



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

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

(Reference: [Inquiry into Annual and Financial Reports 2023–24](#))

**Members:**

**MS J CLAY (Chair)**  
**MS F CARRICK (Deputy Chair)**  
**MR P CAIN**  
**MS C TOUGH**

**PROOF TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**TUESDAY, 18 FEBRUARY 2025**

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**Secretary to the committee:**  
**Mr J Bunce (Ph: 620 50199)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

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

## **APPEARANCES**

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*Amended 20 May 2013*

**The committee met at 9.00 am.**

Appearances:

Steel, Mr Chris, Treasurer, Minister for Planning and Sustainable Development,  
Minister for Heritage and Minister for Transport

Environment, Planning and Sustainable Development Directorate

Ponton, Mr Ben, Director-General

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

Cilliers, Mr George, Executive Group Manager, Statutory Planning

Bennett, Mr James, Executive Branch Manager, Building, Design and Projects

Lhuede, Mr Nick, Access Canberra, Deputy Branch Manager, Construction and  
Planning Regulation

**THE CHAIR:** Good morning and welcome to the public hearings of the Standing Committee on Environment, Planning, Transport and City Services for its inquiry into annual and financial reports 2023-24. This morning the committee will hear from the Minister for Planning and Sustainable Development. Thank you for joining us, Minister.

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

We are recording and transcribing by Hansard today and we will publish, and our proceedings are also being broadcast and webstreamed live. If you take a question on notice, it would be great if you could say, "I will take that question on notice," as that really helps our secretariat track down the answers. We welcome Minister Chris Steel MLA and officials. When you first speak, please state that you have read, you understand and you agree with the privilege statement. I remind you of the protections and obligations afforded by that. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

Minister, I want to have a chat about DA approvals and the rate of DA approvals. According to the ABS, only 2,180 dwellings were approved in 2024, which compares to 4,340 in 2023 and 5,561 in 2022. I would say our regular rate of DA approvals is usually 4,500 to 5,000 year by year. So only 1,255 DAs in 2023-24, down from what we had in 2022-23, and our building approvals were also down to 1,259. Can you tell me what is going on with our approvals?

**Mr Steel:** I think it is probably a symptom of broader market forces. As a result of macroeconomic factors, we have seen the very large increase in the cost of building, in terms of building materials and also the cost of labour in a tight labour market. That has impacted on what we are seeing coming through the planning system. We have also, of course, during recent times had a change in the planning system as well, so there has

been a level of the industry getting used to making applications under the new system. So there has been both change in terms of regulation but also obviously the market conditions at the moment are challenging for the construction sector.

**THE CHAIR:** In relation to the market conditions, is our downturn similar to the downturn you are seeing in New South Wales, Victoria and other regions, given that we are all in the same—

**Mr Steel:** There has been a drop in other jurisdictions as well. Of course, the other factor is interest rates, which have remained fairly consistently high, so that has affected both the financing of projects for business, but also of course it has affected the demand side as well.

**THE CHAIR:** Is the drop in other jurisdictions the same magnitude as the drop in our jurisdiction?

**Mr Steel:** There would be some differences in that, but the data is available through the ABS, in particular on building commencements and so forth.

**THE CHAIR:** According to the housing coordinator in our last session, residential dwelling investment is expected to pick up in 2025-26. That is what we were told last week. I am wondering—that is still not this year. That is another year off. Does that mean our approvals in 2024-25 are still low?

**Mr Steel:** We can provide some data about approvals for 2024-25.

**Mr Green:** I am happy to provide some context. I have read and acknowledge the privilege statement. I think there is a pipeline, and some recent data reported by the ABS indicates the number of dwelling approvals but not commenced rose by 10.2 per cent for the fourth quarter, compared to the same quarter last year. That equates to around 1,100 approved homes awaiting commencement, so there is a large amount in the pipeline. I think that goes to some of the points the minister was making around the economic settings, less so the planning and development elements.

**THE CHAIR:** Can I just check: you said 1,100 DAs approved in the last quarter?

**Mr Green:** Not development applications. I am not referring to development applications. I am referring to reporting via the Australian Bureau of Statistics where they have indicated 1,155 approved homes are waiting commencement. That may well be developments that are exempt from development approval, it might be developments that are approved, it may be some that have building approval but are yet to actually get a commencement notice. I do not have that level of data here, but there is an indication that there is work in the pipeline, and the industry is waiting for those more favourable economic conditions.

**THE CHAIR:** Have you been doing any modelling or projections, given that we dropped about half in the annual reporting period? Have you done any modelling or projections of what rate we are likely to see this year and then in 2025-26?

**Mr Ponton:** Chair, if I could. I have read and acknowledge the privilege statement.

I should just note that Mr Cilliers, who is the Chief Planner, has been delayed and he will be here in a few minutes, but he can talk a bit more about this shortly. The figures that Mr Green is talking about are dwelling numbers. The figures you are talking about are DA numbers. This is what I think Mr Cilliers could talk a little bit more about. We are seeing less DA numbers, but there is more mixed use development, so therefore the number of dwellings—we are not comparing apples and apples if you talk about DA numbers versus dwellings, because we are getting more dwellings being approved and less DAs, because of the government's policy around 70/30.

**THE CHAIR:** I wonder if you can provide the data on DA approvals and also numbers of dwelling approvals, because I understand you might lodge a DA for an apartment building and there could be quite a lot in there, or for a set of townhouses, so the number of DAs is not the only or key figure, it just happens to be the one that probably government is closest to.

**Mr Ponton:** In terms of DAs, I am sure Mr Cilliers would be able to provide that. I could not be certain in relation to the number of dwellings, whether that is captured and readily available.

**THE CHAIR:** Noting that Mr Cilliers is not here, do you think maybe the government could take on notice the DA and dwelling numbers?

**Mr Ponton:** DA numbers, certainly. Dwelling numbers, if it is readily available.

**THE CHAIR:** For what period would you be taking that on notice, Mr Ponton?

**Mr Ponton:** What period would you like, Ms Clay?

**THE CHAIR:** I would love to get those figures to current, and then if you have modelling or projections, we would love to see the modelling or projections. If you do not have modelling or projections, we would love to know why you do not do modelling or projection.

**Mr Ponton:** Sure.

**THE CHAIR:** Excellent.

Minister, we did ask our housing minister and our housing coordinator-general what the government policy response was to this reduced activity, and we did not get an awful lot from that. You are not the housing minister, but you are the planning minister. What is your policy response to the fact that we have had a greatly reduced level of activity in a time when we would like a greatly increased level of activity?

**Mr Steel:** There are a couple of things, and part of that policy response is in my ministerial statement of priorities for planning, so particularly looking at bringing in new regulations which actually allow more, particularly residential, development to occur within existing urban areas than what was previously permitted. The missing middle work, for example, will allow forms of housing—missing middle homes, duplexes, fourplexes et cetera; townhouses; walk-up apartments—in zones which they have not been permitted in. We think that will unlock the ability for the market to

respond in that area and be a new source of supply, particularly where there are more mum and dad investors potentially playing in that space that may be willing to invest in the market to provide supply where that was not possible before.

Then also is the work that we are doing in the broad, looking at further planning around transport corridors and shopping centres, consistent with the planning strategy. Very detailed work has been done through the district strategies to identify key sites and change areas that can be released to market for that.

