



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON ENVIRONMENT AND  
PLANNING**

(Reference: [Inquiry into DPA-07 - Former Braddon Bowls Club](#))

**Members:**

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

**PROOF TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**THURSDAY, 18 JUNE 2026**

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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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## **Privilege statement**

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*Amended 20 May 2013*

**The committee met at 8.29 am.**

**BEVEN, DR TERENCE**, Member, South Braddon Precinct: Group of Concerned Residents and Stakeholders

**THE CHAIR:** Good morning and welcome to the public hearing of the Standing Committee on Environment and Planning for its inquiry into Draft Major Plan Amendment 07, former Braddon Bowls Club. This morning the committee will hear from the Braddon Residents Group, North Canberra Community Council, the Braddon Tennis Club, Ainslie School Parents and Citizens, the proponent of DPA-07 and the Minister for Planning and Sustainable Development.

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 or watching from somewhere else.

This hearing is a legal proceeding of the Assembly and it has the same standing as proceedings of the Assembly itself. Therefore, today's evidence attracts parliamentary privilege. Giving false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly. The hearing today is being recorded and transcribed by Hansard and it will be published. Proceedings are also being broadcast and webstreamed live. When taking a question on notice, it would be useful if witnesses could use the words, "I will take that question on notice." That helps the committee and witnesses to confirm questions taken on notice from the transcript. Terry, we do not usually expect our community witnesses to take questions on notice; so do not feel obliged to do that.

First of all, we welcome Dr Terry Beven, representing a group of concerned Braddon residents and stakeholders. Terry, for our record, could you state the capacity in which you appear?

**Dr Beven:** Thank you, Chair. I appear in the capacity as a representative of a group of over 50 local residents who supported a community submission to this inquiry.

**THE CHAIR:** Thank you. Please note that, as a witness 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 it may be considered contempt of the Assembly. Terry, I think you have a brief opening statement?

**Dr Beven:** Yes, Chair, I do; I have a summary statement. With your leave, besides the summary statement, I would also like to table a longer statement I have prepared and a short "food for thought" one-pager, which is basically some statements on feelings about the block by community residents and stakeholders.

**THE CHAIR:** That would be great. Our secretary will take the tabled statement after this. Thank you.

**Dr Beven:** Thank you, Chair, and thank you, committee members. Besides representing the community's submission, I should note that 649 ACT residents signed a petition requesting for block 16 to be retained for community, social and recreation purposes and to pause the development application for the Elder Street side—not the side that we are looking at today, but it is related—until an assessment of community needs can be undertaken.

Rezoning to RZ4, which is what was originally sought by the developer, for the Farrer Street side of the block, the northern side, or even retaining CZ6 yet enabling development to RZ4 limits, which is what the developer apparently is now seeking due to a late submission only received on Monday, I believe, would unleash building up to six storeys—a certainly four storeys, but four to six under the missing middle initiative. The Territory Plan refers to appropriate transitions and a need for size and scale to align with the surrounding area. Any dense, multistorey development here flies in the face of the Territory Plan.

Block 16 is a crucial CZ6 asset to be preserved and enhanced, not rezoned or cut up piecemeal into high-intensity, multistorey parts for profit. The government should preserve block 16 or at least a large part as community green space to support wellbeing amidst increasing urban pressure. A community group formally managed block 16. It should be a public asset. It was since the very earliest days of Canberra. Its proximity to homes, creche, Ainslie Primary School, the tennis club, the Ainslie Arts Centre, the Salvation Army Hall—there is a nice photo of all the dignitaries of Canberra appearing in front of the Salvation Army Hall when it was first opened—and the Uniting Church with its heritage Shakespeare Hall highlights block 16's uniqueness. All stand ready to help retain and manage block 16 for wide public benefit.

A developer strangely acquired block 16 in 2015 under intriguing circumstances and has not improved it. The developer's disjointed proposals have created alarm in the intervening years. Block 16 needs an entirely new, carefully managed strategic approach. We urge the committee to reject fragmented, high-intensity proposals. Planning for block 16 should be transparent, strategic and consultative. We submit that any development should be low impact and compatible with the RZ1 surrounding zone, as was pointed out, actually, a couple of years ago in an urban planning submission to the directorate on behalf of a lease purpose variation for a childcare centre on the Elder Street site. They actually mentioned low impact in sympathy with existing buildings around the block.

Our priority is for retention and enhancement of urban green space. We consider block 16's future heralds a potential watershed for relations between the ACT political leadership, planners and developers. We ask the committee to preserve block 16 for real community use. Please do not permit it to be torn apart. We implore the committee to reject the developer's apparent dissembling.

**THE CHAIR:** Thank you very much for that statement. Terry, I was really interested in your comments about strategic and transparent planning—and that was also in your submission. The National Capital Design Review Panel said there needs to be a cohesive, well-integrated overall master plan for the whole block. Is that the kind of thing you mean?

**Dr Beven:** That is exactly the kind of thing we are looking for. In the over 10 years that the developer has owned the block, strangely—and someone could possibly look into how it happens that a community asset gets transferred by a club to a developer in what is seemingly a non-transparent way—it has been subject to so many different plans, proposals, thought bubbles, strange concepts and information sessions, and the community has been led which way and that.

The block has been subdivided into two halves in a strange process of a lease variation that was sought by the developer and then abandoned for some reason. People genuinely thought that a childcare centre was going to be built on the Elder Street side, a low-level impact centre. They thought that a new bowling green was going to be placed on the Farrer Street side. Those were the plans that were put in at the time of the lease purpose variation. It turns out that that lease purpose variation led to a more than doubling in the value of the block, and yet the developer abandoned it.

Something more strategic needs to happen for that block. In other circumstances, the community would have expected that by now the government would have taken firm action, including the possibility of resuming the lease, in order for the government to set proper conditions for the long-term management of what has been and should continue to be a community asset not just for Braddon but also for the wider community of Canberra.

**THE CHAIR:** Terry, thank you so much.

**MS CARRICK:** My question is about planning. I am curious to know what planning the ACT government has done for community facilities in the area. How do we know what the community needs and what the gaps are?

**Dr Beven:** I think we find that out through consultation with the community. In the first information session that the developer held for the block, he put forward 47 townhouses, as I recall—I think that was the number—a complete densified development, and the community reacted very strongly against that. Previously, there was green space provided by the bowling greens, there was a nice clubhouse, there was a walkway beside the block where children go to and fro from Ainslie Primary School and other people on their bikes and whatever go between streets and into Civic and back out to the suburbs.

This block is in a very interesting area. I think the community wants whatever happens to the block to be in sympathy with the Ainslie Primary School and the Ainslie Arts Centre. There is the opportunity for some more perhaps education-related facilities. The community would like to see a community garden. They would like to see a small park. They would like to see some playground facilities. Often people think, “Ah, there is Ainslie Primary school; it has playground facilities,” but it is a primary school. They say, “But it does not have a fence around it.” The reason I understand that it does not have a fence around it is for heritage-listing purposes, because originally the school did not have a fence around it in accordance with early Canberra design siting requirements notions of an open area and city.

I think the community is looking for at least a significant part of the block to be accessible to people, whether they are from Braddon or whether they are from a wider

area, to bring people together in an environment which adds to the overall wellbeing of people of all generations whether they are the children from the school, which backs onto Elder Street, just opposite the block; whether they are from the arts centre, the tennis club, the creche and the aging community around the block—there are aged-care facilities near the block; whether they are from the Salvation Army—the hall there has a rehabilitation focus; or whether they are from the United Church, which also, through the Shakespeare Hall, I believe, provides some facilities for people that otherwise are in search of accommodation from time to time. This community is very tight-knit—the community submission shows that—and it is looking for something that adds significantly to community wellbeing, not to a developer’s strange notions of a hotel and wellness centre and spa and dense multistorey, four- to six-storey, development.

**MS CARRICK:** The government is keen for infill. With the area that we are talking about, the government in its major plan amendment says this proposal is around 600 metres from Civic and in close proximity to the diverse Braddon mixed-use precinct. As the government rezones areas, do you think that this area, being so close to the city, is under threat—not just this block, but the whole area—of rezoning?

**Dr Beven:** I think it is. In the sense that, if the developer gets his way with rezoning or CZ6 allowing development to RZ4 standards on at least a significant part of the block or other notions like that, I think it is a great risk. What is missing from all of this is any proper official process, if that were ever to occur, for people to be appropriately consulted and, for want of a better word, “warned” of what the future might hold. There have been no overlays for this block that show anything about an official intention for densified development of the block, multi-purpose or whatever, as there were for the Braddon mixed-use precinct and as there were for the apartments on Faulkner Street and Torrens Street between Girrawheen Street and Elouera Street.

If the developer achieves what the developer is seeking, there will be pressure for further development along these streets. You will then see more of what has happened on Elder Street already with the developer’s own residence, for example, as the dominoes fall. Is that really what the government wants to do right opposite Ainslie Primary School, right near the heritage-listed Salvation Army Hall and right near the Ainslie Arts Centre? Is the government seeking with its infill to take away from Braddon a very rare CZ6-zoned block for community purposes, which was once in the hands of a community-managed and responsive group, and develop it for mixed-use, dense, multistorey buildings?

If that is what the government wants, the government should say so. Someone at the strategic level should spell it out. They should stand up and put forward their plans for this area of Braddon, tell people that their houses are going to be demolished in the future and, like the old car yards in Braddon, they are going to be developed into apartment blocks. If that is what the government wants, spell it out.

**MS TOUGH:** Thank you for your evidence this morning. I just wanted to get some further context of the history of the site. I have been to the site and seen how it looks now and wandered around the laneway, but I do not really remember the site when it was a bowls club, even though I was an inner north resident many, many years ago. What was the context? What were the opening hours for the club? How was it used by the community? You keep mentioning green space. Is that just the bowling greens

themselves or was there park? How did it actually fit in that block?

**Dr Beven:** Thank you very much for the question. My wife and I have lived next to the bowling club. Our house is actually the one right next to the Farrer Street path of the block. We are the only residence, apart from the developer's own building on Elder Street, that sides onto the block. I have been there since there was the bowling club and then when it was taken over by the Ainslie Football Club and so forth.

I am not exactly sure of the bowling club hours when it was originally run by the community, the Canberra City Bowling Club Committee, but it was very quiet and managed in a dignified way. About the noisiest it ever got was on New Year's Eve for a function. Children could walk through the bowling green in front of the club building on their way to school instead of using the path, and now and then they might have been slightly ticked off by someone in the club building. It was just an open community asset with small fences. Originally, way back, the club had two bowling greens and an old clubhouse which reflected the same kind of building quality as the Ainslie Primary School. There is an aerial photo that shows that from about the early 1950s. I have a copy of it. It had trees around the old clubhouse and a driveway into the club and everything like that that was very similar to Ainslie Primary School. Apparently, in the late 50s, early 60s or sometime like that, the old clubhouse was torn down and a new clubhouse was built and three bowling grounds were put in instead of two.

Everything was fine until about 2001-02 or somewhere around there, and then, strangely, the Ainslie Football Club took over the bowling club. It had apparently been struggling with its finances, and the Ainslie Football Club took it over on a promise of providing bowling facilities, apparently—I am not a bowler, but this is what I understand—in Gungahlin. They were going to provide facilities in Gungahlin. That then fell through and, whatever happened with the way they took over the club, bowlers had to find somewhere else to go. The Ainslie Football Club put in a management team. The club started Friday night karaoke and all sorts of other activities to try and raise revenue at Ainslie Football Club standards. Noise became a huge issue and so on. The nature of the club changed and then the Ainslie Football Club—

**THE CHAIR:** I am so sorry to interrupt. As we have run out of time, Peter, can I check whether you would like to ask a question of Terry or would you like to have the first question in the next session?

