

Representation for EIS or Territory Plan Amendment Notification - Submission confirmation

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Type of representation

About this form

Use this form to lodge a representation for a current amendment to the Territory Plan or a current Environment Impact Statement during the notification period.

Application type

Please select the application type:*

Territory Plan Amendment Notification



Representor details

Title

Given name*

Family name*

Organisation name

Enter at least one phone number: *

Home phone

Work phone

Mobile

Email address*

Application details

Amendment number*

Provide the details of your representation*

I am writing to provide feedback on the proposed Draft Major Plan Amendment 13 (DPA-13).

While we do not oppose the formalisation of bulk landscape supplies in this area, I wish to raise concerns regarding local traffic management and public safety.

Specifically, the high volume of heavy trucks using Dapu Road to access these landscape blocks presents a significant safety hazard. This industrial traffic directly conflicts with the high number of tourists and guests visiting [REDACTED]

The narrow nature of the road network is not safely equipped to handle the mix of heavy haulage vehicles alongside visitors who are unfamiliar with the area.

I request that any approval of DPA-13 include strict conditions or infrastructure upgrades to manage truck movements on Dapu Road, ensuring the safety of guests visiting [REDACTED] is protected.

Consideration of restrictions for trucks on Dapu Rd should be considered.

Thank you for considering this feedback.

You may upload any additional supporting documentation or photos.

- Maximum file size is 10Mb.
 - A maximum of 5 files can be uploaded.
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Disclaimer

Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the Environment, Planning and Sustainable Development Directorate (EPSDD) [Information Privacy Policy](#), which is available for viewing on EPSDD's website.

Copies of written comments will be made available on the authority website unless the submission is withdrawn. Copies of written comments will also be given to the proponent of the development proposal.

If you would not like your comments or a part of your comments to be made available on the website or to the applicant, a request must be made under Sections 502 or 503 of the *Planning Act 2023* (or Sections 411 or 412 of the *Planning and Development Act 2007*). A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Printed copies of the draft amendment (this document) and background documents are available for inspection and purchase at the EPSDD Customer Service Centre, 8 Darling Street, Mitchell, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call [\(02\) 6207 1923](#) to arrange a copy for purchase.

☒ Click here for more information on applying for exemption from the public register.

Exemption from the public register

To approve your request to exempt all or part of your representation from the public register the Territory Planning Authority must be satisfied that the part of the representation to which your exclusion application relates contains information that:

- (a) the publication of which would disclose a trade secret; or
- (b) the publication of which would, or could reasonably be expected to
 - (i) endanger the life or physical safety of any person; or
 - (ii) lead to damage to, or theft of, property.

Please note: Completing this section does not guarantee your application for exemption from the public register will be approved. A customer service officer will contact you to discuss any request for exemption from the public register.

Do you want to apply to have all or part of your representation excluded from the public register?*

☒ Yes ☐ No

Are you applying for a full or part exemption from the register?* ☐ Full ☒ Part

Provide details of your exemption request*

Please provide detail which parts you wish to make exempt*

Pialligo Residents Association Response to Draft Plan Amendment 13 (DPA-13)

Executive Summary

Draft Plan Amendment 13 (DPA-13) proposes changes to the Territory Plan to allow for Block 4, and 45 Section 2 Pialligo to change from the purpose of agriculture only (not including the adjustment of horses) to include bulk landscape supplies.

The PRA has identified there has been several breaches of the Territories planning rules about the proposed amendment to the National Capital plan and Territory plan.

The PRA requests the opportunity to discuss and seek further consideration by the executive of the National Capital Authority, the Territory Planning Authority and the City and Environment Directorate prior to this decision being progressed to the responsible Minister for Planning, Mr Chris Steel.

