



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON PLANNING, TRANSPORT
AND CITY SERVICES**

(Reference: [Inquiry into Annual and Financial Reports 2021-2022](#))

Members:

**MS J CLAY (Chair)
MS S ORR (Deputy Chair)
MR M PARTON**

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 14 NOVEMBER 2022

**Acting secretary to the committee:
Ms M Ikeda (Ph: 620 50199)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

Environment, Planning and Sustainable Development Directorate	122
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Amended 20 May 2013

The committee met at 2.01 pm.

Appearances

Gentleman, Mr Mick, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Environment, Planning and Sustainable Development Directorate
Ponton, Mr Ben, Director-General
Brady, Dr Erin, Deputy Director-General, Planning and Sustainable Development

THE CHAIR: Welcome to the public hearing of the Standing Committee on Planning, Transport and City Services inquiry into annual and financial reports. We will be looking at the Environment, Planning and Sustainable Development Directorate.

Before we begin, on behalf of the committee, I would like to acknowledge that we are meeting today on the lands of the Ngunnawal people. We respect their continuing culture and the contribution they make to the life of this city and this region.

We are recording today's proceedings. They are being transcribed by Hansard and they will be published. They are also being broadcast and webstreamed live. If you take a question on notice, please state clearly that you are taking the question on notice, so that our secretariat can track that down.

We are having a call-back session today. We will hear further from the Minister for Planning and Land Management. Thank you, Mr Mick Gentleman, and Mr Ponton, for joining us. Can I remind you of the protections and the obligations in the privilege statement? Have you had a chance to read and review that statement and do you agree with the content?

Mr Gentleman: Thanks, Chair; yes, we do.

Mr Ponton: Yes.

THE CHAIR: We are not having opening statements. We will proceed straight to questions. We do not have a lot of time, so I will jump in with the first question. Minister, on 1 November you released the district strategy and the new draft Territory Plan for consultation. I understand that the consultation is scheduled until 14 February next year. Do you think that is enough time for people to get across the detail and to submit back, given that there will be over a thousand pages of material?

Mr Gentleman: Yes, we do believe that the time for this consultation is appropriate. Of course, in the preparatory work for this, we have consulted with key stakeholders in the ACT community, in the build-up. I think Canberra is well aware that we have been working on this for some time. Of course, it is now time for that part of the engagement with the general public through the community council work and the Your Say consultation. It was no surprise for most in the community to see the papers and the consultation period come out. I am pleased that the directorate has been able to do

that work.

I can report that the conversations so far in the community council meetings have been well received. Some have gone into some quite interesting detail, particularly about the strategies. That is one of the reasons why the directorate was able to work it up and put it forward for the community to make those comments.

THE CHAIR: Drawing on the lessons from the Planning Bill, which is underway at the moment, I note that the government received over 200 pieces of written feedback on the Planning Bill. This committee so far has published one submission to our inquiry, and I am certain that we will receive more. But our consultation closes soon, so I doubt that we will get the 200 comments that the government received.

I have heard quite a lot of fatigue from the community about the consultation on the district strategy and the Territory Plan. I am a bit concerned about that fatigue. I have heard a lot of people say that they commented on the Planning Bill and they did not see many changes made. Does the directorate have time? Is it genuinely going to take all of these comments on the district strategy and the Territory Plan and have time to redraft, given that we did not see much change between the consultation draft bill and the tabled bill? Are we going to see a different outcome?

Mr Gentleman: We have seen very good engagement so far. I have not heard that there has been a drain on the community, in the sense that you have indicated. I will ask Mr Ponton to go through what he has heard so far, and the timing and resources that the directorate has put towards this.

Mr Ponton: In terms of the legislation itself, that was a three-month consultation period. We had been working with various key stakeholders as we had developed the legislation. We received over 300 pieces of feedback through that exercise. We did go through each one of those comprehensively. We had a small team that was working its way through and summarising each of those pieces of feedback. I also read through every single one of those myself, as did the Deputy Director-General, Dr Brady, and the project director.

We were able to distil down those key areas where we felt change was necessary. Again we were applying our professional judgement here, in terms of those things that we had considered, but where we felt that change was not necessary. We have recommended other areas where we believe, based on the feedback, that change was certainly warranted, or areas where we had not considered a particular matter, and that has certainly been picked up.

Areas included having consultation principles in the bill itself, rather than having that as a regulation. That was very strong feedback that we received from the community, and the community councils in particular, through the Environment and Planning Forum. Other changes were in relation to the decision-maker for territory priority projects. That was really strong feedback.