The other key side of the coin—which I think was one that the other parties except us missed at the election, because they did not have any policy on it at all—was skills. We actually have a skills policy that supports a pipeline of skilled labour apprentices in the construction trades to be able to support the construction of new homes. We have put forward a skills plan, which Minister Pettersson will be taking forward, which will be looking at the User Choice Australian apprenticeships program. We have already started work in the last budget to increase the subsidies, particularly for apprentices in electrotechnology, so electricians, to be able to support that construction trade, but there is a plan to look at the other trades as well to make sure we have a pipeline of skilled labour coming forward. The benefit of the increased subsidy is that it effectively reduces the impost on the host employer in terms of the cost of training because they pay the cost of training.

**THE CHAIR:** Thank you, Minister; that was excellent detail and straying a little bit from our planning portfolio, but thank you. All of that work sounds excellent, but it sounds to me like none of that work is likely to deliver much for 18 to 24 months. Is there anything that you would expect that you are doing right now that would change our results in the next 12 months, or is most of this work for outyears?

**Mr Steel:** We expect this next stage of planning reform associated with the missing middle work to come forward in a major plan amendment, which would be passed by the end of the year. The plan is to go out for consultation with the community around the middle of the year on the draft missing middle design guide and propose major plan amendments so that we can get that in place as soon as possible. When you consider how many blocks there are in the ACT that are RZ1, it is by far the majority of blocks. If you are not permitting more than one dwelling on those blocks, in many instances, then the ability to unlock more housing is certainly significant. Now, that may not happen all at once. The market will need to decide whether it is viable to build. We are not going to see every single block developed overnight once those planning reforms go through, should they have the support of the Assembly, but certainly it will start to unlock a pipeline that simply was not permitted before.

**THE CHAIR:** That sounds excellent. I believe that is why some parties took a policy on it.

**MR CAIN:** Minister, how do you then explain the very, very low uptake of your government's RZ1 infill policy?

**Mr Steel:** What we have committed to in the election, and we made it very clear, is—

**MR CAIN:** No, how do you explain the very low uptake?

**Mr Steel:** We have not made the major changes to allow the missing middle at this point in time.

**MR CAIN:** No, to allow the second dwelling 120 square metres unit titling, which was your policy. How do you explain the very low uptake of that infill?

**Mr Steel:** The policy that we took to the election sought a mandate from Canberrans to make significant further changes. There were some interim arrangements that were made when the planning system review went through but it acknowledged there was further work to do to make sure we could look for further changes that were better designed.

**MR CAIN:** Could you be more particular? How do you explain the low uptake of RZ1 infill?

**Mr Steel:** We have undertaken a piece of work which will result in a draft missing middle design guide being consulted on with the community, but also making further changes that are quite significant.

**MR CAIN:** So you have no explanation for the low uptake of your RZ1 infill policy?

**Mr Steel:** As I have explained, we made some minor changes during the planning system review, but acknowledging that there was further work to do, we then set about undertaking work on a draft missing middle design guide, and then took a plan to the election, which we have received support for, which is now being implemented.

**MR CAIN:** Chair, the minister is not answering my question. It is a very simple question.

**THE CHAIR:** Mr Cain, please do not interrupt when somebody is speaking. I believe the minister is giving you the answer you would probably expect. I understand that you do not like the answer; I also find it unsatisfactory; but I think that is probably as much information as we are likely to get on this. Is there something else that you would like to ask?

**MR CAIN:** So, Minister, what are you doing to improve the processing times within your department, to speed up the processing of DAs? What are you actually doing?

**Mr Steel:** Well, we have implemented a new planning system, which is being bedded down. It has not been in place for all that long, and we are closely monitoring that. Obviously, it is a new process for—

**MR CAIN:** Sorry, Chair. I do not think we are going to get much concrete information this session if this is the way it is going to go.

**Mr Steel:** It is a new system for everyone to get used to, for industry and for the Territory Planning Authority and—

**MR CAIN:** Sorry, that is just waffle, Minister. Back to you, Chair.



**THE CHAIR:** Okay, thank you. We will try and speak one at a time on both sides of the table if we can.

**MS TOUGH:** Minister, you mentioned the missing middle design guide. Can you give us an update of where that project is up to and what it is looking to achieve?

**Mr Steel:** Yes. So the purpose of the missing middle design guide is to use the new mechanism under the planning system, which we did not have before, to, in quite a detailed way, articulate what we want the form of new missing middle housing development to be. We have had previously a housing design guide and also an urban design guide, amongst others, but this is going to be a much more detailed piece of work. Because we have not permitted this form of development on many residential zones in Canberra, we wanted to make sure we got the design right, and that is important, we thought, for the community to be able to accept this type of development within the suburbs that they live in. We want to engage with the community as part of the process so that they have input into it. The other thing that we have done is, as the draft design guide gets developed, we have established two reference groups who have been having input into the development to make sure that it is feasible. So there is a technical advisory group that has been established, and also a practitioners' group that is providing input before we go out to the broader community consultation. I will hand over to EPSDD officials to talk a bit more about that consultation.

**MS TOUGH:** How will the regulator then ensure that these are built to high standards following on from using that guide?

**Mr Steel:** The developers are required to respond to the design guides under the planning assessment. I might hand over to George and Ben Green to talk a little bit about how design guides are used when they are assessing.

**Mr Cilliers:** I have read and understand the privilege statement. My apologies also for turning up late due to traffic. I did leave in time.

**MS CARRICK:** Talk to the transport minister!

**Mr Cilliers:** Okay, in terms of the question, if you can just restate the question, because I can answer it. I heard the last question about building to standard. Was it what we are doing about that?

**MS TOUGH:** Yes, it is particularly with the missing middle housing guide.

**Mr Steel:** With design guides, how they are used in the assessment process.

**Mr Cilliers:** Yes. So in terms of how we use them, that is part of the assessment process. We use the guidelines, obviously, in terms of guiding assessing officers in terms of—I think the critical part of that is actually it starts well before the DA, if you are talking about larger developments, for example, the NCDRP's input into the pre-DA process and also in our preapplication advice process.

The guidelines are referred to as part of the pre-DA advice process. So the guidelines

build a significant and a strong basis for assessment or for preassessment advice, and then during the assessment process, we also have regard to the guidelines. In terms of the response that the applicants put out, we have delivered a wealth of resources in terms of implementing the guidelines. There are things like a number of advisory notes—I think we have about 15 advisory notes—case studies, and all sorts of other guidance material that link into the guidelines. Then there is also a post-DA process where we look at the actual outcome of the assessment, whether there are lessons to be learned from that, which feeds back into the guideline, and creates that sort of continuous loop.

**MS CARRICK:** My question is about the outcomes of this RZ1 uplift policy in, say, 50 years. It is about housing choice. So my experience with RZ2 and with Mr Fluffy blocks is that most of the block is taken up once they are developed. So if this reform goes through after 10, 20, 30 years, and all the blocks have become developed, is it possible that the backyard used by families will no longer be part of the mix for housing choice?

**Mr Steel:** No. I think as part of the development of the design guide—the purpose of this is to actually show how we can incorporate living infrastructure, tree canopy cover and show what is possible on a block that has more than one home. Unfortunately, at the moment, we do see some blocks that have one home that do not have those things. There has certainly been some recent change to planning regulations, particularly around living infrastructure, which mean we have better rules in place now to address those issues. The purpose of developing this draft missing middle design guide is to do that work really upfront, to show how we can meet our canopy cover requirements and living infrastructure requirements, and actually show that for different configurations of missing middle homes on a range of different typical blocks in Canberra. So that work is underway, and we are doing quite a bit of testing to look at what might be possible on typical Canberra blocks.

