



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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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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AUSTRALIAN CONSERVATION ALLIANCE

16 October 2022

Chair  
Standing Committee on Planning, Transport and City Services  
LAcommitteePTCS@parliament.act.gov.au

### **Submission to the Inquiry into ACT Planning Bill 2022**

Dear Committee Chair,

Thank you for the opportunity to make a contribution to the ACT Legislative Assembly's Inquiry into the *ACT Planning Bill 2022*.

#### ***About the Australian Conservation Alliance (ACA)***

The Australian Conservation Alliance (ACA) is an organisation of young professionals around the country who advocate for and advance ambitious market-based climate policy. We believe that conservation begins at home, in our local communities.

With that being said, the ACA believes that the Planning Bill 2022 (ACT) makes a significant improvement on current planning legislation, and places appropriate weight on sustainable and ecologically-aware planning. We commend the ACT Government on their ongoing commitment to reducing carbon emissions and encouraging sustainability across many areas of the economy.

We do, however, see the opportunity for the ACT to be leaders in sustainable planning by clearly identifying the role of government and private sector in planning and development decisions. As outlined below, we believe that the ACT Government should limit their own power in the planning and development market.

## ***Facilitating Innovation Key to Sustainable Development***

It is absolutely vital that the Planning Bill 2022 (ACT) does not inhibit market innovation through overly cumbersome governmental intervention in planning processes. By creating unnecessary red tape and regulating planning processes, governments can often push innovators out of the housing market and limit the appetite for businesses and individuals to drive sustainable developments. For example, the ACT Government's Demonstrating Housing Project clearly showed the market's appetite to innovate in this space. It is disappointing, however, that these projects required government intervention and changes to existing territory plans in order to be approved.

As the market regulator, the ACT Government should also seek to further clarify the environmental responsibilities of government and developers. Explicitly outlining the areas where government can and should intervene (and where government should not) will give investors certainty and reduce risk for businesses and individuals to bring new sustainable options to the ACT property market.

## ***Principles of Good Planning***

The ACA fully supports the inclusion of explicit principles of good planning into the Planning Bill 2022 (ACT), and their specific focus on ecological and environmental preservation. We specifically note mentions of heritage in this section of the Bill, and draw the Committee's attention to its potential to limit passive house design.

Passive house design principles use the local environment to maintain comfortable temperature in residential homes, reducing reliance on heating and cooling with electric or gas systems. Current planning laws do little to encourage passive house design, and in some cases, inhibit it entirely. For example, the heritage listing of Trees of the Former CS&IR Experiment Station<sup>1</sup> has had a significant impact on the nearby residential development at 18 Bradfield Street, Downer. In this case, heritage listed trees have restricted the passive heating and cooling of homes. This is particularly prevalent in medium and high density developments, where a number of heating or cooling systems would be used at the same time, increasing energy consumption significantly.<sup>2</sup>

This is just one example of a development in the ACT that has been prevented from implementing principles of passive house design as a direct result of the *Heritage Act 2004* (ACT). By reviewing and limiting the powers of the *Heritage Act 2004* (ACT), the Government can encourage smarter home orientation and better design choices to support sustainable housing development across the Territory.

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<sup>1</sup> [https://www.environment.act.gov.au/\\_data/assets/pdf\\_file/0009/148338/402.pdf](https://www.environment.act.gov.au/_data/assets/pdf_file/0009/148338/402.pdf).

<sup>2</sup> More detailed information on orientation is available here: <https://www.yourhome.gov.au/passive-design/orientation>.

The ACT Government should also consider embedding a focus on passive design into planning legislation, drawing more attention to best-practice house design.

### ***Other Considerations***

While the above are just two examples of where the Planning Bill 2022 (ACT) could further champion sustainable planning, there are countless ways that planning practices more broadly affect the ACT's emissions profile.

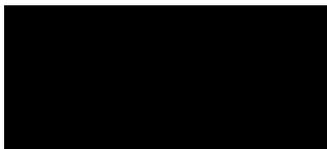
Better utilising existing transport infrastructure is another avenue the ACT Government should explore to plan for a more sustainable future for the Territory. For example, ensuring that employment hubs in all town centres exist and are attractive to employers would encourage greater utilisation of all public transport routes, including bus, or light rail return routes.<sup>3</sup>

The ACA further encourages the ACT Government to ensure that government projects adhere to best practice environmental standards. Where possible, governments should prioritise projects that have a positive impact on local ecology and environments, while supporting sustainable planning and construction models.

Similarly, all Territory Priority Projects should further consider any environmental impacts associated with construction and use. When ministerial call-in powers are used, the ACT Government should consider identifying how the project will contribute to a sustainable future beyond an Environmental Impact Statement (EIS). This will not only further support the Government's commitment to reducing carbon emissions, but also demonstrate community value in large projects undertaken in the ACT.

Governments cannot bear the full burden of - or independently find solutions for - the impacts of climate change. Achieving a sustainable national capital is a shared priority that will require cooperation between all levels of government, as well as private sector stakeholders. We encourage the ACT Government to work collaboratively with all stakeholders to solidify Canberra's place at the forefront of sustainable planning.

The ACA again thanks the Committee for the opportunity to make this submission.



**Georgia Clarke**  
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<sup>3</sup> i.e. Light Rail northbound in AM, southbound in PM

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