



**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

WEDNESDAY, 22 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

Chief Minister, Treasury and Economic Development Directorate	106
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Privilege statement

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Amended 20 May 2013

The committee met at 2.05 pm.

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

Chief Minister, Treasury and Economic Development Directorate

Lhuede, Mr Nick, Executive Branch Manager, Construction, Utilities and Environment Protection, Access Canberra; Construction Occupations Registrar; and Architects Registrar

Environment, Planning and Sustainable Development Directorate

Ponton, Mr Ben, Director-General

Brady, Dr Erin, Deputy Director-General, Planning and Sustainable Development

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

Cilliers, Mr George, Executive Group Manager, Statutory Planning

THE CHAIR: Good afternoon and welcome to the public hearings of the Standing Committee on Planning, Transport and City Services. Today we will 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 the 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 or watching our streaming.

We are recording and transcribing our proceedings today. They will be in *Hansard*, and they are also being webstreamed and broadcast. If you take a question on notice please state, "I will take that question on notice." That helps our secretariat track down the answers.

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

Mr Gentleman: Thank you.

THE CHAIR: I would like to remind witnesses of the protections and obligations afforded by our 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 the Assembly. I will get a confirmation verbally from each member who is at the table now. Can you please confirm for the record that you have read and that you understand that privilege statement. Great, thank you. And if we have anybody who comes up to the table later, we will need you, in your opening statement, to say that you have read and you confirm the privilege statement.

We are not inviting opening statements, so I will jump straight in with the first question. Minister, we have got new enforcement resources under our new Planning Act and our about-to-be new Territory Plan, I understand, to make sure that the developments that are approved are, in actual fact, the buildings that people see out on the ground.

Can you tell me what that looks like? How many FTEs will we have doing that work and how will that work be done?

Mr Gentleman: Yes, thanks very much, Chair. It is an important aspect of the future for planning in the territory. We have said to the Canberra community that we want to see outcomes focused planning. That means good design, and good outcomes in that as well. I will ask directorate officials to go through the details of the FTE numbers for you and their allocated job descriptions.

Mr Ponton: Thank you, Minister. I will start and then I will hand to Mr Lhuede from Access Canberra. There was the budget announcement that was made not that long ago, Ms Clay. In addition, I just want to make the point that internally there will also be the development—and I think I mentioned this at the last hearing—of an evaluation framework working with the environment and planning forum, and that will allow our own internals in the planning authority an evaluation of on-ground results.

In addition to that, there is the formal process, which Mr Lhuede can talk to, in relation to the FTE for Access Canberra. I should also point out there was also FTE for the Conservator of Flora and Fauna, but he is not here today. Mr Lhuede can talk—

THE CHAIR: Sure, the FTEs I am interested in are not the statutory planning or DA people. I am interested in the people who check that the developments that go out are the developments that have been approved.

Mr Ponton: Mr Lhuede?

Mr Lhuede: Yes, thank you. I have read and I have understood the privilege statement; thank you for reminding me. There are four positions that have been allocated to Access Canberra. There is a Senior Officer Grade B and two ASO6s. The two ASO6s will work in our construction and planning regulation teams, and there is also an additional environment protection officer with the EPA. The SOGB will actually span the two sections of EPA and construction and planning regulation, and that role is to look at developing the operational policy information to support our teams in undertaking that audit work.

As has been articulated, the role of these positions is to assess the built form and the final outcomes that may come through the exempt development process, or through the development approval process, and to match them against the approved plans or the approved development applications.

THE CHAIR: Excellent, and that is a new function, isn't it? We do not do that routinely at the moment?

Mr Lhuede: We do a very limited level of assessment of exempt developments in relation to the single dwelling housing code. So, as a part of our construction audit teams, we do have a proportion of assessment of exempt plans that is provided just to check matters, for example, such as gross floor area; block ratios are as required, and we go and do site audits, so it sort of sits, a little bit, within our broader construction audit program. But this is very much an enhancement and a much greater focus in relation to the planning.

