

## REID RESIDENTS' ASSOCIATION Inc.

LA Inquiry: Draft Planning Bill notes

### 1. Adaptive capacity

It is time to plan to adapt to Climate Change. In Canberra alone recent events include:

- 2003 fire destroyed 500 Canberra homes: death and destruction
- 2006 Super cell storm destroyed/damage homes and shopping centre (Civic) ANU etc.
- Jan 2020 Super cell storm: hail, thousands of cars smashed, property damage again
- 2019/20 fires again
- 2020-today plague i.e. COVID
- 2022 January Super cell storm destroyed property and cars

These events emphasise the need for the primacy of adaptation otherwise the planning reform is a lost opportunity.

The statement 'ecologically sustainable development that is consistent with Planning strategies and policies' makes neither logical nor scientific sense. This statement needs reversing. Planning strategies and policies need to be consistent with ecologically sustainable development. We need to adapt as much as possible to what the science is informing us about the future climate and ensure adaptive capacity is central to planning.

### 2. Legislation or policy?

This Bill has all the appearance of Policy i.e. describing a direction. However, policy & strategy do not comprise legislation! Legislation is law making: synonyms include statute, regulation, ruling, codification, prescription, enactment.

Laws cannot be vague. If you don't have laws to follow then compliance becomes an issue. Laws articulate the controls and states the compliance necessary and the consequences for non-compliance major issue. Without specifying outcomes, we are in a nebulous situation.

Further, the analysis we've reviewed indicates that 'Outcomes' based planning law is not regarded as best practice planning particularly because of the absence of specified outcomes.

Thus, the Objects of the draft Planning Bill relating to climate change, resilience and **sustainability** must carry through into the rules and planning controls embedded in the proposed Planning Bill/Act, Territory Plan and district strategies

### 3. Governance

We need the clarity of a Rules-based system in accord with our legal system.

There is far too much discretion provided for in the Planning Bill, and therefore a consequent risk to accountability. There must be checks and balances. As it stands the Bill puts too much power in the hands of too few. There needs to be an independent expert Board, or Chief Planner to be a different person than the Director General EPSDD. Major Territory Plan amendments, District Strategies, Territory Priority Projects, offsets policies, concessional lease guideline should be disallowable instruments. How will the Planning Bill align with the *Heritage Act 2004*, *Tree Protection Act* etc.?

#### **4. National Capital of Australia**

This planning bill is important as Canberra is the national capital of Australia and comprises more than just the Parliamentary Triangle and Designated Areas. The planning should be exemplary!

#### **5. Design Review panel**

If there is to be a genuine attempt to ensure future sustainable planning then a First Nations person and a climate change scientist, – independent of ACT Government, **need** to be included on the Design Review Panel.

#### **6. Genuine consultation processes**

The Planning Bill still needs better provisions for consultation and engagement. There needs to be a section in the Bill on 'Community' engagement/consultation as per NSW and SA practice. Pre-DA and DA consultation should be included in the Bill. Design Review Panel advice should be made available to the public to ensure transparency. Government should fund representative district stakeholder groups to enable them to be involved in ongoing development and implementation of district strategies.

#### **7. Reid Housing Precinct**

Our heritage-listed houses are an excellent model for Adaptive Reuse within the Reid Housing Precinct. The resource of embodied energy through adaptive reuse is an ideal sustainability practice. While many residents have adapted kitchens, bathrooms & heating they have retained the externality of their houses thus retaining the unity of form which still contributes to Reid's stunning streetscapes. Adaptive reuse needs to be recognized and embedded in the Planning Bill.

#### **8. Comments provided by Reid residents**

These include the following:

- It's jargon-ridden
- light on the impacts for resident leaseholders in Reid of the likely consequences of the changes wrapped up in the proposal
- a strongly perceived reduction of the appeal rights of private citizens and community groups
- inadequate consultation

A good reference is:

The HUL Guidebook: Managing heritage in dynamic and constantly changing urban environments.

<http://historicurbanlandscape.com/themes/196/userfiles/download/2016/6/7/wirey5prpznidqx.pdf> -

#### **9. Landscape**

The Draft Planning Bill should take into serious consideration The Burra Charter on many heritage issues including cultural landscapes!

*Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.*

Canberra's magnificent vistas need to be given greater importance and their retention should form a major role in planning the future for the national capital.