

# Planning Bill Update

## Passage of Planning Bill

Planning Bill passed 6 June, shifting from a rules-based to outcomes-based planning system.

This was despite recent Listening Report findings:

*“The outcomes focussed approach to planning received mixed feedback, with a large amount of feedback expressing concern for how it will be effectively implemented” (Executive Summary, p4)*

*“...in general it was not felt that the reforms had met the task of making the planning system easier to understand and engage with”.*

Labor made 106 amendments and the Greens made 19. Some key changes:

- **Some changes to Objects** - but will developers and planners really consider the Objects when it comes to the crunch of making decisions on DAs?
- **Territory Priority Projects (Clause 215)**: Positively, an amendment makes Territory Priority Projects disallowable instruments, which means the Assembly can disallow them.
- **Independent expert will undertake a governance review of the planning system** in the next 12 months - will this be completed before the next election, or will there be ‘slippage’ past the election?
- **New Design Guides must now be taken into account in making a decision on a development application (Clause 183)**: However, “taking into account” doesn’t mean mandatory. Also, Design Guides can be changed by the planning authority.
- **Principles of Good Consultation (Clause 11)**: The Greens have added references to "inclusive consultation" and "early" consultation, but pre-DA consultation has not been reinstated. They say that those directly affected by development now have a meaningful say in shaping their neighbourhoods. However, “Knockdown rebuilds” are still **exempt** developments and hence not subject to community consultation.
- **Major Territory Plan Amendments (Clause 53)**: Now the Supporting Report for Major Plan Amendments only needs to say how it would give effect to the Planning Strategy and District Strategy, rather than addressing many other issues referred to in the earlier draft of the Planning Bill. At least there is still a requirement for public consultation.
- **Re-establishes appeal rights for greenfields development areas.**

## **Timing - Territory Plan:**

### **What's next?**

Given that the requirements in the Technical Specifications and Design Guides are not mandatory, we will continue to advocate for mandatory provisions in the Territory Plan with respect to planting area, solar access, private open space etc.

### **What about the timing?**

Rachel Stephen-Smith, Kurrajong MLA, has advised:

“It is likely the interim Territory Plan and District Strategies will be available in late August for the Assembly to consider the Territory Plan. This would mean it would be operational around early November.”

Jo Clay MLA, Greens Planning Spokesperson, has provided the following advice but suggested we check with the Planning Minister:

“The interim Territory Plan will be presented to the Assembly (and the public) for us all to have a look at. We don't know when that will be, but this will be in the coming months.

The interim Territory Plan will not come into effect until it is considered and agreed to by the Assembly. This won't happen until members of the Assembly and the public have had a chance to look at the new package.

There will be a motion in the Assembly to approve the interim Territory Plan later in the year. If it is approved in interim form, the Standing Committee on Planning, Transport and City Services will commence an inquiry, having already committed to an inquiry into the Territory Plan because of community concern expressed.

The ACT Government will then have to respond to the Committee's recommendations, and the Assembly will have to actively pass a motion to approve the new Territory Plan (as amended after the report, or not).

In summary – there is still quite a way to go before the ACT Planning Review and Reform Project is complete.”