

Environment, Planning and Sustainable Development Directorate ACT Government

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GNCA Comments on ACT Planning System Review and Reform

The Griffith Narrabundah Community Association (GNCA) was formed in 2000 to “protect and promote the amenity and interests of the Griffith and Narrabundah communities”. We have over 450 members and many more supporters in the area the GNCA represents. The Consultation Draft Planning Bill 2022, is a complex piece of legislation, and we will be only focusing on some of the key elements.

We have proposed nine critical recommendations:

The Draft Planning Bill be put on hold until the Territory Plan is developed and assessed. (R1)

The new planning system must be rules-based so that there is trust and consistency. (R2)

The current swathe of rules and criteria should be simplified. (R3)

Pre-DA consultation be restored and operated by ACTPLA. (R4)

The principles of good communication should be embedded in the Bill. (R5)

Applications for knockdown rebuilds should be available for review. (R6)

Different people should be appointed to the positions of Director-General and Chief Planner and the Chief Planner should report independently to the Minister and Legislative Assembly. (R7)

The LA should have more involvement in setting and reviewing planning policy, and in examining Territory Priority Projects. (R8)

The government must ensure there is a coordinated approach to open space and the urban environment throughout Canberra. (R9)

The Territory Plan

We have not yet seen the draft Territory Plan and we need both documents to make a meaningful assessment of the Planning Review. To assess the Bill before the Plan is tabled does not make any sense.

We, therefore, recommend that:

The Draft Planning Bill be put on hold until the Territory Plan is developed and assessed. (R1)

Trust and Transparency

Building trust and transparency in the planning system must be a high priority. At present in the residential zones, we are experiencing a continuous decline in amenities such as green space and canopy cover. The characteristics we value most are being attacked with little or no controls by the government.

The current Bill with its outcome-focused planning system will do nothing to develop clarity, trust, or confidence in the new planning system.

All decisions will be made in the Planning Directorate, as to whether a proposal is good, and no processes have been identified for the assessors of applications. Even assessors with a high level of experience, knowledge and qualifications can have different views on whether the outcomes are good, bad or indifferent.

Allowing for these discretionary decisions on such fundamental issues requires the community to agitate on every proposed development to ensure that these basic characteristics are not ignored or infringed. This is not what we want. Rules should take preference over Criteria.

If the rules are simplified and properly defined there should be ample opportunity for architects and developers to obtain flexibility within the rules.

The new planning system must be rules-based so that there is trust and consistency. (R2)

The current swathe of Rules and Criteria should be simplified. (R3)

Consultation and Engagement

Community consultation and engagement are important/critical aspects of maintaining trust in the planning system. To withdraw pre-DA Consultation because ‘it wasn’t working’ is completely unacceptable. It was certainly better than nothing, and experience indicates that early consultation and engagement produces better outcomes. The main issue with the current system is that it is controlled by developers not by an autonomous ACTPLA. We recommend that ***Pre-DA consultation be restored and operated by ACTPLA. (R4)***

The principles of good communication should be embedded in the Bill. (R5)

This should not be difficult. There are several papers on this issue (e.g., The Gunning Principles), which would be easy to include, without trying to re-invent the wheel.

(<https://www.local.gov.au/sites/default/files/documents/The%20Gunning%20Principles.pdf>).

DA Exempt Provisions

We welcome the proposal to make the plans for knock-down rebuilds available to neighbours. However, these developments affect more than just the immediate neighbours and they should be available for review. Sometimes certifiers make mistakes and builders might not follow the approved plans. In some cases, planning rules and guidelines may not be complied with by certifiers, and the public is powerless to have these situations reviewed or overturned.

Applications for knockdown rebuilds should be available for review. (R6)

Governance

We agree with Khalid Ahmed, adjunct professor, Institute of Governance and Policy Analysis, University of Canberra, who said:

“The Draft Planning Bill:

- Degrades the role and powers of the Legislative Assembly for oversight and input to key planning instruments;
- Provides unspecified discretionary powers to the Minister to make planning instruments and directives, and to make rules for community input;
- Increases the powers and discretionary authority of the Chief Planning Executive; and
- Diminishes the role of the community in planning decisions”.

At the very least:

Different people be appointed to the positions of Director-General and Chief Planner and the Chief Planner should report independently to the Minister and the Legislative Assembly. (R7).

The Legislative Assembly (LA) hardly gets a mention in the Bill.

The LA should have more involvement in setting and reviewing planning policy, and in examining Territory Priority Projects. (R8).

Links to other relevant legislation

The Planning Bill should complement other ACT Government policies. For example, the Urban Forest Bill 2022, the Government’s 30% tree canopy target by 2045, Variation 369 for Living Infrastructure in Residential Zones and the ACT Climate Change Strategy 2019-2025.

The government should ensure there is a coordinated approach to open space and the urban environment throughout Canberra. (R9).

For your consideration



David Denham, President GNCA

15 July 2022