
From: Kamarul, Matthew
Sent: Wednesday, 16 August 2023 8:42 AM
To: EPSDD Environment
Cc: O'Shea, Stephen; Doblinger, Raine
Subject: FW: MATTHEW: Could you pls provide a summary of the changes or tracked changes version re: FOR COMMENT - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation
Attachments: J2021-748-Planning (General) Regulation 2023 (highlighted).PDF; J2021-1000-Planning (Exempt Development) Regulation 2023 (highlighted).PDF

OFFICIAL

Hi Anne

Please find enclosed a copy of the Draft Planning (General) Regulation and Planning (Exempt Development) Regulation with changes highlighted in yellow.

I hope this assists.

Stephen O'Shea is the contact officer should you have any follow up questions.

Kind regards

Matthew Kamarul | Executive Branch Manager | **Planning System Review and Reform Project**
Ph: +61 2 6207 9703 | Email: Matthew.Kamarul@act.gov.au
Environment, Planning and Sustainable Development Directorate | **ACT Government**
Level 2, 480 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



*I acknowledge the Traditional Custodians of the ACT, the Ngunnawal people and recognise any other people or families with connection to the lands of the ACT and region.
I acknowledge and respect their continuing culture and the contribution they make to the life of our city and this region.*

From: EPSDD Environment <EPSDDEnvironment@act.gov.au>
Sent: Tuesday, 15 August 2023 5:21 PM
To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Cc: EPSDD Environment <EPSDDEnvironment@act.gov.au>
Subject: MATTHEW: Could you pls provide a summary of the changes or tracked changes version re: FOR COMMENT - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation
Importance: High

OFFICIAL

Hi Matthew,

I am liaising with the EHW team to review the enclosed regulations for comments.

As highlighted below from my colleague, could you please provide either a summary of the changes or a tracked changes version so the team can look at the changes proposed?

Thank you kindly,

Anne

Anne Flynn | Government Business Officer

Phone: 02 6205 4178 | Email for Government Business: EPSDDEnvironment@act.gov.au

Executive Business Support | Environment, Heritage and Water Division (EHW)

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2 - Naas Neighbourhood, 480 Northbourne Avenue, Dickson | GPO Box 158 ACT 2602

EPSDD website: www.environment.act.gov.au General work email: anne.flynn@act.gov.au



ACT
Government

Environment, Planning and
Sustainable Development



From: Larson, Eliza <Eliza.Larson@act.gov.au>

Sent: Tuesday, 15 August 2023 3:10 PM

To: EPSDD Environment <EPSDDEnvironment@act.gov.au>; Cooney, Rosie <Rosie.Cooney@act.gov.au>; Jeffress, Stuart <Stuart.Jeffress@act.gov.au>

Cc: Burkevics, Bren <Bren.Burkevics@act.gov.au>; Walters, Daniel <Daniel.WALTERS@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Foley, Justin <Justin.Foley@act.gov.au>; Glennon, Chris <Chris.Glennon@act.gov.au>; Halls, Luke <Luke.Halls@act.gov.au>; Humphreys, Emma <Emma.Humphreys@act.gov.au>; Malouf, Chris <Chris.Malouf@act.gov.au>; Mudford, Mary <Mary.Mudford@act.gov.au>; Patience, Tegan <Tegan.R.PATIENCE@act.gov.au>; Watts, Michaela <Michaela.Watts@act.gov.au>

Subject: RE: FOR COMMENT - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation

OFFICIAL

Hi Anne,

My team will have a look at this one and provide any input to you tomorrow. Unfortunately I don't have the capacity to coordinate comments from others, but suspect that Rosie's area may have the majority of comments anyway.

It would be useful **if Matthew could provide either a summary of the changes or a tracked changes version** so that we can quickly look at the changes proposed. Not sure if you can request? Hoping he already has something on hand noting comments are due tomorrow.

Thanks,

Eliza Larson | A/g Conservator Liaison

Phone: +61 2 6207 7009 | Email: eliza.larson@act.gov.au

From: EPSDD Environment <EPSDDEnvironment@act.gov.au>

Sent: Tuesday, 15 August 2023 3:02 PM

To: Cooney, Rosie <Rosie.Cooney@act.gov.au>; Larson, Eliza <Eliza.Larson@act.gov.au>; Jeffress, Stuart <Stuart.Jeffress@act.gov.au>

Cc: EPSDD Environment <EPSDDEnvironment@act.gov.au>; Burkevics, Bren <Bren.Burkevics@act.gov.au>; Walters, Daniel <Daniel.WALTERS@act.gov.au>; Alegria, Stephen <Stephen.Alegria@act.gov.au>; Foley, Justin <Justin.Foley@act.gov.au>; Glennon, Chris <Chris.Glennon@act.gov.au>; Halls, Luke <Luke.Halls@act.gov.au>; Humphreys, Emma <Emma.Humphreys@act.gov.au>; Malouf, Chris <Chris.Malouf@act.gov.au>; Mudford, Mary <Mary.Mudford@act.gov.au>; Patience, Tegan <Tegan.R.PATIENCE@act.gov.au>; Watts, Michaela

<Michaela.Watts@act.gov.au>

Subject: RE: FOR COMMENT - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation
Importance: High

OFFICIAL

Hi all,

Bren asked that I track this as per the original email from Matthew Kamarul:

Good afternoon,

We are providing you with a copy of the draft Planning (General) Regulation 2023 and the Planning (Exempt Development) Regulation 2023 which will support the Planning Act 2023 for your consideration and feedback. These regulations will replace the former Planning and Development Regulation 2008.

As you would be aware the Planning Act 2023 was passed on 6 June 2023 and notified on 20 June 2023. While some of the provisions have commenced, the Act will commence in full on a day fixed by the Minister which we anticipate will be in quarter 4 of 2023.

We have been working with agencies over the last few months to update the regulations previously released in draft for comment during 2022. It is expected that final versions will be made and notified in early September. This will provide an opportunity for familiarisation, training and education activities to occur in advance of the new system commencing.

It would be appreciated if you could please review the enclosed regulations and provide any comments by return email by COB Wednesday 16 August 2023.

We will collate responses received to determine the changes that can be made before commencement of the new system and those that will require further policy development and will need to be considered in the first round of amendments to the regulations after this date.