THE CHAIR: Excellent. And is it going to be inspections for every development? How will it be determined?

Mr Lhuede: We have not resolved that yet—just what it will look like. There is about 4,000 or 5,000 BAs—building approvals—in the course of the year. It will most likely be a proportion of approvals or exempt developments as submitted.

THE CHAIR: It will not be complaints-based trigger mechanisms, will it? It will be a sample?

Mr Lhuede: No, this is a proactive audit process, and it will be done by sample. We still have running, parallel to that, our standard complaints-based process, where we deal with mainly claimant complaints, and they come through with that process.

THE CHAIR: Yes, great. I will follow on with one more question. I have heard some councils do this routinely: they inspect every development. I have often thought that sounds like an excellent idea, but we have a lot of developments. Did you look at the levels of resourcing that other councils are using for this work? How did you come up with the formula of four FTEs to do this?

Mr Lhuede: In terms of numbers, given we operate under private certification arrangements in the territory, it is through that mechanism, particularly for exempt developments, where assessment is made by the appointed certifier to ensure it complies with those planning requirements. Likewise, through the development application and approval process, EPSDD are able to review and assess applications through that mechanism. So, through the private certification and the DA process there is already a significant level of oversight, but what we look at is a more risk-based assessment of individual developments.

And I think it is important to touch on that risk-based element. And this is where there is crossover, I suppose, of some of the construction regulation across into planning. We will look at, potentially, different builders, different certifiers and developers that come through to look at where there might be greater or lesser risk and to target those programs.

THE CHAIR: Sure. I am sure there are lots of clever ways of coming up with which ones you might target, and I would not dream of telling you how to do that.

What will happen when these auditors, for want of a better term, go out and find that something has not been built as approved? Will government make a rectification order? What will be the next step?

Mr Lhuede: It depends on the issue. Within Access Canberra, we operate within an accountability framework for risk and harm. Usually in most of these matters, in the first instance, we will aim to seek voluntary compliance. If we, for example, identify a non-compliance around the exempt code, we can look at requesting the certifier review the plans, resubmit the plans and bring it to compliance.

Where we see repeat issues with the same entities, we look at other mechanisms. That can range from demerit processes—we can issue demerits under our construction legislation for planning related matters, and we do. They can be issued on certifiers or builders, and that can lead all the way through to occupational discipline and other matters on those licensed entities.

THE CHAIR: But there is no tool to rectify the building that has been built wrong?

Mr Lhuede: Yes, there is.

THE CHAIR: There are?

Mr Lhuede: Yes.

THE CHAIR: Great.

Mr Lhuede: That could kick in under the Building Act or under the Planning Act as a controlled activity order, so there are mechanisms by which we try to bring it in to compliance, if it can be done, and often that might be referral back to get a DA or amending plans as appropriate. Where that cannot be done, it may have to be physical works to change it, or it could be a “stop work” if it is significant. We can actually stop the progress of a site afterwards—after issue of a certificate of occupancy we can issue rectification orders.

THE CHAIR: Great. And you will be reporting against how many inspections you have done and what categories that were in the annual report, so we will be able to see that unfold?

Mr Lhuede: Yes. The inspections that we undertake come through in the construction occupations registrar’s act report.

THE CHAIR: Great, thank you.

MS ORR: Minister, can you describe what arrangements are in place during the development assessment process to ensure integrity in decision-making during that process?

Mr Gentleman: Thank you, Ms Orr. Yes, it is a very important subject: ensuring integrity across government as well as in development, particularly with the Territory Planning Authority, and the work that we do across government in planning as well. There are a number of conditions in place to ensure that that can be upheld. I will ask directorate officials to go through the reporting that they have to do in order that that is met.

Mr Ponton: Thank you, Minister. I will start, then I will hand to my colleague Mr Cilliers to talk about the detail of what has been done and what is already in place in the statutory planning area of the planning authority.

