



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

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

(Reference: [Inquiry into the Territory Plan and other associated documents](#))

**Members:**

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

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**THURSDAY, 7 DECEMBER 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.

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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met at 9.30 am.**

**NORTON, MR PETER**

**DONAGHUE, MR CHRIS**, Hip Pocket Workwear and Safety, Paul's Home Improvement Centre

**O'MARA, MR DOUG**, Executive Chairman, Civium Property Group

**PHAM, MR JOSEPH**, Unit Owner, Colbee Court Unit Trust

**THE CHAIR:** Good morning, and welcome to the second day of hearings of the planning, transport and city services committee inquiry into the Territory Plan and associated documents. Today we will continue our public hearings. We will be speaking with peak bodies, individuals, community organisations and government agencies.

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 or watching today's event.

We are recording and transcribing our proceedings today. They will be in *Hansard*. We are also webstreaming and live broadcasting our proceedings. If you take a question on notice, please say, "I will take that on notice." That will help our secretariat to chase down the answers afterwards.

We are starting with our Phillip panel. Thank you very much for coming in. Could you state for the record the capacity in which you are appearing, and that you have received the privilege statement, you agree and understand, and you will abide by the rights and responsibilities in it?

**Mr Norton:** I am a director of 72 Townshend Pty Ltd, which is a family entity that owns a property. I have read and understand the privilege statement.

**Mr Donaghue:** I am from Paul's Home Improvement Centre. I have read and understood the privilege statement.

**Mr O'Mara:** I am the chair of Civium Property Group. We represent 13 owners of property within the Phillip trades area. I understand the statement.

**Mr Pham:** I represent the Colbee Court Unit Trust, and I agree to those terms.

**THE CHAIR:** Thank you very much. I will start. There has been a bit of a zoning change for Phillip. Can you tell me what your views are on that, and what the consultation was?

**Mr Norton:** There was no consultation. I was fortunate to be alerted to it through the Civium group. It will have a dramatic effect on my family's investment. We purchased in June 2021, and it was very much part of the assessment of the business case that residential redevelopment was a possibility in about 10 years time. It was

included in the information pack that was provided by the vendors. They had draft plans drawn up, but not formally submitted.

I think I understand the kinds of businesses that the proposed changes are trying to protect, and it does not really gel with the kind of tenants that I have. My tenants are a psychology business, a training business, a hairdresser, a mortgage broker and a sports store. These are the kinds of things that can be quite well accommodated with mixed-use development—residential above, ground and first floor for existing purposes.

I do have one tenant that occupies about five per cent of the space, which is, you would say, close to the traditional trades service business. They do service calls on electronic equipment, and that space is their office and storeroom. They do not require a hardstand. They do not need a loading dock. They do not need a yard. Again, they could be accommodated in the mixed-use redevelopment that I have in mind.

I do have 10 per cent that is vacant at the moment. The only serious inquiry that I have had is for a massage business. My concern is that that is the future for Phillip. With the massage business—I am told it is legitimate—I was also told that their business plan is to establish it and then to sell it to someone that wants to get a business visa. Many of these businesses are immigration plays, as I understand it.

I am struggling to see what kind of business is actually trying to be protected. I get it that the area was previously strong with automotive trades, but the world has changed. There are simply less small automotive workshops around. Service intervals on our motor vehicles have gone from roughly three-monthly to six-monthly. In the move to electric vehicles, servicing needs will be even less.

I am still struggling to understand the heavy industrial kind of businesses that people might be thinking of protecting. They have already moved.

**MR PARTON:** Peter, just for context, because I think it is important, those who go through this transcript and who are taking note of this evidence should be aware of the fact that you are not a corporate giant.

**Mr Norton:** No.

**MR PARTON:** This is not part of a massive portfolio. This is it. This is your superannuation fund, isn't it?

**Mr Norton:** Correct. My father and I are the investors. Yes, these are our retirement plans. He is almost retired. In particular, with the recent changes to superannuation, more and more investments will sit outside a super fund. Ours is not a super fund, but, in essence, it is our retirement investment.

**Mr Donaghue:** Similarly, mine is a retirement investment. We got it about 10 years ago. We had some people come through earlier from the LDA, probably about eight or nine years ago, who said we could build up to 4½ storeys. They said, "You could possibly get five in." We said, "That's good for the future."

He talked about Phillip being like the next Braddon. It has a vista. There are certain

commercial businesses in the middle. We still have the motor traders. Certainly, from Hindmarsh Drive, they wanted the vista to look nice. It could have a little bit of residential on top of commercial, leading into it. Phillip is now the centre of Canberra—it is, definitely—and, with the population, obviously, we can't go west of the Murrumbidgee, so population will grow in and out, and there will be infill.

We thought, “This is good for 10 years.” I am 60, and I thought, “This will be great.” I was 50 back then. I thought that, in about 20 years time, it will be a good investment, whether we sell it off with that purpose or we redevelop with some other interested traders around us, which would be a good thing.

With respect to taking that away, we looked at it and said, “What's the cost to the ACT government if you actually go ahead with what you're proposing?” There are rates, and there is economic activity that could happen in the future. Obviously, Canberra will not stop growing, because the public service needs to get bigger and we need people to run it.

**Mr O'Mara:** I am probably wearing two hats here. One is as a commercial property manager of 14 buildings. We would probably be managing about 50 to 60 tenants within the Phillip trades area. Not all, but a number of our clients have bought buildings within the last few years, on the understanding that, in 2015, there was a master plan change done by way of the government's decision-making process. It was not necessarily driven by the property owners.

When that master plan took effect, it had residential added to the zoning for that area. People have invested significant amounts of money. They are mostly small operatives. They are not Westfields, Stockland or Lendlease. They are small owners, and that is who we traditionally service as clients. That is from a broad Civium perspective.

We lodged a DA just over 12 months ago to build a five-storey or 4½ storey development. We spent considerable money, a very large investment, getting our DA to this process this time. It is concerning that, if we do get our DA approved, we will be, potentially, the only—with the exception of Peter Micalos's development—residential development in that zone. That is if we are treated under the old rules. If we are treated under the new rules, our family has been significantly impacted by the investment we have made to date.

**THE CHAIR:** You have a DA in at the moment?

**Mr O'Mara:** Yes.

**THE CHAIR:** Do you know whether that DA will continue to be processed? Have you checked?

**Mr O'Mara:** I have been advised that it will continue to be processed under the existing rules, but I have also been told that if a decision is not made within six months, I can apply to ACAT for recourse or to hear about our situation. But there is such delay to get in to ACAT that it is very unlikely that I could get that heard, in the event that it gets knocked back. That is my own selfish interest.

**MR PARTON:** Yes, but that is understandable. Given what was laid out in that master plan in 2015, I do not want to put words into your mouth, but do you and your clients feel that you have been misled?

**Mr O'Mara:** Absolutely. My own personal situation is that we had a design review panel meeting in November last year, and I received a report back from the design review panel saying, "This is exactly what we want from this zone. We want a Braddon." The words were, "We want a Braddon," and that is the reason residential was put in that zone in the first place. The zoning was only added eight years ago, in 2015, when it was updated.

We are one year into design and siting for my actual project DA, but before that I lodged an application to add residential to my lease purpose clause. That is probably 18 months old now, and I still do not have an answer on that. I am reflective of the challenges that all of the owners are having in that precinct.

**THE CHAIR:** I hear you. There was a 2015 master plan that allowed residential and mixed.

**Mr O'Mara:** Added, yes.

**THE CHAIR:** There is a design review panel that has recommended the kind of residential and mixed that you are doing, and now it is gone.

**Mr O'Mara:** Five or six-page support commending my application, and in accordance with exactly what the intention was.

**THE CHAIR:** We might go to Joseph.

**Mr Pham:** I represent the Colbee Court Unit Trust, which is made up of about 10 self-managed super funds—families around Canberra. We are in the same sort of situation. We started investing in the Phillip area because of the master plan. We are quite shocked, really, with the plan changes. We do not see any need for it. We have not had any consultation. Similar to everybody else, we are surprised by what is happening.

**MR PARTON:** You guys, understandably, are upset by what has been laid out here for Phillip. You must have raised these concerns with whoever you could, including government. Has anyone come back to you with a reason as to why? What feedback have you received? Peter, have you received any feedback, or are you so gobsmacked that you are not sure how to proceed?

**Mr Norton:** The only feedback was the invite today.

**MR PARTON:** Chris?

**Mr Donaghue:** I have not heard anything. It was rumoured that this was happening. I then got an email, and we had two days to put in a submission. I read it all, and I put in the submission by Friday at 5 o'clock.



**THE CHAIR:** Good on you.

**Mr Donaghue:** But that is it. Like Peter, I have not heard anything else. No reason was given as to why the plan was initiated in the first place.

**MR PARTON:** Doug, have you received any feedback from—

**Mr O'Mara:** I reached out. Because we have a DA in place, I had our architect, as well as our town planner, reach out to ACTPLA. We got a response from the senior director of the new Territory Plan asking for clarification, because the documentation that was drafted actually contradicted itself, within that draft document. It referred to a section, PD3, within the rezoned area, but there was another section that actually contradicted it.

We reached out to the Territory Plan senior director, and they advised that there was an error in the draft of the Territory Plan. We said, “Does that mean that we can do residential or we can't?” One section says we can; one says we cannot. We were given clear advice that residential will not be permitted in that zone, moving forward.

**MR PARTON:** Joseph, have you received any feedback at all?

**Mr Pham:** No. We have tried to get more information. We first heard of it through Civium advising us that there were going to be changes, and that was a shock to all of us. This is probably the first time we have had a chance to have a say, in this meeting.

**MR PARTON:** We are all outcomes-based individuals in this room, it is safe to say. Talk to me about an actual outcome. You have invested in this particular building as a superannuation arrangement for you and your father. What is the outcome of the decisions contained in this planning change for you? What will it mean?

**Mr Norton:** I would face quite a significant fall in the market value of the property. Therefore I would probably not sell it. We would continue to hold it.

**MR PARTON:** You have limited options?

**Mr Norton:** Yes. I cannot see any viable business case for any redevelopment, ever. I am quite conscious of the fact that the precinct is getting really difficult for parking, and no-one will be redeveloping and digging basement parking or anything like that.

**MR PARTON:** You might be working for longer than you had anticipated?

**Mr Norton:** Yes.

**Mr Donaghue:** In about 2008, when the LDA guys came along, they did talk about 4½ storeys. It was always there for Hindmarsh Drive. With the future of Phillip, they talked about, “We're doing something in Braddon; we're starting this off in Braddon.” If you go in there now, it looks quite good. The old Ford dealership has gone and you have these funky buildings that they are putting up. That was the vision back then for Phillip. My building is 30 years old.

**MR PARTON:** Time flies!

**Mr Donaghue:** Doesn't it? It is coming to a stage now where we want to redevelop the place. Obviously, if there is residential, that lends itself to economies of scale. You redevelop it, but you make it look better. It is time. We have a few old, tired-looking buildings, and if owners get together, we can put up something that is quite nice. That is what Canberra is all about. You want it to look good. Now, with what Doug is doing, that is certainly on the agenda. It is not just about putting up a square, concrete block. It is about putting up something nice and making the place look good.

If I do not do that, if this goes through, with my place on Hindmarsh Drive, I am not going to redevelop it. There is no need. I am fully tenanted. It is pulling in good money, even with paying our rates, but that is all it would be.

**MR PARTON:** But it will look exactly the same.

**Mr Donaghue:** It will not look any different in 20 years time.

**MR PARTON:** In 20 years it would look exactly the same.

**Mr Donaghue:** Why would you spend a heap of money on it? There is no need. But if you can get the economies of scale, get a bit of ressie, and maybe one- and second-level commercial in there, it is fully worth it.

**MR PARTON:** What are the outcomes from your perspective, Doug?

**Mr O'Mara:** I will tear up half a million dollars that I have spent on this DA by following government rules and the master plan and zoning requirements. Our family will lose half a million dollars. That is just in the DA fees. As late as a month or so ago, we paid government more fees to process the additional requirements that they were seeking from us. That is a significant amount of money for anyone.

That will be the immediate impact, but the other impact, similar to what these gentlemen have said, is that the value will be less. The land values will go down, because there is a latent, unrealised, unimproved value that sits on those blocks at the moment because there was allowable zoning for residential. If you take residential out of that, our land values will drop. I do not know what the impact will be, but it will be material.

**MR PARTON:** You would be fairly confident that rates would go down, too, wouldn't you, Doug?

**Mr Donaghue:** Definitely.

**Mr O'Mara:** They will have to, because the value of our properties has gone down.

**MR PARTON:** I will believe it when I see it! What about the outcomes for you, Joseph?

**Mr Pham:** Our group always had plans to develop that area. We always believed in

that change for Phillip into a Braddon sort of area. Our plans in the longer term were always to develop it. If they change to having no residential, we will definitely have to change our strategy. We do not know whether we would keep the property. We definitely would not redevelop it, if we are not able to do residential. It would have a massive impact on our plans. As I said, we relied on that master plan, and that Phillip was going to be a Braddon, when making our investment decisions.

**THE CHAIR:** Mark has done a good job in looking at the personal impacts. What worries me as well as the design impact is the impact on Canberra's housing supply and Canberra's design. This committee has been hearing for a long time how good mixed use is—shop-top living, basement car parks—and that this is how Canberra needs to develop as we become a growing city that sprawls less. We have been hearing a lot about better uses, and we were all pretty excited about Braddon. Do you think this is a good direction for government to be moving in, to suddenly remove an entire district from residential?

**Mr Norton:** No. I foresee that, as we have just explained, there would be no business case to redevelop. Phillip will be surrounded by shiny car yards, but in the centre it will stagnate.

**Mr Donaghue:** There will be these old, tired-looking buildings.

**Mr O'Mara:** They are 50 years old. With the opportunity for tenants—reasonable tenants, not just massage parlours and gyms—there is no real opportunity for quality tenants, so there is a spiral down to the bottom of quality.

**Mr Norton:** Good town planning creates activity and vibrancy. If you go through Phillip at the moment, after 6 pm on any day of the week, it is a ghost town. We are building thousands of apartments across Hindmarsh Drive near Woden Plaza, but we will have a stagnated ghost town right next to it. It does not make sense.

**Mr Donaghue:** Do you know about the Habitat building in Braddon?

**THE CHAIR:** Yes.

**Mr Donaghue:** That was a tired, old car yard, wasn't it?

**THE CHAIR:** Yes.

**MR PARTON:** Yes.

**Mr Donaghue:** Now look at it: you have an Italian place underneath; you have residential on top. It has also spurred other activity around it, and you have people there. If you look at the *Canberra Times* food guide, all of these new foodie places are opening up. They are all in Braddon or somewhere on the north side. They have probably made a few bob out of it. That is good; good on them. It has created this funky vibe, or it has helped to create it. It looks good, too.

You have these other places; there is one-upmanship and it is about making their place look a little bit better, with a better restaurant or coffee shop. That is what

Phillip needs now. We have the big Westfield over the road. In Canberra, we like our funky little areas, and I think Phillip will be like that one day.

**MR PARTON:** With the tram getting there by at least 2050, it would make sense, wouldn't it?

**Mr Donaghue:** Absolutely.

**Mr Norton:** Quite importantly, Chris was just talking about Braddon. Braddon still has trades tucked away. You can still buy tyres. You can get your bike serviced in countless places. The traditional trades are still there. Sure, they are not in the shopfronts right on the street; they are tucked away. But those things can coexist.

**THE CHAIR:** This is not really going in the right direction for design and housing outcomes.

**Mr O'Mara:** Absolutely not. What is happening beggars belief. I thought it must have been a typo or a mistake.

**MR PARTON:** I can imagine that is what you would have thought.

**THE CHAIR:** I have had advice that the two different drafts you saw have since been corrected the other way. It has been passed recently. They have definitely removed residential. Clearly, there were different drafts, and that has now gone.

**Mr O'Mara:** You can see where it gets confusing for the—

**MR PARTON:** This is genuine infill, as opposed to, say, Lawson.

**THE CHAIR:** Yes.

**Mr O'Mara:** What is shocking, though, is that this was what was being endorsed and promoted by ACTPLA, even to the point that it had been rezoned only seven or eight years ago. It just beggars belief.

**MR PARTON:** It is similar to the people who were told to put gas in, but that is another story.

**Mr O'Mara:** You could probably understand if there had been a change of government, but it is still the same party that is processing the same thing.

**MR PARTON:** Yes.

**THE CHAIR:** Joseph, do you have anything to add before we finish? We have probably got one really good question to put to the minister, I would imagine.

**Mr Pham:** We have reached out to a lot of traders in the area, including the Phillip council, and Tom Adam. They advised that they have never been consulted, either. They have never had any issue with residential there. We are trying to get to the bottom of why there has been a lack of consultation.

**THE CHAIR:** That is a very good question, Joseph. Thank you very much for your time this morning. We were super pleased to talk to you. We are a parliamentary committee, so we are not government as such. We are a three-party parliamentary committee that is inquiring into what government has done. It was certainly important for us to chat to you this morning. We thank you very much for your time and for sharing your experiences. I do not think we had any questions taken on notice. We will put some questions to the minister and see where we get to.

**Mr Donaghue:** If you need us again, we can come back.

**THE CHAIR:** Thank you. If anything else comes up, you are welcome to put it in writing to our committee. James will tell you what the deadlines are. Also, do not feel that you need to do so, unless there is something that we did not already cover. I think we have had a pretty good, clear hearing this morning.

**Mr Donaghue:** Yes. It is about futureproofing Canberra's population.

**THE CHAIR:** Yes.

**Mr O'Mara:** We have reached out similarly to the minister and the Chief Minister, as well as the Leader of the Opposition, with the same papers that we have provided to you. We have not even had a response acknowledging receipt.

**THE CHAIR:** When did you send that?

**Mr O'Mara:** It would have been at about the same time as we lodged—the beginning of November.

**THE CHAIR:** Yes, a few weeks ago.

**Mr O'Mara:** Actually, even before that. It would have been late October.

**MR PARTON:** I am assuming you heard from my colleague Mr Cain.

**Mr O'Mara:** We met with Mr Cain, yes.

**SHARP, MS SARAH**, Vice-President, Friends of Grasslands

**THE CHAIR:** Welcome. Would you confirm that you received the privilege statement and you are happy to abide by the rights and responsibilities set out in that statement.

**Ms Sharp:** Yes. I am happy to accept all of the statements that I am required to.

**THE CHAIR:** Thank you very much. Sarah, thanks for coming in. There is a lot of change in this new system.

**Ms Sharp:** Yes.

**THE CHAIR:** We have a few new elements. We have got the *Biodiversity Sensitive Urban Design Guide* in there. We have got the blue-green network in there. Do you think these changes are sufficient? Do they go far enough for protection of our environment and the places that we need to protect for flora and fauna?

**Ms Sharp:** I think the key word there is “protect”. I think the guidelines are fantastic, although they are very verbose. I would love to see a summary of them and some of the other documents so that it is easier for people to actually find the key information.

What I am concerned about in the *Biodiversity Sensitive Urban Design Guide*—there are two elements of it—is that I think that the onus, unless I have got it wrong, is on the developers to identify areas that are on their land, rather than it coming from outside. Going back a step, I think it needs to be that these areas are quarantined prior to going to that development stage. It is important that those areas are identified. Effectively, under the lease system, it is government land. It belongs to the ACT government. I think that the onus needs to be to be protecting those areas first—protecting through legislation, if they are that important—prior to that development, rather than the developers deciding.

The other thing is that I think there is a real concern about the size. Reading through it, my understanding is that the areas in question need to be a hectare or more in size. What we have is that under the legislation, both the commonwealth EPBC Act and the Nature Conservation Act, the size of threatened communities, to define them as a threatened community, is much smaller. For natural temperate grassland it is 0.04 of a hectare, which is just 20 by 20 metres. Woodland is 0.1 of a hectare, which is the equivalent of 20 by 50 metres, so it is one-tenth or one-fortieth of the size that would be considered under these guidelines.

**THE CHAIR:** Interesting. We have a system that requires the developers to do a self-assessment that might be against their commercial interests if they do it well.

**Ms Sharp:** Yes.

**THE CHAIR:** Rather than a system that would require community input, maybe, or some other body, like the conservator. Who else would you—

**Ms Sharp:** No. Taking it back much further, what I would like to see is that these areas are identified up-front, right now. We have got various things under various names. There is the blue-green network. There are the conservation areas. Neither of those are really well defined as to what they are, so intuiting what is in them or trying to interpret what is in the blue-green is everything from a highly recreational area right through to areas that are of high conservation value.

I am concerned that there are a lot of words in these sorts of documents that sound fantastic. The *Biodiversity Sensitive Urban Design Guide* is fantastic. I have not been through the other ones, I have just concentrated on that one, but the words are fantastic. There are really good intentions, but I think it should be absolutely clear what needs to be achieved. There is the Planning Bill, the Territory Plan and the guidelines, but nothing really says what we are trying to achieve and then how we are going to go about it.

I think those areas need to be identified up-front. They need to have clear criteria against them so that it is absolutely clear to everyone. I think it is really important that this whole process is very, very transparent so that anyone who goes into an area says, “This area is going to be retained, and it is going to be retained as some form of reserve protection.” Legislated protection, I am meaning.

**THE CHAIR:** We have areas much smaller than a hectare that would trigger the EPBC Act or would trigger our local Nature Conservation Act, but those do not apply here because this has set a one-hectare minimum size for protection. Is that right?

**Ms Sharp:** My understanding is that that is right. Where does the legislation come in for the threatened species, versus the planning? Again, I found this personally very difficult to understand because it is not my area at all, other than what I want to try to see happening, but there seem to be some holes there in terms of what needs to be done.

I have probably gone through too many documents. I know what it was. It was in the zone policy, E5, under specific assessment outcomes. I really liked it. The first one there was: “Urban structure and natural systems; biodiversity connectivity is maintained across the environment.” But it does not actually tell you how it is going to happen and how it is going to be achieved and how it is going to be enforced.

Again, coming back to protecting these areas, I truly believe that identifying these areas up-front gives so much more surety to everyone. It will save an awful lot of anxiety and almost definitely save a lot of money to protect these areas up-front, to say, “No; sorry. This part is going to be protected.” That comes down to the idea that it is okay just to protect them—and this is outside the bailiwick of the Territory Plan, of course—but it needs to be then looked after for those values.

**MS ORR:** Ms Sharp, I want to pick up on what you were saying about identifying early on, because this is a big conversation and has been for many years within the world of EIS application and whatnot and how we go about protecting natural species within a planning system. My understanding of the way most systems work and the way that this system is tailored to work is that when you want to do a development, you have to go out and do your due diligence on a range of things, including

environmental protection, so you identify what things are on your land. That is the way most systems, including this one, approach it. From what you have said, if I have understood correctly—and please correct me if I am wrong—you would like to actually see a new step put in front of that where there is essentially a regional EIS or whatnot that identifies things in advance of any development, so that it is not done on a piece-by-piece basis.

**Ms Sharp:** Yes; absolutely.

**MS ORR:** It is avoiding death by a thousand cuts. That is what you are advocating for.

**Ms Sharp:** Absolutely. Absolutely right. That is exactly right. I think the other side to that is that we are not starting from scratch. There is a massive amount of data out there about sites. There is government survey work that has been done. The community knows a lot of sites. I provided something like a list of 50-odd sites that need to be considered. Details of them are there. It is not like: “Okay; yes. We know this is a such and such and we have drawn a line around it,”—

**MS ORR:** Yes.

**Ms Sharp:** Nevertheless, we are quite possibly 80 per cent of the way there.

**MS ORR:** This is the point I am getting to. I just want to check that there is an acknowledgement that that is not a straightforward, simple change. That is actually quite a big policy change. I am making no judgement on whether it is a good or a bad change, just noting that it is not an easy change.

**Ms Sharp:** Personally, because I do know most of these sites myself, I do not think it is terribly hard. What I had hoped was that the new Territory Plan would identify it more easily. The difficulty is that these areas are often relatively small. They are hectare-sized and smaller, and some of them are certainly bigger than that. They are on a range of different land uses. That is the other thing. I think if we can identify them up-front, everyone then is aware of what it is. The other way of looking at these areas that helps with the process is that, if we are going to achieve infill, we need to have green space for people. It needs to be attractive. They need to be places where people feel safe. I think a lot of that is the vegetation type that sits in that to make it—

**MS ORR:** Yes. I think the crux of the issue that we are getting to here is that the environment does not happen neatly on individual parcels of land. The environment is a much broader scale and happens across a range of ecosystems.

**Ms Sharp:** Yes.

**MS ORR:** You cannot just draw a line around it and say, “That is the boundary.” Things will interrelate and exist elsewhere. If I have understood correctly, essentially you are saying is that there needs to be something up-front that can take a scale and actually get the ecosystems, rather than just what happens within the development boundaries.

**Ms Sharp:** Yes.



**MS ORR:** Something that is quite small, that might look insignificant on that parcel of land, when you contextualise it into the broader ecosystem actually changes in its value—and that is recognised. That is the crux of the issue that we are getting to here; right?

**Ms Sharp:** Yes.

**MS ORR:** I have written essays and essays and essays on this. There is a long, ongoing discussion within the planning and the environment world on how to bring the two together. It is not something that is a natural fit, to be honest, because they work with different scales and they are different systems.

I want to push down on this a bit more. Who do you see this up-front study being with? Individual land owners can only do their block; they cannot go to something else. Are you saying this is a role for government to pull together a more cohesive study that exists on a larger scale? Are we just talking about ACT? Would you draw the boundary line of the ACT? How do we start? I know; big questions there.

