



Gungahlin Community Council Inc.
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ACT Planning System Review and Reform Project – Draft Planning Bill

The Gungahlin Community Council (GCC) agrees that ACT Planning System needs reform.

For more than five years (starting in December 2016) the GCC has advocated for changes to the ACT Planning System to ensure that the Gungahlin Town Centre meets the expectations of Gungahlin residents. The GCC has learned that the current Planning System cannot be trusted to “do the right thing” and that community-initiated changes to the System are extremely difficult. We have also learned that for Planning to be effective it needs to be enforced when it’s implemented in the real (commercial) world.

The GCC had hoped the Reformed Planning System would identify, enshrine, and defend the needs and interests of the community against the expertise, resources and commercial intent of the development industry, and (potential) short-term decision making by government. Further, to restore trust, we hoped the process of reform would be collaborative, allowing the community to understand and be part of the change, rather than being a victim of it – “Building trust in the Planning system should be a priority” (Stakeholder Series Report) was . Unfortunately, despite a promising start (the Community Engagement Workshops in May 2019), this is not how the reform has unfolded to date, with most “consultation” taking the form of notification.

The consultation currently being undertaken on the new Planning Bill is consistent with our concerns. Many hundreds of pages of draft legislation have been provided, along with an Overview document and a series of Fact Sheets. A very high level of assumed knowledge is required to be able to consider the material provided and it’s clear that any stakeholder that might wish to respond to the consultation would need a strong background and/or expertise in ACT legislation and planning to do so.

The Planning Bill is almost impossible for the average citizen to comprehend, and no serious attempt has been made by the Directorate to make it “relevant” to the general public. The Planning Bill has been presented without the new Territory Plan or District Strategies which might have made it clear “what goes where” and “how things will work”. It may also have helped if “Further detail on the proposed approach to detailed structure and content will be provided during the public consultation period” (from Planning Bill Policy Overview) had been actioned; unfortunately, this detail has not been forthcoming.

The GCC lacks the legislative and planning expertise that many of the other Community Councils have access too, and consequently our feedback and recommendations are quite high level. We

encourage the government to place significant weight on the feedback from all Community Councils, all of whom place the interests of the residents of Canberra first.

Specifically, the GCC **does not support**:

- a) The removal of Pre-DA consultation – If the Planning Directorate is of the view that Pre-DA Consultation is ineffective it needs to be fixed. Pre-DA consultation has proven to lead to better outcomes in several instances in Gungahlin and is consistent with the goal of ensuring that engagement is early and informed.
- b) The notion that the Principles of Good Consultation are at the whim of the Minister – These principles should be a mandatory part of the act and genuinely co-developed with the community and industry (not proposed for comment).
- c) The suggestion that the compliance and enforcement powers are fit for purpose and comprehensive – In the past decade there have been several compliance issues in Gungahlin and there is widespread community perception that there is little enforcement and what there is has little impact or consequence on the infringing proponents

The GCC **recommends** that the ACT Government:

- Fund an independent review of the proposed Planning Bill by an external (non-ACT government) legal counsel to validate the objectives of the Bill are correctly and validly drafted.
- Take up the offer from the Chair of the Legislative Assembly's Planning Committee to provide additional scrutiny of the Planning Bill and/or Reform, ideally through an Inquiry.
- To build trust in the Reform process going forward, establish a substantive panel of relevant community and industry stakeholders that are given the necessary training to interpret the Planning Bill (and the Reform more broadly), and to genuinely contribute to the co-development of the new Territory Plan and District Strategies.
- To build trust in the District Strategies, fund a representative group for each District group/forum to inform and oversee the development and implementation of the District Strategies. Such a group might include relevant MLA's, representatives from different community sectors (eg. Business, Sporting, Aged, Youth) and community representatives, perhaps chosen by ballot from interested volunteer candidates.
- Provide specific examples of how "outcomes based" works when compared to the current Planning System.
- Work with the Gungahlin community to explore how the recommendations from the consultancy on mixed-use planning might be implemented in the new Territory Plan and/or Gungahlin District Strategy.