



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON ENVIRONMENT AND
PLANNING**

(Reference: [Inquiry into Annual and Financial Reports 2024-25](#))

Members:

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

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 12 NOVEMBER 2025

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

City and Environment Directorate..... 15, 53

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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

City and Environment Directorate

Peffer, Mr Dave, Director-General

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

Burkevics, Mr Bren, Executive Group Manager, Environment, Heritage and Parks Group,

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

Cilliers, Mr George, Executive Group Manager, Statutory Planning, and Chief Planner

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

Engele, Mr Sam, Deputy Director-General, Planning and Sustainable Development

Akhter, Ms Sanzida, Acting Executive Group Manager, Development and Implementation

Swete Kelly, Dr Mary Clare, Senior Director, ACT Heritage

THE CHAIR: Good morning, and welcome to the public hearings of the Standing Committee on Environment and Planning for our inquiry into the annual and financial reports for 2024-25. This morning, we will hear from Mr Steel, in his capacity as the Minister for Planning and Sustainable Development and Minister for Heritage; and, in our second session, we will hear from the Minister for City and Government Services.

The committee wishes to acknowledge the traditional custodians of the land 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 our city and our region. We would like to acknowledge and welcome any other Aboriginal and Torres Strait Islander people who may be attending today's event or who may be watching from elsewhere.

The proceedings are being recorded and transcribed by Hansard; they are also being broadcast and webstreamed live. If you take a question on notice, please say, "I will take that question on notice." That helps us to track down the answers.

I remind witnesses that you are covered by privilege. Anything you say is covered by parliamentary privilege and you are bound by certain rights and obligations. You must tell the truth. Any breach of that will be taken seriously and may be taken as a contempt of the Assembly. You have been given the parliamentary privilege statement. You do not need to acknowledge it anymore; it just applies to you.

We are not inviting opening statements, so I will start with the first question, Minister. The first question is about land management agreement compliance. I am interested in our compliance with and enforcement of land management agreements. In response to the Auditor-General's review of land management agreements, the government revised

its enforcement and compliance framework. Can you tell me what changes you made?

Mr Lhuede: I have read and acknowledge the privilege statement. With respect to land management agreements and the Auditor-General's report, whilst it did not specifically change, in a statutory or regulatory sense, how we regulate land management agreements, what did come out of that Auditor-General's report—it was a number of years ago, so I am reaching back a little bit in memory here—was a clarification of the role of Access Canberra in engaging with the Parks and Cons Service in relation to enforcement. To clarify that, in terms of compliance and enforcement of LMAs, Access Canberra will support the Parks and Conservation Service rural land management team with compliance and enforcement of land management agreements.

THE CHAIR: I understand that there were no legal changes, but the approach to compliance and enforcement has now shifted, in response to that.

Mr Lhuede: Yes.

THE CHAIR: Can you tell me how much compliance is occurring at the moment?

Mr Lhuede: I would have to take that on notice, or we might be able to get an answer by the end of the hearings. It is a relatively low number. There have probably been one or two matters around land management agreements that we have dealt with that have come through as complaints and that we have addressed in the last couple of years. But I do not have an exact number for that.

THE CHAIR: I would love you to take that on notice, please. Low enforcement action: does that mean highly compliant with the land management agreements, or does that mean no complaints were lodged or no enforcement action was taken?

Mr Lhuede: Probably the middle, in that our approaches are based on complaints that are received. We are not proactively auditing in that sense, from an Access Canberra perspective. It is basically a complaints-based system, so it is reflecting complaints.

THE CHAIR: Could you take on notice how many LMAs, how many complaints and how much enforcement action there have been? Is that something that can be taken on notice, to give us a picture of whether enforcement is happening in the way people expect it to?

Mr Lhuede: Yes, we can take on board the complaints. I will hand over to Bren, in relation to LMAs.

Mr Burkevics: The question about LMAs covers off several different ministerial portfolios. I am conscious of that. Of course, in my other role as Conservator of Flora and Fauna, I am one of the signatories to an LMA. Should matters with regard to compliance come to my attention as conservator, we have a team within the Environment, Heritage and Parks Group that supports the conservator to review those matters. Typically, they are at the more operational level, with regard to weeds or compliance with environmental conservation outcomes. As required, the team within Environment, Heritage and Parks will work with a landowner to raise those questions in the first instance. If there is anything that is more significant under an LMA that may

represent a breach of another form of legislation, it can be referred to other parts.

THE CHAIR: Having signed off on the LMA as conservator, you then take a role in enforcing the LMA. Can you give us any sense, maybe on notice, of how many times LMAs are not being enforced properly, including weeds? Sometimes weeds might be quite significant, from a biosecurity or a nature conservation perspective. Is there any information you can give us, now or on notice, to give us a picture of whether that first educative engagement is then being followed up, if needed?

Mr Burkevics: First of all, I will acknowledge the effort of all our rural lessees to comply with their LMAs. There is not a large number of rural lessees with LMAs, and they do work closely with several teams—the Parks and Conservation Service, Environment, Heritage and Parks, and our biosecurity rural services team as well—to uphold their responsibilities. It is not unusual that, from time to time, we do get matters raised regarding compliance, primarily around weeds and stocking levels.

I am happy to take on notice the number of complaints that have been formally raised with the conservator about an LMA. They are quite specific—the number of complaints that have been formally raised with the conservator. Was the timeframe the last financial year?

THE CHAIR: The last three years, if that is manageable?

Mr Burkevics: Yes, I can certainly seek to answer that.

THE CHAIR: The last three years, and maybe what happened with those complaints. I do not mean the specifics; not just how many complaints, but what the outcome was, from Access Canberra and the conservator's point of view.

Mr Burkevics: I will need to look into that. Of course, privacy provisions around that will prevail. With respect to what I can answer, we will look to frame that appropriately.

THE CHAIR: We have noticed that LMAs last for a long time. If there is a 20-year-old land management agreement, has that land management agreement been reviewed in that 20-year space or is it just something that sits there and stays there, as it was two decades ago?

Mr Burkevics: As Mr Lhuede mentioned, one of the areas of attention following the Auditor-General's report was to look at a process to ensure that LMAs are reviewed at periodic intervals. It has been a little while since I have touched on this subject, but I know that the rural services team was looking at a process review. From memory, it was about every five years that the LMA is formally reviewed. That is from memory—approximately every five years it would be reviewed. Of course, they do have an expiry as well.

THE CHAIR: Could you take on notice whether, with the LMAs that are current and that should have been reviewed every five years, each LMA has been reviewed in the last five years? Could you give us, “10 have been reviewed and 10 have not,” or whatever the answer is?

Mr Burkevics: Absolutely, Ms Clay. I am happy to take on notice the number of LMAs that have been reviewed as part of that process, in response to the Auditor-General's report. Again, I will go back as far as I can, in answering the question, which would be primarily from the Auditor-General's report moving forward.

THE CHAIR: Yes; how many are in existence and how many of those have been reviewed. If somebody has concerns about whether a land management agreement is being properly managed and enforced, how would they escalate those concerns? Should they report to Access Canberra? Should they report to the minister? How would someone raise concerns?

Mr Burkevics: I would say that anybody that has a concern about a land management agreement should always start at the lowest possible level. If somebody is comfortable in doing so, start it with the rural lessee.

THE CHAIR: The leaseholder, yes. That is a great idea.

Mr Burkevics: Indeed. I think escalating it to government is always a last resort. From there, there are several mechanisms, depending on the nature of the potential issue. A weeds issue, for example, could be brought to the attention of the conservator. If it is an environmental protection issue, there is the Environment Protection Authority. If it is a construction issue, there is the Planning Authority. It depends on the nature of the concern as to which entity and regulator is responsible for reviewing it.

THE CHAIR: Those would be the main three?

Mr Burkevics: Correct.

MS CARRICK: My question to the minister is about what is going on in the Woden town centre. There is a lot going on. Thank you for your statement of planning priorities. On one hand, it has priority 1, which talks about Woden; in particular, in the last paragraph, it refers to "a town centre designated urban renewal precinct to promote the delivery of design-led, people-focused urban renewal and to encourage social and environmental sustainability". On the other hand, we have working with the private sector; we have Scentre Group's proposal for the 17 new towers, up to 55 storeys, and some community space there.

My question is: have you done a needs analysis to determine what community facilities people need, in order to develop that into a transport and land use plan? Scentre Group has already come forward with a proposal, so it is like the chicken and the egg thing. Will we have ACT government planning for the town centre?

Mr Steel: Yes, there will be, as you know, the development of a southern gateway planning and design framework, which will look at some work that is being undertaken on community needs. There will be engagement with the community as part of that process, and it will look at community and recreational facilities that are required to support both the existing population in the Woden Valley, and the future population that we know will grow, with further development of new residential and mixed-use communities in the area.

I will hand over to Mr Green and Mr Engele to provide some further information about that work. Obviously, it is still under development, but we expect to go out next year for consultation on some of that to test whether we have the needs right, to help inform that work. Of course, we cannot stop private developers putting private proposals to government, as part of the planning system. They are entitled to do that. They may come forward and they will be assessed at the point in time that they are provided to the Territory Planning Authority, whether it be in relation to a major plan amendment or in relation to a development proposal. A range of information that has already been undertaken will be used to inform any decision-making. The Territory Planning Authority can comment on that.

Mr Green: Thanks for the question, Ms Carrick. We have certainly done a fair amount of work in this space. As you would be aware, we have a territory-wide community recreation needs assessment still underway, and that is informing our approach. Similarly, the Woden working group that was established has had a key focus on some of the community infrastructure elements, making sure that we can capture all of that—not just the study that has been undertaken, which looks at benchmarks that apply to particular types of social infrastructure.

Earlier on, there was analysis done as part of the Woden district strategies, when the district strategy work was undertaken. We are now working through that. Through the strategic planning, we will look at the investment prioritisation, particularly around some of those potential facilities. As the minister mentioned, the southern gateway work will be a key component of making sure that we get the right social infrastructure in the right locations, not just in the town centre but more broadly across the district and, again, more broadly across the territory.

MS CARRICK: Have you looked at the Woden inquiry and the sports inquiry that are being undertaken by committees?

Mr Green: Members of the Woden working group include some officers and officials from Sport and Recreation, so we are certainly cognisant of the impacts and matters raised through those inquiries. Obviously, there will be a committee report that will be prepared, and we will need to take that into consideration as we work through this.

MS CARRICK: Will you look at outcomes around the public spaces, for example, and how they are activated, with respect to building heights around the town square and the new west plaza? We still have 28 storeys on the north side of these public spaces. Will you look at the existing building heights, and changing them to enable livability?

Mr Green: That may well be the case. We are clearly aware that Scentre Group has a proposal out for community consultation. We will wait and see what that produces. Certainly, one of the key things, not just from a physical and social infrastructure aspect, such as sporting-type facilities, is that green space is equally important. We have the design guides, as part of the new planning system, that look to improve that public realm opportunity. We would certainly have expectations around a greater opportunity to achieve that within the town centre.

MS CARRICK: With the outcomes, for example, Civic loses a 50-metre pool, and Woden loses one. Civic gets \$140 million, a fifty-fifty government investment with the

commonwealth. Woden does not; we get the private sector. How do we know what is a good outcome here? Who determines the outcome?

Mr Green: With respect to the pool example that you have provided, we go through a process of consultation. With respect to Phillip pool in particular, we went through a consultation process with the new Territory Plan. There was a committee inquiry, and the Assembly made a decision on the Territory Plan. There is a democratic process, I suppose, that works through that. With most things in planning, it is a balance. There will be outcomes that people, at an individual level, want to see. Ultimately, with respect to some of those decisions, it is harder for government or the Assembly to make that call.

THE CHAIR: Are you framing the parliamentary committee inquiry into the entire Territory Plan as the government's consultation process about the needs analysis for Phillip pool? Did I just hear that?

Mr Green: No, I am not—

THE CHAIR: No?

Mr Green: No, I am not characterising that. The question was in relation to how we look at outcomes and what is the best outcome. The point I was making is that we have a very deliberative process around consultation. Through the Territory Plan review process, in the planning system review process, there was significant consultation undertaken on that matter—

THE CHAIR: By government?

Mr Green: By government; correct.

MS CARRICK: But in that consultation the people did say they did not want to lose their 50-metre pool. I think that, potentially, there are predetermined outcomes here, and they are different. It is not clear to me how, with respect to the people of Civic, the best outcome for them is a \$140 million government investment, but, with the people of Woden and the surrounding districts, it is said that the people want something so different. One wants government investment in a new 50-metre pool; one group of people do not. Those are very odd outcomes for two groups of people.

Mr Steel: They are probably questions for the minister responsible for those projects. Clearly, Civic pool is an older pool. It had significant issues with leaking water and so forth. It could not be remediated easily, and it required the development of a new facility. Government will have to make decisions around the renewal of existing assets that it owns over a period of time.

The point is that we are currently undertaking work on community needs in the Woden Valley district to look at what sport and recreational facilities may be required, and planned for, to meet the needs of the growing population, particularly as we see further development in the town centre and surrounds. That is the work that is underway that will lead to the planning of new facilities, potentially, and potentially also commenting on the renewal of existing facilities, depending on where they are at in their asset life

cycle.

MR PARTON: Is it typical for project proponents to approach the government before lodging formal Territory Plan amendments for development applications? If so, could you explain what that involves, including which officials would be involved, what outcomes might be sought, and whether the executive is advised?

Mr Steel: A proponent may approach government in a range of different ways. Obviously, the Chief Planner can talk about the DA gateway team, which is there to provide information to potential DA applicants.

Mr Cilliers: In terms of approaches to the Territory Planning Authority, it can happen at two levels. In the first instance, as you outlined, it is an approach from a developer or proponent on a proposed major planning amendment, or a DA; they are two separate things. We do treat them as two separate things, although sometimes they might overlap, or they are run as a concurrent process. But we do look at them as two separate things.

It is probably easier to talk to the DA approach in the first instance. That typically happens with our gateway team. A developer will approach the gateway team or make contact with one of the execs in our space. We will make an appointment and set up a pre-application meeting, inviting affected entities, and people affected by it. At that point we provide largely process advice. An approach regarding a major plan amendment is slightly different. That typically happens in our policy and planning area, although I am sometimes involved in those at an early stage.

Mr Green: I am happy to talk to that. Mr Parton, it is very clear on the planning website. We do offer a pre-application process for proponents. It is a voluntary process; we are not mandating that proponents go through it. As part of that process, we provide initial advice back. Part of that initial advice also involves seeking views of relevant government agencies that might have a role to play in terms of future consideration of that proposal. Certainly, it is very clear on our website that that pre-application process is open to proponents.

MR PARTON: Yesterday, I became aware of an apparent deal between the government and the Canberra casino and, potentially, the proponent for redeveloping the Convention Centre. Are you able to confirm whether any developments for the Convention Centre site would require amendments to the Territory Plan?

Mr Green: I am not aware of what that proposal is. Depending on what that proposal entails, without the information, I could not say whether any amendment to the Territory Plan would be required.

MR PARTON: Minister, are you able to answer what discussions have occurred involving the government, either the executive or officials, and either the casino operator or a potential proponent for the Convention Centre site?

Mr Steel: I do not believe I have met with the casino. I can only answer for myself. I do not think I have met with the casino, in my role as planning minister.