**Ms Sharp:** What about the whole of Australia? I think you are absolutely right. It could be bigger than Ben Hur. I am on the Natural Resource Management Advisory Committee. I have not heard yet from the commonwealth, but the ACT has put in for money from the commonwealth for grasslands, woodlands and riparian areas as well. It is a jolly good place to start, because that is where our threats lie.

I think there is room within that to set up a system. I am hoping there is. I think you would find that there would be a lot of volunteers who work on land already that would provide information. I am starting to think through that process of how I can get more information from more people, based on my own knowledge of where sites are, to get enough information so that we can decide if they need to be followed up or not and then surveys done. I think volunteer groups, consultants and the government together could probably prioritise areas.

**MS ORR:** Yes.

**Ms Sharp:** The important thing is to prioritise it. So you prioritise it, more or less. I will go back to—

**MS ORR:** I am sorry to cut you off, Sarah. I am conscious that I have had five minutes and Mr Parton has not had a single question—

**Ms Sharp:** I am so sorry.

**THE CHAIR:** No; you are all good.

**MS ORR:** If I take it in summary, I think that the crux of the issue, and the point that you are raising, is that we want to avoid this site-by-site assessment—

**Ms Sharp:** Absolutely.

**MS ORR:** and start looking at the context of the broader ecosystem.

**Ms Sharp:** Yes.

**MS ORR:** I think I have taken away what I need to clarify. I will pass to Mr Parton so that he does not miss out.

**MR PARTON:** Thank you. There are so many submissions that have come in over the time of this whole inquiry, over the various aspects of change to the planning system, but the submission from you guys contains one of my favourite recommendations of the whole lot.

**Ms Sharp:** Good.

**MR PARTON:** It is not necessarily core to what you do, but I just thought it was really important. It is the suggestion that perhaps if we are changing things we should change the way that we consult and that that consultation starts right at the start, when a DA is listed. The recommendation is that the first document listed for all development applications should be an executive summary, which would include the key matters affected, references to relevant DA documents, where these matters are explained in detail and key maps of the proposal. It is pointed out in your submission that frequently, for those of us who do not have a planning qualification, it takes an inordinate amount of time to find the relevant documents.

**Ms Sharp:** Sometimes you do not find the relevant documents.

**MR PARTON:** No.

**Ms Sharp:** This is also the point. It was one of my colleagues who put that up and he had just gone through a DA for the area out at Ginninderry. I think there were something like 300 documents and none of them had names that you could use to find what they actually were.

**MR PARTON:** No.

**Ms Sharp:** They were all called schedule 35, section 43 or whatever. Then, where there was nothing, we wanted to comment, rather than make an overall recommendation. That is a day's work.

**MR PARTON:** I certainly appreciated that recommendation. Without wanting to give away any committee-in-confidence discussions, I think you can guarantee that I will be pushing for a recommendation of that nature at some point.

**MS ORR:** Mark, you said that it is only non-planners who struggle with this. Planners sometimes struggle with finding the documents too.

**Ms Sharp:** Yes.

**MR PARTON:** Yes. All right.

**THE CHAIR:** I might just drill down a little bit, Sarah. We have heard that there is a pretty good need to have a more systemic process to make sure we are identifying all the places.

**Ms Sharp:** Yes.

**THE CHAIR:** Do you think we already have quite a lot of that work done? Where would you start by looking at that work? The Conversation Council have done some work on that, haven't they?

**Ms Sharp:** Yes. This sort of work is really me, in the sense being the person who is leading it. I am doing it with the Conservation Council as well as Friends of Grasslands, A lot of information is there, and it is a matter of collating that. What I am hoping to do is to collate enough information myself. It is my central interest to get this done. I think that can be done. Can I just address something else that I think is really important?

**THE CHAIR:** Yes; please do.

**Ms Sharp:** That is how we might be able to use legislation to protect these off-reserve sites.

**THE CHAIR:** Yes.

**Ms Sharp:** I found it very difficult to find. In the old Territory Plan you could go to a particular land zone type and it had a number of objectives as to what had to be done. That is still not clear. But, at the same time, it does not seem to have changed terribly much. You have got reserved areas protected. You have got a category called "special protected reserves". I think that is a category that already exists, and that maybe could be a sort of subcategory for environmental sites, ecological sites—and probably heritage sites, at least, or other scientific sites.

**THE CHAIR:** So, using a category under the old system, special protected sites in the new Territory Plan—

**Ms Sharp:** Which does still exist, doesn't it?

**THE CHAIR:** Honestly, I do not know. We will get some advice on that.

**Ms Sharp:** Can I say that the Territory Plan is extremely hard to follow.

**THE CHAIR:** Yes.

**Ms Sharp:** When I tried to do searches for particular things, it did not come up with them.

**MS ORR:** Is that searching under the new system?

**THE CHAIR:** Word search.

**Ms Sharp:** Yes. For instance, the zone policies do not include anything that is reserved.

**THE CHAIR:** Yes.

**Ms Sharp:** It has parks and recreation, but it does not have reserves. Are they still overlays? The other thing is that if an area is smaller than a block it cannot be identified as one of these zones either—

**THE CHAIR:** Because of the one-hectare limit?

**Ms Sharp:** No. I think it is because of the way the blocks have already been drawn up.

**THE CHAIR:** Okay.

**Ms Sharp:** Take block 6, section 24, whatever it is. If it is only a part of block 6 it is very difficult to actually work out how that would be protected. I think that needs to be addressed as well. It fits in with your private member's bill, looking at these areas that are off reserve.

**THE CHAIR:** Yes. Awesome.

**Ms Sharp:** Too small to go into reserve.

**THE CHAIR:** Thank you. We will find out if the special protected areas still exist or not. That is a really, really good point. Sarah, is there anything else that we did not get to that you need to tell us?

**Ms Sharp:** No. I think that has covered it well. Thank you so much.

**THE CHAIR:** That is awesome. Thank you for coming in. It was really, really fantastic to get some environmental input. That was great.

**Ms Sharp:** I feel very privileged to be the only one here to have a good 20 minutes to myself.

**MR PARTON:** Star of the show!

**Ms Sharp:** Many, many thanks for that as well—

**MS ORR:** Our undivided attention.

**Ms Sharp:** and for the opportunity to do this. I have really appreciated it very much.

**THE CHAIR:** Thank you.

**Short suspension.**

**HERBERT, MS VICTORIA**, Acting Assistant Director, Office of the Commissioner for Sustainability and the Environment.

**GARDNER, MS MIRANDA**, Director, Complaints and Investigations, Office of the Commissioner for Sustainability and the Environment.

**THE CHAIR:** Thank you so much for coming in. We are delighted you could both make it. I will start by getting you both to confirm that you have received the privilege statement and you understand the rights and responsibilities contained in that statement.

**Ms Herbert:** I have read and acknowledge the privilege statement.

**Ms Gardner:** I have read and understand the privilege statement.

**THE CHAIR:** Thank you.

**MR PARTON:** Thanks for coming in. You have indicated that one of the areas of particular interest for you is how the ACT government's commitments to living infrastructure targets are embedded in the Territory Plan. You have had a look at it now and you have soaked up the vibe: what are your thoughts? Is this going to deliver the sort of outcome that you would see as optimal, or do you have concerns?

**Ms Gardner:** I think our observation is something that could probably be applied across a lot of areas, and that is that a lot of the policy intent in the Territory Plan seems good, and the stated aims, and so on, do meet high standards in terms of sustainability; our concerns are more about how that actually happens in terms of implementation. Reading all the different outcomes that the Territory Plan is going for, I think it is quite apparent that it is not going to be possible to achieve all of those for every development, because some of them are mutually incompatible.

I think our concerns are more about how those living infrastructure targets get implemented at the block level and the suburb level, and about how they are weighed up with other things. We are aware, for example, that there are restrictions around trees in new suburbs where there is not enough space in reservation strips for them: there are conflicting uses with utilities; there is the block size to house size ratio, which limits the amount of green infrastructure that can go around those houses. The policy intent is there, but I think it is how it is actually turned out on the ground across the whole suburb-level that is going to be difficult to figure out still, and we are still not sure how the implementation is going to work in terms of figuring out those sorts of city-wide targets.

**MR PARTON:** So—

**Ms Herbert:** Can I answer?

**MR PARTON:** Yes, you go; the questions can be for both of you.

**Ms Herbert:** I think, as well, just to add to what Miranda has been saying, that currently there is a lack of transparency around the assessment process for the

development applications. How will that hierarchy of outcomes really be assessed? If there are competing priorities, when will one be prioritised and the other relegated? That has not really been clear.

The other part is that there is a big concern on our part about whether there will be sufficient resourcing for that implementation: whether there will be the skills and the knowledge and the capacity within that assessment team to really make sure that the development applications are assessed appropriately and that those environmental outcomes are really met. That is where some of our concerns really lie.

**MR PARTON:** What I am hearing is similar to some completely different witnesses yesterday, who were not necessarily critical of what had been laid out, but they basically said, “Look, we don’t know how this will fly, because we do not know how this will work.” That is what I am hearing.

**Ms Gardner:** Yes.

**MR PARTON:** Are you concerned about the pursuit of the outcomes that you guys are in favour of? Are you concerned about outcomes, or are you just a little worried or a little in the dark as to exactly how we are going to arrive at those outcomes?

**Ms Gardner:** I think if you look at the way that development has happened historically in the ACT, in spite of good intentions, we have still seen a long-term, broad scale degradation of the natural environment—loss of native habitats, more native species added to the threatened species list. We do not really see anything in the new Territory Plan that is going to change that, I guess.

**MR PARTON:** Okay.

**MS ORR:** Just picking up on that. When you say you do not see anything in the new Territory Plan, what leads to that view? Is it that you see it as business as usual or something else?

**Ms Gardner:** Yes, I think so. Like I said, there are a lot of good intentions in there, but the Territory Plan, for one thing, does just assume that there is going to be a continuation of development: there is going to be more greenfield. There does not seem to have been any thought earlier in the process to say, “Do we actually want to continue to do greenfield development? Can we look at limiting the size of the town?”—those sorts of things.

To give you an example, when we have, in the office, raised concerns with the department about the fact that greenfield inevitably causes environmental harm, because you are turning an area that was natural, or semi-natural, into an urban area, we have had feedback from staff in the directorate saying, “But we do environmental impact statements, so there is no harm.” And that is just not true. You still destroy all those plants. You still destroy lots of invertebrates and small animals.

Having a good policy and following the steps you have put in place does not remove the fact that you are still damaging the environment, and even if it is not threatened or listed as significant, there is still that general erosion of the environmental values of

the region.

**Ms Herbert:** I will add onto that about the general systems and the processes possibly being a bit insufficient. This is more at the broader commonwealth scale; the independent review of the EPBC Act showcased that it does not really account for the cumulative impacts of greenfield developments. There may be the removal of a couple of hectares and the removal of a few mature trees. In our experience, we have really seen that development proponents can home in on that and say, “Look, we have saved this amount of land,” but then when you weigh that up with how many developments are happening across the territory, it is a cumulative broadscale impact

**MS ORR:** Yes. This is the theme brought by the last witness, in the sense of looking at this as death by a thousand cuts—

**Ms Herbert:** Yes.

**MS ORR:** As opposed to doing early strategic planning that happens on a much larger scale so you can contextualise, particularly the smaller blocks. I put it to her, and I will put it to you: this has been an issue within environmental preservation and planning for as long as I have been a planner, and I dare say a lot longer than I have been a planner.

**Ms Herbert:** It is a perennial issue.

**MS ORR:** No-one has quite come up with the answer, but I would be very interested to hear if you have got any suggestions on how it could be improved. Because it is a problem that is easily identified. We all know it is a problem, but getting to the solution and the adequate response is the challenge and the bit that is a bit more difficult.

**Ms Gardner:** I think—just more acknowledgement. In Canberra, particularly, because we are very progressive in a lot of the policies that we have, and we are doing great things with climate change and so on, I think there is a bit of a sense that we know we have got these policies that people say are good, and therefore we are doing the right thing. I think maybe a bit more education—for developers, for the broader community, within government—to actually help people better understand the impacts that are still inevitably going to happen even with these good policies.

**MS ORR:** So, taking a step back, when you have the conversation with the directorate—with the example you have provided—it switches from, “We have got an EIS and we do all of our assessments and what not, so therefore it is okay,” to “Hey, we understand that this is still going to have an impact, but we are going to mitigate it and minimise the impact to the best of our abilities.”

**Ms Gardner:** Yes.

**MS ORR:** It is just a higher consciousness of what is actually going on with the implications of decisions.

**Ms Gardner:** Yes, and there could be more innovation in terms of infill.

**THE CHAIR:** Suzanne, is it alright if we move to the next question?

**MS ORR:** I have had three minutes and Mark had seven minutes, so can I just finish my questions?

**THE CHAIR:** Sure

**MS ORR:** That would be good, thanks. I just wanted to bring up something you were saying there. It sounded like you were almost talking about a boundary, like an urban boundary, which is a really “interesting” topic. I say “interesting” in inverted commas. Melbourne tried that, and it sent everyone into a bit of a spiral. I am not making a judgement on whether it is good or bad; there are pros and cons to it, to be frank. Is the office actually wanting to float that as an idea, or is it more that it has come up in conversation?

**Ms Gardner:** It is something that has come up in conversation a few times recently; particularly, we have been working on the *State of the Environment Report*, and relating to some of the complaints, I guess, that we have had coming into the office from the public. It seems to be something that people are wary of—this sort of gradual expansion. It does not seem like it is a conversation that has actually been had at the strategic planning level.

**MS ORR:** Whether to implement a growth boundary?

**Ms Gardner:** Yes. We have not formed an opinion over whether that is definitely the right way to go or not.

**MS ORR:** Yes, okay—but it is probably time to have the conversation.

**Ms Gardner:** It is a good conversation to have, yes, absolutely.

**THE CHAIR:** We have had this big opportunity with this new Territory Plan to look at how we can do infill better. There would have been an opportunity to look at city limits; that was not taken up. There has not been a lot of change in zoning reform. There has been in a few small-scale individual areas, but there has not been a lot of change, except for the dual occupancy policy.

**Ms Gardner:** Yes.

**THE CHAIR:** I am wondering: do you think we have missed some opportunities to do really good quality infill, and do you have any concerns about the dual occupancy policy? We have heard quite a lot of feedback that it will either not lead to any change at all, or it might lead to perfectly good houses being knocked down so that two small homes can be put up on a block. What do you think the Territory Plan should be doing to give us good infill rather than endless sprawl?

**Ms Herbert:** It is a big question. I can just speak to one particular component. I guess there is a missed opportunity. I know that there is the showcase, sustainable development part of the PAGA commitment. I think there could be some



opportunities to do some showcase, green-space oriented infill development, really to shift some public perception around infill densification where there is a bit of public pushback.

We are really seeing how we could have substantial, public greenspaces; how they are re-designed to increase ecological function but also to have a variety of active and passive recreational uses to service higher density apartment complexes. I think there is a lot of scope to really do something that has been missed within this current Territory Plan. In regard to zoning, I am not sure what—

**Ms Gardner:** I do not know if it is zoning, but one conversation we did have which sort of relates to this was looking at the recent trends in terms of occupancy in the ACT. Now I think the average number of occupants per house is something like 2.1.

**THE CHAIR:** Yes.

**Ms Gardner:** It is quite low, and that is a bit of a concern from a sustainability perspective.

**MS ORR:** In the sense that the footprints of houses are still quite big?

**Ms Gardner:** Yes. You have a big house footprint for not many people, and whether there are policies that could be put in place, or even houses specifically designed to be share houses, recognising that those people who live in share houses now are not necessarily just fresh out of uni or fresh out of school. It is more mature people who are now going into them after divorce or other situational changes. That seems to be something that maybe the housing market could adapt to a bit more—that there are people who are maybe looking to rent a room. Also, this is kind of outside the purview of the office, there has been a lot of conversation over the last few years about the loneliness epidemic and the impact on people’s mental health; and, again, building those sorts of houses that would suit co-living seems like it would potentially help to address that.

**THE CHAIR:** So, the planning settings, and also maybe the policy or financial incentives to let people take an existing home and adapt it, divide it—that kind of thing. Is that what you are talking about?

**Ms Gardner:** Yes.

**THE CHAIR:** To allow more people to live separately within—

**Ms Gardner:** So, designed with a co-living space, and then with rooms where people can have privacy and so on. Also, to speak to your other point about perfectly good houses being knocked down to build two new ones—that is also something that we have raised concerns about in terms of sustainability. It is always going to be more sustainable to re-use an existing structure if it is still usable.

**Ms Herbert:** In terms of the embodied carbon and the embodied emissions within those houses.

**Ms Gardner:** Yes.

**THE CHAIR:** Quite a big theme in the Scope 3 report that you did was the embodied emissions in the existing built environment.

**Ms Gardner:** Yes.

**Ms Herbert:** Yes, exactly.

**THE CHAIR:** That is quite interesting.

**Ms Herbert:** I know this is starting to happen in New South Wales, where there are starting to be embodied carbon certificates, so you can really check the compliance and how much carbon. That is something that would be great to have in the ACT. I am not sure that would be facilitated in the Territory Plan.

**Ms Gardner:** And with those knockdown-rebuilds counting towards the 70 per cent infill target as well, at the moment, the incentive seems to be to do a knockdown-rebuild and not to re-use current materials.

**THE CHAIR:** Sure, the incentive for both the government and for the developer or landowner.

**Ms Gardner:** Yes, for the developer.

**THE CHAIR:** It is a double incentive for more sprawl and for less re-use.

**Ms Gardner:** Yes, exactly.

**THE CHAIR:** That is interesting. We did do an inquiry on co-housing earlier on in this committee, and we did make some recommendations, but they were not picked up.

**Ms Herbert:** Interesting. We have not seen them.

**THE CHAIR:** It was this term, but it was at the start of this term, under a completely different legislative system now, so I might go back and see what the bits of it were.

**MS ORR:** It was good that you clarified with the Scope 3 emissions, because I was going to ask. When you say it is not as good for sustainability outcomes, what is that actually? Is it purely Scope 3?

**Ms Gardner:** Scope 3 specifically, yes.

**MS ORR:** The other question I was going to ask is this: are you familiar with the Demonstration Housing Project?

**Ms Herbert:** Yes.

**MS ORR:** Because it goes to some of the things that you have raised here in allowing for different housing typologies and whatnot. Do you have any views on what may or

may not have come from that project and how that feeds into the positions that you are taking.

**Ms Herbert:** Interesting. I know that there is a variety of different demonstration housing. Was there a project?

**MS ORR:** My understanding of the project, knowing that it kind of morphed over time into many different things, I think is fair to say, is essentially to allow for housing that would not normally be the norm.

**Ms Herbert:** Novel housing typologies—yes.

**MS ORR:** Yes, the norm within a planning system. So, doing things like co-living arrangements and beyond the one, two and three-bedroom things that are standard, and things that would not normally go into a place because they are not the norm that go to what you are saying about co-living houses for, say, people who are not students, and looking at different types of multi-unit stuff in RZ1 zones and those sorts of things—how you can actually start to get good urban outcomes. It was more just pointing to that and seeing some of the examples that might have come from that and whether that goes to any of the points that you are raising as an evidence base.

**Ms Gardner:** They are still in the new development space, the demonstration houses, aren't they?

**MS ORR:** Some of them are still under development. Some of them are more progressed.

**Ms Herbert:** Yes, I am not sure of the status—

**THE CHAIR:** The manor house?

**Ms Herbert:** North Wright—I know that that is a really interesting project that is still very much in the planning phases of doing the missing middle and having a concentrated but very activated, in a social way, living infrastructure completely integrated. I cannot really speak to the efficacy in terms of the outcomes because I do not know; I have not seen the finished products. But I think, realistically, it is a great initiative, and, specifically, as we are speaking about green-space oriented infill, I think there is definitely a larger, precinct scale to show how we really can do it in a way where there is greenspace, and the living infrastructure is not compromised. Because there are a lot of concerns that quality of life will be compromised in an infill context. I think it is really how we do it—there are so many different versions.

**Ms Gardner:** I think, specifically, what Victoria is saying is that people have a preconceived idea that infill means a big, grey apartment block that looks into someone else's living room, probably, across the little strip. There are apartments like that being built in Canberra still now—

**Ms Herbert:** And greenspace is just completely gone.

**Ms Gardner:** and there is no greenspace. I think kind of reimagining, “What does an

apartment complex look like?—

**MS ORR:** But when you say “greenspace” in that context, are you talking less about, say, natural urban areas on the periphery or an inner area, or are you talking more about microparks and having them in the urban—

**Ms Gardner:** Yes, green roofs, green walls—

**Ms Herbert:** And parks as well.

**Ms Gardner:** And parks as well, absolutely.

**MS ORR:** Green roofs and walls are a bit hard in Canberra because of our climate and the rain. We do not have a good source of rain to keep them going, but I take the point that you want green infrastructure integrated into the urban environment.

**Ms Gardner:** Yes.

**THE CHAIR:** Suzanne, we might finish there.

**MS ORR:** That is fine.

**THE CHAIR:** Thank you very much, Victoria and Miranda, for coming in. If there is anything you think of that you wanted us to know that we did not get to, you can put it in writing, but you do not have to. It is not a request for homework! Thank you very much for your time.

**Ms Herbert:** Thank you. I really appreciate it.

**Ms Gardner:** Great, thanks so much.

**Short suspension.**

**HOWDEN, MR MARK**, Chair, ACT Climate Change Council

**BANNISTER, DR PAUL**, Member, ACT Climate Change Council

**THE CHAIR:** Thank you very much for coming into our hearings for the Territory Plan. I will get you both to confirm that you have read and received the privilege statement and that you understand and agree to the rights and obligations in that.

**Dr Bannister:** Yes, I have read the various documents and I understand and agree to my rights and obligations.

**Mr Howden:** I also understand the documents.

**THE CHAIR:** I have a few questions, but if I ask a question and you have something better to say, please just jump in and tell me what we should be talking about instead, because I think people on this side of the table do not always have as good a knowledge as the ones on that side of it.

We have had quite a few conversations this morning. We have spoken to Friends of Grasslands and we have spoken to the Commissioner for Sustainability and the Environment. A lot of the themes that came up were about the problems with sprawl; the environmental and climate problems that we are seeing with sprawl; whether it is time to have the conversation about limiting sprawl, absolutely; and also whether the zoning changes in this new system have actually given us the kind of sustainable infill that we were hoping for. Is that something that would be a useful discussion, do you think?

**Dr Bannister:** Yes, absolutely.

**THE CHAIR:** Take it away, Paul.

**Dr Bannister:** Mark and I have been having this discussion over the last couple of days. The sprawl is recognised as a problem for many reasons, and the classic is a transport sustainability sort of question, but it has to be balanced with consideration of quality of life. One of the members on the council is heavily involved with the high-rise development and keeps on pointing out to us that it is one thing to put 10,000 people in 300 metres square in Belconnen, but you need to think about the green space associated with that and provide for green spaces as if you are working with the same number of people in a suburb. That is not happening, and it does not seem to be explicitly addressed in the plan, so there is not the balance shown.

Some of that is because of the way the plan is written. As the plan is written it seems very much like a set of requirements for developer approvals, as opposed to being something which explains its underlying philosophy. The concern I think we have is that—I am certainly very strongly in favour of densification around public transport routes, but it has to be balanced with having sufficient green space to manage urban heat island and to provide equitable access to green space for the residents of high-density areas.

**THE CHAIR:** Public Transport Canberra was obviously also very keen on transport

corridor development, and I think with the latest imagery showing our transport emissions are going up again, that is probably well and truly worthwhile.

Sarah Sharp from Friends of Grasslands expressed a bit of disappointment that this Territory Plan and this whole process had not identified all of the green spaces—the conservation green spaces, but also some of the recreational, noting that some of those would be mixed use. It had not actually identified those. What it had done was set out a developer system asking the developer to go through a process of EISs, but not actually doing that overlay of, I guess, precinct planning. That sounds similar to what you are saying, Paul.

**Dr Bannister:** Yes. There is a related point that I picked up when I was going through the plan, in that it talks about, as a sort of principle, that you should avoid degradation of biodiversity or limit, which is sort of like saying, “The same or worse.” That is even said in relation to parks; that the requirement is the same or worse. That does not completely line up with the design guides, which talk about measures that would improve biodiversity, so it is a bit inconsistent between the two.

**THE CHAIR:** What was the first document? Was that in the Territory Plan itself?

**Dr Bannister:** The Territory Plan itself. Essentially, all of the different land types it says shall not make the biodiversity worse. Sorry, shall limit the impact, but it does not anywhere say, “You should actually actively work to restoring and enhancing,” and as I say, particularly when you get to the parks areas, this is like, “What? We are not even trying to enhance that?”

**THE CHAIR:** Because the environmental ideology has moved along and has actually moved to “restore and improve”, not “stop degradation”, so that is interesting. I had not noticed that in the Territory Plan. I will go and dig that out.

Another issue that came up in this whole densification zoning conversation is the primary change that has caught most of the attention, which is the dual occupancy policy. It sounds good, but we have had a lot of mixed views on it. A lot of the views are that it is probably not going to give us much more density; it is not going to give us a lot more houses; and it is not going to give us that block consolidation with green space type development, which a lot of our planners and architects thought was better. There are also some concerns it might lead to people knocking down good houses and putting up two very small ones on the same block. What are your views on dual occupancy? Is that a useful way to take Canberra’s density forward, or were there other opportunities that we really should have been chasing?

**Mr Howden:** I will toss a few comments in. Before I start with answering that particular question, I have to say that as someone coming in, to some extent cold, into this, it was a really hard space to navigate. There was supposed to be an overview plan—which has disappeared—of the plan, so that link does not work anymore. Then the way it is sort of structured where you have the district guidance, the guidelines and the metro and big driver thing and then the specifications, and it is all over the place. It is actually really quite difficult to navigate coming in cold, so being able to provide an overall perspective in a forum like this is actually quite difficult because of the nature in which the information is distributed across the plan. That is one

comment there. That does not take away from the desirability of going down to district zoning and district strategies, which I think is a good idea.

