



**Legislative Assembly for the  
Australian Capital Territory**

Standing Committee on Environment  
and Planning

# **Report of the Inquiry into the Planning (Missing Middle Housing) Amendment Bill 2026**

Legislative Assembly for the Australian Capital Territory  
Standing Committee on Environment and Planning

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Approved for publication

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Report 8  
11th Assembly  
June 2026



# About the committee

## Establishing resolution

The Assembly established the Standing Committee on Environment and Planning on 26 June 2025, when it amended the 3 December 2024 resolution establishing the standing committees for the 11<sup>th</sup> Assembly.

The Committee is responsible for the following areas:

- Environment and climate change
- Heritage
- Water and energy policy and programs
- Emissions reduction
- Environment and ecological sustainability
- Commissioner for Sustainability and the Environment
- Environment Protection Agency
- Parks and conservation
- City Renewal Authority
- Suburban Land Agency
- Planning
- Land management

You can read the full establishing resolution [on our website](#).

## Committee members

Ms Jo Clay MLA, Chair

Ms Fiona Carrick MLA, Deputy Chair

Mr Peter Cain MLA

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## Secretariat

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## About this inquiry

The Planning (Missing Middle Housing) Amendment Bill was presented in the Assembly on 24 March 2026 and referred to the Standing Committee on Environment and Planning. Standing order 174 refers all bills presented to the Assembly to the relevant standing committee for inquiry. A Committee has three weeks from the date of presentation, or one week after the tabling of the relevant scrutiny report, whichever is later, to advise the Speaker on whether it will undertake an inquiry.

If the Committee does decide to undertake an inquiry, it must report within three months from the date of presentation of the bill, with the exception of bills presented in the last sitting period of a calendar year, in which case the Committee has four months to inquire and report.

The Committee decided to inquire into the bill on 2 April 2026. The reporting date is 23 June 2026.

# Contents

<b>About the committee</b>	<b>i</b>
Establishing resolution	i
Committee members	i
Secretariat	i
Contact us	i
<b>About this inquiry</b>	<b>ii</b>
<b>Acronyms &amp; Abbreviations</b>	<b>v</b>
<b>Legislation Terminology</b>	<b>v</b>
<b>Recommendations</b>	<b>vi</b>
<b>1. Introduction</b>	<b>1</b>
Background	1
Conduct of the inquiry	2
Planning (Missing Middle Housing) Amendment Bill 2026	2
Subdivisions	2
Secondary residences	3
Lease variations	3
Scrutiny report	3
<b>2. Matters considered</b>	<b>5</b>
Revenue	5
Committee comment	6
Application timeframes	7
Subdivisions	7
Secondary residences and lease variations	7
Committee comment	9
Appeal rights	9
Committee comment	10
<b>3. Conclusion</b>	<b>11</b>
<b>Appendix A: Submissions</b>	<b>12</b>
<b>Appendix B: Witnesses</b>	<b>13</b>
Tuesday, 19 May 2026	13
<b>Appendix C: Questions on Notice and Questions Taken on Notice</b>	<b>14</b>
Questions on Notice	14

Questions Taken on Notice

14

**Appendix D: Gender distribution of witnesses**

**16**

# Acronyms & Abbreviations

Acronym or Abbreviation	Long form
ACAT	ACT Civil and Administrative Tribunal
The Act	<i>Planning Act 2023</i>
AUV	Average unimproved value
DA	Development application
DPA	Draft plan amendment
ISCCC	Inner South Canberra Community Council
LVC	Lease variation charge
Scrutiny Committee	Standing Committee on Legal Affairs (Legislative Scrutiny Role)
TPA	Territory Planning Authority

## Legislation Terminology

A bill proposing new, stand-alone legislation (as opposed to amendment bills) contains clauses, subclauses, paragraphs, and subparagraphs. In footnotes, these are abbreviated to ‘cl’, ‘subcl’, ‘para’, and ‘subpara’. Upon enactment, clauses and subclauses become sections and subsections. In footnotes, these are abbreviated to ‘s’ and ‘subs’.

