



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL
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Submission Cover Sheet

Engagement with Development Application Processes in the ACT

Submission Number: 061 - Klovdahl

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The Committee Secretary,
Standing Committee on Planning and Urban Renewal,
Legislative Assembly for the ACT,
GPO Box 1020, CANBERRA ACT 2601.

Re: Inquiry into Engagement with Development Application Processes in the ACT

Although I have a number of suggestions I would like to make regarding the Development Application [DA] process, time limits me to only a few:

Terms of Reference:

1) Community engagement and participation in the Development Application process

a) The last time I checked the Development Application finder app, one could only specify a narrow area of interest. One should be able to specify, across the whole of the A.C.T., a suburb of interest, any Centre(s) of interest (and their catchment areas), any Lease or Lease type of interest, any institution or type of institution of interest, and so on, ... and be automatically emailed notification of any DA in one or more of these categories. This would lead to a more transparent and effective planning for Canberra and the A.C.T. as a whole.

In order to promote more informed discussion, and reduce spurious objections, each DA should be required to contain a copy of the relevant Lease(s) and any approved variations. This material should include the terms on which the lease was granted, any variation to those terms, including any concessions given initially or subsequently.

b) An effective consultation process should be required for all DAs (and variations of DAs) of significance. DAs affecting a local shopping Centre, a Group Centre, a Town Centre, and so on, affect more people. Thus, generally these are more significant than a DA for a single residence dwelling. This said, in any society that values the rule of law and the rights of individuals, DAs that adversely affect single residences (for example, safety or amenity), and may set precedents for other single residences, can assume a significance requiring greater notification and consultation.

Regarding consultations, where local, group, town centres, Civic, or leases of wide significance (e.g., concessional leases) are involved, proposers should be required to hold well-advertised consultation presentations/meetings, at least two (preferably three), in which members of the community and other interested parties can be informed of proposals, be given ample opportunity to ask questions, hear the questions of others, ... as well as the answers provided. The present consultation process has deteriorated into a 'drop in' session (or two), in which few can hear the questions of others or the answers given (some of which might allay their own concerns). Alternatively, 'consultations' may be considered adequate if a short presentation is made at

a community council meeting, of which few potentially affected community members are aware and hence able to attend.

Beyond this, 'consultations' often seem to occur after basic plans have been set, perhaps at considerable expense to a developer. Consultations held earlier in the process would help developers gauge community sentiment, may yield ideas that increase the economic returns of a proposed development, and can save lengthy delays ... perhaps occasionally suggesting continued pursuit of a particular project is not cost-effective and developer resources are better spent on other projects.

The present DA notification processes are not adequate. An improvement to the Development Application finder app can help to improve this, e.g., as noted by allowing for automatic notifications for areas of specified interests.

Beyond this, the current signage is not adequate. Often ACTPLA notification signs contain inaccurate information, heights specified in storeys rather than metres, and are characterised by questionable placement.

As well, notification signs should be proportional in size to the number of people potentially affected. The current signs are of suitable size for ordinary single residence DAs, but for developments affecting local centres, group centres, concessional leases, and so on, notification signs should be of a size and placement easily visible to all passersby who could be affected, with sign costs borne by the proposer (not ACTPLA).

c) Material related to Development Applications should be archived [except in relation to some buildings (e.g., A.C.T., Federal Government, foreign government buildings such as embassies, critical infrastructure buildings) where security concerns might be an issue (e.g. the Australian Tax Office, Telstra)]. Archived DA materials should be made available via an ACTPLA DA page in most cases; in others, the material should be available on request, for no charge or minimal charge. In the world in which we live there should be automatic exclusions for some residences, such as those occupied by local, State and Federal politicians, foreign diplomats and staff members, protected persons, police [think Colin Winchester here], and anyone who can make a case at or above the requirements to merit a 'silent' Electoral Roll entry. The aim would be to have a great deal of access to archival DAs, including in a timely manner during construction and amendment phases, and at the same time not so few exceptions that it would be possible to find the residence of, say, a protected person.

Following on, representations lodged in relation to any DA should be made available in a de-identified form – not just to developers – but to community members except where the number of representations submitted in relation to a DA is fewer than the number the Australian Bureau of Statistics uses as the cut-off number for not publishing data in relation to an area, a group, or similar. Of course, this leads to the issue of defamation as well as 'SLAPP's [Strategic Lawsuits to Against Public Participation].

For readily accessible information on SLAPPs see:

<https://www.google.com/search?q=SLAPP&ie=utf-8&oe=utf-8&client=firefox-b>

The problem is to find the best way to allow community members to express their personal opinions in relation to a DA, based on the facts as they see them, to allow interested community members to be informed of the views of others (for and against), while at the same time not allowing anyone free reign to libel developers (or others). And, ... without the ACT Government incurring the costs of vetting each representation for defamation. Perhaps one approach might be to allow individuals with relevant interests to view de-identified copies of representations at ACTPLA offices (or similar), take notes of key points if they wish, which would reduce the number of people to whom any single representation is published to a very small number ... though this is a question for persons with the relevant legal expertise.

3) Development Application compliance assessment and enforcement measures. I do not believe I am being a cynic when I ask: What compliance assessment and enforcement measures?

5) Any other relevant matter.

A DA for any proposed residential and/or office development for which the height of the lowest functioning window (though which a person may exit in an emergency) is greater than three metres should be required to indicate the emergency equipment [e.g., fire appliance(s)] available in Canberra to evacuate safely persons unable to access a standard or an emergency exit should the need arise.

Think Grenville Tower fire [‘towering inferno’] here, think of the requirement for developers to include 10% accessibility units in multi-dwelling residences (including for persons who may not be able to use stairs), think about requiring provisions of unimpeded space for helicopter landings on the tops of high-rise apartment buildings, think about the desirability of adding an ‘emergency evacuation’ levy on developers of high-rise apartments, proportional to height, to allow the A.C.T. government to fund the kinds of emergency equipment taken for granted in cities overseas with high-rise apartments.

Finally, think of Canberra as not just any city, but as the Federal Capital of Australia.

Yours sincerely,

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23 August 2018