



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

Ms Caroline Le Couteur MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair)

Ms Tara Cheyne MLA, Mr James Milligan MLA, Mr Mark Parton MLA

## Submission Cover Sheet

### Engagement with Development Application Processes in the ACT

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Standing Committee on Planning and Urban Renewal  
GPO Box 1020  
CANBERRA ACT 2601

Email: [LACommitteePUR@parliament.act.gov.au](mailto:LACommitteePUR@parliament.act.gov.au)

### **PIA ACT Submission to ACT Legislative Assembly Planning Committee Inquiry into Engagement with Development Application Processes in the ACT**

The Planning Institute of Australia (PIA) is the national association representing professional town planners throughout Australia and has a total membership of about 5,300, together with over 4,000 other planners who participate in PIA's professional development program. The ACT Division of the Planning Institute of Australia (PIA ACT) is led by a committee of members who voluntarily help advance the planning profession in the ACT.

The Development Application process is fundamental to the livelihood of many of PIA members and achieving quality outcomes through the DA process is one of the key objectives of all professional planners. As such, the Inquiry being undertaken by the Committee is of significant interest to PIA ACT.

An efficient and effective development application process achieving the best possible outcomes is critical to Canberra's productivity and liveability. PIA ACT recognise that the local development industry is a vital part of Canberra's economy, and achieving quality development is a key challenge facing Canberra.

The continuous improvement of the development application processes will contribute to the achievement of good planning outcomes to the benefit of Canberra. However, PIA ACT accept there will always be debates over what form of development constitutes a "good planning outcome".

For PIA ACT good planning can be achieved under the following circumstances:

- Planning instruments that are performance-based, responsive, equitable, legible and provide certainty around planned outcomes and milestones;
- Planning rules and approval conditions that deliver positive environmental and social outcomes;
- Opportunities for the community and key stakeholders to actively contribute to the planning process in a manner that is effective, inclusive, respectful of community values and genuine;
- Advice and support from a range of disciplines such as urban design, engineering, transport planning, social planning, ecology, and/or a range of others, that inform and add value to the planning efforts;
- Strong leadership from both the industry and elected members that values and respects the need and benefits of effective planning;

- Legislation and governance structures that facilitate integration of national, state, regional and local policies in a clear hierarchy, including spatial plans at both regional and local scales;
- Evidence-based strategic planning at all levels of government, and a demonstrated commitment to implement plans aligned with infrastructure funding and delivery;
- A planning profession and workplace culture that delivers and embraces the value of planning.

Clearly the development application process is fundamental to the above elements of good planning and, for this reason, PIA ACT appreciates the opportunity to prepare a submission for the Committee's consideration.

We note that although the title of the inquiry relates to engagement with the DA process, the terms of reference are actually much broader, including:

- 1) *Community engagement and participation in the Development Application process including:*
  - a) *the accessibility and clarity of information on Development Applications and Development Application processes, including Development Application signage; the Development Application finder app; and online resources;*
  - b) *pre- Development Application consultation and statutory notification processes; and*
  - c) *the availability and accessibility of current and historical Development Applications and decisions in relation to Development Applications, including reasons for Development Application approvals, conditions or rejections.*
- 2) *The accessibility and effectiveness of Development Application processes, including:*
  - a) *the information provided in relation to the requirements for Development Applications;*
  - b) *the current development assessment track system;*
  - c) *the Development Application e-lodgement and tracking system, e-Development;*
  - d) *processing times for Development Applications;*
  - e) *retrospective Development Applications;*
  - f) *reconsideration and appeal processes; and*
  - g) *Heritage, Tree Protection and Environmental assessments.*
- 3) *Development Application compliance assessment and enforcement measures.*
- 4) *Development Application practices and principles used in other Australian jurisdictions.*
- 5) *Any other relevant matter.*

The matters of inquiry are of significant relevance to the work of PIA members. In this regard, PIA ACT held a series of workshops with PIA members to gain feedback on the matters listed in the Terms of Reference and ensure broad professional input was obtained prior to preparing our submission to the Inquiry.

