



Submission:
Draft Planning Bill
June 2022

About ACTCOSS

ACTCOSS acknowledges Canberra has been built on the land of the Ngunnawal people. We pay respects to their Elders and recognise the strength and resilience of Aboriginal and/or Torres Strait Islander peoples. We celebrate Aboriginal and/or Torres Strait Islander cultures and ongoing contributions to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) advocates for social justice in the ACT and represents not-for-profit community organisations.

ACTCOSS is a member of the nationwide COSS Network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS's vision is for Canberra to be a just, safe and sustainable community in which everyone has the opportunity for self-determination and a fair share of resources and services.

The membership of the Council includes the majority of community-based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS advises that this document may be publicly distributed, including by placing a copy on our website.

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June 2022

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Introduction

The ACT Council of Social Service (ACTCOSS) is pleased to make a submission to the ACT Planning System Review and Reform Project. ACTCOSS commends the objects of the Planning Reform and the articulation of good planning principles, and we welcome the opportunity to provide commentary on areas where we believe these can be improved.

Canberra is a rapidly expanding city amidst a serious housing crisis – as outline 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.

In our [submission](#) to the previous ACT Planning Review in February 2021, we highlighted the need for social planning, inclusive and accessible public spaces and transport, more social housing, more community development and facilities and stronger engagement and consultation with the voices least heard on matters of urban development and planning.

Canberra has pockets of deep-seated poverty, homelessness and inequality that are becoming entrenched by housing unaffordability and cost of living pressures¹. If not managed properly and with careful consideration of growing disadvantage, the city’s transformation risks exacerbating vulnerability and forcing people further into dwellings and suburbs that isolate and exclude.

ACTCOSS believes that the ACT needs more integrated approaches to planning that combine and link planning for urban precinct design, public spaces and greenspace, transport, community facilities, community services and affordable housing through a social planning lens. To enable this and provide direction and advice to all concerned parties, ACTCOSS recommends the establishment of a new Social Planning Unit.

Our submission outlines the key priorities – affordable housing, community facilities and disability - we believe the Government should address through the planning system. It also provides commentary on selected sections of the Planning Bill and supporting documents.

¹ Tanton, R., Miranti, R. and Vidyattama, Y., (2017), ‘Hidden disadvantage in the ACT: Report for ACT Anti-Poverty Week’, NATSEM, Institute for Governance and Policy Analysis (IGPA), University of Canberra. Report commissioned by the ACT Council of Social Service Inc.

ACTCOSS recommends that the ACT Government:

- Demonstrates commitment to principles of social planning to achieve a sustainable, connected and harmonious community by ensuring the planning system:
 - Focuses on people who face disadvantage, with a greater emphasis on liveability, wellbeing and health
 - Embeds community co-design, consultation and engagement
 - Links planning for housing with planning of transport and other amenities to achieve good placemaking outcomes.
- Establishes a social planning unit to oversee the application of social planning principles to ACT planning processes and decisions.
- Commits to evidence-based approaches to planning and conduct needs assessments for community facilities, community development services and transport, and ongoing periodic audits to meet community need.
- Ensures the planning system delivers land transfers, rezoning arrangements and requirements that ensure that social housing and affordable rentals are available at quantities needed in suburbs across the ACT.
- Develops a policy framework and investment model for the long-term provision of fit-for-purpose community facilities across the city.
- Includes specific investment and services to grow and encourage person-led community development activities in Canberra.
- Creates a mandate for all properties in the ACT built to meet universal design standards, incorporating under high quality design, and include a reference to accessible housing under activation and liveability principles.
- Provides further specificity on consultation with community including clear purpose, right targeting, transparent timeframes and material in plain English.
- Promotes diverse housing typologies to allow older residents to 'age in place' in their local communities
- Unlocks further opportunities for development within residential RZ1 and RZ2 zones to assist in achieving the ACT government target of 70% urban infill development
- Extends the category of Territory Priority projects to include private sector developments that deliver a significant social good, such as supportive housing projects delivered by community housing providers.

Social Planning

Not everyone is consulted in planning processes and not everyone gets planned for. Social planning is the practice of strategic planning applied to addressing identified social objectives. We believe that all ACT planning should include the objectives of reducing inequality and promoting the inclusion and participation of community members who face disadvantage.

