Regulatory Impact Statement

Planning and Development Amendment Regulation 2012 (No.5)

Subordinate Law 2012-42

Prepared in accordance with the *Legislation Act 2001*, section 34

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Simon Corbell MLA

Minister for the Environment and Sustainable Development

This Regulatory Impact Statement relates to substantive elements of the *Planning and Development Amendment Regulation 2012 (No.5)* (the proposed law). The proposed law amends the *Planning and Development Regulation 2008* (regulation).

Terms used

The following terms are used in this regulatory impact statement:

"Act"	means the *Planning and Development Act 2007*;
"regulation"	means the *Planning and Development Regulation 2008;*
"section 1.110"	means the existing s1.110 of schedule 1 of the regulation, which exempts rebuilds of damaged buildings from the need to obtain development approval; and
"DA exempt"	means the existing s1.110 of schedule 1 of the regulation, which exempts rebuilds of damaged buildings from the need to obtain development approval.

Executive Summary

Schedule 1, section 1.110 *Rebuilding damaged buildings and structures* allows lessees whose buildings are damaged by an act or event (eg an electrical fire, vandalism) to rebuild the damaged building without the need to obtain development approval. The exemption is subject to conditions. For example, the original building must have been approved by a development approval and the new building must not be higher than the previous building, or contravene previously approved setbacks. The exemption operates throughout the ACT in all Territory Plan zones.

Section 1.110 was intended to encourage the rebuilding of damaged buildings by removing the cost and delay associated with obtaining development approvals. The exemption was considered to have minimal implications because the exercise involved the mere replacement of previously existing buildings. The exemption is similar to DA exemptions for rebuilding following the 2003 Canberra bushfires (refer to sections 371 to 375 of the Regulation). However, section 1.110 applies generally, that is, it is not restricted to a particular event, like the 2003 fires. Section 1.110 has been in operation since July 2009.

The proposed law amends the rebuild exemption by removing its application to industrial areas as identified by the Territory Plan. The amended section continues to apply to all other zones that is, all residential, commercial, community facility, parks and recreation, transport and services and non-urban zones. If a building or structure in an industrial area is damaged and the lessee wishes to rebuild then the lessee will need to apply for development approval for the rebuilding.

This amendment will require the rebuilding of a damaged building in an industrial area to be approved by a development approval granted under the Act before it can proceed. This will ensure that the proposal is subject to the development application and assessment process. The amendments will therefore ensure that such rebuilds are fully assessed against current laws and standards taking into account current circumstances. It will also ensure that there is opportunity for public comment and appropriate review.

A review of the ACT planning framework, *Review of the location of hazardous industries* 2012 (the Lloyds Register Review) has been completed by Lloyd's Register consultants. The review consisted of a study of existing planning and environment policies and regulations as they relate to the location of hazardous industries in relative close proximity to residential developments. The review recommended a number of changes to the existing regulatory framework including changes to planning legislation, the Territory Plan and agency referral processes. The proposed amendment is not the subject of a specific finding or recommendation in the review. However, the regulation is consistent with the review's emphasis on the need to ensure that there are no significant regulatory gaps and for applicable processes and standards to be up to date. The Government's response to the review could, for example, include variations to the Territory Plan or changes to relevant environmental safety standards to be considered by referral agencies. Were this to be the case, the proposed regulation will ensure that any such changes apply to rebuilds of damaged buildings.

This change will require the proposal to be assessed against the current Territory Plan and the environmental and other factors for consideration required to be assessed under sections 119, 120, 128, 129 and related sections of the *Planning and Development Act 2007*. This will include for example, assessment against the objectives of the zone identified in the Territory Plan, the relevant code rules and criteria in the Territory Plan, the general suitability of the land and the impact of the development on the environment. This assessment will require consideration of the current local environmental and built environment circumstances in the context of the Territory Plan.