Issues in this response are summarised below:

- Lack of consultation with the Pialligo Residents Association. The release of the public consultation document in mid June is considered by the Association as a breach of both **the National Capital Plan and Territory Plan** and is inconsistent with the Supporting report to the DPA-13 application for the following reasons:
 - A decision was made by the **National Capital Planning Authority** without consultation with relevant bodies which breaches the **Planning Act 2023, Section 55** that requires consultation with *relevant entities who may have an interest in the proposed amendment*.
 - The **City and Environment Directorate's supporting report to DPA - 13 (DPA-13 Supporting Report)** also stated that consultation **must** include *relevant entities who may have an interest in the proposed amendment* and this did not occur.
- Block 45 is Crown land which states clearly the purpose and use of this land. The current use of this block contravenes this purpose. **Pialligo Precinct Code (NI2008-27)**
- Blocks 6, 7, 8, 14 already have the ability for bulk landscape supplies in their existing purpose clauses. **Pialligo Land Use Study 2012.**

Why the Pialligo Residents Association does not support DPA-13.

The PRA does not seek to restrict the ongoing operations of any business currently operating in Pialligo provided that they operate within their respective permitted land uses.

The PRA notes that DPA-13 is seeking to formalise longstanding activities that are undertaken outside approved planning and lease arrangements on Blocks 4 and 45.

The PRA would like to raise that **Block 45 Section 2** is crown land, located in the RC2 zone within the river corridor as outlined in the ***Pialligo Precinct Code (NI2008-27)***.

The ***Pialligo Precinct Plan***, clearly outlines that land contained in this zone is intended for heritage protection and management of archaeological artefacts and that all development in this zone requires Heritage Council endorsement (***Rule R30***).

In addition **Block 45** cannot be used for agriculture, commercial activity, or rural development. The PRA considers this block **should be removed as** part of the DPA-13 proposed amendment and discussed as a separate issue to this proposed amendment to the Territory Plan.

A fundamental principle of the ACT planning framework is that land uses, developments and associated activities should comply with approved purpose clauses, development approvals and lease conditions of the area.

Retrospectively changing of planning controls to accommodate activities that operate outside the existing frameworks risks undermining public confidence in the integrity, consistency and fairness of the planning system and undermines planning principles.

The PRA considers that any proposal to now extend bulk landscape supply rights to **Blocks 4 and 45 section 2** does require justification by the owner despite that these activities have been occurring for a considerable period. No such justification has issued publicly or has any justification been clearly or adequately demonstrated in the *DPA13 Supporting Report*.

For example, the DPA-13 Supporting Report does not adequately explain why Blocks 4 and 45 should receive planning approval for activities that were not considered in the original planning intent for the precinct.

The key planning documents that the PRA have considered that guide planning in the ACT are:

- The ACT Territory Plan 2023,
- The East Canberra District Strategy 2023
The ACT Planning Strategy 2018
- The National Capital Plan

Additional documents that support this planning framework include The Pialligo master plan (2013) and the Pialligo land use study (2012) ,

Common principles from each of these plans are:

- Maintain amenity and environmental values.
- Avoid incompatible land uses.
- Protect rural landscapes.
- Support horticultural production.

- Ensure the correct level of consultation is undertaken.

The PRA considers that **DPA-13** is inconsistent with these principles because it would undermine the objectives of the intent of the Territory Plan. Expanding the Pialligo precinct to include Blocks 4 and 45 (without restrictions on the operations) contradicts the original intent of the East Canberra District Strategy and runs counter to Requirement 27 that serves to limit bulk landscape supplies in certain areas.

Key Issues

The Pialligo Residents Association (PRA) **does not seek** to restrict legitimate trade on Block 4 and 45 section 2.

Special approval required to amend Territory Plan.

The PRA notes that the *Territory Planning Authority* had to seek special approval from the *National Capital Authority (NCA)* to override the Territory plan to allow bulk landscape supplies on the specified blocks (Block 4 and 45 section 2).

PRA also acknowledges the NCA used special powers under **Section 3.1.1** of the **National Capital Plan (NCP)** to do this, and this was done **without** consultation with the PRA.

