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Fifteen years ago disused tennis courts in Currie Cres were transformed into the Kingston Organic Community Garden / Report>P04

Planning Bill fails feedback themes

Approval of Territory Plan an elaborate 'pea and thimble' trick

The ACT Labor government, when it was new and aspirational, launched a *Planning System Reform Project* in late 2004, with the aim of providing "...greater certainty, clarity and consistency." The results were the (current) *Planning and Development Act 2007* and the *Territory Plan 2008*, closely based on the nationally-agreed *Leading Practice Model for Development Assessment in Australia*.

For reasons which have never been adequately explained, in 2019 the Labor/ Greens government launched a new *ACT Planning System Review and Reform Project*, apparently with similar aims.

The *Listening report/ 17 December 2021* identified three 'key feedback themes', which were said to be 'consistently prominent' across four 'stakeholder' meetings:

ment, on advice from the planning authority).

It is stated that the Supporting Material "does not form part of the *Territory Plan* but may be called up by policies within the *Territory Plan*" (just to add further uncertainty, lack of clarity and confusion). They are:

- District Strategies (drafts have been consulted on, but not prepared, and will be 'made' by the Executive once the new *Planning Act* has been approved by the Assembly)
- Design Guides (which are not yet available for scrutiny)
- District Specifications (there's no indication where these come from) and
- Technical Specifications. These seem to have some role in development approval in that "Where a proposed development complies with a relevant provision in the technical spec-

The new *Planning Act 2023* has been passed by the Legislative Assembly and was notified on 19 June. However only some provisions of the new Act have taken effect at this stage, to allow the introduction of a Planning Strategy, District Strategies, Design Guides, Technical Specifications and a new Territory Plan.

Section 38 of the new Act permits the Executive to 'make' and notify a *District Strategy* without further public consultation or reference to the Legislative Assembly.

Part 20.3 of the new Act permits a *Draft Territory Plan* to be prepared, given to the Assembly 'for inquiry' and (at the same time) presented to the Assembly for approval as an *Interim Territory Plan*. Presumably then the *Planning and Development Act 2007* and related Regulations and instruments (as well as the *Territory Plan 2008*) will be repealed.

No timetable for the next actions has been announced, but indications from the planning authority are that all of this should be in place by the end of this year. We understand that the Assembly's Planning, Transport & City Services Committee will undertake an inquiry on the *draft territory plan* (they are allowed six months for that) and that this inquiry will consider further public submissions on the new plan, but not on the other 'supporting material' referred to above.

Richard Johnston/ KBRG President



The five booklet 'sell' for the new ACT Plan promised 'consultation' at every stage

1) Confidence, certainty and clarity / "important to both community and industry" and "Clear rules and processes are preferred."

2) Trust and transparency / "Building trust in the planning system should be a priority" and "Transparency across the planning system, including decision making, was valued by all participants."

3) Consultation / "Community consultation is an important aspect of restoring trust in planning system."

As the following analysis shows, the government's new 'planning reform' package comprehensively fails to respond to these 'key feedback themes.'

1) Confidence, certainty and clarity

The new system moves radically away from "Confidence, certainty and clarity" and from the national *Leading Practice Model* which consists of ten principles, including (number 2) "Development assessment requirements and criteria written as objective rules and tests that are clearly linked to stated policy intentions."

The new *Planning Act* and *Draft Territory Plan* abandon the established 'rules' and 'criteria,' in favour of a complex and confusing mixture of 'District Policies' and 'Zone Policies,' each with a range of vaguely worded 'outcomes' statements, and 'Supporting Material' (which is outside the *Territory Plan*, is non-binding and can be varied at will by the executive govern-

ifications and the technical specification comprehensively addresses the outcome, further assessment regarding those specific provisions will not be required." What does "comprehensively addresses the outcome" mean? How is this to be assessed? Is this intended to allow 'complying' applications to bypass DA assessment altogether? Is this legally possible?

2) Trust and transparency

Community trust in the planning system has been seriously eroded over recent years by the ever-increasing elaboration of planning controls, without any review of their effectiveness, and the propensity of the planning authority to approve development proposals which fail to comply with the approved planning controls.

The new system makes no attempt to deal with these issues, instead adding more complexity and potential confusion. And, the planning authority is giving itself more discretionary decision-making powers, as the sole arbiter of reasonable planning 'outcomes.' There is no improvement proposed to transparency around the current decision-making processes of the planning authority, with community representatives having to appeal to ACAT to discover how development applications have been assessed. Such challenges will be more difficult in the absence of 'rules' and clearly expressed 'criteria' or qualitative tests.

These are important 'governance' issues but the planning authority has consistently said > C3

C3 > these are "out of scope" for the ACT Planning System Review and Reform Project. The ACT Greens have apparently gained agreement from Labor for some form of 'governance review' by an 'independent expert' within a year of the new system coming into effect. It seems incredible these matters have not been addressed as part of the Review, which has already taken four years.