# Recommendations

## Recommendation 1

The Committee recommends that the ACT Government ensure that clear guidelines and procedures are in place at commencement to ensure consistent decision-making in relation to any matters that provide discretion for the decision-making, including declaring lease variations as exempt developments.

## Recommendation 2

The Committee recommends that the ACT Government propose amendments to the bill that require a review of the operation of the bill's provisions within three years of commencement, including consideration of:

- Impacts on neighbouring properties;
- The number and nature of complaints; and
- Whether existing safeguards are adequately protecting community outcomes.

## Recommendation 3

The Committee recommends that the ACT Government include a sunset clause in the proposed amendments to provide that the exempt lease variation provisions expire on 31 December 2030 unless the legislated review find that the provisions are operating as intended.

## Recommendation 4

The Committee recommends that the Assembly pass the bill subject to consideration of the Committee's recommendation.

# 1. Introduction

## Background

- 1.1. *Draft major plan amendment 04 – Missing Middle Housing Reform (DPA-04)* was referred to the Standing Committee on Environment and Planning (the Committee) by the Minister for Planning and Sustainable Development in October 2025 pursuant to section 70(2) of the *Planning Act 2023* (the Act).<sup>1</sup>
- 1.2. DPA-04 proposed to amend the Territory Plan by amending the Subdivision Policy and Residential Zones Policy to enable the development of townhouses, terrace housing, low-rise apartments, and multi-occupancy housing across all RZ1 and RZ2 zoned land in the ACT. These housing typologies, known as missing middle housing, fit between the dominant typologies of detached single dwellings and apartments, and are intended to allow increased densification in established areas.<sup>2</sup>
- 1.3. The Committee reported on DPA-04 in April 2026, recommending that the Minister approve the draft amendment, subject to incorporation of the Committee’s other recommendations. These recommendations were aimed at:
  - monitoring the implementation of urban densification;
  - mitigating any potential reductions in open space and tree canopy, and other environmental issues;
  - examining the role of the lease variation charge in encouraging missing middle development;
  - Ensuring infrastructure adequately serves population increases in densified areas; and
  - Incorporating a range of technical amendments to the proposed reforms in relation to neighbourhood amenity, parking, and block consolidation.<sup>3</sup>
- 1.4. During the Committee’s inquiry into DPA-04, the Minister presented the Planning (Missing Middle Housing) Amendment Bill 2026 in the Assembly. According to the Minister, the bill proposes changes that ‘go towards the efficient and timely operation of our planning system by ensuring it remains practical and proportionate’ by ‘removing regulatory barriers and streamlining pathways in the planning and building approvals process without compromising on quality’.<sup>4</sup>

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<sup>1</sup> Standing Committee on Environment and Planning, *Inquiry into DPA-04 – Missing Middle Housing Reform*, <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees-11th-assembly/EPC/inquiry-into-dpa-04>, accessed 21 May 2026.

<sup>2</sup> Standing Committee on Environment and Planning, *Missing Middle Housing Reform: Inquiry into Draft Major Amendment to the Territory Plan 04*, April 2026, pp 2-3.

<sup>3</sup> Standing Committee on Environment and Planning, *Missing Middle Housing Reform: Inquiry into Draft Major Amendment to the Territory Plan 04*, April 2026, pp viii-x.

<sup>4</sup> Legislative Assembly for the ACT, *Proof Assembly Hansard*, 24 March 2026, p 1077.

## Conduct of the inquiry

- 1.5. On 2 April 2026 the Committee resolved to conduct an inquiry into the Planning (Missing Middle Housing) Amendment Bill 2026 and called for submissions.
- 1.6. The Committee received five submissions, which were published on the inquiry webpage and are listed in Appendix A.
- 1.7. On 19 May 2026 the Committee held a public hearing. The Committee heard evidence from witnesses listed in Appendix B. The transcript and video recordings are available on the Legislative Assembly website.
- 1.8. Statistics on the gender of witnesses, collected in response to an audit by the Commonwealth Parliamentary Association, are at Appendix C. The information is collected to determine whether committee inquiries are meeting the needs, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses.