**MR CAIN:** I have a quick one for Terry. I know that in the consultation report, the Heritage Council does not really say anything negative about the heritage impact. It talks about considering the impact on the local character, of course, as you have touched on. Do you have any views on the Heritage Council approach?

**Dr Beven:** To the Heritage Council approach and to your question, I would say: just walk along Elder Street near Ainslie Primary School and the Ainslie Arts Centre and the tennis club; just walk along Faulkner Street near the Salvation Army and Shakespeare Hall of the United Church; and just walk along Farrer Street and feel the streetscape along which, apparently, dignitaries travelled when Canberra was in its very early days, including, as I understand, vice-regal or regal dignitaries who drove along the street as an example of the magnificent development that was taking place in this new city of Canberra. Some say that the very streetscape of Farrer Street and Elder

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Street should be heritage listed. So that is what I would say in response to that.

**MR CAIN:** Thank you.

**THE CHAIR:** Thank you, Terry. Thank you so much for your time. I am sorry it was rushed, but we would love to see your tabled statement. We thank you for your attendance today.

**Short suspension.**

**HIPKINS, MR MARCUS**, Media Coordinator, North Canberra Community Council  
**HUBBARD, MR IAN**, Chair, North Canberra Community Council

**THE CHAIR:** Welcome to our witnesses from the North Canberra Community Council. I will start with the privilege notice. As witnesses, you are protected by parliamentary privilege, and you are bound by those 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.

**Mr Hubbard:** I would not mind giving a really short opening statement to support our submission.

**THE CHAIR:** Ian, please go ahead, but please limit it to two minutes, and we would love to see tabled anything else that you have.

**Mr Hubbard:** No worries; thanks very much for that. I just wanted to focus on two issues. I am hoping that you had an opportunity to read our submission, but the two issues are: the need to strengthen community consultation in the planning process, and also, I think, a perception that there is a bias in the Territory Planning Authority and the development assessment process towards redevelopment approval. The NCCC is not against development or infill; what we are asking for, really, is that development takes into consideration the whole precinct that is around a development, and in this case, particularly, that it does not destroy a community hub.

There are a lot of similarities between the Braddon Bowls Club site and the Big Splash site, as far as planning goes. The ACT government and the TPA struggle to protect community-use sites. To help that, the NCC proposes that the inner north district strategy be reviewed and upgraded to identify community-use land and protect sites that are considered valuable by the community for current and future community use. At the moment, the north district strategy has a lot of emphasis on areas for development but hardly anything about community facilities in themselves, particularly which community facilities are important to the community. I think that would really help with some of these planning processes going forward—if there was an identification of those.

On the community consultation side, I think you will hear today a lot of people saying that they have raised really important issues around the impacts of this rather large development in that low-rise area and, in fact, that the community consultation process is really short and truncated for the community, and the process itself is really torturous and traumatic to the people who get engaged. You would have heard—

**THE CHAIR:** Ian, I am so sorry to interrupt you—

**Mr Hubbard:** I have just got one more little point. The NCCC is proposing to work with the TPA to improve the consultation process and, particularly, instead of having multiple different DA proposals coming through, and incremental steps towards approval, that there is a forum, which is basically held with the community, that really details what the actual development proposal is going to be and really looks at the benefits and the impacts of that. At the moment, the impacts really do not get included in the decision-making process and the support for this development on DPA-07.

And I just want to point out one key principle that is in the Planning Act, which really has not been considered in the assessment process, and that is the high-quality design principle. It means the following, and this is really critical, I think, to this inquiry: “The development should be focused on people and designed to reflect the local setting and context and have a distinctive identity that responds to the existing character of the locality and effectively integrate built form, infrastructure, and public spaces.”

For the life of me, I cannot understand how in the assessment process, when that is such a key principle in the Planning Act, that that is not a big part of the decision-making and the assessment that was put forward by the TPA to the minister to recommend this. The bias is that they cherry-pick certain outcomes and ignore any outcomes that are not favourable to the actual development, and we would like a lot more balance to be put into the assessment of a proposal. That is it for me. I have got some other stuff there, but I am happy to provide the opening statement to the committee for consideration.

**THE CHAIR:** That would be great; thanks, Ian. We would love to see that tabled. I am so sorry, we have such a short period of time to—

**Mr Hubbard:** I appreciate it.

**THE CHAIR:** I have got one question, Ian: do you think issues like building heights, traffic impacts and impacts on community facilities should be addressed at the major plan amendment stage, rather than saying, “That will be taken care of later at DA stage”?

**Mr Hubbard:** I think that is really important. The idea that those impacts are not considered, to me and to the NCCC, seems to be resulting in really bad planning outcomes. The planning assessment process, instead of taking a precinct-wide approach to planning, has really come down to just an approach where you look at a block—and in this case half a block—and you do not consider all the other developments that are going around and the likely impacts on the immediate locality. And you will hear today that some of the impacts are quite significant not only on the safety of kids et cetera being left in the drop-off zone, which is immediately where the hotel is going to be—the entrance to the hotel and entertainment centre that they are planning there—but also on just the volume of extra traffic and noise et cetera. That should be considered in globo in that precinct.

I think one of the questions that was asked earlier was: is it important to keep these sorts of community hubs and the differences that they have between multi-storey buildings? That is really important to the community because that is where people meet, socialise and have recreation. I think the committee has to appreciate what has been lost. That was a bowl. It was an area that provided activities and social contacts for a lot of senior citizens in Ainslie. I used to go there for a beer after work. And of course, we also had our Christmas parties there. The whole crew would get out there and have a bowl. It was a beautiful place to go. It was a really beautiful place to go. So that is what we are losing. And I think you will hear today that the community feels that loss and would like that area to somehow have an overlay that describes what the community want.

There was an overlay that existed prior to the latest planning changes, and that was the

south Braddon precinct plan. The committee should have a look at that, because that really does define what the character of that area is, and it should be, in a sense, enhanced. That was done away with somehow. That seems to have disappeared in 2022, so not that long ago, with the new Planning Act. And I think one of the things we struggle with in planning is: what is the streetscape? What is the character of an area? And here you have a description of that character and streetscape that went through a really extensive community consultation process before it was published, and I think we need to get back to that.

**THE CHAIR:** Thank you, Ian.

**MS CARRICK:** We have all been through the missing middle reforms, which is about densification in places where people want to be. The government says that this area is around 600 metres from the city, where all the jobs are. I think this is the tension: it is an area that is very close to the city, yet we want to keep our community amenity. So how do we do that? My question is: to avoid this fragmented planning, which I call dartboard planning and developer-led, whereby there is no zoning anymore—well, there is zoning, but developers just put in to have it changed through MPAs all the time—is there an opportunity for the government to have a look at the zoning of that Braddon area in the context of being close to the city and to try to, as a compromise, keep the recreation area?

**Mr Hubbard:** Yes, I think that is a really important point, Fiona. I think that this is not a compromise; this is about acknowledging that we do need infill, but the important point is that not every single block in the inner north needs to have infill. A really important thing for the population, which is probably going to double or triple—I would not be surprised if it has not doubled since the Northbourne corridor development process—is that these people need areas to go and recreate. They need the parks. They need the community facilities. They will need schools. They need their church. They need their tennis club. That is a real loss to the community if the government does not protect those things in the future.

One of the outcomes of planning is, of course, to encourage activation of people's activities and health et cetera. If those facilities are only available commercially, you have got a whole group of people who cannot pay for the fees to get into Next Gen or something like that. So I think government has a responsibility to get that balance right. At the moment, the planning system does not get that right. I think one of the seven strategic planning priorities of the government is to identify community hubs, to develop community hubs and to strengthen existing ones. This is a community hub. So the idea that you have got a planning policy, but that is not your key priority, seems to be shooting yourself in the foot. Because once we lose these community facilities, and community land especially, we do not get them back, because they are too expensive, and that issue has been raised on numerous occasions—once you hand them over to developers, or once developers swoop in and see a community piece of land as a development opportunity, you do not get them back. The community is poorer for that reason.

From a financial point of view, for those who are interested, it puts a lot more expense on the public asset estate. That is a real thing, because that is where you put health centres, schools, playgrounds, childcare centres, et cetera, and if you lose that land, it

becomes a lot more expensive to get it back. And we know the population has been increasing in those areas, so the government and the Planning Authority have to be a lot more professional in their approach to the management of these areas—these community facilities. They are so important to the community.

**MS CARRICK:** Yes. I am just trying to make sure you understand my point that—

**THE CHAIR:** Fiona, we might have to now go to Caitlin. I am so sorry.

**MS CARRICK:** Yes, okay.

**Mr Hubbard:** Sorry, Fiona.

**MS CARRICK:** Well, I just—

**THE CHAIR:** Caitlin, one question.

**MS TOUGH:** Thanks, Chair. Sorry, Fiona.

**MS CARRICK:** You are all right.

**MS TOUGH:** Hopefully it picks up on a similar theme. The block itself is only 500 to 600 metres from Civic, and all of Braddon is very close to Civic. It is the next suburb from the city centre. How do you see the balance between the real need for more housing, particularly housing that is close to amenities like a city centre or a town centre, with the need for community spaces? And picking up on your recommendation in the submission around statements on local neighbourhood street character that came out of our missing middle report, how do you think that works for Braddon, noting we need more housing particularly close to the city centre but with community spaces?

**Mr Hubbard:** I think that is a very reasonable question, but it has to be done in a way that is planned and assessed. If we are just going to leave missing middle to the provision of the market, in a sense, we are going to throw zoning out the window, as a developer can come in and say, “Well, I am going to change that site from being a one-storey place into a six-storey, multi-unit apartment block.” That is not a good planning outcome.

I think you can get the balance right. If you look at Northbourne Avenue, and that transition that comes back from Northbourne Avenue, there is so much area in there that is being redeveloped for missing middle, as we know now. So there are plenty of things. What I am saying is that there needs to be the balance. The zoning system cannot be just thrown out the window because you have got that really trendy part of Lonsdale Street—“trendy” in inverted commas—where you can go and have your entertainment and go to the bars and restaurants and things like that. Zoning is important because those areas need to be contained and not spill into suburban areas; that is really important, because then you would just have social problems of noise, et cetera.

So I think there has to be a balance. We all think that there needs to be more housing, but that balance at the moment is not planned. It is just done on a block-by-block basis. I think, Caitlin, you would have to agree that having that properly planned and balanced

with the need for community facilities and green spaces delivers on all the other outcomes that the government is also trying to achieve. The problem is we are not focusing on those other outcomes. It is all just focused on just one section of that. Marcus, I do not know if you want to answer, yourself?

**Mr Hipkins:** Yes, I will touch on a few points that have been raised. I think it is important to consider things like traffic at the planning stage. If you were designing a new suburb, you would consider the roads and make sure they are sufficient to cover the traffic that is expected; you would plan for schools and community facilities and recreation areas.

In terms of the site being close to the city, we just had the missing middle reforms which increase the density in existing residential areas, so should we be destroying our community facilities as well or should we be keeping those facilities for the increased population, which will eventually result in the residential areas? It seems as if the community has a real interest in preserving those community facilities while letting the increase in density in residential areas be restricted to the residential areas. That is what would be an appropriate outcome in our view. I hope that addresses some of your questions and the points that have been raised.

**MS TOUGH:** Thank you.

**THE CHAIR:** Marcus, thank you so much. Peter, do you have a question?

**MR CAIN:** Obviously there is a lot of green space around this site—we are looking at Haig Park, tree-lined Limestone and three ovals, really, just opposite and to the south. So how do you counter the argument that there is still a lot of openness in that precinct of Braddon, as opposed to, “We are losing the only open area in the area.” I guess I am asking your view on the advocacy that is saying, “Well, there is still plenty of green space around.”

