



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ENVIRONMENT AND PLANNING

(Reference: [Inquiry into DPA-B – Forrest Section 19 Blocks 5, 6, 9, 11 and 12](#))

Members:

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

PROOF TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 18 DECEMBER 2025

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

By authority of the Legislative Assembly for the Australian Capital Territory

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

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Amended 20 May 2013

The committee met at 9.30 am

STEEL, MR CHRIS, Treasurer, Minister for Planning and Sustainable Development, Minister for Heritage and Minister for Transport

GREEN, MR BEN, Executive Group Manager, Policy and Urban Planning, City and Environment Directorate

MAXWELL, MR BRAD, Senior Director of Territory Planning Coordination, Planning and Urban Policy Division, City and Environment Directorate

THE ACTING CHAIR (MS CARRICK): Thank you for coming. Good morning and welcome to the second public hearing of the Standing Committee on Environment and Planning for its Inquiry into DPA-B Forrest Section 19 blocks 5, 6, 9, 11, and 12. The committee will today hear from the ACT government.

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

This hearing is a legal proceeding of the Assembly and has the same standing as proceedings of the Assembly itself. Therefore, today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly.

The hearing is being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and web streamed live. When taking questions on notice, it would be useful if witnesses use these words, "I will take that question on notice." This will help the committee and witnesses to confirm questions taken on notice from the transcript.

We welcome Chris Steel MLA, Minister for Planning and Sustainable Development, and Ben Green and Brad Maxwell from the City and Environment Directorate. Please note that as witnesses you are protected by parliamentary privilege and 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. As we are not inviting opening statements, we will now proceed to questions.

I would like to start with asking about considerations with respect to the National Capital Plan, given that area is so close to designated area to the north of it, the Canberra Avenue approach, and Hobart Avenue to the west of it; they are all designated areas. So has there been any consideration to be within character of the requirements of the national capital plan for those lands so close to it and, in fact, sort of surrounding it?

Mr Green: I am happy to answer that question. Thank you, Mr Carrick. The sites are zoned Territory Plan, but as part of our normal processes associated with major plan amendments, we refer the documents to the National Capital Authority and then provide an opportunity to provide comments. I might see if Mr Maxwell wants to talk to the specifics of any of the comments provided by the National Capital Authority.

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Mr Maxwell: Absolutely, yes. The National Capital Authority provided advice that they had no objections to the proposal as it was presented. They noted that the site was in urban areas as per the National Capital Plan and that the uses would not be inconsistent with the National Capital Plan either. So they did not have any objections.

THE ACTING CHAIR: Yes, it is in residential areas. When you look at the National Capital Plan west of Hobart Avenue is all residential. They talk about residential zonings for that area. So why is it changing to commercial zoning?

Mr Green: I think it is probably important to point out, Ms Carrick, that parts of that site are already zoned commercial; specifically blocks 11, 12 and 9 are currently zoned leisure and accommodation. CZ6 and the other two parcels, as you have noted, are residential zoning. The proposal is not to change it to residential zoning. The proposal is to change it to CZ5 that permits a variety of uses.

THE ACTING CHAIR: Yes. The National Capital Plan around that area does talk about two storeys and a plot ratio of 0.4. It will be higher, and it will have a higher plot ratio. Will it be the highest buildings in that area?

Mr Green: There has been some analysis done of other buildings within the area and when we say area, the broader area kind of through National Circuit. I think you will note Hotel Realm, in particular, and Burbury Hotel. We also have buildings that are four storeys in height but are at that kind of 25-metre height. So there are height controls that have been proposed in the process for the new planning components—that is, a maximum height of 26 metres, which would take you to about seven storeys, allowing for some plants and equipment on top of those buildings.

THE ACTING CHAIR: All right.

MS TOUGH: I have some questions around potential for residential housing on that site. Although it is zoned commercial, we know there are some plans for residential housing. How does it fit with work underway on the southern gateway plan?

