

Notes of Meeting of Combined Community Councils at Gungahlin Library 28 April 2012.

Host: Ewan Brown Gungahlin CC

Attendees:

Belconnen CC (Damien Haas, Graeme Evans, Brian Rhynehart, Robyn Coghlan, Charles Thomas)

ISCCC (Kevin Gill, Austin Lynch, Peter Wurfel)

NCCC (Leon Arundell, Richard Larson)

WCCC (Tom Anderson, Pat McGinn)

WVCC (Jenny Stewart, Shirley Lithgow)

TCCC (Ross McConnell, Jan Petrie, Colin Petrie, Nick Tsoulas).

Apology from Shirley Gourgard & JRA.

Motion: That Ewan Brown be appointed to fulfil the role of interim Convenor of the ACT Combined Community Councils for the period covering the next two meetings leading up to the 2012 ACT Legislative Assembly elections. *Agreed.*

Motion: That Ewan Brown be authorised to prepare a draft document on the interim 2012 structure & operation of the ACT CCC as a united body (including roles of the CCC & a proposed sub-committee structure) for circulation to each Community Council for consideration, comment & possible finalisation. *Agreed.*

Motion: That Ewan Brown draft a set of outcomes from the meeting for presentation to the Chief Minister & the ACT Planning Minister plus the ACT Liberals & ACT Greens.

The Convenor (& appointed subject spokespersons) to liaise with Damien Hass on public relations matters.

It was agreed that the CCC needed to 'get runs on the board' by producing tangible outcomes from this & subsequent meetings.

It was agreed that there would be two more meetings scheduled for 2012, the next meeting to be held in about six weeks to consider progress on outcomes & any amendments to material produced in relation to the proposed structure of the CCC, the process for seeking funding for administrative support for the operation of the CCC & to consider a joint approach to issues for election candidates.

The issue of rotation of meetings was discussed & it was decided to retain the Gungahlin Library venue for the next two meetings. The Convenor is to communicate regularly with CCs (Chairs) to determine issues for discussion. At least for the next meeting the Convenor would chair the meeting but it is proposed to continue with a rotating Chair (from one of the local CCs) with agenda items limited to those issues forwarded to the convenor & agreed by meetings of CC Chairs.

Representation will be limited to the seven ACT CCs. Attendance will not be limited but in the event of a need for a vote only two delegates from each CC will be entitled to vote. There is potential to include regional issues subject to agreement.

The question was raised as to whether a Chair of a CC should be performing the role of Convenor or whether an independent should be appointed. It was agreed that suggestions be sent to the Convenor for circulation. The aim is to explore the potential for a part-time Executive Officer to be appointed dependent upon resourcing being secured from the ACT Government. Volunteering Australia to be contacted to ascertain a likely source of candidates.

It was agreed that each CC would have a standing agenda item of “items for CCC” & that any issues would be communicated to the Convenor of the CCC.

It was agreed that a number of sub-committees be formed on a range of ‘key’ issues.

- Planning and Development Operations
 - Notification of developments
- Transport (incl Public transport)
- Governance & Integrated Planning Policy
 - Review LDA/ACPLA
 - ACAT
 - Electoral Councils
- Municipal issues (incl rubbish, rates & roads)
- Airport (not restricted to noise issues).

Sub-committees will be empowered to communicate with other parties in the community already achieving results. These groups will be asked to participate in sub-committee activities on an as-needs basis with the prospect of the CCC providing value & support to their own activities.

The discussion addressed the issue of whether we can we invite others to our sub-committees. It was agreed that the CCC should take advantage of the work being done by other specialist groups by empowering the sub-committee organiser to contact or co-opt these external, groups to contribute expertise & knowledge to the CCC process. Sub-committee chairs to be responsible for organising & managing the involvement of external parties, groups or individuals.

A typical example was the proposal to engage with the Action Group formed following the outcome of Marsden St Case. A number of individual community activists have met, under the informal chair of Jane Goffman (who was the appellant in this case). This group is considering how to assist others to progress appeals to ACAT and associated matters including preparing a report to government on improving/ changing the ACT planning system. It was proposed that the CCC consider formalising this group as a Sub Committee or Working Party of the ACT Combined Community Councils.

Peter Wurfel of ISCCC expressed a wish for a sub-committee to develop views on transport issues. ISCCC has a strategic plan comprising 6 principles. The process includes the Parliamentary Triangle & is due to be completed by end of June. He

offered to share the survey monkey questionnaire with other CCs & to adapt the requested information to suit other local circumstances. (contact Wurfel@webone.com.au)

It was noted that many CCs are participating in an Airport Committee so there was no benefit in seeking to replicate the process. The CC representatives were requested to forward their views to the Convenor. It was also suggested that the representation could be further rationalised if an information sharing process was successfully implemented.

Meetings with Chief Minister.

- The preference was for the CCC to call meetings rather than respond to the CM & to be responsible for setting the agenda.
- It was agreed to exclude local issues.
- There is to be pre-circulation of nominated items amongst CCs to enable agreement on a common agenda.
- Chairs to meet beforehand to finalise agenda.
- Efforts are to be made to prepare prospective media releases early (prior to event).
- Spokesperson(s) to be appointed to handle media issues.

Outcomes from April Meeting

The CCC is to request responses to specific issues of concern by no later than end March 2013.

All issues are to be forwarded to the Chief Minister & Planning Minister as well as the other political parties with the aim of seeking endorsement/recognition of the issues in the form of an election undertaking. CCC is seeking all parties to adopt these issues as an election commitment & to provide a stated intention to implement remedial action if elected.

