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To: Mr Mick Gentleman MLA Standing Committee on Organisation: Planning and Environment Phone: Fax: 6205 0432 Date: 14/08/2006	From: Prof. John McMillan Title: Ombudsman Phone: 6276 0120 Fax: 6249 7829 Pages: 3 <i>(incl cover)</i>
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Message:

Attached is a submission to the Committee's Inquiry into the exposure draft of the Planning and Development Bill 2006 and planning and Development Regulation 2006.



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14 August 2006

Mr Mick Gentleman, MLA
Chair
Standing Committee on Planning and Environment
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601



Dear Mr Gentleman,

I refer to your letter of 17 July 2006 concerning inquiries by the ACT Legislative Assembly's Standing Committee on Planning and Environment into ACT Planning System Reform and the Proposed nomination of the ACT as a UNESCO Biosphere Reserve. I write with a submission concerning the Planning System Reform inquiry.

The Planning and Development Bill 2006 and the Planning and Development Regulation 2006 represent very significant reform of the ACT planning system. The short time (three weeks) given by the Committee for submissions on the Bill, and the short time (six weeks) given by the Government for submissions in its public consultation process is unfortunate. It would have been preferable to allow more time for all interested groups and individuals to digest and respond to the complex issues raised by these reforms.

This office has dealt with two complaints in recent times that have exposed an issue with the planning system. Both matters concerned people who had obtained development approval from the Planning Authority. In each case, ActewAGL intervened while the works were in progress to prevent the work going on because the work was in breach of requirements under the *Utilities Act 2000*. In both matters ACTPLA should have ensured that relevant approvals from ActewAGL had been obtained prior to granting development approval.

ACTPLA's "Guide to the ACT Government's proposed planning laws" explains that development applications will be processed through a "track" system, intended to streamline and simplify the existing process. The three tracks are the "code track," the "merit track," and the "impact track." The Guide goes on to indicate that all development applications on the "impact track" will be referred to ActewAGL, and so will applications on the "merit track" that are not accompanied by written approval from ActewAGL. If implemented in the relevant regulation, this will ensure that the issue identified above will not arise for applications on these tracks.

Applications on the "code track" are not mentioned. It is not clear to me whether applications on the "code track" could run into the same problems as the complainants referred to above, so there may be a gap in arrangements to prevent a repetition of the circumstances of the two complaints referred to above.

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This planning system reform is a good opportunity to eliminate problems such as the issue above. The Committee may wish to satisfy itself that the opportunity will not be lost.

Yours sincerely



John McMillan
ACT Ombudsman