Mr Green: I suppose to be clear there are very few opportunities within the inner south precinct, particularly in this area, that would be looking for redevelopment. We have not yet put a recommendation to government around whether this should be included in the Southern Gateway Planning and Design Framework. So there is probably not a lot further that I can comment on at this point in time, other than to say it is the likelihood of other development sites is reasonably low, noting that there are sites that are zoned through the National Capital Authority as well as already existing sites that have been redeveloped over periods of time in that area.

MS TOUGH: Thank you. Whether it is southern gateway or not, how does it potentially fit with government's objective of building more housing closer to amenities? So potential light rail and other changes in the area?

Mr Green: Yes, certainly government has significant priorities around delivering more housing. There is a commitment to deliver 30,000 homes by 2030, and that commitment is being delivered through the minister's Statement of Planning Priorities in a number of areas. One of those areas is transit oriented development, which is really key to

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making sure that we put homes in locations within connection to not only rapid transport routes and public transport, but also active travel routes.

The other priority around this is that proximity to centres and other activity and employment activity. We know that there is a lot of employment activity within walking distance of this site in particular. So making sure that we have homes for people in appropriate locations is a key driver. Certainly, this site was identified in early planning work through the district strategies, where it specifically identified opportunities for more residential, other commercial uses. So that is where we are at with it.

I think it is important to point out that these commenced probably sooner than we had anticipated from a Territory Planning Authority perspective through a proponent bringing forward an initial application to rezone a parcel of the land. We put that out to community. Subsequent to that and during that process, the proponent for some of the other parcels also approached the authority. So it was our view that we should bring all of that together as this authority initiated proposal. But it is something that has been driven by the early planning work through the district strategies, the commitment by proponents to want to get on and deliver homes as they have presented through their proposals.

MS TOUGH: Thank you.

MR CAIN: Given the horrific events of Bondi earlier this week, have you re-evaluated the height of the proposed development, given that there would be a clear oversight of the Jewish centre?

Mr Steel: I have personally met with the Jewish community well before the horrific events that we saw in Bondi to hear about their comments in relation to this proposal that they were making through the Territory Planning Authority. They had some security concerns, as you say, on the potential of there being an oversight of the Jewish centre and the memorial. After that meeting, I sought advice from ACT Policing to see whether they could provide comment on some of the security issues associated with the proposal, so the Territory Planning Authority can comment on the comments made to them.

Then, subsequently to the shootings in Bondi, the terrorist attack, I asked ACT Policing specifically whether they had any updated advice based on the potential change threat environment in relation to this proposal. I understand that they will be doing that or have done that as part of the process.

Mr Green: On that, I think as minister has outlined, through the early process of engagement that we do, not only with the community but across government, we sought advice from ACT Policing. At that point in time there was nothing raised in relation to the heights that would cause concern from it proceedings. Subsequent to that, on Monday we sought further advice from ACT Policing, and we have got some preliminary advice that I am yet to work through this morning. So we will look into and, if there is further action required, we will certainly consider that.

MR CAIN: So is the committee able to get a copy of that advice?

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Mr Green: Yes, absolutely. We will provide that to the committee.

MR CAIN: When do you think that would be available?

Mr Green: I think we can provide the advice that we have got this afternoon to you.

MR CAIN: Subsequently, since Sunday, have you had the conversations with the Jewish centre leaders?

Mr Green: We are yet to have a conversation with the Jewish centre as yet and we are waiting to receive some advice from policing before we make that approach.

MR CAIN: All right. Are you able to provide the committee with, I guess, the result of the conversation as well with—

Mr Green: When we have those conversations, yes, absolutely.

MR CAIN: Yes. When do you think that would happen?

Mr Green: We would anticipate making contact with them sometime today. Clearly, there are other priorities for that community, and we do not want to push a conversation about this issue. We just want to be respectful of what time they have and when that looks like being available.

