Justin
Sent: Thursday, 2 April 2015 9:57 AM
To: CMCD DLO
Cc: Bourne, Sarah
Subject: request to transfer mincorro - 10 McKail Crescent Stirling - [REDACTED]

Hi Elizabeth

The attached correspondence from 27 January 2015 relates to an issue managed by the former land regulation area in EPD. The file reference number in EPD is 15/01960. There has been regular letters from neighbours and their representatives seeking progress reports on government action to clean up the subject site.

The draft response was not progressed by the minister's office primarily as it provided an interim response to key questions raised by [REDACTED]. In particular, report on whether paperwork was completed or action taken by ACT rangers to relocate or approve the use of the verge for storage /shipping containers. The response noted the lessee was provided with paperwork and advised to submit an approval by January for consideration. I have requested advice from TAMS on this matter and have copied Sarah into this email.

Responsibility for matters raised by the constituent site with Access Canberra. Would Access Canberra accept the transfer?

Regards

Justin McEvoy | Planning Directorate Liaison Officer
[REDACTED]

Environment and Planning | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 CANBERRA ACT 2601 |
www.planning.act.gov.au