In relation to the dual occupancy, without specifically going to the dual occupancy issue, one of the really important things when we talk about sprawl and implications of that versus densification, is that there are actually quite different perspectives on this. This is quite a contested space in the literature. Not contested in the context of, say, the biodiversity issues that you raised, and mowing down grasslands or woodlands and things, because I think that is fairly straightforward; but it is contested in relation to lifecycle greenhouse gas emissions, transport emissions, emissions from other dimensions of use, and also other dimensions of liveability such as connection with nature and mental health and access to active activities, so for physical health.

It is actually quite a complex space, and it is not clear cut that densification ticks the box on all of those things. A lot of this does then come down to how well it is done. You can have a densification thing which is a disaster; you can have a densification thing which works quite well. How well it is done is actually the defining factor as to whether sprawl or densification is a good thing. That is a really important point. It brings a real focus, I think, into the effectiveness of something like the Territory Plan.

**THE CHAIR:** I better hand over to my colleagues, but I will just—the IPCC is pretty keen on density, so the IPCC would probably be keen on good quality density and doing it well.

**Mr Howden:** Yes, and what we need to do in the densification type thing is to split it. Often people think of densification as high rise and high rise precincts, and there are good studies around which actually show that is the worst outcome and that it generates more lifecycle greenhouse emissions per capita than going for densification which is low rise. So those analyses would indicate that increasing low rise densification, which does relate to dual occupancy, is actually a much better outcome in terms of greenhouse gas emissions. It is not necessarily a better outcome in terms of some of those other dimensions but from a greenhouse gas emissions point of view, it is a better option.

**Mr Bannister:** It is like when we talk about densification we look to Europe and say it would be nice if our city was like European cities, but then what we actually plan for is Asian cities, and that is a step too far. I mean, back to the dual occupancy—

**MS ORR:** That is all right, Mr Bannister. I am going to continue on this theme. Mr Howden, I think you raised a really interesting point that densification is not just black and white. There is a whole range of shades of grey and nuance in there that not all densification achieves an outcome the way we sometimes might like to hope it does. So, thank you for raising that because it is a really interesting conversation.

What I actually wanted to pick up was, Mr Bannister, some points you made a bit earlier around essentially likening it to Paris, doing density better in the ACT, making sure we have those amenity aspects, so microparks and whatnot. I wanted to check and go a bit further with that into how you think that is not necessarily well reflected within the Territory Plan and how it could be better reflected within the current Territory Plan. Also linking back a little to your other Climate Change Council and

how you see that within your remit of helping to mitigate impacts on climate change.

**Mr Bannister:** Part of the issue, as I mentioned, is that the plan is sort of consequence documents. It is not actually the plan, in the sense that the plan might be that there has been thinking that says, “Yes we are good to put x thousand people in central Belconnen.”

**MS ORR:** Yes, but it is the how.

**Mr Bannister:** Yes, and yes, we have allowed for this space, but it is not explicit. So the way the plan reads is we have identified these densified areas and most of those seem to be pretty much plonked on to other transport routes, which is logical, but I do not see a balance of how we are going to leave these spaces clear, where we have a philosophy around providing greenspace.

**MS ORR:** This has been a bit of a thing that has come out in a number of the hearings: people have said, “We can see the intent but we are not sure how it is going to work in practice and you cannot really form a judgment until we actually see how this is going to work.” It is a bit chicken and egg: which one comes first? I guess from my perspective, where I would like to go to is: do you view it that way? Is it: happy to give it a shot and see what happens but these are the reservations and these are things that you would really like to see worked on in the application?

**Mr Bannister:** Well, my feeling is the greenspace question may be more fundamental because it seems to require planning ahead of where we are with the Territory Plan to set the parameters and the zoning. Just as a general comment, provided in the background here, in my day job I spend a lot of time working on the building code. I look at the language in the plan and it is very fluffy language. It is very wishy-washy. I can drive a truck through it. The implementation of the intent is going to be very, very dependent on the interpretation of individuals.

**MS ORR:** You mentioned greenspaces there. I want to check because greenspaces can mean a lot of things. I think it is fair to say that when Friends of Grasslands were talking about greenspaces, they were definitely talking about ecologically significant areas. But some of the points you have made, I think, go more to urban amenity greenspaces and I just want to clarify, when you say greenspaces, what it is that you are referring to, so that we have clarity.

**Mr Bannister:** It is both, but I think in the immediate sense it is actually the urban greenspace.

**MS ORR:** Is that human amenity as opposed to ecologically?

**Mr Bannister:** Yes. The two are not mutually exclusive.

**MR PARTON:** The success or otherwise of these changes to the planning system are going to be judged on a number of metrics. What I would like to do is get right back to the start of that and that is the formation of the new planning framework we have and I am going to you specifically, Professor Howden. I had, as we all did, a number of conversations with Ben Ponton, the Chief Planner, years ago, about this process



and he very clearly stated that the centrepiece of what he was doing was simplifying the planning framework and the Territory Plan. On the basis of your initial assessment of this new framework, do you think that has been a success, Professor Howden?

**Mr Howden:** I think I would probably draw a distinction between simplifying the process and simplifying the presentation to someone coming into that, looking at the website. So, from my perspective it is not so much a question of simplification. It is a question of whether the outcomes which have been specified in this plan are the appropriate ones, and expanding the planning framework to be more inclusive of community needs and environmental needs I think is appropriate. The questions Paul and I are raising are ones around about the meshing of the different components and whether they work together effectively. I think that is where we are coming from.

**MR PARTON:** I guess what I am saying though is that you have given us a really interesting perspective of someone who has come in at the end of the process and you are an academic. You are used to trawling through documents and you found it difficult to actually get to what you needed to get to when it comes to this. Mr Ponton often spoke about the fact that in a perfect world you would love it if the Territory Plan was one page. It is not, is it?

**Mr Howden:** I do not think that would lead to very good outcomes.

**MR PARTON:** It probably would not. It probably would not and I think he was taking it to its nth degree but in terms of that pursuit of simplicity, I am not sure that it has actually been delivered.

**Mr Howden:** My approach to this is: is it fit for purpose? That is how I would be framing it rather than one dimension of this, which is just the simplicity. So, is the plan in its conceptualisation fit for purpose? I think the answer is yes: being outcomes-focused; looking at different components within the ACT; having design guidelines which convey the complexity of the issues; and some of the opportunities for people to think circular economy, et cetera.

I think the challenge that we were identifying is how do you go from those aspirational elements into the very tightly specified things which a developer needs to consider in terms of a plan. I found that jump to be difficult on a relatively quick interrogation of this. If I were a developer, I would not be doing a quick interrogation. It would be an in-depth understanding of that and so—

**MS ORR:** You would probably be hiring a planner to do it for you.

**Mr Howden:** That is right. So that is not an appropriate comparison of someone like me coming in to assess that.

**THE CHAIR:** One of the stated goals of this new system is to deal with climate change, both adaptation with our trees and greenspaces but also mitigation. How do you think we are going?

**Mr Bannister:** It says all the right things, but it says them in such a way that—I work with developers in my day job and they run rings around it. I mean, I know the

building code, but they run rings around the building code and it is very precise regulatory language. With this it will be like” “Yes, I have made best endeavours. My best endeavours were, well, I could not do anything.” It reads best endeavours, and around green items that is a very risky process. It depends on the goodwill of the developer. It depends upon the assertiveness of the public service and certifiers in application and I think that is actually very risky. It could work really well if everyone was really on the ball. It might work appallingly if people were not.

**THE CHAIR:** That is an excellent answer to a very big question. Thank you very much, Paul and Mark, for coming in today. If there is anything you think of that you have not told us you can put it in writing. James will tell you when we close for that. It was great. Thank you for sharing your expertise and for your time.

**Short suspension.**

**HENRY, MR ROB**, Executive Director, Australian Institute of Architects, ACT Chapter

**THE CHAIR:** Welcome, Mr Henry. Thanks for joining us. For the record, can you please confirm that you have received and read the privilege statement and that you understand and agree to abide by the rights and obligations in that statement.

**Mr Henry:** I have read all of the information and agree.

**THE CHAIR:** Thank you. We have had a lot of conversation about density and the changes that we saw and did not see in this Territory Plan and the dual occupancy change. Do you think the reform that we have seen in terms of zoning has been the right kind of reform? If not, what do you think we should have seen instead?

**Mr Henry:** Our feeling is that the changes to the RZ1 zoning are going to provide a very minimal impact to density and absolutely no change to dwelling typology. We asked EPSDD a series of questions, wondering if they have actually done any analysis on the quantity and the density that this might contribute, and we were extremely concerned to hear that no analysis has been done. More concerning was that the number of RZ1 blocks was not even clear. It has been reported that there were 35,000 blocks, then 40,000 and now 45,000 blocks. Our understanding is that it is around the 42,000 mark.

With that, we actually did our own analysis to look at the impacts these changes could have, and I hope you do not mind if I provide some information on that. Our assessment process was to analyse three suburbs of a similar scale to get an understanding of what is happening with RZ1 blocks. The suburbs were Hackett, Scullin and Gowrie—so different parts of our city. We asked questions like: is the block over 800 square metres; does it have a large dwelling that is already 50 per cent pot ratio; are there two dwellings already on the site; is there sufficient access to the site of an existing dwelling to build a new dwelling in the background; are there regulated trees on site; and is there sufficient building area? Looking at that, we were able to analyse how many blocks are available in terms of being over 800 square metres and then how many blocks are eligible—and there are some pretty alarming figures.

**MR PARTON:** Aren't there?

**Mr Henry:** Yes.

**MR PARTON:** These are the figures I quoted yesterday, by the way, but carry on.

**Mr Henry:** Looking at Hackett, for instance, there are 1,058 blocks in Hackett, of which 41 per cent are over 800 square metres. Looking at the infill potential, we are looking at 57 blocks, and that is just going through this process of looking at every individual block and checking to see whether, against all of those questions that I put forward, what the potential is. So, if you look at it, five per cent of total blocks are in the infill potential or with eligible blocks it is 13 per cent. Scullin had a figure of around six per cent and Gowrie around four per cent. So the figures there are quite alarming.

After that, because we could not look at every suburb in Canberra in a short period of time, we actually combined those three suburbs to give us an averages perspective of what it is in Canberra. With those blocks, about 46 per cent in those three suburbs were over 800 square metres and blocks that were eligible were around five per cent of total blocks in the suburb or 10 per cent of eligible blocks.

**THE CHAIR:** We had quite a lot of conversation yesterday with people in the industry—mostly planners, architects and designers—about the type of missing middle. The community councils agreed that the type of missing middle that most people wanted to see probably was not lots and lots of dual occupancies; it was probably more block consolidation, low-rise—we heard a lot about low-rise from a lot of different groups—three- and four-storey development and shared living spaces. I have to say that I cannot see much in the Territory Plan zoning. There is not really a lot of density zoning change or leasehold changes that are likely to encourage that sort of development. What sort of density do you think we should be having? Are there any easy changes that you would suggest that we should have made to do that?

**Mr Henry:** Sixty-four per cent of residential sites are RZ1. So it is important to look at low-rise density for our city, because the majority of our blocks are not going to be able to accommodate that. We need to look at more housing typologies. From the institute's perspective, there are three propositions I could put forward to you. The first is to allow more housing typologies within the current RZ1 framework, which could be site specific, such as changes to corner blocks or blocks of a certain size, or area specific, which is blocks in a particular area or distance from a local centre. Additional typologies need to include duplexes, small apartment buildings, manor houses, co-housing et cetera. It is a must. So that is one idea.

A second idea is to progressively change RZ1 into RZ2 zoning. That change would occur through transport corridors, areas that are closer to local centres and group centres et cetera. That approach is currently about to be applied in New South Wales. So we are going to see this happening in Queanbeyan, just across the border. I guess the third approach is to really rip the bandaid off and delete RZ1 and start with RZ2 zoning, which I am aware is part of the Missing Middle Canberra coalition perspective.

**MS ORR:** Are architects part of the Missing Middle coalition?

**Mr Henry:** Yes. We need to get serious about RZ1; we really do. There is a huge loss of opportunity with the current Territory Plan because there is literally no diversity in typology. The moment that we add diversity and typology, we are going to see great outcomes for the city.

**THE CHAIR:** Thank you.

**MR PARTON:** Mr Henry, I was so pleased that you guys did this assessment of those three suburbs, because it is vital information. Your assessment of infill potential does not delve at all into the affordability of the subdivision and—

**Mr Henry:** I actually have those figures as well.

**MR PARTON:** Do you really?

**MS ORR:** Are you able to provide those to the committee—like give us a note or something?

**Mr Henry:** Yes.

**MR PARTON:** The Australian Institute of Architects assessment has arrived at a figure of around five per cent of RZ1 blocks in those suburbs that would have infill potential. When you then run a line through affordability, I am assuming that that number drops to just about none.

**Mr Henry:** Significantly. For those three suburbs, when we are looking at the overall figures, our assessment—and these are estimates—is that around 1,470 blocks are likely to be developed.

**MR PARTON:** So 1,470. On the basis of—

**Mr Henry:** Of a total of 42,000 blocks. That is on the basis of affordability—going through an assessment of construction costs and other associated costs, lease variation charges and unimproved land values. So, when you are actually looking at the true costs for someone to develop, it is going to knock out a significant per cent of projects in terms of eligibility. In the inner suburbs, we are going to see more uptake because resale value in inner suburbs is better. But, if we actually look through Tuggeranong and Belconnen, I think that potentially, of the eligible blocks, maybe only 20 per cent to 25 per cent of those will actually ever be developed in this way. It is probably of no difference to the previous Territory Plan, where we just had secondary residences. So there is a natural uptake there. It is very concerning. It is actually one per cent of the requirement that we need. We need 140,000 additional dwellings by 2050. We are talking about this contributing to one per cent of that.

**MR PARTON:** Would your assessment of the blocks that have infill potential have changed at all if there were no limit on the size of the dwelling?

**Mr Henry:** An increase in the size of the dwelling will further reduce it.

**MR PARTON:** So it would further reduce it. But it would have a massive impact, I am assuming, on your secondary assessment—that being the affordability of delivering such a product—as I am assuming that it would mean that more landowners would be incentivised to do it because they would get a genuine return.

**Mr Henry:** In part; however, due to the extreme construction costs that we are going through in our city, we are talking conservatively \$3,000 a square metre to build and realistically, \$5,000 a square metre. When you actually add more floor area, you are adding more costs and it becomes unaffordable still. You might have a few more houses being built with an increase of housing size, but I do not think that is really—

**MR PARTON:** That is interesting; thank you.

**MS ORR:** Rob, you were talking a little bit there about your analysis of identifying blocks that can be used and the parameters. You have these rules that say it has to be 120 square metres, it has to be a block of X size and it has to be this way and that way. When you do your analysis and how you apply it, that actually leaves you with not as many blocks as might be in the suburbs to begin with.

**Mr Henry:** Yes.

**MS ORR:** Where I am going with this is that we set these parameters—and they are a little bit of a blunt instrument in some respects—to give people surety to get certain policy outcomes. From a designer’s point of view, though, does that actually limit what can be achieved, if we apply these parameters? Can you take a 700 square metre block and make it into two dwellings as opposed to an 800 square metre block?

**Mr Henry:** Mr Fluffy is, I think, a good example of that where it was at 700 square metres and you could do a dual occupancy with that. From experience, it was getting tight at 700 square metres, with the typologies of housing that we are allowed to do. If we change the typology of housing—for instance, manor housing—that would completely open up the ability to do more housing on a more compact block of land.

**MS ORR:** The challenge in doing that, though, is that people who are not used to it, depending on their appetite for risk, will often get a little bit nervous. I know that demonstration housing projects, can say, “These things can exist and they can be quite good—and you can see it,” but, from your perspective, how can we better broach that hesitancy for change and hesitancy towards the unknown with what as a designer you know you can achieve to get that diversity of typologies and diversity of outcomes that will actually be beneficial?

**Mr Henry:** I think demonstration projects are it unfortunately. The Institute of Architects has done multiple design competitions in this area. Our members have contributed to many demonstration housing projects, real projects. There was one in Coombs, for instance, in 2008 that was never realised—and this continues to happen. Demonstrating housing projects are needed to create change in the perception of the general public. There are plenty of examples around the world but people need to see it in place.

**MS ORR:** This is a planner talking to an architect right now, as a parliamentarian. So I am sitting here thinking, “Yes, the architect just wants the building; I get it.” But, from a planner’s point of view, is there something that can be done or is there a role to be had from more of a schematic approach, more of a plan, like actually articulating it, particularly when we are talking about infill of an existing suburb where people have made this their home and they like the qualities that are there and they do not want to lose the things that they like, even though they might be open to change? Again, it is broaching that hesitancy for change because people want certainty that they are not going to lose the good things. You talk about demonstration planning, but that is one project; it is not looking at the scale of a whole suburb. Is there a role to be had for actually looking at a suburb and saying, “This is the transition plan. This is what we are going to do,” with a really design-led focus that actually articulates how we get there, so that we can actually start to have those conversations?

**Mr Henry:** Absolutely. Whilst the institute is supportive of the district strategies that have been put in place, I do not think that they go far enough in actually planning the future of a suburb or an area—exactly your point—and, if you can take the community along a process of change, the district strategies should really be doing that.

**MS ORR:** If I came to you and said, “In your professional opinion, what do you think we would need to incorporate in some sort of planning project that goes to that extent that starts to bring people on that change and that journey?” what sorts of things do you think would need to be included?

**Mr Henry:** If we look at, for instance, our proposition on RZ1 zoning and changing that and having an approach for that across the whole suburb—so starting with, “In 2025, it is going to look like this,” and then the RZ2 zoning will progressively increase across the suburb. I think that is an approach. So it is a mapping study really that is missing on a residential basis. The district strategies pick up some fundamental infrastructure that is required for a suburb but there is not necessarily any focus purely on residential.

**THE CHAIR:** With the areas of future possible change, do you think that was a step towards that mapping study you were looking for?

**Mr Henry:** In part, yes. I think what we have learnt from this process is that there is a lot more that could be done in mapping our city. We did not start from a “vision for our city” point of view, and I think that is quite critical to how we go forward with our city—what areas of our city really do meet growth and things like that. Part of that has been addressed and looked at. But, in short, the district strategies are not going to drive a vision for our city. Does that answer your question?

**THE CHAIR:** It does, yes.

**MR PARTON:** It is a good answer.

**THE CHAIR:** You wanted it in the Territory Plan and not the district strategies, I think.

**Mr Henry:** Yes.

**MS ORR:** Is it just too high level, and does not give enough articulation of how you get there?

**Mr Henry:** If they are not updated on a very regular basis and start to add more and more information, they are not going to be used.

**MS ORR:** When you say they are not going to drive the change, is that because the goal is not clearly articulated so you do not know what you are working towards?

**Mr Henry:** Yes. We do not actually have a clear perspective of where we are going to reach our 140,000 additional houses by 2050 target. We have an idea to outlay

literally 4,100 blocks, which I calculate down to about 1,400 blocks of an additional dwelling of 140 square metres. That is what has been given to us in RZ1. With RZ2 zoning, we are really supportive of the change with apartments to that. It is not increasing density; it is making it easier. The design solutions will be better, but it is not an increase to density. We have not been given any understanding of how we are going to do density and deal with the housing crisis within this Territory Plan.

**THE CHAIR:** Do you have any views on inclusionary zoning? Is that part of this picture?

**Mr Henry:** No.

**THE CHAIR:** That is okay.

**MR PARTON:** Good answer.

**THE CHAIR:** Thank you, Rob, for coming in. If there is anything you think of that you want us to know, you can put it in writing—and James will tell you when we are going to close off with that. We value your expertise and we really appreciate your time today.

**MR PARTON:** Great analysis on those suburbs—just super!

**Short suspension.**



**ANDERSON, MS NATALIA**, President, Planning Institute of Australia (ACT)  
**FITZPATRICK, MR TREVOR**, Immediate Past President, Planning Institute of Australia (ACT)  
**YAZDI, MS NEGAR**, Committee Member, Planning Institute of Australia (ACT)

**THE CHAIR:** It is great to see you all on day 2 of our inquiry into the Territory Plan. I will start by asking each of you to confirm that you have received and read the privilege statement and that you agree to abide by the rights and responsibilities set out in that. Natalia?

**Ms Anderson:** I have read and agree to the wording that has now escaped me.

**Mr Fitzpatrick:** I have read the privilege statement.

**Ms Yazdi:** I have read the form and signed it.

**THE CHAIR:** Thank you very much. Mark, we will go to you.

**MR PARTON:** I love your submission, particularly because it was short and to the point, and it also includes a lot of genuine thoughts. I am going to start with the first that was presented, and that is that the new draft Territory Plan is missing an opportunity, as you have described it—I think this is you, Trevor—to address the current housing difficulties. The view of the Planning Institute is that perhaps it should have included specific provisions to implement a design-led and spatial planning outcome. Tell us more.

**Mr Fitzpatrick:** I think you are referring to our first submission on the Territory Plan some time ago.

**MR PARTON:** It is the one I have been served up. I am not sure when it was dated, to be honest. Okay—there is a second one here.

**Mr Fitzpatrick:** Regarding the missing opportunity, at that time we felt there was an opportunity to tweak some of the specific controls in the Territory Plan. Some of that has occurred. The RZ1 issue has pretty much taken over the entire debate, from our view. We thought that the RZ2 zones could contribute more to housing opportunities and housing diversity. There are significant RZ2 zones around group centres and local centres, in suburban areas. A quick review of those zones showed that there has been negligible development in suburban areas over the last decade or more.

**MR PARTON:** What is your view, then? You are right that the RZ1 debate is taking up a lot of time and energy, and it is very binary, but perhaps the RZ2 conversation is a little more nuanced and has a number of different directions that it could go.

**Mr Fitzpatrick:** Yes. A variety of housing forms can occur in RZ2 zones that can give greater diversity. That is where our focus on that design-led issue is, certainly in those suburban areas. There are other centre-area debates as well, but, in those suburban areas we were looking at, there were opportunities. We felt that the cost of buying a medium priced house or a couple of houses in RZ2 zones, knocking them

over and building a few units, was not hitting the market in that the cost of those units, to recover the outlay, was not sufficient for the development industry to take up the opportunities of the zoning and density controls in the Territory Plan. We felt that adding just a slight tweak to the density controls could give that balance.

**MR PARTON:** What sort of tweak, though?

**Mr Fitzpatrick:** For example, if a developer bought two 750-square-metre blocks so they had a 1,500-square-metre development area, they could generally only build five units on that—six if it is adaptable housing or what have you. If you just change that to seven, then the entire development economics change. At the five-unit level, based on some pretty basic development economics we have undertaken, you would have to sell the resulting units at a higher price than units were selling for in that general area. You are taking a significant risk, from a developer's point of view, which means they leave it alone and only develop in the RZ2 inner-city areas.

**MR PARTON:** Of course.

**Mr Fitzpatrick:** We are talking about Kippax, Hawker and Kaleen, for example, in Belconnen, and similar areas in Woden and Gungahlin. I am talking about those sorts of suburban areas. That is where I do not believe the development economics stack up. I am not saying it should change from five to 10 or 15; I am saying to change it from five to six or so. I am also saying that, at the same time, because we are now using site coverage as a determining factor in site planning, you could actually reduce the site coverage and achieve greater density. At the moment, it is 45 or 50 per cent. You could drop that to 40 per cent and therefore have more open space and a potential canopy of trees and the like and still achieve a higher density. That is slight tweaking in the RZ2 zone. That is what I was getting at with the design-led housing choices thing in that submission some time ago.

**MR PARTON:** Any other thoughts or will I—

**Ms Anderson:** I think the main item with RZ2 or any other opportunity is that it should not be numerical and it should not just be because you have X amount of block where you can have X number of units. It is about actually assessing the site itself on its own merits, which the new system should be doing. That is an outcomes based focus. Allowing a bit more flexibility is the main key. So, if you have a site that is slightly bigger but hits the number system, then you can only do five units. It is about assessing whether that block is quite far away or whether there is any public open space. Allowing an extra unit means that you can, as Trevor said, have a bit more economics and you can have a bit more diversity in the types of units you are presenting.

**MS ORR:** One of the things that has come through in this has been rules based versus outcomes based planning, and there are preferences and appetites for different systems. From what you have said, though, Ms Anderson, is it fair to say that sometimes adhering to a rules based system does not actually get you the best outcome? In the example you have just given, there is perhaps the rule that says the boundary cannot go past a point, but allowing it to go 30 centimetres past that point might actually get you a really good outcome. I am taking, then, that you support an

outcomes based system because you can get better outcomes.

**Ms Anderson:** Definitely. We have been using the example of more apartments. That is not the only example that I mean when I talk about an outcomes based focus. It is about a better outcome in general. That might mean that having fewer apartments is better on a block, but it also might mean that you get a better outcome for the suburban feel or, let's say, you go into the front boundary or the back boundary setback to get a better outcome.

The previous system, with the rules and criteria based system, was very binary. It was black and white. If you built this, you got it approved and that was it. It was simple, but it meant that, if you had the opportunity to do better or you wanted to, you could not.

**MS ORR:** You might not be able to. One of the things that has come through in this is that, while people are not necessarily against the idea of an outcomes based system, there is an apprehension to making sure it is delivered. It is about the application of it. A lot of the focus has gone to planners and making sure that planners are quick to make the decisions that they need to make in order to get the outcomes. As the representative of planners, where would you put to the focus of your ability? And how ready is the planning profession in Canberra to actually implement it?

