

2022

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

Exercise of call-in powers DA202139349 - Block 1 Section 51 McKellar
Pursuant to the *Planning and Development Act 2007*

STATEMENT

Mr Mick Gentleman MLA
Minister for Planning and Land Management
SEPTEMBER 2022

On 14 April 2022, in my capacity as the Minister for Planning and Land Management and using my powers under section 158 of the *Planning and Development Act 2007*, I directed the ACT Planning and Land Authority to refer Development Application No. 202139349 to me.

The development application sought approval for demolition of existing concrete pad, construction of one residential and commercial mixed use building and one commercial building, carparking and associated carport structure, internal driveway, landscaping, verge crossing, verge works and associated site and off-site works.

On 4 August 2022, I refused the application under section 162 of the *Planning and Development Act 2007* using my Ministerial call-in powers.

In making the decision, I gave careful consideration to the requirements of the Territory Plan, the advice of Transport Canberra and City Services; Icon Water; EvoEnergy; Environment Protection Authority and ACT Emergency Services Agency, as required by the legislation and the ACT Planning and Land Authority.

I also gave consideration to the representations received by the ACT Planning and Land Authority during the public notification period for the development application that occurred between 5 November 2021 to 26 November 2021.

I refused the development application due to the cumulative impact that several elements of the proposal will have on the site, its surrounds and the wider suburb of McKellar. These elements, among other items, include:

- failure to preserve the local centre;
- failure to preserve future opportunities for commercial development;
- failure to achieve the zone objectives of the local centres zone;

- inconsistencies with the desired character of the area;
- potential issues with parking;
- a shortfall in documentation;
- failure to provide a proposal that integrate properly with the existing local centre; and
- inconsistencies with the Territory Plan.

The *Planning and Development Act 2007* provides for specific criteria in relation to the exercise of my call-in powers.

I have used my call-in powers in this instance because I consider the proposal will have a substantial impact on the suburb of McKellar, particularly by limiting future opportunities for the local centre, particularly opportunities for commercial development.

The proposal fails to give consideration the wider needs of the McKellar community and the need for a commercial centre in the area. The development prioritises private residential use over the commercial potential and possible future opportunities provided by the subject site. Approval of the proposed development will directly impact the establishment of a commercially viable local centre in the suburb of McKellar.

When viewed in broader context the development also fails to consider the changing social and economic needs of the McKellar community.

Efforts should be made through the development of the site to appropriately address and integrate the development with the existing local centre. Local centres form an important part of our urban fabric - providing places where local communities can shop, meet and socialise.

It is important that local centres be carefully developed, taking into account the needs of the community, preserving future commercial potential and retail opportunities, and growing the community values of these sites. The desired future character and potential of local centres should not be compromised.

The McKellar local centre and the wider community would benefit from further commercial development that allows for a variety of uses that would complement the existing centre and the needs of current and future McKellar residents.

The use of my ability to 'call-in' this development application will safeguard future opportunities for commercial development and the betterment of the existing McKellar local centre whilst preserving the important facility.

Section 161(2) of the *Planning and Development Act 2007* specifies that, if I decide an application, I must table a statement in the Legislative Assembly not later than three sitting days after the day of the decision.

As required by the Act, and for the benefit of the members, I table a statement providing a description of the proposed development, details of the land on where the development is proposed to take place, the name of the applicant, details of my decision for the application and reasons for the decision. This statement includes a copy of the notice of decision.