## Planning (Missing Middle Housing) Amendment Bill 2026

- 1.9. As noted above, the Planning (Missing Middle Housing) Amendment Bill 2026 (the bill) was referred to the Committee during its inquiry into DPA-04. In introducing the bill, the Minister for Planning and Sustainable Development told the Assembly that it ‘contains a package of amendments to the Planning Act 2023 and the Planning (General) Regulation 2023, aimed at complementing the Missing Middle Housing Reforms to the Territory Plan’.<sup>5</sup>
- 1.10. The Explanatory Statement noted that the intention of the bill is to simplify or expedite ‘processes relating to subdivisions, secondary residences and certain categories of lease variations’.<sup>6</sup>

## Subdivisions

- 1.11. Currently, the Act defines a subdivision development proposal as applying to any development that proposes to create or consolidate blocks, create or remove roads, ‘or involves land use zone, design or construction requirements for future development’ on the subject site. These subdivision development proposals are considered ‘significant developments’ in the Act, imposing ‘additional public notification requirements’ on proponents.<sup>7</sup>
- 1.12. The bill proposes amendments that exclude smaller scale subdivisions from the definition of significant developments, thereby reducing the development application approval timeframe from 60 working days to 30-45 working days via the removal of the requirement for a second public notification period.<sup>8</sup> The bill achieves this by limiting the definition of

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<sup>5</sup> Legislative Assembly for the ACT, *Proof Assembly Hansard*, 24 March 2026, p 1077.

<sup>6</sup> Planning (Missing Middle Housing) Amendment Bill 2026, *Explanatory Statement*, March 2026, p 1.

<sup>7</sup> Planning (Missing Middle Housing) Amendment Bill 2026, *Explanatory Statement*, March 2026, p 2.

<sup>8</sup> Planning (Missing Middle Housing) Amendment Bill 2026, *Explanatory Statement*, March 2026, p 2.

subdivision development proposal to proposals that both create and consolidate blocks and create or remove roads.<sup>9</sup>

- 1.13. According to the Explanatory Statement, this will ‘contribute to the efficient operation of the planning system by ensuring that notification requirements are proportionate to the scale of development’ proposed.<sup>10</sup>

## Secondary residences

- 1.14. The bill also proposes amendments to s 276 of the Act to enable all single dwelling leases to be used for a secondary residence.<sup>11</sup>
- 1.15. The Explanatory Statement notes that secondary residences such as granny flats are already exempt from the lease variation charge, and receive ‘limited substantive assessment’ in development application processes. As such, retention of this requirement provides ‘no financial, strategic or procedural benefit’.<sup>12</sup>

## Lease variations

- 1.16. The bill proposes to amend both the Act and the Planning (General) Regulation 2023 (the Regulation) to ‘establish a new process for exempt variations to nominal rent Crown leases’. According to the Explanatory Statement:

This new process will be a key enabling amendment in support of future Missing Middle housing such as dual or tri-occupancy developments, particularly where an existing crown lease limits the amount of dwellings that can be contained on the block.<sup>13</sup>

- 1.17. This is proposed to be achieved by introducing amendments that classify nominal rent lease variations as exempt developments where they seek to change the maximum number of permitted dwellings, authorise the use of a block for a secondary residence, or other variations prescribed by regulation.<sup>14</sup>
- 1.18. The amendments also provide for declarations of exempt developments for lease variations to be made within 10 working days, remove the need for public notification and entity referral, and prevent applications being subject to third-party appeal rights. Appeal rights for development applications (DA) and buildings remain untouched – the amendments only deal with appeal rights on the lease variation.<sup>15</sup>

## Scrutiny report

- 1.19. The Standing Committee on Legal Affairs (Legislative Scrutiny Role) (Scrutiny Committee) made comments on the bill in *Scrutiny Report 18*.

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<sup>9</sup> Planning (Missing Middle Housing) Amendment Bill 2026, cl 4 (new section 42A).

<sup>10</sup> Planning (Missing Middle Housing) Amendment 2026, *Explanatory Statement*, March 2026, p 2.

<sup>11</sup> Planning (Missing Middle Housing) Amendment Bill 2026, cl 12.

<sup>12</sup> Planning (Missing Middle Housing) Amendment 2026, *Explanatory Statement*, March 2026, p 3.