MR PARTON: Has any advice been prepared by officials in the last two years relating to the Canberra casino or the Convention Centre? If it has, would it be possible to table the advice, as well as a list of the briefings, meetings and correspondence?

Mr Steel: I am happy to take it on notice, as far as it relates to officials within the City and Environment Directorate.

MR PARTON: Thank you; I appreciate that.

THE CHAIR: And table the details?

Mr Steel: Yes. As part of the answer to the question, yes.

Mr Green: We would need to check the planning jurisdiction for that site, Mr Parton. I have a feeling that it might be the NCA planning jurisdiction. In the context of taking it on notice, we will confirm that information.

THE CHAIR: Take it on notice, yes.

Mr Cilliers: The application advice for development applications, as such, is generally commercial-in-confidence, or requested as commercial-in-confidence, by the proponent.

MR PARTON: I do not want to break any rules.

Mr Cilliers: I wanted to point that out.

Mr Green: I could probably answer that question now. Someone has just sent me a snapshot of the site. There are a number of blocks that sit within that Canberra casino precinct area, some of which are territory land and some of which are National Capital land. If we have further details, we can be more specific with our answer on that.

MS TOUGH: I want to ask about the missing middle. The community consultation has recently closed; the government did a report and sent it through to the committee. What feedback occurred in that process? How has that feedback been taken on board? What will these changes mean, going forward, for housing?

Mr Steel: I will hand over to Mr Bennett shortly. Firstly, there is very strong support for enabling the missing middle in the territory, particularly on RZ1 blocks, where it has been raised in the past, particularly for terraces, townhouses and low-rise apartments. There is also quite a bit of strong feedback from those involved in the consultation that many people are keen to develop new missing-middle housing and are waiting for the reforms to go through the Assembly. That is probably reflected in the housing market at the moment, in that many people want to see those reforms passed as soon as possible, so that they can start lodging development applications, in order to be able to start building them.

We had expected early next year, potentially, might be considered reasonable for the passage of these through the committee, in order to be able to consider the recommendations and make updates to the final major plan amendment, and put it to

the Assembly—tabling it in the Assembly, as per the requirements under the Planning Act. It seems that that is now likely to be delayed, as a result of the committee's decision to undertake an inquiry for the full six months.

I still think there is an opportunity for the committee to consider whether they shorten the length of the inquiry timeframe, particularly because there are some things that have already been addressed through the consultation that we have already undertaken. Also, I think there has been a misunderstanding around some of the issues associated with the major plan amendment. We will try and clarify that.

There may be an opportunity for the committee report to come back a bit earlier, which is what I requested, as the planning minister, when I referred the major plan amendment to the committee. I asked for a shorter timeframe, noting the significance of these reforms, which would enable us to meet housing targets, not just for general housing stock but for the opportunity that it will provide for public housing, community housing and affordable housing in the future.

I will hand over to Mr Bennett to provide some further information in relation to what we heard during the consultation—how that has been picked up, and changes to the draft major plan amendment that have now been referred to the committee.

THE CHAIR: Ms Tough, I would ask you to direct the witness to the information you need, noting that we have an inquiry on foot already.

MS TOUGH: Thanks, Chair. I am interested in the main key changes and then how that flows on for density in, say, existing suburbs to improve viability of local shops and improve some vibrancy around interest in group centres?

Mr Bennett: During the consultation period, which closed on 5 August, we had over 15,000 people visit the YourSay website and interact with the information that we had up there. We had over 750 written contributions from different people as well, which was great feedback for us on the reform proposals that we put out there. Another thing that we did that was a really key part of the consultation was popup events out in the community. One of the things that we did there was just ask general questions about whether people supported the reforms or not. Seventy-four per cent of people who came to one of our popup events in the community told us that they supported the reforms as they were put out.

As we worked through the feedback that we received, there were some key themes that came out of that feedback across the community. There was really strong support for diverse housing types that suit different life stages, that improve affordability and that promote vibrant communities. There was a lot of support for the efficient land use of having greater density in existing residential areas, as an alternative to urban sprawl. That was a theme that came through strongly.

Also, as part of the reforms, we put out a proposal about residential subdivision of existing residential blocks. There was a really strong desire for subdivision within our existing suburbs to use land more efficiently, which would result in separately titled dwellings, rather than people going into these small unit titled arrangements.

There was a really strong desire from people to see that infrastructure delivery, community facilities, transport and location to shops were all part of an integrated planning response—that people could live close to where they work, close to services and close to transport, and that they could live in those areas where they want to live, where they have grown up and where they can be part of their existing community. That was a really strong theme that came through the feedback as well.

We heard from people about what infill development looks like in terms of residential amenity and how these reforms will manage impacts on things—

THE CHAIR: I might just step in here. Ms Tough, I think you are getting a read-out of all the information that is already in the public domain. Is there something specific that is not in the public domain that you wanted to get?

MS TOUGH: It was more just understanding what you had heard, basically, around group centres and revitalising our group centres—so not so much the rest of the suburb; just anything specific around group centres and local shops.

Mr Bennett: The biggest takeaway from that was that people want to live close to where they work, close to transport and close to services—that was a really strong theme—and they wanted a range of housing choices in those areas. So people wanted to live in a whole range of different housing types that support their different life cycles and their different stages.

One of the other things that I wanted to talk about was how we responded to that feedback. In receiving that feedback and working through the themes that came from it, we have made some key revisions to the draft plan amendment that has been put through. These are really focusing on subdivision and allowing people that flexibility and really looking at the economics of that decision that the new home owner is the one who should take on the financial risk, as opposed to the existing home owner.

We have made some really important refinements to the proposals around things like overshadowing; how we manage density and amenity, to make sure that we are getting the right balance there; protecting people's right to amenity; solar access; the streetscape in their existing suburb; and the right of new home owners moving into that street to have housing choice. So we have made some really important revisions around that to try and strengthen that balance.

MS TOUGH: Thank you.

THE CHAIR: I will just note for the record that this committee has written to you, Minister, about starting that inquiry. We will be making a statement in parliament, but that obviously will not be for a few weeks. So it would be good to get the full story out there. The committee has undertaken to conduct the inquiry as quickly as possible, as advised to you. The committee has noted that it is very difficult when government chooses to refer a matter to us that spans over the Christmas period, to cut the timelines down. So, if the referral had come earlier, that would have been easier. The committee has also advised you that we will be picking up all of the consultation that government has done, so we will not be duplicating that work. Just so that people are aware of the grounds on which that has been started.

MS CARRICK: I have a supplementary on the missing middle. I just want to just confirm something. Apartments will be allowed to be two-storey apartments, and so you will have a lower level and an upper level in the apartment. On the floor level, the minimal area for commercial areas, RZ5, is 24 square metres on the ground floor; three or more bedrooms, 36 square metres; one or two bedrooms, 24 square metres; and studio apartments, four square metres. These are very small footprints. Am I reading that properly?

Mr Bennett: I am not exactly sure where those numbers have come from; sorry.

MS CARRICK: They have come from the residential zone specification—from the missing middle stuff that we have been given.

Mr Bennett: To the question on building heights, what we have done for the apartment typologies is to allow the apartment typology to come into the RZ1 zone. At the moment, apartments are not allowed as a typology.

MS CARRICK: Sorry; what I am asking is about the floor size? Your minimum area is 24 square metres. That is very small. I would note that, in Woden, we have 50 square metre apartments that are not moving; they are sitting on the market for over six months. There are a lot of empty apartments. Have you had a look at—

THE CHAIR: Just noting that we have been on this line for 10 minutes, is there a quick answer you could give—

MS CARRICK: I just want to ask if they have looked at the need for 24 square metre floor space—a minimum area. Is there a need for that?

Mr Bennett: I think those particular dimensions that you are talking about are about the principle private open space requirements for single dwellings. That is the open space that needs to be provided on a block for a single dwelling in those different zones that you are seeing there. That is not the size of the apartment. Apartments will be much bigger, and apartments have minimum room dimensions and minimum floor-to-floor heights that need to be met.

THE CHAIR: It certainly does sound like there is a need for an inquiry, when we have just spent the longest question from a Labor backbencher on this question. But I will pass on to Mr Parton.

MR PARTON: This question is in relation to the discussion that we were having earlier regarding a possible development for the Convention Centre site. What is the nature of the development that is being considered, what parties have been involved in those discussions and what is the current status of that project?

Mr Green: Mr Parton, I have just had some advice. I understand that there was a proposal presented to the National Capital Design Review Panel in February 2024. I do not think there has been anything recent come to the National Capital Design Review Panel, and there has certainly not been a major plan amendment proposed.

MR PARTON: So, Mr Green, you are suggesting to me that there is no such proposal on the table, at least that has been discussed in a meaningful way, either with planning officials or with government?

Mr Peffer: Mr Parton, I would suggest that is a question for the City Renewal Authority.

MR PARTON: All right; excellent. Has the government had any approaches or discussions about a project—like a planning project or a development project—at the Big Splash site?

Mr Green: We have not had any discussions at this point, but I am aware that there is a request for a National Capital Design Review Panel review of a proposal. But I have not seen a proposal.

MR PARTON: So that has not come before this this directorate as such in any meaningful form?

Mr Engele: I will correct that. We have had an initial discussion with the planning advisers representing Big Splash about what potentially could occur on the site, but without any specific details. So it was an early pre-up meeting to understand what the current status was. We have not seen any proposal come forward on that.

MR PARTON: What would have been the reason for having that discussion? Why would that discussion have been initiated? I am not sure that it is a discussion that would be initiated for a stack of existing sites around Canberra. Why was it initiated for the Big Splash site?

Mr Engele: I cannot speak for the planning consultant. It was really intended to understand whether there were any additional thoughts or requirements that the government had, or ambitions the government had, for that site as part of what the planning consultant would do to try and bring forward a proposal. But, as I said, it was really focused solely on the current state of the of the facility and just trying to understand what is possible given the zoning.

MR PARTON: Mr Engele, when did you become aware of that discussion being initiated? When did you become aware it?

Mr Engele: I would have to take that on notice to find the date of that. It would have been in the last six to eight weeks.

Mr Steel: So what you are saying is that it was proponent initiated.

Mr Engele: Yes.

Mr Steel: The Territory Planning Authority, as the Chief Planner has described, treats proponents fairly. If they come forward to seek information, they will be provided with fair information about process and guidance about how they potentially can do a range of things under the Planning Act that would be then considered. Whether they would be supported is a different question.

MR PARTON: Of course, Mr Engle in his answer—

Mr Steel: But they have to be treated fairly. There is a process under the Planning Act that is there for proponents to put something forward. That does not necessarily mean that the Territory Planning Authority would support it, if it is a DA, and it does not mean that the Assembly would support it if it is an NPA.

MR PARTON: Mr Engle in his response specifically mentioned scoping of government ambition for the site. As the planning minister, Mr Steele, how would you describe the government ambition for that site?

Mr Steel: It is up to the lessee to, obviously, do what they will in relation to the site. But there are requirements under the Territory Plan that the government has around the zoning for the site, which is PRZ2. The government is not proposing any major plan amendment to change the zoning from PRZ2. If the proponent put something forward, it would be up to the Territory Planning Authority to assess that against the district strategy and the planning strategy. I do not think there is anything in the district strategy that I am aware of about specific planning policy for the site to change the zoning.

MR PARTON: Good answer.

Mr Steel: Then it would come to the planning minister, based on the advice of the Territory Planning Authority about whether it meets the requirements under the planning strategy and is consistent with it and the district strategy. Before I make a decision, I refer it the committee. The committee would have an opportunity to make recommendations about any change to zoning. Then it would come to me for decision and then it would go to the Assembly for the ultimate decision.

MR PARTON: Thank you; I appreciate—

Mr Steel: So there is a process that has to be followed. A proponent that comes forward, regardless of what site it is, is entitled to bring something forward. That does not necessarily mean that it is consistent with planning policy and does not mean that it will be supported.

THE CHAIR: We understand.

Mr Engele: I would just clarify that the nature of that meeting was not just specifically on that one site. There were a number of sites and it was sort of going through each of those that the planning consultants were working on. So I just want to clarify that it was not a dedicated meeting.

MR PARTON: That is handy to know.

THE CHAIR: Noting that there is already been a parliamentary decision on that site and the parliamentary agreement was that it should be kept as a pool, at what point in that process you described does that parliamentary decision take place?

Mr Steel: The Planning Act sets out that a major plan amendment has to go eventually

to the Legislative Assembly, if it reaches that stage. So it would have to come back anyway regardless of whatever has happened in the Assembly before. But members may change their mind in between decisions, but I am sure many of them would not. There is also, of course, the role of Access Canberra as the independent regulator enforcing the Planning Act on delegation of the Chief Planner in relation to the Territory Plan on requirements on the block and also the lease requirements on the block. We have Mr Lhuede here if you want comment on that specific site.

THE CHAIR: We may, we have been on this for a long time. Mr Cain, what is your supplementary on this?

MR CAIN: What is the government's current action status regarding the Big Splash site?

Mr Steel: I will ask Mr Lhuede to comment on that.

Mr Lhuede: Thank you for the question. With regard to lease compliance for the Big Splash site, the lease for that block currently requires it to have a pool, recreation facilities and a family restaurant. So they are the lease use requirements. There is also a requirement to keep it maintained to the satisfaction of the territory. I just provide that as a bit of an outline in answering the question.

At the moment in terms of regulatory action for that site, we have two aspects of regulatory action. The first one I will touch on is in relation to repair and maintenance. I think as members would be well aware there have been a lot of issues around access to that site and illegal access to that site over the past 12 months or so. We issued directions to the owners to undertake repair and maintenance of that site to appropriately secure it.

MR CAIN: Has that been satisfied?

Mr Lhuede: At this stage, no, it has not, and we are looking at further regulatory action and enforcement around that order. But I am not at liberty to discuss that because I do not wish to prejudice what that action may be.

MR CAIN: So what are the possible actions you could take?

Mr Lhuede: The Planning Act provides a number of enforcement actions that are available. We could issue a works direction order, which could lead to the territory undertaking action. We could prosecute, because a contravention of the controlled activity order is an offence under the act. They are two options available to us within the act in relation to the repair and maintenance aspect.

THE CHAIR: Mr Lhuede, what is the maximum fine that could be imposed?

Mr Lhuede: I would have to take that on notice.

THE CHAIR: Can you take that on notice?

Mr Lhuede: Yes. Hopefully, that might come through rather quickly, so I should be

able to answer that.

THE CHAIR: Could lease cancellation also be a penalty?

Mr Lhuede: That is also a possibility for breach of a controlled activity order.

THE CHAIR: Could you take on notice—not prejudicing what actions will be taken—what the possible maximum steps are?

Mr Lhuede: I believe I have answered that in terms of a lease termination, prosecution and infringement are also possible options available there.

THE CHAIR: Dollar figures are useful.

MR CAIN: Could you provide a timeline of when you will give the owner opportunity to rectify the site in terms of maintenance and use, what actions you possibly could take and what timelines would be associated with each of those?

Mr Lhuede: If I may, I will answer the second part of the question. The first aspect was in relation to lease maintenance and repair. The second part was in relation to use of the site. There is a relatively new controlled activity in the Planning Act which relates to a site not being used for its required use for more than 12 months. That is now a controlled activity and is subject to the type of enforcement actions that I have just discussed. It is important to acknowledge that last year the pool was not used, and it is effectively now ticking over to the 12-month period where they may be in noncompliance to that aspect of it. We are looking at regulatory action in relation to that aspect of the lease currently. The actions that we can take in that regard is what is termed a controlled activity order, which would direct them to utilise the pool for its lease purposes.