Three workshops were held during May 2018 including:

1. PIA Members who are consultants working in the DA field on a day-to-day basis (for convenience, this workshop is referred to below as the "Consultants" workshop)
2. PIA Members who work within ACT Government either directly in DA Assessment, or work in areas associated with DAs (this workshop is referred to as "Government" workshop); and

- PIA Members who do not work in the DA field on a regular basis, but are involved in the outcomes of the DA process (this workshop is referred to as “Other Planners” workshop).

## **Summary of Workshop Outcomes**

The following is a summary of the matters discussed at each of the three workshops. While each workshop did not follow directly the items listed in the Terms of Reference for the Inquiry, the comments made by participants at the workshops have been edited and included in the respective Term of Reference as detailed below.

### **1) Community engagement and participation in the Development Application process**

#### ***a) the accessibility and clarity of information***

The views of the three workshops were similar in that there is not a strong view in regard to the accessibility and clarity of information. It is generally considered that the information available to residents is similar to other comparable jurisdictions.

PIA ACT support additional information being made available on the EPSDD Website and/or DA Finder App, such as Notices of Decision, DA amendments etc, provided this does not divert staff and resources from the time allocated to DA Assessment.

#### ***b) pre-Development Application consultation***

All workshops agreed that early consultation with the community was an important component of the development process. The Government workshop considered that pre-DA consultation has proven beneficial to the DA assessment process for a number of more contentious development proposals. However, more commonly it allows ACTPLA staff to see the initial community response to proposals.

The Government workshop considered that the pre-DA consultation for proposals subject to Environmental Impact Assessment should be more structured to ensure information provided allowed the community to be properly informed.

It was considered that the Website detailing Pre-DA Consultations needs to be more accessible and documents available in timely manner. This is currently not resourced and requires technical officers to maintain the system.

The Consultant workshop considered that the requirement for a Consultation Report quantifying DA Consultation and statutory notification processes is useful for EPSDD and the community as it requires applicants to demonstrate what has occurred, or why comments received haven't been incorporated into the project.

However, the Consultant workshop noted that community consultation is very resource intensive and therefore quite expensive for applicants. This has a flow-on effect in regards housing affordability etc.

In addition, the Consultants workshop also noted that it was common for community members being consulted to consider that the process was in effect devolving the decision making to them. As such, if some community members opposed a project, and the project wasn't abandoned in response to their comment, then it is alleged that the consultation was a 'sham'. The workshop noted circumstances where the pre-DA consultation process can

be 'distorted' by a couple of community members with strong views. The Consultation Guidelines do not adequately define the role of Community Council's or residents' groups in the Pre-DA consultation process.

In regard to "stakeholder" Consultation (rather than community consultation discussed above), the Government workshop considered the Design Review Panel is providing effective results, but Panel meetings need to be more frequent. The Panel provides the EPSDD/ACTPLA Assessing Officer more confidence in considering the merits of a proposal. However, not all key Agencies are part of the Panel (e.g. CRA) and not all Government projects are referred to the Panel.

In regard to pre-Development Application meetings, the Consultant workshop considered that the administrative processes required and time delays to secure a meeting were not worth the outcome, unless a Senior Assessing Officer was present at the meeting. These pre-Development Application meetings may be helpful for the one-off developer, but mostly only outlined processes and highlighted key issues (of which Consultant planners are already aware) rather than providing any definitive advice as to whether the departures etc from standard requirements may be acceptable.

The Government workshop considered that reliability of Agencies attending the pre-application meetings could be improved and their advice could be more valuable if their requirements were clarified prior to the meeting. However, it was considered that the pre-application meeting process was effective and helpful to applicants.

The other Planners workshop considered the early community consultation of major projects beneficial. However, it seemed that outcomes of some consultation exercises were heavily influenced by lay-person opinions on aesthetics and design quality.

## **2) The accessibility and effectiveness of Development Application processes, including:**

### ***a) the information provided in relation to the requirements for Development Applications;***

The Consultant's workshop considered that the information requested by ACTPLA for DA lodgement is appropriate and similar to NSW. However, it was of concern that the level of documentation required is not consistent. For example, the responses provided by some applicants to Statements against Criteria are simply "Complies". This is not considered an acceptable level of documentation to support a DA.