**Ms Anderson:** The wider planning profession is definitely able to do that. Planners, especially in PIA, if they have the RPIA, or the registered planner title, have gone to university for planning for the majority of the time or, if they have not, they have had a huge career in planning and have dedicated their life to good planning, and it would mean that they actually have the expertise to undertake that. I come from the UK. Our system is a little bit different. You have to get a degree. You cannot call yourself a planner unless you have a few years under your belt—

**MS ORR:** You have to be registered.

**Ms Anderson:** It is very similar to architects in Australia. Personally, I definitely would like to go to more of that system, where you have to have the tick to have that—

**MS ORR:** So, at the moment, you can work as a planner without being registered with the organisation?

**Ms Anderson:** You can. But I would say that anyone who develops in the ACT is well aware that people who have RPIA or have worked for quite a long time in the ACT will have a planner on their development team, and so, from the start of the development, you have planner who understands how planning works.

Moving more towards your question, the wider profession can definitely do it. I have a worry that the training that has been happening in EPSDD—we are not aware of what that training is, so that is probably one thing to add as well—could be lacking. I do not know, so I cannot say that, 100 per cent, it is lacking. It is a whole new way of thinking about how to assess development. There are no longer the rule criteria; now it is: is this a good outcome? That can be subjective. Subjective design is the big

argument. That is probably the thing that could lead to arguments occurring after the decision comes out—going to ACAT and having ACAT decide what is good and what is bad.

**MS ORR:** Just quickly to finish—because I want to hand over—picking up on the idea that something is subjective, but also taking in a design-led focus and looking at the new district strategies and the Territory Plan, how much will actually guide good outcomes? Is it still a little bit too—quoting other people—“fluffy” in laying out the objectives and the path to get to a good outcome?

**Ms Anderson:** The *Housing design guide* and other documents should be more about: “Here is a good idea. Learn from it.” That is what I am taking those documents to be. To be perfectly honest, everyone is still learning about what the documents are and what outcomes they will create. What I think will happen is that the industry is going to lead the development and say, “We’ll do what we want to do within the parameters,” and then it will be fitted into the system. Whether it is good or bad, innovation is led through development. It is never really led through government at the moment. It is sad to know that, but that is how it kind of works everywhere around the world.

**MS ORR:** I know I said that was going to be my last question, but how would government lead innovation?

**Ms Anderson:** By taking the initiative. I have found that people in Australia need to hear it, touch it, smell it and taste it before they are comfortable with it. The ACT government is doing this. They have the demonstration housing projects and they are doing new and innovative things. It is about allowing themselves to do the innovative things themselves. Public-private partnerships are not bad things and they do not have to be done on the currently grand scales. One block that can showcase a better outcome could work perfectly.

**THE CHAIR:** Thank you. We might move on to a different topic. We have seen panels used in other jurisdictions in decision-making. We have the National Capital Design Review Panel here, but it is pretty limited in when it is used and how it is used. Should we have panels embedded more in decision-making in this system?

**Ms Yazdi:** Yes.

**THE CHAIR:** Negar, great—please, we would love to hear from you.

**Ms Yazdi:** Urban planning is a multidisciplinary area. It is good to have lots of experts, especially environmental experts, architects and landscape architects, on a panel to talk about a project. The sessions are useful because we can hear about the design point of view. We think that having panels is really helpful with projects. Trevor, you might want to add to that.

**Mr Fitzpatrick:** I can add to that. I am not too sure we are convinced that the Design Review Panel needs to be a decision-making panel, but we feel there is plenty of opportunity for the Planning Authority or the skills and expertise in a diversity of disciplines within EPSDD to form a decision-making panel themselves so that a DA

goes through the Design Review Panel process and the consultation process and then through to the end point where the assessing officer looks at all the issues and provides a report. That report is then able to be scrutinised by the applicant and the objectors to say, “How are all these issues put together to come to a conclusion?” A report and a recommendation would go to another body within EPSDD. As I say, we accept that the Planning Authority is an independent body itself. We are not saying you need an outside design and review panel to do that. The expertise is in that organisation to create the panel, and we think that panel should be a public forum.

**THE CHAIR:** So you want an internal EPSDD design panel that picks up expertise from within EPSDD on planning decisions?

**Ms Anderson:** That is an option.

**Mr Fitzpatrick:** As an option—yes.

**THE CHAIR:** It is an interesting idea.

**Mr Fitzpatrick:** They make the decision in a public forum and that panel could have a qualified architect, landscape architect and planners. They have that expertise in EPSDD. That could be the panel. They could meet once of fortnight or whatever to determine a couple of DAs. We are not talking—

**Ms Anderson:** Not every application.

**Mr Fitzpatrick:** The number of DAs we are talking about would be a couple a week, you would think, on the major sorts of things. They would make the decisions separately to the assessing officer, if you like. It would go through that process and they would report with a recommendation, and that allows the applicant to stand in front of the panel and say, “I disagree with condition 15,” for example, “Can we do this?” or what have you. The panel could hear that. It would be the same with an objector. It will allow them to say, “I have heard that, but I still object” because of whatever. We think that exercise, even though you will end up with decisions that are not welcomed by objectors or applicants, has an opportunity to show the community—

**THE CHAIR:** Explain.

**Mr Fitzpatrick:** and provide confidence to the community. We are talking about an outcomes focus. What we were getting at before was confidence in the planning profession. This shows some confidence that there is a process in place that might prevent further ACAT appeals. It may be that the community does not like the end decision, but, if they can see that an open process arrived at that decision, they might just say, “I’ve had my go. That will do.”

**THE CHAIR:** It is an interesting idea. Would that be something that you would apply to every DA or would it be certain types?

**Ms Anderson:** No. I think it would only be contentious DAs. New South Wales has a lot of panels. That is a model that is maybe going too far. But there is definitely an

area for either DAs that have had a lot of public submissions—so, if they reach a certain threshold, they would go to the panel—or significant DAs; for example, if they are on Northbourne Avenue or they are near hubs or things that can trigger it. It is similar to how the Design Review Panel has a trigger if they are over five storeys. Something like that would definitely be part of it.

There is only thing I would put a caveat on. This should not be a burden on top of the assessment time frame. It can lead to difficult issues. Not only do you get the NOD and it would go to a panel but you might not get what you want after that. I do not think that is what we are advocating for, because assessment time frames are long enough already for the applicant's side. But I do think having a panel—internally, externally or however it is managed—would have scrutiny and the ability for people to follow the process and understand why the thoughts came out as they did.

**Mr Fitzpatrick:** The panel has an opportunity to provide to industry a definite time frame. You can inquire and ask, “How is my DA going?” and somebody can say, “It’s earmarked for a panel in a fortnight.” To me, that, from an applicant’s point of view, says, “Great. I know that in a fortnight, either good or bad, something will happen,” whereas at the moment it is open-ended—“It is near the end of the assessment and we are looking to finalise it”—but you do not know whether that is one week or six weeks away. This gives a little bit of certainty on that long time frame.

**THE CHAIR:** That is great. Negar, you are nodding. It looks like you want to jump in. I just wanted to stop the conversation and make sure.

**Ms Yazdi:** No. I am agreeing. I am happy.

**THE CHAIR:** It sounds like a pick-up on your suggestion of multidisciplinary expertise.

**Ms Yazdi:** Yes.

**MS ORR:** Just to clarify: is this panel to provide a bit of mediation between a range of public groupings, community representatives and whatnot or are you thinking that this is more an opportunity for the iterative design process and feedback from professionals?

**Ms Anderson:** We would try to keep it very clear that it is not a community’s chance to assess. During the assessment process, the assessment is publicly notified. That is the period for the community, community groups and neighbours to provide comment. Panels should be quite specific on what they are responding to and who can respond to them.

**MS ORR:** It is not about conflict resolution or mediation?

**Ms Anderson:** No; it is definitely not.

**Mr Fitzpatrick:** It is a decision-making body that has a report in front of it with the full assessment of the DA and concluding with a series of recommendations—for example, “This DA be approved subject to these conditions.” The decision-making

panel says, “I agree entirely with that” or “I agree with that, subject to not having conditions 1, 6 and 10” or whatever might be. They make a specific decision at a time that is fixed.

**MS ORR:** It recognises that design is subjective and that there are multiple ways to get to an outcome. It is actually giving space to work through those.

**Ms Yazdi:** Building trust.

**MS ORR:** Yes.

**Ms Anderson:** Instead of having one assessing officer saying they like or do not like a certain portion, it moves away from just one officer making the decision; it is a holistic review of the entire design.

**THE CHAIR:** Thank you. I am afraid that brings us to the end of our time. Negar, Natalia and Trevor, thank you so much for coming in. We really appreciate your time and expertise. If there is anything that you think we need to know, you can put it in writing. James will tell you when our final deadline is. You do not have to do more homework. That was a really great session. Thank you.

**Ms Anderson:** Thank you so much.

**Short suspension.**

**WELLER, MR GREG**, Executive Director, ACT and Southern Region, Housing Industry Association.

**BISA, MR JASON**, General Manager, McDonald Jones Homes, and President, Housing Industry Association ACT and Southern New South Wales.

**JACKSON, MS NICHELLE**, Director, Canberra Town Planning, Housing Industry Association ACT New South Wales Committee.

**THE CHAIR:** We now welcome representatives of the Housing Industry Association. Could you please confirm that you have received and read the privilege statement and that you understand and will comply with the rights and obligations in that statement.

**Mr Weller:** Yes; I have read and understand.

**Mr Bisa:** I confirm that I have read the statement.

**Ms Jackson:** I confirm that I have read and understood the statement.

**THE CHAIR:** Thank you. We will go to Mark to start with questions.

**MR PARTON:** You three are at the coalface in terms of the delivery of housing to this market. I want to talk about the actual on-the-ground outcomes of the new Territory Plan and the framework that we have been presented with. Housing affordability continues to be a serious problem in the ACT. Is that going to be dealt with at all? Or is that situation going to get worse as a consequence of what we are dealing with now with regard to the new plan?

**Mr Weller:** I will make a quick comment and then hand over to my colleagues. I think that for us to consider that there will be something within the plan, or the plan itself more broadly, will address the issue of housing affordability is false. It is not going to be one thing; there are going to be a lot of measures that need to take place. As an opening statement, we support the notion of an outcome-focused system and the mindset behind the plan. When it comes down to it, where the new plan system falls down is where it diverts from that process and starts introducing arbitrary controls throughout the plan. I think that is where we really risk the increase in housing supply within the ACT that this could bring, and that then has an impact on affordability. I think there are opportunities within the plan to improve housing supply. So it is probably another step forward to housing affordability, which is a separate argument. But I might hand over to Nichelle, to make a few comments on that and to address some of those issues more specifically.

**Ms Jackson:** Thank you, Greg. We had a think about this before today and had a look at what we thought an outcomes focus meant. We looked at outcomes for the ACT government and outcomes for the city of Canberra but also outcomes for the industry and how those things all work together at different levels. In looking at the new Territory Plan, particularly for residential development, we looked at some issues that we feel constrain an outcomes focus under the new system in its intent. Some of those quantitative controls seem, in our view, to provide some constraints that could work against the provision of affordable housing in particular areas—the key one being the site coverage mandatory control under the residential zones policy. It specifies



different rates of site coverage for different sized blocks.

To give an example, a mid-sized block of 450 square metres has a site coverage limit of 60 per cent, which gives you 270 square metres of building area to work with. Whereas, if you look at a large size block, for instance 600 square metres, it has a 40 per cent site coverage control, which permits you 240 square metres—so 30 square metres less. So there is a bit of, I guess, a chunky stepping in terms of the site coverage controls, which perhaps unfairly prejudices some mid-size and large blocks compared to others. Perhaps that could be looked at. It is a bit of a gap in opportunity for what could be built on some of those smaller large blocks, so to speak. Another one is the 120 square metre control on an RZ1 block. I am sure you have heard that a few times today.

**MR PARTON:** And you are not a fan?

**Ms Jackson:** I understand the intention of it.

**MR PARTON:** So do I.

**Ms Jackson:** But we also see that it could present some potential loopholes in the way that people design buildings, which could subvert the outcomes focus from a built form perspective. For instance, garages are excluded from that area. So perhaps people will use that to their advantage in the new system.

**MS ORR:** So 120 square metres plus a garage?

**Ms Jackson:** Correct.

**MS ORR:** For five cars.

**Ms Jackson:** Correct.

**MR PARTON:** Leave Mick out of it!

**Ms Jackson:** The third one I would like to bring attention to is the solar envelope control, which previously under the Territory Plan was very convoluted and difficult to apply. I never, in my experience, saw anyone apply it correctly. Now the solar envelope has gone to 31 degrees, which is the most restrictive solar envelope. So quite a number of blocks that might have a larger solar envelope that are not northern oriented miss out on a bit of solar envelope because of that control. My fear is that, if a good outcome development extends beyond the solar envelope by virtue of it being 31 degrees, could be seen by neighbours and others as not being a good outcome; whereas, it actually is a good outcome if you look at the potential overshadowing of that development. I will leave it there and pass to Jason.

**Mr Bisa:** We are experiencing, just in last few days, let alone in the last few months, in anticipation of some of these rules coming into play, as a high-volume project builder throughout the Canberra region with a majority of our work in the ACT, being very much challenged at the drawing board with our design and drafting team to meet some of these new rules and, importantly, deliver a design and a product that satisfies

the needs and subsequently wants of a new home via some of the points that Nichelle touched on. Site coverage, solar envelope and the 120 square metre limitation have been challenging, and the design outcome is not satisfying a new homebuyer in Canberra.

I note that there has been general support not only from the association but also from with other builders in the industry of the intent of the new Territory Plan and also somewhat an irony, as Greg touched on, in promoting an outcomes-based plan, that there are some quite limiting and restrictive quantitative controls around a platform that is meant to promote a qualitative outcome. Some of those quantitative controls are very restricting. There is a thought that the other elements of the plan will control a good outcome; so why not put faith in the plan itself and let it do what it is designed and intended to do.

There are elements like boundary setbacks, easements, building envelope heights et cetera that will all form a level of control around a new dwelling. For example, we had a number of enthusiastic clients in established areas, on let's say a 1,200 up to 1,500 square metre block, interested in putting another dwelling on there. But limiting it at 120 square metres, the feasibility of that from a construction point of view and then a project point of view—when you have the likes of including charges like the lease variation charge and then considering, ultimately, the real estate market and the price for 120 square metre dwelling—consequently just does not stack up. Therefore, if the feasibility does not stack up, there is no appetite for a developer, a builder or the owner-occupier of that larger block of land to actually commit to doing that project.

**MR PARTON:** Jason, if you had to pluck a figure out of the air in terms of how many extra dwellings you believe would be delivered to the market over a period of five years as a consequence of this RZ1 dual occupancy policy what number would you go with?

**Mr Bisa:** At the moment, with the control as it is at 120 square metres, and after speaking to a local granny flat pod builder, who informed me that their phone ran off the hook for the first two weeks after that announcement and had to turn around to a significant number of clients and inform them that they could not proceed—

**MR PARTON:** Right.

**Mr Bisa:** They were not aware of the lease variation charge and then the limitations on the build. Subsequently what they were betting their business on, and seeing a boom, has ultimately turned to nothing, because the feasibility does not stack up. I actually do not—

**MR PARTON:** Would it be 50 dwellings? Would it be 100 dwellings?

**Mr Bisa:** I reckon we could see 200 dwellings a year if there was genuine feasibility and incentive to deliver that product to the market.

**MR PARTON:** And LVC is the biggest stumbling block?

**Mr Bisa:** It is a significant handbrake to the feasibility of a builder or a developer or a

mum and dad committing to this.

**MS ORR:** You were making reference to rules and outcomes and wanting to move away from having rules within the system and focus on outcomes. We have heard from a number of witnesses that they like rules and—their words, not mine—because it stops the developers doing bad things. As people who represent the builders and developers—because we have builder-developers in the ACT—how do you respond to hesitations and criticisms out there that, if you take away all the rules, we are not going to get the outcomes, that people are not going to strive high; they are just going to go for the self-interest or the lowest common denominator?

**Mr Weller:** In the ACT, the exempt process, which is based around rules—and which is what we are expecting to see continue for a number of detached homes under the planning system—is a good system. If we have a building envelope inside which a property can be built, there is no reason why that should be clogging up the planning system and adding extra time and extra cost on the building. I think that system functions quite well in the ACT. So I think it is important that we keep that element for the detached home, which is a relatively more simple dwelling that could fit within a defined envelope—that we do keep that process going. Where that also has an outcomes focus, that gives so much more opportunity out of that. So I think the answer is that the system can certainly work with both. As long as—more broadly with the outcome system—we let it work and do not put arbitrary controls within there, hopefully you can have both working side by side.

**MS ORR:** So outcomes for everything that is not a single detached dwelling?

**Mr Weller:** You may still well have to go through the DA process for a single dwelling. But I think it is important that we do still keep that element of that exempt process. On your question as to whether rules are good or not, there will still be an element of the system that keeps that process. It is important we do that so that we are not unnecessarily adding more process onto what are relatively simple dwellings.

**THE CHAIR:** I might move on to a different topic. We have had a huge amount of consensus in the last day and a half of hearings that Canberra is densifying, that we need more housing and that everybody wants to keep a nice environment around them whilst also densifying well and doing that in a high-quality way. Everybody seems to be on the same page with that, which is great. We have not had a lot of conversation during these hearings about how we are going to get more community housing, more public housing, more affordable housing into this planning system. Have you got any thoughts about how we get not only get more housing but also more affordable market rental housing but also non-market rental housing? Has HIA got particular thoughts about what we should be using in our planning system to do that as we densify?

**Mr Weller:** To start with, we talked a little bit about increasing the supply of the housing. That is not necessarily what we have been talking about in RZ1 and RZ2. Bringing more houses into the market is going to help with increasing densification but it is not going to necessarily help on the affordable housing side of things. It will not product that product, but it will certainly take some pressure out of the market. So I think the supply is part of it.

One of the questions that was foreshadowed was around inclusionary zoning and whether those sorts of processes work. I think there is the potential. Whether it is in terms of the lease variation charge or blocks are sold at a discount to allow there to be affordable housing, I think it is possible but it has got to be real; otherwise developments will not stack up. Otherwise what we really see—and we need to call it for what it is—is that, if we have a mandated number of affordable housing in the development, that is a tax on everybody else in the development to pay for those. What are the alternatives to doing that? Can we give the developer additional concessions in terms of height and site coverage? Do we reflect that in the cost of the land? Do we reflect it in the lease variation charge?

So I think there is opportunity to partner with developers. But what we do not want to do is shift the problem and give one person an affordable dwelling with a tax on somebody else in the same building. There is a role for government to play to, I guess, make up that difference to ensure that it is feasible.

**THE CHAIR:** Have you put together specific proposals? Have you specific ideas on how you would want to see it done? Or you are open to suggestions and interested in what government would come up with?

**Mr Weller:** Open for a discussion. I do not know whether Nichelle had any more comments.

**Ms Jackson:** I do have a couple of comments to contribute to that thought. The vast majority of the opportunity for redevelopment and provision of social and affordable housing is within the existing city areas. Those blocks are already developed. They are not being offered for sale. That is where typically the mechanism for the provision of social and affordable housing is made. So the opportunity is to create a marketing incentive, such as through the LVC, to be able to access those existing well-serviced areas close to transport et cetera, and for key workers. There needs to be an incentive for the redevelopment of existing blocks. Therefore, the LVC would seem to be one of those key mechanisms and levers to achieve that. By going through that process, where those blocks needed to be varied to allow additional development rights, it could be specified that one of those dwellings has to be for affordable, or whatever, and that, through that LVC process, there is actually a change in the lease that would allow that dwelling to be provided for, all intents and purposes, in perpetuity rather than just building it and not providing it in perpetuity.

**THE CHAIR:** Nichelle, I think it was your comment that we started with on frustration at unit number limitations in some of our zoning over and above the site coverage of the block provisions. I very much understand why we say certain areas of that block should not be built over, in terms of greenspace and permeable surfaces. That makes perfect sense to me. But I also am slightly puzzled as to why, once you have already set that site coverage limit, you set unit limits? Do you think that would be part of that conversation of LVC and affordable housing?

**Ms Jackson:** It would have to be, because there is a different value proposition between a townhouse typology compared to an apartment typology. If you had a site coverage constraint, that would seem to favour perhaps an apartment typology. You might achieve a greater yield in apartments than you would in terms of townhouses;

however, the amenity impacts of that development may not be that dissimilar from a townhouse development. So, if the constraint relates to potential amenity impacts based on the pure number of dwellings, that can be countered with reference to the typology type.

**THE CHAIR:** Thank you very much. I am afraid we have come to the end of our time. We very much appreciate your contributions today. If there is anything that you think of that you want us to know, please put it in writing. If we had any complicated financial or data analyses, it would be great to get those in writing. But I think it was straight forward. But please get in touch and thank you so much.

**Short suspension.**

**HOPKINS, MR MICHAEL**, Chief Executive Officer, Master Builders Association of the ACT

**THE CHAIR:** Thanks for joining us today, Michael. Would you confirm that you have read and received our privilege statement and that you agree to abide by the rights and responsibilities in that.

**Mr Hopkins:** Yes, certainly. I have read and understood the privilege statement.

**THE CHAIR:** Thank you.

**MS ORR:** I want to have a bit of a chat about rules based and outcomes focused, and some of the hesitancy there. I will put the same question that I put to the HIA—I know you heard it—playing devil’s advocate. There is a significant concern out there from many people in the community that if we move away from a completely rules-based to an outcomes-based focus we are not actually going to get the highest quality people. It is going to be a bit of race to the bottom, not a race to the top. As someone who represents industry and the people who this criticism is levelled at, what do you say in response to that?

**Mr Hopkins:** I will make a few points. Firstly, the consistent feedback from our members over a number of years was that they were frustrated by the rules-based system that previously existed because it did not allow innovative ideas to be supported. That is why we support the outcomes-based focus.

The second thing I would say is that an outcomes-based focus is, in the current times, hardly innovative. If you look at most planning systems across Australia, they have a degree of outcomes-based focus to them anyway. They may use different terminology, like “performance based”, but they are essentially trying to do the same thing that the ACT system is trying to do.

The third thing I would say is that, in order to deal with the concern that the community has, that you outlined to me, we need to trust the judgement of the decision-makers, ultimately the Chief Planner and the experienced and qualified planners that work for the government, to make the right decisions when they are assessing what may be innovative or new ideas that they have not seen before.

We know that lots of different people—community, industry, professionals, experts—might all have different ideas about what is a good design. But, ultimately, we have to trust the decision-makers here to get this right, and support them. That is one reason why we are concerned about the third-party appeal rights which still exist in the new system, because they would take that decision-making power away from the Chief Planner if someone appealed a decision.

**MS ORR:** Okay. You note third parties there. I take your point that people can just come in after what has been quite a lengthy process—usually in industry’s opinion. You say to trust the Chief Planner in their decision. If they come back and say, “We do not like your development,” what is to stop the proponent then taking action? You are saying trust it, but if you do not like the outcome it does not stop you from

appealing. How do we start to get this balance of putting the trust in the Chief Planner to get these good outcomes? If you are going through the process and you submit to the process and you still do not like the outcome, should you cop it on the chin or should you fight it?

**Mr Hopkins:** Should the applicants cop it on the chin?

**MS ORR:** Yes.

**Mr Hopkins:** We would say that the third-party appeal right should be limited to persons or groups that are affected by the decision. Clearly, the applicant is one that is going to be affected by it. I think they deserve the right to challenge a decision if they are not happy with it. But the bill, which is now the Planning Act, contains safeguards to deal with the concerns you are raising.

Another point I would make on this, to deal with the outcomes-based system, which we have raised before and we raised in the media this morning, is how government can assist through its administrative processes, particularly the National Capital Design Review Panel, to help applicants make the right judgements, to support them in taking risks and making innovative decisions before they commit the hundreds of thousands of dollars to document a development application—

**MS ORR:** It is about trying to bring that certainty up-front so that you have got the guidance to know what is permissible, what is not and what was—

**Mr Hopkins:** Yes. Our point was to try and bring some of that certainty up-front. The system allows innovative ideas to come forward, but we need to try and put some boundaries on the “anything goes” type of concern the community may have. If applicants can access timely and reliable advice from the government experts, either through the National Capital Design Review Panel or through the assessment staff, before they commit to documenting an application, that would assist that process.

The reason we point out the National Capital Design Review Panel is that it is currently taking more than six months just to get an appointment with the design review panel. That is starting to bring down that whole system. The design review panel is a very significant and important part of an outcomes-based system, but if it takes six months to ask their advice then it is clearly not going to work.

**MS ORR:** I have put this to a few others, and I will put it to you, Mr Hopkins. The design review panel is federal; it is not actually an ACT government design review panel. Is it time, under this system, for the ACT to have its own dedicated design review panel?

**Mr Hopkins:** I understood it to be a joint panel.

**MS ORR:** It is joint—

**Mr Hopkins:** Yes. I do not think we need multiple design review panels. I think we have a design review panel which is the start of a worthy reform. The three problems with it, are, firstly, the resourcing that I mentioned. You should be able to book into

the design review panel with a fortnight's notice, not six months notice. In fact, we are hearing that it is more like eight months in some cases.

Secondly, if the design review panel supports an innovative idea, or maybe they make a suggestion to a developer to make a change to an innovative idea, it would help if the developer could rely on that advice through the system. At the moment they can receive that advice from the design review panel but, essentially, they still lodge their application and have to go through the same process as if they had not accessed that advice in the first place.

Thirdly, currently, the design review panel cannot help the developer trade off certain elements. If an idea was put forward for additional height or additional yield, in return for greater green space or more affordable housing or something, the design review panel cannot really have those discussions in support of those ideas.

