

## Inquiry into Territory Plan and other associated documents

This document summarises the key comments made related to the Territory Plan in the EOIs and submissions provided to the Committee as part of the inquiry process. The notes taken on the hearings are brief and are not a full and complete record of the hearings. The purpose of the notes was to identify matters that the Committee may raise subsequent during the hearing with the Minister for Planning and EPSDD officials.

### Brief summary of Expressions of Interest and Submissions (in order of Public Hearing schedule)

\***Bold text** under hearing notes – where committee indicated they will ask Directorate.

Link to Submissions: <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/ptcs/Inquiry-into-the-Territory-Plan-and-other-associated-documents#tab2283401-7id>

Session	Witness	Summary of EOI/submission	Notes from hearing
<b>Wednesday 6 December 2023</b>			
1	<p><i>Community Council Panel A:</i></p> <ul style="list-style-type: none"> <li>– Inner South Community Council</li> <li>– Woden Valley Community Council</li> <li>– Gungahlin Community Council</li> <li>– Combined Community Councils of the ACT</li> <li>– North Canberra Community Council</li> </ul>	<p>– Inner South Community Council:</p> <ul style="list-style-type: none"> <li>○ Need key mandatory rules – especially living infrastructure, green space, solar access and privacy</li> <li>○ Non measurable assessment criteria gives disproportionate discretion to ACTPLA</li> <li>○ Housing Design Guide – should have to be complied with</li> <li>○ Concern that specs do not need to be met</li> <li>○ Do governance review as soon as possible</li> <li>○ Need evaluation framework for RZ1 and RZ2 changes, exempt dev.</li> <li>○ Consultation report responses superficial</li> <li>○ Neighbour consultation on demo/rebuilds particularly in heritage</li> <li>○ Supportive housing – mandatory compliance with Aust. Standards</li> <li>○ RZ1 redevelopment impacting Heritage precincts</li> <li>○ Oaks Estate should be in Inner South DS, not East Canberra DS</li> <li>○ Increased densities will impact living infrastructure &amp; solar access</li> </ul>	<p>Q: Appeals/Compliance – are there particular concerns</p> <ul style="list-style-type: none"> <li>– <b>*What point of law do you go to ACAT regarding impacts on neighbours? Can tech specs be used in ACAT</b></li> <li>– Discretionary judgement of outcomes – in the past this was based on rules.</li> <li>– Risk of corruption in the future</li> <li>– <b>*Lacks a risk management framework for assessments</b></li> </ul> <p>Q: How has the previous rules based system worked in getting better outcomes?</p> <ul style="list-style-type: none"> <li>– Proper enforcement of existing rules would solve development issues</li> <li>– <b>*Had qualitative criteria in old system but these were not relied on in assessment.</b></li> <li>– New code takes away the rules and removes these protections.</li> <li>– [Q: does this take away the rules or the certainties?]</li> <li>– Need to improve the trust in the directorate before relying on an outcomes focused system</li> </ul> <p>Q: Why are Deakin/Yarralumla so overrepresented in submissions?</p>