The required development applications for approval to rebuild in industrial areas will be publicly notified and open to public comment. The assessment of the applications will take account of the public comments. The applications will also need to be referred to relevant government referral agencies such as the Environment Protection Authority for review. The decision on such applications will also be subject to applicant ACAT merit review as well as subject to any Supreme Court proceedings. The regulation exempts approval decisions in industrial zones from third party ACAT merit review.

Defining the issue

The rebuild exemption exempts rebuilding of damaged buildings from the need to obtain development approval. The rebuild exemption applies throughout the ACT in all Territory Plan zones.

Specifically the rebuild exemption allows lessees whose buildings are damaged by an act or event (eg an electrical fire, vandalism) to rebuild the damaged building without the need to obtain development approval. The exemption is subject to conditions. In particular, the original building must have been approved by a development approval and the new building must not be higher than the previous building or contravene setbacks required in the original development approval.

The rebuild exemption allows, for example, the rebuilding of a fire damaged single dwelling in a residential zone as well as the rebuilding of a flood damaged property in an industrial area.

The rebuild exemption was acceptable on the basis that the exemption merely permits a damaged building to be replaced with a similar building ie nothing new is being done and as such there are few, if any, impacts on neighbours or the wider community.

The above conclusion holds for most zones such as residential zones. However there is an issue as to whether this conclusion holds for industrial areas because of the nature of buildings and uses in these zones. Activities in industrial areas may include operations such as liquid fuel depots, hazardous waste facilities, machinery workshops and warehouses handling different chemicals. There is the risk or perceived risk that such operations might generate off-site disruption to residences and businesses in the event of an unexpected fire or other event.

There was community concern following the 2011 Mitchell chemical fire and the April 2011 fire at the Just Rite Insulation building at Fyshwick. This concern has indicated a need to re-assess the scope of the DA exemption from development approval of rebuilds in industrial areas.

The rebuild exemption prevents assessment of the rebuild against current policies (the current Territory Plan and relevant Government policies) and current planning and environmental circumstances. The current Territory Plan and circumstances may differ significantly from those applying at the time the original building was assessed and built. The original building that is to be replaced as a result of damage may, for example, have been approved:

- more than a decade ago at a time when there was less attention to environmental impacts in relevant planning laws;
- when the nature and intensity of surrounding local uses differed markedly from the situation on the ground today; or
- when surrounding local areas were unpopulated or otherwise zoned non-residential in contrast to the situation applying today.

The rebuild exemption means that rebuilding of damaged buildings in an industrial area can take place without having to undertake development assessment and so without having to consider such changed circumstances. This is a particular issue for industrial areas given the nature and variety of uses that can occur in these places. In contrast rebuilds in residential or other non-industrial zones are relatively unlikely to have any greater impact on the environment than when originally assessed and built.

The Government's response to the abovementioned Lloyd's Register review could, for example, include variations to the Territory Plan or changes to relevant environmental safety standards to be considered by referral agencies. Were this to be the case, the proposed regulation will ensure that any such changes apply to rebuilds of damaged buildings in industrial areas.

(a) The authorising law

Subsection 133(a) (iii) of the Planning and Development Act provides that development may be made exempt from requiring development approval under a regulation. The ability to

exempt development proposals from the need to obtain development approval includes the ability to remove or amend such exemptions.

(b) Policy objectives of the proposed law and the reasons for them

The objective of the proposed law is to ensure that all significant development proposals in industrial areas are fully assessed under the planning development system. This is to make sure that such developments do not result in environmental, social, or planning outcomes that are contrary to the Territory Plan or relevant Government policy and also to ensure that the community has an opportunity to comment on all such proposals.

This objective is to ensure in particular that such proposals are fully assessed against the:

- objects and related requirements of the Planning and Development Act;
- Territory Plan; and
- current environmental and planning circumstances.

