

Additional Comments to the Standing Committee on Planning, Transport and City Services Report, *Inquiry into the Planning Bill 2022*.

To date the members of the Standing Committee on Planning, Transport and City Services (the Committee) have maintained a commitment to work collegiately to reach a consensus on the views taken by the Committee. While this may mean on occasion a recommendation or recommendations made by the Committee are not exactly how one member would necessarily approach the topic, it has meant that the recommendation or recommendations made by the Committee are a true reflection of genuine deliberation by all parties and perspectives in The Legislative Assembly.

I see this approach as removing pure politicking from the Committee process and delivering on the committee's function of providing genuine scrutiny and advice to the Legislative Assembly on matters before it for consideration. As a member of the Committee, I have been proud of the scrutiny we have provided to the work of the Legislative Assembly through this approach.

The Committee adopted the same approach for this report and has made several consensus recommendations to improve the Bill. As the Committee has made these recommendations through a deliberative consensus based approach it is fair to say I feel more strongly about some recommendations than others, but I would encourage genuine consideration of all recommendations put forward by the Committee.

In particular I draw Members attention to the following recommendations:

- Early consultation (recommendations 6 and 7)

People care about where they live and the quality of their built and natural environments. It almost goes without saying that people will have a view on proposals that alter or change this.

Best planning practice acknowledges that genuine engagement between the proponents of development and the community that will be affected by the development presents the best opportunity for reconciling any differences of opinion and gaining community support for a project. The earlier in the process this engagement happens the better. It is far easier to adapt a proposed development earlier in the process than later.

The key to this however is that the engagement is genuine, that time is given for suggestions and concerns to be worked through, that community is listened to, and projects adapted to reflect their input, and that community is open to accepting when design or development constraints provide genuine limitations on what can and cannot be adapted.

I acknowledge the view of the ACT Government that the pre-DA consultation was not working but rather than drop the practice all together I believe an alternative practice should be developed as the benefits from early engagement are far too important not to have and should be a standard practice within our planning system.

- Government Landscape Architect (recommendation 47)

Canberrans have always been proud of our City in A Landscape and being a City in A Landscape is something we should continue to honour in my opinion. Yet the landscape plan of the original designers of the city needs to be considered for its suitability in the present and future. As our built form changes, the impacts on the landscape will also change and we should be making informed and considered decisions about how we can maintain nature in our city.

We know that responding to climate change is one of, if not the, greatest challenge of our generation. The way our built and natural environments integrate will provide opportunities for the response to climate change as well as prevention of some of the factors that lead to climate change.

We also need to recognise that our appreciation of the landscape did not start with settlement and that there is a significant task to facilitate connection to country. We need have the advice of traditional custodians reflected in our current and future practices.

A Government Landscape Architect and the advice they would provide to Government would drive this critical work and I support the creation of the role.

- Territory Priority Project as Disallowable Instruments (recommendation 34)

Some community associations indicated in their evidence that section 215(2) of the Bill should be amended so that Territory Priority Projects are a disallowable instrument rather than a notifiable instrument. While some community associations raised this matter, I note industry representatives or professional bodies did not raise objection to the clause as currently proposed. I also note that some industry and professional bodies in their submissions provided testimony on the accountability and scrutiny of the declaration of Territory Priority Projects that differed from the views put forward by some community associations. For example the Planning Institute of Australian (ACT Division) stated in their submission:

“We note that the first draft of the Bill included the Chief Planner as the decision-maker and that the current Bill includes the Minister as decision-maker. We consider that an independent panel as decision-maker would facilitate greater transparency in the process. As the Minister initially declares a project as a Territory Priority Project, the Minister then having the final decision-making role suggests to the community that the final outcome is a ‘faitaccompli’ and this could cause the DA assessment process to be compromised.”

The ACT Law Society stated in their submission:

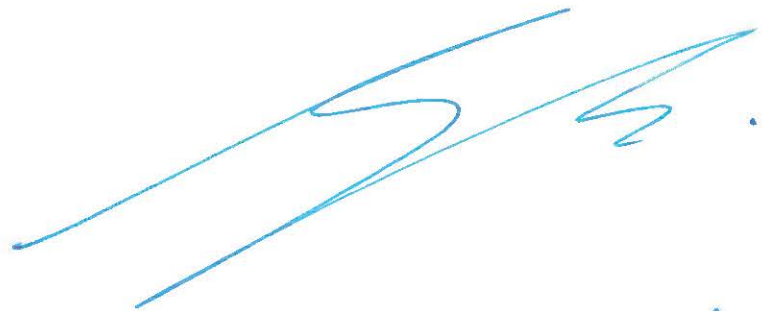
“Section 215 (1) of the Bill requires that a Territory Priority Project declaration be made by both the Chief Minister and the Planning Minister. This seems to be a very high threshold of Ministerial endorsement for a declaration. With the test of what proposals will qualify for Territory Priority Project status already being a rather high benchmark, we query why there also needs to be the requirement for the two Ministers to declare the proposal as a Territory Priority Project.”

The Property Council of Australia (ACT Division) stated in their submission:

"We acknowledge that there are wider benefits gained from the establishment of a more transparent and less politicised process using the Territory Priority Projects."

When an instrument should be notifiable or disallowable is a complex policy question. While the ability for the parliament to disallow an instrument presents an increased level of political scrutiny it also politicises the process which in turn increases the level of uncertainty for a project. Before agreeing to such a significant change, I believe it is important for more perspectives to be canvassed on the matter and a broad consensus formed.

Unfortunately, the Committee was not able to reach a consensus on whether the bill should or should not be passed following consideration by the ACT Government of the recommendations made by the Committee. During the inquiry process the Committee heard a number of divergent views on this matter from witnesses to the inquiry. My takeaway from the evidence provided was that on balance and following consideration of the matters raised in the Committee report the Bill should be passed.



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