

Submission by Bruce Paine to ACT Government regarding the ACT Draft Planning Bill 2022

I consider the draft Bill circulated for consultation (closing 15 June) is inappropriate – essentially because it does not guarantee there will be minimum standards applied to Development Approvals.

I recommend that before the Assembly pass any further legislation (including the proposed Bill) there be certainty provided that the suite of planning legislation (and related matters) ensure that all Development Approvals meet mandatory minimum standards in critical areas (for example solar access).

I consider that professional planners and past practice will provide the necessary and sufficient information to develop the critical minimum standards – for example, access to sunlight, preventing over-looking by neighbouring developments.

If the Assembly considers that some flexibility is required for extra-ordinary situations, the Minister (rather than a non-elected official or other person) should be the only person who can vary what is otherwise mandatory.

If this is the Assembly's wish, I suggest that the variation can only occur after the Minister seeks independent expert advice and input from the community (possibly utilising something like the NSW Government's Local Planning Panels).

I also suggest that the Minister's power in this regard be limited to making a Regulation (which should be subject to disallowance by a majority of the Assembly).

I consider that without mandatory minimum standards the draft Bill will leave too much room for sub-optimal outcomes, and will not persuade the community that positive change is possible in the way Canberra adapts to a growing population and other pressures that are highlighting the shortcomings in the ACT current (and past) approach to planning.

I have read the ISCCC's draft Submission, and agree and support it in many areas.

I am happy to discuss this Submission,

Regards
Bruce Paine