In reforming the planning system, ACTCOSS urges that priority be given to planning which is evidence based and focuses on those most affected by poor planning decisions therefore improving the quality of planning outcomes. Those most impacted include women, people on low incomes, people with disability, older people, Aboriginal and/or Torres Strait Islander peoples, young people and people from migrant and refugee background.

Planning in the ACT should prioritise availability of social and community infrastructure where needed, the creation of safe and inclusive public spaces and improvements to affordability, accessibility and sustainability of housing and other infrastructure.

There is a growing body of evidence that links well-planned cities to good health, wellbeing, human rights and social justice outcomes. For instance, a Planning Institute of Australia position statement on planning for healthy communities says planners can assist in creating healthy supportive places through advocacy, legislation, policy, strategy, design, review and approval. They cite a 'virtuous circle' where good decisions can reduce sedentary behaviours by supporting physical activity, improve access to healthy food, and create safe environments that prevent injury and encourage social activity, while improving community belonging and integration.²

The Planning Institute of Australia describes social planning as:

Planning for the needs and aspirations of people and communities through strategic policy and action, integrated with urban, regional and other planning activity. Social planning is founded on the principles of social justice (equity, access, participation and rights) and aims to enhance community well-being and effectiveness.³

For further detail on the core competencies of social planning, please refer to ACTCOSS's 2021 [submission to the Planning Review](#).

Resources to make social planning happen

ACTCOSS understands that formerly a social planning capability was housed within the entity responsible for planning in the ACT. We believe it was a backwards step to discontinue this capability and that doing so has contributed

² Planning Institute of Australia, *Planning for Healthy Communities Position Statement*, Planning Institute of Australia, May 2016, <https://www.planning.org.au/policy/planning-for-healthy-communities>

³ Planning Institute of Australia, *Social Planning*, Planning Institute of Australia, 2021, <https://www.planning.org.au/aboutpia/social-planning>

to the poor development planning and outcomes achieved in many new suburbs.

We recommend that a dedicated social planning unit within the Environment Planning and Sustainable Development Directorate (EPSDD) should be established. Their work agenda should include:

- Ensuring social planning principles (like access, liveability and planning for health and wellbeing) are incorporated into land release policies and development decisions
- Use of the ACT Government's Wellbeing Framework as a guide for planning decisions
- Encouraging developers to take a curatorial approach – for instance, ensuring that housing developments and additional density is accompanied by appropriate amenity, community infrastructure and local commerce for new residents and existing residents
- Ensuring proactive consultation with people most affected by planning and transport decisions including people with disability, young people, Aboriginal and/or Torres Strait Islander people, women, and groups representing low-income and marginalised Canberrans. This will require targeted engagement with these communities and capacity building of communities on issues relating to social planning and policy

For instance, the social planning team might host a dedicated lived experience access committee for older people and people with disabilities to inform planning decisions and policies.

In-depth needs assessment

Demographic changes mean separate audits and stocktakes of community needs are urgent and overdue.

An audit would acknowledge the changing demographic characteristics of each ACT region, levels of disadvantage and the respective requirement for new and/or improved facilities and services.

To achieve evidence-based social planning outcomes, the ACT Government must conduct an in-depth community needs assessment on:

1. Community facilities
2. Community development services
3. Transport.

The needs analysis should reflect the demographic characteristics of every region including levels of disadvantage and the current availability and distribution of facilities and services.

The timing of these should be synchronised so that we can overlay the outcomes and develop a comprehensive understanding of gaps and opportunities to plan for well-connected communities.

Recommendations for Social Planning

The ACT Government demonstrate a commitment to principles of social planning to achieve a sustainable, connected and harmonious community by ensuring the planning system:

- Focuses on people who face disadvantage, with a greater emphasis on liveability, wellbeing and health
- Embeds community co-design, consultation and engagement
- Links planning for housing with planning of transport and other amenities to achieve good placemaking outcomes.

The ACT Government establish a social planning unit to oversee the application of social planning principles to ACT planning processes and decisions. The social planning unit would also focus on amplifying missing voices in planning, ensuring inclusive planning and building approaches to planning that resulted in better public spaces for people with barriers and access challenges and ensuring the integration of inclusive approaches across transport and the built environment.

The ACT Government commit to evidence-based approaches to planning and conduct needs assessments for community facilities, community development services and transport. The government must commit to ongoing periodic audits to ensure transport, planning and development investment continue to meet community need.

Priorities for Planning Reform

Housing

The new planning system must urgently address the lack of affordable housing.