		<ul style="list-style-type: none"> <li>- Woden Valley Community Council: <ul style="list-style-type: none"> <li>o Territory Plan needs to be consistent with NCP and Act: <ul style="list-style-type: none"> <li>▪ Inconsistent with NCP due to loss of services in centre &amp; good intertown public transport route</li> <li>▪ Inconsistent with principles of good planning (Act)</li> </ul> </li> <li>o Neighbours should be able to appeal bad outcomes – exempt development and where they didn’t comment on original DA</li> <li>o Need statutory controls for permeability and tree canopy cover</li> <li>o Amend policy outcomes to include cultural &amp; recreation facilities</li> <li>o Mawson group centre – reduce heights, create community hub</li> <li>o Phillip pool – 25m is ‘2<sup>nd</sup> rate option’, have aquatic centre north of athletic track</li> <li>o RZ1 can now be 2 storey with no height limit</li> <li>o V369 – Urban design guide inadequate and needs statutory reqmt</li> <li>o Governance – planning system lacks transparency. Needs: <ul style="list-style-type: none"> <li>▪ Community discussions on outcomes</li> <li>▪ Independent advice</li> <li>▪ DIs to allow Assembly debate on planning policy</li> <li>▪ Neighbours need access to ACAT and statutory provisions</li> </ul> </li> </ul> </li> <li>- Gungahlin Community Council: <ul style="list-style-type: none"> <li>o Gungahlin district strategy – needs to provide for facilities/land and infrastructure.</li> </ul> </li> <li>- Combined Community Councils of ACT: <ul style="list-style-type: none"> <li>o No evaluation framework</li> <li>o What are the terms of reference for the governance review</li> <li>o Poor consultation process</li> <li>o RZ1 changes – what analysis was done, other options considered</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Did a good job in informing the community.</li> <li>- <b>*Ask for an assessment of the changes made to RZ2</b></li> <li>- Have a stronger sense of place in older areas as they have been there longer.</li> <li>- [Q: should a sense of place be added into the planning system first or have this assessed with developments? Would be a values based assessment]</li> <li>- Govt attempts to do that in the documents but DS are long documents.</li> <li>- Sense of place needs to be strengthened in planning documents. Neighbourhood planning process was really good for this but this hasn’t been done again.</li> <li>Q: Solar access is in the specs. Trees, planting area, urban heat islands considered. Is it hard to find where these things are or are the provisions not satisfactory?</li> <li>- Compliance main issue. Particularly if they are just guidance.</li> <li>- [Q: what do we need to monitor to see it is being enforced]</li> <li>- Nothing in place to track the performance of the new system.</li> <li>- Developers would use the flexibility given to one development to justify another.</li> </ul>
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2	<p><i>Residents Group Panel:</i></p> <ul style="list-style-type: none"> <li>– Dickson Residents Group</li> <li>– Ainslie Residents Group</li> <li>– Reid Residents Group</li> <li>– Griffith Narrabundah Community Association</li> </ul>	<ul style="list-style-type: none"> <li>– Dickson Residents Group <ul style="list-style-type: none"> <li>○ Risks associated with discretionary system – needs evaluation</li> <li>○ Decision making with integrity requires transparency and fairness</li> <li>○ Trust needs to be restored – consistency, approval times &amp; appeal mechanisms</li> <li>○ Living infrastructure given minimal weight</li> </ul> </li> <li>– Ainslie Residents Group <ul style="list-style-type: none"> <li>○ Removal of public land overlay over Ainslie oval</li> <li>○ Housing in CFZ land – now allows community housing</li> <li>○ Need new zone for supportive, social, community housing</li> <li>○ Coal fired power station permitted in PRZ1 and PRZ2</li> <li>○ Safety of children – community facilities location guideline gone</li> <li>○ New system less clear and design guides only new part</li> </ul> </li> <li>– Reid Residents Group: <ul style="list-style-type: none"> <li>○ In Inner North specs – no assessment outcomes for Reid (which has a heritage overlay)</li> <li>○ Specs require less planting area than the heritage requirements</li> </ul> </li> <li>– Griffith Narrabundah Community Association: <ul style="list-style-type: none"> <li>○ Support infill but needs to minimise climate change impacts and maintain Garden City amenities</li> <li>○ TPA has ‘virtually unbridled control’ of territory planning</li> <li>○ Changes have not simplified system</li> <li>○ V369 living infrastructure provisions are not mandatory</li> <li>○ New system gone too far in deregulating planning</li> <li>○ Guides and specs are NI – no legislative oversight</li> </ul> </li> </ul>	<p>Q: Rules and how people who don’t comply with rules are dealt with? 5 examples where GNCA have appealed decisions.</p> <ul style="list-style-type: none"> <li>– You have to have the goals for the rules (Planning Strategy, Act and then TYP)</li> <li>– Supportive housing DAs – need more room inside dwellings for accessibility and they weren’t complied with.</li> <li>– Rules need to be followed and more mandatory rules need to be in place. If not mandatory an appeal is unlikely to be successful.</li> <li>– Tribunal rely on professional advice which community can’t afford to get for themselves.</li> <li>– Coles DA appeal referred to – number of mandatory rules not met in that development. And Raiders DA in Braddon.</li> </ul> <p>Q: is the issue what can be appealed or how the assessments are made?</p> <ul style="list-style-type: none"> <li>– Bias towards developers and developments – threaten to not have development in Canberra.</li> <li>– Its not about stopping development, its about having better developments.</li> </ul> <p>Q: Good developments are usually block consolidations. Is that kind of development appropriate in your area?</p> <ul style="list-style-type: none"> <li>– As long as there is enough green space they are fine. Need to have solar access etc. Need to have good controls that are enforced.</li> <li>– Need to have more mandatory controls.</li> <li>– Good design may be more problematic in the new system</li> <li>– Need to monitor green spaces, site coverage, recording of non compliance.</li> </ul> <p>Q: How can sense of place be included in DS and guide outcomes? Does the new TP do this well? What role would it have in getting better outcomes? How do we take the contestability out of it?</p> <ul style="list-style-type: none"> <li>– Creating words on sense of place is essential.</li> <li>– Need to take on board the comments received in consultation.</li> <li>– Need to track how development complies with it and have appeals process.</li> </ul>
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3	<p><i>Individuals Panel:</i></p> <ul style="list-style-type: none"> <li>- Richard Johnston</li> <li>- Hamish Sinclair</li> <li>- Tim Field</li> <li>- Tony Trobe</li> </ul>	<ul style="list-style-type: none"> <li>- Richard Johnston: <ul style="list-style-type: none"> <li>o Concerns about consultation report – superficial responses</li> <li>o Multiplicity of documents</li> <li>o Guides and specs do not go to Assembly</li> <li>o Compliance enforcement essential</li> <li>o Kingston specific requirements not in new Territory Plan</li> <li>o Living infrastructure not mandatory</li> <li>o Should follow DAF model</li> </ul> </li> <li>- Hamish Sinclair <ul style="list-style-type: none"> <li>o Can provide insights on statutory and administrative issues</li> <li>o Procedural issues with engagement and consultation processes</li> </ul> </li> <li>- Tim Field <ul style="list-style-type: none"> <li>o No requirements for living infrastructure for multi-unit housing</li> <li>o Guide and specs do not form part of the Territory Plan</li> <li>o Increased density will adversely impact living infra. &amp; solar access</li> <li>o Living infrastructure &amp; solar access should be mandatory</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Q: are the setting right for getting good missing middle</li> <li>- No, and this is a carry over from past Territory Plan.</li> <li>- Waste of time doing it on single blocks. Need to consider strategically, with community consultation and then consolidating blocks.</li> <li>- Perimeter redevelopments with internal open space/trees best outcomes.</li> <li>- Should have minimum size for redevelopments.</li> <li>- Main focus of new TP is RZ2 and above. No design guide applies in RZ1.</li> <li>- Demonstration housing shows how it can work so why limit dual occ to 120m2.</li> <li>- Not enough rigor in living infrastructure provisions.</li> <li>- RZ2 – dwelling density has increased but need to protect living infrastructure.</li> <li>Q: Living infrastructure is in different places in the system. What is a simple metric that can be measured by govt?</li> <li>- Need min planting area and tree canopy cover – move from tech specs as these don't need to be considered.</li> <li>- [rules vs outcomes based – what do you think of the outcomes? Rules can get perverse outcomes]</li> <li>- In a tricky hybrid system of being performance based but also some mandatory controls.</li> <li>- ACTPLA have said they don't want to have pre-app meetings</li> </ul>

			<ul style="list-style-type: none"> <li>– Exempt single dwellings need to comply the specs.</li> <li>– Mandatory rules don't allow common sense approach in tricky situations.</li> </ul> <p>Q: fear with tech specs not being part of TP and not going to Assembly.</p> <ul style="list-style-type: none"> <li>– Can get a tick if DA complies with the specs</li> <li>– Concern that ACTPLA can reduce the specs if they want.</li> <li>– [Q reference to EPSDD briefing re specs. Will people start to realise the new system works in a different way]</li> <li>– Concern about how assessment process works, could be a shambles</li> <li>– Comments on discussions with DG over years on how system works</li> <li>– System is now far too complex, much bigger document.</li> <li>– Need to reinstate RZ1 pre apps.</li> <li>– Introduction of solar fence – embedding rigid north south orientation of blocks to enable compliance with solar fence.</li> </ul>
4	Australian Institute of Landscape Architects	No documents provided	<p>Q: Outline of how the design review panel works.</p> <ul style="list-style-type: none"> <li>– There isn't an EOI process to find panel members</li> <li>– Not much time for proponents to explain their proposals</li> <li>– Don't always go out on site.</li> </ul> <p>Q: How can landscape architecture be better included in the planning system</p> <ul style="list-style-type: none"> <li>– Need to have a formal landscape architect employed by EPSDD (and current AILA member)</li> <li>– Bush capital – bush and roads were key to planning but this is no longer the case</li> </ul> <p>Q: Landscape architecture focuses more on macro scale. How do you scale down consideration of landscape to sites</p> <ul style="list-style-type: none"> <li>– Some living infrastructure components have carried over in TP. But haven't had enough time to see how it works on site (is it achievable or not).</li> <li>– Comes down to who is doing the assessment (e.g deep soil zones – having greenery on a roof could be better for the environment)</li> <li>– Have tree considerations in different places – TP, TCCS have tree Act, what trees are used in estates etc.</li> </ul>