The Government workshop considered that the extent of supporting documentation should depend on the complexity of the development proposal. Overly long reports providing extensive responses to simple issues can actually add to the workload of the assessing officer. Minor works and simple development proposals only need a simple statement confirming compliance with Codes. However, the Statements against Criteria provided by applicants assisted the assessing officer for the more significant development proposals. It was considered that possibly only more significant developments (i.e. residential development larger than a Dual Occupancy) should be required to lodge a Statement against Criteria.

The Government workshop was concerned that the advice to 'first-time' applicants through the DA documentation requirements on the EPSDD website may not be as effective as

possible. It results in some applicants only submitting what is 'legally' required, rather than more appropriately documenting their proposal. The guidelines for applicants should emphasise the focus is to be on the development outcome, not the administrative process.

Any increase in the level of documentation requirements will affect the proponents of minor developments (e.g. for carports, extensions etc that do not meet requirements to be exempt from a DA). In addition, a number of current documentation requirements (e.g. WSUD provisions) are not understood by many applicants.

The quality of documentation for DAs subject to detailed environmental assessment (such as bilateral agreements), was considered by the Government workshop to be quite good.

The Consultant Workshop considered that the supporting documentation required (i.e. Statements against Criteria) provides the opportunity for applicants to justify the development proposal and should be considered an important input into the DA Assessment process.

The Statements against Criteria are similar to the reporting requirements of other jurisdictions (e.g. Statement of Environmental Effects in NSW) and reflects whether it meets statutory requirements.

The key concern is the Territory Plan Codes themselves where there is opportunity to achieve exceptional development outcomes, but the DA assessment system has, over time, been diminished and now basic assessment against numerical rules prevails to the detriment of consideration of performance standards to achieve quality development. This is reinforced through the limited objectives under the Territory Plan. Specifically, the zone objectives do not provide clear guidance as to what one should expect in specific zones. Similarly, the Territory Plan Codes make numerous references to "desired character", however, this is rarely enunciated in the Codes.

Where it is not explicitly referenced in a Precinct Code the applicant is required to relate back to the zone objectives, which give no real guidance in relation to desired character. The ACT Government made a commitment to provide a series of character statements when the Territory Plan was re-written in 2008. This has not occurred, and this deficiency is seen as a deterrent to achieving high quality outcomes.

The Other Planners workshop considered there is a need for good quality advice provided to applicants at the pre-application discussions. There was concern that Agencies are not prepared to commit to a good project early in the process and do not provide 'in-principle' support. The documentation requirements seemed to reflect a 'one-size-fits-all' approach and does not reflect the scale of specific projects. The Territory Plan is considered to be very cumbersome and potentially just 'gets in the way' of good outcomes. Any quality outcomes are possibly achieved in spite of the Territory Plan, rather than because of it. Detailed controls relating to solar access, gross floor area etc are not worth it.

***b) the current development assessment track system;***

The Government workshop felt that the current track assessment system wasn't understood by the community and therefore wasn't working for the community. It resulted in a tendency for applicants to meet minimum requirements with no aspiration/incentive to exceed requirements. The number of current Codes and their length (number of Rules/Criteria in each Code) was a significant failure in the system.

There is opportunity to further consider certain development proposals that could be assessed as Code Track, rather than Merit Track. However, this may have adverse effect on design quality. Notwithstanding, the Government workshop considered that there was significant opportunity to review and simplify the Territory Plan and associated Codes. Specifically, the workshop considered that there is opportunity to review the extent of mandatory rules, particularly in regard to Gross Floor Area requirements. In addition, there is opportunity to better link the numerical standards expressed in Rules to the performance standards required under a corresponding criterion.

The Other Planners workshop considered that the assessment tracks added to overall confusion of the DA process. There were 'blurred lines' between the Code, Merit, Impact tracks but the changes in the actual process was quite significant. Proponents securing EIS exemptions, or Environment Significance Opinions, prior to DA lodgement allowed the track to be changed which added to the confusion.

***c) the Development Application e-lodgement and tracking system;***

PIA ACT support the eDevelopment system and continuous improvement to meet current industry standards. However, the Consultant workshop considered that the eDevelopment system was not working in the way it should. Real-time feedback on issues with the current system would be appropriate together with more flexibility to deal with complex submissions, such as person-to-person contact or direct email to resolve upload issues. The system should allow applicants to contact ACTPLA direct and ask ACTPLA Officers to make agreed changes on eDevelopment platform when uploading information.