**Mr Hubbard:** I think that is a developer’s view. The developer thinks, “Well, if there is a green space there, that is an inefficient use of land”—and the Planning Authority says it every now and then. And I think, “Well, that’s great, unless you want to go to a park or whatever.” One of the ovals that you mention is the Braddon oval, and that is fenced; you cannot actually get access to it. One of the things that we are seeing around the inner north is that quite a few of the ovals are being fenced off and excluded from the community for different reasons—protection of the playing surface or whatever.

So on that argument that there is a lot of green space, we think that there is a lot of area that can be redeveloped as infill, but we really want to emphasise the importance of those green spaces for sustainability. We have to think about the impacts of climate change and the canopy. The development lobby always looks at green spaces with a lot of expectation for opportunity for making a lot of money, and that is fair enough; that is their business, but we really have to make sure that we deliver on all the outcomes, not just one.

Canberra is the garden city. There is the idea that we get the Surrey Hills look. There is a group of people in Canberra who want to get the Surry Hills look all around that area, but there is a difference between Canberra and other places. Retaining these green

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spaces is really important, and we are losing a lot of them. It is the argument that there is a lot there, so why don't we lose half of them? And that is a conversation that really has not been had with the community. That is just advocacy for pro-development—"Let's take all that space because it is underutilised," or something like that.

**MR CAIN:** I was more interested in how you would respond to that—

**Mr Hubbard:** That is how I would respond to it.

**MR CAIN:** rather than being an advocate for one thing or another.

**Mr Hubbard:** That is fair enough.

**MR CAIN:** Thank you, Jo.

**THE CHAIR:** Thank you, Marcus and Ian. Thank you so much for your time this morning; I am sorry we are so limited. We will move on to our next session.

**Mr Hubbard:** Thanks very much, committee, for the opportunity.

**Short Suspension.**

**EMERY, MS CHARLENE**, Committee Member, Braddon Tennis Club  
**REICHELT, MR RONNY**, President, Braddon Tennis Club

**THE CHAIR:** Welcome. 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.

We have very limited time. Do you have a brief opening statement, or should we proceed straight to questions?

**Mr Reichelt:** I can give you a little bit of background, if you like.

**THE CHAIR:** If it can be for two minutes; I will interrupt you at that point because members have questions that they would like to ask.

**Mr Reichelt:** Yes, that is okay. Basically, the club has been around for 100 years, or a little bit longer. We serve about 7,300 people in the Braddon area and the surrounding precinct. The club is one of only two clay-court facilities in Canberra. We took over the club about nine years ago, when it was in rack and ruin. We refurbished all the courts to new clay courts, upgraded the fencing, replaced all the court lighting with LEDs, installed security and a booking system, and refurbished the clubhouse, inside and out.

The club lease allows only for clay courts, so we are not allowed to use any other type of surface. That is because there are only two facilities in Canberra, and Tennis ACT and Tennis Australia basically have restricted that. The courts are used by professionals, down to grassroots junior players. They train for the Australian Junior Claycourt Championships, which are held in Canberra. It is a practice venue for national and international clay-court championships. It is used six days a week for coaching and tennis lessons, adults' and kids' competitions—they play on a weekly basis—online bookings and club bookings. On average, we have about 100 players per week using the facilities.

The main issue with the six-storey development is the casting of shadow over the two main courts, and the frost and rain that we have. I am not sure how I am going for time.

**THE CHAIR:** Ronny, I might jump in with a general question. You have put in your submission the risks of overshadowing, with a clay court. Do you think that is a significant problem for the club?

**Mr Reichelt:** Absolutely, it is, because frost takes between three to four hours to thaw out, in the Canberra winter. Usually, we get an average temperature of 12 degrees; with El Nino, it is a little bit warmer, but it takes between three and four hours. The shadows do not disappear until at least lunchtime, so that leaves us being able to play until about 4 o'clock or 5 o'clock. At 5 o'clock, the sun goes down. It significantly reduces our ability to play on those surfaces. With rain, depending on how much there is, it takes between four and eight hours to dry out, in direct sunlight.

But that is only half the problem. With no sunlight, the dampness builds up, with mildew and fungus and, in worst-case scenarios, you can get black mould in corners of

the facilities, which makes it unsafe for players to play, and that is a significant concern.

**MS CARRICK:** With how close this area is to the city, how do you feel about looking at the zoning for the broader area, in order to keep the recreation facilities as they are? Most other areas that have a school and recreation have RZ2 around them. Most other town centres that are closer have way higher zoning.

**Mr Reichelt:** We are a 10-minute walk from the city; Braddon is a five-minute walk. We have no objection to high-density zoning. The only objection we have here is for the maximum height to be two-storey, butting up to our facility, to allow that natural sunlight to come in. With high-density housing, obviously, there are more people that require more recreational facilities. This will be an ongoing issue. Basically, reducing those two courts will have a significant impact on the availability of our courts.

**MS TOUGH:** I am interested in clay courts. One of my staff members has gone down a bit of a rabbit hole about clay courts, and another staff member and I walked around the site earlier in the week, just to understand the position of the tennis courts to the new site, and to get a feel for the area. I am interested in the maintenance of clay courts. You have mentioned the frost and how long it takes to defrost. Are there other ways that maintenance of clay courts can be achieved? Are you aware of anything overseas where alternative things have been done for clay courts or indoor clay courts that have been kept up to scratch?

**Mr Reichelt:** We have had a look overseas to see what other options there could be. Clay courts also need rain, or water, to keep the dust down. Most importantly, it is having the sunlight, to keep them healthy and stop any build-up of mildew, fungus and that sort of thing. The issue with frost and rain is that they create a slip hazard and people just cannot play; we have to stop them. Unfortunately, because we are a volunteer organisation, there is not somebody there 24/7, for a normal business operating time. People do book and they do play, and they just ruin our courts. This would just exacerbate that situation.

**MS TOUGH:** Just to clarify, there are other ways, but because you are a community club which does not have someone full-time, it is not something that is viable for your club to do at this time?

**Mr Reichelt:** We are not aware of any other way of reducing it. We have talked about an enclosure, but we still need rain; we still need light as well.

**MR CAIN:** I am interested in the number of players. What is the frequency of use of your courts?

**Mr Reichelt:** On average, we have about 100 players per week playing on the courts. That varies between winter and summer, but that is the average turnaround. It is from juniors, all the way up to a lady who is 87 years old who uses the court. Tennis is one of those sports that is expected to extend your longevity by between 10 and 15 years.

**MR CAIN:** I want to clarify something that you said about the shadowing. Are you saying that if the whole development was two storeys, you would be okay, or is it just on that side?

**Mr Reichelt:** At least on our side, because that would allow at least a 45-degree angle of sun to come in and create that drying effect.

**MR CAIN:** If it did proceed with six storeys across the whole site, what is the anticipated impact on your participation in using the courts?

**Mr Reichelt:** Effectively, that would at least halve our participation rate, because we would not be allowed to open the courts, to let players play, in those circumstances.

**Ms Emery:** Yes. Can I add that that is a real slap in the face for volunteers, because volunteers, as you probably well know, are a dying art. A lot of us would probably walk away.

**MR CAIN:** If, from your point of view, the worst-case scenario eventuated, what is the likely impact on the future of the site?

**Mr Reichelt:** It is a struggle, as Charlene mentioned, to keep volunteers on the site. It is also a struggle to have a person like a coach who is using the facilities keeping it maintained, upgraded and so on. If, all of a sudden, their operating capacity is significantly reduced, they will just move on. Hopefully, it will not fall into rack and ruin; it will go back to where we took off about nine years ago, when there were only one or two courts that were playable, if that.

**THE CHAIR:** What has your consultation with the developer been like?

**Ms Emery:** Our conversation?

**THE CHAIR:** Yes, what your experience was, what happened when you raised these concerns, and what your expectations are for how that consultation should be done.

**Mr Reichelt:** When the developer first put forward this proposal, we objected to it for the same reasons, because of the shadowing effect. We basically raised all the same concerns. Apparently, they took no notice whatsoever of that. In fact, they probably increased the height to what it was before. Unfortunately, with developers—and fair enough—they want to squeeze every dollar out of a site that they can, so the more density they get there, the more money they make.

**Ms Emery:** Our first consultation was back in 2023, I think, and that was just a video link with the developer, Jess and I. It was just consultation for the sake of consultation; we have not heard from them since. The plan has not changed, actually, since that time.

**THE CHAIR:** In those discussions, you mentioned, for instance, that two storeys would not impact on you, but, if it went higher, it would?

**Ms Emery:** Correct.

**THE CHAIR:** That, obviously, has not been taken on board?

**Mr Reichelt:** No.

**Ms Emery:** No. I believe the new design is really just a take on the old one. It just has a new face on it, really. I do not know what the intention is.

**MS CARRICK:** What other tennis courts are there in the inner north?

**Mr Reichelt:** There is Reid. Reid has a private facility. They are grass courts. In Dickson, they have courts there—also grass courts. Basically, any other facility has grass courts.

**Ms Emery:** Ainslie as well.

**Mr Reichelt:** Ainslie as well, yes. It is due to the lower maintenance cost. Shading has less effect on those courts and, after rain, you can play much sooner on them as well. Because there are so few of these clay courts around, we are not allowed to change, based on our Crown lease, and based on having no support from Tennis ACT or Tennis Australia to be able to convert to that. They want to maintain that, to build up that experience for the young, and for the professionals to be able to train on them. When these events happen in Canberra, they are basically booked out.

**MS CARRICK:** I do appreciate a clay court, because I grew up playing tennis and sliding on a clay court. I do very much appreciate it. There are also the ANU and the Tennis Centre. I wanted to get a feel for what courts there were in the inner north.

**MS TOUGH:** One of the things you have raised in your submission is that sometimes competitions go late into the night, and you are worried about noise complaints.

**Mr Reichelt:** Exactly.

**MS TOUGH:** I know that right now the block next door is completely empty, and has been for a long time, but there are houses on the other side and in the neighbourhood.

**Mr Reichelt:** Yes.

**MS TOUGH:** Have you had noise complaints previously?

**Mr Reichelt:** Not that I am aware of, because they are a significant distance away from where we are. Our other concern is that often we have events that will go until 10.30 or 11 o'clock. I am not sure what sort of noise risk restrictions will be imposed upon us, so those events may need to be cancelled altogether or we would have to get all of Canberra to shift those time zones.

**MS TOUGH:** Obviously, the closest residents are a bit further away at the moment. With parking, when you have events, have you had complaints from neighbours about parking and things like that?

**Mr Reichelt:** No. We have ample capacity on our site, so there is no issue with parking.

**MS TOUGH:** Do you have people using your car park for other purposes nearby?

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**Mr Reichelt:** We do, yes, unfortunately. That is our other concern. When and if the development next door proceeds, they will just use our parking facilities. It means our members and our guests will not be able to have the full facilities of free parking that we give them.

**THE CHAIR:** Are there any more questions for Braddon Tennis Club?

**MS CARRICK:** No, not from me. I do like a tennis club. That is all I have to say.

**THE CHAIR:** Charlene and Ronny, thank you very much for your time today and thank you for your evidence. We might proceed to our next session.

**Mr Reichelt:** Thank you for having us and for hearing us out.

**RITCHINGS, MR MORGAN GRANT**, General member and former vice-president and treasurer, Ainslie School P&C Association

**THE CHAIR:** We now welcome Morgan Ritchings, member and former vice-president and treasurer of the Ainslie School Parents and Citizens Association. Morgan, as a witness, 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. Do you have a very short opening statement?

