

Environment, Planning and Sustainable Development Directorate
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Planning Bill 2022

Thank you for the opportunity to comment on the Planning Bill 2022 (the Bill) which has the objective of creating an outcomes-focused planning system that will deliver the 70% infill policy.

After looking at previous planning decisions and the outcomes achieved for our communities living in the suburbs and using local commercial hubs, it is not clear that the new Planning Bill will improve our built form and well-being by facilitating our social, economic and environmental development.

Human connections matter

Strong ties with family, friends and the community provide people with happiness, security, support and a sense of purpose.

Research shows that being connected to others and physical exercise is important for mental wellbeing and can be a protective factor against anxiety and depression.



Source: [Beyond Blue](#)

What do the ACT wellbeing indicators show?

In 2019, 44.3% reported infrequent (low) social connection with family, friends and neighbours.

This was lower than the average score for Australian adults recorded in the 2018 Regional Wellbeing Survey (Regional Wellbeing Survey 2020).

Source: p78 [Living well in the ACT region](#)

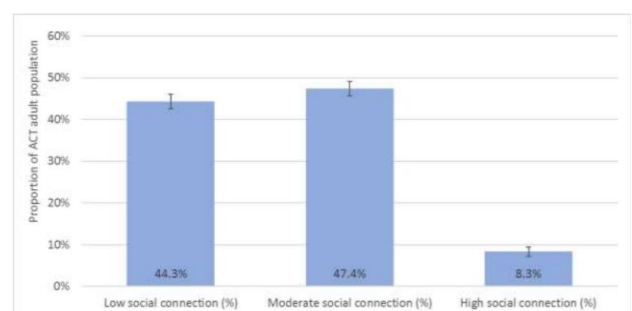


Figure 40 Social connection – traditional (staying in touch with family, friends and neighbours) - proportions, 2019 (n=3098)

Loneliness increased between 2019 and 2020 with many groups at a higher risk of loneliness compared to the average.

Particularly people that are: younger, renters, have high caring obligations, have not lived in the ACT for a long time, or who experience barriers due to disability. The loneliness measure used is well validated in previous studies, and suitable for use.

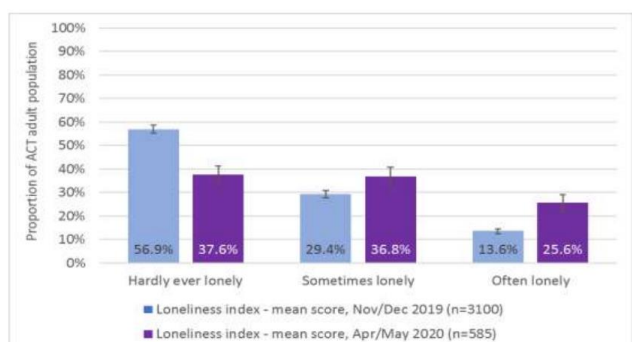


Figure 42 Loneliness index, proportions 2019-2020

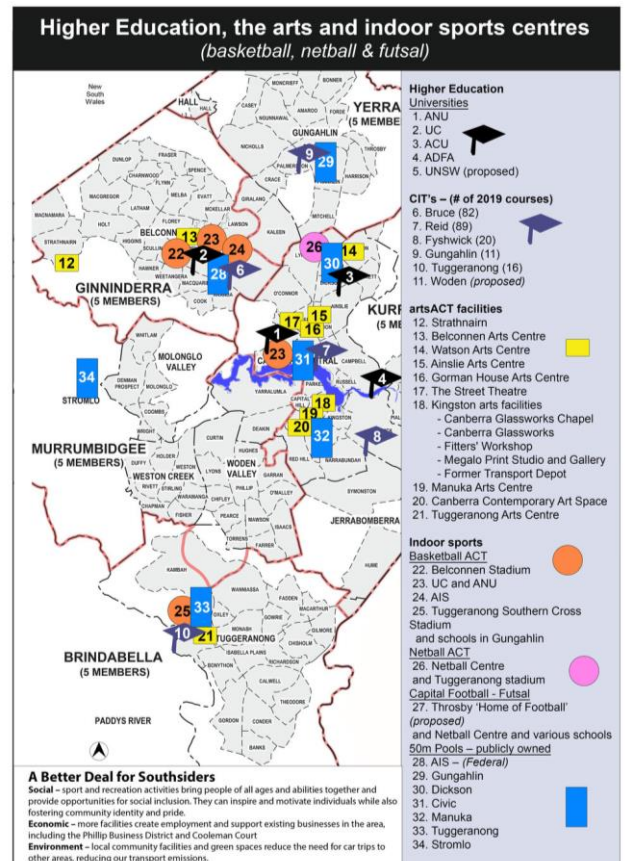
Source: p80 [Living well in the ACT region](#)