I just wanted to note though, Ms Orr, that the legislation is the new Planning Act itself, so I am focussing on the new system as opposed to the one that we are leaving behind.

MS ORR: Yes. And just to clarify, my question is focused on the new system—

Mr Ponton: Yes.

MS ORR: and not the one that are moving away from.

Mr Ponton: The Planning Act itself has inbuilt integrity mechanisms at the higher level. Some of those include things such as my role, as Chief Planner, needing to advise the executive of any potential conflicts; so, that is a new provision that was not in the previous legislation.

We have also maintained in the new system, as was in the old system, that the planning authority in its functions is responsible for making decisions; so, that is separate from the political arm, and that is an important integrity measure. That is a continuation of what has existed in the past, so that provides that independence, if you will, of government in that sense.

In addition to that, there are additional transparency measures built into the statutory planning process, particularly in relation to pre-decision advice. Mr Cilliers might want to talk a bit more about that. And then, separate to what is inbuilt into the legislation itself, we have got our own internal governance arrangements, which I will now hand to Mr Cilliers to talk about.

Mr Cilliers: Thank you, Mr Ponton. I have read and acknowledge the privilege statement. As Mr Ponton touched on, the statutory planning division have the bespoke integrity framework for the division. The integrity plan covers our statute functions—obviously, the functions of the Planning and Land Authority.

It sets the framework for how we manage and respond to integrity matters and also appoints an integrity manager to overlook the implementation of the plan. The plan broadly aligns with broader government policies and procedures for integrity, fraud and corruption, and, importantly, conflict of interest as well.

The plan is supported by a staged assessment model. I can elaborate on the assessment model, and I will slightly elaborate on it in terms of the touch points for conflict of interest declarations. Normally, what the staged assessment model entails is that a single officer cannot take on an assessment and that determinations are made after assessment by at least three officers, but it could be as many as six officers for the single DA, so there is no single person of contact.

The integrity framework also entails a complaints policy and procedure for lodging complaints and how to handle complaints, as well as a meetings policy. The meetings

policy is particularly important to us. It outlines the standard requirements for our staff to adhere to when attending meetings with external developers and proponents on matters related to their statutory functions.

The meetings policy provides guidance on when and where and how meetings should be held and who should attend those meetings. As a rule of thumb, we always want two officers in a meeting with an external consultant or developer. The policy also contains a set of house rules to guide the conduct of these meetings. It also enables us to terminate a meeting if we think the officer is being influenced or that a future decision is being pre-empted.

In terms of the touch points with the conflict of interest declaration part, which is an important part of this policy, there are various points to declare a conflict. In the first instance, there is an opportunity for a proponent or an applicant to make a conflict of interest declaration when lodging an application. That is through a formal declaration on the application form. Then there is a second opportunity for an employee of the EPSDD in the statutory planning division, specifically, in that application, to declare a conflict when the application is being lodged.

In stage 1, there is a formal question to the assessing officer first picking up that development application, where the officer has to respond to a question about whether a conflict of interest has been declared, and whether a disclosure form, as required, has been completed. So, that is the third point.

Then, again, in stage 5, when we have a panel meeting. I will elaborate on the stages if needed, but in stage 5 it is basically about the assessment advisory panel and an outcomes assurance stage. That entails a panel meeting for more significant developments, and meeting attendees are then asked to declare any conflict before the matter is considered and possibly excuse themselves from the meeting.

Then, lastly, in stage 6, there is, again, a formal trigger where the delegate making the decision has to answer a question on whether a conflict of interest has been declared. If the answer is “yes”, then it requires, regardless of what the conflict of interest is and whether that person is involved or not, the proposal to be peer reviewed by another stage 6 officer, and then, again, the question is asked whether the relevant officer has completed a conflict of interest disclosure form.

In general terms, since January 2021 we have received 20 conflict of interest declarations, roughly, that I am aware of.