<sup>13</sup> Planning (Missing Middle Housing) Amendment 2026, *Explanatory Statement*, March 2026, p 3.

<sup>14</sup> Planning (Missing Middle Housing) Amendment Bill 2026, cl 10 (new division 7.2.1A).

<sup>15</sup> Planning (Missing Middle Housing) Amendment 2026, *Explanatory Statement*, March 2026, p 3.

- 1.20. The Scrutiny Committee found that ‘some aspects of the explanatory statement are insufficient or unclear’ and appear to ‘assume that the [Scrutiny] Committee and a member of the public have a sophisticated working understanding of the concepts and processes’ in the current Act. It requested a revised explanatory statement which:
- Explains the background to the proposed reforms, as currently the Explanatory Statement gives no explanation of what the missing middle housing reforms are;
  - Addresses inconsistencies between proposed new section 42A and the explanation in the Explanatory Statement, which appear to present differing interpretations; and
  - Provides revised Clause Notes 14 to 42 ‘to address each clause of the Bill separately to explain their purpose and relevance’, given that currently these are dealt with in summary form.<sup>16</sup>
- 1.21. The Scrutiny Committee requested a revised explanatory statement prior to the bill being debated in the Assembly.<sup>17</sup> Its report also outlined several other aspects of the explanatory statement that could be clarified before the bill is debated, including:
- The means by which the bill exempts some Crown lease variations from third-party appeal in ACAT;<sup>18</sup> and
  - Which proposed amendments engage a citizen’s right to privacy.<sup>19</sup>

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<sup>16</sup> Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Report 18*, April 2026, pp 5-7.

<sup>17</sup> Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Report 18*, April 2026, p 7.

<sup>18</sup> Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Report 18*, April 2026, p 8.

<sup>19</sup> Standing Committee on Legal Affairs (Legislative Scrutiny Role), *Report 18*, April 2026, p 10.

## 2. Matters considered

### Revenue

- 2.1. In the ACT, rates are calculated with two components: a fixed charge based on the type of property, and a valuation charge which is derived from the average unimproved value (AUV) of the land. The unimproved value of land is updated annually by the ACT Revenue Office, and the valuation charge is based on the average unimproved value over five years to reduce the potential for large changes occurring in a single year.<sup>20</sup>
- 2.2. The overarching process of deriving revenue from rates is more complex than these relatively simple calculations. The aggregate revenue target for rates is set by the ACT Government in its annual budget, and this revenue target is then distributed across the rateable properties in the ACT.<sup>21</sup>
- 2.3. Officials elaborated on how the aggregate is ‘stratified across rateable properties’ using the AUV of land:

The best way to think about it—and I am simplifying it a little bit—is: to the extent that one part of the territory’s AUVs grow more quickly than the average AUV growth for the territory, you might see slightly faster rates growth there. Equally, there will be parts of the territory where the five-year average unimproved value is increasing less quickly than the median or the average, and you would see their general rates growing a little bit less quickly.<sup>22</sup>

- 2.4. The Commissioner for ACT Revenue noted that the valuation of land is undertaken by qualified valuers within the ACT Revenue Office. These valuations ‘typically use the best and highest use of the property’, and any ‘valuation would likely consider, if the bill is passed, if this alters the underlying permitted best use of the property’.<sup>23</sup>
- 2.5. According to the Commissioner, the bill itself is ‘about a process change’ and is ‘not designed to impact permitted or best use’ of land in the ACT.<sup>24</sup>
- 2.6. While noting that no such assessment of the bill’s impact had been undertaken, the Commissioner told the Committee that:

Hypothetically, there could be a block of land, and someone chooses to put a secondary residence on that block of land. If they are entitled to, they were always entitled to, as part of the valuation process. After this bill goes through, it will allow somebody who is thinking about doing the same thing to go through a more streamlined process. Has it changed the right of that property for its best

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<sup>20</sup> ACT Revenue Office website, *Land valuations*, <https://www.revenue.act.gov.au/rates-and-property-charges/land-valuations>, accessed 26 May 2026.

<sup>21</sup> Mitch Pirie, Executive Group Manager, CMTEDD, *Proof Committee Hansard*, 19 May 2026, pp 8-9.

