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Standing Committee on Planning, Transport and City Services  
ACT Legislative Assembly  
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23 November 2022

Dear Ms Jo Clay MLA, Ms Suzanne Orr MLA, and Mr Mark Parton MLA,

### **Inquiry Into Planning Bill 2022**

The ACT Council of Social Services (ACTCOSS) welcomes this opportunity to provide input on the ACT Government's Standing Committee on Planning, Transport and City Services inquiry into the amended [Planning Bill 2022](#) (the Planning Bill). This submission reiterates and builds on ACTCOSS's prior submissions relating to Territory planning.<sup>1</sup>

Canberra is a rapidly expanding city amidst a serious housing crisis – as outlined in ACTCOSS's recent ACT Budget [submission](#). Growing numbers of people are living below the poverty line and experiencing significant hardship and disadvantage as [costs of living](#) skyrocket. ACTCOSS commends the overall commitment to achieving outcomes in the planning legislation and via the new Territory Plan. However, we recommend all Planning Reform documents contain a clear commitment to prioritising the needs of those experiencing homelessness, Aboriginal and/or Torres Strait Islander people, people with disabilities, young people and other people experiencing disadvantage. If we plan with the most vulnerable in mind, we will create better spaces, places and communities for everyone.

## Importance of social planning

ACTCOSS appreciates the inclusion of an outcomes-focussed priority for the Planning Bill, and the recognition that planning is inextricably linked with wellbeing, health, employment, housing and environment outcomes. However, without an explicit focus on social planning, these outcomes will not be met.

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<sup>1</sup> ACTCOSS, [Submission: ACTCOSS ACT Budget Priorities 2021-22](#), accessed 24 October 2022; ACTCOSS, [Submission: ACT Planning Review: Social planning for a change Canberra](#), accessed 24 October 2022; ACTCOSS, [Submission: Draft Planning Bill](#), accessed 24 October 2022.

It is important that social planning, the practice of strategic planning applied to addressing identified social objectives, is embedded into the Planning Bill.<sup>2</sup> Objectives should include reducing inequality and promoting the inclusion of community members facing disadvantage.

Embedding social planning into the Bill will help the Territory reap the positive outcomes that stem from robust social planning – that well-planned cities contribute to better health, wellbeing, human rights, and social justice outcomes by supporting physical activity, improved access to healthy food, and creating safe environments that prevent injury and encourage social activity, while improving community belonging and integration.

ACTCOSS appreciates the inclusion of ‘activation and liveability principles’ in the Part 2.2, Section 10: Principles of good planning and that ‘living affordability’ has been mentioned in this section, as per ACTCOSS’ previous recommendation. However, we also recommended that accessibility and universal design be included here, as a central part of activation and liveability principles.

In our previous submission, we also called for a stronger focus on liveability, wellbeing and health, however, we also called for an explicit focus on people who face disadvantage. This remains a gap in the current drafting of the legislation.

### Social Planning Unit

To ensure a social planning lens across planning and development in the ACT, ACTCOSS calls for a dedicated social planning unit within the Environment Planning and Sustainable Development Directorate to be statutorily established. This body should be tasked with ensuring that:

- Social planning principles are incorporated into land release policies and development decisions.
- Appropriate amenity, community infrastructure and local commerce is available for new and existing residents.
- Proactive and genuine consultation occurs with those who are most affected by planning. This includes people with disability, young people, Aboriginal and/or Torres Strait Islander people, women, and groups representing low-income and marginalised Canberrans.

The lack of a social planning unit remains a significant flaw in the Planning Bill.

### Consultation process

Consultation processes under the Bill need to support social planning objectives. ACTCOSS welcomes the principles of good consultation included in the draft bill and measures to ensure consultation is accessible, balanced, inclusive, meaningful, resourced, respectful, timely, transparent and understandable.

While amendments have been made for guiding principles for consultation to be included into the Planning Bill (Section 11), ACTCOSS recommends further amendments be made to provide for an explicit requirement for

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<sup>2</sup> Planning Institute of Australia, [Planning for Healthy Communities Position Statement](#), Planning Institute of Australia, May 2016.

proactive consultation to occur with people most affected by planning and transport decisions.<sup>3</sup> This should be included in the consideration of *inclusive* under section 11(2)(c) (page 14 of the legislation) of the Planning Bill.

The onus should be on the ACT Government to actively reach out to the groups of people noted above, and facilitate proper and full participation in planning processes. Under current legislative drafting, consultation will fulfil the principle of being *inclusive* if 'undertaken in a way that *aims* to engage all stakeholders affected' (Section 11(2)(C) – page 14 of the legislation). This principle should only be met where consultation has resulted in direct engagement with at-risk and affected people.

ACTCOSS looks forward to working with ACT Government to inform the consultation guidelines to ensure the best outcomes for people experiencing disadvantage or marginalisation.