The Government workshop considered the system will be much improved when multiple document upload options are available, together with the potential to upload large documents and plans. However better resourcing of the system was required.

The system provides accurate and up-to-date information on DAs but it is not easy to negotiate through the system.

The Consultant workshop noted that the initial DA submission is the 'gateway' for the DA assessment process. This upload triggers the initial 'completeness check'. While this should be a quick review of the adequacy of documentation, it has evolved into an extended administrative and quasi-assessment process. The timeframes to achieve DA lodgement are often 3-4 weeks, which is extended if the documentation includes a simple error. Unfortunately, when the error is corrected, the DA goes through the completeness check process again resulting in more significant delays (when it should take only a few minutes for someone to confirm the error has been corrected, or the missing document provided). This results in an initial frustration for applicants and adds to pressure on the assessment officer. The timeframe for the initial completeness check is not part of the statutory timeframe for DAs (refer to Item 'd' below), so extensive delays at this point in the DA process go unrecorded but add to the overall development costs for the proponent. In some cases, the completeness check failure can be for reasons not related to the assessment of an application. The workshop also noted that it is sometimes difficult to provide information on a project, but ACTPLA may consider such information mandatory.

The need for lodgement of a "Form 4" providing lessee's consent to the application is an unnecessary administrative burden. While it is agreed that lessee's consent should be

required, the form is difficult to understand and is rejected by ACTPLA for simple errors (e.g. it is not clear where the lessee should sign the form).

The eDevelopment system should be more flexible in regard to updated naming conventions, particularly for Civil Engineering plans and other 'non-standard' plans as it is a major exercise to rename all technical drawings to meet naming conventions.

It is a good system but needs refining and updating and should allow access directly to the officer for major applications. The workshop noted the comparison to the NCA e-lodgement system which is much easier to use.

***d) processing times for Development Applications;***

The Consultant workshop considered that processing times were not good. ACT DA timeframes were often compared to NSW. However, ACT used 30 & 45 'working days' for DA assessment whereas NSW uses 40 'calendar' days, so the comparisons are sometimes misleading. ACTPLA records indicate that timeframes are met about 75-80% of the time. However, they are rarely met for more significant development proposals. Applicants in the ACT do not really have a choice other than to wait for an ACTPLA decision. The option to appeal to ACAT does not assist (unlike the comparable option in NSW to appeal to the Land & Environment Court). ACAT's track record is to take longer than ACTPLA to consider, determine and report on a DA. As such, the statutory timeframes for ACTPLA determination of a DA are considered reasonable, however, the percentage of DAs achieving the timeframe should be significantly increased through increased resourcing of ACTPLA.

The workshop considered that a 'real-time' information tracking system would be of benefit. The ability to see where a DA is up to, in detail (not just the eDevelopment "awaiting decision" type commentary) would reduce the number of calls and emails to assessing officers seeking advice of the DA status on behalf of proponents.

The Consultant workshop considered that ACTPLA should be resourced with a "Major Projects DA Assessment Team". This would allow larger developments (which attract significant DA fees) to be fast-tracked and include an ACTPLA "Project Manager" to guide the DA through the various processes and resolve any issues. This would provide assurance for developers/applicants that they are being responded to in a timely manner and proactive manner with focused attention on their development.

Current issues in relation to timeliness reflect understaffing at ACTPLA and that there are not sufficiently experienced staff to deal with more complex applications and developments.

It was considered that developers/applicants for significant development proposals would be willing to pay a premium to ensure more direct contact with assessment officers, quick advice in relation to emerging issues with the DA and a more timely decision. The increased costs to a developer of a delayed decision to a major project would outweigh the cost of paying a premium DA fee to have the DA 'fast-tracked'.

The Government workshop opposed the establishment of a separate major projects team to fast-track major DAs. It is considered that a specific team, would create a 'silo' as it would be an elite group that prevented exposure to complex issues for young planners and inhibited capacity building and learning for succession. The workshop considered the key issue was the proportion of time assessment planners spent actually assessing DAs, rather

than undertaking administrative tasks. Significant additional support staff are required to assist, particularly with document and plan management under the eDevelopment system.