**Mr Ritchings:** It is slightly longer. I have cut it down, but let's see how we go.

**THE CHAIR:** Let's go for two minutes and then I might jump in and invite you to table the rest.

**Mr Ritchings:** Sounds good. Our P&C association is an entirely volunteer organisation of parents, carers and friends of Ainslie School. We are a heritage-listed school celebrating its centenary next year. I am here today to provide a voice to the 348 students from kindergarten to grade 6, their families and friends of Ainslie School who will be directly impacted by the committee's representations to the planning minister related to the draft major planning amendment we are here today to talk about.

Our assessment of DPA-07 is that it fails to adequately consider and has not been prepared in consultation with the school community. A word search across the draft major planning amendment supporting traffic analysis fails to mention the words "student", "child", "kid", "cyclist" or "vulnerable". No pedestrian or cyclist surveying was completed and no modelling of impacts to young vulnerable road users, such as our students who walk or cycle, have been considered. The northern, eastern and southern borders of the site are critical active travel routes to and from Ainslie School, KU Braddon daycare and the Braddon Tennis Club, which are actively used by students and families. The intended rezoning and hypothetical development should consider these vulnerable road users as a primary paramount consideration. It has not occurred here.

There is not a mention in the traffic analysis about the absence of a pedestrian crossing on Farrer or Elder streets and how this DPA would mitigate the risks associated with drawing a significant increase in traffic. This is already inadequately servicing existing young, vulnerable road users through multiple development applications and now this draft major planning amendment. Members of our school community, through the P&C, have provided the same consistent feedback. We do not want a through-road to be built between Farrer Street and Elder Street, an essential dependency of this rezoning application. We do not want a through-road built directly across from the student pedestrian entrance on Elder Street to the school, putting all our children's lives at risk. We do not want a through-road built directly across from the dedicated disabled parking spaces of our school, putting our community of students with disability in further harm's way. We do not want a through-road built on the street to encourage rat-running and complex car manoeuvres on a street that does not even have a pedestrian crossing. What we want is development that is designed and built from the ground up to be complementary, supportive and aware of the unique neighbours of them. The DPA process and the developer has not achieved that here. Thank you for your time so far.

**THE CHAIR:** Thank you so much. You have actually hit on the issue that I was going to ask about anyway. We have heard in submissions a lot of concern about the fact that there is currently a separated linkway that people could use, including kids walking to school, and that that is going to go from this development. Have you raised that concern with the developers and in consultation?

**Mr Ritchings:** In the consultation so far, we have included—and I think it is part of our submission—the two development application responses for the southern end directly across from the school. We have also put in a submission—as we are here today—for the inquiry about the rezoning on the northern end. We understand that the western side laneway, which is used by many members of our community, including myself and my two kids, to go to the school will remain in place. It is unclear from the submissions, from our side, as to whether the developments will actually encroach on that space. Will it be available to residents or whatever is planned for that development to actually access that space? Currently it has a 2.1 metre-high fence along it, which provides great privacy and also security for our students to further travel back and forth. We have no idea what the plans are around this rezoning. There is no development application yet for the northern end. It could be anything within, I guess, the missing middle if it gets turned to RZ4.

**THE CHAIR:** When you pointed this out, were you just told that all those decisions get taken at the DA stage and it was too early to consider them?

**Mr Ritchings:** I have seen no changes between the development application iterations that have come through. When I saw the development application notification on the southern end across from the school pop up for a second time, I was excited to see what changes were in place. At this point in time, there is no opportunity for the developer to say that they have not heard our concerns and issues. They are in writing. Everyone can see them. They are on the ACT websites right now. There was literally no change. I was reading effectively the same development application again, after putting my kids to bed, after doing my job in a volunteer capacity, and it was a great disappointment. We wanted to believe that the developer coming in would build it up, maximise that use of space, unaware of what is around them. We have made those representations and they seem to have been completely ignored.

**THE CHAIR:** Thank you for your volunteer work. We value that.

**MS CARRICK:** Is the traffic the primary impact on the school? We do not get close enough to have overlooking or overshadowing of any of the school grounds. So it is primarily the traffic impacts?

**Mr Ritchings:** The traffic is a primary concern from the people within our community that I have spoken with. The reality is the shadowing diagrams of the development application on the southern end of the site show that, by 3 pm, the shadow from the development as intended will actually encroach the kindergarten play space school. It demonstrates how impactful a six-storey or five-storey hotel will be on visibility over our school. There are concerns around privacy and there are concerns around child safety. As previously mentioned, there is no fencing for our school itself. I think there is a current decision for the government around whether a heritage-appropriate fence

could be installed in the facility. But it is free to be accessed. I have had my own situations where I have been waiting for my kids to wrap up at school and seen people walking through the site. The gentleman in this case looked fairly dishevelled, hugged a tree next to me and told me, “Trees need hugs as well”—at which point I picked up my kids and reported the situation to the school. We do not know the people who will be going through the short-stay accommodation across the road. If you look at us and how our school operates and how our kids play, it just seems inappropriate.

**MS CARRICK:** A lot of other schools have fencing around them. Why doesn't Ainslie have fencing around it?

**Mr Ritchings:** In discussion with the principal of the school and the history of the site, it was as it was built. We are celebrating our centenary next year. I believe that there is an ACT Legislative Assembly or government entity decision around considering fencing—not funding or commitment in that sense that I am aware of, but more approval. We have seen up the hill up the road, they have built their own fencing, which is visually appropriate and appealing, despite the heritage nature. The general community would love to consider the option to actually bring on fencing. I appreciate it is not necessarily directly related to here, but, like our submission, in seeking further support around pedestrian safety around the site, we would welcome any support along that line to help build in appropriate safety and security around our school.

**MS CARRICK:** When you have high levels of traffic fencing can keep the kids in—and they are not out in the traffic, I guess.

**Mr Ritchings:** Yes.

**MS TOUGH:** I want to briefly pick up on the fencing. I grew up in an area where schools originally had pretty low fences with walkways through. So I completely understand the situation of people just wandering through school grounds. Where I grew up, eventually the decision was changed and no matter how old your school was or how it was built, everyone just got the six-metre fence or the really, really high black fence, no matter what that did to the character. I am not advocating that Ainslie goes down that path necessarily, but is there a feeling in the school generally that fencing would help not just with this development but just generally help in the community?

**Mr Ritchings:** Yes. In general, the school has been, I would suggest, neglected, personally, as far as the facilities that we have. Everyone makes do as best they can to keep their kids safe in drop-offs and pick-ups et cetera. But this development for us has really shone a light on the inadequacies of the facilities at the school around safety, outside the borders of the school itself and putting a hotel and medium- to high-density housing to the north, encroaching on that space. As I said, there is not a single crossing on Elder Street as of right now. It has low volumes of traffic; so it is quite reasonable. We make it work. The kids pull up with their bikes and we wait, look left and right and keep an eye out for traffic as it is and then we go across. But this facility will be drawing in traffic. This through-road will be encouraging traffic to come through these streets more frequently and the facilities around it simply are not adequate to manage that.

**MS TOUGH:** In the development application process or even in our report, if things were addressed like keeping that walkway secure, putting in actual crossing facilities

and doing something about the road, are they some of the things that might make the parents and the students at Ainslie feel a bit safer if there was a development on that site?

**Mr Ritchings:** We do cover in our submission suggestions. It has kind of emboldened our community to actually, independently of this process, be seeking further representation from local members and the government. We do have a walkthrough by the transport authority on a yearly basis, and the assessments to date have been that things are adequate and appropriate for the space around it. This development blows it up in the water. But, to answer your question, yes, the school community would welcome any facilities to assist in that. We would like to see that demonstratable. As I said, there is no modelling here in this development. There is no acknowledgement of the concerns or issues around this. It is plain as day; if you lived across the road you would know this and you would understand this. At this point in time, we are finding very hard not to take umbrage and be concerned by the fact that this developer has no interest whatsoever in us as a neighbour directly to the south.

**MS TOUGH:** I guess these concerns would be applicable no matter what happened on that site going forward. The proposal right now is a six-storey one and so it is quite a change to what is there. But, no matter what happened on that site, the issues of privacy, safety and traffic are something—

**Mr Ritchings:** The flipside here is that the Braddon Bowls Club did exist previously, which provides a precedent. It had complementary hours. It was not working against the school itself. This development here has shops and commercial facilities which, as soon as you build them, you need people coming through to justify your business's existence. Therefore, you are drawing traffic to this area. You are drawing traffic to that, I think, 174 basement car parks, which has an entranceway directly across from the pedestrian entrance to the school on that street. Effectively, if you look across, there is that entry point. This is a massive change to the situation. This development is not in consideration of the ecosystem around it. It is simply focused inward and ignoring everything around it. But we welcome changes to the development and the approach. We welcome improvements to the facilities of the school. We will take every opportunity we can for support. We would love that—so let's talk.

**MS TOUGH:** That was helpful. Thank you.

**MR CAIN:** Could you confirm your understanding of the plan for this through-road connecting Farrer and Elder?

**Mr Ritchings:** Yes. It is one-way joining south, heading north. There was some ambiguity in the original development application that has been clarified further. There are representations to putting in traffic calming and encouraging it to be used as a one-way facility. Is that adequate? Is that enough? It is their representations. As I said, there is no modelling and no understanding around those areas around it. It is a suggestion. It is an idea. I can provide some ideas too. It would not be my suggestion.

**MR CAIN:** So that is running from Farrer down to Elder?

**Mr Ritchings:** If I have got my head correct, it is Elder, being the school, heading north

up towards Farrer towards the daycare.

**MR CAIN:** Heading north up to Farrer. I guess with Elder being in front of the school, at certain times of day the traffic is very heavy—at drop-off et cetera—or does that happen on the Donaldson Street side?

**Mr Ritchings:** The drop-offs themselves?

**MR CAIN:** Yes and pick-ups.

**Mr Ritchings:** The drop-offs for the school occur on both sides. I could talk about the inadequacies of the Donaldson Street side as well and issues around that. Peter, I would love to have that chat afterwards if there is an opportunity. I would talk to any MLA about the situation. It is equally inadequate. The students are being approached by cars, not slowing down. It is a nice wide road with no zebra crossings. We all make do, but it is a heavy thoroughfare for cars, bicycles and people—from 7.30 for the before-school care facilities, when they start up, through to the 9 o'clock drop off and you come in there from 3 pm onwards. The after-school-care facilities run until six in the afternoon as well. People are coming and going at all times for those concentrated periods. Throughout the day, things quiet down but our kids are on the ovals. The ovals do not have fences. Balls go off where they do not need to be and kids are going here, there and everywhere. Teachers are keeping them under control, but that one kid that is not paying attention is the situation we are looking to avoid. As more cars are being drawn towards that side in the area, the risks simply increase. Once again, this development application does not recognise those things.

**MR CAIN:** Our next session is with the developer. It does seem that the site runs from Farrer down to Elder, but we will confirm that with the developer.

**Mr Ritchings:** As I said, it runs south and north and it is drawing traffic up and through. I do not have the diagrams in front of me, but—

**MR CAIN:** That is all right. If the road was going to be approved and happen, what measures do you think would be adequate to alleviate your concerns?

**Mr Ritchings:** We have a nice list in the submission. It was a very rapidly-put-together list of options. I guess the key thing for us is the retention and protection of the existing pedestrian laneways to the eastern side of the site itself. That connects north up through to Haig Park as well and connects on through. There are no zebra crossings and no marked crossings around those areas. There are not even little dips for bicycles to actually go down through that as well. In that aspect, child safety around the surroundings is not necessarily adequate, but it is used heavily.

