

Why the GNCA sought review of the DA decision in Hartog St

The GNCA has lodged an appeal (application for review of a decision) of the Territory Planning Authority's (TPA) decision to approve DA202448755 for 4 Hartog St.

We are concerned that the Planning Authority has not taken due care in reaching this decision, one of the first decisions under the new Territory Plan and DA approval process that we are aware of in the Griffith Narrabundah area.

The period for comments on this DA closed on 25 March 2024, and a decision was made and announced on 4 April 2024 - a remarkably short time for assessment of a DA. The public notification was problematic, as it appears that there was no notice displayed at the site, Access Canberra was not made aware of the notification, and only 16 (or 55%) of the 29 files we understand were lodged with the Planning Authority were available to the public. In addition, there was no Landscape Management and Protection Plan to indicate how the new development would comply with the various planting and environmental requirement which now apply.

The plans involve a penetration of the allowed building envelope, and do not comply with the required side and front setbacks, with the proposed dwelling being only 4.65m from the street rather than 6m. The architects characterize these non-compliances to be 'minor'. An exemption declaration may determine that a proposal that has one or more minor encroachments into the front, side or rear setback, or the building envelope, for example, is exempt. The TPA appears to regard these encroachments as not being insignificant enough to permit the proposal to be eligible for an exemption declaration.

The Notice of Decision (NoD) for the DA states that there are no assessment requirements or assessment outcomes in the Inner South District Policy that are applicable. The NoD goes on to state that the development is not inconsistent with the assessment requirements under the Residential Zones Policy, and that in relation to Assessment Outcomes under the Residential Zones Policy "The development is not inconsistent with the assessment outcomes. The proposed dwelling is of a suitable bulk and scale for its intended use, zone and the associated locality" However, these conclusions are not supported by any discussion or evidence. It would appear that merit assessment proposals are subject to less scrutiny than exempt developments.

The NoD notes that "*The currently proposed planting and tree canopy cover on site has been assessed as not appropriate relative to the subject block size.*" and requires that "*A landscape plan is to be provided based on the relevant drawings submitted as part of the application, showing the proposed planting in addition to further tree planting on site in order to offset the removal of 6 trees as identified in the demolition plan.*" We are of the view that this additional information should have been sought from the proponent and assessed before the granting of DA approval.