The Government Workshop considered that there should be different timeframes applied to different forms of development. There needs to be a separate timeframe for Impact Track DAs requiring additional environmental assessment or referral to the Commonwealth. The overall EIS process takes 6 to 12 months, provided there has been sufficient early liaison between the applicant/proponent and ACTPLA early in the process. At the moment there is a timeframe of 30 working days if the DA receives no submissions during public notification, and 45 working days if submissions are received. In practice the timeframes are often 90 days for major projects / complex DAs and about 30 days for minor DAs.

The Government workshop suggested three timeframes, being:

- Minor DAs (10 to 15 working days), with reduced public notification.
- Commercial/ Industrial not too complex (30 to 45 days)
- EDPs and major developments (e.g. Panel) (90 days).

It is not possible to secure Entity support or to resolve all of the key concerns of Agencies if the timeframe is too short.

With regard to DA Amendments, the Consultant workshop considered that Amendments are not subject to a statutory timeframe and therefore gets put to the 'bottom of the pile'. The Amendment process should be faster and more streamlined. For many developments there are changes required, for example due to the availability of materials during construction, so Amendments should be recognised as an integral part of the development process.

The Government workshop considered that amendments to the quality of design outcomes from the initial development approval should be more strongly resisted. Possibly amendments should be 'signed off' by the original architect to ensure it is in context with what was originally intended. However, the process for minor DA Amendments should be simplified.

The Other Planners workshop considered that there was a strong need for ACTPLA to provide early up-front advice to applicants on key DA issues. The DA should be subject to an initial assessment, prior to formal public notification, and the applicant advised of any concerns. The applicant would have the option to amend the DA prior to notification or risk the need for re-notification if resolution of the issues required significant design changes. The workshop felt that when lengthy timeframes were involved, the community felt 'exhausted' and somewhat removed from the overall process. A quicker timeframe is better for applicants, proponents and the community in general. In addition, the workshop considered that DAs that are referred to the internal ACTPLA Major Projects Review Group should allow the applicant to make a presentation to the Group.

#### ***e) retrospective Development Applications;***

The Government workshop considered that the numbers of retrospective DAs were increasing and this was a result of proponents simply undertaking some activity that should have been the subject to a DA, but avoided the DA process. There is common knowledge among the development industry that the ACT Government is not strong on compliance. The DA Compliance team is within Access Canberra, not within ACTPLA and this may give

rise to the belief that proponents can risk any compliance action against works undertaken without approval.

The Consultant workshop considered that if an unauthorised action could be corrected through retrospective DA lodgement, then that was an appropriate process, particularly where the works are minor. It seems futile to require a proponent to demolish, say a minor structure, and then re-erect that structure when development approval was granted. Particularly if there was a strong likelihood that approval could and would be granted.

The Other Planners workshop did not hold any views in relation to retrospective DAs.

***f) reconsideration and appeal processes***

The Government workshop considered that the reconsideration process was working fine. The appeals process consumed significant staff resources.

The Consultant workshop considered that the ACAT could have a better filtering process to avoid 'spurious' appeals that are only intended to delay a project for commercial reasons. In addition, there may be the opportunity for the community to provide direct submissions to DAs through guided inputs (drop-down menus, radio buttons etc) that would focus the public comments to matters that are directly relevant to the DA.

The Other Planners workshop held mixed views over the extent of 3<sup>rd</sup> Party appeals, with some considering it should be expanded to enable stronger community input and others suggesting it should be removed and only limited to circumstances where ACTPLA have made an error at law (as is the case in NSW).

***g) Heritage, Tree Protection and Environmental assessments.***

The Government workshop considered that the current legislation is not working well. The advice of Entities can make simple projects beyond the capability of some 'first-time' proponents.

The Consultant workshop also considered that the Tree Protection legislation could be simplified and that the role of the Heritage Council should be further clarified, particularly in relation to referrals and advice outside the standard DA referral procedures.