3) Consultation

The planning authority is notorious for its tokenistic 'consultation' and for mostly ignoring the consultation outcomes. The *New Planning Act/ Consultation Report August 2022*

"..notorious for its tokenistic 'consultation' and for mostly ignoring the consultation outcomes."

contained a comprehensive listing of issues raised in the 329 total submissions received, many of which reflected the 'key feedback themes' from the earlier consultation. However, of the 452 issues noted only 8 were "Agreed-change made" and a further 11 were "Agreed in principle- change made" (without the changes being identified).

Under the heading 'Objects- Community participation' the *Consultation Report* listed six issues. The first, "*Planning Bill* will reduce community participation" was dismissed as "Not agreed/ outside of scope." The third, "Proposed changes for community participation will > P3

Region Heritage Symposium to explore heritage planning issues

Qbn tram/ Arts saga/ Telopea parking jam

The theme of the 2023 ACT Region Heritage Symposium, to be held on Saturday 14 October 2023, will be Planning for Heritage.

An introduction to the Symposium explains, "Change in the built and natural environment is both inevitable and necessary. Factors such as land development, increased housing demand, climate change and regulation of land use, can have a significant impact on heritage values and heritage places and landscapes.

"Whilst these drivers can threaten heritage, they also provide opportunities to strengthen it against decay and destruction through restoration and, where relevant, adaptive re-use. Planning policies and processes are vital determinants of our social, economic and environmental fabric and if leveraged effectively can significantly advance heritage recognition and protections.."

The Symposium will explore the following issues •What role does planning have in managing and preserving our cultural heritage? •In what ways can heritage facilitate positive planning outcomes? •How can development and conservation partner to enhance our communities? •How can we facilitate involvement of residents/ local communities in planning for heritage? •How can we ensure that First Peoples history and culture are adequately respected and protected in future planning? •What lessons in heritage protection should we have learned from practice in the ACT, elsewhere in Australia and overseas?

Bookings for the ACT Heritage Symposium will open soon. See <https://www.nationaltrust.org.au/event/2023-act-region-heritage-symposium/>

Press release

Planning bill fails Feedback themes

P2 > not demonstrate level of input required to achieve community trust" was just "Noted." All the others were "Agreed in principle- no change required".

Under the heading "Principles of good consultation" the Consultation Report "Agreed-change made" with one issue raised, ie "Principles of good consultation should be included in the Planning Bill." It "Agreed in principle- change made" with one further issue raised, ie that "Consideration should be given to adopting the South Australian provisions, including guiding principles and what the guidelines must cover."

But the 'Principles of good consultation' in the ACT Planning Bill are not as comprehensive or as clear as the SA Principles, and tend to de-emphasise Community Engagement.

Under the heading 'Pre-development application consultation,' with the one issue noted being "pre-development application consultation should be retained and be led by the Territory Planning Authority," the Consultation Report said "Not agreed/ outside of scope".

This is extraordinary, as the Draft Act itself had explicitly dumped this established process, which is currently legislated (P&D Act Division 7.2B.3), on the spurious grounds that the system wasn't working very well! >P4

Feds should run Kingston-Queanbeyan rail

From the Riot Act 31 July 2023
Light rail from Kingston to Queanbeyan needs to have more Commonwealth involvement in order to benefit Canberrans and the wider community, according to an advocacy group who outlined their case to the National Capital Inquiry at Parliament House on Monday 31 July 2023.

The Canberra-Sydney Rail Action Group co-convenor Bob Bennett told the Federal inquiry that running a light rail service from Barton to Kingston and then through to Queanbeyan would escalate the project to the Commonwealth level.

"The amount of freight traffic through Canberra [is increasing].. and traffic on a main arterial road [from Queanbeyan to

Kingston Arts Precinct

KBRG President Richard Johnston attended a Kingston Arts Precinct Community Panel meeting on 22 June 2023. He reports, "The Community Panel members were generally pleased with the design architect (NH Architecture)'s approach and endorsed their 'Option 2,' which had the arts facilities grouped around a major open space between the Power House and Eastlake Parade. However diverging views apparently emerged at a Community Workshop held a week later where some argued that the whole site (essentially the current open carpark) should be taken up with arts related uses. And where to put the required 500 space public carpark is still a major unresolved issue. We await a final site layout design which will lead to an Estate Development Plan and plans for the arts buildings."



The afternoon traffic jam outside Telopea Park School on New South Wales Cres.

Manuka] is expected to be experiencing gridlock by 2030."

He argued buses could only be part of the answer – and only if dedicated bus lanes were built the entire length of the route, otherwise they'd just become part of the traffic.

Mr Bennett pitched the existing rail line between Kingston and Queanbeyan was standard gauge- the same infrastructure needed for light rail- and while some maintenance would be needed, the only new infrastructure would be stations. So taking on the project wouldn't be a huge cost.

"There's already a rail corridor between Kingston and Queanbeyan.. [and there's space] down Wentworth Avenue, so it can be done," he said.

Taking light rail from Queanbeyan to Kingston, and then onwards to Barton, hasn't been costed yet, but Mr Bennett said it would bring multiple benefits.