**MS ORR:** Is that because it is seen to be pre-empting the decision of the authority?

**Mr Hopkins:** No; I think it simply does not have the power in the legislation, as it currently operates, to provide that type of advice.

**MS ORR:** We have heard from a few other witnesses today about the district strategies and the level of guidance that is provided in those. This goes back to your point about certainty and wanting direction and what is a good outcome. With the current Territory Plan and the district strategies, do you think there is enough guidance there for industry to be confident that what they are putting forward as a proposition is actually going to the outcome that is sought?

**Mr Hopkins:** We have been vocal supporters of the district strategies throughout this process because they are a good first step. Rather than having a discussion at a very large city level, they allow us to have discussions about what is intended in a fine-grained nature. They are good start. They are also important because they start to show planning outcomes, as well as infrastructure which is provided. Integrating our land-use plans with our infrastructure plans is something we do not talk about very often, but it is actually a really important part of how we plan our city. So they are a good start. We would certainly be open-minded to working with government to improve them.

**MS ORR:** Yes. So I guess we are not debating whether we should have a plan at that scale. Everyone agrees with that. It is that within the proposed Territory Plan, or the one that is now taking effect, the information that is included should be sufficient to guide people. There has been a view that perhaps it is a bit fluffy or wishy-washy or there is not quite enough guidance there. I am trying to get industry's perspective on whether you feel you can pick up a district plan and have a good idea of what you need to do for that area.

**Mr Hopkins:** Like I said, they are a good first start. But, certainly, some more guidance would help—

**MS ORR:** There is work there.



**Mr Hopkins:** Into the future, yes.

**MR PARTON:** Mr Hopkins, one of your members spoke to me at the CHC event, which I noted your presence at the other day. Of course I could not respond, given that this hearing was going on. They suggested to me that the dual occy policy that is a part of this new planning framework is the dual occy policy that you have if you are not actually having a dual occy policy. Does that line up with your thoughts on this? How many extra dwellings do you believe this component of the new planning framework will actually deliver to the market?

**Mr Hopkins:** The so-called dual occy policy that is in the new plan is a great disappointment. The one thing that I have heard in listening to a number of the witnesses yesterday and today, and from community, professionals, experts and industry, is how much common ground there is on what we need to do in terms of housing policy. The only group I do not hear as part of having that common ground is the government itself, if you interpret the Territory Plan as its policy.

There is a great opportunity, in preparing this new plan, to implement far bolder reforms, not just for dual occupancies but for a whole range of housing types. So to read, when we saw the final version of the Territory Plan, that there were things like an 800-square-metre minimum lot size and a 120-square-metre cap on dual occupancies was a disappointment. This was a great opportunity which was missed by the government. That is why we suggested this morning that the government should remove the 120-square-metre cap. It is illogical, it adds no value and it is not based on evidence. If the government does not reform it, in history we will look back at it as a great planning mistake, because it will not deliver the housing we need.

We should look at reducing that minimum lot size of 800. We have suggested down to 600. Other parts of Australia go much beyond that. We have settled at 600. We should look at allowing dual occupancies on all corner sites, because corner sites allow much greater flexibility in how you deal with vehicle manoeuvring and car parking. If the government is happy that two units per 800 square metres is allowable density then why not allow three units on 1,200 square metres or even four on 1,600 square metres? There are some very large sites that exist in the RZ1 zone.

We have also heard from a number of other witnesses and from our members that LVC will be another barrier. We know the Chief Minister's position on LVC, and we are not arguing about the policy intent for LVC. We are not even arguing that it should be scrapped altogether. But if government was serious about delivering more affordable, appropriate and a greater supply of housing then why would you not just cut LVC by 50 per cent and see how it goes? Even if you implemented that for two or three years, on a trial basis, that would be an improvement on the current LVC position that we have got.

**MR PARTON:** I know that sometimes comments that you make in this space are portrayed as being developer friendly and trying to help the big end of town to make money. But I also know, having dealt with you for a long period of time, that you have a grave concern that this city will not be able to deliver the number of dwellings that are required to house everyone in it as we move forward.

**Mr Hopkins:** That is not just a concern for the future; that is a concern that a number of stakeholders are saying is happening right now. A number of stakeholders are also saying that it is our planning provisions that are responsible for that position. That is why this new plan was such a great opportunity to address a lot of those problems and why we are so disappointed in the dual occupancy and the other residential provisions that have not been taken up in this new plan.

In our submission to the inquiry we tried to make some sensible suggestions as to how government could respond to that. We think that it is a great opportunity that you are holding these committee hearings and that you can make recommendations and there can be an early round of amendments to the Territory Plan to deal with some of these things relatively quickly.

**THE CHAIR:** Michael, we have had a lot more consensus in these hearings than we usually do on this topic. It is quite interesting. I feel like Canberra is moving in a more positive, joint direction. You have thrown a lot of things out that a lot of other people have thrown out too. There is frustration at some of the restrictions on how many dwellings you can build in different places and the size of dwellings. I am personally very keen on keeping site coverage restrictions, but that is not the same as dwelling restrictions.

We have seen an opportunity for a lot of zoning reform, but we did not see much zoning reform in actual fact. We have heard from a lot of different players that we want more transit-oriented density, we want more density in lots of different ways, but we have not actually seen that in this Territory Plan.

With all of those strands I am particularly concerned about how we are going to build affordable housing, not only commercially affordable housing but also where we are going to put our public housing and our community housing. What is the MBA's view on how we use our planning system to make sure we are building good density but more affordable density—more affordable density for people who rent but also more affordable density for our subsidised market rates?

**Mr Hopkins:** The planning system will have the greatest impact on the housing that is provided by the private market. A consistent message from stakeholders about how to address affordability in private market housing is addressing supply.

One role the Territory Plan and the Planning Act can play is to help increase supply, speed up planning approvals, remove restrictions, not artificially reduce yield. We are concerned that the new Territory Plan will reduce yield, particularly in the RZ2 to 5 zones. It will actually reduce yield because increasing the areas of open space and landscaping requirements, while we understand the intent for that, will have, I think, the reverse outcome of actually reducing the amount of housing possible from a particular site. There are a number of issues that the Territory Plan can do in terms of private market housing.

In terms of public housing and social housing, public housing, I think, is much simpler. Government just needs to properly fund that and then actually deliver what you promise. In terms of social housing, the community housing providers which exist in Canberra will do most of the heavy lifting there, but they can benefit from

government providing them with land at more affordable prices, and other financial and non-financial incentives to help them deliver social housing. For public housing and social housing, it is not so much the Territory Plan that will address those. The Territory Plan will have the greatest impact on private market housing.

**THE CHAIR:** Sure. And the yield is really important?

**Mr Hopkins:** Yes.

**THE CHAIR:** We have heard from a lot of people in the industry, particularly planners, designers and architects, that our better types of density are not going to come from ever increasingly small blocks with individual houses or with dual occupancies on them. They are probably going to come from blocks that have been consolidated and that have low-rise three and four-storey development. We have often heard about tree height development, that genuine missing middle development.

**Mr Hopkins:** Yes.

**THE CHAIR:** Does the MBA have a view on that? And do you see that the settings in this planning review have given us the ability to do that kind of development?

**Mr Hopkins:** One thing the committee could recommend to help with that would be to allow block amalgamations in the RZ1 zone. That is something that would help bring more of that missing middle and medium density housing in the RZ1 zones.

You are right that yield is important. I think it is important that we distinguish between having optimal yields and maximum yields. We are seeking optimal yields because if we under-utilise our existing areas that is only going to put more pressure on expanding greenfield areas, which is not in line with government's policy. So yield is very important.

I do not think we have got the balance right in the new plan between accommodating housing for our future needs and preserving green space, providing tree canopy and landscape open space. I think the provisions have gone too far and they will not allow us to achieve optimal yield. They will under-utilise development sites. I think we need to do some further work on how we get both of those objectives achieved.

**THE CHAIR:** Sure. I think optimal yield probably varies for different people.

**Mr Hopkins:** And for different sites.

**THE CHAIR:** Yes; absolutely. Block amalgamation in RZ1—

**Mr Hopkins:** Yes.

**THE CHAIR:** you say is prohibited at the moment.

**Mr Hopkins:** I heard one of the witnesses yesterday make that comment.

**THE CHAIR:** Yes.

**Mr Hopkins:** And we have heard similar feedback from our members that allowing block amalgamations in RZ1 zones would assist in bringing dual occupancies and other moderate density into the RZ1 areas.

**THE CHAIR:** Yes. Interesting. We have also heard some interesting recommendations about RZ2 changes, height limitations and various things. Have you got any particular views on that?

**Mr Hopkins:** I think our main concern about the RZ2 zone is the impact that the urban forest, living infrastructure and site cover restrictions will have on the yield in those areas. It will reduce the yield from what we were used to under the previous plan. That is, I think, one reason why our consultant members, our architects and town planners, have told us there was a rush of applications being lodged just before the commencement of the new plan so that those greater development yields could be locked in before the new plan started.

**THE CHAIR:** Great. Thank you.

**MS ORR:** You mentioned that LVC charges were an impediment. A lot of things contribute to the cost of a bill. Is LVC the only thing or could other measures be taken to help with the affordability, such as stamp duty concessions and those sorts of things?

**Mr Hopkins:** Yes, there are lots of other impediments—

**MS ORR:** Yes, so it does not have to be focused on LVC; it can just be a case of how do we actually help in making this a more financially viable proposition?

**Mr Hopkins:** Yes, but it is one that is within government's control directly. It is also a very substantial financial cost.

**MS ORR:** Yes.

**Mr Hopkins:** I note that in the budget there was mention of the codified charge of \$40,000. Government has made some change to allow the valuation method. But what we do not often see is that if you look at those codified charges, in many cases the charge is well above \$100,000, far exceeding any benefit gained by a stamp duty reduction.

**THE CHAIR:** Michael, I might just test you on one more idea that was put to us by other witnesses. If we kept the site coverage requirements but removed the dwelling per block requirements, and just left it to the site coverage to tell us how many trees and how much green space we need, rather than saying, "You can only have this many dwellings on this size block," what would you think of that?

**Mr Hopkins:** I think a better way to do it would be to embrace what we say is an outcomes-based system and allow the architects to design an outcome which achieves all these objectives we are trying to meet.

**THE CHAIR:** Yes.

**Mr Hopkins:** I do not think it is that important whether we have a particular percentage of landscape open space, one per cent more or less. If a professional architect, who has been through five or six years of study and 10 years of experience can come up with an outcome that meets multiple objectives, that should be allowed. And that will not be allowed, going forward, under this new system. That is our concern.

**THE CHAIR:** Sure. But the dwelling number limitations do not grieve you at all; it is only the site—

**Mr Hopkins:** We have made a number of suggestions about how to increase the dwelling numbers in RZ1 and other areas—

**THE CHAIR:** Yes.

**Mr Hopkins:** We do not need to labour that point.

**THE CHAIR:** Okay.

**Mr Hopkins:** But our concern is, yes, the site cover restrictions do not give you that flexibility to create additional dwellings on a site.

**THE CHAIR:** Sure. Thank you. We could have more time, but we do not have any. I thank you for your time today, Michael, and thank you for your thoughts.

**Mr Hopkins:** Excellent. Thank you.

**THE CHAIR:** Thank you.

**Hearing suspended from 12.42 to 1.40 pm.**

**ROHDE, MS ARABELLA**, Vice President, ACT Division, Property Council of Australia

**MARTIN, MR SHANE**, Executive Director, ACT and Capital Region, Property Council of Australia

**VAN DER WALT, MR PIETER**, Member, Property Council of Australia

**THE CHAIR:** I welcome witnesses from the Property Council. Thank you for attending the final stretch of our hearings on the Territory Plan. It has been a long road. Could you confirm for the record that you have received and read the privilege statement and that you agree to the conditions, rights and responsibilities in that privilege statement?

**Ms Rhode:** I have read and agree to the privilege statement and the requirements arising from it.

**Mr Martin:** I have read and agree to the privilege statement.

**Mr van der Walt:** I have read the privilege statement, and I am happy to agree and abide by that.

**THE CHAIR:** We are not having opening statements, but there will be an opportunity to lodge something in writing afterwards, if we do not get to it. I will kick off with the first question. We have had a lot of conversations in the last day and a half about density and chances that may have been missed, and may not have been missed. I would like to put a different spin on that. We have had a lot less conversation about affordable housing and inclusionary zoning. Do you have any views on inclusionary zoning and whether that is a useful tool, or whether there are other tools we might have in the planning or other government space that we could or should use?

**Mr Martin:** You have probably heard a lot about the density aspect of it. I want to say on the record that density is very important, particularly as we try to address the housing crisis going forward. The inclusionary zoning is not necessarily going into what the Territory Plan system is necessarily about. In terms of the Property Council's perspective, blanket inclusionary zoning simply is not possible, in that it does not seem to work as well from a feasibility perspective. However, there are certain situations where you can look at innovative ways of addressing the affordability that we are talking about here. I will ask Arabella to go into some detail.

**Ms Rohde:** What Shane is saying is real. With inclusionary zoning and requiring a certain level of affordable housing, you need to ensure that the market mechanisms are there for that affordable housing or product to stay within that sector of the community. That might start to lend itself to different delivery models or ownership models that I believe are emerging, because this is not just an issue for ACT but across Australia and the world.

The importance around inclusionary zoning is that the ACT already has the mechanisms, not so much through the Planning Act itself but through its overall processes, and it can start looking more at incentivisation and incentive zoning, which

has worked well for many other jurisdictions in encouraging a trade-off between providing affordable dwellings and additional ability to achieve things such as height or site coverage, while still keeping that in line with the overall desired outcomes or objectives of the community. You can see examples of that in New South Wales and other jurisdictions, and we have seen that internationally as well.

We think about it more in terms of incentivising and identifying those mechanisms that will become a trade-off, to put that affordable housing into the market. The issue with inclusionary zoning is that it just increases the cost of other dwellings in that development and it will unnaturally tilt the market and not have a market solution, so that product will not stay in market for long.

**THE CHAIR:** You said there are other examples of these incentives in New South Wales and overseas. Are there any specific things that are working?

**Ms Rohde:** One of the examples—you can see this even in certain types of housing; we see it with essential workers' housing and potentially retirement living—is that there are additional density bonuses to allowing a certain type of development, and that can accord with the affordable housing product as well; that is, below a certain market value or being held by a community housing organisation. Generally speaking, it says, “You might be able to get another two levels or additional number of GFA or dwellings if you provide this, and this type of solution.” That allows for an overall market solution to be met.

**THE CHAIR:** That might be a density bonus that would be different from, for instance, the third dwelling limitations that we have in our zones, or a different height limit?

**Ms Rohde:** Yes.

**Mr Martin:** You need significant uplift, effectively. You need substantial uplift to allow it to happen.

**Ms Rohde:** I used the example of New South Wales. I have had recent experience in the jurisdiction, and there is a 20 per cent uplift in some areas for a number of dwellings or GFA—additional height and everything that is allowable for a certain type of development, whether it is essential worker, retirement living and others. We tend to think about affordable housing as a market value as opposed to a targeted community housing proposition. There is then a discussion of whether or not that is in support or a market solution. In that way, if it is a market solution, it is more likely to stay affordable over a longer period, whereas if it is artificially valued—in other words, it is a number of product that is under a certain rate—that will eventually be re-absorbed, or it only benefits the first generation that purchases it.

**THE CHAIR:** It gets sold on. Yes, absolutely—whether build-to-rent is better.

**Ms Rohde:** That is right.

**THE CHAIR:** Are there particular suburbs or areas in Sydney where it is working well?

**Ms Rohde:** My understanding is that it is put through in terms of those priority areas and key areas. It would be around those areas where that density has increased. I could not speak to it; only that the areas that we were looking at were probably in those locations. I would suggest that there is a certain type of development that gets applied from the state level that local governments need to comply with under the SEPPs.

**Mr van der Walt:** I do not have specific examples in mind, but that is what I have seen. My understanding is that a lot of these are where state incentives have been handed down, more recently, and some projects were given priority in that. That is where they have been successful. You get the proponents that are interested to try to deliver that outcome, with the additional incentives in hand.

**Ms Rohde:** I believe it is also zone based, so you would need the occurrence of that zone in a certain area for it to apply. I think that is applicable to the ACT. The flat structure of our planning system, in that we do not have all of the local jurisdictions, plus the need for an overarching state, gives the ability to consider those types of priority initiatives and the like that require support. I think that the proposed Territory Plan actually allows for more of those priority initiatives to be enabled.

**MR PARTON:** We have already spoken to one proponent, or at least a representative of a proponent, today who has a DA that has only recently been submitted. It was submitted before 27 November. His understanding was that it would be considered under the previous rules. He raised the concern that the Property Council have raised in the submission about that transition period, and cut-off dates post six months if there is more information that is required. I understand that this has been raised by the Property Council as a concern. Do you want to talk me through what concerns you have regarding clarity over the transition period?

**Mr Martin:** I can start; then I will throw to Pieter, because he has some pretty live examples. As it was described to us in the training that EPSDD provided to us, obviously, you had until 27 November to submit under the old system. It would be considered under the old system; then, effectively, what would happen is that if they required more information or there was something else going on, they would come back to you under the old system. However, our understanding from EPSDD was that we would only have that time frame up to six months; then, effectively, anything from that period would be considered under the new system.

But there are some really interesting nuances going on there. Obviously, I recommend asking this question of government, when you see them.

**MR PARTON:** Yes, of course.

**Mr Martin:** Pieter probably has some physical examples.

**Mr van der Walt:** Shane summed it up quite well. We have proposals that have been transacted and approved before the change. We have proposals that have gone in in the last, say, 12 weeks, before the legislation change happened. My understanding of the transitional arrangements is that we have a six-month period in which these



applications will be administered in development assessment, or the proponent has the opportunity in the normal course of his business to make amendments or changes, and utilising the previous planning system for that.

What is not so clear is: when we get to the six-month period that is afforded, what happens at that stage? It appears very clear regarding proposals that have already been approved. If it is still in construction and the like, you could still make augmentation amendments to those, but you will have to make your application under the system as it sits today. That, in itself, potentially brings some complexity, where the current system, being an outcomes-based system, and the assessment of that, is really different from what has given rise to the original application that has already been approved.

Often, in building approval and in construction, especially when we look at more complex developments, it sometimes takes two, three, four or five years to build. There is some concern as to how we will deal with some of these outcomes-based matters. If you seek a change, will the assessment be confined to the change you are making, or will it be an assessment of the broader scheme in that context, given that you are trying to work—

**MR PARTON:** Will that pipeline for ultimately, hopefully, the approval of those DAs be exacerbated by, anecdotally, the feedback that I have, which is that there was a large spike in applications just prior to that cut-off date of 27 November? I will seek further advice from government on this, but is that your understanding as well?

**Mr van der Walt:** My lived experience—because I am also a leader in a private planning firm—is that we have lodged a substantial amount of development applications over the last 10 weeks, probably to the tune of five times or more than we would normally do.

**MR PARTON:** Five times?

**Mr van der Walt:** Yes, four or five times more, at least. If you are looking at how the DA numbers have changed in the last 12 weeks, there has been a substantial influx in numbers. Lived experience shows that, especially on complex developments, some of these take definitely more than six months to work your way through assessments. What happens at the end of that six-month period, if we have not got to a point where a decision can be made? With the whole scheme, often, the land has been bought, conceived, prepared and lodged under a certain way of doing things, and then—

**MR PARTON:** With a fair bit of money spent.

**Mr van der Walt:** Indeed, and then, at that stage, to be dropped into a completely new approach in assessment. First, what would be required would involve how the authority would then make an assessment in the new system without having to ask for substantial additional information. There is the potential question of additional expenditure to do that, but how the authority assesses something was really conceived in a completely different world.

**Ms Rohde:** The main consideration is that it will be difficult to change planning

systems midway through a development proposal.

**MR PARTON:** Yes. I am sure many would be invalid.

**Ms Rohde:** We would be seeking some confirmation or assurance that developments that are submitted under a certain interim arrangement can be done through that interim arrangement, including potential amendments of DAs after they are approved, which we know is sometimes a necessity due to in-ground conditions or things that occur on sites or adjustments. It will be difficult to administer it across two different planning schemes.

**Mr Martin:** Everyone has raised some really good points. Mr Parton, it is probably worth highlighting that the Property Council has said we want the outcome-based system. Obviously, looking towards the transition—correct me if I am wrong—we have not had an outcomes-based system before, so, naturally, industry will say, “Okay, we know the old system, so we can submit under the old system,” which would increase it. Obviously, industry have still said that we wanted the outcomes system, so that is probably that natural increase that you would see.

**Mr van der Walt:** I think that is right. Normally, we see a substantial spike in work towards Christmas and end of year.

**Mr Martin:** Yes, timing.

**Mr van der Walt:** What has happened with the timing is that people have brought that forward, but there are also a number of people that have said, “We’ve worked on some of these schemes for two or three years to an outcome and it’s changing. We just want to get it in because we’ve worked on it, and not have to try to imagine the new world.” I do not think there is necessarily anything sinister about the new system. I think it is just happened in the normal fashion of business.

**MS ORR:** There is just a bit of a gap with the changeover.

**Mr van der Walt:** Yes, indeed. We can see that, from a couple of weeks ago, work has dropped off quite a bit, and I suspect it will start picking up. We are getting new inquiries; it will start picking up in the new year. People take a moment to understand, “We’ve done the work under the previous system. We are now getting our head around the new one,” and keep going.

**MR PARTON:** It has also been raised with me that, because of that traffic jam of DAs that have been lodged smack on the end date, to some extent we will not actually get to see how this new planning framework works, because in theory we are not going to see many DAs lodged right now.

**Ms Rohde:** I think it is fair to say that any development is always two years in advance before it actually hits the planning system, anyway. I do not think that the pressure is so much that it is because there is a backlog and then nobody is lodging DAs under the new system. I think there is a natural peak and then there will be an ebb, but I do not believe that is going to be the constraint. It is more about the realisation that it will be two to three years before we start seeing things coming out

of the ground under the new planning system.

If people do not see things immediately, it tends to lose that traction. I think there is an inherent risk, as there would be with any change management, that people will be viewing what is coming out of the ground now as evidence of the new planning system, whereas in reality we are not going to see it for three to four years.

**Mr van der Walt:** In 12 months time, what is coming out of the ground is stuff we have lodged a year ago.

**Mr Martin:** Yes, it is the old system.

**Ms Rohde:** When you look at that time frame of three to six months, that is really not the key. It goes more to Pieter's point that it is most likely that that real influx is as a result of people working on that for two years, and saying, "I will lodge it under this system because that is what I have developed it to." We have already seen that, and we have already started to have the engagement around what that looks like, but we note and caution that the reality is that it will be three years before we start seeing the outcomes of the new planning system.

**MS ORR:** We have heard from a number of people that they are open to the new planning system and an outcomes-based approach, but there is a little bit of hesitation and concern that we will not be rising to the top; it will be a race to the bottom type of thing. I am interested to hear from your perspective and industry's perspective as to how, under an outcomes-based system, we can ensure that we are actually getting the best outcome, and we are not in a situation where it is a little bit of a race to the bottom, and where the checks and balances are not there, given that it is quite subjective, when you look at outcomes.

**Mr Martin:** With the outcomes-based approach, unlike the rules-based one, which was the tick box, tick box, tick box, get it approved and move on, the outcomes-based approach allows you to be quite innovative and inventive with the way that you want to do your particular development or your particular design et cetera. There is that benefit, which I think is seen in a positive light. I will throw to Arabella to confirm the detail.

**Ms Rohde:** If you look at it, and you look at it on the value of the two systems as they are, I hear this "it's going to be a race to the bottom", but I put to you that the rules were already probably the least—

**MS ORR:** All the work went to the bottom, yes.

**Ms Rhode:** Yes. It was not very ambitious. There were not necessarily good outcomes. It was there to protect from that, and I do not think it did that. I think it created this development by numbers, whereas the outcomes system actually allows for more site responsive and cohesive development. If you are comparing the two systems, you would find that probably the rules-based system did not push for the quality of outcomes. The outcomes-based system will push for greater quality, and I think it is about the consistency of the authority's decisions and how they work through that.

We have good examples of design from all over Australia and the world, so I think there is an understanding of what good design looks like, and engagement of the right built environment professionals and qualified people for those assessments. I think we need to put the trust in those professionals. I would argue that, between the two systems, having a rule-based system which is based on protecting from the lowest common denominator, as opposed to an outcome which at least allows and recognises good design, I would say I am not necessarily sure that there is much difference in that. I do not think it necessarily means you will get a detrimental quality impact from an outcomes-based system.

**Mr van der Walt:** We have done the work to set us up for success in the way that we have presented it. I think it has now changed. Especially for the next six to 12 months, we will work on getting the administration of the new system right. If we can translate the legislation and the Territory Plan into a practice and start to see the results coming out, I think we are on a good track. There is a high risk that we can fall back into the old ways of doing stuff, and I think that would steer us down the wrong path. I think the next six, eight or 12 months are really critical in getting that mind shift.

**MS ORR:** Yes. That leads to my next question, which is getting to the point. From your perspective, as representatives of industry, is industry ready, when submitting a proposal, to the opportunities that are there?

**Mr Martin:** I think that is a great question. I probably want to use this moment quickly to highlight that there are so many documents, and industry is getting their head around absolutely everything that has come before it as well. Industry is ready to rise to that outcomes challenge, but we are still working through everything.

One of the things that is worth highlighting in answer to that question is that there have been changes, from the old system—not just rules to outcomes—that people are working their way through. An example is in Phillip. You used to be able to do residential there; now you cannot. That has been a change that shocked a few people in that area.

