



## Inner South Canberra Community Council

Mr Mick Gentleman MLA  
Minister for Planning and Land Management  
[gentleman@act.gov.au](mailto:gentleman@act.gov.au)

Dear Mr Gentleman

### **ACCESS TO OLD DEVELOPMENT APPLICATIONS AND DA EXEMPT KNOCK-DOWN REBUILDS**

The work done so far by the Planning Directorate on improving our planning system has been very impressive. However, there are two issues we would like to bring to your attention.

The first relates to obtaining **access to old Development Applications**. The Government agreed in principle to the recommendation of the Standing Committee on Planning and Urban Renewal that:

*'The Approved Plans and Notices of Decision are kept publicly available on the Directorate website, the ACTMAPi 'Development' tab and on the Development Application Finder App for a period of five years after the date of the Notice of Decision.'*

We endorse the decision to make these old documents available. Unfortunately, the files cannot be accessed from the website. To gain access at present you must send an email request to EPSD. This is time consuming for both the searcher and the finder. Furthermore, it is not widely known that the old DAs and the plans are now available. The fact that this valuable planning resource is now available has not been widely publicised.

We therefore urge you to ensure that, in this financial year, resources are available for EPSD to make this information accessible on the website.

The second issue relates to **DA-exempt knockdown rebuilds**.

At present a neighbour may not become aware that a knock-down re-build is going to take place until the point at which the bulldozers come to carry-out the knock down. Residents should have certainty in what can and cannot be built next to them and there should be proper consultation on what re-development is planned. We have been advised that at present there is no legal requirement for the developer to provide any information, provided a certifier has approved the building plans.

Neighbours must resort to making an FOI request to obtain copies of only some of the plans, even though their block might be deprived of some winter sunshine, or the certifier may have unintentionally made a mistake in his/her calculations. It appears that residents are deliberately kept in the dark.

It does not help that the developer can appoint his/her own certifier to approve the building. We also understand that the neighbours have no recourse to compel the developer to comply with the rules or the ability to appeal the approval.

It is ironic that approval by way of a DA through the Merit Track is required to add a small carport, whereas a knock-down-rebuild, which could affect the whole street-scape, can be undertaken without any consultation.

We urge that a knock-down re-build is required to be processed as a Code Track Development Application. As any knock-down rebuild must comply with all relevant planning rules to comply with its exempt status, this would not lead to the rejection of any genuine knock-down rebuild proposal. This would provide a simple solution to this problem and should not need to await the Review of the Territory Plan.

Yours sincerely

A handwritten signature in cursive script that reads "Gary Kent". The signature is written in dark ink and is positioned above the typed name.

Gary Kent  
Chair  
16 February 2021