MS ORR: Thank you. That was very comprehensive.

MR CAIN: Minister, I have some questions about the internal audit and risk committee mentioned on page 116 of the annual report. I note the record of meetings attended in table B5.1 shows that only two committee members attended all six meetings. Could you explain why this important committee appears to have had such poor meeting attendance?

Mr Gentleman: Thank you, Mr Cain. I will ask the directorate to respond to that question.

Mr Ponton: Thank you, Minister. I am just having a look at the table. I suspect—and I might have to ask Mr Green, who is a current member of the audit and risk committee to confirm—that might be an issue in relation to changeover in the reporting period. I can see one person there that would have only attended one meeting because there was a changeover, and that person is no longer on the committee, so I think that is the answer. Mr Green, do you want to clarify?

Mr Green: I think Mr Ponton is right. As you will see, Mr Cain, there were six meetings held. The chair was there for six. I, as the directorate member, was there for six. There was a changeover between directorate member Laura Marcantonio and a decision made to have a further external member rather than two directorate members, and then there is crossover between other members who came on at varying points, which is described in the note.

MR CAIN: Could you provide the dates of the six meetings when they occurred during 2022-23?

Mr Green: We can provide that on notice.

MR CAIN: Thank you. And why did it take nearly six months to replace the outgoing, independent deputy chair? It is rather a long time.

Mr Green: Let me take that on notice, Mr Cain. I do not believe that it took that long.

MR CAIN: Just one or two more questions, Chair. I note that the outgoing directorate member on the committee is the executive officer to the director-general; you have just referenced that. Minister, do you think this is an appropriate appointment? What measures were taken to ensure their performance of the committee charter was not placed at risk due to their close organisational connection to the director-general?

Mr Gentleman: Thank you, Mr Cain. Yes, I do think it was an appropriate appointment. We go through appointments and look at the respective skills and attributes of each of those appointees; so, in short, I concur that it was the correct appointment.

MR CAIN: Even though she is the executive officer to the director-general, and the committee is investigating and checking on risks in the management of the directorate?

Mr Gentleman: Yes, it focuses on high level risk and areas where the most value can be added in aligning with the requirements of the management and the ARC, which is the risk committee. This approach considers information gathered from internal audits, audits conducted by the ACT Auditor-General as well, and the directorate's strategic operational performance risks, as well as input from senior executives; so, they are involved in those audits.

Mr Ponton: If I can just add. Of course, as my executive officer, Ms Marcantonio has a really good line of sight in relation to the potential risks across the entire organisation. I should, again, reinforce what Mr Green was saying earlier: the decision

was taken that, when Ms Marcantonio's period concluded, she would seek additional people externally, just to make sure we would be getting that external perspective. But in terms of Ms Marcantonio's appointment, that was because (a) she had an interest—her previous roles involved risk management, so she had a skill set in that area—and (b) she had the line of sight throughout the organisation. Mr Green, did you want to add to that?

Mr Green: Yes, I will also add—and I will check the detail for this—that my understanding is that Ms Marcantonio started her role in audit and risk prior to being the executive officer in the director-general's office. We will take that on notice to provide clarity around those time frames.

Mr Ponton: That was my understanding. I think, at the time, Ms Marcantonio was in the government services team and then joined my office, but I did not want to say that without checking the dates, so we will confirm those dates for you.

MR CAIN: Minister, aren't you concerned that there is at least a perception of a conflict of interest here?

Mr Gentleman: No, I do not think there is, Mr Cain.

MR CAIN: So, someone was on the audit and risk committee, who is the executive officer to the director-general.

Mr Gentleman: Not when they were appointed is the information that has been provided.

MR CAIN: But they are now.

Mr Ponton: But, as I said, Mr Cain, they were appointed because of their skill set in managing risk, so they are actually experienced in risk, and particularly work health and safety risk, from what I recall in terms of Ms Marcantonio's CV. And she has that line of sight and a good understanding of the risks across the organisation, not just a part of it.