The calming measures on Elder and Farrer Street to slow traffic down discourage indirect usage. So we are trying to minimise traffic coming through there. Permanent 40 kilometre zones in Elder and Farrer Street keep people from just wanting to use that as a rat run. We have got 40 kilometre an hour on those streets during school hours, but everything discouraging indirect use of those streets helps reduce the overall habits of people going through. Raised wombat crossings across those two roads, and ideally up to Haig Park, would be brilliant. Also in the list are potentially signalised and

illuminated crossings directly moving on to the school side of Elder, heritage-appropriate fencing erected on that side to prevent kids from just naturally moving out there if their desires take them and then also adding best practice safety treatments across that general ecosystem to help encourage use of those facilities for other kids as well, despite the development occurring.

**MR CAIN:** Thank you.

**THE CHAIR:** Morgan, do you think the community has been given enough information about this proposed development?

**Mr Ritchings:** No—well, sorry, what is submitted in writing, yes. It feels very much like being talked at, as opposed to being talked with. One of the recommendations included as part of our submission was to encourage more community engagement through development application processes like this and major planning amendments et cetera. This major planning amendment, like all of the major planning amendments, has no physical signage. We have community members that commute throughout this active travel routes that had no idea of the rezoning application—sorry, I call it “rezoning application”—or the draft major planning amendment. I told them after the fact in conversation about this process and what we were doing as part of this. They had no idea, even though they commute past there every single day. A development application gets signed. As I said, this draft major planning amendment has no physical signage. You would not even know about it unless you subscribe to the draft major planning amendment website, which I often look at—which is my issue, not yours. Our community do not see these things unless we tell them. There has been no outreach as part of the development application process for the major planning amendment beyond the community consultation steps within those existing practices.

**THE CHAIR:** Since you became known to the developer, they have not reached out to your organisation at all?

**Mr Ritchings:** Not to the Ainslie P&C, to my awareness.

**THE CHAIR:** Do you think that they have listened to the concerns raised so far?

**Mr Ritchings:** There is no evidence whatsoever of any response to that. As I said, originally, we would have loved to have thought that it was a matter of just ignorance. At this point in time, it feels a bit more deliberate, and the frustration within the school community is growing in relation to that. The pre-existing issues around child safety, which have been, as I said, assessed as being appropriate for the ecosystem around the school, by the transport ACT government entity which has made that assessment on a yearly basis. We feel ignored and this development simply makes the situation worse.

**THE CHAIR:** I am really sorry about that.

**MS CARRICK:** You say in your recommendation 5 that this decision about the MPA should remain on hold until the outcome of the southern part of the block. Is that still under assessment by the Territory Planning Authority?

**Mr Ritchings:** It is still under assessment. The original submission was under

assessment for about 22-odd months, which seems uncommon for development applications. They are usually resolved fairly quickly. It is still under assessment. We have no awareness of what the current state of that is. We have made submissions. We have not heard anything since.

**MS CARRICK:** But that is the one that has the primary impact on you because it is closer and it is—

**Mr Ritchings:** It is our direct neighbour. The problem is that this is a mess: two development applications, a major planning amendment, a through-road that runs through both sides of a subdivision. I do have a personal curiosity in these matters. Everyone else in our community, they are lost. They have no idea what is happening. That recommendation there is trying to say, “Hey, can we just slow down and try to understand and explain what is going on here?” We have heard other representations say about a more comprehensive single engagement with the community around that site and then the purpose and the intent. That would be brilliant. Our community can come and attend, understand the full scope of what is being intended here instead of trying to piece together piecemeal through this process.

**MS CARRICK:** Is it different owners of the north and the south?

**Mr Ritchings:** As I understand it, the same owners of the site itself. It was bought by a single developer, as I understand. It has been subdivided. I think that I have heard that may have been abandoned. It is very confusing, even for someone who has an armchair interest in this, trying to represent the community that we have. I discover new information as I read the next piece of things that are thrown out towards us and even find contradictory information, which invalidates a bunch of assumptions I have made along the way. I am learning something new every single day as I look at all these different pieces of paper that have come through.

**MS CARRICK:** This would be planning 100 years ago where Ainslie shops and Ainslie school are separated. With most hubs, the shops and the schools are together, but yours is quite separated.

**Mr Ritchings:** Yes, it will predate that. I heard one of the members of the community earlier today who might be able to give some more information about that. We moved to the area 14 years ago and loved the space. We live in Ainslie. We drive, we drive our kids to drop-off and we walk and we ride. We are full users of that entire space. We have an interest in it working and working well. The people and the fellow community members of the school that I have met along those pathways all have an interest in a great outcome and in child safety and child privacy. Whatever is built there, we are indifferent for the most part as long as those considerations have been met. We cannot see that in what has come through here. Our feedback has been ignored.

**MS CARRICK:** Thank you.

**MS TOUGH:** Taking on board all your points about the safety of the school, I guess most of that, with the exception of the through-road and laneway access, fits more with the development application on the southern side of the block. Sorry, I keep looking at the map to actually work out which is—

**Mr Ritchings:** That is okay. Then Elder and Farrer mix the two up and it is—

**MS TOUGH:** Yes. So if I keep looking at the screen, it is because I am looking at the map.

**Mr Ritchings:** That is all right.

**MS TOUGH:** I guess the DPA is talking about the northern side of the block to put in the housing.

**Mr Ritchings:** Correct.

**MS TOUGH:** Other than the lane and the road, given that the housing is on Farrer Street and traffic will be on the Farrer Street side, is there much concern there related to the school, or do most concerns relate to the hotel development at the other side?

**Mr Ritchings:** The ones which are specific to the northern end are those active travel laneways coming through from Haig Park. Once every term, the school runs an active travel ride and walk to school day. Students and staff are split out through from the different areas and they meet up and they come on through. I and the vice-principal of the school last time around were holding back traffic on the roads from Haig Park through, because there are no crossings there. The interest there is that directly to the north of that development site is one of those through lanes for students and kids and there is no connectivity between that. There are no road crossings across that.

While there is low traffic and low demand, you make it work and you are not sending your kids off by themselves to cross these things by themselves—which I would love to be able to do into the future. On installing crossings and other things that affect raised water crossings and other things like that, we would like to be able to mitigate that, model it and understand the benefit—and not just put it in there and hope it will work. Those are the considerations, as well the construction of the site shutting down those laneways for a year or two years. We do not even know what the construction plans are for this northern end. Those things are paramount to our school. Our kids are young; a year in their life is forever. Losing access to those even for a week or a day is a massive disruption to their days and their parents' days as well, dropping them off. Those are the things that we have not heard about, but there are concerns that remain about those things.

**MS TOUGH:** So things like traffic islands or the pram crossing type things that bikes can actually come up and down, those kinds of things, throughout that network would help a bit?

**Mr Ritchings:** Yes, 100 per cent. Once again, these are things where, in its current state, the school community makes it work. I think 64 car parks are planned for the northern side. Throwing a larger number of car parks and that many cars coming and going there at such a critical time in the mornings and the afternoons, the community gets interested—more than the date of those facilities that we have received.

**MS TOUGH:** I guess in some other parts of Canberra, where there are schools close to

shops and close to now more dense development, they have found ways to deal with the more cars coming and going. I guess if the committee looks at what is happening in other parts of the city—

**Mr Ritchings:** The other thing is North Ainslie School has a lighted crossing directly across from it. It has zebra crossings and visual elements. We do not have that around our school. They are blank, open roads. They are quite wide. I drive down there and regularly have people going past me at 65 or 70-odd kilometres an hour—which is completely inappropriate. I see it and I live it, and you make it work. It is not great, but you are being told it is adequate for the situation.

**MS TOUGH:** Is that heritage concerns or is it just the way it is?

**Mr Ritchings:** I would probably put it down to funding, interest and motivation, but the school itself is heritage listed. Outside of that, I think there are other buildings which are, but the roads and things like that are not, to my awareness.

**MS TOUGH:** Thank you.

**MR CAIN:** Have you engaged with the Education Directorate, the minister or the planning authority?

**Mr Ritchings:** Sorry; I do not know if it is education or transport. I do not know for certain. If I had Wendy Cave, the principal of the school, sitting next to me she would tell you exactly who it is.

**MR CAIN:** Obviously it is a school, so—

**Mr Ritchings:** Correct. There is an annual walk-around that is facilitated by head office effectively—walking around with the teachers, the staff, interested parents et cetera. They do visual checks and they hear our feedback. No action has been taken from those. There is a discussion around fencing. I cannot put my finger on the exact process which is underway, but there is some government process underway to assess the appropriateness of a fence. I do not believe there is funding. I do not believe there is anything beyond that. It is simply the planning aspect of that, if it is still underway. If Wendy was sitting to me, she would correct me and tell me exactly when it is going to happen.

But, to answer your question whether we, the P&C, reached out to the appropriate directorates, this is I guess the start for us. The point is that we have made these representations to the appropriate government bodies on an annual basis. We are told it is adequate and it is appropriate. This development process will not be an adequate situation for the child safety of that area. That is reactivating us. That is generating our interest. We will be taking the notes and things we have prepared here up to those appropriate authorities and we will follow through with that.

The thing from our side is the fact that there has been no government engagement or interest. The things that we are describing here, which would be brilliant, are all reactive. There is no plan sitting next to this development to say here is what comes in this package—the overall ecosystem, the actual area, a plan, a strategy. There is one

pocket of land here which is being flipped to medium- to high-density housing with a hotel et cetera, and all of a sudden we all have to react. There is no government support in that, there is no Education Directorate support for that—“Hey, we have seen this and we have talked to our colleagues in Planning. This has come down the lines. If we are going to build this, here is our feedback. It has to have this, that and the other; you cannot just put it in there.” Right now, if we did not say anything, it would just happen, and that is why we are here.

**MR CAIN:** Are you aware of any submission or communication between the Education Directorate on this DA, obviously because of its proximity to your school?

**Mr Ritchings:** None whatsoever.

**MR CAIN:** That is something that I think I am very interested in looking at when we get to looking at a report on this. So no support at all for your concerns from the Education Directorate or the minister?

**Mr Ritchings:** As I said, my understanding is we have our annual walkaround of facilities. There has been a determination. How formalised it is, I do not have a piece of paper to tell you what that is. But the perspective is that the school facilities regarding the safety aspects for children are adequate for the area—not the future plan. I guess that is the hook for us to go back and say, “You want to build this and you want to approve this. You need to come with the support for our children as you draw this traffic through, as you change the nature of this area.”

**MR CAIN:** But you are not aware of any Education Directorate commentary on the proposal and its impact on child safety and security?

**Mr Ritchings:** No, we understand that, due to the nature of how the school operates, they individually cannot comment or take a view—effectively, that they are neutral. Any correspondence—and there is some policy in place—has to come from head office, formalised, signed off and agreed et cetera. We are not aware of any commentary to that effect.

**MR CAIN:** Okay; thank you.

**THE CHAIR:** Morgan, thank you so much for your time today and thank you for your evidence.

**Short suspension.**

**BULUM, MR NIK**, Director, Syzygy

**MERRIMAN, MR NICK**, Senior Development Manager, Syzygy

**THE CHAIR:** Welcome, Nik Bulum and Nick Merriman. Can you each state the capacity in which you are appearing today?

**Mr Bulum:** I am the director of Syzygy.

**Mr Merriman:** I am the senior development manager for Syzygy, and both of us are representing the landowner and applicant for the site.

**THE CHAIR:** 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.

If you have brought an opening statement, are you able to table that?

**Mr Bulum:** We do not have an opening statement. We had a letter that we provided to the committee. We are happy for that to be taken as our opening statement.