Certainly, some development will not be possible on all blocks in Canberra, but we are looking at, well, what type of development could be possible on a range of blocks. It is not going to happen overnight in terms of every block being developed, and it is possible that some blocks will not be able to be developed because of the constraints. They may just simply be too small, although there may be possibilities for block consolidation. Block consolidation will be looked at because that is an opportunity to actually get a far better outcome across multiple blocks, rather than just developing on one block, where there might be constraints in terms of how much outdoor space might be available. So by consolidating blocks, you might be able to get a much larger area for a backyard or front yard, for example, while still getting an outcome of more housing. So the purpose of this piece of work is to look at all of that.

**MR CAIN:** How many blocks, Minister, would be impacted by zoning reform to enable missing middle housing in RZ1?

**Mr Steel:** Well, we are still yet to make a decision on that. We will go out for consultation and consult with the community. So that work is underway, and we expect that to be out around the middle of the year—going for consultation.

**MR CAIN:** Do you have an estimated target that you are trying to achieve?

**Mr Steel:** We have not announced the policy yet, Mr Cain, so we will be doing that around the middle of the year in draft form to seek community feedback.

**MR CAIN:** What is the expected impact on rates and land tax for these blocks?

**Mr Steel:** We will be going out for consultation around the middle of the year about the policy. Decisions have not been made about the actual detail of the policy, so it would be premature to answer that.

**MR CAIN:** Who was in the technical advisory group?

**Mr Steel:** We will provide that list.

**Mr Bennett:** I have read and acknowledge the privilege statement. Our technical advisory group contains peak bodies across the building and construction industry. So we have design groups, we have some representatives of the building sector and also of the property development sector. We have representatives from the Green Building Council and the design peak body, the Australian Institute of Architects, and the like. So we have a mix of professionals from the housing industry who can provide that technical input into the work ahead of the broader public consultation.

**MR CAIN:** Was the missing middle part of the technical design group?

**Mr Steel:** Sorry?

**MR CAIN:** Were any members of the missing middle part of that group?

**Mr Steel:** I am not sure what you mean.

**MR CAIN:** The Greater Canberra. The Greater Canberra.

**THE CHAIR:** Do you mean the Greater Canberra?

**MR CAIN:** The Greater Canberra, yes.

**Mr Bennett:** This is a group that is focused on the design process, so we have design professionals. We have not yet gone out for the broader public consultation and one of those groups will be engaged then.

**THE CHAIR:** I wonder, Mr Bennett, could we take on notice the list of the organisations that were involved and that might cover all of the questions.

**Mr Steel:** We can do that. I think the point, though, is that the idea of this group is to make sure that what has been proposed is actually technically feasible, because we did not want to go out for consultation on something that was not able to be built by industry. Hence, the makeup of this group is to make sure we have that technical input so that when we go out we have something that is actually going to deliver the outcome of more housing. Then we can go out for that broader community consultation, including groups like Greater Canberra and community councils and other interested

members of the community.

**MR CAIN:** In February this year, you introduced the Planning (Territory Priority Project) Amendment Bill 2025 to automatically classify public housing and public health development as territory priority projects. Minister, do you consider denying Canberrans the right to appeal such developments to be undemocratic, and if not democratic, how do you justify this to Canberrans?

**Mr Steel:** There will still be community consultation as part of the regular DA assessment process, but I think it needs to be balanced with the large waiting list for Housing ACT that we have. Those people do not have necessarily a say through our planning system about the future homes that they want to live in, that are being delayed as a result of appeals. Of course, we need to balance a range of different objectives when we are undertaking policy development. In this case, I think we have seen, unfortunately, a disproportionate number of development applications that have been held up as a result of ACAT appeals that have impacted on people on the housing waiting list who are voiceless in the process. So this effectively shifts the balance a little bit further towards people on the waiting list. I know your committee will need to consider whether you want to inquire into the bill. We would be very happy to present at a hearing if there was interest in undertaking an inquiry into the bill so that we can have another session dedicated to this piece of work.

**MR CAIN:** Well, you would have no choice! What other developments are currently classified as TPPs and thus exempt from third party appeals?

**Mr Steel:** What is provided for under the Planning Act, which is currently light rail.

**MR CAIN:** So that is all at the moment that is classified as TPP?

**Mr Steel:** Yes, and the mechanism was established under the Planning Act to allow for declarations to be made for other developments. The issue that we have encountered, particularly with public housing, is that you cannot really declare the entire housing program as one TPP. Each individual development would need its own declaration and because of our salt and pepper approach in Canberra, where we have large numbers of housing developments being undertaken but with relatively small numbers of homes within each of those projects, there is going to be a large number, and we have a commitment to build 1,000 new public homes.

So the TPP process probably does not fit, and the declaration process really does not fit that, because think about what it would require: effectively going through a whole DA assessment, which is effectively what is required for the TPP, and then it has to be signed off by the Assembly. Each individual declaration would need to be approved by the Assembly, and then two months after that the ACAT appeal mechanism is then removed. So it ends up delaying quite substantially these important projects from being built.

**MR CAIN:** So just for the record, Minister, have any such declarations been made?

**Mr Steel:** No.

**MR CAIN:** Could the removal of third party appeal rights for these types of developments signify the start of a slippery slope where many more types of developments will be deemed TPP? Is that your intention?

**Mr Steel:** No, this is quite a significant deal, because it is not using the declarations mechanism. We are actually asking the Assembly to, like light rail, declare these projects as territory priority projects, I guess, by default under the act. It requires a whole piece of legislation being brought to the Assembly. So I do not think it is a slippery slope. There is a clear mechanism to support legislative change through the Assembly, and it is quite a significant one, and one that we would do rarely.

**MR CAIN:** Are you aware that the Property Council and Housing Industry Association have called for removing third party appeal rights entirely? Do you support that position?

**Mr Steel:** No, and I think the community understands that there is a clear difference between building a hospital and building a private residence. One has a very significant benefit for the whole Canberra community, and the other has a benefit but only for a very narrow subset of the community. These are public health facilities that we are proposing, and that clearly is different to a private development that is being built for a particular person or cohort of people.

**MR CAIN:** So just to confirm, are you open to the notion of removing third party appeal rights altogether?

**Mr Steel:** No, I just said that.

**THE CHAIR:** We heard that Housing ACT has not applied for a declaration of a territory priority project. Has ACT Health ever applied for a declaration of a territory priority project?

**Mr Steel:** No, I did not say that there was an application.

**THE CHAIR:** Sorry, we heard last week from Housing ACT about that.

**Mr Steel:** No, no. I did not say that there was an application. I said that we have not put forward a—I have not made a declaration as minister with the Chief Minister for a TPP under the act. There have been discussions with Housing ACT in relation to the TPP process, and what we realised through that process is that the current mechanism under the Planning Act was not appropriate for the DAs and, in fact, would delay the whole process and subvert the whole point of the mechanism.

**THE CHAIR:** Has ACT Health ever applied for declaration of a territory priority project?

**Mr Steel:** I am not aware of one at this point in time.

**MS TOUGH:** I am wanting to know how third party appeals historically have held up developments like public housing from progressing.

**Mr Steel:** There is one, I think, development that is currently being appealed to ACAT that has 30 unit homes in it, in Yarralumla, which is seeking to replace 10 existing public homes with around 30. So that is probably a good example of that. There have been, I think, since 2019, around 20 development applications in particular, but I will hand over to George Cilliers to provide some detail.

