



**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**

**PROOF TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**FRIDAY, 17 NOVEMBER 2023**

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**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**

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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met at 9 am.**

Appearances:

Berry, Ms Yvette, Deputy Chief Minister, Minister for Early Childhood Development, Minister for Education and Youth Affairs, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women

Suburban Land Agency

Dietz, Mr John, CEO, Suburban Land Agency

Holt, Mr Nicholas, Executive Director of Built Form and Divestment Group

Gordon, Mr Tom, Executive Director, Development Delivery Group

Chief Minister, Treasury and Economic Development Directorate

Miners, Mr Stephen, Deputy Under Treasurer, Economic, Revenue and Insurance and Coordinator-General for Housing

**THE CHAIR:** Good morning and welcome to the hearings of the Standing Committee on Planning, Transport, and City Services. Today we are hearing from the Minister for Housing and Suburban Development.

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 the city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

Please speak one at a time and speak clearly and directly into the microphone. The proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. If you are taking a question on notice, if you can use the words, "I will take that question on notice," that helps our secretariat track down the answers.

In our first session we are hearing from the Minister for Housing and Suburban Development. Welcome Ms Yvette Berry and officials from the Chief Minister, Treasury and Economic Development Directorate and the Suburban Land Agency.

If you can please state your name and the capacity in which you are appearing the first time you speak. I will just remind you of the obligations in the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of this Assembly. So can you confirm verbally for the record that you have received that privilege statement, that you understand it, and that you agree with it.

We are not inviting opening statements so we will proceed straight to questions. Minister, I was wondering if I could get an update on the CSIRO station and the land site out in Ginninderra.

**Ms Berry:** There is not really an update to give actually. We are still in conversation, and we cannot provide any other information other than that at this stage.

**MR PARTON:** Just on that, I know that there are quite a number of people who are frustrated by that process.

**Ms Berry:** Are they?

**MR PARTON:** Are you frustrated by it?

**Ms Berry:** Well, I think it is a big parcel of land. It is a unique situation for the ACT to be looking at opportunities to purchase land of that size, and in that area, and a unique situation for the federal government as well I guess. So it needs to be a careful and considered process, and that is what we are going through.

**MR PARTON:** I understand it has to be a careful and considered process, but why is it so much more complex on the inside than it looks on the outside? On the outside it all seems fairly simple: there is a housing crisis and there is some great land that is available, so why does it take so long?

**Ms Berry:** Why cannot we just buy land where we want to?

**MR PARTON:** Why this process in particular is taking so long because it just seems so sensible.

**Ms Berry:** I agree. However, I do not think it is taking that much longer compared to other purchases that the government, or indeed the joint venture, has made of land of that mass. I think it is the size of Ginninderry actually. The actual size is nearly the same size—so it is a massive piece of land, and of course money, funding, comes into it. So it is about making sure the appropriate processes are followed as far as how the funding works; how we going to move through that process as a government here in the ACT, and also with the federal government. I know it might seem a simple thing just to go out with a cheque book and write a sum of money and purchase it, but it is actually a little bit more complicated than that.

**MR CAIN:** Minister, could you confirm what the status is of that piece of land and the negotiations related to it?

**Ms Berry:** They are ongoing.

**MR CAIN:** What was the last substantive thing that you can tell this committee that has actually happened?

**Ms Berry:** I do not think we can tell you anything?

**Mr Dietz:** No. If the government proceeds and there is a purchase, the SLA is more than happy to develop.

**MR CAIN:** It would seem that a bit more proactive approach would be in order, but that is a comment.

**THE CHAIR:** Yes, that is, Mr Cain.

**MR PARTON:** Minister, I refer to an article by your former colleague and former Labor Chief Minister Jon Stanhope in the *City News* published in March of this year, where Mr Stanhope expressed confusion over the government's policy of land supply and your claim that the ACT has run out of urban capable land. The scheduled release of just 1,883 residential dwellings in 2023-24, according to the most recent ILRP, appears to support that claim. Are you able to explain how the release of 1,883 residential dwellings this financial year does not add pressure to Canberrans' cost of living and property prices?

