



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),
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Submission Cover Sheet

Inquiry into Planning Bill 2022

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The Secretary
Standing Committee on Planning, Transport, And
Community Services
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Secretary

INQUIRY INTO THE ACT PLANNING BILL 2022

I would like to thank the Legislative Committee for the opportunity to comment on the above mentioned Bill. I have no expertise in city planning nor the analysis of complex legislation, however my comments on the changes to the Planning Bill are as an ordinary citizen who has witnessed the changes taking place in my suburb and city. In fact, the complexity of the current Act and its interpretation is an obstacle to fully understanding how the Planning Act will change and what the changes will mean to people at a personal level.

I ask the Committee to take into account the following points when considering the Bill.

- One of my biggest concerns is in an “outcomes based” system, who decides what is “an applicable desired outcome”. It appears that all of that power to make subjective decisions will reside with one individual in one ACT government department. The result is that the planning authority is in effect the judge, jury and executioner on any planning decision. How then can anyone dispute a decision on this basis? There is no independent body overseeing the process like they have in other States eg, the NSW Planning and Environment Court and Building Commissioner.
- What happened to the 66 recommendations contained in the report produced by the predecessor to this Committee, the Standing Committee on Planning and Urban Renewal. This Bill appears not to implement any of those recommendations which aimed to improve transparency and increase community involvement in the planning process. In the Government produced paper summarising the recommendations and responded with “Noted” or “Agreed in Principle - no change required”, “Noted - passed on (or referred) to relevant team/agency” or “Not Agreed/ outside of scope”. Who decided this? It seems that the Department has, in effect, ignored all of the community’s submissions to the Inquiry.

- In fact, instead of increased community involvement, particularly in the early planning stages of a development (consultation at the earliest opportunity is seen as the best way to avoid conflict at later stages of a development) the opportunity for community consultation has been diminished with the removal of the existing pre DA consultation process.
- In addition, the public's ability to apply for a Controlled Activity Order has also been removed from this Bill. This means that the public will no longer be able to appeal an ACT Government decision to ACAT.
- With the Government's stated aim of 70 percent urban infill, how development is controlled will be critical. In the inner suburbs, invariably marketed for their "leafy tree lined streets" and "mature trees and gardens" the type of developments allowed will impact the very character and livability of the suburb, not to mention the the ability to mitigate the urban heat island effect. The mechanisms by which to ensure that densification is done well and that the stated aim of 30 percent canopy cover already exist in the form of Territory Plan 369 and the Urban Forest Act.

While it is unfortunate that TPV 369 is not mandatory, there should be a requirement in this Bill requiring the Planning Department to report to the Assembly and this Committee on compliance with Variation 369 and the reasons for non-compliance.

Planning decisions affect people's lives. Poor planning with little or no consultation or avenues to challenge them can cause much anxiety for those who will have to live with the ongoing impacts of those decisions

Lastly, I believe it is important for the Committee to know the reaction of almost everyone I have asked whether they were going to put in a submission to this Inquiry, and in fact any of the various "community consultations" run over the years to do with the future of this city. Almost to a person, the reply was "why bother putting in time and effort when they will do whatever they want anyway". Given that this legislation will have direct impact on people's lives, this reaction shows there is a continuing lack of trust in this government's dealings with this city's ratepayers and voters. This Bill does very little to address this problem.

Thank you again for the opportunity to comment.

Yours sincerely

Margaret Dudley
Canberra Resident