



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

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

(Reference: [Inquiry into Annual and Financial Reports 2022 - 2023](#))

Members:

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

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 14 NOVEMBER 2023

**Secretary to the committee:
Mr J Bunce (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	1
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Privilege statement

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Amended 20 May 2013

The committee met at 10.30 am.

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

Smith, Mr Jeremy, Acting Executive Group Manager, Development and Implementation

Green, Mr Ben, Executive Group Manager, Planning and Urban Policy

Cilliers, Mr George, Executive Group Manager, Statutory Planning

O'Brien, Ms Freya, Acting Executive Branch Manager, Strategic Planning and Territory Plan, Planning and Urban Policy

THE CHAIR: Good morning, and welcome to this public hearing of the Standing Committee on Planning, Transport and City Services inquiry into annual and financial reports 2022-23. The committee will today hear from the Minister for Planning and Land Management.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. We would also like to acknowledge and welcome any other Aboriginal and Torres Strait Islander people who may be attending today's event.

The proceedings are being recorded and transcribed, and they will be published. They are also being broadcast live.

When taking a question on notice, it would be useful if you could use these words, "I will take that question on notice." That will help our secretariat to track down our questions and make sure we can all meet our time lines.

In this first session we will hear from the Minister for Planning and Land Management. Welcome, Mr Mick Gentleman, and officials from the Environment, Planning and Sustainable Development Directorate and Access Canberra.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. You need to tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered to be a contempt of the Assembly. Can I get verbal agreement from each person who might be speaking today? Can you confirm for the record that you understand the implications of that privilege statement, that you have read it and that you agree to it?

Mr Gentleman: Yes, we can; thank you, Chair.

THE CHAIR: We are not inviting opening statements, so we will proceed to questions. Minister, I will kick off with the first question, on demonstration housing projects. We have been running the Demonstration Housing Project for a number of years. A number of projects have been progressed through variations in the new Territory Plan, which is good to see. One of the without-site proposals was for an urban village in Kingston. Can you tell me the latest status of that project?

Mr Gentleman: I will pass to directorate officials to give an update on that project.

Dr Brady: I have read and acknowledge the privilege statement. Yes, the demonstration housing project in Kingston was one of the projects without a site initially and it then had a site allocated in Kingston. The proposal initially had quite a lot within the proposal. It had some aspects of affordable housing, co-housing, a hotel, some other residential and some other uses. There was quite a mix of uses on the site.

It has taken a period of time because the site that was then allocated was the switching station site in Kingston. Since allocating that site and working with that site, we have discovered some other aspects of the site that will mean that it takes a bit longer, in terms of contamination and undergrounding of powerlines. That has impacted the site.

We have continued to talk with the proponent about whether there are other options around where that proposal could occur. At the moment it is under consideration by government around that.

THE CHAIR: No new site has been identified at this stage?

Dr Brady: We did consider other sites in Kingston, in the East Lake area, as part of some of the work that we have been doing for East Lake. It is a matter of balancing up whether there are other potential sites and what other possible uses might occur in some of those areas of East Lake. It is under consideration at the moment.

Mr Gentleman: Chair, that would need to be a different decision, if a site should come forward for that particular project that is other than the current site.

THE CHAIR: So the current site is not proceeding?

Mr Gentleman: At this stage it has been delayed.

THE CHAIR: But it might still go ahead? I am trying to work out the status.

Mr Gentleman: That is a position we have not yet arrived at. It most likely would not be able to go ahead in the time line managed for that because of the considerations for the switching station, the undergrounding and the contaminants as well. If that is the case, we will look to alleviate that situation and try and provide another site.

THE CHAIR: But that would need to start with a new proposal for another site?

Mr Gentleman: Yes.

Dr Brady: A new process, yes.

THE CHAIR: How long does it usually take to get a demonstration housing proposal? You may not have an answer for that. There are not very many of them.

Dr Brady: There are different time frames. Jeremy might talk to some of the specifics of them. There have been different time frames. Some of them have been delayed because of feedback from consultation and reconsiderations. On average—and I might need to take this on notice—possibly from start to actually seeing something commencing, it has probably been around two to three years. I am happy to take that on notice, if you would like further details.

THE CHAIR: If you take it on notice and find that the two to three years is not accurate; otherwise that will—

Dr Brady: Jeremy might know more.

Mr Smith: As Dr Brady has highlighted, it is around three years that they have taken so far. There were a number of delays. Unfortunately, the Demonstration Housing Project kicked off just as COVID came in. A lot of the proponents had challenges with identifying architects, draftspeople, planning experts and builders to partner with them for the construction of those. That created quite a pause in a lot of those demonstration housing projects.

Now that we have come out of the back of the pandemic, we are seeing them starting to be able to partner with people and start to progress. That is why we are seeing some of those Territory Plan variations come through. We had the first one start construction recently, in October 2023.

THE CHAIR: Do we have other demonstration housing proposals that involve affordable housing as part of them, that are coming through the pipeline?

Dr Brady: We will take that on notice.

MS ORR: I have some supplementaries on the demonstration housing. The annual report states that multiple demonstration housing projects were progressed last year. How was the community engaged? What are these projects delivering in terms of housing? As we have started to see some progress and start to come through, what tangibles are we starting to see, and how is the community informed about where we are up to and the approach we are taking?

Mr Smith: Early in the demonstration housing project, community consultation was undertaken and community engagement and education. As I said, that was quite a while ago. We have had that pause over a period of time, mainly due to the pandemic, and that issue with engaging the appropriately qualified people to work with the proponents. There was that process.

There is also some public information available on, for example, the demonstration housing website, which you can get to through the planning website as well. That is the main avenue of communication that was undertaken. There will be the DAs and

Territory Plan amendments, which have the mandatory consultation requirements as well.

In regard to what it is providing, there is a range of provisions. As Dr Brady highlighted, with the proposed Kingston demonstration housing, a number of different typologies of housing were going to be available through that project. There was some affordable to regular affordable housing. There were going to be some “warm shells”, which are units that are built but not fully fitted out, which can be fitted out by builders.

There are also some proposals within the demonstration housing set around build to rent et cetera. So there are quite a few typologies. There is some community housing in there, with partnerships with some of the community organisations, which would have provided housing for certain subsets of the community, be they disadvantaged or something like that.

MS ORR: I am interested to hear how the National Capital Design Review Panel has operated. Have there been any trends that you have seen ongoing this year?

Mr Gentleman: The design review panel looks at proponents, particularly in this discussion, for demonstration housing. We will go through design of those sorts of projects and work with the ACT community. It is supervised by the ACT government architect the National Capital Authority’s chief planner, and it provides advice to decision-makers, developers and proponents on preparing their projects for review. It has the design principles for the ACT that are benchmarked against best practice. They look at the design review documentation across Australia and New Zealand as well.

MS ORR: This may be one for Mr Ponton. The panel has been operating for a couple of years now, a number of years, and I want to get a good feel for the kind of work you are seeing coming before the panel and how you are able to improve on the projects that you are seeing before the panel. What trends in particular and what improvements have you been able to influence over the last 12 months?

Mr Ponton: I have read and understood the privilege statement. As a point of clarity, I do not sit on the design review panel. The design review panel is within the EPSDD portfolio, but, whilst it sits there, I do not have any direct responsibility for it. We do provide secretariat services, so we can talk about the trends that we are seeing. I will ask my colleague Mr Green to talk a little bit more about that shortly.

The design review panel has been evolving over the last few years. Of course, it is a relatively new feature. I think that it first commenced in around 2017-18. We have been building its capability over that period of time. The government in the last budget also provided additional resources for the design review panel, which has been able to assist us to get ready for the new planning system in particular, because we see that is where there will be significant demand, and we can draw on the skills of the design review panel.

