



## Inner South Canberra Community Council

Mr Chris Steel MLA  
Minister for Planning  
ACT Legislative Assembly  
GPO Box 1020,  
Canberra, ACT 2601

24 February 2024

Dear Minister

### **RE: MEETING WITH THE ISCCC ON 12 FEBRUARY**

Thank you very much for meeting with representatives of the ISCCC, and for your engagement with what we had to say. We would like to follow up with a little more detail on some of our main concerns, and hope you will be able to take appropriate action on these as you work through the issues in your new planning portfolio.

### **PTCS COMMITTEE INQUIRY ON NEW TERRITORY PLAN ETC**

We are hopeful that the Committee report, due soon, will recommend some sensible changes to the Territory Plan and associated documents which you can adopt, particularly in regard to re-introducing some critical mandatory 'rules' such as solar access (and avoidance of overshadowing) and site open space/ tree cover. We note that a property industry executive has recently expressed concerns about the new system being 'overly confusing compared with the rules based system' and doubts as to whether the planning authority has the skills needed to administer the new system, which places greater reliance on subjective judgements. We endorse those comments, and hope you will take the opportunity presented by the PTCS committee report to address these issues.

With regard to the Government's decision to allow separate title for dual occupancy development on residential blocks of 800 square metres or more, we suggest redevelopment can more appropriately take place in available locations such as East Lake, Dairy Road and the two major development sites in Yarralumla. This will contribute many more dwellings in the Inner South than will unplanned, environment-threatening single block salami slicing in highly valued residential areas. These major developments will present opportunities to replace some of the public housing recently lost in the Inner South.

We also advocate an urgent reassessment of the policies applying to the RZ2 'doughnut' areas around shopping centres, given that many of the remaining available blocks in RZ2 zones are rapidly being taken up by very large single dwellings.

## **GOVERNANCE REVIEW**

We ask that this consultants' report be publicly released soon after its receipt by the Government. Many of the issues raised in public comment on the new planning system concerned aspects of 'governance': for example, too much power in one government agency without adequate oversight and accountability, and lack of transparency in decision-making. In our view it made no sense to review the planning system without considering its governance, and we were refused an opportunity to make recommendations to these consultants.

## **REDEVELOPMENT OF SHOPPING CENTRES**

Our experience to date of redevelopment proposals for sites in our shopping centres has been disappointing. Developers are under financial pressure to maximise their floor space, despite detrimental consequences for the shopping centre and the community. Existing planning controls are poor, as has been pre-DA community consultation. Representations are too often ignored by the planning authority. Appeal processes are time and resource consuming. Holistic 'precinct planning' needs to be reintroduced with genuine early engagement of the local community, so that development outcomes can be agreed before DAs are lodged.

Our shopping centres are much more than supermarkets and a few chain stores, which is what redevelopment tends to produce. In the Inner South, from Yarralumla to Kingston, they are highly valued community centres, with a delicate eco-system of locally based cafes, restaurants, health and well-being services and other small businesses, in attractive clusters often set around village greens and in arcades. They are the heart of the old Inner South, and indeed the Canberra that people cherish. While opportunities for sensitive redevelopment will arise, our local centres will lose all their charm and much of the local business creativity if subjected to holus bolus redevelopment.

## **HERITAGE**

The value of local heritage appears to have been overlooked in the new planning system. Yet the Inner South, one of the National Capital's earliest established areas, encompasses areas of Territorial Significance which pre-date self-government. After self-Government, following comprehensive community consultation, certain discrete local precincts and individual properties were provided with added protection by entry to the ACT Heritage Register. However, the more recent move away from the earlier development application pathways, into the unregulated world of exempt developments and private certification, is now seriously eroding these identified heritage values.

- The exempt development process must not be allowed in heritage precincts, in particular.
- The issue requires the urgent attention of the newly appointed Heritage Council.
- Experienced professionals and community members are willing to engage in discussion with the Council.

In your capacity as Minister for Planning, we hope that you may be able to expedite these discussions.

### **ON-GOING EVALUATION OF OUTCOMES AND RISK MANAGEMENT**

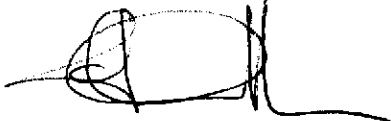
The lack of rigorous evaluation was one of the greatest deficiencies in the previous planning system. As a consequence, there was a complete overhaul of the system without careful evaluation of what worked and what didn't work. There is no sign of any risk assessment of such drastic change in the system, particularly given its arbitrary adoption of more discretionary decision-making, which has been discredited elsewhere as leading to more uncertainty and lack of trust. Giving centre stage to subjective decision making, the new system makes staff much more vulnerable to unethical pressure from developers. Even the development industry is now expressing misgivings about the new approach and calling for restoration of some of the former rules-based system. A thorough risk assessment and risk management framework would be a major protection for Ministers and the public against poor outcomes. Indeed, it should be mandatory for all major projects and change processes.

### **IN CONCLUSION**

We look forward to hearing details of the promised formal review of the new planning system, which we believe should be undertaken before the ACT elections later this year. We hope you will in the meantime take rapid action to fix the more egregious deficiencies of the new system which we and other stakeholders have identified.

Thank you once again for giving us a good hearing. The issues you are addressing are vital to the well-being of our community.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin Walters', with a long horizontal line extending to the right.

Colin Walters  
Chair, Inner South Community Council