**THE CHAIR:** Maybe briefly, if we can.

**Mr Cilliers:** I will do that.

**THE CHAIR:** With data, if there is any.

**Mr Cilliers:** Yes. So since 2019 there were 20 applications in the ACAT. Some of them were from multiple applicants as well. Out of that, it comprised 16 matters. You will get two applications on some applications—so 16 matters. Out of those, six were confirmed in the TPA's favour. In other words, agree. Four were dismissed prior to proceedings commencing by the ACAT. One approval was surrendered. Two approvals were substituted for a refusal, and three were remitted back to the authority. So out of those, only two were actually against the authority's—or decided against what was the authority's initial decision. What is important is that all of those applications were in the previous system. So on the new system, there is better guidance in terms of what it should be. Then, just on timeframes, the ACAT has a legal timeframe of 120 days to determine the matter on top of your DA timeframe, but the average time for those particular matters were calculated at 110 days.

**MS CARRICK:** So with the third party appeals, why not wait? Why do you not wait and see how the new system impacts on appeals before you bring forward amending legislation to remove the third party appeal rights? Secondly, why not look at the ACAT process and make that more efficient, rather than removing the third party appeal rights?

**Mr Steel:** I certainly would not rule out that there could be some benefit in looking at the ACAT process, but there will always be a delay of having a third party appeal. It is effectively after an approval has already been made, so there has been an assessment. The independent planning authority has made a decision to approve a development put forward by the housing commissioner. What is effectively being asked of ACAT is to set aside that decision and remake it or accept part of it and make it with some conditions or slight amendments. It is the number that have been appealed which is disproportionate that I am concerned about. I think there was a question of George in a previous hearing, that George might be able to update us on, of how many have actually been appealed under the new system. Do you have that to hand or not?

**Mr Cilliers:** Not as currently. Under the new system, there were two applications so far.

**MS CARRICK:** For public housing?

**Mr Steel:** Yes, there is no indication to me that the trend is changing because of the new planning system, and that sounds right to me because I do not think there is anything in the new planning system that would necessarily cause any different outcome. The chief planning—

**MS CARRICK:** I thought that is why we did it, to get better outcomes. So presumably we get better outcomes.

**Mr Steel:** What I mean is the outcome of not having as many ACAT appeals. The outcome of the development might be improved by design guides and a range of things, and that is what the chief planner mentioned, but that does not necessarily mean that there will be fewer appeals.

**MS CARRICK:** Well, we do not know yet. Better outcomes might lead to fewer appeals.

**THE CHAIR:** I wonder, Mr Cilliers, if you could take on notice how many appeals there have been under the new system? Would that assist, Fiona?

**Mr Steel:** I think he has just answered that question. Sorry.

**MS CARRICK:** And what the outcome is at ACAT.

**MR COCKS:** My question is in the same space. I am keen to understand just how many public housing and public health developments were subject to ACAT appeal applications by third parties in 2023-24, as well as how many appeals on those were denied by ACAT in the same period.

**Mr Steel:** That crosses over both planning systems, so we can take that on notice.

**MR COCKS:** It does?

**Mr Steel:** Yes.

**MR COCKS:** Okay, and how many appeals regarding public housing or public health developments have been accepted by ACAT in the same period? I am sure you will have to take that on notice as well.

**Mr Steel:** Yes, we can take that on notice. I suspect it is very few. I guess it is more of a principle point though, which is: should a public hospital be held up and appealed as a result of one person going to ACAT to try and stop the public hospital from being built? That is the question that the Assembly has. Unfortunately, we have seen those sorts of things happen in relation to some schools where we are trying to build a new school, and we have one person objecting to that school being built, and that has, at times, put at risk the ability for us to deliver public services to the community. So there is a principle position here about whether we accept that these developments are so significant that they should be deemed to be territory priority projects under the act, and therefore not subject to those ACAT appeals. Of course, there will be opportunities for consultation on those developments, and of course, their judicial review will remain in all circumstances for government decision-making on those developments, but in all jurisdictions in Australia there is a process for basically declaring significant projects—state significant projects, is the New South Wales terminology—and this is attempting to do the same thing.

**THE CHAIR:** Thank you, Minister. I think we have our information and we can move on.

**MR COCKS:** Yes, and I am very keen because I have community groups who complain about the number that have to go to appeal as well, and what I am trying to do is understand the scope of the problem.

**THE CHAIR:** Mr Cocks, is there any more data that you wish to lodge?

**MR COCKS:** Look, there is some more data, but perhaps I will just put it on notice.

**MS TOUGH:** Minister, the government published an indicative land release program alongside the budget last year. How does this work contribute to the goal of 30,000 homes by 2033?

**Mr Steel:** Well, it is part of supporting the outcome of enabling 30,000 new homes by 2030. Through the Indicative Land Release Program, land is identified that is owned by the territory, which is then released to be able to support not just new homes, but also commercial development, community facilities, industrial facilities as well, and other land uses. The important thing is that over time, as the city is developed, we expect under the planning strategy that there will be more development on leased land within the existing urban footprint and the amount of land that is available for the government to release will diminish over time. We expect that there will be a greater role for particularly zoning reform to be able to support more homes and development on existing leased land in the territory. So we are thinking about how we better report on those changes at the moment, which might see improvements to the program document in the future, so that we can provide, as transparently as we can, what is expected in terms of development in the future.

**MS TOUGH:** How is the private sector supporting and contributing to the land release?

**Mr Steel:** We are going to increasingly see more development occurring on land that is not government owned, that is leased by a private owner. Either that will be possible under current zoning arrangements or further development could be possible under zoning reforms. So the missing middle work is the first step in the next stages of planning reform that could enable more to be built in those areas. Then, of course, we have further case work underway, looking at the northern gateway, where there may be further potential transit oriented type development that could be permitted on existing leased blocks. And then, in future, we will be looking at other corridors and around shopping centres to look at what might be possible there in terms of providing more housing through existing lease blocks. That is an opportunity as well to renew existing shopping centres which are ageing, where the private infrastructure probably needs to be renewed, either through extensions or refurbishment of existing buildings, or through knock down and rebuild into newer buildings.

**MS TOUGH:** I will throw Richardson shops in there as one of the places to do that.

**Mr Steel:** The shops, yes. So there is dedicated work looking at the shopping centres at the moment, and we are looking what might be possible there through improved planning controls and zoning reform. We are also looking at the opportunity, through



the Indicative Land Release Program, of what might be possible on underutilised blocks, particularly at some of the shopping centres, which are typically close to public transport. Obviously, they are a hub of services for the community, and so if people are living near them, then they are close to both of those things. The National Housing Accord requires us to look at how we can support more housing in what they call well-located areas, so that is why we are focusing particularly on shopping centre hubs and transport corridors, as being a focus for this next stage of planning reform work.

**MISS NUTTALL:** I would like to talk about Bluetts Block if that is okay? I understand the minor amendment to finalise the nature reserve over parts of Bluetts Block has been finalised and the Territory Plan amendment declares block 403 and block 12, section 2 a nature reserve. That is correct? It looks like no action has been taken to lift the future urban area overlay yet. When will that happen?

**Mr Steel:** On which block?

**MISS NUTTALL:** On blocks 403 and block 12, section 2.

**Mr Green:** Miss Nuttall, there is further consideration. One of the elements we were concerned with was the advice that we received from the conservator to make Bluetts Block a nature reserve in the first instance and we sought to accelerate that, noting the minister's statement of priorities also looked to do that. There are two matters at hand. One is the FUA, and the other is the remaining parcel that is currently leased by ANU. There are no immediate plans to commence work on that. The protections are in place, regardless of the FUA remaining there, for it to be a nature reserve, but we will continue, over the course of probably this term of government, to work with the Conservator for Flora and Fauna to understand those other values, and then work with the ANU also on the priorities for this site.