We note that social infrastructure (including public spaces, cultural and recreation facilities) provides many benefits to communities by bringing people of all ages, abilities and backgrounds together to socialise, have fun and keep fit. They can inspire and motivate people while fostering community pride.

Previous planning decisions

Over the last 15 years social infrastructure has closed in Woden diminishing the value of the recreation precinct to bring people together. We have lost the CIT, pitch n putt (1), basketball stadium (2), bowling greens (3), tennis courts (4), YMCA (5 - moved to Chifley) and the bowling alley (6) to the development of residential towers.

This has created a structural inequity in the access to community facilities with the majority of social infrastructure now located in Canberra’s north.



We are losing public space, including the Alexander and Albemarle courtyards, the pitch n putt, the Athllon Drive Corridor will be housing and the Town Park has been diminished in size.

While we support the provision of more homes for our residents, the WVCC wants densification to be done well with a balance of homes, jobs, public (green) spaces and community facilities for like minded people to meet and form relationships.

In 2007, the ACT Government (including Andrew Barr Minister for Planning and Mick Gentleman MLA) made a clear commitment to reform the planning system to make it simpler to use, faster and more effective for residents, industry and business. Source V259. New planning legislation was passed in 2008.

In 2022, the ACT Government (including Andrew Barr, Chief Minister and Treasurer, and Mick Gentleman, Minister for Planning) committed to a new Planning Bill to set the foundation of our reformed planning system that will be a key tool in delivering a simpler and easier to use system. Ben Ponton is now the Chief Planner and the Director-General of the Environment, Planning and Sustainable Development Directorate.

With the same people in charge of the vision for Canberra and the planning system, it is not clear that the outcomes in Woden will change.

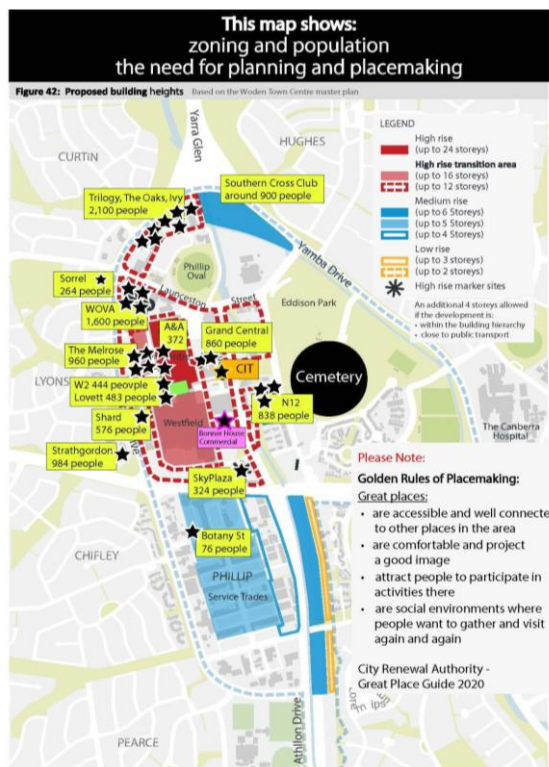
We currently have around thirty residential towers in the Town Centre, built or in the development phase.

Why we are concerned with the outcomes in the Woden Town Centre

The concerns identified in the 2004 Master Plan including; ‘the isolation of different sectors, the lack of activity outside normal business hours, the sea of cars surrounding the core, a lack of conveniently located parking, the sense of a ‘concrete jungle’ and the general absence of a civic role that a town centre would normally play in the life of the community’, mostly remain today.

While Woden is centrally located and the major social, economic and public transport hub for Canberra’s south, people drive to social activity in other areas of Canberra.