If you have any issues accessing the documents or any questions please do not hesitate to contact Stephen O'Shea on Stephen.O'Shea@act.gov.au.

Kind regards,

Matthew Kamarul
Executive Branch Manager, Planning System Review and Reform Project

On Thursday, 10 August 2023 (see below) Bren asked Rosie, Eliza and Stu to please confirm who is bet to coordinate EHW input on this one? Bren assumed that Heritage will review them from their perspective? Or from an environmental perspective, should it be Saria and Mel or the O/CFF?

Any updates so far as this is due by COB tomorrow Wed 16 Aug 23.

Thank you kindly,

Anne

Anne Flynn | Government Business Officer

Phone: 02 6205 4178 | Email for Government Business: EPSDDEnvironment@act.gov.au

Executive Business Support | Environment, Heritage and Water Division (EHW)

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 2 - Naas Neighbourhood, 480 Northbourne Avenue, Dickson | GPO Box 158 ACT 2602

EPSDD website: www.environment.act.gov.au General work email: anne.flynn@act.gov.au

From: Flynn, Anne <Anne.Flynn@act.gov.au>
Sent: Thursday, 10 August 2023 1:10 PM
To: EPSDD Environment <EPSDDEnvironment@act.gov.au>
Subject: FW: FOR COMMENT - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation

OFFICIAL

Anne

Anne Flynn | Government Business Officer

Phone: 02 6205 4178 | Email for Government Business: EPSDDEnvironment@act.gov.au

Executive Business Support | Environment, Heritage and Water Division (EHW)

Environment, Planning and Sustainable Development Directorate | ACT Government

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EPSDD website: www.environment.act.gov.au General work email: anne.flynn@act.gov.au

From: Walters, Daniel <Daniel.WALTERS@act.gov.au>
Sent: Thursday, 10 August 2023 1:07 PM
To: Burkevics, Bren <Bren.Burkevics@act.gov.au>; Larson, Eliza <Eliza.Larson@act.gov.au>; Cooney, Rosie <Rosie.Cooney@act.gov.au>; Jeffress, Stuart <Stuart.Jeffress@act.gov.au>; Flynn, Anne <Anne.Flynn@act.gov.au>
Cc: Alegria, Stephen <Stephen.Alegria@act.gov.au>; Foley, Justin <Justin.Foley@act.gov.au>; Glennon, Chris <Chris.Glennon@act.gov.au>; Halls, Luke <Luke.Halls@act.gov.au>; Humphreys, Emma <Emma.Humphreys@act.gov.au>; Malouf, Chris <Chris.Malouf@act.gov.au>; Mudford, Mary <Mary.Mudford@act.gov.au>; Patience, Tegan <Tegan.R.PATIENCE@act.gov.au>; Watts, Michaela <Michaela.Watts@act.gov.au>
Subject: RE: FOR COMMENT - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation

OFFICIAL

Hi Bren

EPP and EPA are currently reviewing as references EP Act and relates to a significant number of emission sources regulated under the EPA Act e.g. wood heaters/ air conditioners / heat pumps, evaporative coolers, lighting, earth works, construction activities, maintenance works etc etc which are exempt development if they comply with EP Act, quick review looks like existing regulation have been retained, but are checking.

D

From: Burkevics, Bren <Bren.Burkevics@act.gov.au>
Sent: Thursday, 10 August 2023 7:00 AM
To: Larson, Eliza <Eliza.Larson@act.gov.au>; Cooney, Rosie <Rosie.Cooney@act.gov.au>; Jeffress, Stuart <Stuart.Jeffress@act.gov.au>; Flynn, Anne <Anne.Flynn@act.gov.au>
Cc: Alegria, Stephen <Stephen.Alegria@act.gov.au>; Foley, Justin <Justin.Foley@act.gov.au>; Glennon, Chris <Chris.Glennon@act.gov.au>; Halls, Luke <Luke.Halls@act.gov.au>; Humphreys, Emma <Emma.Humphreys@act.gov.au>; Malouf, Chris <Chris.Malouf@act.gov.au>; Mudford, Mary

<Mary.Mudford@act.gov.au>; Patience, Tegan <Tegan.R.PATIENCE@act.gov.au>; Walters, Daniel <Daniel.WALTERS@act.gov.au>; Watts, Michaela <Michaela.Watts@act.gov.au>
Subject: FOR COMMENT - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation

OFFICIAL

Hi Rosie, Eliza, Stu

Could you please confirm who is best to coordinate EHW input on this one.

I assume that Heritage will review them from their perspective.

From an environmental perspective, should it be Saria and Mel or the O/CFF?

Grateful for your advice.

Anne – please track.

Bren Burkevics | Executive Group Manager
Phone 02 6207 8628 | **Mobile** [Sch 2.2\(a\)\(ii\)](tel:0262075216)
Executive Assistance: Tegan Patience | 02 6207 5216 | Tegan.r.patience@act.gov.au
Environment, Heritage and Water Division | Environment, Planning and Sustainable Development Directorate (EPSDD) | ACT Government
Naas Neighbourhood, Level 2, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601
Environment.act.gov.au

From: Doblinger, Raine <Raine.Doblinger@act.gov.au> **On Behalf Of** Kamarul, Matthew
Sent: Wednesday, 9 August 2023 5:03 PM
To: Lhuede, Nick <Nick.Lhuede@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; Franklin, Alan <Alan.Franklin@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>; Davidson, Geoffrey <Geoffrey.Davidson@act.gov.au>; Marshall, Ken <Ken.Marshall@act.gov.au>; Walters, Daniel <Daniel.WALTERS@act.gov.au>; Humphreys, Emma <Emma.Humphreys@act.gov.au>; Burkevics, Bren <Bren.Burkevics@act.gov.au>; Russell, Meaghan <Meaghan.Russell@act.gov.au>
Cc: EPSDD PlanningUrbanPolicy <EPSDDPlanningUrbanPolicy@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Weller, Craig <Craig.Weller@act.gov.au>; Maxwell, Brad <Brad.Maxwell@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; EPSD Government Services <EPSDGovernmentServices@act.gov.au>; Doblinger, Raine <Raine.Doblinger@act.gov.au>
Subject: FOR COMMENT - draft Planning (General) Regulation and Planning (Exempt Development) Regulation

OFFICIAL

Good afternoon,

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Kind regards,

Matthew Kamarul

Executive Branch Manager, Planning System Review and Reform Project
Planning and Urban Policy | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 2, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

Please consider the environment before printing this email.

