

I oppose the Draft Bill in its current form for the reasons set out in the submission made by Mr Richard Johnston, B.Arch., Dip. T&C Planning, Dip. Environ. Studies, Life Fellow Planning Institute of Australia.

In particular, I am concerned that we have been asked to comment on a Draft Bill that is extraordinarily vague and perfunctory in its requirements for the content of the planning strategy, district strategies and (new) Territory Plan such that no-one reading the Draft Bill can have any idea what these critical 'planning instruments' will look like.

We therefore call on the government to not further progress the Draft Bill (apart from rectifying its deficiencies as identified by Mr Johnston) until at least a draft district strategy and a draft Territory Plan are available for scrutiny by the public and that all three can be considered together.

In addition to the comments contained in Mr Johnston's submission, I would like to make the following points.

- The ACT Government has made a lot of noise about mitigating the effects of climate change to plan for a future city that is both sustainable and pleasant place to live. However, the draft Bill does little to highlight measures in the planning process that act against the effects of climate change and prioritise the environment in the decision making process.
- It appears that the Draft Bill places more of the decision making power into the hands of the Planning Authority. It is unclear how decisions by Departmental officers could be challenged by affected parties if there are no checks and balances. Is it a departmental officer who will decide if a project achieves desired outcomes even if residents do not agree?
- Outcomes based planning has been implemented in a number of jurisdictions with varying success. However, it has been found that the touted advantages of such systems are rarely achieved in practice. In some cases, the problems and confusion created by performance based planning have led to the reintroduction of a more rules based approach. This does not seem to have been discussed in the information provided on the Draft Bill and therefore has made it difficult to arrive at an informed decision on the suggested changes. In fact, the information provided consists mainly of vague, motherhood statements rather than a plain language discussion of what a performance based planning system would mean for the residents of the ACT.

- The Draft Bill does not seem to contain much information on the extent of community consultation that will be entered into, and when in the process it will be sought. I draw your attention to the Report produced by the Standing Committee on Planning and Urban Renewal (April 2020) on the Inquiry into Engagement with Development Application Processes in the ACT. A lot of people spent a great amount of time and effort contributing to this inquiry which produced 66 recommendations aimed at increasing the transparency of the planning system and suggestions for ways to have greater community input at an early stage in the planning process. Alarming, it appears that the planning department is actually regressing by apparently decreasing the transparency and opportunities for community engagement in the planning process and that all the work put into this Inquiry will simply be ignored. I certainly hope this is not the case.

I thank you for the opportunity to comment on the Draft Planning Bill.