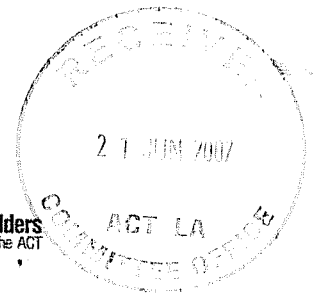



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1 June 2007

Mr Andrew Barr
Minister for Planning
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

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		ACT LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
EXHIBIT		4	
DATE RECEIVED		21/6/07	
INQUIRY		ESTIMATES	

Copy to

Mr Jon Stanhope
Chief Minister
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Authorised for publication
22/6/07

Dear Minister

Andrew Barr
Receive
04 JUN 2007

**Draft Restructured Territory Plan
Joint industry concerns**

We refer to the recent unveiling of the draft Restructured Territory Plan (RTP). The undersigned industry groups have made a preliminary assessment of the practical implications of the combined effect of the Planning and Development Bill and the RTP, and have identified some areas of concern that we consider require your urgent attention.

Whilst the various industry associations will deliver separate submissions to the ACT Planning and Land Authority (ACTPLA) containing more detailed discussion of the RTP, we felt it was critically important to identify our significant, shared concerns relating to the proposed Plan.

Our shared concerns

The undersigned industry groups support in principle the ACT Government's initiative to reform the planning and development system, and the adoption of the Development Assessment Forum (DAF) Leading Practice Model for Development Assessment.

The ACTPLA website states that "[t]he review of the Territory Plan does not change the policy underpinning the Plan, but rather, aligns the structure of the Plan to reflect changes in the new planning legislation to enhance its usability".

From our review of the draft restructured Territory Plan, this statement is simply not correct.

Address for correspondence: C/- Property Council of Australia (ACT)
Level 1, 1 Hobart Place, Canberra City ACT 2601 – GPO Box 1025, Canberra ACT 2601
Ph: 02 6248 6902 Fax: 02 6248 8210 Email: act@propertycoz.com.au



In addition to attempting to align the existing Territory Plan provisions and various guidelines with the legislation in a new format, we submit that there has also been extensive policy change.

The proposed RTP imposes new restrictions and creates wider opportunities on a random and apparently arbitrary basis across the entire city. It is not presently possible to determine the “winners” and “losers” unless an exhaustive analysis on a block by block basis is undertaken. This is not the publicly promoted intention of the proposed RTP.

We are concerned that some people’s rights are being restricted while others are being enhanced, all behind the veil of a mere restructuring of the present policies.

The draft RTP contains a number of policy-laden provisions that in some cases dramatically differ from the existing Territory Plan. When one considers the amount of consultation required for even the most minor of changes to the Territory Plan under the current variation process, the sheer volume of amendments that have been incorporated in the proposed Plan without similar deliberation or involvement of the community or industry is, putting it mildly, alarming.

ACTPLA has indicated that errors or inadvertent policy changes identified by industry and the community will be considered with a view to rectification before implementing the RTP. Industry has already identified numerous errors, inconsistencies and policy changes, many of which will be outlined in our separate submissions. However, as ACTPLA is the responsible authority, we believe it is generally inappropriate for industry and the community to be undertaking this sort of quality control. Given the scope of changes this is unacceptable and does not give certainty to industry or the community. ACTPLA should be responsible for identifying what changes have been made, and whether the proposed changes will work in the context of the Planning and Development Bill.

Way forward

From our review of the draft Restructured Territory Plan we find that in its current form, we are unable to support the proposed amendments. In our view, the following courses of action as a minimum should be immediately undertaken:

- 1 the time frames for the commencement of the new Planning and Development Bill and the new Territory Plan need to be delayed to allow a proper redraft with full and frank public engagement; and
- 2 a taskforce of suitably qualified people with local expertise should be engaged at the Territory’s cost to review the draft Restructured Territory Plan. This taskforce should be authorised in association with selected ACTPLA assistance to make such changes as it determines are necessary to ensure that the new Territory Plan:
 - (a) is predicated on, and enshrines, proper planning principles;
 - (b) does not impose new restrictions on existing rights;

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- (c) does not provide windfall gains to some at the expense of others;
- (d) does not disturb the balance between existing planning hierarchies;
- (e) is consistent with the Territory's immediate need for affordable housing outcomes;
- (f) meets the requirements of the new Planning and Development Bill.

3 the Government commits adequate financial support to the taskforce and subsequent public consultation.

In our opinion, these measures are essential to ensure that the new planning system delivers its promise of a simpler, faster and more effective planning system. This is an outcome that we, together with the ACT Government and ACTPLA, are committed to achieving.

We request that an urgent meeting be arranged with you and your office to discuss our concerns and the way forward.

Yours faithfully

Terry King
Executive Director
ACT Law Society

Craig Sloan
President
Canberra Business Council

Elisabeth Judd
Executive Director
Housing Industry
Association
ACT/Southern NSW
Region

Jerry Howard
A/Executive Director
Master Builders
Association of the ACT

Paul Cohen
ACT Division President
Planning Institute of
Australia (ACT)

Catherine Carter
Executive Director
Property Council of
Australia (ACT)

Melinda Dodson
ACT Chapter President
The Royal Australian
Institute of Architects

Peter Blackshaw
President
The Real Estate
Institute of the ACT