The panel, as you would be aware, is chaired by the government architect and, as the minister said, it is co-chaired by the Chief Planner for the National Capital Authority,

and draws on expertise from across the country, depending on the particular project. If we have a project that has strong landscape features, we will make sure we have well-qualified landscape architects on there, we will have engineers if there are engineering considerations, or architects.

In terms of the numbers, we have been seeing the number of projects, since its inception, going through the design review panel increasing. That is in part because the parameters have been broadened in terms of what is triggered to go to the design review panel. We expect that that will continue, given that the triggers for matters to be considered by the design review panel tend to be those projects that are urban infill; and, of course, we are seeing more and more of that, particularly with the government's policy of accommodating 70 per cent of growth within the existing urban footprint.

In terms of the specific numbers and trends, I might hand over to my colleague Mr Green.

Mr Green: Thanks for the question, Ms Orr. I have read and understand the privilege statement. Yes, the design review panel have been in place since 2017-18. They have reviewed in that period 134 projects across around 220 design sessions.

As Mr Ponton has highlighted, in terms of the work of the panel, the important elements that the panel are focusing on are around that human-centric design and the importance that design plays in a changing environment. As we move forward with the new planning system, with the design guides, and in particular the urban design guide, we have the opportunity now for the design review panel—not that they have not been doing this—to further expand their consideration to not just the building footprint but how that interacts more broadly in its context, in its setting where it is, and maybe further into the precinct, depending on the development.

We have seen several developers and architects come through the process on multiple occasions for different proposals. I think the feedback is valued by that industry. It does set a reasonably high bar and high expectation. Of course, the important element of design review is that it informs the development assessment process. That advice goes through to our planners that are making decisions on DAs to get better outcomes.

Mr Ponton: In terms of trends, particularly in the last six months or so, and from what I am seeing come through—I talk weekly with the government architect—the panel has had a particular focus on increasing amenity for future occupants. It has been a really strong point of the panel to see how they can achieve that. As Mr Green said, the new planning system, with design guides, is certainly going to assist as a tool for the design review panel to continue to push that, and provide that advice that assists the statutory planning team.

Also, in terms of trends, we are looking at increasing opportunity for better response to sustainability and landscape that is connected to natural systems. Again, it involves not just thinking about the block but about how a project actually connects into natural systems. That is also the benefit of the work we did through district strategies, where we were looking at those systems and how development can assist with that; so it is not one or the other.

MS ORR: Picking up a little bit on what both of you said, and particularly Mr Green’s comments about the design guidelines—Mr Ponton, you touched on it, too—how will the new planning system integrate with the panel and how do you see the panel helping to realise the intentions of the new planning system to be outcomes focused?

Mr Ponton: The design guides were developed in very close consultation with the government architect and had feedback from the panel, but primarily through the government architect. They have been developed in a way that we know will provide a useful tool for the design review panel to frame their advice. Of course, under the Planning Act 2023, a proponent needs to provide a statement addressing the design guides, and that needs to be considered by the planning authority. Importantly, so does the advice of the design review panel.

To answer the question, because we have worked with the panel and the government architect in developing the design guides, we did that having in mind providing them with the tools that they felt were lacking until this point to help drive some of those outcomes that we were talking about. All that they could rely on was the metrics in the current Territory Plan; they would be providing views and talking about opportunities. Because the current planning system is so restrictive, a lot of that advice could not be taken on board, because if it was challenged in the tribunal, of course, the tribunal, as is appropriate, would look at, “This is the metric, this is the requirement,” whereas there is more flexibility in the design guide. That means the panel can push harder for good quality development. It also gives them greater flexibility to provide advice where they feel as though it is not meeting best practice.

MS ORR: Mr Ponton, in regard to your comments that there has been a lot of shaping of the design review panel and the role it plays, do you think it is fair to say that going forward under the new planning system there is quite an important role there for the design review panel and that we will see improved urban outcomes?

Mr Ponton: Absolutely, yes. With the drafting of the legislation, whilst the current legislation does require the planning authority to consider the advice of the panel, that has been strengthened, because not only do we need to consider the advice of the panel but the proponent needs to provide a clear statement against the design guides. Those two working together will greatly assist the planning authority to drive those better outcomes.

MR PARTON: I have a broad question, Minister. The adoption of the outcomes-focused approach to the new planning system has been talked up by you and officials on many occasions during the whole review and the subsequent debate. How will the public actually notice the outcomes approach? How will they notice that the outcomes approach is better?

Mr Gentleman: They will see different outcomes on the ground, Mr Parton. I have used in the past the example of the New Acton site and the Nishi building. These are outcomes that you would not normally see under the current, older planning system. Those proponents were allowed to go outside, if you like, the normal planning system because it was covered under the National Capital Authority planning system. You

saw from that outcome the change, and the way they were able to provide better accommodation and better outcomes—better environmental outcomes as well—for those people that want to live in and visit that particular precinct. You will see more of this as we move forward.

From the conversation that I have had most recently with some proponents and, indeed, at the event that you and I were at the other night with HIA proponents across the ACT, they are quite excited about the opportunity to think a little bit outside the box and provide those better outcomes for Canberrans.

Mr Ponton: Internally, we are looking at our systems and structures in the planning authority and at how we can make sure that the structure of the authority is achieving those better outcomes. There will also be monitoring and evaluation, as is normal practice.

I have been working with the Environment and Planning Forum, who provided some really good feedback in relation to how that monitoring and evaluation framework ought to be public. We have given a commitment to come back to the next Environment and Planning Forum, which, of course, consists of community councils, professional associations and other community groups, and work with them so that they have a clear understanding of how we will be monitoring, evaluating and comparing built form outcomes as it works its way through the system.

There are a couple of aspects. There is the immediate response in terms of how we are satisfied that we are getting a consistent approach to outcomes, and there is that ongoing monitoring and evaluation, and working with the EPF in particular, given the useful and valuable feedback that we received at the last meeting and their interest in this matter as well.

MR CAIN: What additional provisions have been allocated to the directorate to resolve disputes under the new system?

Mr Ponton: In terms of disputes, presumably you are talking about third-party appeals. Internally, again, we will be considering how we structure the planning authority team to respond to appeals. In some respects it will be a case of having to wait and see, in terms of whether or not there is in fact an increase in appeals.

There is no evidence to suggest that that is the case. In fact, if you look at the last 12 months—and my colleague Mr Cilliers might be able to talk about the number of appeals—we have already seen a significant increase, and we have allocated the necessary resources. That is under the current planning system, over the last 12 months. The reality as to why we are seeing that is, again, because of the shift in the type of development that we are seeing—larger developments, infill and more complex types, so there is more chance of those being subject to third-party appeal.

If the system works as I anticipate that it will work—of course, I accept that there may be some teething issues as we work our way through—and if we as a community start to see better outcomes, it would follow, I would argue, that we will see less appeals because people will be more comfortable with what they are seeing on the ground.

That is what we are aiming for. We will have to see whether that eventuates. If there is a need to reallocate resources to support the team that works on tribunal matters, we can certainly do that. Given that the system is all about making the city a better place for all, and people being happier with what they are seeing on the ground, it would follow, logically, that there would be less appeals.

Mr Green: In the new Planning Act, there are now secondary notification processes for proponents, particularly where there are amendments of changes. That affords the community in particular further opportunities to engage whilst it is still under consideration by the territory planning authority, which may also contribute to a reduction in appeals in the future.

MR CAIN: Mr Ponton, you mentioned that you felt the community might reach a point where it was really satisfied with the outcomes of the new planning system. How are you planning to ascertain community satisfaction with what is being produced and developed?

Mr Ponton: I think I answered that question when I answered Mr Parton's question, Mr Cain.

MR CAIN: Regarding relationships with property developers, Mr Ponton, if EPSDD staff have close relationships with property developers, be they local or interstate, are they required to declare this?