## Ensuring more affordable housing supply

The Planning Bill also needs to ensure and facilitate more affordable housing supply within the ACT. Canberra is amidst a worsening housing and homelessness crisis. Currently, the ACT has a shortfall of more than 3,000 social housing dwellings, while 1,600 people in the ACT are homeless according to data compiled by Everybody's Home.<sup>4</sup>

As 31 October 2022, there were 3,132 households on the ACT's social housing waiting list. The average wait time for standard housing is now over 4.7 years (1743 days).<sup>5</sup> The ACT also has the highest rate of rental stress for lower-income private renters of any Australian jurisdiction (73% compared with 50% nationally).<sup>6</sup> Meanwhile, the number of public housing dwellings has decreased. As we note in our [2022 Cost of Living Report](#), the proportion of social housing households has steadily declined over the last ten years. Between 2020 and 2021, the number of dwellings decreased by 164 households, and this number is lower than a decade ago in 2012 (11,328), and its peak at 11,435 households in 2017.<sup>7</sup>

ACTCOSS welcomes the expansion of Territory Priority Projects to include private investment in projects that are likely to deliver significant social outcomes. For example, the Planning Bill creates the ability for major private proposals (such as critical public housing, private hospitals, and schools etc) to be declared Territory Priority

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<sup>3</sup> This includes people with disability, young people, Aboriginal and/or Torres Strait Islander people, women, and groups representing low-income and marginalised Canberrans.

<sup>4</sup> Everybody's Home, [Homelessness and housing need in your local community, ACT heatmaps – total homelessness & social housing need](#), Everybody's Home website, viewed 9 November 2022.

<sup>5</sup> ACT Government, [Community Services Directorate website](#), accessed 22 November 2022.

<sup>6</sup> Productivity Commission, [Report on Government Services](#), 2022.

<sup>7</sup> Productivity Commission, [Report on Government Services](#), 2022.

Projects under section 215 of the Bill.<sup>8</sup> However significantly more can be done through the Planning Bill to secure affordable housing supply in the ACT.

### Minimum targets for social and affordable housing

This Planning Bill needs to directly respond to this existing and worsening crisis by guaranteeing the release of affordable land to community housing providers.

While ACTCOSS welcomes the ACT Government's target of having at least 15% releases for affordable, community and public housing, provisions within the Bill need to enable land releases that are economically viable for community housing providers to deliver social and affordable housing.

To facilitate this, the Bill needs to include provisions that:

- Ensure restrictions placed on assigned plots for release are sufficient to produce valuations significantly below market, or for revision to be made to the Planning Act to allow discounted land sales for defined social outcomes. This will allow for community housing providers to take up restricted land release offers.
- The government could also consider retaining an equity stake in these properties which can be realised at a future date when sold, reducing the impact on the government's balance sheet from this type of investment.

### Zoning Arrangements

ACT Government should also look to identify, and make available, other potential land that can be transformed into social and affordable housing. This will help to support social housing that is close to transport, community facilities, services, and local commerce, being available in the quantities needed in suburbs across the ACT. ACTCOSS has noted in its prior [submissions](#), the potential to rezone church-held land so it can be used for community housing.<sup>9</sup>

### Principles

Additionally, as noted in ACTCOSS's submission to the Draft Planning Bill (June 2022), ACT Government should include a principle under section 10 referring to affordable and accessible housing, as well as a principle supporting ageing in community. For further information see [ACTCOSS submission to the Draft Planning Bill \(June 2022\)](#).

## Accessibility

The ACT has a growing number of people with disabilities and an ageing population. As a Territory we should be

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<sup>8</sup> The Legislative Assembly for the Australian Capital Territory, [Planning Bill 2022 Explanatory Statement and Human Rights Compatibility Statement](#), accessed 14 November 2022.

<sup>9</sup> ACTCOSS, [Submission: Inquiry into Auditor-General Report: 4/2020 – Residential Land Supply and Release](#), March 2022.

seeking to meet and exceed the minimum standards for disability access.<sup>10</sup> To support this, the Planning Bill should mandate for all properties in the ACT to be built to meet universal design standards. This will enable homes to be adapted and accessible to all people regardless of age, disability, or other factors.

Presently, the Planning Bill only requires ‘consideration’ and an ‘emphasis’ under the objectives and high-quality design principles.<sup>11</sup> The Planning Bill should be amended to ensure that future developments and planning must adhere to universal design.

### Principles

Additionally, as recommended in ACTCOSS’s submission to the Draft Planning Bill (June 2022), a reference should also be included to accessible housing under *activation and liveability principles* under section 10(2) of the Planning Bill.<sup>12</sup>

ACTCOSS is grateful for the opportunity to provide further input into the development of the Planning Bill. We urge the ACT Government make further amendments to the Bill to ensure future development and planning are developed in an inclusive and accessible way all Canberrans, and contributes to more affordable and social housing supply within the Territory.

Yours sincerely



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<sup>10</sup> This means we need consistent application of the disability standards at Australian Standard AS1428.1 or above throughout the built environment in new developments.

<sup>11</sup> The Legislative Assembly for the Australian Capital Territory, [Planning Bill 2022 Explanatory Statement and Human Rights Compatibility Statement](#), accessed 14 November 2022, p. 33; *Planning Bill 2022*, section 7(e) and section 10(c).

<sup>12</sup> ACTCOSS, [Submission: Draft Planning Bill](#), accessed 24 October 2022.