

**Georgina Pinkas**

**Opening Statement to my evidence to the hearing  
by the ACT Assembly's Standing Committee on  
Planning Transport and City Services Inquiry on  
the Planning Bill 2022**

Thank you for the opportunity to present today.

Having read the submissions listed on the Inquiry's website, I wish to stress some points I have already made as well as additional points in those submissions which I would also like to emphasise.

1. I agree with Richard Johnstone's comment (Section 186) on the timeframe set in the Bill for the Commonwealth to respond within 10 days to proposals. My understanding is that ACT planning legislation must comply with the relevant Commonwealth Legislation. Certainly with respect to the Territory Plan which cannot be inconsistent with the National Capital Plan. Not only is the timeframe of 10 days response time inadequate but more importantly, if no response received then the proposal is deemed acceptable, is probably illegal. For instance some Territory Land is "Designated Land" which means the Commonwealth has planning control over the land. The Civic Olympic Pool is one example of that.
2. Notifiable and Disallowable Instruments. There is confusion between the two in documentation issued by the Planning Authority. I note that the Authority's flow chart on the Territory plan has listed a variation as a Notifiable Instrument, however in other documentation it is a Disallowable Instrument. I questioned the Authority on this and was told it was indeed a Notifiable Instrument however the Assembly could still disallow the Variation. On checking the Legislation Register, I found that there is a statutory timeframe of 6 days ( if I recall correctly) for the Assembly to Disallow a Disallowable Instrument. Previously it was quite clear a Disallowable Instrument meant that the Assembly could disallow and a Notifiable Instrument meant the the Assembly was notified. This is the definitions used by the Commonwealth. **I recommend that the Committee seek advice on this matter as it is frequently raised through out the Bill**
3. I strongly support the views that if a DA is amended then it should be renotified. Often the resulting development is significantly different to the initial approved DA.
4. As a person who has extensive experience of the Aged care system, I strongly agree with the comment made that the outcome focus has failed in that sector and there needs to be mandatory inputs, such as ratio of nurses to residents. Failure has been due to lack of ability to measure the outcomes. There needs to be mandated controls as well as outcomes assessment in the Bill.
5. I agree that the disjointed release of documents such as the Bill, followed by Plan etc. does not allow for a comprehensive understanding of the proposals. The whole package should be considered together. I realise this would impact on the timeframe for the next ACT elections, however, a good planning system should go beyond political imperatives and should not be rushed through piecemeal. I agree that the Bill and its support documents, as they are, provide greater uncertainty for community and possibly proponents.

6 The Weston Creek Community Council made excellent comments with respect to Public Land. Estate Development Plans should define areas of Public Land and no Plan Variations should be permitted for existing Public Land.

7. Reference is made for the need for an external expert panel for major projects. Such a panel was established around 2003 and provided excellent advice to the Minister and the Authority. It was abolished due to funding cuts.

I want to stress the following points from my submission:

- (a) Evaluation should be built into the Bill to determine if the outcomes are achieved. It is essential to determine if the objectives are actually being delivered.
- (b) Any encroachment on Public Land is to be avoided except in minor cases
- (c) ACT Leasehold system. A review was carried out pre the 2007 ACT. Many of the good provisions previously in the legislation were dropped in the 2007 Act. This Bill hardly refers to the role of leases in the ACT. Lease purpose clauses are an important provision for the Territory to realise the value of changes as well as create certainty. **It is time for the Assembly to review the ACT's leasehold system particularly in the context of the Bill and new Territory Plan.**