



Territory Priority Projects (Chapter 8)

The Planning Bill proposes the Minister for Planning and Land Management be given a new power to declare a proposal to be a 'Territory Priority Project'.



The Minister's power is available only where all the following criteria are met:

1. The proposal will provide critical infrastructure or facilities.
2. The proposal is likely to provide a significant benefit to the people of the Territory.
3. The project is time-critical.
4. There has been sufficient public consultation on the proposal.

What does this mean?

If the Minister declares a project to be a Territory Priority Project:

- a development application for the proposal must be decided personally by the Chief Planner
- the Chief Planner can depart from the Conservator of Flora and Fauna's advice in relation to registered trees, declared sites and protected matters in limited circumstances (however, advice from the Australian Government under the Commonwealth's Environment Protection and Biodiversity Conservation Act must always be followed)
- merits review*, through the ACT Civil and Administrative Tribunal, is not available
- judicial review is subject to a time limit.

*See the review rights factsheet for more information on merits review

Why do we need this process?

The proposed power recognises that important government projects that deliver public infrastructure and facilities, and limited private projects of public benefit, may justify a level of prioritisation and certainty to progress once development approval is given. Given the public benefit from these projects, the community will benefit from certainty that the project will not be subject to the delays, costs and uncertainties that are associated with third-party merits review and Supreme Court appeals.

Safeguards

- The Minister must undertake public consultation on a proposed declaration before making it.
- Any future development application must still comply with all requirements of the Territory Plan and the new Planning Act. This means a development application is subject to the same planning requirements as any other development proposal; it will be assessed in accordance with the general assessment processes, including public notification and entity referral.



What projects?

The power is intended to apply to significant projects that have been the subject of specific legislation or approved through Minister call-in powers in recent years. Examples of such projects include:

- light rail
- a mental health facility
- major hospital expansion
- electricity supply project
- new schools.

Proposals may be multi-stage or multi-site projects but must always be adequately described in the Minister's consultation notice.

What if a Territory Plan amendment is needed?

If a proposed Territory Priority Project requires an amendment to the Territory Plan, the Minister's declaration could identify that a Territory Plan amendment is required for the development proposal to proceed. Public consultation on the proposed Territory Plan amendment would occur through the Minister's consultation on the proposed Territory Priority Project declaration and have the benefit of the efficient amendment process for formal Government policy (see the factsheet on amending the Territory Plan for more information).

Removing Minister call-in powers

Under the 2007 Act, the Minister has a 'call-in' power, which means the Minister may direct the Planning and Land Authority to refer a development application to the Minister for consideration and potential decision. This recognises that some development applications raise important public policy issues, deliver key government infrastructure or are of increased interest to the community and that modified processes should apply.

Under the Planning Bill this power has been omitted and replaced by the Territory Priority Project process.

The process for declaring a Territory Priority Project is set out below.

TERRITORY PRIORITY PROJECTS PROCESS