The Other Planners workshop noted that ACT Heritage had established an internal DA Taskforce that can receive presentations from proponents. This is considered effective in resolving DAs for sites on the Heritage Register.

The Other Planners workshop also expressed concern that there was not sufficient punishment for persons who breached the Tree Act and removed trees prior to lodging a DA. In contrast, the workshop suggested that the inability of the Tree Unit to consider the preferred development outcome as part of the DA process when it involved the need to remove trees created a barrier and delayed the DA process.

**3) Development Application compliance assessment and enforcement measures.**

The workshops did not express views on this item, mostly due to very few PIA ACT members having any direct involvement in the compliance and enforcement roles.

#### **4) Development Application practices and principles used in other Australian jurisdictions.**

The Apartment Design Guidelines in NSW are a good example of a structure for planning guidelines as it has an objective, then may have a numerical control. The proponent needs to demonstrate how the objective is met or address the issue through performance solutions.

PIA ACT are concerned that planning in the ACT was 'cutting edge' across Australia and other jurisdiction previously looked to the ACT to seek new ways of solving urban planning issues. It now seems that the ACT simply looks to other jurisdictions and follow the lead provided by other states. PIA ACT feel that increased funding of planning research, increased resources for the Strategic Planning and Territory Plan teams within EPSDD together with additional support for non-Government research, such as CURF and local Universities would result in positive long term outcomes for Canberra.

#### **5) other matters**

##### ***Master Plans***

The Consultant workshop expressed concern that Master Plans are produced but then not linked to the Territory Plan, so they therefore raise expectations in the community but fail to influence the development assessment process.

While the Master Plans express the desired future character for specific areas, the Master Plans have no statutory weight, and consideration of a DA rests with the wording in the Territory Plan Codes. The future desired outcomes are not transposed from Master Plan to Territory Plan. Many Codes include various criteria that require a development to be consistent with the 'desired character'. The desired character is rarely expressed in the Codes, which requires the applicant to then refer to the objectives of the relevant zone. A cross-reference to 'desired character' in any adopted Master Plan would add strength to the DA assessment process. A lot of resources are put into Master Plans and community consultation and then the community expects that will be the outcome. However, that is not how it works and can cause more harm than good for planners when presenting new developments. Recent examples where the Master Plan was presented to the community together with the proposed Territory Plan Variation attached to it, to ensure that the Master Plan has statutory effect soon after adoption, is supported by PIA ACT.

##### ***Private Planning Certification.***

Private Planning Certification could be acceptable for minor developments, particularly if additional development were added to the Code Track development table under the land use zones.

There is a clear message that resourcing in ACTPLA is an issue affecting timeliness (and potentially) quality of the decision-making process. There may be opportunities for ACTPLA to use independent non-government planners to assist with the DA Assessment process and sign-off on minor developments freeing up ACTPLA resources for the more significant projects.

There are currently perceived issues with building quality which may mean that there is a reluctance of the community to accept further 'privatisation' of the planning and development process.

The Government Workshop considered there may be opportunities for private certification of lower range DA. However, this would need adequate compliance resourcing to maintain quality, standards and reputation. It is considered that the community would hold a perception that the private certifier would not refuse certification in case they don't get future work from the proponent. A system where a private certifier assessed the DA anonymously, then reported to ACTPLA for final sign-off could be considered.

The Other Planners workshop were concerned that any private planning certification should not involve the proponent directly paying the certifier. If implemented, there should be a 'pool of planners' with the specific planner for a certain DA being selected by ACTPLA. In addition, there would be a need for a greater level of review/audit than currently occurs with Building Certifiers.

### ***Development Approvals***

One of the concerns arising from the Consultants workshop relates to the structure of the Notice of Decision (NOD) issued for DAs. It is considered that there needs to be more clarity on conditions needing to be satisfied prior to release of stamped plans. The NOD rarely mentions the need for release of stamped plans prior to the proponent being able to secure Building Approval and commence construction works. The NODs can include lengthy conditions and are unclear on what is required to finalise approval.

### **Conclusion**

PIA ACT appreciates the opportunity to prepare a submission for the Committee's consideration. The terms of reference for the Inquiry are of significant relevance to the work of PIA members. The details of our submission are the result of inputs across a broad cross-section of PIA Members resulting from a series of workshops arranged by PIA ACT to gain feedback from members on issues of concern in relation to the DA process.

