

# **Planning and Development (Project Facilitation) Amendment Bill 2014**

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# Overview of bill

Two key proposals to facilitate the fast-tracking of major development projects in the ACT.

They establish a completely new framework for development proposals of Territory significance:

- Significant project declaration
- Special precinct variation

# Criteria for declaration of project of major significance

The Executive may only declare a development proposal a project of major significance if the Executive considers the development proposal—

- (a) would achieve a substantial public benefit; and
- (b) is of major economic, social, cultural or environmental significance to the Territory.

# Comparison summary

## DA process with call-in

3 weeks public consultation

Minister calls-in at end of process

No ACAT appeal

Supreme Court (points of law)

Can override tree and heritage

## Declared project DAs

Signal project fast-track at beginning of process

6 weeks public consultation

No ACAT appeal

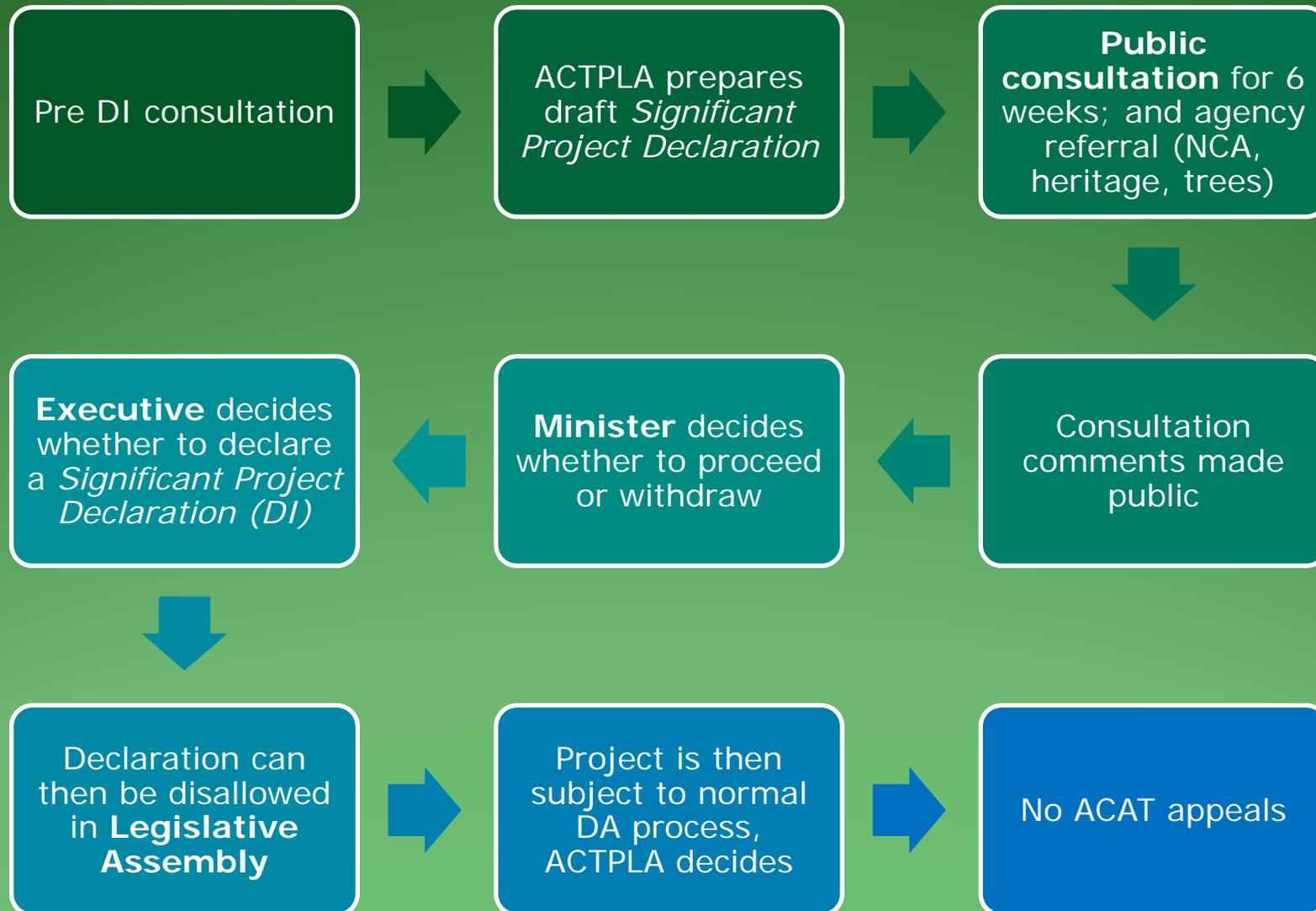
Supreme court (points of law)

Can sidestep tree and heritage referral

# Significant project declaration

The Executive can declare certain projects to be of major significance. These declarations will also be subject to an Assembly disallowance period. The projects then follow normal DA processes, including agency referral, public consultation and EIA.

# Significant projects



# Restriction declaration

This allows a project proposal to be considered without referral to the Heritage Council or the Conservator on trees. It also prevents any new heritage or tree registrations.

A Restriction Declaration is a separate disallowable instrument, thus the Assembly could choose to support a significant project, but reject the restriction declaration.

**Note that registered trees and declared heritage sites will still be protected.**

# Special precinct variation

The Executive may vary the Territory Plan through a special precinct variation that is disallowable in the Assembly.

*Note that the current process includes public consultation, often a committee inquiry, then Ministerial decision.*

# Criteria for special precinct variation

- the Executive considers the proposed special precinct area and the supporting structure plan are consistent with the planning strategy; and
- the Executive considers the variation of the territory plan to identify the special precinct area would achieve—
  - (i) a substantial public benefit; and
  - (ii) 1 or more of the following objectives:
    - (A) implementation or progress towards implementation of the planning strategy or elements of the planning strategy;
    - (B) progress towards sustainable development of the Territory;
    - (C) economic, social, cultural or environmental progress for the Territory; and
- the Executive considers that the territory plan as varied by the special precinct variation will give effect to the objects of the Territory Plan.

# Special precinct variation

**Minister** directs ACTPLA to prepare draft special precinct variation (SPV)



**Public consultation** for 6 weeks; and agency referral (NCA, heritage, trees)



Public consultation report and draft SPV to Executive



**Executive** varies Territory Plan, creating a disallowable instrument (DI)



**Legislative Assembly** has 6 sitting days to disallow SPV (3 weeks to 3 months)

# and combinations...

- A proposal may include both a Special Precinct Variation and a Significant Project Declaration
  - It may also have a restriction declaration
- The bill also allows for a DA to be lodged with a normal Draft Territory Plan Variation.
- The bill also allows for a DA to be lodged with a EIS.

# Next steps

- Committee Inquiry  
(Planning, Environment and TAMS Committee)
  - Submissions due Tuesday 22 April
  - Hearing on 24 April
- Report to Assembly 6 May
- Debate in Assembly 13 May