We also received feedback in relation to the reference to “Ngunnawal” in the bill. A number of submitters suggested that that should be a broader consideration, so we have changed that to “traditional custodians”. Certainly, we have made changes and recommended changes to government as a result of that consultation exercise. But there

are other areas where, having carefully considered that feedback, we have formed the view that a change was not warranted.

In terms of the time frame that we have to then consider the feedback from the community on the district strategies and the Territory Plan, I am absolutely confident that we have the resources necessary and the skill sets necessary to review the feedback that we receive. Of course, we will not know until the conclusion of that time frame; depending on the number, we may need to talk to government about time frames and the like. We are still working—and I have made this statement publicly in some of the community council meetings—towards a date for the district strategies to be considered and adopted by government by mid next year.

Given that we are talking about mid-February for consultation to close on the district strategies and the draft Territory Plan, that gives us several months to work through all of that material and recommend changes to government.

Importantly, in terms of the Territory Plan, of course, the bill also builds in another opportunity for consultation by the committee. Should the Assembly pass the new Territory Plan, it is then automatically referred to the committee, so that the committee can consider and inquire in relation to an operational system.

THE CHAIR: I will just tie that all together and make sure I have understood. With consultation finishing in mid-February and an expected passage midyear, you believe that is plenty of time to go through all of the comments and do any redrafting needed?

Mr Ponton: Indeed. We are already receiving comments. We do not wait until 15 February, of course; we are collating the comments that we are receiving every day. We are getting a lot of quick comments at this point in time. I do not believe we have received any long-form submissions at this point. Certainly, through the Your Say website, we are already receiving commentary, and we are making sure that that has been considered along the way. At the conclusion, at this point in time we are confident that we will have the resources available to us to make sure that we do justice to those submissions.

MR PARTON: Minister, I am fascinated by your characterisation or assertion that the district strategies had been well received by community councils. The only community council meeting that I have attended since the district strategies have been released was a meeting of the Inner South Canberra Community Council. I think it would be a supreme optimist who would describe that the district strategies were well received by that community council. Minister, is your optimism and your characterisation of these being well received by community councils indicative of the government's wider consultation style?

Mr Gentleman: I am speaking about the brief that is reported back to me from directorate officials as they attend. Of course, community councils have their views on particular items in this space, particularly about planning, and have done so over many years. We take those views on board, of course. But it is an engagement process, Mr Parton, and—

MR PARTON: So you are now saying it was not well received by community councils,

or it still was?

Mr Gentleman: I did say that it was well received by community councils. Whether they have a different opinion about it is another matter. But the process of being able to engage on planning is very important, and community councils have received well the engagement opportunity.

MR PARTON: Mr Ponton was there; would you have suggested, Mr Ponton, that it was well received by ISCCC?

Mr Ponton: Mr Parton, I have attended four community council meetings and had feedback from another, so that is four that I have attended and one where I have received feedback. The Tuggeranong Community Council were grateful for the opportunity to receive the information and were excited about the opportunity that the district strategies and the draft new Territory Plan provided to them.

In terms of Woden, I have to say I was quite pleased that the Chair of the Woden Valley Community Council, before introducing my colleagues and me, thanked us for what she saw in there, in terms of some things that she was quite pleased to see. She noted, of course, that there were further areas that she would like to spend some more time considering; but, overall, she was very pleased with the direction.

With the Inner South Canberra Community Council, there was a presenter after me that formed a different view and had some negative things to say. In relation to that, my view on that is—and I will choose my words carefully—that there were some errors of fact in that presentation. We are certainly undertaking to work with that particular person. For example, the speaker spent some time on the fact that there was no supporting report provided with the consultation material; in fact, just before, at the Inner South Canberra Community Council meeting, when I presented, I spent some five minutes talking about the content of the supporting report. You might recall, Mr Parton, that I then took the opportunity to remind that speaker that in fact I had made that commentary.

Yes, that speaker had a different view. As I said I think there were some errors of fact in there. We have, through our communications team, engaged—in fact, on the night—with that individual, so that we can explore that further. But that is one individual. There were some other really useful questions at the Inner South Canberra Community Council meeting. We will continue to use that line of questioning in the detail workshops.

