

Environment, Planning and Sustainable Development Directorate
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Draft Planning Bill 2022

Thank you for the opportunity to comment on the Consultation Draft of the *Planning Bill 2022* (the “**Bill**”). The Bill proposes material amendments to the planning regime of the Australian Capital Territory with the objective of creating an outcomes-focused planning system.

Across Australian cities the desire to densify commercial hubs and suburbs is creating tension between the community and developers. While we support the need for more homes, it is the responsibility of the government to ensure competing policies are considered in the pursuit of densification and that a balance of homes, jobs, public (green) spaces and community facilities and services are delivered. It is the government’s responsibility to enable social and economic development across the city to allow residents to work together to achieve a sense of community pride and belonging. See **Attachment A** for the location of indoor recreation and arts facilities and higher education.

The Woden Valley Community Council (WVCC) supports great outcomes, however, to facilitate these it is critical that the new system maintains adequate checks and balances that enforce good design principles to safeguard the interests of the community. Robust town planning is required to ensure there is enough affordable housing and an equitable distribution of social and economic activity across Canberra. Developments need to meet the needs of the residents while enhancing the unique environmental features of our bush capital. District strategies should be treated as long term, living, renewable documents requiring substantial consultations every small number of years.

Cities don’t succeed by accident or by leaving things to chance – they require design, good governance and great collaboration. The WVCC calls on the ACT Government to amend the proposed Bill to:

1. **Institute an Independent Governance Board for the TPA:** It is important that the TPA is as independent as possible and not an extension of the Minister. There must be a range of experience to manage the conflicts created by densification and provide strong governance arrangements and independence around transparency and accountability back to the community. The board should provide independent advice around the strategic direction and functions of the TPA. It should ensure there are enough checks and balances and opportunities for collaboration and review of proposals and decisions. The board would contribute to strong processes for planning outcomes which balance the interests of the community and developers. The Minister should be required to report on why any advice from the independent board and panels has not been adopted.
2. **Institute an Independent Planning Review Panel:** Similar to the Design Review Panel for individual developments, a Planning Review Panel would provide advice on Canberra’s spatial framework and town planning. At the moment, there is a distinct lack of robust planning at the town/district level in the ACT. For example, the Woden Valley Town Centre Master Plan is significantly outdated and often contradicted by the Government itself. It is unclear how zoning for 28 stories around the perimeter of the town square and the loss of the recreation precinct can be held up as good planning, yet there is no mechanism to review these decisions or address them.

While the District Plans are meant to play this role, early indications suggest that these Plans will be too high level to ensure integrated delivery of public facilities and services across our commercial hubs and suburbs. The Planning Review Panel would seek to address this by reviewing and providing independent advice the planning framework's alignment with the National capital Plan and other policies (eg the transport strategy), the spatial plan for Canberra, its commercial hubs and suburbs. It would provide advice on adequacy of collaboration and cohesive planning to deliver great outcomes.

3. **Consultation:** To achieve trust in the planning system we need to acknowledge the competing priorities of various stakeholders and provide plenty of opportunity for collaboration and consultation to be undertaken in good faith. To this end it is important to re-instate the Pre-DA consultation phase. This is a critical opportunity for the local community to engage constructively with developers on a DA that may significantly affect their lives. This engagement should be further modified to work better for both the community and the developer.

More broadly, the new Bill's approach to outcomes-based planning is undermined by the lack of identified outcomes it is seeking to achieve. To understand the outcomes envisaged by the government for our community it is important we are consulted on the Territory Plan and the District Plans at the same time as this Bill

While the Bill refers to an inter-generational equity principle and an integrated delivery principle (which includes planning, design and development that should promote integrated transport connections and equitable access to services and amenities), it does not include or acknowledge the needs of communities living in the catchments of our town centres, group centres and local shops. The loss of community facilities is inconsistent with the National Capital Plan which has an urban hierarchy that builds the town centres with jobs, retail and community facilities.

