



PLANNING REFORM PROJECT

Property Council of Australia

Submission

The Voice of Leadership-

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Executive summary

The Property Council of Australia has been calling for planning reform in Canberra for over a decade and welcomes the ACT Government's current desire to revisit and restructure its approach to managing land use.

As the nation's capital and one of the world's pre-eminent planned cities, Canberra deserves a best practice planning system that encourages investment, growth, and high quality and sustainable development.

Key Recommendations

In a presentation to Property Council members on 21 June 2005 the ACT Planning and Land Authority (ACTPLA) promised a faster simpler system that would provide more certainty to all stakeholders.

The Property Council is concerned, however, that a number of the proposed reforms will instead create uncertainty, increase complexity, blow out response times, and add to the Government's workload. These include:

- ▶ a reliance on stop clock and DA refusal mechanisms;
- ▶ the maintenance of 3rd party appeal rights;
- ▶ the rejection of a 'self assessment' track for development assessment;
- ▶ the introduction of a codified rights charging system;
- ▶ the approach to infrastructure charges;
- ▶ changes to committee referral and discretion processes for Territory Plan variations;
- ▶ the politicisation of the environmental assessment system; and
- ▶ the introduction of mandatory environmental assessment criteria.

A broader agenda

The Property Council believes that the planning reform agenda should be broadened to revise the roles played by government bodies such as:

- the Land Development Agency (LDA),
- Planning and Land Council; and
- the Administrative Appeals Tribunal.

Implementation

For the past two political terms the ACT Government has released innumerable reports and plans on planning reform. These have been left to gather dust on bookshelves in the absence of any real action to implement the recommendations.

The Property Council has grave concerns that this reform process could go down the same path as previous reviews. If it is to be successful, there needs to be a detailed implementation and monitoring programme for the Planning Reform Project that

outlines realistic timeframes and funding/staff resource requirements for each recommendation.

Industry is very willing to contribute to meaningful reform of the ACT planning system, but will very easily become disillusioned if the Government's rhetoric is not matched with action.

ACTPLA culture

The Property Council is also concerned that the current mindset of ACTPLA could hinder any attempt to reform the planning system without a commitment to an internal restructure. This is echoed in the recent Auditor General's Report on the Authority.

We therefore call on the Government to implement the Report's recommendations in relation to training immediately, together with a broader change management program, so that reform of the ACT planning system is not lost in a sea of bureaucratic red tape.

1. Introduction

In our response to the Government's reform process, the Property Council has drawn upon a decade's worth of advocacy.

The Council and its members have agitated through numerous platforms such as member and boardroom luncheons, formal submissions, direct forum consultations, and responses to government-initiated surveys (such as the Orima survey of the High Quality Sustainable Development system in 2001) and audits (including the Auditor General's recent report on ACTPLA's performance).

While we have had our criticisms of the Authority and the planning process in the past, we believe that this is an invaluable opportunity to achieve real and lasting reform.

We have therefore been proactive in this submission wherever possible, drawing on the experience of our members to recommend better ways to deliver simplicity, certainty, and timeliness for all stakeholders.

1.1 Who we are

The Property Council of Australia represents the multi-billion dollar property investment industry, in which more than nine million Australians have a direct stake through their superannuation, life insurance policies and managed funds such as property trusts and balanced funds.

Our members are the companies and individuals that help shape, build and finance our cities—companies that have long-term interest in the future of our urban and regional centres.

1.2 Submission preparation

The Property Council Planning Committee under the direction and assistance of ACT Division Council members formulated this submission.

Major contributors include:

▶ Jo Metcalfe	GHD
▶ Chris Wheeler	Malleson Stephen Jaques
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▶ Susan Proctor	Bradley Allen Lawyers
▶ Alastair MacCallum	AMC Projects
▶ George Katheklakis	NDH Property Services
▶ Stephen Byron	Canberra International Airport
▶ Steve Flannery	McCann Property and Planning

Paul Waterhouse, the Property Council of Australia's representative on the Development Assessment Forum, also assisted.

1.3 Policy

The following Property Council of Australia policy statements are iterated to provide context to this submission on the Planning Reform Project.

1.3.1 Planning strategy, development and building controls

The Property Council of Australia aims to foster a new development system that delivers fewer delays and provides more certainty and consistency across the country.

1.3.2 Planning—simplicity, certainty, timeliness

The Property Council of Australia supports the creation of a best practice planning system befitting the needs and activities of our Nation's capital and its population.

We are committed to ensuring the business environment of our industry is one that encourages and rewards sustainable outcomes.

Central to this is the concept of 'one piece of land, one planning authority'.

1.3.3 Urban policy and economic growth

A planning system that assists in the delivery of city strategies that generate stronger demand for property investment products is vital for economic growth.

1.3.4 Population growth

The Property Council of Australia believes that Canberra will grow significantly over the coming decades. The planning system must therefore be able to provide for a population growth of up to 500,000 people in the ACT and surrounding region by 2030.

1.3.5 Environment

Sustainable development is essential if Canberra is to grow and prosper. We therefore support a framework that delivers sustainability while still recognising the role and interests of the property sector, its clients, and the wider community.

1.4 Departures

The following points represent areas of serious concern for the Property Council, particularly where the Planning Reform papers depart from Property Council policy.

1.4.1 Stage 2 of the Planning Reform Project

The current package of reforms is reported to be only the second phase of planning reform ("Stage 2"). This suggests that this suite of reform documents is not a holistic approach to planning reform.

The Property Council submits that a reform strategy cannot be pursued in a piecemeal fashion. We therefore call for the reform agenda to be broadened to include elements of those areas 'reformed' in 2004 such as:

- ▶ the existence, role and makeup of the Planning and Land Council;
- ▶ the development assessment process and associated guidelines;
- ▶ the Administrative Appeals Tribunal and its influence over the planning system; and
- ▶ the Land Development Agency, particularly in its role as administrator of all land sales in the ACT.

1.4.2 Implementation

The Property Council appreciates the significant workload represented by this reform package. However, we would like to see elements of the reform, particularly issues that do not require statutory amendment, brought forward.

To do this, we encourage ACTPLA to seek additional funding, which will allow it to implement the reforms effectively.

However, the underpinning culture and spirit in which current legislation, policy, and guidelines are administered raises real concerns about the capacity of the organisation to adapt and change to meet such a challenging reform agenda. Reform of the planning system will never be effective without a restructure of the Authority.

2. Detailed findings

Although the Property Council supports the broad intent of the Planning Reform Project in principle, a number of the recommendations are unlikely to achieve their intended outcomes. Our comments are detailed below.