"These would include a quick linking service for people taking the train from Sydney to Queanbeyan, making it a more attractive travel option over flying. It would also improve transport links for people outside of Canberra attending events in the Parliamentary Triangle and Manuka Oval, and make day trips for shopping and the like from regional towns easier," Mr Bennett said.

Telopea Park School parking jam

In a recent letter to ACT Ministers Yvette Berry and Chris Steel, the KBRG wrote, "The recently announced plan to increase student numbers at Telopea Park School by 500 has raised considerable concern among nearby residents. For many years they have suffered significant impacts during drop off and pick up times.

"We acknowledge that some useful work has been done to mitigate the problems associated with congestion during school drop-off and pick-up times. However these have been only marginally effective at current enrolment levels and will need to be augmented when enrolments are increased.

"Currently parents still double and triple park near the school gates and park dangerously close to pedestrian crossings. Short term parking spots are camped in for hours before pick-up time. Some intersections are hazardous due to parent impatience and traffic concentration. Some parents continue to park illegally in driveways and on heritage nature strips which owners are responsible for maintaining.

"An extra 500 students could result in at least an additional 250 vehicles converging on Telopea Park School and competing for parking spaces at peak periods. This would significantly increase the risk of harm to > P4

Community Garden in strong demand

Community events in Kingston and Barton for September and October



KOCG gardeners enjoying a break/ Help yourself herbs outside the garden

The Kingston Organic Community Garden will turn 15 this September. It was established with a grant from Baptist Community Services, which was used to transform the disused Currie Cres. tennis courts into a viable garden, with a shed, water supply, and garden beds.

Today, the KOCG has around 50 members, cultivating more than 250 square metres of community and private plots, drawing water from a 25,000 litre water tank.

The community beds enable members to enjoy the benefits of gardening, but share the burden of looking after a plot with others. The produce from these beds is donated to local refugee families. The gardeners often gather on Tuesday and Friday mornings

(from around 9am to 11am) to maintain their plots and interested residents are welcome to drop by and introduce themselves during those times.

There is currently a very long waiting list for the private plots but residents can apply at: kocg@canbap.org

Compost bins are provided in the garden and outside the fence for people in the local area who want their kitchen scraps to be put to a good use.

There is also a small variety of herbs growing in pots on the retaining wall, next to the south side gate, and residents are welcome to pop down to the garden with their scissors and snip some!

John Mitchell, KBRGN editor

Please note that KBRG membership fees for 2023/24 are due before the 2023 AGM and can be paid by bank transfer. [See the Membership Renewal/Application form attached to this mailing]. Your support is greatly appreciated.

Preparing tulip trail for 2023 Floriade Festival



Eight volunteers joined Womens Shed Canberra co-ordinator Robby McGarvey in Kennedy Street on Sunday 4 June to make a start on planting bulbs for the 2023 Floriade Community Program. Under the program the ACT Government provides bulbs to community groups to help create a tulip trail through Canberra's suburbs for the annual Floriade Festival.

September

Thu 7/ KBRG monthly meeting / 7.30pm*
Tue 12/ ISCCC monthly meeting / 7.00pm*

October

Thu 5/ KBRG monthly meeting / 7.30pm*
Tue 10/ ISCCC public meeting / 7.00pm*
*To be held at Eastlake Football Club

Planning bill fails feedback themes

P3 > No examination of why, or what could be done to fix any problems.

The *Report of the Standing Committee on Planning, Transport & City Services– Inquiry into Planning Bill 2022* [PTCSC Report] was a great deal more concerned about community consultation than was the planning authority/ ACT government. The PTCSC Report makes 15 recommendations about improving consultation. However it is not clear at this stage how many of these recommendations have survived the latest deal-making between the Greens and Labor.

Richard Johnston/ Life Fellow PIA/B.Arch./ Dip.T&C Planning/Dip.Envirn. Studies/ President KBRG

Telopea Park School parking jam

P3 > students and cause more traffic accidents •have a massive impact on the already stretched road system. Clearly some road intersections are already well over capacity during these times •increase illegal parking on nature strips •require additional on-site parking for the extra teachers.

"This additional load cannot be viewed in isolation from the additional traffic that will be generated by other new buildings in the area- notably the ATO building, 19 National Circuit and the massive national security building..The total impact of all these developments needs to be modelled and mitigation plans prepared. Well before the media announcements about the increased student numbers, residents had asked the ACT Government and NCA to coordinate on various traffic and parking issues to mitigate safety risks and reduce impacts on residents who are surrounded by large developments.

"Can the ACT Government please assure Barton residents that the government will
1) Consult residents about the likely impact of the increased traffic due to the increased school size and developments on National Circuit
2) Advise the results of traffic modelling for the totality of developments in the area
3) In consultation with residents, develop traffic management and parking plans, and
4) Advise what other mitigation will be undertaken- e.g. strong encouragement of active travel, improved school bus service, regular and comprehensive enforcement of parking and staggered start and finish times.

"We look forward to constructive consultation on this matter."

The Kingston Barton Residents Group acknowledge the Traditional Owners of the land on which we meet, and pay our respects to Elders past and present.