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),
Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into Planning Bill 2022

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[redacted]

Committee Secretary
Standing Committee on Planning, Transport and City Services
ACT Legislative Assembly
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Dear Committee Secretary

I am writing to you to provide a submission on the inquiry by the Standing Committee on Planning, Transport and City Services into the Planning Bill 2022.

For the sake of transparency, I made a submission on the draft Planning Bill (copy attached) and have assisted in the preparation of the PIA ACT submission on the draft Bill and to the Committee's Inquiry. I endorse the submission by PIA ACT but wish to make some additional comments of my own.

The release of the Bill is a significant achievement and central component of the Government's undertaking to provide a better planning system for the ACT. I would like to acknowledge all the time and effort of the Planning System Review Team in engaging with the community on the Planning Bill.

The Planning Bill is part of an overall system of urban governance which involves, government, the bureaucracy and the public. It recognises that government, at all levels, needs to work with communities to deliver an urban environment that provides a sustainable, competitive and equitable city which respects Canberra's unique legacy as a city in the landscape.

The background papers on the planning system review acknowledges the need for improved transparency in the planning process. Steps are taken in the Bill to address the need for increased transparency – including through the provision of information, the location of all information on one website, allowing an additional two weeks to consider Development Applications and establishing Good Consultation Principles. The latter seems to establish the core values that should be adopted in good community engagement.

At the same time as making these steps towards increased transparency, the Bill abolishes the requirement for pre-development application community engagement for prescribed developments because it is not working as was intended and on balance, it is not considered to add value to the development process.

The Minister for Planning and the Chief Planner have acknowledged over the years the importance of people in the planning system. Local communities know their areas, they live in them, they experience life in these areas and have knowledge that should be considered

in preparing proposals for development, especially if improved spatial and built outcomes are to be delivered.

I have participated in a number of pre-DA community engagement forums. Based on that experience and my other experiences in community engagement, I believe that removing pre-DA community engagement for prescribed developments removes the opportunity for people to engage in a conversation with the proponent:

- at an early stage
- to understand what is proposed and what impacts it may have
- to provide information/opinions as to how the local area could be affected
- to highlight options to be considered that could shape the development so a broader range of benefits are achieved.

That a consensus on a development is not achieved should not be seen as an example of the pre-DA community engagement failing. But the opportunity to be presented with information and have a stay at an early stage and be provided with information/reasons back on any comments that might be made [as outlined in s11(2)(h)(iii)] provides a better understanding of the issues to all involved, including the proponent, and could lead to a better development/outcomes. These views would be put forward in a consultation report that would be submitted with a DA.

Such a situation occurs with the National Capital Design Review Panel where it can offer views on the design and siting components of designs/plans that may encourage proponents to make changes. It is up to the proponent to accept or explain why the suggestions were not adopted when submitting a DA. A consensus view might not be achieved but that does not mean the NCDRP process has failed.

Removing the pre-DA community engagement will mean that the first time the community is aware of a project is when the development application is notified. If a developer is not required to undertake pre-DA community engagement it seems unlikely that they would separately do this. A different 'conversation' takes place through a DA process. It is a 'conversation' prescribed through a statutory process where the development of proposals is well advanced and there seems little opportunity for 'local' input/shaping other than through appealing a decision.

The pre-DA community engagement process should be re-instated.

Under the Planning and Development Act 2007 the Territory Plan may make specific reference to affordable housing [s51(1)(d)] but the Bill only refers to 'living affordability' [s10(2)(b) – activation and liveability principles]. The reference to 'housing affordability' is a planning matter and should be used, as opposed to 'living affordability' which seems to imply a broader sense of affordability that may include housing but also other features such as cost of living items which are not directly related to planning outcomes.

Under s18(1)(f) the Authority has a variety of functions including 'to promote high quality design and good planning outcomes': - given the statements made by the Chief Planner[1] that the existing system is insufficient to achieve high quality design this function needs to be more than just 'promote' – it must 'provide', 'deliver' or 'implement'.

Thank you for the opportunity to provide input to the Committee on its inquiry into the Planning Bill 2022. If clarification is needed on the comments, please do not hesitate to contact me on [redacted] or at [redacted]

Yours sincerely

[redacted]

Peter Johns
16 November 2022

[1] Chief Planner - I have talked in various forums about my desire to see, and the minister has made the point to me that he would like to see, improved design quality and outcomes, in terms of what the planning system can deliver. (pg 13) Standing Committee on Planning and Urban Renewal Inquiry into the ACT Planning Strategy 2018 (20 March 2019)