I do not want to provide an exact date on when we would be issuing orders or any further regulatory actions in relation to either matter. However, they are current matters that we are investigating—both the matter of the site security and the lease use provisions. They are current regulatory matters.

MR CAIN: Could you take on notice to provide this committee with options available—even if it is a tree diagram of some sort—and the typical times that are allocated to take those particular actions? You have mentioned many of them already. So could this committee have some sort of flowchart or tree diagram showing the options and showing the approximate and appropriate times for any subsequent actions?

Mr Lhuede: Yes, I can provide an outline of the regulatory actions available under the act.

THE CHAIR: I think it is already taken on notice.

MS CASTLEY: I would like to ask about construction productivity. Does the government believe that there are productivity challenges with the construction industry in the ACT and, if so, what are they?

Mr Steel: Absolutely. They are the same issues that have been raised by the Productivity Commission in their report on the construction sector, which highlights a range of different issues that apply both to the ACT and the construction industry around Australia more broadly. A part of the sector has been called the cottage industry for a reason. There is a large part of the industry that is made up of very small players, and so there are not necessarily the same sorts of efficiencies that you would get if you had larger players operating. We do have some larger players in the ACT, of course, that particularly build large multi-unit developments.

There are great opportunities, of course, to enhance productivity in the sector. That is the focus of the government as part of our construction productivity agenda for the ACT, which has been a discussion in the industry that we have been having around what reforms we should take forward—both regulatory reforms but also other process reforms that the government can undertake in the planning and building systems. But there are also things that the construction industry themselves could be doing as well to enhance their productivity, and we want to identify those with them.

One of those opportunities, of course, is around use of prefab construction materials, prefabricated construction materials, and the opportunities for more modular designs and so forth that can be efficiently produced, often in a factory setting, which obviously is sheltered from the elements and is not disrupted by weather, which is an issue for the sector in terms of when they are building new housing in situ on a block.

So I think there are great opportunities there and we have some local prefabricated and modular homes being built here. A lot of them are from interstate. We are looking at what opportunities there are with other states and territories to try and build up that industry, and we will try and encourage that. One of the opportunities that we have coming is around the patent book development for missing middle. As part of that, I am keen to explore how we might be able to have patent book designs that might encourage prefabricated homes being built, potentially modular homes being built. So we will explore that with the sector.

We expect that there will be a range of tranches of reforms that will come forward to the Legislative Assembly in the future addressing a range of different issues. The team can talk a little bit further about the work that is happening. Part of it has been a very extensive mapping exercise of the planning and building system to actually try and identify what the current state of the system is and what opportunities there are to try and streamline the system and remove unnecessary processes that are not adding value. We have undertaken extensive work through the machinery of government changes as well.

THE CHAIR: Minister, I think Ms Castley might like to narrow your focus a little bit.

MS CASTLEY: You referred to the Productivity Commission earlier in your answer. Other than that, what data do you have to demonstrate the extent of the construction productivity problem? What areas of the industry are most affected? Do you understand the impacts that this slowdown is having on households? If we can explore that, and then we can talk briefly about reforms.

Mr Steel: We, of course, look at our own data around what we are responsible for in

terms of the planning and building system with planning assessments. We look at that data on a regular basis—and we can provide some information about that. We are also talking with the industry about the timeframes that they have for the actual construction of buildings. During COVID-19, there were obviously extensive supply chain issues. Some of those have worked themselves out, but the cost of construction is a major issue and barrier for being able to get builds underway, get the financing required and so forth. So not all that is on government, is what I am saying, in relation to the planning and building system. But we are working through what areas within our responsibility we can improve. I will hand over to the team to provide some further information about those things.

THE CHAIR: Is this useful, Ms Castley?

MS CASTLEY: It will be. I would just ask one last question. Have you taken a look at other jurisdictions and maybe made some comparisons in relation to whether we have more blockers here than other jurisdictions do and what we can do to ease that?

Mr Steel: Yes, we have. The Productivity Commission itself—as well as other think tanks recently, including the Grattan Institute—has been doing that comparison work to help us to understand what opportunities there might be to speed up the construction of new homes.

I have a bill before the Assembly, the Territory Priority Projects Bill, to streamline the opportunity to build more public homes more quickly. So there is regulation that is on the table that could be supported to get these homes out of the ground, rather than being delayed by up to a year by unnecessary third-party appeals. So there is a range of different things we have got going on, but I will hand over to the team to talk through that.

Mr Engele: In terms of comparisons with other jurisdictions, one of the metrics that was recently released and reported in national media was the achievement of different jurisdictions as it relates to the Housing Accord target. In that, the ACT was the highest jurisdiction in terms of achievement of the totality of that towards that target. I believe—and I would have to go back and take on notice to provide you with the specific dataset—that the ACT was around 18 per cent towards the target. A number of other jurisdictions were lower and some were closer to 12 per cent. So, in that sort of single metric, you can see the ACT's ability to generate housing in alignment with its targets has been better than other jurisdictions.

THE CHAIR: Sorry, Mr Engle, did you just take something on those?

Mr Engele: Yes. I will take on notice to provide the dataset. My team might be pulling it together now. In terms of the question in relation to what we can do, and just following up from the minister's response, we have been mapping the entire planning system—not just the DA process, but from essentially the pre-app, which we spoke about before, all the way through to certificate of occupancy—people actually walking in and having new homes—and looking at all the different processes.

We have a number of areas. The DA system is very clearly streamlined. It is a clear series of steps. There are other things after you have received your notice of decision,

where there are other entity approvals. We are looking at how we can better streamline that. Probably the key principle we are looking at for how we are going to improve the system is about improving the predictability of timeframes, so proponents can have a good sense of how long it will take and our ability to achieve those.

We are looking at how we take a risk-based approach with a number of different aspects as they relate to a lot of assets that are generated by developers and handed back to the territory. So we are looking at the high-value and complex assets, and things that are low risk not applying additional burdens onto industry for that. Then there is the certainty of decisions, so that, when you get a decision, they are being very clear as to what you need to do in order to proceed to development and then also trying to resolve some of those interfaces between referral entities internally to the planning system, rather than putting it on development.

MS CASTLEY: How quickly do we expect some of these changes to take place?

Mr Engele: We have been working on a number of them. Some are going to government for a decision in the imminent future. In terms of construction productivity, do you want us to respond to that part of the question?

THE CHAIR: We have been on this line for 10 minutes. Ms Castley, is there specific useful information?

MS CASTLEY: I can come back to it.

MR EMERSON: I want to ask about Canberra City Farm. They previously had a 10-year licence at block 15, section 38, in Fyshwick. That licence expired this year and they have been granted a one-year extension that takes them to October 2026, which, of course, casts significant uncertainty over the farm's future operations. Why was only a single-year extension or replacement licence provided?

Mr Burkevics: This question relates to the portfolio responsibilities of Minister Orr, who has a portfolio responsible for agriculture. I just flag that. In relation to the specific elements of your question, the license provides certainty to Canberra City Farm for another year. I have had a conversation with the president of Canberra City Farm in the last 24 hours to indicate the way forward and the decisions in relation to future licensing, and to say that an expression of interest process will be commencing in early 2026. That expression of interest will ensure that a fair, open and transparent process is progressed for the future licensing arrangements of that site. As part of that process, an information session is planned to be held for any stakeholder that is interested in potential use of that site. There are no proposals for rezoning of that site at the moment, so I do not envisage there will be any significant change from what is proposed, other than ensuring that the future use of that site aligns even more strongly with the Canberra local food strategy.

I have written to the president of Canberra City Farm to indicate the way forward. There have been a number of conversations and positive meetings, and I get the sense that Canberra City Farm are understanding of the way forward. With the recent release of the listening report, Canberra City Farm will have a thorough understanding of the feedback that was provided as part of that process.

MR EMERSON: Thank you for that. Will the new licence be at a higher rate or will it remain a kind of concessional arrangement that makes it possible for this kind of operation to continue?

Mr Burkevics: Just for clarity, are we talking about the licence for the coming year or the future license?

MR EMERSON: The future licence. I assume the coming year is essentially the same.

Mr Burkevics: That is correct. Mr Emerson, I would be reluctant to speculate on any future licensing arrangements for that site, other than to reflect on the zoning matters that I have already raised. I think the licence template was a decade old, so it is important, as part of any renewal process, that we go through a review of the elements. We seek advice from the Government Solicitor on parts of the licence that need to be updated and to reflect current licensing templates, to make sure it is compliant with the relevant legislation that applies. I expect there will be changes to that licence, but that will be a process that we will look at proceeding with in 2026, once we have progressed the EOI process, which will be notified on the Tenders ACT website.

MR EMERSON: Is that listening report publicly available now? Will it be published?

Mr Burkevics: I am not sure if there are any plans for it to be published. It was a report provided in a targeted way to the stakeholders of that summit. Should the stakeholders and the recipients of that report decide to make it available to others, it will be their prerogative. I do not think there was anything particularly sensitive. Of course, the report that was released protected the privacy and specific feedback of individuals. I am not aware of anything that would be particularly sensitive. Distributing that report to members would be helpful, but it is ultimately a matter for the recipients of that report.

MR EMERSON: Might it be possible to take a notice whether that could be provided to the committee?

Mr Burkevics: Absolutely. I think that question would need to be referred to Minister Orr. I am happy to take that on notice for the relevant minister.

MR EMERSON: Thank you. If the expression of interest process commences in early 2026, what is the anticipated timeline? Farms operate along timelines. I am aware that, for instance, even moving the bees offsite would take around six months, if they are not successful. They plant years in advance. When will certainty be provided as to the future use of the site, given their one-year extension will expire in October next year?

Mr Burkevics: I have appreciated the honesty and the frankness of Canberra City Farm with regard to their expectations should there be a future decision to change licensing arrangements or a ruling of that licence. They have indicated that they would prefer six months if there were a different decision for the allocation of that licence. We would like to respect that. The advice that I have received is that the EOI process is planned for completion by June 2026. Then, subject to the outcomes of that—and this is where we start to get into pure speculation—we would look at the appropriateness of timeframes for the current licensee, but also potential future licensees.

MR EMERSON: It might be hard to meet the six months if that ends in June and then their licence expires in October.

Mr Burkevics: That is correct. There are always opportunities to reconsider what is appropriate based on the feedback from that current licensee. But, of course, it is all speculation as to what might happen after the EOI process.

MR BRADDOCK: According to ABS data, building approvals and commencements are needed if the ACT government will reach 30,000 dwellings by 2030. According to the *ACT land and property report*, in the six months to December 2024 there were 808 new dwelling approvals. That is a 41 per cent decrease from the six months to June 2024. For the same period, dwelling commencements were down 56.8 per cent from the six months to June 2024. The Property Council and HIO are raising concerns about the ACT government's ability to meet that 30,000 dwelling target. If you do not meet your targets from the start, you will have to make it up at the back end, so what steps are you taking to make sure land is available to deliver those 30,000 dwellings by 2030?

Mr Steel: Undertaking the largest zoning reforms and updates to the Territory Plan in the history of self-government is the key answer. Most of that has not commenced, and some has been delayed as well. It potentially affects the ability for both developers in the market and mum-and-dad investors to build homes. Transit oriented development reforms have major plan amendments, one of which is currently out for consultation, one of which just closed, in terms of the northern gateway, and the other one that I was referring to is the Thoroughbred Park precinct proposal. We have missing middle housing reforms with the Assembly's planning committee for consideration. They are significant reforms and they deserve inquiry, but I think there is the opportunity to speed up that process. That will provide a long-term supply of homes over the coming decades right across the territory as broad based reform. The work that we are doing on shop-top and shop-adjacent housing opportunities will also make a contribution to that through zoning reform.

Mr Engle referred to how the ACT is currently tracking against the national housing target. We are currently ahead of every state and territory in the country, in terms of our achievement of the target at this point. The others are behind in meeting the target. Other jurisdictions are also undertaking quite significant zoning reforms. I was in Sydney to talk with some of the operators around how they are progressing with that. We are undertaking that work.

There are, of course, the budget measures that we have undertaken—particularly the support opportunities for more affordable community and social housing and the reforms that I have before the Assembly around territory priority projects that have not yet been passed or come into force. I am optimistic around the fact that we are close to meeting the target at the moment, and that is at a point where the major reforms have not yet gone through which will enable further housing to be built. There are some players in the market at the moment who are waiting for those reforms to go through to build the new homes. I expect there will probably be a lull in the market ahead of the reforms actually commencing, because people are waiting for certainty and the opportunity that will be provided through that upzoning and the development rights that will be granted to them that were not available before. A lot of them have been

undertaking design in anticipation, but there may be changes to some of the technical requirements in the reforms that are before the Assembly and before the community before they are finalised. Getting that certainty is important for the sector.

I will hand over to others to provide some clarity on how we are proceeding against the targets. Of course, we are monitoring them very closely across a range of metrics, including those of the ABS, but also our own Territory Planning Authority approvals data. I note that approvals were elevated in the wake of COVID-19. Many of those have not yet flowed through to construction but are still approved and may commence in coming years, if the market permits. I also refer you to the information in the *Budget Outlook* which shows that, generally speaking, supply has been keeping pace with population growth, noting that one of the challenges that we are trying to address is providing housing choice. It is not just about the raw numbers of houses that have been built; it is also about the type of housing, to make sure that it meets community needs.

THE CHAIR: We will let Mr Braddock redirect.

MR BRADDOCK: If you could provide that data on notice, I would really appreciate that. I just want to make sure I do not forget some of the supplementaries I have, based on your answer, Minister. Firstly, you mentioned a delay. Can you please provide more detail on what you mean by that?

Mr Steel: We expected that the missing middle housing reforms would be in place relatively early in the new year. Under the Planning Act, when I refer something to a committee, I have the choice of setting a date for when the committee has to report by or I can leave it to the discretion of the committee to make a decision about timeframes for a committee inquiry. I decided that I would not dictate to the committee about the timeframes for undertaking its inquiry, particularly noting the inquiry would likely happen over the Christmas period, when, by the way, there is no shutdown of government. That is a matter that I will clarify with the committee in writing. They have opted to take the full six months, and that means those reforms will probably not be in place until the middle of the year, noting that the government will also have to respond to any recommendations of the committee and it needs to be tabled in the Legislative Assembly, and it has a disallowance period. That will mean that the reforms will not be in place until mid next year and that means that those homes cannot be built.

MR BRADDOCK: Minister, I will leave the committee to defend itself or not, as the case may be, but is it not part of due process or did you not factor in the normal time for parliamentary process, regarding the project plan and to actively consider what you would describe as the largest reform to planning in the ACT?

Mr Steel: I cannot make a decision for the committee on this. I am not—

MR BRADDOCK: But you can factor it into your project plan. I am asking: why has it taken so long?

Mr Steel: This is a major reform. The government has put a lot of resources into getting this done. It is an extensive piece of work. That is where the effort should be: getting the reforms developed. There has been extensive consultation with the community and the reforms have been updated based on that consultation. They have been working as

quickly as they can to make sure that it gets to the point where it can go to the committee. Obviously, we all want this in place—I would have thought as soon as possible so that we can get the outcome of more housing to meet the targets. But what we are more interested in meeting is the needs of the people of the ACT who want more affordable housing or the opportunity to upsize or age in place—all of the benefits that missing middle housing will provide.

