



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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- More clear guidance needs to be provided publicly, and in one place, on the interpretation of compliance against criteria including the interplay of rules and what would be regarded as acceptable in term of divergence from rules.
- Where the ACT Conservator of Flora and Fauna or any other Government authority objects to a DA, the Planning Authority should take seriously the requirement to consider other realistic alternatives, including alternatives that reduce the scale of the development (eg, reducing the number of dwellings or overall footprint of the development).
- The Planning Authority should not be influenced by economic arguments made by the developer in the context of considering realistic alternatives
- When plans are revised and submitted to the Planning Authority for reconsideration, they should be made available to all affected parties, including neighbours who did not object to the original DA.
- DA approval/plans should not be released until the statutory period of 20 working days has passed and the Planning Authority is satisfied that no request for appeal has been lodged
 - We had the experience of the Planning Authority prematurely releasing stamped plans after we had lodged our appeal with ACAT
 - The developer exploited this administrative error by commencing development, including removing protected trees on the block.
 - Despite numerous complaints lodged through Access Canberra and directly with the Planning Authority's contact officers, the developer continued building work for a period of 10 days
 - There appeared to be a lack of process or escalation procedure to deal with the above issues
- The Planning Authority's enforcement capability needs to be strengthened, including the power to stop developments that do not have an approval in force or do not comply with conditions that form part of the development approval (eg Tree Management plans, traffic management plans)
 - There is an over reliance on Building Certifiers, who are appointed and remunerated by the developer.