**Ms Berry:** The answer sits more with Minister Gentleman in the planning space.

**Mr Dietz:** Yes, it does.

**MR PARTON:** That is what I thought while reading the question, to be honest!

**Mr Dietz:** I am definitely happy to talk about SLA's ability to deliver on the ILRP, but the planning which results in the numbers which are in the ILRP is more the Minister for Planning.

**MR PARTON:** Given the shortness of this session, I do not think I will get you to outline that because I do not think it is what we are looking for. Unless Mr Cain you have anything more on that, I am happy to leave it.

**MR CAIN:** So you are not involved in any way in informing the numbers released? What is your role in advocating or promoting the release of land that Canberrans so desperately are looking for?

**Ms Berry:** It might perhaps be helpful for the committee to explain the role of the Suburban Land Agency.

**MR CAIN:** We do not need a 20-minute explanation on it.

**Mr Dietz:** We are within the umbrella of the EPSDD portfolio. Therefore, in the communication and the collaboration we have with EPSDD, we do have a say as part of the creation of a draft ILRP. Often it will be around what sort of land is available, what status it is, that we have already processed certain developments and what risks are involved in actually delivering on the land that is available. EPSDD, then, is responsible, through the Minister for Planning, for drafting, finalising a draft of the ILRP and taking it to cabinet. It is cabinet that then approves the ILRP.

**MR CAIN:** Did the SLA advocate for the release of more parcels than the 1,883 that were decided?

**Mr Dietz:** I would say that as part of the collaborative working, we do our best to inform. I do not think there is a yes or no advocacy for more or less; it is about how can we deliver the land under the objectives of the ACT government for what is required.

**MR CAIN:** Even though there is an under-delivery?

**Mr Dietz:** Well, that is probably a different discussion. I note at the moment we have over 300 blocks available over the counter for sale and if you add that to the industry land, there are nearly 400 blocks available for sale over the counter as we speak.

**MR PARTON:** Mr Dietz, given we are in the middle of quite an extraordinary housing crisis, does it strike you as being a little odd that there are so many blocks that are available over the counter that are not being purchased, and why do you think they are not being purchased?

**Mr Dietz:** To answer the question in the scheme of what is a property cycle, no it does not seem a little bit odd. The market economics at the moment—13 interest rate increases, increased inflation, the high cost of living; people's savings being very low, and very low consumer confidence—are all traditional indicators of a low in the market. When you have a low in the market, the demand is low, and that is why I would suggest one of the benefits of the SLA under the ILRP and government's direction is that we continue to deliver land at any point in the cycle.

**MR PARTON:** Given those external pressures on the market, is there any pressure on government to adjust any of its offerings to accommodate those changes in the market?

**Mr Dietz:** I guess one high level pressure is to continue to release land at all stages in the market.

**MR PARTON:** But if no-one buys it?

**Mr Dietz:** So, even if no-one is buying it, we are required to keep the pedal to the metal to ensure we continue to release land. The other pressure, I would say, is market dynamics. When we do release land, even at low cycle times, it does bring downward pressure on prices of land, and the land that we have over the counter at Whitlam now has seen a reduction in price.

**MR PARTON:** By how much?

**Mr Dietz:** About 10 per cent. So the land available over the counter in Whitlam now is about 10 per cent cheaper since it has been re-released than it was three or four months ago.

**MR PARTON:** What is the mechanism to determine that price decrease? How does that get determined?

**Mr Dietz:** Firstly, our Planning and Development Act ensures we only release land at valuation. We have government policies which ensure that if land remains available over the counter and it is not selling, then we review the prices of that land. It is those policies that have ensured the price of the land that was available through a Whitlam ballot which finished in around March last year—about 50-odd blocks sold during the ballot, but then we did not see a lot of sales in the months that followed—so it is

following those policies that ensured we went through a strategic process to understand what the appropriate value for that land is. In that process, we identified that the appropriate value for those blocks, at this time in the market, had come off a bit.