I attended the Gungahlin Community Council meeting. I think this is all online, so you can have a look at their Facebook live recording. Towards the end I was actually asked how fast we can get this done because they were quite pleased with what they were seeing in there. In fact, some of the content of the district strategies and the draft Territory Plan is what the Gungahlin community has been asking for, particularly around employment and office accommodation. That was a takeaway for me, that they actually asked that question, “Mid next year is too long; can you make this happen faster?”

In terms of the Molonglo forum, we received email feedback as we were lining up the

opportunity to go and speak to that group. They thanked us for the work that had been done and they were quite pleased, at face value—of course, this was on the first day—with what they were seeing there.

I would say that four out of the five so far have been quite supportive; with one, there were some interesting questions, and one person had the opportunity to speak at the lectern but there were some errors of fact in what was being said, in my opinion.

MS ORR: I have the draft Gungahlin district strategy plan in front of me. I note that there are quite a few spots that are indicated as new community and recreation facilities. This has been a hot topic in my electorate. Can you run through what the facilities are for each of those dots?

Mr Ponton: I believe that my colleague Dr Brady is now online and can hear us. I might hand over to Dr Brady, if that is okay, Minister, to run through that detail.

Mr Gentleman: Yes.

Dr Brady: I understand the privilege statement. With respect to the identification of possible community facilities in all of the district strategies, it is about identifying where we think there might be a need for us to do some further investigations about what the community facilities might be and/or they are part of studies that we are currently doing.

I am sure the minister and Mr Ponton have indicated that a lot of the items that we have marked on the maps are aspirational for us to further investigate, acknowledging things that we have heard from community that we might need to do further work on.

MS ORR: I was hoping for a little more detail, because it is not clear, from where they are marked on the maps; there are some things that would automatically seem to be a project that is currently underway, and it is not clear what is underway and what you are looking at doing further investigation on. That is what I was hoping to find out.

Dr Brady: Ms Orr, that might be something we can take as a question on notice, if you want to know what each of those represents. If you want to specify which ones, perhaps, on a map, we could take that on notice and get that information for you.

MS ORR: On notice, can you take Kenny, Franklin, Nicholls, Casey, Taylor and Amaroo, plus the two in the town centre, and what current and aspirational projects those particular new community and recreation facility indicators are?

Dr Brady: Yes, we can take that on notice.

MR PARTON: Mr Cain is most disappointed that he cannot be here, after pushing to have this call-back. As we know, he is involved in another hearing. He has passed on hours of questions to me, and I am sure I will get to one of them, at least.

Minister, one of the most controversial revelations flagged in the draft inner north and city district strategy has been proposed options for Thoroughbred Park as a change area. One option features a mixed-use precinct surrounding the Canberra racecourse; the other removes the racecourse from the site altogether. Why was the option to develop

Thoroughbred Park without a racecourse even included, and how can this not be viewed as an inherently ideologically driven decision?

Mr Gentleman: The ACT government has been working with the Canberra Racing Club since August 2021 on a range of options for the future of Thoroughbred Park and its site in Lyneham. The club itself has proposed a range of possibilities for the future of the site, and as a means of diversifying the club's income stream as well. The government supports investigation of those options. The draft strategy that you talked about contains a range of ideas for the community to consider, including possible changes to the race club's site in Lyneham.

It is not a plan to end racing; I should reaffirm that. We did sign a five-year MOU with the race club recently, but we do want input from the Canberra Racing Club. When the directorate was looking at the proposals from the club itself, it indicated that it needed to diversify. With that in mind, we thought, appropriately, that it would be the right thing to put forward an option if the club ever moved or decided not to continue in its current site.

Of course, these are draft strategies. The first option shows what the Canberra Racing Club could do with its current site in place, and the second option shows what could happen if the Canberra Racing Club was not there. It is an opening of a conversation with the Canberra community to see what would happen if the race club moved at some point in the future.

MR PARTON: Given that provision, as outlined by you, it would logically follow that alternative sites for a racecourse must have been identified to host the Canberra Racing Club in case of the relocation that you have just alluded to. Have alternative racecourse sites been identified in the ACT—for example, in Symonston or Majura?

Mr Gentleman: No, we have not had that conversation with the club at this point.

Mr Ponton: Minister, do you want me to add to that?

Mr Gentleman: Yes, of course.