The ACT has a shortfall of around 3,000 social housing dwellings, while almost 1,600 people in the ACT are experiencing homeless according to [data compiled by Everybody's Home](#).⁴ As at 7 March 2022, there were 3,028 households on

4 Everybody's Home, *Homelessness and housing need in your local community*, ACT heatmaps – total homelessness & social housing need, Everybody's Home website, viewed 18 February 2021, <https://everybodyshome.com.au/heat-maps/>

the ACT's social housing waiting list. The average wait time for standard housing is now over 4.3 years (1585 days).⁵

Canberra is the least affordable city to rent in for young people working in retail and hospitality and/or receiving Youth Allowance,⁶ and the least affordable capital city for key COVID-essential workers. Business, community and public sector leaders all report a growing inability to attract and retain staff to work in low and mid-level jobs due to cost-of-living pressures and mainly their inability to afford housing.

The housing crisis is being compounded by a declining share of, and an increasing demand for, social (public and community) housing. The social share of social housing in the ACT has declined from 7.6% to 6.7% between 2014 and 2020.⁷ Since 5 July 2021, the number of applications had increased by 540 (21.7%) and the waiting time for standard housing has increased by 317 days (25.0%).⁸

Community housing providers are experts in providing affordable rentals but are currently often unable to take up restricted land release offers – see ACTCOSS's [submission](#) to the Inquiry into the Auditor General's report on the Residential Land Supply and Release Scheme.

ACTCOSS recommends that clear direction is provided to the Suburban Land Agency to ensure restrictions placed on assigned plots for release are sufficient to produce valuations significantly below market and/or a revision to the Planning Act must be made to allow discounted land sales for defined social outcomes. The government could also consider holding a stake in the equity of these properties to be realised if the properties are sold at a future date on the market. This would reduce the impact on the government's balance sheet from this type of investment, noting that for every dollar invested, direct public investment in [social housing is estimated to boost GDP](#) by \$1.30.⁹

ACTCOSS recommends the planning system deliver land transfers, rezoning arrangements and requirements that ensure that social housing is available at quantities needed in suburbs across the ACT, and that this housing is close to transport, community facilities and services as well as local commerce.

ACTCOSS notes the Indicative Land Release Program commitment to a 15% minimum target for social and affordable housing, including house purchase. As highlighted in our [submission](#) and testimony to the ACT Legislative Assembly Committee inquiry into the program it is important to boost the proportion of this target allocated to social housing and affordable rentals in recognition of the intense pressure on affordable housing for Canberrans in the lowest two income

⁵ ACT Government, [Community Services Directorate website](#), accessed 29 March 2022.

⁶ Everybody's Home, [Young Australians crunched by housing crisis](#), Everybody's Home website, 20 April 2022, accessed 21 April 2022.

⁷ Australian Institute of Health and Welfare, [Housing Assistance in Australia 30 June 2021](#), AIHW, Canberra, 2021, accessed 29 March 2022.

⁸ ACT Government Community Services Directorate, [Social Housing Waiting List](#), ACT Government Community Services Directorate, 5 July 2021, accessed 8 July 2021.

⁹ KPMG, [Housing Ministers' Advisory Committee Social Housing Initiative Review](#), KPMG, Melbourne, 2012, http://www.nwhn.net.au/admin/file/content101/c6/social_housing_initiative_review.pdf

quintiles. Land release targets are only meaningful if they result in more affordable housing including social and affordable rentals. That means that land released must be at a value that makes it economically viable for community housing providers to deliver social and affordable housing. The planning process must also ensure a social mix across Canberra suburbs and regions and must meet needs for specific population groups including supportive housing and universal design.

Recommendation

ACTCOSS recommends the planning system deliver land transfers, rezoning arrangements and requirements that ensure that social housing and affordable rentals are available at quantities needed in suburbs across the ACT, and that this housing is close to transport, community facilities and services as well as local commerce.

Community Facilities, Community Development and Social Inclusion

The Community Sector is a major driver of employment and growth in the ACT. The sector provides paid employment to at least 14,000 Canberrans¹⁰, and is thus one of the five largest employment sectors, employing about 50% more people than for example the tourism sector.¹¹ Our sector provides a safety net for the most disadvantaged Canberrans, however we often do it from under resourced and substandard facilities.