<sup>22</sup> Mitch Pirie, Executive Group Manager, CMTEDD, *Proof Committee Hansard*, 19 May 2026, p 9.

<sup>23</sup> Chris Roberts, Acting Commissioner for ACT Revenue, *Proof Committee Hansard*, 19 May 2026, p 2.

<sup>24</sup> Chris Roberts, Acting Commissioner for ACT Revenue, *Proof Committee Hansard*, 19 May 2026, p 2.

and better use? That is the question that the valuation team will need to answer.<sup>25</sup>

- 2.7. Further, the Commissioner noted that the secondary dwellings are exempt from the lease variation charge (LVC), and that the process proposed by the bill will not change the application of LVC.<sup>26</sup>
- 2.8. According to the Minister, a broad review of LVC is currently underway, expected to be completed 'over the next 12 months'. This review incorporates industry feedback on ways 'to ensure that the LVC remains fit for purpose to support the government's desired development outcomes' and examines 'administrative and legislative processes and valuation outcomes, rather than the overarching policy basis for the LVC system'.<sup>27</sup>
- 2.9. Additionally, the Minister noted that a 'time limited' LVC 'remission for missing middle development' was being considered.<sup>28</sup> This remission appeared in the 2026-27 Budget, which included a temporary 50 per cent remission which 'will apply to eligible developments that have not paid or deferred their LVC prior to 10 June 2026, receive development approval before 30 June 2029, and complete construction by 31 December 2030'.<sup>29</sup>

## Committee comment

- 2.10. The Committee notes that this bill is not intended to have revenue implications from either rates or LVC. Nonetheless, the evidence on the calculation of rates provided a clear explanation of how the system operates in the ACT, and its potential to interact with the bill's provisions bears discussion.
- 2.11. The target for rates revenue is set by the Treasurer as part of the annual budget process. This aggregate revenue target is then stratified across the rateable properties using a five-year average of the unimproved value of land. Areas where AUV increases faster than the average will see higher rates growth than areas below the average, but using a five-year average mitigates against any large change occurring in a single financial year. The Committee notes that with the variation in rates increase, some areas may see significant rate rises while others may see reductions.
- 2.12. Noting that it is a process change, that consideration of the bill's potential effect on the best use of land has not yet been undertaken, and that the proportion of the rates revenue target paid by each household is determined on the basis of five-year averages, the Committee agrees that the bill is not intended to raise rates revenue, and is unlikely to lead to any immediate increase in the specific rates paid by homeowners.

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<sup>25</sup> Chris Roberts, Acting Commissioner for ACT Revenue, *Proof Committee Hansard*, 19 May 2026, p 3.

<sup>26</sup> Chris Roberts, Acting Commissioner for ACT Revenue, *Proof Committee Hansard*, 19 May 2026, p 3.

<sup>27</sup> Chris Steel MLA, *answer to QON 3*, 25 May 2026 (received 2 June 2026), p 1.

<sup>28</sup> Chris Steel MLA, *answer to QON 3*, 25 May 2026 (received 2 June 2026), p 1.

<sup>29</sup> ACT Government, *2026-27 Budget Outlook*, p 86.

## Application timeframes

2.13. As noted above, the bill contains a range of measures aimed at reducing the application timeframes associated with missing middle housing. Specifically, small-scale subdivisions, secondary residences, and variations to Crown leases to enable secondary residences will receive different treatment in the planning system.

2.14. Master Builders ACT told the Committee that:

The proposed reforms represent a sensible and balanced approach that maintains planning and building standards while providing a streamlined approval pathway for low-risk residential development types that are already contemplated within the planning framework. By simplifying approval processes for these forms of development, the Bill will help avoid unnecessary delays and reduce pressure on the planning system.<sup>30</sup>

2.15. Similarly, the Property Council of Australia noted that the bill responds appropriately to concerns raised about cost, delay and duplication in the initial implementation of missing middle reforms. It argued that ‘without procedural reform, there is a real risk that well-intentioned planning changes could be undermined by excessive complexity, reducing feasibility and limiting delivery’.<sup>31</sup>