			<p>Q: do we need someone to look at the macro scale landscape of the ACT?</p> <ul style="list-style-type: none"> <li>– Yes, this needs to be done better.</li> </ul> <p>Q: Densification in RZ1. Will the 800m2 and 120m2 limits achieve increased density</p> <ul style="list-style-type: none"> <li>– Not a requirement to have a qualified landscape architect do a landscape plan.</li> <li>– Can be achievable if the right people do the design. Fine tune the landscape guidance.</li> <li>– [Q rules vs performance based?]</li> <li>– People can have different views on how a development meets a performance based system.</li> <li>– Internal reviewing is important and make the DRP less removed from the process.</li> <li>– [Q should the ACT have its own review panel (not with NCA)?]</li> <li>– Yes, other jurisdictions have this in place.</li> </ul>
5	<p><i>Developers Panel:</i></p> <ul style="list-style-type: none"> <li>– Purdon Planning</li> <li>– Planit Strategic</li> </ul>	No documents provided	<p>Q: Affordable housing – inclusionary zoning. What do we need to deliver it?</p> <ul style="list-style-type: none"> <li>– Economics of delivering it is the key issue.</li> <li>– Not a TP matter but needs other levers such as LVC</li> <li>– Comes down to build costs. But if land is sold that way, developers know what they need to do.</li> <li>– TP already gives some incentives for supportive housing – but not taken up regularly.</li> <li>– Example of LVC reduction where development has higher energy rating.</li> <li>– TP now allows RZ1 dual occs but unclear how many people will take up the opportunity. Developers won't do this and 120m2 seems a bit arbitrary.</li> <li>– [Q so Govt claim 40,000 blocks can have dual occs is not realistic?]</li> <li>– The policy lever is not there to encourage it to be taken up. But now policy is in place there is opportunity to tweak the policy parameters.</li> <li>– Would look at having a duplex or similar sized dwellings – not one big and one small. (so remove 120m2)</li> </ul>

			<p>Q: rules vs performance based. Which way would you lean as a planner?</p> <ul style="list-style-type: none"> <li>– Too early to say how it will work and what needs to be improved.</li> <li>– Fully support assessment outcomes and trust the assessment staff</li> <li>– Need continuous review of the new system</li> <li>– Some people prefer a rules based system as it is clear what needs to be considered but others like flexibility to deliver innovative developments.</li> </ul> <p>Q: how do you avoid unnecessary demolition?</p> <ul style="list-style-type: none"> <li>– Allow duplexes on RZ1 block to avoid demolishing single dwellings.</li> <li>– Look at adaptive reuse – though some won't meet requirements for dwellings (eg building depths don't allow sunlight access, lack of parking options)</li> </ul> <p>Q: post this change, will they spend more or less time at ACAT?</p> <ul style="list-style-type: none"> <li>– Assessment outcomes are subjective.</li> <li>– Biodiversity outcome applies to all developments but this would be hard to demonstrate for a new shopfront. Community may not agree that the outcome wasn't relevant.</li> <li>– Applicability of outcome will need to be tested. Establishing triggers</li> <li>– Unexpected decisions of ACAT decisions may be more common – though ACAT members with planning experience would help.</li> </ul> <p>Q: is a planner or landscape architect better placed to assess biodiversity?</p> <ul style="list-style-type: none"> <li>– Bigger projects have a team of people with different expertise.</li> </ul>
6	ACT Rural Landholders Association of Farmers	<ul style="list-style-type: none"> <li>o Lack of certainty for agriculture</li> <li>o Want to be consulted on changes to non-urban land</li> </ul>	<p>Not able to watch. Session covered:</p> <ul style="list-style-type: none"> <li>– Length of rural leases (too short) and restrictive</li> <li>– Eastern Broadacre study – need to keep land for agriculture (sustainable food supply)</li> <li>– Competing land uses</li> </ul>
7	Ginninderry	<ul style="list-style-type: none"> <li>o Impact of V369 on delivery of development in Ginninderry</li> </ul>	<p>Q: Why are you positive about the changes?</p>

		<ul style="list-style-type: none"> <li>○ Ginninderry should have its own district strategy</li> <li>○ Not all precinct code requirements have been transferred into new TP</li> </ul>	<ul style="list-style-type: none"> <li>– Broadly support changes but have particular issues</li> <li>– Transitional arrangements – designed estates against old requirements and blocks aren't being settled until 2024</li> <li>– Recognise Ginninderry master plan in the Territory Plan.</li> <li>Q: what do you do with blocks that now fall under old requirements.</li> <li>– Have had to tell people that the TP has changed</li> <li>– V369 requirements have made a townhouse unaffordable.</li> <li>– \$35000 price increase + standard increase in land value.</li> <li>Q: Should trees be considered block by block or by precinct? Could affordable housing be left in urban heat islands?</li> <li>– In Ginninderry affordable housing is located close to open space.</li> <li>– Would need to put in controls that housing is within a set distance of open space.</li> <li>Q: Social and affordable housing – what is model in Ginninderry?</li> <li>– Got a change to the govt threshold as they were delivering environmental benefits.</li> <li>– Need to had a definition of social housing in the TP so this can be referred in the lease and zone.</li> </ul>
8	<p><i>Panel:</i></p> <ul style="list-style-type: none"> <li>– Greater Canberra</li> <li>– Public Transport Association of Canberra</li> </ul>	<ul style="list-style-type: none"> <li>– Greater Canberra: <ul style="list-style-type: none"> <li>○ Missed opportunity – new TP is a status quo document, does not meaningfully add to housing diversity.</li> <li>○ RZ1 limited to granny flats and dual occs – does little to expand housing opportunities around centres and corridors</li> <li>○ Oppose removing residential from CZ3 area in Phillip</li> <li>○ Need to fully adopt the Missing Middle Canberra platform</li> </ul> </li> <li>– Public Transport Association of Canberra: <ul style="list-style-type: none"> <li>○ Oppose removing residential from CZ3 area in Phillip <ul style="list-style-type: none"> <li>▪ area well located to future light rail.</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Q: what is the missed opportunity with the new TP</li> <li>– LVC – codified amounts are problematic</li> <li>– RZ1 doesn't allow block consolidation</li> <li>– Need to fix some of the RZ2 problems but need to consider making RZ1 to RZ2</li> <li>– [Q do you think the community is keen for this increase]</li> <li>– People haven't opposed infill but want green space protected.</li> <li>– [Q what are examples of good block consolidations]</li> <li>– Taken on notice</li> <li>Q: is your position that suburban character shouldn't stop public transport?</li> <li>– Yes. Northbourne Ave example of where density along character has been sympathetic infill.</li> <li>– Preference of community is that density is along corridors rather than at a distance from it.</li> </ul>

