



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES
Ms Jo Clay MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into Planning Bill 2022

Submission Number: 47

Date Authorised for Publication: 22 November
2022



Friends of Grasslands

supporting native grassy ecosystems

email: advocacy@fog.org.au

web: <http://www.fog.org.au>

Standing Committee on Planning, Transport and City Services
ACT Legislative Assembly
LcommitteePTCS@parliament.act.gov.au

Inquiry into the Planning Bill 2022

Friends of Grasslands (FOG) is a community group dedicated to the conservation of natural temperate grassy ecosystems in south-eastern Australia. FOG advocates, educates and advises on matters to do with the conservation of native grassy ecosystems, and carries out surveys and other on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.

FOG has limited comments on the Inquiry into the Planning Bill to matters related to the conservation (protection and management) of biodiversity within the planning framework, to reiterate key recommendations provided in the consultative process, but not included in the final Planning Bill.

Overall statement

FOG believes that the Planning Bill 2022 is a key opportunity to fully embrace Canberra's unique biodiverse landscape setting, in order to integrate the natural, built and cultural elements of the city. Future design and planning should demonstrate that the conservation of biodiversity will be genuinely and consistently incorporated into planning outcomes.

While we fully appreciate that this Bill is related to the built environment, the physical biological context in which planning is to occur is significantly lacking. We are extremely disappointed that the Planning Bill presented to the Assembly has not incorporated significant elements of natural biodiversity, given the context of the critically important role of natural biodiversity for public health and welfare (wellness and liveability), resilience to climate change and protection of the multiplicity of species and habitat interactions and processes. This is despite ministerial direction and development of multiple policies and strategies by ACT Government to ensure sustainability includes the natural environment. We note that beyond the identification of natural environment conservation principles in S2.2, *Principles of good planning*, there is little consideration of how this principle would be maintained within the outcomes planning context.

FOG also recommends greater consideration of additional environmental issues not identified in the Planning Bill, including mitigation against climate change and improved design standards to reduce wildfire risk and energy use and increase liveability of housing.

Specific recommendations

While FOG welcomes the outcomes focus on the Territory Plan, we are concerned that the Planning Bill provides no guidance to ensure that 'good planning' outcomes will take into account natural environment conservation principles. To ensure these principles are incorporated, we urge reconsideration of FOG's key recommendations provided on the Consultation Draft as follows:

1. **Objects:** inclusion of an additional Object, that reflects the principles of good planning, to strengthen the relationship between the intentions and matters:
 - promotes integrated planning within the Territory's natural landscape setting.

2. **Consistency with government strategies and legislation:** A key issue for conservation of biota is the uncertainty over future land use. The Planning Bill must identify that high conservation ecosystems are exempt from development, such that the Territory Plan can ensure they are protected. No retrospective approvals should be allowed for areas defined as protected from development.
3. **Protection across tenure:** Identification of the need to protect all matters of environmental significance, not only on public land, but other land, including leased urban and rural land and other unleased land including road and power easements.
4. **Strategic and spatial planning:** FOG welcomes the inclusion in sub-division design that management requirements must be identified for protection of connected native wildlife habitat, climate change and water sensitive urban design. However, we note with concern that this does not include design to manage native wildlife habitat within the sub-division. Reference should be provided to prevent cumulative impacts from multiple projects.
5. **Matters of environmental significance:** In addition to protection requirements for Matters of National Environmental Significance (MNES) protected by the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), matters of local significance must be included that are identified under the Nature Conservation Act. Protection of MNES on lands and waters is expected to be required under proposed reforms to the Commonwealth EPBC Act. It would be wise for the ACT to incorporate this protection in this legislation.
6. **Referral to the Conservator of Flora and Fauna:** Entity referral S161 must be for matters relating to all protected matters (i.e., biodiversity conservation matters) not just those matters under the Tree Protection Act 2005.
7. **Declaration for development encroaching on adjoining territory land, S155:** This section should include an additional criterion under (c): *'not impact on the biodiversity of the surrounding land'*. This includes the importance of adjoining land as corridors and connecting diverse areas, to consider the landscape values outside the actual proposed footprint.
8. **Offsets:** FOG believes that the Planning Bill does not ensure that biodiversity offsets may only be considered after all possible measures to avoid and mitigate the impacts of an action have demonstrably been taken. In addition, offset plans must:
 - a) be identified and legally secured prior to commencement of the approved impact – delays between impact and full achievement of required offsets gains must be minimised and appropriate discount factors applied;
 - b) outline corrective courses of action that will be taken where positive increases in the biodiversity indicators or milestones have not been achieved; and
 - c) include time-bound milestones that clearly identify the required absolute increases of approved indicators.

Thank you for the opportunity to comment on the draft Planning Bill 2022, and we look forward to having input into the development of district strategies as well as revisions to the Territory Plan.

Yours sincerely



Professor Jamie Pittock
President

16/11/2022