**MISS NUTTALL:** I am relieved to hear that it is still protected. I understand that other areas without subdivision design applications have had their future urban area overlays lifted by minor amendment. I think it is—and I am reading off here—NI2024674, lifts the future urban area for land in Macgregor without a subdivision design application. Can that process be used in this case?

**Mr Green:** I would not expect there to be a subdivision design application over the nature reserve.

**MISS NUTTALL:** So it would be applicable, or is the difference that there is—

**Mr Green:** The FUA uplift that comes through a minor amendment process is generally to facilitate development outcomes and to then rezone the land for those purposes. Given that this plan amends the Territory Plan zoning, again, I do not see a pathway where there would be a subdivision application. It sits dormant, basically.

**MISS NUTTALL:** Do you mind me asking, then, why the uplift would be on the priority list—like, lifting the future urban area overlay?

**Mr Green:** I am not clear on your question, sorry.

**MISS NUTTALL:** I think you mentioned before that lifting the future urban area overlay for Bluetts was not on the priority list. Why not?

**Mr Green:** No; what I said was that the priority was to make sure that we protected Bluetts Block based on the advice that we received from the conservator. The FUA sits over not only that parcel but also other parcels that are matters that we need to work with the conservator on, noting that one of those parcels is leased with the ANU. The ordinary process—if I can explain it in this way—is that the FUA is removed following the approval of the subdivision design application. There is no subdivision design application. These used to be called State Development Plans under the former planning system. Because there is no SDA approved for the parcel, it can remain in place. There is no intention at this point, because the impact and protections are there. It is something that we will consider at a later date in the context of the other parcel of land with the ANU.

**MISS NUTTALL:** That is helpful; thank you. Speaking of block 402, most of the submissions on the Bluetts Block minor amendment noted the environmental and ecological values of block 402. You have said previously that further studies are needed to determine what values exist on block 402. Could you please detail what those studies are, where they are up to and when they might be completed?

**Mr Green:** Those studies are matters that we will work through as part of the Western Edge Investigation Area, but primarily rely on the advice from the Conservator of Flora and Fauna. This process commenced back in May last year, when the conservator wrote to the Chief Planner, the Territory Planning Authority, indicating particular values. That advice did not include block 402 at the time. There is further work there and we will need to engage with the conservator on what that work—

**MISS NUTTALL:** It is all right if you cannot answer this, but was that because the conservator had undertaken preliminary ecological studies and found that it was not significant, or simply that the studies had not been done yet?

**Mr Green:** The studies on the subject parcels that are part of the reserve now were part of the Molonglo Valley Strategic Assessment, and block 402 was not part of that broader strategic assessment.

**MISS NUTTALL:** So what would be the catalyst, then, for getting a strategy? I appreciate that you have to rely on the advice of the conservator, but how is the conservator directed to look at the site?

**Mr Green:** I think that is a matter that you would need to raise with the conservator.

**MISS NUTTALL:** In the media last week, talking about the protections for the nature reserve on blocks 402 and 12, a spokesperson from ANU said that they welcomed discussions with the ACT government about block 402. Have you engaged with the ANU?

**Mr Green:** We have not engaged on the planning side with the ANU. But I am happy to take on notice and ask that question of the conservator because there is ongoing land management discussions that occur. Land management is not a boundary or a block

issue. So I am happy to take on those and ask that question of the conservator.

**MISS NUTTALL:** Is there any intention from the planning side to have those discussions, or would they need to go through the conservator?

**Mr Green:** Primarily through the conservator at this stage.

**MISS NUTTALL:** Thank you. That is all from me.

**THE CHAIR:** Perhaps, Mr Green, you could take on notice whether the discussions have been had and, if they have not been had, whether there are any plans to have those discussions?

**Mr Green:** I am happy to take that on notice.

**THE CHAIR:** That would be great. Thank you.

**MR COCKS:** Minister, I want to go to some of the challenges in the building industry. I hear a lot about the challenges that they face with navigating the planning system and the experience of getting their applications through. Late last year, there was the collapse of Imagine Building Concepts and Imagine Management, owing around \$6.5 million to creditors. Many trades are owed considerable amounts of money by the business. The companies owned by those owners ceased trading in October. It has been suggested to me that there is little prospect now of creditors recovering the money that they were owed.

Minister, are you aware of, firstly, the circumstances of the collapse but also whether there had been any barriers to those companies being able to work due to the planning system, and whether there is government support available to those impacted by the collapse?

**Mr Steel:** I am not aware of that particular collapse. I have certainly noted that there have been a range of different companies that have fallen in the current broader economic circumstances. But I am not aware of the specific issues that relate to that particular matter.

**MR COCKS:** Are you aware of the extent of complaints about navigating the planning system from builders and developers?

**Mr Steel:** Certainly, we have been in discussion regularly with the construction sector about how they are going with the new planning system. I have given them an open invitation to get in touch about specific issues that they want to see addressed. I have been open that we are quite practical. I have acknowledged in my statement of planning priorities that there will be improvements that will need to be made to the planning system over time as we see the continued implementation of the new system and, if there are issues that have been raised, then we can certainly look at them and address them if needed.

**MR COCKS:** One of the big complaints that I have been hearing recently is about the planning portal itself. Minister, are you aware of any problems with the planning portal

or difficulties that the full range of people who have to engage with that portal have been experiencing?

**Mr Steel:** I will hand over to officials if they want to comment on the portal.

**Mr Cilliers:** I am aware of minor issues stated today. If you refer to the portal, you probably refer to the e-development system, which is currently being replaced by a new system as well. I am not aware of any significant issues with that. The interim system, or the current system, seems to work fairly well. Where issues are raised with us, Access Canberra front desk and Gateway team seem to be particularly very responsive to those issues.

**MR COCKS:** Is there a reason that builders and developers, and indeed people who are going through the process, have to use the portal and digital systems rather than being able to actually call and speak to someone directly about their applications?

**Mr Cilliers:** We offer both avenues. So you can watch your application through the system. If you have any trouble, there is certainly some guidance on the website as well as a very responsive gateway team if you need assistance lodging anything. An issue that you might be referring to might relate to the upload of the plans in a particular format or something like that. As far as I am aware, our team has been very responsive and, if they get a call, they will immediately assist somebody to upload these things. But it is not a common problem.

**MR COCKS:** I am not talking about the administrative challenge of getting things into the portal; I am talking about the issue that all of the communication around someone's development application seems to be focused on the digital channel. The report I get from people is, "I have got this objection to my development application, but I cannot actually get a number of someone to talk to about it." It is a problem that we saw in the heritage system, and I am hearing increasingly in relation to planning and development. Are people able to get a direct contact to work through any potential issues with their development application—not just the portal?

**Mr Cilliers:** Yes, certainly. Our gateway service provides that service. If somebody wants to talk to a person—

**MR COCKS:** All they need to do is contact the gateway service—

**Mr Cilliers:** Alternatively, we also have regular interface with some of our consultants or applicants at a liaison meeting, which we have with people that have a high volume of applications and we can walk through any issues.

**MR COCKS:** Excellent.

**Mr Cilliers:** Normally, we would identify somebody there.

**MR COCKS:** Perhaps on notice, you could provide to me—so that I can help those who reach out to me—how people can get in contact with that team.

**Mr Cilliers:** Yes.

**MR COCKS:** That would be wonderful. Thank you.

**MR CAIN:** How will the halt in the Moment townhouse project, which Imagine Construction was involved in, impact the local housing market, especially in Whitlam, and what steps are being taking to mitigate those effects?