MR BRADDOCK: Minister, what proportion of the housing targets are tied to achieving the missing middle reforms that you say are delaying your achievement of them?

Mr Steel: It is one part of it. As I said, it is not just a matter of providing homes over the next five years; it will also provide new homes for decades in the territory. It is a broad based reform and I am expecting every block to be developed in the next five years. That is a function of market capacity. We have always been clear about that. I have been clear about that in the Housing Supply and Land Release Program—that, ultimately, it will be up to the marketers to determine how many homes are built, although the government is also providing a pipeline of new homes that we will be building regardless of market conditions, in relation to our public housing program, and supported community housing providers will be building homes, because we know that there is strong demand. There is a long waiting list of people who need shelter. We will be tackling this problem from all angles.

Zoning reform is one of those angles, not just for missing middle but also for transit-oriented development opportunities for more well-located homes close to services, close to shops and close to transport hubs. There is also the work that is being undertaken through land release. That is still an important part of achieving the targets that we have set, both in the National Housing Accord and the national housing target, and also in the government's commitment to go beyond that.

THE CHAIR: Thank you, Minister. I might clarify. We have had Labor planning ministers running a planning review and missing middle reform for five years. Why is it that you are so strongly framing an extra month or two on the parliamentary review process as the key delay?

Mr Steel: We took this to the election to seek a mandate to implement it. Pretty much from day one after the election, work was happening to start organising and getting these reforms up. We are only a year out from the election. We have reforms that have been fully consulted on and updated, and it is now up to the Assembly about how long it takes to implement those reforms. My personal view is that I would like to see this implemented quickly. As I noted in response to Ms Tough's question, a strong vein of feedback from the community consultation was that people are ready to act now, but they are waiting for the reforms to go through. Any delay, whether it be in relation to the committee or otherwise, will delay the introduction of new housing and missing middle type—

THE CHAIR: Thank you, Minister. You mentioned inclusionary zoning in the earlier part of this question. Does inclusionary zoning include public housing? Yesterday, the SLA told this committee that they had not released any land for public housing. They had set a target to release land for public housing, but they failed to meet it and released

no blocks whatsoever for public housing. Will your inclusionary zoning include public housing?

Mr Steel: At the moment, the government has a target of 15 per cent of all land release to be for public, community and affordable housing. That has been the major way that we achieve building more homes to support the most vulnerable people in our community. But what we have recognised, and as I have stated in the statement of planning priorities that I released over the last few weeks, is that the coming land release program, over time and over the future decades ahead, will become more difficult. We will be relying more on leased land to enable more homes. Land is becoming more scarce in the territory. The government will run out of land to release, not just for affordable homes but also for other types of housing, commercial and industrial development—

THE CHAIR: Specifically, will it include public housing?

Mr Steel: What I have outlined in the statement of planning priorities is that we want to now undertake work to develop, almost for the first time, an inclusionary zoning policy for the ACT. The opportunity is to have potential requirements or further incentives to support more affordable community, public and affordable homes on leased land, noting that we have some future large precinct-scale developments coming forward on leased land. Unless we have requirements in place through a zoning policy for the Territory Planning Authority to use in their decision-making and assessment of those applications, it will mean that there would be very little lever for the government to require a certain number of homes for that purpose. We would be relying on the lessee's goodwill to provide those homes. Some of them want to do that. There are some good examples of partnerships that are already forming without those requirements in place. The former pitch and putt site in Woden is a good example of that. CHP is combining with the Southern Cross Club, one of our clubs here in the ACT, to do that, but we—

THE CHAIR: Thank you. Minister, that was an excellent answer. The Greens have been asking for inclusionary zoning for a long time. We are pleased to hear it. From your answer, it sounded like inclusionary zoning will include public housing.

Mr Steel: Yes; absolutely.

THE CHAIR: That is great.

Mr Steel: We have always been of the view that every suburb should have public housing in the ACT. The risk is, particularly as we see some of the precinct scale development, that, unless it is required, some of these areas, which are effectively the size of new suburbs, will not have that available.

THE CHAIR: I am in furious agreement. That is excellent.

MR CAIN: Minister, you said people are waiting for these reforms. Which people are you referring to?

Mr Steel: Developers, mum-and-dad investors, lessees and those who wish to

subdivide—that is, not necessarily develop but subdivide their block and enable someone else to build a new dwelling, which is a strong piece of feedback that we heard through missing middle housing reforms, that people wanted the opportunity to do—

MR CAIN: And who are not wanting these reforms?

Mr Steel: I will ask Mr Bennett. Obviously, we receive a range of feedback on major plan amendments when they come forward, and there are always a range of views. You will get 100 per cent of people agreeing with a policy that is put forward. Often the feedback, even within a submission, is mixed. They may support some elements of the reforms and not others. They may want to see the reforms go further.

THE CHAIR: I will step in. Mr Cain, you were after a list of names. We have the submissions in the public domain and we are running an inquiry. Is there something specific that you need about who wants them and who does not? This could take another 20 minutes, I suspect.

MR CAIN: I am happy for the minister to finish the answer.

Mr Steel: Mr Bennett.

THE CHAIR: Perhaps you can be brief, Mr Bennett.

Mr Bennett: Of the people that we spoke to face-to-face in all districts across Canberra during the consultation, 76 per cent were supportive of the reforms as they were put out. I think that is the best way to answer that question.

THE CHAIR: If anyone wants to get more details, they can find the information in the submissions that are in the public domain?

Mr Bennett: Yes. On the Planning website is all the information that we have received. There is the initial proposal, there is the revised proposal and there is the explanation of why those changes have been made in response to the feedback that we have heard.

THE CHAIR: That is excellent. Thank you.

MS TOUGH: Minister, you mentioned community housing providers and the territory priority project bill. When this committee inquired earlier this year on the bill, I made a recommendation that we include community housing in the bill. Would including community housing go some way to reach that goal of 30,000 new houses?

Mr Steel: Yes. It is a policy decision for the government and the Assembly to make about the mix of housing that we want as part of the housing target that we want to have—in the government's view, a mix of housing being provided that includes community, public and affordable homes. So the—

THE CHAIR: I think that is a yes, Ms Tough. Thank you.

Mr Steel: The important point is that we have been consulting with the community housing providers as a result of the recommendation that you made. We held a

community housing roundtable in July. We heard very strong feedback from community housing providers that they wanted to be included and that their projects should be default territory priority projects in addition to public housing under section 216 of the Planning Act. We have been considering that and working through what the opportunity is for them to be included. The reason that they were not included at the beginning is that there were risks around that. It was not as clear-cut as public housing. Obviously, community housing providers often work in partnership with developers who are developing a broader development. Part of that development may include non-community housing, so we did not want to provide a loophole for certain developers to use to get through the planning process for their broader development—the portion that did not include the community housing.

We have had to consider all those issues in taking a risk based approach. There is a pathway, and, with the extra time we have had between the introduction and debate—which we hope will happen in December—we have been able to consider those issues appropriately. We can include and support community housing as part of both the declaration pathway under section 218 and the opportunity for the default pathway in 216 for community housing.

MS TOUGH: Thank you.

MR BRADDOCK: Could I jump in and ask if the government can confirm they agree to provide that data on notice about the development and other processes, which was at the start of this question?

THE CHAIR: I believe your witness at the beginning said that she could take some data on notice. We do not need you back. We just want to confirm you have taken it on notice.

Mr Steel: Regarding the current status of meeting the national housing target.

Mr Engele: Related to that, I took on notice the reference to that report. I can provide it for the record now. That was in relation to my response to Ms Castley about where the ACT sat relative to other jurisdictions. That comes from the federal government's report, *State of the housing system 2025*, and ABS data on housing completions. It was reported in the *Australian Financial Review* on 23 October.

THE CHAIR: I have a question about the Thoroughbred Park application. Under the Planning Act, the Planning Authority must decide within three months whether it accepts an application for an amendment to the Territory Plan. The Canberra Racing Club's application for a major plan amendment was lodged with the authority in May 2024. The decision to refuse it was not made until October 2025. Why did that decision take 17 months instead of the usual statutory three months?

Mr Green: We made a conscious decision not to make a decision because the district strategies clearly articulated a broader strategic planning outcome for that area. That includes the Thoroughbred Park site, the Canberra Veterinary Hospital site, the pony club site and the Canberra winery site—those sites that are bound by Randwick Road, Flemington Road, Federal Highway and Barton Highway.

We were in engagement with that proponent to advise them that we were doing some further planning work, and that planning work took time to get to a point where we were comfortable, not necessarily with refusing their proposal—although technically it is—but with getting a consolidated position and doing that work to make sure we had a precinct-based approach.

THE CHAIR: The authority chose not to refuse it within three months, on the usual statutory timeline?

Mr Green: Correct.

THE CHAIR: I am interested in its status now; it is quite unusual. The authority has refused that application from the proponent, but the authority is also considering it, having formalised that application. What does formalising somebody else's proposal mean?

Mr Green: I would not necessarily characterise it in that way. The decision that we have taken—

THE CHAIR: I think we are quoting words from the Planning Authority and the minister on this. I do not mean to misquote anyone. Can you tell me what the status is? I believe we have been told that it has been formalised.

Mr Green: The formalisation is that the authority has initiated a major plan amendment of its own initiative, taking into consideration the work that had already been undertaken by the proponent for the Thoroughbred racecourse, as well as the work undertaken by the Territory Planning Authority. That combines it into a single major plan amendment that is currently under consultation at the moment.

THE CHAIR: So it is a territory-initiated process?

Mr Green: Correct.

THE CHAIR: With the work done by the Canberra Racing Club, has the government absorbed that into their work?

Mr Green: That has informed the work. Some of those reports that were provided by the proponent to support that are available. Yes, that has informed a broader approach. We want to be very clear that that work has been undertaken and provide that as part of the consultation process.

THE CHAIR: Did government pay for those designs and studies or did the industry pay for those? Who has paid for those?

Mr Green: The proponent has paid for the studies that they have provided as part of their application process. We have used that work and our own work to create what is an authority-initiated proposal.

THE CHAIR: Does government verify those? It is quite unusual, when government does not have any contractual relationship with someone who has done studies and

designs, for government to then rely on those studies and designs. Does government verify those, or does government just look at them?

Mr Green: As part of the major plan amendment process and where it is proponent initiated, as I mentioned earlier, our website articulates what the process is. That includes verifying that information with relevant entities. For example, transport reports would be reviewed by colleagues within our transport teams to assess the veracity of those and their applicability. Yes, there is scrutiny applied to the reports that are provided.

Mr Steel: Also, I would not say that it is unusual. Proponents usually always are responsible for the cost of delivering due diligence studies, whether it is in relation to transport, environment and so forth, through the planning system for the Territory Planning Authority to assess and entities to then scrutinise and comment on.

THE CHAIR: Typically, though, Minister, proponents do that for proponent-initiated variations.

Mr Steel: Sure.

THE CHAIR: This is actually a government-initiated variation.

Mr Steel: Now, yes.

THE CHAIR: That is where it is unusual. When government initiates a variation, government usually contracts and does its own work; it does not rely on industry work. Is that incorrect?

Mr Steel: Sure, but this one has—

Mr Green: Yes, that is correct.

Mr Steel: The history has been explained. I am just saying that it is generally not unusual across the planning system for those reports to be funded by proponents. Obviously, this one started as a proponent-initiated one—by a proponent, yes.

THE CHAIR: How confident are you that government is doing its due diligence? What work are you doing to verify that information that has been produced by somebody else that you have no contractual relationship with?

Mr Green: That is our standard process, as I have already described. Where proponents are providing that information, we undertake that assessment. There is expertise that sits within government, and those elements are assessed. I do not think it would be right to just go and repeat a bunch of studies at taxpayer expense when the information that is being provided is suitable for the purpose for which we are seeking it, in accordance with our broader strategic purpose.

THE CHAIR: We applaud efficiency; you just have to do the work to make sure that that work is suitable for the purpose. This might be one to take on notice: in recent times—I do not know how far you want to go back in the records; it is really up to

you—has there been any other development like this, where it was initiated by industry, it was rejected by the Planning Authority and the Planning Authority started its own process and took those? You do not need to answer off the top of your head; I would love to know how often this sort of process happens.

Mr Green: I can certainly answer in the context of the new planning system, in that this is the first time. I reiterate that the reason, where the strategic planning is set through district strategies, is to consider this as a much broader precinct.

THE CHAIR: I think it is excellent to take a precinct view. Under the old system—I understand it is a different system—we still had proponent initiated and territory initiated. Are you able to check the records and see whether, in recent times, that—

Mr Green: Not to my knowledge. It would be useful to understand the time period, because it will require a review of every single file rather than—

THE CHAIR: What I would really like, Mr Green, is an answer on notice saying, “No, we believe this is the first time it has happened,” in the last whatever time period you think, or, “Yes, we’ve checked the record.” I can give you a time frame, but then I am telling you how much work to do. I do not know what is reasonable.

Mr Green: I can certainly look.

THE CHAIR: Surely, somebody in the office knows if this has happened on major developments.

Mr Green: We also want to be accurate with the information we provide.

THE CHAIR: 10 years?

Mr Green: We can go back maybe five years, in the old planning system. I am happy to take it on notice.

THE CHAIR: Let us go for five years: to the best knowledge of the authority, has this happened before? It is so that we know whether this is unique or whether it is normal business.

MS CARRICK: My questions are around Mr Fluffy. After 11 years of knowing of the dangers of Mr Fluffy, what specific impediment prevents the government from making a final determination on compulsory acquisition?

Mr Steel: The powers exist around compulsory acquisition. The government has been clear that we are not intending to utilise those powers until at least, I think, 2027. We will then reconsider at that point in time whether it is appropriate. Of course, there are existing pathways that are available to the lessees of the remaining Mr Fluffy properties, should they wish to exercise those options.

MS CARRICK: Why has the decision-making timeframe been extended to 2027 when it was previously 2025?

Mr Steel: Because the government made the decision that it did not want to take up the option of compulsory acquisition in 2025.

MS CARRICK: What are the criteria for triggering a compulsory acquisition case?

Mr Steel: There is a process that is outlined in the legislation around what is required to make a decision around compulsory acquisition. At the moment the government's view is that there are a range of options available to the Mr Fluffy lessees to pursue. For some of those lessees, they have already made a decision not to participate in the voluntary buyback scheme, so the options available to them have been to remediate the issue and sell the land, and undertake that at their own cost; or, of course, if they cannot sell, there is the option of the purchaser of last resort scheme.

MS CARRICK: Who is the purchaser of last resort? Is that the ACT government?

Ms Akhter: I have read and acknowledge the privilege statement. As the minister outlined, we have 14 remaining properties which are privately owned and which have not participated in the voluntary buyback scheme. Home owners of those privately owned affected properties may choose to manage their affected property through private demolition and private sale, as the minister has outlined. They can choose a request for acquisition for a deceased state, for eligible persons, or sell to the territory under the purchaser of last resort, as an option.