The objective is to address the following scenario. The original construction of a significant new development in the industrial area may have been acceptable according to the planning laws, circumstances and standards applying at the time. Several years may pass. An emergency event may occur that destroys the building. A rebuild may be sought. As a result of the passage of time circumstances may have changed. For example, the requirements of the Territory Plan, relevant Government policy, community expectations, the nature of neighbouring uses of land and contemporary knowledge of environmental and planning impacts may have changed. As a result it may no longer be appropriate for the proposed rebuild to proceed automatically without being subject to the development assessment process. Were the rebuild to proceed without development assessment, there is the risk that the rebuild may result in a development that poses planning, social or environmental impacts, on the local community that are considered to be no longer acceptable. In particular, the rebuild may result in an operation that imposes environmental risks or perceived risks that are no longer acceptable.

For example, the rebuild may be of a chemical warehouse facility that was acceptable at the time of original construction. The rebuild of the facility may possibly be no longer acceptable because of changes as a result of the passage of time. The facility may be contrary to the current Territory Plan because of the risks or perceived risks that such a facility presents to nearby residents. Nearby residents may be concerned that the facility may result in pollution or other impacts if the facility were to be damaged by an emergency event. Alternatively, the rebuild of the facility may be acceptable as consistent with the Territory Plan and other Government policies provided the rebuild met certain conditions.

The Lloyd's Register review noted above identified a number of possible regulatory gaps in the existing set of planning and environmental policies and regulations. The Government's response to the Lloyds Register review could, for example, include variations to the Territory Plan or changes to relevant environmental safety standards to be considered by referral agencies. Were this to be the case, the proposed regulation will enable any such changes apply to rebuilds of damaged buildings.

The objective is to ensure that such rebuilds are subject to the development assessment process so that any such changes and associated implications can be assessed and a determination made as to whether the rebuild should proceed, proceed subject to conditions or not proceed at all. The assessment process will permit comments from the local community during the public notification process as well as comments from government agencies such as the Environment Protection Authority during the agency referral process.

The object of the Planning and Development Act is set out in s6 of the Act which states that the object of the Act is:

> "to provide a planning and land system that contributes to the orderly and sustainable development of the ACT in a way that is consistent with the social, environmental and economic aspirations of the people of the ACT, and which is in accordance with sound financial principles [section 6 of the Act]"

As the proposed law enacts the policy objectives of the Act, a brief summary of the pertinent policy objectives behind the Act is provided *Attachment A*.

Sections 120 and 129 of the Act require development applications to be assessed against:

- the Territory Plan objectives for the relevant zone;
- the suitability of the land where the development is proposed;
- the probable impact of the proposed development,

The application of the development assessment process to these rebuilds in industrial areas is a measure that supports the Government's objectives as affirmed in The Canberra Plan: Towards our second century: Australian Capital Territory, Canberra: 2008[1] and associated strategic plans. In particular, the application is consistent with objectives affirmed in this Canberra Plan including the following objectives:

> To ensure that all Canberrans enjoy the benefits of living in a community that is safe, socially inclusive and respectful of human rights, that all Canberrans are able to fully participate in community life and that the most vulnerable in our community are respected and supported (The Canberra Plan: Towards our second century p34).
>
> To ensure that a strong, dynamic, resilient and diverse economy meets the needs of the Canberra community now and into the future; to maintain economic growth that promotes a fully sustainable city; and to promote the ACT's place as the heart of the economic region. (The Canberra Plan: Towards our second century p64)
>
> To ensure that Canberra—its heart and its town, group and local centres—offers the best in sustainable city living; to ensure that all facilities are of high quality and meet the needs of the community; and to ensure that all Canberrans are able to participate in the diverse cultural and social life. (The Canberra Plan: Towards our second century p78)

[1] The Canberra Plan: Towards our second century: Australian Capital Territory, Canberra: 2008 accessed on 3 May 2012 at http://www.cmd.act.gov.au/__data/assets/pdf_file/0013/120217/canberra_plan_text_V5.pdf

(c) Achieving the policy objectives

The policy objective is achieved by the amendment of existing schedule 1, section 1.110 *Rebuilding damaged buildings and structures*. The amendment removes the application of this section from developments in industrial zones as identified by the Territory Plan. There are two industrial zones and one industrial area under the Territory Plan:

1. IZ1 General Industrial Zone;
2. IZ2 Mixed Use Industrial Zone;
3. Harman Industrial Area, identified in the Territory Plan as NUZ1 Non Urban Zone 1 Broadacre Zone

The removal of the exemption from industrial areas will result in the following.

