

Additional Comments Report - Mr Mark Parton MLA

Introduction

The Committee inquired into the 2022 ACT Planning Bill and I am providing my additional comments on the bill as noted below. I also note my appreciation for the time and effort community stakeholders have given as part of this process and note my appreciation for the cooperative and constructive work of this Committee.

The Committee was able to agree on a series of recommendations in our exhaustive deliberations on this inquiry into the Planning Bill and they are included in the Committee's report, however I felt the need to present additional comments because there were several most important matters on which we could not find consensus. As such I offer these recommendations.

Recommendation 1: I recommend that the Bill not be passed

The magnitude of the amendments suggested by the Planning Committee and more importantly by those who gave evidence at the hearings is such that I feel the only real way forward it to start from scratch in the drafting of a new Bill. The significant lack of reform of the governance arrangements in tandem with the new reforms means the new system is not appropriate and not in the community's interests. The proposed accumulation of power within a single authority or office holder and restriction of Assembly oversight risks further decreasing the community's trust and confidence in the ACT's planning system.

Under the proposed arrangement, the Minister and the Chief Planner could justify any development as 'producing a good outcome' with minimal community input and Assembly or independent oversight as long as it fits within the interests of the decision makers.

As much as anything the absence of an independent review into the governance arrangements of the planning system is the primary reason that the Bill should be opposed notwithstanding the fact that such a review is contained in the recommendations within the consensus report. This member is of the belief that the government will acknowledge that recommendation before batting it away.

Recommendation 2: If the Bill is passed, I recommend that the Light Rail sections under Territory Priority Projects should be removed and this project should follow the same processes as any other project in regards it's declaration as a TPP.

Recommendation 3: I recommend that desired outcomes should be much more clearly defined and specified in the Bill. These outcomes should not be ambiguous. There should be provision of a 'test' that could be applied to determine whether the required level of outcome is achieved.

Recommendation 4: The Bill should not lessen the ability for third parties to seek reviews of key planning decisions. I'm not in a position to recommend specific changes to this framework given the short timeframe and my lack of access to expert or directorate advice on these matters, but suffice to say, I am of the view that the Bill is far too restrictive on those third party appeal options.

Recommendation 5: I recommend that the government amend section 215(2) of the Bill to ensure that a Territory Priority Project is a disallowable instrument. Outcomes focus has strong potential to be innovative and contribute positively to Canberra, but suitable checks and balances must be established. Use of disallowable instruments rather than notifiable instruments regarding Ministerial directions, major plan amendments and TPP declarations will contribute towards increasing Assembly oversight which I believe to be extremely important.

Conclusion

In closing, I believe that the fundamental purpose of the Bill appears to be to allow urban infill to occur quickly and easily with minimal disruptions by the community, environmental or other interest groups. The Bill is anti-community and anti-environment and should not be passed in its current form.

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Mark Parton MLA
20 December 2022