

**MEDIA RELEASE****19 June 2026**

## **Changes to the Territory Plan requirements for the Phillip pool**

ACT Auditor-General, Mr Ajay Sharma PSM, today presented a report on **Changes to the Territory Plan requirements for the Phillip pool** to the Speaker for tabling in the ACT Legislative Assembly.

The audit considered the activities of ACT Government agencies to plan for, and change, Territory Plan requirements for the Phillip Swimming and Ice-Skating Centre (PSISC) site, specifically with reference to the pool. The audit focused on the transparency of the administrative processes.

In late October 2022, ACT Government officials recognised the opportunity to change the Territory Plan requirements for the site as part of the broader reform to the Territory planning system. Prior to this, ACT Government agencies had been considering the provision of future aquatic facilities in light of potential redevelopment.

Mr Sharma says ‘there was no rigorous or specific analysis of needs or options for the PSISC site or Phillip pool, as it was then or into the future, that identified the proposed changes to the Territory Plan requirements for the site as appropriate’.

In response to community concerns on the changed Territory Plan requirements, including the replacement of the 50-metre outdoor pool with a 25-metre indoor pool, a Consultation Report noted that ‘a sport and recreational needs analysis has determined that 25m pool and associated aquatic facilities would meet the requirements of the Woden community’.

Mr Sharma says ‘a sport and recreation needs analysis was not undertaken as described and the assertion misrepresented the nature and extent of analysis that was used to support the changes to the Territory Plan requirements’.

The report makes two recommendations for actions to be taken by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and City and Environment Directorate (CED).

The summary of ‘Report 7-2026 – Changes to the Territory Plan requirements for the Phillip pool’, with audit conclusions and key findings, is attached to this media release.

## Summary

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The Phillip Swimming and Ice-Skating Centre (PSISC) is a privately owned ice sports and public swimming pool centre located in Phillip. In the new 2023 Territory Plan the requirements for the PSISC site were changed. Key changes between the requirements in the 2008 Territory Plan and 2023 Territory Plan were:

- allowance for the removal of the requirement for an ice-skating rink, with the agreement of the ACT Government; and
- if the site is redeveloped, allowance for the 50-metre outdoor pool to be replaced by a 25-metre indoor pool with additional aquatic facilities. (The 2008 Territory Plan required any redevelopment of the site to '[provide or retain] a 50-metre public pool with direct public access to Irvine Street' and that 'development for other uses [involve] redevelopment of the pool as an indoor facility').

The change in requirement from a 50-metre outdoor pool to a 25-metre indoor pool has been criticised by some members of the ACT community.

The audit considered the activities of ACT Government agencies to plan for, and change, Territory Plan requirements for the PSISC site, specifically with reference to the pool. The audit focused on the transparency of the administrative processes.



## Conclusions

### Considerations for the PSISC site

In recent years there have been a number of challenges to the operation of the Phillip Swimming and Ice-Skating Centre (and the Phillip pool specifically), including:

- the ageing nature of the facility and the need for increased maintenance and repair activity; and
- the ACT Government's September 2020 announcement that a new ice sports facility would be built in Tuggeranong.

These challenges were recognised by ACT Government agencies and discussion was underway to identify future options for the site. In May 2021, with the expectation that a new ice sports facility would be built in Tuggeranong, ACT Government agencies were considering the provision of future aquatic facilities on the site in light of potential redevelopment.

The need for 'a detailed aquatic facility planning study' as a precursor to any changes to the Territory Plan requirements for the PSISC site was recognised and approved by the Minister for Planning and Land Management and the Minister for Sport and Recreation. The study did not proceed as CMTEDD advised it was agreed at the officer level that the future requirements for the

site were already well understood. Subsequent activity on the part of CMTEDD and EPSDD officers proceeded on the expectation that the Territory Plan requirements for the site would be changed to remove the requirement for a 50-metre outdoor pool and that a 25-metre indoor pool and associated aquatic facilities would be part of any future redevelopment of the site.

Between July 2022 and November 2022 advice was being prepared for Ministers ‘to provide options and to seek direction about a five-year plan’ for the site. The advice contemplated the acquisition of the site from the former lessee and presented several options for the use of the site including a preferred option that involved a 25-metre pool, indoor sports courts and multipurpose facilities. The advice was not finalised as the Crown lease was sold by the former lessee in December 2022 (following the release of the Draft Territory Plan for public comment).