MR CAIN: Some would think that you are not managing the risk of a perception of conflict of interest by this very appointment.

Mr Ponton: By having somebody who understands the risk of the organisation?

MR CAIN: No—who works directly to you. Thank you, Chair.

THE CHAIR: Is the issue of this type of possible conflict of interest being covered in the governance review that is under way at the moment?

Mr Ponton: The governance review is a matter for the Chief Minister, Treasury and Economic Development Directorate.

THE CHAIR: Of course it is—my apologies.

Mr Ponton: I would suggest that perhaps you direct that question to the Chief Minister.

THE CHAIR: We will lodge that on notice—if we would like to. Thank you, Mr Ponton.

Moving on to a different topic. The Lyneham Community Association are sort of celebrating and sort of commiserating at the moment. They have managed to get a good result in ACAT in relation to the Brindabella Christian College car park. They are a bit sad about the journey that they have been on to get to that result.

They first lodged a controlled activity order and that controlled activity order sat with the government unresolved until the statutory decision-making process finished. Then it was returned as refused, based on the fact that the time had run out. I will do this introduction and then I will invite anyone to correct anything that I have said that is not right. So, no decision was made, but it lapsed because it was not looked at. Then, when they got a letter back saying, “This has been refused because the time has lapsed,” the information that came back to them was “You can take this to ACAT if you would like,” which they did, and now ACAT has found that that car park should not have been built and has taken next steps.

I am really interested to know if anyone has reflected on that journey, how often that happens, whether that is an appropriate way for that decision to have come about and whether there were any better ways that decision might have come about.

Mr Gentleman: Thanks, Chair. Mr Lhuede will be able to go through some of the detail of that for you.

Mr Lhuede: Thank you, Minister, and thanks for the question, Ms Clay. The matter of the car park at Brindabella College had been going on for some time. We actually received the controlled activity complaint last year. At the time, based on the advice, we determined that there was not a controlled activity being undertaken. Later last year—I am just trying to get the dates right here, because it has been some time—there was a controlled activity on application made, and that is the matter that you are referring to. That was a very extensive body of documentation that came through. It was quite thick. So there was a lot of information provided in that application, and we were looking at it and other matters. When it did come in, we communicated with the Lyneham Community Association that it would take time to review it in the context of other matters that were underway at BCC in relation to the Christian College.

As the delegate of the authority at the time, I determined not to make a decision on it. Sorry, to take one step back, once we showed cause to the respondent—in this case, Brindabella Christian College—that set the clock ticking. We showed cause to the college—I think it was early January, but I can take that on notice if required. That requires them to respond within a certain time frame and us, as the delegate, to make a decision within a certain time frame. As that time frame where the delegate had to make a decision approached, we received further legal advice on the matter that was different to our previous position. As a consequence of that, I made the determination not to make a decision and sought further legal advice, and that was external counsel, in relation to the car park. That is how we got to that point of not making a decision,

there being a deemed decision to refuse, and that being appealable—and, as you know, that matter was appealed.

What I will note is, that when we entered ACAT, and on the basis of that later legal advice, we did make clear in the initial directions hearing that the authority had formed the view that it was a controlled activity—in this case, development without approval. However, it was our view and we exercised discretion not to issue an order on the basis of public safety. That is a matter that went through the tribunal. I fully respect the outcome of the tribunal, which agreed that there was no dispute it was controlled activity but took the view that the car park should be closed at the end of the school year and the verge reinstated.

Yes, it has been something we have reflected upon. It was quite a complex legal matter, and we had differing advice through that process, as often occurs in some of these matters. The final advice that we went to the tribunal with was that it was a controlled activity. I suppose a point of difference between us and the association was what was the pathway flowing on from that.