			<ul style="list-style-type: none"> <li>– Want EPSDD to revise the zoning along corridors.</li> <li>– <b>*Intertown public transport routes have been removed from TP. Why?</b></li> </ul> <p>Q Is the upzoning only parts of RZ1 or all RZ1</p> <ul style="list-style-type: none"> <li>– Greater Canberra position is that all RZ1 becomes RZ2 and RZ2 becomes RZ3.</li> <li>– Have V369 and plot ratio to protect surrounding area</li> <li>– [Q did you think RZ1 dual occ change was a bad joke?]</li> <li>– Consider it was an insufficient step (not rezoning to RZ2) but also complexities mean its not achievable.</li> <li>– Questions on how outcomes focused system will work, particularly with ACAT</li> <li>– Concerned about basement carparking being included as site coverage as it prevents boundary to boundary carparking</li> </ul> <p>Q: concerns where additional dwellings should go?</p> <ul style="list-style-type: none"> <li>– Want to take advantage of transit oriented development, reduces urban sprawl</li> <li>– Improve public transport.</li> </ul> <p>Q: Submission says to be honest about what Fyshwick is</p> <ul style="list-style-type: none"> <li>– While it is industrial it is a retail centre but doesn't have the public transport that a centre would have.</li> </ul>
9	Dhawura Ngunnawal Caring for Country Committee	No documents provided	Did not appear at the hearings
10	<p><i>Community Council Panel B:</i></p> <ul style="list-style-type: none"> <li>– Molonglo Valley Community Forum</li> <li>– Belconnen Community Council</li> <li>– Tuggeranong Community Council</li> <li>– Weston Creek Community Council</li> </ul>	<ul style="list-style-type: none"> <li>– Molonglo Valley Community Forum: <ul style="list-style-type: none"> <li>○ Need to introduce a 'mixed use design guide'</li> <li>○ Upgrade Molonglo group centre to a town centre – policies need to change now so development isn't restricted</li> </ul> </li> </ul> <p>No documents provided from other groups</p>	<p>Q: do you know why the intertown public transport routes have been removed from TP?</p> <ul style="list-style-type: none"> <li>– No, do not know why it was removed but it is important to give people certainty of where the routes would go.</li> <li>– [Q are you concerned about the removal of any other overlays]</li> </ul> <p>Q: sense of place – how well has this been included in new system</p> <ul style="list-style-type: none"> <li>– Need to balance how we see an area with how livable it is (rather than individuals personal views)</li> <li>– Need to fill in gaps for Molonglo – the details of how people will use the spaces.</li> <li>– Sceptical that things will actually be delivered.</li> </ul>

			<ul style="list-style-type: none"> <li>– Want to change the group centre to a town centre – NCA would consider a change to the NCP.</li> <li>– How do you retrofit a centre to be a town centre when its already been developed as a group centre.</li> <li>Q: were you surprised Belconnen doesn't have a school in the centre?</li> <li>– Yes, a number of matters aren't addressed.</li> </ul>
<b>Thursday 7 December 2023</b>			
1	<p><i>Phillip Traders Panel:</i></p> <ul style="list-style-type: none"> <li>– Colbee Court Unit Trust</li> <li>– Paul's Home Improvement Centre</li> <li>– Long Term Investments</li> <li>– Civium Property Group</li> <li>– Peter Norton</li> <li>– Intellectual Property Group</li> </ul>	<ul style="list-style-type: none"> <li>○ Oppose removing residential from CZ3 area in Phillip <ul style="list-style-type: none"> <li>▪ Reduces needed housing supply</li> <li>▪ Well located to transport</li> <li>▪ Enable population growth in centre</li> <li>▪ Stymie any renewal of Phillip</li> <li>▪ Reduces future employment and restricts businesses that service Woden and Canberra</li> <li>▪ No activity outside business hours</li> </ul> </li> <li>○ No consultation on changes</li> <li>○ Blocks bought with plans for redevelopment to residential</li> </ul>	<p>Q: what are your views on the zoning changes in Phillip and what consultation was there?</p> <ul style="list-style-type: none"> <li>– No consultation. Bought site with the expectation that residential was permitted.</li> <li>– Change impacts owners retirement investment</li> <li>– Phillip should be the next Braddon</li> <li>– Delays in going to ACAT</li> <li>– [Q noting what was included in the 2015 Woden Master Plan, do you feel you have been misled?]</li> <li>– Yes, proposal went to NCDRP and panel commented it was exactly what should go in that part of Phillip.</li> </ul> <p>Q: have you raised your concerns with Govt? what feedback have you received.</p> <ul style="list-style-type: none"> <li>– Only feedback was the invitation to comment to inquiry.</li> <li>– Had response to DA saying residential not permitted.</li> <li>– Documentation contradicted itself – advised by TP section that there was an error and residential was not permitted.</li> <li>– This meeting is the first opportunity to discuss the matter.</li> </ul> <p>Q: What are the impacts of this decision on you?</p> <ul style="list-style-type: none"> <li>– Will be very difficult to develop the site. Parking is difficult in the area and basements are not viable for the uses permitted.</li> <li>– Will lose \$500k on the DA that has been prepared for res development in the area.</li> </ul> <p>Q: Have been hearing more housing is needed, shop top housing etc – do you think this is going in the right direction?</p> <ul style="list-style-type: none"> <li>– No. No opportunity for quality tenants.</li> <li>– Stops vibrancy and life in the area – ghost town after hours.</li> <li>– Trades are still there so you can still get these services</li> </ul>

			<p>– <b>Will ask why residential was removed and why no consultation.</b></p>
2	Friends of Grasslands	No documents provided	<p>Q: New elements in the system (BSUD, blue/green network) – are these sufficient?</p> <ul style="list-style-type: none"> <li>– A lot of documents to get through</li> <li>– Onus is on the developers to identify matters on their land rather than external views</li> <li>– This land should be quarantined before it is available for development. Do this study early.</li> <li>– For BSUD, area needs to be 1 hectare but environmental requirements have a much smaller size</li> <li>– Good intentions in the BSUD but need to be clear what needs to be achieved – identify upfront</li> <li>– Where does the legislation come in for threatened species?</li> <li>– Really liked the first assessment outcome but doesn't say how it is to be achieved and enforced.</li> </ul> <p>Q: when a development is proposed, due diligence is done at that stage – but are you wanting that at an early stage?</p> <ul style="list-style-type: none"> <li>– Yes, this needs to be done early. Everyone is then aware of what needs to be done.</li> </ul> <p>Q: Liked suggestion that we need to change the way we consult – when DA is lodged it should include an executive summary so you know what it is about (especially for lay people) – will recommend this in the report.</p> <ul style="list-style-type: none"> <li>– Documents also need names that people can use and aren't</li> </ul> <p>Q: additional comments?</p> <ul style="list-style-type: none"> <li>– New TP doesn't change what is allowed and protected.</li> <li>– Need special protected areas to remain</li> <li>– TP extremely hard to follow and doesn't include reserves</li> <li>– <b>Will ask if special protected areas are still in TP</b></li> </ul>
3	Office of the Commissioner for Sustainability and the Environment	<ul style="list-style-type: none"> <li>○ How living infrastructure targets are embedded in TP</li> <li>○ FUAs include sites with threatened species</li> <li>○ Expertise of DA staff on environmental matters</li> </ul>	<p>Q: how living infrastructure targets are embedded in TP – do you like it?</p> <ul style="list-style-type: none"> <li>– A lot of the policy intent is good but concerned about how it is implemented on ground is difficult to figure out.</li> <li>– Currently lack of transparency in DA process so unclear how different matters are prioritised.</li> <li>– Will there be the appropriate resourcing to do the assessments.</li> </ul>