With respect to how that works, purchaser of last resort is a standing offer from the territory for those who did not choose to opt in to the voluntary buyback scheme at the time. This offer is for those houses which have been added to the register. Through this process, the government will offer to purchase an affected property that is not surrendered, as I mentioned, and it may have failed to sell on open market, which is always an option for them. If they choose to go ahead with this option, the territory will pay the average of two independently determined market valuations for the property at the time, explicitly taking into account the presence of asbestos insulation, as well as presentation and conditions issues.

MS CARRICK: If they were to enter the voluntary buyback scheme, they get the 2014 valuation; is that correct?

Ms Akhter: At the time, in 2014, the valuations considered no presence of asbestos, as part of the voluntary scheme. However, because the scheme has closed now, those affected properties which decided not to opt in to the scheme at the time can still choose to sell their property to the government through the option that I have just outlined. In this option the territory will still undertake two valuations, independently done, but those valuations will consider presence of asbestos in those houses.

MS CARRICK: Basically, the pathway at the moment is that they will be seriously out of pocket—a major loss on their property. There really is not a good option for them, because the current option potentially does not even give them enough money to buy a new place in their area.

Mr Steel: That is your view. The government's view is that the initial voluntary buyback scheme was very generous and did not include the presence of asbestos in that

valuation, as Ms Akhter has outlined. Obviously, those lessees have made their own decisions, and it is up to them, about whether they wanted to participate in that scheme. Now they have other options available to them. They may wish to sell their property based on current market conditions. Obviously, there would be the cost of demolition or sale. Also, if they cannot get an outcome through that that they are satisfied with, there is, I think, a very fair scheme through the buyer of last resort, which is based on current market values, but does take into consideration the presence of asbestos.

MS CARRICK: You say that it was a fair scheme, but many people that were involved in that scheme do not believe it was fair. Are you concerned that if you compulsorily acquire these last properties under just terms, that would open a class action for the other thousand Mr Fluffy homes to get a fair value?

Mr Steel: You are asking me for a statement of legal opinion, so I cannot provide that answer. I would say that there are a range of options open to lessees right now that do not involve compulsory acquisition—which is, obviously, a decision for government to make—that they have, and have had for a number of years, to be able to remediate their properties, and if they wish to move on, which is up to them. One of the options is not to move on, to remain in situ within their property. We absolutely understand that people may wish to remain onsite for the future, particularly as they age.

We realise that a number of the remaining lessees are in the later stage of their lives and they may not wish to make that transition at this particular point in time. We will respect that. We also absolutely understand the trauma associated with the presence of asbestos and finding out about the presence of asbestos in people's homes. They may have different views about the voluntary buyback scheme and the process that the government undertook to develop the scheme. We absolutely acknowledge that.

We believe that we had a fair scheme that was quite generous, and that was provided based on the 2014 valuations. There are a range of other options now for those lessees to take. It is their financial decision to make, and it will be different in every circumstance. People will have different views on that, and we respect those views. We have also tried to provide certainty around the fact that we are not considering compulsory acquisition at this time, and we will re-evaluate that in 2027.

MS CARRICK: How many of the 14 want to stay there until they die, and how many want to have their properties compulsorily acquired?

Mr Steel: I am not sure that we can comment on that, for privacy reasons.

Ms Akhter: We do engage with the home owners regularly. We do not yet have any such knowledge of who is interested in either of the options. If they are, we can take them through the options that we have. The task force and the loose-fill asbestos insulation scheme have been looked at multiple times since 2015 and 2022. Over that lifetime, 10 independent audits were undertaken, focusing on the scheme's management, the buyback phase, the assistance phase, the demolition phase and the sales phase. These are all available on the website, of course.

THE CHAIR: We probably do not need material that is on the website.

MS CARRICK: No, that is okay. I just want to say that there are probably only a couple of people that want compulsory acquisition. To say that the pathway is potentially to demolish their house, which costs a lot of money, and then to sell just the land, it means they would not get the benefit of having had a house, and the sale value of a house. It is very harsh to leave these people in this situation when there are only a small number of them that need to be sorted out.

THE CHAIR: Have you received advice or been briefed on the risk that Ms Carrick mentioned of class action? You said that was asking for a legal opinion. Can you tell us whether you have received advice about that matter?

Mr Steel: I will take that on notice.

THE CHAIR: Excellent.

MS CASTLEY: I would like to revisit the productivity challenges that we discussed earlier. An issue that is constantly raised with me is the poor state of communication with various ACT government entities involved with projects. It seems like a fairly minor thing, but it is impacting project delivery. Has this been flagged as an issue, and what are you doing to address it?

Mr Steel: Yes, it is, and the government has already taken quite extensive action through the machinery-of-government changes. We have brought the Environment, Planning and Sustainable Development Directorate together with the Transport Canberra and City Services Directorate. TCCS was a referral entity, prior to its merger with the City and Environment Directorate.

Part of the rationale behind the changes was to have better integration between land use planning and transport planning, as well as trying to bring some of the key referral entities together into the one directorate, so that we were breaking down those silos and trying to streamline the process of engagement, particularly with development applications, and particularly with some of the more complex development applications.

The other key part of that merger was, of course, about having the environment part of EPSDD, which includes the conservator and his responsibilities, as a referral entity under the planning system. We expect that this will deliver better alignment. There are other entities that exist that are also referral entities and that are not part of that merger. We are trying to work with them to make sure that they are part of this discussion that we are having with industry about construction productivity, so that they are engaged and are also doing what they can to streamline their processes for approval. By that I mean particularly Icon Water and Evoenergy, who have been engaged in that discussion as well.

I will hand over to the team to talk a little bit about the work that is happening. Certainly, with referral entities, their role is important. One of the things that we have noted, in mapping out the planning system, and one of the opportunities for streamlining the system, is that, when one referral entity provides advice, and it results in changes to the development proposal as a result of that advice, the proponent may need to go back to other referral entities and seek approval for the change. There is a bounce-back that

happens, back and forward, that can result in unnecessary delays. We are aware of that issue, and we are working through what process changes might be able to address that. The machinery-of-government changes have been the key thing that has happened thus far, but there is further work happening.

Mr Engele: Thanks for the question. We have absolutely heard that message in relation to the certainty of pathway. I mentioned before that a key area of focus is providing that certainty. Also, when a decision is made, it is about trying to capture as many of those entity requirements as possible. The benefit that we see in having the new City and Environment Directorate is that we can have more interactive discussions amongst the different referral entities, to try and resolve what can be conflicting objectives or trade-offs that need to be made. When the Territory Planning Authority makes a decision, we have traded some of those off, and we can be very clear, rather than requiring post-decision conditions on which developers have had to work with individual entities.

We have been meeting with Icon Water, in particular, looking at some of the timeframes there, and looking to see where we can work together to better align those. It is definitely about understanding the entity referrals.

In the communications piece, we have been doing some work in the gateway team about how we can provide better advice to both private sector developers and government agencies that are putting in major applications.

MS CASTLEY: Has anyone raised WorkSafe—the entity itself, its practices or particular personnel—as a cause of some project delays or industry productivity issues?

Mr Green: No, not directly, as part of the work we are doing. The other point to make is that, in bringing together the new directorate, we were all operating different systems. We need to be more interwoven around this. Part of that is getting the work mapped, as it is now, which I mentioned in the last hearings of this committee. We are now working through that exercise of how we reduce the number of processes that we have, and what our risk threshold and appetite is around those things as well.

Mr Steel: I would say generally about the productivity agenda that, while we want to streamline building processes and regulations, we do not want to see a reduction in building quality or safety.

MS CASTLEY: Of course not. Last week I met with some planners and other industry figures and they were explaining that things are the worst they have seen in the ACT in decades. I know there is all sorts of great hope coming forward that there will be some change, but I am hearing constantly that big and small developers are leaving town—that they have just had enough. I am wondering how you are responding to that, because once they have gone, they have gone. What are you doing as a directorate to make sure we are not having them all leave and go to Queanbeyan, Googong and that? It is happening.

Mr Steel: I do not see that. I do not agree with the premise of the question.

MS CASTLEY: You have not heard that?

Mr Steel: I have heard that some developers are not willing to work here under property developer licensing. Quite frankly, if dodgy developers leave the territory that is a good thing.

MS CASTLEY: That is a rough response.

Mr Steel: We want to see high-quality development here. They will have more opportunity under our government with the planning changes that we are making that will enable them to build housing that was prohibited in the past. We are working with them on construction productivity reforms, which will improve the efficiency of the planning and building systems to be able to enable their developments.

I would just refer to the most recent numbers, in October. The median timeframe for a standard DA was 28 days to get through the system, which is lower than the 30-day timeframe, which is the benchmark.

We are going to look at a range of different things, but we are assessing their proposals. There is money to be made here, and I am sure that developers will continue to develop in the territory. But we have high expectations of them that they build well.

THE CHAIR: Thank you, Minister.

MS TOUGH: I want to ask about heritage. What are the timeframes for advice and processing by the ACT Heritage Council when applications or notifications are submitted under the Heritage Act?

Mr Steel: I will hand over to Mr Burkevics and Dr Swete Kelly.

Mr Burkevics: Thanks, Minister. And thanks, Ms Tough, for the question. I think what we have seen is a really significant improvement in the timeframes of response on behalf of the Heritage Council. A couple of years ago, it was down in the 60s and we have seen it climb into the 80s. Further investment by government in resourcing and, following a number of reviews in the past, some process changes in particular have absolutely lifted those target timeframes. They are very pleasing results, which are reported there in the annual report.

MS TOUGH: Wonderful. What were some of the key challenges that had to be overcome to improve those timeframes?

Mr Burkevics: I will hand over to Dr Swete Kelly in a moment. But I think there were a number of matters that were looked at to improve those response timeframes. One was the internal process and how different referrals are managed internally and how they are risk assessed. As mentioned in discussions earlier today, working with the Territory Planning Authority in terms of referral processes as a referral entity and a number of mechanics, including attracting good people to ACT Heritage. That skill set is limited. With some growth in position numbers, there has been a good opportunity to attract some very, very good archaeologists and architects into ACT Heritage. But I will hand to Dr Swete Kelly.

Dr Swete Kelly: I agree with all of that. I would just add that another has been working to improve our processes with the Heritage Council—defining the roles and responsibilities of both ACT Heritage and the Heritage Council, noting that we have a new chair as of July this year and a newly-formed council.

MS TOUGH: Wonderful. It sounds like there are lots of improvements.

MS CASTLEY: Minister, Treasury published updated population projections this September which showed, amongst other things, a population fall—falling to zero by 2065. Following question time, the Treasurer said, “These population projections are not intended to present predictions of the demographic future to any degree of reliability or precision.” That is *Hansard*, page 2,761. Did the directorate have any input into Treasury’s population projections, either into the methodology or feedback on the projections, prior to publication? If so, what advice was provided?

Mr Steel: Just in the interests of time, we might take that on notice. But I think Treasury have been clear that they were informed by the sort of planning work more broadly that was occurring in the territory to inform some of the methodology.

MS CASTLEY: Have you raised this with Treasury since I raised it in question time?

Mr Steel: I think I provided you with that response to the question on notice.

MS CASTLEY: In question time, the minister said, “The change in methodology to a dynamic model, we think has, in fact, made the forecasting more reliable.” When you said “we think”, were you speaking on behalf of Planning officials? If so, what is the evidence to support that view?

Mr Steel: I am happy to provide some information on notice. This is a model that was developed, I believe, with the ANU. So it is rigorous and it is actually nation-leading in terms of its approach to looking at population trends.

MS CASTLEY: Does the disclaimer about the projections not having any degree of reliability or precision change how officials will use this data on the population projections?

Mr Steel: No, I think it just adds further clarity on their use. The longer you project, the more unreliable these sorts of projections get the further in time. I think that is a well-known principle for forecasting. There is a lot of short-term work that Planning is doing where they might use those population projections and, of course, the shorter-term forecasts will be more reliable than the longer-term forecasts.

THE CHAIR: Thank you, Minister.

MR EMERSON: I want to ask about private certifiers and public certifiers. Labor’s 2024 election platform stated that it would recommit to establish an expert team of publicly-funded building certifiers within the ACT public service. I understand this was also an election commitment in 2020. What progress has the government made in transitioning to public certifiers?

Mr Steel: I will hand over to Mr Bennett.

Mr Bennett: This is a project that we did a bit of work on in the last term of government to scope out a range of options and understand some of the opportunities and challenges in setting up public certifiers. It is a project that we have been working on this term of government. We have had some other projects which are more of a priority at the moment, and so we will be progressing more detailed work on this in the coming year.

But we have been scoping out a range of options in terms of whether we establish a team within an existing administrative unit of government, whether we set up a territory-owned business, and whether there are other options available in acquiring that workforce. From the work that we have done on this and from discussions with colleagues around the country, we know that the workforce challenges in certification are national ones and there are real challenges in terms of hiring quality people and there are also challenges in the future workforce of people coming through. They are key issues that we need to resolve in making sure that, when we establish this service to provide it to the community, it is sustainable from day one, that there is a viable product offering to the community and that there is a flow of future labour that can support that team into the future.

MR EMERSON: What kind of assessment has been done on the impact of having had private certifiers for such a long time? I engaged a private certifier when I managed a fit-out for my small business and was encouraged to seek a drive-by certifier if I wanted to save time. I have also spoken with a concreter who indicated that 90 per cent of their work comprises concrete remediation for brand-new builds. So I am just curious about the government's assessment of the impact of this pretty clear conflict of interest on building quality in the ACT to date.

Mr Bennett: I might get my colleague Mr Lhuede to talk to some of the regulatory aspects of that. From a policy perspective, the legislation is very clear that, for those sort of small and minor builds, the certifier is appointed by the home owner and the certifier works for the home owner. What we know in terms of industry practice is that often people engage a builder and that builder has a relationship with the certifier, and there is a package offering that is offered to an individual to try and have a smooth process there. Under the legislation, the certifier has legal obligations to act in the best interests of the home owner and making sure that work is done properly. We know, through the incidence of defects and issues that arise, that issues are not always picked up and that these things arise. That is something that we are looking at very closely, to make sure that the policy framework at the theoretical level is effective but also that it is delivered effectively in practice. Mr Lhuede might like to talk about that.

THE CHAIR: Mr Emerson, if you can focus on what you would like in the next couple of minutes, so we—

MR EMERSON: I am concerned about liability that the government might face. Private certifiers are essentially operating on behalf of the government but in a way that they are kind of not on the ground, if you know what I mean. I am interested in whether that has been investigated and whether there will or may be any legal consequences.

Mr Bennett: It is a co-regulatory model. When we license certifiers, they have to meet

minimum qualification standards and experience requirements to obtain the licence. Mr Lhuede and his team do a lot of proactive auditing of that. In the creation of a public certification team, liability is one of the critical issues that we need to look at and resolve.

Mr Lhuede: I confirm that they are a regulated entity under the Construction Occupations Licensing Act. So they are subject to the same range of occupational discipline, demerit, that builders and other licensed occupations are. Within Access Canberra, over the past two to three years, we have had a significant increase in focus on audit and compliance of the class 2 to 9—so the medium to high-rise—as well as the detached residential space. That has included, by us, engagement of principal certifiers to support that assessment being undertaken. If I look at the last sort of 12 months of that, we are actively inspecting medium, high-rise sites.

A really key part of that has been looking at the minimum documentation standards that are provided by certifiers and developers as part of the building approval process. So we are looking at 100 per cent of those. All class 2 to 9 building approvals that come through are audited. They are audited by certifiers and engineers. That equates to about \$300 million worth of work last year. So it is a significant program and it is making a significant difference, in that we are seeing now from certifiers significantly less issues coming through that process.

