



Simon Corbell MLA

ATTORNEY-GENERAL
MINISTER FOR THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT
MINISTER FOR POLICE AND EMERGENCY SERVICES
MINISTER FOR WORKPLACE SAFETY AND INDUSTRIAL RELATIONS

MEMBER FOR MOLONGLO

Mr Gary Kent
Chair
Inner South Canberra Community Council
gkent@ozemail.com.au

Dear Mr Kent

Thank you for your letter of 24 April 2013 regarding exempt developments and in particular the redevelopment of duplex developments. I apologise for the delay in responding.

I note the concerns of your Council with the redevelopment of the duplex development in Fraser Place, Yarralumla. I can advise that the planning and land authority is, at my request, currently reviewing the exemption provisions as they apply to the redevelopment of duplex developments to address concerns, which I share.

You have suggested that you are aware of many developments classified as exempt but which do not in fact comply with Territory Plan provisions. If your members wish to submit a complaint for each case to the Environment and Sustainable Development Directorate, this will enable the Directorate to undertake its own enquiries into the matters.

In response to your questions about private building certification I can advise that there is a review of the ACT's building laws currently underway. As part of the review, the role of private certification and the associated regulatory framework around building certification will be analysed. The Building Act review reference group, which comprises members of government, industry and the community, have commenced discussions about deficiencies with the current system. A report into Building Quality in the ACT was produced in late 2010. I attach a link below to the report for your information.

[http://www.actpla.act.gov.au/data/assets/pdf_file/0006/19851/Building_Quality_in_the_ACT -
Report to the Legislative Assembly September 2010.pdf](http://www.actpla.act.gov.au/data/assets/pdf_file/0006/19851/Building_Quality_in_the_ACT_-_Report_to_the_Legislative_Assembly_September_2010.pdf)

The Construction Occupations Registrar undertakes monthly audits of the work of building certifiers across the full range of activities undertaken by building certifiers. The Construction Occupations Registrar does not release the methodology or the content of audits as this would compromise the ongoing role of audits. The Construction Occupations Registrar uses information discovered in audits to inform industry, to correct behaviour, and where warranted to initiate investigations and to undertake formal enforcement activity.

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The Construction Occupations Registrar does provide generic information and advice to industry based on information obtained from audits however, the identification of individual license holders and the action taken by the Construction Occupations Registrar with respect to them is protected by the Privacy Act and its Principles unless a matter is made public through a formal Tribunal or Court process.

The legislative provisions that exempt work from development approval, in my view, provide a reasonable balance between development that can proceed to building approval without the need for a development approval and work that requires the consideration by the planning and land authority. The suggestion to require the planning and land authority to classify a development as exempt, rather than private certifiers, is contrary to the national Development Assessment Forum model for track based development assessment.

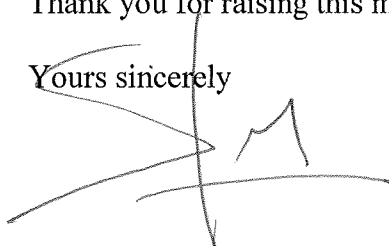
Your Council's request to require plans and other associated documentation to be made available on the planning and land authority website is not possible as documentation for exempt development is only lodged with the authority when building approval is required. The planning and land authority has no authorisation to make the documentation submitted with a building application available to the public. Further, not all exempt development requires building approval and therefore the planning and land authority will not be in possession of the plans for such development.

Additional requirements were introduced in May last year for DA exempt development of single dwellings in existing residential areas and single dwelling demolition across Canberra. Such developments require written information including contact details, elevation and site plans and a covering information sheet is to be supplied to adjoining residents before the building work commences. To demonstrate that adjoining residents have been informed, the certifier is to be provided a summary of the information supplied as part of the application for building approval.

You seek urgent advice on how the ACT's policy on exempt development compares with the practice in other Australian States and the Northern Territory. The NSW Government recently released a white paper for a new planning system for NSW that you may be interested in. I note that the paper recognises the importance "that development that is appropriate for assessment as exempt, complying or code should be assessed in that track and not default to merit assessment"^{p123}. The paper shows the percentage of developments that are subject to a streamlined assessment in the ACT is at a comparable level to VIC, QLD and the proposed NSW target of 80%.^{p123} The following provides a link to this paper: <http://www.planning.nsw.gov.au/newplanningsystem>

Thank you for raising this matter with me. I trust that this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Corbell', written over a horizontal line.

Simon Corbell MLA
Minister for the Environment and Sustainable Development

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