Mr Ponton: Mr Parton, I am sure you have read the draft inner north and city district strategy cover to cover. On page 122, where you see that option B and the map there, it is important to note that we had identified there a range of principles, including retaining the racecourse until an alternative proves appropriate and viable. That was essentially just good, long-term, strategic thinking, in that we know option A aligns very closely with what the lessee is proposing for that site. In undertaking our strategic planning, we turned our mind to what would happen if the club was of a mind to relocate of its own accord or something happened to the club and it could no longer run the racecourse on that site. We turned our mind to how you could then further build on option A.

If you look at option A, there are some similarities to option B; it is essentially building upon it and making sure that there is sufficient recreation space which is aligning to the current use. It is important to note that, in option B, it was about thinking longer term regarding what might be in the future. That is what planners do; we think about what

might be. But we did have that qualifier there—until an alternative proves appropriate and viable.

MR PARTON: You did not plan, for argument’s sake, the Tradies club without the licensed club on it?

Mr Ponton: In terms of the particular change area, I do not think the Tradies club was identified as a possible change area, Mr Parton.

MR PARTON: In closing, Minister, can you definitively answer now, from the perspective of ACT government—maybe I should say from the perspective of ACT Labor—where the preferred location is for the Canberra Racing Club?

Mr Gentleman: It is currently located at Thoroughbred Park.

MR PARTON: Is that the government’s preferred location for it?

Mr Gentleman: We are supporting the club in its current structure, Mr Parton.

THE CHAIR: Minister, I am pleased to see that consultation has begun. I am interested in knowing when there will be a published consultation plan or some more details. When I looked at the website, I could see, for instance, that you have to go through the district strategies to find where the consultations are. We have three pop-ups listed in Belconnen. We do not have the Belconnen Community Council listed there, but I believe we are hearing a presentation on that tomorrow night; you would only know that if you were already attending the Belconnen Community Council. We do not have any of the recorded sessions on in-depth topics or any of that other consultation that we have been told will happen; it is not up there. When will we get those details published on the website so that if somebody is trying to plan how they will get their information, they can see the menu of options and they will know what is coming?

Mr Gentleman: There is already quite a bit on the Your Say website for people to engage with and have a look through. I will ask Mr Ponton to go through the time lines for you.

Mr Ponton: I might ask Dr Brady to contribute to this as well. In terms of the timing for the engagement activities, we are in the phase now of sharing. It is about getting out there and sharing the information with as many people as we can; hence the engagement with the community councils. They are not workshops on the detail. My colleagues and I are getting out there and making sure that we are sharing the information.

We are also using social media and a range of other related means to get the word out, in terms of making sure that people are familiar with the fact that this material is out, and some of the key concepts. We then move to the informing phase, and that is when you will start to see a lot more of what you are referring to, Ms Clay. There will then be the “discuss” phase. I will ask Dr Brady to add to that.

Dr Brady: In addition to that, at each of the community council meetings that we are attending, we are advising people when community workshops and the pop-ups are happening. Ms Clay, if there is not a clear outline of all of those sessions, we can follow

up, to make that clear. There are at least two pop-ups and one workshop over the next month for each district, so there is quite a bit coming up, in addition to the community council meeting.

THE CHAIR: Is there one spot on the website where somebody can jump in and see all of the consultation that is happening? I found that I had to click four times to get through to the Belconnen district and, when I did, I could see two pop-ups and a workshop listed. I could not see that you were coming to Belconnen Community Council. I am very pleased that you are, and I go, and I will see you there. But if I was a Belconnen resident, I would not have known. Is there any intention that there will be a single website somewhere, where someone could say, “I’m interested in Belconnen and inner north, and that’s where I will see these. I’m busy in November but there will be something in December”? Will we have that level of detail?

Mr Ponton: The first point I make is that we are working, and we want to partner with some of these groups, so it is disappointing if you are saying that the Belconnen Community Council has not let its members know that we are coming. Certainly, other community councils that we have been to have advertised widely. In addition to that we are also using our own social media to make sure that that is known, as I understand it. Certainly, we are wanting to partner with those groups. We will certainly have a chat to the Belconnen Community Council if that has not happened.

In relation to clicking four times, that is certainly not the intent. As Dr Brady suggested, we will go back and have a chat with our communications people and see what we can do to make sure that that material is easily accessible, including the diagram in terms of the “share, consider, listen” report that I am providing at the community council meetings—make sure that that is all easily accessible so that it is really clear what the steps are that we will be going through, and when there will be various opportunities to engage. That should be front and centre. If that is not happening, we will feed that through.

THE CHAIR: That would be great. Is that consultation on the Territory Plan as well as the district strategies, or do we only have information on the district strategies so far?

