



Minister for Advanced Technology and Space Industries
Minister for the Environment and Heritage
Minister for Planning and Land Management
Minister for Police and Emergency Services
Manager of Government Business

Member for Brindabella

19/05102

Mrs Giulia Jones MLA
Chair
Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)
ACT Legislative Assembly
CANBERRA ACT 2601

Dear Mrs Jones

**Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee)
Scrutiny Report No. 35.**

I write in response to the Committee's Scrutiny Report 35, which was released on 23 September 2019. I apologise for the delay in responding.

This letter specifically addresses comments made by the Committee on the Planning and Development (Design Review Panel) Amendment Bill 2019 (the Bill) regarding the notification of the Panel's rules and principles, and justification for the displacement of subsection 47(6) of the *Legislation Act 2001*. I note the Bill has now been passed, and commenced on 1 October 2019.

Design Review Panel's rules and principles

As required by section 138AJ(4) of the Bill, the Panel's terms of reference, information about the Panel's constitution and the conduct of meetings, and design principles have now been published on the Environment, Planning and Sustainable Development Directorate's (EPSDD) website, at <https://www.planning.act.gov.au/designreview>. EPSDD undertook significant consultation with key stakeholders in the development of these rules and principles, such as the National Capital Authority, the ACT Government Architect, the Property Council and the Master Builders' Association. These stakeholders support the finalised rules and principles.

I am advised that EPSDD has further considered the Committee's concerns regarding notification of the Panel's rules and principles, and will seek my agreement for any future significant amendments to the Panel's rules and principles.

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Displacement of ss47(6) of the *Legislation Act 2001*

I note the Committee's comments regarding the appropriateness of the Bill's displacement of subsection 47(6) of the *Legislation Act 2001*. I note that section 138AJ(2) of the Bill was drafted to allow for the incorporation of instruments that may be required from time to time to guide the Panel's functions. Instruments currently incorporated into the Panel's terms of references include the CABE Design Review Best Practice Guidance, developed by the UK Design Council of Urban Design, the Urban Design Protocol for Australian Cities, and the Design Principles for the ACT.

The disapplication of subsection 47(6) is necessary as these instruments are regularly updated and it would not be appropriate to notify the instruments and all accompanying amendments on the ACT legislation register. The disapplication of subsection 47(6) also allows for the incorporation of instruments that may be subject to another organisation's copyright, although it is noted that no such instruments are currently incorporated. Any instruments incorporated will be continually monitored by EPSDD and any relevant amendments will be communicated to Panel members, applicants and the broader community. The Design Principles for the ACT are developed by EPSDD and are available on the EPSDD website. To ensure transparency, reference is made in the Panel's rules, which are published on the EPSDD's website, to any instrument that is incorporated under section 138AJ(2).

I trust this information is of assistance and I thank the Committee for its comments on the Bill.

Yours sincerely

Mick Gentleman MLA
Minister for Planning and Land Management