**MR PARTON:** Yes, we heard.

**Mr Martin:** You have probably heard that.

**MS ORR:** There might be a bit of follow-up on that one.

**Mr Martin:** Yes. But it is a good point. What industry needs—probably what everyone needs—is a way of showing, “This is what it was, and this is what it is now,” because it is so hard to track where everything is.

**Ms Rohde:** You do not know what your impact is until you are going through the process. I would say that there are a few errors and a few changes on which there needs to be further debate. Rather than waiting for a five-year review it is probably imperative that once people get a chance to work through it and understand it, from both a community and industry perspective, there is an ability and willingness to undertake a review or variation within six months to pick up some unintended

consequences that may have come through.

**MS ORR:** We have had a bit of a discussion around the district strategies and the level of detail, and particularly the setting of the expectation of the goals of those. Do you think there is enough guidance for industry, in wanting to rise to the challenge and meet the potential that is there in the new system? Do you think there is enough guidance there for industry to get started?

**Mr van der Walt:** I think there is. One thing that is a little bit grey in my mind with some of the district strategies is that it now envisions a blueprint about how we are developing the city over a period of time. As a practising planner, just about every day somebody could walk into the office and come up with a completely new, fresh idea we have not had any concept or idea about. It is not too clear to me how we actually integrate that.

I can see, when we are doing the city plan or the big, broad planning scheme, how that translates through, but if we get a new, great idea on a specific site that sits outside that immediate framework, how do we get that translated through? Especially with a proponent-led system that will require consideration of the district strategy, how will that work? With that as a caveat, I do not know how we are going to get that done. I think yes, I would like to see the guidelines, and what the supporting report looks like, but that will come in time.

**THE CHAIR:** Thank you so much. I am so sorry; we have come to the end of our session.

**Mr Martin:** Yes, there is so much to cover.

**THE CHAIR:** Thank you very much for coming in and thank you for giving us your expertise.

**KIRSCH, MS ERNESTINE**, Braddon Collective

**THE CHAIR:** Welcome. Thank you so much for coming in. If you can confirm you have received and read the privilege statement and that you are happy to abide by the rights and obligations in that statement. Ernestine, lead us off.

**Ms Kirsch:** I do not think I can remember all those things, but yes, I did read whatever I was supposed to read and understand them, so thank you.

**THE CHAIR:** Ernestine, I had a few possible things to ask you, but given that you have tabled the signs code, which is one of the things that was on my list, we did ask the minister where the signs code was. Yes, he gave as an answer much like what you have written down here. There is a little bit in the Territory Plan. Can you tell me what your concerns are?

**Ms Kirsch:** Definitely. I will just add that the minister did write to me, even though I did not approach him directly. I got a letter from him on this very topic a few days ago, so that was a surprise.

Thank you for this opportunity. Very quickly upfront I will say the Braddon Collective is a local not-for-profit volunteer community group. We support the local community and local businesses in Braddon, so we are not a traditional residents association. We are recognised by the North Canberra Community Council as representing Braddon, so I am also the Braddon representative on the North Canberra Community Council. I thought I would say that upfront.

I think your question was: has this been carried across into the new planning regime, and the answer, as far as we are concerned, is no. Basically, because I am a visual person, this was the Signs General Code which was under the previous regime. I have not tabled this because it is a public document. It is 33 pages long. What we have in the new planning regime is just one assessment outcome in one sentence, which happens to be at the bottom of that piece of paper there, but I will read it out:

12. Any advertising or signs are suitable for their context and do not have a detrimental impact on the surrounding area (for instance due to size or light emission).

That one sentence is carried across all of the zone policies, so it is exactly the same in all of them.

I created this visual—I am not going to read it all, but I just wanted to explain that a member of the Braddon community reached out to us earlier this year—it was actually in July—and he said, “Hey, have you seen this development application?” He randomly reached out to us. We had not been in contact with him before. He was very concerned about it. This visual is one that I created. Hopefully you can see it is the corner of Cooyong and Lonsdale Streets, so it is what we call the gateway to Lonsdale Street. It actually looks a little different now because we have been fortunate to have had the Lonsdale Street upgrades since, but that is what it looked like at the time. That sign was going to be a large third party advertising sign. It was going to be illuminated and have flashing images. When we measured it up and popped it on top

of that building, as you can see, it was going to be an additional storey to that building. So a two-storey building was going to effectively become three storeys.

The representations closed. There were members of the community, including members of Braddon Collective, who put in their representations and it was refused by 2 August. In business days, that was only five business days later. I have listed the reasons for the decision. I do not intend to read them all because they are again a public document, but the reasons for refusal—I have listed them there—were all against the criteria, particularly criterion 4 and criterion 6 in the Signs General Code.

There were other issues that were raised by the Braddon community, and I have listed those there. They were all safety concerns, or primarily safety concerns, driver distraction at that intersection, which I think you can all visualise. It is a pretty busy intersection. There was no information about the dwell time; what these images are going to look like. Someone literally said in their submission, “We do not want Braddon lit up like Times Square.”

I think what is important is that commercial advertising like this would impact on independent businesses, and I think we can all visualise Lonsdale Street—small retail businesses. Small independent businesses are what make Braddon special. There are not any chain stores, I think with the exception of Messina and a couple of the adventure stores. It does not align or contribute to the vision of the community as a pedestrian friendly neighbourhood.

Now, I have said all of that to say that if this DA were submitted now under the new planning regime, a DA would be required. An instrument was created. It is very imaginatively called the Planning (Exempt Development) Signs Development Control Declaration 2023 (No 1). There is a list in that declaration—I put that in my EOI, if you are interested—which says, “For these reasons, this needs a DA,” but when it comes to assessing that DA, we only have that one sentence there. It is a commercial zone. The technical specification for the commercial zone does kick in—that is the tiny little table which is in the bottom-right of the handout I have just given you. That is all the Planning Authority has to go by in trying to decide whether this is an appropriate DA and whether this sign is appropriate for the area or not.

So I guess the reason I am here, the one point I really want to put across today is that signs control should be mandated. There should be assessment requirements within the zone policies, mandated in the zone policies—not tucked away in the technical specifications. They should reinstate the list of factors which were previously criterion 4 and criterion 6 in the Signs General Code, which lists the reasons or the things that need to be looked at. Is this going to impact on a residential area in terms of light spill? I think the terminology is: is it out of keeping with the area and does it protrude beyond the building line? There is a whole list of factors there. And also the safety factors which are in C6, or were in C6, which is to do with, is this going to distract drivers? Is this going to create a hazard?

If those were reinstated, it would send a very clear signal and a very clear message that the policy position of the ACT government, which I understand has been to date, is for an ad-free Canberra. Right now that one sentence in the Territory Plan is not enough to protect against large, intrusive, third party advertising billboards. I believe,

and the Braddon Collective strongly believes, that having robust signs controls, having mandated requirements, will protect public space, will foreground public safety. I think this is something Canberrans feel strongly about. I do not think it is just people in Braddon. I think this kind of legislation needs to reflect those expectations of the general population. I do not think I need to read them out, but I have stats here about the history of billboards and inquiries in the ACT.

**THE CHAIR:** We have had a lot of them, but I would love you to table those before you go, Ernestine.

**Ms Kirsch:** It is a little list I created. I did a bit of Googling, but effectively there was an inquiry into billboards in 2018.

**MR PARTON:** There was indeed.

**Ms Kirsch:** There were 163 submissions. I had a quick squiz at them all. Only ten of them called for a relaxation of those restrictions. The key messages I saw there was that third party advertising benefits large corporations at the expense of small and local businesses, which is very much what we were being told when this DA came out, and that the community wanted measures to prevent the sale of public space. That was a message that came through very clearly. The ACT government agreed in principle to all of the recommendations.

I do not think anything actually happened that I could see; we were left with the Signs General Code, which I do admit was a little out of date by that point, or certainly under the old regime. There was also—I think it was the Green Institute—did a poll at the time. There were a couple of thousand people polled, which I think is a decent polling number. Ninety per cent of people said that they did not want any relaxation of advertising regulations and there were 48 per cent that said there was already too much advertising.

**THE CHAIR:** Yes, absolutely. Ernestine, I am going to jump in there. Thank you so much and we have a submission from Tim Hollo on signage too—

**Ms Kirsch:** Excellent, yes.

**THE CHAIR:** —so it was well covered. The reason I am jumping in, is not because this is not important—

**Ms Kirsch:** No, that is fine. That is all right. I was not even going to go into all that. I just wanted to say it is not just us.

**THE CHAIR:** I just wanted to give the chance to one of my colleagues to ask a question.

**MR PARTON:** It is interesting that you have rocked up saying, “I am a visual person; I am not very good at this.” I think you are.

**Ms Kirsch:** I do not know; I was like, how am I going to explain this? Okay, I am just going to put this picture in front of you to show what could have happened.



**MR PARTON:** I think you have done really well with it. I wanted to mention there is another component in regards the Inner North and City District Strategy that has come in in the Braddon Collective submission and that is—

**Ms Kirsch:** It is a very minor point, but it is just something to—

**MR PARTON:** I can see that it sort of is, but also that it is not. It is actually going to be important to a lot of people and this is the removal of the public overlay from the Braddon Oval, which you see as reason for concern, yes?

**Ms Kirsch:** Sorry, I thought you were referring to the other point I was making which was a very minor point about the misrepresentation of urban open space in the district strategy mapping. No, I certainly agree; the removal of the public land overlay from the Braddon Oval is not a minor point.

**MR PARTON:** What do you fear will be the final outcome there?

**Ms Kirsch:** I have a little more insight because, through the North Canberra Community Council, we put in an FOI to find out how the technical amendment had come about. So this covers the Ainslie Oval as well as the Braddon Oval. I understand the Ainslie Residents Group has raised exactly the same issue over the Ainslie Oval, but we felt it was important that I also raise this in the context of Braddon. In that FOI, buried amongst the many documents, the individual who pushed for the technical amendment, who was acting on behalf of the Ainslie Football Club, has said in there—and I did not bring that document with me, I am sorry, but it is a public document. It is an FOI request that was only from a few months ago.

The Raiders, and I think it is—I forget the official name of the organisation, but where the Raiders are right now—are looking at more residential housing on that piece of land. We are guessing that would be on the car park because the car park has not been developed in any shape or form. It is just sitting there. So the technical amendment was pushed through so that the concept of a public land overlay had been removed from the Ainslie Football Club but also from the Braddon Oval specifically so that the process could roll ahead for more residential housing on the Braddon Oval.

**MR PARTON:** Does that give you concern? You would not see that as a good outcome?

**Ms Kirsch:** This is green open space. This is community land. I only moved to Canberra in 2019, so I am not able to speak to the history of how the Northbourne Oval ended up with a fence around it and how the Northbourne Oval ended up with no public access. I do not have the history of that, I am afraid, but I believe that would be on the public record. But yes, any green open space in an area like Braddon, which has the second highest population density in Canberra, is precious. People need that because they do not have a backyard. All of us in the Braddon Collective live in apartments. We choose to live there; that is our choice, but things like Haig Park and green space like Northbourne Oval are essential to make living in Braddon liveable, for want of a better word.

**THE CHAIR:** Ernestine, is there anything else that you wanted to talk to us about?

**Ms Kirsch:** I understand when you sent this through you wanted to—I mean, obviously if you want to finish, that is fine by me, but you wanted to talk a bit about—

**THE CHAIR:** No, no, we will not finish yet.

**Ms Kirsch:** —why Braddon is Braddon and how it has ended up like that and the mix of residential—

**THE CHAIR:** It might be interesting and we had a very interesting panel just—

**Ms Kirsch:** It is up to you. I mean, I am not saying I am going to force this on you because it was a question I was given, so—

**THE CHAIR:** Yes, yes. Well, we did have a really interesting panel this morning with the Phillip Traders because—

**Ms Kirsch:** With who, sorry?

**THE CHAIR:** The Phillip Traders.

**Ms Kirsch:** Yes, I misheard you.

**THE CHAIR:** Yes. In this Territory Plan, Phillip has just had their mixed use residential removed so they can only be commercial. They pretty strongly put the case to us that actually: they would really rather be like Braddon; we love having this mixed residential; we love having shop-top living; it is all lively and vibrant; and that is what everybody wants. How do you think it has worked in Braddon? Do you think it is a good model?

**Ms Kirsch:** I do not think anyone would deny that it has not worked well in Braddon. I will add that Lonsdale Street and Mort Street are zoned commercial so I would not say necessarily that change of zoning would stop mixed use development, but I would have to do a bit of research into that because all of Lonsdale Street, for example, is CZ3. So I would not have said that it would stop a mix of residential and commercial, but I do not have the—I would have to go and reread all the policies to be able to make a strong definitive argument on that one.

**THE CHAIR:** Yes. This was a particular case where their commercial zoning, that used to be commercial zoning that allowed residential, is now commercial zoning that does not allow residential. Their quite strident plea was, “Please let us do what we thought we could, like Braddon.” Have you seen any drawbacks from the Braddon mixed use commercial residential? Do you think it would—

**Ms Kirsch:** No, not at all. I wanted to raise if there is time—but please stop me if you want to move on because I know the main reason I wanted to speak today was to raise the issue about signs—but the key point is the word “mix”. You know, we talk about mixed use residential. It is the mix of residential, cafes, bars and restaurants that is

successful in Braddon and what people value in Braddon, I think whether you are a visitor or whether you live there, is that diversity and the eclectic nature of the retail that is there. The focus is, as I mentioned before in the context of signs, the sole traders. I think there is a—I do not have the number with me, but there is a high percentage of sole traders in Braddon and that is also reflected in that mix of architectural styles. Do you know what is interesting about Braddon? The fact that you have a million dollar apartment looking on a carwash. I think that is pretty cool!

That is something you cannot necessarily plan for. It is very much organic. It has evolved. But you do need that mixture. Imagine if you had a hundred per cent cafes on Lonsdale Street. It would not be interesting anymore and it would be dead at night. It would be busy at 10 am when everyone comes from the city and wants a coffee, but the mix is what is important. I think I would definitely endorse what the Phillip Traders are saying; the mix is the key to all that.

I was actually talking to some people in our group about this concept of mixing development and cafes. One of the people in our group is from Barcelona and she said that in the city centre the focus has been on tourism, so you now have just short-term accommodation, effectively Airbnb, and you have stores and cafes for tourists and the residents have moved out. So you have ended up with this—you have lost that diversity, you have lost that mix, you have lost the reason why people wanted to live there. I think that was quite a good example. Again, to try and be a visual person, I can see that: people go, “I do not want to live here anymore. I do not have a pharmacy; I do not have a hairdresser.” So you really need to encourage that mix.

I will also add in terms of the success of Braddon, it has very much been because of the work of the City Renewal Authority. How do you replicate that model in another area? I do not have a background in urban planning at all, but I listened in very briefly to one of the panels yesterday. I think it was Ron Brent who was talking about the importance of community consultation and creating a sense of place. One thing the City Renewal Authority does and does very well is that focus on placemaking, being the sort of primary goal in how they approach any of the projects that are going ahead in Lonsdale Street.

We have something called the Braddon Place Plan that was developed in 2019 and that was a collaborative project. It was developed in collaboration with the community, with the traders, with the visitors to Braddon and with the residents. Placemaking is about empowering people to create a community where people want to visit and they want to live. So if you could take that placemaking concept and talk to the Phillip Traders and talk to anyone who lives in that immediate area, that is how I believe you create a vibrant community and you create something a little bit different and a bit—I do not know—somehow, Braddon works.

**THE CHAIR:** Yes, eclectic. Ernestine, thank you so much for coming and thank you for the signage. It was a really key issue that came up in two submissions and I am glad we got to talk about it. If there is anything you think of that you wanted to tell us that you did not get to, you are welcome to put it in writing, but you do not have to do any more homework. That was a fantastic session, thank you.

**Ms Kirsch:** Thank you for the opportunity to come today.

**Short suspension.**

**BOWLES, DR DEVIN**, Chief Executive Officer, ACT Council of Social Service  
**DOBSON, MS CORINNE**, Head of Policy, ACT Council of Social Service

**THE CHAIR:** Welcome to our session with ACTCOSS in the Territory Plan inquiry. Can you confirm for the record that you have received and read the privilege statement and that you are happy to abide by the rights and responsibilities in that privilege statement?

**Dr Bowles:** I have read the privilege statement and I am happy to abide by it.

**Ms Dobson:** I have also read the statement and I am happy to abide by the conditions in that.

**THE CHAIR:** Thank you. Suzanne will ask the first question.

**MS ORR:** I want to start by having a discussion about the social planning unit proposal that you have put in your submission. I want to get a better idea of what you see as the role of a social planning unit and how it would be of benefit in delivering services within the ACT and supporting vulnerable Canberrans.

**Dr Bowles:** It is worth reflecting on the history of planning in the west. At the start it was done as a social policy tool, so it was done initially to keep people and noxious industries apart. It was also done to enable middle-class and wealthy white people to keep people that they saw as less desirable living somewhere else. It is happy that we do not do that here, but I raise that because the outcomes of that are still being felt in many parts of the west. To my mind, that demonstrates the power of planning as a social policy tool. It is in fact one of the most potent social policy tools that the government has at its disposal.

I come to this role with a background in epidemiology. Through much of my career as an epidemiologist, I was very frustrated, as are most epidemiologists, because planning is also one of the key ways that a government can affect the health of its citizens, through decisions that affect how walkable a city is, and driving incidental exercise, how much the layout of a community builds a sense of community, and how much exposure to green space helps people's mental health. There is emerging research that exposure to green space is not only useful for children's mental health at the time, but it builds lifelong protective effects against mental ill health.

I raise the health part because, of course, you are all very aware that the health part of the ACT's budget accounts for 31 per cent of the total, so seeing the possibility of planning as a social and health policy tool is really important.

In the Territory Plan and in the associated documents, there needs to be enough flexibility for government to be able to influence decisions in ways that favour planning for social good and for health good. To be honest, it is very complex, and we cannot expect a public service to be able to have that expertise without a dedicated unit where people have been recruited particularly for that expertise and where their job is to ensure that that expertise affects decision-making.

This goes from things like where social and affordable housing is located in relation to services, to things like the walkability of a place, to the relationship of where playgrounds and green spaces are, in relation to where people are actually living. Corinne, do you want to add anything?

**Ms Dobson:** I want to reinforce what you said: planning decisions are very complex. They have a lot of different factors to be weighed up and considered. I note that, as part of those good planning principles, we do have some there that relate to social factors and issues around affordability, for example. It is about really embedding those considerations around what the social implications might be of development, and looking, at that local level, at how inequalities are distributed across the city. We do not want to be growing to where we have the kind of polarisation that we can see in some other cities. We are not there in Canberra, certainly, but we do not want to be drifting in that direction.

It is about having a way of embedding those considerations into how the plan is implemented and how assessments are undertaken. The act does have some very worthwhile requirements around how consultation is undertaken, but being able to undertake consultation in a way that engages with more marginalised or disadvantaged communities is challenging. Having a social planning unit that has oversight and expertise in those areas is imperative, so that we do not see those social considerations getting trumped by all of the different considerations that need to be weighed up when planning decisions are made.

I think there is a real opportunity to have that there and to do things in such a way that we are contributing to better social outcomes, ensuring equitable development and so on.

**Dr Bowles:** Engagement with the community to test ideas is often very difficult. What the government has set out, in terms of requiring engagement, is good, but without having people with the mandated expertise to be able to properly facilitate that and interpret results which probably are going to be a bit garbled, the full benefit of that intent will be far short of being realised.

**MS ORR:** That was a very comprehensive answer; thank you. Can I check to make sure that I have taken away from it what I should be taking away? It sounds like this unit is primarily there to achieve the purpose of making sure that people's wellbeing is met through the built environment. That is probably it, in a nutshell. You are nodding your heads. That takes in a bit of a range. I started off by asking about vulnerable communities, but a lot of what you were saying would just be good practice for everyone; it is not just going to involve particular groupings. It sounds like there is a broad remit there for the whole community, and looking a little bit more at groups within Canberra that might have additional challenges, and at how they are not locked out of the city per se. Is that a fair summary?

**Dr Bowles:** It is an excellent summary.

**MR PARTON:** I know that housing affordability or lack thereof has been very much at the core of what ACTCOSS has been talking about and trying to make changes over a long period of time. Is the council of the view that the changes to the planning

framework, the Territory Plan, the Planning Bill and everything else, will actually lead to the provision of more affordable housing in the ACT or not?

**Dr Bowles:** I think it is fair to say that they are a step in the right direction, but they will not take us far enough, especially for those in the lowest income groups. There have been decades of underinvestment, and we are at a point, as a country and as a city, where that is really coming to haunt us. For instance, there is a target of 15 per cent of new housing specified in the plan being affordable housing, for social housing.

**MR PARTON:** Good luck.

**Mr Bowles:** Indeed. Also, when we think that, nationally, 60 per cent of renters were experiencing rental stress this year, there would be scope for further ambition in that target. Indeed, we think there are opportunities to strengthen the likelihood of achieving that target. Sometimes that target is not mandated; it is something to aim for. Given that housing and planning have a number of competing priorities, there is a history of us not meeting the targets that we want to meet.

It is fair to say that, especially for those on the lowest incomes, we have seen a reliance on individual developers in the private market not working for them across every jurisdiction in Australia across several decades. I do not even characterise it as a market failure. We should not have any expectation that the market will do that. We need sensible guidance from government.

**MR PARTON:** Fair enough. That is a good answer. That is sufficient for me. Let us move on.

**THE CHAIR:** I am pleased that we have covered off social inclusion and we have started on affordable housing. We probably have a lot of missed opportunities in here, and I take it that we have a 15 per cent target for affordable housing. I am interested that most of that does not end up being public housing or community housing; it ends up being some other type of affordable housing.

Are there other lost opportunities in this planning system reform? Should we have been providing more discounts or incentives for community housing organisations to operate? Should we have been looking at other tools? Are there other missed opportunities that we should have taken up in this that are in the planning system?

**Dr Bowles:** This morning I attended the launch of the YWCA's purpose-built housing for women in particular priority groups. These would be a great place to live. If I were a single parent, I would not mind living there. It really demonstrates the power of what community housing can do, because not only will nine more residences be available to priority populations, but also they are just so well designed.

Many young families want a house because that is the way they get a yard. These were not houses, but they had small yards and they looked out onto a park. With the way they were oriented, a single mother could be working on dinner and a child could be playing outside under her watchful eye and not on the screen, engaging with a screen.

To my mind, this shows the thought and care that the community housing sector can put into this. Frankly, I would rather live in some of those dwellings than in 80 per cent of the apartments that are available in Canberra. There are some real opportunities to unlock land for community housing providers at discounted rates so that they can do what they do so well.

The plan has attempted to free up religious organisations to be able to build affordable housing on land that they already own, and that is an important step forward. We need to actually test it to see if it works as everyone intends it to. Certainly, engaging the community sector, with its really good understanding of what priority populations need, to build and run residential accommodation is an essential part of what the plan should be doing.

**Ms Dobson:** I want to reinforce what Devin said. It is important to put in perspective the scale of the challenge that we have in the ACT around social and affordable housing. We have seen overall in the past 10 years that the supply of social housing has actually declined in number, even though the population has increased. At the same time we have seen, as we are all very familiar with, prices in the rental market escalate. The need for that housing is very high and is projected to grow in the coming years. We need to be looking at all of the different ways that we can grow that housing, and some of that is certainly within the planning system. There are other things that are needed alongside that. It needs to be a whole-of-government strategy.

As part of that, there is a range of different mechanisms that we need to look at to increase the supply, both of public housing and of community housing. The challenge for community housing is that, in the current market, as Devin was alluding to, it is just not financially viable or sustainable to purchase land and develop it. There are some concessional arrangements and other things that are in place to try and support the growth of community housing, but we are certainly not seeing that at the scale that is needed to meet current demand, or anywhere near current demand, let alone the demand into the future.

We do need to look at more opportunities for reduced prices on land sales and co-investment mechanisms. We can look at the government purchasing the land, the community housing provider developing it, and there is shared equity and other arrangements to try and support it, to make it financially viable. But it needs government to step in to support the sector, because it is just not financially possible.

Alongside this, and at the national level, there is NHFIC, which will hopefully bring more community housing into the market. To be clear, we want to grow both community and public housing. They are not mutually exclusive.

**THE CHAIR:** We are nearly at the end of our time. We obviously need more density, but we also need more community and public housing as part of that density. Are there particular areas of Canberra in which we need more of that? Would it be better in central Canberra, west Belconnen, Tuggeranong or along the light rail line? Are there any particular places where you would like to see more density and more community and public housing?

**Dr Bowles:** In general, there is a temptation to locate that housing in the less desirable

areas, which means less centrally and less close to public transport. It is incumbent on the government to resist that temptation and make sure that the salt-and-pepper approach we have had to public housing is continued and even strengthened.

**THE CHAIR:** Devin and Corinne, thank you so much for coming in. It was great to have you both here. Thank you for your evidence today, and thank you for your good work.

**Ms Dobson:** Thanks for the opportunity.

**Dr Bowles:** Thank you.



**COLEMAN, DR MURRAY**

**BARCLAY, MS DOROTHY**, Director, Forrest Hotel and Apartments

**NOTARAS, MR EMMANUEL**

**THE CHAIR:** Welcome; thanks for coming in today. I will start by asking each of you to outline the capacity in which you are appearing and to confirm that you have received and read the privilege statement, and that you are happy to abide by the rights and responsibilities in that privilege statement.

