

# HAVING YOUR SAY ON DEVELOPMENTS IN THE ACT



This fact sheet explains the difference between Development Application (DA) public notification and pre-DA community consultation and explains how the community can have their say on developments.

A DA is an application for approval from the ACT planning and land authority for a development to occur. Most types of development need a DA, except for some single residential buildings and other small buildings.

All DAs go through a statutory public notification process. This means immediate neighbours and, depending on the development, the greater community have a chance to look over a proposal and make comments to the planning and land authority for consideration in its assessment of the DA.

When a development is significant, developers are also required to consult with the community before the design is finalised and before they lodge a DA. This is known as pre-DA consultation and is separate to the statutory DA notification process undertaken by the planning and land authority.

## WHAT'S THE DIFFERENCE BETWEEN DA NOTIFICATION AND PRE-DA COMMUNITY CONSULTATION?

Public notification of a DA by the planning and land authority while a DA is being assessed is a legal requirement under the [Planning and Development Act 2007](#) (P&D Act). It provides people who may be impacted by a proposed development an opportunity to have their say before a decision is made by the authority on whether or not to approve the development.

Pre-DA community consultation is required for significant developments to ensure community feedback is provided and considered as design changes before the DA is lodged with the planning and land authority. This consultation is open to all interested community members and is organised and run by the developer before a DA is lodged with the authority for assessment.

## PRE-DA COMMUNITY CONSULTATION

### What developments require pre-DA consultation?

The types of development that require pre-DA community consultation can be found in Section 20A of the Planning and Development Regulation 2008 as listed below:

- a building for residential use with 3 or more storeys and 15 or more dwellings
- a building with a gross floor area of more than 5000m<sup>2</sup>
- if the development proposal is for more than 1 building – the buildings have a total gross floor area of more than 7000m<sup>2</sup>
- a building or structure more than 25m above finished ground level
- a variation of a lease to remove its concessional status
- the development of an estate
- a development proposal that is required to consult with the design review panel (DRP) under sections 138AL (1) and (2) of the P&D Act.

Some developments are excluded from the requirement for pre-DA community consultation, including developments in industrial zones and land in certain areas, such as greenfield estates. More information on developments that are exempt from pre-DA community consultation can be found in Schedule 1B of the Regulation.

## How can I find out what pre-DA community consultation is going on?

All proposals that are currently undergoing pre-DA community consultation are listed on the ACT Government website. In addition, developers are required to notify the community about their consultation, including putting materials online and holding meetings or information sessions.

## How can I have a say?

During the pre-DA consultation period a developer will accept comments from the community on their proposal. They will outline on their website, in the media or on printed materials how you can make a comment. They may have online or paper surveys, information displays/workshops etc.

## What will be done with my comments?

Developers are obliged to consider all community comments. They need to report to the planning and land authority on the comments received and how they were addressed or why they were not addressed. This report will be publicly available with the DA materials during the statutory DA notification undertaken by the planning and land authority.

Please note that while developers must consider your comments, they are not obliged to change their proposal as a result of comments. If you feel the developer has not considered or incorporated your comments in the design, you can make a representation during the notification process.

# DA NOTIFICATION BY THE PLANNING AND LAND AUTHORITY

## How will I know about a development application?

DAs are notified by the planning authority in two ways:

1. Minor notification where adjacent neighbours (including people living across the road) are sent a letter about the proposal and have 10 working days to comment.
  2. Major notification where letters are sent to adjacent neighbours, signs are displayed at the front of the property and the DA is notified on the planning website ([planning.act.gov.au](http://planning.act.gov.au)) and the DA Finder App, with 15 working days for comment.
- If you are interested in developments in a particular area, you can use the DA Finder App (smartphones and tablets) to let you know when a DA is lodged.

## How do I see the DA?

All DAs that undergo major notification are made available online at [planning.act.gov.au](http://planning.act.gov.au) and on the DA Finder App. You can also view the documentation by visiting us in person at the Access Canberra Dickson Shopfront at 480 Northbourne Avenue, Dickson between 8.30 am and 4.30 pm Monday to Friday.

## What if I don't understand what is proposed?

You can contact the DA Gateway Team on (02) 6205 2888. They can help explain what is proposed or meant by a drawing or plan. Alternatively, you can submit an enquiry online at [planning.act.gov.au](http://planning.act.gov.au) or visit us in person.

## How do I make a comment?

All comments must be made in writing and can be submitted in a variety of ways including:

- online at <https://form.act.gov.au/smartforms/landing.htm?formCode=1251>
- via the DA Finder App
- by email to [EPDcustomerservices@act.gov.au](mailto:EPDcustomerservices@act.gov.au)
- in person at Access Canberra Dickson Shopfront at 480 Northbourne Avenue, Dickson (between 8.30am and 4.30pm Monday to Friday).

## What do my comments mean for the application?

While all comments are seriously considered in the assessment of a DA, they do not mean the DA will automatically be refused. All DAs are assessed on their merits and against the requirements of the P&D Act and the Territory Plan, which is the Territory's key statutory planning document.

You may wish to include in your comments why you believe the proposal does not meet the Territory Plan (for example, a rule or criterion). All DAs are accompanied by a Statement against Criteria that can help you understand how the development meets the Territory Plan and can be useful in informing your comments.

Anyone who provides feedback on a DA will receive a copy of the decision once it is made. When community feedback is given, the planning and land authority adds another 15 working days to the assessment timeframe (making 45 days total) to ensure they can be fully considered as needed.

Please note that copies of all representations made on DAs are provided to the applicant in accordance with the P&D Act.

## Do I have appeal rights?

Some types of development allow representors (people who make comments during the statutory notification period) to appeal a decision. Generally, you cannot appeal a decision on a single residential development. More information on appeal rights can be found in Schedule 1 of the P&D Act and details of developments that are exempt from appeal rights

can be found in Schedule 3 of the Planning and Development Regulations 2008.

For more details about appeals, including the appeals process, contact the ACT Civil and Administrative Tribunal at [www.acat.act.gov.au](http://www.acat.act.gov.au), at [tribunal@act.gov.au](mailto:tribunal@act.gov.au) or on 6207 1740.

## WHERE CAN I GO FOR MORE INFORMATION?

Call the Gateway Team on 6205 2888, submit an enquiry at [https://www.accesscanberra.act.gov.au/app/forms/epd\\_feedback](https://www.accesscanberra.act.gov.au/app/forms/epd_feedback) or visit us at the Access Canberra Dickson shopfront (between 8.30 am and 4.30 pm Monday to Friday).