From: Walters, Daniel
Sent: Wednesday, 16 August 2023 12:17 PM
To: EPSDD Environment
Subject: FW: Environment Protection Policy Comments draft Planning Regulations

OFFICIAL

Hi Anne

EPP comments on Planning Regs below, Eliza included some but not all of our comments, I think she assumed we were providing directly to you and only FYI to her / Conservator

Regards

D

From: Walters, Daniel
Sent: Tuesday, 15 August 2023 5:06 PM
To: Larson, Eliza <Eliza.Larson@act.gov.au>
Cc: Dix, Rodney <Rodney.Dix@act.gov.au>; McKeown, Brianna <Brianna.McKeown@act.gov.au>; Merrick, Olivia <Olivia.Merrick@act.gov.au>; Bastos, Diego <Diego.Bastos@act.gov.au>
Subject: Environment Protection Policy Comments draft Planning Regulations

OFFICIAL

Hi Eliza (colleagues)

Comments from EPP on Planning Regs detailed below. In general, same as existing Regs and provisions we negotiated in past, however there are emerging issues with ACT electrification which may warrant consideration.

Regards

D

Comment:





From: Kamarul, Matthew
Sent: Wednesday, 16 August 2023 3:40 PM
To: O'Shea, Stephen
Cc: Doblinger, Raine
Subject: FW: FOR COMMENT - draft Planning (General) Regulation and Planning (Exempt Development) Regulation
Attachments: 20230814 - ACT Heritage comments - Draft planning regulations - General and exempt.docx

OFFICIAL

Hi Stephen,

Please see attached and below.

Kind regards,

From: Jeffress, Stuart <Stuart.Jeffress@act.gov.au>
Sent: Wednesday, 16 August 2023 3:15 PM
To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Cc: Russell, Meaghan <Meaghan.Russell@act.gov.au>; Larson, Eliza <Eliza.Larson@act.gov.au>
Subject: RE: FOR COMMENT - draft Planning (General) Regulation and Planning (Exempt Development) Regulation

OFFICIAL

Hi Matthew

Thank you for the opportunity to provide comment on the draft planning regulations.

Please find attached the comments from ACT Heritage.

Thanks

Stu

Stuart Jeffress (he/him)

A/Senior Director – ACT Heritage

Environment, Heritage and Water Division

Environment, Planning and Sustainable Development Directorate

Phone: (02) 6207 8082 | Email: stuart.jeffress@act.gov.au

From: Doblinger, Raine <Raine.Doblinger@act.gov.au> **On Behalf Of** Kamarul, Matthew
Sent: Wednesday, 9 August 2023 5:03 PM
To: Lhuede, Nick <Nick.Lhuede@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; Franklin, Alan <Alan.Franklin@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>; Davidson, Geoffrey <Geoffrey.Davidson@act.gov.au>; Marshall, Ken <Ken.Marshall@act.gov.au>; Walters, Daniel <Daniel.WALTERS@act.gov.au>; Humphreys, Emma <Emma.Humphreys@act.gov.au>; Burkevics, Bren <Bren.Burkevics@act.gov.au>; Russell, Meaghan <Meaghan.Russell@act.gov.au>
Cc: EPSDD PlanningUrbanPolicy <EPSDDPlanningUrbanPolicy@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Weller, Craig <Craig.Weller@act.gov.au>; Maxwell, Brad

<Brad.Maxwell@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; EPSD Government Services <EPSDGovernmentServices@act.gov.au>; Doblinger, Raine <Raine.Doblinger@act.gov.au>

Subject: FOR COMMENT - draft Planning (General) Regulation and Planning (Exempt Development) Regulation

OFFICIAL

Good afternoon,

We are providing you with a copy of the draft Planning (General) Regulation 2023 and the Planning (Exempt Development) Regulation 2023 which will support the *Planning Act 2023* for your consideration and feedback. These regulations will replace the former Planning and Development Regulation 2008.

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Kind regards,

Matthew Kamarul

Executive Branch Manager, Planning System Review and Reform Project
Planning and Urban Policy | Environment, Planning and Sustainable Development Directorate | ACT Government
Level 2, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au | www.planning.act.gov.au

Please consider the environment before printing this email.

From: Burkevics, Bren
Sent: Thursday, 17 August 2023 7:01 AM
To: Kamarul, Matthew; O'Shea, Stephen
Cc: Walters, Daniel; ConservatorFloraFauna; EPSDD Environment
Subject: EHW FEEDBACK - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation
Attachments: FW: Environment Protection Policy Comments draft Planning Regulations; J2021-748-Planning (General) Regulation 2023 (highlighted).PDF; J2021-1000-Planning (Exempt Development) Regulation 2023 (highlighted).PDF; FW: MATTHEW: Could you pls provide a summary of the changes or tracked changes version re: FOR COMMENT - Draft Planning (General) Regulation and Planning (Exempt Development) Regulation

OFFICIAL

Dear Matthew, Stephen

On behalf of EHW, please find below our consolidated comments on the draft planning regs. Thank you for the opportunity to comment on these drafts.

Comments are courtesy of Environment Protection Policy (Mr Walters) and the Office of the Conservator (Ms Larson). Feel free to have your team engage with them directly for any further clarification.