The **DPA-13** supporting Report does not adequately explain why Blocks 4 and 45 should receive planning approval for activities that were not considered in the original planning intent for the precinct.

The PRA requests justification from the *Territory Planning Authority* as to how the NCA could consider and approve this proposal for **Blocks 4 and 45 section 2** without complying with the **Planning Act 2023, Section 55**, which requires consultation with *relevant entities who may have an interest in the proposed amendment* who may be affected.

Operating outside approved purpose clause

The lessee has operated a bulk landscape supplies business on Blocks 4 and 45 since approximately 2010 outside its current purpose clause (which is only for the purpose of agriculture).

The Territory Plan defines bulk landscape supplies narrowly: *the bulk sale of sand, soil, screenings, and other such garden materials*. This definition does not include subleasing for heavy-vehicle parking or machinery storage as is currently occurring on block 45.

Residents and businesses throughout Pialligo are ordinarily required to ensure that their activities, developments and structures comply with lease conditions, development approvals and planning controls. The approval of DPA13 risks creating

the perception that longstanding non-compliance can ultimately be resolved through amendment of the planning framework rather than through compliance with it.

The PRA further notes that lessees within Pialligo have previously had opportunities to regularise land uses and ensure consistency between business operations, lease conditions and planning controls, including during previous lease conversion processes and the development of the Pialligo Master Plan. In these circumstances, the PRA considers that special consideration should be given to the planning implications of retrospectively authorising uses that were not previously approved.

Precedent for further industrial encroachment

The supporting report for the *Draft Plan Amendment 13* Section 2.3¹ acknowledges that approval may encourage further industrial encroachment and gradually erode the rural and community character of the precinct.

This is evidence that the Territory Planning Authority acknowledges

- the risk of industrial creep
- the risk of losing rural and community character
- the risk of future incompatible land uses
- the long-term consequences of approving DPA-13

The PRA is concerned that approval of DPA13 may establish a broader precedent whereby unauthorised land uses can become lawful simply because they have been operating for a sufficient period of time. Such an outcome would support the diminishing confidence in the ACT planning and leasehold systems and create uncertainty regarding the enforcement of planning controls across the Territory.

Precedent for industrialisation without consultation

Whilst the PRA does not want to restrict trade to the business operating on blocks **4 and 45 section 2**, it does want to ensure that the operations of the business are consistent with the purpose clause of both blocks.

The precinct currently balances a mix of commercial businesses and residential dwellings. Maintaining this balance is important to both the community of Canberra as well as residents and businesses of the precinct.

The PRA is aware that the following blocks 6, 7, 8, 14 currently have approval to operate bulk landscape supplies and the planning approvals for these blocks is

¹ *Section 2.3– Potential negative impacts. The report states that approval of the amendment may lead to a precedent for further non-agricultural encroachment.*

Approval may encourage additional non-rural uses, gradually eroding the rural character of the area.”

historical and is clearly articulated in their purpose clauses as outlined in *Appendix A – ACT Government Pialligo Land Use Study 2012*.

The Supporting Report for the DPA-13 acknowledges that approval may encourage further non-agricultural encroachment and gradually erode the rural and community character of the precinct.

The PRA is concerned that approval of DPA-13 may establish a broader and undesirable precedent whereby unauthorised land uses can become lawful simply because they have been operating for a sufficient period.

Such an outcome would support the diminishing confidence in the ACT planning and leasehold systems and create uncertainty regarding the enforcement of planning controls across the Territory.

Additional issues for Consideration

Pialligo's strategic role

The **East Canberra District Strategy (2023)** recognises Pialligo's arable land as playing "*an important role in agricultural production for the ACT*" and identifies it as a destination for "*small-scale urban farming, landscape supplies and nurseries*". It does **not** identify Pialligo as an area for intensification.

Traffic and safety

The PRA notes that Beltana Road has become an important visitor route and contributes significantly to the rural and horticultural character of Pialligo. Previous investment by the ACT Government has enhanced the area's attractiveness as a destination for residents and tourists seeking a rural experience close to Canberra.