2.1 Leasehold system

2.1.1 General comment

Any changes to the planning system must foster, not inhibit, the development and growth of the city.

The Property Council of Australia is generally satisfied with the current leasehold system, although we agree that there needs to be more transparency and certainty in the approach to leasehold charges.

This does not, however, mean that the system on the whole is broken.

The Property Council has serious concerns about proposals:-

- ▶ to reform the definition of use;
- ▶ to introduce a Codified Rights Charging System; and
- ▶ to introduce infrastructure charges that aren't offset by payments made for change of use.

It is the opinion of the Property Council that these will not improve the current system but could undermine the very basis upon which timely, cost effective and sustainable development can proceed in the Territory.

In the current system's favour, the flexibility to the private sector to negotiate an offset infrastructure costs needs to remain, as industry is generally more effective and efficient in delivering infrastructure.

On the other hand, we believe that with more research and preparation prior to any land release, ACTPLA would be in a better position to achieve the optimum use of each parcel, for the appropriate price.

Residential

After review of the current system, the Property Council of Australia considers that in order to create a timely and transparent process for the treatment of Change of Use Charging, a flat rate or infrastructure/development charge could be applied as follows.

A development charge based on a \$ amount per additional dwelling right, (ie for variations of existing residential Crown Leases) to accommodate dual or triple occupancy, a set fee of between \$3,000 to \$5,000 per additional dwelling right could be applied. For applications seeking additional units/dwellings (above triple occupancy) a fee of between \$1,500 to \$2,000 per dwelling right would be appropriate in the current market.

This system worked well during the development of the Kingston/Griffith precinct during the 1970's and 1980's at which time a charge of approximately \$500 per unit for each additional unit (over 2 units) was applied.

The Property Council believes this would provide a degree of certainty within both the government and development sectors and provide time and cost savings in the administration of such lease variations. It is envisaged that the development charge would not be payable on variation of the Crown Lease, but rather on processing of the Development Application. This would allow the appropriate infrastructure/development charge to be applied at a time when the development is due to commence.

This process would also protect the 'as of use' rights of existing residential lessees. It is proposed that the development charge would be payable to the Department of Urban Services and would relate specifically to the provision of infrastructure within the immediate precinct and within an appropriate timeframe. It is further proposed that the development charge would be reviewed annually and detailed within the ACT Government budget process. The charge itself could be indexed to reflect the increased cost of municipal services, however such a charge would also need to relate directly to the residential development market at that time and should not deter urban renewal.

Any monies received for community infrastructure must not be allowed to go into consolidated revenue but instead a transparent capital works fund for specific community infrastructure projects must be established.

Commercial

Crown Leases of commercial, retail and industrial properties throughout the Territory vary significantly.

The Property Council considers the current policy relating to Change of Use Charging should remain, for commercial, retail, and industrial properties, although it should be applied at 50% of the added value (V1 and V2) rather than the 75% used at present. This would stimulate future development within the Territory.

Any duplication of CUC and/or infrastructure charges would only deter/delay future investment within the ACT.

We believe that the alternative, namely creating a matrix of \$ rates per square metre for various charges and permitted uses, will not be possible achievable and is unlikely to be maintained.

Alternate Use

In the event that a lessee wishes to change land use from commercial to residential, the Property Council proposes that the residential basis outlined above would apply. Alternatively, should a lessee wish to change from residential to commercial uses, then the commercial CUC arrangements would apply instead.

Change of use charge waiver

We recommend that ACTPLA adopt a precinct policy for Civic and Woden that waives the change of use charge to encourage alternative development uses. This will enable property owners and managers to optimise the use of available space according to market needs. The policies could be reviewed regularly to ensure they remain appropriate.

2.1.2 Detailed comments

The balance of the proposed reforms to the Leasehold system is generally accepted subject to the comments detailed in the following table:

Key: Strongly agree √√ Agree √ No position -- Strongly disagree xx Disagree x

ACTPLA Recommendation	Position	Comment	Clarification
Recommendations for improving knowledge of the leasehold system and land administration			
<i>Educate the community on the role and functions of the leasehold system.</i>	√		
<i>That the Authority, in consultation with other government land management agencies, prepare and maintain a Land Custodianship Map. The map would identify the custodial agency for all unleased Territory land.</i>	√	A Land Custodianship Map could be used to develop a land release programme which would give certainty to the market.	
<i>Investigate options for on-line access to information relevant to planning and leasehold administration.</i>	√√		
Recommendations about the relationship of the lease and the Territory Plan			
<i>The lease remains as the mechanism to provide a clear and unambiguous statement of the rights and obligations of each party to the lease</i>	√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>New and existing leases continue to include provisions that specify use, permitted intensity of development, and tenure in a manner that is consistent with the requirements of Commonwealth and Territory legislation, and the Territory Plan.</i>	--		
<i>Amend the Land Act to clarify that 'use' is an assessable element of a development application, including a development application that only seeks to vary the lease.</i>	xx	The Property Council strongly disagrees with this approach. We believe use should only be an assessable element of a development application where:- (a) the proponent intends to submit a development application for building approval as a consequence of the change of use; and (b) where as a direct result of a change of use a development could potentially have a negative impact on third parties. The system must ensure that 'as of use' rights are maintained and protected.	
Recommendations specifically about the lease purpose clause			
<i>The purpose clauses should continue to list the permitted uses for a lease.</i>	√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>That the Territory retain the capacity to require a specific facility to be built on a specific lease, with the criteria for determining such uses being transparent and accessible to the community.</i>	√	The Property Council supports this recommendation so long as it does not limit the flexible use of property.	
<i>That leases first granted through processes other than direct or restricted grants processes include a larger range of permitted uses, in circumstances where market forces should be a key factor in determining the mix of uses within a multi-use lease.</i>	√	We recommend that ACTPLA firstly establish the highest and best (optimum) use of site.	
<i>Where a new lease provides for a range of uses and has been granted at full market value, there should be a single expression of the overall permitted intensity of development (such as gross floor area) in the lease.</i>	√	We agree with this unless there are particular benefits that may come from this being a flexible process. The release of sites with maximum potential will add clarity in the market but the maximum Gross Floor Area must be achievable.	
Recommendations about grants of leases (other than direct grants)			
<i>There should be only one provision in the Land Act for the grant of leases, accompanied by significant refinement of the number of disallowable instruments for such grants.</i>	√√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>Consider establishing a time-limited holding lease as the mechanism to provide for the consideration of a development proposal, where the lease is offered through other than a direct grant process.</i>	√	The Property Council accepts this approach, provided that the agreed percentage deposit is 10% and is <u>not</u> forfeited in the event that a development application is not lodged. Where a development application is not approved as a result of delays by ACTPLA, the time limitation must automatically be extended accordingly.	
<i>If the prospective lessee fails to lodge a development application within the time specified in the holding lease, the exclusive dealing period ends and the lease may be re-offered for sale.</i>	√	As above.	
<i>Develop criteria for the grant of licences and short-term leases.</i>	√		
Recommendations about direct grants of leases		The Property Council opposes the direct granting of land (except for community purposes), because this reduces certainty and transparency. An open market approach to the provision of leases should instead be considered.	
<i>Review the criteria for the direct grant of leases and make those criteria publicly available.</i>	√√	Distinction must be made between minor (e.g. encroachments next to an existing building) and major pieces of land. We recommend a streamlined approvals process that empowers ACTPLA or the	