This does not make access to social and cultural facilities convenient for like minded members of our community to connect and form meaningful relationships to support their wellbeing.



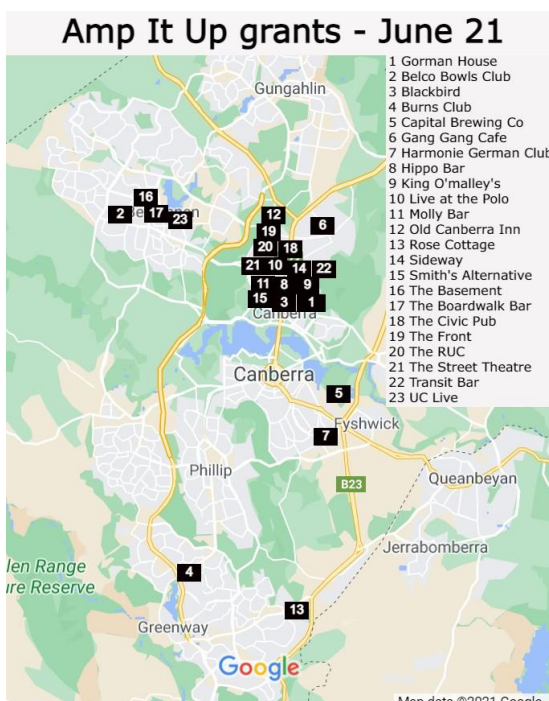
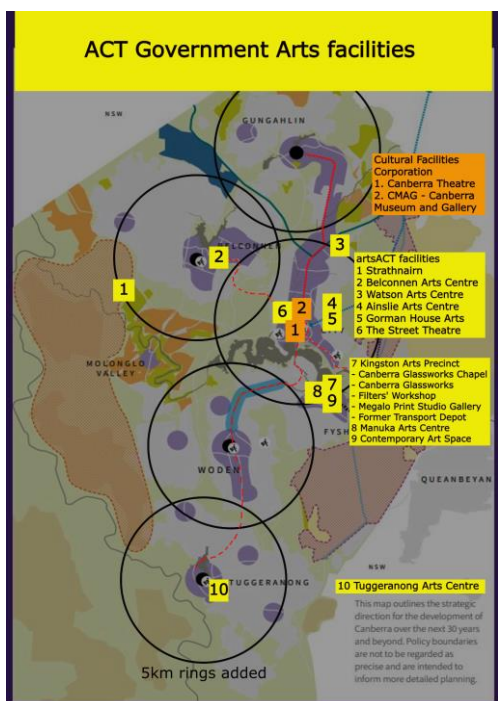
The towers will home over 10,000 people (assume 2 people per apartment) given the zoning, the potential population could be significantly higher. placemaking will need to be planned and delivered.

The Arts

Government investment in the arts is inequitable across Canberra. A significant majority of ACT Government funding for artists and programs is directed to where the facilities are.

Activity leads to more activity and it has become very difficult for us to attract cultural activity outside of the large gaming clubs.

While we appreciate the Government’s ambition for Canberra to be recognised as Australia’s arts capital, we would like access to the benefits of a multi-purpose arts facility which would enhance our community’s well being and help us to build a more inclusive society.



Indoor Sports

We have a shortage of indoor sports facilities.

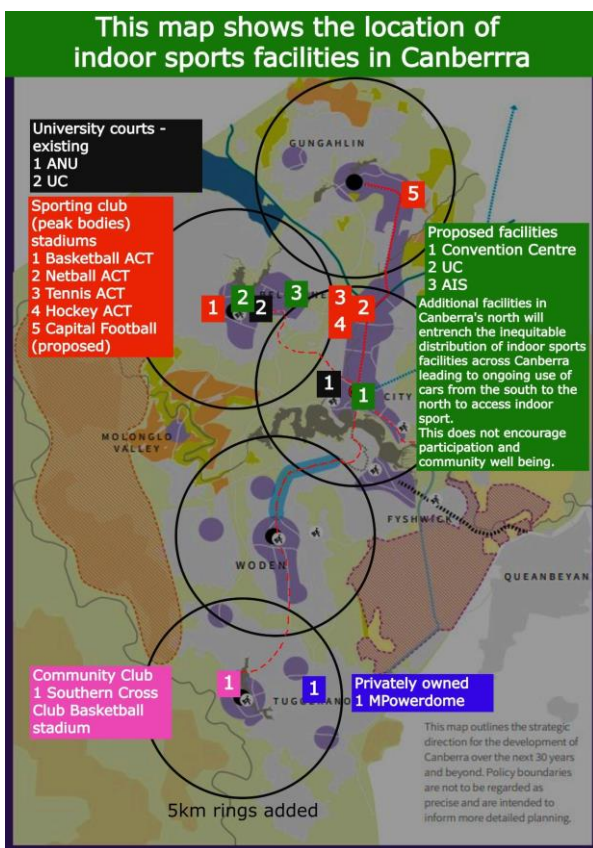
Our basketball team turns players away.

