



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2020-159

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	20
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: EPSDFOI
Subject: Re: FOI Request - Demolition orders issued by ACTPLA/EPSSD to remove unapproved structures
Date: Friday, 21 August 2020 10:59:20 AM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To Whom it May Concern,

Thank you for the below response.

With this information in mind, we would like to request (under the Freedom of Information Act 2016), information regarding the issuing of these control orders. In particular:

- We request the number of Control Activity Orders issued by Government Inspectors since 01/01/2018
- We request the nature of these Control Activity Orders (for example: Demolition of Unapproved Structures, Orders to Rectify Structures) within this same period.

If it is necessary for this request to be transferred to CMTEDD then we are happy for this to occur.

In regards to the resources required for this task, we hope that this reduction in time frames is more reasonable. Will the nature of these requests incur any charge due to their nature?

Thank you,

[REDACTED]



From: EPSDFOI <EPSDFOI@act.gov.au>
Sent: Thursday, 13 August 2020 4:56 PM
To: [REDACTED]
Subject: FOI Request - Demolition orders issued by ACTPLA/EPSSD to remove unapproved structures

OFFICIAL

Dear [REDACTED]

I confirm your application (below) was received by Environment, Planning and Sustainable Development Directorate (EPSSD). No documents relevant to your request are held by the Directorate.

I have received confirmation from Chief Minister, Treasury and Economic Development Directorate (CMTEDD), that they may hold documents relevant to your request, however due to the broad scope of the request, a refusal to deal with the application under section 43(1)(a) of the *Freedom of Information Act 2016* will be the most likely outcome. The response from Strategic Compliance and Coordination, Construction and Utilities, CMTEDD is that unfortunately it would be an unreasonable

diversion of Access Canberra resources to find the statistics as building documents over the last 20 years have been stored over multiple electronic databases and hard copy files. There are currently over 100,000 building files in the ACT and to go through every single one of these would be an enormous task to say the least. Additionally, Access Canberra does not issue "demolition orders" as such for unapproved building work. Access Canberra has a policy of engage and educate where they work with the public to either go through the necessary approvals or bring structures into compliance. Under the *Planning and Development Act 2007* ACT Government inspectors have the authority to issue a Controlled Activity Order. These orders can include demolition of unapproved structures, but are not limited to this, and may relate to rectification works and Development Applications being made. Additionally Under the *Construction Occupation (Licensing) Act 2004* the ACT Government inspectors have the authority to issue a Rectification Order if the inspector believes on reasonable grounds that building work was not done in accordance with the Act. This may also involve demolition of structures or other action to rectify non-compliant building work. It would therefore be very difficult to determine how many demolition orders were made as it would require having to go through all Controlled Activity Orders and Rectification Orders.

Please advise if you would like EPSDD to transfer your application (below) to CMTEDD for processing or that you would like to withdraw your application (below) and resubmit a revised application (with specific examples) directly to CMTEDDFOI@act.gov.au.

Should you have any further queries in relation to your request please don't hesitate to contact me on 6207 5363.

Kind Regards

Jane

Jane Kuffner

Freedom of Information and Records Officer | Governance, Compliance and Legal
Environment, Planning and Sustainable Development Directorate | ACT Government

Phone 02 6207 5363 | Email: Jane.Kuffner@act.gov.au

Level 5, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601

From: [REDACTED]

Sent: Thursday, 30 July 2020 12:23 PM

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

Subject: FOI Request

Dear Freedom of Information Team,

We make an application under the *Freedom of Information Act 2016*. We desire a written response, with copies of supporting documents, to the following question.

1. In the last 20 years (i.e. since the 01/01/2000), how many demolition orders have been issued by ACTPLA/EPSDD to remove an unapproved structure?

If any clarification is required please do let me know either through email [REDACTED] or call on [REDACTED].

Kind regards,

[REDACTED]



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contents to any other person.




ACT
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Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-159



via email: 

Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 24 August 2020, in which you sought access to:

Specifically, you are seeking:

- The number of Control Activity Orders issued by Government Inspectors since 01/01/2018.
- The nature of these Control Activity Orders (for example: Demolition of Unapproved Structures, Orders to Rectify Structures) within this same period.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 21 September 2020.

Decision on access

Searches were completed for relevant documents and 1 document was identified that falls within the scope of your request.

I have decided to grant full access to the relevant document. The document released to you is provided as **Attachment B** to this letter.

Charges

Processing charges are not applicable for this request because the number of pages being released to you is less than the charging threshold of 50.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 24 September 2020. Your personal contact details will not be

published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2020>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

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

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

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

Yours sincerely,



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

21 September 2020

RE: CMTEDD FOI 2020-159

The Information Access Team has received a freedom of information request for all information in the possession of CMTEDD in relation to:

The number of Control Activity Orders issued by Government Inspectors since 01/01/2018

From 1 January 2018 to 20 August 2020, Access Canberra has issued **18 Controlled Activity Orders (CAO)**.

These orders are subject to review by the ACT Civil and Administrative Tribunal.

The nature of these Control Activity Orders (for example: Demolition of Unapproved Structures, Orders to Rectify Structures) within this same period.

The nature of the Controlled Activity Orders for the 18 issued were:

OUR REF	DATE	NATURE OF CONTROLLED ACTIVITY ORDER
5877	31/10/2018	Having a building or structure that was constructed without approval – obtain development approval or demolish structure.
1216	1/11/2018	Works undertaken and structures built on public land – demolish structure and restore damaged public land
6272	13/12/2018	Failing to keep a leasehold clean, having a building or structure that was constructed without approval – Clean leasehold; and obtain development approval or exemption; or demolish structure
6196	19/12/2018	Having a building or structure that was constructed without approval – demolish structure
6183	16/05/2019	Having a building or structure that was constructed without approval - remove the structure.
6284	26/04/2019	Unapproved structure – remove the structure or obtain development approval.
6331	24/07/2019	Failing to keep a leasehold clean – Clean lease and ensure it is kept clean
6331	24/07/2019	Failing to keep a leasehold clean – Clean lease and ensure it is kept clean
6331	24/07/2019	Failing to keep a leasehold clean – Clean lease and ensure it is kept clean
6331	24/07/2019	Failing to keep a leasehold clean – Clean lease and ensure it is kept clean
6310	15/11/2019	Undertaking development without approval / development other than in accordance with development approval - cease using structure; obtain development approval; remove structure or obtain development approval
7266	06/02/2020	Undertaking development without approval – install approved structures or obtain development approval
7157	18/03/2020	Undertaking Development without approval; development not in accordance with Development Approval – Remove Development or obtain development approval

14291	01/04/2020	Failing to keep a leasehold clean – Clean lease and ensure it is kept clean
10512	05/06/2020	Undertaking development without approval; unapproved structure – remove the structure
8264	18/06/2020	Undertaking development without approval; Unapproved structure – remove the structure or obtain development approval.
7583	31/07/2020	Failing to keep a leasehold clean – Clean lease and ensure it is kept clean
13093	20/08/2020	Having a building or structure that was constructed without approval – remove the structure or obtain development approval.