			<ul style="list-style-type: none"> <li>- [Q: hearing that people don't know how it will work – are you concerned?]</li> <li>- Good intentions but need to see how it works</li> <li>- TP doesn't consider whether development should be limited</li> <li>- Consideration of greenfield development shouldn't just consider endangered species but all wildlife</li> <li>- Need to consider cumulative impacts</li> </ul> <p>Q: it sounds like you are seeking an urban boundary – is this something you want or just spoken about</p> <ul style="list-style-type: none"> <li>- Have spoken about it and it doesn't sound like it has been discussed broadly</li> </ul> <p>Q: the new TP doesn't bring in much change in zoning – just dual occs. Do you think this is a missed opportunity for infill</p> <ul style="list-style-type: none"> <li>- Yes, could be opportunity to look at demonstration infill housing</li> <li>- Need to look at current trends for dwelling occupancy (related to footprint of dwellings)</li> <li>- Need to look at options for co-living.</li> <li>- Incentive shouldn't be to demo/rebuild</li> <li>- [Q are you aware of the demo housing project and what are your views on these]</li> <li>- Yes – though most have not yet been built</li> </ul>
4	ACT Climate Change Council	No documents provided	<p>Q: Problems with sprawl has been raised, should we limit it and has zoning changes given the opportunity for infill?</p> <ul style="list-style-type: none"> <li>- Sprawl is a problem, particularly for transport sustainability, but also need to consider the social impacts.</li> <li>- High rise apartments still need to consider the green space needed by all those residents.</li> <li>- Support density around transport routes but need to manage urban heat.</li> <li>- [Q new TP doesn't identify the current greenspaces and left to developers to identify – is this what you are concerned about?]</li> <li>- Assessment outcome re limiting impacts of biodiversity but doesn't say enhancement is needed.</li> </ul> <p>Q: dual occ policy – heard it won't lead to many more dwellings. Should other opportunities be chosen?</p>

			<ul style="list-style-type: none"> <li>- Was a hard space to navigate – guidance doc no longer available, lots of docs to look at.</li> <li>- Sprawl vs densification – different viewpoints on this re lifecycle impacts (emissions, mental health, physical health) – depends on how well it is done</li> <li>- Worst type of densification is high rise (more emissions etc) so low rise densification is much better for green house gas</li> <li>-</li> <li>Q: You mentioned green spaces – what do you mean by this?</li> <li>- It is both urban green scape (human amenity) and non urban</li> <li>Q: Form of new planning system – centrepiece of the new system was to simplify - do you think it has?</li> <li>- A one page document wouldn't lead to better outcomes.</li> <li>- Is it fit for purpose? Yes it is.</li> <li>- How do you go from aspirational elements to implementation</li> <li>- being new to the system it is hard to use but those who know it would find it easier.</li> <li>Q: regarding trees and green space – is this good enough?</li> <li>- Well intentioned but can run rings around the requirements</li> </ul>
5	Australian Institute of Architects	<ul style="list-style-type: none"> <li>o Support RZ1 &amp; RZ2 changes but will not provide enough housing density/ choice</li> <li>o Many RZ1 blocks over 800m2 do not have infill potential. AIA analysis showed proportion of blocks that can have a dual occ without demolishing existing dwelling <ul style="list-style-type: none"> <li>▪ 5% Hackett, 4% Gowrie, 6% Scullin</li> </ul> </li> <li>o Won't meet affordability targets – LVC, high construction costs</li> <li>o Could lead to unsustainable practice of unnecessary demolition</li> <li>o Demonstration Housing project – do review of these outcomes</li> </ul>	<ul style="list-style-type: none"> <li>Q: Density &amp; changes with new TP – do you think this is the right reform and if not, what should it have?</li> <li>- Don't think that typology has changed.</li> <li>- Has asked EPSDD what analysis on what blocks have potential for dual occs but none has been done.</li> <li>- (provided figures from EOI)</li> <li>Q: what density do you think we should have? Any easy changes?</li> <li>- Important to look at low rise density and look at different housing typologies (particularly in RZ1) – duplex, low rise apartment, manor house.</li> <li>- Look at corner blocks, different sized blocks, distance from centres</li> <li>- Look at making more sites RZ2 or making it all RZ2</li> <li>- Need to get serious about RZ1 – need to add diversity</li> <li>Q: Pleased assessment has been done of blocks though doesn't look at affordability of subdivision</li> </ul>

			<ul style="list-style-type: none"> <li>- Can provide these figures to committee</li> <li>- When looking at the overall costs – 1470 across Canberra would likely be developed.</li> <li>- [would your assessment change if there was no dwelling size limit]</li> <li>- Less blocks would be able to be developed and adding more floor area just adds more costs.</li> <li>- [Q does applying parameters limit design potential]</li> <li>- Fluffy blocks good example – was getting tight on smaller blocks</li> <li>- [Q is there a role for a more systemic change (rather than just individual buildings)]</li> <li>- Supportive of DS but they don't go far enough for planning change in suburbs.</li> <li>- They aren't going to drive a vision for the city – needs to be in the TP</li> </ul>
6	Planning Institute of Australia	No documents provided	<p>Q: tell us more about the missing opportunity with the TP</p> <ul style="list-style-type: none"> <li>- RZ1 changes have been made but more can be done</li> <li>- RZ2 areas could do more – particularly areas that haven't been redeveloped</li> <li>- RZ2 can give greater diversity of housing and more opportunity.</li> <li>- Cost of buying houses and redeveloping them vs what the dwellings can be sold for doesn't stack up. Allow more dwellings.</li> <li>- RZ2 shouldn't be numerical – no dwellings shouldn't relate to size of block but should be based on impacts on the site.</li> </ul> <p>Q: rules v outcomes – do rules not allow better outcomes?</p> <ul style="list-style-type: none"> <li>- Support outcomes focus. Previous system was binary – simple but couldn't deliver a better option.</li> <li>- [Q people are concerned about delivering a better outcome]</li> <li>- Planners, particularly registered planners, are qualified to make these decisions</li> <li>- Concern about the level of training within EPSDD – not sure if it is lacking or not.</li> <li>- [Q is there concern that the new documents are too 'fluffy'?]</li> </ul>

