



From: ACT Multi-Hazard Advisory Council

Date: January 2023

Subject: ACT Planning System and natural hazard risk mitigation

Background:

Under its Terms of Reference, the ACT Multi-Hazard Advisory Council is constituted to provide advice to the Minister for Police and Emergency Services on matters that relate to natural hazards in the ACT. One of the Strategic Priorities identified by the ACT Multi-Hazard Advisory Council is Urban Development. The Council has reviewed the information available from the 2022 Territory Planning System Review and Reform project and seeks to provide the Minister with relevant advice on mitigation of natural hazards through the Planning System.

Report:

The review and reform of the ACT Planning System being conducted in 2022-3 offers a significant opportunity for improved natural hazard risk reduction. In December 2022, the ACT Multi Hazard Advisory Council (the Council) received a briefing on the proposed changes from the Environment, Planning and Sustainable Development Directorate. Council members also sought to familiarise themselves with the many documents that constitute the new Territory Plan, with a view to identifying issues or opportunities to improve the proposed system.

The planning system is the most powerful tool available to minimise the impact of natural hazards on the community. This is because it can be used to effectively separate people from the risk, and substantially affects the way in which people can respond to incidents when they do occur. For this reason, minimising the risk posed by natural hazards should be specified as a primary objective of the planning system and there should be a clear line of sight between this objective at the highest level in the planning system and all policies, standards and plans at all lower levels in the planning system.

In reviewing the opportunities for improvement offered by the new ACT Planning legislation and planning system reform, the Council's concerns can be summarised as:

Natural disaster risk reduction, or natural hazard risk mitigation, or public safety, should

- be one of the objects of the new Planning Bill
- be one of the Principles of the new Territory Plan
- be a primary objective of the planning system and there should be a clear line of sight between this objective at the highest level in the planning system and all policies, standards and plans at lower levels.

The Council also recommends:

- Consideration should be given to creation of a Policy and associated Zones for Flood Risk and Bushfire Risk within the Territory Plan
 - An overarching policy would be helpful to guide development and revision of zone and district policies, capturing all the possible desired policy outcomes and assessment outcome types. Natural hazard risk mitigation should be included as one of the desired policy outcomes and expected assessment outcomes.
 - Key documents relating to land use planning and development, that have been created within the ACT Emergency Plan structures of the Emergencies Act 2004, should be explicitly recognised within the Territory Plan. These include standards associated with the Strategic Bushfire Management Plan and the Strategic Flood Risk Plan.
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- Mandating compliance with the relevant bushfire and flood risk mitigation standards within Zones for Flood Risk and Bushfire Risk.
 - Consideration should be given to where the responsibility for assessment and compliance most efficiently sits because of the new legislation and Plan. It would be preferable that compliance is reviewed by EPSDD planning group, and the ESA Commissioner is responsible for approving exemptions - rather than the ESA having the onus to review all proposals for compliance with fire and flood risk management standards. This is worth further discussion with ESA, as there may be an opportunity to remove an unnecessary planning burden upon them and reduce government duplication in planning expertise.
 - Greater clarity is needed regarding the application under the Territory Plan of the relevant risk mitigation standards in areas zoned under other legislation. An example of this is the Bushfire Prone Areas under the Emergencies Act and the Bushfire Management Standards.
 - Simpler arrangements are needed for natural hazard mitigation activities to have exemptions or differentiated controls under the planning system. This is particularly an issue for upgrading the fire access network, where fire trail upgrades are currently considered as developments and subject to controls that significantly increase the cost without delivering higher environmental or community protection outcomes.

Recommendation:	Note the information provided in this brief.
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