



DPA-04 Missing Middle Housing Reform

Answer to question taken on notice

Asked by: Ms Fiona Carrick MLA

Addressed to: Minister for Planning and Sustainable Development

In relation to: DA applications and tree removals

Hearing: 12 February 2026

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MS CARRICK: It is down— Lady Denman Drive, of the dam. So, I was just also going to ask, how often does the planning directorate override the conservator when it comes to trees?

Mr Engele: So how often do they—

MS CARRICK: Yes.

Mr Engele: So it is the departure from the views expressed from the conservator.

MS CARRICK: Yes.

Mr Engele: So I would have to take on notice. And we do not have the chief planner here. But happy to take on notice. In relation to trees, specifically?

MS CARRICK: Yes.

Mr Engele: Yes, we can try and get some information.

MS CARRICK: What else would there be?

THE CHAIR: And maybe, Fiona, do you want it for each year, for a period of time?

MS CARRICK: Yes, for a period of time, over five years? Can you do over five years?

THE CHAIR: Yes, so maybe how often each year of the last five years?

Mr Engele: I will see if Ms Kaucz can answer— or provide a bit more clarity on that.

Ms Kaucz: Alex Kaucz, Executive Branch Manager, Statutory Assessments. So with the DAs, we do not have specific figures on the number of times we do it. We can look that up and find the— over the past year or something. So we do look at whether or not the removal of a tree is supported on design grounds. So if it is located in the middle of a block, for instance.

MS CARRICK: Yes.

Ms Kaucz: It might be that you cannot develop the site without the removal of the tree. So we can find out some—

MS CARRICK: Can you see over the last five years how many— each year, how many times the conservator has been overruled?

Ms Kaucz: We will do our best to find out that information.

MS CARRICK: Because in the decision— it will be in the decision.

THE CHAIR: Go off and have a look.

Ms Kaucz: Yes.

THE CHAIR: And if for some reason that level of work is onerous, come back to our secretariat, who will check with us, and we will ...(indistinct)... [3.15.46]

Ms Kaucz: Yes, we will let you know what we can find—

THE CHAIR: But it might be useful to get pre and post new planning system, so there your five years is quite useful.

Ms Kaucz: Yes. Yes, we can do that.

Chris Steel MLA: The answer to the Member's question is as follows -

Development applications (DAs) are assessed by the independent Territory Planning Authority (the Authority). During the statutory process, the Authority will refer the DA to a number of entities depending on the nature and complexity of the development proposal.

Under section 190 of the *Planning Act 2023*, the Authority is able to depart from entity advice if the decision will significantly improve the planning outcome to be achieved. In doing so, the decision maker will consider the desired outcomes, as per the Territory Plan, and whether there is any reasonable alternative design in relation to the proposal. During the assessment process, any departure from entity advice is referred to an internal assessment panel that consists of senior assessment officers from the Authority and officers from relevant entities.

In April 2025, the Authority began tracking the total number of applications considered by the Panel, including information such as departures from entity advice. According to data from eDev reports, between 1 April 2025 and today, 659 development applications (DAs) have been determined.

The breakdown of these determinations is as follows:

- 3 Impact Track
- 17 Merit Track
- 35 Significant Track
- 604 Standard Track

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In addition, seven DAs were withdrawn during this period.

Previous to this tracking, departures were documented in the individual briefs and meeting minutes which is added to each individual DA file.

As such, the Authority only has information readily available since April 2025. Since April 2025, the Authority has departed from the Conservator of Flora and Fauna advice on 42 DAs. The reasons for the departure are outlined in the notice of the decision for each DA.

Retrieving records for the last 5 years would require manually reviewing each DA and determining whether there has been a departure. This would require significant resources.

Approved for circulation to the Standing Committee on Environment and Planning

Signature:



Date:

26/2/26

By the Minister for Planning and Sustainable Development, Mr Chris Steel MLA