Increased heavy vehicle movements associated with bulk landscape supply operations have the potential to diminish this character, reduce visitor amenity and place additional pressure on local road infrastructure.

Beltana Road and Kallaroo Road already experience congestion and airport-related detours. The supporting report for the ***Draft Plan Amendment 13 confirms heavy-vehicle movements are a negative impact requiring mitigation.***

Consultation

The PRA is concerned that it remains unclear what information was provided to the National Capital Authority when approval was sought to facilitate this amendment.

Given the exceptional nature of the approval required to permit bulk landscape supplies within a Broadacre Area, the PRA considers it important to understand whether the full planning history, previous community consultation processes, lease

compliance concerns and the longstanding operation of activities outside the approved purpose clause were fully disclosed and considered.

The supporting report for the ***Draft Plan Amendment 13*** stated: ***consultation was undertaken with the local community and relevant entities who may have an interest in the DPA.***

However, PRA members and businesses confirm no consultation occurred prior to receiving notice of the DPA-13. This is inconsistent with statutory requirements under *the Planning Act 2023*.

DPA-13 raises significant concerns for the PRA that requires further meetings and discussion with the Territory Planning Authority and City and Environment Directorate prior to final consultation and decision.

The PRA seeks to work with the City and Environment Directorate and the ACT Territory Planning Authority to ensure that there is a consistent, balanced approach to the potential changes to the Pialligo precinct resulting from proper planning approvals.

The Pialligo Residents Association (PRA) thanks the team from Territory Plan and Planning Reform section for the opportunity to submit additional comments following our meeting on Friday 31 July.

As a result, the PRA requests that the following issues be explicitly highlighted in the consultation documentation and in the Territory Planning Authority's advice to the Minister for Planning, prior to any referral to the Standing Committee for further community consultation and final decision-making.

The PRA remains concerned that the longstanding misalignment between the National Capital Plan (NCP) and the Territory Plan has resulted in significant adverse impacts on future planning for the Pialligo precinct. The recent attempt by the National Capital Authority (NCA) to resolve this misalignment through the use of Section 3.1.1 of the National Capital Plan rather than following the prescribed mandatory amendment process clearly set out in the Australian Capital Territory (Planning and Management) Act 1988 has created new risks for residents, businesses and the integrity of ACT planning processes.

The PRA does not object to aligning the National Capital Plan with the Territory Plan for the blocks that already have long-established approval for bulk landscape supplies under their purpose clauses (Blocks 6, 7, 8, 14). These blocks have operated legitimately for decades and are clearly identified in the Pialligo Land Use Study (2012) and the Pialligo Master Plan (2015).

However, including Blocks 4 and 45 in this alignment exercise expands the number of blocks able to operate bulk landscape supplies from the historically approved set to a significantly larger number. This expansion has occurred without proper consideration of:

- the National Capital Plan
- the Territory Plan
- the East Canberra District Strategy
- the Pialligo Precinct Code
- the Pialligo Master Plan
- the Pialligo Land Use Study

The PRA considers this expansion to be inconsistent with planning intent and harmful to the precinct's rural, horticultural and community character.

Origin of DPA-13

The PRA understands that DPA-13 was initiated by a private planning consultant acting on behalf of the lessee of Block 4 who also occupies Block 45 being unleased Crown land). The amendment would in practical terms, retrospectively authorise activities that have been occurring outside approved purpose clauses for more than a decade. This raises concerns about fairness, transparency, and the precedent it sets for future planning compliance.

The PRA is unaware of any consultation undertaken by either the lessee of Block 4 or their consultant on their behalf with any other Pialligo lessees prior to submitting a request to amend the Territory Plan to permit the bulk landscaper supplies as a permitted land use on Blocks 4 and 45. The Supporting Report makes no mention of any such consultation having occurred.