Regards

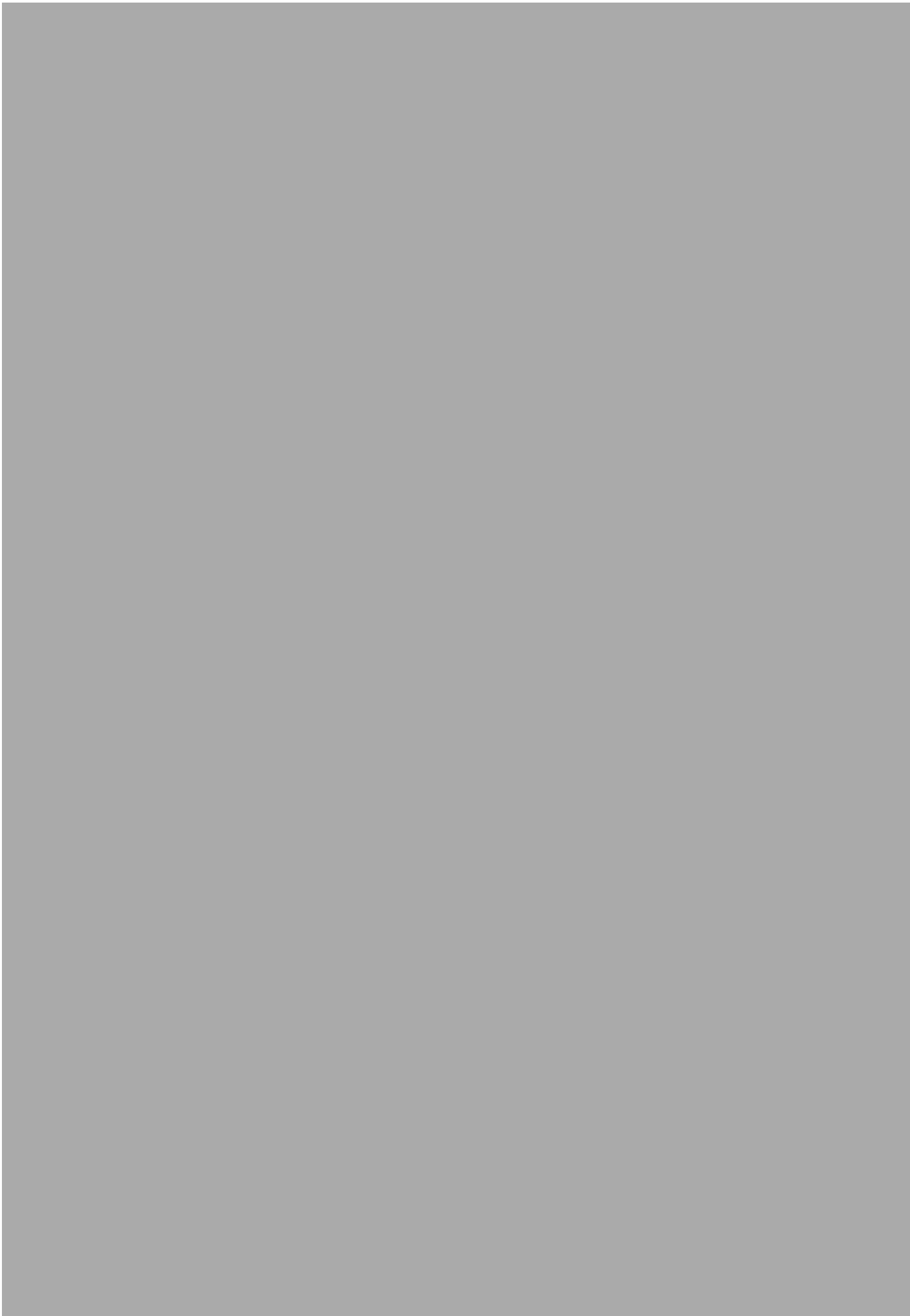
Bren Burkevics | Executive Group Manager


Phone 02 6207 8628 | Mobile [REDACTED]

Executive Assistance: Tegan Patience | 02 6207 5216 | Tegan.r.patience@act.gov.au

Environment, Heritage and Water Division | Environment, Planning and Sustainable Development Directorate (EPSDD) | ACT Government
Naas Neighbourhood, Level 2, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601
Environment.act.gov.au

COMMENTS:





From: Doblinger, Raine <Raine.Doblinger@act.gov.au> **On Behalf Of** Kamarul, Matthew
Sent: Wednesday, 9 August 2023 5:03 PM
To: Lhuede, Nick <Nick.Lhuede@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; Franklin, Alan <Alan.Franklin@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>; Davidson, Geoffrey <Geoffrey.Davidson@act.gov.au>; Marshall, Ken <Ken.Marshall@act.gov.au>; Walters, Daniel <Daniel.WALTERS@act.gov.au>; Humphreys, Emma <Emma.Humphreys@act.gov.au>; Burkevics, Bren <Bren.Burkevics@act.gov.au>; Russell, Meaghan <Meaghan.Russell@act.gov.au>
Cc: EPSDD PlanningUrbanPolicy <EPSDDPlanningUrbanPolicy@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Weller, Craig <Craig.Weller@act.gov.au>; Maxwell, Brad <Brad.Maxwell@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; EPSD Government Services <EPSDGovernmentServices@act.gov.au>; Doblinger, Raine <Raine.Doblinger@act.gov.au>
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OFFICIAL

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Kind regards,

Matthew Kamarul

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www.environment.act.gov.au | www.planning.act.gov.au

Please consider the environment before printing this email.

From: O'Shea, Stephen
Sent: Tuesday, 22 August 2023 7:58 AM
To: Kamarul, Matthew
Subject: Planning Regulations Issues Register
Attachments: Planning Regulations Issues Register.docx

OFFICIAL

Hi Matt

For discussion at the catch up. These are the suggestions for changes to the regulations as at today. You have seen the current form of the design response thinking.

Cheers

Steve

From: Doblinger, Raine
Sent: Tuesday, 22 August 2023 2:07 PM
To: Kamarul, Matthew; Lhuede, Nick; Pryce, David; Franklin, Alan; Bulless, Neil; Davidson, Geoffrey; Marshall, Ken; Walters, Daniel; Humphreys, Emma; Burkevics, Bren; Russell, Meaghan
Cc: EPSDD PlanningUrbanPolicy; Cilliers, George; Weller, Craig; Maxwell, Brad; EPSD Government Services
Subject: REMINDER: FOR COMMENT - draft Planning (General) Regulation and Planning (Exempt Development) Regulation
Attachments: 23_83052 Ministerial - Information Brief - Gentleman - Draft Planning Regulations.obr

OFFICIAL

Good afternoon,

Thank you to those who have provided comments on the draft Planning (General) Regulation 2023 and the Planning (Exempt Development) Regulation 2023.

Noting that the original deadline for comments has now passed, we would appreciate any further comments by COB tomorrow 23 August 2023.

If no response is received by then it will be taken as nil comment from your business area.

If you would like to raise any concerns please contact Stephen O'Shea on Stephen.O'Shea@act.gov.au.