ACTPLA Recommendation	Position	Comment	Clarification
		LDA to make decisions on minor tracts rather than deferring to Cabinet on all cases.	
<i>Develop and make publicly available the charging policies for the direct grant of leases.</i>	√		
<i>There should only be one avenue to apply for a direct grant of lease to replace the current system that enables prospective lessees to approach a number of agencies, depending on the nature of the proposed development (for example, aged-care, business leases, place of worship).</i>	√		
<i>There should be no right to apply for a lease variation to add new uses to a lease within the first five years of leases granted through a direct or restricted grant process.</i>	√		
Recommendations about licences and short-term leases			
<i>Develop criteria for the grant of licences and short-term leases.</i>	√		

ACTPLA Recommendation	Position	Comment	Clarification
Recommendations about change of use and payment for the use of land			
<i>Amend the Land Act to enhance existing provisions that enable the Authority to require additional information when assessing a development application. This additional information can include plans for any application to vary use or permitted intensity of development, where the proposal is assessed as potentially affecting the surrounding area.</i>	√	Although the Property Council gives its in principle support to this recommendation, it should only be allowed where:- (a) the proponent intends to lodge a development application for building approval as a consequence of the change of use; and (b) the development that is the subject of building approval could potentially have a negative effect on third parties; and (c) the application fits only a specified type of significant development, such as merit assessment or impact assessment. In order for the development assessment system to work effectively, the Government should create a broadly defined set of circumstances where existing lessees can seek a change of use without needing to undertake public notification. The recommendation currently suggests that not all conditions for development assessment will be known prior to the submission of an application. This needs to be rectified, as it could result in the	

ACTPLA Recommendation	Position	Comment	Clarification
		process being stopped far too often due to unclear requirements.	
<i>Review the use of the surrender and re-grant mechanism as a means of giving effect to a development approval that varies a lease.</i>	√		
<i>Develop a codified development rights charging system that includes a public register containing a list of fees that would apply depending on the type of use to be added. The register would also establish charges to increase the intensity of allowed development, where that restriction is provided for in the lease.</i>	X	This is impractical and would stifle development in the Territory. The ability of ACTPLA to review, update, and maintain such a system appropriately is seriously doubted.	
<i>Conduct a detailed investigation of the options for infrastructure charging.</i>	X	The current system, where infrastructure charging can be offset against the CUC must be retained to ensure that developers can continue to build infrastructure to benefit local communities.	
Recommendations for improving compliance			
<i>Prepare legislative amendments to provide for a complaints system for compliance matters.</i>	√		
<i>Review the list of controlled activities in the Land Act, against which compliance action can be taken.</i>	√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>Review the definition of development in the Land Act to clarify its relationship with controlled activities.</i>	√		

2.2 Territory Plan Revision

2.2.1 General comment

The Property Council of Australia generally agrees with all principles adopted in the 'Overview of proposed reforms' statement, with strong support for:

- ▶ the review and appraisal of planning rules against current leading national practice;
- ▶ the facilitation and streamlining of the variation to Territory Plan process;
- ▶ the greater integration of the Territory Plan and the National Capital Plan;
- ▶ the increased certainty associated with the approval of development applications and more generally;
- ▶ the reduced complexity and improvements to the access and use of the Territory Plan.

However we,

- ▶ believe the "self assessment" track should be included in the list of development tracks;
- ▶ expect that flexibility and discretion will be maintained when assessing development applications against planning rules; and
- ▶ oppose the committee being given discretion not to report to the Legislative Assembly in connection with the approval process for proposed Territory Plan variations.

Detailed commentary on all recommendations contained in Technical Paper 2 follows:

2.2.2 Detailed comments

ACTPLA Recommendation	Position	Comment	Clarification
Recommendations about strategic planning			
<i>Incorporate the strategic principles for the sustainable development of the ACT into the Planning Strategy for the ACT.</i>	√	Greater certainty about medium-term to long-term planning strategies for the Territory will increase investor confidence.	
<i>Incorporate the strategic principles of The Canberra Spatial Plan into the Planning Strategy for the ACT.</i>	√	As above	
<i>That the Territory Plan make reference to matters of national and regional significance.</i>	√		
<i>That the Planning Strategy for the ACT be taken into account only in relation to variations to the Territory Plan rather than as matters for consideration for individual development applications.</i>	√√	The Property Council strongly supports the facilitation of the development application process. Accordingly, we agree that the Planning Strategy should only be taken into account when assessing Territory Plan variations, not development applications.	
<i>Planning statements on sustainable development found in the Territory Plan should be reviewed in light of current leading national practice and proposed ACT Government sustainability principles, and be</i>	√	Any amendment to the Territory Plan should take into account current leading national practice as well as any realistic new initiatives of the ACT Government.	

ACTPLA Recommendation	Position	Comment	Clarification
<i>incorporated into the Planning Strategy for the ACT.</i>			
<i>Hold further discussions between the National Capital Authority and the Planning and Land Authority on possible further integration of the Territory Plan and the National Capital Plan.</i>	√	The Property Council strongly supports further integration of the Territory Plan and the National Capital Plan. In particular, there should be a facilitated means of determining all planning controls affecting any given piece of land located with the Territory borders, whether under Territory or National government control.	
Recommendations about land use policies area (zones)			
<i>Adopt the term 'zone' instead of 'land use policies area'.</i>	√	The Property Council supports any move that achieves greater uniformity between the Territory and other jurisdictions.	
<i>Review the zone structure of the Territory Plan with a view to reducing the number of zones.</i>	√	The Property Council supports, in principle, a review of the zone structure, subject to sufficient studies and public consultation being undertaken. Such a exercise should establish the appropriate number of primary zones and precincts needed by the Territory.	