**MR PARTON:** Given the number of blocks that remain in the middle of this crisis, do you think that you got it right?

**Mr Dietz:** I think we are doing our best in a very uncertain market, which is land development.

**MS ORR:** Just picking up on the theme of cost of living and the challenges that we are seeing faced across Australia for housing supply and meeting demand, what things does the SLA have in place to help people into home ownership in the ACT, besides reducing a block of land by 10 per cent in Whitlam?

**Mr Dietz:** Yes. So we act under government policy and within the government's ACT Housing Strategy and Implementation Plan. There is then an affordable housing plan and we identify goals within the government's policy that we can deliver on. I will ask Nick Holt to join the table to give a little bit more detail. The first one is we deliver to the ILRP and we deliver to the notifiable instrument which defines which land needs to be part of the affordable housing policy. We have actually delivered incredibly well to that. Over the six years of the SLA we have delivered dwellings in excess of what was required under the notifiable instruments, which is a really great outcome.

I will get Nick to talk a bit more but there are other areas where we have also looked into supporting government strategic goals such as build-to-rent. We have a build-to-rent program which would work both at Turner and other sites. Working with treasury, we have also looked at other things like shared equity schemes and the likes. I will hand over to Nick just to run through, at a high level, some of those initiatives.

**Mr Holt:** I have read and acknowledge the privilege statement. As Mr Dietz mentioned, we do have our Housing Strategic Action Plan, which provides a framework to guide the actions of the Suburban Land Agency and undertakes to implement some of the themes through the ACT Housing strategy. The action plan has three focus areas based around creating affordable home pathways, increasing affordable rental options and enabling public and community housing supply.

Within those three focus areas, there are eight actions. Mr Dietz has touched on a few of them. They are: continuing land supply and housing target implementation; implementing the Affordable Home Purchase Scheme; investing and testing shared equity schemes, working with our treasury colleagues; investigating rent-to-buy options—the Ginninderry Women's Housing initiative is one of those; investigating purchase options for our housing diverse community, and here we are looking at housing opportunities for Indigenous people and also for people with disabilities; importantly, looking at how we maintain affordability over the long term, where there is a bit more policy work, which we are working with our treasury colleagues on; creating built to rent opportunities sits in the area of increasing rental options, as Mr Dietz talked about, and we have a pipeline of build-to-rent opportunities that we



are building; and finally investigating purchase options for community housing providers and for public housing.

They are the main themes and actions we are doing in that space.

**Ms Berry:** I think in addition to the government's work providing opportunities for affordable and different kinds of innovative ways for people to get into homes of their own, we have also worked very closely with the private and not-for-profit sectors to increase opportunities for housing in those spaces as well, through some of these partnerships. For example, the government's requirement that developers have at least 15 per cent public and community housing targets on large developments. This applies to projects like Denman Prospect's development and their stage two development will include a project coming online for around 800 properties, of which around 400 will be affordable.

Whilst the ACT government are pulling all the levers that we have and doing what we can to ensure affordability and more of a pipeline of rental properties or homes-to-own on the market, we also need to make sure that our private developer partners are building homes that meet the requirements we have put on them around that 15 per cent. So, in that Denman Prospect space there is—I am not sure of the actual number; there might be somebody who can identify that—in addition to what the government supplies as far as when land is for sale. That is a significant project, if anybody has been out there more recently. An additional 400 affordable homes on the market would be a really great outcome for this city.

**MR CAIN:** Minister, during the budget estimates hearings you revealed that the commonwealth was reviewing the Ginninderry Joint Venture, of which the SLA owns 60 per cent, and its compliance with the Environment Protection and Biodiversity Conservation Act. This is obviously to do with the West Belconnen Conservation Corridor. Can you please provide an update on the commonwealth department of environment's review of this matter?