Mr Ponton: Yes.

MR CAIN: What mechanisms are in place? How does that actually operate?

Mr Ponton: I will start with executives. There is a requirement for all executives to provide a declaration of private interests. I think we talked about this at the last hearing, Mr Cain. Coming out of that, at the end of that, there is a consideration in relation to any potential conflicts of interest that might arise as a result of that declaration of private interests.

If there is a conflict of interest then there is a separate requirement for forms to be completed. That is managed through our people and capability team, and I review and determine the appropriate mechanisms for managing potential conflicts. I look at all of those and then work with the people and capability team to make sure that that is managed in an ongoing way.

In terms of how we might manage that, if it is a close relationship or if it is another matter in relation to land or property, it could include exclusion altogether. There are different ways in which you could manage a particular conflict, depending on the nature of that conflict.

We also have in the planning authority a statutory planning team. In addition to the EPSDD integrity frameworks, we have specific integrity frameworks relating to the planning authority, to give guidance to our people in relation to what is expected of them. That goes beyond executives to all people involved in the statutory planning team or the functions of the planning and land authority.

I could ask my colleague Mr Gillman to talk a little bit more about the frameworks in place in relation to integrity and managing conflicts of interests. Depending on how we are going for time, I could ask Mr Cilliers to talk specifically about the work that he has done in relation to making sure that our integrity frameworks are at the highest level. In fact, Mr Cilliers won a public sector medal for his work in relation to integrity, so I am sure he will be thrilled.

THE CHAIR: Mr Cain, can you narrow your question down to the information that you are after that has not been previously heard in other hearings, given that we have a couple of options regarding officials who can answer?

MR CAIN: Obviously, if they have been asked in other hearings, that is going back in time. We have advanced, clearly. We have made some significant advancements since the last hearings.

THE CHAIR: That is okay. I am just inviting you to direct the panel to your area of interest.

MR CAIN: Thank you, and thank you for that answer, Mr Ponton. I might throw to the minister here. Minister, if staffers in your office have personal relationships with developers, are they required to declare this, and what mechanism is in place from the point of view of your office?

Mr Gentleman: Mr Cain, I can advise that none of my staff has a personal relationship with developers in the ACT.

MR CAIN: Are you aware of any MLAs or ministers who have close personal relationships with property developers? If so, what steps are required on their behalf?

Mr Gentleman: No, I am not aware.

MS ORR: Chair, can I ask for your guidance on that? There are a lot of terms in Mr Cain's question that could be interpreted in a number of ways.

MR CAIN: It is up to the witness to ask for clarification. They have all answered the question fairly directly.

THE CHAIR: Mr Cain, you asked the minister about conflicts of interest in his office. I see no problem with that. Is there something in particular that you are after, and can you be careful with your words, too?

MR CAIN: The witnesses are happy and free to answer the question; I am not sure what the issue is.

Mr Gentleman: They are not happy and free. There is an insinuation in the question, and I think it is pretty grubby.

MR CAIN: No, it was a question.

MS ORR: The point I was thinking of, Chair, was that “property developer” has a number of meanings for different people. It is not clear from Mr Cain’s question what definition he is applying. While the minister might be happy to answer, and I think the minister is engaging in good faith in answering the question, from a procedural point of view, I am a little bit confused as to what exactly we are talking about as a “property developer”.

THE CHAIR: Mr Cain, are you after what the standards and procedures are?

MR CAIN: Let me make this very clear: minister or Mr Ponton, what is the definition of a “developer”?

Mr Gentleman: Yes, we gave that to you last time, Mr Cain. It is, of course, in the ACT Electoral Act.

Mr Ponton: Last time we talked about this, Mr Cain, because you did push, first, I talked about the ordinary meaning of the term. It may surprise you that, with a lot of what we do, whilst there are legislated definitions, where there are not legislated definitions, we would rely on the ordinary meaning—that is, the dictionary.

In addition to that, we have the benefit of the Electoral Act. Further to that, further work is being done through the developer licensing process to provide greater clarity. In the absence of the Assembly giving us any more guidance, we rely on the ordinary meaning of the term, and that is what we talked about last time.

Mr Gentleman: Perhaps, Mr Cain, if there is an instance that you would like to reflect on, we might be able to dive deeper into that.

MR CAIN: You have been asked questions which you have answered. You volunteered answers to questions. Are you aware of any minister in this government that has a close personal relationship with a developer?

Mr Gentleman: I have already answered that, Mr Cain.

MR CAIN: What was your answer?

Mr Gentleman: You missed the answer. It is in the *Hansard*.

MR CAIN: The answer is no, I believe?

Mr Gentleman: It is in the *Hansard*.

MS ORR: I do not think you are allowed to direct the witness how to answer, Mr Cain.

MR CAIN: Why can’t he just give the same answer? Now that we have clarified a few things, Minister, are you aware of any minister in this government who has a close personal relationship with a developer?

Mr Gentleman: I have already answered that, Mr Cain.

MS CLAY: Mr Cain, that is the third time you have asked that question. Do you have a fresh question or should we perhaps move on to another substantive?

MR PARTON: I can close the line of questioning, if you want, Chair.

THE CHAIR: Thank you, Mr Parton. That would be excellent.

MR PARTON: Minister, can you tell me: if a minister of this government has a close personal relationship with a property developer, whether they be locally based or based interstate, are they required to declare this?

Mr Gentleman: Where there is decision-making, yes, they would be.

THE CHAIR: We might move on to a fresh substantive. Minister, the new planning system has a lot of change. It requires new procedures, new forms and new IT. I would love to know what training you are doing for staff, the sector that has to use this system and the community. That is a big question, so a brief summary of those three prongs of training would be excellent; then I might focus in on areas.

Mr Gentleman: Yes, there is quite a bit of work occurring not just for staff but with respect to the ACT community, regarding how to work with the new planning system. Our directorate officials have been working through that, so I will pass over to them to give you the details.

Mr Ponton: There is a lot to talk about here, so I will keep it brief, Chair. I will ask my colleague Ms O'Brien to join us. I will talk while she comes to the table; she can talk in more detail. There has been a lot of work happening behind the scenes. We can talk about the processes and procedures that are happening behind the scenes in the planning authority, but in terms of the training—

THE CHAIR: Probably the state of play of current training—

Mr Ponton: Training, yes.

THE CHAIR: and probably for your staff and for the property development sector that needs to use this new system.

Mr Ponton: Yes. We have been rolling out extensive training, and there are a number of modules. There is an overview module, for people who just want to get a sense of what this means and how to work in the new system. There is also a series of more detailed modules that people can elect to take.

That has been framed and designed so that they are modules that are very detailed for industry and EPSDD people—not only EPSDD but other parts of government. We have had a very strong response from all parts of government—anyone that would interact in any way with the planning system. Again, with a group like TCCS, they are much more engaged than a group that might from time to time engage with the planning system.

In addition, we have also tailored our training for the community. Again, we know that there are some community groups that will want training on this but will not necessarily want the level of detail that will go to practitioners. Having said that, it is not closed to those people. If they want to engage in the more detailed training, it is completely open to them.

I will ask Ms O'Brien to run through some of the detail in terms of numbers and what we are seeing, and some of the feedback that we are receiving in relation to that training.

Ms O'Brien: I have read and acknowledge the privilege statement. We have quite a substantial training and education package. We engaged Communication Link, who is an effective training provider, to develop a training and change management package. Obviously, this is a pretty significant change in policy which impacts not only the community and industry but also EPSDD and ACT government staff.

We have created a change champion network. We have a range of networks and groups for training our staff, and a train-the-trainer model. They are going out within their own directorates and presenting that training that they have been trained in.