Kind regards,

Matthew Kamarul

Executive Branch Manager, Planning System Review and Reform Project
Environment, Planning and Sustainable Development Directorate | ACT Government
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Sent: Wednesday, 9 August 2023 5:03 PM
To: Lhuede, Nick <Nick.Lhuede@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; Franklin, Alan <Alan.Franklin@act.gov.au>; Bulless, Neil <Neil.Bulless@act.gov.au>; Davidson, Geoffrey <Geoffrey.Davidson@act.gov.au>; Marshall, Ken <Ken.Marshall@act.gov.au>; Walters, Daniel <Daniel.WALTERS@act.gov.au>; Humphreys, Emma <Emma.Humphreys@act.gov.au>; Burkevics, Bren <Bren.Burkevics@act.gov.au>; Russell, Meaghan <Meaghan.Russell@act.gov.au>
Cc: EPSDD PlanningUrbanPolicy <EPSDDPlanningUrbanPolicy@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Weller, Craig <Craig.Weller@act.gov.au>; Maxwell, Brad <Brad.Maxwell@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; EPSD Government Services <EPSDGovernmentServices@act.gov.au>; Doblinger, Raine <Raine.Doblinger@act.gov.au>
Subject: FOR COMMENT - draft Planning (General) Regulation and Planning (Exempt Development) Regulation

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Matthew Kamarul

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Please consider the environment before printing this email.

From: Kamarul, Matthew
Sent: Wednesday, 23 August 2023 3:20 PM
To: O'Shea, Stephen
Subject: RE: Planning Regulations Drafting Instructions

OFFICIAL

Thanks Stephen,

I think we need to ask Brad to provide a consolidated position on this for us to action.

I'll follow up with Cara re the draft definition of design response.

Thanks
MK

From: O'Shea, Stephen <Stephen.O'Shea@act.gov.au>
Sent: Wednesday, 23 August 2023 3:17 PM
To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Subject: Planning Regulations Drafting Instructions

OFFICIAL

Hi Matt

I've updated based on the discussion this morning and mined some of Brad's email. A lot of it relating to the exempt development reg is a discussion or what they may want rather than a consolidated position.

Do we have time to go back to them to get a consolidated position as we are not the policy experts to find a way through the comments?

We also do not have the design response definition yet.

We cannot hand over these instructions yet until we at least get the latter.

Cheers

Steve

From: O'Shea, Stephen
Sent: Wednesday, 23 August 2023 4:21 PM
To: Maxwell, Brad; Kamarul, Matthew
Subject: RE: Stat Planning comments - Planning Regs Review

OFFICIAL

Hi Brad

We just met with PCO and they advised that to be able to make our timeframes for notification of the regulations we have until the end of this week to get them final instructions.

Cheers

Steve

From: O'Shea, Stephen
Sent: Wednesday, 23 August 2023 3:24 PM
To: Maxwell, Brad <Brad.Maxwell@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Subject: RE: Stat Planning comments - Planning Regs Review

OFFICIAL

Hi Brad

The general reg instructions are clear. Are we able to get a more definitive consolidated position for the instructions on the exempt development instructions? Many of them are not clear exactly what is wanted in terms of making them into instructions for PCO to make. We want to make sure we get it right.

Cheers

Steve

From: Maxwell, Brad <Brad.Maxwell@act.gov.au>
Sent: Wednesday, 23 August 2023 1:54 PM
To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; O'Shea, Stephen <Stephen.O'Shea@act.gov.au>
Subject: Stat Planning comments - Planning Regs Review

OFFICIAL

Hi Matt and Steve

Thanks for the additional time to review these - here are a more comments from Stat Planning.

As noted this morning, some of the comments from the teams around the exemption criteria were a bit onerous so I had one of our senior assessing officers review it (their comments are in red). I've still included the raw comments with this review for transparency – as there may be some things that can be reviewed in time.

Happy to discuss if needed.

Thanks
Brad

.....









Brad Maxwell | A/g Senior Director

Phone: 02 6205 7670 | Email: brad.maxwell@act.gov.au

DA Services and Support, Statutory Planning Division | Environment, Planning and Sustainable Development Directorate | ACT Government

Level 1, 480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158, Canberra, ACT 2601 | www.planning.act.gov.au

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

EPCG 24 August 2023

Regulation updates

Planning (General) Regulation and Planning (Exempt Development) Regulation

- Informal circulation from 9 August 2023 – 16 August 2023
- Circulated at EGM level to:
 - Access Canberra
 - City Renewal Agency
 - Suburban Land Agency
 - Transport Canberra and City Services
 - Environment Protection Agency
 - Conservator of Flora and Fauna
 - Heritage
 - Statutory Planning

Feedback received from:

- Conservator of Flora and Fauna
- Heritage
- Statutory Planning

Last responses were received yesterday, 23 August, and workshopped at the Policy mapping meeting on 23 August.

Next steps:

- Instructions to be provided to PCO 25 August 2023
- Final draft from PCO to be provided by 31 August
- Exec review 1 - 4 September
- PCO to edit final version on 5-6 September
- Final to MO/CMO for signature on 8 September
- Upload to website on 11 September
- Formal notification on 11-13 September

From: O'Shea, Stephen
Sent: Thursday, 24 August 2023 11:09 PM
To: Kamarul, Matthew
Subject: Planning Regulations Drafting Instructions
Attachments: Planning Regulations Drafting Instructions.docx

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL

Hi Matt

For your consideration, the latest version of the planning regulations drafting instructions.

Cheers

Steve

From: Kamarul, Matthew
Sent: Wednesday, 30 August 2023 8:33 AM
To: O'Shea, Stephen
Cc: Doblinger, Raine
Subject: FW: Request for Ministerial Brief folder creation
Attachments: 23_84788 Ministerial - Information Brief - Gentleman - Planning (General) Regulation and the Planning (Exempt Development) Regulation.obr

OFFICIAL

Hi both,

Can we please progress this brief today. Raine, if you can use the background text from the other briefs that went to EGM yesterday (use the DS one) , Stephen can then add the extra detail about the regs plus commencement notices.

thanks

From: EPSDD PlanningUrbanPolicy <EPSDDPlanningUrbanPolicy@act.gov.au>
Sent: Tuesday, 15 August 2023 2:10 PM
To: Doblinger, Raine <Raine.Doblinger@act.gov.au>; EPSDD PlanningUrbanPolicy <EPSDDPlanningUrbanPolicy@act.gov.au>
Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; O'Shea, Stephen <Stephen.O'Shea@act.gov.au>
Subject: RE: Request for Ministerial Brief folder creation

OFFICIAL

Hi Raine,

Please see attached as requested.