**Mr Gordon:** Yes, the commonwealth is still reviewing it and we are expecting a response some time shortly.

**MR CAIN:** So there has been no change in the status since we examined this in estimates?

**Mr Gordon:** They have indicated that there is not a non-compliance, they are just reviewing that—

**MR CAIN:** There is a non-compliance?

**Mr Gordon:** No, there is not a non-compliance. They have written to us but they are looking at how the EPBC citation is crafted.

**MR CAIN:** Is all of the land in that West Belconnen Conservation Corridor now under the ownership of, or does the Ginninderry Joint Venture have legal entitlement, to all of that land?

**Mr Gordon:** The joint venture itself, with respect to the land that is in it, at this moment, yes, it has legal entitlement.

**MR CAIN:** What is the nature of that legal entitlement? My understanding is that parts of it are still privately held?

**Mr Gordon:** They are lands which are not currently part of the joint venture and are highlighted in the rezoning of New South Wales land.

**MR CAIN:** The commonwealth still recognises the whole of that area that you are advertising as a conservation corridor?

**Mr Gordon:** As I understand, the process that went through for the EPBC approval was endorsed by all the property owners in New South Wales that are in that area and they also endorsed the concept of the conservation corridor and how it extends along the Murrumbidgee River and up into Ginninderra Creek.

**MR CAIN:** The joint venture does not actually own all of the land, does it?

**Mr Dietz:** If I could be very specific, the original EPBC condition does imply the whole of the conservation area. What has been agreed in writing, but not yet reflected in the condition, is that this staged approach of ownership of that land will be appropriate. That has been agreed. We do not yet own all of the land but we do own what is required in this staged approach. The commonwealth has not yet updated the condition to specify what has been agreed but we are expecting that update shortly.

**MR CAIN:** Is this staged approach an agreement with all of the private landowners and the commonwealth and the joint venture? What is the nature of this staged approach? What sort of agreement has led to the formulation of that?

**Mr Dietz:** As Tom said, the very early discussions with all landowners was that this area would become a conservation area and all landowners agreed that as part of the planning. The EPBC condition then specified that as part of the development that area would be dedicated to conservation. The landowners have already agreed and, as part of the processes that have occurred so far, the areas that are predicted to be early in the staged process have converted to conservation. There is one landowner where that is not the case. The staged approach allows the development of the joint venture to continue up until the point where that land would become a requirement under the staged approach.

**MR CAIN:** Even though the commonwealth act required legal entitlement within two years of the designation?

**Mr Dietz:** So to be very clear, that was in the original EPBC condition. We have communicated a number of times with the commonwealth about the condition and have agreed that the staged approach is reflective of the intent of that condition. It is our expectation that the condition will be changed to reflect the original intent.

**MR CAIN:** When do you hope to hear further from the commonwealth to substantiate all this?

**Mr Dietz:** My most recent update was by the end of November. So we are expecting it relatively soon.

**MR CAIN:** When you receive something from the commonwealth on that, are you able to provide that to this committee?

**Mr Dietz:** I think that would be fine, yes. You will note the letters are actually available on the Ginninderry internet site, and I am sure the updated EPBC conditions will be publicly available.

**THE CHAIR:** Since 2017-18, we have sold 1,953 dwellings for affordable purchase. We have this 15 per cent target—that is of the homes we sell, 15 per cent will be affordable, public and community housing. Does the SLA have data monitoring whether they are meeting that target from 2017-18? Maybe by year or however you keep it?

**Mr Dietz:** Yes, We definitely do. The target is then captured in the notifiable instrument and reflects what is in the ILRP. I will note that the target never goes away, so even if that land under the ILRP is not released in that year, it will then get released the next year. The target remains. Again I will pass to Nick to give a little bit more detail, but in general over the six years the SLA has been around, if you accumulate the targets in the notifiable instruments for all of those six years, we had a requirement to deliver 1,922. That is the number. We have actually delivered 2,053.