Volleyball, netball, gymnastics, table tennis ... and other groups are all looking for facilities.

Proposed investment in additional indoor facilities are at the AIS and UC. While Basketball ACT would like a facility to meet the need around Woden, they propose to expand their facility in Belconnen.

The facilities in Tuggeranong are owned by the private sector.

Why isn't there a more equitable distribution of facilities?

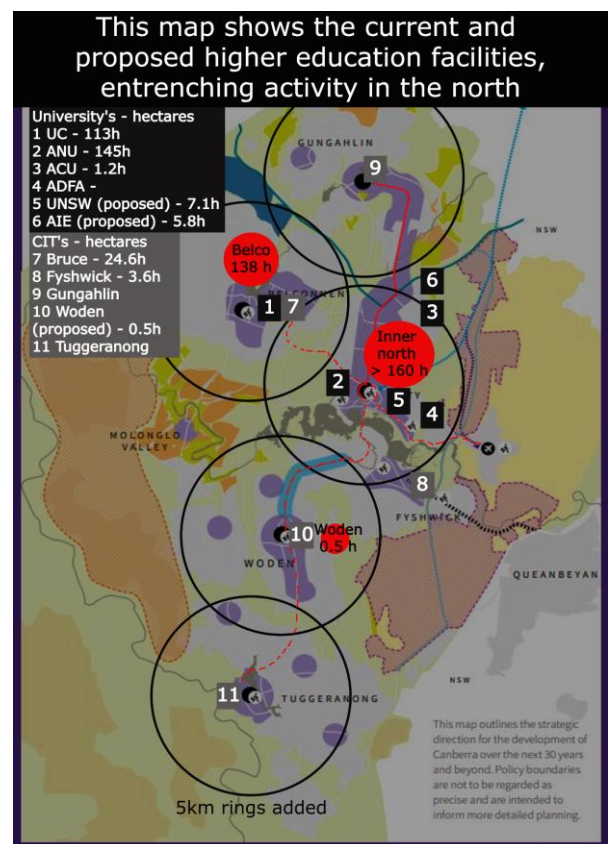


Higher Education

The WVCC welcomes the Government replacing the CIT in Woden in a more centralised position. We also welcome the new north plaza that will have access to the sun. Unfortunately this pocket park is too small for events and markets and is not on the desire lines where people are moving through the centre.

There are opportunities in the new Woden CIT that are being overlooked. It is a great opportunity to deliver a multi-purpose arts facility in the core of Woden that opens onto the West Plaza, a new public park for events and markets.

Why will this central space have a road and blank walls?



We note that there will be 5 universities in the inner north on large campuses. It is not clear why these facilities cannot be shared with Canberra's south and why the vertical Woden CIT is on such a small footprint.

There is much talk about light rail which is a very polarising issue in the community. Many people believe it will bring investment, more people and therefore activity. Doma's pub Alby is very popular, however people cannot always go to cafes and need public spaces that attract people to them to create activity.

It appears that the outcome is for the ACT Government to primarily invest in the north and allow the private sector to invest in the south. Developers provide private pools for their residents however they are not likely to buy land to build large community facilities (that do not generate profits) for the broader public.

The outcome is inequitable and leaves the south disadvantaged in our attempts to create activity and places for like minded people to connect and develop a sense of well being and belonging.

How can the Planning Bill support our community?

Governance

Given the ACT Government's unicameral system of government, its small Assembly and the lack of local government, too much power resides in the hands of too few. There are not enough opportunities for independent review of the spatial system or appeal rights given developers in the Town Centres cannot be taken to ACAT.