Moreover, while the 70 percent infill policy is a potential solution to the housing shortage across the Territory, it must be balanced with core policies that impact the quality of life of community members. There is an urgent need to forecast population growth and the changing demographics and ensure that new development is informed by and responds to issues which deeply affect the quality of life of residents. Development should be phased alongside investment in community amenity and the environment to ensure enough affordable homes, jobs, schools, parking, traffic movements, public places and community facilities are available 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 Impact of the New Bill on Woden

The WVCC is particularly concerned about how the approach outlined in the new Bill will further exacerbate poor planning outcomes for the Woden Valley. For example, 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.

We believe our suggested amendments to the draft Bill, particularly the institution of an independent Governance Board and a Planning Review Panel, will improve the spatial planning of the Woden Town Centre and surrounding areas. The area is desperately in need of a plan for cultural and recreational facilities to service its rapidly growing community and the broader region.

There are significant opportunities created by current development in the area which must be realised for the community. For example, the CIT is an anchor in the town centre and can be planned to ensure active streets and community amenity, and the development of the carpark near the Hellenic Club in a way that maximises commerce and community activity.

Further comments on the draft Planning Bill are provided below. The WVCC stands ready to engage with the ACT Government on our suggested amendments and we look forward to hearing from you.

Planning Bill 2022

The WVCC provides the following ideas to strengthen the independence of the planning advice and the governance arrangements to provide cohesion in the implementation of a common understanding of the desired outcomes.

s9 – Principles of good planning

- the principles of good planning should include ‘strong governance and collaboration’
- There are so many principles it is concerning that they may be cherry picked to advance the outcome desired by the government eg ‘urban regeneration should seek to make the best use (as appropriate) of underlying or latent potential associated with land, buildings and infrastructure.’ This principle could justify the government’s view that the best use of land is high density housing at the expense of needed social infrastructure and green areas for biodiversity and cooling.

s10 - Principles of good consultation

- the consultation principles need to be included in the legislation
- to enable transparency and collaboration with community the Community Council’s submissions should be included in the Authority’s written consultation reports eg s48(2), s59, s64(3), s88(4), s90.
- Pre DA consultation in good faith needs to be included in the Bill to understand the community’s views and ideas at an early stage of planning to deliver better outcomes from collaboration. Pre-DA consultation has not been shown to be useless nor time-consuming in its current form, it needs to be done by developers in good faith in the early stages of a development.
- There is a high use of notifiable instruments. It should be clear that they should also be disallowable instruments for review by the Legislative Assembly

s15 – Authority Functions

- The TPA has a lot of power to spatially plan, advise, implement, make DA decisions and internally review its own decisions. There needs to be a Board to provide independent governance advice and external reviews built into the process. There should be fewer exclusions of ACAT and Legislative Assembly oversight.

s17 - Ministerial directions to authority

- While the Government has been elected and is able to make decisions about planning, it must be done in a transparent and accountable framework.

- Like the Design Review Panel provides advice on DAs, there should be a Planning Review Panel to provide independent advice on the Territory Plan and the District Level Plans to ensure the spatial framework and outcomes provide and equitable distribution of social and economic activity and opportunity for all Canberrans.
- These measures are required to provide trust in the system.

s21 - Authority's role in cohesive urban renewal and suburban land development

- What does cohesive planning mean and how will it occur? The governance arrangements and collaboration with the SLA and other stakeholders around cohesive planning need to be clarified.
- Use the Woden Town Centre as a case study to determine how it could work and lessons learned from densification.

s34 - Planning strategy

- As mentioned above, there should be Planning Review Panel to provide advice on the planning strategy and town planning outcomes

s35 - Consideration of planning strategy

- While the Minister has the power to make decisions, they all should be done in consideration of the Planning Strategy and reported where decisions do not align with the Planning Strategy.

