

CANBERRA PLANNING ACTION GROUP - (Pryor, Oberdorf)

Presentation to Standing Committee hearing on Planning, Transport and City Services Inquiry on ACT Planning Bill - Dec 6 2022

On behalf of CPAG, I would like to thank the ACT Standing committee for the chance to appear at today's hearing.

Our key point is that we believe the Inquiry should recommend to the Legislative Assembly that the present ACT Planning Bill be rejected in its present form or at least delayed and modified to account for links with the Draft Territory Plan and district plans and a fearful lack of transparency within it.

The Terms of Reference for the Standing committee Inquiry appear to be very wide. Thus, in further support of our contention that this Bill should be rejected, we believe there is a decided lack of evidence behind the rationale for developing the present Bill and the associated so-called public consultation process has been a dismal failure.

CPAG has been active in the process of public discussion around this ACT Planning Bill and considered both the underpinning context of the issue of a future population increase and climate-impacted Canberra, which the Bill purports to address, along with operational planning details the Bill claims is needed. From this background, CPAG concludes the following:

- There is no template offered against which an ACT Planning regime might be assessed as best practice – on many different levels the present Bill fails 'best practice'
- The issue to address is not a fabricated argument of high-rise densification ('gentle urbanism') versus traditional suburbanization but rather how to achieve a city for the future in design and implementation
- The lack of transparency in the detail of this Bill is an issue related to the confidence in our democratic system of government. Complex and contentious as this subject may be, adherence to the core value of the public being the final determinator of its own future must be sustained and manifest in all legislation and especially that around the future form of Canberra
- The dreadful lack of transparency within the present Bill requires an independent overseeing organisation to address this significant gap, and including a continuing role for the Legislative Assembly

In our written submission to the Standing Committee Inquiry, CPAG highlighted two central points:

1. The actual history of planning approval in the ACT has been misrepresented in the discussion around this Planning Bill in order to create a justification for planning reform; and
2. The reform proposed is neither reform nor likely to achieve its stated objectives.

Because history and a holistic perspective are required when considering planning issues within the ACT, CPAG provided in its written submission two examples of how ACTPLA and the Government have acted to the detriment of the community for many years.

These are: the issues of attempted development of Kinlyside and the failure to follow the approved Spatial Plan precepts. The first involved ACTPLA and the Government proposing to literally give away to developers a whole suburb; the second adversely impacts on ACT planning covering the whole of the Territory's urban fabric because the ACT Government and ACTPLA have ignored not only ACT Community aspirations and planning principles, but the principles that they themselves set out in the ACT Spatial Plan.

In today's presentation we do not analyse the ACT Planning Bill line by line but emphasise *we agree with, and support, the expert analysis of it by Richard Johnston* who included CPAG while undertaking his own analysis of the draft planning documents prior to making his submission to the Standing Committee. Johnston's submission has now been uploaded to the inquiry homepage: <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/ptcs/inquiry-into-planning-bill-2022#tab2076068-2id> Number: 06.

At a minimum CPAG proposed 11 recommendations in our written submission to this Inquiry to be put in place *particularly that regarding the establishment of an independent commission similar to the NT Planning Commission.*

We also note that the present Bill diminishes the role of the Legislative Assembly in matters that should be of direct interest to them, e.g.:

- The Legislative Assembly is given NO ROLE in the (metropolitan) Strategy Plan or the District Strategies.
- The Legislative Assembly is given NO ROLE in the 'supporting material' to the Territory Plan, which will contain a lot of the content of the current Plan (e.g., Building Codes) but is not part of the Plan and therefore (presumably) unable to be reviewed by the Legislative Assembly.
- Section 59 of the present Planning Bill requires a 'supporting report' for "major plan amendments", but this requirement is OMITTED for the NEW Town Plan under s.605 of the Bill. THIS SHOULD BE STRONGLY OPPOSED!
- There is in fact a "Supporting Report" for the Town Plan changes (on 'YourSay') but it's strong on rhetoric and it's deficient in the detail of WHAT they've done with the current CODE provisions and WHY.

CPAG recommends that the Bill be withdrawn but, if this is too much of a challenge, then it should be amended to take into account the eleven core points made in our submission, especially establishment of an independent commission similar to the NT Planning Commission to set the strategic framework for integrated land use, transport and infrastructure planning in the ACT, and work with the community to deliver more sustainable and cost-effective outcomes for the community that reflect environmental and heritage values.

CPAG strongly urges the Standing Committee of the ACT Legislative Assembly to acknowledge the deep flaws in this draft ACT Planning Bill, and to ensure that genuine transparency and community engagement are key points to be included within any final piece of legislation