**THE CHAIR:** That is great. I will start with the first question. There seems to be a lot of opposition to the DA and the proposed Territory Plan amendment. The community has been talking to you for a long time about the development of this site, and we have heard from a lot of people that they do not feel that you have listened or that you have changed the plans in response to that. Can you tell us how you have responded to the comments made by the community?

**Mr Bulum:** The site has been through a few DA applications and a few processes. The site itself was split in half. The south side is currently going through a DA for a hotel, retail and wellness centre, to the south. We are here today talking about the northern half of the block, which has been subdivided and approved in a subdivision. That block is zoned CZ6. A lot of the feedback from the local community was that they would like to see that half of the block to be residential, which was why we proposed an RZ4 zoning for the site.

Subsequently, since the hotel is now very close to being approved on the south side, a lot of the feedback has been that the community want to have more—not community use, but community types of outlets that gather in and bring them together. That is why we propose to keep the CZ6 as it is, and add a residential use, so that we can have not only the amenity but also the density of residents above. That follows up from our statement and email, updating it.

I know that, with the standing committee, it was brought forward to change the RZ4, but we feel that the CZ6, with just a limited residential capacity overlaying the CZ6, would allow for those community uses, like arts and activation on the ground floor, whereas, with the RZ4, the residential zoning is very locked-in and closed off. It does not allow for community interaction. That is why we have updated our position on the zoning.

**THE CHAIR:** There has been a fair bit of concern about height of the development

and the overshadowing of the courts. I do not think any of those concerns would be addressed by what you—

**Mr Bulum:** With respect to the height, we have definitely addressed the height concerns. We have reduced the scale of the building on the edges and brought any scale or height to the centre of the site. We have scaled back the western or tennis court side, to reduce any overshadowing to the clay court during the winter solstice. It is worth noting that, with the courts there, very limited capacity is being used. We have worked out that there would only be a minor overshadowing of one clay court during the depth of winter, between that—

**THE CHAIR:** Can you tell me how you have reduced and scaled back the height? It has been changed since the—

**Mr Bulum:** We reduced it; we moved it. The setback was increased from that centre walkway that was adjacent to our side and the tennis courts. We reduced the building back and away from there. We also reduced the upper levels and moved those to the centre of the site, to reduce any overshadowing during the winter solstice—21 June.

**THE CHAIR:** You have moved it, but you have left it at the—

**Mr Bulum:** Yes, and we also reduced the scale on the prominent corner, so that when you are standing at the building, it appears to be a three-storey building and not a six-storey.

**THE CHAIR:** Okay. I will hand over to Fiona.

**MS CARRICK:** What have your interactions with the government been like? Have they been transparent about the intentions for zoning in this area? It appears to be fragmented, if you can have one block in the middle of an RZ1 area with such a change of height in it. How have you and the ACT government worked through this?

**Mr Bulum:** I struggled to hear you, sorry. I will try and turn my speaker up.

**MS CARRICK:** There is a change of height in the middle of an RZ1 and school area. How have you and the ACT government worked through that? People will call it fragmented planning, where the block is done individually. How have the discussions gone with the ACT government?

**Mr Bulum:** Obviously, there is a control on the site—two storeys, as you are aware—under the old planning system, which has been brought forward. Given its location, in close proximity to the city, the changes through Braddon and the scale and height of all projects that have been approved or put forward, it is about making a development work within the constraints of the site; also, it is about having an economical outcome. A lot of these controls are old and, essentially, do not allow for current uses and current outcomes.

We have always been forthright about what we need to make this development stack up, to work as a hotel and wellness centre. We believe that we have done our best to reduce the bulk and scale, and to keep it to the centre of the site. Surrounding the whole

precinct, there are a lot of high-scale residential blocks. You only need to go down the road to where the Raiders Club is; there is a high building there. You have the foothills just behind us, which are nearly double our site.

It is right in the centre of the city, between Limestone and the city. The RZ1 zoning is outdated. Around the Ainslie Football Club, they are going for scale there. It is not an island; it is right in the middle of the city. It is only a matter of time before the RZ1 blocks, we believe, will be taken in, probably in the next Territory Plan amendment, and incorporated into more height and scale through there.

**MS CARRICK:** Did you have the National Capital Design Review Panel look at the southern side of the block?

**Mr Bulum:** We definitely did. DRP is a requirement for that development, and we met with the DRP. We also had a secondary meeting with Catherine Townsend, the architect, and we received positive feedback.

The main feedback we received, to be honest, when we had the public consultation across the road—I was at both, personally—essentially was from people living in Elder Street and Farrer Street. They just wanted to know about the northern site, which is what we are talking about today. That is what the meeting is about. It is about the northern side of the block. I am happy to discuss the other side; it seems like we have. We have been pulled into this. The northern side is what this rezoning is about, and what this standing committee is reviewing.

We have always been open to what is happening on both sides, and we have tried to do our best to meet with the community. The community want residential; then they want community. Those have been the main two thresholds. At one point they wanted it to be residential; then they wanted community. When I say “community use”, I do not mean community zoning uses. I mean things that can activate and bring people together—day-to-day uses, sport and recreation. We want to maintain some of that sport and recreation in the ground floor planning, while having the density of a residential complex above that, to allow for those to work together harmoniously and to have that activation. There are plenty of places around the ACT that try to have that, and there are just vacant commercial spaces littered throughout buildings that have been built for 10 years, which is a shame.

**MS CARRICK:** Did the DRP do an assessment of the impact on the surrounding areas, or did they just look at your blocks?

**Mr Bulum:** Yes, we—

**THE CHAIR:** I am sorry, Fiona; we will need to move on to Caitlin.

**MS TOUGH:** Picking up on one of Fiona’s earlier points, and something that you touched on around the need for more housing really close to the city, we are looking, obviously, at just one small block in a bigger area being upzoned. Something that has come through in submissions is that it is a very piecemeal approach. Would you see maybe a different way forward being the upzoning of quite significant parts of places close to the city, between—

**Mr Bulum:** Yes. We were quite surprised that this whole area was left out of the recent changes to the Territory Plan and it was not earmarked. That whole area around there was left out, which I thought was quite interesting. It cannot be done all at once; I get that. People have limited timeframes; they have to draw a line somewhere, with any changes to the Territory Plan.

I am hopeful, having spoken with our internal team, that, from the city across to Limestone, up to Haig Park and back across, it should be densified, I believe, to improve the city's outcome and the amenity throughout the city, which is very underutilised and not very busy. It is a shame.

**MS TOUGH:** On that densification, and picking up some of the concerns we have heard today around the potential for a road that goes through the north and south, creating potentially a rat-run—

**Mr Bulum:** Yes, a driveway to the driveway.

**MS TOUGH:** Yes. It would not be a publicly accessible road?

**Mr Bulum:** No. Because we are rezoning it, the territory has strict guidelines around collection of waste. It can never be achieved, especially around Braddon, with reversing trucks and things like that. We want to be cautious and make the driveway accessible, so that a reticulated truck could move in and out of our site without reversing. The only way to achieve it is to put a driveway through.

**Mr Merriman:** It is secure and it has bollards, so public cars cannot drive through that. It is treated as a surface lane. As Nik said, we did not want garbage trucks reversing, as we are aware that there is a school across the road. This is a safer outcome.

**MS TOUGH:** On that, too, it is about protecting the pathway that goes through and, during construction, going forward, making sure that the active travel path connection stays secure for people using it. Do you see a role for yourselves in making sure that the pathway is more accessible and connecting from the school, from Farrer Street through to Elder Street?

**Mr Bulum:** Yes. We looked at increasing lighting, public—

**Mr Merriman:** Making that a safer space as well, clearing it and extending the footpath. We were open to proposing a crossing that leads straight across the road and slows down the street, which probably should be done, regardless of this site. I live right across from the school, so I see how dangerous cars can be for those children. I am very aware of that. It would be beautiful to have a slow speed bump with a crossing that directly connects that path right to the school.

**MR CAIN:** I have two questions on the finer points here. How are you going to manage the access to this through-road? You have mentioned bollards. How are you going to control the access with bollards?

**Mr Merriman:** It is a service lane.

**Mr Bulum:** It will be blocked and only opened for the use of waste vehicles or delivery trucks. The design layout means that it is not for residential or public use—to cross it, entirely.

**MR CAIN:** How will that work? A service truck turns up. What do they have to do?

**Mr Merriman:** It is like when service trucks go to all our Braddon buildings. They have a code or a key to access the bins. It is no different to everything around town, with the garbage trucks and service lanes—even the post, or electricity. They have keys.

**MR CAIN:** Is it bollards or a gate?

**Mr Bulum:** Technology moves so fast; it will be whatever it needs to be at the time.

**MR CAIN:** You mentioned—

**Mr Merriman:** It will not allow public cars to use it—a slip lane.

**MR CAIN:** You mentioned that you did not think there would be much impact on the clay courts. What evidence do you have to support that?

**Mr Bulum:** We have overshadowing studies which form part of the DA. It is also worth noting that this is about the rezoning of the north side of the lot. If you want to talk about the hotel, we are happy to do so. We have overshadowing studies. I believe they were provided within the DA pack.

**MR CAIN:** We have seen the—

**Mr Merriman:** They were only affected from 9 am in midwinter for two hours—only one court.

**MR CAIN:** There is a bit of conflicting evidence on that. If there is anything you can do to discount the concerns that the overshadowing would be more significant than that, the committee would appreciate that.

**THE CHAIR:** That brings us to the end of our session. Thank you very much. Thanks for your attendance today.

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

**BENNETT, MR JAMES**, Executive Branch Manager, Building, Design and  
Development Branch, City and Environment Directorate

**MAXWELL, MR BRAD**, Senior Director, Territory Plan and Coordination, City and  
Environment Directorate

**THE CHAIR:** Welcome, Chris Steel MLA, Minister for Planning and Sustainable Development, and officials. As witnesses, you are protected by parliamentary privilege and you are bound by its obligations. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. We do not typically take opening statements, so we will proceed to questions. Did the developers raise with officers in CED the proposal to update the draft amendment to retain CZ6 zoning and residential use, which has come in late in the game?

**Mr Maxwell:** I am happy to take that one. Yes, we had a meeting with the proponent only a couple of weeks ago, and they informed us of their reflection on some of the comments that were made during the committee hearing, comments broader in the community and their revised intentions to potentially retain the zoning. It was only a couple of weeks ago when we had those discussions with the proponent.

**THE CHAIR:** What advice did CED give them?

**Mr Maxwell:** Given the stage that this draft major plan amendment is up to and the inquiry that is underway, we directed them that it is best to provide that advice to the committee and also write to the minister, given the minister's decision-making function that follows any inquiry report and the government response. The Territory Planning Authority's role in providing a recommended version to the minister is largely finalised until we get the committee's report or any direction from the minister at the decision-making stage.

**THE CHAIR:** The developers said that they have done this in order to preserve some kind of community use. Is that what they said to you?

**Mr Maxwell:** Yes; that is what they said to us as well. That is our understanding—that the current residential zoning does not permit the range of community, commercial and recreational uses that they may wish to explore on the northern portion of the site, and that led to their desire to explore alternative zoning or an alternative approach to the site.

**THE CHAIR:** How can the community be assured that they will actually get that benefit under the Territory Plan?

**Mr Bennett:** Ms Clay, that is something that we need to work through with the minister and also once the committee considers the proposal that is being put forward. We would need to look very carefully at the proposal that they have put forward and whether simply adding residential use as a permitted use for the site is reasonable or whether further assessment requirements and provisions would need to be added as well to support a good outcome for this site.

**THE CHAIR:** There were a number of other things the developer said in the hearing just now. The developer seemed to assume that the entire area might be upzoned soon. Is that the intention of the government?

