



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
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Submission Cover Sheet

Inquiry into Planning Bill 2022

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The Secretary
Standing Committee on Planning, Transport,
And Community Services
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Dear Secretary

INQUIRY INTO THE ACT PLANNING BILL 2022

I thank the Legislative Assembly Committee for the opportunity to comment on the Bill. I do so as a citizen who lives in a suburb that has experienced urban densification over the past five years, increasing the population in our suburb from 2016 to 2021 by 42 per cent. The Inner North District Strategy foreshadows further transformation from the garden suburb designed and built in the 1960s to denser forms of urban development over the next twenty years.

This has impacted our day to day lives in all sorts of ways. There's no missing middle townhouses here – 30% of the suburb is townhouses, 30% apartments and 30% single dwelling houses. The district plan foreshadows the replacement of many existing single houses with townhouses and apartments. Looking to other places in Australia with outcomes-based planning, I hear residents in established, leafy suburbs there say they increasingly feel punished by their governments and are in a constant state of vigilance and anxiety about development proposals. They feel guilty that the blame for housing and rental affordability is put on them. Of course, there are powerful, narrow corporate interests at play here and it is wise to be aware of them and how they work to skew public policy and public administration against the public interest and ordinary citizens.

So, I welcome the improved measures for transparency in the Bill: more information on the public register and the DA website. I welcome the simplification of the language and clearer definitions in some areas of the Bill.

I ask the Committee in its scrutiny of the Bill to consider the following:

- 1) **Trees.** To be satisfied that the Planning Act (when passed), the Urban Forest Act and Variation 369 (Urban living infrastructure) do work together to achieve the 30 percent canopy cover target aimed at reducing urban temperatures and increasing biodiversity.
- 2) **Re-zoning.** Examine clause 87 of the Planning Bill – minor plan amendments, and in particular sub-clause 87(3). This “minor”, previously “technical”, amendment power under the 2007 Act appears to give the Territory Planning Authority (TPA) power to

change the zoning of an area without much notice to residents and without much accountability. Zoning is one of the main pathways in the district planning strategies for achieving urban intensification. This may be minor to developers and the TPA, but it can have major implications for neighbours, residents, communities, and suburbs. Better notice provisions and the requirement for the TPA to genuinely take community comments into account, at a bare minimum, should be required of the TPA.

- 3) **Exempt development.** What constitutes exempt development in the Bill remains as opaque as under the 2007 Act. We have seen the awful consequences for adjoining neighbours in this suburb where certifiers, owners, developers, and builders have manipulated the exempt development provisions, while other responsible people use the DA and consultation processes often for smaller more modest projects. This has led to a growing phenomenon where residents with resources go to lawyers to protect their properties or get compensation post-build, while residents with few resources are left with worry, disruption, devalued properties, and degraded lifestyles. That suits developers because the poorer people sell up, leaving more opportunity for high-end townhouse developments. How does that improve housing affordability one wonders? There is also the developer/builder tactic of saying to adjoining neighbours that if they complain or seek redress, they will be required to pay for the builder's delay costs. There is not a lot of fairness here and it's an area that needs to be sorted out beginning with some clear, transparent criteria for "exempt".
- 4) **Reviewable decisions.** While the Bill is being promoted on the grounds that it improves public participation in the planning process, in important ways, it reduces public participation, for example, the removal of important third-party rights (Schedules 6 and 7) to appeal, and complaints and orders in relation to controlled activities. Does the removal of third-party access to reviewable decisions mean that community associations will not be able to seek a review of a decision to replace a garden or a building at the local shops (CZ4) with a multi-story carpark or an office block? If so, is that a good outcome of the planning process?

Citizens might expect better and improved rights of review, appeal, and redress in the Planning Bill because of the extensive and more intense development foreshadowed into the future in the District Strategies, the loss of the balanced-Bush capital lifestyle many residents have had in the Territory until the last five years, the developer-next-door making it crystal clear your "house" is not a "home" but an "asset" to be realised (probably by him) sooner rather than later, with the big social impacts of an increased population, and the loss of the distinctiveness of Canberra's landscape and lifestyle. We are looking and feeling more like Western Sydney these days, but they have a planning and environment court and a building commissioner.

- 5) **District strategies.** Do they have a legislated base? Who sets the boundaries to a District strategy/plan? How and on what basis can the District boundaries be changed? Who gets consulted on proposed changes?

Thank you again for the opportunity to comment.

Yours sincerely

M. Henderson