MR EMERSON: Okay. Perhaps just on notice, do you have a timeline for the introduction of public certifiers or what that scope of work looks like?

THE CHAIR: You might take that on notice.

Mr Bennett: I can say that it will be this term of government—that commitment to deliver on.

THE CHAIR: This term of government. Could we have any timeline on notice?

MR EMERSON: And the extra detail.

THE CHAIR: If the answer comes back that there is no timeline, that is the answer that comes back.

Mr Steel: The government has not made a decision on exactly when in the terms because the policy development is still occurring and is at an early stage.

MR EMERSON: I am okay with that.

Mr Steel: The commitment is this term.

MR EMERSON: Okay.

MR BRADDOCK: The EPSDD annual report refers to the commitment to at least 70 per cent of new housing within Canberra's existing urban footprint. The government in April this year in the Assembly agreed to set an urban growth boundary, but there is no mention of this commitment in the annual report. What work is underway within CED

on establishing an urban growth boundary, as agreed in the parliament?

Mr Steel: There is absolutely that mention in the statement of planning priorities, which I have just released, which reflects the commitments that the government made at the election, that we had support for, and also the commitments we made in the supply agreement with the Greens as well, which included consideration of an urban growth boundary. That is a piece of work that will kick off. It relates quite strongly to the development of a landscape plan for the ACT, which is a Labor commitment that we made at the election to, I guess, proactively identify those areas of environmental value and develop a spatial plan.

The refresh of the planning strategy is something that we are required to do under the Planning Act, and there is a synergy there with all of those pieces of work that we will be working on. There are, of course, studies that are required to be undertaken to help develop that piece of work and inform that piece of work. It is not something where a decision can be made immediately without those studies having been undertaken.

The other point I want to make, which is highlighted in the planning priorities statement, is that we want to take a regional approach to this, not just focused on the borders of the ACT but also the city of greater Canberra, including the surrounding area. We do not want to see unsustainable development outside of the border that puts pressure on the ACT and puts pressure on the environmental values, including natural temperate grassland which crosses the border. There are issues around water security to consider. There are a whole range of things, transport access being a big one and the impact on our infrastructure of that kind of unsustainable sprawl but also the impact on the health system. There are up to 25 per cent of people from New South Wales in our health system, in our hospitals, at any one time.

All of that needs to be considered, and we will be engaging with both the local governments around us as part of that process but also the New South Wales government. They are also undertaking regional planning at the same time. So I think I think it is actually a good time to be having that discussion around, “What does that look like and does this sort of approach need to be undertaken beyond the border and not just the borders of the ACT?”

THE CHAIR: Minister, you mentioned that some studies have been done. Can you provide on notice a list of the studies that have been done?

Mr Steel: There is ongoing work and there may be further studies identified as well. It is actually a conversation I am having right now with the environment minister about what is required to be able to get us to a point where we can then inform that work.

THE CHAIR: Could you provide on notice a list of the studies that have been done, or the studies that have been identified that need to be done? Can you provide that on notice?

Mr Steel: Some of the studies that have been undertaken are already reflected on ACTmapi—some of those broader environmental studies. Some of them are associated with work that is already underway for the eastern broadacre, which has been, as you know, underway for some time around the strategic assessment there. Then, also, there

is the work that have been undertaken for the continuing investigation on the western edge, which are large tracts of land in the ACT that we will really be looking at closely as part of this process.

THE CHAIR: All of that sounds great. On notice, could you provide a list of the studies that have been done that relate to this urban edge and the regional approach, and also clarity as to whether those studies have been published, whether they are complete—where they are up to? Can we get that on notice?

Mr Engele: Most of those are available online, but we can take on notice and—

THE CHAIR: Some of them are not. I know that there are 31 western edge studies, for instance, and there are 15 online.

Mr Engele: No problem. I appreciate that—

THE CHAIR: So can we get a list of what the studies are, what the status is and whether they are public or not?

Mr Engele: Yes; no problem.

THE CHAIR: Thank you. That would be great.

Mr Engele: Before you finalise, there was a question taken on notice about compliance with lease conditions and what the penalties are. I have the details. That is 60 penalty units and \$810 per penalty unit for a corporation. That was in relation to a question taken on notice by Mr Lhuede.

THE CHAIR: Excellent; thank you. On behalf of the committee, thank you for your attendance today. We have covered a lot of material. We had a lot more we could have covered. We have had a number of questions taken on notice. We would love you to provide those answers to the secretariat within five business days. Have a look at the uncorrected proof when it comes through. Thank you.

Short suspension.

Appearances:

Cheyne, Ms Tara, Attorney-General, Minister for Human Rights, Minister for City and Government Services and Minister for the Night-Time Economy

City and Environment Directorate

Peffer, Mr Dave, Director-General

Burkevics, Mr Bren, Executive Group Manager, Environment, Heritage and Parks Group

Watts, Ms Michaela, Acting Executive Branch Manager, ACT Parks and Conservation Service

Kamarul, Mr Matthew, Executive Branch Manager, Environment, Land and Technical Regulations

Tetley, Ms Melissa, Chief Finance Officer

THE CHAIR: Welcome, Ms Tara Cheyne MLA, Minister for City and Government Services, and officials. Please note that, as witnesses, you are protected by parliamentary privilege, and you are bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. You do not need to say that you acknowledge the statement anymore. Our standing orders just mean that they apply to you. We are not having opening statements. We will proceed straight to questions.

Minister, my first question is about First Nations rangers and cultural advisers. There is a federally funded Indigenous rangers program that has \$335 million available to deliver 1,000 new rangers. I understand that there have been about 115 projects announced already across every state and territory except for the ACT. Did the ACT government apply for any rangers under this program?

Ms Cheyne: I do not know, so I will look to my officials. Hopefully, someone can answer.

Mr Burkevics: I am aware of the program; I am not aware that any application has been made under that program. From memory, the criteria for that program are very specific. I am not aware of any specific application at the moment.

THE CHAIR: Obviously, other states and territories have managed to meet those criteria. You may not be able to answer this off the top of your head, but I would love to know what it is that meant the ACT was not able to access those resources. It is certainly consistent with the work we would like to do here. Can you look that up and provide details or provide any information now as to why every other state and territory managed to leverage that money and we did not?

Mr Burkevics: Before taking it on notice, the head of parks, Ms Watts, might have some further information to add.

Ms Watts: We will have to take that question on notice so that we can fully determine what parameters applied to that funding.

Ms Cheyne: Would you mind saying the program name again?

THE CHAIR: I am happy to. It is the Indigenous Rangers Program, and it had \$335 million available for 1,000 new rangers. Every other state and territory managed to bid for this program, and it sounds like we did not lodge a bid. The question is: why didn't we lodge a bid? What was it that we were unable to meet there? The answer might be that we did not know about it—whatever the answer is.

Ms Cheyne: Yes, a good question. We will get back to you.

THE CHAIR: How many First Nations rangers do we currently have working for us?

Ms Cheyne: We will have that information.

Mr Peffer: If we take that on notice, I suspect we will be able to get that for you pretty quickly.

THE CHAIR: When you take it on notice, can you tell me whether we have any goals to expand that? Can you tell me whether that number has been static over the last three years, or whether it has gone up or down?

Ms Cheyne: Yes, we can do that.

THE CHAIR: I am also interested in looking at our cultural advisers. With the Conserving Canberra initiative on page 47 of the annual report, it sounds like it achieved some great things, in terms of trialling Ngunnawal protocol engagement and successful restoration. We had four cultural advisers—two men and two women—employed under that program. They have brought First Nations knowledge to the program as an eco-cultural project. The program is now over, and the funding has ceased. Is that correct? Is that program now finished?

Mr Burkevics: No, the program has not ceased.

THE CHAIR: Great.

Mr Burkevics: The CFO may be able to chase that up. We will take on notice the question about the exact funding, but the program has not finished.

THE CHAIR: The program is continuing; you have taken on notice whether the funding is ongoing, whether it is for one year, two years, or whatever that is.

Mr Peffer: And the officers are still in their roles.

THE CHAIR: That was going to be my next question. All four cultural advisers are still employed in PCS, in CED somewhere?

Mr Burkevics: That is correct. They are employed within the City and Environment Directorate. If I am not mistaken, they are employed through an Aboriginal-controlled organisation. I fully acknowledge that the program is going really well. There is very strong integration between the advisers and other parts of the directorate—Parks and Conservation Service and the Office of Nature Conservation. There are two Aboriginal

groups that are working. One is the cultural advisers, and there is an Aboriginal works crew. The advisers are specifically from Ngunnawal community, advising. I mentioned that they may have been employed by the directorate. I think it is the case that they are paid for their responsibilities, whereas our Aboriginal works crew are slightly different.

THE CHAIR: It sounds like a good program. Is government looking at more cultural programs like this?

Mr Burkevics: I think it is fair to say that government are always looking for opportunities to strengthen engagement with the traditional custodians. As the annual report highlights, we are reviewing the Dhawura Ngunnawal Caring for Country Committee at the moment, to strengthen and expand upon that engagement mechanism. Certainly, on the ground, both the Ngunnawal works crew and the cultural advisers are having significant benefits, beyond our Indigenous rangers as well.

THE CHAIR: I did have questions for another session on the Dhawura Ngunnawal cultural committee. Is that a question I should be asking here? Who has responsibility for that? The Dhawura Ngunnawal Caring for Country Committee has stopped at the moment—is that right?—while something is happening.

Mr Peffer: It is under review.

Mr Burkevics: Paused.

THE CHAIR: Who has responsibility? Where should we direct questions about that?

Mr Burkevics: I will defer to the minister.

Ms Cheyne: I am happy for you to take them now.

THE CHAIR: Basically, that committee has stalled. What is happening?

Mr Burkevics: I would not say stalled—

THE CHAIR: Paused?

Mr Burkevics: Paused. A deliberate pause was taken with that committee late last year. That committee has been in existence for a number of years. The members were approaching their term. At the time it was deemed appropriate that, in light of a range of factors, including the signal that a new directorate would be forming, it was appropriate to pause and undertake a review of the Dhawura Ngunnawal Caring for Country Committee.

An Aboriginal-controlled business was engaged through a competitive tender process to undertake that review. The parameters of that review are available on the tender review website. From my accounts, and all the information that I have received from the organisation, the review is going really well. We have had strong engagement from all current members of the committee.

I think that the review will provide not only the directorate but ministers and potentially

government with some really good, current information about options for strengthening engagement with traditional custodians. We are expecting the draft report in the next month, which is great, and that will allow future decisions to be made about a reconstituted committee.

Of course, one of the considerations is that, when the review commenced, it was primarily focused around the needs of the former EPSD Directorate. Under the new City and Environment Directorate, there is a far greater opportunity to consider broader potential responsibilities for that committee.

THE CHAIR: You probably cannot give an update on timelines until you have that report in the next month or so.

Mr Burkevics: Correct, yes; the review and subsequent decisions to come.

THE CHAIR: How is CED making sure that they get the input that was formerly provided by the Dhawura Ngunnawal Caring for Country Committee in this gap that has been more than a year, and it might be a much longer period of time; we do not yet know?

Mr Burkevics: The directorate has a range of engagement mechanisms with traditional custodians and other interested parties. There are four mechanisms, such as with the Elected Body and the United Ngunnawal Elders Council. We also have a traditional custodian engagement unit that is headed by a Ngunnawal woman. That unit provides regular engagement with the Ngunnawal community on a range of land management matters.

Whilst we have always had very productive discussions with the DNCCC regularly, in a way, those needs for consultation have just been directed through the other mechanisms, including directly with the registered Aboriginal organisations, the RAOs, which are formed under the Heritage Act.

THE CHAIR: If anyone has a view that they need to be consulted or that consultation needs to be done differently, who would they put that view to? Would that come to Minister Cheyne or Minister Orr? Where would that go?

Mr Burkevics: It depends on the matter that we are consulting on, of course, and there are a number of ways in which the community can engage.

THE CHAIR: Let us say land planning and environmental decisions.

Mr Burkevics: That is a good question. It may be appropriate that they are directed through the Elected Body member, because that member may cover a range of the directorate's responsibilities in the first instance. If they were to direct it to the traditional custodian engagement unit, we would ensure that it is channelled to the right place.

THE CHAIR: Traditional custodian engagement—the Elected Body?

Mr Burkevics: The traditional custodian unit within City and Environment Directorate,

which has links into the Ngunnawal community. That is the primary mechanism for the Ngunnawal community.

THE CHAIR: That is probably the best first—

Mr Burkevics: Correct.

MS CARRICK: My question is about the reserve management plans. There is one on the website for Woden and Weston Creek’s urban parks and sportsgrounds, and it is from 1998. That is great; it covers an amazing range of things. Is that ever going to be looked at for its currency and how it could be improved upon?

Ms Cheyne: If it is what I think it is, Ms Carrick, it might be for tomorrow’s session.

MS CARRICK: Okay.

Ms Cheyne: Do you mind saying the name of the document again?

MS CARRICK: It is “Woden and Weston Creek’s urban parks and sportsgrounds”. It is on the Parks and Conservation website.

Ms Cheyne: I am sure it is, and that is probably a sign of when it was created. I can definitely answer questions about this tomorrow, in the City and Environment city services side of things.

MS CARRICK: Okay; I will save that one for tomorrow. Do you do the hills and ridges, and the weeds—African lovegrass and that sort of thing?

Ms Cheyne: Yes.

MS CARRICK: Can you explain to me how weeds in general are being managed on the hills and ridges around, for example, Mount Taylor and Oakey Hill?

Ms Cheyne: Yes, I can; then I will hand over to Ms Watts, who can expand on it. It is pretty sophisticated. Something that we were talking about just before the hearing officially started was how we can ensure, right across our landscape, both urban and not, that the best weed management practices are applied. We know that weeds can be picked up by other animals and moved. There is the wind, or whatever it might be. Having one management practice next to another parcel of land that has another management practice, ultimately, is not ideal.

There is pretty significant investment every year. In the last financial year over 10,000 hectares of pest plant control work was undertaken. Parks and Conservation have amazing mapping capability now, going back a decade, which is able to show where they have put in effort and what the results, ultimately, have been for those priority weeds that, unfortunately, are pretty established but that we still, regardless, need to control, because of how damaging they are—St John’s-wort, serrated tussock and African lovegrass.

MS CARRICK: I can see a bit of Paterson’s curse here—a lot of purple, spreading.

Ms Cheyne: Yes. Blackberry is probably the big curse in my head. What I have learnt, in the year and a half in this role, is that the environment responds to different conditions. There are times when there might be an incredible weed seed bank underneath the surface, but it will be dormant until the right conditions occur. Capeweed is a perfect example of that. When you see those yellow carpets of flowers, that is capeweed responding to the conditions. It is probably there; it is just dormant.

A whole heap of different models and methods are engaged to deal with weeds. It includes herbicides. It also includes manual removal, grazing, mulching, revegetation and prescribed burning. We now have a pretty incredible mower; it has a special name.

Ms Watts: Pickle.

Ms Cheyne: Pickle is remote-controlled, and Pickle runs into blackberry and smashes it—tears it to shreds in a way that we cannot really do by hand. That is a recent investment that is helping. Effectively, it can depend on the nature of the land, exactly where it is, and how easy it is to get into. That can inform the methodology that we use.