ACTPLA Recommendation	Position	Comment	Clarification
<i>Use the term 'future urban' zone instead of the term 'defined land'.</i>	√		
<i>Identify future urban zones (defined land) on the Territory Plan map using a distinctive single colour.</i>	√		
<i>The associated principles and policies for future urban zones (defined land), together with any associated maps, should be made readily available to the public through on-line and traditional means.</i>	√		
<i>Undertake a separate study into the options for the review and updating of principles and policies for future urban zones (defined land) as and when appropriate.</i>	√	The Property Council supports any mechanism that allows principles and policies for future urban zones to be updated without having formally to invoke a variation to the Territory Plan.	
<i>Principles and policies for future urban zones (defined land) should be added to the matters for the consideration of development applications for estate development plans.</i>	√	The Property Council supports greater transparency and clarity in the determination of estate development plans.	
<i>That precinct codes incorporate statements of desired character for selected localities and that they be recognised as matters for consideration in the assessment of development applications.</i>	√		

ACTPLA Recommendation	Position	Comment	Clarification
Recommendations about use and development			
<i>Prepare a Use and Development Plan and incorporate it into the Territory Plan.</i>	√		
<i>That development tables in the Territory Plan list development under five tracks—‘exempt’, ‘code assessable’, ‘merit assessable’, ‘impact assessable’, and ‘prohibited’.</i>	√	The Property Council supports the introduction of development assessment tracks, but recommends the inclusion also of the “self-assessment” track proposed by the Development Assessment Forum.	
<i>That use tables in the Territory Plan list uses under ‘permissible’, ‘permissible only with impact assessment’, and ‘prohibited’.</i>	√		
<i>Give the Authority the power to approve variations to Crown leases (as development applications) for uses listed as ‘permissible only after impact assessment’ under the Territory Plan, but only after rigorous impact assessment.</i>	√		

ACTPLA Recommendation	Position	Comment	Clarification
Recommendations about planning rules and guidelines			
<i>Planning rules should be retained in the Territory Plan written statement only if they:</i> ▶ relate to the permissibility of uses ▶ are fundamental to the distinction between sub-zones (area specific policies areas) ▶ mirror provisions of the National Capital Plan.	√		
<i>Transfer planning rules taken from the written statement into codes or planning guidelines.</i>	√	The Property Council supports planning rules being readily accessible, while still being able to be amended without the need for a Territory variation, such as by way of a planning guideline.	
<i>Prepare a series of templates for documents containing planning rules to achieve a consistency in form and content with particular emphasis on how performance measures are to be applied, statements of introduction and citation, and the formatting of provisions to be acceptable for inclusion in electronic assessment documents.</i>	√	The Property Council supports consistency and greater certainty in relation to the amendment process for planning rules.	
<i>That a separate, comprehensive review of planning rules be undertaken, and that each rule be appraised</i>	√√	The Property Council strongly supports this proposal.	

ACTPLA Recommendation	Position	Comment	Clarification
<i>against current leading national practice.</i>			
<i>That codes and planning guidelines become the primary subsidiary documents for the purposes of development assessment.</i>	√√	The Property Council supports, in principle, an increase in the number and status of codes (subject to review of the proposed codes), if this will deliver greater certainty in the assessment of development applications. These codes will need to be written as objective rules and tests, and duplication should be avoided.	
<i>Provisions for the amendment of planning guidelines should be formulated and transferred to the Land Act with the provisions affecting planning guidelines contained in Part A3 section 7 of the Territory Plan.</i>	√	The Property Council agrees that a process for varying planning guidelines should be formulated, but these guidelines need to remain flexible and non-binding.	
<i>Delete the references to lease and development conditions from Residential Design and Siting Code for Single Dwellings (Appendix III.1) and Residential Design and Siting Code for Multi-Dwelling Developments (Appendix III.2).</i>	√	The Property Council supports Option 2.	
Recommendations about master plans and neighbourhood plans			
<i>Master plans cease to be matters for consideration in development assessment. Master plans should</i>	√√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>continue to be a vehicle for the development of policy with community consultation, but their role should be confined to providing recommendations for variations to the Territory Plan, codes or for new or revised planning guidelines.</i>			
<i>Neighbourhood plans cease to be matters for consideration in development assessment. Neighbourhood plans should continue to be a vehicle for the development of policy at a local level with community consultation, but their role should be confined to providing recommendations for variations to the Territory Plan, codes or for new or revised planning guidelines.</i>	√√		
<i>That the current role and status of community value statements be separately reviewed, including the option that they be given renewed status in local policy development..</i>		The Property Council supports abandoning community value statements in favour of the creation of neighbourhood plans.	
Recommendations about the role of the Legislative Assembly			
<i>Allow the Minister for Planning to decide whether a draft Territory Plan variation is to be referred to the relevant committee, with a further provision that the</i>	√	The Property Council supports moves to give the Minister the discretion to decide which variation should be referred to the relevant committee.	

ACTPLA Recommendation	Position	Comment	Clarification
<i>Legislative Assembly will have the power to direct such referral, subject to disallowance.</i>			
<i>The allowable time for the relevant committee of the Legislative Assembly to report on a variation referred to it should be limited through legislation, regulation or some other suitable mechanism.</i>	√	The Property Council supports the use of legislation to set timeframes within which a committee is to report on a draft variation. This should be determined by reference to the nature and scope of general classes of variations.	
<i>Consider the range of minor variations to the Territory Plan that can be the subject of an abridged process of preparation, consultation and adoption.</i>	√√	The Property Council strongly supports the adoption of an abridged approval process for minor variations.	
<i>Give the relevant committee of the Legislative Assembly the discretion to decline to report to the Legislative Assembly on a draft variation to the Territory Plan.</i>	x	The rationale as to why the committee may be given discretion not to report to the Legislative Assembly, or the consequences of it so declining have not been adequately addressed.	The Property Council seeks advice as to why this is being recommended.
Other recommendations about the Territory Plan			
<i>That the administrative provisions relating to the preparation and amendment of subsidiary documents be located in the Land Act or its regulation rather than the Territory Plan.</i>	√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>Investigate the possibility of providing a warranty of currency for the on-line version of the Territory Plan.</i>	√		
<i>Undertake a separate, comprehensive review of definitions in the Territory Plan.</i>	√	The Property Council supports a review of definitions in the Territory Plan. In particular, we would like to see a readily accessible compilation of definitions contained in Crown leases. This should include definitions that pre-date the Territory Plan but which, by virtue of section 12 of the Land Act, continue to be operative.	

