

New directions for the ACT planning system

The ACT Government has made a clear commitment to make changes to the current planning system to make it simpler to use, faster and more effective for residents, industry, business and the community.

The four key planning areas that will be addressed in the reform process are:

- The development assessment system;
- The Territory Plan and other planning instruments;
- Environmental impact assessment; and
- The leasehold system.

Why is there a need for reform?

Lack of clarity, inefficiencies, complexity of processes and time delays, are found in the following four key areas:

The development assessment system

- The development assessment system can be cumbersome, slow and inconsistent and is not always effectively integrated with the building approval process;
- It can be difficult to understand and apply the rules and assessment criteria that are likely to apply to a development; and
- This system can jeopardise much-needed development initiatives, add to costs and create lengthy delays in assessment.

The Territory Plan and other planning instruments

- The process of varying the Territory Plan is complex and lengthy, even for minor proposals, and can seriously delay or jeopardise needed developments;
- The Territory Plan no longer has the flexibility needed to meet the changing needs and growth of the ACT; and
- Under the current system, there are multiple layers and types of planning guidelines to be considered when preparing or assessing a development proposal. This has caused confusion and can lead to lengthy delays in decision-making.

Environmental impact assessment

- The present system of environmental impact assessment is not always effective or efficient; and
- The level of assessment applied is often inappropriate for the nature and scale of development.

The leasehold system

- Currently, the lease and the Territory Plan do not always work together effectively to control land use and development in the ACT;
- Current methods for calculating change of use charges create uncertainty and lack transparency; and
- Existing arrangements for leases issued by direct grant are too complex. Eligibility criteria, charging policies and process require review.

- The lease will continue to clearly provide direction on what the land can be used for, but development controls will be more appropriately integrated into the Territory Plan, including codes and guidelines;
- Change of use charges will be codified, applying a set formula to proposed use and development changes; and
- Improved processes for the direct grant of leases will be introduced, including revised eligibility criteria and charging policies.

What does this mean for me as an individual or a community group?

- A new planning system will make the policies and rules that need to be complied with a lot easier to understand. There will be opportunities in the early stages of planning to participate in the development of policies and codes that will govern decision-making on development proposals;
- As a home-owner, any applications for residential development, including redevelopment and alterations, will be processed much faster if they comply with the established policies and rules;
- The leasehold system will remain in the ACT, and rights under existing leases will not be affected and leases can continue to be renewed;
- Neighbourhoods will continue to be protected by more easily understood policies and rules and more consistent decision making on development proposals;
- Where development proposals may cause changes within a neighbourhood, planning codes will clearly define the levels of acceptable change. These codes will be released for public consultation before they are adopted, to ensure they meet present and future community needs;
- Environmental impact assessment will be better targeted to the proposals that are most likely to have an impact with the level of assessment requirement rising with the level of assessed risk;
- Community interests will be protected through continued processes relating to community land allocation, social impact and needs assessments; and
- Existing environmental protection zones will continue to be protected.

What does this mean for me as an industry, business or professional organisation?

- The proposed changes to the planning system will clarify the rules and guidelines applicable to development in the ACT;
- Clarification of the relationship between the Territory Plan and non-residential leases will also create greater certainty for the business sector when making decisions about development and redevelopment across the ACT;
- Proposed improvements to the structure and content of the Territory Plan will remove the need to undertake as many Plan variations;
- A codified change of use charge system will provide greater certainty and transparency for calculating development costs;
- Unnecessary levels of assessment for complying proposals will be removed, significantly reducing the time and costs involved in getting a decision on an application by the ACT Planning and Land Authority; and
- Environmental impact assessments will be better integrated into the development application process.

What reforms are proposed?

There are a number of reforms proposed within each of the four key planning areas, including:

The development assessment system

- The ACT will be the first jurisdiction to adopt the nationally developed 'leading practice model' for development assessments, based on five major assessment tracks: exempt; prohibited; code assessment; merit assessment and impact assessment. This model increases the number of developments that may be exempt from development assessment by the ACT Planning and Land Authority;
- The role and advice of other ACT Government agencies will be better integrated into the development assessment process;
- Land use policies and development codes will be consolidated to provide greater clarity and streamline the development assessment system; and
- As far as possible, all of the applicable policies, rules and related guidelines will either be integrated in the Territory Plan or referenced in the one place so that relevant requirements are easily identified.

The Territory Plan and other planning instruments

- A range of administrative matters currently in the Territory Plan will be removed and placed more appropriately in legislation, regulations or codes;
- The restructure of the Territory Plan, guidelines and codes will include changing some planning terminology consistent with definitions used around Australia, including the introduction of 'zones';
- Current land use policies and development codes will be consolidated and simplified to provide greater clarity on what is allowable within the 'zones';
- The community will contribute to the development of planning policies and codes up-front; and
- Variations to the Plan will be minimised by providing an extended range of appropriate land uses in a particular zone.

Environmental impact assessment

- Environmental impact assessments will be better integrated into the development application process, with the level of environmental impact assessment required based on the nature and scale of proposed development;
- As the level of environmental impact of a development rises, the level of assessment required will rise accordingly;
- Development types requiring mandatory environmental assessment will be identified in advance; and
- Environmental impact assessment requirements will be more clearly communicated to the community, with consultation occurring in the draft stage of an assessment. If a high level of public concern results from an environmental impact assessment on a development application, the Planning Minister will be able to establish a panel of experts to review the development and report back to the Minister.

The leasehold system

- The leasehold system will remain in the ACT and none of the reforms will affect rights under existing leases;
- Commercial and industrial leases will generally contain a broader range of uses but specific use leases will still be granted to achieve Government and community objectives;

Where do I get more information?

These proposed changes are addressed in a series of related fact sheets and in greater detail in the Directions paper, supported by four additional technical papers addressing each of the priority planning areas. These papers have been released for public consultation for an eight-week period, giving the Canberra community an opportunity to comment on the reforms proposed in each paper.

Copies of the papers are available at all ACT Government and ACT Planning and Land Authority customer service centre, ACT Libraries and on the ACT Planning and Land Authority website. For further information, contact the ACT Planning and Land Authority on 02 6207 1923 or visit our website: www.actpla.act.gov.au

How do I contribute to the new planning system?

Community consultation is taking place over an eight-week period from 27 May to 22 July 2005. Public comment can be provided through submissions to the ACT Planning and Land Authority via email: planning.systemreform@act.gov.au or posted to The Planning System Reform Project, GPO Box 1908 Canberra ACT 2601. Submissions close on Friday 22 July 2005. Persons making submissions should be aware that all submissions will be made public. For further details please refer to the Planning System Reform Project Directions paper.

Indicative timetable for the reform process:

May – July 2005	Public release of the Directions paper, with an eight-week community consultation period
February 2006	Exposure draft legislation tabled in the ACT Legislative Assembly
August 2006	Legislation introduced to the ACT Legislative Assembly to make reforms to the current planning system
2007/2008	Implementation of the new planning system

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