Rebuilds of buildings damaged by fire or other event in industrial areas will require application for development approval. Such applications are assessable in the merit or impact assessment tracks depending on the nature of the development. Matters that are required to be assessed in the impact track are identified in Schedule 4 to the Act and the relevant development table in the Territory Plan. For example, a hazardous waste facility will require impact track assessment as it is identified in schedule 4 to the Act.

Development application, assessment and approval processes will then apply to the development and this will involve:

- lodgement of development application;
- public notification of development application;
- referral of development application to government referral agencies;
- assessment of the development application by the planning and land authority:
    - against the Territory Plan including relevant zone objectives
    - of the suitability of the land;
    - of the potential environmental impacts as required under s120 of the Act including the nature, extent and significance of probable environmental impacts (including natural and built environmental impacts and the cultural and social dimensions of such impacts – refer to the definition of "Environment" in the dictionary to the Act); and
    - taking into account public comments and views of referral agencies;
- decision on development application (to grant the development approval, grant the approval with conditions or refuse the approval); and
- ACAT merit review (unless the matter is exempted from merit review by the regulation).

This process will ensure that rebuild development proposals will be assessed against the current Territory Plan and relevant Government policies and in light of current planning and environmental circumstances. It will also provide opportunity for public comment.

(d) Consultation

There has been no specific public consultation on the amendment regulation. The development of the amendment has taken account of public concerns in relation to the location of industry enterprises expressed following the 2011 Mitchell chemical fire and the

April 2011 fire at the Just Rite Insulation building at Fyshwick. The Minister required a review of the planning framework applying in industrial zones. As stated above, the review is now complete.

(e) Consistency of the proposed law with the authorising law

The authorising law permits a regulation to prescribe the types of development that is exempt from the need for development approval. The proposed law uses the power of the authorising law to amend the regulation.

(f) The proposed law is not inconsistent with the policy objectives of another Territory law

The proposed law is not inconsistent with the policy objectives of another Territory law.

(g) Mutual recognition issues

There are no mutual recognition issues.

(h) Reasonable alternatives to the proposed law

The following options were considered:

1. Maintain the status quo.

The retention of the status quo would ensure that businesses in industrial areas that are damaged by an emergency event, eg fire, are able to rebuild without the additional cost and delay of obtaining development approval. In addition retention would ensure that businesses in industrial areas have the benefit of the same exemption that applies in other non-industrial zones. Retention would also ensure continuity of the existing regulatory framework for industry in industrial areas s enabling industry to plan ahead in the knowledge that no changes to this exemption are likely.

Against this, retention would continue to permit the rebuilding of a building in an industrial area without consideration of the development against current planning laws and in the light of current planning and environmental circumstances. It would also mean that there would remain no opportunity for public comment on such rebuilds. As stated above, the Lloyd's Register review, while not expressly addressing the rebuild exemption, expressed concern about the lack of a "trigger" in relation to use for the assessment of certain hazardous industry, and noted that such an approach lagged behind contemporary best practice planning and environmental policies.

2. Remove the existing exemption so that it does not apply anywhere in the ACT

This approach would mean that the DA exemption for rebuilds would not be available for any development anywhere in the ACT. This would ensure that all such rebuilds are assessed against current planning laws and in the light of current planning and environmental circumstances (unless the project is DA exempt under a different exemption provision in the Regulation). This would also ensure consistency, ie the same exemption rules would apply to all zones in the ACT both industrial and non-

industrial. This would ensure in this sense equal treatment of businesses irrespective of location.

Against the above benefits, it is clear that this option would remove the existing rights of proponents in zones where there is unlikely to be planning or environmental issues. It would increase the amount of development applications that the planning and land authority would need to assess. It would add development costs and time delays for proponents in residential, commercial, community facility, parks and recreation, transport and services and non-urban zones.