Just over 2,300 participants have been through all of our training sessions, so it is a significant amount of training. That has been face to face and online. We have also partnered with some of our industry organisations to hold training at certain locations and other things to make it easier for their participants. We have done the first tranche. We are currently doing an evaluation; then we will look at the second tranche of delivery, which will start in a couple of weeks and coincide with the commencement of the new system.

THE CHAIR: Ms O'Brien, was that delivering training onsite in people's organisations?

Ms O'Brien: In some instances, yes.

THE CHAIR: That is great, because I know that was an earlier request that was made.

Ms O'Brien: It was, yes. We are trying to offer as much flexibility as we can, so we are doing some online at different times of day, at different venues, and coming to organisations.

THE CHAIR: That is great. With the 2,300 participants, is that industry, EPSDD and community?

Ms O'Brien: Yes, in total.

Mr Ponton: And it would include other parts of government.

Ms O'Brien: Other parts of government, yes. We have done specific Q&As with particular parts of government that have specific interests—tailored where we can.

THE CHAIR: Are you finding that EPSDD staff need cross-training? Are your staff

who are working in the new planning system being cross-trained in different areas of that?

Ms O'Brien: Cross-trained as in understanding the system—

THE CHAIR: Are you finding that EPSDD staff who are working on the statutory planning team, for instance, are helping to train other people in how that system works? Are you doing some cross-skilling in how that—

Ms O'Brien: Yes, absolutely. That is one of the big components of train-the-trainer and those change management champions. Those that are most engaged with the system are being trained up and then are going to speak to other areas. We want different areas across government to have an understanding about their particular engagement with the system, as well as how different areas interact—really sharing that knowledge.

Mr Ponton: In addition to that training, there is separate internal training for the planning authority people in relation to the new systems that they will need to be working with. That is a separate, dedicated piece of training—separate to the technical.

THE CHAIR: What is the biggest single piece of feedback or the biggest area of need that is coming out? Are there any strong themes coming through regarding what people need to learn?

Ms O'Brien: Some of the biggest feedback we have is the benefit of having the subject matter experts in the training. While we set it up to encourage everyone to do the introductory session, to get a bit of an overview, people have found value in having people there who can answer specific questions. Obviously, it is a big system and people engage with different components of it. It is about having the ability to individualise the training and tailor it to particular groups, which we have done, as well as having access to those experts to answer specific questions.

MS ORR: There appears to be a significant increase in development application numbers. Did the directorate respond to this increase effectively, and what factors caused the increase?

Mr Gentleman: Yes, there has been an increase in DA applications and approvals as well, which I am pleased to see, because we do need more dwellings across the ACT as the population grows. I will ask the directorate to give you all of the details.

Mr Ponton: I might ask Mr Cilliers to talk about the detail, but I will note that since the annual report there has been significant improvement in terms of working through the large number of DAs that we have seen. Mr Cilliers might also touch on that.

Mr Cilliers: I have read and understand the privilege statement. Development applications have increased over the past three years. In 2022-23, 1,057 DAs were lodged. In 2021, in comparison to 2022, there were 1,063. In 2020-21, it was below 1,000—919. This was an average increase roughly of 152 DAs a year. With respect to DAs determined in our past reporting period, there were 1,116 merit track DAs, which was 146 more than in the previous year.

Interestingly, the construction value of development applications lodged in 2022-23 increased by approximately \$1 billion compared to the previous year. The construction value of DAs lodged in 2022-23 was \$2.73 billion, compared to 2021-22, which was around \$1.76 billion. The increase in construction value of development applications can be mostly attributed to large, multi-unit and mixed-use proposals across Canberra, as well as those proposals that are the result of the current and future light rail corridor.

In terms of DA performance, for DAs determined within the statutory time frame, it has improved by four per cent since the previous year. That has been a consistent improvement. The median time frame was about 37 working days; for the previous year it was 41. The average time frame was 64 days; for the previous year it was 61. The figure for DAs determined within the statutory time frame was 66 per cent; for the previous year it was 62. Despite the increase, things worked better. Both the median time frame and the DAs determined within the statutory time frame therefore improved.

The average time frames, it is important to note, can be impacted by many factors outside the control of the authority—for example, appeals and judicial review. We had a case of a DA in Deakin that was subject to judicial review for 1,000 days. Obviously, that skewed the data.

It is important not just to look at DAs in isolation because we have a large component of work that we call exempt declarations, which are the smaller, mums-and-dads applications. There were 948 minor single-dwelling applications in the 2022-23 reporting time frame, and 92 per cent of our exempt declarations were actually determined within the statutory time, which is 10 working days. That is a really good result in terms of numbers.

I can give a breakdown of what they look like. In 2022-23 we received 531 single residential applications. In 2021-22 we received 426. Secondary residences were a little bit down, from 170 to 70. Multi-unit applications were slightly down as well, from 223 to around 180. Commercial and public works were fairly consistent, in terms of numbers; we approved 204 applications compared to 228 in the previous year, and lease variation applications were also fairly consistent—approving 59 compared to 55.

In terms of the current situation, we are probably in a better position than we have been in for a fairly long time. We are currently sitting at roughly 250 DAs in the system as we speak, of which 198 are DAs. It is the first time I can actually report at the annual report hearing that we are below 200 active applications. Last week, on 7 November, we were at 198 DAs, 27 amendment applications and 38 section 165 applications.

MR PARTON: Minister, the government recently announced this new RZ1 dual occupancy policy. They say that imitation is the highest form of flattery, and certainly the Canberra Liberals appreciate the sentiment.

Mr Gentleman: I remember it well.

MR PARTON: We would suggest that it is a poor imitation. Owners of RZ1 blocks larger than 800 metres square will be able to subdivide their blocks into a dual occupancy, and the second dwelling will be limited to 120 metres square. Minister, are you able to detail how many additional dwellings the government expects to be added to the ACT housing stock as a consequence of this RZ1 policy?

Mr Gentleman: No. I have not talked to the minister for housing about any changes that may occur in government housing stock in relation to the policy.

MR PARTON: Sorry; I probably phrased the question incorrectly. I am not talking about government housing. I am talking about this change to planning laws, re the RZ1 blocks. How many additional dwellings do you expect to be added to housing stock across the territory as a consequence of that change?

Mr Gentleman: It will be an option for the owner of the residence to make the change to their particular block. We understand that there are about 48,000 opportunities across RZ1 in the ACT. It will be up to each individual to make a decision as to whether they want to do that on their particular block. We have moved the policy levers to allow that to occur. We do recognise that there was a Canberra Liberals announcement at the last election as well for RZ1 dual occupancies. We have also said that it can be unit titled. In relation to the 120 square metres, that is for the house itself. It does not count for the garage, for example, so you can build a house on top of a garage.

MR PARTON: Minister, are you seriously suggesting to me that the government has not, while assessing this policy, come up with a vision for how many dwellings you expect this will add to the ACT?

Mr Gentleman: It will be up to the individual decision-making of those owners.

MR PARTON: Surely, there must have been an assessment made of the likely number of dwellings that this would add?

Mr Gentleman: Yes, there was a bit of work done. Mr Ponton will give you some—

MR PARTON: Right, so are you able to detail that work?

Mr Gentleman: Yes. Mr Ponton is going to give you the detail.

MR PARTON: All right.

Mr Ponton: I was just going to reinforce something that the minister said earlier. The work that we have done is to look at the number of blocks that are zoned RZ1 that are over 800 square metres that could potentially accommodate this. Keep in mind that that is all subject to a development assessment process; not all of those blocks will necessarily be able to accommodate a new home under this policy.

As the minister said, whilst we can understand the potential, we cannot be certain as to what individual owners will do. As part of our ongoing monitoring and evaluation,

we will start to get data about people taking up that opportunity. If it is not delivering a number that the government is comfortable with, of course there are other mechanisms available to government to review and reconsider aspects of that policy.