**Dr Coleman:** I am representing myself, as an architect, but on behalf of a client group, which is the Waldren group.

**THE CHAIR:** Have you read the privilege statement?

**Dr Coleman:** I have, yes.

**Ms Barclay:** I represent the Waldren group and Forrest Hotel and Apartments.

**THE CHAIR:** You have read and agree with the privilege statement?

**Ms Barclay:** I have.

**Mr Notaras:** I am here as a crown lessee of the territory in a residential block. I have read the privilege statement and understand its contents.

**MR PARTON:** Manny, I hope you have caught your breath, because I will start with a question for you. Yours is an extraordinary example of where the RZ1 dual occupancy change is actually not going to provide a good outcome. Are you able briefly to explain why?

**Mr Notaras:** First, I thank the committee for inviting me to say exactly what I am about to say. It just will not work on a block of this size. As I pointed out in my submission, I think the econometrics are probably valid right down to maybe around 1,500 or perhaps even smaller.

In my instance, I do not think we should say it represents a typical case; it is just an accident. These blocks are a result of seducing Melbourne public servants to come to Canberra in the 1920s; nevertheless it is not typical.

To answer your question, if I were to carve off even a modest piece of the block—1,000 metres—and dedicate that to a 120-metre dwelling, it would diminish the value of the block in its totality. That is the short answer. If you want me to talk about what I think should happen to the block, I am happy to do that.

With the proposed variation to RZ1 in respect of my block and, I suspect, many others down the scale to that 1,500 metres—let us say, even 2,000 metres—the owners of those blocks would not pursue that option as an economic option or as their contribution to filling the missing middle. They would sit on their block.

**MR PARTON:** Manny, you have lived in that place for some time. Because of various things in the public space—I know there was a policy from us in the last term—you must have been of the belief that, at some stage, dual occupancy laws would be relaxed so as to allow you to develop another dwelling on your block. Is that the case? Have you considered that that would occur?

**Mr Notaras:** It was always in the back of my mind. That is the old greed gene kicking in. Generally, the reason that I would want to move on now—and I have that in my mind—is because it is an inordinately large block to manage.

**MR PARTON:** I can imagine.

**Mr Notaras:** There is only my wife and me. I thought about doing a bit of an extension, but I think that would compromise the block. I am not into building a big house to rattle around in. The root of your question is: did I consider it? Yes. Would I have been delighted if Ben had suddenly said that I could chop it up? I do not want to see the area compromised, but it is a corner block. You could break it up into three, comfortably. They would all face the street. You would not disturb the streetscape's appeal, and you could retain every growing thing on the block, virtually, to achieve that.

**MR PARTON:** Well said. I think you have got that across. I am done with that, if you want to move on to something else, Chair.

**THE CHAIR:** Dr Murray and Dot, I would love to ask you to tell us what you are here to talk to us about. Can you tell us about Forrest and about the new planning system? You have tabled a statement.

**Ms Barclay:** Yes. As you can see, there is actually an existing pathway. Basically, we have put a little segment in there about the investigation into the planning and the infrastructure to provide a publicly accessible pedestrian path between Dominion Circuit and National Circuit. As you can see, there is already an existing path between Dominion and National Circuit.

From the way I see it, I grew up in the area, and access to the laneways from one laneway to the next works very well. It is a great part of the Burley Griffin plan. We have spoken to the other Forrest residents association, which have a question there: what is the relevance or importance of this other path that warrants its inclusion as a principle?

My father was a member of the bowling club. I played tennis at Forrest tennis courts on either side of the footpath. It continues down to Forrest Primary School, where the crossing is, and where they cross. In essence, there is a perfectly good path.

**THE CHAIR:** It has just been removed from the district strategy. It is just not in there anymore.

**Ms Barclay:** Yes.

**Dr Coleman:** It was on the draft district strategy to have one, probably through the

middle of section 19, but it did not recognise that there was an existing one. In the case of west Deakin, they had the same idea of keeping laneways every 180 metres across long sections. On the final release of the district strategy for west Deakin, they removed that requirement. We are simply asking, because there is an existing one, that we remove that.

One of the other issues is that the draft showed it being in the middle of the block. It would require, on the second drawing, to connect anywhere, because you are going nowhere, coming through the block on this side, except it is through a fence. At the moment, you are coming across to a pedestrian crossing and two bus stops, one in each direction. If it was going to connect through the middle of section 19 then we should take out a couple of blocks on section 20 and connect it to Bougainville Street, because the real destination is Manuka. We do not know where the light rail will go yet. I hope it goes in soon, and it may come somewhere near here. Even so, you can walk around the end of Bougainville Street, and down Franklin Street or around Tasmania Circle to get there.

It seems they have not done what Walter Burley Griffin and Marion Mahony Griffin did. They walked the land. I was reviewing it this morning. Bougainville Street extends for another block than it used to; they amended it because it was serving a purpose. But they did not take it all the way through to Dominion Circuit, whereas the laneway was actually a road before, and it actually went up through the school as well. That is why there is another mistake, and I only discovered it this morning. It is not section 19, as shown in the Territory Plan; it is actually section 12 and section 19. Because the roadway was there originally, it was two sections.

**THE CHAIR:** Yes; it fits in the middle. That was in the earlier draft, and it has come out?

**Dr Coleman:** The potential for a laneway here has come out—

**THE CHAIR:** But this is where it should be.

**Dr Coleman:** but recognition of the existing laneway has never been there, and it is a brilliant laneway. It has surveillance, lights and connectivity.

**THE CHAIR:** Lack of consultation.

**Dr Coleman:** It is an exemplar.

**THE CHAIR:** Thank you also for bringing in pictures. It is massively helpful.

**Dr Coleman:** Yes, it helps.

**THE CHAIR:** I will hand over to my colleague Suzanne.

**MS ORR:** I want to clarify something. All you are really asking is for the laneway that is there to stay there?

**Ms Barclay:** Absolutely.

**Dr Coleman:** And to remove the line about investigating it, because it appears to be superfluous. The residents association would like more. They have some other issues, because they have reduced the frontages across the street, along Dominion Circuit, but they are requiring investigation of the landscape on the other side of Dominion Circuit. If you walk along there, it is pretty good. Outside the tennis club, there are trees, alongside the apartments. It is pretty good. They would be reducing the landscape. They have allowed for the potential to reduce the landscape on the other side of Dominion Circuit. That does not need investigation. At this point, that can come out, when they get down to that stage. It would have been really good if they had just said, “CZ5 it,” but they did not. The framers of the new Territory Plan were not quite that brave. Just removing that one line will make it much easier, moving forward.

**MR PARTON:** It is safe to say that the three of you are here today to discuss rather important single issues. I think that you have articulated the reasons behind your appearance regarding those single issues quite well. Is there anything else that you want to add, either about those single issues or about anything broader regarding the new planning framework?

**Mr Notaras:** I do, if you would not mind. In my expression of interest, I spoke about other issues. I am a local, born and bred. I have a true affection for the town, like Dot has. She spoke of her father playing bowls there. My father played bowls at the Forrest bowling club in 1929, about a year after it opened, and I have seen the town develop.

I think the objectives of the variations are good. With the focus on the inner north and inner south, where the land values are quite high in the first instance, if you want to deliver some options to densify the town, you have to look at those suburbs in North Canberra, Downer and along Antill Street or Phillip Avenue, as well as out in Belconnen and Tuggeranong, where the entry cost is lower.

I liked Ben Ponton’s comment when he was first elevated to Chief Planner, and I alluded to that, where he felt that rules-based planning should give way to outcomes. I agree with that. I hope I do not offend anybody, but I think what happened in Yarralumla was a mistake. We could have had as many dwellings there, and the presentation would have been much better.

I am a believer in letting the market make some determinations, come to the planning authority and say, “I can aggregate those six blocks,” for example. “I have a heads of agreement with the residents there.” I did a little exercise in my submission where I outlined the average cost of the roof over each person’s head. Instead of being wedded to the figure—and I do not think you are particularly wedded to 120 square metres, but you have to put a figure on the table somewhere—if somebody consolidated a site, you would get better outcomes out of a consolidated site. You might have a series of duplexes.

You only have to drive through Sydney. All of those apartments, duplexes and walk-ups in Sydney were not there prior to the twenties. They are art deco architecture. They were other blocks—probably some timber structures. They were consolidated, and they have beautiful streetscapes, with beautiful tree cover. We can replicate that.

If a person does not want to participate, they do not have to. I grew up in Griffith, the next suburb along from Kingston, and there were no revolutions when Kingston started to be developed. Now it is high density.

In Page, Scullin or whatever, you could have medium density, and you could improve those suburbs' amenity. We do not have any pocket parks in those outer regions of Canberra. We grew up in the inner south. We have Corroboree Park in Ainslie. We have Telopea Park and Collins Park. If you go out to the suburbs, the only open spaces are not purpose built; they are playing fields. They are not safe for kids. Some of them are alongside busy roads.

I do not want to dominate the conversation, but I think you can get some good outcomes. There are some clever architects and clever people out there that think outside the square. If you do not like it, say, "Go away until you improve it." Having these rules that are too strict is like going back to the old days of the NCDC, when every tile in Tuggeranong had to be red. It is Soviet planning with a bit of a softer face. We have the opportunity—climatically, we are right, and everything is right—to do something pretty impressive. That is my view.

**THE CHAIR:** Manny, thank you so much. You have echoed the words of a lot of those clever architects who we spoke to earlier by talking about block consolidation and same smarter lower density. That was a beautiful place to end, and I thank you for it. We are going to have to wrap up now.

**Dr Coleman:** Can I put in my two bob's worth?

**THE CHAIR:** Yes, please do.

**Dr Coleman:** I agree with Manny on the outcomes base. When it came, we looked at it. I looked at it on behalf of a number of clients. I also talked with my wife because we have redeveloped our block in RZ1 with a beautiful garden, and with ageing in place in mind. What if they came in and said we could have three-storey townhouses next-door to us, and block consolidation as well? We thought that, as long as we have our solar fence happening, we can live with it.

**Mr Notaras:** So can I.

**Ms Barclay:** It is really about the trees, isn't it—the green?

**THE CHAIR:** Yes, it is the trees and the green spaces.

**Ms Barclay:** As you said, when you drive through the streets of Sydney, it is quite high density, and those beautiful plane trees are everywhere.

**Dr Coleman:** The terrible oak trees with their little seedlings. We love them!

**MS ORR:** I think the City of Sydney has just voted to get rid of plane trees as a species.

**Ms Barclay:** I know. I am pretty sad about that. I love the plane trees. They are so

shady.

**MS ORR:** The one thing about them is that you either love them or hate them.

**Ms Barclay:** Yes, true.

**THE CHAIR:** Thank you so much for coming along. That was a delightful way to finish our public hearings. Thank you for your ideas. Thank you also for bringing this one to our attention. We will have a chat with the planning minister now.

**GENTLEMAN, MR MICK**, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

**PONTON, MR BEN**, Director-General, Environment, Planning and Sustainable Development

**TOWNSEND, MS CATHERINE**, ACT Government Architect.

**BRADY, DR ERIN**, Deputy Director-General, Environment, Planning and Sustainable Development

**GREEN, MR BEN**, Executive Group Manager, Planning Urban Policy, Environment, Planning and Sustainable Development

**CILLIERS, MR GEORGE**, Executive Group Manager, Statutory Planning, Environment, Planning and Sustainable Development

**THE CHAIR:** Welcome, everybody. Could each of you confirm that you have received and read the privilege statement and that you are happy to abide by the rights and responsibilities in that statement.

**Mr Gentleman:** I am aware of the privilege statement.

**Mr Ponton:** I have read and understood the privilege statement.

**Ms Townsend:** I have read and understand the privilege statement.

**Dr Brady:** Yes, I have read and understand the privilege statement.

**Mr Green:** I have read and understand the privilege statement.

**THE CHAIR:** Thank you. Minister, we have had an interesting hearing. We have had a lot more consensus on the general direction for Canberra than we have had in previous discussions, which has been interesting. I think the biggest thing I have taken from these hearings is missed opportunities on greater zoning reform and greater changes to encourage more density. We have had a rigorous discussion about dual occupancies and how they may not get us to where we need to go. We have had a lot of conversation about block consolidation and why that is not allowed in RZ1. We have had quite a lot of different types of discussion about the housing mixes that we should have—why is residential taken out of Phillip?—and quite a lot of different strands of things that the planning review does not do to allow greater high-quality residential density along transport corridors. Are there more zoning reforms coming? Is this as far as we are going?

**Mr Gentleman:** Particularly in the example you gave there of transport corridors. I think you will see more reform—as you saw along Northbourne Avenue, for example—and changes as light rail takes place into the future. We will certainly be active and prepare for that. The territory's population is growing quite strongly. I do not think we have seen this sort of growth before in the ACT. So we need to be able to provide more dwellings for more people. These changes that we are making at the moment are a start to that.

**THE CHAIR:** Why is it that we cannot have block consolidation in RZ1 to build

some of those not dual occupancies but some of those other types of density low-rise housing like townhouses and areas with shared gardens? What was the reasoning there?

**Mr Gentleman:** I may ask some directory officials to go through some of that process for you and advise the technical details around that.

**Mr Ponton:** Thank you, Minister. I will start and then ask if any of my colleagues would like to jump in. There has been zoning reform. I think a lot of it may be being lost in terms of the focus on the RZ1 changes. There were quite a number of changes proposed in the RZ2 zoning and also in community facilities and some of the commercial zones. In undertaking those changes, we were balancing a lot of the feedback that we were receiving through the various ways that we engaged. We have talked about that before, so I will not go through that again with regard to the numbers that we received in terms of the input. Balancing all of that, one of the key things that we did hear was that the RZ2 zone was of value to our local community in relation to what it presented in terms of that suburban character. Once you start getting block consolidations in the RZ1 zone, that does, by its very nature, change the character.

The changes that the government has presented in the interim Territory Plan are aimed at providing for greater choice and some additional housing, but not to continue to do all the heavy lifting. In a way, that will maintain that suburban character. Then it is for the RZ2, 3, 4 and 5 zones to do that heavier lifting. We have made a number of changes in relation to the RZ2, in terms of being able to subdivide without having to build—and I might ask Mr Green to talk about some of the other changes.

But I should note that there is still quite a lot of capacity in the existing RZ2. So we do not need replicate what we are seeing in RZ2 into the RZ1, in my view, because there is still capacity in the RZ2. What we need to do is make sure that we are providing more opportunity and make sure that we are responding to what we have been hearing in relation to some of the constraints in developing the RZ2 zone within the planning sphere, because there are others—that would allow more development in the RZ2 zones, which is close to local centres and corridors—but maintain that important character of the RZ1. People say they want it to be suburban but generally accepted that there needed to be an increase in housing. But it is not for the RZ1 to do all of the heavy lifting.

**THE CHAIR:** I might just step back from the zone terminology and talk about the concepts that people have presented to us instead. We heard of bit of dismay from Public Transport Canberra that the overlay—and I cannot remember the precise term—that showed us our key transport corridors has been removed from this.

**Mr Ponton:** Yes.

**THE CHAIR:** We know that we definitely want to develop along those corridors. I imagine that would be at least RZ2. Is there a reason that that overlay has been removed? Is that going to undermine our certainly of where we can develop?

**Mr Ponton:** Not at all; it is a technical issue. In terms of developing and increasing density along transport corridors and nodes, that is firstly contained in the ACT



Planning Strategy 2018, as the key strategic planning document for the territory at the metropolitan scale. Correct me if I am wrong, but my understanding and my recollection is that it is referred to in the district strategies—again being a strategic planning document. It was removed from the Territory Plan because the Territory Plan is a statutory document against which we assess DAs. That is its primary function. The intertown transport corridors that were identified there actually had no status in that neither provision linked back to that. So they were actually just cluttering up the map more than anything else. So we put them into the strategic planning documents that will then inform where we will look to change zoning to increase density along those corridors.

**THE CHAIR:** But they are in the district strategies?

**Mr Ponton:** Yes.

**THE CHAIR:** Excellent. I will put that to Damian Haas to check that for us. If you are leaning on other zones and not RZ1, which is 80 per cent of our residential housing stock, to do the heavy lifting, have you done modelling to show how the zoning changes and planning changes that you have just made will lead to the number of dwellings increase that we need? Have you done that modelling?

**Mr Ponton:** Partly through the development of the district strategies. If you look at the district strategies, we have identified the number of homes that will be needed by 2050. I might refer to Dr Brady to maybe provide further detail.

**Dr Brady:** In the district strategies, in part 1, which is the metropolitan context, table 2 goes through where we looked at, under the current zoning, what capacity there would be and how many dwellings could be developed if the potential within those zones was taken forward. That comes to between 51,000 to 60,000 dwellings in the current zoning and then there is the potential capacity with the change areas that are in the district strategies. That was a potential 19,500 to 35,000. Then, where we have referred to potential urban regeneration areas that meet certain criteria, which are areas around centres that might be rezoned, that could be another potential 45,000. So, overall, we were looking at potential in the current system, plus what we proposed in the district strategies, as between 117,000 to 148,000 dwellings.

**THE CHAIR:** Okay. You would have seen the modelling done by the architects. I think the assumption is that we will get 46,000 blocks on dual occupancies, and they have quite different numbers on how many more dwellings you will get out of dual occupancies. Are those figures you have just quoted us based on how many dual occupancies you are expecting?

**Ms Brady:** No, that is under the current zoning. That does not actually include RZ1. That is with the changes to RZ2 and other changes that we were proposing, plus the change areas in the district strategies and other potential zoning changes.

**THE CHAIR:** Great. Thank you.

**Mr Ponton:** I would just reinforce the point that it is for the other zones to do the heavy lifting, not RZ1.

**THE CHAIR:** Awesome. I might hand over to Mark.

**MR PARTON:** Mr Ponton, I am sort of astounded that what I have heard from you in response to Ms Clay's question is almost that—and I would paraphrase it probably in a different way to you—the changes to RZ1, the dual occupancy guidelines, are so insipid because most of the heavy lifting is going to be done by RZ2.

**Mr Ponton:** I would not phrase it that way. What I have said is that we have listened to the Canberra community through the extensive consultation through a number of years and what we heard very strongly was that the suburban character was really important to our community, and we looked at ways to provide for additional housing in the RZ1 zone in a way that protected that suburban character. Once you start looking at block consolidations and building large townhouse developments or apartment complexes, it does change the character. Also, if you were to consolidate and re-subdivide, in terms of block layouts and block sizes, it can change the character of a particular area. So I would not frame it that way; I would say that it is providing each zone a different task to deliver.

**MR PARTON:** Have you seen the analysis that the Australian Institute of Architects did that was referred to by Ms Clay?

**Mr Ponton:** I am aware of it, and I have spoken at the Environment and Planning Forum about that with Mr Henry. But I have not gone through that myself in detail.

**MR PARTON:** In short, they assessed through the ACTmapi scenario RZ1 blocks of 800 square metres or above in Hackett, Gowrie and Scullin. They showed that there were approximately 1,457 blocks over 800 square metres in those three suburbs but that only 155 of those blocks would be suitable for development without the demolition of an existing dwelling on the site. But additional assessment around the affordability of subdivision brought the number much lower than five per cent. We have asked the minister and various others in various other forums whether there is a view from government on exactly how many additional dwellings will be delivered to the market on the basis of the RZ1 dual occupancy change as it is currently.

**Mr Ponton:** I am just going to check with Dr Brady whether we have that data readily available.

**Ms Brady:** Not on RZ1.

**Mr Gentleman:** Mr Parton, it would of course be voluntary for the homeowner.

**MR PARTON:** Yes; we understand it is voluntary. But the thing is that there is not enough incentivisation to push that voluntary decision over the line.

**Mr Ponton:** The planning system cannot and should not do everything, and I have made that point before. In terms of what the planning system can deliver, I would come back to that point that the RZ1 zone is there for a reason. With the RZ2, 3, 4 and 5 zones, there is a lot of that, and residential can also occur in the five commercial zones. When you add all of that together, there is a lot of opportunity for housing.

What the government has proposed and agreed to—and it is incorporated into the interim plan—are additional opportunities in the RZ1 zone that respect what we have heard from the Canberra community in terms of maintaining that suburban character. It is not completely changing the character of areas. As I said, we have also given consideration to what has been happening in the RZ2, 3, 4 and 5 zones and whether or not we can make changes there, which we have, to encourage that higher density development to occur where people need it most—so close to shops and close to services, as opposed to areas of a more suburban character.

**Mr Gentleman:** A good example of that is around Dickson. If you have a look at the area around Majura Avenue and Cowper Street, there has been some consolidation—that is RZ3—and you have seen multi-developments on those consolidated blocks, because it is closer to the transport corridor and closer to the shops as well.

**Mr Ponton:** Also, if those areas, RZ2, 3, 4 and 5, are already suburban in character, people know to expect change. As you pointed out, RZ1 is a large part of the city. People will not be clear as to what change might be able to occur near them if you were to broaden that in terms of what might occur in those locations. As I said, there are different ways to increase density. It does not all have to happen in the RZ1 zone. We have got other zones for that.

**MR PARTON:** All right.

**MS ORR:** We have had a pretty strong feed throughout the hearings of outcomes and rules and which one is better or which one is worse. I think it all seems to be a bit of a wait and see. It has been put to us that, without rules in an outcomes-based system, there is no way to hold people accountable in applying and doing the assessments. Can you run me through how you are going to assess applications under the outcomes-based system, how you are going to ensure that we do actually get good outcomes and how we can enforce good outcomes?

**Mr Ponton:** Sure. I will start and then I will ask Mr Cilliers to talk a little bit more. He might also talk about consistency in decision-making. The point I would like to make—and I have said this in various forums—is that this idea of no rules is part of the issue. The Territory Plan, and I am sure you have been through it, has a lot of requirements, and it is just a different way that we phrase this. Instead of having hard and fast metrics, after listening to the Canberra community, who were saying there are some things that are not negotiable, in their view, we have incorporated some of those metrics into the plan. But there was still requirements, and they are largely articulated through the design guides. The design guides also give a whole range of examples of how you can meet particular provisions.

So that is my starting point: it is not that there are no rules. There are not as many metrics, but there are clear requirements with examples of how you can achieve design outcomes. But I will hand over to Mr Cilliers to talk a little bit more about that. The Government Architect might also want to talk about the tools available to her and her team through the Design Review Panel.

**Mr Cilliers:** Thank you, Mr Ponton. I have read and acknowledge the privilege

statement. I think the most important tenet to that answer is the retention of the staged assessment model. It is important to note that we have retained the staged assessment model for the development assessment process because it has served us so well in terms of probity. Under this model, the decision-making task is shared by three to six officers—ideally, it would be six but never fewer than three officers—and it is further supported by an assessment advisory panel. I could quickly run you through the stages.

Stage 1 is a preliminary appraisal and assessment where we do a high-level preliminary assessment to identify any major issues as early as possible, identify any conflicts of interest, and those sorts of things. Stage 2 primarily deals with entity advice, where all the entity advice is consolidated and conserved into outlining where the entity advice supports or does not support the proposals. Stage 3 deals with representations, where all the public submissions are consolidated and considered, and the nature of the comments raised and any statute considerations they may relate to are outlined.

Stage 4 gets to the heart of the assessment. That is the Territory Plan statutory assessment, where we consider the application and whether the proposed development achieves the appropriate transition between zones—that is a statutory requirement—the suitability of the development in the context of the site and surrounds, the probable impact of the development, including environmental impacts, and the interaction of the proposed development with adjacent developments. That is actually a new element. Then there are representations or entity advice. That is carried over from the previous territory system. Then there is any advice from the NCDRP and the proponent's response to the DRP advice. Also, if there is an environmental consideration, there may be an ESO or an EIS. There is also a formal assessment against the Territory Plan. We consider it against design guides at that stage. Stage 4 is significant.

Stage 5 is the assessment outcome and quality assurance stage. That is where a senior officer will review the findings of the actual assessment through to stage 4, and it is supported by an internal assessment advisory panel. Stage 6 is more about decision-making, where we finalise a decision, with a significant emphasis on consistency in decision-making and the conditions, time frames and practicality of conditions. That actually takes us to another question. If I understand your question correctly, it also goes to: what is a good outcome once you assess it and look at it? What flows from that? That leads us to stage 4 and what I probably did not unpack in stage 4, which is that there is a statement of principles for good planning which comes out of part C.2 of the Territory Plan.

**MS ORR:** The bill?

**Mr Cilliers:** The Territory Plan. That is actually a carryover from section 10 of the act. That is further supported by assessment outcomes in the district and zone policies and the detailed supporting documents in the Territory Plan, particularly the guidelines. I do not think I need to run you through the statements or principles.

**MS ORR:** No. You almost anticipated my follow-up question, which is: how do you put rigour into the decision-making process? I think you have pre-empted my question. If I could go back to Mr Ponton, it was put to us that the guidelines and all those sorts

of things are not compulsory, so why do they have to be taken into account? What would be your answer to a proposition such as that? I am not saying that is my view; it is what has been put to us.

**Mr Ponton:** I would refer them to the legislation, and the legislation says that there has to be a response to the design guides. That is really important. It actually gives them that legislative status. Then Mr Cilliers and his team, the Territory Planning Authority, need to give consideration to not only the design guides but the response and also the advice for the projects that are considered by the Design Review Panel. The Design Review Panel also considers the design guides. They are called guides but are not discretionary. They actually have status under the plan.

**MS ORR:** In some respects, it has taken away mandatory rules, but there are mandatory requirements under the law.

**Mr Ponton:** Mandatory metrics and mandatory requirements.

**MS ORR:** I want to hear from Ms Townsend and what she has to say, because we have also had quite a bit of feedback on the Design Review Panel. It would be interesting. We have jumped around a bit.