**THE CHAIR:** 1,922? We had 1,953, so our figure is wrong.

**Mr Dietz:** I have 1,922. We can—

**THE CHAIR:** I am certain you are right. And is that aggregated as affordable, public and community—

**Mr Dietz:** Yes.

**THE CHAIR:** Or do you have affordable, public and community separately identified?

**Mr Dietz:** Yes. So the number I read is the aggregated number, and we do have the break down—

**THE CHAIR:** Disaggregated? Is that publicly available for each of those years—what the target was, what was sold and what was actually constructed?

**Mr Holt:** The question about released?

**THE CHAIR:** Yes.

**Mr Holt:** There is a nuance between released and constructed. So when we release, there is obviously a time lag before things are constructed. Whilst we may have released land, it is in the developers' hands as to when that will come online and when

it will be completed. There is a lag, so the numbers are a little bit different between what is released and actually what is constructed.

**THE CHAIR:** Is the SLA monitoring that right through not just the land release, but also the construction?

**Mr Holt:** Correct, yes.

**THE CHAIR:** Great. Where can I find that information for the three streams separately reported?

**Mr Holt:** I can give you some high-level numbers now around what has been released.

**THE CHAIR:** Could you take that on notice?

**Mr Holt:** I can take it on notice.

**THE CHAIR:** Yes. If you could take it on notice for the last few years. We started looking at it from 2017-18, but whatever is the most convenient last few years.

**Mr Holt:** Yes, we have numbers from 2017-18, against affordable, public and community housing and a breakdown of what the target was, what was released—

**THE CHAIR:** And what was the target?

**Mr Holt:** We also have a table that we can provide showing, out of those affordable home targets, how many have been released, how many have been sold to developers, how many have been constructed, and how many are in the pipeline on the way to construction.

**THE CHAIR:** I would love that on notice. Thank you very much.

**MS ORR:** Can I get an update on how the Housing Australia Future Fund will assist the supply of housing and affordable rentals in the ACT?

**Ms Berry:** I will just ask the Coordinator-General for Housing to come to the table to provide some detail around that. I should say, not very much detail because we are still working through it, but on the positive side, we now have the fund—have the HAFF! This is really great news to have this added to what we are doing here in the ACT; particularly to have a certain pipeline of funding for community organisations, in particular, to access funding, to contribute to affordable rentals in the ACT through their product.

**Mr Miners:** I have read the privilege statement and acknowledge it. So yes, the minister is right, we do not have very much more we can update. The HAFF is now in existence, and we are talking with the commonwealth around next steps on that. They have now put out their investment mandate and are working through that, seeking comments on it, and we are in discussions with them around a few elements of that. It is really still in the process of them setting that up. We will continue to engage with Housing Australia to make sure that the ACT is getting its appropriate allocation of

resources from the fund, and we will keep working with them as we have been. We have a good relationship with them.

**MS ORR:** Okay. I understand that the mandate is the thing that guides what should be done with the funding? Yes. So we are at the point now of providing feedback in shaping that mandate?

**Mr Miners:** Yes, that is correct. The mandate itself is very broad but it does set out where Housing Australia will invest the funds and what they are looking for.

**MS ORR:** Has there been any indication on when the mandate will be finalised?

**Mr Miners:** I do not have an exact date. Certainly, in our conversations with Housing Australia, they are looking to get it up and running as quickly as they possibly can. They obviously want to make sure that it is going to be an appropriate mandate and the sector and state governments are completely comfortable with exactly what they are doing. I would expect it to be up and running this year, but it will depend on them going through their processes, and the commonwealth.

**MS ORR:** Okay. So this might be a future question. Are there any early indications of where you would be looking to focus the investment for the HAFF? Or is that something we have to wait until the mandate is finalised?

**Mr Miners:** Yes, we do need to wait for the mandate. That said, we have been working with community housing providers on the assumption that the HAFF would be up and running. So it is something we have been talking with community housing providers a lot about already, and making sure they are aware of it. We continue to help them access it and to make sure they are aware of the fund and what they can do.

**Ms Berry:** They are super excited about having this pipeline of funding, and already have projects ready to go, pretty much as soon as the funding starts flowing.