Mr Ponton: District strategies and the Territory Plan.

THE CHAIR: So all of those pop-ups and workshops cover both?

Mr Ponton: Correct.

THE CHAIR: That is excellent to know; thank you. Belconnen Community Council has published it for the people who regularly attend, but my point is that, for people who do not attend Belconnen Community Council, I do not think they would have known that they could go there and get the information, because it is not on the website. It would be great if we could see that there.

Mr Gentleman: Yes, we have been pointing people to the Your Say website, if they are not engaged in the community council. I just had a quick look at the Tuggeranong update from Your Say, and it shows comments from people in the community that have engaged in—

THE CHAIR: I am looking at the Belconnen one right now and I cannot see our council on there at all. I do not know whether they are different. Ms Orr, do you have a question?

MS ORR: I do. For the blue-green connections and the possible future connections—again I have the Gungahlin map in front of me—with the possible ones, can you run through what possibilities you are looking at? What do these lines mean?

Mr Ponton: I might ask Dr Brady to respond to that one.

Dr Brady: For the Gungahlin one, it is best to look at that section of the district strategy that is under the blue-green network. I know that, in the Gungahlin one, some of that is around connections of the grasslands and better access to the lake, from a recreational perspective. Some of the mapping that we did for that was around biodiversity connections, so it is about improving the connections. I know that, in the summary of the district strategy, it talks about enhancing the connectivity corridors, and particularly between some of the reserves. That is a bit of the focus and the reason particularly in Gungahlin.

MS ORR: Dr Brady, would you mind taking this on notice: of the possible connections—and there are not too many on the Gungahlin district ones—which ones are focused on biodiversity corridors and which ones would be more focused on, say, amenity of the public realm?

Dr Brady: Yes, we can take that on notice.

MR PARTON: With the suitability of your amalgamation of the existing Majura and Jerrabomberra districts into a singular east Canberra district, it has raised concern from some in the community, particularly those from Oaks Estate, which, as we know, is a residential village perhaps more aligned to the inner south but lumped into east Canberra, which makes it the only residential precinct in the district. I understand that you claim to have consulted the Oaks Estate community on this, but that is not what we have heard from residents of Oaks Estate. Minister, why have you ignored Oaks Estate, and will you consider altering the boundary in accordance with the wishes of that community?

Mr Gentleman: Mr Parton, the directorate certainly did engage with Oaks Estate, and they did have a different view about being involved in that larger grouping. I will ask Mr Ponton to talk about the reasons for remaining in the current envelope.

Mr Ponton: Thank you, Mr Parton, for the question. In terms of the boundaries, we did turn our mind to the boundaries. Originally, there were eight districts, which aligned with the current districts that you see outlined on that map. As we turned our mind to the opportunities in the eastern broadacre area and east Canberra, and thought about employment opportunities and the like, it did make sense to have a separate east Canberra district.

Having said that, we have been really clear, in the lead-up to releasing these documents, with the Environment and Planning Forum, on which the Inner South Canberra

Community Council is represented, and they represent the Oaks Estate Residents Association, that there would be opportunities for discussion, and they could raise with us beforehand, as well as during the consultation and engagement process, if there were any concerns about the boundaries.

Having already attended four community council meetings, I received some feedback at the Tuggeranong Community Council, where they thought that perhaps they had always had an association with Hume, and they asked some questions around that. I also spoke directly with the Oaks Estate community—it might have been the chair—at the Inner South Canberra Community Council meeting, and had a conversation. I was really clear that this process is about engagement. If there are views as to what district people have been identified in, and they think it is not right, they need to let us know through that process.

These are draft documents. We have been really clear about that. I have also said at community council meetings that these are by no means final. They are respectable but they are not finals, and that was quite intentional. We have had that feedback already from those groups, and I have spoken directly with the Oaks Estate community council representative at the ISCCC meeting. I suggested that they let me know in writing, as part of that process, so that we can get feedback and make recommendations to government. We are happy to receive further feedback if there are concerns.

MR PARTON: A solid answer; thank you.

THE CHAIR: Thank you, Mr Ponton. Thank you, Minister. That brings us to the end of our time for today. On behalf of the committee, thank you very much for attending and for coming back for a call-back at very short notice; it is much appreciated. There were some questions taken on notice. If we could have the answers returned within five working days, that will greatly assist us in our reporting. Members may lodge any questions on notice within five working days. The hearing is adjourned.

The committee adjourned at 2.34 pm