

Territory Developments

A New Planning Structure for the Territory

- 2.1 On 20 December 2002, the ACT Government enacted the *Planning and Land Act 2002* (ACT) and made a number of legislative changes to the Territory planning system. The Act commenced on 1 July 2003 and saw a significant change in the ACT's planning and land management operations, with the establishment of three new bodies: the *ACT Planning and Land Authority* (ACTPLA), the *Planning and Land Council* and the *Land Development Agency* to replace ACT Planning and Land Management (PALM).

ACT Planning and Land Authority

- 2.2 The ACT Planning and Land Authority continues the previous role of PALM as well as assuming responsibility for the land release program and the land management role previously performed by the ACT Department of Urban Services. ACTPLA's functions are:
- administering and reviewing the Territory Plan
 - planning and land policy advice
 - regulating development and the building industry
 - maintaining the digital cadastral database, and providing land information

- granting and administering leases and licences
- deciding development applications
- land use compliance and enforcement
- providing administrative support to the Planning and Land Council
- ensuring community consultation and participation in planning decisions
- promoting public education and understanding the planning process¹

Planning and Land Council

2.3 The Planning and Land Council has no decision-making function – its role is to provide advice on matters arising under the *Planning and Land Act 2002* (ACT) to both the ACT Government Minister and ACTPLA upon request, or where ACTPLA is required by regulation to seek the advice of the Council.² Advice given by the Council is made publicly available in an effort to ensure transparency in the process is maintained.

Land Development Agency

2.4 The Land Development Agency is established to develop land, carry out works for the development and enhancement of land, and carry out strategic or complex urban development projects.³ The Agency assumes responsibilities previously performed by three separate bodies: the Land Group within the ACT Department of Urban Services; the Gungahlin Development Authority; and the Kingston Foreshore Development Authority. The Land Agency's activities are scrutinised by an independent board.⁴

The Canberra Plan

2.5 On 11 March 2004, the ACT Government launched *The Canberra Plan*, a strategic framework described by ACT Chief Minister Jon Stanhope

1 ACT Government, *Planning and Land Reforms in the ACT: ACT Planning and Land Authority – It's Role in the Planning & Land Management System*. Available online at: http://www.actpla.act.gov.au/aboutus/transition-pdf/ACTPLA_DL.pdf

2 Section 27, *Planning and Land Act 2002* (ACT).

3 Section 39, *Planning and Land Act 2002* (ACT).

4 ACT Government, *Submissions*, p 202.

as “the most ambitious and the most comprehensive strategic plan ever produced in the ACT”.⁵ The Canberra Plan comprises three primary components which together provide an integrated strategy to guide the future development of the Territory over the coming generation:

- *Building Our Community: The Canberra Social Plan;*
- *The Canberra Spatial Plan;* and
- *The Economic White Paper.*

2.6 The purpose of the Spatial Plan component of the Canberra Plan is to provide strategic directions for the development of Canberra over the next 30 years and beyond. It is the Territory’s key strategic planning document for directing and managing urban growth and change.

The Need for an Integrated Approach to Planning

2.7 The recent trend which has seen a number of overlapping planning studies being conducted in the ACT – in what has been described as a “scatter gun approach” by the Property Council of Australia (ACT) – has highlighted the need for an integrated approach to be adopted by the Commonwealth and Territory planning authorities.⁶ One of the major concerns which surfaced during the inquiry was that the various elements of the Canberra Plan, and in particular the Spatial Plan, were an ACT Government project. While the National Capital Authority was involved in consultation with the Spatial Plan working group, it has been argued that its contribution needed to extend further than that.⁷ Mr Tony Powell, for example, argued that the Spatial Plan should have been a National Capital Authority initiative, given that the NCA holds the over-arching responsibility for metropolitan planning under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth).⁸

2.8 The Housing Industry Association pointed out that although the NCA was an active participant in the consultation process, if the Authority did not support the end product of the project, the ACT could have

5 Chief Minister Jon Stanhope MLA, Media Release, Chief Minister Launches ‘The Canberra Plan’ with \$60 million to kick-start implementation, 11 March 2004.

6 Property Council of Australia (ACT), Submissions, p 142.

7 Mr Malcolm Smith, Transcript, 19 September 2003, p 242.

8 Powell, Submissions, p 269.

wasted considerable time and resources.⁹ This is particularly true where achieving objectives outlined in the Spatial Plan would be dependent on the Authority making amendments to the National Capital Plan.¹⁰ As Mr Bruce Wright noted, “what is a non-statutory spatial plan when you have two statutory plans?”¹¹

- 2.9 Mr Malcolm Smith stated that he would like to see the Spatial Plan provide the groundwork for an overarching strategic plan which both the Territory and the Commonwealth could agree to, and under which the two statutory plans could operate.¹² This view is shared by the Planning Institute of Australia which believes that the Canberra Plan should provide the single planning reference for the ACT and that it should integrate areas deemed to be of national capital significance.¹³ The Housing Industry Association stated that it is essential that the two bodies work together to develop the key strategies outlined in the plan, adding that while the National Capital Plan is the eminent planning document for the Territory, it is the Territory which is ultimately responsible to its community for the direction and growth of the ACT.¹⁴

The Committee’s Views

- 2.10 The processes which led to the development of the Spatial Plan have accentuated the need for an integrated approach from both the ACT and Commonwealth planning authorities. The Committee endorses the Property Council’s view that an integrated approach to such planning projects is critical to their success. The Committee has therefore sought to address this matter by making recommendations

9 Housing Industry Association, Transcript, 20 June 2003, p 42.
Any amendment to the National Capital Plan would also require approval by the Federal Minister for Territories, Local Government and Roads, as well as both Houses of Parliament.

10 Housing Industry Association, Transcript, 20 June 2003, p 42.
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11 Mr Bruce Wright, Transcript, 20 June 2003, p 14.

12 Mr Malcolm Smith, Transcript, 19 September 2003, p 241.

13 Planning Institute of Australia (ACT), Submissions, p 56.

14 Housing Industry Association, Submissions, p 105.

throughout this report which facilitate closer liaison between the two planning authorities on future projects.¹⁵

Recommendation 2

- 2.11 That an integrated approach be adopted by the Territory and Commonwealth planning authorities for future planning projects affecting both Territory and Commonwealth planning policies.**

¹⁵ See, for example, Recommendation 7.