s37 - District strategy

- District strategies should have strong governance and collaboration arrangements to ensure the outcomes create a sense of pride and belonging in the community. Yoursay consultation is not adequate. District strategies should be treated as long term, living, renewable documents requiring substantial consultations every small number of years.
- Community Councils should be included from the beginning and be integral to a co-design of their strategy.
- An independent Planning Review Panel should provide advice on population growth, town planning, traffic congestion, the adequacy of services and facilities and the ability to develop social and economic activity.
- The Strategies should be disallowable instruments.

s44 – Contents of territory plan

- The Territory Plan needs to ensure each commercial area includes public (green) spaces and appropriate services and facilities to ensure the planning principles are incorporated into social and economic hubs.

s59 - Territory plan—major plan amendments

- The Community Councils should be included in the consultation

s67 - Certain draft major plan amendments given to Minister under s 64—action by Minister

- The Minister should be required to refer the draft amendment to the relevant Assembly Committee for their consideration as to whether to conduct an inquiry or not.

s82 - What is a minor plan amendment and is consultation needed?

- Community Councils should be consulted on the details of minor plan amendments

s94 - Members of design review panel

- A member of the Suburban Land Agency should also be included on the Design Review Panel to facilitate the objective of cohesive planning

s203 - Exception to s 201 (1) (b)—waiver of notification requirement

- the decision-maker should not be able to waive the requirement to publicly notify an application to amend a development approval. All amendments to DAs should be provided to those who submitted submissions and be available on the web, so the final DA is transparent.

s212 - Declaration of territory priority projects

- There are too few checks and balances for territory priority projects (TPP)
 - This Minister should have to consider the planning strategy (s35)
 - The Planning Review Panel should provide advice to the Minister on the proposed TPP with respect to the planning principles
 - More than fifteen working days consultation is needed for the community to be able to consult and develop positions on the proposal
 - More than 2 months is required for the community to be able to gather the case and resources to challenge a TPP
 - The TPPs should be disallowable instruments

Cross references

- Include definitions, too many unnecessary references to other sections and documents

The WVCC recommends that further consideration is given to ensure the appropriate levels of independence, review and appeal mechanisms are in place.

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



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The need for change to allow for an equitable distribution of facilities and social and economic activity

This map shows the current and proposed indoor sports facilities, entrenching facilities in the north

University courts - existing
1 ANU
2 UC

Sporting club stadiums
1 Basketball ACT
2 Netball ACT
3 Tennis ACT
4 Hockey ACT
5 Capital Football

