

28 July 2022

Mr Mick Gentleman
Minister for Planning and Land
Management
Member for Brindabella

Ms Rebecca Vassarotti
Minister for the Environment
Minister for Heritage
Minister for Sustainable Building and Construction
Member for Kurrajong

Via Email: gentleman@act.gov.au

Via Email: vassarotti@act.gov.au

Dear Minister Gentleman and Minister Vassarotti

ACT Draft Planning Bill

The Planning Institute of Australia (PIA), Australian Institute of Architects (AIA), Australian Institute of Landscape Architects (AILA) and Engineers Australia ACT (EA) have welcomed the Government's significant planning reforms and been active participants in the current Planning Systems Reform Project. We appreciate the opportunities that the ACT Government continues to provide to enable us to participate in this reform process.

The Institutes made submissions on the Draft Planning Bill based on direct member feedback to our respective ACT Division Committees/Councils. As you would appreciate, collectively our members are at the 'coal-face' with regards to working with the ACT Planning System, and our member's professional careers are affected by legislative provisions such as those within the Draft Planning Bill.

Following the closure of public consultation on the Draft Planning Bill (15 June 2022), we met to consider the elements of the Bill where our respective policy positions are aligned. We have further distilled the reforms into three (3) key matters that we wish to bring to your attention.

We believe that adjustments to the following three areas within the Draft Bill could result in significant improved outcomes across our city through strengthening of the legislation.

1. **Design Review Panel (DRP)**

The DRP should have a clearer remit within the new Planning Bill. It is noted that the DRP simply provides advice to the DA decision-maker. It is also not clear whether the advice of the DRP is a 'matter for consideration' for the Chief Planner in determining a Territory Priority Project. This has the potential to create confusion among applicants, designers, and the community as to how the advice is to be addressed through the DA process, and what practical outputs are achieved for projects that are subject to the DRP.

We consider that the Draft Bill should be amended to enhance the role of the DRP. This could include provision that requires the decision-maker to adopt the DRP advice, unless it can be demonstrated that there is an alternative approach that achieves a significantly

improved outcome (similar to the proposed provisions with regards to the Conservator's advice on tree removal).

The DRP, led by the Government Architect, should include the Chief Engineer and Landscape Architect (in addition to other members with planning, architecture and urban design expertise). This would ensure a broader range of professional inputs to major projects.

2. Living Infrastructure

The provision of green space should be considered across the City holistically. The Living Infrastructure Territory Plan Variation has its focus on individual block controls, which is appropriate for individual DA assessment on one block. However, this should be the end-result of a holistic assessment of open space at the suburb, estate, and district level. The framework for this could be outlined in the Draft Bill with more detailed provisions in the District Strategies and then further development controls in the new Codes of the Territory Plan. We consider that to-date the approach to green infrastructure has been undertaken in a fragmented manner rather than in a strategic city-focused approach.

3. Development Assessment

We consider that there should be greater certainty for DA timeframes with adequate staffing, skills sets and resourcing. There should be a mechanism holding EPSDD to account to provide DA assessment within the statutory timeframe.

We would welcome the opportunity to meet with you to discuss these points further at a time of your convenience and can be contacted on our emails below.

Yours sincerely



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