			<ul style="list-style-type: none"> <li>– Industry will lead as they will deliver the development.</li> <li>– Govt need to take initiative to deliver innovative projects</li> <li>Q: Should panels be imbedded in planning system</li> <li>– Yes, good to have broader range of experience in decision process.</li> <li>– Have an internal EPSDD panel but make decision in a public forum (EPSDD has expertise to have an architect, planner etc on the panel)</li> <li>– Apply to contentious DAs (lots of submissions, significant DAs and/or other triggers)</li> <li>– This shouldn't be a burden on top of the current decision making process.</li> <li>– [Q would this be a mediation for different parties or continued design process]</li> <li>– Should not be another opportunity for community comments on a DA</li> </ul>
7	Housing Industry Association	No documents provided	<p>Q: what are the on ground outcomes of the TP changes</p> <ul style="list-style-type: none"> <li>– One change won't address housing affordability</li> <li>– Supports outcome focus but concerned about arbitrary controls being added.</li> <li>– Site coverage controls (being mandatory) can make it difficult to develop block</li> <li>– 120m2 an issue - may not be able to achieve the right outcome</li> <li>– Change to solar envelope – simplified but stricter</li> <li>– [Q can you guess how many additional dual occs we will have]</li> <li>– LVC &amp; cost of construction would make it unfeasible for most</li> <li>– Maybe 100-200 per year?</li> </ul> <p>Q: how do you respond to concerns that removing rules will lead to bad outcomes</p> <ul style="list-style-type: none"> <li>– Exempt development is based on 'rules' so keep this going to limit DAs in system</li> <li>– System can work with both</li> </ul> <p>Q: how can we get more affordable housing?</p> <ul style="list-style-type: none"> <li>– Need to increase the supply of housing</li> </ul>

			<p>Q: confused why you'd have dwelling limit if you also have a site coverage limit</p> <ul style="list-style-type: none"> <li>– Not having the dwelling limit helps with delivering diversity</li> </ul>
8	Master Builders Association	No documents provided	<p>Q: Rules vs outcomes focus - concerns?</p> <ul style="list-style-type: none"> <li>– Members have been frustrated by rules based system.</li> <li>– New outcomes focus isn't innovative – other jurisdictions are doing it</li> <li>– Need to trust the decisions of the assessors. People have different ideas about good design but assessors qualified.</li> <li>– [Q if you don't like the outcome what can you do]</li> <li>– 3<sup>rd</sup> party appeals should be limited to those impacted by a development</li> <li>– Long time waiting for design review panel – 6 months is too long</li> <li>– [Q do you think Act should have its own panel]</li> <li>– It is joint panel. Developer needs to be able to rely on that advice in the assessment process.</li> <li>– Panel doesn't allow developer to 'trade-off' different elements.</li> <li>– [do you think there is enough guidance in DS]</li> <li>– Supporters of DS – good first step.</li> <li>– Allows guidance on direction but more detail would be good</li> </ul> <p>Q: Dual occ policy – how many extra dwellings do you think it will deliver</p> <ul style="list-style-type: none"> <li>– It is a disappointment. Lots of common ground within parties on density – but not with govt.</li> <li>– 120m2 cap should be removed and reduce to 600m2 blocks.</li> <li>– Allow dual occs on all corner blocks</li> <li>– Allow 3 dwellings on 1200, 4 on 1600 etc</li> <li>– LVC a key issue – cut it by 50% on trial basis for a few years.</li> <li>– [Q these views are seen as developer friendly but concerned about delivering housing]</li> <li>– Agree – concerned about how density is delivered</li> </ul> <p>Q: Raised frustration on restrictions, what about affordable housing?</p> <ul style="list-style-type: none"> <li>– Planning system directs housing available.</li> <li>– Increased supply will help affordability</li> </ul>

			<ul style="list-style-type: none"> <li>– Greenspace etc will reduce dwelling yield due to land that can't be built on.</li> <li>– Affordable housing/public housing not a TP matter</li> <li>– Not just LVC impacts costs but LVC is something govt can control.</li> <li>– [Q MBA comments on missing middle]</li> <li>– Allow block consolidations in RZ1.</li> <li>– Seeking optimal yields, not maximum yields</li> <li>– Provisions for green space etc will not lead to optimal yields</li> <li>– RZ2 – concerned about living infrastructure changes</li> <li>– [Q if dwelling limit was removed and site coverage remained what would this lead to]</li> <li>– Need to focus on outcomes rather than prescriptive site coverage</li> </ul>
9	Property Council of Australia	<ul style="list-style-type: none"> <li>○ Remove site specific requirements – now an outcomes focussed system</li> <li>○ Inconsistently adopted controls from some precinct codes and not others</li> <li>○ RZ1 changes do not go far enough <ul style="list-style-type: none"> <li>▪ Some blocks not suitable for dual occs</li> <li>▪ LVC still required</li> <li>▪ Change to 700m2</li> </ul> </li> <li>○ RZ4 &amp; RZ5 – site coverage requirement will restrict development. Should increase heights to enable same floor area.</li> <li>○ Clarification of transition process</li> <li>○ DA assessment times (ACAT, resourcing, removal of concurrent EIA and DA process, removal of pre-consultation)</li> <li>○ Need 'gentle urbanism' policies</li> <li>○ Documentation errors (mislabeled maps)</li> <li>○ Need new technology to speed up DA process.</li> <li>○ Provide a summary paper on key changes since consultation</li> </ul>	–
11*	Braddon Collective	<ul style="list-style-type: none"> <li>○ No more Signs General Code</li> <li>○ New TP and specs inadequate to protect from signage</li> </ul>	– Discussing the removal of the public land overlay over Braddon oval.

		<ul style="list-style-type: none"> <li>○ Need definitions for types of signage (primary, secondary,)</li> <li>○ Need to clearly prohibit billboards, large illuminated, flashing or animated signs</li> <li>○ TA to remove public land overlay from Braddon oval – add it back to TP</li> <li>○ Inner North DS – fix open space labels on blocks to be developed</li> </ul>	<ul style="list-style-type: none"> <li>– Discussed Phillip no longer having residential – how has res impacted on Braddon.</li> <li>– Mix of uses (res, cafes, restaurants, retail) works well. Work by CRA has really helped.</li> </ul>
12	ACT Council of Social Services	<ul style="list-style-type: none"> <li>○ Need equity in TP</li> <li>○ Climate change adaptation leading to equality and social inclusion</li> </ul>	<ul style="list-style-type: none"> <li>Q: interested in having a social planning unit</li> <li>– Planning is a powerful social planning tool</li> <li>–</li> </ul>
13	Emmanuel Notaras	No documents provided	–
14	Mr Mick Gentleman MLA	No documents provided	–

\* Numbering on website excludes session 10.