3. Remove the existing exemption for some rebuilds of damaged buildings in industrial areas but not others

This approach would permit the regulation to specify types of damaged buildings or structures that cannot be rebuilt without approval while permitting the remainder to be so rebuilt. This targeted approach could remove the cost and delay of development applications from certain rebuilds in industrial areas considered to be of a minor nature presenting few if any environmental or planning implications. The regulation could, for example, specify hazardous waste facility and fuel depots as buildings that required approval but permit the rebuilding of warehouses and other structures without approval.

Against the above benefits, this approach would:

- add complexity and inconsistency to the treatment of rebuilds in industrial zones;
- be difficult to achieve in practice because:
    - it can be difficult to determine in advance which types of buildings in which specific locations are likely to have minimal impacts;
    - rebuilds that are low impact in themselves may still present a planning or environmental risk because of the nature of nearby buildings; and
    - rebuilds that are considered to be minor today, may acquire greater significance at a future date given changes to the nature of nearby businesses or changes to environmental standards or planning laws;
- raise equity issues in the differential treatment of businesses in the same industrial zone.

(i) Brief assessment of benefits and costs of the proposed law

The proposed law ensures that development in an industrial area is assessed against current planning laws, using current assessment methodologies and in the context of current planning and environmental circumstances.

Costs and benefits for industry/business

The potential costs for industry are as follows.

The new regulation will impose development application costs on rebuilds of damaged buildings in industrial areas. The application fee varies depending on the nature of the development from $100 for small developments to over $10,000 for larger developments.

The new regulation will impose some delays as a result of the application of the development application and assessment process. The development assessment process is required to be completed within 30-45 days depending on the application and whether public representations are received (in 2010-2011 73% of development applications were decided within the required time frame). The decision to approve merit track assessable development applications in industrial zones is not subject to third party ACAT merit review (section 350 and Part 3.2 of schedule 3 of the *Planning and Development Regulation 2008*). However, the decision is subject to third party applications to the Supreme Court under the *Administrative Decisions (Judicial Review) Act 1989*.

The business operation may find that the required development approval is granted subject to conditions. There may be a financial cost in complying with such conditions.

The application of the development assessment process introduces a measure of uncertainty for the relevant business. There is the risk that the development application may be refused or subject to stringent conditions. The business operation may find that it is not able to proceed with its pre-existing operation in the same form or at all.

However, this uncertainty is reduced by the fact that the relevant decision must be within the known parameters set by the Territory Plan and against the known factors set out in the Act. Any decision must not be inconsistent with the Territory Plan (section 50 of the Act). The Territory Plan can be varied, however, standard (non-technical) variations of the Territory Plan cannot occur except through extensive public consultation, assessment and review by the Legislative Assembly (Part 5.3 of the Act).

The regulatory assessment risk for particular businesses in this scenario is not dissimilar to the risk facing other businesses proposing significant building work. For example, a business may seek significant building additions or modifications as a result of changed market circumstances. In this case the business must still seek development approval even though the need for the building work originates from circumstances outside the control of the business.

While these matters may impact on particular businesses in particular circumstances, the overall impact on industry/business in industrial areas is likely to be limited because the:

- number of rebuilds of damaged buildings is relatively few compared to the numbers of overall developments (refer below);
- development application fees are relatively minor compared to the cost of physically completing the required rebuild;
- industry is already able to operate with the development assessment process for certain rebuilds ie rebuilds of non-damaged buildings or rebuilds of damaged buildings that result in a new building that differs significantly from the original;
- there will be no change to the exemption as it applies in non-industrial zones.