**MS ORR:** Is there any indication of what types of projects we might be looking at, if they have them ready?

**Mr Miners:** I cannot specify at the moment because a lot of the conversations they have with us are still in development, so it would be inappropriate for me to announce what those organisations are looking to do, so—

**MS ORR:** No, that is fine. I am just a bit excited.

**Ms Berry:** There would be things like build-to-rents, like the build-to-rent-and-buy initiative out at Ginninderry, those kinds of initiatives and there could be a range of other different kinds of proposals. I think what we are asking for from community housing providers is to think outside the box and then about what we can do to support them to do that?

**MR PARTON:** I want to get back to discussing the circumstances which have led us to have these single dwelling residential blocks still available for purchase over the counter. Now, Mr Dietz, you spoke about a process that is undertaken by the SLA in

regard to pricing of that land and you indicated that it had actually seen a reduction of 10 per cent in the land at Whitlam.

In regard to discussions on that, how much does the government's target of 70/30 come into it? What I am asking is this: if indeed these single dwelling blocks were genuinely affordable to the people who, based on so much of the relatively recent surveys, want to live in them, would they not become too popular for the government to actually fulfil its 70/30? That is what I am asking. If people were actually able to afford where they wanted to live, you would not meet the 70/30. So are you pricing those blocks at a point where they will not become too popular and we can push people into apartments?

**Mr Dietz:** The categorical answer from my point of view is no. The 70/30 does not come into account when we price the land at Whitlam, or Jacka or any of our greenfields areas. What drives the price in all of our releases is market value. We go to two independent valuers, and we provide them all of the information around the market value, and they do their independent reviews. We are not looking to influence the price at all by a 70/30 policy.

**Ms Berry:** I think, for example, moving forward, if the ACT government is successful and does purchase the CSIRO development, it is the government's view that would be considered in fact infill, so that would be a way to work through the 70/30 as well.

**MR PARTON:** Is that the Greens' view as well, or is it just a Labor view?

**Ms Berry:** The Chief Minister has declared that is the case, so that is the policy of the government. Of course, that land is constrained significantly, as most of the land left in the ACT is, and so we have to be careful about how we develop the land going forward so it is not just open slather. That is the work that the Suburban Land Agency does and the planning directorate does in that due diligence to understand what is possible. It might not all be for housing and development. Some of it might be more suitable to keeping as nature parks and reserves. That is the work that government does when land is available to make sure it is developed in a considered way, carefully; noting that we need to build more homes. I think everybody agrees with that. It is just how we do it in a way that does not take something away for ever that can never be replaced.

**THE CHAIR:** In previous government documents—and I do not have the document in front of me, but I think it is before 2020—that land was not listed as a greenfield site; it was listed as brownfield. We have government documents and government reports that listed what different sites were. It has obviously been re-categorised. Does that happen often?

**Ms Berry:** What did you say?

**THE CHAIR:** That site was previously listed as a brownfield site; not as a greenfield site.

**Ms Berry:** That is what I just said, is it not?

**THE CHAIR:** Perhaps I might send through a question on notice with the document that refers to it. Are sites often re-categorised by the Chief Minister from one category to another?

**Mr Dietz:** I think, Minister, your point was it was within the urban footprint, and therefore deemed as part of the 70, not the 30. I think Mr Parton did suggest that is the greenfields part of CSIRO. Whether it is greenfields or brownfields, my understanding is that it is still considered within the 70 per cent, not the 30 per cent. We are happy to take on notice to see what previous classifications were—whether it was brownfields or greenfields.

**THE CHAIR:** That would be lovely, if you could take that on notice as to the previous categorisations in published government documents.

**MR CAIN:** Where are we at with this 70/30 promise that was made—Chair, was it 2018?

**Ms Berry:** Sorry, are you asking us a question?

**MR CAIN:** Yes, I am asking you. When that promise was made—I think it was in 2018; you might need to correct me on that—where are we at the moment, in terms of what has been developed since that promise was made, and what percentage has been within the footprint, and what percentage has been greenfield?

