

Summary: Reason for decision Crown Lease for Block 1 Section 53 Macquarie

On 22 April 2026, Access Canberra, acting as the delegate of the Territory Planning Authority, made the decision not to terminate the Crown Lease of Block 1, Section 53 Macquarie (known as the Big Splash Water Park). The independent regulator has set aside notice associated with potential lease termination.

The Crown Lease permits use including an aquatic and indoor sports and recreation centre and an unlicensed family restaurant. The site is zoned Restricted Urban Open Space (PRZ2). The ACT Government has no intention to change the zone of the site.

In making the decision, the Regulator considered the commitment of the lessee to reactivate the site, the nature of the ongoing controlled activity and complexities associated with termination of the lease under the Planning Act.

The reasons have been communicated to the Registered Lessee and those parties with a Registered interest in the site.

Given the public interest in this matter, Access Canberra have summarised a number of the matters considered in the decision. Where “the Act” is referenced, this relates to the *Planning Act 2023*.

- Under Section 459 (1) (c) of the Act, the Territory Planning Authority must take into account any reasons for not terminating the lease or licence given to the authority by the lessee in accordance with the notice served on the lessee.
- The lessee has provided written response to the notice including their intention to erect a new fence around the perimeter of the site to provide a more substantial barrier. Written correspondence also included a commitment to having the existing 50 meter pool and temporary pool facilities (including toilets, change rooms and food offerings) available to the community from 1 November 2026.
- On 7 and 8 April 2026, Access Canberra Inspectors inspected the site. It was observed physical works on the perimeter fence had commenced and were being undertaken to a high standard. Other works to maintain facilities were also underway, including draining of pools.

While a controlled activity is occurring, namely failure “to use land for a continuous period of at least 1 year for the purpose for which the lease over the land is granted”, the following remains relevant:

- a. the stated intention of the Registered Lessee is to make the site operable.
- b. the provision of supporting information and documentation to support this intent.
- c. that substantial works have commenced to comply with the requirements of the lease in relation to repairs and maintenance, and that these works are necessary, and will contribute to achieving operation of the site in accordance with the lease.

The works in progress demonstrate a commitment by the Registered Lessee to undertake works to repair and maintain the lease and commit financial resources to that effect. That a program of work has been provided and has commenced can be considered a tangible step toward complying with the requirements to use the site.

The site continues to be regulated under the Act, and the government will take appropriate and proportionate action if lease obligations are not met, while remaining focused on the site reopening as an aquatic facility.

Even though Access Canberra has made a decision not to terminate the lease, the site will continue to be closely monitored.