2.3 Streamlining Development Assessment

The Property Council seeks timeliness and certainty of outcomes from the development assessment system, and has been advocating reform for many years.

Achieving this will need an overhaul of the legislation, but will also require a change in the overly bureaucratic spirit of ACTPLA in administering the relevant statutes, which has been a major bugbear of industry for some time.

The Property Council

- ▶ wants certainty in the early stages of the design process and written in-principle support given to developed sketch designs;
- ▶ believes planners should be encouraged / empowered to have a clear opinion at an early stage in the design process and to give consistent advice from the outset as to whether or not an application will be supported;
- ▶ does not want the validation process to be, in effect, a late stage critique of the design. Validation should only relate to the documentation provided;
- ▶ questions the value of the Planning and Land Council and calls for that body to be disbanded. If this is not possible, the Council's role in relation to development assessment should at the very least be reviewed;
- ▶ believes that plans should be referred earlier to the Planning and Land Council (if it continues), particularly if significant criticisms may be raised;
- ▶ believes that design professionals should be able to present their concepts directly to the Design Review Panel, Heritage Council and to the Planning and Land Council, as a planning officer is unlikely to know the context in which an application has been submitted;
- ▶ considers the body of documentation relating to planning issues to be very difficult to navigate. All key relevant information required of design professionals should be contained in a single heterogeneous document that clarifies the differences between "Controls" and "Measures";
- ▶ is concerned about the obvious lack of training of ACTPLA staff and the high turnover of employees:
 - a. this is in part a result of the prescriptive and numeric approach taken towards development assessment, rather than the proactive assessment on good design principles;
 - b. as a consequence, it results in a lack of continuity in the management of applications;
 - c. an area planning office should be identified from the outset of an application and be involved through to the approval or rejection;
- ▶ suggests that the process of dealing with referral agencies is untenable:

- d. the relationship of ACTPLA with Heritage and Environment ACT, ACTEW, Roads and Traffic and even the Administrative Appeals Tribunal needs to be reviewed and streamlined to facilitate development assessment;
 - e. agencies must be required to respond within statutory time periods or be deemed automatically to approve;
 - f. agencies must be involved in early discussions about crucial decisions that may affect initial design intentions, if there is likely to be cause for complaint;
- ▀ calls for a formal feedback mechanism to allow decisions of the Administrative Appeals Tribunal to guide the improvement of the planning system;
- ▀ seeks a formal process for disseminating important and often-changing planning information, by way of regular emails to stakeholders. This should be backed up by regular meetings between ACTPLA staff and the design / development community, which would allow concerns about the planning and development assessment systems to be canvassed;
- ▀ urges ACTPLA to indicate its views on particular developments up-front, rather than holding out for a sense of public opinion;
- ▀ seeks timeliness in the approvals process. Prescribed timeframes should be viewed as maximum rather than as minimum assessment period, and applications that take too long should be deemed approved; and
- ▀ calls for a reduction in the detail and amount of documentation needed for a development application. Examples include the Design Response Report:
 - g. the need for a sustainability index and detailed engineering information in this document is unnecessary at development application stage;
 - h. the Report should instead be a checklist that gives an opportunity to describe the application and provides a section to justify non-conformances.
- ▀ recommends that ACTPLA review its role in relation to community consultation. Most importantly, ACTPLA should provide the leadership role with which it is statutorily empowered - the ACTPLA stance on developments should be articulated to the community early in the consultation process so as to provide clarity and certainty to the community's and proponents' expectations. ACTPLA must stand by this stance throughout the process.
- ▀ wants to see evidence of improved internal ACTPLA systems that ensure better and consistent advice to proponents
- ▀ would welcome a regular formal forum between design professionals and ACTPLA
- ▀ recommends that all AAT decisions should be collated by ACTPLA and provided in a clear and concise manifest so that a database of case law is an easily accessible on the ACTPLA website so that the same inefficient road is not taken by proponents

2.3.1 General comment regarding the recommendations

The Property Council of Australia generally supports all principles adopted in the 'Overview of proposed reforms' statement, with strong support for improved efficiency,

reduced complexity, and improvements to allow timely service and faster turnaround of development applications.

However we:

- ▶ oppose ACTPLA's rejection of the self-assessment track;
- ▶ do not support 3rd Party Appeal rights;
- ▶ strongly oppose legislation that allows stop clock mechanisms;
- ▶ cannot tolerate a pre-application certification system if it represents an unnecessary step and requirement of proponents;
- ▶ do not support provision for development assessment lodgement refusal; and
- ▶ do not support the current validation process – any pre-application validation provision must be clearly outlined and carefully considered before implementation.

Detailed commentary on all recommendations contained in Technical Paper 3 follows.

2.3.2 Detailed comments

ACTPLA Recommendation	Position	Comment	Clarification
Recommendations about objective rules			
<i>That the review of planning rules include an assessment of opportunities to convert planning policy requirements into explicit rules and objective, largely quantitative criteria.</i>	√√	This should be more than an “assessment of opportunities” – should be a full commitment from the Government.	
Recommendations about DAF model assessment tracks			
<i>The Land Act should be amended to clearly identify the adopted DAF “assessment tracks” (ie “exempt”, “code assessable”, “merit assessable”, “impact assessable”, and “prohibited”) and the chief rules and procedures that apply to each track such as application fees, assessment method, government referrals, and notification and appeal procedures.</i>	√√	Re: Notification and representation rights, the Property Council supports in principle the Queensland model for notification and representation rights. We do not support the SA model. The “self-assessable” track should be included in the list of tracks available to applicants.	
<i>A self-assessment track for non-exempt development applications, which leaves no role for qualified assessors, should not be introduced into the assessment scheme.</i>	x	As noted above, the self-assessable track, with checking by an ACTPLA Officer, should be retained.	

