

Chris Steel MLA

Treasurer

Minister for Planning and Sustainable Development

Minister for Heritage

Minister for Transport

Member for Murrumbidgee

RESPONSE TO QUESTION ON NOTICE**Questions on Notice Paper No 8****27 June 2025****Question No. 496****MR EMERSON MLA** - To ask the Minister for Planning and Sustainable Development:

- 1) What is the average timeframe for a crown lease purpose clause variation to be completed for commercial properties in the ACT.
- 2) What is the completion rate of crown lease purpose clause variations that are submitted, that is, how many crown lease variation submissions commence but are not completed.
- 3) Has any consideration been given to how environmental impact assessment requirements affect small businesses seeking simple crown lease purpose clause variations; for example, if an existing health facility was seeking to incorporate an indoor recreational facility as part of their business structure, is an environmental impact assessment necessary given the cost.
- 4) What is the Government's process for carrying out compliance checks to ensure commercial tenants are operating in accordance with their tenancy's crown lease purpose clause and how many compliance checks have been undertaken this financial year.

MINISTER STEEL MLA - The answer to the Member's question is as follows:

- 1) The average timeframe for a Development Application made under the *Planning Act 2023* to vary the Crown lease purpose clause of a commercial property in the ACT is 90 working days.
- 2) There are currently 91 Development Applications made under the *Planning Act 2023* that propose to vary the Crown lease purpose clause that are not yet completed (determined). If the question seeks to know what the completion rate is for "purpose clause" lease



variation DAs that are lodged and complete registration at land titles, this is not something the Territory Planning Authority maintains data on.

- 3) Under the *Planning Act 2023* (the Act), a crown lease purpose clause change does not trigger the requirement for environmental impact assessment (EIA). Varying a lease relating to land (other than a variation that reduces the rent payable to a nominal rent) is however considered to be development, as defined under section 14 of the Act. An EIA is required when development meets any of the criteria listed under section 105 of the Act. The EIA process is important to ensure the development does not have a significant adverse impact on environmental and heritage values and that any impact is avoided, mitigated or, as a last resort, offset.
- 4) Access Canberra (AC), as the delegate of the Territory Planning Authority, responds to planning complaints received from the community.

When a complaint is received, such as a potential breach of the lease purpose clause, AC assesses whether the leaseholder is adhering to the specific crown lease's purpose clause. This assessment can involve various steps, including reviewing the lease conditions, conducting on-site inspections, and investigating if the activities being undertaken by the leaseholder within the land comply with the purpose clause and the *Planning Act 2023*.

Following the investigation of a complaint, if AC identifies a breach of legislation, AC may consider regulatory actions under the *Planning Act 2023*. Compliance checks are undertaken on the basis of complaints made to AC. In the 2024-25 financial year, AC investigated 93 complaints in relation to lease compliance issues associated with Businesses, out of a total of 752 lease compliance complaints in total. Note that not all complaints are substantiated, and AC may receive multiple complaints about the same matter.

Approved for circulation to the Member and incorporation into Hansard.



Chris Steel MLA

Minister for Planning and Sustainable Development

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This response required 16hrs 20mins to complete, at an approximate cost of \$1,565.26.