



## Standing Committee on Environment, Climate Change and Biodiversity

### Inquiry into Annual and Financial Reports 2021-2022 ANSWER TO QUESTION TAKEN ON NOTICE

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**Asked by Ms Jo Clay MLA on 31 October 2022:** Mr Ben Ponton took on notice the following question(s):

Reference: Hansard uncorrected proof transcript, 31 October 2022, Page 6-7

In relation to: Management objectives in the new planning bill.

**MS CLAY:** Thank you, Chair. Minister, PCS manages a lot of different types of land, wilderness areas, national parks, reserves and catchments and there are management objectives in the current Planning and Development Act and those management objectives then feed into the management plans which are both different areas, so they are quite significant.

I am just wondering with the new planning bill, how PCS was consulted on the management objectives in the planning bill for all of those different types of land?

**Mr Gentleman:** Yes, certainly, part of the exercise in preparing for the new territory plan, and you are right PCS, I think, has 387,000 hectares of land to manage, so it is quite a big portfolio and there are different areas of consideration. I might ask Mr Ponton to talk about how that conversation has been occurring.

**Mr Ponton:** Thank you, minister. I think it is important to note that as Director-General I am responsible for Parks and Conservation, and also, for providing advice to the minister in relation to the Planning Bill. So we had a range of opportunities to engage across government but it was very important to me to make sure that as a directorate, we were engaging in talking, collaborating, as well as we possibly could.

So whilst we had opportunities for our people to engage and collaborate through those more formal structures, through various working groups and the like, we also had our executive management board, so Mr Burkevics who represents the Parks and Conservation Service, sits on that.

And then a series of less formal conversations were had in relation to the needs and expectations of not only the Parks and Conservation Service but also our colleagues in the environment division more broadly. But equally, across other parts of the organisation such as climate change, energy and the like.

**MS CLAY:** So with the new management objectives in the new bill, some of the old management objectives are a bit out dated, they did not talk about climate resilience, they did not talk about vulnerable habitat or species protection, there were quite a lot of things that we had noted in various bits and pieces of work that were absent. Has that been updated in the new planning bill, have those management objectives been updated?

**Mr Ponton:** I would need to have a closer look and refresh my memory, whilst that is a body of work that I have been very focused on and close to for quite some time, in more recent months my focus has been on the district strategies and the territory plans.

I just need to go back and have another look. But certainly, we were looking at modernising all parts of the act where we felt it was necessary, particularly to pick up on issues such as climate change and resilience and the likes. So I would like to say yes but I would prefer to perhaps take that on notice and come back to you and confirm exactly where that might occur.

**MS CLAY:** That would be great. When you take that on notice, and I do not know if you are able to tell me this but it would be very helpful for us to know that if PCS made comments on what the management objectives should be, if what ended up in the bill matches the comments that were made.

**Mr Ponton:** I will certainly see what we can do in that respect.

**Mick Gentleman MLA:** The answer to the Member's question is as follows:–

During the preparation of the Planning Bill there were many opportunities for government and non-government stakeholders, including the ACT Parks and Conservation Service, to input into the process. Taking various input into account, the Planning Bill 2022 (the Bill) has sought to incorporate contemporary management objectives into the legislation. The management objectives from the *Planning and Development Act 2007* (the P&D Act) have been retained as they remain fit for purpose in enabling appropriate oversight and reviews in the management of public land from an urban planning perspective. Those objectives are included at Section 383 and Schedule 4 of the Bill.

The preparation of the Bill, resulted in elevating the issues mentioned above into the Objects of the Bill, so that all planning decisions made under the new legislation, not just those set out in Section 383 of the Bill, must take these matters into consideration. Importantly, the Objects of the Bill, located at section 7, requires that the following matters be considered:

- *the ACT's biodiversity and landscape setting, including the integration of natural, built, cultural and heritage elements; and*
- *a sustainable and resilient environment that is planned, designed and developed for a net-zero greenhouse gas future using integrated mitigation and adaptation best practices and considers food and water security.*

Further, section 9 of the Bill seeks to promote and facilitate ecologically sustainable development and specifically provides for *the protection of ecological processes and natural systems at the local, Territory and broader landscape levels* along with other development principles to provide for an integrated effective development.

The Bill further responds to the issues raised by introducing the Principles of Good Planning at section 10. Pursuant to that section, principles related to *natural environment conservation* and *urban regeneration* are to be taken into consideration to achieve good planning outcomes.

More specifically, as the existing provisions of the P&D Act are retained in the Bill, Section 383 (2) allows the Conservator of Flora and Fauna to make additional management objectives to support the Objects of the Bill and complement the objectives set out in Schedule 4. The Bill has also retained the referral requirements relating to decision-makers considering matters protected by the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* that are likely to have a significant adverse environmental impact. The Bill also provides for a formal assessment of a development proposal's potential environmental impact to be undertaken for certain proposals, with *the Planning (General) Regulations 2022* specifying which proposals require an environmental impact statement.

The management of wilderness areas, national parks, nature reserves and special purpose reserves, continue to be managed under the *Nature Conservation Act 2014*.

Approved for circulation to the Standing Committee on Environment, Climate Change and Biodiversity

Signature:



Date:



By the Minister for Planning and Land Management, Mick Gentleman MLA