There was consensus among ACT Government officials as to what the future Territory Plan requirements for the site should be, but this had not been determined or supported by any specific needs analysis or ‘a detailed aquatic facility planning study’ that would ‘determine whether loss of the existing Phillip pool will detrimentally impact public access to swimming facilities for the Woden community’.

## Changes to the Territory Plan

In late October 2022, just prior to the finalisation of the 2023 Draft Territory Plan for presentation to Cabinet, ACT Government officials recognised the opportunity to change the Territory Plan requirements for the PSISC site as part of the broader reform to the Territory planning system. There was no rigorous or specific analysis of needs or options for the PSISC site or Phillip pool, as it was then or into the future, that identified the proposed requirements as appropriate for the site. It was apparent, however, that ACT Government officials:

- recognised there was a body of work underway in relation to the draft Ministerial Brief ‘to provide options and to seek direction about a five-year plan for Phillip Pool and Ice Skating Centre’. This body of work recognised:
  - the recent challenges associated with the operation of the site (including the closure of the pool in 2020-21, 2021-22 and 2022-23);
  - the impact on the viability of the site from the proposed new ice sports facility in Tuggeranong;
  - the desire of the former lessee to change the Territory Plan requirements to allow for redevelopment; and
- considered that there had been a trend in aquatic facilities around Australia moving away from 50-metre outdoor pools to 25-metre indoor pools accompanied by a range of aquatic facilities, which sought to cater to a wider range of users in the community.

## Consultation on changes to Territory Plan requirements

Consultation on the Draft Territory Plan was undertaken over a four-month period between 1 November 2022 and 3 March 2023. Changes to the requirements of the PSISC site were

specifically identified and referenced in a number of documents released for community consultation.

Some comments were received explicitly in relation to the Phillip pool or the need for a pool in the context of the Woden District Strategy. A Listening Report (May 2023) that summarised feedback received during the consultation period and a Submission Report (July 2023) that summarised and analysed the community feedback on the Draft Territory Plan noted community concern with the potential loss of the Phillip pool.

In response to community concerns on the changed Territory Plan requirements for the site, a Consultation Report (September 2023) noted that ‘a sport and recreational needs analysis has determined that 25m pool and associated aquatic facilities would meet the requirements of the Woden community’. A sport and recreation needs analysis was not undertaken as described. The assertion was incorrect and misrepresented the nature and extent of analysis that was used to support a change in the Territory Plan requirements for the PSISC.



## Key findings

### Considerations for the PSISC site

Paragraph

#### Early plans, studies and assessments (before 2021)

Over time, ACT Government agencies have commissioned a number of plans, studies and assessments that have considered community and recreational facilities in Woden specifically and the ACT more broadly. These plans, studies and assessments had a broader focus on community, sport and recreation needs in Woden and/or the broader ACT but made references and recommendations in relation to the Phillip pool. The plans, studies and assessments identified challenges in relation to the ongoing operation and viability of the Phillip pool and PSISC site including that:

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- the facility was ageing, required increasing maintenance and significant investment to upgrade the facility to meet current standards, community needs and to remain operational; and
- it is an outdoor facility, and a year-round indoor swimming facility may better meet the needs of a greater proportion of residents in the Woden area.

#### Challenges to the operation of the Phillip pool (2020 to 2022)

The Phillip pool was closed to the public throughout the 2020-21, 2021-22 and 2022-23 summer periods. The former lessee cited COVID-19 restrictions and the need to undertake maintenance work for the ageing pool as the reason for the closures. During this period the former lessee sought rent relief from the Territory on a number of occasions, citing the impact of COVID-19 restrictions on its ability to operate the pool in accordance with the requirements of the Crown lease.

