



## Inner South Canberra Community Council

Mr Ben Ponton  
Chief Planning Executive  
Environment, Planning and Sustainable Development Directorate  
ACT Government  
GPO Box 158  
Canberra ACT 2601

Dear Mr Ponton

### **Re: ISCCC Submission on Pre- DA Community Consultation**

The ISCCC welcomes the ACT Government's initiative in fostering consultation with the community in the early stages of proposals for significant developments.

We are aware that a rigorous consultation process was developed, some years ago, in consultation with Local Area Planning Committees, and welcome a renewed focus on raising the standard of such community consultation.

Thank you also for inviting the Inner South Canberra Community Council (ISCCC) to attend a briefing session with Mr Brett Phillips on 26 July 2017. Attendees included Ms Deborah Price (Secretary, ISCCC), Mr Peter Moore (Kingston Barton Residents Group) and Dr Leo Dobes (President, Griffith Narrabundah Community Association).

The ISCCC's main comments on the proposed guidelines are as follows:

#### **A. Supporting legislation and regulations**

**1. *There must be an effective enforcement mechanism to ensure adherence to the community consultation guidelines.*** While Section 138 AE (2) of the Planning and Development Act requires a proponent to consult the community, Section 138 AE (5) indicates that any defect or irregularity in consultation does not affect the validity of a decision regarding the proposed development. In other words, even if a developer misrepresents the nature and extent of community consultation they have undertaken, approval of their development is not at risk. This must be addressed.

**2. *The Guidelines should make it clearer that pre DA Consultation is required if a proposed development meets any one of the five criteria listed in the dot points on page 1 of the Guidelines*** (referring to prescribed developments under Section 20A of the Planning and Development Regulations 2008).

## **B. Minimum Consultation Requirements**

**3. *The Minimum Consultation Requirements for larger projects (such as redevelopment of Manuka Oval in 2016 and the proposed waste to energy incinerator in Fyshwick in 2017) should be amended to require the holding of a public meeting publicised in print and electronic media.*** This should be done in consultation with the relevant Community Council and residents/community groups, giving notice of at least 10 working days.

**4. *The Conceptual Drawings referred to on page 2 of the Guidelines should include shadow diagrams and measurements*** to enable assessment of the impact of the development on solar access to adjacent properties.

**5. *Documentation used in community consultations should be written in plain English, and legible size, and explain how the proposal will meet – and not meet – the rules of the Territory Plan, zone objectives, any applicable design guidelines, and heritage (if applicable).*** The point was made at the 26 July meeting that community organisations have limited resources and need to rely on volunteers who may lack technical information and expertise. Developers, on the other hand, are able to commission experts to assist them and, as part of planning ACT processes, seek feedback from Government personnel on their proposals.

**6. *Displays at public meetings should include a scale model or 3D presentation of the proposed development*** in the context of the existing neighbourhood character, including the built form.

**7. *Developers should also be required to include assessments of traffic and parking implications*** in their pre-DA documentation against specific legislated requirements, not just make general statements that requirements have been met.

8. We note that the consultation guidelines focus on “prescribed developments.” However, local communities, experiencing differing developmental pressures, often express a desire to engage in consultation with a developer even though there is no formal requirement to consult. ***It would be worthwhile expanding the guidelines to include broader engagement with the community at the local level, in an effort to foster a level of trust and a positive change in the urban built form.***

9. For consistency and transparency, ***the ISCCC would welcome an improved consultation process for residential properties in RZ1 and RZ2 zones, including those that are currently DA-exempt.***

10. ***DAs that involve residential properties should require written notification of the consultation process to be provided to all blocks within the relevant section, and all blocks facing the subject block, within the adjacent section.***

11. ***Proposed major developments in industrial precincts should be referred, for pre DA consultation, to relevant Community Councils as well as bodies representing the businesses and employees in the industrial precinct involved.*** We note that the consultation process is not limited to residential buildings but applies to a wide range of structures. However, buildings in industrially zoned areas are currently exempted.

The logic for this exemption is not clear and we believe that developments in industrially zoned areas should not be exempted.

### **C. Minimum Documentation Requirements**

The proposed content of the consultation report to be submitted to the planning and land authority as part of the DA documentation is comprehensive.

12. However, we also suggest that ***the report by the developer on the consultation process and any formal feedback in response should be published on the ACTPLA website***. In addition, participants in the consultation process who have provided email addresses at meetings, made submissions, or sought copies of DAs from ACTPLA should be sent emails advising them of the publication site and date.

The ISCCC is pleased to have the opportunity to provide input to this draft document. We are happy to participate in further discussions, prior to the finalisation of the proposed guidelines. A clear set of guidelines, establishing the requirement for effective community engagement prior to the lodgement of a DA, may contribute to the improved liveability of our city and suburbs. It may also create greater community confidence that there will be genuine community engagement in the subsequent DA process and, hopefully, if done effectively, may reduce the incidence of appeals against planning decisions in ACAT.

Yours sincerely



Marea Fatseas  
Chair  
ISCCC

27 August 2017