## Subdivisions

2.16. The Property Council of Australia supported the approach taken ‘to make planning pathways more proportionate to the development risk and scale’ via the removal of ‘unnecessary approvals steps for matters such as minor subdivision arrangements that do not alter road networks’. This change would ‘improve certainty for both proponents and homeowners’, and divert attention to higher-risk development proposals, offering benefits for the entire industry.<sup>32</sup>

2.17. Greater Canberra echoed the Property Council’s view, and noted that the proposed changes to subdivisions are ‘sensible because they stop minor suburban projects, including those financed by downsizing owner-occupiers or smaller developers, from being treated the same way as major developments’. It stated the provisions removing design application development approval requirements in cases where the road network is not altered will ‘reduce costs and speed up housing delivery’.<sup>33</sup>

## Secondary residences and lease variations

2.18. Greater Canberra characterised secondary residences as ‘a gentle form of infill’ and noted the potential for it to ‘support multigenerational living, ageing in place, carers, and smaller or more affordable households in established suburbs’. It argued that the existing

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<sup>30</sup> Master Builders ACT, *Submission 1*, p 2.

<sup>31</sup> Property Council of Australia, *Submission 5*, p 2.

<sup>32</sup> Property Council of Australia, *Submission 5*, p 3.

<sup>33</sup> Greater Canberra, *Submission 3*, p 1.

arrangements ‘serves no real purpose beyond adding friction to secondary residence development’.<sup>34</sup>

- 2.19. The Property Council of Australia was also supportive of simplified pathways for secondary residences, noting that they form an ‘important component of housing choice in established suburbs’.<sup>35</sup>
- 2.20. Further, the Property Council considered that the changes to nominal rent Crown lease variations will allow timeframes that ‘reflect the need for planning and land administration processes to move at a pace consistent with smaller-scale residential development’.<sup>36</sup> Greater Canberra also noted that this is appropriate in light of the need for development approval for the substantive development in most cases.<sup>37</sup>
- 2.21. Officials told the Committee that the exempting certain Crown lease variations from the development application process will mean that rather than two separate, sequential applications, both ‘can be run concurrently’.<sup>38</sup>
- 2.22. The Inner South Canberra Community Council (ISCCC) expressed concern about the process of declaring lease variations as exempt developments. Specifically, it noted the requirement that in considering applications, the Territory Planning Authority (TPA) would consider whether the proposed variation ‘is suitable in the context of the land and the surrounding area’.<sup>39</sup>
- 2.23. In light of the 10 working day timeframe for a decision, the ISCCC told the Committee that no time is provided for the TPA to undertake proper context analysis.<sup>40</sup> According to officials, these applications are ‘limited to a very small category of applicants’.<sup>41</sup>
- 2.24. According to the Minister for Planning and Sustainable Development, the same provision raised by the ISCCC also allows ‘the ability to establish criteria prescribed by regulation’ and that any issues that emerge ‘could be addressed through additional criteria’.<sup>42</sup> In regard to the process of decision making itself, officials noted that while assessments are made by individual decision-makers, they are guided by the planning framework and its layers. These layers include the district strategies, district policies, and residential zone policy.<sup>43</sup>
- 2.25. According to the ACT Government, the changes to lease variation requirements are ‘equalising’ an historical anomaly. Officials explained that:

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<sup>34</sup> Greater Canberra, *Submission 3*, p 1.

<sup>35</sup> Property Council of Australia, *Submission 5*, p 3.

<sup>36</sup> Property Council of Australia, *Submission 5*, p 3.

<sup>37</sup> Greater Canberra, *Submission 3*, p 1.

<sup>38</sup> James Bennett, Executive Branch Manager, City and Environment Directorate, *Proof Committee Hansard*, 19 May 2026, p 16.

<sup>39</sup> Inner South Canberra Community Council, *Submission 2*, p 2.

<sup>40</sup> Inner South Canberra Community Council, *Submission 2*, p 2.

<sup>41</sup> James Bennett, Executive Branch Manager, City and Environment Directorate, *Proof Committee Hansard*, 19 May 2026, p 19.

<sup>42</sup> Chris Steel MLA, Minister for

<sup>43</sup> James Bennett, Executive Branch Manager, City and Environment Directorate, *Proof Committee Hansard*, 19 May 2026, p 18.