That is a long way of saying that planning can set the framework, it can provide the opportunities—not just for RZ1; it is the same for RZ2, RZ3, RZ4 and RZ5—and we can have an understanding of the potential for development, but until somebody decides to actually invest, we cannot force them to do that. It is the same with town centres, group centres and local centres: the policy is there to facilitate, but then the private sector needs to do some of the heavy lifting.

What I can say is that, in terms of the Indicative Land Release Program, we expect, depending on the year, between 1,000 and 1,500 homes to be delivered by the private sector. We have certainly factored that in, but how many of those will be dual occupancies in the RZ1 zone will come down to people's individual decisions, Mr Parton.

MR PARTON: What I am hearing, and please correct me if this is incorrect, is that the government has not made any assessment with regard to how many new dwellings will be delivered by this. It is a sort of “suck it and see; let's find out” approach and all of those options may, when it is rolled out, be possible, including the option of this policy delivering no dwellings to the market. It is possible that nobody will take it up.

Mr Gentleman: Mr Parton, we had a very strong reaction to the changes that we did for the Mr Fluffy blocks. You will remember that, for 700 square metres and above, we created dual occupancy availability. There was then quite a loud call from the public for us to make those particular changes for blocks that were not Mr Fluffy, and they said—

MR PARTON: You have not made those changes; you have adjusted them. These changes are different because of the—

Mr Gentleman: I am responding to your question. The public said to us, “Why can't I do that on my block in RZ1?” We have responded to that request and made those particular changes. Now we will see how the take-up occurs through the process.

Mr Ponton: On that point, in relation to variation 343, which was the asbestos variation, we had 36 per cent take-up on the blocks that were eligible for dual occupancy. Again, it is like planning—and we are not unique in this respect. Planning will provide the framework, but we cannot force people to develop. As I said, if you look at RZ2 zoning, which was introduced in around 2003, I think it was—

Mr Gentleman: The Garden City variation.

Mr Ponton: Yes, it was indeed. It was variation 200, in 2003-04, I think that was. There is still capacity in the RZ2 zone because we have provided the framework and, over time, particular areas become more popular and investors will invest. This is another example of that. That is not unique to the ACT. We have an understanding of what is possible, but we cannot tell people, “You must now develop this.”

MR CAIN: The Chief Minister has come out with an announcement of a tax duty concession for the purchaser of this possible second dwelling, which is obviously of no advantage at all to the owner. Is the government planning to incentivise this RZ1 option or just leave it purely in the hands—

Mr Gentleman: I will not be announcing government policy in an annual reports hearing, Mr Cain. All of those options are being considered by government.

MR CAIN: What options are being considered by the planning department?

Mr Gentleman: We have made our forward planning pretty clear. We are rolling out a new Territory Plan and nine district strategies. We have made changes to RZ1—

MR CAIN: No; we are talking about the RZ1.

Mr Gentleman: We have made changes to RZ1 in relation to the opportunity for dual occupancies of 800 square metres and above, and we will work with the Canberra community to see what the take-up of that particular area is. We will also incentivise, I think, through any levers that we can, to provide more housing for more Canberrans.

MR CAIN: Why 120 square metres?

Mr Gentleman: As I mentioned to you before, Mr Cain, that was a decision of cabinet.

MR CAIN: You have no understanding of why that was picked?

Mr Gentleman: I certainly do, but I am not going to announce cabinet decisions.

MR CAIN: Well, the decision is announced. We just need to know why.

Mr Gentleman: I am not going to announce the deliberations, Mr Cain, in annual reports hearings.

MR CAIN: Why was it 120? Why not 110?

MS ORR: I mean, how long is a piece of string?

MR PARTON: I think it is a valid question.

Mr Gentleman: You would have heard the response from the Chief Minister in regard to that particular size, and that was that the cost of construction for buildings is somewhere near \$3,000 to \$3,500 per square metre, so the cost of building larger residences in RZ1 will cost more. He wants to make the opportunity for people to be able to purchase those properties, should the owner decide to make those changes, in a reasonable way.

Mr Ponton: Also not wanting to talk about the deliberations of cabinet, I think I have said before in public forums that cabinet considered the planning reforms and the opportunities multiple times. This was not a one pass. Coming out of each pass,

questions were asked of the planning authority and information was provided. There was certainly information around the cost of construction, affordability thresholds, land values and the like that all fed, in addition to a range of other matters, into the government's decision-making. I think that goes to the minister's point that the cabinet carefully considered, deliberated, asked questions and sought data and information to land at that decision.

THE CHAIR: Will the new dual occupancies be counted as separate dwellings under our infill targets? I would assume so.

Mr Ponton: Yes.

Mr Gentleman: Yes.

THE CHAIR: Excellent. It is good to be clear on these things.

MR CAIN: Further on this RZ1 policy, as you are aware, the Chief Minister declared, as you stated, that 120 square metres is "an enormous size" for his household, which includes him, his husband and his very large cat. It does beg the question: if the cat were not so large, would it be less than 120 square metres? That is just a hypothetical, I suppose.

MS ORR: We cannot ask hypotheticals, Mr Cain.

MR CAIN: I have not asked it. While I am glad to hear that the Chief Minister is very content with his two person and large cat household, does this really give consideration and respect to the survey that was conducted, called the Winton survey, which clearly indicated the preference of Canberrans who have more than a large cat, in a spousal household, and who have children, for example?

MS ORR: Chair, I put it to you that this is seeking an opinion.

Mr Gentleman: I am pleased to see that you have fallen on your feet there, Mr Cain.

MR CAIN: I have a question. Minister—

Mr Gentleman: I can tell you that—

THE CHAIR: If we can perhaps omit reference—

MR CAIN: I am getting to the question.

THE CHAIR: to the cat. Just asking the question might be much clearer.

MS ORR: Yes. I think this a little bit too much of an opinion and not something more substantial.

MR CAIN: It is clearly the Chief Minister's opinion.

THE CHAIR: Mr Cain, just restate your question.

MR PARTON: What is the question?

MR CAIN: I have the question. Minister, how are young families who are already struggling to enter the ACT's housing market meant to fit into what is essentially a 120-square-metre large granny flat?

Mr Gentleman: I can give you direct evidence, Mr Cain. My three children, my wife and I all sustained ourselves in a 120-square-metre, three-bedroom home in Calwell. I am still there. It is a very enjoyable house to live in, and my kids have grown up well. I think those opportunities are there.

In fact, I can say, Mr Cain, too, that in my early years of growing up in Canberra—and you will recall my speech at the PIA Awards the other day—we grew up in an 80-square-metre house, a two-bedroom FCC home in Reid. I think it is an opportunity to grow up and have a family in that size residence. That is my opinion.

MR CAIN: Minister, as you would be aware, there are RZ1 parcels out in our community that are significantly larger than 800 square metres. I heard on radio an owner talking about her 1,700-square-metre parcel in my electorate. Why does your RZ1 policy limit the opportunity to build a larger residence for a larger family? Why does it limit that opportunity for the owner, where a home could be provided to cater for a larger family than even your own, Minister, as you were growing? Why would you put that restriction on the owner?

Mr Gentleman: It does not limit it, Mr Cain.

MR CAIN: It does. It says it can only be 120 square metres.

Mr Gentleman: Do you want to hear the answer?

MS ORR: Can I ask my supplementary now, Chair? It might be a little bit more productive.

MR CAIN: The minister is still answering my question.

THE CHAIR: Let's complete this one, and then we will go to Ms Orr.

Mr Gentleman: That is on the second residence, Mr Cain.

MR CAIN: That is what I am saying. Why limit the size when there could be a house provided for a larger family than even your own, which is required, really, for the comfort of that family, to be bigger than 120 square metres?

Mr Gentleman: They can on the other block.