**Mr Dietz:** I think if I remember rightly, it was at the last estimates—similar questions were directed at EPSDD and they took that on notice, so it is probably a question to be directed by EPSDD through to the Minister for Planning. I can say that the SLA does meet the ILRP. We can take on notice what the positions of the ILRP have been over the last five years, but I do think that they have been relatively close to the 70/30 intent. I also note the 70/30 is driven by the government ILRP, but also by industry's land development and by planning outcomes, not just what the SLA delivers in the ILRP.

**MR CAIN:** Is it possible then that what is in the border and what is greenfield could be being reclassified to make the numbers look closer to the promise?

**Mr Dietz:** I think that is definitively a question for EPSDD through to the Minister for Planning.

**MR CAIN:** Minister, page 41 of the 2022-23 Suburban Land Agency annual report outlines several decisions that were made in relation to reportable incidents from 2021-22. Although I am aware that several matters are the subject of ongoing investigation, I would like to inquire into the nature of these incidents. If you look at that page, on point 3, it notes that one matter was referred to the Integrity Commissioner and remains ongoing. Could you please provide a general overview of what this matter was in relation to?

**Mr Dietz:** I do think it would be inappropriate for me to go specifically into any matters with the Integrity Commissioner. On a general basis, over the years that the

Integrity Commissioner has been in play, the SLA has reported matters to the Integrity Commissioner. I actually think we err on the side of caution and make sure we do report anything to the commissioner that should, could or could possibly be reported. In general, the types of matters that we report are related to land sales process, staff misconduct, or supplier complaints. In any of these cases, if there is an issue that is brought to us and we think the issue may have substance, then it will go through to the Integrity Commissioner.

**MR CAIN:** Are you able to describe the general character of it? Is it a conflict of interest? Misuse of funds? Inappropriate dealings with developers or with land?

**Mr Dietz:** I think if I were to go into greater detail then there is a possibility of—

**THE CHAIR:** Mr Cain, I think that is probably not a suitable line of questioning, and I believe you would probably be alert to that from previous hearings.

**MR CAIN:** It is open to the witness to answer it, and they are answering it.

**MS ORR:** Not if the question is out of order.

**Mr Dietz:** I actually was just saying that I am not prepared—

**THE CHAIR:** Mr Cain, I think we have been on this ground before. If you have a question that is an appropriate question to ask, you are welcome to put it, but it is best not to try to prejudice the outcome of the Integrity Commission proceedings.

**MR CAIN:** Thank you, Chair. Point 5—

**Ms Berry:** Can I just make a correction? I misspoke when I said that CSIRO was definitely infill, so I just want to correct that.

**THE CHAIR:** I think we both misspoke, Minister. It is okay. I think we have the answer on notice coming. I think we both misspoke.

**Ms Berry:** Yes. I just wanted to make that clear.

**MR CAIN:** Point 5, in terms of incidents of reporting, that one matter was closed with a finding of misconduct and appropriate action was taken. Could you please provide further details about the incident that this finding was in relation to, and what was the action taken?

**Mr Dietz:** Again, I will take that on notice, and as part of me taking it on notice I will look to see whether it is appropriate for me to provide such details.

**MR PARTON:** Can I just get a clarification where you have just corrected, Minister, your previous statement regarding the CSIRO site? Can I just get a clarification? In your statement earlier—you suggested that all of the dwellings in that parcel would be considered infill. Are you saying that is not correct?

**Ms Berry:** Yes, and I was using language that probably was not the right language



around brownfields and greenfields, and of course, CSIRO is still under negotiation, so we cannot declare it is anything.

**MR PARTON:** But the dwellings will not be considered—

**Ms Berry:** We do not own it yet. I should not say “yet.” We are hoping to own the land, but at the moment we do not, so it is not considered as part of anything.

**MR PARTON:** Irrespective of any of that, you suggested that the dwellings would be considered urban infill. Are you saying that is not correct?