Proposed facilities
1 Convention Centre
2 UC
3 AIS

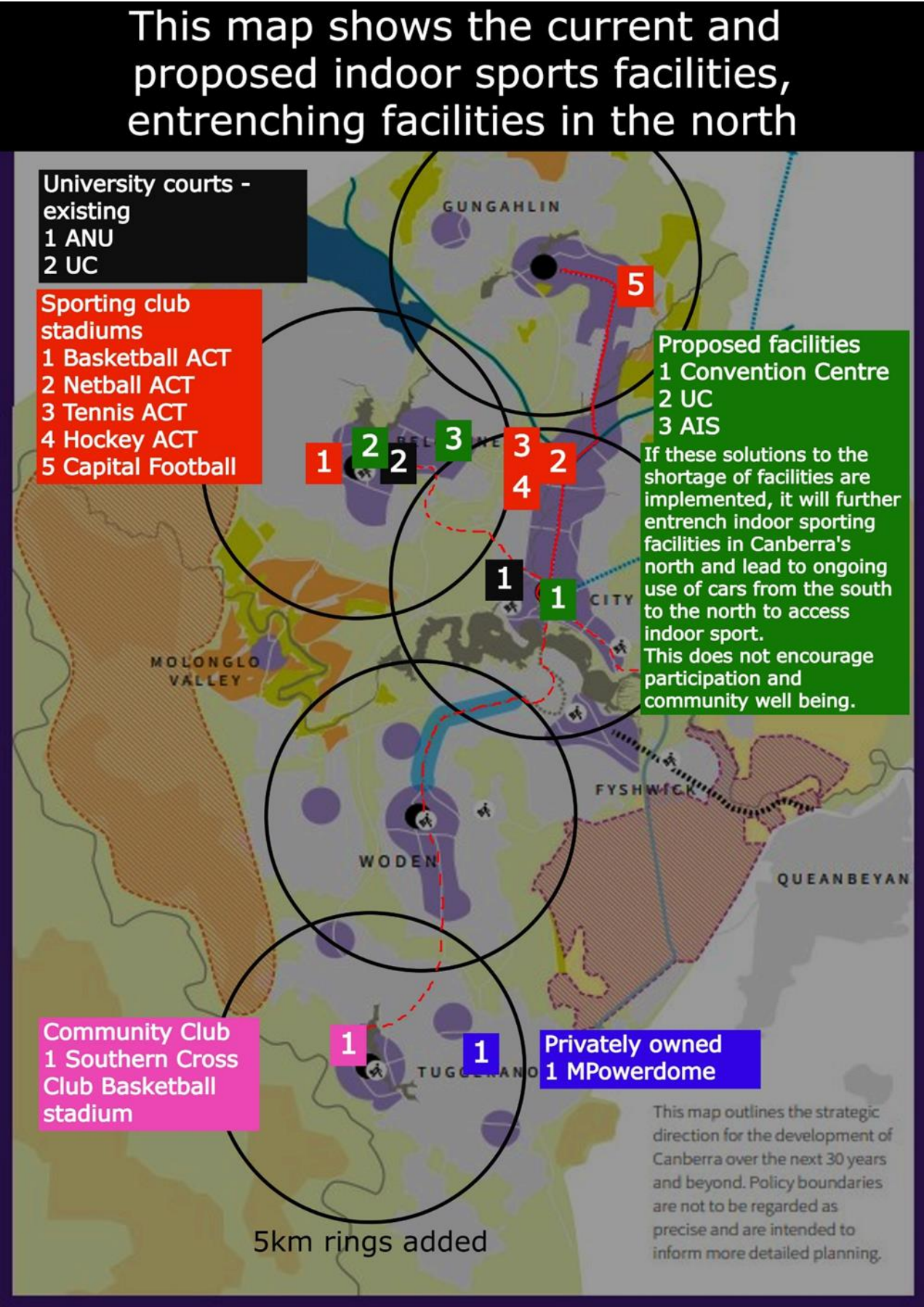
If these solutions to the shortage of facilities are implemented, it will further entrench indoor sporting facilities in Canberra's north and lead to ongoing use of cars from the south to the north to access indoor sport. This does not encourage participation and community well being.

