



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
Ms Jo Clay MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into Planning Bill 2022

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Gungahlin Community Council Inc.

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Inquiry into Planning Bill 2022

The Gungahlin Community Council (GCC) agrees that ACT Planning System needs reform.

For over five years (starting in December 2016) the GCC has advocated for changes to the ACT Planning System to ensure that the Gungahlin Town Centre meets the expectations of Gungahlin residents. We have learned through this process that:

- Community-initiated changes to the existing Planning System are extremely difficult, and easily “hijacked” and diluted.
- The rule-based, block-by-block mechanisms of the current Planning System cannot be trusted to “do the right thing” as they do not deliver the intended outcomes (particularly in a Town Centre). This is further exacerbated by a lack of enforcement when the rules are applied in the real (commercial) world.
- For planning to be effective it needs to be backed by coordinated investments and incentives.

The GCC had hoped the Reformed Planning System would identify, enshrine, and defend the needs and interests of the community against the expertise, resources, and commercial intent of the development industry, and (potential) short-term decision making and lack of investment by government.

More importantly, we hoped the process of reform would restore trust in the Planning System. To do this we expected the reform would be collaborative, allowing the community to understand and be part of the change, rather than being a victim of it – “Building trust in the Planning system should be a priority”. Unfortunately, despite a promising start (the Community Engagement Workshops in May 2019), this is not how the reform has unfolded to date, with most “consultation” taking the form of slideshow presentations followed by a short Q&A at a small number of sessions where no pre-reading was provided, or preparation required.

The consultation undertaken on the new Planning Bill itself is consistent with our concerns. An Overview document, a series of Fact Sheets and many hundreds of pages of draft legislation were provided for community consideration. A very high level of assumed knowledge was required to be able to consider the material provided and it was clear that any stakeholder that might wish to respond to the consultation would need a strong background and/or expertise in ACT legislation and planning to do so.

The Planning Bill is almost impossible for the average citizen to comprehend, and no serious attempt has been made by the Directorate to make it “relevant” to Canberra residents. The Planning Bill was presented without the new Territory Plan or District Strategies which might have made it clear “what

goes where” and “how things will work”. It may also have helped if “Further detail on the proposed approach to detailed structure and content will be provided during the public consultation period” (from Planning Bill Policy Overview) had been actioned; unfortunately, this detail has not been forthcoming. Even now that the draft Territory Plan and District Strategies have been provided it’s unclear what’s changed and how.

The GCC lacks the legislative and planning expertise that many of the other Community Councils have access too, and consequently our feedback and recommendations are very high level. We encourage the inquiry to place significant weight on the feedback from all Community Councils, all of whom place the interests of the residents of Canberra first.

Specifically:

- a) The GCC **does not support** the removal of Pre-DA consultation – If the Planning Directorate is of the view that Pre-DA Consultation is ineffective it needs to be fixed. Pre-DA consultation has proven to lead to better outcomes in several instances in Gungahlin and is consistent with the goal of ensuring that engagement is early and informed.
- b) The GCC **does not support** the notion that the Principles of Good Consultation are at the whim of the Minister – These principles should have been a mandatory part of the act and genuinely co-developed with the community and industry (not proposed for comment). The principles have been included in the Bill, but do not encompass the output of the workshop conducted at the Environment and Planning Forum (EPF) for expressly this purpose (see Appendix A)
- c) The GCC **does not support** the suggestion that the Planning compliance and enforcement powers are fit for purpose and comprehensive – In the past decade there have been several compliance issues in Gungahlin and there is widespread community perception that there is little enforcement and what there is has little impact or consequence on the infringing proponents

The GCC **recommends** that the ACT Government:

- Fund an independent review of the proposed Planning Bill by an external (non-ACT government) legal counsel to validate the objectives of the Bill are correctly and validly drafted.
- To build trust in the Reform process going forward, establish a substantive panel of relevant community and industry stakeholders that are given the necessary training to interpret the Planning Bill (and the Reform more broadly), and to genuinely contribute to the co-development of the new Territory Plan and District Strategies.
- To build trust in the District Strategies, fund a representative group for each District group/forum to inform and oversee the ongoing development and implementation of the District Strategies. Such a group might include relevant MLA's, representatives from different community sectors (eg. Business, Sporting, Aged, Youth) and community representatives, perhaps chosen by ballot from interested volunteer candidates.
- Provide specific examples of how “outcomes based” works when compared to the current Planning System.
- Work with the Gungahlin community to explore how the recommendations from the consultancy on mixed-use planning might be implemented in the new Territory Plan and/or Gungahlin District Strategy.
- Identify how the recommendations of the four consultancies commissioned in support of the Reform have been actioned.

WHAT THEY SAID

Principles of Good Consultation

After solo and pair work to share what good consultation looks like, EPF members compared their thoughts with the proposed eight principles for good consultation (EPSDD Fact Sheet). The following themes emerged:

- Need for government to listen to community
- Discussion must be well informed (for both the community and the government)
- Engagement must be early in the process
- Community views must be taken into account (and project not just rubber stamped that consultation has been done)
- Good consultation means the government goes to the people affected rather than people having to seek out the engagement

Extract from:

"20220331 - Environment and Planning Forum - contributions by Members - Principles of Good Consultation"