**Mr Steel:** I do not know whether officials want to comment on that specific development.

**MR CAIN:** Minister, noting you are responsible for building and construction as well as planning—

**Mr Steel:** Yes.

**MR CAIN:** This liquidation is obviously holding up the significant development in Whitlam. Have you measured the impact of that? What are you planning to do about that?

**Mr Steel:** I will hand to Access Canberra to provide some information there.

**Mr Lhuede:** I have read and understood the privilege statement. Thank you for the question, Mr Cain. While I do not have the specifics on that actual development, when a company goes into liquidation, it is effectively no longer a builder. So Access Canberra automatically will put in place a stop on those building works to prevent any further construction being undertaken and also to allow securing of the site and then engage with owners and certifiers to look at getting a new builder for that property. Sometimes that can happen quite quickly. But, ultimately, it is a commercial decision of the owners to look at getting a new builder for that site.

**Mr Green:** The other thing that I would add is that there are protections within the Building Act with respect to warranty insurance and residential building insurance in particular. Depending on what stage of development that building work is up to, there are opportunities for those owners to claim through the insurance product or through the Master Builder Fidelity Fund, depending on what product applies to that specific development.

The other point I would make is that the insolvency of companies is a matter that is dealt with through the commonwealth Corporations Law, and there are processes that must be gone through with meetings of creditors and relevant hearings that may end up in court proceedings. So, while we might have some information, there is an evidentiary process that must be gone through to understand the reasons for a building company entering into administration.

**MR EMERSON:** I have a question about building licences. What is the average turnaround time? I have heard from someone who has been waiting months to get a licence. What is the average turnaround time from when someone applies for a licence to receive one?

**Mr Lhuede:** To give some context on construction licences—and we also issue other

licences, such as white cards and high-risk work licences—Access Canberra has about 62 licence classes and about 162 pathways for endorsement. I only say that to paint a picture that there is no single answer. For relatively straightforward licensing applications, the turnaround time is around four to six weeks. However, for more complex licences, such as a class A builders licence, which is the licence that you require to build a medium high rise—class 2 to 9—that can be six to eight months.

We have had an increase in licence applications. We also have a large number applying from interstate. In fact, we did a bit of work early last year to try to understand the extent of that problem, and we did find that quite a large proportion of licence applications were coming from interstate. What we have done there is put in place a triaging system—and we notified people of this last week—where we will give priority to ACT and region licence applications for builders' licences and applicants who are showing evidence that they propose to work in the territory. That could be a lease or it could be a contract or tender. That is to try to bring down that timeframe, particularly around the construction licences. But they are complex licences. We have an evidentiary requirement, but also examinations and assessments that we undertake with licence holders.

**MR EMERSON:** Is there any sense of benchmarking against other jurisdictions? Six to eight months seems like a very long time, especially given the level of construction we are hoping will happen in the ACT to address the housing crisis and so on. Is there work being done to reduce that? I understand the triaging objective, but that is a long time for paperwork to be stuck in a process.

**Mr Lhuede:** It can be a long time for those licences. It is through that triaging process that we are looking to bring that down. As I said, that was introduced only recently. So we are not seeing the results of that. But the intent is absolutely to reduce that longer timeframe, particularly for the more complex builders' licences.

**MR EMERSON:** You say that six to eight months is the average turnaround time. Would you be able to provide on notice an average over the last 12 months for the licences that have been delivered, specifically builders' licences, and what the turnaround time is?

**Mr Lhuede:** Yes. I can look at providing that on notice in terms of builders' licence classes and turnaround time.

**MR EMERSON:** That would be great to have a bit of a breakdown. Thank you.

**MR COCKS:** I have a question on the triaging. I can see a potential issue if you are triaging simple and straightforward, that those that are not simple or straightforward take longer because they are waiting in the queue for longer. Have you considered that risk? What are you doing about it? In terms of the data that Mr Emerson has asked for, perhaps you could also provide a bit of a breakdown by percentile, rather than just the average. It will provide a better picture of what is going on.

**Mr Lhuede:** Yes. I will just clarify, in terms of the triaging, that it was absolutely focused on builder licences and A, B, and C licences. So it was targeted at the harder licences. It also reflected the work that we did. There are about 4,700 active builder

licences in the ACT. About 1,600 were from interstate, and most of those do not work here. That is the evidence we found. People from other jurisdictions, quite legally, are looking at mutual recognition arrangements to get a licence and, through mutual recognition, to operate in their home jurisdiction. What we are quite specifically aiming to target with that triage process are builders' licences and to bring those times down. But we can provide details as asked.

**THE CHAIR:** Thank you. We are finishing at 10.30. We will try very hard to get one more substantive for each committee member. I do not know how we will go, but we will try. So brief answers, if we can.

Minister, I want to ask about the evaluation and strategic objectives for the planning system. EPSDD used to have a strategic objective that related to supporting the provision of housing that is equitable, diverse and sustainable. We could not see that strategic objective in there anymore. Has that been moved to another agency? It was an objective that EPSDD used to report against in relation to the ILRP and various other measures.

**Mr Green:** Ms Clay, I am happy to take that on notice. I think that related to the housing policy work that EPSDD was responsible for.

**THE CHAIR:** Yes.

**Mr Green:** There were administrative arrangements made two or three years ago that shifted that responsibility to Treasury. But we will take that on notice just to—

**THE CHAIR:** We would love to have that on notice and also whoever has it now, how they are reporting against it and where we would look for the reports. That would be great. Thank you.

Following on from that, according to the ACT Planning System Evaluation Framework, within year one or year two, an evaluation of short-term outcomes and the initial implementation of the new planning system was meant to be undertaken. Has planning for this evaluation started?

**Mr Green:** Yes, absolutely it has started. As you have referred to the Planning System Evaluation Framework, Ms Clay, there are some actions within that that we have commenced. Part of that is to get the government structures in place. We have established a governance structure, which is an executive working group that sits across multiple areas of government, chaired by the executive branch manager in my division. The primary role of that is to oversee the implementation. Some of the work that we have been doing is about getting data collection—and I know that you have referred to several reports in the Assembly that we have procured or are in the process of procuring.

**THE CHAIR:** Yes.

**Mr Green:** That is the work that we are looking at at the moment to make sure that we have some of those underlying data elements covered. We have also undertaken a survey of proponents who submitted DAs under the former planning system to get some of that baseline understanding and are in the process of looking at design quality of

DAs. That said, we do want to make sure that we are not just waiting for a 12-month mark to make changes, if that is what is required. We are also cognisant of the new government policies in the planning space that we need to work up to. I do not know if Mr Cilliers wants to add on the process elements—

**Mr Cilliers:** I might just quickly supplement that. In terms of the actual DA process, we have started a development application decision register since the new system came in. That register records a range of things, like how decisions deal with entity advice, essential design elements and how to respond to design guides. There is a whole list of things that being recorded—even things like any NCDRP advice on those large and significant applications.

I just want to focus a moment on essential design elements. That is a new feature of the new system. We also record everything out of decisions. These are kept in the register, and they form a very strong basis for what is of value in our determinations that we can draw from in future in closing that loop that we then feed back to the policy area for their consideration. We will continue maintaining this register as long as it is needed.

**THE CHAIR:** It sounds like there is a lot of work in train, which is good to hear. Is there any direct consultation with HIA, MBA, the Australian Institute of Architects or the Planning Institute of Australia, as part of this evaluation?

**Mr Green:** I would say that there is ongoing engagement with all those entities in relation to the planning system and possible future changes.