**Ms Townsend:** I have been really keen to see documents such as the design guides develop. The previous system was binary: do you meet it or don't you? You know that delivering a development is a highly complex and nuanced process, so the design guides spell out the qualities that exemplify good design and how a development can meet those. The design guides articulate the valuable qualities that we are looking for in developments. They address elements on the outside of the building—how the building responds to its context—and the characteristics it provides in the public realm. Can you find the front door? Is there an accessible path? There are fundamental aspects like that. The design guide is also about amenity issues on the inside: the ability to have natural ventilation, daylight, and a common corridor that is not 100 metres long. There are fundamental qualities like that.

There is a sibling document which has the technical specifications. That document provides examples of metrics that can solve a particular problem. Fundamental to the provision of design guides and technical specifications is that we have listened to industry, and they want a system that allows the potential for excellence and allows the potential for a proponent to provide a different way of solving a problem. It moves away from having a mandated metric and says, "Here is an example of how a metric solves it, but, if you would like to demonstrate an alternative solution, bring it to us."

**MS ORR:** Can you run me through the arrangements? My understanding is that there is an NCA review panel and an ACT review panel.

**Mr Ponton:** No—it is ACT.

**MS ORR:** Can you clarify for me how it works?

**Mr Ponton:** I might take that question. It is entirely funded by the ACT government. It was an initiative of the ACT government. We saw the benefit in developing the

concept in particular circumstances—broadening that and including the National Capital Authority. We worked with the NCA who are very happy for it to be badged as the National Capital Design Review Panel, which may be part of the confusion. We have done that to reinforce that it is for the whole of Canberra. It is entirely funded by and an initiative of the ACT government, but it is co-chaired.

**MS ORR:** We have the MBA saying that it takes six months to get in and it is likely to take two weeks. That is something that would go to you, in beefing up the role or providing for it?

**Mr Ponton:** My responsibility is in terms of administration. The Government Architect is the co-chair. If there were a matter within designated land, then it is co-chaired with the Chief Planner of the NCA.

**THE CHAIR:** I think the question was about resourcing it so that it did not have a six-month—

**Mr Ponton:** I was just getting to that. I just want to make really clear, in terms of governance and distinction, what my role is versus that of the Government Architect. The Government Architect is entirely responsible for its operation. My role is looking at its resourcing and support. We have been successful in the current budget. If you refer to the budget papers, there were additional resources provided by government in the budget for 2023-24 to support the secretariat and the work of the Design Review Panel. That was in response to what we had been hearing from industry about the time it was taking to get in. There is the traditional FTE. We will see how that goes with the new system. We may need to ask government for additional resources, but, having said that, we are looking internally at how we conduct the work of the secretariat. Can we be more efficient in that, in terms of how we craft the reports for the Government Architect to consider?

We also work with industry. This might be something for Ms Townsend to talk about. Sometimes industry do not help themselves in terms of what they bring to the Design Review Panel, and it is not particularly well resolved, which means they need to come back multiple times or they pull out at the last minute and we have a slot. It is really hard for somebody to come with a day's notice, so we actually have slots that are not being utilised.

**THE CHAIR:** We may have to move on to the next question. I am worried will we run out of time before Mark even gets one.

**Mr Ponton:** I can talk about this for hours.

**MR PARTON:** I can imagine. This is short and sweet, and hopefully you can answer it in 60 seconds or take it on notice. I have in front of me a draft of the City Plan themes page of the document and the final version of the City Plan themes document. I would like to know why the final version of the City Plan update has removed reference to “dramatically increase public transport ridership”, which was featured in the draft version. In the draft version, under “Movement and Place”, it says:

Dramatically increase public transport ridership and active modes of travel to,

from and within the City Centre.

In the final version it just says:

Improve universal accessibility throughout the City Centre ...

It has removed reference to “dramatically increase public transport ridership”. Can anyone explain to me why that change was made from the draft to the final?

**Mr Ponton:** I think we will take that one notice, if that is okay, Mr Parton.

**MR PARTON:** That is fine. I am happy to give it back to you, Chair, or to go with another substantive.

**THE CHAIR:** You can have another one.

**MR PARTON:** Okay. What the hell is happening in Phillip? That is my question. I know that you will know exactly what it is that I am talking about. We had a panel of individuals from Phillip earlier today and they were talking about the fact that the 2015 master plan indicated very clearly that there would be mixed-use residential development in Phillip and, all of a sudden, out of the blue, without any warning, that is off the table. What is going on?

**Mr Ponton:** I might start with that, and I might hand to Dr Brady to fill in any gaps. Initially, when that change was made to allow residential in the Phillip service trades area, the take-up was slow. We received a couple of DAs and often there was comment from joint lessees, and also through other regulatory agencies, around concern about potential conflict that might occur between residential and other uses. As we explored this further in developing the plan, we also started to turn our minds to other feedback that we had been receiving in relation to the ability to have service providers close to where people live.

I know people look to Braddon as a fantastic example of urban renewal, and it certainly is. It is a quite vibrant space with mixed use, but what we have seen, and it will continue, is that, as more residential goes in, those particular uses start to be squeezed out. Residential has a higher order value in terms of land value, and cheaper rents are not available in those locations anymore, and then we start to see them having to move elsewhere and further out to the fringes.

There is a risk that we might need to start building more of those in greenfield areas, for example, or people might say, “There are other industrial zones. Why don’t we just put them there?” They are also constrained. There are places like Fyshwick. You cannot put it all there. That is not convenient for people. In fact, in the plan—and I am sure you would be aware—we are looking at a service trades area for Molonglo. Listening to feedback from that community, they do not want to have to drive to, I would say, Phillip, but potentially, if we change that, it is not to Phillip but to somewhere else—out to Mitchell—to get their car serviced or to get their lawn mower fixed. People might say we are moving to EVs and they do not need as much servicing, but people still need other things fixed. Having high-value rents in those locations, as it changes over time, is problematic. We are trying to deal with that

potential issue and respond to that feedback.

In terms of people saying that they bought in a particular location and the provisions have changed, that is not unique to the Phillip trades area. Planning systems and zones change across the world all the time. There is no guarantee. But that is the rationale for it.

**MR PARTON:** A number of people this morning very clearly expressed that they felt they had been misled by government, because there was a very clear indication—indeed, they were almost encouraged to go down the path of considering these mixed-use developments involving residential—and, all of a sudden, overnight, they were off the table.

**THE CHAIR:** They were in the last plan, in 2015, which is not very long ago, so I think they were rather surprised they came out so soon after that master plan.

**Mr Ponton:** That was eight years ago—2025—and a lot of work has been happening in terms of our engagement with the Canberra community as part of the planning review work. As I have said, as a result of what we had been hearing and in reflecting on some of the examples that we had seen, we felt that protecting that service trades area was important. Of course, if the committee makes a recommendation to change that and allow for residential—which, as I said, may risk those service trades areas continuing to provide those services, and then we will need to look elsewhere—that is something that the government could consider in its response.

**MR PARTON:** That is sufficient for me.

**THE CHAIR:** I have a supplementary on that. Did you talk to the Phillip trades at all? They seem to think that the first time they ever had any official notice of this was from our committee.

**Mr Ponton:** I look to Dr Brady.

**Dr Brady:** We certainly consulted with everyone through the district strategies. In fact, at one of the meetings I was at for Molonglo, there was someone from the Phillip traders who was advocating that it would be good to not have residential there, because the trades are being pushed out, and that it was very important to maintain trade in those areas. To answer your question, we did not single out the traders association, but we consulted very broadly with lots of different stakeholders, and everyone was invited to participate.

**Mr Ponton:** And we responded to some feedback that we received.

**THE CHAIR:** I have one last question. In Braddon it works. We have residential, service trades and commercial. What is it in Braddon that is different to Phillip?

**Mr Ponton:** Not as many—if I could say this, Ms Clay—as we used to have in terms of the service trades. In fact, we are seeing more move out. A car yard recently moved out and it is now a car park. It will be redeveloped. I suspect that, over time, looking across other examples of this, it will not be a service trades area; it will be more a



commercial and mixed-use area. That is what potentially could happen. Interestingly, the people who have moved into those areas in Braddon and surrounding areas are saying that they have to go to Fyshwick to get their car serviced now, whereas they used to be able to get it serviced in Braddon. Listening to years and years of feedback prompted this decision. Whilst we all agree that Braddon is a fantastic place, it has had consequences in terms of the people who live in the local area, and we are responding to that.

**MS ORR:** Is it maybe a case of that classic old planning one: people were not paying attention until there was a change, and suddenly now there are a few more voices in the mix and it might just be worth revisiting that Phillip question?

**Mr Ponton:** If the committee were of a mind to make a recommendation, we could certainly advise government in its response.

**MR PARTON:** I know people on the committee. I will talk to them.

**MS ORR:** Who do you know, Mark! Thanks. That is it.

**THE CHAIR:** Thanks, Suzanne. We might move to a different topic. We had a bit of conversation about landscape architecture and also about environmental ecological values. They are not the same, but I think this is going to be all in the same patch. We had Sarah Sharp from Friends of Grasslands. She was quite concerned about the fact that government has not marked out all the areas that need to be in reserve. She also noted that triggers for environmental assessments do not start until one hectare, whereas, when you look at the EPBC Act and the Nature Conservation Act, the areas that are protected as threatened communities are much smaller than that. She did not understand that. What she really wanted was for government to lead a mapping exercise to make sure that we protect all the areas in reserve or mixed-use recreational reserve. Has that work been done. And, if not, why not?

**Mr Gentleman:** Yes, overarchingly though, these protections are under the EPBC Act and has criteria in there that we need to look at as well, but Mr Ponton—

**THE CHAIR:** But the EPBC Act applies to under one hectare areas, whereas our system only applies to one hectare and over, so there are EPBC triggers I think that are not going to come in under our Act. I would invite you to go back and look at the transcript.

**Mr Ponton:** I will come back to the one hectare. I might actually ask Mr Cilliers to, and I will give him some time to find the reference. In terms of the mapping, with my DG hat on, we have the Environment, Heritage and Water team and there has been a budget bid, Connecting Nature Connecting People, that is also part of the work led by Ms Vassarotti which is around mapping. That mapping was very useful and fed into, in its infancy—I mean, it is not finished—into the district strategy work, and that is why you seen the blue-green network. That all came in through that project. That continues and it will continue to be refined and improved.

It then will assist in further work that is identified through the district strategies, which will help us then identify if further areas need to be included into managed

reserves, because up until this point we did not have all the data we needed to make those decisions. The mapping is the first step. Then we have identified certain areas that we know are of particular potential value where we can do further work, and then that might result in a recommendation to government of including further areas into reserves. So the short answer is yes, the mapping is happening and it continues to happen, and as we get more data it will improve.

**THE CHAIR:** So on the basis of the work that is under way but not complete, is that work going to include areas of land that are smaller than one hectare?

**Mr Ponton:** So in terms of the mapping work?

**THE CHAIR:** Yes.

**Mr Ponton:** Yes. In terms of the triggers for EIS, I might ask Mr Cilliers because that is in the legislation.

**Mr Cilliers:** I might just correct; the EIS triggers are different. The EIS triggers are about the significance of the impact. I think the one hectare you are referring to is actually when the biodiversity sensitive urban design guide gets called up. So that is just to clarify that.

The EIS process really involves a scoping stage, a draft EIS and then a revised EIS. You get a couple of notices through section 224. I do not know what the corresponding provision is in the new act—I will have to look that up—and then the authority prepares an EIS report on the basis of that. The report is then provided in a brief to the minister to determine whether the information is sufficient to outline the impacts and the proposed mitigation matters. Then that opens the pathway for a—so that is the previous—

**Mr Ponton:** Just going back, if I may, in terms of, I know where this is heading. So the biodiversity sensitive urban design —

**THE CHAIR:** Do you? I do not! Yes, continue.

**Mr Ponton:** The biodiversity sensitive urban design guide, which has that one hectare trigger, is for larger projects so that it picks up new estates and makes sure a new estate considers all of those connections. That does not mean we are not looking at those smaller sites in terms of making sure we understand the values, which will then be fed into the strategic planning work, that could then result in changes to the Territory Plan. Does that help?

**THE CHAIR:** Sure. We are still in early days, but if the BSUD might protect the bigger sites, what right now protects the smaller sites? Nothing? Are we just waiting for the mapping work to finish?

**Mr Ponton:** No, because the mapping and the referral process for individual DAs will inform the advice that comes to us from our environment colleagues in the planning space. So an individual DA may well trigger a referral. Mr Cilliers might want to talk more about this. Just because it does not trigger the biodiversity sensitive urban

design guide does not mean that there are particular values on site and that we will not receive advice through the DA process. It just does not trigger that formal assessment against the biodiversity sensitive urban design guides.

**THE CHAIR:** So a smaller area might trigger a referral if the developer has assessed that there might be environmental impacts and then the developer has gone for an EIS. Is that right?

**Mr Ponton:** It does not need any EIS necessarily.

**Mr Cilliers:** So just to clarify. The one hectare in BSUD is in most zones, anything in NUZ1, NUZ5, PRZ1 and PRZ2 zones, and if you are able to automatically trigger that. So there is a difference.

**Mr Ponton:** It comes down to—in the Territory Plan there are requirements around consideration of biodiversity values. Now, there are further requirements in the guide if you hit the one hectare trigger, but it does not remove the fact—and Mr Cilliers' team has access to all of that mapping that I talked about, it is all becoming available on the ACTmapi. It is one of the key tools that his team use. If something shows up there, then they would seek advice from the Environment, Heritage and Water team. If the advice came back that it actually is potentially going to have a significant impact, Mr Cilliers would then look at the other triggers in the legislation for a potential EIS, or the minister could trigger an EIS depending on the particular circumstances.

**Mr Cilliers:** That is correct, as well as the referral—well, we do have referral then to consider as well.

**THE CHAIR:** I might move into the landscape area. We had quite a good conversation about how Canberra began with people who walked the landscape and designed around our natural contours and that now we were doing very much road-based and hard-built environment type planning. One of the suggestions that was made by Cia was that we probably needed a government landscape architect, or that we needed more and probably highly skilled landscape architects working in EPSDD, or that we needed more landscape architects on the design review panel, to make sure that we are incorporating that landscape focus and not merely architecture and planning focus, which is quite different. Did you get a chance to watch that discussion and what was your take?

**Ms Townsend:** I was not able to access that discussion yet, but yes a number of people have mentioned it to me. I think it is worth—there is a bit of a discussion we can have about how the panel for design review is formulated, and also I think that you may have the data provided by the government architect secretariat that 80 per cent of propositions taken to the design and review panel had landscape architectural representation on them.

So if I can just talk about how the panel is formulated. I suppose there are 40 names, approximately, on the panel availability list. They are from all around Australia. Panellists are selected for each proposition based on the character and the nature of that proposition: so is it a commercial building; is it a healthcare building; is it a

school; is it an apartment block; and the particular characteristics of where it is.

I select panellists based on their professional expertise with that typology; their lack of conflict of interest; their familiarity with Canberra; and their suitability for that panel. When I am putting panels together, I make sure the panel accurately represents the primary issues on that panel, so there are heritage experts; there are education experts; healthcare; planners; landscape architects; architects; and engineers. There is a full gamut of expertise and as I mentioned the panel is selected based on the characteristics of the project.

**Mr Ponton:** If I could add, because you did reference the directorate, we also have a number of landscape architects who work in the Territory Planning Authority. In terms of the stage process that Mr Cilliers was talking about, he referred to an internal advisory panel; that is internal to government. It includes other parts of government including the Conservator's representative. We have a separate landscape advisory panel specifically with those experts who provide landscape advice.

**THE CHAIR:** Can you take on notice how many FTE landscape architects you have doing that?

**MS ORR:** Mr Ponton, I appreciate you have gone through explaining how you get all this good advice from landscape architects, but I put it to you: you have a chief planner, you have a government architect, you have a government engineer. When you start looking at the professions of the building environment it does sort of stick out that the landscape architects do not have a similar role. If I can be a little bit bold, do we not like them?

**Mr Ponton:** No, no. Not at all. I see the landscape architects in terms of the design viewpoint, for example, that the Government Architect—I mean, it is a bit like planning. Planning considers a whole range of things. Architecture is not just about how the building looks. Architecture considers all of those considerations and the space around the buildings. So it is an input into that design process. From my perspective, I think having a highly qualified government architect chairing the panel, who brings in that various expertise as needed, serves us well. As I said, we have made sure we have a range of different skill sets.

In taking that question on notice, Ms Clay, I point out that it is not just those employed within Mr Cilliers team, we can draw on others across government. That is why I refer to the panel. So we will need to look at how many people are actually involved in that work, and it may not be fulltime. It may actually be drawn into the panel, depending on the skillset that we need.

**MS ORR:** But there is a little bit of a different role there—sorry, to labour the point. It is just this is something that has come up time and time again in the many years that I have been here. So, I want to explore it a bit more. There is a different—it is not just the panel. The Government Architect or the Chief Planner or the Chief Engineer, they do not just sit there to advise the panel. The roles go further and there is a different level of advice and almost advocacy from the perspective of the profession. The part that does not sit great with me is that we are the city and the landscape. We have this huge legacy of environment within our built form. Are we giving enough prominence

by not having the landscape architects included in that?

**Mr Ponton:** First of all, it is probably beyond the scope of the Territory Plan and associated documents—

**MS ORR:** Yes, okay. That is fair—

**Mr Ponton:** It would be a decision for—

**MS ORR:** Very good duck, Mr Ponton.

**Mr Ponton:** —for government. The Chief Engineer does not sit on the panel, so the Government Architect draws on expertise, engineering expertise. Making that comparison, it is a completely different role. And then where do we stop? Should we have a Chief Heritage Expert, independent of the Heritage Council? Should I have a Chief Social Planner separate to the Chief Planner? I mean it is—

**MS ORR:** I mean, if you are asking me, I would probably say yes.

**Mr Ponton:** Yes. But these are decisions for government in terms of providing for an efficient public service. I would suggest that it is probably beyond the scope of this discussion.

**MS ORR:** Yes, okay. That is fine. I will take the hint and I will let it go. It has been put to us a number of times that there is a need to build trust in the new system, particularly given it is a big step change from a rules based to an outcomes based system. Can I get a little bit of feedback from you—I guess your position—on how you are going to build trust as you implement this new system?

**Mr Gentleman:** Thanks, Ms Orr, for the question. I suppose that will come through the implementation of the Territory Plan and the changes that we have made. I have seen quite a change in the way the community has responded to the new Territory Plan. There has been quite a lot of support. From June, there was quite a lot of interaction between the planning team and the Canberra community in the development of the new Territory Plan and the district strategies as well. So I think that is a good start to build trust in our new planning system. It is my hope it will grow as we roll out the new Territory Plan and the changes that have been highlighted.

**MS ORR:** Did you want to add to that, Mr Ponton?

**Mr Ponton:** I was just going to add that—and I think I mentioned this at the annual report hearings to this committee, that we are also working with the Environment and Planning Forum, which consists of community councils, other industry representatives and professional associations, on developing an evaluation framework. That is separate to the built form—what is actually built—that Access Canberra is working on, but we work very closely with them. We will not actually see anything built for a couple of years going through this system, but we are not wanting to wait until then.

So we will be taking, for conversation into the EPF meeting next week, a draft evaluation framework. We are already starting to do some work internally ahead of

that within Mr Cilliers's team, and also through the Government Architect, in terms of looking at what we are seeing and how we can actually feed that back into any potential changes that might be required. I was having a conversation just recently with Ms Townsend, in relation to what the secretariat and the design review panel can do to look at how things are evolving and the impact that the design guides are having through that process.

So I see all of that coming together to allow us to build that trust. But importantly, actually developing that framework with the community as well. It is not just an internal document. That is going to be a key piece. Mr Green, who has been working on that might just add a few words.

**Mr Green:** Yes, happy to add something further. It was interesting that in one of the earlier hearings, Arabella Rhode, talked about the long tail of this reform. We are not going to see buildings out of the ground or visible outcomes for a couple of years yet. So the evaluation process is going to have a long tail, but there are going to be items we will want to review. A lot of that will be led out of what the report and the government response to this committee will be.

As Mr Ponton mentioned, we will seek to focus on those strategic planning elements and also some of the statutory planning elements to make sure we are achieving those outcomes. It is going to be qualitative and quantitative. I think we have seen a lot of data thrown around in terms of the quantitative analysis. How many blocks are going to be taking up this option? What does that look like? That is one element. But it is the quality of that outcome as well, which this system seeks to look through. So it will be, as Mr Ponton mentioned, an engagement with community through the Environment and Planning Forum, but also engagement with industry as well in relation to that.

**MR PARTON:** I was wanting to talk in the brief time that we have left about the DA pipeline and also to seek some clarity over the transition period. We have certainly received feedback—from people who do not have the oversight that government has—a suggestion has been made that there was quite a rush of development applications in the lead-up to the change. There is some concern about the number of DAs that are currently in the pipeline, apparently being assessed under the old system. There is a worry that, (a) because of the number of applications in the pipeline and, (b) just because of the nature of these applications, that a number of them are probably going to drift past the cut-off date of six months. What feedback do we have, either from the minister, or from you, Mr Ponton, or anyone else indeed, on that?

**Mr Ponton:** Yes. In relation to the number of DAs, it has been what you would expect as you bring in a new system. In fact, it was a lot less than what we thought might be the case.

**MR PARTON:** All right.

**Mr Ponton:** Mr Cilliers, can talk to the numbers. Having experienced DV369, DV200, DV306, DV303 and DV304—hundreds and hundreds, but we have not experienced that this time around. My advice to date has been that it is certainly manageable We are going to see, because so many people—in terms of the slight spike, part of that was also what we expect to see around Christmas time anyway—

**MR PARTON:** Yes, yes.

**Mr Ponton:** So it will probably drop off and we will not see that in December because we saw it a little bit earlier. So we are not overly concerned in terms of that working through. In terms of the six months again, probably beyond the scope of the Territory Plan and associated documents, as that is a legislative matter—

**MR PARTON:** Well yes, but—

**Mr Ponton:** But having said that it is—

**MR PARTON:** —Mr Ponton—I would think—

**Mr Ponton:** No, no. But in terms of the six months, that is for amendments. So once you lodge, if it takes a year, which I would hope not, but for some if it is going backwards and forwards, or there are particular issues that need resolution, then it will be assessed and determined under the previous planning system. The six months is once you have your approval, and you wish to seek an amendment, you have six months.

**MR PARTON:** Okay.

**Mr Ponton:** So once it is approved, if it is approved beyond the six months, yes, you may not be able to amend it under the old system, but you can amend it under the new system. I do not think that is necessarily a bad thing because we will be seeking people to again be thinking about the outcomes. There is no reason why that cannot occur. And you also need—

**MR PARTON:** Would it not be messy though, Mr Ponton and then being a DA—

**Mr Ponton:** Not at all.

**MR PARTON:** —that was put in under the old system, amending it under the new system.

**Mr Ponton:** Not at all. In fact—

**MR PARTON:** —I mean, would you not—so it is not involving starting from scratch it is just about—

**Mr Ponton:** No, the new system is more flexible.

**MR PARTON:** Right, okay.

**Mr Ponton:** So I would actually suggest that it is certainly—but I do not see an issue and you need to have a point at which you close off the old system—

**MR PARTON:** Yes, of course you do. Of course you do.

**Mr Ponton:** —and have everyone focusing on operating the new system because it is challenging running two concurrent systems. We knew that would be the case. As I said, the six months is legislative. In terms of the number of DAs, Mr Cilliers, might want to talk to that, but my advice, as I said, has been that it is all very manageable.

**Mr Cilliers:** Yes. I have the statistics here for Tuesday. On Tuesday we had 217 active DAs—

**MR PARTON:** 217?

**Mr Cilliers:** Yes.

**Mr Cilliers:** My understanding is, on the Friday that we closed, or over the weekend that we closed before the 27th, we received approximately 130 applications. We are still reconciling that because some of it is undergoing a completeness check and that sort of thing—

**MR PARTON:** All right. Further to that, can I ask—it could be a silly question because I just do not know—have we had DAs submitted under the new system?

**Mr Cilliers:** My understanding is there is six.

**MR PARTON:** Six, all right. Okay.

**Mr Ponton:** So that was what I was saying, that while we saw that slight spike, it will then drop off.

**MR PARTON:** Yes.

**Mr Cilliers:** I might just add, on Tuesday, we had a live training session on a live, actual new DA for the team, which was quite interesting.

**MS ORR:** Even though we are one minute over, can I ask a question about this forest footpath? Can I ask that you have a look at it? We had some submitters in who seemed to have an issue that I reckon can be resolved.

**THE CHAIR:** Great one to take on notice.

**Mr Ponton:** I am not sure what the issue is but we can look at the *Hansard*.

**MS ORR:** Well just watch the session before this one. If you can undertake to watch the session and address the issue of how the footpath is reflected in the Territory Plan, that would be great.

**THE CHAIR:** Our secretariat will send you the map.

**Mr Ponton:** Okay. I am happy to look at it, but if it is not a planning issue, I will direct it to the relevant—

**MS ORR:** It is a planning issue, Mr Ponton—



**Mr Ponton:** Okay.

**MS ORR:** I can assure you it is not the hardest planning issue you have ever faced in your career.

**Mr Gentleman:** Chair, if I could, just before you close, thank the team for their fantastic work, and wish Mr Ponton a Happy Birthday for today.

**MS ORR:** 21 again, Ben?

**Mr Ponton:** I should point out that this time last year I was appearing before you talking about planning legislation.

**MR PARTON:** Yes, well what else would you want to be doing for your birthday!

**THE CHAIR:** Thank you everyone for coming. That brings us to the end of our hearings for today, and on this matter. There were a few questions on notice I think in this session. Please provide your answers to the committee secretary within five business days of receiving the uncorrected proof of *Hansard*. The secretariat will follow up on those. Members, we have five days to lodge our questions on notice. Thank you all for coming.

**The committee adjourned at 4.02 pm.**