PIA ACT seeks the same outcomes as the Canberra Community. That is to have an efficient and effective development application process achieving the best possible urban design and built form outcomes. The continuous improvement of the development application processes will contribute to the achievement of good planning outcomes to the benefit of Canberra. However, PIA ACT accept there will always be debates over what constitutes a "good planning outcome".

In summary PIA ACT makes the following conclusions and recommendations:

- Support additional information being made available on the EPSDD Website and/or DA Finder App, such as Notices of Decision, DA amendments etc, provided this does not divert staff and resources from the time allocated to DA Assessment.
- Agree that early consultation with the community is an important component of the development process.
- Consider that the extent of pre-DA consultation currently prescribed under the November 2017 Guidelines is appropriate.
- The administrative processes required and time delays to secure a pre-Development Application meeting with ACT Agencies is not worth the outcome when regular applicants already know the general DA processes and requirements. This results in most DAs being lodged 'cold' with little or no interaction with ACTPLA assessing officers during this critical pre-lodgement period.

- Consider that the information requested by ACTPLA for DA lodgement is appropriate and similar to requirements in other jurisdictions.
- Feel that the current track assessment system isn't well understood by the community and results in a tendency for applicants to meet minimum requirements with no aspiration/incentive to exceed requirements.
- There is opportunity to further consider certain development proposals that could be assessed as Code Track, rather than Merit Track.
- The number of current Codes and their length (number of Rules/Criteria in each Code) was a significant failure in the system.
- Support the eDevelopment system and continuous improvement to meet current industry standards.
- The eDevelopment system is not easy to navigate and further improvements allowing multiple document upload options will be of benefit.
- The initial DA 'completeness check' has evolved into an extended administrative and quasi-assessment process. The timeframes to achieve DA lodgement are often 3-4 weeks.
- A 'real-time' information tracking system would be of benefit. The ability to see where a DA is up to in detail (not just the eDevelopment "awaiting decision" type commentary) would reduce the number of calls and emails to assessing officers seeking advice of the DA status on behalf of proponents.
- Note that the timeliness of DA assessment will always be an issue of concern for industry.
- The statutory timeframes for ACTPLA determination of a DA are considered reasonable, however, the percentage of DAs achieving the timeframe should be significantly increased through increased resourcing of ACTPLA
- There should be different statutory timeframes applied to different forms of development.
- Increasing administrative tasks affecting the proportion of time assessment planners spent actually assessing DAs is of concern. There needs to be significant additional support to assist qualified assessment planners, particularly with document and plan management under the eDevelopment system.
- Applicant's do not have any alternative pathway if the statutory timeframes are not met. The option to appeal to ACAT does not assist as ACAT's track record is to take longer than ACTPLA to consider, determine and report on a DA.
- Support recent examples where a Draft Master Plan is presented to the community together with the proposed Territory Plan Variation attached to it, to ensure that the Master Plan has statutory effect soon after adoption.
- Consider that resourcing in ACTPLA is an issue affecting timeliness (and potentially) quality of the decision-making process. There may be opportunities for ACTPLA to use independent non-government planners to assist with the DA Assessment process and sign-off on minor developments freeing up ACTPLA resources for the more significant projects

- If the Assembly were to consider Private Planning Certification, then it should not involve the proponent directly paying the certifier. If implemented, there should be a 'pool of planners' (or panel) with the specific private planner for a certain DA being selected by ACTPLA.
- Planning in the ACT was 'cutting edge' across Australia, and other jurisdictions previously looked to the ACT to seek new ways of solving urban planning issues. It now seems that the ACT simply looks to other jurisdictions and follows the lead provided by other states. PIA ACT feel that increased funding of planning research, increased resources for the Strategic Planning and Territory Plan teams within EPSDD together with additional support for non-Government research, such as CURF and local Universities would result in positive long term outcomes for Canberra.

PIA ACT would also welcome the opportunity to provide further information and/or clarification of the above points should the Committee decide to hold public hearings as part of their Inquiry.

Yours sincerely



**Karen Wright**  
President PIA ACT