

Planning Rules – Draft Variation 200

Controversy over the proposed variations to the Territory's planning rules has been blooming since April, when the Legislative Assembly released a report labelling the proposed changes "pre-emptive and confusing". However, the government has said it will be tabling the "Garden City Variations" in parliament during the June sittings.

The changes cover a range of issues, including:

- expanded provisions for private open space;
- a requirement for all new developments to follow processes set out in the recently amended *Designing for High Quality and Sustainability* guidelines;
- controls on dual occupancy developments, restricting minimum block size to 800m²;
- measure to prevent overshadowing of the northern boundaries of land; and
- and removes basement carparking and "loft" spaces from all suburban developments.

The New Planning & Land System

A central part of the latest government's election promises was the establishment of new and independent planning authorities, together with amendments to the planning system. A year after the initial bills were tabled in parliament, the new system will begin on 1 July this year.

One of the central pieces of these amendments is the Planning & Land Council, nominations for which have recently been announced. The Council is to serve as an expert / senior adviser to the Minister for Planning, and the new Planning and Land Authority. Nominations for the Council currently include people from the Planning Institute of Australia, academics in urban management, applied ecology and landscape architecture, and an urban designer.

The Planning and Land Authority is required to refer proposals that may change planning policy, raise policy implementation / interpretation issues or otherwise have the potential to substantially impact on a particular environment, to the Council for advice.

Building Act Amendments – Construction Certifiers

With property prices booming in Canberra and a spate of construction flowing out of the recent bushfires, the government has taken the opportunity to fix some gaps in its planning and related legislation.

The Construction Practitioners Legislation Amendment Bill 2003 establishes procedures for the appointment of government building certifiers, to function essentially as inspectors / certifiers in a 'last minute' role. Under previous legislation, the Government was not able to appoint building certifiers for certification purposes, so there was a risk that where building work was unfinished and the land owner was unable to find a replacement certifier, the work could not be completed. These amendments were aimed at preventing this in future.