Thanks
Fatti

Fatima McGee | Business Support Officer, Planning and Urban Policy
Environment, Planning and Sustainable Development Directorate | ACT Government
Phone: 02 6205 3693 | Email: fatima.mcgee@act.gov.au
Level 2, Murrumbidgee, 480 Northbourne Ave, Dickson, ACT 2602 | GPO Box 158, Canberra 2601
www.environment.act.gov.au | www.planning.act.gov.au



*I acknowledge the Traditional Custodians of the ACT, the Ngunnawal people and recognise any other people or families with connection to the lands of the ACT and region.
I acknowledge and respect their continuing culture and the contribution they make to the life of our city and this region.*

From: Doblinger, Raine <Raine.Doblinger@act.gov.au>
Sent: Tuesday, 15 August 2023 1:59 PM
To: EPSDD PlanningUrbanPolicy <EPSDDPlanningUrbanPolicy@act.gov.au>
Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; O'Shea, Stephen <Stephen.O'Shea@act.gov.au>
Subject: Request for Ministerial Brief folder creation

OFFICIAL

Hi Fatti,

Can you please arrange for the creation of a Ministerial brief folder -

Ministerial – Brief – Gentleman - Planning (General) Regulation and the Planning (Exempt Development) Regulation

Slight change from when we spoke earlier - the date due to MO we now have as 1 September 2023 as it needs to be signed off by 7 September to be uploaded to the website 8 September and ready for public release/notification on 11 September.

Thank you.

Kind regards,

Raine Doblinger (she/her)

Project Officer – Project Coordination | Planning System Review and Reform Project

Environment, Planning and Sustainable Development Directorate | ACT Government

Phone: +61 2 6205 3851 | raine.doblinger@act.gov.au

Level 2, 480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au | www.planning.act.gov.au

Please consider the environment before printing this email.

From: O'Shea, Stephen
Sent: Wednesday, 30 August 2023 11:26 AM
To: Kamarul, Matthew
Cc: Doblinger, Raine
Subject: Regulations Dot Points

OFFICIAL

Hi Matt

Please find some dot points on the regulations for the Ministerial brief.

Cheers

Steve

Under the *Planning and Development Act 2007* there was one regulation, the Planning and Development Regulation 2008, which covered all regulation associated with the provisions and thresholds for processes in the Act and for exempt development.

As part of the development of the new planning legislation the provisions relating to exempt development were separated and placed into a standalone regulation as these provisions are regularly accessed by the building and development industry. This is intended to improve the user's experience in navigating through this regulation.

The new planning legislative framework consists of the *Planning Act 2023* and two regulations:

- Planning (general) regulation; and
- Planning (exempt development) regulation.

The Planning (general) regulation contains detailed provisions and thresholds for the application of processes under the Act, process requirements and administrative detail to support the provisions of the Act. It covers proposals requiring design review, environmental impact statements (EIS) and provisions to support EIS and inquiry panel processes, development assessment processes and leasing system processes.

The Planning (exempt development) regulation contains information relating to exempt development or low-risk development that can occur without development approval. It covers general exemption criteria and provides limitations on exempt works and ensure that other regulatory schemes are considered before works can be considered exempt from requiring development and can commence.

From: Kamarul, Matthew
Sent: Wednesday, 30 August 2023 4:29 PM
To: Green, Ben
Cc: EPSDD PlanningUrbanPolicy; Doblinger, Raine; O'Shea, Stephen
Subject: FW: Information Brief - Planning regulations
Attachments: 23_84788 Ministerial-Info Brief - Gentleman and Barr - Planning (General) Regulation and Planning (Exempt Development) Regulation.obr; PSRRP - Gantt chart - Cabinet 15 August 2023 to Commencement.obr

OFFICIAL

Hi Ben,

Please find attached the brief for the making of the Planning Regulations (both general and exempt development).

I confirm that commencement notices are not required so the only documents attached are the draft regs themselves.

I note that the versions of the regs in the package are the most recent versions provided by PCO. They have confirmed that the final versions responding to all drafting instructions will be ready Friday. Once those final versions are cleared (we have given time for DG to clear on Monday) PCO will prepare the edited version Tues- Thurs next week to be dropped into the package and transmitted to the CMO and MO to sign on Friday 8 September. The regs will then be formally notified on the legislation register on 11 September.

I have coordinated the times and process with GS (Dorena Morris) DLO (Tash Hartwig) and PCO (Karen Moxon) and they have confirmed that timing (as set out in the attached Gantt chart and reproduced below below). Tash advises that both CMO and MGO will receive the documents concurrently on 8 September and that she has confirmed availability of both Ministers to sign on that date.

Thanks

MK

Final draft regs to be provided by PCO - 1 September General & Exempt Development Regulations Due to DG (no DDG review)- 4 September PCO to edit final version -5-6 September General & Exempt Development Regulations Due to MO/CMO 8 September Formal notification / Public release of the General & Exempt Development Regulations - 11 September



CABINET

To:	Chief Planner	Tracking No.: 23/93494
From:	Executive Group Manager, Planning and Urban Policy	
Date	25 September 2023	
Subject:	Declaration of Planning (Exempt Development) Regulation 2023 Development Controls	
Critical Date:	29 September 2023	
Critical Reason:	To allow the declarations for the residential zones—single dwelling housing development control and the signs development control to be notified following the notification of the Planning (Exempt Development) Regulation 2023	

Purpose

To provide you with the declarations for the residential zones—single dwelling housing development control and signs development control for signing.

Recommendations

That you:

1. **Agree** to make the residential zones—single dwelling housing development control, and associated district development controls, and signs development control in accordance with section 14 of the Planning (Exempt Development) Regulation 2023 Attachments A to F.1; and

Agreed Not Agreed / Please Discuss

2. **Sign** the declarations at Attachments A, B, C, D, E and F.