MR CAIN: No, they cannot. They can only make it up to 120 square metres. That is your own policy.

Mr Ponton: If I could answer—

MR CAIN: Why not allow the owner to have a larger premise built?

THE CHAIR: Mr Cain.

Mr Ponton: I can answer the question, Chair. In relation to the 120 square metres, that is for unit title. I am sure you are aware of this, Mr Cain: if that person was really keen to provide a larger home to the housing stock for the ACT and have two large homes on that block of land, they can certainly do that. The restriction is that they cannot unit title it. If they are wanting to provide those to the rental market, that is certainly an opportunity that is available to them under the new planning scheme—and, in fact, the current planning scheme.

In relation to the 120 square metres, you might recall that just a few moments ago I was talking about the deliberations of cabinet and the input, considerations and questions that they were asking, with a very strong focus on affordability. You had that quote, but the other part of the quote was consideration of affordability. It is not just about providing affordable homes for—as you yourself referred to, Mr Cain—the young people wanting to get into the market; it also deals with the other end, where people are wanting to perhaps get out of the big home and age in place or downsize with a smaller home. Then they can sell their family home to that family that is growing and wants a larger home. This is about providing opportunities for all. That was a very careful consideration of the government in its deliberations.

MR CAIN: Basically, you have just endorsed a more generous approach, as provided by the Canberra Liberals.

MS ORR: I think that is an opinion.

Mr Gentleman: An announcement by non-government.

MS ORR: Mr Ponton, you were kind of touching on this, so you might want to elaborate further. I think it is fair to say that the unit titling and the 120 square metres is one option for housing across Canberra. I am interested to know how this fits within your broader policies and programs in delivering housing choice for Canberrans, and how important that is, given the changing demographics and needs of the city.

Mr Ponton: Certainly. As I touched on, the RZ1 changes provide for a particular product. That is providing the incentive for people to invest in a more affordable product. Picking up on what Mr Cain also referred to, in terms of people wanting not an apartment or a townhouse but a freestanding home, that provides that opportunity but still meets government policy on accommodating 70 per cent of growth within the existing urban footprint. That was the thought process there. In addition, we have the RZ2, 3 and 4 zones that provide different housing products, whether it be standalone homes, dual occupancies or townhouses. There are also opportunities for much higher density development in town centres and group centres and the like.

What this aims to achieve is to provide choice for a range of people. Not everybody wants to live in a five-bedroom home on a 1,700-square-metre block. Some people actually prefer to live in a smaller, more manageable, more affordable home. Even

those people who are not necessarily looking for affordability will still be looking for something that is more convenient. Downsizing is what we are hearing. A lot of people would like to be able to downsize in their location. They want to be able to lock and leave, so they do not necessarily want to be having to maintain a large yard.

MR PARTON: Can you give me the names of those people? Sorry, Chair!

MS ORR: I reckon I am one. I reckon I am one of them, to be honest, Mark, so I will give you my name.

Mr Ponton: I could give you some names, but I will not.

MS ORR: I do not think we need to name individuals.

THE CHAIR: In the Winton survey were there other clear preferences, in addition to the people who said they wanted a freestanding home? What were the other clear preferences that people stated in that survey?

Mr Ponton: Yes. It is eight years ago, so it has been a little while since I have looked at the Winton report—

MR CAIN: I have been reminding you.

Mr Ponton: I was involved in the scoping and the questions for the Winton report at the time, in 2015, so I do have the knowledge. I actually worked with Winton to get that data. We were trying to get people to help us understand: if there were no constraints, if you had all the money in the world and you did not care about the environment and you did not care about emissions and you did not care about anything else, what would be your preference?

As part of the Winton survey, we then undertook further work in this space. Yes, people were saying that they would like a freestanding home on a larger block, but then we got them to start thinking about other considerations: “What if this means we have to spread the city and go into environmentally sensitive areas? Is that still something that you would want?” And they started to adjust their mindset.

As I said, 2015 was the Winton work, and we have done further work and engagement to better understand people’s preferences. I think that feeling of “we cannot just do things the way we have always done them” still resonates with the broader Canberra community. I think there is a recognition that we do need to do things differently, that we do need to consider the impact of continually growing the city.

That is why the government has its planning strategy, from 2018, that seeks to achieve a compact and efficient city. Compact means still providing housing of choice for people who want a greenfields experience but not making that the only option, because the risk is of course that we could end up flipping this. If the suggestion is that there is not enough choice, if you only provide greenfields, then that is not catering to those people that I talked about earlier who are looking to downsize in their location—they have lived there for 20 or 30 years and they want something different—or for those people who just want a different lifestyle.

THE CHAIR: Thank you. Minister, the district strategies identify areas where future housing growth might occur. We have also got potential urban regeneration areas. Were those potential urban regeneration areas identified in the district strategies?

Mr Gentleman: That was some of the work that we were doing in the lead-up to the finalisation of the district strategies. That was work that EPSDD and the government did after hearing from communities what was important to them and valued by them. I will ask directorate officials to elaborate.

Dr Brady: Ms Clay, they are not spatially represented, necessarily, in the district strategies. It is more about criteria. They are areas also that were identified in the planning strategy as being along corridors and around town centres. They are some of the criteria where we see the opportunities, which also matches with some of the federal government's directions under the planning reform blueprints around being well-located. I think everyone, in trying to deal with the supply of housing and sustainability and not having cities spread, is looking at: where are the well-located areas? They usually are around centres, along transit corridors, where there are services, where there might already be zoning, like RZ2, RZ3 or CZ, that will facilitate some change in those areas. It is providing some criteria for where there might be opportunities for change in the future.

THE CHAIR: Opportunities where there might be more housing or densified housing in those urban regeneration areas?

Dr Brady: Potentially, yes.

THE CHAIR: Okay. Did that get picked up in the consultation when you were out talking to community?

Dr Brady: When we went out for consultation we had areas in the documents that were called future investigation areas. They are not in the final document. I think the feedback we got was that people were concerned that those areas were definitely going to change and what would that change look like. That was not really the message that we were trying to send; it was more that some of those areas have potential and could change in the future. So the future investigation areas we took off the maps and took away, but we did feel it was important to still communicate that there are areas where there is potential for change and urban regeneration, where they meet certain criteria. That was where we landed.

THE CHAIR: So are the district strategies a good indication of short and medium-term possible change? Is that what you are saying? And the other urban regeneration areas might see longer term change—

Dr Brady: Potentially, yes. The change categories that we have got in there are zero to five, zero to 10 and zero to 15. I guess the potential urban regeneration areas could span any of those time frames, really, so they could be short to long-term areas where there are opportunities for change.

THE CHAIR: Thanks. That has absolutely cleared that up.

MS ORR: Chair, I have a clarification question. I have some questions on the Territory Plan draft district strategies, but because we had an inquiry I erred on the side of not asking. Are they fine to ask, based on—

THE CHAIR: I have no objections, if you want to.

MR PARTON: I do not have any objection.

MS ORR: That is fine? Okay.

THE CHAIR: Yes.

MS ORR: I will try and remember where I wrote those down. In the meantime, I will ask a question. Can I get an update on the city plan and how it will guide development in the city?

Dr Brady: We are hoping to finalise the city plan soon. I digress slightly, but it will be the city plan and an urban design guide. When we went out for exhibition earlier this year it was the draft city plan and an urban design framework. With the development of the design guides under the new system, we have moved that urban design framework to be a city-focused urban design guide. It gives a lot of direction on similar things to those in the other guides under the system, but it is focused on the city. It will give information about relationships between the public realm and buildings, setbacks et cetera. It has similar diagrams and it is in the same format as the other guides under the planning system.