MR CAIN: Well, thank you for re-evaluating this development in that light. Yes, the committee would be very interested to know whether that modifies, particularly, the height that is being proposed for this development. We look forward to your advice. Thank you.

THE ACTING CHAIR: I would like to ask about the building heights. So you know, we have just had Ainslie and it had 12 and a half metres on the road for the first 15 metres of depth, and then it went to 21 metres. Why is there no setback on this one with a lower level at street/on the street, given that there are residences on the other side?

Mr Maxwell: I can take that one, yes. Thank you for the question. In terms of the heights that were proposed and the revisions that went to heights expressed in metres as well, that was done to provide certainty between different potential land uses, given that commercial and residential may have quite different floor heights across storeys. So that was one mechanism that was placed there.

In terms of the question around setbacks, the material that was provided by the proponent indicated, from their shadow analysis, that eight storeys could be facilitated on the southern sites, so blocks 5 and 6 in particular, without any significant overshadowing to those residents to the south. So that solar access diagram showed that there would not be any overshadowing until 2 pm on the winter solstice. In other parts of the Territory Plan, typically solar access is considered by way of having access to three hours of natural sunlight or solar access between 9 am and 3 pm on the winter solstice.

THE ACTING CHAIR: So why is there an inconsistency between how the Ainslie

development was treated and how the Forrest one is being treated?

Mr Green: I think there are separate considerations that are taken into consideration. I do not think I would characterise it as inconsistent. There are a variety of different elements there. There may well be different separation. I am not quite sure if it is the same in terms of the solar envelope. But if you want further detail in relation to the Ainslie site and how we got to that point, I am happy to take that on notice.

THE ACTING CHAIR: Thank you. I would like to know what considerations with respect to the territory plan were there for Ainslie and for Forrest and why one has got setbacks on a residential street and why one has not.

Mr Green: Happy to take that on notice.

THE ACTING CHAIR: Okay. Thank you. Because it is not only overshadowing; it is human scale too on a residential street. So are we starting to put eight storeys on residential streets? It just seems it is very piecemeal, hit and miss, about where these things happen. Like, how do we get to even 26 metres as opposed to 21 at Ainslie?

Mr Green: I do not think it is piecemeal, Ms Carrick. I think what we have outlined through district strategies—and Ainslie is a case in point, as is this site—are two sites that are in key locations where density is something that we would like to see. So in the Ainslie example, the future connectivity potentially to light rail for these sites; there is the proximity to employment lands, in particular for this site, and the fact that it is commercially zoned. There are consistent heights right across that kind of spine that runs through National Circuit and Dominion Circuit in Forrest; there are varying heights, some of which are adjacent to existing residential areas. So I think that the planning has been quite clear that one, we want to see increasing density in well-located areas; and two, this site provides that opportunity.

THE ACTING CHAIR: Can you then tell me where in that Barton area there is eight storeys opposite residential areas?

Mr Green: I will just see if we have that information with us.

Mr Steel: The site context is also different on this site because there is RZ2 residential abutting the area that is subject to this major plan amendment, whereas in Ainslie it is RZ1. So there is a—

THE ACTING CHAIR: Yes, well, it will be upzoned assumably with a missing middle in Ainslie?

Mr Steel: Not as part of the missing middle housing design guide in terms of there is no change to the zone proposed as part of that particular major plan amendment.

THE ACTING CHAIR: No, I mean for the residential for that across the road, because you are saying it is RZ2 across the road on this one and RZ1 in Ainslie.

Mr Steel: On this one and it is RZ1. Yes, yes, but that is not—

THE ACTING CHAIR: But the RZ—

Mr Steel: The zones are not changing in the missing middle housing reform if you go—

THE ACTING CHAIR: The RZ1 though, but you will be able to put more—you know, you will be able to densify it, yes.