**Mr Steel:** There are no current plans to upzone this area. You are probably aware of the draft plan amendment in relation to the Northern Gateway, but that is focused on the northern part of the Inner North, not this particular area in Braddon. It does not include Braddon.

**THE CHAIR:** We have also had a number of community concerns about how the consultation has been done. One small, practical suggestion made is that major plan amendments should come with a requirement for onsite signage, in the way that DAs do. A lot of people felt they did not find out about this. Do you have a view on that?

**Mr Maxwell:** I can provide my thoughts. The challenge around draft major plan amendments, given they go to policy decisions, is that they are not always location-specific. In this case, it was. It is related to one specific area. But, if we look at other major plan amendments, like the missing middle reforms, for instance, they are not location-specific; they are across several areas or an entire zone across the territory, so signage is more difficult. That is certainly something that we understand and appreciate happens at the DA stage and other stages of the statutory planning process.

**THE CHAIR:** Thank you.

**MS CARRICK:** It seems that we have the missing middle reforms and we have this area, which is very close to the city—both Reid and Braddon—but people want to, quite rightly, keep their community facilities. What work has been done in looking at the need for community facilities in the area and where the gaps are?

**Mr Bennett:** I am happy to talk to that. The ACT government recently published an ACT-wide community recreation and sports facilities needs assessment and social infrastructure audit. That has recently been published on the planning website. That provides a district-by-district assessment of the community recreation and sports facilities and needs across those districts. The high-level outcome from the report for the Inner North and City district is that the area is serviced for the population increase to 2051. That is the high-level outcome of that audit, but that is obviously something that we will continue to monitor as areas change and transform and new residents move into different areas, to make sure that those community facilities continue to be provided.

**MS CARRICK:** When we have developer-led proposals and the developer does not bring forward their proposal in the context of the existing zoning but brings it forward to change the zoning, with this area being so close to the city, why wasn't it a change area in the last planning review?

**Mr Bennett:** There is an important part of the major plan amendment process. As you have identified, there are those two avenues: the Territory Planning Authority can initiate a major plan amendment process, and also a proponent can initiate a major plan amendment process. Through the Planning Act and the statutory process that applies,

when a proponent initiates an amendment process they have to provide background papers and a supporting report that demonstrate how their change proposal is consistent with the strategic planning directions of the ACT. They need to provide a supporting report that considers the particular site context and how it is consistent with the planning strategy for the ACT, but how it is also consistent with the particular district strategy. The Inner North and City district strategy had some identified change areas at a precinct scale. It does not preclude individual proponents coming along. And there is also general guidance in the Inner North and City district strategy about how these well-located areas may be subject to gradual change and transformation over time as the city grows and the population grows.

**MS CARRICK:** With RZ1 zoning for these areas so close to the city, how does that align with the missing middle and strategic planning for densification of the city?

**Mr Bennett:** As the minister mentioned before, we have a current proposal around the Northern Gateway corridor. With our current planning reform work, we are focusing on well-located areas around major transport corridors and the key identified change areas in district strategies. The previous witnesses talked about this being a well-located area. It is within walking distance to the city. It has historical zoning of RZ1. They are the sorts of things that we consider when proponents identify sites and bring forward those change proposals, but we do not have any particular change proposal for broad RZ1 zoning in this area.

**MS CARRICK:** Could somebody consolidate a couple of blocks in Reid or Braddon and then come forward and say, “We want to make it RZ4,” and do an MPA?

**Mr Bennett:** Potentially, they could do that—yes. There is an available avenue for a proponent to bring that application forward.

**MS CARRICK:** That is very fragmented planning.

**Mr Steel:** No. It does not mean it would be accepted by the Territory Planning Authority at the first instance, which would then undertake a consultation, or by the committee, the minister or the Assembly.

**MS CARRICK:** That is true, but people are bringing these things forward and they are being accepted. In Forrest it was accepted and approved.

**Mr Steel:** Sure, but they have to be assessed on their merits. It does not necessarily mean that they will all be accepted. The Assembly is there as a backstop, and they can disallow MPAs that they do not support.

**MS CARRICK:** Yes. It is just very dartboard planning.

**Mr Steel:** It is about actually having an opportunity to assess the merits of a proposal and then having a decision-making process. Obviously, this stage of the decision-making process on this particular proponent-initiated draft major plan amendment is with you, as the decision-makers, so we are keen to hear from you.

**MS CARRICK:** We are not decision-makers; you are the decision-maker.

**Mr Steel:** No—you are the decision-maker on the committee report and recommendations at this stage of the statutory process.

**MS CARRICK:** Yes—we can make recommendations. Does the National Capital Design Review Panel actually have a process to look at the impact on the area surrounding a development? It seems to me that there is a gap in the formal process that looks at the impacts around a development of this sort of scale that goes to the design review panel.

**Mr Bennett:** At the strategic planning stage, where we are considering land use changes, those are considered as part of the consideration of a major plan amendment, including land use change and how the intensity of uses might change impacts in areas. That then needs to be responded to with evidence and justification provided in the supporting report that accompanies the major plan amendment. And then, as that proposal progresses through to the detailed design and siting stage, those are done through the development application as well. The design review panel is there to review major development proposals which are five storeys and above, and they review those against the design principles that are set out under the Planning Act. Some of that goes to site context and connection to the area, but it does not do the detailed design assessment. That is done through the development assessment process with the development application. The Planning Act provisions around assessing a development application call up the ability to consider site context and impacts on surrounding areas as well. That is a development consideration in the DA process.

**MS CARRICK:** Once you get to the DA process, it is getting a bit late. Regarding the MPA process, can you tell me where the assessment of the impacts on the surrounding areas is published?

**Mr Bennett:** In the supporting report, they need to talk about the change in land use and what that means in terms of impacts for the site—how that will change the use and intensity of the site, the broader connections to the area, and how the development can be met within the existing site context. That is outlined in the supporting report that is provided by the applicant, or the Territory Planning Authority if the authority initiates that. Then a range of background papers are published alongside the major plan amendment and the supporting report that is provided by the proponent. They are published on the Planning website.

**MS CARRICK:** Can I get this straight: regarding the impact on the surrounding area, the assessment is done by the proponent, not by the ACT government and not by the design review panel?

**Mr Bennett:** The information is prepared by the proponent. It is then given to the authority and is assessed by the authority. We determine whether to accept an application, and then it is put through the statutory process where people can comment on it during the public consultation period. Then it is ultimately given to the committee and to the minister for consideration.

**MS CARRICK:** When the MPA goes forward after you have done the assessment—the draft MPA that goes to the minister—where does that address the assessment by the

developer of the impact on the surrounding areas?

**Mr Bennett:** The MPA will do that, and that is where the authority takes that forward. The proponent makes an application and provides their application documents, their supporting report and their justification to the authority. The authority has a process where we do not just accept what the applicant tells us; we refer that application to experts within the ACT government, to our referral agencies, and then we form our own view about what the potential impacts of that zoning change will be.

**MS CARRICK:** Where do I find that assessment by the ACT government?

**Mr Bennett:** A summary of that is included in the DPA and the consultation report that is provided alongside that. That provides the authority's position on that and what we have carried forward as the draft plan amendment. The consultation report sets out the feedback that was provided by different agencies and the responses to that feedback that we have received.

**MS CARRICK:** Thank you.

**MS TOUGH:** I would like to follow on from Ms Carrick's question. That covered the whole MPA process, but what the committee recommends, what the minister signs off and what the Assembly can disallow is just about the zoning change itself. It is not about what is included in the ideas for the site; it is just about the pure zoning change. Then the DA process goes to the technical aspects of the block and how it fits. It works through all that.

**Mr Bennett:** The Territory Plan amendment looks at a potential zoning change, but it can also look at the assessment requirements and assessment outcomes that are in the Territory Plan to support a good outcome. The ultimate DA will be assessed against those assessment requirements. So, if particular issues become apparent during the major plan amendment process and need to be carefully managed through the Territory Plan in the future, the authority can include assessment requirements or assessment outcomes that an ultimate DA will need to be assessed against.

**MS TOUGH:** So the committee can put things in the report that say, "Overall, yes," or "Overall, no," and, if it is a yes, "These are the things that should be included in the plan to be considered going forward"?

**Mr Bennett:** Yes; that is right. The government provides a response to the committee inquiry report. The Territory Planning Authority considers that and provides some advice to the minister, and then the minister can make a decision to direct the authority to make some changes to the draft plan amendment or to proceed with the plan amendment.

**MS TOUGH:** Regarding the DA process, can that include things like ensuring the developer takes into consideration pedestrian safety measures, crossings—where they are and how they are implemented—how footpaths are maintained and improved, allowing access around the site, lighting—those kinds of things? Are they some of the things that can be—

**Mr Bennett:** Those are absolutely the sorts of things that we can receive advice on and need to be carefully managed. We would look carefully at whether the existing provisions in the Territory Plan lead to that information being provided and being appropriately assessed. We have an outcomes focused Territory Plan that is supported by technical specifications, so we have the opportunity to look at whether the assessment outcome provisions are suitable. We also have the ability to add additional technical specifications to provide guidance as to outcomes for particular zones or sites. So there is a range of opportunities. That information will also flow through to inform the ultimate development assessment of the application. The advice that we provide to proponents at the major plan amendment stage is also likely to be the advice that our roads and traffic colleagues provide at the detailed design stage in the development assessment process. The proponent is on notice at the major plan amendment stage that the government experts think particular things about their proposal and that they will need to be addressed in order for the development application to be supported.

**MS TOUGH:** Thank you.

**MR CAIN:** I am interested in the impact on the Ainslie School. What role does the Education Directorate play in expressing any concerns about rezoning, let alone the subsequent DA process? You would be aware of concerns about increased traffic, security for children, accessibility to the school, and particularly the safety of children who are walking to and from the school. What engagement have you had with the education minister and her directorate on this?

**Mr Bennett:** As part of the major plan amendment process, we seek advice from the education department regarding rezoning proposals, particularly where they are in close proximity or adjacent to schools. In this case, I note the rezoning is on the northern portion of the site, with the southern portion that is immediately adjacent to the school being retained as CZ6. Equally, the development assessment process provides similar advice. The DA team also seeks advice from the education department on specific issues around interaction with schools and any other concerns that a school may have.

**MR CAIN:** What response have you received from the minister for education?

**Mr Bennett:** I need to double-check the specific advice on this particular proposal.

**MR CAIN:** You are welcome to take that on notice.

**Mr Bennett:** We can take that on notice.

**MR CAIN:** Thank you. I will get to a couple of other little details that have come up and some conflicting evidence. Regarding the service road that is proposed, we have just heard that it would only be available to service vehicles, like maintenance and waste management vehicles. What is your understanding of access to that one-way service road? And what measures would be in place to ensure it does not become publicly accessible—

**Mr Bennett:** That particular issue relates to the development application for the southern portion of the site, which is not being considered through the DPA process. I do not think it is for us, as officials here today, to comment on matters that relate to the

active assessment of a development application. I think it is best for us to leave it to the assessment team to provide assessment and commentary on the development application process.

**MR CAIN:** We have heard some conflicting evidence about shadowing on the clay tennis courts at the tennis club. What kind of process does the authority go through to ascertain the correctness of different views and evidence on something like shadowing on the clay courts?

**Mr Bennett:** There are two points. First, if we are talking about the northern side where the draft plan amendment applies, that proposes a zoning change. A height implication comes with that zoning change, but the assessment of height relating to the southern portion of the block will be a development assessment consideration. We will not talk about that active development application, but, in terms of considering whether a change in zoning is appropriate, we look at that as part of the assessment process for the draft plan amendment.