In our residential leasing system, we generally have two categories of leases. We have leases that are for residential purposes. Leases of a certain era were written in such a way that the lease purpose clause says “for residential purposes”. We have a second, more recent set of leases that have been issued that specify the number of dwellings. With those leases that are written for residential purposes, there is no restriction on the number of dwellings... For the leases that have a restriction to a single dwelling only, those leases need to be varied to add the secondary residence entitlement to that lease.<sup>44</sup>

- 2.26. Officials further noted that any resulting development would still be subject to the development application process, under which aspects such as the design, siting, built form, traffic, and the impact on neighbouring properties is assessed.<sup>45</sup>

## Committee comment

- 2.27. The Committee notes that simplified pathways will be important in implementing the recent reforms to the Territory Plan aimed at facilitating the construction of missing middle housing.
- 2.28. Shortened application timeframes will be important for encouraging developers to take up the opportunities offered by the missing middle housing reforms. Simplified processes will also assist individuals and families wishing to redevelop existing single dwellings or construct secondary residences.

## Appeal rights

- 2.29. The Property Council of Australia told the Committee that third-party appeals in ACAT remain ‘a source of frustration and tension for both the industry and the community’, and called for the process to be reviewed. It stated that it is ‘peculiar that appeals can be lodged against development applications that are only doing what the landowner is entitled to do on that block of land’.<sup>46</sup>
- 2.30. Master Builders ACT similarly called for third-party appeal rights be limited ‘to level the playing field for commercial players’.<sup>47</sup>
- 2.31. The Minister for Planning and Sustainable Development noted that:
- The exempt lease variation pathway applies only to a limited range of simple lease variations (such as updating the number of dwellings already approved or amending easement clauses). These variations will not require public notification and will not have appeal rights.<sup>48</sup>

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<sup>44</sup> James Bennett, Executive Branch Manager, City and Environment Directorate, *Proof Committee Hansard*, 19 May 2026, p 12.

<sup>45</sup> James Bennett, Executive Branch Manager, and Ben Green, Executive Group Manager, City and Environment Directorate, *Proof Committee Hansard*, 19 May 2026, pp 14-15.

<sup>46</sup> Property Council of Australia, *Submission 5*, p 4.

<sup>47</sup> Master Builders ACT, *Submission 1*, p 4.

<sup>48</sup> Chris Steel MLA, *answer to QTON 2*, 19 May 2026 (received 2 June 2026), p 2.

- 2.32. However, according to the Minister the bill does not propose to change the requirement for development approval and public notification of multi-unit housing, and that such developments will continue to have third-party appeal rights.<sup>49</sup>
- 2.33. Officials elaborated, noting that appeal rights are retained for ‘the thing that gives the approval for the building to be built, which is the thing that would be approving the impacts of the actual development’.<sup>50</sup>
- 2.34. Officials emphasised that changes to consultation and appeal rights ‘is not a policy outcome that is being sought’, and that the ACT Government is ‘not intending to materially change the appeal rights that are applicable for residential development through this process’.<sup>51</sup>

## Committee comment

- 2.35. The Committee notes the intention to leave current appeal rights materially unchanged. However, in establishing a new exempt lease variation pathway, shortening the assessment period, and allocating decisions to individual decision-makers within the Territory Planning Authority, there is scope for inconsistency in decision-making.

### Recommendation 1

The Committee recommends that the ACT Government ensure that clear guidelines and procedures are in place at commencement to ensure consistent decision-making in relation to any matters that provide discretion for the decision-making, including declaring lease variations as exempt developments.

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<sup>49</sup> Chris Steel MLA, *answer to QTON 2*, 19 May 2026 (received 2 June 2026), p 2.

<sup>50</sup> James Bennett, Executive Branch Manager, City and Environment Directorate, *Proof Committee Hansard*, 19 May 2026, p 20.

<sup>51</sup> James Bennett, Executive Branch Manager, City and Environment Directorate, *Proof Committee Hansard*, 19 May 2026, p 20.