**THE CHAIR:** Through the EPF or through some other mechanism?

**Mr Cilliers:** I also have a bimonthly meeting with MBA and HIA, and we occasionally discuss these matters as well.

**Mr Green:** Yes, the EPF is certainly a channel. George mentioned the bilateral engagement, but we do have regular engagement with associations and others. The important point also is that we have to report on this clearly. Our intention is to report through our annual reporting cycle on this work.

**THE CHAIR:** That was going to be my next question. You have answered it; thank you. How many design elements have been issued?

**Mr Cilliers:** I cannot provide that answer because we would have to go through each NoD to get it. I would need to consult the register on that.

**THE CHAIR:** Okay.

**Mr Cilliers:** It could be anything. It could be a particular fenestration, building height or elements that are important and have been identified from the NCDRP advice.

**Mr Green:** Ms Clay, the other important thing to note, and just reflecting on EPF, is that we did have some significant engagement with the Environment and Planning Forum in forming the evaluation framework before it was finalised. It has gone back to EPF, and we will continue to engage with EPF.



**THE CHAIR:** Mr Cilliers, can you take on notice and provide whatever information can be provided? You can come back on notice, if there is a reason that is known, and explain why that is.

**Mr Cilliers:** Yes.

**MS CARRICK:** My question is about the Phillip pool. I note that the minister for planning is responsible for social and economic development in the town centres. How will the future of the 25-metre Phillip pool be managed? Will it be managed by Geocon, the owners corporation or the executive committee?

**Mr Steel:** There is a live development application before the independent Territory Planning Authority. I think that question assumes that it has been approved and that the development has occurred, which is not yet the case. It is currently in the assessment phase. I will ask George to speak to where it is up to.

**Mr Cilliers:** The operational management of the proposed pool is a matter for determination as part of the DA process. My understanding is that Geocon offered to manage it. We believe it could be a case where certain conditions could be built in to establish arrangements to ensure that that is properly locked in. It is something that I probably cannot answer in full at this stage, pending the decision to be made, and how it will be commissioned.

**Mr Green:** Ms Carrick, perhaps I can answer in the context of what is required now. There are provisions contained within the Crown lease for that block and the obligations imposed on the lessee. The owner of the parcel of land will be responsible for the current Crown lease. Whether that changes as part of the development application is something that—

**Mr Cilliers:** I do not expect that to change.

**MS CARRICK:** Often, a developer will hand the block over to the owners corporation, once it has all been finalised. How will the interests of the wider community be represented in the governance arrangements for the pool?

**Mr Green:** What do you mean by the governance arrangements, Ms Carrick?

**MS CARRICK:** The funding and operating arrangements?

**Mr Green:** I am happy to read directly from the Crown lease. The purpose clause, obviously, is for a pool site. The lease also contains other provisions with respect to pool hours, for example. I am quoting verbatim here:

The lessee shall ensure that the pool is open to the public during the hours on the days agreed with the territory, provided that ...

There are some conditions around not having children under the age of eight there, unless they are supervised. They may, with prior approval, close a part of the premises where it can be demonstrated to the territory, and agreed to in writing by the territory.

There are positive obligations on the lessee to open the pool. The territory, through the administration of the Crown lease, has the ability to agree to what is proposed. That exists now. It is already an obligation that is imposed on the lessee today.

**MS CARRICK:** What will you do if Geocon or the owners corporation do not provide reasonable prices and programs, an array of activities, to encourage community participation in activity that promotes physical and mental health?

**Mr Steel:** It is probably a hypothetical, given that the development has not even been approved at this point in time.

**MS CARRICK:** But this is the planning committee, and the planning minister. We have to plan for—

**Mr Steel:** It is a hypothetical about what might happen in the future if this happens, if that happens.

**MS CARRICK:** But you need to be able to mitigate it because you are responsible for the social and economic development of the town centre.

**Mr Steel:** Sure, but this is an asset that was handed over, as I understand it, from the NCDC to a private entity in the past. And it has remained—

**MS CARRICK:** No, it was—

**Mr Steel:** a private asset, although it has been open to the public, and there are certain requirements within the lease and within the Territory Plan.

**MS CARRICK:** Minister, it was sold to Glencora in 2008 by the ACT government. It was handed over from the commonwealth to the ACT government—

**Mr Steel:** Sure.

**MS CARRICK:** It was on 10-year leases for a while; it then went onto no lease. In 2008, it was sold to that—

**Mr Steel:** We can confirm—

**THE CHAIR:** Minister, could you let Ms Carrick finish the question?

**Mr Steel:** We can confirm the history of it. The point is that it is with a private entity. There are certain requirements to do certain things around hours and so forth. Ultimately, it is a private asset, so the decisions that will be made about that, as long as they are within the lease, will be made by the private entity. That is out of the direct control of the ACT government.

We might take on notice the history, to provide a bit of context. I am not sure whether there will be a specific inquiry by your committee into this matter. If there is not, we will try and provide some information on notice about the background of the asset itself—who transferred it and at what time—if we have that information.

**Mr Cilliers:** With the obligations under the lease, as a starting point, as part of the DA that is under consideration, the issue you raised was raised by representers. That is a matter for the Territory Planning Authority to consider, as part of its decision-making—whether anything in addition to the Crown lease is required to respond to those. I cannot comment on that, because we are in the middle of a statutory process.

**MS CARRICK:** Will you bail out the lessee, whether it is Geocon or the owners corporation, if the pool makes a loss?

**Mr Steel:** I will not comment on something that is before the Territory Planning Authority. It requires assessment. It is too early.

**MS CARRICK:** Can you assure us that the public pool will add to the social and economic development of our town centre?

**Mr Steel:** Obviously, this is a matter that is under assessment by the Territory Planning Authority, so I will not comment on whether or not I support the development, because that is a matter for the independent authority, under the Planning Act.

**MS CARRICK:** In the decision to turn a 50-metre pool into a 25-metre pool, why did you take out Weston Creek residents, as part of the catchment for the pool?

**Mr Steel:** You are talking about the changes to the Territory Plan?

**MS CARRICK:** From 50 metres to 25 metres. The response to the motion last year was that, with the broad five-kilometre catchment around the town centre, Weston Creek was specifically taken out of the catchment. It reduces the population numbers.

**Mr Steel:** Certainly, there was a range of considerations around the changes to the Territory Plan. Those are outlined in the response. Certainly, the development of a new pool at Stromlo would have been part of that. That is very close to Weston Creek. Stromlo Park is literally across the road from Duffy. Obviously, a large number of those people will be using that pool, which is available for the community.

**MS CARRICK:** But if you look at Waramanga, Fisher and Rivett, they are more than five kilometres away from Stromlo. There is no bus there. They would have to go to Woden and then catch a bus to Stromlo. Given that their town centre is in Woden, why were they taken out of the catchment for the population numbers, having regard to the reasons given for turning it into a 25-metre pool? The logic used for turning it from 50 metres to 25 metres is about population, but you have taken people out of the catchment when it is their town centre. The bus hub is there.

**Mr Steel:** The report shows the different considerations, and the advice sought from sport and recreation around those matters. All of those were taken into consideration. Obviously, the Territory Plan was presented to the Assembly and endorsed by the Assembly. That is now the basis on which the development application is being assessed.

**MS CARRICK:** The decision to reduce the pool from 50 metres to 25 metres was

based on flawed data; underpinning data was flawed.

**Mr Steel:** That is your opinion. The government has put forward some of the data metrics that were used.

**MS CARRICK:** Not only is the catchment data flawed but the whole population data that it was based on is flawed. Why did you use Batemans Bay as a basis, and pools across Australia that have changed from 50 metres to 25 metres? You have used them to make the case. However, they are all owned by local government. What examples do we have of 25-metre public pools located in a residential tower precinct with 700 apartments?