Signed Not Signed / Please Discuss

Sch 2.2(a)(ii)

Ben Ponton 26 / 09 / 2023

CP Feedback

Background

1. Under the new planning system, single dwellings and signs may be exempt from requiring development approval where they meet the requirements of the 'residential zones – single dwelling housing development control' and the 'signs development control'.
2. These development controls are currently development codes under the Territory Plan. As part of the review of the planning system, it was decided to make these controls under the Planning (Exempt Development) Regulation 2023.
3. Section 14 (Territory planning authority may declare development controls) of the Planning (Exempt Development) Regulation 2023 provides that the territory planning authority may declare a control for:
 - a. the development of single dwelling housing in residential zones (residential zones—single dwelling housing development control); and
 - b. the design, content and positioning of signs (signs development control).
4. A declaration is a notifiable instrument.

Issues

5. The Planning (Exempt Development) Regulation 2023 was notified on 11 September 2023.
6. The Planning (Exempt Development) Regulation 2023 will not commence until the *Planning Act 2023*, specifically section 523 (Regulation-making power), commences in full, expected to be on 27 November 2023.
7. The residential zones – single dwelling housing development control, relevant district development controls and the signs development control cannot commence until after the Planning (Exempt Development) Regulation 2023 has been notified.
8. Subject to your approval, these development controls will commence at this time.

Financial Implications

9. Not applicable.

Consultation

Internal

10. The Statutory Planning division was consulted in relation to the content of the development controls.

Cross Directorate

11. The Parliamentary Counsel's Office in relation to the form of the development controls and Access Canberra in relation to the content of the development controls.

External

12. Not applicable.

Benefits/Sensitivities

13. The public has not been directly consulted on the development controls, however there has been extensive consultation on the broader planning system review and reform project.

Media Implications

14. There continues to be significant community and media interest in the public notification of the new planning system.
15. Talking points for the commencement of the new planning system have been prepared.

Signatory Name: Ben Green

Phone: 6207 7387

Action Officer: Stephen O'Shea

Phone: 6205 4880

Attachments

A	Declaration (Single Dwelling Development Control)
A.1	Single Dwelling housing development control for exempt development declaration
B	Declaration (Signs Development Control)
B.1	Signs development control for the exempt development declaration
C	Declaration (Belconnen District)
C.1	District Specific single dwelling housing development control for exempt development declaration – Belconnen District
D	Declaration (Gungahlin District)
D.1	District Specific single dwelling housing development control for exempt development declaration – Gungahlin District
E	Declaration (Inner South, Weston Creek, Tuggeranong, East Canberra Districts)
E.1	District Specific single dwelling housing development control for exempt development declaration – Inner South, Weston Creek, Tuggeranong, East Canberra Districts
F	Declaration (Molonglo District)
F.1	District Specific single dwelling housing development control for exempt development declaration – Molonglo District

Tracking No.:



OFFICIAL

To: Minister for Planning and Land Management

Tracking No.: 23/110901

Date: 2 November 2023

From: Executive Branch Manager, Planning System Review and Reform

Subject: Commencement of the remaining provisions of the *Planning Act 2023* and interim Territory Plan

Critical Date: 9 November 2023

Critical Reason: To enable the commencement of the new planning system

- DDG, Planning and Sustainable Development 06/11/23
- EGM, Planning and Urban Policy 02/11/23

Recommendations

That you:

1. **Sign** the instrument at Attachment 1 to commence the remaining provisions of the Planning Act 2023;

Agreed / Not Agreed / Please Discuss

2. **Sign** the instrument at Attachment 2 to commence the interim Territory Plan at Attachment B; and

Signed / Not Signed / Please Discuss

3. **Note** the information contained in this brief.

Noted / Please Discuss

Mick Gentleman MLA  9/11/2023

Minister's Office Feedback

Background

1. On 9 June 2023 the ACT Legislative Assembly passed the *Planning Act 2023* (the Act).
2. On 19 June the Act was notified on the ACT Legislation Register. Pursuant to section 2 of the Act the following provisions were commenced in advance of the commencement of the new planning system:
 - a. section 36 (Planning strategy)
 - b. section 38 (District strategy)
 - c. section 50 (Design guides)
 - d. section 51 (Technical specifications)
 - e. part 20.2 (Transitional—strategic and spatial planning)
 - f. part 20.3 (Transitional—territory plan).
3. Pursuant to section 2 of the Act the remaining provisions of the Act are to commence on a date fixed in writing by the Minister for Planning and Land Management.
4. On 11 September 2023 the nine District Strategies and draft Territory Plan were made by the Executive and notified by the Minister for Planning and Land Management. Brief 23/88470 contains the notification instrument for the Territory Plan and the 9 District Strategies.
5. On 12 September 2023, pursuant to section 608 of the Act, the Territory Plan was given to the Standing Committee on Planning, Transport and City Services (the Committee). On that date the Committee advised that it would conduct an inquiry into the Territory Plan. The Committee is required to provide its report to the Legislative Assembly by 11 March 2024.
6. On 12 September 2023 you presented the Territory Plan to the Legislative Assembly pursuant to section 609(1) of the Act and an Executive Motion was moved to commence an interim Territory Plan.
7. Brief 23/88470 contains the Executive Motion for commencement of the interim Territory Plan.
8. On 25 October 2023 the motion to commence the interim Territory Plan was debated and the Assembly approved, by resolution, the Territory Plan as an interim Territory Plan pursuant to section 609 (2) of the Act.

Issues

9. The Government has publicly committed to the commencement of the new planning system on 27 November 2023. Community and Industry now expect the new planning system to commence on that date.

10. Pursuant to section 2 of the Act the remaining provisions of the Act are to commence on a date fixed in writing by the Minister for Planning and Land Management. An instrument has been prepared for your signature, for the remaining provisions of the Act to commence on 27 November 2023 and is provided at [Attachment 1](#).
11. Pursuant to section 609 (3) of the Act the interim Territory Plan commences on a date fixed by the Minister by written notice. An instrument has been prepared for your signature for the interim Territory Plan to commence upon the commencement of section 45 of the Act, and is provided at [Attachment 2](#). The commencement date will be 27 November 2023.

Financial Implications

12. Not applicable for the purpose of this brief.

Consultation

Internal

13. Teams across EPSDD, including the Legal Policy team were consulted throughout the development of the Act and Territory Plan.

Cross Directorate

14. Directorates were consulted throughout the development of the Act and through the Inter-Directorate Project Coordination Group.

External

15. The public was consulted throughout the development of the Act and Territory Plan. Formal consultation on the Act occurred between March and June 2022 with formal consultation on the Territory Plan occurring between November 2022 and March 2023.