**Ms Berry:** No. I have corrected the record.

**MR CAIN:** It would be part of the 30 per cent?

**Ms Berry:** I have already said that I misspoke and that that was not the language to use, and that the land is not owned by the ACT and is still being negotiated with the commonwealth.

**MS ORR:** Chair, can I just put on the record I found the whole thing very confusing, because you are also talking about brownfields and greenfields in an inversed way. I think we can just safely say maybe we should not put too much stock in that line of questioning and wait for the question that has been taken on notice.

**Ms Berry:** Yes, that is right.

**THE CHAIR:** I was going to say we have lodged the question on notice, so we will get the detail back on record. We are finishing, I think, at 9.45, so precise answers are excellent. The SLA includes collaborative contracting to bring government, industry and community together through the land sales process. I know that community input is included in the sales documents, and that is great to see. I am interested to know what process you have in the tender evaluation process to make sure the community input that went into the sales document actually comes through in the tender. How do you do that?

**Mr Dietz:** It does vary depending on the importance of the site as to how intense our place making process is. For example, if it is a small multiunit site, we will not put the same intensity into it as say, a significant site in a Belconnen Town Centre. The place making process, to be concise, works with the community. Essentially the outcome of that process is a document, a place brief, or a planning brief, or a place aspiration, which really identifies what success looks like to a developer. It is a written document. We then take that document as part of the tender process to all the tenderers and ask them “how well can you respond to this? Because this is what success looks like.” In the tender evaluation process, it is then evaluated as part of the tender percentages. So, it might change, but it is often 40 or 50 per cent in the response as to how well you can deliver on that, and then there will be other aspects which are pricing, experience, ability to deliver.

That evaluation is done by the tender evaluation team in the appropriate environment and then signed off by the delegate. Therefore, all tenderers are ranked based on the

evaluation criteria, and the winner then goes into negotiation to finalise the sale. That is really just the beginning of the process, because then we need to ensure they deliver on what they said they would deliver under their tender. So, we then go into contracting, ensuring the sales contracts actually capture the essence of what their tender was, so that over the next three or four years as we are developing, we can ensure they are developing appropriately.

**THE CHAIR:** After having initially taken that community feedback to put it into the sales documents and tender process does the SLA go back to community and say here is what happened?

**Mr Dietz:** Yes. I guess we mature our process over time, but the one I remember quite clearly is Gold Creek where we had a document that was signed by the individuals of the community before we then took it into the tender process. I guess the question you asked too is then when we have finished the tender, do we go back to the community and say this is how these tenders have met the requirements. I would have to take that on notice to understand. I believe we do in a very general sense, but as to what process we use to then inform the community as to the results of the tender and how they met the evaluation process—the challenge there is the evaluation process is done in a very appropriately non-public environment.

**THE CHAIR:** Yes, I understand that. It would be great if you could take that on notice.

**MS ORR:** Can I just get an update on how short-term residential accommodation is contributing to supply issues in Canberra please.

**Ms Berry:** I might ask the Coordinator-General if he can pop up here to the table and provide you with just a very short answer. It is only a very small part of rental stock of the ACT, less than 1 per cent.

**Mr Miners:** To quote the minister's comments, it is only 1 per cent of the population. It is not like the situation that happens in some more holiday parts of the nation where it can be over 20 per cent, so we do not think it has a significant impact on affordability or availability in the ACT at all.

**MS ORR:** That was very good in the short time.

**MR PARTON:** Can I take that answer from Mr Miners to mean that—no I cannot really ask that. So, no I do not have a further question.

**THE CHAIR:** We might come to a close. On behalf of the committee, I would like to thank Minister Berry and officials for coming in today. We also thank broadcasting and Hansard. Thank you very much for your services as always. We have had a few questions on notice. If you provide those answers to our secretary within five business days of receiving the uncorrected proof of Hansard. Members, you are welcome to lodge further questions within five days, and we are now adjourned. Thank you.

**The committee adjourned at 9.44 am.**