Specific issues

Notification of developments

Outcome 1. The Combined Community Councils believes that action needs to be taken on:

- the fragmentation of planning in the ACT and the absence of an overarching plan for the ACT (which results in an ad-hoc approach to development);
- the lack of transparency and accountability of the planning and development process in the ACT; and
- the perceived inadequacies of the current system of community engagement.

Accordingly the Combined Councils call upon the ACT Legislative Assembly to conduct an independent and thorough review of the ACT Planning and Land Authority (ACTPLA), Land Development Agency (LDA) and other relevant agencies with a view to the ACT Government establishing an integrated and strategic planning and development system that contributes to the orderly and sustainable development in the ACT, *which is consistent with the social, environmental and economic aspirations of the people of the ACT* (a key objective in the ACT *Planning and Development Act (2007)*).

The required components are:

- Need to legislate for better quality development and establish processes for achieving this including more information on block development signs. Website documents to have an executive summary. Consultation should occur before DA.
- No 3rd party appeal – making the only option to proceed to the Supreme Court.
- The Greens Bill on appeal rights on DAs (defeated in the Assembly) is a good model to put to LA candidates.
- Master Plans need some legislative backing.
- Need to ensure compliance.
- The community needs more acceptable process & avenues of advice. There is a need for a plain English planning guide (& inclusion of 3D imagery, accurate maps & executive summaries of complex development proposals). The CCC should request far stronger advice/consultation requirements on 'knockdown/rebuild' developments combined with stronger provisions for regulatory intervention.

1. How to improve the planning system.

Appeals Process (ACAT)

Outcome 2. The Combined Community Councils believes that action needs to be taken on:

- the process of appealing to the ACT Civil and Administrative Appeals Tribunal (ACAT), in particular where planning and development decisions fail to meet the needs of the ACT community;
- the cost of appeals – resulting in many ACT residents being prevented from exercising their democratic right to appeal decisions that impact on them;
- the failure of the process to ensure that an individual, representing themselves, will receive a fair hearing.

Accordingly the Combined Councils call upon the ACT Government to:

- review ACAT and the appeals process with a view to making it fairer and accessible to all; &

- establish an office of a Community Planning/ Development Advocate to assist individuals in resolving disputes and, if need be, in their appeal to the ACAT.

Components:

- (1) Recognise that the ACAT process, particularly in relation to Planning Appeals is failing to meet the needs of the wider ACT Community.
- (2) The CCC seeks a commitment to strengthen earlier planning conciliation processes so as to potentially eliminate the need for cases to go to ACAT.
- (3) Where cases reach ACAT, to institute genuine dispute resolution processes between parties in an attempt to avoid further ACAT hearings.
- (4) Commit to the creation of an office of Community Planning Advocate to assist the community & other parties in these conciliation & dispute resolution processes & to assist community representatives to present their case to ACAT when all other processes fail.

The Combined Community Councils request that these issues be accepted by all parties involved in the 2012 ACT Legislative Assembly election as an election with a commitment for implementation by March 2013.

Supporting Information:

The Combined Community Councils (CCC) of the ACT is concerned about the excessive cost and legal complexity of the role of ACAT in resolving planning disputes. It considers that justice and a fair hearing is now beyond the financial capacity of an ordinary citizen.

Empowerment of residents & complexity & cost of ACAT appeals processes are major issues so legal support & improve mediation processes would be beneficial. So the CCC believes that the following actions are required:

- that government establish an 'office of planning advocate' to assist community groups in planning disputes.
- Empower residential/consumer complainants via the appointment of a Consumer Advocate or Resident's Friend.
- Provide pro-bono legal support to residential/citizen complainants.
 - Organise professional planners to assist Community Councils.
 - implement the social element of the triple bottom line.
 - Implement procedures to eliminate perceived conflict of interest of Certifiers.
- Ensure that the ACAT Review results in improvements.

Appellants seem to be in a Samson and Goliath situation where individuals and community groups, usually representing themselves (for reason of costs) are pitted

against a phalanx of legal & planning experts & the whole process is not equitable & seems to mitigate reasonable outcomes;

Appellants seem to receive very little empathy from the 'Bench'- often being addressed in a patronizing manner, in contrast to the behavior involving the opposing legal team;

The ACAT process is unresponsive to requests from appellants on matters such as hearing times, dates & deferrals thereby not recognizing that appellants are community volunteers who often have to take leave from paid employment; & It should be noted that individuals & community groups have expended from \$40,000 to \$60,000 on some matters to present their cases. This cost burden can prevent many worthy cases from even reaching ACAT.

4. Proposal to request government to implement a green bin service (frequency to be determined) & a **bulky waste pick-up service** (of the equivalent of a trailer load) every 6 months for all residents at no cost. These would benefit all local communities and relieve the issue of dumping currently experienced by the Charities. (*Deferred until next meeting – Tom Anderson to provide more information.*) *Comments & information from other CCs would be appreciated.*

5. Recommend to government that they work with the Commonwealth Government to implement programs to ensure all residents can access digital TV before the analogue phase-out. *No action considered due to the event due in early June.*

6. CCC strategy for 2012 ACT Assembly elections including formation of working parties to develop policy positions on key issues.

7. Legalisation of Brothels – TCCC paper. To be considered at next meeting.

Next Meetings

The CCC tentatively agreed to schedule the next two meetings;

- Saturday 16 June
- Saturday 25 August.

At least the June meeting to be held at Gungahlin Library. Civic was suggested as a central venue. The ACT Legislative Assembly may be an option.

CCs discussed the proposal to contribute funding towards the cost of each meeting & for administration support pending resourcing being secured for the CCC.