**Mr Steel:** I am not sure that the difference between public and private was necessarily explored as part of that process. It has to be open to the public, so it will be publicly available. That is the assumption.

**MS CARRICK:** There is a difference between public ownership, local government ownership, and an owners corporation owning the pool and delivering the public—

**Mr Steel:** I think it is assumed that it would be open to the public because of the requirements under the Territory Plan and the lease.

**MS CARRICK:** If this is a good outcome for the Phillip pool and the catchment that use that pool, will you apply the same logic to other 50-metre pools in Canberra, particularly the new Commonwealth Park pool, and other outdoor pools?

**Mr Steel:** That is probably a question for sport and recreation. We are not planning on making significant changes to the Territory Plan at this point that relate to pools. Certainly, there may be developments in the future. That is a matter of policy for them to provide. They would certainly provide input to EPSDD, if any planning changes were required to be able to facilitate that.

**MR CAIN:** With respect to the western edge, the feasibility of urban development on the western edge has been going on since 2019. The western edge investigation area is 9,800 hectares, as you know. Minister, what investigations are currently underway and why have no studies been completed since September 2023?

**Mr Steel:** I will hand over to EPSDD. I want to note first that I know you are opposed to all those studies happening, because you have ruled out development—

**MR CAIN:** Minister, there is no need for your commentary. I am asking you a question.

**THE CHAIR:** As the chair, I will jump in. I will ask every witness to speak one at a time. The next time a bloke cuts off a woman, I am going to be very, very angry. Please speak one at a time, witnesses, for the sake of our poor staff in Hansard.

**Mr Steel:** Thank you; I will continue. Yes, we do support investigations occurring in this area. We have not ruled it out, as other parties have, because we want to look at what are the environmental values of this area that need to be protected in the future. That is why I have those studies underway. I will hand over to EPSDD.

**MR CAIN:** No, I have some other questions. For how many more years will these investigative studies be conducted?

**Mr Steel:** We can answer both of the questions, perhaps.

**MR CAIN:** What is the time line? Why is the cultural heritage assessment completed in 2020 not publicly available?

**Mr Green:** I will start with the last question first, Mr Cain. As we have noted in previous hearings, the cultural heritage study has not been released because of the sensitivities around that information and the risks that—

**MR CAIN:** What sensitivities?

**Mr Green:** There are significant risks, potentially, should that information be made public, that people would interfere. I do not think that is a risk that we would accept at this point, in releasing that particular—

**MR CAIN:** That is not very transparent. What sensitivities—

**THE CHAIR:** Mr Cain, let the witness finish the sentence, please.

**Mr Green:** It would be highlighting the location of potentially heritage-significant artefacts, for example, Mr Cain. That is why we have chosen not to release that report. In relation to the others, we are funded through this budget to undertake investigations. There have been several investigations that are in process, in the procurement phase, in contract or close to finalisation. Pending government consideration of those, they may well be released. We do have some studies. I am not quite sure whether Mr Smith wants to talk about any of them. They go to things like the broader utility connection opportunities and what that looks like in an urban context, if that is a direction of government—

**MR CAIN:** Minister, how many dwellings could be built as part of a western edge urban development? Are there plans for a town centre?

**Mr Steel:** The government has not decided to undertake any development in the western edge. We are undertaking preliminary studies to understand the environmental values of the area and other constraints before any decision is made.

**MR CAIN:** In principle, is a town centre within scope or is it undecided?

**Mr Steel:** I have just answered that question. There has been no decision to undertake development; therefore, there would not be a town centre if no development occurred. We are undertaking preliminary studies at the moment. There is due diligence to understand the nature of this area, what areas have environmental values and what the constraints are. It is quite a significant area, stretching all the way from Belconnen down to Tuggeranong.

**MR CAIN:** How impactful would urban development at the western edge be on the

biodiversity of the area, particularly native flora and fauna?

**Mr Steel:** The purpose of the environmental studies is to understand the environmental values first.

**MS TOUGH:** I have heard from multicultural groups that they are interested in obtaining land for cultural purposes across Canberra. What opportunities are there to obtain land and what is happening in this space?

**Mr Steel:** There was a tender process announced last year for certain blocks of land that are community facility zoned. I will hand over to Jeremy Smith, because there is an arms-length process about where that is up to.

**Mr Smith:** I have read and acknowledge the privilege statement. As the minister said, there was an expression of interest tender process undertaken late last year that covered a number of blocks—six blocks, in fact—across the territory. I can list them, but, in the interest of time, I will not. We are undertaking assessment of those tenders at the moment, with an outcome that is likely to shortlist suitable ones through a two-stage tender process. Those ones that are deemed suitable will then move to the next stage of the tender process. Given the fact that we are in a live tender, I will probably not provide any more information than that.

**MS TOUGH:** That includes the blocks in Chisholm and Gowrie, from memory?

**Mr Smith:** Yes, there is one site in Chisholm and one site in Gowrie included in that tender process.

**Mr Steel:** There is another one in Kambah as well.

**MS TOUGH:** You said the tender process will finish this year?

**Mr Smith:** Yes, it is likely that it will be around the middle of this year when that process will finish. As the minister highlighted, they are on the Indicative Land Release Program, and it is likely that we will continue to look to add more community facility land to the Indicative Land Release Program as we move forward.

**Mr Steel:** But it will not be the only blocks that are released under an expression of interest process. There may be another tranche that is released to allow other groups to participate. We know that there is quite a strong level of demand. We are trying to get a greater understanding about what that demand looks like in the future to inform decision-making about land release.

One of the points that I have been making to community groups is that this is a good process to go through—to register with EPSDD for updates and so forth, but not to rule out also having discussions with owners on community facility zoned blocks that are leased—where the government does not own them—and which are underutilised. There are quite a few examples across the city of underutilised community facility land, where an organisation may not be properly utilising either a whole block or part of a block, and the buildings that are on it. It is worth having discussions with those groups about how they can partner together and use leased land better.

**MISS NUTTALL:** For those six blocks of land, what studies and analysis were undertaken to determine the identified uses?

**Mr Smith:** A range of studies were undertaken; for example, community needs assessment is undertaken to determine what uses eligible land can be used for. As part of the release, they were released for identified purposes, but there was a range of purposes for each site. That may have been a community activity centre, a place of worship et cetera. That identification is done through that broader community needs assessment.

Site investigation reports for each block are undertaken as well, to determine whether the appropriate servicing—gas, water, electricity et cetera—has been undertaken. There may also be some tree studies, if we know there are significant or registered trees under the Urban Forest Act on those sites. In that way, we can fully inform any of the tenderers when they have run through those processes. Broader planning for the actual facility is then the responsibility of the proponent, should they be successful through that tender process.

**Mr Steel:** The list of interested organisations that EPSDD has demonstrates the type of interest that they have regarding the use of possible sites. There is a range, from religious organisations through to sporting groups and other community services organisations. It is quite diverse, and that helps to inform the potential needs for the release of land.

**MISS NUTTALL:** This question might need to be taken on notice: could you provide a copy of the community needs assessment undertaken for the site in Kambah?

**Mr Smith:** We can provide a copy of the broader community needs assessment that would have been utilised for that purpose, yes.

**THE CHAIR:** On behalf of the committee, thank you for your attendance today. We have had a number of questions taken on notice. If you can provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*, that will help us with our report. I thank witnesses for coming in and providing their time, expertise and experience. Thank you, broadcasting and Hansard. We are sorry if you did not catch it all, but we know that you will.

**The committee adjourned at 10.31 am.**