THE CHAIR: Excellent. It is not in dispute that the car park was a controlled activity, and—I will use some slight layman’s terms that you are welcome to correct—was an unapproved development and should not have been built. Everybody is in agreement with that, and it sounds like when this first came to government that maybe that was apparent. You do not need to comment if that did not happen. As to what was in dispute—you have lost me on some of the detail—is it that the government chose not to make a decision or action on what was clearly an unapproved development because it was a public safety issue?

Mr Lhuede: Yes. I can exercise discretion not to issue an order, even where there is unapproved development, as you stated. The reason for that was that a view was established—and that was done in consultation with other directorates—that, to close the car park immediately, would put a lot of additional traffic onto Brigalow Street, increasing congestion and potentially presenting an increase in safety risk to other road users and pedestrians. That was the discretionary element as to why we did not issue a direction to close the car park or stop its use immediately.

THE CHAIR: Sure. Would you have had the discretion to do what ACAT has done, which is not to close the car park immediately but to make an order that it be closed at the end of the term?

Mr Lhuede: We could have done that, yes.

THE CHAIR: It is slightly tricky. I have actually been out onsite. I first got involved in this issue a couple of years ago, because the local community has been quite worried about this car park for a very long time. They actually have put it—and I tend to agree with them; I have the transport portfolio for the Greens—that that car park was presented a safety issue for people walking and riding to the public school because cars would drive across the footpath and the bike path. I understand that possibly there are different views of public safety, but I think their view certainly was that the presence of the car park was a public safety issue.

I am also a little bit concerned about an argument that closing a car park might present a public safety issue by causing more cars to not be in the car park and be on the road, because that would surely apply to any car park anywhere, which would mean that anyone can put up a car park and just say, “It is a public safety issue. Now we have to keep it.” Did you run through any of those sorts of thinking processes?

Mr Lhuede: Yes, we did. We were aware of the community association’s view in relation to safety, and particularly associated with the crossing; so that was considered. Noting that the reasons for decision have not been published, I do not want to get too much into the detail of the legal processes, but we did seek advice from experts in relation to traffic management. The view was that, whilst those points were valid, the closure of the car park would likely create a greater risk.

THE CHAIR: What sources of evidence did your department draw on to draw that conclusion about the public safety issue?

Mr Lhuede: We drew on advice from traffic management experts.

THE CHAIR: Government traffic management experts?

Mr Lhuede: Yes.

THE CHAIR: That sounds like a reasonable source to rely on.

Mr Gentleman: Chair, TCCS were involved in this work, as they are the directorate for transport across Canberra and pedestrian safety as well.

THE CHAIR: How many applications for controlled activity orders have there been in the last two years?

Mr Lhuede: As in third-party applications?

THE CHAIR: Yes; third-party applications.

Mr Lhuede: I will take that on notice.

THE CHAIR: Sure.

Mr Lhuede: It is not a large figure. I think it is around the order of three or four, but I can take that matter on notice. I was actually going to refer to the number of controlled activity orders we have issued.

THE CHAIR: No, that is fine. When you take that on notice, I would also love to know if in the last two years there have been any other applications that were refused or that lapsed during the statutory time frame—however you wish to express that—whether that has happened again and also if there were any ACAT appeals from any of those.

Mr Lhuede: Yes, I can take that on notice.

THE CHAIR: Thank you.

MS ORR: Minister, how do the new district strategies interact with the new Territory Plan? I note this is a new level of planning and the current Territory Plan has some specific requirements.

Mr Gentleman: Thanks very much, Ms Orr. They are a strategic part of the work that we have been doing for the new planning system for the ACT. There are nine district strategies, which give you more detail on what could occur and what is occurring within those particular geographical areas. They are an important way of providing information to constituents and those people that live in the area, or propose to live in the area in the future, and how we might go about developing those areas for future development as well. I think Dr Brady might have some information for you.

Dr Brady: Thank you for the question, Ms Orr. As the minister said, the district strategies are a new element in the planning system at a district level and then considering the whole metropolitan scale. They indicate where we think growth could occur in Canberra at a district scale and they give a direction around the considerations of five main drivers that have underpinned where we have identified that. They carry forward some of the directions from the planning strategy around where we want to concentrate development.

