



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

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Submission to the Inquiry into Engagement with Development Application Processes in the ACT

I am a relative newcomer to engagement with the ACT's processes for urban planning and development applications. My initial involvement was with the community consultations for the Curtin Group Centre Master Plan in December 2015. I have continued to be involved in this process, including participation in the Community Panel for this Master Plan. Proponents for particular developments participated in this Panel and there was discussion about potential developments prior to the submission of a formal Development Application (DA).

I was also involved, as a member of the Curtin community and the Curtin Residents Association, in the community's response to the DA of December 2016 for 44 Curtin Place. Subsequently I have participated in community discussion of a number of proposed developments in the Woden Town Centre at the pre-DA submission stage.

One of my main conclusions from these activities is that most ACT residents do not understand the ACT's planning system and how DAs are assessed. For example, at a recent public meeting organised by the Curtin Residents Association it became apparent that a number of participants did not know that DAs can be assessed either against a set of rules or against criteria if the developer choosing merit track assessment – and these people were engaged in the planning process.

This lack of understanding contributes to feelings of inability to effectively respond to DAs, particularly for significant developments, and will contribute to a lack of engagement with the DA process. Community engagement would be improved if more ACT residents understood the ACT's Development Application and assessment processes.

The ACT's Environment, Planning and Sustainable Development Department (EPSDD) should hold regular (one or two each year) information sessions for the ACT community about the Territory Plan and the ACT's Development Application and assessment processes.

Pre-DA submission community consultation

My experience of community consultation prior to submission of a DA for a significant development is that consultation by the developer is perfunctory (the consultations in June 2016 for 44 Curtin Place were an exception) and that the developer has no interest in, and pays no attention to, issues raised by the community that might lead them to changing their proposal (the consultation for 44 Curtin Place was not an exception to this). So, for example, requests to present alternative designs that respond to substantial community concerns are ignored.

The *Pre DA Community Consultation Guidelines for Prescribed Developments* released in 2017 may result in some improvement in the community consultation process; however, additional strengthening of the community consultation process is warranted. For example, there should be more than one face-to-face consultation session, with sufficient time between sessions to enable the community to assess what's proposed and the developer to work on alternative designs that respond to community concerns.

Also the documentation of the community consultation provided as part of the DA should include both concerns raised by the community and the developer's response to each concern (including "no changes made or alternative design presented") and the rationale for this response.

The report that is to be part of the DA documentation should be made available to the community for comment prior to submission of the DA.

Assessment of DAs

The process of assessing DAs for areas of agreement, concern and objection, places a substantial burden on members of the community, particularly for a significant development that is being assessed on the merit track – which is almost invariably the case for a significant development.

Areas of concern from a community perspective include how the criteria for a merit track assessment are interpreted and applied. More information about this would be helpful for community members.

Also, my experience is that information that the community believes is critical for their assessment of a DA against their concerns may be missing from the DA. One example is shadow diagrams for multiple times of the year, not just the winter solstice, and throughout the whole day, from dawn to dusk.

The period during which the community can make representations about a DA for a significant development should be increased so that the community can understand the DA fully and identify both areas of agreement, concern and objection and also apparent inconsistencies between various parts of the DA and what critical information is missing.

An additional step should be added to the planning and land authority's assessment process that enables the community to send questions to the authority about apparent inconsistencies between various parts of the DA and missing information that is impeding community assessment of the merits of the DA. The planning and land authority would then decide whether to contact the proponent of the DA about providing additional information and lengthening the period for representations.

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