

Inquiry into Planning Bill 2022. Introductory Presentation to the Standing Committee on Planning, Transport and City Services Tuesday 6th December 2022

The Planning Institute of Australia (PIA) is the national association representing professional town planners throughout Australia. The ACT Division of the Institute has an ACT membership of about 150 and is led by a committee who voluntarily help advance the planning profession in the ACT.

PIA ACT today is represented by me, Trevor Fitzpatrick ACT President, and Peter Johns, PIA Committee member. We thank the Assembly Committee for the opportunity to present today and are happy to answer any questions of the Committee.

PIA members have had a number of opportunities to participate in the preparation of the Draft Bill. Our submission reflects our own consultation process undertaken with the wider PIA membership during the public exhibition period of the Draft Bill.

In general, we support the Bill and consider it will provide the legislative framework to achieve the desired outcomes-focussed planning system.

However, we feel there are some aspects of the legislation that could be enhanced. We have always been concerned about the Development Application process, particularly the decision-making point when there is a need for greater reliance on value judgements of professional planners.

Essentially, we suggest that the Planning Bill can be enhanced through greater community involvement and greater transparency in the reasons behind development approvals. To achieve this, we propose the following provisions be included in the Planning Bill:

On the Development Assessment processes, we suggest that:

- The 'Matters for consideration' under Section 183 of the Bill, should also include:
 - Confirmation that development achieves a 'good planning outcome'
 - Consideration of how the development contributes to climate strategy targets
 - Consideration of how the development values, protects and promotes Aboriginal knowledge, culture and tradition
 - Stronger consideration of the provisions of the Territory Plan and its supporting documents.
- The Pre-DA consultation process should be retained and should be implemented prior to any referral to the NCDRP – with a report on community consultation to be included in the NCDRP referral documentation.
- For major proposals with community objections or a Significant Development, the decision-maker should not be a single person. The decision-maker should be a panel, of say 3 suitably qualified persons.

- The DA assessment report prepared by the Planning Authority assessing officer should be a publicly available document allowing the applicant and objectors to view the assessment report before a decision is made.
- Making the full DA assessment report publicly available would allow objectors to see how the issues they raised were addressed - improving transparency in the process.
- The panel, as the decision-maker, should allow for in-person submissions (verbal statements of a few minutes length) prior to a decision being made.
- Regular meetings of the Panel would provide clarity regarding outcomes and timeframes which we consider is of benefit to both the community and the development industry.

For Territory Priority Projects we consider:

- that a further independent panel as decision-maker would facilitate greater transparency in the process (noting that the Planning Authority is an independent Agency). As the Minister initially declares a project as a Territory Priority Project, the Minister then having the final decision-making role suggests to the community that the final outcome is a 'fait-accompli' and this could cause the DA assessment process to be compromised.
- The Bill should include additional provisions that confirm that the decision-maker for a Territory Priority Project must take into consideration the same matters for consideration under Section 183 as for any other DA.

In regard to the Planning Principles we suggest:

- They be embedded into the various sections where there is a focus on outcomes, such as variations to the Territory Plan, Development Assessment, preparation of EIS's, Significant Development proposals, Territory Priority Projects, Granting of Leases.

On Environmental Impact Assessment, we suggest:

- A staged environmental impact assessment process should be facilitated. This would enable an initial assessment, possibly limited to the specific EIS trigger (e.g. if the trigger is a potential impact on a threatened species, then only a threatened species impact assessment should be required).
- Common community concerns about EIS being prepared by the proponent could be addressed by requiring a suitably qualified person, such as an independent Registered Planner, to confirm that the EIS meets the requirements of the scoping document.

Thank you for your time and we are happy to answer questions or clarify our points.

**Trevor Fitzpatrick MPIA (Fellow)
PIA ACT President**