But, to go to your question on the link between them and the Territory Plan, a large part is that the district strategies they flow through to district policies in the Territory Plan. Another key element is that, as we make changes to the Territory Plan, they have to be consistent with the district strategies. So, in the district strategies where we have identified certain areas of change, they could be where you see changes to the Territory Plan in the future. In the new Territory Plan there are some areas that have changed as we have done the review and reform, and they were some of the Territory Plan variations that we had in process. I guess the key link is between the district strategies and to the district policies. That is where you see a lot of the carry through.

MS ORR: What is the importance of this link in the context of getting better planning outcomes?

Dr Brady: I think for the district strategies, the good thing is that we are thinking strategically at a different scale where we think growth could be and we clearly indicate why we think growth could be encouraged in those areas and indicate what is important in doing that. We have indicated what we heard from people about what they valued and how we have tried to maintain or enhance that. Sorry, I had a mental blank there.

MS ORR: It has been a long couple of weeks.

Dr Brady: Sorry; can you ask the question again?

MS ORR: I was asking why the link between the Territory Plan and the district strategies is important to the outcomes-based system that we are putting in place.

Dr Brady: The district strategies, because they give that strategic direction and intent

behind it, helps people understand why we are suggesting change could happen here, what type of change and what is important in considering that change. So it is another bit of information to help people understand what is important for the ACT government and for the ACT as growth occurs. So I think from a strategic level they give a lot more information than what we have had at a different scale for people that inform what the outcomes are that we are expecting and inform what is important. That is sort of one big link. I do not know if others want to add something.

Mr Gentleman: Yes, if I could add to that, Ms Orr: there is a legislative link as well. The district strategies are prepared in accordance with section 38 of the new Planning Act, which requires that they state the long-term planning policy and goals of the district consistent with the ACT Planning Strategy, and there are some dot points around what each district strategy should do. It should include strategies, spatial policies, design, future planning outcomes for the district to guide and manage change in the district, and set out principles and policies for development of areas within the district, including the future urban areas. They are outlined in the district strategy documents but there is a legislative requirement there too.

MR CAIN: Minister, I refer to an article by your former colleague and former Labor Chief Minister John Stanhope in *CityNews* of 15 March 2023. He expressed confusion over the government's policy of land supply and your claim that the ACT has run out of urban capable land. Minister, as you are aware, the scheduled release of just 1,883 residential dwellings in 2023-24 seem to support his claim. Could you please explain how the release of just 1,883 residential dwellings this financial year does not add obvious pressure to the cost of living and property prices for Canberrans?

Mr Gentleman: Thanks very much, Mr Cain. I will go to some discussion about Canberra's residential property prices. The reports are that they have stabilised following a slowdown since mid-2022. A 4.10 per cent increase in interest rates since May 22, high inflation and low consumer sentiment continue to have an impact on the property market as well. However, the strong population growth is expected to drive some housing demand, particularly with the increase of overseas migrations. We look at all of those particular levers.

In the Indicative Land Release Program, we look at property population growth for the territory. In line with that, we look at not only the amount of land that we can release as the government but also—as I have mentioned many times during hearings—the amount of available land from the private sector at the same time. The latest edition of the *ACT Land and Property Report*, covering activity during July to December 2022, is available on the EPSDD website. It shows that there has been a very slight reduction in the cost of construction across the ACT, with some residential building approvals rebounding in August 2023. We had 564 approvals—113.6 per cent higher than in August 2022. So you can see there the BA's are much higher than the reported amounts from previous commentary.

MR CAIN: Based on your own figures on the average number of people per dwellings, 1,883 parcels this year would accommodate approximately half of our population growth. So, again, how do you justify strangling the supply of land in a cost-of-living crisis and a housing affordability crisis?