It is not clear who is responsible for the urban renewal of the Woden Town Centre. To date each block has been developed in isolation and governance around collaboration and cohesive planning to deliver great outcomes is absent.

| Governance | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
|---------------------------|--------------------|--------------------|------------|-------------------|-------------------|--------------------|-----------|-------------------|
| Houses of government | 2 | 2 | 1 | 2 | 2 | 2 | 1 | 1 |
| Local Government | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes |
| Independent advice to Gov | Infrastructure NSW | Infrastructure Vic | Department | Infrastructure WA | Infrastructure SA | Infrastructure Tas | Authority | Infrastructure NT |
| Independent Board | Yes | Yes | No | Yes | Yes | Yes | No | Yes |

A way to strengthen the ACT's governance arrangements is to include:

- **Chapter 3 Territory planning authority and chief planner**
 - include an independent expert board to set the strategic direction and provide advice to the Chief Planner and the Minister.
- **Chapter 4 - Strategic and spatial planning**
 - 1 - the Planning Strategy is a critical document influencing the spatial vision and the outcomes for communities across Canberra. It should be developed by independent town planning experts to ensure all areas of Canberra are considered in the distribution of social and economic development. The planning strategy is a notifiable instrument however it should be a disallowable instrument in the Legislative assembly.
 - 37 (2) - the planning strategy should be a relevant consideration for any other decision under this Act by the territory planning authority, the Minister or another entity under any of the following chapters:
 - (a) chapter 6 (Significant development)
 - (b) chapter 7 (Development assessment and approvals)
 - (c) chapter 8 (Territory priority projects).
 - 38 - the District Strategy for Woden overly considers bringing activity to the light rail corridor at the expense of social and economic development of other public spaces for the community to gather. The district strategy is a notifiable instrument however it should be a disallowable instrument.
 - 42 - The Minister may give the territory planning authority a written statement that sets out the priorities arising from the planning strategy, again this should be reviewed and a disallowable instrument.
- **Chapter 5 - Territory Plan**
 - 47 - The territory plan
 - (a) must promote principles of good planning; and
 - how does this address the differences in building heights around urban squares? eg If 24 storeys is a good outcome around the Woden Town Square, why isn't it a good outcome for Garema Place?
 - how does this address the huge McMansions that are out of character for suburban areas?

- 60 - **Pre DV and DA consultation should be included in the Bill**
 - Pre-development application (DA) community consultation is an opportunity for proponents of significant developments to engage with the community in the early stages of a proposal and for members of the community to provide constructive feedback on what they think about a development.
 - Early engagement is vital in bringing the community on the development journey and creating a sense of ownership and pride in the future of Canberra. It can provide a developer with useful insights into issues and concerns the community may have about a proposal while the development is in the conceptual stage. It can also allow for genuine feedback that can be incorporated into the design of a proposal prior to a DA being lodged.
- **Chapter 6 - Design Review Panel**
 - 99 - the advice of the Design Review Panel should be made available to the community by publishing on their website. This is a fundamental requirement for transparency.
- **Chapter 8 Territory priority projects**
 - 215 - the Chief Minister and Minister may jointly declare that a development proposal is a territory priority project. There should be opportunities to review and appeal these unilateral decisions.
- **Chapter 9 Offsets**
 - 222 - The Minister may make an initial offsets policy. This policy should ensure trees remain on suburban blocks and are not offset by planting trees on nearby green belts.

Background

Strong town planning is required to ensure the outcomes are an enhanced bush capital and an equitable distribution of social and economic activity to develop contemporary urban hubs that provide people with a sense of belonging and a great quality of life.

Cities don't succeed by accident or by leaving things to chance – they require design, good governance and great collaboration. The Woden Valley Community Council (WVCC) has significant concerns about the ACT Government's desired outcomes that are leading to residential blocks being covered with buildings and concrete and residential towers in the town centre that are at the expense of public spaces and community facilities. The spatial plan for Woden does not identify adequate public spaces or community facilities and it is not clear who is responsible for cohesive outcomes and what collaboration there is to understand where the Woden Town Centre will be in 20 years.