Noting some of the recent updates from the proponent, a height implication change will potentially come from a change from CZ6 to RZ4. There will also be a height implication if they retain CZ6 but seek to add residential use to that. Ultimately, that is a development consideration based on the final built form proposal that they put in for a development application. That can take a range of forms. We will assess overlooking, overshadowing and height implications in the development application process when we have a formal design proposition to assess, and that depends on the height, which parts of the block they have built on and what the overshadowing impact of the final proposal is.

**MR CAIN:** Can you assure us that the development application consultation and processing will actually have turned its mind to concerns raised during this hearing?

**Mr Bennett:** The development application process is a statutory process where there are statutory considerations. A lot of the issues that have been raised here today have been raised in the development application, and they will be considered where they have been made through the development application process. The sorts of things that you have raised are absolutely active consideration points in the development application process.

**MR CAIN:** Thank you.

**THE CHAIR:** There is a lot of nervousness on this one, as there often is on others, that so many decisions will be made at the DA stage. People are concerned about the zone amendment because they do not know what will get through the DA stage. The cumulative impact will also be assessed at the DA stage. Is that right?

**Mr Maxwell:** That is correct, Ms Clay. The DA process assesses a range of things through their considerations, including the context of the site, impacts to neighbours, and transitions between zones. As new developments come online and are proposed, subsequent DAs also consider those new development forms. There is a natural cumulative effect in the assessment as new DAs are being proposed.

**THE CHAIR:** I am concerned about the Braddon laneway and active pedestrian access, particularly around the school. Where does that get picked up?

**Mr Bennett:** They are in the development application process as well. Issues will be raised by the particular design, access arrangements and pedestrian arrangements that are put forward by the proponent at the DA stage. It is premature to seek to assess those detailed impacts without a design that seeks to mitigate some of those impacts. It is premature to assess those in detail at the MPA stage. They need to be assessed against a particular design proposition that has the mitigations proposed by the developer.

**THE CHAIR:** Is the authority comfortable with four storeys on this site?

**Mr Bennett:** For the MPA side, the northern side, or the southern side?

**THE CHAIR:** Across the site, does the authority have any view on the appropriate height?

**Mr Bennett:** The response to that question is that RZ4 zoning comes with a height limit. That is a maximum height limit, and that maximum height limit is something that the proponent will need to prepare a design for, showing that the design meets the other planning requirements about overlooking and overshadowing in bulk and scale. It is not as simple as saying the height allows four storeys, therefore we support four storeys. The height allows a maximum of four storeys, and the proponent will need to provide a design at the development application stage that meets the height limit but also meets the other planning provisions that control bulk and scale overlooking and overshadowing. It is not necessarily the case that four storeys can be achieved on all sites and on all portions of that block.

**THE CHAIR:** That is the decision that I think is taken at the DA stage on the specific design.

**Mr Bennett:** That is correct.

**THE CHAIR:** And the authority would take into account concerns like that at that stage?

**Mr Bennett:** Yes; that is correct.

**Mr Steel:** I think it is fair to say, though, that the alternative proposal from the proponent put to the committee in correspondence that was sent to me today—and I have just checked and cannot see any earlier correspondence from Mr Bulum in relation to this proposal to me, notwithstanding the discussions that have happened with CED—raises a number of issues that would need to be further considered by the TPA. It might be worth touching on what some of those things are if CZ6 were retained. Of course, CZ6 does not allow residential, residential aged care and those sorts of uses at the moment.

**Mr Bennett:** Two of the key considerations that immediately jump to mind for the authority are site coverage and height limits. In RZ4 zoning, a mandatory building height limit needs to be achieved. There is also a mandatory site coverage limit that

needs to be achieved. That will necessarily limit the ultimate built form outcome under RZ4 zoning. If we retain commercial zoning and add residential use, the site coverage provisions fall away. Also, there is a two-storey tech-spec height limit, but it is not a mandatory height limit. Height becomes an outcomes assessment that would need to be undertaken. As we mentioned earlier, we, as the authority, will need to consider whether further provisions may be needed to achieve the sort of outcome that the proponent has outlined in their suggestion to the committee—whether the existing provisions are suitable to achieve that outcome or whether the existing provisions need some additional requirements added to ensure that we get the right sort of outcome on this site.

**MS CARRICK:** If in other areas—most of the city, Reid or Braddon—they wanted to consolidate blocks and then rezone and assess the controls later at the DA stage, on what grounds would you not allow rezoning, given that the controls and the impact are assessed at a later stage?

**Mr Bennett:** With a zoning changes come implications. There are different outcomes that you can achieve in different zones. There is different site coverage, different height limits and different rules about amenity that you need to provide in the different zones. We would very carefully consider the implications of that change for the site and whether it is an appropriate change in scale of development for that site—whether that fits within our broader strategic planning framework, but also whether that is an appropriate change and an appropriate level of development to occur in that site context. That will be a decision initially for the authority, about whether the application sits within the broader strategic planning objectives set out in the Planning Strategy and the district strategy. That would be an initial decision, and we would look very carefully at the implications of the zoning change—what it would mean and whether it is appropriate for that area.

**MS CARRICK:** If four or six storeys is okay on this particular site, would it be okay two blocks over?

**Mr Bennett:** That is a separate set of considerations that we would need to look at. There is a particular set of factors around this site, in terms of the zoning of adjacent blocks and proximity to other public spaces as well, that goes into consideration for this site. That would be a separate assessment that we would need to look at for other sites. Some of the same planning principles apply; some of them do not apply.

**MS CARRICK:** Have you been clear with the community about the intentions for the broader Braddon area?

**Mr Bennett:** I think the minister answered that question earlier—that we have a particular proposal around the Northern Gateway that addresses the Northbourne corridor. We do not have any other planning proposals that are being considered at the moment.

**Mr Steel:** The only thing I would say is that the Planning Strategy, which has been in place since 2018, is generally pretty clear that urban intensification should occur within one kilometre of a light rail stop and 800 metres of a frequent Rapid bus stop. That does not necessarily mean that there has been a change to the Territory Plan to implement

that. That has been proposed at the northern end of the Inner North at this stage, but not the southern end of the Inner North and City area.

**MS CARRICK:** The Inner North goes only one block in at the northern end. Why is that?

**Mr Steel:** In the current draft—yes.

**MS CARRICK:** Why does it go only one block in?

**Mr Steel:** There are a couple of reasons for that. I do not know whether you want to talk to it, because it is with the Territory Planning Authority.

**MS CARRICK:** We cannot waste time on that now.

**Mr Steel:** That is a separate one. It is obviously still in the process, and community feedback is helping to inform the Territory Planning Authority in looking at that proposal. It has not yet come to the community, but it will at some point.

**MS TOUGH:** Obviously, Canberra needs more housing and we need it near amenities like the city centre, town centres, schools and shops. How are major plan amendments part of supporting this? And does the government work with proponents to try to make sure this is happening across the city for proponent-led developments?

**Mr Bennett:** The key point is that, when a proponent comes along with a draft major plan amendment proposal, they are required to demonstrate how that is consistent with government policy direction. There is the onus on the requirement right up-front that they address the broader principles set out in the Planning Strategy and the district strategies. The planning principles that are in those documents talk about the need to provide suitable open space, community facilities and recreation space within suburbs and districts. It would be very much on the proponent to make the application and provide the evidence as to why this is a positive contribution to housing supply and how the existing area has reasonable amenity that can accommodate this. That is on the proponent up-front, and that is then assessed by the authority.

As I mentioned, we have also recently published the community facilities and recreational needs assessment and an audit, so there is public information about the range of facilities that are present in each district and where there are some priority areas for future consideration. That is all part of the assessment that is done by the authority, but it is on the proponent to make the application initially.

**MS TOUGH:** Thank you.

**Mr Steel:** To correct my earlier comment—looking at the Planning Strategy now that I have brought it up—it says:

Urban intensification opportunities will be investigated having regard to locational criteria, including proximity to:

» frequent bus network corridor (800 metres/average 10 minute walk)

- » light rail stop (800 metres/average 10 minute walk)
- » city centre and town centres (1000 metres/average 15 minute walk)
- » group centres (800 metres/average 10 minute walk).

**MS TOUGH:** That takes in Braddon and Reid, and possibly Turner.

**Mr Steel:** Yes, but it is not a change to the Territory Plan; it is a strategic direction for urban intensification opportunities to be investigated.

**MS TOUGH:** Thank you.

**MR CAIN:** Looking down the track a bit with all this, what would be the nexus for engaging yourself to consider whether this development would become a Territory Priority Project? When does that question start to arise? And how do you go through that process, with this as an example?

**Mr Maxwell:** Regarding a development that is put forward by a proponent, they have the ability to write to the minister, as the decision-maker for Territory Priority Projects, to consider a development and whether it meets the statutory criteria that is outlined in the Planning Act. There are some pretty clear criteria that talk to consistency with government policy directions.

**MR CAIN:** On that, when would you say, “Now is the time you can ask”?

**Mr Maxwell:** In this instance, given that it is a proponent-initiated proposal, it would be up to them to initiate that discussion, and they are able to do that at any stage. Given the effect a Territory Priority Project declaration has on a development proposal, it often coincides with a major plan amendment, if that were to occur, early in the process given the flow-on effects that it has with the development application in particular.

**MR CAIN:** Has that happened in this case?

**Mr Maxwell:** No. There has been no contact from the proponent for a Territory Priority Project declaration in this case.

**MR CAIN:** When does that opportunity expire?

**Mr Maxwell:** The proponent is still able to contact the minister to request that if they chose to do so. Ultimately, after they have submitted a development application for the proposal, that avenue is closed for them. The declaration needs to be made and finalised before any DAs are submitted for the proposal. It would ultimately be for them if they are reconsidering development proposals on the site and wish to investigate the possibility of a TPP declaration. They could do that prior to submitting a DA for the site.

**MR CAIN:** That consideration expires once they lodge a DA. Is that correct? What are they actually lodging, then, prior to that for the minister to say this is either worth a TPP or not?

**Mr Bennett:** Section 218(2) says:

A ... declaration for a development proposal must be made before the development application ... is made under section 166.

That is the timing threshold. The applicant would need to make the case to the minister and the Chief Minister that the proposal achieves a major policy outcome that is of significant benefit to the people of the ACT; or that it would substantially facilitate the achievement of the desired future planning outcomes set out in the Planning Strategy, district strategy, the Territory Plan or other relevant zone; or that it is for significant infrastructure or significant facilities that are of significant benefit to the people of the ACT. There is a threshold that the proponent would need to make that case to the minister.

**MR CAIN:** Would they then provide a draft DA? What would you expect them to provide for this to be a worthwhile consideration?

**Mr Maxwell:** Initial TPP declaration proposals that have come through have provided concepts. In the case of the first two that have gone through the proposal, which are the Griffith health centre and the north-side hospital, the concept has been presented at the TPP stage, but not a full DA-ready package. That notes the early stage that the declaration is made. It is not quite at the DA-ready point.

**MR CAIN:** Thank you.

**Mr Steel:** I do not think there is any suggestion by anyone that this is a TPP, by the proponent or by the government. The government could declare it without the proponent coming to government. We have no intention to do so.

**MR CAIN:** That is good clarification—that you could actually do it on your own initiative if you wanted to. Thank you, Chair.

**THE CHAIR:** Thank you, Peter. On behalf of the committee, thank you. I thank witnesses for assisting the committee through their experience and knowledge. I appreciate we have had clear, direct and simple answers today. Thank you very much for that. I thank broadcasting and Hansard staff for their support. Members, if you want to ask questions on notice, upload them to the portal within five business days from today.

**The committee adjourned at 11.00 am.**