ACTPLA Recommendation	Position	Comment	Clarification
<i>The Authority should assess the desirability of aligning administrative structures with the adopted DAF assessment tracks.</i>	√	The Property Council strongly supports the alignment of administration structures with the DAF assessment tracks. These should be implemented in their entirety, rather than merely “assessing their desirability”.	
<i>The review of planning rules should determine the DAF assessment track that should apply to each type of development application</i>	√	The assessment tracks being used for an application should be determined up front and not changed throughout the process.	
<i>The application of the different assessment tracks to the different types of development should be made clear and set out in the regulations to the Land Act or in the Territory Plan. This allocation should be updated from time-to- time.</i>	√		
<i>Remove requirement for new single residences in greenfield sites and (where not already exempt) small structures such as garages, sheds, pergolas to obtain development approval provided that they comply with relevant design and siting codes. Require building or registered planning certifiers to check that the building plans for such structures fall into the exempt category and are consistent with relevant design and siting codes.</i>	√	The Property Council believes that simple projects that are not exempt should be able to be self-assessed, as outlined in the DAF model.	
<i>The DAF assessment track method and the allocation</i>	√√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>of development applications to the different tracks should be well-publicised, including through direct Authority advice, information brochures, and the Authority's website.</i>			
Recommendations about pre-application steps			
<i>The publications relevant to design and other pre-application steps should be maintained and updated from time-to-time. In particular, the publications should be updated to incorporate any changes associated with the Planning System Reform Project.</i>	√	Further, we recommend that all steps be reviewed immediately prior to implementation of the Planning Reform Project results A regular mail-out of new information to industry is imperative.	
<i>Consideration be given to the possible adoption of a pre-lodgement certification process similar to processes adopted in other jurisdictions. This should include an assessment of what qualifications, if any, should be required of the pre-lodgement certifier.</i>	x	The Property Council supports a greater role for private practitioners in the development assessment process, as does the DAF, but not in order to increase regulatory requirements on applicants. We are concerned that certification of pre-lodgement processes will prove to be an additional (and unnecessary) hurdle for proponents to undertake. Recommendation: THAT this concept be referred to the DAF for consideration and advice as to whether it constitutes best practice.	We support a greater role for private practitioners (as does the DAF), but not in order to increase regulatory requirements.
<i>That the Land Act be amended as required to permit</i>	xx	As clear and objective tests and rules for	

ACTPLA Recommendation	Position	Comment	Clarification
<i>the Authority to refuse applications which do not include sufficient information to enable the Authority to make an initial assessment of the application.</i>		development assessment are proposed to be established up-front, there should be no requirement for the Authority to require such an amendment. We strongly oppose a system that allows the Authority to refuse applications AND stop-the-clock at any point during the process.	
<i>That the Authority monitor the pre-application process to assess the extent and nature of any difficulties with a view to making improvements as necessary.</i>	√		
<i>That the planning review include consideration of in-principle (that is, preliminary) approvals.</i>	√	This must be in writing. This will encourage engagement by proponents with the Authority early in the design process, improving certainty.	
<i>A stop-the-clock mechanism apply in cases where an amendment to a development application is sought, such as the preparation of an amended application (including revised plans) and any repeat public notification process.</i>	x	This should be the case only if it applies on the agreement of both parties. Otherwise assessment time delays should result in deemed approval of applications.	
<i>That the Land Act be amended to enable the Authority to stop the countdown of the statutory time period for assessment of development applications pending the supply of further information.</i>	xx	The Property Council of Australia strongly opposes this practice. The Authority's lack of timeliness, uncovered by the Auditor General's report, should not be addressed through the use of a stop clock mechanism, as this will merely cover up any problems inherent in the system.	

ACTPLA Recommendation	Position	Comment	Clarification
<i>That section 247 of the Land Act be reviewed and amended as necessary to clarify when minor modifications to development approvals can be made without further application and assessment; and to permit other modifications to be made without the need to repeat the entire application and assessment process for the whole development provided the modification does not change the purpose or character of the original development application (for example this would not include a modification to change a single residence development to a dual occupancy one).</i>	√√		
Recommendations about application and assessment of development applications			
<i>Amend the Land Act to give the Authority discretion to waive the requirement for re-notification of amended applications if the Authority considers that the amendment is of benefit to third parties and does not introduce any new third-party impacts.</i>	√		
Recommendations to progress current reforms for automated tracking of development applications			
<i>Review development application forms and guidelines</i>	√√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>to ensure that they are not only comprehensive but also user friendly and consistent.</i>			
<i>Material relevant to each of the adopted DAF assessment tracks should be clearly identified.</i>	√		
<i>Review checklists to ensure that they provide guidance to staff not only on quantitative issues but also on the method for applying principles of sustainable development and other complex issues.</i>	√√		
Recommendations about government referrals of development applications			
<i>That the Authority refers only those matters that are directly related to the construction, including management of off site impacts, of the development itself.</i>		This should only apply to matters within the Authority's interest or purview	
<i>That the Authority refer matters to agencies for advice only if the matter is identified in the Land Act or regulations as requiring referral.</i>	√√		
<i>Referrals should not be required if the proponent has already obtained the relevant advice before submitting the application for development approval.</i>	x	The Property Council does not want to rule out proactive applications. However, it is preferred that no pre-application validation process exist and that the Authority refer all applications to agencies with	

ACTPLA Recommendation	Position	Comment	Clarification
		a direct interest only as and if required.	
<i>Amend the Land Act to require referral agencies to provide a response to a referral for advice within a set period, for example fifteen days. This limit may include provision for a 'stop the clock decision' where the proponent and agencies agree more time may be usefully spent in negotiations.</i>	x	The Land Act should not be amended to make provision for 'stop the clock'. However, an administrative process stop clock could apply, but only if the proponent agrees.	
<i>That the Land Act continue to direct the Authority to consider advice from other Government agencies but and there should continue to be no compulsion on the Authority to accept and act on the advice.</i>	√√	The Property Council strongly agrees with this proposal. However, we are concerned that this may allow Agencies to make a representation and therefore appeal a decision. Recommendation: THAT provision be made in the Land Act strictly to preclude any other Government body from making representations or appealing decisions.	
<i>Amend the Land Act to direct a referral agency to provide legally binding advice about a licence or permit that it may issue at a later stage in the development process, and the types of conditions that may be attached.</i>		General recommendations: 1. THAT resources be allocated appropriately to carry out all recommendations; and 2. THAT ACTPLA undertake a detailed assessment of the resources and staff hours required to implement the changes successfully.	Clarification required. We assume that all formal advice given by any Agency would be legally binding.
<i>The Land Act should require referral agencies to set out the documentary requirements for seeking referral</i>	√		