There are other policies that compete with the 70% infill policy, we need to forecast the population to understand and plan for the issues that impact our quality of life - the environment, enough affordable homes, jobs, schools, parking, traffic movements, public places and community facilities to connect people of all ages, abilities and backgrounds to socialise and keep fit.

It is not clear how the Territory Plan or the District Level Plan will challenge the status quo and deliver an equitable distribution of facilities across Canberra. To ensure our major hubs and suburbs reach their potential, governance arrangements around decision making are extremely important.

The ACT has a unicameral system which concentrates power in a single body, with no cross bench, local government or second chamber to provide an effective check on government decisions. While there is a committee system, recommendations from the inquiries are often not taken up by the Executive.

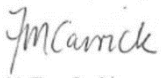
It is therefore extremely important that the Territory Planning Authority (TPA) is as independent as possible and not an extension of the Minister. Stronger internal controls are required to increase the independence of the TPA, including an independent board to provide advice to the Chief Planner and the Minister. In addition to the Design Review panel for individual developments, there should be a panel providing advice on town planning and the spatial framework.

For the purposes of transparency, the Minister should be required to report on why the advice from the independent boards and panels has not been adopted.

Our efforts to raise our issues and request an updated plan to realise opportunities available to Woden have fallen on deaf ears which raises concerns about good faith in consultation. This point is demonstrated by the Government's refusal to plan for cultural and recreational facilities and to fix the zoning around the perimeter of the town square to reduce the 28 storey heights to allow sun into the square. We have opportunities with the new CIT however we are unclear about the governance arrangements to allow a discussion with the planners – Yoursay does not allow us to discuss the project and our views.

We look forward to further engagement on the development of the planning reforms to contribute to the systems that ensure the resilience of our Bush Capital for biodiversity and to reduce heat islands.

Yours Sincerely

A handwritten signature in cursive script that reads "F Carrick".

Fiona Carrick

President

Woden Valley Community Council

WodenValleyCommunityCouncil@gmail.com

<https://WodenValleyCommunityCouncil.org>

Attachment A

| Year | Action | Responsible people |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 2005 | ACTPLA released draft variation 259 to the Territory Plan which replaced the Entertainment Accommodation and Leisure zone north of Launceston St with the commercial zone. The pool, ice rink and Phillip Oval were to remain. | |
| 2006 | Mick Gentleman chaired the Standing Committee on Planning and Environment's inquiry into DV259, which recommended the variation proceed. The committee also recommended that additional Community Facility and/or public land be identified, which has not occurred. | Planning Minister - Simon Corbell ACTPLA - Manager of Development Assessments and Territory Plan Variations - Ben Ponton |
| 2007 | David Menzel, Chair of the WVCC, requested a meeting with Andrew Barr, the then Planning Minister, to discuss proposed land use changes in the Woden Town Centre resulting from V259. Andrew Barr advised David Menzel that the three large licenced Clubs and the Quality Hotel in the commercial zone of the town centre demonstrated the flexibility of this zone to accommodate a range of activities that work together to make a vibrant town centre. | Planning Minister - Andrew Barr |
| 2007 | Ben Ponton briefed Andrew Barr about the options for the redevelopment of the Phillip Pool (the lease had expired in 1998). The Minister agreed to sell the site (a 99 year lease) by progressing a Deed of Agreement for the owner of the pool, Glencora, to develop the site (with pool and ice rink) and receive a new Crown lease to 31 July 2098. The other options included compulsorily acquiring the site and reselling, or the ACT Government operating the site itself. | Planning Minister - Andrew Barr Director Development Services Branch ACTPLA - Ben Ponton |
| | Over the subsequent years we have lost the CIT, pitch n putt (1), basketball stadium (2), bowling greens (3), tennis courts (4), YMCA (5 - moved to Chifley) and the bowling alley (6) to the development of residential towers. | |
| | The Tradies Club and the Quality Hotel were demolished to make way for WOVA, 800 apartments and 50 hotel rooms on 1 hectare - extremely high density with small rooms. The Hellenic Club proposes a huge development that internalises activity and does very little to add to the vibrancy of the streets in the town centre. | |
| | The ice skating rink is moving to Tuggeranong. The proposed District Level Plan will reduce the 50m pool to 25m (like the Oasis pool in Deakin). The pool and tennis courts at the Canberra Hospital were also demolished for the development of the hospital. | |