The city plan is a combination of us and the NCA working together, and very closely with the CRA, on the direction of the city in the future. As you would be aware, it is not identified exactly what will happen on some of those big sites, but it certainly sets the direction that there will be some development on certain sites of a certain nature and looks at what are all the important public realm and transport aspects that need to support that. We are hoping to finalise it this year so that it is out there with the new planning system.

MS ORR: Great. Thank you.

MR PARTON: Minister, I note that there was an article published in the Riotact this week titled “Planning system governance review underway”. It states that PEG Consulting have been engaged to conduct the review, for \$138,370. The final report is due on 25 March next year. Why were PEG Consulting engaged, and who made that final decision?

Mr Gentleman: That was done through CMTEDD. CMTEDD are leading the review of the governance arrangements for the new planning system. The independent reviewer that you have named has been engaged. It is being undertaken separate from me and EPSDD, but EPSDD and I will engage with the independent reviewer, as requested by the independent reviewer. I expect the report to be available next year. The matter is being dealt with through the Chief Minister and CMTEDD.

MR PARTON: That being the case, as planning minister, did you play any role whatsoever in the decision-making process to appoint PEG Consulting to undertake that review?

Mr Gentleman: No.

MR PARTON: None whatsoever?

Mr Gentleman: No; it was CMTEDD.

MR PARTON: All right.

Mr Ponton: Mr Parton, the CMTEDD committee made a recommendation in relation to the independent review. There was a motion and a resolution of the Assembly that it was to be independent. I think it was quite specific that it was to be independent of EPSDD, me, as the Chief Planner, and the minister, which is why the minister, to be really clear about that, did write to the Chief Minister and the Chief Minister and CMTEDD have taken complete carriage of that. The minister and I are interested stakeholders, just like many others. As the minister said, if asked to provide input or answer questions, we will do so, but that is entirely up to the independent reviewer's terms of reference and the way that they wish to engage with interested parties.

MR PARTON: I think they will be asking, but who are we to pre-empt what might go on there. That is sufficient for me.

MR CAIN: Minister, I am not sure if you are aware that the two management partners for PEG Consulting previously served as the establishment co-CEOs for the Victoria 2026 Office of the Commonwealth Games. I am not sure if you are aware of that. Given the abandonment of that project, does that give you any cause for concern?

Mr Gentleman: No, I was not aware.

MR CAIN: Okay.

MS ORR: Is this something that would have been handled through any tender process undertaken by CMTEDD and perhaps not—

MR CAIN: Sorry; are you answering the minister's question?

THE CHAIR: Mr Orr, Mr Cain, we might just—

MR CAIN: I just have one more further supplementary, if that is okay?

THE CHAIR: Yes, that is fine. The only reason I have interjected is that, noting that it was an independent review, I am not sure of the merit of asking somebody not involved in the tender questions on the tender. Go ahead.

MR CAIN: Sure.

THE CHAIR: By all means, go ahead. But—

MR CAIN: Obviously, the minister, as has been declared by his chief planner, is an interested stakeholder.

THE CHAIR: Yes.

MR CAIN: So that bit of information may be of assistance—

Mr Ponton: To be clear, we have the same level of input as you do, Mr Cain.

THE CHAIR: Yes.

Mr Ponton: We are completely removed from this process. Any questions regarding the independent reviewer, how they were appointed or the terms of reference would appropriately be directed to the Chief Minister and the Head of Service.

MS ORR: That is all next week, Mr Cain.

MR CAIN: Given that this is at an early stage, in what way have you been engaged thus far, if you can say, with this independent review?

Mr Gentleman: Only through the planning review process and the report requesting the review. I wrote to the Chief Minister off that back of that recommendation.

MR CAIN: Okay. There will be more to ask as we progress. Thank you.

THE CHAIR: Excellent. Do you have a substantive, Mr Cain?

MR CAIN: Surprisingly I do, Chair. Thank you. Minister, I want to go back to the objects of the act, which we touched on a bit earlier in this hearing. Regarding section 7 of the act, I have been conversing with builders, developers and planners and I have to say—

Mr Gentleman: Do you have any personal relationships with them?

MR CAIN: At events, yes, Minister, just like you do—in fact, very recently, as you touched on, at the Planning Institute of Australia awards. Have you declared that? No. I am getting a sense of uncertainty about what this new planning system will actually produce. I will just point to some of the objects of the act in section 7. For example, 2(b) of section 7 states:

promote certainty of processes and consistent and transparent application of policies while at the same time providing scope for innovation in development proposals ...

Can you explain how you are going to balance that sense of certainty with being open to innovation? Who is going to assess that? And how you are going to decide how the balance is best arrived at?

Mr Ponton: Of course. I am just bringing that up, Mr Cain. I might get you to repeat that. Although I know most of the Planning Act off by heart, there are some words that—

MS ORR: How many pages have you memorised, Mr Ponton?

Mr Ponton: Most of them!

MR CAIN: There are 541, actually.

THE CHAIR: Focus on the question, please.

Mr Ponton: It is in relation to certainty of process, and that is of course different to what you might see in a—

MR CAIN: There are 514—sorry.

Mr Ponton: That includes the transactional provisions that would drop off, but we will not get into a debate over that. In relation to those particular provisions, as I said, it is certainly the process, and that is the work that Mr Cilliers has been doing to make sure that people are really clear about what the process is. There is a range of advisory notes that have been developed and have been already published, and will continue to be published, to assist people to understand the process. Also, it is about being clear about our internal processes. There is the work that Mr Cilliers is doing around making sure that we get consistency in decision-making. I think I have talked in hearings previously about that work where we will have, for the foreseeable future, decisions going through a panel. Mr Cilliers, I think it is that. It is essentially an assessment panel where senior people will provide consistency in decision-making around particular outcome statements.

We have been very mindful of the object of the legislation as we have been developing the Territory Plan, the design guides, the supporting material, the advisory notes, and the like.

MR CAIN: Further referencing section 7, (3) says:

The following matters are integral to achieving the object of this Act ...

And (3)(d) says:

planning for population growth and development of the ACT while protecting those aspects that make the ACT an attractive place in which to live ...

What are those particular aspects that you are planning to protect?

Mr Ponton: I would refer you to the ACT Planning Strategy and the district strategies. That gives you a fairly good sense. That is further articulated in terms of outcomes in the plan itself and the design guides. The district strategies are a good start, Mr Cain.

MR CAIN: What are the actual aspects of Canberra—

Mr Ponton: There are quite a number, Mr Cain, and it also varies. There are matters that are important to Canberrans at a whole-of-territory level, and then there are aspects that are important to Canberrans at a more localised scale. That is what we spend quite some time talking about in the district strategies, where we articulate what we have heard from people from within the particular districts about what is important to them, but we have lumped together the things that are important to Canberrans as a whole. Again I refer you to the district strategies.

MR CAIN: No. You are here to answer the questions. I am not going to—

Mr Gentleman: If you look at the—

MR CAIN: What are the aspects that are in the act that you are planning to protect? What actually are they?

Mr Gentleman: If you look at “ACT Planning Strategy 2018 Vision” in the 2018 *ACT Planning Strategy*, it says:

THE VISION OF THIS STRATEGY IS TO BE A SUSTAINABLE, COMPETITIVE AND EQUITABLE CITY THAT RESPECTS CANBERRA AS A CITY IN THE LANDSCAPE AND THE NATIONAL CAPITAL, WHILE BEING RESPONSIVE TO THE FUTURE AND RESILIENT TO CHANGE.

This vision continues the original vision of Walter and Marion Mahoney Griffin of Canberra being a city within the landscape that celebrates its bushland setting. It protects and enhances the qualities that we value about Canberra while managing growth and change across the city.

It then says:

Land-use planning underpins the development of the economic, social and environmental development of a city. As such, this Strategy has five related themes:

- » compact and efficient
- » diverse
- » sustainable and resilient
- » liveable
- » accessible.