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The former lessee also cited the impact of the ACT Government's September 2020 announcement that a new ice sports facility would be built in Tuggeranong as a key issue of concern and raised concerns about the impact that the facility would have on the viability of the site. The former lessee also sought a technical amendment to the Territory Plan that would remove the mandatory requirement for both an ice rink and pool at the site. The proposal for a technical amendment to the Territory Plan was rejected by the Territory. 2.37

### Considerations for the future of the site (after 2021)

On 20 May 2021 the Director-General of EPSDD approved a Ministerial Brief to the Minister for Planning and Land Management and the Minister for Sport and Recreation in relation to the PSISC. The purpose of the Ministerial Brief was 'to enable advice to be provided to the lessee of the block regarding the development provisions applicable to their block'. The Brief explicitly considered the provision of future aquatic facilities on the site in light of potential redevelopment. In doing so, the Brief noted: 2.56

- 'the requirement for a 50m indoor pool, as contained in the Phillip Precinct Map and Code as part of any proposed redevelopment for the site, is structurally difficult and costly to achieve, according to the Lessee'; and
- 'if it is considered difficult to make a 50m indoor pool viable structurally, a 25m pool may be viable and could be used for swim school programs, water aerobics and could have a leisure pool and splash park component as part of the indoor facility'.

The Ministerial Brief contemplated the need for 'a detailed aquatic facility planning study' as a precursor to any changes to the Territory Plan requirements for the PSISC site. The Ministerial Brief recommended that the Ministers 'agree to a planning study being commissioned by the Government to determine whether the loss of the existing Phillip pool will detrimentally impact public access to swimming facilities for the Woden community'. The Minister for Planning and Land Management and the Minister for Sport and Recreation agreed to the recommendation. 2.57

CMTEDD did not commission 'a detailed aquatic facility planning study' as recommended and agreed to in the Ministerial Brief. CMTEDD advised in December 2025 that it was agreed at the officer level between CMTEDD and EPSDD that the requirements to change the pool were already well understood, and it was subsequently determined that a planning study was not necessary. CMTEDD did not provide: 2.64

- evidence formally documenting the decision to not proceed with a planning study as agreed by the Minister for Planning and Land Management and the Minister for Sport and Recreation in June 2021; nor
- evidence that a decision to not proceed with a planning study had been communicated to the Ministers.

- A Ministerial Brief was provided to the Minister for Planning and Land Management and the Minister for Sport and Recreation ahead of a meeting on 19 October 2021. The meeting included ACT Government representatives from the Sport and Recreation Branch, CMTEDD and the Planning and Urban Policy Branch, EPSDD. A PowerPoint presentation was also prepared ahead of a presentation by CMTEDD and EPSDD representatives to the Ministers on 19 October 2021. Neither the Ministerial Brief or the PowerPoint presentation referenced the requirement for a 'detailed aquatic facility planning study' to be commissioned to determine whether the loss of the existing Phillip pool would detrimentally impact public access to swimming facilities for the Woden community, as agreed by the Ministers in June 2021. 2.70
- In March 2022, the Executive Group Manager for Statutory Planning wrote a brief to the Minister for Planning and Land Management ahead of a meeting with the Minister for Sport and Recreation on 29 March 2022. The brief summarised operational and financial constraints associated with the ageing facility, including structural deterioration and limitations posed by the existing lease. The brief also identified the ongoing advocacy of community stakeholders seeking to retain public access to aquatic facilities in Woden. Neither CED nor CMTEDD was able to locate written records of the outcomes of the March 2022 meeting. CMTEDD nevertheless advised that EPSDD was tasked with producing a discussion paper on the future of the Phillip pool in July 2022. 2.77
- Between July 2022 and November 2022, a Senior Manager in the Strategic Projects and Infrastructure, Development and Implementation section of EPSDD was in the process of preparing a brief for the Minister for Sport and Recreation and Minister for Planning and Land Management. The purpose of the Brief was 'to provide options and to seek direction about a five-year plan for Phillip Pool and Ice Skating Centre'. The draft Ministerial Brief identified the acquisition of the Crown lease from Glencora as a key option noting that 'should the Territory wish to control how the existing PSISC site may be utilised in the future ... the Territory may wish to consider seeking to acquire the Crown lease from the Crown lessee (Glencora)'. 2.96
- The draft Ministerial Brief presented several options for the use of the site including a preferred option that involved a 25-metre pool, indoor sports courts and multipurpose facilities. The concept plans showed different configurations for the site, all involving a 25-metre pool and additional aquatic facilities as well as different configurations for indoor sports courts. 2.97
- The Ministerial Brief remained in draft and was not finalised. CED advised that the brief was not finalised as the site was acquired by Geocon in December 2022, meaning that exploring options for the Territory to acquire the Crown lease was no longer relevant. 2.98