ACTPLA Recommendation	Position	Comment	Clarification
<i>advice and the criteria on which the referral agency is to make its assessment.</i>			
<i>That the Authority continue to notify referral agencies of its decision and that the notification state whether the Authority has adopted the comments of the agency and if not the reasons.</i>	√		
Recommendations to improve community consultation on planning policies and objectives			
<i>Assess the need for a set of standard practices to be developed for community engagement in planning policy development.</i>	√	There is a need for a set of standard practices. ACTPLA should work with the DAF to ensure that these are created.	
<i>Authority guidelines and procedures continue to encourage proponents to consult early with neighbours during the preliminary design stage. These procedures could note that in some (but not all) cases neighbours will have a right to submit comments on the proposal to the Authority.</i>	√	DAF is currently working on such guidelines and would benefit from the ACT Government's input. Recommendation: THAT the Authority work with the DAF to create leading practice guidelines and procedures relating to consultation	
<i>The Land Act regulations continue to determine what development applications must be publicly notified.</i>	√	By proposing to adopt tracks, there will be no need to specify in the regulations what will be publicly notified, as this information is already included in the tracks.	
<i>Review the regulations so that public notification</i>	√	This is specified in the proposed DAF tracks. The	

ACTPLA Recommendation	Position	Comment	Clarification
<i>applies in connection with merit and impact assessable matters and that the review also consider the appropriate method of notification, for example by letter or newspaper notice.</i>		Model DA System also recommends that not all merit applications will require notification.	
<i>Amend the Land Act to permit the Authority to waive requirements for public notification of applications to vary the permissible uses of a Crown lease where the application can have no significant third party effects.</i>	√√		
<i>Notification methods are to be assessed and improved where practical.</i>	√		
<i>That the Authority adopt a standard form for the making of representations. The form, in association with other information, should assist third parties to identify relevant issues and make clear the chief reasons for their representation.</i>	√	DAF is currently working on such guidelines and would benefit from the ACT Government's input. Recommendation: THAT the Authority work with the DAF to create leading practice guidelines and procedures relating to consultation	
<i>Amend the Land Act to remove the distinction between submissions and objections and instead have a general provision that permits representations, with the same procedures and rights regardless of their support or criticism of a development proposal.</i>		This needs to be thought through in detail so that such a provision does not create a loophole that will expand 3 rd party appeal rights.	

ACTPLA Recommendation	Position	Comment	Clarification
Recommendations about third-party appeals	xx	The Property Council of Australia strongly opposes the provision of 3rd party appeal rights. Where the whole community is consulted in the development of planning policy, there should be no need for 3rd party appeals. This doesn't mean, however, that notification and consultation shouldn't occur, where appropriate, as decision-makers should still be properly informed before applications are determined.	
<i>The set of matters that may give rise to third-party appeals should be reviewed to make them consistent with the DAF model requirements, so that the process applies to only merit or impact assessment matters</i>		The DAF model argues against 3rd party appeals unless there is a clear error in decision-making. There should therefore be very few areas where such appeals are allowed, if at all. It should also be noted that some merit assessments may not be notifiable or appealable.	
<i>Only development applications that potentially have significant off-site impacts in residential areas should be open to third party appeal.</i>		The Property Council opposes third-party appeal rights on the basis that consultation in the development of a plan and over an application should allow sufficient airing of any potential grievances. An application should not provide an opportunity for regulators to revise a plan retrospectively.	Definition of 'significant off-site' is required

ACTPLA Recommendation	Position	Comment	Clarification
<i>For reasons of clarity, the revised set of appellable matters should be positively identified in the Land Act.</i>	√		
<i>The Land Act should provide that third party appeals are open to persons who (a) are likely to be materially affected by a development application decision and (b) made a representation at the assessment stage.</i>		The Property Council opposes third-party appeal rights on the basis that consultation in the development of a plan and over an application should allow sufficient airing of any potential grievances. An application should not provide an opportunity for regulators to revise a plan retrospectively.	'materially affected' requires definition
<i>The Land Act be amended to make it clear that increased commercial competition cannot constitute a valid ground for lodging a third party appeal.</i>		Recommendation: THAT the Land Act be amended to make it clear that Government bodies are not entitled to appeal.	
Recommendations about building approval exemptions			
<i>Amend the Building Act to remove the requirement to obtain a building approval for an increased range of class 10 (non-habitable) buildings and structures (ie by extending existing dimension limits for exempt structures) and replace this with the following requirements:</i>	√		
▶ The licensed builder in charge of the building work is to certify that construction complies with the			

ACTPLA Recommendation	Position	Comment	Clarification
Building Code of Australia and relevant development approval conditions;			
An engineer must certify that the building work for certain large class 10 buildings and structures is structurally sound and stable; large buildings include those of more than three metres in height or with a structural member that spans more than six metres; and			
The structure can only be used or occupied after the licensed builder has certified the structure.		√	
Recommendations to integrate building approval and development approval services			
<i>That the Authority, in cooperation with the building industry, examine the potential for the development of industry standard agreements and guidelines to facilitate arrangements for the building or registered planning certifier to check and submit development applications on behalf of proponents.</i>	xx	The Property Council questions whether this represents best practice. Recommendation: THAT this concept be referred to the DAF for consideration and that ACTPLA work with DAF to determine whether this constitutes best practice.	
<i>That the Authority, in conjunction with the building industry, develop an internet facility that would enable Authority staff and building or planning certifiers to work together on a single set of building design plans</i>	--	At this stage we question the benefit or value-add of such a facility, particularly in weighing up the return on what will be a significant investment. However, if there are benefits that could arise from electronic development assessment, we are willing	'conjunction' should read 'consultation'

ACTPLA Recommendation	Position	Comment	Clarification
<i>in electronic format.</i>		to consider it.	
Recommendations about compliance	√		
<i>Amend the Building Act to require certifiers to notify the Authority within one business day of the certifier becoming aware of building work that does not comply with fundamental building or development approval requirements (for example, as to floor level or building perimeter).</i>	√	The Property Council is concerned about the logistics of such a proposal, particularly in view of the current workload of certifiers. This would only serve to increase the risk to certifiers who are already subject to enormous professional indemnity risks and insurance costs under the current system.	
<i>Amend the Land Act to require an application for a development assessment, or an amendment, in circumstances where the subject building work does not comply with fundamental building or development approval requirements, to be accompanied by a plan, signed by a registered land surveyor, quantifying the non-compliant fundamental dimensions.</i>			
<i>Amend the Building Act to permit the private sector through a building certifier or registered planning certifier to assess compliance with development approval and unit title conditions for certain prescribed developments.</i>		The Property Council supports the use of private certification in the development assessment system, so long as it is not used to justify additional compliance steps.	
<i>That the Authority establish risk management principles for handling complaints and assessing the</i>	xx	√	