The following statistics relate to the number of rebuilds in industrial areas. While relevant approvals and records do not explicitly capture instances of DA exempt rebuilds, indirect, approximate measures are as follows. In the period 1 July 2008 to 17 February 2012 in industrial areas there were 13 projects subject to building approval that had a demolition or

removal component. This suggests there were 13 or fewer projects in this period that involved rebuilds, as rebuilds will typically be associated with or follow on from demolition or removal. Of these 13 projects ten involved development approvals for new building work, ie building work that was not DA exempt because it involved more than the rebuilding of the original structure. This suggests that of these 13 projects from 2008 to 2012 only the remaining three projects were possibly associated with or might be associated with in future DA exempt rebuilds. This number is small compared to the total number of development approvals (326) and building approvals (1684) in industrial areas for the same period. The numbers in this analysis are approximate only, given that they rely on manually recorded, free text information supplied from a large number of people over a considerable period.

The potential benefits for industry are as follows.

The new regulation will require the development assessment of all rebuilds in industrial areas (unless the rebuild is exempt from development approval under another provision of the regulation). This will ensure that the rebuild is consistent with the current Territory Plan and is assessed against the current planning and environmental circumstances. This has benefits for the wider community including local businesses.

The new regulation will apply the development assessment process. This process will involve public notification which will permit local businesses and community to comment on the rebuild proposals. If local businesses have a concern about the potential environmental risk of the rebuild or a concern about another matter then the business will be able to raise this through the notification process. The planning and land authority is required to take account of such public comments in the assessment of the development application.

The new regulation will make the application of the development assessment process in industrial areas more consistent. Currently some rebuilds in industrial areas require development approval and some do not. Rebuilds of non-damaged buildings or rebuilds of damaged buildings that result in a new building that differs significantly from the original all require development approval. After the amendment all rebuilds in industrial areas will require development approval unless the construction is exempt from development approval under another provision of the regulation.

Costs and benefits for the community
The development assessment process will give the local community a chance to comment on and be informed on proposed rebuilds in industrial zones before they occur. The community will benefit from having these rebuilds assessed against the Territory Plan and the Planning and Development Act as noted above.

There may be some delay in the rebuilding process as a result of the need to obtain development approval and as a result there may be some delay to the resumption of a business service to the local community.

Costs and benefits for administration
This amendment regulation will have no significant impact on Government revenues, resources or effective administration. As noted above the measures are consistent with Government objectives.

The removal of the existing DA exemption for rebuilds in industrial areas will most likely increase the number of applications for development approval. The increased number of applications will result in a minor increase in the payment of development application fees to the Government. However, as noted above, historically the numbers of DA exempt rebuilds relative to development applications is very small, therefore this increase is likely to be relatively minor.

(j) Brief assessment of the consistency of the proposed law with Scrutiny of Bills Committee principles

The Committee's terms of reference require it to consider whether (among other things):

(a) any instrument of a legislative nature made under an Act which is subject to disallowance and/or disapproval by the Assembly (including a regulation, rule or by-law):
   i. is in accord with the general objects of the Act under which it is made;
   ii. unduly trespasses on rights previously established by law;
   iii. makes rights, liberties and/or obligations unduly dependent upon non-reviewable decisions; or
   iv. contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly;
   ...

The proposed amendment of the regulation is consistent with the above principles. In particular, the amendment:

(a) is in accord with the general objects of the Act under which it is made. The requirement that all rebuilds in industrial zones be subject to the development application and assessment process is consistent with the objects of the Act as stated in section 6 of the Act;

(b) does not unduly trespass on rights previously established by law. The amendment will require certain development proposals that can currently proceed without a development application to go through the development application and assessment process. While this is an added requirement for lessees seeking to rebuild damaged buildings in industrial zones, it is not one that unduly trespasses on existing rights. This is because the amending regulation:
   a. does not of itself prevent the rebuilding of damaged buildings from proceeding it only requires that it be subject to the development assessment process;
   b. is justified on the basis that rebuilds in industrial areas are significant developments which need to be assessed through the development application and approval process;

c. require development approval but will also permit the proponent to seek review of the development approval decision by internal reconsideration by the planning and land authority and/or application to ACAT for merit review;
d. does not impose an unusual or unprecedented process. On the contrary, it simply returns these rebuild development proposals to the default position of the existing law. The default position is that all development requires development approval subject to an exemption regulation; and
e. does not have retrospective effect. Any development that is commenced under the existing exemption provision in s1.110 of schedule 1 of the Regulation will be able to be completed without development approval (refer below).