Each theme has accompanying strategic directions, supported by actions that the government will report against annually.

Mr Ponton: In addition to that, as I said, Mr Cain, we have built on that by working with the Canberra community. Chair, I could bring up each of the district strategies and redevelopment chapters, but I would prefer to—

MR CAIN: No. The act says—

THE CHAIR: I am not sure that would help us, but thank you for the offer, Mr Ponton.

MR CAIN: I have a supplementary on that, Chair.

THE CHAIR: Mr Cain, is there something specific that you are after?

MR CAIN: I am asking: what aspects are in the minister's own act that they will turn their mind to? That was the simple question, frankly. I am not quite sure why I would be told to read the district strategy plans.

Dr Brady: I can give an example in a district strategy. One of the key drivers is blue-green corridors. To follow on from what the minister was saying about the themes in the Planning Strategy and the city and the landscape, the blue-green corridors reflect water channels and biodiversity corridors and areas of nature reserves, and that is definitely what we have heard from community when we consulted. Those sorts of aspects are important. Having the green spaces and biodiversity are important to a lot of Canberrans. That can be about flora and fauna. That is one example in the district strategies. We have a whole section that is about blue-green drivers for each district and what is important that we have looked at in maintaining and enhancing in planning. That is just one example that is important, and that flows back to the aspects under the act.

Mr Green: Mr Cain, I could add that section 8 of the act talks about the key elements of the act, and it touches on the things that the minister, Mr Ponton and Dr Brady have been talking about with respect to the Planning Strategy and the district strategies, but also the Territory Plan and important components of the entire ecosystem, for want of a better term, that are established through the act.

MR CAIN: Dr Brady mentioned the aspects that will be considered and mentioned things that are "important to Canberrans". How are you going to work out what is important to Canberrans?

Mr Ponton: Mr Cain, the object of the act and the other provisions that Mr Green was referring to provide the framework within which we do further work—the work we have done. The reason I referred you to the district strategies is that it is the first step in making sure that we are providing for a planning system that achieves those objects. As to what we are going to do in terms of engagement with the community, we have done that, Mr Cain. I can go through the detail of that, but I feel, Chair, that we have done that before, but I am happy to talk about the engagement activities that we have undertaken in relation to developing the district strategies.

MR CAIN: Could you talk about—

THE CHAIR: Mr Cain, there is another member who has a supplementary. Do you have further supplementaries?

MR CAIN: Yes; it is a supplementary. Given the abandonment of the government's relationship—by the Molonglo Valley Community Forum, and, at the moment, the nonexistence of the Weston Creek Community Council, because of their view of your lack of consultation—what confidence will the community have that you are actually going to find out what is important to Canberrans?

Mr Gentleman: EPSDD representatives attended community council meetings in November last year in relation to the changes to the Territory Plan: Tuggeranong Community Council on 1 November; Woden Valley Community Council on 2 November; Inner South Community Council on 8 November; Gungahlin on 9 November; Belconnen on 15 November; North Canberra on 23 November; Molonglo Valley on 24 November; and Weston Creek on 30 November. They took all those engagements on board when making the changes that we have now come forward with.

This has been a very long process—not just the period of consultation with the community councils but, over something like three or four years, we have been engaging not just with community councils but with the Canberra community. It is the largest YourSay engagement the government has ever seen. I think we are well-engaged and we will keep engaging with the community as the changes roll forward.

Mr Ponton: The Environment and Planning Forum that I personally engage with consists of community council representatives and other community groups, including the Molonglo forum, which regularly engages and provides very good feedback. In terms of further detail, I could ask Ms McGee to run through it. Again, I feel that you have heard this before, but I am happy for Ms McGee to go through them.

THE CHAIR: We might, instead, ask Mr Parton if he has a supplementary.

MR PARTON: Could I close. I am just trying to get to the nub of what Mr Cain is, I think, trying to get to. How can community councils feel assured? Irrespective of the list that Mr Gentleman has just read out in terms of engagement, how can they be assured that the level of participation will continue, given that the Chief Minister has very clearly stated that community councils are a relic of a bygone era? How can you assure community councils that they will continue to be included in this sort of really important process?

Mr Gentleman: That is certainly our plan.

Mr Ponton: Minister, can I just say that I have personally, as the chief planner and an independent statutory office holder, given that commitment to the community councils, and that is why I meet regularly with the Environment and Planning Forum. It is very well attended.

MR PARTON: So you are not on the same page as the Chief Minister on this?

Mr Ponton: I think the Chief Minister has said that community councils are one way of engaging with the community, but there are many others. We certainly apply that principle. Again, Ms McGee could talk at length about the many ways that we engage. Community councils are one group that we engage with, but I engage with many others. We want to make sure that we capture all the missing voices—the people that might not otherwise engage with the planning system or with government. That is the work that Ms McGee and her team have been doing over the last couple of years to make sure that we not just hear from those few people on community councils when you compare it to the 450,000 Canberrans. The tens of thousands of interactions that

we had on the planning review work would go to show that we have gone well beyond that particular channel. It is not that I agree or disagree; I am simply saying that it is one way to engage, but there are many others. We cannot limit ourselves, otherwise I do not think we will get the diversity of views that we really need.

MR PARTON: As much as I would love for Ms McGee to get on the scoreboard, I note that it is five minutes to—

Mr Ponton: She is very good at it.

MR PARTON: I know, but I am just mindful that there is probably enough time for another substantive question.

THE CHAIR: I have one more question. I remembered.

MR PARTON: I am with you, Chair.

THE CHAIR: Deputy Chair or Mr Cain, have you covered this matter? We might move to Deputy Orr's question.

MR CAIN: I have just one further question on the consultation side.

THE CHAIR: We are going until 12.00.

MR CAIN: The chair offered it. I will not take long. Attending the community councils, as you have noted, is commendable, but it does seem that, as the Combined Community Councils published earlier this year, what they say is just not being taken on board.

MS ORR: Is this a question more for the Chief Minister?

MR CAIN: How do you respond to the community councils' views?

THE CHAIR: Mr Cain, if you do not mind me chairing the hearing, I think we have covered this topic really thoroughly and I would like to move to a member of this committee who has one more question, and we have merely two minutes to get to it.

MS ORR: I have two more and I am going to save the Territory Plan one for the Territory Plan inquiry. What are the next steps for the Gungahlin Community Centre? I know that you have been progressing that project and the DA is now out for approval.

Mr Ponton: Yes. Mr Smith is more than happy to answer that question.

Mr Smith: Yes. We did not touch on the Gungahlin Community Council.

MS ORR: Not the community council; the community centre.

Mr Smith: Sorry—the community centre. Regarding the next steps, as you said, the DA has been lodged. We would expect an outcome from the DA late this year or early

next year. We would expect to tender for construction services for the construction of the community centre around the end of quarter 1 next year, and then we would expect completion of the community centre around about mid-2026. There was an amount of money also awarded, which I think is relevant to the next steps, with regard to setting up a facility in Gungahlin for the next three years which includes both Capex and Opex for the running of the facility but also the fitting out of a temporary facility as well for that period of three years. In a nutshell, in the time we have remaining, they are the next steps.

MS ORR: Thank you very much for fitting that into the time. If I have more questions, I will find other avenues to ask them.

THE CHAIR: Thank you, kindly. On behalf of the committee, I would like to thank the minister and officials for their attendance today, and I thank broadcasting and Hansard staff, who do a marvellous job as always. I think there were a couple of questions taken on notice. If you could get those to our support officer or our committee secretary within five working days of the receipt of the uncorrected proof transcript, that would help us all greatly. Any members who want to lodge questions on notice, including Mr Cain, can upload those to the parliamentary portal as soon as practicable and within five days of this hearing.

The committee adjourned at 11.59 am.