**Additional EOIs/submissions (parties not appearing at hearings)**

EOI/Sub number	Name	Summary of EOI/submission
EOI #6	Bruce Paine	<ul style="list-style-type: none"> <li>– Housing affordability needs to be considered</li> <li>– RZ1 changes – should consider 700m2 blocks</li> </ul>
EOI #10	The Green Institute	<ul style="list-style-type: none"> <li>– Signage and billboards – need clear policy that billboards and large advertising is banned</li> </ul>
Sub #1	Red Hill Residents Group	<ul style="list-style-type: none"> <li>– Need to protect Canberra’s unique features – trees, green space</li> <li>– RZ1 dual occs – need to keep what is best of Canberra</li> </ul>
Sub #2	Geoff Davidson	<ul style="list-style-type: none"> <li>– Example DA checklist</li> </ul>
Sub #3	Kostas Livas	<ul style="list-style-type: none"> <li>– Oppose removing residential from CZ3 area in Phillip</li> </ul>
Sub #4	Daryl Read	<ul style="list-style-type: none"> <li>– Oppose removing residential from CZ3 area in Phillip</li> </ul>
Sub #6	Ali Ashrafi	<ul style="list-style-type: none"> <li>– Oppose removing residential from CZ3 area in Phillip</li> </ul>
Sub #9	Doug O’Mara	<ul style="list-style-type: none"> <li>– Oppose removing residential from CZ3 area in Phillip</li> </ul>
Sub #11	Jim Brennan	<ul style="list-style-type: none"> <li>– Oppose removing residential from CZ3 area in Phillip</li> </ul>
Sub #15	Knight Frank Town Planning	<ul style="list-style-type: none"> <li>– Inner South District Strategy – public pathway in Forrest – current path should be retained</li> </ul>
Sub #16	Ryan Futures	<ul style="list-style-type: none"> <li>– Oppose removing residential from CZ3 area in Phillip</li> </ul>
Sub #17	Carroll Super Fund Trust	<ul style="list-style-type: none"> <li>– Oppose removing residential from CZ3 area in Phillip</li> </ul>
Sub #18	Jiale Zhu	<ul style="list-style-type: none"> <li>– Oppose removing residential from CZ3 area in Phillip</li> </ul>

## Hill, Elizabeth

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**From:** Kaucz, Alix  
**Sent:** Wednesday, 6 December 2023 2:30 PM  
**To:** Brady, Erin; Ponton, Ben; Green, Ben; Cilliers, George  
**Cc:** Marcantonio, Laura; EPSDDExecutiveOffice  
**Subject:** RE: PTCS Committee Hearing Schedule  
**Attachments:** Inquiry into Territory Plan - hearing notes and summary of EOs and submissions.obr

OFFICIAL

Hi Erin and Ben

That is right, we removed the ability for residential development in the Phillip trades area (CZ3) with the new Territory Plan. This was done in response to internal concerns on a DA for residential development in this area (impact of residential use then restricting commercial services/light industrial uses), rather than being in response to specific submissions received during consultation.

I have attached a document that I have created that summarises the EOs/submissions received by the Committee (ordered in the same order as the hearing schedule). This also has a column where I am including notes from the hearings that are underway. In the hearing notes column, the text in bold is where the Committee suggested they will ask Government about that matter.

Kind regards

Alix

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**From:** Brady, Erin <Erin.Brady@act.gov.au>  
**Sent:** Wednesday, December 6, 2023 2:01 PM  
**To:** Ponton, Ben <Ben.Ponton@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; Kaucz, Alix <Alix.Kaucz@act.gov.au>  
**Cc:** Marcantonio, Laura <Laura.Marcantonio@act.gov.au>; EPSDDExecutiveOffice <EPSDDExecutiveOffice@act.gov.au>  
**Subject:** RE: PTCS Committee Hearing Schedule

OFFICIAL

Ben (and Alix can you confirm or correct below)

I'm not sure if I have this right but my understanding is we prohibited residential use in the Philip trade area in CZ3 (see below from Woden district policy).

Under the Commercial zone policy – under CZ3 – the following are listed as permitted - commercial accommodation use, guest house, residential care accommodation is listed as permitted, secondary residence, and hotel motel, tourist facility, (but the district policy says it is prohibited). But the Zone policy also says: *District policies specify additional types of development and land uses that are permissible or prohibited in specific locations.*

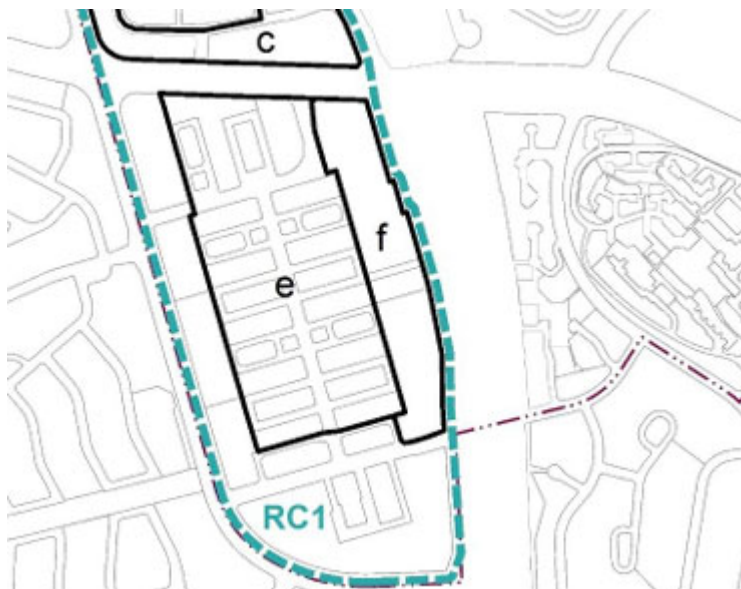
Ryan H also brought that up at the EPF recently. I noted that when I was at the Molonglo meeting on District Strategy that there was someone from the Philip traders and he was supporting no residential to retain the light industrial, trade, commercial uses.

In the Woden district policy – p. 3 below & then 11(Fig 2)

Locality	Zone	Additional assessable development	Additional prohibited development	Relevant parcel or Figure
Phillip	PRZ1	cemetery	Nil	AD1 Figure 2
Phillip	CZ2	scientific research establishment	drink establishment, indoor recreation facility, restaurant (except as ancillary), shop, tourist facility	AD2 PD2 Figure 2
Phillip	CZ3	Nil	commercial accommodation use, hotel, motel, guest house, residential use, tourist facility	PD3 Figure 2
Phillip	CFZ	Nil	business agency, educational establishment, emergency services facility, health facility, hospital, office, place of worship, public agency, religious associated use, residential care accommodation, retirement village, supportive housing	PD4 Figure 2
Phillip	CZ1	produce market	Nil	AD3 Figure 2
Phillip	PRZ2	light rail	Nil	AD4 Figure 2