Mr Steel: Within the RZ1 zone, yes, but there will also be more permitted in the RZ2 zone as part of those reforms as well. So there is an expectation, I guess, of greater height in the RZ2 zone under the missing middle housing reforms which would permit up to three stories. So it is not in terms of a step down from sort of what is medium-density development; we are talking about sort of step down from medium-density in this particular location.

THE ACTING CHAIR: Okay. I mean, will you take on notice about the setbacks and what law are we looking at? See, there are less controls that I can see in a commercial area than in a residential area. Would that be a fair statement?

Mr Green: I think what we have probably—where we are at is that we are in an outcome focus planning system. So the specificity around setbacks is being derived through how it integrates and sits within its setting. So rather than having arbitrary time setback limitations, it is up to the proposal, the consultation that goes on with a future development proposal, to really understand in that space whether that is appropriate or not.

So this is not setting a minimum height, for example; it is setting a maximum height. It is not setting minimum or maximum side or rear or front setbacks; what it does is provide opportunity to, in the context, look at a development opportunity that seeks to deliver not only what the territory plan says, but what the design guides also require. So there must be consideration of the urban design guide, there must be consideration if it is residential development of the residential design guide, multi-unit design guide. So the way that the planning system operates has shifted since the new system came in from being less about metric and rule control to getting the right outcome in the context of each site because each site is different.

THE ACTING CHAIR: Yes, so you are going to take it on notice and explain why Ainslie got setbacks, in an outcomes-based framework? So why is it that Ainslie got setbacks 12 and a half metres facing the street, but Forrest does not?

Mr Green: I will take on notice the consideration and describe—noting that Ainslie is already an approved document—what that consideration was.

THE ACTING CHAIR: Yes, because I am interested in the outcome, why one outcome is different to another outcome.

Mr Green: Yes, I understand completely.

Part of this is also, we do have assessment requirements built in here. So there are things that, absolutely, we want to be taking control of, height being one of those things. We could have made a decision to not include a height limit, but I do not think that is where

we are at. That is certainly not the comments that we receive from community. And so there are many considerations going to where we land. The other element, of course, are technical specifications which are part of the planning system, where that kind of more granular detail is provided as effectively a bit of a benchmark to inform proponents on what we would reasonably expect. But it is open for them to present different proposals.

THE ACTING CHAIR: So can you take on notice too an explanation of why a good outcome for Ainslie is 21 metres and why a good outcome for Forrest is 26 metres? Like, why is it different? And: if somebody were to come forward with 35 metres, is that a good outcome?

Mr Green: I think I have said that I would take on notice what the Planning Authority's considerations were for the controls that were put into the Territory Plan and technical specifications provided and how they relate to Forrest. I think that will answer the question that you are putting to me.

THE ACTING CHAIR: All right, yes, because I am just keen on the different outcomes.

MS TOUGH: Just going back to you said earlier, Mr Green, about even though this is, I guess, a Planning-initiated proposal it is based on the back of a few different proponents. I am just interested in the background of what the proponents had done before it became a territory-initiated one.

Mr Green: In terms of the engagement that they have had—

MS TOUGH: Yes, in terms of the engagement they have had with each other and then with the territory.

Mr Maxwell: Certainly. I understand there are two proponents primarily involved here, and that they have had discussions between themselves previously to potentially progress amendments to the Territory Plan. At a commercial level they did not proceed with that individually; they combined at the time and have subsequently made individual proposals. The decision that we have made as the authority, given the timing of the two approaches separately from the proponents, was to consolidate it into a single package just for ease of reference and to consolidate the considerations across that section.

MS TOUGH: Yes, wonderful. And has that made it easier for consultation when it is now just a big block rather than some piecemeal bits on a block?

Mr Maxwell: I would certainly think it is beneficial for the community to engage with a single proposal rather than potentially three separate proposals in a single section. It has allowed us to consider those comments in a more holistic manner, noting that the community has raised similar concerns and may have similar concerns across those blocks.

MS TOUGH: Wonderful, thank you.