ACTPLA Recommendation	Position	Comment	Clarification
<i>likelihood of breaches.</i>			
<i>Assess the need for development approvals to continue to apply after the issue of a certificate of occupancy in connection with new building activity.</i>			
<i>Establish an optional single application and issuing process to facilitate the concurrent processing of both lease compliance and occupancy certificates. This process is to be achieved in part through a single application form (or physically linked forms). This process to be available for use in connection with relatively simple developments.</i>			
<i>Amend the Land Act to give the Authority power to withhold the approved plans until pre-requisite conditions have been satisfied.</i>		This will result in time delays.	Clarification required as to why this is being recommended.
<i>Amend the Building Act to allow for regularisation of unlawful building work, and for occupancy on that basis</i>			Clarification required
<i>To prevent exploitation of the regularisation provision, the Authority should have powers to:</i> <i>refuse to regularise the work but to require demolition in warranted circumstances</i>			Clarification required

ACTPLA Recommendation	Position	Comment	Clarification
<i>require a caveat on the certificate of regularisation warning successors in land title of the unlawful nature of the building's construction</i> <i>order testing of the building to help determine building code compliance (eg: detecting reinforcement in concrete elements).</i>			

2.4 Environmental Impact Assessment

2.4.1 General comment

The Property Council cannot support the potential politicisation or increased public buy-in of environmental impact assessment. Nor do we believe that there is a greater need for such analysis of development applications.

We support the removal of planning assessment requirements for Civic in order to deliver greater flexibility for development and refurbishment and believe it should be replicated in other town centres. This will allow Canberra's centres to become vibrant commercial districts suitable for our national capital.

However, this platform was not intended to increase the use of mandatory environmental assessment, which is implied by the reform recommendations imply. The reforms could result in such statements being required for any major residential, institutional, commercial, transport, and infrastructure-related proposals. In other words, any building to be built in Civic or other commercial centres could be affected.

Such a move would be unnecessary and could impact adversely on investment in the Territory. The Property Council hopes that, with greater detail, this will prove not to be the case.

In relation to environmental impact assessment, the Property Council:

- ▶ opposes the concept of public notification and consultation over draft environmental impact assessment reports, as the appropriate time for such community involvement is during the development of planning policy. ACTPLA staff should be sufficiently qualified to consider the advice of environmental impact reports;
- ▶ believes that the creation of round table conferences or panels to draft guidelines is unnecessary and will lead to delays without adding to the quality of outcomes;
- ▶ opposes the politicisation of environmental impact assessment in the form of Ministerial discretion to initiate reviews.
- ▶ does not support discretion being given to the Minister to table finalised Environmental Impact Statements in the Legislative Assembly, as this could severely affect commercial confidentiality;
- ▶ has no confidence in ability of the Development and Environmental Policy section of ACTPLA to oversee the development of a comprehensive environmental impact statement effectively, in light of some of our members' recent dealings with that section;
- ▶ cannot agree to any double standard applied to government and the private sector in relation to environmental assessment requirements. This means:
 - i. public and private sector developers should be on a level playing field when it comes to the need for Environmental Impact Statements; and
 - j. ACTPLA should be required to undertake rigorous environmental impact assessment whenever variations are being proposed to the Territory Plan; and

- believes that the requirement for a proponent to engage a consultant to prepare an Environmental Impact Statement from a pre-approved list is anticompetitive and inflexible and should be rejected.

The Property Council believes that the ACT needs a system that delivers outcomes once you comply with the Territory Plan. The Plan should not be the first step on an extended and stringent process for development assessment.

2.4.2 Detailed comments

ACTPLA Recommendation	Agree Y N	Comment	Clarification
Recommendations about when an EIS is required			
<i>Undertake environmental impact assessment of development applications at three levels:</i> <i>2. level one – minimal for minor development</i> <i>3. level two-an expanded design response report for applications falling under DA Process Books numbers 2 and 3</i> <i>4. level three – EIS for listed activities or when the Minister for Planning directs an assessment</i>	√	x	
<i>That developments for which an EIS to accompany a development application is mandatory be listed in a schedule devised in recognition of the environmental goals of the ACT</i>		How will this work in practice? Will it take into account scale of development?	More clarification required
<i>Abandon preliminary assessments in favour of environmental impact assessment for high impact activities</i>		Does not make clear relevance of Civic Centre and Town Centres.	Definition of high impact activities required.

ACTPLA Recommendation	Agree Y N		Comment	Clarification
<i>Environmental impact statements should become the sole mechanism for high-level (level 3) environmental impact assessment (i.e. public environment reports be abandoned)</i>				
<i>That environmental impact assessment associated with proposals to grant Crown leases be triggered only on a discretionary basis by the Minister for Planning, and take the form of a planning study, scoped by the Authority and prepared by the proponent.</i>				
<i>That environmental impact assessment associated with the draft variations to the Territory Plan be triggered only on a discretionary basis by the Minister of Planning, and take the form of a planning study, scoped by the Authority and prepared by the proponent.</i>				
Recommendations about administrative responsibilities				
<i>Subject to administrative arrangements, the discretionary power to direct that an EIS be prepared should be vested in the Minister for Planning</i>				

ACTPLA Recommendation	Agree Y N	Comment	Clarification
<i>The Minister for the Environment and the Minister for Health retain powers in relation to environmental authorisations and development applications with public health implications</i>			
<i>Give the Minister for planning the power, subject to administrative arrangements, to establish a panel to conduct an enquiry only after the finalisation of an EIS, but before the relevant development application is decided.</i>			
<i>The Minister for Planning should retain the power to direct that an EIS be lodged with a particular development application where, in the Minister's opinion, the proposed development will have potential for significant environmental impact.</i>			
<i>That the practice of tabling finalised environmental impact statements in the Legislative Assembly be at the discretion of the relevant Minister.</i>		X Tabling should not be required.	
Recommendations about community consultation			
<i>That guidelines be prepared by the authority for the appointment of a panel and include the minimum</i>			

ACTPLA Recommendation	Agree Y N		Comment	Clarification
<i>qualifications of a member.</i>				
<i>Give the Planning Land Authority discretion to initiate round-table conferences (currently under s 128 of the Land Act)</i>				
<i>Environmental impact statements are to be lodged with the Authority in a draft form, and the public is to be invited to comment on the draft</i>		X X	Strongly disagree. Authority should be in a position to provide comments without assistance from the public. To do so would lengthen process and 'double up' on what is a potentially a volatile process.	
<i>Recommendations about the scope and content of an EIS</i>				