## Changes to the Territory Plan

### Changes to Territory Plan requirements for the PSISC

In late October 2022, just prior to the finalisation of the 2023 Draft Territory Plan for presentation to Cabinet, ACT Government officials recognised an opportunity to change the Territory Plan requirements for the Phillip pool site. The changed Territory Plan requirements for the site were first documented late on Monday 17 October 2022 in an email from a Senior Director in the Sport and Recreation Branch of CMTEDD. The preferred option involved the replacement of the 50-metre pool with an indoor 25-metre pool and additional aquatic facilities. The reduction in pool size was justified on the basis of providing ‘a better all round outcome in relation to the capital cost, ongoing financial viability and future maintenance/upgrade requirements’. The proposed wording for the changed Territory Plan requirements for the site were tweaked over the next few days, but remained substantially intact for inclusion in the Draft Territory Plan presented to Cabinet. 3.32

There was no rigorous or specific analysis of needs or options for the PSISC site or Phillip pool, as it was then or into the future, that identified the changed requirements as the best option for the site. It was apparent, however, that ACT Government officials: 3.33

- recognised there was a body of work underway in relation to the draft Ministerial Brief ‘to provide options and to seek direction about a five-year plan for Phillip Pool and Ice Skating Centre’. This body of work recognised the recent challenges associated with the operation of the site (including the closure of the pool in 2020-21, 2021-22 and 2022-23), the impact on the viability of the site from the proposed new ice sports facility in Tuggeranong and the desire of the former lessee to change the Territory Plan requirements to allow for redevelopment; and
- considered that there had been a trend in aquatic facilities around Australia moving away from 50-metre outdoor pools to 25-metre pools accompanied by a range of aquatic facilities, which sought to cater to a wider range of users in the community. The Batemans Bay experience was identified as an example of this trend and the change in requirements for the PSISC site reflected this broader trend.

### Consultation on changes to Territory Plan requirements

#### Consultation on the Draft Territory Plan

Consultation on the Draft Territory Plan was undertaken over a four-month period between 1 November 2022 and 3 March 2023. The consultation process included a range of engagement activities over four phases. Consultation was guided by a Communications Plan, which identified the stakeholders that EPSDD would engage with on the Draft Territory Plan and district strategies, including: the Canberra 4.17

community; community, business and interest groups; media outlets; and ACT Government directorates/agencies.

The Communications Plan developed for the release of the Draft Territory Plan and provided to Cabinet in October 2022 was comprehensive and identified: 4.18

- key stakeholders and their expected views;
- risks, sensitivities and mitigation strategies; and
- a detailed timeline of engagement activities before, during and after the consultation period to ensure that the community and stakeholder groups were well informed on how they could provide feedback.

On 1 November 2022 the ACT Government released the Draft Territory Plan and supporting materials for the purpose of community consultation. Consultation commenced on 1 November 2022 and concluded on 3 March 2023. Changes to the requirements of the PSISC site were specifically identified and referenced in a number of documents released for community consultation on the Draft Territory Plan including: 4.30

- *At a glance – Proposed New Territory Plan;*
- *Draft Proposed New Territory Plan – Supporting Report; and*
- *Part D7 Woden District Policy.*

### Consideration of community feedback

During the four-month consultation process over 1900 individual comments were received with 393 written submissions received specifically in relation to the Draft Territory Plan. Seventy-nine of the written submissions referenced the Woden district (20 percent of written submissions). Fourteen of the submissions specifically commented on the Phillip pool: 4.43

- the majority of the submissions made minor references to the Phillip pool as part of broader comments on the Woden district. One of the submissions focused on the Phillip pool and summarised feedback from 127 responses to a survey;
- three expressed a preference to retain a 50-metre pool at the site with a further submission expressing concern that a 25-metre pool may not meet the demands of various swimming groups in the Woden area; and
- concerns or issues raised in the submissions generally focused on maintaining the pool in Phillip, ensuring it remained affordable and accessible and that urban densification in Woden may lead to the loss of the Phillip pool.