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MR CAIN: I guess I am just interested in the timeline. Obviously, we have a report to issue, you respond and then it goes to the Assembly. Do you have an idea of when you think something might actually happen here, if it does proceed?

Mr Green: Look I think that we have got two proponents that are in the process. This is clearly a major milestone, should the Assembly support the major plan amendment, as it is to be further amended. So I would expect that that would be wanting to move quickly. We have not had an indication that this is just an exercise of changing the planning laws and not getting on with the development proposal. Certainly there is work that both proponents have undertaken already through concepts. So I would expect that they would want to get on with the development.

MR CAIN: Okay, thank you.

THE ACTING CHAIR: There were concerns about car parking. Why doesn't the amendment include car-parking requirements?

Mr Maxwell: I can take that one. The considerations around car parking are embedded into all zone policies throughout the Territory Plan. So it talks about providing an appropriate amount of onsite car parking, whether that be for residents, users of the site, visitors et cetera. So that is a consideration that any proponent and the authority would need to undertake as part of a future DA on these sites. In essence, those provisions are already in place so there was no need to duplicate them in this amendment for the district policy.

THE ACTING CHAIR: So what is the provision for this site then for car parking?

Mr Green: I mean, car parking is dependent on what the future use is, and so that is assessed at the development application stage.

THE ACTING CHAIR: Other concerns were raised around the planting area and canopy cover. Under this proposed zoning, what are the planting requirements for canopy cover?

Mr Green: I will see if Mr Maxwell can provide further detail. But, not inconsistent with our previous answer, the requirements around tree canopy cover and planting areas are embedded within the existing Territory Plan policies and so they are not proposed to be changed for these sites. So they would need to meet what is already existing.

THE ACTING CHAIR: So the CZ5? So is it specific in the CZ5, what the requirements are for parking and for canopy cover?

Mr Maxwell: Certainly for parking there are rates outlined in the commercial zones technical specifications. So they are linked to the applicable assessment outcomes that sit within the commercial zones policy. So depending on the uses Mr Green outlined, those rates may vary. So for a commercial office use, for example, those parking rates will be slightly different to a residential use. Similarly, I am just trying to find the—

Mr Green: So within the commercial zones policy there are provisions around sustainability and environment. For reference, page 8 of that document, points 18 to 23,

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which talk to planning areas, canopy trees, deep soil zones, water-sensitive urban design measures and the like.

THE ACTING CHAIR: So what happens if there is underground parking and there is not room for deep-rooted trees?

Mr Green: These are matters that would need to be assessed as part of a development proposal that is put forward by the proponent, and they would need to meet what the requirements are under the Territory Plan.

THE ACTING CHAIR: Is there room to reconsider the setback provisions in this particular amendment?

Mr Green: Certainly. I think government will need to absolutely consider the report from the committee and we will absolutely consider any feedback we receive also from the Jewish community in relation to other matters. So yes, is the short answer.

THE ACTING CHAIR: Because it does talk about adequate setbacks for Dominion Circuit, but not on the other side.

Mr Steel: I am just looking at the tree canopy cover map of the existing canopy cover on the site. It is very low on most of the most of the site.,

Mr Green: Pretty small squares.

Mr Steel: Sort of up to 10 per cent, but a lot of the blocks are under 10 per cent. So there are a lot of surface car parks currently there in terms of the current situation and so—

THE ACTING CHAIR: So assumably we will be looking to increase the tree canopy cover?

Mr Steel: Absolutely, yes.

THE ACTING CHAIR: Okay, I think we have reached our time.

On behalf of the committee, thank you for your attendance today. If you have taken any questions or notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof Hansard. On behalf of the committee, I would like to thank our witnesses who have assisted the committee through their experience and knowledge. We also thank broadcasting and Hansard for their support. If a member wishes to ask questions on notice, please upload to the parliamentary portal as soon as possible and no later than five business days from today. This meeting is now adjourned. Thank you.

The committee adjourned at 9.59 am