### 3. Conclusion

- 3.1. The Planning (Missing Middle Housing) Amendment Bill 2026 represents a relatively minor adjustment to current planning processes and appears to be limited in its intended scope.
- 3.2. The Committee notes that the key issues emerging from the bill have been identified by the Scrutiny Committee. While these could be addressed as a part of the Assembly's consideration of the bill, the Committee sees value in legislating for a review of the operation of the bill's provision.

#### Recommendation 2

The Committee recommends that the ACT Government propose amendments to the bill that require a review of the operation of the bill's provisions within three years of commencement, including consideration of:

- Impacts on neighbouring properties;
- The number and nature of complaints; and
- Whether existing safeguards are adequately protecting community outcomes.

- 3.3. In order to ensure that this review provides a proportionate and responsible safeguard, the Committee also sees value in the inclusion of an appropriate sunset clause.

#### Recommendation 3

The Committee recommends that the ACT Government include a sunset clause in the proposed amendments to provide for the exempt lease variation provisions to expire on 31 December 2030 unless the legislated review find that the provisions are operating as intended.

#### Recommendation 4

The Committee recommends that the Assembly pass the bill subject to consideration of the Committee's recommendation.

- 3.4. The Committee would like to thank everyone who gave evidence to this inquiry.
- 3.5. The Committee makes four recommendations.

Jo Clay MLA  
Chair  
22 June 2026

## Appendix A: Submissions

No.	Submission by	Received	Published
001	Master Builders Association of the ACT	15/04/2026	23/04/2026
002	Inner South Canberra Community Council	17/04/2026	23/04/2026
003	Greater Canberra	23/04/2026	30/04/2026
004	Planning Institute Australia (NSW and ACT)	30/04/2026	19/05/2026
005	Property Council of Australia (ACT and Capital Region)	04/05/2026	19/05/2026

# Appendix B: Witnesses

Tuesday, 19 May 2026

## Commissioner for ACT Revenue

- **Mr Chris Roberts**, Acting Commissioner for ACT Revenue and Acting Executive Group Manager, Revenue Management, Treasury, Chief Minister, Treasury and Economic Development Directorate
- **Mr Russ Campbell**, Under Treasurer, Treasury, Chief Minister, Treasury and Economic Development Directorate
- **Mr Mitch Pirie**, Executive Group Manager, Economic and Financial Group, Treasury, Chief Minister, Treasury and Economic Development Directorate

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

## City and Environment Directorate

- **Mr Ben Green**, Executive Group Manager, Planning and Build Environment
- **Mr James Bennett**, Executive Branch Manager, Building, Design and Development Branch

## Appendix C: Questions on Notice and Questions Taken on Notice

### Questions on Notice

No.	Date	Asked of	Subject	Response received
1	24/05/2026	Minister for Planning and Sustainable Development	Secondary Residences - Changes to unimproved value	08/06/2026
2	24/05/2026	Minister for Planning and Sustainable Development	Number of Secondary Residences	02/06/2026
3	25/05/2026	Minister for Planning and Sustainable Development (Redirection)	Lease Variation Charge	03/06/2026

### Questions Taken on Notice

No.	Date	Asked of	Subject	Response received
1	19/05/2026	Minister for Planning and Sustainable Development	Planning and Financial modelling	04/06/2026
2	19/05/2026	Minister for Planning and Sustainable Development	Planning and Appeal rights	04/06/2026
3	19/05/2026	Minister for Planning and Sustainable Development	Planning and Appeals statistics	04/06/2026
4	19/05/2026	Treasurer (Commissioner for ACT Revenue)	Best and highest use	08/06/2026
5	19/05/2026	Treasurer (Commissioner for ACT Revenue)	ACT Valuation Office processes	08/06/2026

No.	Date	Asked of	Subject	Response received
6	19/05/2026	Treasurer (Commissioner for ACT Revenue)	Small-scale developments	04/06/2026

## Appendix D: Gender distribution of witnesses

Beginning in April 2023, in response to an audit by the Commonwealth Parliamentary Association, Committees are collecting information on the gender of witnesses. The aim is to determine whether committee inquiries are meeting the needs, and allowing the participation of, a range of genders in the community. Participation is voluntary and there are no set responses.

Gender indication	Total
Female	0
Male	6
Non-binary	0
Gender neutral	0
No data	0