In addition, 1026 online comments were received as well as 175 online survey responses. Across both the online comments and online surveys, there were 13 submitted comments that either explicitly referenced the Phillip pool or expressed 4.44

support for retaining the pool in their comments about the Woden District Strategy. The main issues identified in relation to the Phillip pool included:

- accessibility of alternate pools and lack of like for like replacement for the Phillip pool (five responses);
- a preference to retain a 50-metre pool instead of having a 25-metre pool (three responses);
- a lack of sporting or recreational facilities not aligned to community needs (three responses); and
- concerns that the developer who purchased the PSISC site would not maintain a publicly accessible facility (two responses).

### Outcomes of the consultation process

The feedback received during the consultation process for the Draft Territory Plan was documented through several reports that were made publicly available. These included: 4.65

- a Listening Report (May 2023) that summarised all the feedback received during the Draft Territory Plan consultation period;
- a Submissions Report (July 2023) that summarised and analysed the community feedback on the Draft Territory Plan and made recommendations on how to respond;
- a Consultation Report (September 2023) that responded to feedback provided on the district policies and specifications, and other technical documents; and
- a Consultation Response Report (September 2023) that set out the ACT Government’s response to all feedback received.

Both the Listening Report and the Submissions Report noted community concern with the potential loss of the Phillip pool. The Submissions Report noted a ‘substantial volume of comments objected to the closure of the Phillip Swimming Pool’ and recommended that ‘future planning and investigations for the change areas will consider ... the need for commercial and community uses’. 4.66

In response to community concerns on the changed Territory Plan requirements for the site the Consultation Report noted that ‘a sport and recreational needs analysis has determined that 25m pool and associated aquatic facilities would meet the requirements of the Woden community’. The Consultation Response Report similarly noted that ‘a sport and recreational needs analysis has determined that 25m pool and associated aquatic facilities would meet the requirements of the Woden community’. 4.67

Both the Consultation Report and Consultation Response Report referred to a ‘sport and recreational needs analysis’ as having determined that a 25-metre pool and associated aquatic facilities would meet the needs of the Woden community. This was reiterated by the Minister for Planning in response to a Question on Notice lodged for the purpose of the Select Committee on Estimates 2024-2025. 4.81

A sport and recreation needs analysis was not undertaken as described. This became apparent following an FOI request in August 2024, and a subsequent decision by the ACT Ombudsman in October 2025 that it does not exist. The assertion that a 'sport and recreational needs analysis has determined that 25m pool and associated aquatic facilities would meet the requirements of the Woden community' was incorrect. It misrepresented the nature and extent of analysis that was used to support a change in the Territory Plan requirements for the PSISC site.

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### Review and approval of the Territory Plan

On 14 September 2023, the Standing Committee on Planning, Transport and City Services commenced an inquiry into the Territory Plan as per its statutory obligations. The inquiry provided further opportunity for individuals, community interest groups and business groups to provide comment and feedback on the Interim Territory Plan prior to the Final Territory Plan being approved. The submissions made to the inquiry and the hearings for the inquiry did not raise any concerns with the change in requirements for the Phillip pool in the Territory Plan. There were no findings or recommendations made in the Committee inquiry report in relation to the Phillip pool site requirements in the Territory Plan.

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## Recommendations

### Recommendation 1

#### Documentation of community needs and interests

The Chief Minister, Treasury and Economic Development Directorate should ensure that any advice in relation to future changes to Territory Plan requirements for sport and recreation amenities are supported by documented assessment that takes into account research and analysis of community needs and interests.

### Recommendation 2

#### Documentation of response to community feedback

The City and Environment Directorate should develop and implement procedural guidance to ensure that future public responses to community and stakeholder feedback obtained for planning and development purposes are supported by the nature and extent of analysis undertaken and accurately presented.

## Agencies' response

In accordance with subsection 18(2) of the *Auditor-General Act 1996*, the Chief Minister, Treasury and Economic Development Directorate and City and Environment Directorate were provided with a draft proposed report for comment. In accordance with subsection 18(3) of the *Auditor-General Act 1996* other entities that the Auditor-General considered had a direct interest in the report were also provided with the draft proposed report or extracts thereof. All comments in response to the draft proposed report or its extracts were considered and changes were reflected in a final proposed report.

The agencies were provided with the final proposed report for comment. The other entities were also provided with the final proposed report or extracts thereof. All comments in response to the final proposed report were considered and changes reflected in a final report.

As part of the final proposed report process, the agencies were invited to provide comments for inclusion in the Summary chapter of the final report. No comments were provided for inclusion in this Summary chapter.