MS CARRICK: How do you work with the ParkCare groups? I see them doing a lot of weeding. I, too, weed with them. The value of the ParkCare groups is pretty high. How do you nurture them to keep up that volunteer base and that stewardship over the areas that they live in or around?

Ms Cheyne: That is a great question. Again, I think this is pretty sophisticated. Parks and Conservation have more than 2,000 volunteers on the books. I have sent them a letter acknowledging ParkCare last year. I think we have seen the most volunteer hours or the most engagement ever in ParkCare history, which is a pretty incredible achievement.

With the way that we support those groups, there are annual plans that are developed with the groups. Let us say it is in my area, the Pinnacle Nature Reserve. Friends of the Pinnacle work with the ACT government to develop an annual plan for what our focus will be. There is usually a ranger that is effectively assigned to different nature reserves and is the contact for those groups that are involved in those nature reserves. That ensures that the work that is being undertaken is consistent with the ACT government's objectives, which is good.

On top of that, work has been done recently—again, we were talking about it just before we started—with power tool trials. We have taken a pretty conservative approach until recently, in terms of what people were allowed to use. There is only so much hand weeding that one person can do without getting pretty demoralised. That power tool trial has been underway for most of this year, and I think it has gone pretty well. It is about constantly trying to engage with the feedback we are getting from groups, and being reasonable in the circumstances, as opposed to the risks that are there.

MS CARRICK: There is significant concern out there about the contract for the Southern Catchment Group and Molonglo, the three catchment groups, and their one contract for those services.

Ms Cheyne: That is definitely for Minister Orr. It affects operations, of course.

MS CARRICK: It does affect morale in your volunteer base.

Ms Cheyne: Yes, I am very aware of that. But that is for Minister Orr.

MR CAIN: With the Environment Protection Authority, table 4 of the EPA report shows an increase in business inspections from 11 to 80 for specific programs; namely, the Lake Tuggeranong engagement program and the wood-fire smoke engagement program. How does the EPA determine which engagement programs it will conduct?

Mr Kamarul: There are a number of ways in which the EPA's specific engagements are considered and affected. One of those is through the development of a statement of expectations which is delivered each year in accordance with an agreement between the head of Access Canberra and me, as the statutory officer in the EPA.

For example, with Lake Tuggeranong and the program that you are speaking to, it is based on data that has been received over a period of time and observations by our officers who undertake weekly inspections at Lake Tuggeranong and understand some of the potential water quality issues that are there and the causes of them. That will feed into the statement of expectations so that we will identify what a targeted program will be to improve water quality in that case. That involved letterbox dropping and engaging with businesses in order to advise them of their obligations and the impacts of their behaviours in terms of affecting water quality in the catchment.

MR CAIN: What level of community engagement is involved in developing engagement programs?

Mr Kamarul: The EPA receives significant feedback through Access Canberra. We have a complaints mechanism where, in the first instance, members of the community will raise concerns regarding environment protection matters. That feeds into the data that then helps input to the programs that are undertaken.

MR CAIN: Does the responsible minister sign off on the program?

Mr Kamarul: It depends on the particular program. For, say, the Healthy Waterways program, which is a much broader program, that is in Minister Orr's portfolio area. But for specific targeted programs, such as the lake catchment one, that is not necessarily signed off by the particular minister; it is undertaken by the statutory body.

MR CAIN: How much does the program usually cost?

Mr Kamarul: Are you speaking to the particular program at Lake Tuggeranong?

MR CAIN: And the wood-fire one, yes.

Mr Kamarul: I would have to take on notice the exact cost of each of those programs.

MR CAIN: Thank you. I have a little bit more on the Lake Tuggeranong program. Page

353 states that “the initiative involved the issuing of several warnings”. How many warnings were issued as part of the program?

Mr Kamarul: If I take you back to that particular page, it should be in the table. Was it page 353?

MR CAIN: Yes.

Mr Kamarul: There were three in 2024-25.

MR CAIN: Thank you for that. Is there a timeframe within which businesses have to respond to these warnings?

Mr Kamarul: It depends under what particular provision of the Environment Protection Act the warning is given. Some warnings are of an informal nature, such that they are not required to comply with a timeframe, and engagement is conducted to work with, for lack of a better term, the offending party; otherwise it is under the provisions of the Environment Protection Act. I would have to find the specific section that sets out the timeframe for response. I believe, off the top of my head, that it is 28 days.

MR CAIN: What is the penalty for a business failing to respond to a warning?

Mr Kamarul: A warning does not necessarily involve a financial penalty, to begin with. If the warning is not complied with, further opportunities are then provided for infringements to be issued. I will take on notice the exact penalties that apply. I should be able to respond before the end of the session.

MR CAIN: What is the typical cost, financial or time, for a business to comply with an EPA warning?

Mr Kamarul: It would depend on the nature of the breach. If it was a significant issue, such as a warning for putting oil into a waterway, which would require significant rectification work, and it might come from a building defect, it could be quite costly for the business. If it was something smaller—it could be an individual pouring paint into a drain, which has occurred in the last year—it could be much less costly to rectify. It is based on the nature of the activity.

Ms Cheyne: Ms Clay, we have an answer on the number of First Nations rangers.

THE CHAIR: That would be great. Thank you.

Mr Pepper: Within Environment, Heritage and Parks, we have 17 team members who identify as Aboriginal or Torres Strait Islander. Regarding specifically rangers, there are five as at 24 September.

THE CHAIR: Great. Perhaps you could take on notice whether, over the last couple of years, that number has gone up or down and let us know if there are any government plans to expand that?

Ms Cheyne: Sure. I think in section B9 of the annual report, there is quite a focus on

initiatives to connect with Aboriginal and Torres Strait Islander people and to connect them to country, particularly in terms of career pathways. I will not bang on about it, because you can read all about it, but Mr Peffer may have more to say.

Mr Peffer: Very briefly, in terms of objectives for growing our workforce, we have a target of three per cent. We currently sit at 2.55 per cent in our directorate, but we have a target that has been agreed with the Elected Body for three per cent employment.

THE CHAIR: You have steps to achieve that target?

Mr Peffer: Yes. We will work towards that.

THE CHAIR: Thank you. Given that we went back, I will hand over to Ms Tough.

Mr Kamarul: Ms Clay, before you move on, I have an answer to Mr Cain's question regarding the cost of those two programs. Both programs are conducted internally, in-house, within existing resources, so there was no further specific project funding provided for them.

MR CAIN: Thank you.

MS TOUGH: Minister, I am wondering if Gibraltar Falls is definitely going to reopen.

Ms Cheyne: Yes, it is. Thank you for the question, Ms Tough. I appreciate the community's patience over what seems like an extended period of time. Effectively, the government has invested, as a realignment of how the community approaches and interacts with Gibraltar Falls, in making it safer. That alignment has linked into the Woods Reserve campground. In a different world, we could just open Gibraltar Falls, but now that we have Woods Reserve campground major works and upgrades underway—

THE CHAIR: I am so sorry to interrupt. Do you mean Ginninderra Falls?

Ms Cheyne: Gibraltar.

MS TOUGH: No; Gibraltar.

Ms Cheyne: It is definitely not Ginninderra. I have nothing to do with Ginninderra. We are talking about near Tidbinbilla. The Woods Reserve campground is going through some major upgrades. There will be access through there. It will be a walk from there to Gibraltar Falls. Given the timing of everything and overall safety, it is effectively lined up that Gibraltar Falls stays closed until all the works are done, but, based on everything I have seen, it should be worth it. Ms Watts, do you have anything to add?

Ms Watts: I think you have covered everything, Minister. I note that the experience at Gibraltar Falls will be different to what people have experienced in the past. We are moving to a more active recreation experience there. There will be a walk from Woods Reserve up to Gibraltar Falls as opposed to having access directly from Corin Road.

MS TOUGH: And safety will be a major consideration?

Ms Watts: Absolutely; yes.

MS TOUGH: Wonderful. Thank you. I appreciate it.

MR EMERSON: I understand we have a very small population of Rosenberg's monitors—six to 10 adults—in the Ainslie-Majura Nature Reserve, and there has been great news recently of a hatchling having been spotted, perhaps last week. I am wondering what has been done since that discovery to pursue a good outcome for these goannas.

Mr Burkevics: I can address that one in the first instance. That is really exciting news with respect to the detection of a young Rosenberg's goanna. That is very uncommon, so we must work to protect that at all costs. There is some research being done at that location. Of course, we are keeping that rather controlled, for obvious reasons. A camera trap has been set up to monitor the area. I credit the National Parks Association of the ACT for their interest and their ongoing research and support of that activity. They have proposed a plan to protect Rosenberg's goannas on Mount Majura and Mount Ainslie. That plan is under consideration and I understand the NPA is looking at talking to relevant ministers about that plan in due course.

I would not want to speculate on any future decisions, but certainly, from my capacity as Conservator of Flora and Fauna, keeping dogs on lead on Mount Majura and Mount Ainslie must be an absolute priority for every Canberran who visits that location. Of course, we have a number of invasive animals that are difficult to control: foxes and cats. If you have a cat, in accordance with the law you need to keep your cat inside. The works of the Parks and Conservation Service with regard to those invasive animals, foxes and cats, will continue. It is an absolute all-in effort to protect that goanna.

MR EMERSON: There are lots of rabbits in the reserve as well. What is going on with the rabbits? Is any fumigation occurring at the moment?

Mr Burkevics: I will hand over to Ms Watts for that one. That activity has been a real success story for the Parks and Conservation Service's invasives team. Boosted funding from government over the last couple of years is tackling not only our remote program but also our urban reserves.

Ms Watts: Rabbits are such a bane across our parks and estates. Fumigation is just one method that we use in controlling rabbits—that is, fumigation of warrens. In addition to fumigation, we have to undertake a targeted shooting program as well as ripping warrens and destroying arbours. Arbours are the above-ground habitats of rabbits. We cannot just focus on one particular activity to try to control such an established invasive species like rabbits. It really needs to be that combined program of works to control them. We are undertaking fumigation as well as ripping or collapsing warrens throughout the Parks and Conservation Service estate. Urban reserves is one area where we will undertake activities. There will be signage and notification available regarding where we are undertaking those activities.

MR EMERSON: Is fumigation being avoided or halted in that particular reserve for now, given the discovery of the goanna?

Ms Watts: We will target rabbit populations where they are considered to be a significant threat, but we will also consider the needs of particular reserves. We may avoid reserves where there are known species that might prey on carcasses or carrion eaters. We will try to avoid those areas as much as we can. We work closely with the National Parks Association to identify where we know Rosenberg's monitors occur. We work with them in terms of the camera trap. We always do our best to not impact on our protected matters.

MR EMERSON: Regarding the Ainslie-Majura Nature Reserve, might you be able to take on notice whether there is—

Ms Cheyne: There is. Work is underway until 5 December.

MR EMERSON: So there is fumigation happening right now?

Ms Cheyne: It is rabbit control. It will be whatever it needs to be, depending on the population.

MR EMERSON: I am curious about the response to the hatchling and whether that involves saying, "Let's not fumigate in this particular area for now." Community members raised it as a concern.

Ms Cheyne: We can take on notice how our rabbit control operation is adjusted given the change in circumstances.

MR EMERSON: That sounds great. I did not imagine that you would have that in front of you. That would be quite impressive.

Ms Cheyne: I do not. However, I have something. Mulligans Flat and the rabbit—

Ms Watts: The rabbit incursion. I can confirm that, in Ainslie-Majura, we are focusing on shooting—not collapsing warrens or fumigating there—regarding that particular question. Mulligans Flat is a really great example of an area that has been invasives-free, or at least terrestrial invasives-free, for several years, until earlier in the year when we detected a single young rabbit within that reserve. Obviously, the response to that required an all-in effort from PCS. Multiple teams were engaged to both identify and dispatch that rabbit. We had some very long nights and early starts to identify where this rabbit had arbourred, which was underneath one of the platforms that we built to help people traverse that grassy landscape. Once we spotted that rabbit, we called in our Urban Wildlife team to dispatch the rabbit. We have put in a lot more effort in terms of some additional camera trapping and monitoring and also educating the staff at Mulligans Flat and Wildbark so that they can do things like scat analysis and identification to make sure that we do not have any extra rabbits in Mulligans Flat.

MR EMERSON: That would be disastrous. Well done.

Ms Watts: Thank you.

Ms Cheyne: It was pretty remarkable.

Ms Watts: Sweaty hands with that one!

Ms Cheyne: It showed the amazing capability across the team at what I would say is pretty modest cost, because of the capability, but it also demonstrates exactly how much we value Mulligans and its special designation as a reserve.

MR EMERSON: Thank you.

THE CHAIR: Minister, there is the *Namadgi National Park plan of management 2010*. I believe consultation on a new Namadgi plan has been underway for several years. Where is that up to?

Ms Cheyne: Great question. Ms Watts may have the details.

Ms Watts: Yes. The new plan is in preparation now. Consultation is ongoing. That includes consultation with various First Nations and traditional custodian groups who have a connection to country in Namadgi National Park. I understand that consultation involves yarning circles and workshops. That information will be used to inform the values based plan of management process that we are undertaking now, so that it focuses on opportunities to embed and acknowledge traditional custodian values within our plans of management.

THE CHAIR: Excellent. Why is there a delay on that? When will we have the new plan ready?

Ms Watts: We have the new plan scheduled for late 2027. In terms of delay, we need to acknowledge that consultation and the new way of preparing and developing plans of management can be quite protracted. The way of developing these plans is new. It is best practice, and we want to make sure that, with such long-term plans like this, we get it right.

THE CHAIR: I absolutely agree. Is there a timeline that you can provide regarding when there might be a new plan or what the next steps are? What is coming up next on this?

Ms Watts: I would be happy to take the timeline on notice, but I can say that the new plan is scheduled for release in 2027.

THE CHAIR: Thank you. Minister, regarding the last question, it is great to hear how much government values Mulligans Flat. Are you looking into the financial viability of Mulligans Flat? Are there concerns about the long term?

Ms Cheyne: Let's be clear: Mulligans Flat is an ACT government nature reserve. I expect that you are asking about Woodlands and Wetlands Trust, and Wildbark—

THE CHAIR: Yes.

Ms Cheyne: notwithstanding that we have a briefing next week. They do activities within Mulligans and Wildbark, but I think it is important to stress that Mulligans itself

is a Parks and Conservation managed reserve. It has seven dedicated staff, including a staff member who is effectively monitoring the fence constantly. The future of Mulligans as a nature reserve is not in question. In terms of the future of Wildbark and the future of the Woodlands and Wetlands Trust, we are aware that they have been in financial difficulty for some time. That is on the public record, based on submission of their annual reports. The government remains in conversation with them. However, ultimately, the viability and the sustainability of Mulligans Flat does not rest on one private organisation.

MS CARRICK: You were talking about Namadgi and Demanderling Hut. If the Kosciuszko Huts or another group were to come forward with a proposal—

Ms Cheyne: This is a question you put on notice to me.

MS CARRICK: Yes, but this is the next part.

Ms Cheyne: I think you have put this bit on notice too: if Kosciuszko Huts Association came to us and said, “We’ll build it ourselves,” would we agree?

MS CARRICK: Yes.