The ACT Government must deliver adequate planning for community hubs as spaces where community services can deliver programs sustainability and with dignity. Often, the community sector delivers these programs in buildings that require serious upgrades in relation to accessibility and privacy, as well as climate and COVID-19 proofing.

In addition to libraries and sorely needed community hubs, we need developers to build meeting spaces and community amenities, as well as open and green spaces, play spaces and sports facilities into all new developments. ACTCOSS believes the ACT Government should use procurement and land sale policies as levers to preference and incentivise developers to prioritise community connection throughout development.

The ACT Government should develop a policy framework and investment model for the long-term provision of fit-for-purpose community facilities across

10 ACT Long Service Leave Authority, [Industry Workforce Analysis: Community Sector \[PDF\]](#), Insight Consulting, 2019, accessed 13 May 2022.

11 Tourism Research Australia, [State Tourism Satellite Account 2019-20](#), Australian Trade and Investment Commission, 2022, accessed 13 May 2022.

the city. This should build on the community facilities audit that ACTCOSS and many other organisations have been advocating for over a number of years.

Planning legislation and the new Territory plan should include specific investment and services to grow and encourage person-led community development activities in Canberra. The ACT Government could establish dedicated community development teams in every region of Canberra, building for example on successful practice in the Woden region. Workers would be based within community organisations who could work in partnership with government agencies and officials to improve community amenity, engagement and cohesion. To achieve this, the ACT Government must grow the funding of community development workers alongside expanded physical infrastructure to ensure communities can grow and sustain themselves through resilience, wellbeing and neighbourhood voice.

Recommendations

The ACT Government should develop a policy framework and investment model for the long-term provision of fit-for-purpose community facilities across the city. This should build on the community facilities audit that ACTCOSS and many other organisations have advocated for since several years.

Planning legislation and the new Territory plan should include specific investment and services to grow and encourage person-led community development activities in Canberra, including establishing dedicated community development teams in every region of Canberra.

Accessibility

As noted in the submission from Advocacy for Inclusion (AFI), the ACT has a growing number of people with disabilities and an ageing population.¹² Developers need to be encouraged to include people with disability in planning and developing major projects around the city. Beyond mandates to meet universal design standards, the ACT Government should incentivise developers to exceed universal design for true accessibility. Universal design should be mandated rather than considered, and we should be going beyond Universal Design.

In relation to ‘activation and liveability’ principles, we support the Bill including a reference to accessible housing as well as affordability. People with disabilities face dual disadvantage in the ACT housing market though a lack of accessibility

¹² Australian Bureau of Statistics, [Disability, Ageing and Carers, Australia: Summary of Findings](#), 2019, accessed 10 June 2022.

combined with a shortage in housing with appropriate built form such as wider doorways, ground level entries, accessible bathrooms and other basic features.

Under 'High Quality Design' we support reference to universal design principles, but this should extend to accessibility standards. Universal design standards mandate design which can be retrofitted easily, but is not immediately accessible, and most public spaces should be produced to a high standard of accessibility in the first instance.

Development in Canberra must meet and exceed the minimum standards for disability access. Competent social planning requires action on access in both housing development and for urban spaces.

The spaces around people's homes, and regular routes between public transport, public facilities such as libraries and shopping centres must be accessible. Work to ensure accessibility should be led by people with lived experience including disability and aging people's organisations.

Recommendations

The ACT must create a mandate for all properties in the ACT built to meet universal design standards, incorporating under high quality design, and include a reference to accessible housing under activation and liveability principles.

Recommendations for selected sections of the Bill

Objects of the Bill

The stated object of the Bill is to support and enhance the Territory's liveability and prosperity, and promote the well-being of residents by creating an effective, efficient, accessible and enabling planning system that:

1. Is outcomes-focused
2. Promotes and facilitates ecologically sustainable development that is consistent with planning strategies and policies, and
3. Provides a scheme for community participation.

ACTCOSS supports the objects of the Planning Bill that are provided in section 7(1). The expansion to include principles of liveability and prosperity, resident wellbeing and community participation is welcomed and consistent with the advice we provided in our 2021 submission. If applied consistently, these principles should guide planning outcomes to ensure the planning system

caters for the needs of its residents and strengthens the social fabric that makes our city thrive.

ACTCOSS welcomes the broadening of the definition of ecologically sustainable development to include 'maintenance and enhancement of cultural, physical and social wellbeing of people and communities' and sees this as embedding important social sustainability considerations into planning processes.