As noted above, the PRA has no concerns about aligning the National Capital Plan and the Territory Plan in relation to Blocks 6,7,8 and 14. However, it remains concerned about this being used as an opportunity to extend bulk landscape supplies as a permitted land use on Blocks 4 and 45.

Agreeing to this amendment opens the door for any lessee to seek changes to the National Capital Plan without prior engagement with Territory Planning. This undermines the coordinated planning framework intended for the ACT and risks piecemeal industrialisation of rural precincts.

NCA Acted Outside Its Proper Authority

By agreeing to include Blocks 4 and 45, the NCA has effectively expanded the number of properties able to operate bulk landscape supplies despite the NCP prohibiting this use in Broadacre Areas. This decision should have been referred to ACT Planning for proper assessment under the Planning Act 2023.

The Supporting Report says that the NCA Board exercised its powers under section 3.1.1 of the National Capital Plan (NCP) to agree the change of the NCP as outlined in DPA-13, rather than making a full amendment to the NCP.

Any amendment (change) made to the NCP must be done in accordance with the procedure set out in the *Australian Capital Territory (Planning and Management) Act 1988*. The procedure requires that public consultation about a proposed amendment must occur prior to any decision being taken to adopt the amendment. However, the NCA did not engage in any public consultation and exercised a purported power under the NCP that obviated the need for public consultation by the NCA.

The Supporting Report states that section 3.1.1 of the NCP sets out “the broad framework for land use in the Territory. These policy plans show which areas are planned for urban development and which areas are not to be developed for urban use.

A wide range of land uses are permitted for each land use category. *The use of land for a purpose not included in the specified range may be permitted where the Authority has been consulted and, after satisfying itself that a particular proposal is not inconsistent with relevant principles and policies of the Plan, has given its agreement in writing.”*

There appears to be an inconsistency here. On the one hand the Act clearly sets out how amendments to the Plan are to be made – including mandatory public consultation. On the other hand, the Supporting Report says in effect that what the NCA Board agreed to was not an amendment – or at least not as they have

described it, a “full” amendment – and as such could just signed off on it without undertaking a proper consultation process..

If there is an inconsistency, the terms set out in the sections of the Act, as primary legislation, must prevail over the subordinate legislation, that is the NCP which is a disallowable instrument made under the 1988 Act.

The 1988 Act does not define what does or what does not constitute an amendment so it is implied that what is an amendment would take its normal meaning, ie a change from what currently exists. Certainly, the Act does not speak of a “full” amendment or that the procedure for making amendments to the NCP depends on the nature or extent of a proposed change.

With respect to the NCP, the Act sets out at section 10 the matters that are to be covered in the Plan. In particular, section 10(2)(b)(i) says that the NCP shall set out the general policies to be implemented throughout the Territory, being policies of:

- (i) land use (including the range and nature of permitted land use).

For the purposes of this Act then, any changes to any of the matters that must be set out in the NCP – including any policies - would amount to an amendment.

Accordingly, it would follow that any proposed change to the policy of land use – including the range of permitted land use such as adding bulk landscape supplies as a permitted use – would be an amendment to the NCP and so necessitate the mandatory procedure to be followed by the NCA for proposed amendments in the Act.

As this did not occur, the decision made by the NCA at its Board meeting on 6 February 2026 is invalid.

Block 45 – Crown Land with Strict Limitations

Block 45 is Crown land within the RC2 River Corridor zone. Its intended purpose is heritage protection and archaeological management. The Pialligo Precinct Code (Rule R30) requires Heritage Council endorsement for any development. The block cannot be used for agriculture, commercial activity, or rural development. Any business operation would require a licence from the land custodian, and no such licence has been issued.

Block 45 – Potential Direct Purchase

The PRA notes that the owner of Block 45 may seek to purchase the block directly from the land custodian. However, the PRA considers it highly unlikely that bulk landscape supplies—or heavy-vehicle storage could be lawfully operated under the intended purpose clause and feels it is an unfair opportunity based on the fact that this has been utilised without proper approval.