



Standing Committee on Planning, Transport and City Services

Inquiry into Planning Bill 2022

Tuesday 6 December 2022,

Speaking Notes: David Denham

Thank you Chair, for the opportunity to make this presentation today.

For the last 3 years ACTPLA has been working to launch a new Draft Planning Bill.

It has consulted with community groups throughout this period, and we expected good outcomes, but unfortunately, the current Bill is deficient on several of the important issues raised repeatedly by the community.

It's as if the top-down approach had not sufficiently considered the concerns of the people who actually live in Canberra.

I am going to talk about three.

1. What is an outcome focused system?

Nowhere, has the government articulated how the new Outcome Focused system will deliver better outcomes, or what was wrong with the present rules-based system, which could not be fixed.

We need explanations, because what is being proposed appears to be flawed.

Let's start with the Object of the Planning Bill. This should be clear for all to understand. If we don't get this right, we will be in trouble.

It is: "to support and enhance the Territory's liveability and prosperity and promote the well-being of residents by creating an effective, efficient, accessible and enabling planning system that is **outcome focussed.**"

What follows are two pages of things that are not Objects but mostly Actions to achieve objects. Then there are nine principles of good planning followed by the meaning of these principles.

In contrast the object of the 2007 Act is clear and simple:

“to provide a planning and land system that contributes to orderly and sustainable development of the ACT;

Consistent with the social, environmental and economic aspirations of Canberrans and in accordance with sound financial principles.”

The paradox is that the whole of the planning and development space is enmeshed in mandatory rules. From the Adaptable housing standard to the zoning rules. From the physical properties of materials to resist wind and keep the buildings waterproof, through to all the compliance parameters that ensure safety.

So, to break away from the ubiquitous rules to introduce an outcome focus system, there should be major benefits. Where are they? These have not been articulated.

There must be a re-draft.

2. Trust, transparency, certainty and clarity

These issues were raised at the community forums. People want to know what can be built next to them. They want certainty so that when they purchase a home, they can trust the planning system to determine what can be built nearby. We do not want random rezoning in residential zones.

We cannot understand how we can obtain these outcomes without measurable mandatory rules.

Qualitative criteria are next to worthless. Particularly as ACTPLA does all the assessing/assessment, behind closed doors.

Planning Principles help but they are essentially unmeasurable concepts. For example: “high-quality design principles” must be considered, along with “long term focus principles”. How would these principles be assessed? Another assessment just by ACTPLA.

The current set of rules and criteria can and should be simplified.

We will still need things like solar access, green open space, set-backs, height and plot ratio, EV charging stations, easy access to garbage processing and so on.

We therefore recommend that;

Appropriate Rules are incorporated into Territory Plan so that Trust, Transparency, Confidence, Certainty and Clarity can be maintained.

Better Consultation processes

The pre-DA consultation should be re-installed. It's like another attempt to ignore the people who live here. Who said that it did not work? The trouble is that with the present legislation the pre-DA consultation is in the control of the developers.

It really should be done by ACTPLA and not the developers. It should be possible to improve this process.

Knockdown re-builds will still not require a DA They are the most common causes of concern in suburban areas. The government is still ignoring residents' desires/needs and requirements. Knockdown re-builds need a DA, and the proposal should be reviewable at ACAT.



David Denham

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