

Chris Steel MLA

Treasurer

Minister for Planning and Sustainable Development

Minister for Heritage

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Member for Murrumbidgee

Tom Duncan

Clerk

ACT Legislative Assembly

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Dear Mr Duncan

Thank you for your letter about the petition No. E-PET-049-24 and PET-010-25, lodged by Ms Jo Clay MLA, about the ongoing operation of Big Splash water park and zoning of Block 1 Section 53 Macquarie.

The Government notes the matters raised in the petitions in relation to the current operation of the site. It is noted that the petition is also requesting ACT Government to provide a guarantee regarding the future use of the site. The following provides information addressing each of the matters raised in the petitions.

Investigate all possible avenues to keep this important community facility open for use this summer and for future generations of Canberrans, including buying the facility and operating it as a public pool

It is noted that the use of land for this site is administered through a Crown lease.

In 2006, the current Crown lease was granted under the *Land (Planning and Environment) Act 1991* and expires on 2 May 2105. The block is privately leased and the purpose clause in the lease currently allows for the purpose of an aquatic and indoor sports and recreation centre and an unlicensed family restaurant.

I have been advised the Territory Planning Authority (the Authority) is of the view that the Crown lease does not contain a clause that specifically requires the ongoing operation of the facility.



However, under Schedule 4 (10) of the *Planning Act 2023*, failing to use land for a continuous period of at least 1 year for the purpose for which the lease over the land is granted constitutes an offence.

In December 2024, Yvette Berry MLA wrote to the Big Splash Water Park Management Team and correspondence was received in reply stating that the facility was closed to undertake significant rectification and maintenance works. The works identified included fixing cracks in the pools, repainting and tiling of the pool, as needed, repairing the old slide (pumps, filtration systems, structural steel and main control systems), renovating the change rooms, the kitchen and cafe area as well as improving the landscaping with more seating and table areas. It was also indicated that the proponent was also considering proposing other recreational facilities to upgrade the functionality of the park so that it is available to the community throughout the year.

It is up to the lessee what they would like to pursue on their site. This may include carrying out maintenance or proposing future developments in accordance with the legislative processes. They also may choose to sell the lease. Closure for on-site maintenance and pursuing additional facilities is also a matter for the lessee.

Notwithstanding the above, the Crown lease for the site requires the lessee to maintain, repair and keep in repair the premises to the satisfaction of the Authority, and permits the Authority to enter the premises and undertake necessary repairs and recover costs from the lessee.

The Compliance Team in Access Canberra conducted inspections in October 2024, and March and April 2025, and undertook urgent repairs to the perimeter fencing earlier this year to address immediate safety and security risks, which the lessee has been notified of. Since then, Access Canberra have been in contact with the lessee to advise them of the safety risks to the public and reminded them of their obligations to maintain and repair the fencing as a matter of priority.

The Government is not in a position to mandate or apply a timeframe on the lessee to finalise maintenance and open the site. The operation and future use of the site, including any additional facilities or uses, is a commercial decision for the lessee of the site.

I have directed both the Environment, Planning and Sustainable Development Directorate (EPSDD) and Access Canberra to provide me with advice on further regulatory options available for the site, including consideration of risk and harm to the community.

Guarantee that the zoning of the land as Parks and Recreation PRZ2 Restricted Access Recreation is retained to ensure this valuable community facility remains a community facility.

The ACT Government has no plans to change the PRZ2 zoning of this site in the Territory Plan.

The Territory Plan is the primary statutory planning document that guides planning and development in the ACT. It outlines what development can take place and where. A way in which the Territory Plan achieves this is by designating land use zones.

Currently, the Big Splash site is zoned Parks and Recreation PRZ2 Restricted Access Recreation. The zone ultimately sets the outcomes and requirements that need to be met for any development

proposals on the site. Specifically, the Territory Plan identifies a number of assessable uses for this zone under the Land Use Table in the E05 – Parks and Recreation Zones Policy. These assessable uses include uses such as carpark, club, community facility, community activity centre, guest house, hotel, indoor recreation facility, motel, outdoor recreation facility and public agency.

Given the block is privately leased, the lessee could apply to add any additional assessable uses to the Crown lease, if the use is consistent with the existing zoning policy. A development application (DA) would be required for a lease variation to add any additional uses to a Crown lease.

A DA is assessed, independently, by the Authority against the requirements of the Territory Plan and *Planning Act 2023*. In particular, any future development proposals would need to be assessed against specific policy outcomes for the PRZ2 zone, which includes accommodating facilities that meet the recreational needs and demands of the community, and provide for a range of sport and recreation facilities and users, whether in public or private ownership.

Should any changes be proposed to the zoning on the Big Splash site, it would require a major plan amendment (MPA). A major plan amendment is a detailed statutory process which includes all of the following:

- consideration by the Territory Planning Authority, who will consider the ACT Planning Strategy and Belconnen District Strategy.
- a minimum of 30 working days of public consultation.
- entity consultation.
- consideration by the relevant Legislative Assembly committee, which may involve an Inquiry.
- decision by the Minister for Planning and Sustainable Development (the Minister).
- if approved by the Minister, presentation and tabling in the Legislative Assembly who may move to reject the rezoning.

More information on the major plan amendment process is available on the [ACT Planning](#) website.

The ACT Government is not planning to initiate changes to the Territory Plan to change the zoning for this site. Nor are there any current proposals before the independent Territory Planning Authority from the landowner to amend the Territory Plan for this site. The ACT Government cannot guarantee that zone changes for the site will not be pursued by the lessee in the future.

It should be noted that the current leasing and planning system encourages an efficient and continual use of a site. The ACT Government will guide lessees through any required government processes and assist, where appropriate.

Yours sincerely



Chris Steel MLA
Minister for Planning and Sustainable Development
3 June 2025