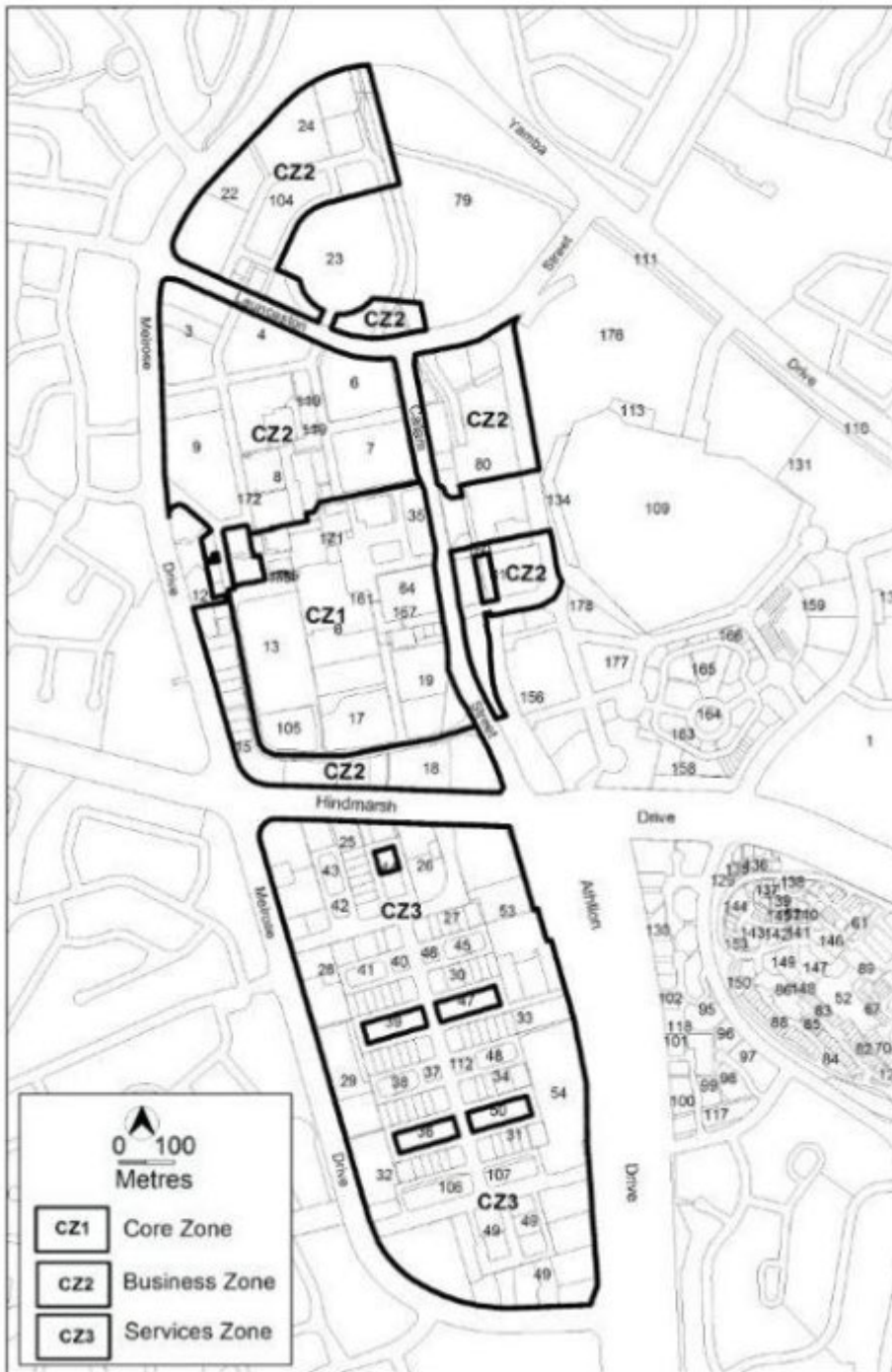


For parts of the above area (e&f) a height limit is also set at 16 m / 4 storeys & has a setback requirement at 2<sup>nd</sup> floor.



Below is the map from the Zone policy – for the Woden town centre – from the Commercial zone policy.

# Woden



Dr Erin Brady | Deputy Director-General  
Planning and Sustainable Development

Ph: +61 2 6205 4522 | Email: [Erin.Brady@act.gov.au](mailto:Erin.Brady@act.gov.au)

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 4, 480 Northbourne Ave, Dickson | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

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**From:** Ponton, Ben <[Ben.Ponton@act.gov.au](mailto:Ben.Ponton@act.gov.au)>

**Sent:** Wednesday, December 6, 2023 8:25 AM

**To:** Brady, Erin <[Erin.Brady@act.gov.au](mailto:Erin.Brady@act.gov.au)>; Green, Ben <[Ben.Green@act.gov.au](mailto:Ben.Green@act.gov.au)>; Cilliers, George <[George.Cilliers@act.gov.au](mailto:George.Cilliers@act.gov.au)>

**Cc:** Marcantonio, Laura <[Laura.Marcantonio@act.gov.au](mailto:Laura.Marcantonio@act.gov.au)>; Kaucz, Alix <[Alix.Kaucz@act.gov.au](mailto:Alix.Kaucz@act.gov.au)>; EPSDDExecutiveOffice <[EPSDDExecutiveOffice@act.gov.au](mailto:EPSDDExecutiveOffice@act.gov.au)>

**Subject:** PTCS Committee Hearing Schedule

Hi All – I note that the Phillip Traders are due to give evidence before the PTCS Committee Inquiry on the Territory Plan on 7/12 head of us.

I suspect their focus will be on the change to residential as a permitted use. Can you please be ready to respond if we are then asked questions in our session? As I recall, it was in response to Submissions received about protecting service trade areas, but if we could confirm that would be good. Thanks.

The Community Groups are scheduled to give evidence today.

Cheers,

B

---

Ben Ponton | Director-General

**Phone +61 2 6207 8359**

Environment, Planning and Sustainable Development Directorate | **ACT Government**

Level 4, 480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2602 | [www.environment.act.gov.au](http://www.environment.act.gov.au)

**From:** [Kaucz, Alix](#)  
**To:** [Green, Ben](#)  
**Cc:** [EPSDD PlanningUrbanPolicy](#)  
**Subject:** RE: PTCS Committee Hearing Schedule  
**Date:** Wednesday, 6 December 2023 9:15:00 AM

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Hi Ben

Happy to have a quick chat to you about this one – or Trina can from the DS perspective.

The change to prohibit residential was responding to concerns raised internally during the assessment of a DA for residential in the area and was not responding to submissions.

Alix

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**From:** Ponton, Ben <Ben.Ponton@act.gov.au>  
**Sent:** Wednesday, December 6, 2023 8:25 AM  
**To:** Brady, Erin <Erin.Brady@act.gov.au>; Green, Ben <Ben.Green@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>  
**Cc:** Marcantonio, Laura <Laura.Marcantonio@act.gov.au>; Kaucz, Alix <Alix.Kaucz@act.gov.au>; EPSDDExecutiveOffice <EPSDDExecutiveOffice@act.gov.au>  
**Subject:** PTCS Committee Hearing Schedule

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Ben Ponton | Director-General

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