(c) does not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions. The amendment does the opposite, that is, it makes the rebuilds of damaged buildings in an industrial zone subject to a development assessment decision. The decision is able to be reviewed by internal reconsideration by the planning and land authority and, subject to exemptions in the regulation, by ACAT in an application for merit review.

(d) does not contain matter that might be considered to be more properly dealt with in an Act. The ability to make and amend regulations exempting development proposals from the need to obtain development approval is explicitly provided for in the Act. As noted above this amendment returns the rebuild development proposals to the default position of the Act which is that all development requires development approval.

(k) Transitional arrangements

The proposed regulation amendment will not have retrospective effect. Any development commenced under the existing exemption provision in section 1.110 of schedule 1 of the regulation prior to this amendment will remain exempt from development approval and so will be able to be completed without the need to obtain development approval. This is the effect of section 203 of the Act. This position is also consistent with section 76 of the *Legislation Act 2001* that prohibits statutory instruments from having retrospective effect that would be to anyone's disadvantage.

The proposed regulation amendment will not affect the operation of leases. Uses authorised by existing leases will remain authorised.

Conclusion

This regulatory impact statement complies with the requirements for a subordinate law as set out in Part 5.2 of the Legislation Act. An Explanatory Statement for the proposed law has been prepared for tabling.

Attachment A

Background to the policy objectives of the ACT Planning and Development Act 2007

As the proposed law enacts the policy objectives of the Act, a brief summary of the pertinent policy objectives behind the Act is provided.

One of the key policy objectives of the Government in the development of the Act was to make the planning system simpler, faster and more effective. Pages 2-3 of the Revised Explanatory Statement for the Act (website www.legislation.act.gov.au/b/db_27986/relatedmaterials/revised_esplanning.pdf)states that:

> "The Bill is intended to make the Australian Capital Territory's (ACT's) planning system simpler, faster and more effective. The Bill will replace the existing *Land (Planning and Environment) Act 1991* (the Land Act) and the *Planning and Land Act 2002*.
>
> The objective of the Bill is to provide a planning and land system that contributes to the orderly and sustainable development of the ACT in a way that is consistent with the social, environmental and economic aspirations of the people of the ACT, and which is in accordance with sound financial principles.
>
> The most significant change under the Bill is simplified development assessment through a track system that matches the level of assessment and process to the impact of the proposed development. As well as being simpler, more consistent, and easier to use, this system is a move towards national leading practice in development assessment …
>
> The Government wishes to reform the planning system to save homeowners and industry time and money and give them greater certainty about what they need to do if they require development approval. …
>
> The new system will have less red tape and more appropriate levels of assessment, notification and appeal rights. This will make it easier to understand what does and does not need approval, what is required for a development application and how it will be assessed. …"

One of the methods for achieving a simpler, faster, more effective planning system was for the law to provide improved procedures for notification of development applications and third party appeal processes. This approach was noted on page 3 of the Revised Explanatory Statement for the Act:

> "The proposed reforms are:
>
> - more developments that do not need development approval
> - improved procedures for notification of applications and third party appeal processes that reduce uncertainty
> - clearer assessment methods for different types of development
> - simplified land uses as set out in the territory plan

- consolidated codes that regulate development
- clearer delineation of leases and territory plan in regulating land use and development
- enhanced compliance powers. …"

The objective for a simpler, faster, more effective planning system is relevant to concepts of "orderly development" and "economic aspirations of the people of the ACT" which are embedded in the object of the Act (section 6):

> **"6 Object of Act**
>
> The object of this Act is to provide a planning and land system that contributes to the orderly and sustainable development of the ACT—
>
> (a) consistent with the social, environmental and economic aspirations of the people of the ACT; and
>
> (b) in accordance with sound financial principles."

The policy objectives of the proposed law are to further the policy objective behind the Act, that is, a planning system that is simpler, faster, and more effective.