



Gotcha! Planners trick third parties

The Griffith Narrabundah Community Association warns of a trap for Canberrans who seek review of planning decisions that affect them.

“The GNCA was tricked by the Territory Planning Authority (TPA) into paying its members’ money for a review that was never available to it” said the GNCA President Dr Denham.

Most knock-down rebuilds are exempt developments and don’t have a DA or review by ACAT but some go through the DA process.

A DA was notified on the Planning website, and the GNCA had concerns about its compliance with the law, so it objected.

The quick decision on the DA said it was a publicly notified decision and third-party objectors had a right of review.

The GNCA contacted the TPA 3 times to discuss its concerns but got no reply, so it paid the ACAT application fee and a Directions Hearing was listed.

Three days before the hearing the government solicitors, acting for the TPA, told the GNCA they had no right of review and should withdraw. Gotcha!

The GNCA did not withdraw but ACAT dismissed its application because the DA did not need to be publicly notified – although it was. Under the rules in a schedule to the Act, ACAT didn’t have jurisdiction to review the GNCA’s application.

It turns out that a regulation enables the right to review to be removed if the development does not have to be publicly notified. And that regulation, combined with the Schedule, takes away the review rights given under the Act.

“It’s a trap in the system that Canberrans should be alert to”, said Dr Denham. “Knock down rebuilds often cause concern but this means, in effect, that all decisions on knock down rebuilds of single dwellings in Canberra cannot be scrutinised, even if they have a DA.”

A tender has been released for an Independent Planning Advisory Service (IPAS) but it doesn’t operate yet. “Hopefully it will help ordinary citizens navigate this very confusing system” said Dr Denham, “but in the meantime think carefully about parting with your

hard earned cash if it is a knockdown rebuild of any kind. Even if it is non-complaint and the TPA decision tells you that it has been publicly notified and you have review rights.”

Dr David Denham
President, GNCA
9 June 2024