

Lisa Bradley
22 Mirning Crescent
Aranda, ACT 2614

14 June 2022

Submission on Draft ACT Planning Legislation

My interest in planning is a personal one. I moved to Getting Crescent in November 2021 and I realized that the Hindmarsh construction site at the bottom of the street was causing risks to public safety and a great deal of distress to local residents. I had real fears for those who used the road. Cranes were offloading materials from the road into the construction site against a colourbond fence with cars belonging to construction workers parked along the fence in the road. The fence was built to the verge with no path on the other side of the road. Trucks delivering materials to the construction site sped along the street. There was absolutely no provision for pedestrians and cyclists. The street provides access to a park and shops at the bottom of the street. It is a busy street. It was a totally unsafe situation. After repeated complaints to Access Canberra, a path was made along the colourbond fence. The fence should have never have been built to the verge.

Parking restrictions were not enforced. Hindmarsh workers were allowed to park all day on Monday - Thursday bumper to bumper along the street. After 2 petitions, 1 ridiculous "official" survey, and finally a second official survey that showed that residents really didn't like having cars causing a hazardous and distressing situation, ACT Roads changed the signs. Parking was eventually convinced to enforce the new signs.

The draft legislation will allow similar situations to occur. The existing legislation does not require ACT Roads to provide advice when their input is requested regarding a development application. The default is that no comment by ACT Roads is considered approval. (This is what I was told by James Bennett from ACT Planning). ACT Roads responded to my first complaint by stating that Temporary Traffic Management (TTMs) Plans are dependent on the development application approval given by ACT Planning. Unless the legislation actually forces ACT Roads to give an Authority for TTMs prior to development application approval, ACT Roads just produces TTMs to accommodate the construction project. It is a major loophole in the current (and draft) legislation that allows risks to public safety. This is the case regardless of whether the National Capital Authority or ACT Planning approves the application. This aspect of the legislation needs to be changed. (Actually, it appears that the NCA does have a mandatory requirement for an authorisation prior to approval, but that ACT Planning does not require a response from Roads ACT?)

I was told repeatedly to report the unsafe practices occurring at the Hindmarsh site to Worksafe, but amazingly, Worksafe refused to take action because TTMs had been issued that allowed the unsafe practices. Someone finally realised that

liability was an issue and placed the path beside the fence. At least pedestrians and cyclists could then duck and weave.

In the proposed legislation, pre-DA community consultation will no longer occur. The recent federal election has made it clear that the public wants a government that actually consults with them and can be held accountable. Taking away community consultation does not support this. It does the opposite. While it may be a nuisance, time consuming and expensive for major construction projects to include pre-DA community consultation, it is a very important part of the process. It is not just that residents get the chance to vent their anger and frustration. It is a very real opportunity for residents to give considered advice regarding how the detrimental aspects could be minimized and how public risks can best be addressed. Yes, the public can make submissions regarding a development application after it has been presented, but there is too much time and effort and money invested by developers and ACT Planning by that stage. There needs to be pre-DA consultation so that situations like the one on Getting Crescent do not occur.

Currently, all Australian standards do not apply to planning in the ACT. I found this surprising. They are Australian standards. Experts thought these standards were critical but somehow the legislation has excluded them. In particular, Australian Standard AS 1742.3 (2009) - Section 2.3.7 Provision for Pedestrians and Cyclists needs to be included directly in the planning legislation. It is essential for public safety that this Standard is mandatory.

The draft legislation does not correct problems in the current legislation regarding provisions for public safety. Large construction projects near residential areas need special consideration. Construction parking needs to be carefully considered. The construction parking plan for the Getting Crescent project was a joke. The workers were told to park 20 minutes away in expensive public parking lots. It is not surprising that they refused and it appears that ACT Parking turned a blind eye and allowed workers to park all day in 2 hour parking areas. Developers need to be required to make provisions to bus workers in. Otherwise it becomes an impossible situation. Elderly people should be able to get their rubbish collected. In Getting Crescent, directly beside and across from the construction project are elderly couples who have lived there for decades. No doubt they would like to live out their remaining years in peace in their homes. Instead, they are under siege. The draft planning legislation makes no plan for trying to ease the burden for these residents.

Please ensure that my issues as outlined above are considered in the consultation process for this draft legislation as well as the consultation for the draft Territory Plan legislation when that occurs as I understand that many of the "rules" are included in the Territory Plan.