Work Health and Safety

16. Not applicable.

Benefits/Sensitivities

17. The new planning system is a topic of interest to the media and community, with a range of views raised in the media and community in recent months.

Communications, media and engagement implications

18. There will be significant community and media interest in the commencement of the new planning system.
19. Communications on a Page has been prepared for the commencement of the new planning system and is attached at [Attachment 3](#).

Signatory Name:	Matthew Kamarul	Phone:	79703
Action Officer:	Matthew Kamarul	Phone:	79703

Attachments

1	Instrument - Planning Act Commencement Notice 2023
2	Instrument - Interim Territory Plan Commencement Notice 2023
3	Communications on a Page

What is government's involvement/interest?	<p>The ACT Government is launching the final elements of the new planning system for Canberra. These are critical milestones in the government's planning system review and reform project.</p> <p>The Project has involved review and reform of the planning system to deliver a modern system and better outcomes for communities, the environment and people across Canberra. The Parliamentary and Governing Agreement for the 10th Legislative Assembly sets out the Government's commitment to delivering a reformed planning system, that has included considerable consultation with the community.</p> <p>The new planning system will commence on 27 November.</p>		
Why are we communicating on this issue?	<p>To inform community and industry that the new planning system is commencing.</p> <p>To increase public awareness of the ACT's new planning system and inform the target audience of the changes that are being implemented and new processes stakeholders will need to engage with.</p>		
Background/research/insights	<ul style="list-style-type: none"> • The Planning System Review and Reform project ran from 2019 to 2023, with stakeholder engagement occurring throughout those years. • The consultation (Nov 22 to March 23) on the draft new Territory Plan, draft district strategies and the EIE for design guides was the most viewed YourSay project since 2016. • Recent market testing related to planning showed that Canberrans didn't understand the growth Canberra will experience over the coming decades or understand key planning terms. 		
Does it cross over other Directorates/ agencies?	No	Spokesperson	Minister for Planning and Land Management, Mick Gentleman ACT Chief Planner, Ben Ponton Deputy Director-General, Planning and Sustainable Development, Dr Erin Brady Executive Group Manager, Planning Urban Policy, Ben Green
Communications project tier	Tier 2		
EPSDD Strategic Indicators	Deliver a compact, efficient and sustainable city to be enjoyed now and into the future		

Target audiences

<p>Primary</p>	<ul style="list-style-type: none"> Engage Canberra community Indicative data from YourSay shows that this engaged community is usually male and that respondents are usually aged 55 and above.
<p>Key influencers/stakeholders</p>	<ul style="list-style-type: none"> Planning Stakeholders – Planning Institute ACT, Australian Property Institute, Property Council of Australia, ACAT Building, Development and Real Estate Stakeholders – Australian Institute of Architects ACT, Australian Institute of Landscape Architects, Engineers Australia, Housing Industry Associations, Master Builders Associations, Real Estate Institute Australia, Green Building Council of Australia, Australian Sustainable Built Environment Council. Business stakeholders – Canberra Business Council, Canberra Innovation Network, ACT Local Business Owners. Environment and social stakeholders – ACT Council of Social Services, ACT Conservation Council, Dhawura Ngunnawal Caring for Country Committee, Pedal Power Community Councils – Belconnen, Gungahlin, North Canberra, Inner South Canberra, Weston Creek, Tuggeranong, Woden Valley and Molonglo Valley.
<p>ACTPS/Government</p>	<ul style="list-style-type: none"> Chief Minister, Treasury and Economic Development ACT Health Transport and City Services Major Projects Canberra ACT Education ACT Civil and Administrative Tribunal City Renewal Authority Suburban Land Authority

Key Messages

- The final elements of the new planning system for the ACT are now in place; the new system will provide a robust planning framework for our growing city.
- The new planning system responds to the challenges and opportunities of the present day and future and respects the much-loved character of our city.
- Canberra is growing because it's a great place to live. This new planning system places us in a positive position to manage this growth, direct where growth is best suited and what is needed in those areas to support this in a sustainable way.
- Proposed buildings and developments will now need to consider their context and demonstrate how they fit with and contribute positively to that.
- We have been rolling out a training and education package to help the community and industry be prepared for this new system, and this continues.

- While some elements of the new system will function similarly to the previous system, there have been many key changes developers and applicants will need to consider and implement for a smooth development application process.
- Today we also launch a new website for planning here in the ACT. The new website features specific information on each of our nine urban districts, an easy to navigate system for professionals and the community and opportunities for people to have their say on current applications. The new website can be accessed via act.gov.au/planning

Action plan

When	What	How	Responsibility
Start of the new planning system			
27 November 2023	Media release and supporting talking points	Media outlets	EPSDD Media EPSDD Executives Minister's Office
	Launch of the new ACT Gov Planning website	Web	EPSDD Communications
	Chief Planner letter to all ACT Public Service Directors-General, and email to key industry groups.	Email	EPSDD Communications / Office of the DG
	EPSDD social media post and request supported across all ACT Government channels.	Social media	EPSDD Communications
	Direct emails to the PSRRP Stakeholder List.	Email	EPSDD Communications
	ACTPS Wallpaper (pending approval)	Wallpaper	EPSDD Communications / CMTEDD WHOG
	WHOG message to all ACTPS staff	WHOG Staff message	EPSDD Communications / CMTEDD WHOG
	EPSDD Director-General message to EPSDD staff	Email	EPSDD Communications
December TBC	OurCanberra article (Pending approval)	Our Canberra	EPSDD Communications/ CMTEDD Communications
Ongoing	Evergreen social media strategy, including: <ul style="list-style-type: none"> • Highlighting examples of good design • myth-busting • education about the new system. 	Social media	EPSDD Communications
	Milestone communications (social media and proactive media). Examples of this could include highlighting the first 100 days, progress on the e-Development project, first 10 approved DAs.	Social media, media outlets	EPSDD Media

Communications on a page

Issue: ACT's new planning system

Directorate: EPSDD

Release date: 27 November 2023

When	What	How	Responsibility
Education and training program			
To end of 2023	Stakeholder training on the new system	In person and online	Implementation team

When	What	How	Responsibility
Paid Campaign			
27 November – 15 December	Digital display advertising, search	Website advertising, search.	EPSDD Communications / UM
28 January – 1 March	Digital display, Meta advertising, search	Website advertising, search, paid social.	EPSDD Communications / UM