Community Club
1 Southern Cross Club Basketball stadium

Privately owned
1 MPowerdome

5km rings added

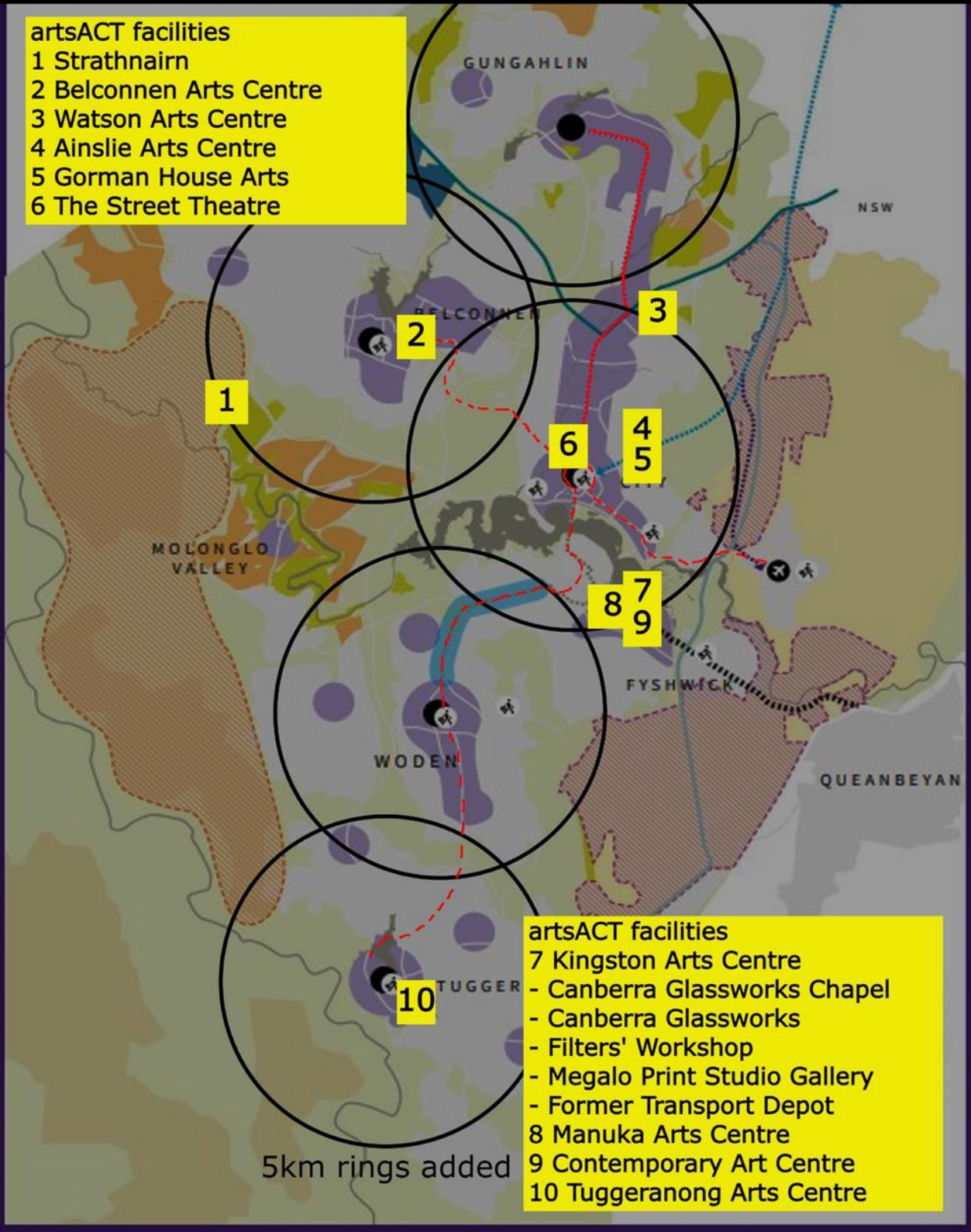
This map outlines the strategic direction for the development of Canberra over the next 30 years and beyond. Policy boundaries are not to be regarded as precise and are intended to inform more detailed planning.



This map shows government artsACT facilities and the need for an arts centre to service people in the greater Woden region

artsACT facilities

- 1 Strathnairn
- 2 Belconnen Arts Centre
- 3 Watson Arts Centre
- 4 Ainslie Arts Centre
- 5 Gorman House Arts
- 6 The Street Theatre