However, as elaborated above, ACTCOSS advises that Developers need to be encouraged to include people with disability in planning and developing major projects around the city. The ACT must create a mandate for all properties in the ACT built to meet universal design standards.

ACTCOSS notes that the objects of the Planning Bill are supported by further detail provided in section 7(2) and 7(3). However, there must be clear indication regarding how these outcomes will be achieved and implemented. Further clarification is required on exactly how the planning strategy, district strategies, Territory Plan and other instruments combine to give effect to these outcomes.

Principles of Good Planning

The Planning Bill requires that the principles are considered in the development of planning strategies, plans and policies. The principles address a wide range of important policy areas including liveability, the economic prosperity of the Territory, promotion of equity between present and future generations, responding to emerging challenges and outcomes regarding urban regeneration.

The Policy Overview Paper released with the Planning Bill indicates that the principles will be a helpful tool to direct policymakers to the relevant frameworks and when preparing these types of documents. They will also set a benchmark for how planning will be undertaken under the reformed planning system. These are important planning concepts that will improve the quality and usefulness of these documents.

ACTCOSS supports the introduction of the Principles of Good Planning set out in Section 9 of the Planning Bill and observes that these are congruent with the Government's desire for the planning system to focus on liveability, prosperity and the wellbeing of the community.

In particular, ACTCOSS welcomes the inclusion of activation and liveability principles as one of the principles of good planning. However, as elaborate above, we note the missed opportunity to include a reference to accessible housing as well as affordability, and to create a mandate for all properties in the ACT built to meet and exceed universal design standards.

In order to achieve the activation and liveability principles, the ACT Government must ensure:

- Planning controls promote diverse housing typologies to allow older residents to ‘age in place’ in their local communities
- Increased density of development around our Local and Group Centres to generate activity and provide accommodation in proximity to transport and services
- Unlocking further opportunities for development within residential RZ1 and RZ2 zones to assist in achieving the ACT government target of 70% urban infill development
- Ensuring infrastructure investment in the right locations across the city to support the needs of a growing population

The Bill identifies sustainability and resilience principles as another pillar of good planning. It is important to ensure the planning system is aligned with the policy position of the ACT government around sustainability.

ACTCOSS also recommends including **ageing in community** as an additional Principle.

Recommendations

- Planning controls promote diverse housing typologies to allow older residents to ‘age in place’ in their local communities
- Increased density of development around Local and Group Centres to generate activity and provide accommodation in proximity to transport and services
- Unlocking further opportunities for development within residential RZ1 and RZ2 zones to assist in achieving the ACT government target of 70% urban infill development
- Ensuring infrastructure investment in the right locations across the city to support the needs of a growing population
- Include **aging in community** as an additional Planning Principle

Consultation and Oversight

Section 10 of the Planning Bill states the Minister may make guidelines about principles of good consultation. ACTCOSS appreciates the Planning Bill’s commitment to consultation. However, we are concerned that the nature and approach to consultation is not specific and does not include guiding principles. We would welcome the opportunity for the community sector to contribute to the development of guidelines.

Recommendations

ACTCOSS recommends that the proposed guidelines should specify that:

- The purpose of consultation with communities is clear and provide a clear description of the subject matter the consultation is about
- Consultation activity should be targeted so that the right people are being informed about proposals
- The timeframes for undertaking a consultation exercise are transparent
- Consultation material should be provided in plain-English and Easy English where possible and avoid the use of technical jargon.

Territory Priority Projects

ACTCOSS supports the establishment of a new category of development identified in the Planning Bill 2022 as Territory Priority Projects.

We welcome the opportunity to comment on the mechanisms used to identify development projects as Territory Priority Projects. It is important that the types of Territory Priority Projects are not limited solely to government-initiated infrastructure. The categories of development should have a broader focus which includes private sector investment in other development types that have the potential to **deliver important social outcomes**.

The Policy Overview Paper indicates the pathway will be open to major private proposals where they will deliver significant public benefit. The paper provides several examples of these including critical public housing, private hospitals and schools. We would also suggest this should be open to social housing and affordable rental housing developments by Community Housing Providers, delivered solely by them or via consortiums in which they participate. There may also be other examples which could be usefully defined in the updated Bill.

Recommendation

ACTCOSS recommends the category of Territory Priority projects be extended to include private sector developments that deliver a significant social good, such as supportive housing projects delivered by community housing providers.