Ms Cheyne: That is what you—

MS CARRICK: Yes. Will you?

Ms Cheyne: I do not know, because that is the question you put on notice and the due date is in two weeks.

MS CARRICK: We will wait for two weeks, then. Going to my other question, there is the mountain biking track from Stromlo to the Cotter River. I have a constituent who is very keen about more tracks around the rivers, rebuilding the Cotter pub and tourism around that river area. Is there any consideration in government to use that area for more tourism? You have the Scouts there and they have a lot of activities that could be built upon. They have accommodation.

Ms Cheyne: Do you have a conflict of interest here—

Mr Peffer: I do not think so.

Ms Cheyne: about the pub at Stromlo?

Mr Peffer: No.

MS CARRICK: This is basically about development of that area to attract tourism. Were you in the Scouts?

Ms Cheyne: Sorry about that.

Mr Peffer: No. I had a business interest some years ago.

Ms Cheyne: I thought Mr Peffer might still have a business interest at Stromlo. We recognise that, with mountain biking in particular, recreational tourism opportunities are considerable. The focus is on delivering that commitment. You may be aware of the contract—I think there were some questions in last question time about this—where the provider has gone into administration. The contract has largely been completed, which is good. Overall, regarding opportunities there, we need to make sure we are really deliberate about any investment that we make. Across the ACT, we have assets everywhere that are aging. We also have a whole lot of very well-meaning people with great ideas who may not have the skills or the opportunity or the funding to maintain something that they build, whether it is a pump track or something else. When these assets come within the ACT government's responsibility, there is a life-cycle asset cost to it. That is not always super well accounted for. That is a long way of saying we are always open to ideas, but, in terms of what we authorise, especially if it will require a drawdown on our existing maintenance budget, we really need to think it through carefully before agreeing.

MS CARRICK: That is like a constituent- or developer-led proposal to the government for something. Is the government interested in planning recreational tourism as a revenue source in that area?

Ms Cheyne: Beyond what we have currently committed to, I do not believe so. I will take on notice if I am wrong.

MS CARRICK: Thank you.

MR CAIN: Table 31 of the capital works projects for the directorate outlines infrastructure works undertaken by TCCS. I have a couple of short questions on two projects. Page 400 states that the cost of delivering the Casey Community Recreation Park was \$900,000.

Ms Cheyne: This is for tomorrow's session. I am sorry, Mr Cain.

MR CAIN: I will alert Mr Milligan about that. Page 405, regarding the new RSPCA facility—

Ms Cheyne: Also for tomorrow.

MR CAIN: I will pass on that information. Thank you. With apologies, I will depart the committee. Thank you, Chair.

THE CHAIR: Thank you, Mr Cain. We will go to Ms Tough.

MS TOUGH: Could I stick with the idea of capital injections. Hopefully they are for today. On pages 220 and 313, it looks like \$15 million was injected but not actually drawn down. The note says it was delayed due to extensive procurement negotiations and consultation processes. What projects does this relate to? And what were the delays?

Ms Cheyne: That is a good question. It is something that we see across government. This is in the EPSDD annual report?

MS TOUGH: Yes.

Ms Cheyne: My computer has gone into the circle of death.

MS TOUGH: It is all right. It looks like Mr Peffer has a hard copy.

Mr Peffer: Was it page 313?

MS TOUGH: Pages 313 and 220.

Ms Cheyne: Often we have funding provisioned for a project. If it is a capital injection, it would be to build something. If we have not drawn it down, it almost certainly means that we have rolled it over and got approval from the Treasury to do that. Rolling it over means we are still committed to the project, but the timeframe for delivery is probably longer than we first thought it would be. As to the specific projects, I am not sure.

Ms Tetley: I am bringing up the budget paper. They would have been listed as being reprofiled in the 2025-26 budget papers. I do not have them at hand at the moment, but they were a range of projects.

MS TOUGH: So it was more than one project?

Ms Tetley: There was more than one. I am trying to bring that up for you.

MS TOUGH: If it needs to be taken on notice, that is all right.

Ms Tetley: We will take that on notice. Sorry.

THE CHAIR: Mr Emerson.

MR EMERSON: Thank you. I have heard that the number of R1 level ranger roles across parks has gradually declined over time. Is that the case?

Ms Watts: I will just bring up my quick workforce stats. It is not an apparent decline. We find that entry level ranger positions, like R1 positions, are quite quickly cycled through as people upskill and find opportunity for transfer or promotion across the Parks and Conservation Service. So the positions might look vacant or look unfilled from time to time, but that is primarily because people are growing and getting opportunities for different positions across the Parks and Conservation Service.

MR EMERSON: Okay. So, currently, how many R1 positions are filled or vacant?

Ms Watts: Currently, I would need to take that one on notice.

MR EMERSON: Okay; for both those figures.

Ms Watts: Yes.

MR EMERSON: When that happens—and obviously there are going to be limited

resources—does that create an impulse to create an R2 for someone who has skilled their way out of an R1 role, and then the R1 role would necessarily disappear with the limited funding supply or resource supply?

Ms Watts: I feel that that is probably more of a discussion around our workforce profiling. I think there is always going to be a role for R1 positions. They are a great entry role for graduates or for people who are new into ranger positions. I think what we would need to more carefully consider is what the future workforce needs are across PCS and whether they are met at particular ranger levels. At the moment, I feel that the services that our rangers can deliver at the levels that they are in are adequate. I would also acknowledge that R1 recruitments are incredibly competitive. It is that touchpoint into a conservation service like ACT PCS. It is encouraging to see that there is so much interest in the environment space.

MR EMERSON: Has any consideration been given to establishing internship programs at that R1 level or traineeships?

Ms Watts: Not directly—mostly for the reason that I said before in that they are so competitive for people who are interested in becoming rangers. We do undertake work experience positions with high schools and colleges when they are available. We often support university placements through PHDs or masters positions and that sort of thing, where we work in concert with those tertiary institutions.

MR EMERSON: Okay. This one might be for you, Minister—in relation to the commitment to 10 additional rangers. I am wondering if any of those roles have been opened up and, if not, if any preparative work has been done to determine the best usage of those roles?

Ms Cheyne: What I can say, Mr Emerson, is that it absolutely remains a commitment—a commitment as part of our agreement—but it is a commitment to be delivered over this term. With the pretty phenomenally huge restructure that CED has been going through, that workforce planning kind of needed the restructure to settle, which it basically almost has—to then allow us to do the kind of workforce planning being able to see the whole directorate. Mr Peffer will correct me if I am wrong.

Mr Peffer: No, I believe that is correct.

MR EMERSON: Okay.

Ms Watts: I do have information. We have eight ranger 1 grade positions in PCS. Two of them are currently vacant. All the positions are permanent positions. So we have six of those R1s that are filled currently.

MR EMERSON: Thank you.

Ms Cheyne: Mr Emerson, just looking at the *State of the service* report—and there might be some rangers here that are in the City Services classification rather than the PCS—it looks like for 2024-25, there were 52 overall. It was 52 in 2023-24 and in 2022-23 it was 50. Again, that is rangers as a classification. But I think that accords with what Ms Watts was saying before—that it is not a material change.

MR EMERSON: Sure. I asked about work to determine how those roles should best be used. Is that something that is happening now? Are there any timelines on that kind of work—for example, if we could throw in an additional four rangers we would have one at the R1 level et cetera? Is that work happening? Is there a timeline on it?

Mr Burkevics: These are things that we will have a look at, and we will put some advice to the minister to consider and the government more broadly around funding and other things about the future workforce.

MR EMERSON: That is kind of like next budget business cases, potentially.

Ms Cheyne: Yes, and just kind of overall staffing arrangements, really. Again, the directorate merger has provided some opportunities for some efficiencies, particularly at some of the policy or the executive levels. That, hopefully, will translate to us being able to incorporate some of the available funding from that to operational staff.

MR EMERSON: Thanks.

THE CHAIR: Minister, the use of soft jaw traps for dingoes was not authorised as legal and it was recently reauthorised when the government found out that PCS was using the traps.

Ms Cheyne: Yes.

THE CHAIR: I am interested in the considerations that have gone into those decisions. Can you tell me what the considerations were for the original decision to ban soft jaw traps?

Ms Cheyne: That is an excellent question. From everything I could see, not a lot. There was no thorough justification for the inclusion of them in the regulation to not be permitted to be used. I think, potentially—I was not around—someone had a good idea, not realising the impact that it might have and the consultation was not done with the right areas. I think that is exactly why we were all surprised to learn that deep in the regulation it was there black and white saying that soft jaw traps were not permitted.

THE CHAIR: What was the directorate advice that went through when soft jaw traps were originally banned?

Ms Cheyne: I have not been able to find any advice.

THE CHAIR: How was a piece of legislation made without directorate advice? That sounds quite unusual.

Ms Cheyne: It was a regulation—so an update to a regulation. It was extensive. The regulation has an explanatory statement attached to it. I would describe the explanatory statement as having a paucity of information about why.

THE CHAIR: So no directorate information was given about soft jaw traps; it was about other things contained in that regulation?

Ms Cheyne: I would refer to the explanatory statement. I have tried to find out—but, like I said, surprise.

THE CHAIR: Explanatory statements are good and transparent, but I would assume that directorates, before they write regulation, would have more information than is available in the ES and there would be briefs that went with it. So there is no reference to soft jaw traps in any of those briefs?

Ms Cheyne: Not that I am aware of, but Mr Burkevics might be able to explain.

Mr Burkevics: Thanks Minister. Ms Clay, obviously the briefs you are referring to were dated at the time the original regulation was signed, which was 2018 or thereabouts. They were briefs for the officials who were there at the time and the minister that was there at that time.

THE CHAIR: Sure, but the directorate has now taken the opposite decision. Did the directorate not go back and look at what the original information was to make—

Ms Cheyne: My understanding is that it was not the directorate's recommendation, endorsement or suggestion. It applies to the directorate but it was made without consultation with the directorate.

THE CHAIR: I am not sure how I can more usefully phrase this. Where did the original recommendation come from to ban soft—

Ms Cheyne: I do not know.

THE CHAIR: Okay. I will try some different questions. Has the Animal Welfare Advisory Committee put any views on this issue—in 2018 or now or in the intervening time?

Ms Cheyne: They may have in 2018. I think they would probably prefer they were not used. But, equally, these are traps that have been used very carefully and by very experienced PCS officers for a long period of time, as part of our overall over-abundant wildlife management and certainly endorsed reinstating it as a tool available to them.

THE CHAIR: Sorry; I did not catch that. Did the Animal Welfare Advisory Committee have a view on the recent decision?

Ms Cheyne: That will be a question for tomorrow. AWAC is not these—

THE CHAIR: Okay. But did AWAC put—

Ms Cheyne: Can you ask me that tomorrow—

THE CHAIR: Yes, I can.

Ms Cheyne: because then the people who work with AWAC will be here?

THE CHAIR: The directorate officials who work with AWAC. Did the directorate or did you consider alternatives to using soft jaw traps?

Ms Cheyne: There effectively are none.

THE CHAIR: So you considered the alternatives and found that there were not any alternatives?

Ms Cheyne: That is my recollection.

Mr Burkevics: Ms Clay, I think it is fair to say that soft jaw traps are one of the primary methods of controlling wild dogs and dingoes. There are some alternatives but they are not nearly as effective. They include shooting and poisoning. So on very, very, specific advice on the consequences of not being able to legally use soft jaw traps, a recommendation was made to other parts of the directorate, the animal welfare authority, that described the situation and allowed them to then consider a potential change of regulation, which subsequently occurred.

THE CHAIR: So the only other alternatives were poisoning and shooting. There were no other alternatives about management, about fencing or about using dingoes in the landscape?

Mr Burkevics: Due to the sheer scale of Namadgi National Park and that 99 per cent of the wild dogs are dingoes, which can run across agricultural lands, the use of soft jaw traps remains as the primary tool for control. It is done in accordance with a national plan and a cross-border plan as well.

THE CHAIR: Given that the directorate was using these traps and apparently nobody realised, are you collecting data on how many soft jaw traps are being used, what the outcomes are and if there is any other wildlife or other species affected by these?

Ms Cheyne: I do not think it is fair or correct to say that no-one realised that the directorate was using them. We all knew. What was not known was that there had been a change to the regulation.

THE CHAIR: That they were banned.

Ms Cheyne: But, yes, we will have information. I think we will probably have to take it on notice in terms of who is authorised to use them, how many we have and what the outcomes are.

THE CHAIR: The information I would like to know is what data you are collecting on how many traps you are using, what you are catching in those traps and whether they are affecting any other species? Is that data being collected?

Mr Burkevics: As the minister has indicated, the animal welfare authority, as the regulator for that regulation, are interested in any user of a soft jaw trap providing data. I think as minister initiated, it would be appropriate for that authority to answer those questions about their interests.

THE CHAIR: So I will ask the data question tomorrow?

Ms Cheyne: I will take that one on notice now, because I think it is the data for how we are using soft jaw traps. But, in the intervening period, between today and tomorrow, I will see if that exists in a way that it can be easily produced tomorrow.

THE CHAIR: Thank you. The former environment minister declared an intention to classify dingoes as a native species and the government has moved a pretty long way towards that. Where are we up to? What are the future management options the government is considering?

Mr Burkevics: It is a really great project to progress. We sought and received nominations for a consultative committee to help guide the way forward on that controlled native species plan, noting that it is the minister for the environment that has the power to declare a species as controlled. That has not happened, although the government has signalled the intention to move forward with a controlled native species plan. In my capacity as Conservator, I will be chairing that consultative committee. The plan is for that committee to meet before the year is out to commence framing what will be a controlled native species plan moving forward for consideration. Of course, the development of a controlled native species plan, not unlike the eastern grey kangaroo controlled native species plan, is a responsibility of the Conservator to prepare.

THE CHAIR: Would the Animal Welfare Advisory Committee feed into that?

Mr Burkevics: Yes. We have identified, as you can imagine, a long list of stakeholders for that consultative committee, and we are keen to ensure that all views are held and received on the development of a controlled native species plan.

THE CHAIR: Excellent.

Mr Kamarul: Chair, I can answer one question taken on notice posed by Mr Cain about importing limits and penalties. I confirm that there are no penalty limits attached to warning letters but, depending on the investigation and regulatory action, there may be penalties applicable—for example, 50 penalty unit for failing to comply with the direction from an inspector; 200 penalty units for breaching an enforceable undertaking; and, similarly, 200 penalty units for contravention of an environment protection order. Under section 133 of the Legislation Act, penalty units are \$160 for the individual and for a corporation it is \$810.

THE CHAIR: Thank you.

Mr Burkevics: Ms Clay, I would address another question taken on notice. As part of an initiative to continue the Ngunnawal Caring for Country Program, \$427,000 was provided in the budget—which is the question you asked earlier. So \$427,000 was included in an element of the budget.

THE CHAIR: Thanks team. On behalf of the committee, thank you for your attendance today and for your answers. We have a few still on notice, but we have had some come back quickly. Thank you. We would like to get those answers within five business days to our secretariat. You will get an uncorrected proof—so you will see what the questions

were.

On behalf of the committee, thank you to all of our witnesses who have assisted us with your knowledge and expertise and your very precious time. Thank you Broadcasting and Hansard, as always. If anyone wants to lodge a question on notice, please upload it to the portal within five business days.

The meeting adjourned at 12.17 pm