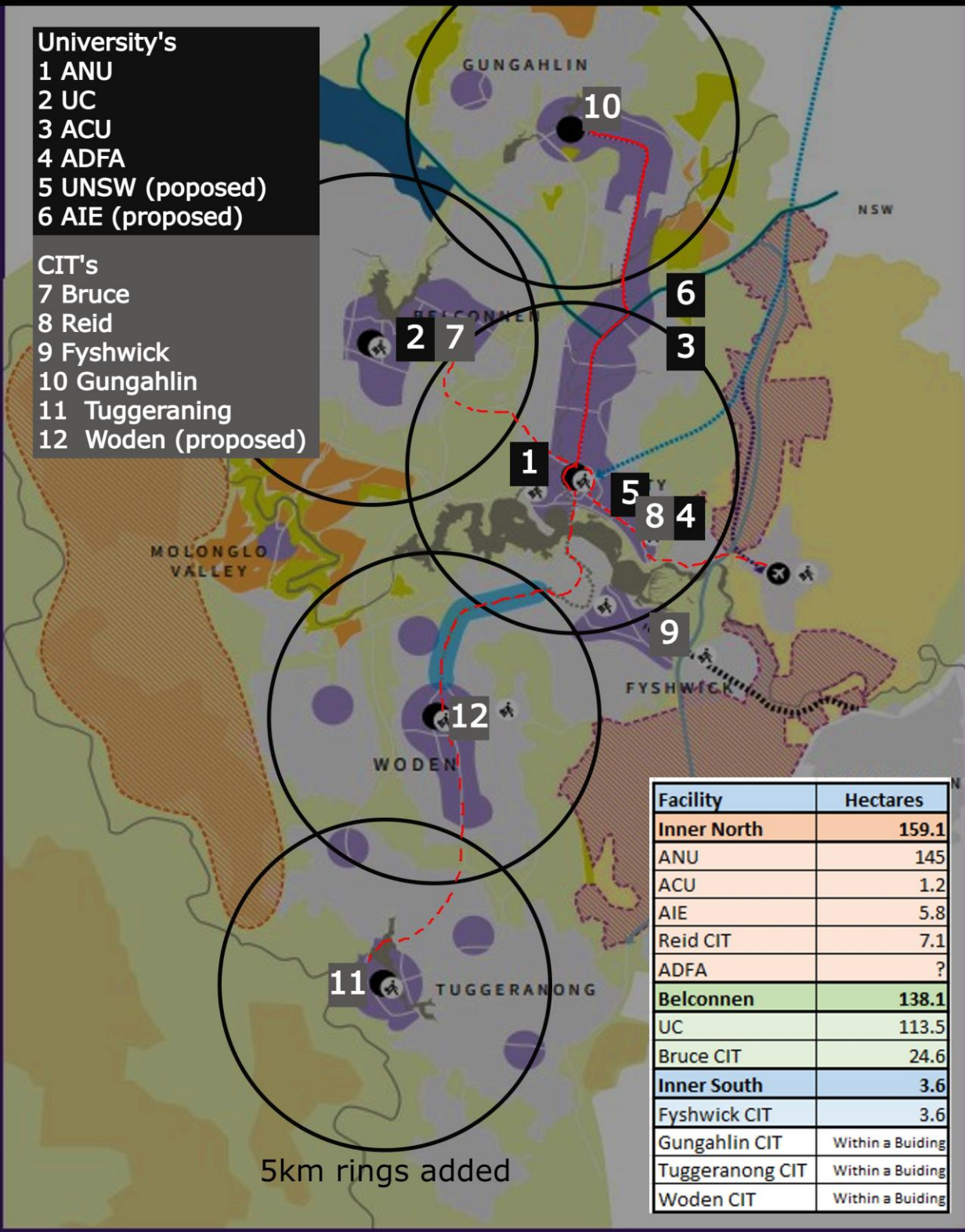


artsACT facilities

- 7 Kingston Arts Centre
 - Canberra Glassworks Chapel
 - Canberra Glassworks
 - Filters' Workshop
 - Megalo Print Studio Gallery
 - Former Transport Depot
- 8 Manuka Arts Centre
- 9 Contemporary Art Centre
- 10 Tuggeranong Arts Centre

This map shows the current and proposed higher education facilities, entrenching activity in the north

- University's**
 1 ANU
 2 UC
 3 ACU
 4 ADFA
 5 UNSW (popped)
 6 AIE (proposed)
- CIT's**
 7 Bruce
 8 Reid
 9 Fyshwick
 10 Gungahlin
 11 Tuggeranong
 12 Woden (proposed)



5km rings added

Facility	Hectares
Inner North	159.1
ANU	145
ACU	1.2
AIE	5.8
Reid CIT	7.1
ADFA	?
Belconnen	138.1
UC	113.5
Bruce CIT	24.6
Inner South	3.6
Fyshwick CIT	3.6
Gungahlin CIT	Within a Buiding
Tuggeranong CIT	Within a Buiding
Woden CIT	Within a Buiding