Mr Gentleman: I do not accept the premise of your question, Mr Cain. I do not think we are “strangling” land at all. In fact, we are seeing some land still sit on the books and we are working with the private sector in ensuring that we can have more dwellings available into the future to match that population growth.

Mr Ponton: I would just add, Minister—and I think we have talked about this before, Mr Cain—that that there is the role of the government in terms of its contribution to accommodating that growth, but there is also the role of the private sector. That goes back to that earlier conversation around district strategies and thinking about how can we accommodate that growth and providing the framework for the private sector to step in and do some of that heavy lifting. So it is not all for government to release all of the dwellings for all of the population growth. It is a combination of the government’s role and the private sector’s role through taking up those parameters set by the planning framework.

Mr Gentleman: And, of course, the figures that we do have for development activity across Canberra for new units, townhouses and apartments remain pretty steady. There is an estimated 16,082 units in the pipeline across 334 development sites, as of the June quarter 2023, and an estimated 5,956 units across 89 sites are currently under construction across Canberra.

MR CAIN: Do you agree with the following statement from the former Chief Minister of the ACT: “The longer the government delays the sale of the land and exacerbates pent-up demand, the greater the return”?

Mr Gentleman: We are not delaying the sale of land, Mr Cain. There is land on the books for sale at the moment.

MR CAIN: By your own figures, there is land being released this financial year to accommodate about half of our population growth. How is that not slowing up the sale?

Mr Gentleman: I think we have responded to that, Mr Cain. The figures that you are quoting are the ILRP figures that the government is releasing, not the land that is available that I have quoted for you in dwelling opportunities across the whole of the ACT. So it is a mixture of what the government is releasing and what the private sector is doing as well.

MR CAIN: So is this number, 883, based on an expected release from the private sector? Have you done that calculation or modelling?

Mr Gentleman: I will ask the directorate officials to give you some of the indicators that they see across the territory.

Dr Brady: Mr Cain, did you mean the 1,883 sites? When we do the land release program—as I think minister talked about—we consider population projections and expected demand, the available government land and the timing of getting that land to market as appropriately as possible and then what the private sector will bring forward, which the minister has also gone through.

MR CAIN: What was your projection of land released from the private sector?

Dr Brady: In the ILRP, we referred to a number between an average of 1,000 to 1,500 dwellings per year. It is just an average, but Minister Gentleman did just go through some more specific numbers.

MR CAIN: Thank you.

Mr Ponton: Chair, can I clarify something that may deal with a question on notice or a couple of questions on notice in relation to Mr Cain's earlier questions. There are a couple of points I can respond to now. I should have mentioned in relation to that line of questioning regarding the Audit and Risk Committee that, under the directorate's audit risk and charter, which is dated 2021, and also referenced on the page that Mr Cain was referring to, the Audit and Risk Committee provides independent advice to me as director-general. So I am even less concerned that Ms Marcantonio is in my office but is also sitting on the Audit and Risk Committee—because of those reasons and, as she said, she had that broad overview. I have not yet got the date in relation to when Ms Marcantonio started in my office, but I will come back on that.

The other thing I want to flag is in relation to the six months for the deputy chair to be appointed. That is because we went through a full procurement process and that took quite some time. There are a range of different ways that we could have done that but we went very wide to make sure that we had the best person for that role. The other thing I wanted to mention was that the Audit and Risk Committee dates were 29 July 2022, 13 September 2022, 13 December 2022, 14 March 2023 and 31 March 2023. There was also one out-of-session meeting, which was on 26 September 2022.

THE CHAIR: Thank you, Mr Ponton. On behalf of the committee, thank you Minister Gentleman, and thank you, officials. Also thank you, Broadcasting and Hansard, for your excellent work as always. I think we still have some outstanding questions on notice. We would love to get those back within five business days of you receiving the uncorrected proof. Members have five business days to lodge any further questions.

The committee adjourned at 2.51 pm.